



United States  
of America

# Congressional Record

PROCEEDINGS AND DEBATES OF THE 112<sup>th</sup> CONGRESS, FIRST SESSION

## SENATE—Wednesday, December 7, 2011

The Senate met at 11:30 a.m. and was called to order by the Honorable KIRSTEN E. GILLIBRAND, a Senator from the State of New York.

### PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

O mighty God, our hope for years to come, thank You for giving us this day to use for Your glory. From the morning Sun until the going down of the same, Your blessings provide us with confidence that our future is brighter than our past.

Today, as we remember Pearl Harbor and a day of infamy, we praise You for giving so generously to this Nation. Lord, You shower us with blessings without regard to our worthiness or importance. As we respond to Your blessings, infuse our lawmakers with a spirit of hope and purpose that they may do Your will in these challenging times. May Your spirit sustain them as they labor so that justice will roll down like waters and righteousness like a mighty stream.

Amen.

### PLEDGE OF ALLEGIANCE

The Honorable KIRSTEN E. GILLIBRAND, a Senator from the State of New York, led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

### APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. INOUE).

The legislative clerk read the following letter:

U.S. SENATE,  
PRESIDENT PRO TEMPORE,  
Washington, DC, December 7, 2011.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby

appoint the Honorable KIRSTEN E. GILLIBRAND, a Senator from the State of New York, to perform the duties of the Chair.

DANIEL K. INOUE,  
President pro tempore.

Mrs. GILLIBRAND thereupon assumed the chair as Acting President pro tempore.

### RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

### SCHEDULE

Mr. REID. Madam President, following leader remarks, the Senate will be in a period of morning business, with Republicans controlling the first 30 minutes and the majority the second 30 minutes.

As a reminder to all Senators, culture has been filed on the Cordray nomination. That vote is expected tomorrow morning.

### PEARL HARBOR

Mr. REID. Madam President, 70 years ago today the attack on Pearl Harbor changed our country forever. It also hardened our resolve to become a better, stronger nation, and that we have become.

An example is the USS *Nevada*, a great battleship that epitomizes the resiliency of our country. While in the port of Oahu on December 7, 1941, the battleship *Nevada* was hit by many bombs and a torpedo. Sixty American sailors died. Less than a year later, that great battleship returned to service and served valiantly for our country during World War II.

Today we honor the living Pearl Harbor veterans for their courage and sacrifice. Here in the Senate we refer to our Medal of Honor winner DAN INOUE, and Senator AKAKA, and FRANK LAUTENBERG. All three served in World War II.

We also remember the nearly 2,400 Americans who lost their lives that

day and the hundreds of thousands more who made the ultimate sacrifice during World War II. These servicemembers are heroes. They set a fine example for the men and women who protect our freedoms today, and none of us will ever forget their courage.

### PAYROLL TAX CUT

Mr. REID. Madam President, the Republicans like to claim they are the party of the tax cuts, but as Democrats propose more tax relief—we propose it every day for working families—Republicans every day are showing their true colors. They only support tax cuts that benefit the rich.

Speaker BOEHNER and Senator MCCONNELL say they agree with Democrats, that we should prevent a \$1,000 tax hike on middle-class families. A person running for President, Mitt Romney, agrees that we should extend the payroll tax cut. The former Speaker who is running for President, Newt Gingrich, says we should extend the payroll tax cut. But it has become clear that the caucus, led by the Speaker and by the Republican leader—that those they lead don't seem to be following them. Tea party Republicans oppose our plan to cut taxes for nearly every American family. But Republican leaders recognize that taking \$1,000 out of middle-class pockets during these hard times is political suicide.

There are papers all over the country, but take this one as an example. "GOP Is Split On Payroll Tax Cut. Objections To Surtax On Rich." Remember, the surtax is on the second million dollars that people make. On the first million dollars, not a penny. On the second million dollars, the bill that we are going to vote on—probably Friday here, maybe Thursday—has a surtax for people's second million dollars of income of less than 2 percent.

The headlines go on to say "Opposition Could Give Obama a 2012 Issue." Obama doesn't need a 2012 issue. Middle-class Americans do not need a tax increase. That is what this is all about.

It is very clear that there is a bitter division in the House with House Republicans. As you know, they were supposed to send us a bill today—or was it yesterday? They finally acknowledged late yesterday they could not send us anything. They cannot get an agreement even among the Republicans. They don't reach out to the Democrats at all. They want to do it with a majority of the majority, and they cannot get anything done.

So it seems to me, faced with this rebellion in the two caucuses, Republican leaders have two options: They can work with us to forge a compromise that will pass or they can move even further to the right to appease the tea party, because that is what this is all about. As we have seen before, when faced with a choice between the middle class and the tea party, Republicans will choose the tea party every time. We have seen before, when faced with a choice between the middle class and the richest of the rich, the Republicans choose the richest of the rich.

#### CONSUMER FINANCIAL PROTECTION BUREAU

Mr. REID. Madam President, tomorrow the Senate will vote on whether to move forward with confirmation of Richard Cordray, the nominee to head the Consumer Financial Protection Bureau, which is part of the Dodd-Frank bill.

The one thing that came out of that legislation—and certainly we understood with the financial meltdown that took place on Wall Street—is the banks need more control, not less. We also learned during that long debate that the American consumer had no protection whatsoever. The legislation we passed created the Consumer Financial Protection Bureau.

My Republican colleagues have signaled they are going to block Cordray's nomination but not because he is unqualified. You would think that if someone wanted to vote against him, it would be because he is too liberal, he is too conservative, he is too rich, he is too poor, he doesn't have the proper education, whatever you could come up with to find justification for voting against this man. That is not what they have done. For the first time I can ever remember—and my staff did research on this last night—for the first time in Senate history the Republicans are poised to block a qualified nominee solely because they don't like the Federal agency he will lead.

The Senate Republicans have no problem with Mr. Cordray. He has bipartisan support and a long history of fighting unfair practices by financial predators. Instead, Republicans are trying to cripple the new consumer agency altogether by depriving it of a director. Their attempts to hamstring the consumer watchdog will leave

Americans vulnerable to scams and rip-offs that are going on as we speak and have gone on in the past. It is shameful that Republicans would leave consumers in the dark about the risk they face when making financial decisions, and they are doing it only to try to change a law that is the law of this land.

#### AFFORDABLE CARE ACT

Mr. REID. Finally, my first elected job, many years ago, was to an organization called the Southern Nevada Memorial Hospital. It was the largest hospital in the State. It was the largest hospital district. People ran at-large from Clark County, the Las Vegas area, and I was elected to that. It was my first elected job. When I took that job, there was no Medicare. In that hospital, when someone came who was old and did not have money, someone had to sign for them—a husband, a wife, father, mother, brother, sister, neighbor; someone signed. If that person did not pay after agreeing to pay, we had a large collection agency and we would go after those people. It was very difficult sometimes to collect that money, difficult in the sense it was hard to do, but, more importantly, it was difficult to do because you hated to go after people to pay these large hospital and doctor bills.

Medicare came into being before I left my job. It changed. Prior to Medicare, 40 percent of the seniors who came into that hospital had no insurance, and that is where they had to look to their friends and neighbors and relatives to take care of that bill. Today, after Medicare is the law of the land, virtually every senior citizen has the ability to go into a hospital anywhere in America.

For all of these many years, going on five decades, Medicare has been improving and extending the lives of seniors. The Affordable Care Act, legislation that my Republican colleagues tend to denigrate, Obamacare—let's talk a little bit about Obamacare today, the Affordable Care Act.

One thing that bill did is it extended the life of Medicare for 12 years. Medicare would stay strong for future generations and for retirees. That is one reason we passed that legislation.

Health care reform today is helping seniors by beginning to close the doughnut hole, the infamous doughnut hole for prescription drugs for seniors. This year; that is, 2011, because of the legislation we passed, Obamacare, more than 2.5 million Medicare recipients, including thousands of Nevadans, saved about \$600 each on prescription drugs. That amounts to about \$1.6 billion, thanks to this legislation. For some seniors on fixed incomes, those savings prevented difficult choices between literally food and medicine.

We also had a provision in that legislation that people could get wellness

checks, screenings, and a checkup. More than 24 million seniors this year got free physicals because of health care reform. That is progress of which America can be proud.

#### RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. The Republican leader is recognized.

#### PEARL HARBOR

Mr. McCONNELL. Madam President, as the majority leader has noted, today is the 70th anniversary of the Japanese attack on Pearl Harbor. I have certainly had the opportunity, and many Members of the Senate may have as well, of visiting World War II era veterans when they come to Washington on what are called the honor flights, where veterans groups raise the funds to get these World War II vets up here to see the World War II Memorial. It is a great inspiration to see these members of the "greatest generation" who, indeed, saved America during World War II.

I remember in particular talking to an elderly gentleman—obviously they are all elderly at this point—who was at Pearl Harbor that day, and his describing the horror of the experience. So whether these World War II veterans served in Pearl Harbor or in Europe or in the Pacific theatre, we certainly remember their extraordinary contribution to saving this country, and today in particular.

For our parents' generation, they always remembered exactly where they were when they heard about the attack. For most of us, we remember exactly where we were when we heard about the Kennedy assassination, that moment that is seared in your memory of some extraordinary event; and, of course, for younger people, the 9/11 attack. Everybody remembers exactly where they were, and millions of Americans saw the second plane go into the second building in real time. But today we remember the attack, and we express our admiration and respect for the "greatest generation."

#### KEYSTONE XL PIPELINE

Mr. McCONNELL. Madam President, today the President welcomes Canadian Prime Minister Stephen Harper to the White House, and I would like to take the opportunity to say that I hope the Prime Minister is able to convince President Obama to reverse his recent decision to delay the Keystone XL Pipeline.

The President has said repeatedly that jobs are his top priority. He says he wakes up every morning thinking about how he can create jobs. Yet here

is the single greatest shovel-ready project in America ready to go, and for some reason he is suddenly not interested.

I have a question: How is it that when it comes to taxpayer-subsidized jobs that may or may not materialize, the President tells us we can't wait, we have to do it tomorrow, but when it comes to private sector jobs that are ready to go immediately, he is in no rush? It doesn't make any sense, particularly when we look at some of the President's past statements.

Here are a couple of examples. President Obama said earlier this year:

For those—just to give a background to folks, there are these tar sands in Canada that can produce oil. There is talk about building a pipeline into the United States to import that oil.

This is the President. He said:

I will make this general point, which is that, first of all, importing oil from countries that are stable and friendly is a good thing.

That is the President, and I agree with him.

The President also said earlier this year—a statement of the obvious:

We're still going to have to import some oil.

Boy, are we.

And when it comes to the oil we import from other nations, obviously we've got to look at neighbors like Canada and Mexico that are stable and steady and reliable sources.

That was the President earlier this year.

So the President has correctly said, in my view, that he favors importing oil from allies and neighbors. Here is a project that would enable us to do that and do a lot more of it and create thousands of jobs in the process. What is the problem?

Last Friday, Americans woke up to the news that for the 34th month in a row, the unemployment rate in this country has stood above 8 percent—a period of joblessness not seen since the Great Depression. The least they can expect from Washington is that we will not stand in the way of people who want to hire. Yet that is exactly what they are getting from this President when it comes to this pipeline. This project has been under review for years—3 years—including two exhaustive environmental evaluations. By all accounts, the State Department was ready to give it the green light by the end of this year—this month.

What happened? Well, it appears Presidential politics got in the way. The President started getting heat from the environmental activists he is counting on to stuff envelopes next year, so he conveniently put off the decision until right after next year's election.

So if this episode tells us anything, it is that the President is clearly more concerned about getting himself re-

elected next year than getting somebody in Montana or Kansas or South Dakota or Missouri a job today. He is so determined to keep his liberal base happy, he is even willing to go against the labor unions that, by the way, are enthusiastically in favor of beginning this project right now.

What have they had to say about it? Well, the Teamsters put it this way:

The Keystone Pipeline project will offer working men and women a real chance to earn a good wage and support their families in this difficult economic climate.

That is Jimmy Hoffa.

The AFL-CIO:

For America's skilled craft construction professionals, any discussion of the Keystone XL project begins and ends with one word: JOBS.

The AFL-CIO further said:

As many as 500,000 indirect jobs via a strong economic multiplier effect . . . without one single dollar of government assistance.

Isn't this what we are looking for? It doesn't cost the government anything. It creates jobs immediately. This is what we are looking for.

The Brotherhood of Electrical Workers:

At a time when jobs are the top global priority, the Keystone project will put thousands back to work and have ripple benefits throughout the North American economy.

Laborers' International Union of North America had this to say: This is "not just a pipeline, but is a lifeline"—not just a pipeline, but a lifeline—"for thousands of desperate working men and women."

So what do we have here? We have a privately funded project that labor leaders are saying their members want up and running. But the President says this one can wait. Despite what he has said about importing oil from allies, despite what the labor unions say, the President wants to delay these jobs until after his election.

It is not just the unions and the Republicans who are asking for this project to move forward. Let's take a look at what some of the Democrats in Congress have said about it. There was a letter from 22 House Democrats to President Obama on October 19 of this year, and I will just read a few excerpts: "America truly cannot afford to say no."

Further in the letter:

Mr. President, America needs the Keystone XL Pipeline.

Further in the letter:

The Department of State's Final Environmental Impact Statement reaffirmed the findings of the two previous environmental impact statements, namely, that the Keystone XL Pipeline will have no significant impact on the environment.

Further in this letter from the 22 Democrats to the President they said:

This represents a true shovel-ready project that would directly create 20,000 high quality domestic manufacturing and construction

jobs for Americans who are desperately seeking employment.

That is 22,000 directly working for the pipeline. I have already described the spin-off benefits—the other jobs that would be created as a result of it.

Senator BAUCUS—right here in the Senate—Senator BAUCUS said:

We need to put Montanans back to work and cannot afford further delays to the Keystone XL pipeline.

Senator TESTER said:

It should not have to wait 14 months for an up-or-down decision.

The Montana Senators have it right. Americans can't wait for the next election. They want their jobs now—right now.

So it is my hope that Prime Minister Harper is able to convince the President to change his mind.

Congressional Republicans and Democrats stand ready to move forward on this project. We are prepared to do all within our means to get the Keystone XL Pipeline approved. There is literally no time for delay.

The ACTING PRESIDENT pro tempore. The majority leader.

Mr. REID. I ask that we now move to morning business.

#### RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

#### MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period of morning business with Senators permitted to speak therein for up to 10 minutes each, with the first hour equally divided and controlled between the two leaders or their designees, with the Republicans controlling the first 30 minutes and the majority controlling the next 30 minutes.

#### MIDDLE CLASS TAX CUT ACT OF 2011—MOTION TO PROCEED

Mr. REID. Madam President, I now move to proceed to Calendar No. 251, S. 1944.

The ACTING PRESIDENT pro tempore. The clerk will report the motion.

The assistant legislative clerk read as follows:

Motion to proceed to the bill (S. 1944) to create jobs by providing payroll tax relief for middle class families and businesses, and for other purposes.

#### CLOTURE MOTION

Mr. REID. I have a cloture motion at the desk.

The ACTING PRESIDENT pro tempore. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The assistant legislative clerk read as follows:

## CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the motion to proceed to Calendar No. 251, S. 1944, a bill to create jobs by providing payroll tax relief for middle class families and businesses, and for other purposes:

Harry Reid, Robert P. Casey, Jr., Richard J. Durbin, Charles E. Schumer, Carl Levin, Debbie Stabenow, Kent Conrad, Joseph I. Lieberman, Dianne Feinstein, Jeff Bingaman, Tim Johnson, Daniel K. Inouye, John F. Kerry, Max Baucus, Daniel K. Akaka, Richard Blumenthal, Kirsten E. Gillibrand.

Mr. REID. I ask unanimous consent that the mandatory quorum under rule XXII be waived.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

## MORNING BUSINESS

Mr. REID. I ask unanimous consent that we resume morning business under the previous order; further, that morning business be extended until 6 p.m. this evening with Senators permitted to speak for up to 10 minutes each.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The Senator from North Dakota.

Mr. HOEVEN. Madam President, I ask unanimous consent to enter into a colloquy with my Republican colleagues during our morning business time.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

## NORTH AMERICAN ENERGY SECURITY ACT

Mr. HOEVEN. Madam President, I rise this morning to discuss the North American Energy Security Act in a colloquy with my colleagues. Joining me will be our leader, Senator MITCH MCCONNELL of Kentucky, Senator KAY BAILEY HUTCHISON of Texas, Senator JOHNNY ISAKSON from the great State of Georgia, Senator MIKE JOHANNIS from Nebraska, and Senator JIM INHOFE of Oklahoma. We are here to discuss a very solutions-oriented piece of legislation. It is about creating jobs. It is about creating energy security for our Nation. It is about good environmental stewardship. It is about all of these things and more.

We want to take this opportunity to discuss the legislation and encourage—to urge—our fellow colleagues to join with us to create jobs and opportunity for the American people. In a nutshell, this legislation clears the way for the Keystone XL Pipeline, which is a 1,700-mile pipeline that will run from Alberta, Canada, all the way down to the gulf coast region of the country, down to the refineries in the United States.

This blue line shows the route of the Keystone XL Pipeline. This red line shows an existing pipeline, the Keystone Pipeline, which was built very recently by TransCanada. It provides almost 600,000 barrels a day of crude to the United States. The Keystone XL Pipeline would provide more than 700,000 barrels a day of crude oil to our refineries. In addition, it will also haul domestic crude from States such as North Dakota and Montana.

It will put 100,000 barrels a day of our own light, sweet, domestic crude into the pipeline to bring it down for our needs in the country. It will also bring oil from places such as Cushing, OK, where we currently have backlogs to the refineries, as well. So it is also about moving oil within our country as well as bringing Canadian crude to the United States and to our refineries.

I mentioned it is a job creation bill. As our leader said just a minute ago, just the construction alone will put 20,000 workers on the job—20,000 workers on the job—just constructing the pipeline. The Perryman Group out of Waco, TX, has indicated more than 250,000 jobs. It is a huge job creator.

I yield to our leader, Senator MCCONNELL.

Mr. MCCONNELL. If the Senator will yield on that point, it is my understanding, and is it not correct, that these are not jobs sometime in the future but these are, in fact, jobs that just as soon as the President would sign off on this, this project is ready to go. We don't have to borrow any—the government doesn't have to borrow any money and they don't have to try to stimulate anything. This is a project, as I understand it, I would ask my friend from North Dakota, that is literally shovel ready and will not cost the government a penny?

Mr. HOEVEN. This is a project that is absolutely ready to go and will not cost the Federal Government one penny. It puts 20,000 workers on the job right away.

The hurdle was the route through Nebraska, but we have now worked with the State of Nebraska. They have had a special session. They have set up a process to clear that part of the route. Our legislation says within 60 days after passage of this bill the route is deemed approved. That is after 3 years of process through the EPA.

So we are ready to go. We have addressed the issues. We can put these people on the job now if we can get the Presidential approval.

Mr. MCCONNELL. In fact, I would say to my friend, the Senator from Nebraska is on the Senate floor with us right now. He could further underscore that the people of Nebraska, having now satisfied the concern they had earlier about location, seem to be ready to go.

Mr. JOHANNIS. Madam President, I appreciate the opportunity to respond

to the leader's comment and his question. The leader is absolutely right. The people of Nebraska, through their elected officials, have worked with the company building this pipeline in that they have resolved their differences.

The reason I support this legislation and have decided to be a cosponsor of the legislation is that this legislation respects the Nebraska process. It says there will be a process in Nebraska where we will site the pipeline in the best place. This legislation says that is fine. But what this legislation also acknowledges is, on the entire rest of the pipeline outside of the State of Nebraska, this is ready to be built today.

The President of the United States has had 3 years of background study and extensive environmental study, as the leader has pointed out, and nothing is going to change outside of the State of Nebraska. So work can begin today. There is just one person holding up that work. That is the President of the United States. With the stroke of a pen, he can turn this project loose. It will respect what is going on in Nebraska. Workers can be hired, the pipeline can be built, and those jobs can be literally provided today.

So I support this legislation. I am proud to be here this morning to say that and to thank the Senator from North Dakota, the minority leader, and all others who have worked with us to solve this problem. The problem is solved. We are ready to create the jobs. It is my hope the President will announce that he is ready to proceed to create these jobs for American workers.

Mr. MCCONNELL. Could I ask one further question of either or both of the Senators—and Senator ISAKSON as well.

I understand there is a suggestion that there may be political concerns on the President's part, and we all know that most environmental groups are very much on the Democratic side. But is it not the case that there are a number of unions in the country—most of which, certainly, do not support Republicans anywhere I know—that also feel passionately about this issue and would like to get to work? Is that not the case?

Mr. HOEVEN. I ask Senator JOHANNIS, would he like to respond?

Mr. JOHANNIS. I have worked on this issue for a number of months—actually, a couple of years. Here is the situation: Unions are ready to go to work. I talk to the locals in Nebraska on a regular basis, and they talk about unemployment numbers that are staggering, in the double-digits, which, in our State, is remarkable because we have an unemployment rate of 4.2 percent.

The unions are ready to go to work, bringing their skills and their talents to bear. The leader's observation is absolutely right.

For the environmentalists, on the other hand, it is not the pipeline, it is not the location, it is that they do not want the tar sands development to occur. So the President is on the horns of a dilemma. Part of his base, the unions, are saying: Create the jobs. There is already a pipeline. Let's go out there and do this in the most environmentally sensitive way we possibly can.

On the other hand, the environmentalists are saying: No, Mr. President. They have circled the White House. They have done all of these things. Well, the President solved this dilemma he finds himself in, in my judgment, by announcing he would just delay this until after the election.

Mr. McCONNELL. Could I ask the Senator from Nebraska a further question?

It strikes me—correct me if I am wrong—that America not going forward does not prevent this from happening, just in another country. And a good option for the Canadians might well be to just ship this product to China. Is that not correct?

Mr. JOHANNIS. Well, in response to the leader's question, the Canadian Government has already indicated that if the United States is not a reliable purchaser and transporter of this commodity, they will have to look to other parts of the world, for example, China, to sell this product.

This will not stop the development in that area. In fact, it will push the development to a part of the world where the refinery process might take place with fewer environmental standards and, therefore, cause more environmental problems than if we build this pipeline and solve it. That is why from the very beginning I have said: Look, I am not opposed to the tar sands development. I am not even opposed to the pipeline in our State, now that we have solved the problem.

As I said, there is one person who can create these jobs today. That is the President of the United States. With the Prime Minister with the President, it would be a perfect opportunity to say: We do not have to wait until after the election. Let's create these jobs today. Let's put Americans to work.

Mr. McCONNELL. Just one final observation, and then I am going to leave the colloquy to all the rest of my colleagues. But it strikes me—and I wonder if my colleagues agree—this is about as close to a no-brainer as we will ever run into in America. There is no government money.

Mr. HOEVEN. I would ask Senator ISAKSON to join us at this point. He is here specifically to talk a little bit about the issue with oil sands development and China. So Senator ISAKSON, and then certainly Senator HUTCHISON as well.

Mr. ISAKSON. I thank Senator HOEVEN for the recognition, and I thank the leader for his remarks.

I just want to confirm what the leader just said by quoting from two recent articles. The first is from an article about Minister Oliver, who is Canada's Minister of Natural Resources, on his trip to Shanghai. Here is his quote:

My mission to China is clear. I have come to raise awareness of the strength of Canada's natural resource sectors—as both an outstanding source of quality products and an attractive destination for investment.

Let me read one other quote that occurred shortly after that speech was made by the Canadian Minister of Natural Resources:

A unit of China Petrochemical Corp., [known as] Sinopec, agreed to buy Daylight Energy Ltd., a Canadian oil and natural-gas producer, for 2.2 billion Canadian dollars . . .—China's second [purchase and second] foray into Canada's oil patch in [the last year].

So to confirm what the leader has said, and to confirm what Senator HOEVEN has acknowledged, this is not something we might fear happening later on. This is something happening now. If we default on the Keystone XL Pipeline now, we are giving a wide open year for the Chinese to come back to Canada, make those investments, tie down that oil, and encourage that pipeline to go—not to Houston, TX—but to Vancouver, Canada, and then on ships to China.

I ask unanimous consent that the full text of both of these articles be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[Natural Resources Canada, Nov. 9, 2011]  
MINISTER OLIVER PROMOTES CANADIAN ENERGY IN CHINA

"My mission to China is clear. I have come to raise awareness of the strength of Canada's natural resource sectors—as both an outstanding source of quality products and an attractive destination for investment," said the Honourable Joe Oliver, Canada's Minister of Natural Resources, while speaking today at the Canadian Chamber of Commerce in Shanghai.

The Minister has been in Beijing and Shanghai this week meeting with senior government officials and leaders of Chinese companies.

Minister Oliver met with Vice Premier Li Keqiang and discussed the role of investment and trade in energy and mineral resources in contributing to Canada's long-term strategic partnership with China. He also signed an agreement with the President of the Chinese Academy of Sciences, Professor Bai Chunli, to expand cooperation on science and technology in earth sciences and natural resources.

Over the last few days, Minister Oliver has held meetings with major Chinese energy companies including Sinopec, China National Offshore Oil Corporation and Petrochina to discuss Canada's enormous energy resources and attractive investment climate.

"As reaffirmed today in the International Energy Agency's 2011 World Outlook, global energy demand is expected to increase by one third from 2010 to 2035," said Minister Oliver. "Given that Canada is also projected

to be an ever-increasing contributor to global energy supply, our Chinese investors recognize the importance of getting into the Canadian energy market right now."

The Minister discussed the Government of Canada's key strategic policy of diversifying Canadian energy markets and participated in a joint Canada-B.C. event with Canadian and Chinese industry officials to promote exports to China.

Minister Oliver met with Vice Chair Zhang Xiaoli of the National Development and Reform Commission on strengthening Canada's long-term strategic partnership with China through two-way trade and investment in energy and natural resources.

While in Shanghai, the Minister also toured the Jinqiao Wood Townhouse Demonstration Project, where he underlined the many benefits of Canadian wood-frame construction expertise for China.

This demonstration project is one of several in China funded by the Government of Canada to showcase the low-carbon, environmentally friendly and energy-efficient properties of wood-frame construction, and to assist China in meeting its national goals of reducing carbon emissions in new housing projects.

Minister Oliver continued to highlight the phenomenal growth in exports of wood products when he met with Vice Minister Qiu Baoxing, Ministry of Housing and Urban Rural Development, as well as with British Columbia Premier Christy Clark and Pat Bell, BC Minister of Jobs, Tourism and Innovation, to discuss trilateral cooperation on wood-frame housing in China.

Minister Oliver will now continue on to Tokyo and Sendai, Japan.

[From the Wall Street Journal, Oct. 10, 2011]

SINOPEC DEEPENS CHINA'S PUSH INTO CANADIAN OIL PATCH  
(By Edward Welsch)

A unit of China Petrochemical Corp., or Sinopec, agreed to buy Daylight Energy Ltd., a Canadian oil and natural-gas producer, for 2.2 billion Canadian dollars (US\$2.12 billion)—China's second big foray into Canada's oil patch in recent months.

In July, Cnooc Ltd. agreed to pay just over \$2 billion for bankrupt OPTI Canada Inc., in a rare move by a Chinese company to swoop in and swallow an entire company instead of tiptoeing in with a minority stake.

In the North American energy sector, in particular, Chinese companies have been wary of political fallout if they are seen as acting too aggressively in a sector that many consider to be strategic.

But the two recent moves suggest sensitivities in Beijing may be easing somewhat—at least regarding business in Canada. The federal government in Ottawa and its semiautonomous provincial counterparts have long welcomed foreign investment in the Canadian oil patch, which includes vast conventional oil and natural-gas reserves, but also the much more capital-intensive, oil-sands developments of northern Alberta.

Canadian companies, with relatively small domestic capital markets to fall back on, have relied on foreign investment—including from China—though more often that has come in the form of minority stakes in companies, or joint ventures in certain capital-intensive projects.

Last year, for instance, Sinopec bought ConocoPhillips' 9 percent stake in its large Syncrude oil-sands project in northeastern Alberta for \$4.65 billion.

Recently, some Canadian politicians and businessmen have expressed new wariness over big foreign deals.

Ottawa rejected Australia-based BHP Billiton Ltd.'s \$39 billion attempt to buy Potash Corp. of Saskatchewan Inc. last year. The Canadian government said the deal wouldn't bring enough economic benefit. However, a campaign against the takeover launched by the local government of Saskatchewan generated significant support from regional politicians and the public.

The Sinopec-Daylight deal will face the same sort of government review that other significant foreign deals undergo, including a federal sign-off. But it isn't expected to garner the same sort of scrutiny as the BHP-Potash bid.

Potash holds a significant chunk of the world's reserves of potash, a critical raw material in fertilizer. Critics used that market dominance to argue that Potash was a strategic asset that should remain in Canadian hands.

Daylight, meanwhile, is a relatively small energy competitor—one of scores of Canadian companies that hold just a thin slice of the country's overall petroleum reserves.

Daylight produces light oil and natural gas from properties in northeast British Columbia and northwestern Alberta. The company produced just 37,000 barrels of oil equivalents in the second quarter. But Daylight has accumulated a significant undeveloped land position in the emerging liquids-rich Duvernay shale-gas play in Alberta.

Sinopec is laying down a sizable premium for the deal. In a statement Sunday, Daylight, based in Calgary, said that Sinopec had agreed to buy the company for C\$10.08 a share, representing a premium of 43.6 percent over the 60-day weighted average price of the stock ending Oct. 7.

"We believe this transaction with [Sinopec] recognizes the highly attractive asset portfolio and exceptional team that we have assembled," said Anthony Lambert, the president and chief executive of Daylight, in the statement.

Barclays Capital advised Sinopec on the transaction. Canaccord Genuity Corp. advised Daylight.

Mr. HOEVEN. I thank Senator ISAKSON and ask the Senator if he has any more he wants to add. I know the Senator has to leave and is on a tight timetable.

Mr. ISAKSON. Just to thank the Senator for his leadership; the Senator's leadership on this issue has been outstanding.

Mr. HOEVEN. I thank Senator ISAKSON and thank him for being here.

I will turn to Senator HUTCHISON from Texas.

We have actually 40 Senators already on this legislation—40 Senators. It is bipartisan. This is something we absolutely need to move on. I spoke with the Canadian Ambassador today, Ambassador Doer. He talked about how they are already looking at Western routes to send this oil to China.

So this oil is going to be produced. It is going to be produced. The question is, Does it come to the United States and help us reduce our dependence on Middle Eastern oil? Does it come here and create thousands of jobs or do we send it to China where there will actually be more emissions because it will be refined in refineries that produce higher emissions?

We will also have the emissions of shipping product all around the world, not only shipping this oil to China but then we are going to continue to have to ship oil from places such as the Middle East and Venezuela. So we actually increase CO<sub>2</sub> emissions without this project.

Now, in Texas, of course, we have refineries, and Senator HUTCHISON is here to talk about just how important it is we bring this product down to our refineries in the gulf coast region.

Mrs. HUTCHISON. I thank the Senator from North Dakota because Senator HOEVEN has been a leader on this issue, knowing how important this find is, and how much more capacity we will have for affordable energy in our country if we can extend the pipeline.

This is a pipeline that is not just starting from Canada into the United States. The Keystone Pipeline was started in 2008. The initial line moves 590,000 barrels of oil per day from northern Alberta to points in Cushing, OK, and Patoka, IL. The XL extension—which is what we are talking about that is being held up by the State Department—is currently under review. It would expand the system by 700,000 barrels per day—so more than double what we are getting already—and bring the line further south to Texas.

Well, now, why is that important? It is because 25 percent of the refinery capacity in America is in Texas. It is in the gulf coast of Texas. That is where the refiners are. We are talking about producing now more affordable energy for all the consumers in our country by bringing it straight down and having it refined and sent back out to all points in America. Otherwise, what my colleagues have just been talking about—Senator ISAKSON and Senator HOEVEN—is that we will see Canada export this to other countries, whether it be China or other countries, and eventually it is going to be coming back into the United States much more expensively to be refined in Texas and sent out.

So specifically for Texas, it would put our State's 26 refineries into probably 24 hours' of business, which means lots of jobs in Texas. That 25 percent of U.S. production is approximately 5 percent of worldwide capacity. So we are talking about lowering the price of energy throughout our country and the world.

It would produce an estimated \$2.3 billion in new spending and generate more than \$48 million in new tax revenue for my state alone. It would result in 700,000 barrels of oil a day, as I have said. We know the Canadian find—the sands that have been found there—is the third largest capacity, next to Saudi Arabia and Venezuela, in recoverable oil in the world. So we have the third largest reserve in Canada and we know we have the ability to bring that oil down, have it refined,

and go out to the United States because dependence on the Middle East and North Africa has certainly led to price spikes. Venezuela is certainly not a reliable partner right now and supply interruptions threaten our economy and our national security.

So the Keystone XL Pipeline would certainly be a boom to Texas and Texas jobs. But more than that, it is going to benefit every consumer of energy in America. It will more than double what we can buy from Canada, and think of the reliability of our Canadian relationship. The reliability of our trade and our relationship with our neighbor to the north, Canada, is among the most solid we have in all of the globe.

It is essential we build this pipeline. As the leader said earlier, this is a no-brainer—as close as you can get to a no-brainer for building our economy, creating jobs, and creating more tax revenue that will bring down the deficit we have heard so much talk about on the other side—but this would do it the old-fashioned way: by giving people the ability to provide for their families and contribute to the economy of our country.

That is the way we want to see increased revenue in this country: with more jobs and paying taxes, not collecting benefits because they cannot find work. It is right here, and it does not cost the government a dime because it is private investment that will bring this oil to the refineries and put it back out to the United States.

I urge the President of the United States to go to the State Department and say: Let this go. In lieu of urging the President, we have a bill that was started by Senator HOEVEN, with 40 sponsors, that will tell the President: Now is the time—it is long past due time—for us to create the jobs in this country that are not going to be taxpayer funded, that are going to be privately funded. They are going to create cleaner, better, cheaper, more efficient energy; and they are going to create jobs which people want in this holiday season and on into the future years.

So I thank my colleague from North Dakota for giving us this chance to tell the American people we have an answer to jobs and to bringing down the deficit and increasing revenue the way people want to: by providing for their families and paying taxes with the money they are earning. It is a win for everyone. I thank the Senator from North Dakota for leading this effort.

Mr. HOEVEN. I thank the Senator from Texas. Senator HUTCHISON is, as usual, not only eloquent but has hit the nail on the head. Looking across our country from North Dakota to Texas to Oklahoma, across our country we need these jobs. This is the way to get them, and we can get them now. We need our President to act.

This legislation is a solutions-oriented bill.

It is about job creation. It is about energy independence. It is about good environmental stewardship. We need to do it. I would like to now turn to my esteemed colleague from the State of Oklahoma, Senator INHOFE, who is the ranking member on Environment and Public Works. He has a tremendous background in energy, as does Senator HUTCHISON. I would turn to Senator INHOFE for his comments.

Mr. INHOFE. I do appreciate that. Sometimes we stand on the floor and we talk about jobs. But here is the evidence, Oklahoma has a big dog in this fight. Not only do we have Cushing—when the Senator from North Dakota talked about Cushing, that is Cushing, OK, right there on his map. That is kind of a choke point in this pipeline. They all kind of converge. There is no way of getting down to Texas without getting through what we have in Oklahoma.

But more so, if you do not think this is a jobs bill, you have a very famous Oklahoman working in your State. I would say Harold Hamm is probably the No. 1 producer out there today. I have talked to him. Do you know what his biggest problem is in North Dakota? His biggest problem is he cannot find anyone to work. They are full employed up there. What better evidence is there that this solves the problem—that this is a jobs bill—than the jobs in North Dakota?

I think there is something sadly lacking in this debate, though; that is, that this is just an extension of what this administration has been trying to do. They have been trying to kill fossil fuels from the very beginning. Let me quote Alan Kruger, who is chair of the President's Council of Economic Advisers. He says: "The administration believes that it is no longer sufficient to address our nation's energy needs by finding more fossil fuels." He wants to kill fossil fuels.

Steven Chu, the Energy Secretary said: "Somehow we are going to have to figure out how to increase the price of oil to be equal to that in Central Europe." That is \$8 a gallon. He is trying to wean us off fossil fuels. We cannot run this machine called America without it.

I only wanted to mention that, and I appreciate the Senator from North Dakota talking about the Environment and Public Works Committee. It has been an effort of this administration through the backdoor, through regulation, to do away with fossil fuels. The boiler MACT—MACT, by the way, means Maximum Achievable Controlled Technology.

By increasing the emission requirements on boilers and on utilities, we are talking about around \$83 billion a year of cost. Compare that to the cap and trade. Cap and trade right now is—and we have gone through this on the floor with all these bills trying to have

cap and trade and the greenhouse gases and all that. The cost of that is between \$300 and \$400 billion a year. That is more than all the other regulations combined.

It is all aimed at one thing. What is that one thing? To stop fossil fuels. Of course, when we talk about my State of Oklahoma being kind of the choke point, as the Senator has pointed out in his chart over there, I say to my good friend from North Dakota, we have done an analysis of jobs just in my State of Oklahoma. By the construction of the Keystone XL, that would be 14,000 new jobs just in Oklahoma—just in my State—and an increase of personal income by \$847 million.

So this is a huge thing that we have in my State of Oklahoma. Cushing just happens to be the crossroads. That is where they all come together. They are clogged up now. As the Senator pointed out, they cannot do anything. Their hands are tied because they are in total capacity right now.

It should be a no-brainer. But the problem is there is one man, as the Senator from Nebraska said, one man can make this a reality, the President of the United States. He has made it very clear he does not want to do anything to help fossil fuels in America. It is a political problem we have.

Mr. HOEVEN. If I may, I would like to ask the esteemed Senator from Oklahoma to talk for a minute on the subject of how we create that environment that gets job creation going. I think this project is a perfect example of what we are talking about. We have to create an environment—a legal, tax and regulatory environment—that empowers private investment, not government spending but private investment, to get job creation going.

Here we have a regulatory issue, where we just—TransCanada has worked for 3 years to meet the environmental process. Most recently, the problem was in Nebraska, the Sand Hills area of Nebraska, the Ogallala aquifer. But now we have come up with a solution to make sure we deal with that issue. So we have cleared that process.

That means this project is ready to go as we have just described. Leader MCCONNELL just a minute ago talked about how the labor unions strongly support this project. I can go through that whole list as well. In addition, the U.S. Chamber of Commerce says: Let's go. We support this project. So we have 40 Senators, bipartisan, labor unions, Chamber of Commerce.

Here is another interesting statistic. This example is such a good example of what we are talking about. I ask the Senator from Oklahoma to maybe expand on the point. But the U.S. Chamber of Commerce last year released a study identifying 351 stalled energy projects nationwide costing the

American economy \$1.1 trillion in lost income impact, and nearly 2 million jobs annually.

My point is this: We have to find a way to empower private investment to get job creation going. The esteemed Senator from Oklahoma is ranking member on Environment and Public Works. He sees this every day. But without more government spending, the secret to unlocking jobs in this country is to empower the investment. I would ask if the Senator from Oklahoma can address that for just a minute because I think this project is such a perfect example of what we are talking about.

Mr. INHOFE. It is, and this is something that is understood. The term a "no-brainer" has been used several times because we do not have to think this through. One of the problems I have had—back when Republicans were a majority, I chaired the Environment and Public Works Committee. That has jurisdiction over the Environmental Protection Agency, which has been making every effort to overregulate, to the extent—we know everybody knows of the spending crisis we have, the deficit and the debt and all that. They do not understand the overregulation actually costs us more than all these fiscal issues combined.

I mentioned just a few of those. I can recall, before the Senator from North Dakota was in this body, back during the Kyoto treaty—in the Kyoto treaty, they were trying to get this through to have a type of cap and trade, something that they said somehow greenhouse gases were going to cause catastrophic global warming and all that. That went down the tubes. Then they started introducing legislation to do the same thing. Then we had—and I appreciate the honesty of Lisa Jackson, who is the Administrator of the Environmental Protection Agency, when she came out and said: No, if we were to have this strictly in the United States, it is not going to reduce the emissions.

This is kind of a long way around. The point I am trying to make is, it is very difficult for people to understand. Just the cap and trade this administration is trying to do through regulations, because they could not do it through legislation, is going to end up having the same effect: kill fossil fuels. That is what they are trying to do.

But the point the Senator from North Dakota is making is that is kind of complicated. That is hard to understand. This is not. This is already out there. As I mentioned, just in my State of Oklahoma alone, 14,000 new jobs. Who would be against it? The only ones against it are people who do not want to keep this machine running in America because they know they cannot do it without fossil fuels.

Maybe someday that will be different. It is not different today. The



way to get it down, to bring it down, is through this pipeline. I am very selfish. It is not just the country; I have 20 kids and grandkids right there in Oklahoma who are depending on us doing what we are supposed to be doing.

Mr. HOEVEN. I thank the esteemed Senator from Oklahoma. He is so right. That is what it is all about. It is about putting people back to work. It is about American ingenuity, private investment. It is about getting this economy going.

We have to find ways to save dollars, to reduce the spending that has gotten out of control. But a big part of getting out of the deficit and the debt is getting people back to work and getting this economy rolling. We are talking about a project that will create 20,000 construction jobs right upfront, 250,000 permanent jobs, \$600 million in State and local tax revenues.

The PRESIDING OFFICER (Mr. FRANKEN). The Senator's time has expired.

Mr. HOEVEN. This is a project that reduces our dependence on oil from the Middle East. This is a project that provides better environmental stewardship, as we have described. This is a project where we need to move forward. This body needs to be about solutions. This is a solution. We need to act.

I yield the floor.

The PRESIDING OFFICER. The Senator from Rhode Island.

#### RICHARD CORDRAY NOMINATION

Mr. WHITEHOUSE. Mr. President I come to the floor to speak in support of President Obama's nomination of Richard Cordray, from Ohio, to be the Director of the Consumer Financial Protection Bureau. He is a former attorney general, former solicitor general, and former State treasurer of Ohio.

He is unquestionably well qualified to take on the position for which he has been nominated. Unfortunately, we are stuck in a Republican filibuster of Mr. Cordray's nomination. Sometimes there is a hidden ulterior motive around here. In this case, there is a stated ulterior motive: to weaken the new agency's power to protect consumers.

Republican obstruction of Mr. Cordray's nomination has nothing to do with Mr. Cordray himself. Former Republican Senator and current Ohio attorney general Mike DeWine has called Mr. Cordray very well qualified for this job. Just last month, eight Republican attorneys general colleagues of his joined 29 Democratic attorneys general in writing to Leaders REID and MCCONNELL with their support for Mr. Cordray's nomination.

Mr. Cordray has been endorsed by groups as varied as the AFL-CIO, the Credit Union National Association, the National Fraternal Order of Police, and the AARP. But notwithstanding wide-

spread bipartisan support on Main Street, Senate Republicans are seeking to prevent Mr. Cordray from taking office as a service to Wall Street.

As one Republican member of the Senate Banking Committee said: "My colleagues and I stand by our pledge that no nominee to head the CFPB will be confirmed by the U.S. Senate regardless of party affiliation without basic changes to the Bureau's structure."

What are these basic changes? The basic changes the Republicans have demanded include: making the agency subject to the budgetary influences of Congress, which given the way Congress is behaving is a way of allowing the influences of Wall Street to come through and control it, and also replacing the Director's position with a board that would ensure that Wall Street is represented.

These are not constructive changes. These are an attempt to weaken a regulator designed to protect consumers. I hope my Republican colleagues will re-evaluate their filibuster of Mr. Cordray's nomination. But in the event they do not, let's take a moment to review the consequences for the American people.

As many of our constituents know, in Rhode Island and in Minnesota, we established the CFPB in the Wall Street Reform and Consumer Protection Act as a new agency to protect American consumers from misleading and potentially ruinous financial products. After the subprime mortgage catastrophe, the logic behind that is pretty clear. We designed this new agency to be for mortgages, credit cards, student loans, debt collection, credit reporting—what the Consumer Product Safety Commission is for toaster ovens, toys, baby strollers, batteries, and swimming pools.

Harvard law professor Elizabeth Warren first proposed such an agency, and I was very proud to cosponsor Senator DURBIN's original Financial Product Safety Act of 2009, which was the first bill to bring Professor Warren's idea to the Senate.

We designed the CFPB to investigate consumer financial products and gave it the power to make rules ensuring that financial products are transparent and fair, including, for the first time, providing Federal oversight of previously unregulated loans and financial services from nonbank financial institutions. Those institutions are often the ones that get regular Americans in deep and unexpected trouble because of tricks and traps in those contracts.

When you look at the length and the amount of fine print in consumer contracts and when you look at the extent to which different traps and tricks get hidden in all that fine print in order to catch consumers in things they weren't aware of and would not accept if they had been aware of them, the reason for

this oversight is obvious to most Americans. Indeed, it is my contention that Americans in today's society are the most bedeviled group of humans in history by fine print. Everywhere you go, you find fine print filled with tricks and traps that fool you, that kick up your interest rate or give away rights that you have. So what we want is a little bit of a fair shot and a straight deal for the American consumer.

Under the temporary direction of the Treasury Secretary, the Consumer Financial Protection Bureau is actually already up and running. It is now regulating the largest banks in the country—those with over \$10 billion in assets—as well as credit unions. Unfortunately, its authority to protect consumers from these other financial products will be unclear until there is a Director, which may be another motive for blocking a Director.

The Consumer Financial Protection Bureau is already out there looking out for American consumers to make sure big banks and credit unions are playing by fair rules, but it has not yet been able to regulate the nonbank companies, such as mortgage services, the private student loan lenders, debt collectors, payday lenders, and credit reporting agencies. While the Senate Republicans filibuster this nominee—a very qualified nominee, an indisputably qualified nominee—some of the worst financial actors in the country remain unaccountable for their deceptive and harmful practices. Predatory lenders near military bases continue to charge our servicemembers effective interest rates of up to 800 percent. Private student lenders continue to withhold clear information about repayment terms from young students taking out these loans. Debt collectors continue to bully and harass those who are on the edge of bankruptcy. So-called payday lenders continue to dupe senior citizens into taking out loans bearing triple-digit interest rates.

This is the status quo Senate Republicans are preserving by blocking Mr. Cordray's nomination. Consumer protection against these kinds of practices should not be a partisan issue. I really hope our colleagues across the aisle at least allow us to have an up-or-down vote on this nomination. The majority rules, so let's vote and let's go.

Every day that Republicans continue their obstruction, Americans from all walks of life—from students, to senior citizens, to our men and women in uniform—will continue to be subjected to unchecked and unregulated deceptive financial products. They will continue to be prey for predatory loan instruments.

Abusive lending practices that strip wealth from communities and purchasing power from consumers continue to hold back our struggling economy. Let's confirm Mr. Cordray so that he can begin the hard work of leveling



the playing field for the American consumer and help ordinary Americans get a straight deal in our increasingly complex economy. I hope we will be able to do that.

I yield the floor.

The PRESIDING OFFICER. The Senator from Connecticut is recognized.

Mr. BLUMENTHAL. Mr. President, I am honored to join and associate myself with the remarks made by my colleague from Rhode Island, who has expressed forcefully and eloquently the reasons that I believe Richard Cordray should be confirmed in his nomination as Director of the Consumer Financial Protection Bureau.

This country faces a continuing financial crisis. We see it on the job lines, in the streets, and in our communities. That crisis can be traced to the same abuses that this new agency was created by the Congress to fight.

The laws are good laws. They are designed to protect consumers from those abuses and problems that led to this financial crisis. But the laws are dead letter, or meaningless, unless they are enforced vigorously and rigorously, unless consumers are protected not just in word but in deed. That is the reason we should confirm Richard Cordray as the Director of the CFPB.

The people in this agency are doing good work. They have the authority now to supervise some of the biggest banks, credit unions, and other financial institutions, but they need a Director to oversee the work of nonbank financial institutions, such as independent payday lenders, nonbank mortgage lenders, nonbank mortgage servicers, debt collectors, credit reporting agencies, and private student lenders.

Lest anyone think these are abstract or potential problems, they have only to look to their neighbors and friends who are struggling to stay in their homes, seeking to pay their debts, and facing every day the continuing abuses in these areas. The bad actors may be among a minority of actors in this area, but they cannot be counted unless Richard Cordray is confirmed. I know from my experience that consumer protection laws are meaningless to ordinary Americans, as they are to citizens of Connecticut, unless there is vigorous enforcement of these laws.

Richard Cordray will bring to this job a unique set of qualifications. He has been involved at the local and State levels in working closely with community banks and credit unions, as well as other financial institutions, as a State and county treasurer. He understands the important role they play in small towns and communities. He knows how to work with institutions and the businesspeople who run them. He is realistic and sensible. He has common sense. He has had a positive experience—hands on—working at the local and State level.

I have worked with him personally as an attorney general, worked collaboratively with him—indeed, helping to start the investigation of the mortgage service abuses that have led to a nationwide inquiry and, hopefully, will lead to a nationwide solution. I know him to be a practical and sensible person who knows how to listen. Richard Cordray knows how to listen to people who are affected by the rulings he may make, the policies he may implement, and the people whom he may hire. Indeed, his nomination was praised by a former U.S. Senator and current attorney general, Mike DeWine, a Republican who defeated him in 2010.

Republicans in this body have made this issue a partisan one. It should not be. There is nothing partisan about debt collectors or mortgage services or others who may abuse the trust of consumers. There is nothing partisan about people who become victims of the abusive practices that continue, which we need the CFPB to counter. There is nothing partisan—or should be nothing partisan about this individual, Rich Cordray, who has dedicated his life to protecting ordinary men and women against the financial abuses the CFPB is designed to fight.

Blocking his nomination is, very simply, a way to stop the CFPB from ending abuse. It may be articulated in a variety of ways, using words such as “accountability,” “rulemaking,” “structure,” or “authority” as terms that are at issue. But the fact is that his nomination cries out for confirmation simply to implement the important laws that this body has passed, laws that remain dead letter as long as they are not enforced.

The men and women who are working in this agency now, under the leadership of Raj Date, are doing the best they can. They are making a difference. They are protecting, for example, our veterans. Holly Petraeus, who is head of the division in the agency designed to protect our veterans, is doing great work in that area. She deserves our support; she needs and merits our support. She and others in that agency need and deserve the support of this Congress and this body in confirming Rich Cordray.

I have worked with Rich Cordray. I know him as a man, as a public official, as a nominee. We will be losing a uniquely qualified person for this job if we fail to do the right thing and protect consumers from the continuing abuses of this industry.

Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. CASEY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. UDALL of New Mexico). Without objection, it is so ordered.

#### PAYROLL TAX CUT

Mr. CASEY. Mr. President, I rise to speak about the issue of the payroll tax and the tax cuts we are trying to enact, very similar to what we did last year when Democrats and Republicans came together at the end of the year, right before the holiday season, and said, we have to take action now to make sure we are doing everything possible to jump-start the economy.

One of the elements of that agreement last year—and, again, it was bipartisan—was a cut in the payroll tax. Just so people understand my point about this tax—and I will deal only with the employee side—we know that employees in the United States, when they make their payroll tax payment, it is 6.2 percent of their earnings. Last year we cut that from 6.2 to 4.2. It was the right thing to do and it had a positive impact. What I am trying to do now—and, again, I think this is bipartisan—is to not just do that again, but we want to cut it even more so that we can reduce it in half, so instead of paying 6.2, an individual would pay 3.1.

This is a very basic idea, and what we are trying to do are two basic things. No. 1 is to give folks out there more take-home pay—kind of dollars in the pocket. Last year, it was roughly \$1,000 per worker. The impact on a family—the positive impact of that—is very significant. This year, we hope it will be greater. We hope we can enact something where the take-home pay savings are increased, depending on how one argues it, almost \$1,500. Instead of being \$900 or \$1,000, for some folks it can be \$1,500 or \$1,400 or somewhere in that range.

The second point on this is peace of mind. We ought to take action here in a bipartisan way—and every once in a while we get this right—that will say to people, we are trying to do our best to understand what you are up against. We are trying to take actions here that will lead to economic growth and job creation.

One of the actions we can take is making sure we reduce the payroll tax so folks out there have more money in their pocket—more take-home pay—as they head not just into the holiday season but as they head into the new year in 2012. So it is about take-home pay and peace of mind.

We have made some progress in the last couple of months, when we consider where we have been and in trying to dig our way out of this great recession. Unfortunately, the progress we have made is far too modest, and the economic recovery right now is still very vulnerable, very fragile—pick your word, there are lots of ways to describe it. We need this tax cut to boost consumer spending.

A lot of the business folks I talk to in Pennsylvania, when I ask them if they want to hire, or if they want to increase their payroll, say, I want to, but I can't. I say, why can't you? They say, there is not enough demand out there. So one of the best ways—maybe the best way—to create demand in our economy is to have folks have more take-home pay.

As you can see from this chart on my left, when we look at the quarters, starting right here, we see minus 6.7 percent. That is the first quarter of 2009. Eventually, we have gotten to the point where we have started to have some growth. We have had nine straight quarters of GDP growth. But that is not enough—not nearly enough. It is movement in the right direction, but it has been barely positive, as you can see, even if you look at just the last year. This .04 is the first quarter of 2011. So even though we had almost 4 percent of good growth back in a couple of quarters in 2009 and into 2010, in the last three-quarters of 2011, we had .4 percent growth, 1.3 percent growth, and 2.0 percent growth.

What we have to do now is make sure the fourth quarter is stronger, as best we can, and we need to make sure, by the actions we take here, that 2012 is much better. We need to ensure we have stronger growth, and putting \$1,500 of additional earnings into the pockets of 160 million workers, as I said before, will help substantially. I think that number should be repeated. When we talk about cutting the payroll tax in half and putting more take-home pay in people's pockets, we are talking about affecting 160 million workers in the United States.

Economists across the board have told us why this is so important. They have reported the payroll tax cut will create jobs and increase GDP—increase those numbers I referred to on the chart—and that failing to extend the tax cut will slow growth and lead to fewer jobs. Mark Zandi, of Moody's Analytics—one of the economists both parties have quoted over many years—estimates that not extending the current payroll tax cut—meaning allowing the payroll tax to go back up to the 6.2 percent, not cutting it in half—would reduce gross domestic product growth by .5 percent in 2012.

So instead of having positive growth, he is saying that if we don't enact and extend the payroll tax cut from last year, at a minimum we would be losing a half point of growth. That would be devastating to this economy.

Goldman Sachs has said similar things. They put the negative impact on GDP growth at as much as two-thirds of 1 percent in 2012. Most economists are in that range in terms of the adverse impact. RBC Capital Markets concludes that the hit to GDP next year of failing to act would be a full 1 percent.

So you have economists saying half a percent adverse consequence, two-thirds maybe, but at least among others saying a full percentage point. That would be devastating when we need to see growth at above 2 and hopefully even above 3. But that has been very hard to reach in the last couple of months.

I put this chart up on my left to highlight what Mark Zandi said. Here is his warning when discussing what could happen on the current payroll tax cut in effect right now, the 4.2 level that we are at right now from the cut from last year:

We'd be in recession right now without it.

That is what he said about what we did last year in a bipartisan way. I would hope we could end this year on a high note, on a bipartisan note, and make sure we cut the payroll tax again and put more take-home pay in people's pockets.

Then here is Mark Zandi talking about if we don't extend, what could happen into the near future:

We'll likely go into recession.

So says Mark Zandi. We can't afford to do that. The payroll tax cut has helped sustain the economic recovery this year, and it will strengthen the economy in 2012 if we reduce it again.

My bill not only extends it but increases it so that the per worker take-home pay increase, instead of being around \$1,000, would be approximately \$1,500.

We also know that cutting the tax leads to job growth. We know this from our experience, and we know this from recent history. At the end of 2010, Congress enacted the current payroll tax, cutting it from 6.2 to 4.2, and it took effect at the beginning of the year.

As we look at private sector job growth in 2011, we can see some of the impact of the cut. As we can see on the chart, if you look at the first couple of bars—even if you can't read the smaller print here—this depicts starting in January of 2011 what was the monthly change in private payrolls, meaning private sector job growth. January was only 94,000, not that great of a month in January 2011. But look at February: 261,000 private sector jobs added. Look at March: 219,000 private sector jobs added. And then April: 241,000. So you had an average of about 240,000 private sector jobs growing in those 3 months. When we got to May and June, of course, a lot of things happened which took that number way down. It slowed for a lot of reasons. One of them was the spike in oil prices, another was the effect on gas prices, and, finally, the earthquake in Japan had a terrible effect on our economy.

I am wrapping up here, but I want to make one more point about this. The American people are looking at us right now, watching what we do, and they are saying basically two things to

us—at least the people in Pennsylvania, to me. They ask me one basic question: What are you doing to grow the economy and create jobs? What are you doing as an individual Member of the Senate? One of the ways I can respond affirmatively and positively is to say we have come together to reduce the payroll tax even more than we did last year to help you in your bottom line, so you have more take-home pay for you and your family.

The second thing they ask is, what are you doing to try to bring people together, to try to reach a bipartisan consensus? We have all got to try to do that in our own way. This is about take-home pay and peace of mind. We need this tax cut in place to boost consumer spending, to create jobs, and accelerate economic growth.

I want to conclude with one thought about Social Security, because I know it has been raised by a number of folks the last couple of days.

I ask unanimous consent to have printed in the RECORD a letter addressed to Secretary of the Treasury Geithner and Director, Office of Management and Budget, Jacob Lew, dated December 6, 2011. It is signed by Steven C. Gross, Chief Actuary of the Social Security Administration.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

SOCIAL SECURITY ADMINISTRATION,  
OFFICE OF THE CHIEF ACTUARY,  
Baltimore, MD, December 6, 2011.

Hon. TIMOTHY F. GEITHNER,  
*Secretary of the Treasury, Washington, DC.*  
Hon. JACOB J. LEW,  
*Director, Office of Management and Budget, Washington, DC.*

DEAR MR. GEITHNER AND MR. LEW: We have reviewed the language in the "Middle Class Tax Cut Act of 2011" (S. 1944), introduced yesterday by Senator Casey. We estimate that the enactment of this bill would have a negligible effect on the financial status of the Old Age and Survivors Insurance and Disability Insurance (OASDI) program in both the near term and the long term. We estimate that the projected level of the OASI and DI Trust Funds would be unaffected by enactment of this provision.

Section 2 of the bill would make the following changes for payroll tax rates and OASDI financing: (1) for wages and salaries paid in calendar year 2012 and self-employment earnings in calendar year 2012, reduce the OASDI payroll tax rate by 3.1 percentage points, (2) transfer revenue from the General Fund of the Treasury to the OASI and DI Trust Funds so that total revenue for trust funds would be unaffected by this provision, and (3) credit earnings to the records of workers for the purpose of determining future benefits payable from the trust funds so that such benefits would be unaffected by this provision. For wage and salary earnings, the 3.1-percent rate reduction would apply to the employee share of the payroll tax rate. For self-employment earnings, the personal income tax deduction for the OASDI payroll tax would be 66.67 percent of the portion of such taxes attributable to self-employment earnings for 2012. Other sections of the bill

would have no direct effects on the OASDI program.

Sincerely,

STEPHEN C. GOSS,  
Chief Actuary.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. CASEY. Mr. President, I ask unanimous consent for 2 more minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CASEY. The point of this letter is very simple. I won't read the whole letter, but here is the pertinent part of this letter from the Social Security Administration.

We estimate that the projected level of the OASDI and DI Trust Funds would be unaffected by enactment of this provision.

What he is talking about there is Social Security would be unaffected. The trustee said last year the same thing. I won't add all this to the RECORD, but read the one sentence. This is page 33 of a report from last year:

Therefore, this payroll tax cut is estimated to have no financial impact on these same trust accounts.

So it is abundantly clear that there is no impact on Social Security and, secondly, it is abundantly clear that passing a payroll tax cut again will boost job growth, strengthen the economy, grow the economy, and give American families some measure of peace of mind as we head into the holidays and head into the year 2012.

Mr. President, I yield the floor.

#### ATF'S LANNY BREUER

Mr. GRASSLEY. The Alcohol, Tobacco, Firearms is a division of the Justice Department. I have been investigating Alcohol, Tobacco, Firearms' Operation Fast and Furious for almost 11 months now. It is past time for accountability at the senior levels of the Justice Department. That accountability needs to start with the head of the criminal division, Lanny Breuer. I believe it is time for him to go, and I wish to explain why I have come to that conclusion.

The Justice Department denied, in a letter to me on February 4, 2011, that ATF had ever walked guns. Mr. Breuer had been consulted in the drafting of that erroneous letter of February 4, this year.

On May 2, 2011, rather than acknowledging the increasingly obvious facts and apologizing for its February letter, the Justice Department reiterated its denial on May 2, this year, the same denial of February 4th.

Thus, when the Justice Department revealed on October 31 of this year that Breuer had known as far back as April 2010 about gunwalking at ATF, I was astounded. That was a shocking revelation.

The controversy about gunwalking in Fast and Furious has been escalating steadily for 10 months now. The Jus-

tice Department had publicly denied to Congress that ATF would ever walk guns. Yet, the head of the criminal division, Mr. Breuer, knew otherwise and said nothing. He knew the same field division was responsible for walking guns in a 2006-2007 case, and that case was called Wide Receiver.

But the real shock was how Mr. Breuer had responded within his own department when that earlier gunwalking was first brought to his attention in April 2010. He didn't tell the Attorney General. He didn't tell the Attorney General's Chief of Staff. He didn't tell the Deputy Attorney General. He didn't tell the inspector general. Instead, he simply told his deputies to meet with ATF leadership and inform them of the gunwalking:

... so they know the bad stuff that could come out.

Later, his deputy outlined a strategy to:

... announce the case without highlighting the negative part of the story and risking embarrassing ATF.

Think about that. In that case, saving face was more important than the bad policy.

For 18 months, the embarrassing truth about ATF gunwalking in Wide Receiver and Breuer's knowledge of it was successfully hidden. It only came out because of the congressional investigation into gunwalking in Fast and Furious.

The public outrage over Fast and Furious comes from the average American who cannot understand why their very own government would intentionally allow criminals to illegally buy weapons for trafficking into Mexico.

Next week, it will be 1 year since Border Patrol Agent Brian Terry was murdered by bandits armed with guns as a direct result of this policy of letting guns walk. The Terry family, and all Americans who sympathize with their loss, are rightfully outraged and astonished at their very own government doing such a thing. Yet, when Mr. Breuer learned of a case where ATF walked guns in a very similar way, all he did was give ATF a heads up. There seems to be a vast gulf between what outrages the American people and what outrages Lanny Breuer.

Mr. Breuer showed a complete lack of judgment by failing to object to the gunwalking that he knew about in April 2010, 9 months before I was ever aware of Fast and Furious. If Mr. Breuer had reacted to gunwalking in Wide Receiver the way most Americans reacted to gunwalking in Fast and Furious, he would have taken steps to stop it and hold accountable everyone involved. Consequently, Fast and Furious might have been stopped in its tracks and Brian Terry might be alive.

When Mr. Breuer came before the Senate Judiciary Subcommittee on Crime and Terrorism the day after

those revelations, I gave him a chance to explain himself. I listened to what he had to say. He told us that he:

... thought that ... dealing with the leadership of ATF was sufficient and reasonable.

Clearly, it was not sufficient. Mr. Breuer even admitted as much, saying:

I regret that I did not alert others within the leadership of the Department of Justice to the tactics used in Operation Wide Receiver when they first came to my attention.

He regrets not bringing gunwalking in Wide Receiver to the attention of the Attorney General. But what about bringing it to the attention of Congress? He didn't even step forward to express his regret until e-mails that detailed his knowledge were about to be produced under congressional subpoena.

It is astounding then that it took the public controversy over Fast and Furious to help the chief of the criminal division realize that walking guns is unacceptable. Yet he had had 9 months after the February 4 letter to step forward, correct the record, and come clean with the American public. He had 18 months, after learning of gunwalking in Wide Receiver, to put a stop to it and hold people accountable. He failed to do so.

During his testimony, I asked him pointblank if he reviewed that letter of February 4 before it was sent to me. His misleading answers to these questions formed the basis for my second reason for calling on Mr. Breuer to resign. He responded that he could not say for sure but suggested that he did not review the letter. He said, "[A]t that time, I was in Mexico dealing with the very real issues that we are all so committed to."

Last Friday, the Justice Department withdrew their February 4 letter to me because of its inaccuracies—and the word "inaccuracy" is their word. The Department also turned over documents under subpoena about who participated in the drafting and the reviewing of the letter. One can imagine my surprise when I discovered from documents provided Friday night that Mr. Breuer was far more informed during the drafting of that letter than he admitted before the Judiciary Committee. In fact, Mr. Breuer got frequent updates on the status of the letter while he was in Mexico.

He was sent versions of the letter four times. Two versions were e-mailed to Mr. Breuer on February 4, after he returned from Mexico, including the version of the letter that was ultimately sent to me that day. At that time, he forwarded the letter to his personal e-mail account. Mr. Breuer's Deputy also sent him two drafts of the letter while he was in Mexico, and he also forwarded one of those to his personal e-mail account. We do not know whether he did that in order to access it on a larger screen than the Government-issued BlackBerry or whether he

engaged in any further discussion about the letter in his nongovernment e-mail account. However, we do know, in response to the draft received in Mexico, he wrote to one of the main drafters of the letter: "As usual, great work."

The Justice Department excluded Breuer's compliment about the context of the draft from the set of e-mails it released to the press on Friday, before they released those documents to this Senator.

That evening, Mr. Breuer submitted answers to written questions. He wrote:

I have no recollection of having [seen the letter] and, given that I was on official travel that week and given the scope of my duties as Assistant Attorney General, I think it is exceedingly unlikely that I did so.

So as late as last Friday night, Mr. Breuer was still trying to minimize his role in reviewing the letter, despite all the evidence to the contrary. Why would Mr. Breuer say "great work" to a staffer about a letter he claimed he had not read?

It is not credible that someone such as Mr. Breuer would forget about his involvement in a matter such as this. Mr. Breuer's failure to be candid and forthcoming before this body irreparably harms his credibility. His complete lack of judgment and failure to deal with gunwalking when he first learned of it in April 2010 was bad enough, but this is the final straw. Mr. Breuer has lost my confidence in his ability to effectively serve the Justice Department. If he cannot be straight with the Congress, he doesn't need to be running the Criminal Division. It is time to stop spinning and start taking responsibility.

I have long said the highest ranking individual who knew about gunwalking and Operation Fast and Furious needs to be held accountable. That standard applies no less to officials who knew about gunwalking in Operation Wide Receiver. Gunwalking is unacceptable no matter when it occurred. Documents made clear that Assistant Attorney General Breuer was the highest ranking official in the Justice Department who knew about gunwalking in Operation Wide Receiver. He did nothing to correct the problem, alert others to the issue, take responsibility or even admit what he knew until he was forced to do so by the evidence. Therefore, I believe the Attorney General needs to ask for Mr. Breuer's resignation or remove him from office if he refuses. If Mr. Breuer wants to do the honorable thing, he would resign.

I am not somebody who flippantly calls for resignations. I have done oversight for many years, and in all that time I don't ever remember coming across a government official who so blatantly placed sparing the agency embarrassment over protecting the lives of citizens. He has failed to do his job of ensuring that the government

operates properly, including holding people accountable.

Because of that, Mr. Breuer needs to go immediately. Anything less will show the American people the Justice Department is not serious about being honest with Congress in our attempt to get to the bottom of this.

In regard to my attempt to get to the bottom, just last night the Justice Department sent a letter refusing to provide several Justice Department staff for transcribed interviews. The letter explicitly goes back on the assurances I received when I consented to proceed with the confirmation of three senior Justice Department officials, which I had held up to get an agreement to get the information Congress is entitled to.

One of my conditions for agreeing to proceed with those nominations was that officials who agreed to voluntary interviews in this investigation would have either a personal lawyer present or a Department lawyer present but not both. I personally met with the Attorney General, and he had the conditions listed on a piece of paper in front of him. It looked as if he had read it and was familiar with it. Yet he never objected to that condition.

Dozens of witness interviews have been conducted under that understanding with no problem. The only difference is that instead of ATF witnesses, we are now seeking to interview Justice Department witnesses. What is good for the goose is good for the gander. There is no reason to change the rules in the middle of the game. I was relying on the Attorney General and other officials at the Department to honor their agreement. Apparently, that is not going to happen.

Fortunately, Chairman ISSA has the ability to require the witnesses to appear via subpoena if they refuse to appear voluntarily under conditions that the Department previously agreed to with me. I am confident he will do that if it becomes necessary, and I will take whatever steps I have to take in the Senate to encourage the Department to reconsider and stick to its original agreement.

I yield the floor.

The PRESIDING OFFICER. The Senator from Delaware is recognized.

#### THE CORDRAY NOMINATION

Mr. CARPER. Mr. President, I am delighted to stand before you on this Delaware Day, 2011. This is the anniversary of the day when, on December 7, 1787, Delaware became the first State to ratify the Constitution. For 1 week, Delaware was the entire United States of America. We opened up things in Pennsylvania and New Jersey, eventually New Mexico. For the most part, it has turned out well, especially the New Mexico part. We are happy to be here to celebrate this day with all our colleagues.

Later today, Senator COONS and I will return to regale our colleagues with more about what we started all those years ago and how it has turned out.

I wish to fast forward, if I could, though, to 2008. As the Presiding Officer will recall, during the aftermath of the 2008 financial crisis on Wall Street, one question which Congress repeatedly asked itself was: What can we do to prevent future harm from reaching Main Street? What can we do to prevent future harm from reaching Main Street?

This theme continued as we considered and ultimately passed in 2010 comprehensive financial regulatory reform regulation, which fortunately the majority of us, including myself, supported, the legislation now known as the Dodd-Frank law.

While none of us were able to agree on each of the elements of the Dodd-Frank law, and while some of my colleagues did not support it in the end, most of us could agree we needed to do more to help protect American families and businesses from bad actors.

As a result, the Consumer Financial Protection Bureau was created. For the first time in history, one agency would be charged with overseeing consumer protection for Main Street Americans within the financial industry.

In July of this year, 5 months ago, Richard Cordray was nominated to be Director of the Consumer Financial Protection Bureau. Richard Cordray served for many years as the president pro tem of the Delaware State Senate before retiring roughly 10 years ago—a man now probably in his mid-70s. I was shocked to hear he had been nominated to head this new agency. It turns out it is another Richard Cordray. This Richard Cordray had been the attorney general of Ohio for a number of years. He was well regarded. He helped protect consumers, investors, retirees, and business owners to ensure that Americans on Main Street got a fair deal. At the time of his nomination, he was leading the Consumer Financial Protection Bureau's enforcement efforts. Mr. Cordray, former AG, is someone who has been intimately involved in getting the new bureau stood up and running and who brings key expertise to the table.

When we first passed the law, I suggested to the President, to Secretary Geithner, and others—I said I think there are three models they could choose from to pick someone to nominate to head this new bureau. No. 1, they could pick an academician; No. 2, they could pick somebody who has been a regulator or, in this case, attorney, an Attorney General; and the third, I said they might want to try to find somebody in the private sector who has run a significant financial service company but had a great, impeccable record, that of a "white hat"

for consumer protection, for looking out for consumers, somebody who believes one can do well and do good at the same time. I thought those were the models. The administration looked at people in all three categories, including the latter one and ultimately decided, within the Consumer Financial Protection Bureau, they had Mr. Cordray. He had a good track record, and he was the person the President wanted to nominate. I think he has made a very good choice.

I talked to a number of my colleagues who sat in on hearings where he testified on his nomination and for the most part got good reviews from Republicans and Democrats here.

As my colleagues and I debate this nomination and ask ourselves if he qualified to do the job, I think the answer is yes. My colleagues on the Senate Banking Committee agreed, and 37 attorneys general from across the country, both Republican and Democratic, agreed.

However, today's debate has not been about whether Mr. Cordray is qualified to do this job; instead, the debate has focused on the structure of the new Consumer Financial Protection Bureau. In May of this year, 44 of my colleagues from the other side of the aisle sent a letter to the President saying they would block any nominee until structural changes are made in the new agency. This is before the President ever nominated Mr. Cordray. My colleagues want to see changes made such as replacing the Director with a board structure and subjecting the Bureau to the appropriations process. My colleagues, 44 colleagues in any event, pointed out that these structural changes would model the Bureau after already-existing agencies, while some of my other colleagues have also made the point that there are already existing agencies not subject to the appropriations process, such as the FDIC and the Federal Reserve.

What we have is a disagreement, one where colleagues on both sides of the aisle have what I believe are legitimate points. The Consumer Bureau was created in Dodd-Frank through a series of compromises. Rarely is any compromise perfect. The Presiding Officer and I have been involved in enough compromises over the years to know if, in the end, neither side is fully satisfied with the compromise, maybe we struck a pretty good balance, and I think that is the case here.

But the point of the Bureau is to put the consumer first, and I will be the first to admit that there is no such thing as a perfect law. I assume my colleagues who are here and back in their offices and at committee hearings would agree with that. If there are aspects to Dodd-Frank that can be tweaked and approved, we ought to do that. But at the end of the day, we must put financial protection of con-

sumers above our disagreements and our personal preferences.

The longer we continue to constrain the Bureau by denying it a leader and only discussing the structural changes that some Members would like to see made, the greater the disservice to consumers across America. The Bureau's authority was created so that it would not just be limited to banks since those institutions are already regulated, as are credit unions and bank-holding companies. The Bureau's authority is supposed to extend to nonbanks as well, nonbanks which provide a form of financial service, such as payday lenders and debt collectors.

Prior to Dodd-Frank, nonbank entities were subject to little, if any, Federal supervision. Yet their reach and use across our country is widespread. As a result, many unscrupulous actors were able to exploit loopholes and harm American consumers. That is not to say all payday lenders or all debt collectors are unscrupulous actors. They are not. They are not all out there to exploit the loopholes. But too many of them do, and they do so without the kind of supervision they should receive.

However, without a Director in place, the Consumer Financial Protection Bureau does not have the authority to supervise these very entities. This drastically undermines the very spirit in which the Bureau was created. It is not just the consumers who are harmed but our small community institutions as well. These community institutions want to see a level playing field where they can compete and where everyone plays by the rules. Consumers and businesses need certainty, and they need predictability. I hear that almost every day, especially from businesses. Without certainty, without predictability in a whole wide range of areas, we will continue to see our economic recovery hindered.

I think I have shared with the Presiding Officer a story that is germane today to this discussion, and it goes back to 7 or 8 years ago when I was working on clean air legislation to try to reduce the emission of sulfur dioxide, nitrogen dioxide, mercury, carbon dioxide, issues that we debate from time to time in the Committee on Environment and Public Works where we serve.

I remember one day we had seven or eight utility CEOs in from across the country to discuss the merits of different legislative proposals. Finally, one crusty old CEO of a utility down south said to me: Look, here is what you should do. You should figure out what the rules are going to be, use some common sense, give us a reasonable amount of time to comply with them, and get out of the way. That is what he said. I thought those were words of great wisdom, and not just for clean air legislation but also today.

We cannot afford to drag this disagreement out in perpetuity. We must empower this Bureau to look out for Main Street as was envisioned with the creation of the Bureau. We may have to look at the idea of a commission-based structure, and I would love to sit down with my colleagues from the other side of the aisle and discuss that option if the former General Cordray's nomination continues to be blocked later this week.

Right now we have the ability to move forward and to stand by our words and by the spirit of the law. We need to look out for every American with a mortgage, credit card, and those looking to send their kids to college. I hope my colleagues will join me in supporting Mr. Cordray's nomination. It is the right thing to do, and it is our opportunity to show the American consumers that we are putting them first, ahead of partisan politics, by governing as we were meant to do in the first place.

I see Senator WEBB of Virginia has joined us on the Senate floor. I will close, before turning it over to him, on a little brighter note. It is a gloomy day in our Nation's Capital. It has been raining, sometimes pretty hard. When I was walking up here from the train station it was.

I want to go back and talk about the issue of uncertainty and lack of predictability. I think the greatest impediment to getting our modest economic recovery going and turning it into a robust economic recovery is to address so much of the uncertainty and lack of predictability. It revolves around a bunch of issues. Can we demonstrate to those who question our ability to find the middle to reach across the aisle? Can we demonstrate the ability to govern? Are we able to demonstrate through an approach much like the Bowles-Simpson Deficit Commission plan the ability to get us back on the right track in terms of reducing our debt?

What is going to happen with the health care law? Is it going to be deemed constitutional or unconstitutional? What about the Tax Code? What is going to happen in a year from now, and what will happen to all of these tax provisions that expire at the end of this month? There is a lack of certainty and a lack of predictability, and we need to deal with that.

I want to mention two or three promising signs before I close. We have new job numbers for the month of November. The unemployment rate dropped down to 8.6 percent. Before we stand and celebrate that, there are still a lot of people we know who don't have a job and are looking for a job. A lot of people stopped looking for a job, and that is one of the reasons that number has dropped.

Here is the good news: There were about 120,000 private sector jobs created last month. About 100,000 jobs

were created the month before and roughly 200,000 jobs the month before that. So that is roughly 140,000 jobs per month. We are actually starting to see growth occurring not just over a couple of months, but now for well over a year there has been private sector job creation. It is not the numbers that we like, but it is in the right direction.

The other thing we are seeing is a growth and rebirth of revitalization occurring in the manufacturing sector of our economy. Some of you may know that we have something called a manufacturing index. If it sits at 50, it means the manufacturing sector is not growing, and it is not shrinking. I think it has been over 50 for about 25 consecutive months.

We are seeing a resurgence of manufacturing in this country, which encourages me to believe that what the President is trying to do, to double exports over a 5-year period of time, is not just a pipe dream. It is something that might just happen. It is aided by the three free-trade agreements that we passed in the last month or two.

On those happier notes, I want to say thank you, Mr. President, for allowing me to talk about some leadership that is needed and the willingness to compromise if we cannot get Mr. Cordray confirmed this week.

I yield the floor.

The PRESIDING OFFICER. The Senator from Virginia.

#### PEARL HARBOR DAY

Mr. WEBB. Mr. President, 70 years ago today at 0745 in the morning in Hawaii—where it is now about 0840 in the morning—our country was attacked at Pearl Harbor bringing us into World War II. It was a war that had been ongoing in Europe for more than 3 years, and in Asia, in different forms, for a much longer period, probably 7 to 8 years.

This began a national effort that was historically unprecedented in its unity and in its vigor in which the United States astounded the world in terms of its capacity to respond to this attack on many different fronts. Our economic production was staggering by 1943. Our production schedule included 125,000 aircraft, 75,000 tanks, 35,000 anti-aircraft guns, and 10 million tons of merchant shipping.

During the course of that war, the productive capacity of this country gave our allied forces more than half of all of its armaments, including 86 percent of the armaments that were used in response to the Japanese attack on Pearl Harbor.

I rise today to express my thanks and my appreciation to the men and women of that generation who stepped forward and responded to the call of service in this period. During World War II more than 16 million Americans stepped forward to serve our country. In that pe-

riod more than 400,000 of them died, including 291,557 who were killed in action. Another 670,846 were wounded in action. Out of those 16.1 million, today about 1.7 million World War II veterans remain alive. They are carrying the torch and the memory of this larger group who stepped forward and served and became known as the “greatest generation.”

It is my profound pleasure and, quite frankly, my duty to remember all of them today. Among those 16 million who served, nearly 8 million were able to take advantage of the World War II GI bill. It was my honor to have introduced a similar GI bill on my first day in the Senate in 2007. Within 16 months, our body and the other body had come together to agree on an educational package that would allow those who served since 9/11 to have the same chance at a first-class future as those who served during World War II. It is a program that will pay their tuition, buy their books, and give them a monthly stipend.

On this day of remembrance, for those who served during World War II, we should also remember that for every dollar that was spent on the World War II GI bill, our Treasury received \$7 in tax reimbursements because of the ability of the “greatest generation” to have successful careers and to contribute to our economy.

So today I would just like to say, as one of many of us here who are the next generation from the “greatest generation,” how thankful I am for the service they gave and for the example they set when they returned from war. For many of us—me—they were our parents, they were our mentors, they were our role models, they were our leaders as we ourselves matured into leaders. They taught us how to love our country. They taught us how to value the notion of service. Their legacy is in every area of our society today.

We honor them and we should resolve, all of us, to continue in the traditions that were imbued in us by their sacrifices and the example they set when they returned from a most difficult war.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. CARDIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### MUST-PASS LEGISLATION

Mr. CARDIN. Mr. President, I take this time because we are in the last, we hope, few days before we adjourn for the holidays. There are certain pieces of legislation we must get done before

we leave town. We call these the must-pass bills that we have to make sure are enacted before Congress adjourns for the year.

One, of course, is what President Obama has been talking about. We need to deal with the payroll tax issue. We don't want to see middle-income families finding that on January 1 their paychecks—the actual amount of money they take home—are reduced. During this economic time, we want to make sure the money remains constant, and we don't want to see additional burdens placed on middle-income families.

We all know we have to deal with the Medicare extenders, including the physicians problem. We have a flawed system for reimbursing physicians that causes a substantial reduction in rates physicians receive—a 27-percent reduction. That would affect not only the fairness of our reimbursement system to our doctors, but it would also affect the access Medicare patients have to physicians. So we need to absolutely take care of that issue.

We have the Omnibus appropriations bill. I certainly hope that is going to be an appropriations bill so we can give some predictability through the remainder of this fiscal year. We have to get that done before we adjourn for the holidays.

We also need to pass the tax extenders. I know the Presiding Officer has been very actively involved in the energy extenders, knowing full well the importance not only to New Mexico but to our entire country. Those extenders need to be passed because, if not, we lose jobs. This involves the ability to move forward with sustainable energy projects that will mean jobs in our communities and energy self-sufficiency for America.

But I wish to take this time to talk about another must-pass bill before we adjourn for the year; that is, the extension of the unemployment insurance. It is absolutely essential that we get that done before Congress adjourns for the year.

I think we have to make it clear that this extension will mean providing the same number of weeks of unemployment insurance for those who are currently in the system—those who have lost their jobs—that we have had for the last couple of years for those who have been caught up in this economic downturn. We are not extending beyond what the unemployed have already received. So we are basically extending the current policy because we are still in a very difficult economic circumstance.

For every job that is open, there are four people who apply for it. So it is very difficult for someone who is unemployed to be able to find employment. As I know and as the Presiding Officer knows, if a person is unemployed and looking for work, it is much more difficult.

For all of those reasons, the right thing to do is to acknowledge that the number of weeks of benefits should not be reduced at this period, that those who are currently in the system who have lost their jobs should be able to get the same number of benefits that earlier unemployed people were able to get during this economic period. That is what this legislation would do.

Unemployment insurance is an insurance program. During good times, we pay more into the system. During economic downturns, we take the money out of the system. It is countercyclical so that we help our economy as well as help our families.

This is the right thing to do. This is the only lifeline for many families. This represents their ability to be able to put food on the table for their families or to keep their home from going into foreclosure or to pay their rent or to take care of their family needs. This is the right thing to do from the point of view of families who have been caught up in this economic period.

It also, by the way, would affect millions of our families. Over the next year, if we were not to extend the unemployment insurance benefits, it is estimated that 6 million families would be denied their full benefits that they are receiving currently—6 million families—and each one is a family in our community who would be adversely affected.

It also helps our economy. Mark Zandi, who was the economic adviser for then-Presidential candidate Senator McCain, said that for every dollar we put out into the economy for unemployment benefits, we get back \$1.61 in our economy. The multiplier effect of unemployment compensation is positive to our economy. So, once again, when we are trying to stimulate job growth, this helps us. How does it help us? The people who receive unemployment benefits visit our local shops, our small businesses in our communities, keeping our economy moving, keeping our path forward to job growth.

For all of those reasons—for the fact that it is the right thing to do for families and for what the intent of unemployment insurance is all about—it is the right thing for us to do because it helps our economy. This must be on our list of must-pass legislation. We have to get this done before we adjourn for the year.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from Hawaii.

#### PEARL HARBOR DAY

Mr. INOUE. Mr. President, today is December 7, 2011. Seventy years ago, something happened in Pearl Harbor. I shall never forget that day because it was a Sunday, and, as were many Americans, I was preparing to go to church. I was putting on my necktie

and having a good time listening to delightful Hawaiian music. Suddenly, at about this time—1:55 p.m. here—the disc jockey in charge of that program began screaming, yelling into the mike. He was saying: “The Japanese are bombing Pearl Harbor!” He kept on repeating that. For a moment, I thought it was a repeat or replay of Orson Welles, which my colleagues will recall was the program that was a mighty hit in the United States.

The disc jockey kept on doing this for about 5 minutes—no music, just screaming—so I decided to take my father out on the street and look toward Pearl Harbor. We could see these black puffs, and then we knew what was happening. Suddenly, while watching these black puffs of explosions, we could hear a rumble just overhead, and there were three aircraft. They were pearl gray in color, and they had red dots on the wings. I knew what was happening, and I thought the world had just come to an end. Just about 2,400 American sailors and soldiers and noncombatants died that morning.

I was a young man of 17 at that time, but I was also a volunteer medical aid man. We had a little aid station—a temporary one—set up by the elementary school called Lunalilo. So I rushed there to respond to the call of duty, and I stayed there for about a week taking care of the wounded and the dead, because we also maintained a morgue on the school premises.

I became familiar with the cost of war—not the full cost, but I knew what was happening. The war was much more than just blood and guts. We have an extraordinary Constitution. We have an extraordinary set of laws. But throughout the history of mankind—not just the history of the United States but the history of mankind—war has always provided some justification for leaders to set aside these laws. For example, on just about Christmas Eve of 1941, about 3 weeks after December 7, the U.S. Government made a decision, and that decision was to provide a new designation for all Japanese residing in the United States. Citizens and noncitizens, such as my father, were given the new designation, which was 4-C.

As the Presiding Officer knows, 1-A means you are physically fit, mentally alert, and you can put on a uniform; 4-F means something is wrong with you; and 4-C is the designation for an “enemy alien.” Just imagine that—an enemy alien. This was used as one of the justifications to round up over 120,000 Japanese, most of them Americans of Japanese ancestry, and place them into these internment camps. There were 10 of them throughout the United States in very desolate areas—Arkansas, Arizona, Utah, out in the deserts. Their crime was they were “enemy aliens.” None of them had committed any crime. Investigation

after investigation disclosed that. No sabotage, no espionage, no assault—nothing. They were rounded up and placed into these camps, which were described by our government as concentration camps. Yes, it was unconstitutional, but our leaders felt the war was a justification to set aside the Constitution and set aside the laws.

Well, many of us—especially the young ones—were very eager to demonstrate to our neighbors and to our government that we were loyal, that we wanted to do our part in this war, and, if necessary, put our lives on the line. We petitioned the government. Finally, after about a year of petitioning, President Roosevelt issued a statement saying: Americanism is not a matter of blood or color. Americanism is a matter of heart and soul. He said: OK, form a volunteer group. And that was done. We trained in Mississippi and we did our best.

The 100th Battalion, the 442nd Regimental Combat Team were assigned to do our battles in Europe. We fought in Italy and France. We started off the war with about 6,000 men. At the end, over 12,000 had gone through the ranks. So you can imagine the casualty rates. We had about 10,000 Purple Hearts for all the wounds they received. We were told that these two units became the most decorated in the history of the United States.

Yes, the bombing of Pearl Harbor 70 years ago began a period of my life when I became an adult and, I hope, a good American. It is something I will never forget. It changed my life forever.

Something of interest at this moment: 20 years ago, when we decided to make it a national event—the 50th anniversary of the bombing of Pearl Harbor—on that morning, the President was there. The Secretary of Defense, the Secretary of War, the Secretaries of the Interior Department, State Department—all of the important people of the United States were in attendance.

In preparation of this, we took a poll, about 6 months before December 7, and the poll was among high school seniors, well-educated young boys and girls. The question was a very simple one: What is the significance of December 7, 1941?

Mr. President, I am sad to report to you that less than half could respond. Most of them thought it was a birthday of some President or some historic date of some nature, but they could not recall what it was.

On this 70th anniversary, I wonder, if that poll were taken again, What would be the outcome?

Well, I hope we will remember December 7. I hope we will remember 9/11. That was just a few years ago. But people are beginning to forget 9/11, as well as forgetting December 7.



If December 7 is going to teach us anything, it should be that we must remain vigilant at all times—not just to avoid war but vigilant among ourselves so we would not use this as a justification to set aside our most honored document, the Constitution. I hope it will never happen again.

Mr. President, I thank you very much for this opportunity.

I yield the floor.

The PRESIDING OFFICER (Mr. CARDIN). The Senator from Arizona.

Mr. McCain. Mr. President, I am very moved by the words of the Senator from Hawaii—not only his words but the example he has set for all Americans of heroism and sacrifice and service to his country, and a most valued Member of the U.S. Senate but, more importantly, a genuine American hero.

I thank the Senator from Hawaii for his continued service and his continued inspiration to all Americans, especially those who are serving in the military today.

Mr. Reid. Mr. President, would my friend yield for a brief statement.

Mr. McCain. I would be glad to yield.

The PRESIDING OFFICER. The majority leader.

Mr. Reid. Mr. President, I, like my friend from Arizona, compliment my friend from Hawaii. But I think it speaks volumes to hear Senator John McCain talk about a hero. It is a hero talking about a hero. Far too rarely do we recognize these people whom we have the opportunity to serve with here in the U.S. Senate.

When I came here with Senator McCain—we came at the same time—we had a lot of people who were war veterans. It is not the case anymore. But I so appreciate John McCain—a certified, unqualified hero—standing and talking about Dan Inouye being a hero. This says, I repeat, volumes coming from someone who is a hero himself.

I have such admiration for both of these men. For someone who has never served in the military, to have the pleasure of being able to serve and work together with these two men will be something I will remember the rest of my life.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. McCain. Mr. President, I am deeply touched by the kind and undeserved words of my old friend of many years, the distinguished majority leader. We have had our spirited combat and our agreements, but we share a commitment—the two of us—for the betterment of this Nation.

I also remind my friend from Nevada what he already knows, but I remind him, it does not take a great deal of talent to get shot down. I was able to intercept a surface-to-air missile with my own airplane, which will not go down in the Aviation Hall of Fame, not

to mention the several aircraft I destroyed at taxpayers' expense in previous times.

So I thank my dear friend from Nevada, as well, for his kind words.

The PRESIDING OFFICER. The majority leader.

Mr. Reid. Mr. President, I appreciate the humility of my friend. I have heard him say words to this effect before. The fact is, what he did after the plane went down is what we all will remember. As long as our country is the country it is, we will always remember what happened after that plane went down, what John McCain did, setting an example for the world and certainly his country.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. McCain. Mr. President, I ask to speak in morning business.

The PRESIDING OFFICER. The Senator is recognized.

#### RUSSIA

Mr. McCain. Mr. President, I rise to speak about Russia, and to review—particularly, in light of the recent election in Russia and the relationship we have—the state of what this administration has trumpeted as a so-called reset of U.S.-Russia relations, especially in light of the flawed Duma election that occurred this weekend, and in light of my strong belief that the growing demand for dignity and uncorrupt governance that has defined the Arab world this year may impact Russia as well.

Let me once again make clear that I am not opposed to U.S. engagement with Russia. I am not opposed to working consistently in good faith with Russia to find more ways to improve our relationship. To the contrary, we must continue to actively seek ways to cooperate with Russia in mutually beneficial ways. It is in our national interest to do so. And whatever can be said about the administration's policy toward Russia, no one can accuse them of a lack of sincerity and diligence in trying to increase cooperation with Russia.

I would simply ask, What has been accomplished? What has been the result of the administration's good-faith desire for a so-called reset of relations with Russia? The answer, I am afraid, is precious little. Yes, there have been some areas of progress, but even those minor steps may now be getting rolled back.

There has been a lot of news recently pertaining to our relationship with Russia and Russia's future development, which my colleagues may have missed. It is very important to spend some time today and review these new developments.

Let's start with the issue of missile defense.

My colleagues will remember the debate we had here last year over the

ratification of the New START treaty. In that debate, we spent a lot of time discussing the Russian threat to withdraw from the treaty if the United States took any further steps to build up its missile defense capabilities. Specifically, the Russian Government stated that the New START treaty “may be effective and viable only in conditions where there is no qualitative or quantitative build-up in the missile defense system capabilities of the United States of America.” The Russian Government stated that in the ratification of the treaty. They went on to say that if those conditions were not met, Russia would exercise its right to withdraw from the treaty.

Many of us felt strongly at the time, and feel strongly now, that it was a mistake to ratify a treaty on which the two signatories had two completely antithetical positions about the implications of that treaty, particularly as it pertains to one of our most vital national security programs—our missile defenses. Some of us thought and argued at the time that the United States should not voluntarily sign up to a treaty that would likely be used by the Russian Government as a source of political pressure and blackmail to get us to make concessions on our missile defenses.

Well, here we are, 1 year later, and let's review some of what the Russian Government has been saying and doing in this regard.

On November 23, we read an article from Bloomberg entitled “Russia Prepares to ‘Destroy’ U.S. Shield.” This is what it said:

Russian President Dmitry Medvedev ordered the military to prepare the capability to “destroy” the command structure of the planned U.S. missile-defense system in Europe.

Russia may also station strike missiles on its southern and western flanks, including Iskander rockets in the Kaliningrad exclave between Poland and Lithuania, both members of the North Atlantic Treaty Organization and the European Union, Medvedev said on state television today.

“I have ordered the armed forces to develop measures to ensure, if necessary, that we can destroy the command and control systems” of the U.S. shield, Medvedev said. “These measures are appropriate, effective and low-cost.”

On the same day, we read the following in an article in the New York Times entitled “Russia Elevates Warning About U.S. Missile-Defense Plan in Europe.” I quote from the article:

Russia will deploy its own missiles and could withdraw from the New Start nuclear arms reduction treaty if the United States moves forward with its plans for a missile-defense system in Europe, President Dmitri A. Medvedev warned on Wednesday.

“I have set the task to the armed forces to develop measures for disabling missile-defense data and control systems,” Mr. Medvedev said. . . .

But it was Mr. Medvedev's comments about the New Start treaty, put into effect this year, that suggested a darkening tone in

what has been a steady drumbeat of warnings out of Moscow in recent days over the plans for a missile-defense system based in Europe.

"In the case of unfavorable development of the situation, Russia reserves the right to discontinue further steps in the field of disarmament and arms control," Mr. Medvedev said in a televised address from his residence outside Moscow. "Given the intrinsic link between the strategic offensive and defensive arms, conditions for our withdrawal from the New START treaty could also arise," he said.

If all this were not troubling enough, we then read on November 28 an article from a Russian state news agency entitled "Russia's NATO Envoy to Visit China, Iran, Over Missile Defense." Here is what was reported:

Russian envoy to NATO Dmitry Rogozin will visit China and Iran in mid-January to discuss a U.S.-backed global missile defense network.

"We are planning to visit both Beijing and Tehran soon under the Russian president's directive, to discuss the planned deployment of a global missile defense network," Rogozin said during a roundtable meeting at the lower house of the Russian parliament.

On November 28, the Russian Government went even further, not just using the New START treaty to try to blackmail us into weakening our missile defenses but threatening to cut off NATO's supply routes into Afghanistan as well, which was another area of limited progress that the administration hailed as part of its so-called reset policy. This is how the Wall Street Journal described it last Monday in an article entitled "Russia Considers Blocking NATO Supply Routes."

Russia said it may not let NATO use its territory to supply troops in Afghanistan if the alliance doesn't seriously consider its objections to a U.S.-led missile shield for Europe, Russia's ambassador to NATO said Monday.

If NATO does not give a serious response, "we have to address matters in relations in other areas," Russian news services reported Dmitri Rogozin, ambassador to NATO, as saying. He added that Russia's cooperation on Afghanistan may be an area for review, the news services reported.

So let me summarize: After being assured that the New START treaty would contribute to the improvement of U.S.-Russia relations, and that the Russian Government would not use the treaty against us as blackmail, we are now in a situation where the President of Russia is threatening to deploy ballistic missiles to destroy U.S. missile defense systems in Europe; where he is openly threatening to withdraw his government from the New START treaty if the United States does not make unacceptable concessions on its missile defense programs; and where the Russian Ambassador to NATO is threatening to cut off NATO's supply routes to Afghanistan and planning to visit China and Iran with the purpose of deepening Russia's cooperation with those governments against U.S. missile defenses.

I think it is safe to say that the effect to date of the New START treaty on the U.S.-Russia relationship is rather less positive than originally advertised. The problems in our relationship with Russia go well beyond missile defense, as important as that is. In recent months, as the Assad regime in Syria has slaughtered roughly 4,000 of its own citizens who are seeking a democratic future, what has been the Russian Government's response? With the help of China, Russia has been absolutely shameless in blocking any serious action in the United Nations Security Council, including by vetoing a toothless security resolution that would not have even imposed sanctions but merely hinted at the possibility of sanctions. At the same time, while the Assad regime's bloody rampage has continued against the Syrian people, the Russian Government has continued to serve as its primary supplier of weaponry. In fact, last week in a story entitled "Russia Delivers Missiles to Syria," AFP reported that despite the brutal violence of the Assad regime, and over Israel's strenuous objections, Russia delivered 72 supersonic cruise missiles to the Syrian Government worth at least \$300 million.

Then there is Russia's continued interference in the sovereign territory and internal affairs of the Republic of Georgia, a country that the Russian military invaded in 2008 and continues to occupy to this day. Two weeks ago there was a Presidential election in the breakaway state of South Ossetia, which is part of Georgia's sovereign territory. But when Moscow's preferred candidate was overwhelmingly defeated in those elections, the supreme court of this Russian proxy state declared the results illegal and nullified the vote. Russian parliamentarians applauded.

Finally, there is the unfortunate issue of Russia's backsliding on human rights and democracy. A few months ago, President Medvedev announced, as we all know, that he would step aside in Russia's election next year so that Vladimir Putin could once again run for the Presidency. Some see this as a sign that Putin will come back. I object to that characterization, because I do not believe Putin ever left. He has been running things in Russia with no less informal power than he had as President.

Not surprisingly, over the past 3 years, the state of human rights and freedom in that country has gotten no better. In fact, things have gotten worse. Perhaps the clearest evidence of this fact is the tragic and heart-breaking case of Sergei Magnitsky, a Russian tax attorney working for an international company, Hermitage Capital, that had invested in Russia. Magnitsky did not spend his life as a human rights activist or an outspoken critic of the Russian Government. He

was an ordinary man. But he became an extraordinary champion of justice and the rule of law in a Russia where those principles have lost nearly all meaning.

What Magnitsky uncovered was that a collection of Russian Government officials and criminals associated with them colluded to defraud the Russian state of \$230 million. The Russian Government, in turn, blamed the crime on Hermitage Capital and threw Magnitsky in prison in 2008. Magnitsky was detained for 11 months without trial.

Russian officials, especially from the interior ministry, pressured Magnitsky to deny what he had uncovered, to lie and recant. But he refused. He was sickened by what his government had done and he refused to surrender. As a result, he was transferred to increasingly more severe and more horrific prison conditions. He was forced to eat unclean food and drink unclear water. He was denied basic medical care even as his health continued to deteriorate. In fact, he was placed in even worse conditions until, on November 16, 2009, having served 358 days in prison, Sergei Magnitsky died. He was 37 years old.

The Magnitsky case shined a light on the tragic realities of human rights abuses in Russia today, and the overwhelming cruelty and injustice that Magnitsky endured has made it impossible for the government and the people of Russia to ignore. Even the Public Oversight Commission of the City of Moscow for the Control of the Observance of Human Rights in Places of Forced Detention, a Russian organization empowered by Russian law to independently monitor the country's prison conditions, concluded the following in a report this year:

A man who is kept in custody and is being detained is not capable of using all of the necessary means to protect either his life or his health. This is a responsibility of a state which holds him captive. Therefore, the case of Sergei Magnitsky can be described as a breach of the right to life. The members of the civic supervisory commission have reached the conclusion that Magnitsky had been experiencing both psychological and physical pressure in custody, and the conditions in some of the wards . . . can be justifiably called torturous. The people responsible for this must be punished.

The case of Sergei Magnitsky is but an extreme example of a problem that is all too common in Russia today, the flagrant violations of human rights and the rule of law committed by the Russian Government and its allies outside of government. We have seen the problem in the show trial of Mikhail Khordokovsky, which I would remind my colleagues was unfolding at the exact same time that this body was debating the ratification of the New START treaty last December.

After the Russian Government stole Khordokovsky's oil company, it then turned around and charged him for the

crime. Even more absurdly, as he was nearing the end of his 8-year prison sentence, the Russian state then charged him again for virtually the same crime. Before the judge had even handed down his verdict, Prime Minister Putin said, Khordorkovsky "should sit in jail." And lo and behold, that is exactly what the judge ultimately ruled, sentencing Khordorkovsky to 5 additional years in prison on top of the 8 years he had already served.

Earlier this year, not surprisingly, Khordorkovsky lost his appeal of this ruling. In a report released this year, Freedom House concluded that the cases of Magnitsky and Khordorkovsky:

Put an international spotlight on the Russian state's contempt for the rule of law. . . . By silencing influential and accomplished figures such as Khordorkovsky and Magnitsky, the Russian authorities have made it abundantly clear that anyone in Russia can be silenced.

The violations of human rights in Russia also extend to the deep and worsening problem of corruption, which perhaps as much as any other issue mobilizes the frustration and anger of the Russian public. In its annual index of perceptions of corruption, the independent organization Transparency International ranked Russia 154th out of 178 countries. That means that Russia is perceived as more corrupt than Pakistan, Yemen, and Zimbabwe. The World Bank considers 122 countries to be better places to do business than Russia. I would point out that one of those countries is the Republic of Georgia, which is ranked 12th by the World Bank.

When we consider the pattern of corruption and abuse the Russian Government has perpetrated over many years, it is not surprising to see the outpouring of anger and dissatisfaction that Russian voters expressed in this weekend's parliamentary elections. Unfortunately, the conduct of that election and especially its aftermath has only validated the growing frustration that Russians feel for their rulers. Before the ballots were even cast, a noted Russian election monitoring organization called Golos was subjected to intimidation, harassment, political pressure, and fines. The subsequent election has been criticized by impartial international observers, including the Organization for Security and Cooperation in Europe, which documented in its preliminary assessment numerous irregularities and other efforts by the government to sway a vote in its favor.

Instances of ballot stuffing have been documented. For example, in Chechnya, it was reported that 99 percent of the population participated in the election and 99.5 percent of them voted for Putin's party. That seems a little suspicious, especially considering that the Putin government has waged years of bloody warfare in Chechnya.

Despite the fact that the recent Duma election fell short of international standards and violated Russia's law, substantially fewer Russian voters chose to cast their vote for Putin's party, including in its stronghold and home base of St. Petersburg. This frustration has subsequently poured into the streets where Russian citizens have peacefully sought to demonstrate against the recent election fraud. The Russian Government has responded, in turn, by arresting hundreds of opposition leaders, democracy and human rights activists, journalists, and other members of civil society, including Boris Nemtsov, Alexey Navalny, and Ilya Yashin. Those men and women are exercising universal human rights and fundamental freedoms which should not be a crime in any country.

I call on the Government of Russia to release every Russian citizen who is unjustly detained for political purposes and to clarify the whereabouts and conditions of those individuals.

Mr. President, throughout this year, I have said that the demand for dignity, justice, and democracy that is shaking the Arab world to its foundations will not be confined to that one region alone. It will spread. It will inspire others. It will demonstrate to others that the frustrations, indignities, and lack of hope they may feel today need not be the realities they endure tomorrow. They can change those realities. They can change their destiny. They can change their countries. And it appears that message may be resonating with the people in Russia. We should hope that it does resonate and resonate in a peaceful manner, because we agree with a growing number of Russians who clearly believe they deserve better. They deserve a government that respects and responds to their aspirations for a better life. They deserve the power to freely elect their own leaders.

The political development of Russia is more than an issue of moral principle for the United States. It is closely tied to our national interests. We have seen in the past that when autocratic governments feel they are losing legitimacy among their people at home, they try to demonize others, both in their country and beyond it, and redirect their public's anger against imaginary enemies. We have seen how the Putin government has done this in the past. We have seen its attempts to paint the United States and our NATO and other allies as enemies of Russia and to lash out against us in the hope of mobilizing public support at home. This is why the growing pattern of confrontation from the Russian Government that we have seen in recent months—over missile defense, resupply efforts into Afghanistan, and other issues—should be so concerning to us and why we must understand that the

actions of the Russian Government cannot be separated from its character. In fact, as Russia's Government grows less tolerant of its own people's rights at home, we should not be surprised if it treats us the same way.

As I have said before, I believe we need greater realism about Russia, but that is not the same as pessimism or cynicism or demonization. I am ultimately an optimist, and I often find sources for hope in the most hopeless of places.

One year ago, after languishing in prison for 7 years and facing the near certainty of enduring many more, Mikhail Khordorkovsky spoke before his sentencing about the hopes of the Russian people as they watched his trial. He said:

They are watching with the hope that Russia will after all become a country of freedom and of the law. Where supporting opposition parties will cease being a cause for reprisals. Where the special services will protect the people and the law, and not the bureaucracy from the people and the law. Where human rights will no longer depend on the mood of the tsar, good or evil. Where, on the contrary, the power will truly be dependent on the citizens and the court, only on law and God. For me, as for anybody, it is hard to live in jail, and I do not want to die there. But if I have to, I will not hesitate. The things I believe in are worth dying for.

That there are still men and women of such spirit in Russia is cause for hope. And eventually—maybe not this year or next year or the year after that but eventually—the Russian people will have a government that is worthy of their aspirations, for equal justice can be delayed and human dignity can be denied but not forever.

I yield the floor.

The PRESIDING OFFICER. The Senator from Hawaii.

Mr. INOUE. Mr. President, I thank my most distinguished friend from Arizona for his generous, warm, and friendly remarks. They mean a lot to me. I will never forget them. I thank the Senator very much.

Mr. AKAKA. Mr. President, I rise today in observation of the surprise attack that the Empire of Japan launched on the U.S. military bases in Hawaii 70 years ago. The attack was concentrated on the Pearl Harbor Naval Base, where over 2,400 courageous sailors, soldiers, and marines lost their lives. Each year, close to 1½ million people from across the country and around the world visit the memorials at Pearl Harbor to remember the events of December 7, 1941, and how the world was changed forever on that day.

As the Sun rose over Pearl Harbor today, solemn prayers were offered and large crowds gathered to honor the sacrifice made by so many of our brave young men and women.

The National Park Service and the Navy Region Hawaii are hosting the 70th Anniversary Pearl Harbor Day Commemoration at the Pearl Harbor

Visitor Center to recognize those who bravely survived the attacks and to remember the thousands more who gave their lives in service to their country that day.

Representative CHARLES WILLIAM "BILL" YOUNG from Florida will be representing Congress at the commemoration ceremony accompanied by William Muehleib, the president of the Pearl Harbor Survivors Association, and approximately 100 survivors of the attacks, including 8 who were aboard the USS *Arizona*, which lies enshrined at the bottom of Pearl Harbor today. The USS *Oklahoma*, BB 37, Memorial Executive Committee will dedicate a rose granite memorial marker at the National Memorial Cemetery of the Pacific at Punchbowl to honor the memory of the approximately 355 USS *Oklahoma* sailors who perished but were never individually identified. The remains of two servicemembers will be interred at the USS *Utah* and the USS *Arizona* so they may again join their shipmates in accordance with their wishes. And the Hawaii Air National Guard will fly F-22 Raptors over the memorial sites at Pearl Harbor and Hickam Air Force Base in honor of the fallen.

I want to recognize and thank the National Park Service and Navy Region Hawaii for their diligent work and dedication to ensuring that the legacy of the thousands of servicemembers who perished that day lives on through the memorials that stand solemnly at Pearl Harbor. They have done an outstanding job conveying the unwavering spirit of those who, in the face of perilous odds, stood their ground and fought back against the Japanese attack to save the lives of their brothers in arms. The efforts of these organizations have helped to make sure that our country will never forget the tragic loss that all Americans felt as news of the attack spread across the Nation.

We must continue to remember the acts of heroism, bravery, and sacrifice that followed the attack. Our country fought in the name of justice to preserve our Nation's sacred freedoms. And we must also recognize and thank the courageous men and women of our Armed Forces today who are still fighting in the name of those same freedoms. I urge the citizens of this Nation to recall that it was the collaboration of a country and the sacrifices made by ordinary men and women who rallied in defense of freedom, liberty, and the great promise of our democracy that preserved our Nation's freedom and liberty. It is in that spirit of coming together to save our country that has always produced the strongest results and made our country great.

Mr. President, I ask my Senate colleagues to join me in prayer and remembrance for the men and women who died in Pearl Harbor and those who are still fighting overseas today.

May God bless all of those who have served to protect our shores, and God bless America.

The PRESIDING OFFICER. The Senator from Vermont is recognized.

(The remarks of Mr. SANDERS pertaining to the introduction of S. 1960 are printed in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. SANDERS. With that, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DURBIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### FOR-PROFIT COLLEGES

Mr. DURBIN. Mr. President, in the school year 2009-2010, the U.S. Department of Education provided \$132 billion in grants and loans to students. That was up from \$49 billion in 2001—a dramatic increase in Federal aid to education. A large part of the increase can be traced to one particular type of school: enrollment at for-profit colleges. That has grown faster than any other sector.

Currently, about 10 percent of the students pursuing education after high school attend for-profit schools—for-profit colleges and different training schools that offer certification in certain skills and certain professions, 10 percent. But that 10-percent portion of students in America account for 25 percent of all the Federal aid to education. In other words, dramatically more money is going to those students than those attending other schools after high school.

When it comes to the student loan defaults, where college students borrow money to go to school and then fail to pay it back, for-profit school students account for 44 percent of the student loan defaults in America. Again, 10 percent of the students, 25 percent of the Federal aid to education, and 44 percent of student loan defaults are attributable to for-profit schools.

The industry is dominated by 10 publicly traded for-profit companies. Of those 10 companies, they enroll almost half the students in for-profit schools. So it is dominated by the big players. The largest, of course, the Apollo Group, University of Phoenix, at one point had over 450,000 students enrolled nationwide, more than the combined enrollment of all the Big Ten colleges and universities—a big player when it comes to higher education and a big player when it comes to Federal aid to education. The Apollo Group, University of Phoenix, receives more money than any other college in America, far

and away. None are even close. The next two schools, when it comes to Federal aid to education, are also for-profit colleges.

While Federal spending on student aid has seen a huge increase, there has been very little accountability when it comes to these for-profit schools. Worse yet, almost no information has been available about whether the students are actually learning and finding work in their respective fields after graduation.

In June of last year, Senator TOM HARKIN—who has joined me in this effort to look closely at for-profit schools across America—added his name to a letter we sent to the Government Accountability Office to study the outcomes for students attending for-profit colleges. The report has been formally released. For-profit colleges serve—and one could argue they target—primarily low-income, nontraditional, and minority students.

For-profit colleges often claim the reason more of their students can't find jobs and the reason more of their students default on student loans is because they are trying to provide education to students whom others will not accept. That is their explanation for higher debt levels and higher default rates and poorer student outcomes. Senator HARKIN and I wanted to ask the Government Accountability Office straight out to take a look at the different students in terms of their income and background and compare outcomes—for-profit schools versus public universities and private schools. Our question was: What does the research show about graduation rates, employment outcomes, student loan debt, and default rates for students at for-profit schools compared to those at nonprofit and public schools, taking into consideration different student backgrounds.

When looking at student debt, one study by the GAO found that 99 percent—99 percent—of for-profit college students took out loans, almost all of them. What is the comparison? Seventy-two percent of those attending public colleges took out loans, with 83 percent of those attending private, nonprofit colleges.

When it comes to student loans, the for-profit colleges lead all types of schools and universities in the number of students who are taking out loans. The GAO found that for-profit college students have higher rates of unemployment when it is all over. When it comes to loans and debts, students at for-profit colleges fare much more poorly than their peers attending nonprofit or public institutions. Students at for-profit colleges took out more student loans and they generally had higher loan debt.

Let me tell you about one of those students who contacted our office. His name is Jacob Helms. He attended a

for-profit, online school to earn a bachelor of computer science degree in videogame design. When he enrolled, he was a little bit apprehensive because of the cost. You see, this for-profit, online school told him he had to take about nine classes a year and each class would cost him \$1,500. Jacob was concerned about the cost, but the school told him: Don't worry about it. The loans you have to take out will cover your entire education.

With that assurance, Jake enrolled 4 years ago. After about 4 years of attending courses year-round, Jake reached the maximum direct loan amount for independent undergraduate students. He had borrowed \$57,500. The problem was, he wasn't finished. He hadn't completed his required courses. He had just run out of the ability to borrow any more money from the government. Jake is \$57,500 in debt. He has no degree and no job prospects. He says all he wants to do is move forward and start a career—his original goal. Jake says the school will provide him with no assistance or alternative other than to drop out with a debt, no diploma, and no job.

In fact, Jake didn't even know he had reached the maximum level on his Federal direct loan limit. He was withdrawn from online classes with no explanation and finally determined that since he could no longer borrow money from the Federal Government—he was at the top, with \$57,500—they didn't want him. When he inquired, the school told him he had run out of money. With an annual income of less than \$25,000 and no other way to pay the tuition, Jake dropped out. He says the school's attitude was very clear: We got our money; we are done with you.

Jake is not alone. Student debt has outpaced credit card debt. Imagine that. In October of last year—13 months ago—for the first time in history, the total amount of student loan debt is greater than credit card debt in America. In 2009, the average debt nationally for students at for-profit colleges was well above those who attended other institutions. Students at for-profit colleges graduated with an average debt of \$33,000. At public universities, the average was \$20,000. At private nonprofits, the average was \$27,600.

There are very few penalties for schools where students incur huge amounts of debt and can't repay their loans. More than three in four—that is 76 percent—of young adults say college has become harder to afford in the past 5 years. Nearly as many—73 percent—say graduates have more student debt than they can manage.

It was interesting to see with this Occupy movement—which had many different causes, in many different cities—that the one recurring theme, particularly from the younger people who were there, was we have to do some-

thing about student loan debt. Students across America, those who have attended colleges and universities, understand that debt and the burden it places on their lives. These students have to put off buying homes, starting families, and other major life decisions because of their debt.

Sadly, many students are not informed about the loans they are taking out. They do not know the difference between a direct loan and a private loan, but they should. The one critical difference is this. It wasn't that long ago in America where people could borrow money from the Federal Government to go to college and beyond and then declare bankruptcy, so we changed the law. We said: That is not fair. They can't borrow this money from the Federal government and then refuse to pay it. So student loans from the government were no longer dischargeable in bankruptcy.

I thought there was some sense and justice to that decision. We had cases that were reported of students literally finishing medical school and declaring bankruptcy before they went into practice so they didn't have to pay their student loans. That was unacceptable and unfair and it can no longer be done. Just a few years ago, we changed the law again and said private college student loans—those are loans from the university and not from the government—were also not dischargeable in bankruptcy. What does that mean? It means, if a student has incurred a debt or if one has signed on to their son or daughter's college debt, they are on the hook. They will have to pay that off or else.

We asked some of the Federal agencies: Are you concerned about student loan default? They gave a very cold answer. They said: No. We will get our money because we will be watching for the rest of that person's life. Every time they think they are going to receive a Federal income tax refund, we will take the check. If necessary, we will take their Social Security checks too. That shows this student loan debt can haunt them for a lifetime.

We recently had an e-mail from a young man. It was heartbreaking. He told a story of going to one of the for-profit colleges in the Chicago area and he ended up coming out of college with \$90,000 in debt, a worthless diploma and no job. His parents signed a note. Because of the penalties and interest which accumulated after he had finished his education, his debt was now up to \$124,000. Both his parents had decided they could no longer afford to retire, as they had planned. They had to keep working to pay off their son's student loan for an education that turned out to be worthless.

I wish that was the only example I knew of, but we have been receiving more and more examples just like it. There is no way in this circumstance

for this student to consolidate loans, lower interest rates or pay off the balance.

Sadly, many students are not informed about the loans they take out. They do not know the difference between direct loans and private loans. They do not know this aspect of nondischargeability in bankruptcy. Private loans are even more burdensome. You see, when a person takes out a government student loan, after a period of time—because of some of the decisions made by President Obama and by this Congress—they can be at least limited in their exposure of how much they have to pay each year, 10 percent of their income, with certain qualifications—10 percent, no more. After 10 years, should they take a job as a teacher or nurse, some of their government student loan debt can be forgiven.

This is not true on the private side. The money loaned to a student by the school, for example, or by some other institution other than the government is not subject to these benefits or limits. Students wrack up unmanageable amounts of debt, then can't repay their loans or discharge their private student loans in bankruptcy.

In September, the Department of Education released the fiscal year 2009 national student loan default rates. It is a measurement of how many students default on their student loans, and it gives us a view of the overall burden of college on students. The rates of students attending for-profit colleges continue to soar well above the rates for students at private and public colleges—4.6 percent of students who attend private schools defaulting on their loans. But students who attend for-profit schools default at a rate almost 3½ times as high, at 15 percent. That is dramatically higher if they attend for-profit schools. Because their debt is higher, their likelihood of a job is much less.

This says more about the institutions than it says about the students. Yet there are no repercussions for schools with high default rates, unless—under new regulations from this administration—they have 25 percent default rates for 3 consecutive years. This is unacceptable.

The recent GAO study recognizes we have few measures to determine the quality of education students receive. One measure we do have is that students at for-profits continue to go deeper and deeper into debt even though most of them don't graduate. Of students who began their education at for-profit schools in the 2003–2004 school year, only 15 percent had obtained a bachelor's degree by 2009. Again, for-profit schools, over a period of 6 years, graduate 15 percent.

What about other schools? Sixty-four percent of students at public colleges graduated in that 6-year period of time,

and 71 percent at private colleges obtained a bachelor's degree. That is a huge difference. A 15-percent graduation rate at for-profit schools means students, many of them, are deeply in debt by a margin of almost 6 to 1 are not graduating. They don't end up with a diploma. They have the debt, they have no diploma, and some of them end up with a worthless diploma.

The recent Department of Education regulations are starting to work. They are cracking down on aggressive recruiting practices. Students are thinking harder about where they enroll in schools. In some cases, students are avoiding for-profit colleges. Every high school student in America should read the summary of the Government Accountability Office report on for-profit schools before they even consider enrolling in one of those schools.

Some of the schools are starting to ask questions on their own about the way they do business, and they have come to me—many of these schools—pleading with me, saying: You are just talking about the bad guys. We are the good guys.

Well, prove it. Prove it. Make certain that students are getting an education that is worthwhile. Don't sink them with debt. Stand by them when it comes to finding a job or at least be mindful of what that debt means to their lives.

More needs to be done to educate families, high school teachers, and high school counselors about the choices students face. I hope these companies will continue to examine their practices, and I hope the Department of Education is going to continue monitoring the schools and the way they operate.

Let me tell you about one such operation, the Career Education Corporation. I know about this school because its former CEO came and met with me in my office in Chicago and then appeared at a hearing, pleading with me to give special consideration to his for-profit schools, which were different and better and shouldn't be lumped into the category of these schools that are exploiting young people coming out of high school. I listened to him and basically said: Well, I will pay attention to the way this turns out.

This gentleman, whose name is Gary McCullough, resigned as the CEO of Career Education Corporation on November 1 after it was reported that his school had misrepresented its placement rates for its graduates.

Career Education Corporation is an Illinois-based company with over 100,000 students nationwide. If you have not heard of Career Education Corporation, you may have heard of some of the names of its schools. I saw one of them on a bus in Chicago advertising for more students, and it is a familiar name to people who have followed the culinary side of business for a long

time: Le Cordon Bleu. They bought that name, and they named one of their schools Le Cordon Bleu. We will teach you how to be a superchef, an Iron Chef, whatever chef you want to be. But it turns out that they were not only failing to educate and train the students, but the students couldn't get jobs, and the students were deep in debt.

When Mr. McCullough ended up resigning as CEO of Career Education Corporation, they found out that only 13 of their 49 health, education, and art design schools—13 of 49—met the 65-percent minimum placement rate for the reporting period. They had falsified their numbers, and now they are under investigation. They should be. We need to get to the bottom of it. If they are lying to the students, something has to happen.

First, they shouldn't be qualified for Federal student loans or Pell grants. If they are not graduating students into jobs, then they ought to be held to higher standards. And the students shouldn't be misled into believing that if they can get a Federal loan at a school, it has to be a good school.

Secondly, there has to be some standard for accreditation. There obviously is little or no accreditation accountability at this point. You can't expect a high school student or his parents to be able to look at a school from the outside or look at the Web site and decide whether it is any good. There have to be some standards for performance and excellence when it comes to these for-profit schools—for every school, for that matter.

Finally, if this school loses its accreditation, particularly in the programs where it has failed to graduate students, I think this school and this corporation should be held accountable for the student loans that have been incurred by these students. They didn't know they were signing up to go to an unaccredited school. Their debt is very real; their diploma is a phony. So it is time for these schools to be held accountable.

I am sure there are many for-profit schools that offer a good education, but there are certainly many that are exploiting students today. They are so good at marketing, you can't avoid them, whether it is on the Internet or television. They are everywhere, everywhere you turn, particularly in low-income communities. They are offering "college" to many students who can't get into a regular college or university. These students feel they are finally going to get their chance. Little do they know that all these for-profit schools are looking for is the money they can bring to them. When it is all over, they are deep in debt with no job and no place to turn.

What is our responsibility? Remember, we put \$132 billion a year into Federal aid to higher education. It is time

for us to make sure the schools that receive them for the students are real schools, are graduating students and preparing them for a good life and a good job.

#### NOMINATION OF RICHARD CORDRAY

Mr. DURBIN. Mr. President, experts blame credit default swaps and collateralized debt obligations for the financial crisis. The fact is, these complicated financial products were based on mortgages sold to families who couldn't afford them, credit cards with hidden fees, and loans targeted to low-income individuals with up to 400 percent interest rates. The financial regulators ignored their responsibility to protect consumers from these predatory practices. Because there was not one regulator solely responsible for consumer protection, the financial regulators pointed their fingers at the other guy when the system collapsed. Consumers lost \$17 trillion in household wealth and retirement savings almost overnight.

That is why a bipartisan group of 60 Senators voted last year to consolidate consumer protection authority into one agency: the Consumer Financial Protection Bureau. The CFPB was given new responsibilities to oversee nonbank actors who deal in payday loans, prepaid cards, student loans, and credit reporting.

Mr. President, 200 million Americans rely on credit reporting agencies when they make a big purchase and sometimes when they apply for a job. An estimated 20 million people use payday lenders to make ends meet. I wish they didn't, but they do. Many of them face up to 400 percent interest rates to obtain these short-term loans. Four million Americans have prepaid debit cards. As more companies use these types of products instead of checks or direct deposit, it is expected that over \$670 billion will be loaded into prepaid cards in the next few years. More than \$10 billion in private student loans is given to students, who then face up to 15 percent interest rates. I talked about a few of them in an earlier statement.

Tens of millions of Americans relying on nonbanks for their financial needs will go without protection unless the Consumer Financial Protection Bureau has the resources it needs to help American consumers and a Director.

Earlier this year, President Obama nominated Richard Cordray to be Director of the Consumer Financial Protection Bureau. He was recruited to lead the Enforcement Division and now is being asked to move up and take over the directorship. Before joining, he served as Ohio's attorney general, recovering billions of dollars in pension funds on behalf of retirees and taking on the predatory lenders. Mr. Cordray



saw firsthand how the failure to enforce Federal consumer protection laws related to mortgages affected Ohio residents. He has a strong grounding, working with both consumer advocates and the financial sector. He is an excellent choice, and I strongly support his nomination.

Unfortunately, Mr. Cordray is asking to head up a consumer protection agency which, to paraphrase a former colleague on the floor, the banks hate like the devil hates holy water. The idea that we would give authority to an agency to watch these financial institutions—payday loan operations and the rest—to make certain they don't exploit American consumers drives these banking interests wild. They have done everything they can to stop him from becoming Director and to cut the money available for his Bureau. They don't believe there should be consumer protection. Let the buyer beware. They don't care, at the end of the day, if innocent people suffer across America. But they should.

My colleagues claim there won't be any real checks on his power if Mr. Cordray is given this position, but he is subject to an annual audit by the GAO; he has to report to Congress biannually; is subject to private sector independent audit; monitored by the inspector general of the Federal Reserve; the Comptroller General is required to annually audit the financial transactions of the Bureau; and is subject to the Regulatory Flexibility Act, the Paperwork Reduction Act, the Congress Review Act, and the Administrative Procedures Act, to name a few. The Financial Stability Oversight Council that includes members from across the financial sector can review and overturn CFPB regulations. No other agency is subject to having regulations under its own jurisdiction overturned. But that isn't enough for the special interests that hate the Consumer Financial Protection Bureau. These are the same players who helped create the financial crisis that devastated our economy.

Despite all these measures to ensure congressional oversight, those who couldn't kill the CFPB outright are determined to destroy its ability to act. And now, as we finally start to recover from this economic crisis, the same special interests are protesting efforts to require the disclosure of credit card fees, for example. The same banks that made billions from selling homes to families who couldn't afford them are refusing to modify mortgages so families can stay in their homes. They don't want to change the structure of the CFPB; they want to destroy its ability to protect America's consumers and families. They want to go back to the days of "heads I win, tails you lose," back to the days when we didn't have to worry about a regulator enforcing consumer protection laws.

The CFPB structure is similar to other financial regulators. The Office of the Comptroller of the Currency has been led by one individual with congressional oversight for over 100 years, for example. The Federal Housing Finance Agency, which oversees Fannie Mae and Freddie Mac, is also led by a single Director with congressional oversight. Yet both financial regulators have avoided the political outcry we are hearing about the Consumer Financial Protection Bureau.

Really, what we are seeing, I am afraid, is a partisan effort to block a well-qualified nominee. Many intelligent, decent, and hard-working Americans volunteer to contribute as appointed public servants. They are well qualified, but all too often these days, they can't get through the Senate. This has serious consequences on all Federal agencies and our judiciary.

Yesterday, we saw an incredibly astonishing Republican filibuster of the nomination of Caitlin Halligan to serve in the D.C. Circuit Court of Appeals. The fact is, those voting against her nomination couldn't come up with a good reason. She had been found by the ABA to be unanimously "well qualified," she had an amazing resume, and she was rejected on a filibuster initiated by the Republican side. That is unfortunate.

I would just say to my Senate Republican colleagues that I think Richard Cordray has the background and experience to lead this agency. He should be given a chance. I know the banks aren't happy that anybody is watching them. These financial institutions—payday lenders and the rest—would rather do their business without anybody looking over their shoulders.

Holly Petraeus is the wife of General Petraeus. She has been working with the Consumer Financial Protection Bureau to stop the exploitation of men and women in military service. She came by my office to talk about what this agency is doing to protect these families. Sadly, some of these families are exploited so badly that they are forced out of the military and have to be discharged. We don't want that to happen. We don't want it to happen to American families who unsuspectingly find themselves lured into financial arrangements that are totally unfair.

Richard Cordray is competent, qualified, and an honorable public servant. He deserves an up-or-down vote. We are going to have that vote probably tomorrow, and I hope he will be confirmed and given an opportunity to lead this important agency.

Mr. President, I yield the floor.

Mr. THUNE. Mr. President, I ask unanimous consent that when I complete my remarks, the Senator from Wyoming, Mr. BARRASSO, be allowed to follow me.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### KEYSTONE XL PIPELINE

Mr. THUNE. Mr. President, the President of the United States has said repeatedly that he makes jobs his top priority, he wakes up every morning thinking about what he can do to create jobs and how he can create jobs. Yet we have the greatest shovel-ready project in the country right in front of us, and when it comes to that particular project, for some reason the President is suddenly not interested. I think we have to ask the question of why that is. I think there are probably a number of reasons, most of which have to do with politics and not the economy and not jobs because clearly this is a subject on which there is no debate when it comes to the job-creation potential there, the impact it would have on the economies of multiple States in our country and what it would do for the issue of energy security.

The project to which I am referring is the Keystone XL Pipeline. The Keystone XL Pipeline is a project that has been under review now for the better part of 3 years. In fact, there have been two environmental studies. If you look at all of the due diligence that has been done, it has clearly been reviewed, it has been analyzed, it has been studied, and it has been scrutinized. It has gotten to the point now where it is time to move forward, time to make a decision on this.

Ironically and I think sort of surprisingly to a lot of people, recently the administration said they are not going to decide this now, for 18 months. They are going to put it off for 18 months—interestingly enough, from a timing standpoint, until after the next election. I think it is unfortunate that is the case because, again, if your No. 1 priority is job creation, you have one here ready to go today that could be under construction, and it would immediately create 20,000 jobs in this country, and it would create \$7 billion of investment and a lot of revenue for State and local governments, many of which desperately need it.

In my own State of South Dakota, the Keystone XL Pipeline would traverse my State of South Dakota as the oil that comes from the oil sands area up in Canada makes its way down to the refineries and other parts of the country, comes through South Dakota, and just in our State alone that would be about \$½ billion of economic activity, meaning hundreds of jobs and revenue for a lot of State and local governments.

This project in my State, like so many States where it comes through, where it impacts—there have been a number of opportunities for people to be heard, to get their input made on this. It has been going on now for 3 years. You finally get to a point where you have to say it is time to make a decision one way or the other. Clearly,



my view on this is that this is a project that should move forward. But one way or the other, the President of the United States and his administration ought to be acting with some finality on this subject now, not waiting 18 months, not waiting until after the next election because it is politically expedient to do that, but making a decision now. Why is that? Because, if it does not get done here, that oil from the oil sands area in Canada will go somewhere else and some other country around the world will benefit from that. It will not be the United States, it will not be refineries here in this country, it will not be the citizens of America—who have a good relationship with our neighbor to the north. Canada is our biggest single trading partner. We do about \$640 billion of bilateral trade every single year with Canada. It makes a lot of sense, if you are thinking about energy security, if you are worried about the dangerous dependence that we have on other countries around the world for our energy needs, that if we are going to get energy we get it from a country with which we have a good relationship, a country that is friendly and a country with which we do a tremendous amount of trade.

If we cannot move forward, it is going somewhere, probably to Asia, probably to China. China will get the benefit. The citizens of China will get the benefit of this project rather than having the American people benefit from all this project would entail if we could get it approved here.

But we ought to at least make a decision. We have all these discussions in this country, all the rhetoric coming from the other side about how it is so important that we create jobs in this country. Yet the administration seems willing to disregard that and say we are going to make what is clearly a political decision and put this off for 18 months until after the next election.

I think it is interesting to note what some are saying about this, and frankly even what the President himself has said as recently as last April about the importance of getting energy from countries that are stable and friendly. This is something the President said:

Importing oil from countries that are stable and friendly is a good thing.

That is something the President of the United States said as recently as last April. There is a letter that went from 22 congressional Democrats to the President, telling him that America needs the Keystone XL Pipeline. Twenty-two Democratic Members of the House of Representatives weighed in on this issue. We have had Democratic Senators here as well who weighed in with the administration and weighed in publicly and said this is an important project that needs to be completed.

You even have the labor unions. Traditionally you would think of them as

part of the President's political base. What are they saying about this? The AFL-CIO said:

For America's skilled craft construction professionals, any discussion of the Keystone XL Pipeline project begins and ends with one word: JOBS.

That is what the AFL-CIO is saying. Laborers' International Union of North America says it is:

... not just a pipeline, but it is a lifeline for thousands of desperate working men and women.

You have bipartisan support here in Congress. You have the working people, the organizations of this country that represent working people, weighing in saying this is a project that needs to be approved, that would create jobs, that would address some of the economic angst we are feeling in this country, and here we are faced with this unnecessary delay.

We have legislation that has 40 cosponsors in the Senate. It was introduced last week. Many of our colleagues have taken the lead: Senator HOEVEN of North Dakota, Senator JOHANNIS from Nebraska, Senator MURKOWSKI, Senator BARRASSO, who is here on the floor, and others who believe so strongly in the issue of economic growth, job creation, energy security, national security, that we have introduced a bill that would allow this project either, No. 1, to move forward or to have to provide a rationale why it would not move forward. It is pretty simple, straightforward legislation. It would allow 60 days from enactment of the legislation for a decision to be made about the permit, one way or the other. Either it gets permitted or, on the contrary, the President gives an explanation as to why it should not be permitted. But at least we get a decision made so there is some economic certainty for the people behind this project, the people who are making this investment, about whether it is going to go forward.

One thing we hear over and over from small businesses across this country—and large businesses, job creators—is we need economic certainty. We cannot continue to operate in this complete cloud of economic uncertainty if we are going to put investment out there and create the jobs that go with that investment.

Mr. President, 700,000 barrels a day is the equivalent of what we get daily from Venezuela. If we could get 700,000 barrels of oil today from Canada, a friendly neighbor to the north, or 700,000 barrels from Venezuela or any other countries from which we import oil, it seems so logical and such a no-brainer for us to be able to trade and interact and to have this economic relationship with Canada on this particular project. It does come across that way, as I said, in many parts of the Dakotas and Montana. It would encourage greater oil production here in

this country as well, because you have the Bakkan Reserve in North Dakota and Montana which we would be able to access for this pipeline to be able to get some of their energy to refiners around this country. It is an "all of the above" domestic energy strategy: More domestic oil, more alternative fuels, more innovation. It is all these things we need when we talk about energy security. But clearly in this case, for some unexplained reason, the administration has concluded that this project should not go forward.

There was a concern raised earlier on about the State of Nebraska and the route the pipeline was taking. That issue has been addressed. The leaders in Nebraska—Senator JOHANNIS and the Governor of Nebraska—have come together behind an alternative route which I believe was agreeable to the company, TransCanada, so you can no longer hide behind that and use that as a shield. The legislation we are introducing would make, of course, this subject to States rights and having States such as Nebraska intervene and work with the company to find this alternative route. It also would ensure and require strong environmental protections in the legislation. So that issue is something the legislation has addressed.

More than anything else, what it does is it at least forces some action. It at least says we are going to be serious about job creation in this country or we are not. We are going to support a shovel-ready project that could create 20,000 jobs and start immediately or we are not. All this rhetoric and all the hot air that comes from people here in Washington, DC, about wanting to create jobs, this is putting it to the test. This is where you have to put up or shut up when it comes to whether you are serious about creating jobs in this country.

I hope my colleagues here in the Senate on both sides of the aisle—because I believe this is a bipartisan issue—will work with us to advance this legislation. There is some thinking that perhaps the House of Representatives, the other body, may include it in some legislation they send us that could be coming this way in the not too distant future.

If that is the case, I hope we will pick that up and act on it because if we are serious and mean what we say about job creation in this country, there is no better way than to put some certainty behind this project. Again, it would be one thing if this had not been studied and overstudied and evaluated and analyzed and scrutinized—but it has, over and over again, now for the better part of 3 years. Mr. President, 700,000 barrels of oil today from Canada and the Bakkan region in North Dakota and U.S. refineries or 700,000 barrels of oil to some other place around the world that will benefit from it and, just as

important if not more important, 700,000 barrels of oil the United States will have to import from some other country around the world that perhaps is not nearly as friendly as our neighbors to the north.

This is not complicated. This is a pretty straightforward issue and one where I don't think there is anything but support from the States that are impacted by this, anything but support from the leadership, political leadership at the State level and local levels. I am not suggesting there is—there is no project that has unanimous support. There are people who oppose this as there are people who oppose almost anything that happens in this country. But the huge majority of people I think in the States that are impacted see this for what it is—a positive, forward-looking project that would address so many of the important priorities for this country right now: economic growth, job creation, energy security, national security, addressing some of the needs the State and local governments have for additional revenue. All these issues are addressed with regard to this project.

It is mystifying as to why the President of the United States and his administration would put this decision off until 18 months from now after the next election, other than purely and simply political reasons and motivations. That is wrong for the American people. It is wrong for this project. It is wrong for jobs. It is wrong for the economy. I hope this body, the Senate, will take steps to rectify that by putting a date certain out there by which this project is at least acted on, at least decided, at least permitted or not permitted—hopefully permitted—so these jobs can be created and we can get this economic activity underway in these many States.

I yield the floor.

The PRESIDING OFFICER (Mr. MERKLEY). The Senator from Wyoming.

#### A SECOND OPINION

Mr. BARRASSO. Mr. President, I come to the floor today as I have so many times since the President's health care bill was signed into law, with a doctor's second opinion. I do that because I practiced medicine in Wyoming, taking care of families from around the State for about a quarter of a century.

When I talk to patients at home and I talk to people on the street, when I talk to folks all around my State and around the country, what I hear they want from a health care law was an opportunity to have the care they need from the doctor they want at a cost they can afford. But what we have gotten in this country through this administration and this health care law is a law that is bad for patients, in my opinion; bad for providers, the nurses

and doctors who take care of those patients; and terrible for American taxpayers. So I come to the floor again with a second opinion today because I am thinking about job creation.

We just heard about the Keystone XL Pipeline and the opportunity there with a shovel-ready project to get people back to work. I am reminded what former Speaker of the House NANCY PELOSI claimed after the health care law was passed. She said it would "create 4 million jobs." She went on to say "400,000 jobs almost immediately."

As we all know, that prediction never came true. In fact, the nonpartisan Congressional Budget Office said the health care law will actually encourage some people to work fewer hours or to withdraw from the labor market altogether.

This past week when the employment statistics came out we saw that over 300,000 Americans have withdrawn from the labor market altogether.

It is interesting that about the same time the health care law was signed, March 2010, Senator CHUCK SCHUMER, the New York Senator, claimed on "Meet the Press":

... as people learn about the bill, and now that the bill is enacted, it's going to become more and more popular.

In fact, this health care law is less popular now, today, December 2011, than it was at the time it was signed into law.

We look at all of these predictions that never came true. It has been 20 months. The health care law's popularity remains low. The law is in front of the Supreme Court to deal with the constitutionality of this government going into the homes of American people, telling them they must buy a product. It is clear that Washington Democrats and the President have miscalculated. They made promise after promise to the American people. They asked families, they asked businesses all across the Nation, to trust them. The President promised that if you like what you have, you can keep it. The American people know that promise has been broken. The President said that premiums, health care premiums or insurance costs for families would drop by \$2,500 per family per year. We know that the costs have gone up higher than if the law had never been passed in the first place.

Week after week we hear of more unintended consequences within the law, glitches that are found which show additional problems with the law and additional promises of the President being broken.

The American people know that they do not like this health care law. When you ask them do you think this health care law was passed for you or for someone else, most Americans will tell you that they think it was passed for someone else.

Today I want to talk about two specific examples of problems with this

health care law and the possible unintended consequences and some of the repercussions of the things that have happened with this health care law.

One has to do with the labor statistics that came out on December 2 of this year. They released updated payroll employment and unemployment numbers. The Bureau of Labor Statistics data actually shows that health care employment was up in November. It was up for all the wrong reasons. The problem is, the health care law's excessive mandates and burdensome regulations are prompting the health care industry to create additional administrative jobs, not caregiver jobs.

The health care law was supposed to actually work to get more doctors and more nurses and more x-ray techs and physical therapists to take care of patients, but that is not what happened. Now we see it is administrative jobs that are up, not caregiver jobs. As a matter of fact, USA Today printed a half-page article, and the title was "Health Care Jobs Grow . . . in Administration."

The article actually talked about a New Hampshire hospital, and that hospital—according to the article—was forced to eliminate 5 percent of its workforce. So we have a hospital eliminating 5 percent of the workforce after the State cut Medicaid funding last year. So here is a hospital where 5 percent of the workforce is cut. Many of those workers were nurses and other caregivers. When I hear caregivers, I think of physical therapists, radiation technologists, nurse's aides.

Yet in spite of the fact that they had to eliminate 5 percent of its workforce, they are actually still hiring. How can that be? Let's listen to what the hospital's vice president, Mark Whitney said. He said:

We need to deal with new technology, new services, new regulations, electronic health records, government reporting requirements on quality . . . a lot of this is related to the new Federal health law.

So they are eliminating nursing positions, eliminating positions of caregivers and hiring more people to push paper.

The President and the Democrats in Congress promised their health care law would expand health insurance coverage. Look at what is happening now. More and more people are pushing paper.

It is interesting that what the President and Democrats did not tell the American people is that the health care law's oppressive mandates, burdensome regulations would actually cause health care employers to lay off or stop hiring the very health care professionals needed to treat patients.

Instead, the health care employers must be hiring more clerks, more administrators, more paper pushers, all in an effort to figure out and then comply with the health care law's rules and

mandates. I do not believe that is the change most Americans wanted when they started to think about health care reform.

The second example I would like to give is from a column in the Washington Post, December 2 of this year—just a week or so ago—written by George Will. The article is titled “Choking on Obamacare.” The article talks about the health care law’s crushing insurance mandates and how those influence both small and large businesses in terms of their willingness to actually hire new workers.

When we have this kind of record unemployment, such as we are dealing with in this country, we want to have businesses hire more people, get people back to work. That is what makes America grow. That is what helps our economy, putting people back to work.

In the article, they use the example of Carl’s Jr. and Hardee’s restaurants. There are about 3,200 of those restaurants around the world. The parent company said they have created about 70,000 jobs, and they want to hire more workers. But the CEO of the company, Andy Puzder, said they cannot hire more workers because they don’t know how much they will need to spend on health care. They are planning to spend about \$18 million on health care, and they say that is just a guess.

If someone is running a business, they want to be able to figure out what their future costs are going to be, what the expenses are going to be, and they would rather have a little more predictability than just guessing. Thanks to the health care law’s complex formulas and many regulations which have not yet been released and many of the uncertainties that continue to exist, this is a company that is going to have to guess about how much they will need to spend on health care.

What business can afford to guess what one of their largest costs is going to be? They are guessing they are going to have to spend about twice the amount of money on health care as they did building new restaurants last year. So they talk about building new restaurants—and those are construction jobs and jobs for the people who work in the restaurants providing services—and they are going to end up spending twice as much on health care as building new restaurants. It doesn’t take a lot to realize that hindering a company’s ability to build new restaurants means fewer available jobs for construction workers and for service suppliers in a struggling economy.

The CEO of the company is right when he says that “employers everywhere will be looking to reduce labor content in their business models as Obamacare makes employees unambiguously more expensive.”

If we want to spur the economy and economic growth and job creation, Washington must take its shackles off

our job creators. This is just one more reason why the President’s health care law must be repealed and replaced.

I thank the Chair.

I yield the floor and note the absence of a quorum.

The PRESIDING OFFICER (Mr. BEGICH). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. FRANKEN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### CORDRAY NOMINATION

Mr. FRANKEN. Mr. President, I rise today to strongly support Richard Cordray, the President’s nominee to be Director of the Consumer Financial Protection Bureau.

Three years ago our economy was tumbling into the deepest recession since the Great Depression. In the fall of 2008, the stock market was plummeting, unemployment was skyrocketing, and there were daily reports of yet another financial institution crumbling. Our economy was in a chaotic tailspin. That was only 3 years ago.

Today we are in a slow and tenuous recovery. Unemployment is still way too high. Millions of Americans are out of work and have been for some time. Long-term unemployment is staggeringly high. Retirement accounts are still reeling. Yet in the Halls of Congress we are dominated by discussions of our Nation’s debt and deficit. In fact, we are doing little else. These discussions are necessary. We need to tackle our deficits and our long-term debt. But as we do, we shouldn’t lose sight of how we got here.

The lessons we learned in the aftermath of the 2008 crash shouldn’t be so quickly forgotten. The crash of 2008 was driven in no small part by unfair practices in the mortgage industry which led to many consumers being trapped in loans they didn’t understand and couldn’t afford. It should come as no surprise that this was as a result of increasing deregulation of the banking industry.

So in response, Congress passed the Dodd-Frank Wall Street Reform and Consumer Protection Act. Dodd-Frank, which was passed into law last year, sought to rein in abusive practices, protect American consumers, and prevent future meltdowns. One of the bill’s centerpieces was the establishment of the Consumer Financial Protection Bureau. The CFPB is the first Federal financial regulator devoted solely to looking out for the best interests of American consumers and to do so before a crash and before any taxpayer-funded bailouts are necessary.

The CFPB’s mission is a commonsense one. The CFPB is tasked with en-

suring that consumer financial markets are fair and competitive; that consumers have clear information about financial products; that financial practices are not unfair, deceptive, or abusive; and that consumer financial regulations are improved and streamlined. The CFPB seeks to empower American consumers to make the best financial decisions for their families, and that can only help out our Nation as a whole.

Several months ago, on the 1-year anniversary of the enactment of Dodd-Frank, there was good news and bad news. The good news was that the CFPB officially opened its doors. It has already hired staff and begun some of its work. In fact, a while back I met with Mrs. Holly Petraeus, who is heading up the Office for Service Member Affairs at CFPB. She wanted to discuss a few problems that disproportionately harm members of our armed services.

We talked about ways to educate servicemembers about the potential downfalls of certain types of loans. This is exactly the type of work I am so happy that the CFPB has begun. That would be the good news.

The bad news is the CFPB still does not have a Director. Under Dodd-Frank, the CFPB cannot fully do its job until a Director is in place. It can do some things, but it will be limited until the Senate confirms a nominee. President Obama has nominated Richard Cordray. Rich is an impressive figure, and he has my full support.

Rich Cordray has been on the front lines protecting homeowners from risky and sometimes illegal practices of mortgage servicers. In 2009 he was the first State attorney general to take on a mortgage servicer for violating consumer laws.

Last year, he continued his strong record of standing up for homeowners when he represented the people of Ohio against GMAC Mortgage for signing thousands and thousands of affidavits allowing foreclosures to proceed despite the fact that nobody at the company had any knowledge of these cases. So I want Rich Cordray at CFPB to put his previous expertise to work.

During his tenure as attorney general, he also took on the credit rating agencies on behalf of Ohio’s pensioners. Because of the rating agencies’ reckless behavior, hard-working Ohioans lost over \$450 million from their pensions. Rich Cordray is exactly the kind of strong consumer advocate that CFPB needs.

Further compounding the bad news is that most of my colleagues on the other side of the aisle have vowed to oppose any nominee until the CFPB is substantially altered—literally any nominee. They claim that changes to the CFPB need to be made before they will even look at a nominee. The proposed changes supposedly rectify the unprecedented authority—unprecedented authority—granted to the CFPB

and impose real checks on that authority. In fact, the CFPB is subject to unprecedented limitations. It is the only banking regulator with rules that are subject to veto power by a group of other regulators, the only banking regulator subject to Small Business Regulatory Enforcement Fairness Act panels, and the only banking regulator with a budgetary cap.

We already have had this debate. During the consideration of Dodd-Frank last year, there were attempts to weaken the CFPB, and those attempts were defeated. Now the people who lost that debate are taking a second crack at consumers and trying to bring down this Bureau. Only this time, instead of debating on the Senate floor, they are hijacking the advice-and-consent function of the Senate. Is that a precedent that we want to set? I do not believe that is what the Founders of this great Nation conceived when they gave this function to the Senate.

I urge my colleagues instead to consider this nominee on his merits. Rich Cordray has demonstrated he is looking out for middle-class families. He is looking out for homeowners who have been scammed by mortgage servicers. He is looking out for pensioners who have lost their pensions at the hands of Wall Street recklessness. He has been endorsed by former Republican Senator and current Ohio attorney general Mike DeWine. He is exactly—exactly—the type of person we need at the helm of this critical Bureau, and this Bureau cannot do its job until he is confirmed.

I hope my colleagues will reconsider their position and instead do what is right for American consumers. I hope my colleagues will join me in supporting Rich Cordray to be the first Director of the Consumer Financial Protection Bureau.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. MANCHIN). The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. CARPER. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mrs. HAGAN). Without objection, it is so ordered.

#### DELAWARE DAY

Mr. CARPER. Madam President, today is Delaware Day. Something very important for our State and our Nation occurred on December 7, 1787. Senator COONS is here. I ask him to take a moment and share with our colleagues what that was all about. What happened then at that Golden Fleece Tavern?

Mr. COONS. I thank the Senator for entering into this colloquy about Delaware Day. As some folks may know, if you look at the Delaware flag, as the

Senator mentioned, there is the date, December 7, 1787. That is the day 30 Delawareans, elected delegates, gathered at the Golden Fleece Tavern in Dover and voted unanimously to make Delaware the first State to ratify the U.S. Constitution. That is why our State moniker is—

Mr. CARPER. The First State.

Mr. COONS. Yes, the First State.

Mr. CARPER. The small wonder. Thirty of those guys who were there that day—I would like to say they were drinking hot chocolate. I am not sure what they were drinking at the Golden Fleece Tavern, but the outcome was a good one. For one whole week after that, Delaware was the entire United States of America. Who was next, Pennsylvania? Maybe Pennsylvania, maybe New Jersey. Then the rest followed and I think, for the most part, it turned out pretty well.

Mr. COONS. One of the things I have always been struck by is that it was 11 years before that that Delaware actually, on Separation Day, on June 15 of 1776, acted both to declare its independence from Pennsylvania and its independence from the King of England, and by doing so acted in an incredibly risky way because, of course, had the Continental Congress on July 4 not chosen to ratify the Declaration of Independence, Delaware would have stood alone, and arguably hung alone, for having taken the risk of stepping out first.

Delaware has a tradition of being first—first in declaring its independence and acting to secure its independence, and in ratifying the Constitution, which set the whole structure that ended the debate over the Articles of Confederation and moved toward the Federal system, one where we look to each other as States and look to this government for the provision of and the securing of our liberty through the balance of justice and liberty that we rely on so much. What else are we doing to celebrate this great day?

Mr. CARPER. The Constitution that was ratified that day—the thing about it is that it is the most enduring Constitution of any nation on Earth, the most copied or emulated Constitution of any nation on Earth as well, and a living document that provides for us to change and update as time goes by. It is remarkable, the role we played in getting the ball rolling in this great country of ours.

I want to go back to July 1776, if I can. Not far away from the Golden Fleece Tavern, there was a guy named Caesar Rodney, who rode his horse. Does the Senator want to share that story?

Mr. COONS. That made it possible for our delegation to be represented in Philadelphia and for us to commit to the Declaration by breaking a tie between the other representatives of Delaware in the Continental Congress.

Mr. CARPER. If you look at the back of the Delaware coin, you might say why is Paul Revere on the back of that coin? Well, that is not Paul Revere, that is Caesar Rodney riding the horse from Dover to Philadelphia. For people who are familiar with Dover Air Force Base, where big planes come in—the C-5s and C-17s that fly all over the world—as you come in on the approach, the runway heading north-northeast to land, you are very close to flying over an old plantation house where a guy named John Dickinson used to live. There is a John Dickinson high school in Delaware, which was named after him. He was also a guy who was involved in the Constitutional Congress and also involved in the Declaration of Independence, and the penman of the Revolution. So if you think about it, there at the Golden Fleece Tavern, the Constitution was ratified. Caesar Rodney, from Dover, departing from not far from there, casts the tie-breaking vote for the Declaration of Independence, and the penman of the Revolution, growing up in what is now the Dickinson plantation. There is a lot of history there, especially for a State that doesn't have a national park.

Mr. COONS. Although we have a senior Senator who is tireless in his effective advocacy of our State.

Mr. CARPER. Maybe we can do something about that with the Senator's help and that of Congressman CARNEY, and our colleagues in the Senate and the House—and maybe including the Presiding Officer from North Carolina. In closing, believe it or not, the economic value of national parks is actually charged for every one of our States.

The most visited sites in the United States among tourists from foreign countries are our national parks. The economic value to the State of North Carolina—I was told last year—from their national parks was \$700 million. Not bad.

Mr. COONS. If I might, later today we are having our first Delaware Day reception in one of the Senate buildings. It is a way for us to promote and celebrate what is great about Delaware.

One of the things I treasure most about Delaware is our unique political culture—a culture that focuses on consensus, on reasoned compromise, on bringing folks together across from what is, in some other places, a sharp partisan divide to find reasonable, principled paths forward to tackling the challenges that face our State. It is that consensus, commonsense approach I know my senior Senator brought to his two terms as Governor and has brought to the Senate. Our Congressman, who was on national television this morning with a Republican co-sponsor of an initiative, has also made that a hallmark of his tenure. I know our Governor has as well.

I wanted to suggest that one of the things that makes Delaware unique, special, valued, and first isn't just our agricultural products, it isn't just our great and enjoyable food products, and it isn't just our unique history in the beginning of our country but it is also how we continue to find ways to build bridges across the divide that so many Americans watch us in the Congress wrestling with at this moment and that I think, in our home State, we have managed to find a good path forward.

Mr. CARPER. Madam President, we call this the Delaware way. As my colleague from Delaware knows, whenever I run into people who have been married a long time—50, 60, 70 years—I ask them what is the secret to being married so many years. They give some funny answers, but they also give some very pointed answers. One of the best answers I have heard—and I hear it over and over—as the reason why they have been married such a long time is because of the two Cs. I say: What are the two Cs? They say, “Communicate and compromise.”

I would suggest that is what we do pretty well in our State. It is not only good advice for creating an enduring marriage, but it would also be good advice for us in this body, in this town, to do a better job—both parties—at communicating and compromising. We show, I think every day, in our State, if we do those things, take that seriously, the result is pretty good. We could get a better result here if we keep that in mind.

With that, I think we have said our piece. It is Delaware Day, one more time, and may the spirit of Delaware and the Delaware way permeate this place as well.

I have enjoyed being with my friend and colleague in this colloquy.

Mr. COONS. I thank my colleague.

Mr. CARPER. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. HARKIN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### NOMINATION OF RICHARD CORDRAY

Mr. HARKIN. Madam President, I have come to the floor on numerous occasions this year to discuss the distressed state of America's middle class. In fact, in our committee, we have had a series of hearings looking at the state of the middle class and what is happening to the middle class in America. In recent decades, our Nation's once secure middle class has struggled in the face of stagnant wages, declining

job security, rising indebtedness, and disappearing pensions, not to mention sharply higher costs for health care, education, food, and energy.

It wasn't always this way. In the three decades after World War II, America's middle class grew rapidly. Incomes rose steadily as the middle class secured its fair share of the expanding national wealth. The Federal Government invested generously in infrastructure building, innovation, and education, vastly expanding opportunity for people to move into the middle class. America became a more equal, fair, and just society, built on a solid bedrock of a strong middle class.

I am an example of that. My father had an eighth grade education. He was a coal miner. My mother was an immigrant with very little formal education. Yet their three children were able to go to good schools, get good jobs, and get an education. All three of their children graduated from Iowa State University, a great land grant college, because it didn't cost very much and we could afford to go there and we were able to enter the middle class from those humble beginnings.

But beginning in the 1970s, much of that progress started to come to a halt. Our manufacturing base declined, and the U.S. economy became increasingly dominated by financial markets and Wall Street—a trend that was accelerated by ill-advised deregulation. Soaring profits and sky-high salaries attracted more of our Nation's best and brightest to pursue careers in finance at the expense of engineering, teaching, and public service.

Wall Street bankers were emboldened by deregulation. They were incentivized by huge salaries and bonuses to take ever greater risks, and they devised ever more exotic and risky investment schemes. As we all know, in 2008, this frenzy of greed and recklessness culminated in the catastrophic meltdown of our Nation's financial system. This economic crisis was a hammer blow to our already struggling middle class. The value of Americans' homes and retirement accounts plummeted, millions lost their jobs or were forced into foreclosure, and hopes for the future dimmed.

In the wake of this financial crash, with its pervasive damage to the middle class, the American people demanded action to rein in the worst abuses of Wall Street and to prevent a replay of 2008. This led to the Dodd-Frank Wall Street Reform and Consumer Protection Act—let me repeat that, the Wall Street Reform and Consumer Protection Act—the most sweeping reform of our financial system since the Great Depression. For hundreds of millions of American consumers in their everyday lives, no aspect of this law is more important and transformative than the creation of the Consumer Financial Protection Bu-

reau. Again, read the words of the legislation. It is the Wall Street Reform and Consumer Protection Act. Therefore, a big part of the bill was to build in consumer protections, and one of those was to create the Consumer Financial Protection Bureau.

I have come to the floor in strong support of the nomination of Richard Cordray to be Director of this Consumer Financial Protection Bureau. The idea behind this bureau is very simple. We need a cop on the beat looking out for the best interests of consumers who use financial products, just as we have regulators looking out for the financial health of banks.

A strong Consumer Financial Protection Bureau will ensure consumers are not lured into debt through hidden fees, for example. It will simplify disclosures and reduce paperwork so consumers aren't faced with mountains of paperwork they can't understand. It will oversee providers of consumer credit, such as payday lenders, which for years have acted like banks without facing any kind of banking regulation. Additionally, as student debt surpasses credit card debt as the largest source of consumer debt—which has already happened, by the way, that student debt right now is larger than credit card debt—this Consumer Protection Bureau can play a critical role in helping families better understand the increasing challenges of facing a college education and financing it as well as bringing some sanity to the private student loan marketplace.

Finally, a key function of the Consumer Financial Protection Bureau will also provide help to our veterans through the Office of Service Member Affairs. Sadly, too often our servicemembers fall victim to abusive financial traps upon their return home. The Bureau has made an outstanding choice for leadership of this office with the selection of Mrs. Hollister Petraeus. But cynically, my Republican colleagues have chosen to protect the unscrupulous lenders that prey on military families. They would rather neuter the entire agency, have no Director, than to fully empower Mrs. Petraeus to protect military personnel and their families from all forms of predatory lending activities.

These steps are essential elements of helping to tilt the scales of our economy back into balance so that once again we put the interests of the 99 percent of Americans who use financial products ahead of the 1 percent who profit from them.

I was deeply disappointed when our Republican colleagues voted against the Wall Street reform bill that should have been overwhelmingly a bipartisan bill. But now the bill is law, and guess what. My Republican friends are doing everything in their power to prevent it from doing its important job.

Earlier this year, 44 Republican Senators served notice that they would not

confirm anyone—let me repeat, they would not confirm anyone—to the position of Director unless structural changes are made to the Bureau that would effectively take away its ability to stand up for consumers. The changes they have demanded are unfair and unreasonable. No other independent financial regulator has its rules subject to veto by other regulatory agencies. To suggest that the only regulator with a primary mission to protect everyday hard-working Americans should face unprecedented levels of oversight simply does not make sense. Once again, the Republicans have brazenly put the interests of Wall Street, payday lenders, and unscrupulous mortgage lenders ahead of the interests of Main Street consumers.

To restore the American economy to its place, we need a financial system that works for them. This means a financial system where consumers choose services based on a full and transparent understanding of the costs of those services. But absent a Director, the Consumer Finance Protection Bureau won't be able to supervise payday lenders, debt collectors, or private student lenders. They won't be able to make it easier for the good actors in the financial system—our community banks, for example, or our credit unions—to compete against those who are making a large profit by unfairly taking advantage of unsuspecting consumers.

Richard Cordray is a superb choice to serve as the first Director of this Bureau. As attorney general of Ohio, he was a strong and fair advocate for consumers. His work has earned him the endorsement of bankers, CEOs, and civil rights leaders across the State of Ohio. He is a public servant of the highest caliber who deserves to be given the opportunity to lead this critically important Bureau.

As a matter of fundamental fairness to hard-working Americans on Main Street, we need an effective, evenhanded Consumer Financial Protection Bureau. Mr. Cordray deserves the opportunity to lead this new Bureau.

I call upon my Republican colleagues, at long last, to put the interests of consumers ahead of the interests of those whose reckless pursuit of profits and bonuses have caused so much harm to our society and economy. I call upon my Republican colleagues to ignore the legions of Wall Street lobbyists who are urging them to disable and, if possible, kill the Consumer Financial Protection Bureau.

Richard Cordray is a dedicated and impartial public servant who will put the best interests of American consumers first. We should give him that opportunity. I hope my colleagues will join me in strongly supporting his nomination.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Mississippi.

#### THE ECONOMY

Mr. WICKER. Mr. President, we are now as a country squarely in the middle of the Obama economy. It is a period of slow growth, persistently high unemployment, with many potential workers having abandoned the playing field and simply given up looking for work.

There is a growing awareness among our countrymen that the policies of President Obama—the policies enacted during the first 2 years of his administration under Democratic supermajorities—have made matters worse.

We have legitimate disagreements in this Capitol concerning the solutions to the problems we are experiencing with the Obama economy. My colleagues and I on this side of the aisle would enact aggressive regulatory reform, an expansive energy policy, and we would vastly limit the size and scope of the Federal Government. That is our plan, and it is a plan about which we could have genuine disagreements.

What I want to talk to my colleagues about today, though, is what I would suggest is a manufactured dispute over this issue of the extension of the payroll tax. That is an issue on which really there is a wide consensus on the Democratic side of the aisle, over here on the Republican side, and down the hall in the other body.

The President said only a few months ago that it is not wise to raise taxes on anyone during a recession. And we certainly are in a recession. In recent weeks, the President has suggested that perhaps he has abandoned this position and changed his mind and that we should perhaps raise taxes on some people even though we are still in a recession. But Republicans have consistently agreed with what the President said earlier: We are in a recession, and this is no time to raise taxes on anyone. This means we shouldn't raise taxes on the working poor. It means we shouldn't raise taxes on employees working on the assembly line or working in the retail sector. It means we should not raise taxes on job creators. We should not raise taxes on investors on whom we depend to provide the capital to create jobs. We shouldn't raise taxes on anybody because we are in a time of recession.

Let's put this into a historical context. Last December, at a time when Democrats still had supermajorities over here in the Senate, when Speaker PELOSI was still in charge in the House of Representatives with her majority there, this Congress on a bipartisan basis enacted legislation to keep in place the Bush-era tax cuts, to leave those rates in place for all Americans at whatever income level, and we also on a bipartisan basis enacted a cut in the payroll tax. This is the Social Security tax that all workers pay regardless of income, the so-called FICA taxes that you see on your pay stubs.

Last December, that tax cut dropped the payroll tax for employees from 6.2 percent to 4.2 percent. I supported that. Republicans and Democrats supported that. It is up for renewal, and there is a huge majority of Members of the House and Senate who want to renew that. The distinguished majority leader, Senator REID, however, has suggested that not only do we keep the lower rate of 4.2 percent rather than 6.2 but we actually lower that FICA tax to 3.1 percent.

We can have an extension of the current FICA tax rate. Democrats know it, the White House knows it, and the Republican conference knows it. But one problem must be addressed, and I think both parties want to address this: We need to offset the cost to the Social Security trust fund of these lower payroll tax rates. Why do we need to do this? Because when the law says we are really supposed to be taking in 6.2 percent and putting that in the trust fund to make the Social Security Program as solvent as possible and we lower that to 4.2 percent or to less, as the majority leader wants to do, it amounts to a drain on the Social Security system. I think the last thing we want to do with a weak system, which we know can't come out in the end, is to put further pressure on the Social Security trust fund. So both parties have proposed to offset, or pay for, a continuation of the payroll tax cuts.

Last week, the White House unveiled a digital clock at the top of its Web site that counts down to the date when the payroll tax cuts will expire at the end of the year. This somehow suggests that someone in this town wants the payroll tax to go back up to 6.2 percent. This is pure political gamesmanship. We can have a bipartisan solution to keep the payroll tax at 4.2 percent, but we must pay for it.

The distinguished majority leader, Senator REID, had a proposal last week not only to lower the payroll tax to 3.1 percent but to pay for it by raising taxes on someone else. This violates what the President said several months ago: We don't need to raise taxes on anyone.

We can pay for a continuation of this, as Republicans have proposed to do, by offsetting it with smart spending cuts, a freeze in Federal pay, a reduction in the Federal workforce, and means testing of some benefits at the upper income levels. We proposed this last week, but it was shot down by the majority in this body with, to me, a contrived plan to actually lower the payroll tax and shift those taxes to someone else.

We are told that this week, just like last week, we are going to have some more political theater. The majority leader will propose once again a tax increase on others so that we can keep this payroll tax cut, and we will propose a side-by-side which is essentially



the pay-for plan to keep the tax rate as it is. Both of these will fail because the majority leader intends for them to fail, and essentially we will have wasted 2 weeks at the end of this session of Congress by creating a manufactured disagreement for the sake of scoring political points.

Maybe after we get this week over with and we have had yet another week of gamesmanship, the Senate can get down to the business of passing a simple extension of the payroll rates in their current form and to offset that action with savings. There is an absolute majority in the Senate and in the House to do just that. In doing so, we can end 3 weeks of political theater with the Democrats trying to score points for 2012.

I wish we could fast-forward to next week and get this important piece of legislation done and enact a continuation of the payroll taxes that a vast majority of Republicans and Democrats support.

The PRESIDING OFFICER (Mr. WHITEHOUSE). The Senator from Louisiana.

#### NATIONAL FLOOD INSURANCE PROGRAM EXTENSION

Mr. VITTER. Mr. President, last week I came to the floor and urged all of my colleagues on both sides of the aisle to come together in a commonsense, bipartisan way and extend for a significant period of time the very important National Flood Insurance Program. That program, which is essential to the country, involves a lot of properties essential to real estate closings, to allow that important part of our economy to happen as we struggle to get out of this recession. That program would otherwise expire 1 week from this Friday.

I also wrote Senator REID that same day, as I came to the floor, urging him to support this legislation, extending this vital program, to be passed quickly, hopefully unanimously, through the Senate.

The good news is that I have reached out to many folks—Democrats and Republicans—since then, and we have continued to build consensus to do that, to make sure there is no threat of the National Flood Insurance Program lapsing yet again, as it did, unfortunately, four times in 2010—no good reason—for a total of 53 days. Every time that happens or is even threatened to happen, within a few days there is great chaos and uncertainty in the real estate market. Good closings are put off. Our economy slows down for no good reason, as we need every closing in sight to do exactly the opposite and to improve the economy. Again, the good news is that we have built consensus, and I think we have reached consensus to avoid that sort of lapse. So I return to the floor today to get that formally done.

I ask unanimous consent that the Senate proceed to the immediate consideration of S. 1958, my bill, to extend the National Flood Insurance Program well into next year, to May 31, which I introduced earlier today.

The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (S. 1958) to extend the National Flood Insurance Program until May 31, 2012.

There being no objection, the Senate proceeded to consider the bill.

Mr. VITTER. Mr. President, I know of no further debate on this measure. I will have a few closing comments after we formally pass it, but I urge its passage.

The PRESIDING OFFICER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading and was read the third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall the bill pass?

The bill (S. 1958) was passed, as follows:

S. 1958

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. EXTENSION OF THE NATIONAL FLOOD INSURANCE PROGRAM.

(a) PROGRAM EXTENSION.—Section 1319 of the National Flood Insurance Act of 1968 (42 U.S.C. 4026) is amended by striking “September 30, 2011” and inserting “May 31, 2012”.

(b) FINANCING.—Section 1309(a) of the National Flood Insurance Act of 1968 (42 U.S.C. 4016(a)) is amended by striking “September 30, 2011” and inserting “May 31, 2012”.

(c) REPEAL.—The Continuing Appropriations Act, 2012 (Public Law 112-36; 125 Stat. 386) is amended by striking section 130.

Mr. VITTER. Mr. President, I ask unanimous consent the motion to reconsider be considered made and laid upon the table and any statements be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. VITTER. Mr. President, in closing, I thank everyone, on both sides of the aisle, who worked in a very commonsense way to get this done. Again, sort of the worst case scenario is what we all experienced in 2010. Four different times in 2010 the program actually lapsed, a total of 53 days. More times than that it came within a few days of lapsing and created great uncertainty in the real estate market.

We do not need any of that. We have been trying to struggle out of a recession and a very bad economy which has been led by a real estate downturn. We need every good closing we can get. Giving the market this certainty over a week before it would otherwise expire is very good as we try to create that certainty and build a better economic climate.

I am happy we came together in a commonsense bipartisan way to extend the National Flood Insurance Program, as is, to May 31. Let me also say in closing I strongly support a full 6-year reauthorization of the program. I have worked on that bill with many others in the relevant Senate committee, the Senate Banking Committee. We have reported a good bill out of committee. I want to get that to the Senate floor and merge it and compromise it in some reasonable way with the House reauthorization.

We need a full-blown 6-year reauthorization of the program with significant reforms. That was obviously not going to happen between now and a week from Friday. It is obviously not going to happen a month or two into the new year. So we needed to create the certainty this extension will create as we continue to work on that full reauthorization.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### MIDDLE CLASS TAX CUT ACT

Mrs. MURRAY. Mr. President, I come to the floor this evening to urge my colleagues to support legislation to extend and expand the payroll tax cut on which middle-class families across America depend. Last week Democrats brought a bill to the floor that would have not only accomplished this goal for our workers, it would have also cut the payroll tax for half of our Nation's employers and eliminated it entirely for businesses who were making new hires.

To pay for this proposal, Democrats proposed a small surtax on millionaires and billionaires; that is, people who are earning more than \$1 million a year. In order to extend and expand the critical tax break for middle-class families and small businesses owners, we thought it right to call on the wealthiest among us—those who can afford it—to pay just a little bit more at a time when a vast majority of Americans are struggling.

Our bill set up a choice, and we thought it was an easy one: Do you vote to extend critical tax cuts for middle-class families or do you vote to protect the wealthiest Americans from paying one penny more toward their fair share?

Unfortunately, almost every Senate Republican chose to side with the richest Americans and filibuster our middle-class tax cut bill. In a surprising



development, their leadership's own bill to simply extend the middle-class tax cuts while protecting the wealthiest Americans was opposed by the majority of Republicans.

Republicans spent months on the Joint Select Committee on Deficit Reduction saying that the tax cuts for the wealthiest Americans should be made permanent, that the wealthiest Americans and biggest corporations should get even deeper tax cuts, the tax cuts for the rich should not be paid for and should be simply added to the deficit, and that a pledge made to a Republican lobbyist named Grover Norquist gave them no choice but to support tax cut extensions.

So I have to say I am truly disappointed to see, once again, that this apparent concern for tax cuts only seems to extend to millionaires and billionaires. Now that a break for the middle class is on the verge of ending in a few short weeks—potentially causing deep harm to our weak economy—those Republicans who fought tooth and nail for tax cuts for the rich are nowhere to be found. In fact, many of them are actively opposing it.

Republicans seem to be operating under the backwards economic principle that only tax cuts for the richest Americans and biggest corporations are worth fighting for. In fact, they have a name for that group of people. They call them the job creators. They believe the only ones who create jobs in America are the rich, and they claim the tax cuts and loopholes they fight for that benefit the wealthy will somehow trickle down to the rest of us.

Well, that is wrong. We know the Republican economic policy has failed us. It was this kind of thinking that turned a surplus into a deficit, that brought our economy to its knees, that failed our middle class and allowed the wealthiest Americans to amass record fortunes, paying the lowest tax rates in decades. It is the wrong way to go. Americans know it and our country has the scars to prove it.

A constituent of mine named Nick Hanauer recently published an op-ed in Bloomberg Businessweek that speaks to this point exceptionally well. Nick is a businessman. He is a venture capitalist in Seattle. He helped to launch more than 20 companies, including amazon.com, and he has a deep understanding of 21st-century jobs and the innovation economy.

Nick wrote that it is not tax cuts for the rich that create jobs—and I want to quote him. He says:

Only consumers can set in motion a virtuous cycle that allows companies to survive and thrive and business owners to hire. An ordinary middle-class consumer is far more of a job creator than I ever have been or ever will be.

He advocates ending the tax breaks for the rich and using some of that savings to give average working families a

break and put more money in their pockets. Nick's logic is clear, and it makes economic sense. It is in line with what the American public believes, and it is exactly why this middle-class tax cut needs to pass.

So while I strongly supported our last bill that would have extended and expanded this tax cut on both workers and employers, it was clear that Republicans were not going to drop their filibuster. So we are back now with a compromise.

Republicans claim to be concerned that our bill was too big, so we scaled it back. They didn't like the surcharge on the wealthiest Americans, so we cut it down significantly and we made it temporary. To make it even more acceptable, we included spending cuts that both sides said were acceptable as well as their proposal to make millionaires ineligible to receive unemployment insurance and food stamps.

The compromise that is before us is fully paid for. It extends and expands payroll tax relief for millions of middle-class families in our country. It will create jobs and provide a critical boost for this economy at a time when we desperately need it.

So I continue hoping that our Republican colleagues will be as focused on tax cuts for the middle class as they are for the wealthiest Americans and largest corporations. I hope they stand with us to pass this critical legislation in time for the holidays because that is what American families want.

I thank the Chair.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MERKLEY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### CORDRAY NOMINATION

Mr. MERKLEY. Mr. President, tomorrow we will be voting on whether to close debate on the nomination of Richard Cordray as Director of the Consumer Financial Protection Bureau. This vote can be framed in terms of his qualifications, but that would be a mistake because folks on both sides of the aisle have noted he is exceptionally qualified for this position. He is a graduate of Michigan State University, of Oxford University, and the University of Chicago Law School, where he was editor in chief of the University of Chicago Law Review.

In addition, he has held a number of public positions with honor and distinction as State representative, as Ohio's treasurer, as Ohio attorney general. Indeed, as Ohio's attorney general, he was an aggressive advocate for

consumers. He recovered more than \$2 billion for Ohio's retirees, investors and business owners and took major steps to help protect its consumers from fraudulent foreclosures and financial predators. What a terrific resume. He is an individual who has stood up for retirees, business owners, and investors. He has said fraud will not be tolerated. We will seek it out and we will penalize it and we will end it. In other words, it is exactly the resume of someone we would want to head a consumer financial protection department or division or bureau.

Why are we voting tomorrow to end debate? Why don't we just have a unanimous consent agreement that we go to a final vote? The answer is, my colleagues across the aisle are objecting. They are objecting to a vote on his nomination not because he isn't qualified but because they want to prevent this agency from doing its job: protecting America's families against predators. I cannot think of many issues that are so important to the success of our families as making sure they are not subject to financial predators. Yet my colleagues across the aisle are opposing this nomination in order to protect the predators preying on America's families. That is just plain wrong. I hope they will change their position before tomorrow.

Let's turn the clock back to 2003. In 2003, a new type of mortgage was invented in the United States. This was a mortgage that had a 2-year teaser rate—a very favorable, low rate—so as to serve as the bait for mortgage originators to say to their clients: This is the best mortgage for you because it has the lowest rate. But what the originators didn't tell their clients was that after 2 years, that rate exploded to a very high interest rate—a predatory rate—and they couldn't get out of the mortgage because the mortgage had a little sentence in it that said they have to pay a huge penalty if they try to refinance this mortgage. That penalty was 5 or 10 percent of the value of the loan. Show me a working family in America who buys a house, puts down their downpayment, makes their repairs, gets moved in, and still has 10 percent of the value of the house sitting in the bank, able to pay a penalty so they can get to a fair interest rate after the interest rate explodes.

So this new mortgage turned the humble, amortizing, family mortgage that had been the pathway for the middle class, for millions of American families, into a predatory trap that destroyed families and that created a lot of wealth for the 1 percent who run the system in our society. Have no doubt, that 1 percent got in, in every possible way. They said: Let's package these predatory mortgages and sell them and then let's take pieces of those packages and combine them with pieces of other security packages and resell them and

then let's develop a brandnew insurance industry that insures securities. This insurance is what is often called credit default swaps or derivatives, which are fancy names for insurance on these packages and mortgages. So then they said let's thereby make them very attractive to pension funds and investors across the world. This was so successful that those who were buying the mortgages were willing to pay a huge bonus to the mortgage originators to steer families away from the very successful, humble, amortizing, fixed-rate mortgage into this predatory, exploding interest rate mortgage, all the time posing as the family's counselor, saying it is my job to do what is best for you.

Why did this predatory practice in 2003, that grew enormously over the next 4 years, continue to go on? What happened to oversight of fairness, and what happened to the agency that was supposed to shut down predatory practices? That agency was the Federal Reserve and the Federal Reserve is a very powerful organization. The Federal Reserve has two responsibilities: employment and monetary policy. Those are the traditional responsibilities, but they were given a third, which is consumer protection. Somewhere in that vast, powerful agency on the upper floor, the head of the Federal Reserve and his key advisers were hard at work on monetary policy, deciding what interest rates they would lend to our major banks, and they were hard at work, we would hope, on the employment side as well. But they seemed to have forgotten they were also responsible for consumer protection. That mission was set aside. It was put down in the basement of the building and the lights were turned off and the doors locked and they did absolutely nothing about these predatory practices that were destroying the finances of millions of Americans, that were betraying the fundamental relationship between a family and its trusted mortgage originator who was getting bonus payments for steering them into these loans. They did absolutely nothing about a number of other predatory practices.

That is why the Consumer Financial Protection Bureau was created. It doesn't have other responsibilities to distract it. It isn't going to take the fate and success of our families and lock that mission down in the basement and turn out the lights because this is the heart of why this bureau exists.

This vote tomorrow is about whether we believe in the family value of fair deals that build the success of our families or whether we believe in the 1 percent exercising full predatory practices to destroy the financial lives of Americans, destroy the financial lives of our veterans for standing up for us in war and who are often a highly targeted

group when it comes to these types of mortgage practices and these types of payday practices.

This is an important vote tomorrow. It is not a vote about the qualifications of the nominee because the nominee has the right set of skills to be highly qualified in a number of directions. It is a vote about whether, in America, one believes it should be OK to be a predator or not OK. I believe it is not OK. I believe States and the Federal Government should do all they can to make sure deals are fair, to make sure there are not conflicts of interest, to make sure there are not payments that are undisclosed to a customer, to make sure there are not hidden clauses to convince customers by their trusted advisers to sign documents which cause the destruction of families' financial lives over the next 10 to 20 years as a result of that trust. Fairness matters to the success of our families.

We should have a unanimous vote tomorrow to end this debate and get on to the final vote of whether to confirm a very distinguished and capable and honorable man who is prepared to fight for the success of American families.

I thank the Chair.

#### DEFENSE AUTHORIZATION

Mr. CASEY. Mr President, I would like to express my support for the Menendez amendment, which passed 100 to 0 and would sanction the Central Bank of Iran. I was proud to be an original cosponsor of this important legislation. The Islamic Republic of Iran has proven through its recent behavior its blatant disregard for its international commitments to the IAEA and for the universal declaration of human rights. Iran is a serious threat to the security of the United States, the Middle East, and the world.

Last month's IAEA report on Iran said that the Agency had credible information that Iran may have worked on developing nuclear weapons. This is the most damning report yet on Iran's nuclear program and has served as a wake up call to the world. The United Kingdom has responded with tough sanctions. Italy and France have expressed support for tougher measures.

This opinion has been held by many here in the Senate for a long time. That is why we in the Senate have been so persistent in our efforts to pursue tougher sanctions to isolate Iran. This is why we continue to strive to provide all the tools necessary to ensure that maximum pressure is brought to bear on the regime in Tehran.

I appreciate the administration's efforts to engage with the Iranian regime since coming into office. The administration has made serious efforts to diplomatically engage Tehran officials. But the regime has rejected requests by the United States and international community for true dialog. Regret-

fully, I do not think dialog will work with this regime.

The IAEA report was a culmination to months of events that showed Iran's brazen disregard for international norms. In October, the regime planned to assassinate the Saudi Ambassador to the United States. The Iranian regime sought to kill a senior foreign official on U.S. soil.

There must be consequences for the planned attack on the Saudi Ambassador. There must be consequences for Iran's nuclear conduct as evidenced in the new IAEA report. This amendment makes these consequences clear.

I am concerned that the administration's November 21 sanctions response is not adequate in responding to this new information on Iran's intentions. European countries, led by the United Kingdom and France, have called for sanctioning of the Central Bank of Iran. My question to the administration is this: does the IAEA report indeed reflect a turning point for U.S. policy? And if so, what should the United States do to address this looming threat? The administration's announcement of new sanctions on November 21 is a good step, but the United States must take this one step further and sanction Iran's Central Bank. If the IAEA report does not indicate that we have turned a corner with respect to this critical national security threat, I don't know what does.

This administration has taken unprecedented measures to isolate the Iranian regime. It understands the threat posed by a nuclear Iran. And while I appreciate the administration's focus on this issue at this critical juncture in history, I believe that we must do more.

This amendment would restrict U.S. financial institutions from doing business with any foreign financial institution that knowingly conducts financial transactions with Iran's Central Bank. With this amendment, we are hitting Iran where it hurts. Eighty percent of Iran's hard currency comes from crude oil sales, which depend on transactions through the Central Bank. The Central Bank of Iran is complicit in Iran's nuclear program. This amendment also has measures that would ensure that the oil markets are not affected by isolation of the Iranian oil industry. The amendment also requires the President to start a "multilateral diplomacy initiative" to convince other countries to cease oil imports from Iran.

It has become increasingly clear in the past month that the international community cannot negotiate with the current leadership in Iran, which has proven incapable and unwilling to abide by its international commitments. This was made crystal clear by the planned attack on the Saudi Ambassador, credible evidence of illegal nuclear activity in the IAEA report, and the attack on the British Embassy.

I believe that we have turned a corner in how we should regard this regime in Iran.

This means that in addition to severe sanctions, the United States should renew its support for democratic activists in Iran. Amid the remarkable change taking place across the region, the United States should clearly place itself on the side of democratic forces in Iran. Compromise with the current regime is not possible, and we, working with the international community, should work to engage fully with the democratic actors in the country. Those who ransacked the British Embassy do not represent the Iranian people. The majority of Iranians, based on the outpouring of support for the Green Movement in 2009, aspire for a different future.

We have reached a pivotal moment, and we must stand on the right side of history. We must do all that we can to prevent Iran from gaining a nuclear weapon. I am proud to have cosponsored the Menendez amendment sanctioning the Central Bank of Iran. We must make it clear that there are substantial consequences to Iran's nuclear intentions.

#### TRIBUTE TO LIEUTENANT GENERAL LOREN M. RENO

Mr. INHOFE. Mr. President, I rise today to pay tribute to an exceptional leader, superb officer, and friend, LTG Loren M. Reno, the deputy chief of staff, logistics, installations and mission support for the Air Force, as he prepares to retire after more than 38 years of dedicated and distinguished service to our Nation.

General Reno is a consummate professional and, truly, the most humble, genuine general officer whom I have had the pleasure of working with during my years in the Senate. Thankfully, I have had the opportunity to get to know him very well. We worked closely together during his two tours at the Air Logistics Center in Oklahoma City, and that relationship continued during his time back on the Air Force staff.

General Reno's accomplishments over his 38-year career have been remarkable. He is a senior navigator with more than 2,500 flying hours in the C-9, C-130, T-29, and T-43 aircraft, a master maintainer with over 24 years experience keeping the Air Force flying, and an accomplished leader of airmen. General Reno commanded two aircraft maintenance squadrons, a technical training group, and the Defense Fuel Supply and Defense Energy Support Centers, and, of course, the Oklahoma City Air Logistics Center at Tinker Air Force Base, OK.

A native of Port Jefferson, NY, General Reno graduated from Cedarville University in Ohio in 1970 and spent 4 years teaching middle school science

before attending Officer Training School. After earning his commission from OTS as the distinguished graduate and his initial training where he was also the distinguished graduate, he was assigned to the 21st Tactical Airlift Squadron in the Philippines. It was from there that he flew missions into Saigon, Vietnam, at the close of the war in 1975. His prowess as a navigator earned him selection to attend instructor training at Mather Air Force Base, CA, in 1978, where he once again graduated as a distinguished graduate. His subsequent performance as an instructor earned him the award as the Instructor Navigator of the Year in 1979.

Next, General Reno worked in legislative affairs on the Air Staff in the Pentagon and then for Air Mobility Command from 1981 to 1985. Following his staff tour, General Reno moved to Dyess Air Force Base, TX, in 1985 where he continued to shine on the ground and in the air as the chief navigator for the 773rd Tactical Airlift Squadron. It was during this assignment that he left the navigator career field and cross-trained as an aircraft maintenance officer. In 1987, General Reno took command of the 463rd Avionics Maintenance Squadron and then the 463rd Field Maintenance Squadron there at Dyess. After Air War College, he moved back to the Air Staff from 1990 to 1992, working as a program manager and as the chief of maintenance policy for the Air Force.

After two years in the Pentagon, General Reno moved back to Texas, this time to Sheppard Air Force Base, where he commanded the 396th Technical Training Group and the 82nd Training Group before moving to Fort Belvoir, VA, to work in the Defense Logistics Agency from 1994 to 1998 in positions of increasing responsibility, working on joint logistics for contingency operations and strategic programming, before being selected as the commander of the Defense Fuel Supply Center and Defense Energy Support Center.

Upon the completion of his command at the DLA in 1998, General Reno moved to my home State of Oklahoma to work at the Oklahoma City Air Logistics Center. While there, he was promoted to brigadier general and appointed as the center's deputy commander. After his first Oklahoma tour, General Reno returned to Scott Air Force Base in 2002 as the director of logistics for air mobility command. In this capacity, he was responsible for developing policy logistics plans for 14 major active air installations in the United States and 17 locations throughout the world. It was also in this position that General Reno was selected for his second star.

After this, General Reno returned to the DLA, where he served as the vice director and was responsible for providing logistics to the various military

departments and combatant commands. We were able to get him back to Oklahoma in 2007 when he returned to command the Oklahoma City Air Logistics Center, where he provided maintenance for the Air Force's KC-135s, B-1, and B-52s, as well as numerous types of aircraft engines while also commanding Tinker Air Force Base. He also helped shepherd through one of the biggest growth opportunities for the base by working with the local community to acquire an abandoned automotive plant that was located adjacent to the base. The new facility vastly increased the base's ability to accomplish the Air Force's depot maintenance mission and ushered in an era of new possibilities for Oklahoma City and the Air Force. It is this kind of performance that characterized General Reno's whole career.

Based on this performance, he was promoted to lieutenant general and sent back to the Pentagon in 2009 to be the Air Force's deputy chief of staff for logistics, installations and mission support. During that time Lieutenant General Reno demonstrated a mastery of complex issues, decisive leadership, and dedication to both mission and people. He advocated and defended over \$30 billion annually in logistics and installation programs and developed long-range strategic guidance for Air Force weapons systems, facility sustainment, military construction, and contingency support to achieve national security objectives. He led the Air Force's first-ever worldwide inventory of all nuclear components at 581 sites. This epic venture allowed the Air Force to reestablish control of more than 34,000 items valued at \$1.3 billion and was the first of many crucial logistics milestones needed to reinvigorate the nuclear enterprise, the Air Force's No. 1 priority. His leadership was invaluable to the success of the \$1 billion Expeditionary Combat Support System Program, the culmination of a decade-long effort in developing and modernizing Air Force business operations that will ultimately save the Air Force \$9 billion in supply chain costs.

Finally, as a hands-on leader and champion of airmen resiliency initiatives, he was instrumental in the creation of the Air Force's Deployment Transition Center providing a critical, strategic, physical, emotional, and spiritual respite for thousands of airmen. He provided the leadership and support to ensure outside-the-wire airmen are provided an opportunity to decompress before they return to their home station and families.

What I appreciate most about Loren is his dedication to others. He doesn't have hobbies because he works for the benefit of everyone else. He set aside hobbies like golf and instead made spending time with his children and wife his hobby. As a man of deep faith in Jesus, he sacrificed personally so he

could give extravagantly to missions and to ministry. Although General Reno's service in the Air Force will come to an end, his service to God, his family, and his country continues. I can't wait to see what's next.

On behalf of Congress and the United States of America, I thank Lieutenant General Reno, his wife Karen, and their entire family for their extraordinary commitment, sacrifice, contribution, and dedication to this great Nation during his distinguished career in the U.S. Air Force. I congratulate him on the completion of an exemplary career and wish him, his wife Karen, and their family God's speed and continued success and happiness in the future.

#### ADDITIONAL STATEMENTS

##### RECOGNIZING OLD FARM CHRISTMAS PLACE OF MAINE

• Ms. SNOWE. Mr. President, December in Maine invokes the classic images of Christmas. The wonders of children sledding down snow-covered hills and small towns enveloped in December's darkness while illuminated by the glow of twinkling lights. One of the most memorable parts of any Christmas celebration revolves around the selection and decoration of the perfect tree. Today I rise to commend and recognize the Old Farm Christmas Place of Maine, a small business that allows families throughout the Nation to enjoy the tradition of selecting and cutting down their own Christmas tree.

The Old Farm Christmas Place of Maine, located in the coastal town of Cape Elizabeth, opened in November of 2010. Jay Cox, the owner of Old Farm, purchased the historic Dyer-Hutchinson farmhouse in 2001. Built in 1790, the Old Farm stands as a testament to Maine's rich history and in 1997 was accepted into the National Registry of Historic Places. After substantial renovations to the historic property, Jay planted his first Christmas trees in the spring of 2004 on the 50-acre property. Finally, last year, with roughly 18,000 trees planted and 1,000 trees ready to be sold, Jay opened up his winter wonderland.

This small business provides a unique tree-cutting venture and invites families to experience the joy of selecting the perfect tree. At Old Farm, this is a journey that begins with a wagon ride over the farmland onto the fields where families can explore acres of the beautiful farm until they find their ideal tree. Once this perfect tree is selected, they will assist you in cutting down the tree and loading it into your car or even delivering it to local areas throughout the State. Lastly, as Maine's winters can be frigid, families can finish the experience warming themselves by the fire inside the Old Farm store while sipping delectable cider and rich hot chocolate.

Jay comes from a family of Christmas tree enthusiasts; his parents owned and operated Dun Roamin' Christmas Tree Farm in Cape Elizabeth for 25 years. That farm now makes wreaths which are sold at the Old Farm Christmas Place store. The storefront also carries several locally made Christmas decorations and ornaments to adorn households near and far, adding a new element to the traditional tree farm selection.

As opening a small business is a daunting task, Jay Cox's dedication for nearly a decade to open a Christmas tree farm and storefront reminiscent of old times and tradition is truly inspiring. I am proud to extend my congratulations to everyone at the Old Farm Christmas Place of Maine for their tremendous efforts and offer my best wishes for continued success.●

#### MESSAGES FROM THE HOUSE

At 11:35 a.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the House has passed the following bills, without amendment:

S. 1541. An act to revise the Federal charter for the Blue Star Mothers of America, Inc. to reflect a change in eligibility requirements for membership.

S. 1639. An act to amend title 36, United States Code, to authorize the American Legion under its Federal charter to provide guidance and leadership to the individual departments and posts of the American Legion, and for other purposes.

The message also announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 1021. An act to prevent the termination of the temporary office of bankruptcy judges in certain judicial districts.

H.R. 2297. An act to promote the development of the Southwest waterfront in the District of Columbia, and for other purposes.

H.R. 2405. An act to reauthorize certain provisions of the Public Health Service Act and the Federal Food, Drug, and Cosmetic Act relating to public health preparedness and countermeasure development, and for other purposes.

H.R. 2471. An act to amend section 2710 of title 18, United States Code, to clarify that a video tape service provider may obtain a consumer's informed, written consent on an ongoing basis and that consent may be obtained through the Internet.

H.R. 3237. An act to amend the SOAR Act by clarifying the scope of coverage of the Act.

The message further announced that the House has passed the following joint resolution, with an amendment, in which it requests the concurrence of the Senate:

S.J. Res. 22. Joint resolution to grant the consent of Congress to an amendment to the compact between the States of Missouri and Illinois providing that bonds issued by the Bi-State Development Agency may mature in not to exceed 40 years.

At 4:34 p.m., a message from the House of Representatives, delivered by

Mr. Novotny, one of its reading clerks, announced that the House disagrees to the amendment of the Senate to the bill (H.R. 1540) to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes, and agrees to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and appoint the following Members as managers of the conference on the part of the House:

From the Committee on Armed Services, for consideration of the House bill and the Senate amendment, and modifications committed to conference: Messrs. MCKEON, BARTLETT, THORNBERRY, AKIN, FORBES, MILLER of Florida, LOBIONDO, TURNER of Ohio, KLINE, ROGERS of Alabama, SHUSTER, CONAWAY, WITTMAN, HUNTER, ROONEY, SCHILLING, GRIFFIN of Arkansas, WEST, SMITH of Washington, REYES, Ms. LORETTA SANCHEZ of California, Messrs. MCINTYRE, ANDREWS, Mrs. DAVIS of California, Messrs. LANGEVIN, LARSEN of Washington, COOPER, Ms. BORDALLO, Messrs. COURTNEY, LOEBSACK, Ms. TSONGAS, and Ms. PINGREE of Maine.

From the Permanent Select Committee on Intelligence, for consideration of matters within the jurisdiction of that committee under clause 11 of rule X: Mr. ROGERS of Michigan, Mrs. MYRICK, and Mr. RUPPERSBURGER.

From the Committee on Education and the Workforce, for consideration of section 548 and 572 of the House bill, and sections 572 and 573 of the Senate amendment, and modifications committed to conference: Messrs. PETRI, HECK, and GEORGE MILLER of California.

From the Committee on Energy and Commerce, for consideration of sections 911, 1099A, 2852, and 3114 of the House bill, and section 1089 of the Senate amendment, and modifications committed to the conference: Messrs. UPTON, WALDEN, and WAXMAN.

From the Committee on Financial Services, for consideration of section 645 of the House bill, and section 1245 of the Senate amendment, and modifications committed to conference: Mr. BACHUS, Mrs. CAPITO, and Mr. ACKERMAN.

From the Committee on Foreign Affairs, for consideration of sections 1013, 1014, 1055, 1056, 1086, 1092, 1202, 1204, 1205, 1211, 1214, 1216, 1218, 1219, 1226, 1228-1230, 1237, 1301, 1303, 1532, 1533, and 3112 of the House bill, and sections 159, 1012, 1031, 1033, 1046, 1201, 1203, 1204, 1206-1209, 1221-1225, 1228, 1230, 1245, title XIII and section 1609 of the Senate amendment, and modifications committed to conference: Ms. ROS-LEHTINEN, Mr. CHABOT, and Mr. BERMAN.

From the Committee on Homeland Security, for consideration of section

1099H of the House bill, and section 1092 of the Senate amendment, and modifications committed to conference: Mr. DANIEL LUNGREN of California, Mrs. MILLER of Michigan, and Mr. THOMPSON of Mississippi.

From the Committee on the Judiciary, for consideration of sections 531 of subtitle D of title V, 573, 843, and 2804 of the House bill, and section 553 and 848 of the Senate amendment, and modifications committed to conference: Messrs. SMITH of Texas, COBLE, and CONYERS.

From the Committee on Natural Resources, for consideration of sections 313, 601, and 1097 of the House bill, and modifications committed to conference: Messrs. HASTINGS of Washington, BISHOP of Utah, and MARKEY.

From the Committee on Oversight and Government Reform, for consideration of sections 598, 662, 803, 813, 844, 847, 849, 937-939, 1081, 1091, 1101-1111, 1116, and 2813 of the House bill, and sections 827, 845, 1044, 1102-1107, and 2812 of the Senate amendment, and modifications committed to conference: Messrs. ROSS of Florida, LANKFORD, and CUMMINGS.

From the Committee on Science, Space, and Technology, for consideration of sections 911 and 1098 of the House bill, and sections 885, 911, 912, and division E of the Senate amendment, and modifications committed to conference: Messrs. HALL, QUAYLE, and Ms. EDDIE BERNICE JOHNSON of Texas.

From the Committee on Small Business, for consideration of section 804 of the House bill, and sections 885-887, and division E of the Senate amendment, and modifications committed to conference: Mr. GRAVES of Missouri, Mrs. ELLMERS, and Ms. VELÁZQUEZ.

From the Committee on Transportation and Infrastructure, for consideration of sections 314, 366, 601, 1098, and 2814 of the House bill, and sections 262, 313, 315, 1045, 1088, and 3301 of the Senate amendment, and modifications committed to conference: Messrs. MICA, CRAVAACK, and BISHOP of New York.

From the Committee on Veterans Affairs, for consideration of sections 551, 573, 705, 731, and 1099C of the House bill, and sections 631 and 1093 of the Senate amendment, and modifications committed to conference: Mr. BILIRAKIS, Ms. BUERKLE, and Ms. BROWN of Florida.

From the Committee on Ways and Means, for consideration of sections 704, 1099A, and 1225 of the House bill, and section 848 of the Senate amendment, and modifications committed to conference: Messrs. CAMP, HERGER, and LEVIN.

The message also announced that the House disagrees to the amendment of the Senate to the bill (H.R. 2055) making appropriations for military construction, the Department of Veterans Affairs, and related agencies for the fis-

cal year ending September 30, 2012, and for other purposes, and agrees to the conference asked by the Senate on the disagreeing votes of the two Houses thereon; and appoints the following Members as managers of the conference on the part of the House:

Mr. Rogers of Kentucky, Mr. Young of Florida, Mr. Lewis of California, Mr. Frelinghuysen, Mr. Aderholt, Mrs. Emerson, Ms. Granger, Mr. Simpson, Mr. Culberson, Mr. Crenshaw, Mr. Rehberg, Mr. Carter, Mr. Dicks, Mr. Visclosky, Mrs. Lowey, Mr. Serrano, Ms. DeLauro, Mr. Moran, Mr. Price of North Carolina, and Mr. Bishop of Georgia.

#### MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 2297. An act to promote the development of the Southwest waterfront in the District of Columbia, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

H.R. 2405. An act to reauthorize certain provisions of the Public Health Service Act and the Federal Food, Drug, and Cosmetic Act relating to public health preparedness and countermeasure development, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

H.R. 2471. An act to amend section 2710 of title 18, United States Code, to clarify that a video tape service provider may obtain a consumer's informed, written consent on an ongoing basis and that consent may be obtained through the Internet; to the Committee on the Judiciary.

#### EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC-4220. A communication from the Deputy Chief of the Pricing Policy Division, Wireline Competition Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Revisions to 47 C.F.R. Parts 1, 36, 51, 54, 61, 64, and 69 to Comprehensively Reform and Modernize the Universal Service and Inter-carrier Compensation Systems" (FCC 11-161) received in the Office of the President of the Senate on December 5, 2011; to the Committee on Commerce, Science, and Transportation.

EC-4221. A communication from the Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed amendment to a manufacturing license agreement for the manufacture of significant military equipment abroad and the export of defense articles, including, technical data, and defense services to Japan for the production of the Evolved SeaSparrow Missile (ESSM) in the amount of \$100,000,000 or more; to the Committee on Foreign Relations.

EC-4222. A communication from the Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting, pursuant to law, an annual report relative to the Benjamin A. Gilman International Scholarship Program for 2011; to the Committee on Foreign Relations.

EC-4223. A communication from the Secretary General of the Inter-Parliamentary Union, transmitting, a report relative to the Annual 2011 Session of the Parliamentary Conference on the World Trade Organization; to the Committee on Foreign Relations.

EC-4224. A communication from the Secretary of Education, transmitting, pursuant to law, the report of a rule entitled "Family Educational Rights and Privacy" (RIN1880-AA86) received in the Office of the President of the Senate on December 5, 2011; to the Committee on Health, Education, Labor, and Pensions.

EC-4225. A communication from the Chairman, Federal Labor Relations Authority, transmitting, pursuant to law, the Authority's Performance and Accountability Report for fiscal year 2011; to the Committee on Homeland Security and Governmental Affairs.

EC-4226. A communication from the Director of Legislative Affairs, Office of the Director of National Intelligence, transmitting, pursuant to law, a report relative to a vacancy in the position of Inspector General of the Intelligence Community received in the Office of the President of the Senate on December 5, 2011; to the Select Committee on Intelligence.

EC-4227. A communication from the Deputy Assistant Administrator of Diversion Control, Drug Enforcement Administration, Department of Justice, transmitting, pursuant to law, the report of a rule entitled "Implementation of the Methamphetamine Production Prevention Act of 2008" (RIN1117-AB25) received in the Office of the President of the Senate on December 5, 2011; to the Committee on the Judiciary.

EC-4228. A communication from the Under Secretary and Director, Patent and Trademark Office, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Revision of Patent Term Adjustment Provisions Relating to Information Disclosure Statements" (RIN0651-AC56) received in the Office of the President of the Senate on December 1, 2011; to the Committee on the Judiciary.

EC-4229. A communication from the Acting Staff Director, United States Commission on Civil Rights, transmitting, pursuant to law, the report of the appointment of members to the Arizona Advisory Committee; to the Committee on the Judiciary.

EC-4230. A communication from the Assistant Attorney General, Office of Legislative Affairs, Department of Justice, transmitting, pursuant to law, the semi-annual report of the Attorney General relative to Lobbying Disclosure Act enforcement actions taken for the period beginning on July 1, 2010; to the Committee on the Judiciary.

EC-4231. A communication from the Assistant Attorney General, Office of Legislative Affairs, Department of Justice, transmitting, pursuant to law, the semi-annual report of the Attorney General relative to Lobbying Disclosure Act enforcement actions taken for the period beginning on January 1, 2010; to the Committee on the Judiciary.

EC-4232. A communication from the Director of the Regulation Policy and Management Office, Veterans Benefits Administration, Department of Veterans Affairs, transmitting, pursuant to law, the report of a rule entitled "Servicemembers' Group Life Insurance Traumatic Injury Protection (TSGLI) Program Genitourinary (GU) Regulation" (RIN2900-AO20) received during adjournment of the Senate in the Office of the President of the Senate on December 2, 2011; to the Committee on Veterans' Affairs.

EC-4233. A communication from the Secretary of Veterans Affairs, transmitting, pursuant to law, a report relative to expenditures from the Pershing Hall Revolving Fund; to the Committee on Veterans' Affairs.

### REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. ROCKEFELLER, from the Committee on Commerce, Science, and Transportation, with an amendment in the nature of a substitute:

S. 1430. A bill to authorize certain maritime programs of the Department of Transportation, and for other purposes (Rept. No. 112-99).

### INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. KERRY:

S. 1949. A bill to provide for safe and humane policies and procedures pertaining to the arrest, detention, and processing of aliens in immigration enforcement operations; to the Committee on the Judiciary.

By Mr. LAUTENBERG (for himself, Mr. ROCKEFELLER, and Mr. PRYOR):

S. 1950. A bill to amend title 49, United States Code, to improve commercial motor vehicle safety and reduce commercial motor vehicle-related accidents and fatalities, to authorize the Federal Motor Carrier Safety Administration, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. SCHUMER (for himself, Mr. LEAHY, and Mr. SANDERS):

S. 1951. A bill to restore the exemption from fees for certain customs services for passengers arriving from Canada, Mexico, and islands adjacent to the United States; to the Committee on Finance.

By Mr. LAUTENBERG (for himself and Mr. ROCKEFELLER):

S. 1952. A bill to improve hazardous materials transportation safety and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. LAUTENBERG (for himself and Mr. ROCKEFELLER):

S. 1953. A bill to reauthorize the Research and Innovative Technology Administration, to improve transportation research and development, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mrs. HUTCHISON (for herself and Mr. ROCKEFELLER):

S. 1954. A bill to amend title 49, United States Code, to provide for expedited security screenings for members of the Armed Forces; to the Committee on Commerce, Science, and Transportation.

By Mr. PAUL:

S. 1955. A bill to authorize the interstate traffic of unpasteurized milk and milk products that are packaged for direct human consumption; to the Committee on Health, Education, Labor, and Pensions.

By Mr. THUNE:

S. 1956. A bill to prohibit operators of civil aircraft of the United States from participating in the European Union's emissions trading scheme, and for other purposes; to

the Committee on Commerce, Science, and Transportation.

By Mr. COBURN (for himself, Mr. SESSIONS, Mr. CHAMBLISS, Mr. BURR, Mrs. MCCASKILL, Ms. COLLINS, Mr. BEGICH, Mr. MCCAIN, Ms. AYOTTE, Mr. HATCH, Mr. PAUL, Mr. HELLER, Mr. CRAPO, Mr. COATS, Mr. ENZI, Mr. DEMINT, Mr. THUNE, Mr. RUBIO, Mr. JOHNSON of Wisconsin, Mr. LEE, Mr. BOOZMAN, Mr. HOEVEN, Mr. CORNYN, Mr. VITTER, Mr. GRAHAM, Mr. KYL, Mr. TOOMEY, Mr. MCCONNELL, Mr. RISCH, Mr. WICKER, Mr. INHOFE, and Mr. BARRASSO):

S. 1957. A bill to provide taxpayers with an annual report disclosing the cost of, performance by, and areas for improvements for Government programs, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

By Mr. VITTER (for himself and Ms. LANDRIEU):

S. 1958. A bill to extend the National Flood Insurance Program until May 31, 2012; considered and passed.

By Mr. BURR (for himself, Mrs. FEINSTEIN, Mr. CHAMBLISS, Mr. COATS, Mr. BLUNT, Mr. NELSON of Florida, Mr. WARNER, Mr. INHOFE, Mr. GRAHAM, Mr. CORKER, Mr. KIRK, and Mr. UDALL of Colorado):

S. 1959. A bill to require a report on the designation of the Haqqani Network as a foreign terrorist organization and for other purposes; to the Committee on Foreign Relations.

By Ms. COLLINS (for herself and Mrs. MCCASKILL):

S. 1960. A bill to provide incentives to create smaller American jobs; to the Committee on Finance.

By Mr. REED (for himself, Ms. SNOWE, Mr. SANDERS, Mr. BROWN of Ohio, Mr. KERRY, Mrs. SHAHEEN, Mr. WHITEHOUSE, Mr. FRANKEN, Mr. BLUMENTHAL, Mr. CASEY, Mrs. GILLIBRAND, Mr. ROCKEFELLER, Mr. LIEBERMAN, Ms. COLLINS, Mr. BROWN of Massachusetts, Ms. AYOTTE, Mr. SCHUMER, Mr. WEBB, Mr. BEGICH, and Mr. CARDIN):

S. 1961. A bill to provide level funding for the Low-Income Home Energy Assistance Program; to the Committee on Appropriations.

By Mr. DEMINT (for himself and Mr. BARRASSO):

S. 1962. A bill to make the internal control reporting and assessment requirements of the Sarbanes-Oxley Act of 2002 optional for certain smaller companies; to the Committee on Banking, Housing, and Urban Affairs.

### SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. WYDEN (for himself and Mr. MERKLEY):

S. Res. 345. A resolution expressing the sense of the Senate on the closure of Umatilla Army Chemical Depot, Oregon; considered and agreed to.

### ADDITIONAL COSPONSORS

S. 227

At the request of Ms. COLLINS, the name of the Senator from Pennsyl-

vania (Mr. CASEY) was added as a cosponsor of S. 227, a bill to amend title XVIII of the Social Security Act to ensure more timely access to home health services for Medicare beneficiaries under the Medicare program.

S. 571

At the request of Mrs. MURRAY, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of S. 571, a bill to amend subtitle B of title VII of the McKinney-Vento Homeless Assistance Act to provide education for homeless children and youths, and for other purposes.

S. 678

At the request of Mr. KOHL, the name of the Senator from Minnesota (Ms. KLOBUCHAR) was added as a cosponsor of S. 678, a bill to increase the penalties for economic espionage.

S. 737

At the request of Mr. MORAN, the name of the Senator from Missouri (Mr. BLUNT) was added as a cosponsor of S. 737, a bill to replace the Director of the Bureau of Consumer Financial Protection with a 5-person Commission, to bring the Bureau into the regular appropriations process, and for other purposes.

S. 755

At the request of Mr. WYDEN, the name of the Senator from Wisconsin (Mr. KOHL) was added as a cosponsor of S. 755, a bill to amend the Internal Revenue Code of 1986 to allow an offset against income tax refunds to pay for restitution and other State judicial debts that are past-due.

S. 1281

At the request of Mr. KIRK, the name of the Senator from Connecticut (Mr. BLUMENTHAL) was added as a cosponsor of S. 1281, a bill to amend title 49, United States Code, to prohibit the transportation of horses in interstate transportation in a motor vehicle containing two or more levels stacked on top of one another.

S. 1551

At the request of Mr. KIRK, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 1551, a bill to establish a smart card pilot program under the Medicare program.

S. 1692

At the request of Mr. BINGAMAN, the name of the Senator from West Virginia (Mr. ROCKEFELLER) was added as a cosponsor of S. 1692, a bill to reauthorize the Secure Rural Schools and Community Self-Determination Act of 2000, to provide full funding for the Payments in Lieu of Taxes program, and for other purposes.

S. 1718

At the request of Mr. WYDEN, the name of the Senator from Arkansas (Mr. PRYOR) was added as a cosponsor of S. 1718, a bill to amend title XVIII of the Social Security Act with respect to



the application of Medicare secondary payer rules for certain claims.

S. 1781

At the request of Mr. BINGAMAN, the name of the Senator from Oregon (Mr. MERKLEY) was added as a cosponsor of S. 1781, a bill to amend the Internal Revenue Code of 1986 to exclude from gross income amounts received on account of claims based on certain unlawful discrimination and to allow income averaging for backpay and frontpay awards received on account of such claims, and for other purposes.

S. 1798

At the request of Mr. UDALL of New Mexico, the name of the Senator from Montana (Mr. TESTER) was added as a cosponsor of S. 1798, a bill to direct the Secretary of Veterans Affairs to establish an open burn pit registry to ensure that members of the Armed Forces who may have been exposed to toxic chemicals and fumes caused by open burn pits while deployed to Afghanistan or Iraq receive information regarding such exposure, and for other purposes.

S. 1821

At the request of Mr. COONS, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 1821, a bill to prevent the termination of the temporary office of bankruptcy judges in certain judicial districts.

S. 1822

At the request of Mr. HELLER, the name of the Senator from Virginia (Mr. WEBB) was added as a cosponsor of S. 1822, a bill to provide for the exhumation and transfer of remains of deceased members of the Armed Forces buried in Tripoli, Libya.

S. 1882

At the request of Mr. BINGAMAN, the name of the Senator from Minnesota (Mr. FRANKEN) was added as a cosponsor of S. 1882, a bill to amend the Federal Food, Drug, and Cosmetic Act to ensure that valid generic drugs may enter the market.

S. 1886

At the request of Mr. LEAHY, the name of the Senator from Minnesota (Ms. KLOBUCHAR) was added as a cosponsor of S. 1886, a bill to prevent trafficking in counterfeit drugs.

S. 1894

At the request of Mr. SCHUMER, the name of the Senator from Delaware (Mr. COONS) was added as a cosponsor of S. 1894, a bill to deter terrorism, provide justice for victims, and for other purposes.

S. 1903

At the request of Mrs. GILLIBRAND, the name of the Senator from South Dakota (Mr. THUNE) was added as a cosponsor of S. 1903, a bill to prohibit commodities and securities trading based on nonpublic information relating to Congress, to require additional reporting by Members and employees

of Congress of securities transactions, and for other purposes.

S. 1904

At the request of Mr. DEMINT, the name of the Senator from Idaho (Mr. RISCH) was added as a cosponsor of S. 1904, a bill to provide information on total spending on means-tested welfare programs, to provide additional work requirements, and to provide an overall spending limit on means-tested welfare programs.

S. 1925

At the request of Mr. LEAHY, the names of the Senator from Illinois (Mr. KIRK), the Senator from Illinois (Mr. DURBIN), the Senator from Wisconsin (Mr. KOHL), the Senator from Minnesota (Ms. KLOBUCHAR), the Senator from Connecticut (Mr. BLUMENTHAL) and the Senator from California (Mrs. BOXER) were added as cosponsors of S. 1925, a bill to reauthorize the Violence Against Women Act of 1994.

S. 1944

At the request of Mr. CASEY, the names of the Senator from Vermont (Mr. LEAHY) and the Senator from Michigan (Ms. STABENOW) were added as cosponsors of S. 1944, a bill to create jobs by providing payroll tax relief for middle class families and businesses, and for other purposes.

S. RES. 310

At the request of Ms. MIKULSKI, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of S. Res. 310, a resolution designating 2012 as the "Year of the Girl" and congratulating Girl Scouts of the USA on its 100th anniversary.

#### STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Ms. COLLINS (for herself and Mrs. MCCASKILL):

S. 1960. A bill to provide incentives to create American jobs; to the Committee on Finance.

Ms. COLLINS. Mr. President, I rise today, along with my friend and colleague Senator MCCASKILL, to introduce legislation we believe is essential to restoring growth and creating jobs in our economy.

Our bipartisan bill is comprised of proposals in four general categories. First: taxes—we would protect American workers from payroll tax increases and preserve and provide new tax incentives for small business job creators to help spur job growth.

Second: infrastructure—we propose restoring and expanding funding to rebuild our nation's crumbling roads, bridges, and water treatment plants, adding jobs now and ensuring that the critical infrastructure needed for long-term economic growth is properly maintained.

Third: sensible regulatory reform—we focus on cutting the tangle of red-tape that is holding businesses back from expanding and adding jobs.

Fourth: job training—we propose fundamentally reforming the hodge-podge of Federal jobs training programs to focus on what really works. We also propose extending the charitable deduction for books and computers.

We would offset the cost of these proposals with a 10-year, 2 percent surtax on those with incomes of a million dollars or more, but with a "carve out" to protect small business owner-operators: our nation's job creators.

Let me discuss these proposals in further detail. With respect to taxes, Senator MCCASKILL and I believe that action must be taken quickly to extend the two percent payroll tax cut for employees that is scheduled to expire at the end of this month. Unless we do so, 159 million Americans will face a tax increase of up to \$2,000 at a time when the economy is still weak. With so many American families struggling to make ends meet, the last thing we ought to do is to allow an automatic tax increase to take effect in less than a month.

But keeping taxes steady won't be enough to get the economy going again. If we want more jobs, we must do more. That is why Senator MCCASKILL and I are proposing that the two percent payroll tax cut be extended to employers, too, on the first \$10 million of payroll. This targets small and medium-sized employers who have historically been the source of our nation's job growth.

We also extend bonus depreciation and Section 179 expensing at the current level, to encourage businesses to use this tax benefit to invest in the tools American workers need to remain the best in the world.

In the global competition for jobs, American workers go head-to-head with workers from China, India, and other countries, who are paid far less than Americans, and whose working conditions would rightly be viewed as unacceptable here in the United States.

The middle-class, the source of America's economic strength, was built by making sure American workers had the best tools in the world, so they would be the most productive workers in the world. Productivity and tools go hand-in-hand, and in the global competition for jobs, the worker with the best tools wins.

The provisions I have described will help businesses invest and keep the American worker ahead of the global competition.

There are several other tax benefits in our package. One is an innovative proposal that originated with Senators MARK PRYOR and SCOTT BROWN to generate investment in new high-tech companies. We all know how dynamic these young companies can be—a decade ago, Google was a fledgling search engine and Facebook didn't even exist. Today, Google executes billions of searches every week, and Facebook has



800 million members, and growing. Both are valued at more than \$100 billion, but most important, both employ thousands of American workers.

But without the right investment at the right time, these two companies would not exist. Nor would many other companies in the high-tech field, or the millions of jobs they have created. The tax credit we propose will help the high tech firms of the future get the support they need to get off the ground, and become a part of the American story.

It is also important to help established companies stay on the cutting edge by extending the Research and Development tax credit.

Before I go on to describe the other provisions of this bipartisan jobs bill, I would like to explain further the small business “carve out” we built into our offset. Many on my side of the aisle have voiced the concern that a surtax would fall on small businesses. I share that concern. Most of our nation’s small businesses are structured as “flow-through” entities, such as “subchapter S” corporations. These flow-through entities do not pay taxes directly, but instead distribute their income to their owners, who then pay tax on that income on their individual income tax returns.

To impose a surtax on this income as if it were the owners’ personal income would be a mistake—we would be raising taxes on our nation’s job creators at the exact same time we are trying to get our nation’s job engine started again.

If we ignore this reality, we risk taxing small businesses as if they are “the wealthy.” They are not.

We cannot impose higher taxes on flow-through income without taking money out of small businesses—money that is needed to help those small businesses invest and add jobs. That is why Senator MCCASKILL and I are proposing to “carve out” owner-operator small business income so it is not subject to the surtax.

The way we would accomplish this is to separate “active business income” from “passive business income,” tracking the passive activity rules of Section 469 of the tax code. Basically, this means that business owner-operators who “materially participate” in the running of their businesses will be protected from the surtax, while those who are passive investors will pay higher rates.

This is as it should be. Owner-operators are actively engaged in running their small businesses. They are on the front lines of our economy, and of the communities in which they live. The pass-through income that shows up on their tax returns is critical to their ability to finance investment, and grow their businesses. Left in their hands, this income will lead to more jobs and buy the tools that make American workers more productive.

Let me turn now to the other provisions of our bill.

With respect to infrastructure, our bill would provide \$10 billion to capitalize the U.S. Department of Transportation’s State Infrastructure Bank program. These banks are revolving loan funds established and administered by State DOT’s to complement traditional funding by providing loans, loan guarantees, and other forms of non-grant assistance that leverage private dollars. This one-time infusion would allow states to voluntarily utilize this additional funding, while at the same time ensuring that there is sufficient oversight, reporting and public disclosure requirements.

Additionally, my bill would provide \$25 billion in supplemental appropriations for existing highway and bridge formula programs. This funding is meant to supplement and not replace the approximately \$40 billion appropriated annually under the current Surface Transportation authorization for similar transportation programs. According to the Federal Highway Administration’s most recent estimates, every \$1 billion spent on highway construction supported approximately 30,000 jobs.

It is essential that we rebuild our nation’s deteriorating infrastructure. According to the American Society of Civil Engineers, it would cost more than \$200 billion annually to substantially improve the conditions of our nation’s roads and bridges—far more than current levels of national investment. Our legislation will not only create jobs but also bolster important road and bridge investments throughout the United States.

I am pleased to hear that the American Association of State Highway and Transportation Officials, AASHTO, a nonprofit, nonpartisan association, supports what we have proposed in our bill. These investments not only create jobs now when they are needed most, but they also address our nation’s aging infrastructure, a daunting but essential task.

There is also no shortage of sewer and drinking water infrastructure needs in states and communities across the nation. The American Society of Civil Engineers’ latest infrastructure report card gave the nation’s water infrastructure a D–, and the Environmental Protection Agency estimates \$187.9 billion in wastewater needs and \$334.8 billion in drinking water needs over the next 20 years.

To help ensure the provision of safe water, we propose providing \$800 million in additional funding to the Clean Water and Drinking Water State Revolving Loan Funds, CWSRF and DWSRF, to help ensure these critical infrastructure programs are funded at the fiscal year 2010 levels of \$2.1 billion for CWSRF and \$1.387 billion for DWSRF. Water infrastructure invest-

ments provide significant environmental, economic, and public health benefits in our states and communities.

Investment in water infrastructure also creates jobs. The National Association of Utility Contractors, for example, estimates that one billion dollars invested in water infrastructure can create over 26,000 jobs.

As I meet with businesses, a chief complaint is that regulations and red tape are preventing them from growing and adding jobs. Our bill also contains important reforms to our regulatory system by incorporating provisions I offered earlier this year as the CURB Act, which stands for Clearing Unnecessary Regulatory Burdens. These provisions are designed to force Federal agencies to cut the red tape that impedes job growth.

All too often it seems Federal agencies do not take into account the impacts to small businesses and job growth before imposing new rules and regulations. The bill we are introducing today obligates them to do so in three ways: first, by requiring Federal agencies to analyze the indirect costs of regulations, such as the impact on job creation, the cost of energy, and consumer prices.

Currently, Federal agencies are not required by statute to analyze the indirect cost regulations can have on the public, such as higher energy costs, higher prices, and the impact on job creation. However, Executive Order 12866, issued by President Clinton in 1993, obligates agencies to provide the Office of Information and Regulatory Affairs with an assessment of the indirect costs of proposed regulations. Our bill would essentially codify this provision of President Clinton’s Executive Order.

Second, our bill obligates Federal agencies to comply with public notice and comment requirements and prohibits them from circumventing these requirements by issuing unofficial rules as “guidance documents.”

After President Clinton issued Executive Order 12866, Federal agencies found it easier to issue so-called “guidance documents,” rather than formal rules. Although these guidance documents are merely an agency’s interpretation of how the public can comply with a particular rule, and are not enforceable in court, as a practical matter they operate as if they are legally binding. Thus, they have been used by agencies to circumvent OIRA regulatory review and public notice and comment requirements.

In 2007, OMB issued a Bulletin which contained a provision closing this loophole by imposing “Good Guidance Practices” on Federal agencies. This requires agencies to provide public notice and comment for significant guidance documents. Our bill would essentially codify this OMB Bulletin.

Third, our bill helps out the “little guy” trying to navigate our incredibly

complex and burdensome regulatory environment. So many small businesses don't have a lot of capital on hand. When a small business inadvertently runs afoul of a Federal regulation for the first time, that first penalty could sink the business and the jobs it supports. Our bill directs agencies to search their files to determine whether a small business is facing a paperwork violation for the first time, and to offer to waive the penalty for that violation if no harm has come of it. It simply doesn't make sense to me to punish small businesses the first time they accidentally fail to comply with paperwork requirements, so long as no harm comes from that failure.

One example of a planned onerous regulatory action by the Environmental Protection Agency is the Maximum Achievable Control Technology standards for boilers and incinerators, known as Boiler MACT. While currently being reworked by the agency, these rules could cost manufacturers billions of dollars, and potentially lead to the loss of thousands of jobs, especially in some of the hardest hit areas across the Nation. According to a recent study commissioned by the American Forest and Paper Association, implementing the rule as previously drafted could cause 36 pulp and paper mills around the country to close, putting over 20,000 Americans out of work—18% of the industry's workforce. For this reason, our legislation includes the EPA Regulatory Relief Act, which currently has 40 bipartisan cosponsors, to guarantee the 15 months the EPA itself requested, to provide the agency with the testing data needed for achievable rules and provide manufacturers with the time needed for the capital planning to comply with these very complex and expensive rules.

Maine has lost more than a third of its manufacturing jobs during the past decade, and I am wary of imposing costly new regulations that could lead to more mill closures and lost jobs. I remain committed to working with my Senate colleagues and the EPA to help ensure that the Boiler MACT rules are crafted to protect public health without harming the forest products industry, which is the lifeblood of many small, rural communities.

We must also act to reform our Federal jobs training programs. In our current fiscal climate, we need to ensure that our Federal dollars are being used as efficiently and productively as possible. The Collins-McCaskill bill requires OMB to study the consolidation of duplicative job training programs and make legislative recommendations to Congress that contemplate consolidating job training programs under a single agency. Of the savings that result from this consolidation, half will be devoted to classroom, field, and hands-on training, and the other half will be used to reduce the deficit.

In closing, Senator McCaskill and I believe this is the first comprehensive bipartisan jobs bill to be introduced in the Senate since the President's speech before the Joint Session of Congress in September. With the end of the year just three weeks away, we must take action now to protect the American public from a tax increase that will occur automatically on January 1. We must also work together to help grow the economy and add jobs. In achieving these goals, I would ask my colleagues to consider the approach Senator McCaskill and I have proposed in this bipartisan jobs legislation.

By Mr. REED (for himself, Ms. SNOWE, Mr. SANDERS, Mr. BROWN of Ohio, Mr. KERRY, Mrs. SHAHEEN, Mr. WHITEHOUSE, Mr. FRANKEN, Mr. BLUMENTHAL, Mr. CASEY, Mrs. GILLIBRAND, Mr. ROCKEFELLER, Mr. LIEBERMAN, Ms. COLLINS, Mr. BROWN of Massachusetts, Ms. AYOTTE, Mr. SCHUMER, Mr. WEBB, Mr. BEGICH, and Mr. CARDIN):

S. 1961. A bill to provide level funding for the Low-Income Home Energy Assistance Program; to the Committee on Appropriations.

Mr. REED. Mr. President, today I am introducing the bipartisan LIHEAP Protection Act, along with my colleagues Senator SNOWE from Maine and Senator SANDERS from Vermont, and many of our colleagues on both sides of the aisle. I am pleased to see such broad support for funding for this critical program even in the midst of our budget challenges.

Indeed, LIHEAP is a lifeline, providing vulnerable families with vital assistance when they need it most by helping low-income families and seniors on fixed-incomes with their energy bills.

Last year, Congress provided \$4.7 billion for LIHEAP. In an effort to control Federal spending, the Administration proposed an approximately 45 percent cut in LIHEAP funds from last year's level, down to about \$2.57 billion in 2012. The Senate and House Appropriations bills only partially restored this drastic cut, to roughly \$3.6 billion and \$3.4 billion, respectively.

These cutbacks could put our most vulnerable citizens at risk, especially as the number of households eligible for the program already exceeds those receiving assistance. Given the difficult economy and the projected rise in household energy expenditures, as much as 8 percent more than last year for those who heat their homes with heating oil according to the Energy Information Administration, it does not make sense to cut vital LIHEAP funding.

We also need to act quickly. If funding is not finalized before winter, millions of low-income households run the risk of not receiving assistance during

the coldest months when they need it most. Given the uncertainty in the full year appropriations for LIHEAP, which resulted in the release of only \$1.7 billion in LIHEAP funding to States in October, some States have already begun lowering LIHEAP grant amounts.

LIHEAP is a smart investment. For every dollar in benefits paid, \$1.13 is generated in economic activity, according to economists Mark Zandi and Alan S. Blinder.

I know we face a lot of difficult budget decisions around here, but I, along with so many of my colleagues, believe that LIHEAP should not be the place where we seek savings.

I look forward to working to provide level funding for LIHEAP for fiscal year 2012.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 1961

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "LIHEAP Protection Act".

#### SEC. 2. LOW-INCOME HOME ENERGY ASSISTANCE APPROPRIATIONS.

(a) PURPOSE.—The purpose of this section—

(1) is to ensure the appropriation for fiscal year 2012 of the total amounts described in subsection (b), for payments described in that subsection, under this Act or prior appropriations Acts; and

(2) is not to require the appropriation of additional amounts for those payments, under appropriations Acts enacted after this Act.

(b) APPROPRIATION.—In addition to any amounts appropriated under any provision of Federal law, as of the date of enactment of this Act, there is appropriated, out of any money in the Treasury not otherwise appropriated, for fiscal year 2012—

(1) an amount sufficient to yield a total amount of \$4,501,000,000, for making payments under subsections (b) and (d) of section 2602 of the Low-Income Home Energy Assistance Act of 1981 (42 U.S.C. 8621), and all of such total amount shall be used under the authority and conditions applicable to such payments under the Full-Year Continuing Appropriations Act, 2011; and

(2) an amount sufficient to yield a total amount of \$200,000,000, for making payments under section 2602(e) of the Low-Income Home Energy Assistance Act of 1981 (42 U.S.C. 8621(e)), notwithstanding the designation requirement of such section 2602(e), and all of such total amount shall be used under the authority and conditions applicable to such payments under the Full-Year Continuing Appropriations Act, 2011.

#### SEC. 3. SENSE OF THE SENATE.

It is the sense of the Senate that—

(1) this Act should be carried out in a manner consistent with the Budget Control Act of 2011 (Public Law 112-25; 125 Stat. 240);

(2) the Secretary of Health and Human Services should continue and expedite program integrity efforts to identify best practices used by grant recipients under the Low-

Income Home Energy Assistance Program, provide training and technical assistance to such grant recipients, recommend policy changes, and assess and mitigate risk at the Federal, State and local levels, in order to eliminate any waste, fraud, and abuse in the Program and strengthen the Program so all Program funds reach the households who need them most; and

(3) every Program dollar going to waste, fraud, and abuse is a dollar not being spent as the dollar is needed or intended.

Mr. SANDERS. Mr. President, I wish to say a few words about an issue of enormous importance to the people of the State of Vermont and people all over this country; that is, the issue of making sure that in America this winter nobody goes cold, that nobody freezes to death, that children do not become ill because the thermostats in their homes are turned down so low.

The issue I am talking about is to ask for support for legislation that is being introduced by Senator JACK REED of Rhode Island and Senator OLYMPIA SNOWE of Maine which would level fund the LIHEAP program at \$4.7 billion. As most of my colleagues know, LIHEAP is the Low-Income Home Energy Assistance Program.

Here is the problem we face. We are in the midst of a horrendous recession. Unemployment is sky high. In many cases, wages are in decline, poverty is increasing, and at the same time the price for home heating oil and propane gas is going up. According to the Energy Information Administration, average expenditures for households that heat with oil or propane are forecast to be higher than in any previous winter. Heating oil prices are currently averaging about \$3.90 a gallon. So what people in the Northeast and people all over this country are looking at are the highest home heating oil prices we have ever seen, coming in the midst of a terrible recession, with unemployment high and wages in decline.

In Vermont, heating oil prices are already 34 percent higher than they were at the same time last year. It is currently \$3.82 a gallon, compared to \$2.85 a gallon last year. What is happening is that because of cuts—significant cuts—in LIHEAP funding, the average LIHEAP benefit in Vermont is 45 percent less this year than it was last year, and that is \$474 per family as opposed to \$866 last year.

One thing that has to be understood about LIHEAP is that nearly 80 percent of funding from this program goes to our citizens who are elderly, families with preschool kids, and the disabled. So the people who benefit from this program are some of the most vulnerable people in our country. Eighty percent of the funding, once again, goes to senior citizens, families with preschool children, young children, and people who are dealing with disabilities.

It is not uncommon in the State of Vermont and in other States for the temperatures to drop to 10 below zero

or 20 below zero in the wintertime. When people do not have enough funds to heat their homes or their apartments, serious problems arise.

What I want to do is take a moment to read some comments my office has received from Vermonterers all over the State who are trying desperately to stay warm this winter.

Josie Crosby, 81 years of age, of Brattleboro, VT, said this:

We will have money for one more tank. After that, I don't know.

That is a woman who is 81 years of age who has money for one more tank of oil. After that, she is not sure how they will stay warm in the winter.

A 48-year-old from Orleans County in the northern part of our State wrote this:

I was able to get 100 gallons of fuel last week, and for that I am grateful. The struggle begins now on how to stretch that fuel as long as possible. I had to buy a portable electric heater to keep halfway warm while waiting for fuel assistance. I don't even want to see how high my electric bill will be. I am an honorably discharged disabled veteran and have limited funds. I have already slashed my food bill, so what goes next? My meds, my electric service, my home?

That is from a disabled vet in the northern part of Vermont.

A 59-year-old woman in central Vermont writes:

I have been keeping my thermostat as low as I can "almost" tolerate. I bundle up in the house with several sweaters, and even a coat and hat at times. When company arrives, I am embarrassed at how ridiculous I probably appear. I am just barely squeaking through each month. I have made cuts everywhere possible, including food.

Wendy Raven, 62, from Whitingham, VT, writes:

I had to drag my bed out of my bedroom and put it in the living room, then close off the bedroom for the winter. I will have to eat even less than I do now in order to pay my fuel bills. I have done everything I can to button up the place, but now all I can do is pray I get through the winter without a bill so large it will again take me until next fall to pay it off.

Is that where we are in the United States of America—that we force people to live under those conditions?

A 31-year-old woman from Bennington, VT, writes:

We are now trying to stay warm by scraping up enough for a gallon or two of heating oil a week, and keeping the thermostat down very low. I turn the furnace off during the day when my child is in school and turn it on an hour before she gets home so that the house gets warm. We are hoping to qualify for crisis fuel assistance or we are in trouble, because there is nowhere to get the extra money needed to pay for the fuel, especially considering its continuously increasing cost. We have to choose what bills to pay each month and what ones not in order to put food on the table.

In this great Nation, in the midst of a recession, in the midst of high unemployment, in the midst of growing poverty, we as the Senate must be very clear that nobody in this country is

going to go cold this winter; that we are not going to pick up a paper in Maine or Rhode Island or Vermont or North Dakota and read that some senior citizen was found frozen to death. That is not what we are going to allow. That is why Senators JACK REED, OLYMPIA SNOWE, I, and many others are working hard so that at the very least we can level fund LIHEAP so that nobody in our country goes cold this winter.

## SUBMITTED RESOLUTIONS

### SENATE RESOLUTION 345—EXPRESSING THE SENSE OF THE SENATE ON THE CLOSURE OF UMATILLA ARMY CHEMICAL DEPOT, OREGON

Mr. WYDEN (for himself and Mr. MERKLEY) submitted the following resolution; which was considered and agreed to:

S. RES. 345

Whereas, in December 2001, the National Defense Authorization Act for fiscal year 2002 (Public Law 107-107) was signed into law, which included authorization for a 2005 round of defense base closure and realignment (BRAC);

Whereas, on February 16, 2004, Secretary of Defense Donald Rumsfeld included the closure of the Umatilla Army Chemical Depot, Oregon, as one of his recommendations for the 2005 round of defense base closure and realignment;

Whereas, on September 8, 2005, the Defense Base Closure and Realignment Commission, in its report making recommendations to the President, found that Secretary of Defense Rumsfeld's assertion that the chemical demilitarization mission at Umatilla would be complete by the 2nd quarter of 2011 was optimistic, and wrote, "An examination of status information for the depot's mission completion and subsequent closure revealed that dates may slip beyond the 6-year statutory period for completion of BRAC actions.";

Whereas, in that same report, the Defense Base Closure and Realignment Commission took the Secretary of Defense's recommendation "Close Umatilla Chemical Depot, OR" and changed it to "On completion of the chemical demilitarization mission in accordance with treaty obligations, close Umatilla Chemical Depot, OR";

Whereas, by doing so, the Defense Base Closure and Realignment Commission acknowledged that the closure of Umatilla Army Chemical Depot would happen when the demilitarization mission is completed, even if that is after September 15, 2011; and

Whereas Congress did not pass a joint resolution of disapproval with respect to the Commission's report, and the report and recommendations became law: Now, therefore, be it

*Resolved*, That, in light of the clear history, the Senate reiterates its original intent and reaffirms its direction that the closure of the Umatilla Army Chemical Depot, Oregon, and subsequent management and disposal shall be carried out in accordance with procedures and authorities contained in the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101-510; 10 U.S.C. 2687 note).

## NOTICE OF HEARING

COMMITTEE ON HEALTH, EDUCATION, LABOR,  
AND PENSIONS

Mr. HARKIN. Mr. President, I wish to announce that the Committee on Health, Education, Labor, and Pensions will meet in executive session on Wednesday, December 14, 2011, at 10 a.m. in SD-430 to mark up the following:

S. 1855, the Pandemic and All-Hazards Preparedness Act Reauthorization of 2011;

Wendy Spencer, to be Chief Executive Office of the Corporation for National and Community Service;

Deepa Gupta, to be a member of the National Council on the Arts;

Christopher Merrill, to be a member of the National Council on the Humanities;

Stephanie Orlando, to be a member of the National Council on Disability;

Gary Blumenthal, to be a member of the National Council on Disability; and  
en bloc, one hundred and seventy-eight nominations to the Public Health Service.

For further information regarding this meeting, please contact the committee on (202) 224-5375.

AUTHORITY FOR COMMITTEES TO  
MEETCOMMITTEE ON COMMERCE, SCIENCE, AND  
TRANSPORTATION

Mr. WHITEHOUSE. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet during the session of the Senate on December 7, 2011, at 2:30 p.m. in room 253 of the Russell Senate Office Building.

The Committee will hold a hearing entitled, "Turning the Investigation on the Science of Forensics."

The PRESIDING OFFICER. Without objection, it is so ordered.

## COMMITTEE ON FINANCE

Mr. WHITEHOUSE. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on December 7, 2011, at 10 a.m., in room 215 of the Dirksen Senate Office Building, to conduct a hearing entitled "Drug Shortages: Why They Happen and What They Mean."

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HOMELAND SECURITY AND  
GOVERNMENTAL AFFAIRS

Mr. WHITEHOUSE. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs be authorized to meet during the session of the Senate on December 7, 2011, at 9:30 a.m. to conduct a hearing entitled "Homegrown Terrorism: The Threat to Military Communities Inside the United States."

The PRESIDING OFFICER. Without objection, it is so ordered.

## COMMITTEE ON THE JUDICIARY

Mr. WHITEHOUSE. Mr. President, I ask unanimous consent that the Com-

mittee on the Judiciary be authorized to meet during the session of the Senate on December 7, 2011, at 10 a.m., in room SD-226 of the Dirksen Senate Office Building, to conduct a hearing entitled "Reauthorizing the EB-5 Regional Center Program: Promoting Job Creation and Economic Development in American Communities."

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON FINANCIAL INSTITUTIONS  
AND CONSUMER PROTECTION

Mr. WHITEHOUSE. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs' Subcommittee on Financial Institutions and Consumer Protection be authorized to meet during the session of the Senate on December 7, 2011, at 2 p.m., to conduct a hearing entitled "Enhanced Supervision: A New Regime for Regulating Large, Complex Financial Institutions."

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON OVERSIGHT OF GOVERNMENT  
MANAGEMENT, THE FEDERAL WORKFORCE,  
AND THE DISTRICT OF COLUMBIA AND THE AD  
HOC SUBCOMMITTEE ON DISASTER RECOVERY  
AND INTERGOVERNMENTAL AFFAIRS

Mr. WHITEHOUSE. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs' Subcommittee on Oversight of Government Management, the Federal Workforce, and the District of Columbia and the Ad Hoc Subcommittee on Disaster Recovery and Intergovernmental Affairs be authorized to meet during the session of the Senate on December 7, 2011, at 2:30 p.m., to conduct a joint hearing entitled "From Earthquakes to Terrorist Attacks: Is the National Capital Region Prepared for the Next Disaster?"

The PRESIDING OFFICER. Without objection, it is so ordered.

## PRIVILEGES OF THE FLOOR

Mr. GRASSLEY. Mr. President, I ask unanimous consent that Ty Grogan, an intern of Senator DEMINT's office, be granted floor privileges for today's session of the Senate.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HARKIN. Mr. President, I ask unanimous consent that Ashley Stevens and Anna Esten of my staff be granted the privilege of the floor for the duration of today's proceedings.

The PRESIDING OFFICER. Without objection, it is so ordered.

CLOSURE OF UMATILLA ARMY  
CHEMICAL DEPOT, OREGON

Mr. MERKLEY. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of S. Res. 345, submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 345) expressing the sense of the Senate on the closure of Umatilla Army Chemical Depot, Oregon.

There being no objection, the Senate proceeded to consider the resolution.

Mr. MERKLEY. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table, with no intervening action or debate, and any related statements be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 345) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

## S. RES. 345

Whereas, in December 2001, the National Defense Authorization Act for fiscal year 2002 (Public Law 107-107) was signed into law, which included authorization for a 2005 round of defense base closure and realignment (BRAC);

Whereas, on February 16, 2004, Secretary of Defense Donald Rumsfeld included the closure of the Umatilla Army Chemical Depot, Oregon, as one of his recommendations for the 2005 round of defense base closure and realignment;

Whereas, on September 8, 2005, the Defense Base Closure and Realignment Commission, in its report making recommendations to the President, found that Secretary of Defense Rumsfeld's assertion that the chemical demilitarization mission at Umatilla would be complete by the 2nd quarter of 2011 was optimistic, and wrote, "An examination of status information for the depot's mission completion and subsequent closure revealed that dates may slip beyond the 6-year statutory period for completion of BRAC actions.";

Whereas, in that same report, the Defense Base Closure and Realignment Commission took the Secretary of Defense's recommendation "Close Umatilla Chemical Depot, OR" and changed it to "On completion of the chemical demilitarization mission in accordance with treaty obligations, close Umatilla Chemical Depot, OR";

Whereas, by doing so, the Defense Base Closure and Realignment Commission acknowledged that the closure of Umatilla Army Chemical Depot would happen when the demilitarization mission is completed, even if that is after September 15, 2011; and

Whereas Congress did not pass a joint resolution of disapproval with respect to the Commission's report, and the report and recommendations became law: Now, therefore, be it

*Resolved*, That, in light of the clear history, the Senate reiterates its original intent and reaffirms its direction that the closure of the Umatilla Army Chemical Depot, Oregon, and subsequent management and disposal shall be carried out in accordance with procedures and authorities contained in the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101-510; 10 U.S.C. 2687 note).

ORDERS FOR THURSDAY,  
DECEMBER 8, 2011

Mr. MERKLEY. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 9:30 a.m., on Thursday, December 8, 2011; that following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, and the time for the two leaders be reserved for their use later in the day; that following any leader remarks, the Senate proceed to executive session to consider Calendar No. 413, the nomination of Richard Cordray to be Director of the Consumer Financial Protection

Bureau, with the time until 10:30 a.m. equally divided and controlled between the two leaders or their designees; and that the cloture vote on the Cordray nomination occur at 10:30 a.m.; finally, that if cloture is not invoked, the Senate resume legislative session and resume consideration of the motion to proceed to S. 1944.

The PRESIDING OFFICER. Without objection, it is so ordered.

---

PROGRAM

Mr. MERKLEY. Mr. President, the cloture vote on the Cordray nomination will be held at 10 a.m. tomorrow.

Additionally, cloture was filed on the motion to proceed to S. 1944, the Middle Class Tax Cut Act of 2011. Unless an agreement is reached, that vote will be Friday morning.

---

ADJOURNMENT UNTIL 9:30 A.M.  
TOMORROW

Mr. MERKLEY. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that it adjourn under the previous order.

There being no objection, the Senate, at 6:03 p.m., adjourned until Thursday, December 8, 2011, at 9:30 a.m.

## HOUSE OF REPRESENTATIVES—Wednesday, December 7, 2011

The House met at 10 a.m. and was called to order by the Speaker pro tempore (Mr. LATTA).

### DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,

December 7, 2011.

I hereby appoint the Honorable ROBERT E. LATTA to act as Speaker pro tempore on this day.

JOHN A. BOEHNER,  
*Speaker of the House of Representatives.*

### MORNING-HOUR DEBATE

The SPEAKER pro tempore. Pursuant to the order of the House of January 5, 2011, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning-hour debate.

The Chair will alternate recognition between the parties, with each party limited to 1 hour and each Member other than the majority and minority leaders and the minority whip limited to 5 minutes each, but in no event shall debate continue beyond 11:50 a.m.

### FLAWED DRAFT ENVIRONMENTAL ASSESSMENT IN PUERTO RICO

The SPEAKER pro tempore. The Chair recognizes the gentleman from Illinois (Mr. GUTIERREZ) for 5 minutes.

Mr. GUTIERREZ. Today I'm sending a letter to Colonel Alfred A. Pantano, the commander of the U.S. Army Corps of Engineers in Jacksonville, Florida, the district that oversees, among other things, the permitting process for the construction of a massive gas pipeline that will cross the mountains in Puerto Rico. The 92-mile gas pipeline, which does not make any sense environmentally, economically, or ethically, is moving forward in part because Colonel Pantano's office issued a Draft Environmental Assessment that clearly favors the eventual issuance of the permit.

I would like to read an excerpt from my letter:

"I was intensely angered, but sadly not entirely surprised, when I read the report issued by your office regarding the gasoducto in Puerto Rico. From the start, people in Puerto Rico have been telling me that they suspect all the regulatory oversight is nothing more than show and this process has

been assured of passage because of insider cozy relationships between the Army Corps Jacksonville staff and the very industry they are supposed to be overseeing and regulating.

"Further, having sunk millions of dollars in this project already, the ruling party in Puerto Rico's very credibility is at stake on this massive construction project going forward.

"The Draft Environmental Assessment is so slanted and flawed that it adds more evidence to the growing view that there will be no meaningful oversight for this project and no meaningful input from the residents of Puerto Rico.

"I believe your decision, Colonel Pantano, shows a complete disregard for compelling evidence demonstrating little need for the project. It shows disregard for the opinion of other Federal agencies who have looked at the project. The decision disregards evidence of potential safety hazards to the people of Puerto Rico. This woefully slanted decision also gives credence to the suggestion of impropriety in matters related to this project and the inability of the U.S. Army Corps of Engineers to oversee this project.

"I believe this process should begin again in an open and transparent manner, that the process that has led to the decision should be fully investigated, and further efforts should be supervised by new leadership. I ask for a U.S. Army Office of Inspector General investigation immediately into the relationship between the government of Puerto Rico, the Army Corps of Engineers Jacksonville office, and the power companies and its contractors.

"Lobbyists who used to work for the Army Corps of Engineers should not be allowed to line their pockets at the expense of the safety of the people of Puerto Rico. Your boss, President Obama, stated 'the cozy relationship between the regulators and the industry they regulate must come to an end.'

"I strongly support the President and agree with him completely. However, my misgivings about the pipeline project multiplied substantially when the project was abruptly removed from Army Corps' office in Puerto Rico and transferred to the Jacksonville office in Florida.

"There is clearly a cozy relationship between current Jacksonville staff that you supervise and former Jacksonville staff who now supervise and work for the private company consulted by and

hired by the government of Puerto Rico to lobby and provide technical assistance for the project."

The result: The Army Corps of Engineers appears to have adopted all the power company's wholesale argument for moving forward. What a surprise. These include ignoring the advice of other Federal agencies that do not seem to have any cozy connections and relationships to the moneyed interests behind the pipeline, including warnings from the Fish and Wildlife Service—ignored; the Environmental Protection Agency—ignored.

Finally, I point out that it is an insult to the people of Puerto Rico to have released the Army Corps' report in the manner it was released. The report is exclusively in English, whereas the common language in Puerto Rico is Spanish. English is a language that hundreds of thousands of Puerto Ricans whose lives will be directly affected by the pipeline do not speak and cannot read. How are they supposed to give advice and consent?

It is also personally insulting that the 30-day comment period occurred during the holiday season when the residents of Puerto Rico are especially focused on their family, and interestingly enough, Congress will be in recess.

The people of Puerto Rico, including those who live humbly in the mountains and those who have derived their livelihoods from the land, deserve a government that protects their interest. They deserve to know when their safety and way of life are threatened, the government will protect them. This case reveals the opposite. It reveals a government agency that ignores the warnings of other government agencies and a wealth of facts regarding safety concerns and environmental impact. It reveals a government agency that responds more to well-connected lobbyists than advocates for the people of Puerto Rico. It reveals a government agency that is doing nothing—not doing the job that it was mandated to do.

Mr. Speaker, I would like to include in the RECORD this petition, on behalf of many individuals and environmental groups from the Legal Assistance Clinic at the Law School at the University of Puerto Rico, to have the environmental assessment translated into Spanish.

ESCUELA DE DERECHO,



UNIVERSIDAD DE PUERTO RICO,

San Juan, PR, December 6, 2011.

Re Petition to Translate into Spanish the Draft Environmental Assessment, Statement of Findings, Public Notice, and Joint Permit Application for the Via Verde Natural Gas Pipeline Project, Permit Application No. SAJ 2010-02881 (IP-EWG).

Colonel ALFRED A. PANTANO,

*District Commander, U.S. Army Corps of Engineers, Jacksonville District, San Marco Boulevard, Jacksonville, FL.*

DEAR COLONEL PANTANO: The United States Army Corps of Engineers (USACE) has recently published a Draft Environmental Assessment and Statement of Findings (collectively, Draft EA) as part of its environmental review process under the National Environmental Policy Act (NEPA) for the Via Verde Natural Gas Pipeline project proposed by applicant Puerto Rico Electric Power Authority (PREPA) under permit application SAJ-2010-2881 (IP-EWG). This project involves the construction of a 92-mile natural gas pipeline that would cross the island of Puerto Rico, starting at the municipality of Peñuelas in the south coast, to Arecibo in north coast and then east to San Juan. According to the Draft EA, the purpose of the pipeline is to supply natural gas to three power plants located in the north coast. The project will have temporary and permanent impacts on 235 river and stream crossings; 1,500 acres of land; 369 acres of wetlands (including various types of important aquatic resources); the biodiversity-rich and underground water-abundant northern karst zone; private and public forested lands; natural reserves; archaeological sites; areas of critical habitat for endangered and/or threatened species; rural areas; densely populated urban areas; and coastal areas. In all, the project may affect over 40 endangered or threatened species, and will put at permanent risk the lives of over 200,000 residents. The majority of the people of Puerto Rico are against this project, as shown by various polls, the 6,000 comment letters your agency has received so far, and the public demonstrations against the project involving tens of thousands of Puerto Rican citizens. In addition, this project has been the subject of vivid presentations on the floor of Congress, as well as hundreds of news articles, including attention from the New York Times, Washington Post, and other national media. Not surprisingly, your agency has acknowledged that this project is one of very high public interest.

We are submitting this letter on behalf of various environmental groups and individuals. The conservation groups include the Puerto Rico Chapter of The Sierra Club; Center for Biological Diversity; Ciudadanos del Karso; Asociación Nacional de Derecho Ambiental; Comité Bo. Portugués Contra el Gasoducto; Comité Utuadoño en Contra del Gasoducto; Sociedad Ornitológica Puertorriqueña; Vegabajenios Impulsando Desarrollo Ambiental Sustentable; Iniciativa para un Desarrollo Sustentable; and Comité Toabajenio en Contra del Gasoducto. These groups all share a common purpose: to promote the general welfare of the communities they serve through education and capacity building of its residents concerning the adverse impacts of human activities on the ecologic balance of natural systems and the importance of restoring the environment and promoting conditions under which human beings and the environment can exist in harmony to fulfill economic, social and other needs of present and future generations.

Likewise, the individual clients of the environmental law clinics of Vermont Law School, University of Puerto Rico School of Law, and the Inter American University School of Law; and of the Puerto Rico Legal Services, Inc. support this petition as well. These individuals include Juan Cortés Lugo; Sofia Colón Matos; Luis Guzmán Meléndez; Ana Oquendo Andújar; Iván Vélez González; Francisca M. Montero Colón; Sol Maria De Los Angeles Rodríguez Torres; Iván Carlos Belez Montero; Aristides Rodríguez Rivera; Ada I. Rodríguez Rodríguez; Alex Noel Natal Santiago; Miriam Negrón Pérez; Francisco Ruiz Nieves; Silvy Jordán Molero; Ana Serrano Maldonado; Félix Rivera González; William Morales Martínez; Trinita Alfonso Vda. De Folch; Alejandro Saldaña Rivera; Dixie Vélez Vélez; Dylia Santiago Collaso; Ernesto Forestier Torres; Miriam Morales González; Fernando Vélez Vélez; Emma González Rodríguez; Samuel Sánchez Santiago; Raquel Ortiz González; Maritza Rivera Cruz; Virgilio Heredia Bonilla; Lillian Serrano Maldonado; Yamil A. Heredia Serrano; Jean Paul Heredia Romero; Pablo Montalvo Bello; Ramona Ramos Dias; Virgilio Cruz Cruz; Cándida Cruz Cruz; Amparo Cruz Cruz; Gilberto Padua Rullán; Sabrina Padua Torres; Maribel Torres Carrión; Hernán Padín Jiménez; Rosa Serrano González; Jesús García Oyola; Sucesión de Ada Torres, compuesta por Carmen Juarbe Pérez, Margarita Forestier Torres y Ernesto Forestier Torres; Maria Cruz Rivera; Cristóbal Orama Barreiro; Haydee Irizarry Medina; Miguel Baéz Soto; and Gustavo Alfredo Casaldud Torres.

We anticipate that more groups and individual citizens will join this petition in the coming days or weeks.

The purpose of this letter is to formally request that the USACE prepare a Spanish version of Draft EA and other key documents, particularly the most recent Public Notice and Joint Permit Application. In order for the public comment period to provide a meaningful opportunity for public input on a project of tremendous local interest and concern, it is important that these translations are prepared and distributed to the public *before* the commencement of the public comment period. Once the USACE provides an official Spanish version of the Draft EA and other key documents, the USACE should provide a public comment period of at least 60 days in light of the complexity and magnitude of this proposed project. In addition, we respectfully request that the USACE provide public hearings in Puerto Rico with translators available.

There are ample statutory and regulatory provisions as well as executive orders and judicial precedents which support our requests, as discussed further below. Furthermore, compliance with these requests is necessary if USACE intends to provide affected communities and interested individuals throughout the island of Puerto Rico with an adequate opportunity to comment on the project, considering that less than 19% of island residents consider themselves to be bilingual. The residents of these communities often have valuable information about places and resources that they value and the potential environmental, social, and economic effects that the proposed federal actions may have on those places and resources. NEPA and other federal statutes, regulations, and executive orders require USACE to provide concerned citizens and organizations with access to enough information to allow them to provide meaningful comments, and these laws require USACE to take their comments

into account. If the key documents to be evaluated remain available only in a foreign language, however, it will be too difficult for the affected and concerned citizens and groups alike to meaningfully and adequately comment on the project. In fact, the Draft EA and other key documents include so much technical and difficult to grasp information that even an English-speaking layperson would have difficulty reading, analyzing, and commenting in just 30 days.

Fundamental principles of environmental justice warrant that the Draft EA for a project of such magnitude must be translated in the Spanish language and that the public comment period be restarted and extended to 60 days once the Spanish version of the EA is available to the public. The USACE is bound to these principles by NEPA, the Council on Environmental Quality Guidelines (CEQ guidelines), the Executive Order on Federal Actions to Address Environmental Justice, the Department of Defense Strategy on Environmental Justice pursuant to the Executive Order, the U.S. Constitution, and other legal authorities and precedents.

Security issues also warrant a translation. The pipeline is a safety risk to various thousands of people who will live, work or commute daily near the pipeline's ROW. The Draft EA recognizes this fact when it states that "the addition of the pipeline in the community decreases public safety." Likewise the value of property might be affected depending on the proximity to the ROW of the pipeline. Basic fundamental principles of justice require that people put in harm's way or whose property, may be affected be able to read and understand the Draft EA which contains the basic findings of the USACE regarding the risks of the proposed action to their lives and property.

#### NEPA AND CEQ REGULATIONS

The Draft EA for the proposed Via Verde Pipeline project was prepared by the USACE pursuant to an environmental review process required under NEPA. NEPA's environmental review process has two major purposes: (1) for agencies to make better informed decisions; and (2) for other interested agencies and citizens alike to have an opportunity to participate and provide input in the review process. Courts have repeatedly interpreted the statute as requiring agencies to grant meaningful and adequate participation to the public by disclosing all non-exempted documentation the agency used and by allowing the public to submit comments in a process that guarantees that the agency will take into account the public's comments.

In light of these obligations, USACE has repeatedly promised that it will take into account all the comments submitted by the people of Puerto Rico. A 30-day period is not enough time to give the people of Puerto Rico a meaningful opportunity to read, analyze, evaluate and then comment on this 110-page long Draft EA for this highly complex and controversial project. Moreover, the USACE has overlooked the fundamental fact that Puerto Rico is a Spanish-speaking nation and the Draft EA, a highly technical document, and other key documents are written in the English language. If affected and concerned citizens are not able to read the key documents under review, their participation will not be meaningful and adequate as the statute requires.

Through NEPA, Congress ordered the Council on Environmental Quality (CEQ) to issue regulations governing federal agency implementation of the NEPA environmental

review process. These CEQ regulations are binding on all federal agencies. Section 1506.6 of the CEQ regulations, regarding public involvement, states that agencies shall:

(a) Make diligent efforts to involve the public in preparing and implementing their NEPA procedures.

(b) Provide public notice of NEPA-related hearings, public meetings, and the availability of environmental documents so as to inform those persons and agencies who may be interested or affected.

1. . . .

2. . . .

3. In the case of an action with effects primarily of local concern the notice may include:

(i) . . .

(ii) . . .

(iii) Following the affected State's public notice procedures for comparable actions.

(iv) . . .

(c) . . .

(d) Solicit appropriate information from the public.

(e) . . .

(f) Make environmental impact statements, the comments received, and any underlying documents available to the public . . . [emphasis added]

When a Federal provision requires "diligent efforts to involve the public", to "inform those persons [ . . . ] who may be interested or affected", and to "solicit appropriate information from the public" in a Spanish-speaking nation like Puerto Rico, regarding a project so controversial and of such a scope and magnitude as Va Verde, the only way to comply with the provision is by providing the information in the common language spoken. Likewise, in the case of an action with effects primarily of local concern, as in the case of Va Verde, section 1506.6 (b)(3)(iii) orders the agency to follow "the affected State's public notice procedures for comparable actions" which for Puerto Rico would be a draft EA in the Spanish language.

CEQ regulations offer additional reinforcement in order to guarantee an adequate public participation. For instance, section 1502.8 of the CEQ guidelines state that "[e]nvironmental impact statements shall be written in plain language and may use appropriate graphics so that decisionmakers and the public can readily understand them" [emphasis added]. Courts have interpreted this "plain language" provision as to require Federal agencies to provide the public with comprehensive information regarding environmental consequences of a proposed action and to do so in a readily understandable manner. See *Klamath-Siskiyou Wildlands Center v. Bureau of Land Management*, 387 F.3d 989 (2004), "While the conclusions of agency expert are entitled to deference, National Environmental Policy Act (NEPA) documents are inadequate if they contain only narratives of expert opinions, and the documents are unacceptable if they are indecipherable to the public"; *Earth Island Institute v. U.S. Forest Service*, C.A.9 (Cal.), 442 F.3d 1147 (2006), *certiorari denied* 127 S.Ct. 1829, 549 U.S. 1278, 167 L.Ed.2d 318 (emphasis added), "A final environmental impact statement (FEIS) must be organized and written so as to be readily understandable by governmental decisionmakers and by interested non-professional laypersons likely to be affected by actions taken under the FEIS" [emphasis added]; *Oregon Environmental Council v. Kunzman* 817 F.2d 484 (1987), "Readability requirement of Council on Environmental Quality regulation mandates that environmental impact

statement be organized and written so as to be readily understandable by governmental decision makers and by interested nonprofessional laypersons likely to be affected by actions taken under the environmental impact statement" [ . . . ] "Upon review of environmental impact statement, parties may introduce evidence concerning reading level of affected public and expert testimony concerning indicia of inherent readability. National Environmental Policy Act of 1969, §102, 42 U.S.C.A. §4332; 5 U.S.C.A. §706(2)(A, D)" [emphasis added]. See also *National Resources Defense Council, Inc. v. United States Nuclear Regulatory Comm'n*, 685 F.2d 459, 487 n. 149 (D.C.Cir.1982); *Baltimore Gas & Elec. Co. v. NRDC*, 462 U.S. 87 (1983); and *Warm Springs Dam Task Force v. Gribble*, 78 F.Supp. 240, 252 (N.D.Cal.1974), *aff'd*, 621 F.2d 1017 (9th Cir.1980). These requirements for EISs apply equally to EAs, as indicated in the CEQ regulations' use of the term "environmental documents" rather than EISs alone.

In the case of Puerto Rico, a Draft EA that is highly technical and written in the English language is "undecipherable" and not "readily understandable" in order to be properly assessed and commented by lay persons whom in their wide majority are not fluent in the English language.

#### ATTORNEY GENERAL ERIC HOLDER MUST RESIGN

The SPEAKER pro tempore. The Chair recognizes the gentleman from Louisiana (Mr. BOUSTANY) for 5 minutes.

Mr. BOUSTANY. Mr. Speaker, U.S. Attorney General Eric Holder must resign immediately. After months of evading tough questions and giving unclear answers about Operation Fast and Furious, it now appears the Justice Department's top official has contradicted his own testimony given before Congress.

Under Operation Fast and Furious, the Bureau of Tobacco, Alcohol, and Firearms allowed "straw" purchasers to buy at least 1,400 weapons, despite the fact it knew that these weapons would likely end up in the hands of violent Mexican drug cartels. The ATF lost track of the guns after they were sold to criminals. Since then, many have been used in hundreds of crimes on both sides of the border, including the murders of a Border Patrol agent in Arizona and an immigration officer at the U.S. embassy in Mexico City.

Why did the Attorney General allow for the transfer of guns across the border without working in conjunction with Mexican authorities when he knew the ATF was unable to trace them? That's a very important question that must be answered. This botched program should never have been authorized in the first place. Attorney General Holder should resign over his failure and his evasive and contradictory testimony to the United States Congress.

#### THE REINS ACT AND MINE SAFETY

The SPEAKER pro tempore. The Chair recognizes the gentleman from

California (Mr. GEORGE MILLER) for 5 minutes.

Mr. GEORGE MILLER of California. Mr. Speaker, Members of the House, later today, the House will consider the REINS Act, which is legislation designed to make sure that in a Republican-controlled Congress, no new regulations would be put into effect, whether they deal with clean drinking water, clean air, child safety, the safety of children when they play with their toys, the drugs that so many citizens need to take to maintain their health, or occupational safety at the workplace. All of that would be destroyed under the REINS Act.

You might ask yourself what would society look like? Well, we had a preview of what that society looks like yesterday when the Mine Safety and Health Administration released its report on the Upper Big Branch mine. What that society looked like to these miners and to their families was 29 dead coal miners, because the Massey Corporation was basically allowed by its board of directors to evade the basic regulations that were in place to protect the miners.

Although the miners don't have whistleblower protections, we saw that Massey was able to intimidate the workers every day not to report safety violations, not to write up safety violations, not to report things that needed to be repaired, because the chairman of the board told them the priority was the production of coal, not the safety of the workers.

□ 1010

Produce the coal or get out is what he told them. So they were not able to participate in their own safety when they saw a violation or they saw a problem that caused danger in the mine.

They also were able to circumvent the right of the mine safety inspections in the mines because they gave advance warnings. They were told if a Federal mine inspector comes onto the property, you must give advance warning to the people in the mine so they can divert the mine inspector away from the problems in the mine, take up their time while we can fix them, or he'll run out of time to inspect the mine. There's regulations against that. There's laws against. They avoided those.

Then they kept two sets of books so that the mine regulators couldn't see the real level of violations in the mines. That's what it looks like when you don't have regulations. That's what it looks like when you don't have enforcement.

And it's the conclusion of the mine safety report that mirrors one that was done by the State government. The conclusion is that the tragic death of 29 miners and serious injuries of two others in the Upper Big Branch mine

were entirely preventable—entirely preventable—had regulations been enforced in that mine, had this company not been allowed to go rogue and ignore the regulations that are there to protect the miners' lives.

We must now understand what that means to the American public, what it means to these families.

What could have been contained, what could have been contained as a mine or a coal dust explosion or a localized methane gas explosion became an explosion that traveled 2,000 feet per second—2,000 feet per second. There is no miner that could get out of the way of that act.

And what happens at the end of that world without regulation, where you don't have to put up with paying fines, where you can clog the courts with appeals? When the Massey Company was sold, the board of directors that allowed this to happen, the executive officers that directed this to happen, the officers walked away with \$90 million in bonuses; the board of directors walked away with \$19 million in bonuses. And Don Blankenship, the CEO of the company that wrote the memo that said it's production of coal or get out, it's not safety, walked away with \$86 million.

And now get this: Don Blankenship, the CEO, now wants to go back into the coal business after killing 29 miners. And whether it's the State of Virginia or the State of West Virginia or Kentucky or anywhere else, the suggestion is that they might be able to give him a permit to open up a mine. Twenty-nine miners are dead, violations of law, a criminal corporate culture, and somebody else says that they might be able to go back into the mines.

You will not reignite the American Dream for workers in this country if you take away their rights at work. You will not reignite the American Dream for the middle class if they have no rights at work, if they're subjected to this. For these families who lost the 29 members of their families, they're crushed. They're crushed. But you can't do that by eliminating the regulations. It's the regulations in place that have saved miners' lives; but it's the avoidance of the regulations, the ignoring of the regulations, and it's the failure of this Congress to introduce tough sanctions.

When you obstruct a Federal safety investigation, it should be a felony. Somebody should go to jail. When you obstruct the right of a worker to blow the whistle on an unsafe procedure, there's got to be a strict fine for that. That's how we reignite the American Dream.

We've got a lot of work to do in this Congress, but you can't do it by stopping all regulations that protect our families, that protect our communities, that protect the workers in America today.

#### PEARL HARBOR

The SPEAKER pro tempore. The Chair recognizes the gentleman from Texas (Mr. POE) for 5 minutes.

Mr. POE of Texas. Mr. Speaker, the sun was lazily rising on the horizon. It was around breakfast time on a stunning Sunday morning. It was quiet, peaceful, calm. People felt secure. There was a small tropical breeze as the American flag was being raised on a nearby flagpole.

It was this day that Luke Trahin, a 22-year-old sailor from southeast Texas, noticed large formations of aircraft darkening the glistening sky. He kept watching in awe until suddenly the aircraft broke formation, dove from the sky, and unleashed a fury of deadly, devastating bombs and torpedoes on a place called Pearl Harbor in the Pacific. It was this day, 70 years ago this morning, when Luke Trahin and his fellow sailors, soldiers, and marines saw war unleashed upon America. It was December 7, 1941.

The Japanese had caught America by surprise and took advantage of an unprepared nation. And after the smoke cleared on that morning of madness, 98 Navy planes and 64 Army aircraft were destroyed. Luke's unit, Patrol Wing One, lost all but three of its 36 aircraft. 2,471 Americans, servicemen, and civilians, were killed by this unwarranted invasion of terror from the skies.

The pride of the United States Navy, the battleships—*West Virginia*, *California*, *Oklahoma*, *Tennessee*, *Utah*, *Maryland*, *Nevada*, and *Arizona*—were trapped in the harbor. They made easy targets for the Japanese pilots. The sailors onboard these battle wagons fought with the courage of an entire legion of warriors when they were attacked by a skillful, fanatical, and tyrannical enemy. All of these fierce U.S. Navy battleships were sunk or damaged. Their guns, Mr. Speaker, are now silent.

The hull of the USS *Arizona* became the sacred graveyard in the peaceful Pacific for more than 1,177 American sailors and marines. I have seen, Mr. Speaker, the oil that still seeps to the surface from the hull of the battleship *Arizona*.

Luke Trahin and his Navy buddies in Patrol Wing One quickly got organized, prepared, and waited for 2 days for the expected land invasion by the Japanese. It never came. But America was at war. It was World War II, and the war was long. It spread from the Pacific to Europe to Africa to the Middle East to Asia. The Japanese, then the Nazis, seemed undefeatable. But even the Japanese were concerned about the spirit of America. The Japanese commander of the Pearl Harbor invasion remarked that what Japan had done was wake a sleeping giant.

World War II was hard. Millions served in uniform overseas; millions served on the home front; all sacrificed

for the cause of America. The Nation woke from a somber sleep of neutrality and, with our allies, defeated the tyrants that would rule over the world. That was a time when Americans put aside all differences and united to defend freedom in our Nation. When the war was won, over 400,000 Americans had given their lives for this nation.

Mr. Speaker, I'm always intrigued by the stories of those war heroes and the folks of that generation. There isn't one of them that cannot recall the exact moment and place they were when they heard the news of Pearl Harbor. Both of my parents, barely teenagers at the time, still talk about what they were doing when they heard on the radio that broadcast that Sunday morning about the invasion.

Until September 2001, this was the deadliest attack on American soil. "December 7, 1941, a date that will live in infamy." Those were the words of President Franklin Roosevelt that became forever embedded in the minds of patriots across our land igniting and launching a nation into the fiery trenches of battle throughout the world.

Those of that Greatest Generation proved that when freedom of this Nation is threatened, our people will stand and fight. They will bring the thunder of God upon our enemies. Defending freedom and liberty was the battle cry of the sailors, marines, and soldiers that died 70 years ago at Pearl Harbor.

We remember December 7, 1941, and the Americans who stood tall and kept the flame of America burning brightly. They were a remarkable bunch of people. They were the Americans.

My friend, Petty Officer Luke Trahin, stayed in the United States Navy for 38 years, either on active or reserve status. He wore his uniform every Memorial Day, every Veterans Day, and spent a lot of time speaking proudly about this country. He died 4 years ago on December 5, 2007. He was 89 years of age.

And that's just the way it is.

#### UNEMPLOYMENT INSURANCE EXTENSION

The SPEAKER pro tempore. The Chair recognizes the gentlewoman from Ohio (Ms. FUDGE) for 5 minutes.

Ms. FUDGE. Mr. Speaker, I rise to address the urgent need to extend unemployment insurance for struggling Americans. Forty-five percent of all unemployed workers—more than 6 million people—have been out of work for more than 6 months.

Karen, from Cleveland, was laid off in March. She was laid off from a law firm due to budget constraints. She is 62 years old and unable to find a job in this economy. Unemployment insurance is helping her to get by with just the basic necessities. It is allowing her

to pay for expensive but necessary prescriptions. She is actively looking for work, but she is afraid that if her unemployment benefits are cut, she will lose her house. Karen's State unemployment benefits can run out at the end of December.

□ 1020

If Congress fails to act to renew the Federal unemployment insurance program, she'll become just another statistic, one of the millions of Americans who identify themselves with the 99 percent. Karen, along with 6 million Americans, will be cut off from emergency lifeline saving resources unless Congress acts.

Sandra, of Cleveland Heights, lost her job in April 2011. It's her third lay-off. She is 59 years old. She never thought she would find herself in this position at this age.

Rather than defaulting on her mortgage, she has used up all of her retirement savings. Now she is deeper into debt. When her unemployment funds run out, it's likely she will default. And being an older worker, it makes it even harder.

We see this scenario all too often across this Nation, hardworking Americans getting laid off, using up their savings, and then losing their homes. We've seen foreclosure rates soar, and Americans are falling behind on their mortgage payments at a very rapid rate. In my district, more than 13 percent of homeowners are 90 or more days behind on their mortgage.

In 2010, unemployment benefits kept 3 million Americans, including nearly 1 million children, from falling into poverty. Extending unemployment insurance can prevent the loss of over 500,000 jobs, according to the Economic Policy Institute—500,000 jobs.

You know why? Because UI payments go directly into the economy. They support local businesses. They help create jobs and reduce the demand for public services. If we don't extend unemployment insurance, it would be the equivalent of pulling nearly \$90 billion out of the economy in 2012.

There's one more story I'd like to tell you. It's from Molly in Toledo. I tell Molly's story because it embodies the frustration felt by thousands upon thousands of American across this country.

Molly has battled unemployment since October 2008. She wonders how the rich and powerful expect people like her to survive without good-paying jobs. "Are we just supposed to die," she asks? "Commit suicide? Starve to death while we are homeless and on the streets?"

Molly says: "The deck really seems to be stacked against ordinary Americans. No one with any real power seems to care, except Warren Buffett."

"I'm trying to find a good job," she says, "or any job for that matter. We,

the unemployed are demonized by the right and discriminated against for being out of work. We're too old or overqualified or underqualified, or we're the wrong color. What has happened to my country?" she asks.

These are the stories of everyday Americans who are struggling to get by. This is not about Democrats and Republicans. This is about coming together to help millions of unemployed Americans get through the worst economic recession since the Great Depression. It's about helping our economy grow and about creating jobs.

Americans are frustrated with the decline of the middle class and the lack of good-paying jobs. But these honorable citizens haven't given up, and neither can we. We must act now. We must extend unemployment insurance.

#### WHY ARE WE STILL IN AFGHANISTAN?

The SPEAKER pro tempore. The Chair recognizes the gentleman from North Carolina (Mr. JONES) for 5 minutes.

Mr. JONES. Mr. Speaker, when we were home during the Thanksgiving break, like all my colleagues, I did as much as I could to be with the people of the Third District of North Carolina. The Third District is the home of Camp Lejeune Marine Base, Cherry Point Marine Air Station, and Seymour Johnson Air Force Base, and over 60,000 retired veterans in the Third District.

Since coming back to Washington, I've done two town meetings by phone. What I heard while I was home during Thanksgiving and the two town meetings: Why are we still in Afghanistan?

When I hear my colleagues in both parties talking about the problems facing the American people—unemployment benefits, extending the tax cuts for middle class America—we all grapple with, both parties, how we are going to pay for it.

Well, there is a man in Afghanistan that is a crook and corrupt, who gets \$10 billion a month that he doesn't have to worry about. Poor Americans are out here doing the best they can in a very difficult economy, and we can't help them, but we can help a corrupt leader in Afghanistan. It makes no sense. I hope that this Congress will come together and say to the President, let's not wait till 2014.

How many more American boys and girls will have to die and give their legs in the next 3 years for a corrupt leader? I've asked the Department of Defense, and I wrote Secretary Panetta and asked him that question. Give me your projections of how many more young men and women will have to die and lose their legs. I hope that I get that response soon.

That brings me to the point of a young marine I saw at Walter Reed/Bethesda about 3 weeks ago. There were

four marines from the Third District of North Carolina. Three have lost both legs, and the one that had lost only one leg, a corporal, mom sitting in the room, said to me, Sir, may I ask you a question? I said certainly you may. Why are we still in Afghanistan? And I looked at him and I said, I don't know why we're still there.

Mr. Speaker, it makes no sense. The American people and the people of the Third District of North Carolina are saying, we have won; bin Laden is dead; al Qaeda has been dispersed all over the world.

Mr. Speaker, it is time, as we debate these very difficult, complex issues for our Nation, that we get smart with our foreign policy. And smart means, let's don't try to police the world.

History has proven you will never change Afghanistan. It will never change, no matter what we do or any other country tries to do.

So, Mr. Speaker, beside me is a poster with a flag-draped coffin coming off the plane at Dover. And with humility I tell you today, Mr. Speaker, I've signed over 10,400 letters to families and extended families who've lost loved ones in Afghanistan and Iraq.

I thank God that He has allowed me to have a heart large enough to feel the pain of war, because I've never been to war. But when I sign those letters, I feel the pain of the families, and I lick every envelope that I send.

Mr. Speaker, with that, I want to close my comments by asking God to please bless our men and women in uniform, God to please bless the families who've lost loved ones fighting in Afghanistan and Iraq. God, please bless the House and Senate that we will do what's right for the American people. Bless Mr. Obama that he will do what is right for the American people.

And three times I will say, God, please, God, please, God, please continue to bless America.

#### UNEMPLOYMENT INSURANCE EXTENSION

The SPEAKER pro tempore. The Chair recognizes the gentleman from Minnesota (Mr. ELLISON) for 5 minutes.

Mr. ELLISON. Mr. Speaker, before I begin my remarks, I want to publicly associate myself with everything WALTER JONES just said. He is absolutely right.

Mr. Speaker, this holiday season Congress has chances, a couple of chances right in front of them to do what's right for the American people and to side with the overwhelming percentage of Americans suffering out there in this economy.

For an entire year, the majority in the House has not offered a single bill to create a single job. In fact, the only thing that the Congress has been doing is creating an environment where public sector jobs are cut, and where private sector jobs, though they have been

growing, are offset by those public sector cuts, leaving us with an unemployment rate which we're happy to have at 8.6 percent, but within the historical context is still a national disgrace and an outrage to have unemployment at 8.6 percent for so very long. But we're happy to have it because it has been as high as 10.

And now we're threatening to leave more than 2 million Americans, including 13,000 in my home State of Minnesota, out in the cold during the holiday season by taking away their unemployment insurance.

Right now, 14 million people are unemployed, and companies really aren't hiring. For most of these people, unemployment insurance is the only thing that's keeping them in their homes and not out on the street.

According to the Census Bureau, unemployment insurance has pulled 3.2 million Americans out of poverty last year. And that's why Congress needs to make sure that all Americans, Mr. Speaker, continue to have this vital lifeline available.

Any credible economist will tell you that unemployment insurance creates jobs. Every dollar invested in unemployment insurance yields a return of \$1.52 in economic growth.

At least 200,000 jobs would be lost if Congress fails to pass the extension of unemployment insurance benefits. Congress must not leave Washington for the holidays without extending unemployment benefits that create jobs and put money into the pockets and on the tables of millions of Americans.

□ 1030

Both Democrat and Republican politicians, we together have not passed that jobs bill. While the Republicans are in the majority, and I believe bear the weight of the responsibility, it's a responsibility of every Member of Congress to call for the extension of unemployment insurance benefits and jobs at this critical time.

America can't wait. We shouldn't be leaving hardworking Americans high and dry this holiday season. This holiday season, we can spur economic growth, create jobs, and strengthen the middle class by doing the right thing of extending unemployment insurance benefits.

On behalf of the good people who play by the rules and lost their jobs because of Wall Street greed, and while this majority looked the other way, I urge all of my colleagues to support the extension of unemployment insurance benefits.

#### AFGHANISTAN

The SPEAKER pro tempore. The Chair recognizes the gentleman from Illinois (Mr. KINZINGER) for 5 minutes.

Mr. KINZINGER of Illinois. There has been a lot of talk lately about Af-

ghanistan. You hear it every day. You heard it just a little bit ago about why are we in Afghanistan? What are we fighting for? Isn't it time to go home?

I've got to tell you the easy thing to do is to stand up and say let's just declare victory and let's leave, and then whatever happens after we're gone, that's not our fault anymore. It's not our problem. That's the easy thing to do.

You know, the America I grew up in and continue to grow in and live in is not the country that always picks the easy thing. The thing about the American DNA is, I believe we do typically the right thing.

Now, let me tell you, I'm still a pilot in the military. I still fly for the Air National Guard, and I've had the privilege and honor of serving overseas with my fellow men and women in uniform. Although most of my experience was in Iraq, I remember in Iraq a time when Members of this House stood up and said that the war in Iraq is lost, that there is no way to win, and it's time to just come home.

And we see today that now the American troops are coming home from Iraq but under a condition of victory. And while I have concerns about that timetable for withdrawal, I think anybody would agree that that's better than had we just in 2006 and 2007 folded up and taken the easy way.

So let me ask my fellow Members of Congress and let me ask the American people, what is it we're fighting for in Afghanistan?

I have here a very disturbing but a very appropriate picture of what it is that we're fighting for.

The young girl you see on the top, her name is BiBi. BiBi is 17 years old. When BiBi was 12 years old, she was sold to somebody basically as a slave as a result of a member of her family committing a crime and selling her as reparations for that crime. For 5 years she was beaten by her husband until one day she decided to run away to seek freedom.

Well, she was caught. Her husband caught her, drug her back to his house, and the Taliban, as a way to enact justice, forced him, with his brother holding her down, forced him to cut off her nose and to cut off her ears. She then proceeded to basically crawl to her uncle's house, and her uncle ignored her. And somebody finally called the hospital, and they said go to an American forward-operating base. They'll take care of you.

You hear the stories of the major who took care of her talking about how she showed up and talking about the fright that she had in her eyes.

I took a trip to Afghanistan recently and saw a village where I saw a man who was standing on a berm with an AK-47. And I talked to him through a translator, and he informed me that not 2 days ago his daughter fell into a

well and drowned. But yet he still believes that his village needs protecting. And he could be sitting at home mourning the loss of his daughter, and I'm sure he mourned the loss, but he was standing out defending his village because he wants what Americans want, what anybody around the world wants. They want security. They want to be able to raise their family. BiBi just wants to live her life without being beaten and sold into slavery.

Today, because of the American presence in Afghanistan and that of our coalition partners, you see the picture at the bottom of this, the best part of this picture, and that is girls in school learning to read and write, learning that there is a world out there, learning that despite where they were raised and born, they, too, can have some of the freedoms and some of the privileges that folks in the rest of the world and especially in the United States have.

So let me say this. It is so easy to stand up and say this is not worth it. But I'm going to tell you the second verse of the Star Spangled Banner has a line that says "Oh conquer we must, when our cause it is just."

Ladies and gentlemen, what we're doing in Afghanistan is not extending an empire. It's bringing freedom to millions of people, taking out jihadists that would kill people simply because you believe differently than them, and we are standing up for freedom around the globe. The greatest disinfectant to terrorism is freedom.

Ladies and gentlemen, the fight in Afghanistan, though difficult, is worth it, and I come in today and stand up and say "God bless you" to those that have gone over there and put on the uniform, and I say "thank you" for your service to your country. The fight is worth it.

#### TAKING CARE OF THOSE AT HOME

The SPEAKER pro tempore. The Chair recognizes the gentleman from New York (Mr. RANGEL) for 5 minutes.

Mr. RANGEL. I have been so moved by the preceding gentleman's remarks about the good work that Americans can do, especially when the argument is which side are we on, terrorism or freedom.

I don't know how many cases in the world that the United States of America can intercede in, but I do know that, as we see these horrible examples of what people can do to their own people, that we have thousands of Americans who have volunteered to support our flag and the integrity of the United States who have been killed. And it just seemed to me that when we're talking about the protection of a human body, whether it's losing a limb or your sight or your face, no matter what it is—and especially your life—that if America is going to take this

position, all Americans should be prepared to make the sacrifices as the gentleman before me has.

I think it's so unfair and borders on corrupt when people talk about where our American men and women should be, defending freedom in foreign countries, when America hasn't spoken. Presidents haven't declared war. And we find ourselves talking about volunteers when it's abundantly clear that everybody does not assume the same sacrifices, whether we're talking about taxes or loss of life.

So whether we're talking about Australia, Afghanistan, Iraq, before the people make a decision—and that's what we're for in the House—before they make a decision, at least say that everyone has to participate in that decision and not those who, for economic reasons, find themselves in communities with the highest, the very highest unemployment.

And I laud what happens to all of us who volunteered, because when that flag goes up, you salute the flag. The President becomes the Commander in Chief, and there is only one thing to do. And that's win and protect the integrity of the United States.

But I submit that we have to have a draft that's a part of—what?—the United States, and not a plea for those people, for economic reasons, who will have to protect themselves. I don't think I've ever said this before, but I was thinking that my brother volunteered long before Pearl Harbor, which today we commemorate, and so he was unable to say, nor I, that he volunteered because we were being attacked.

□ 1040

Several years later, in 1948, when the war was over, I volunteered, and that was before the North Koreans invaded South Korea. I would like to walk away by saying how patriotic we both were; but really what motivated me was the excitement my mother would get in receiving a check from my older brother. It wasn't a question of whether she loved him more; it was that she needed it.

I was a teenager—11, 12 years old. The one thing I knew, I wanted to make my mother as happy as my brother did and send her that allotment check. Yet, today, I have medals, and I've been lorded by the Koreans and everyone else; but when I think about it, there were economic reasons that made me a "hero," and there are economic reasons that make the heroes that we have who defend our country and our flag so well.

I didn't expect to talk about that; but in hearing that, 70 years ago, we were attacked and of the American lives that were lost and then of coming back to what has happened in Afghanistan, I am reminded of how unfair this system is for the greatest country in the world and of the hope and division

that we're losing and of what separates us from so many other countries in which you can be born into the pits of poverty, and yet you can always dream that, in this great country, you can succeed.

So many Members of Congress and so many members of the Congressional Hispanic Caucus are the first ones who ever went to college—their parents were the first ones in generations who were able to become professionals—and then had the great honor to represent the United States of America in this Congress.

I am sorry to have deviated from why I came to the well. What I can say to other Members is: God bless America. We have to keep fighting for equality and justice for all.

#### IN HONOR OF THE BLUE STAR MOTHERS OF AMERICA

The SPEAKER pro tempore. The Chair recognizes the gentleman from Colorado (Mr. TIPTON) for 5 minutes.

Mr. TIPTON. Yesterday, legislation that I sponsored, along with Senator MICHAEL BENNET from Colorado, passed the House floor. This bill for the Blue Star Mothers of America updated their congressional charter for the modern era.

Mr. Speaker, I am privileged today, particularly on this day as we commemorate the attack on Pearl Harbor 70 years ago, to be able to rise to honor the Blue Star Mothers of America—the people, the women of America, who have been providing much needed assistance to our Nation's active duty servicemen and -women, veterans, and military families since 1942.

Founded during the height of World War II, the Blue Star Mothers are a nonpartisan veterans' service organization, composed of mothers of current and former servicemembers. Today, over 5,000 dedicated women perform a wide variety of important volunteer services for our troops, providing transportation, supplies, food, and emotional support. More than 225 local chapters across the United States carry out the mission of supporting our troops, our veterans, and the families of our fallen heroes, as well as developing individual projects to assist the specific needs of the military in their own communities. Last month alone, thousands of care packages were sent to our troops overseas, and chaplains and commanders across the military received boxes of supplies and gifts to be able to be distributed to the comrades.

The Blue Star Mothers were originally formed to bring their children home, to ensure that they were given the benefits that they deserved, and to provide them with a vast support network upon their arrival. The organization has since expanded to include other forms of assistance, including re-

habilitation, family services, and civil defense. This was chartered by Congress in 1960.

Mr. Speaker, it is an honor to be able to recognize the Blue Star Mothers of America, and I rise today to thank these patriotic women for their commitment to serving the needs of America's military community and for making a difference in the lives of those who sacrifice the most.

Several years ago, I had the opportunity to be at the graduation at the United States Air Force Academy. My son-in-law was graduating, and Secretary Gates delivered the commencement address. At that time, he noted that that freshman class was the first to enter the academy after 9/11, knowing full well that they would be putting themselves in harm's way.

We have the finest volunteer military that the world has ever seen. May God continue to bless this country with such men and women who will always stand for freedom.

#### WALL STREET AND MF GLOBAL

The SPEAKER pro tempore. The Chair recognizes the gentlewoman from Ohio (Ms. KAPTUR) for 5 minutes.

Ms. KAPTUR. Mr. Speaker, numerous stories have come out over the last few weeks, all detailing the corruption and outright fraud on Wall Street.

First, there was the recent news about former Secretary of the Treasury Hank Paulson's inappropriately tipping off a few key friends from Goldman Sachs and other Wall Street tycoons about the impending collapse of Fannie Mae and Freddie Mac so that those friends could hedge and make money on that insider knowledge. Then a judge in New York threw out one of the orchestrated settlements between Citigroup, which was a bank at the center of the wrongdoing, and the Securities and Exchange Commission, which allowed that bank to walk away from cases of fraud without admitting any wrongdoing.

This past weekend, "60 Minutes" interviewed a former executive vice president at Countrywide Financial, a giant and duplicitous player in the U.S. mortgage business. This woman was in charge of fraud investigations at the company before the financial crisis.

According to her, "Countrywide loan officers were forging and manipulating borrowers' income and asset statements to help them get loans they weren't qualified for and couldn't afford." She went on to say that all of the recycle bins, wherever they looked in that company, were full of signatures that had been cut off of one document and put onto another and then photocopied or faxed. According to her, the fraud she witnessed was systemic, taking place in Boston, Chicago, Miami, Detroit, Las Vegas, Phoenix, and elsewhere. She was fired before she



could speak to government regulators about the extent of fraud she had documented.

What is most troubling is that these stories are not isolated. The FBI testified before Congress as early as 2004 that they were seeing an epidemic in white collar crime. They stated the FBI did not have anywhere near enough agents to investigate major white collar crime like the financial crisis. There are moments when I do wonder if the FBI has the will to prosecute; but still, today, the FBI has nowhere near enough special agents or forensic experts to properly investigate the level of corruption that we know occurred.

Frankly, the Congress has shorted the FBI—some might say purposely—of the resources it needs to do the job. I have a bill, which I invite my colleagues to support, H.R. 1350, the Financial Crisis Criminal Investigation Act, authorizing an additional 1,000 FBI agents to aggressively investigate the kind of fraud that has destroyed the economic future of millions of our people and that has upset the global financial system.

Back when we had the S&L crisis in the 1990s, we had 1,000 agents. Do you know how many were working when this financial crisis started? Forty-five. The others had all been reassigned to terrorism. We're only up a little over 200 agents now investigating white collar crime. Think about that, America. Why do you think these financial wrongdoers aren't in jail? Frankly, this Congress has not taken its responsibility to investigate seriously.

Despite the robust public reporting of misdeeds on Wall Street, it has not been until the MF Global case, one of the top 10 bankruptcies in this country, that Congress has shown some mild interest in the magnitude of the inquiry required. In November, we got an inside look into the stunning misdeeds—and let's be blunt—outright thievery that occurred at MF Global in the days before it declared bankruptcy. The total amount missing from private accounts has fluctuated over the weeks. As much as \$1.2 billion could be missing from private customer accounts.

Congress is finally having hearings on this subject tomorrow, and we'll see how seriously an investigation is pursued. Let me say that the public has a right to know on what specific dates throughout 2011 money from customer accounts was wire-transferred in order to meet MF Global's margin calls.

□ 1050

This is the key question. Members should ask, probe, and exact the truth. The public has a right to know on what specific dates through 2011 was money from private customer accounts at MF wire-transferred in order to meet MF's global margin calls.

If Mr. Corzine authorized the taking of those funds, then this body should remind him that no one is above the law, not even someone who was a former Goldman Sachs CEO, former Governor and U.S. Senator. Whichever friends and associates aided his actions in that company should be brought into full sunlight, as well as other companies that were likely involved in those wire transfers.

The fact that hundreds of millions of dollars, if not over a billion dollars, can simply be stolen from a major banking institution from the inside requires full investigation, not just by the Congress, but by the FBI. I'm reminded of that book, written by Professor William Black, "The Best Way To Rob a Bank is To Own One." Well, I wonder how much of that applies in this case.

It's time that Wall Street, white collar crimes, be prosecuted seriously, that this Congress do its job. Let's provide the FBI the resources it needs to fully investigate and prosecute, and the committees of this Chamber use their full authority to do no less. We surely owe this to the American people and the cause of justice toward all.

#### SUPPORT REINS ACT AND GOP REGULATORY REFORM AGENDA

The SPEAKER pro tempore. The Chair recognizes the gentleman from Nebraska (Mr. SMITH) for 5 minutes.

Mr. SMITH of Nebraska. Mr. Speaker, I am pleased to speak today about the Regulations from the Executive in Need of Scrutiny, or the REINS, Act.

This bill, which I have cosponsored, restores accountability to the regulatory process by requiring an up-or-down vote in Congress and the President's signature on any new major rule before it is enforced on the American people.

Over-regulation, Mr. Speaker, is devastating our economy and hindering job growth. Of the current administration's new regulations, 200 are expected to cost more than \$100 million each. Seven of those new regulations, however, will cost the economy more than \$1 billion each. At the current pace, the current regulatory burden for 2011 alone will exceed \$105 billion.

And the Federal Government has created more than 81.9 million hours' worth of paperwork this year alone, costing employers \$80 billion just in compliance. It's no wonder a recent Gallup Poll found small business owners citing "complying with government regulations" as "the most important problem" they face.

Nebraskans have not been immune to the reams of red tape being handed down by Federal regulators. Just yesterday it was reported the city of Grand Island, Nebraska, population 51,000, will be saddled with a \$3.2 million compliance cost due to a new Fed-

eral emissions regulation. This EPA Cross-State Air Pollution Rule was finalized June 1 and will be enforced January 1.

But this is only one example. There are additional, even more costly rules and unworkable timelines coming down the pike, all of which mean a much longer winter for Americans struggling with high energy costs.

But it doesn't stop there. Recently, the Department of Labor proposed a misguided rule which would restrict youth involvement in agriculture work. Yes, Mr. Speaker, anything from milking cows and feeding calves to hauling and detassling corn would come under fire under the Department's current rule.

Everyone agrees the safety of these young people and workers everywhere is of the utmost importance; but by allowing such heavy-handed thoughtless regulation, we're greatly restricting opportunities for rural youth. These jobs, often seasonal, teach young people responsibility and the value of hard work; and they're able to earn a little spending money in the process.

I'm also a proud cosponsor of the Farm Dust Regulation Prevention Act of 2011, H.R. 1633, which the House is slated to consider later this week. This bill would prevent the EPA from regulating farm dust, or the type of dust which naturally occurs in rural areas.

Farmers and ranchers already are subject to strict Federal and State regulations to control dust. It makes no sense for the EPA to impose costlier requirements on top of the existing standards. While the EPA has backed off without legislative action, nothing certainly prohibits the agency from regulating farm dust in the future.

During a time of economic hardship, keeping the door open for additional regulatory overreach is not the answer. Actually, I'm often reminded of a meeting I had in southeastern Nebraska with representatives from a Federal agency, good people they are. One of them said it had been more than 20 years since he'd ridden on a gravel road.

For me, this meeting certainly emphasized the disconnect between Washington and rural America. These are only a few examples of the regulatory burden and uncertainty facing Nebraskans who recognize economic growth ultimately depends on job creators, not regulators.

Mr. Speaker, I encourage my colleagues on both sides of the aisle to support commonsense regulatory reforms like the REINS Act.

This is yet another step towards increased accountability, improving the regulatory process, and providing certainty for job creators in my home State of Nebraska and in States all across this country.

# SMART: MORE SECURITY AT A FRACTION OF THE COST

The SPEAKER pro tempore. The Chair recognizes the gentlewoman from California (Ms. WOOLSEY) for 5 minutes.

Ms. WOOLSEY. Mr. Speaker, the violence rages on in Afghanistan. Earlier this week, suicide bombers struck in three different cities, in each case targeting Shiite worshipers who are observing a religious holiday.

The death toll is at least 63, according to a news report; and a Pakistani extremist group has claimed responsibility for the attacks. One eyewitness told The New York Times: "We saw 30 or 40 people on the ground missing arms or legs." Another said the Kabul blast was timed to wreak the maximum havoc, as the bomber detonated at the moment that the crowd was largest, when one group was going into a mosque and another was exiting.

In the 10 years of this war, it's the first attack specifically against Shiites, adding a sectarian angle and religious tension that hadn't previously been prevalent in the Afghanistan conflict.

Mr. Speaker, how can we call our occupation of Afghanistan a success when, after 10 years of attacks like this and making a young woman like BiBi who was talked about on the other side of the aisle earlier this morning, make her victimization and her terrorization commonplace. When this is commonplace, we cannot be having success in Afghanistan.

The truth is our continued military presence is aggravating the violence, not containing it, and certainly not stopping it. I'm not saying that Afghanistan will be magically transformed when the last of our troops leaves; but our best hope for peace, for security and stability there is a swift end to this war.

But here's another important thing, Mr. Speaker. If we do this right and have an end to the war that is meaningful, it would mean the beginning of an even more robust engagement with Afghanistan, an engagement based on the principles of SMART Security, in other words, a peaceful partnership based on mutual respect, assistance to strengthening Afghanistan's democratic infrastructure, not with military force, but with civilian support.

SMART Security would empower the Afghan people investing in their hopes and dreams, instead of bringing further violence to their country. Military redeployment out of Afghanistan can't and won't mean a complete withdrawal from Afghanistan.

So I hope that every single one of my colleagues who has eagerly rubber-stamped war spending year after year, even while complaining about the United States budget deficits, will show the same enthusiasm and the same support for a humanitarian surge in Afghanistan.

I have to shake my head, Mr. Speaker, every time I hear someone say we can't afford such generous foreign aid. Talk about penny wise and pound foolish. Last fiscal year we spent roughly \$2.5 billion on development assistance in Afghanistan. Mr. Speaker, we go through that much war spending in Afghanistan every single week. The bottom line is that smart investments provide more security at a fraction of the cost, pennies on the dollar compared to waging war.

Allowing extreme poverty and widespread unemployment to prevail throughout Afghanistan imperils our national security as much as anything else. Where there's hopelessness, that's where insurgents get a foothold. Nothing breeds terrorism like hardship, deprivation, and despair.

□ 1100

Mr. Speaker, because it's the right thing to do and because it's the best way to protect America, let's bring our troops home and make the transition to SMART Security. And let's do it now.

## REGS AGENDA

The SPEAKER pro tempore. The Chair recognizes the gentleman from North Dakota (Mr. BERG) for 5 minutes.

Mr. BERG. Mr. Speaker, as I talk with North Dakotans, it's clear we're all frustrated with Washington.

ObamaCare is a disastrous law that 70 percent of North Dakotans do not want. Unemployment remains unacceptably high, making it clear that President Obama's government stimulus did not work. Washington bailed out Wall Street while Main Street continues to suffer. And Washington persistently fails to uphold its responsibility to balance the budget.

Meanwhile, the Obama administration continues to pursue overreaching regulations that create more redtape and uncertainty for North Dakota's families, farms, and small businesses. These burdensome regulations threaten job creation, and they are the biggest challenge facing our economy. We need to take serious steps today to halt the Obama administration's regulatory overreach.

That's why I announced my REGS Agenda: Reduce the redtape; Empower the States; Grow the economy, and Stop President Obama's overreach.

This agenda is the result of talking with North Dakotans and learning about the impact of senseless regulations on North Dakota's farmers, ranchers, and small businessmen.

During my recent regulations tour, I spoke with energy providers who are concerned about the EPA's regional haze requirements that could cost North Dakota over \$700 million just to comply. Farmers told me about the for-

ever-changing fuel storage mandates that added new costs. And I heard how the new EPA regulations on gas generators could cost a North Dakota school district a quarter of a million dollars. This cost is not because they are using generators more than allowed; the cost is because the EPA simply doesn't like which hours they're using it.

The REGS Agenda is also the product of feedback I've received from North Dakotans at 10 public town hall hearings I've held this year and through the countless emails, letters, and phone calls. The message was clear: Washington is not the solution, it's the problem.

To get our economy moving again and our country back on track, President Obama and congressional leaders could learn a lot about how we do things in North Dakota. The REGS Agenda is also the product of legislation I've been working on. Last month, I introduced a bill that would rein in the Obama administration's Federal takeover of the State regional haze management, which threatens to create more business uncertainty and stifle job creation. It will also increase the energy costs for American families and small business. And today, I will proudly vote in support of the REINS Act, which is a much-needed measure to rein in this regulatory overreach.

But this agenda is not simply the sum of this past year; it's also a path moving forward to rein in the overreaching, out-of-touch government regulations that burden small business, farms, and ranches each and every day. I will continue to add to this agenda to fight against the job-killing regulations that threaten small businesses' ability to create jobs and grow our economy.

The number one thing we can do to get our economy back on track, to give small business certainty, to grow and create jobs, is to rein in President Obama's overbearing regulations. They're burdening job creation, and it adds more cost and more redtape. Through the REGS Agenda, I'll continue fighting to bring regulatory relief to the American people.

## VOTER SUPPRESSION LAWS

The SPEAKER pro tempore. The Chair recognizes the gentlewoman from California (Ms. LEE) for 5 minutes.

Ms. LEE of California. Mr. Speaker, first let me take a moment to thank the gentlelady from Ohio, Congresswoman MARCIA FUDGE, for her fearless and tireless leadership in protecting our democracy and the bedrock, of course, of our country, and that is the right to vote. She has done an amazing job keeping us very focused and pointed with all of the information we need to try to address this in a big way.

Once again, I am here today to sound the alarm because, make no mistake

about it, the fundamental right to vote which is at the heart of our democracy, it is under attack. Republican legislators and governors are proposing partisan laws that require voters to show government-approved photo IDs before voting.

Now, I came to this floor years ago after the stolen Presidential elections in Florida and in Ohio to protest the results of those two elections that were filled with voter suppression. It worked for the Republicans before, and so legislators in 42 States on this map of shame have doubled down on these strategies to make it harder for certain communities to vote.

These proposals would disenfranchise 21 million Americans. That's over 1 in 10 eligible voters in America who do not have adequate identification. Now, how in the world, for example, would my 100-year-old aunt get her birth certificate to prove who she is to get a government ID to vote? She wouldn't know where to start, nor how to pay for it. And it's no coincidence that a disproportionate number of these disaffected voters come from communities of color as well as the poor, the elderly, and students.

Fully one in four otherwise qualified African Americans would be unable to vote under these voter-ID laws. Around one in five Asian Americans, Latinos, and young adults between the ages of 18 to 24 would be blocked.

In my home State of California, a voter-ID bill was introduced to suppress voter participation. It would cost \$26 just to get the required documents to qualify for a government-issued ID. Now, having been born and raised in Texas, this certainly looks like a poll tax to me, which those of us remember as a way to prevent African Americans from voting. These voter-ID laws have a partisan agenda seeking to disenfranchise and deny specific populations of voters before they have the opportunity to elect their representatives in government. These partisan laws are shameful, and they're a disgrace to our country.

If these Republican lawmakers were truly concerned with fighting voter fraud, they would take on actual documented problems such as distributing fliers with false information meant to trick voters, improperly purging voters, or tampering with election equipment and forms.

Instead, they are pushing laws designed to change election outcomes by reducing voting, repressing turnout, and turning the clock back to the days of Jim Crow. This is the exact opposite of where our country needs to go. With almost 40 percent of eligible voters regularly staying away from voting booths, we need to be expanding participation in our democracy, making the ballot more accessible, not less. We cannot and we must not allow democracy to be undermined, especially

while we're promoting democracy abroad.

We must unmask these shameful attempts to disenfranchise voters. Let's stop this partisan effort that strikes at the very core of our country. Let's win this war against voters. We should be about dismantling and reducing barriers so that we can really begin to reignite the American Dream for those who have lost hope.

So I want to thank my colleagues, especially Congresswoman FUDGE, for their calls to protect the right to vote on behalf of all the citizens across this great Nation.

#### ENTREPRENEUR STARTUP GROWTH ACT

The SPEAKER pro tempore. The Chair recognizes the gentlewoman from California (Ms. CHU) for 5 minutes.

Ms. CHU. America doesn't have a small business problem; it has a startup problem. That was the title of a recent Washington Post article. It pointed to the fact that self-employed startups have been the chosen alternative for millions of Americans, but we must do more to help them. Today, one out of every three new jobs is created by self-employed startup businesses.

□ 1110

But we can do better. Compared to other wealthy countries, the U.S. ranks 23rd in new businesses formed per thousand working adults. These entrepreneurs take risks to make it on their own, but they could do better if we help them be competitive. That is why yesterday I introduced the Entrepreneur Startup Growth Act.

One of the most intimidating times of the year for new owners is tax season, as they learn and navigate the different tax standards for businesses. My bill turns this tough time into an opportunity by offering not only affordable business tax assistance but business development services so that these companies can get the advice they need in order to grow.

This bill builds on the Self-Employment Tax Initiative launched by CFED, the Corporation for Enterprise Development, a nonprofit economic opportunity organization. According to CFED, nearly two-thirds of all self-employed people are operating business startups.

Self-employed startups in their first year of existence create an average of 3 million jobs per year. In fact, without business startups, there would be no net job growth in the U.S. economy. Nearly all net job creation since 1980 has occurred in self-employed startups less than 5 years old. They are critical to our economy.

In my bill, community-based organizations, local governments, and higher education institutions are eligible to

apply for grants up to \$75,000 to operate this program. The IRS will work with the Small Business Administration to ensure that the operators of the program have expertise in both tax assistance and business development assistance.

This is a program that works. With such a modest investment in this assistance, 62 percent of businesses were able to get refundable tax credits such as EITC and Making Work Pay, refunds that they might otherwise have missed out on. The Entrepreneur Startup Growth Act will help businesses grow and help low-income households build the assets that they need in order to survive. They will get the economic security they desire. With this, we will be able to help people climb up that ladder of opportunity and reach for that American Dream.

#### RAPE AND SEXUAL ASSAULT IN THE MILITARY

The SPEAKER pro tempore. The Chair recognizes the gentlewoman from California (Ms. SPEIER) for 5 minutes.

Ms. SPEIER. I rise again today for the 13th time to talk about a stain on the American people, a stain on the American Government. I'm talking about military assault and rape. I'm talking about the 19,000 soldiers each year who are victims of sexual assault or rape in the military. Those are figures by the Department of Defense. Yet only 13 percent will report because they know that if they do report, they will be summarily removed from service. In fact, 90 percent of them are involuntarily honorably discharged from the military after they report a rape.

So what are we doing about it? Well, I have good news this morning to report. A few weeks ago, not far from here, a nonprofit organization, Protect Our Defenders, was born. It was launched to give voices to survivors of sexual assault in our military. More than 6,000 Americans have signed survivor Terry Odum's petition, whose story I've told here on the floor.

Terry's petition demands Congress take the reporting of sexual assault and rape outside the normal chain of command. I imagine many of my colleagues have received emails and tweets or Facebook messages from their constituents about this issue. This is a movement, and we must address it. Our troops protect us, and we must protect them. Both Republicans and Democrats should be able to agree that we need to fix this system.

Today, I'm going to tell you the story of Petty Officer Amber De Roche. Petty Officer De Roche served in the Navy from December 2000, to December 2005. In August of 2001, Petty Officer De Roche was raped by two shipmates in a hotel while on port of call in Thailand. One assailant ripped off Petty Officer De Roche's clothes and held her down

while the other assailant raped her. The assailants repeatedly took turns holding her down while the other would rape her. After they had their way with her, one of the rapists threw her in the shower in an attempt to wash off the evidence. They then kicked her out of the room and onto the unfamiliar streets of Thailand.

The following day, Petty Officer De Roche, with the help of a friend, went to get a medical exam. Petty Officer De Roche was bruised and injured to such a degree during the assault that the physician had to stop the exam and began to cry.

Petty Officer De Roche decided to report her horrific experience to her command. What was her reward? She became the target of severe harassment, was imprisoned in the medical ward, and denied food. I know this sounds unbelievable, but this is going on in our military.

When Petty Officer De Roche was released from the medical ward, her command refused to let her leave the ship and forced her to be on call 24 hours a day without receiving any counseling to help her cope with having been raped. Petty Officer De Roche sought out the ship's chaplain and told him she was suicidal as a result of the rapes and her subsequent mistreatment. Petty Officer De Roche was finally permitted to leave her ship and serve out the remainder of her duty on another ship.

As if the horrifying assault and subsequent mistreatment of Petty Officer De Roche is not heartbreaking enough, her predators didn't get the punishment they deserved. In fact, something very different. Instead of court-martialing the predators, her command decided to handle the rapes with so-called nonjudicial punishments. The punishment required the rapists to admit their crimes—so they admitted them. They got 6 months docked pay and a reduced rank for only one of the rapists. Both of the rapists were permitted to remain on active duty. When command informed Petty Officer De Roche of the outcome, they also advised her to "accept the situation" and refrain from speaking out against the lack of punishment or accountability.

Petty Officer De Roche's story, like many others, highlights a system that is unimaginable to so many of us and a system that is so clearly broken. In the military, a base commander has complete authority and discretion over how a degrading and violent assault under his command is handled. The commander can issue virtually any punishment for any reason. If they don't want a black mark on their record or their friends were accused or if they simply don't know the correct way of dealing with a case, they can issue just a simple slap on the wrist.

My bill, H.R. 3435, the Sexual Assault Training Oversight and Prevention

Act, the STOP Act, takes this issue and puts it in the hands of others who can handle it appropriately.

#### RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until noon today.

Accordingly (at 11 o'clock and 17 minutes a.m.), the House stood in recess until noon.

□ 1200

#### AFTER RECESS

The recess having expired, the House was called to order by the Speaker at noon.

#### PRAYER

Reverend Roger Schoolcraft, Fayetteville, Arkansas, offered the following prayer:

Almighty and most high God, Father, Son, and Holy Spirit, You led our Forefathers to weave Your presence in the fabric of our Nation. Move us also to acknowledge and trust Your presence among us daily. And although we may face many obstacles and adversities, continue to shower us with Your mercy that we may recover.

Today, we thank You for healing our Nation from the attack on Pearl Harbor 70 years ago. We are grateful for all those who sacrifice their lives to preserve our freedom. O Lord, may we not squander it. Bless all wounded warriors, veterans and their families. Fill them and us with Your peace and joy this Christmas season.

Give us wisdom, and lead us by Your Spirit that the choices made here would result in our country united, an economy restored, and hearts grateful for Your loving care through Jesus Christ, our Lord.

Amen.

#### THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

#### PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from Illinois (Mr. QUIGLEY) come forward and lead the House in the Pledge of Allegiance.

Mr. QUIGLEY led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

#### WELCOMING REVEREND ROGER SCHOOLCRAFT

The SPEAKER. Without objection, the gentleman from Arkansas (Mr. WOMACK) is recognized for 1 minute.

There was no objection.

Mr. WOMACK. Mr. Speaker, today it is my privilege to introduce Reverend Roger Schoolcraft of Fayetteville, Arkansas.

Reverend Schoolcraft retired from the ministry in 2008 after nearly 40 years in the ministry, serving congregations in Iowa, Nebraska and, most recently, in northwest Arkansas, where he led St. John's Lutheran Church in Fayetteville, Arkansas.

Reverend Schoolcraft was called to the ministry in 1953 after accepting an invitation from a friend to attend a Sunday school class at St. John's Lutheran Church in Rochester, Michigan.

Mr. Speaker, Reverend Schoolcraft's service extends well beyond the walls of the church. He served as campus pastor of the Lutheran Student Center at the University of Arkansas. He was a circuit counselor for 11 years and was assistant dean and dean for two national campus missionary institutes. Locally, he was president of Cooperative Emergency Outreach, secretary-treasurer of the Fayetteville Ministerial Alliance, and treasurer for the Council of Religious Organizations.

Reverend Schoolcraft is married to Deborah Steen Schoolcraft; and they have two children, Andrea and Aaron.

On behalf of the United States House of Representatives, I want to thank Reverend Schoolcraft for his longstanding devotion to the ministry, the churches he has served, and his fellow man.

#### ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mrs. MILLER of Michigan). The Chair will entertain up to 15 further requests for 1-minute speeches from each side of the aisle.

#### WHAT A GAME

(Mr. JOHNSON of Ohio asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. JOHNSON of Ohio. Madam Speaker, I would like to congratulate the gentleman from Illinois, Congressman RANDY HULTGREN, on winning our friendly wager on the MAC football championship game last Friday. The participants in the game, Ohio University and Northern Illinois University, are located in the districts that we are privileged to represent.

The game was an instant classic. Both teams left everything on the field and gave it their all and, in the process, made their universities and their fans proud.

The OU Bobcats jumped out to an early lead, but the Huskies of Northern Illinois fought back. They showed their toughness and won the game on the game's final play. Another way to say it is that OU won the first half and that Northern Illinois won the second half. Both teams were worthy of participation in the game, but it's a shame that either team had to come out on the losing end.

I am very proud of the OU Bobcats, and I look forward to watching both teams compete in their bowl games and represent their schools in the same fashion they did last Friday night.

Congratulations to Congressman HULTGREN.

#### SUPPORT THE PAYROLL TAX EXTENSION

(Mr. POLIS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. POLIS. A huge tax increase is looming unless this House takes action immediately. Unless this House takes action in the next few weeks, a typical American household earning \$50,000, \$60,000 a year will see a tax increase of \$1,000 a year on payroll taxes—yes, Madam Speaker, a \$1,000 tax increase for middle class families, many of whom have not seen any raises or increases for several years due to the recession.

People who are struggling to support their families will see a \$1,000 tax increase if this body does not act in the next several weeks. This is a tax increase that most families haven't budgeted for and haven't prepared for. They haven't assumed that this Congress is as dysfunctional as it potentially is if we fail to renew this tax increase. We shouldn't let our dysfunction in this body harm the middle class and the American people.

I call upon my colleagues on both sides of the aisle to support renewing the payroll tax extension to make sure that middle class families are not slapped with a \$1,000-plus tax increase next year.

#### SIXTEEN DAYS AGAINST GENDER VIOLENCE

(Mr. POE of Texas asked and was given permission to address the House for 1 minute.)

Mr. POE of Texas. Madam Speaker, Sehar, a Pakistani woman in an arranged marriage, was constantly raped and abused by her husband. He accused her of becoming a doctor only to attract men. He blamed her for the miscarriage that she had, and he constantly beat her. He was angry when she gave birth to two girls rather than to two boys, and he was an abuser of the girls and his wife.

Sehar and her daughters were able to escape to the United States to find

safety. She will not go back to Pakistan because her former husband's family says they will kill her.

Violence against women, unfortunately, is too common of a plight for women throughout the world. My grandmother used to tell me that you never hurt somebody you claim you love. As the leader of the free world, it is critical that the United States promote this simple truth throughout this country and other countries:

Every person has the right to a life free of violence.

I want to thank the gentlelady from Illinois (Ms. SCHAKOWSKY) for bringing this to the attention of the Members of Congress as we reflect on this fact during these 16 days against gender violence.

And that's just the way it is.

#### THE DEFENSE OF MARRIAGE ACT, AN AFFRONT TO AMERICA'S VALUES

(Mr. QUIGLEY asked and was given permission to address the House for 1 minute.)

Mr. QUIGLEY. Madam Speaker, in 1996 Congress passed the so-called Defense of Marriage Act, or DOMA. It was then, as it still is today, an affront to our country's values—the values we hold true as established in the Declaration of Independence, those of life, liberty, the pursuit of happiness, and of equality and fairness for all.

On October 7 of this year, I held a field forum in Chicago, along with my colleague JAN SCHAKOWSKY, to hear from legal experts and gay and lesbian couples about the real-world harm caused by DOMA. The findings were startling. I ask that the clerk enter all of their testimony into the RECORD to formally document this collection of unfairness and inequity, burdens that are imposed on normal Americans who are just trying to live normal lives.

It is incomprehensible that today we are still dealing with such injustice. Congress created this injustice, and Congress should correct it. Let the RECORD reflect these sentiments.

#### LET'S REIN IN THE REGULATORS

(Mr. HULTGREN asked and was given permission to address the House for 1 minute.)

Mr. HULTGREN. Madam Speaker, \$1.75 trillion annually—America's job creators are buried under the regulatory burden of about \$1.75 trillion annually.

The cost of the regulatory burden from new regulations just this year is \$67.4 billion, which is larger than the entire State budget of Illinois, my home State. Studies and polls have shown us time and again that the regulations are a hidden form of taxation; and just as our Tax Code is in need of reform, so is our regulatory system.

That's why I'm proud to support the REINS Act. This commonsense bill will require that Congress approve every new major regulation proposed by the executive branch in order to ensure that Congress, not unelected bureaucrats, retain control and accountability for the impact of government on the American people.

Unless Congress acts decisively, this unchecked regulatory state will only grow bigger and make things more complicated. Let's pass the REINS Act, and let's give our job creators the certainty they need to grow, expand, and put Americans back to work.

□ 1210

#### TAXES

(Mr. BACA asked and was given permission to address the House for 1 minute.)

Mr. BACA. Madam Speaker, this year will be a very difficult holiday season for millions of Americans looking for jobs. Sadly, these families are not getting the help they deserve from the Republicans here in Congress.

We have now reached 337 days of Republican control here in the House, and we still do not have a jobs plan from the Republicans.

Benefits for over 6 million unemployed Americans are about to expire. And now, to make matters worse, Republicans are creating uncertainty for the 160 million middle class families by stalling and extending the payroll tax cut.

Why are these Americans forced to wait? Because Republicans refuse to ask those making more than a million dollars to pay their fair share. Millionaires are not paying their fair share.

We must act now on those lifelines of the middle class and allow the Bush tax cuts for the ultrarich to expire. No new taxes, no jobs. No new taxes, no new jobs. We must pass a responsible tax plan that extends the unemployment benefits and gets the economy moving again.

#### IMPLICATIONS OF GOVERNMENT'S ADDING ADDITIONAL RED TAPE AND ADDITIONAL REGULATIONS

(Mr. DOLD asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DOLD. Madam Speaker, as a small business owner, I understand firsthand the implications of the government adding additional red tape and additional regulations. One clear example of this is the Dodd-Frank bill.

The Dodd-Frank bill was supposed to impose clear rules and regulations on the financial industry so that another economic disaster could be averted. However, this single piece of legislation has imposed more uncertainty

into the marketplace. The bill imposes literally hundreds of new rules and regulations, most of which haven't even been written yet. As a result, businesses are not growing and they're not creating jobs, and this is in large part because they don't understand what tomorrow will bring.

I did have an opportunity to talk to a smaller bank back in my district that said, We're not growing, with the exception of adding people into our compliance department to cross the T's and dot the I's, but not a single person was hired in order to try to get additional liquidity into the marketplace and help small businesses.

Rather than pile on rule after rule, we should implement smart regulations that truly protect consumers. The last thing we want is another financial disaster, so we should examine the implications of the rules and regulations and ensure that the right regulations are in place and get America back to work.

#### THE NEED TO PASS PAYROLL TAX CUT

(Mr. SIREs asked and was given permission to address the House for 1 minute.)

Mr. SIREs. Madam Speaker, the majority has held 891 votes in this Chamber, and we still see no plan for job creation.

To make matters worse, my colleagues across the aisle have now focused their efforts on opposing a tax break for the middle class. They are opposing the extension of the Federal tax holiday enacted earlier this year that gave virtually all working Americans a much needed tax cut, reducing taxes for over 160 million American workers.

Economic uncertainty both here in the U.S. and abroad makes this a dangerous time to eliminate an important tax cut that is saving American families an average of \$1,000 a year. Failing to extend the payroll tax holiday will raise taxes on millions of Americans, taking over \$120 billion out of the pockets of consumers and out of the economy.

Furthermore, at the same time the majority is working to raise taxes on the middle class, they are willing to cut off the unemployment insurance that has been keeping millions of Americans afloat.

Madam Speaker, let's ensure that millions of Americans enjoy this holiday season and are not forced to worry about raising taxes or losing essential assistance.

#### UNEMPLOYMENT HAS NOT BEEN THIS PERSISTENT SINCE 1948

(Mr. WILSON of South Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WILSON of South Carolina. Madam Speaker, last Friday the U.S. Bureau of Labor Statistics announced November's unemployment rate remained above 8 percent. Over 13 million American families are now without jobs. Nearly 25 million people are looking for full-time employment. The number of unemployed Americans has not consistently remained at such a high percentage since 1948.

For the past 34 months, the American people have been depending upon Congress and the President to cut Washington's wasteful spending and enact policies targeting job creation and economic growth.

Since the Republicans regained the majority of the House in January, legislation has passed that allows small businesses to grow and create jobs. It is past time for the President and liberal-controlled Senate to change course to put our hardworking American families back to work.

In conclusion, God bless our troops, and we will never forget September the 11th in the global war on terrorism, as on December the 7th we honor the heroes of World War II.

#### BEYOND THE BORDER AGREEMENT

(Mr. HIGGINS asked and was given permission to address the House for 1 minute.)

Mr. HIGGINS. Madam Speaker, today the United States and Canadian Governments will announce a Beyond the Border agreement to ease border trade and travel in this era of heightened security.

I support this goal because in western New York our future depends on integrating our economy with the booming economy of southern Ontario by expanding the Peace Bridge that connects our two communities. The Peace Bridge is the busiest passenger crossing at the northern border. Passengers using the bridge spend \$133 million in western New York annually in support of our retailers, sports franchises, airports, educational and cultural institutions.

In western New York, Peace Bridge trade impacts \$9.1 billion in business sales, supporting 60,000 local jobs and generating \$2.6 billion in household income and \$233 million in local tax revenue. All of this economic activity depends on a Peace Bridge that is free of congestion, one that is safe, reliable, and predictable.

I applaud the efforts of this agreement and call on a renewed Federal focus on the northern border, generally, and the Peace Bridge, specifically.

#### MEDICARE PHYSICIAN PAYMENT SYSTEM

(Mr. FITZPATRICK asked and was given permission to address the House for 1 minute.)

Mr. FITZPATRICK. Madam Speaker, for decades the fundamentally flawed Medicare physician payment system has created uncertainty and instability, not only in the health care system but in the larger economy.

Every year physicians face the threat of reimbursement cuts which, in turn, hinders their ability to provide the necessary care that patients need. The Sustainable Growth Rate rate formula has constantly called for negative updates to physician payments with the scheduled reductions accumulating year after year, but Congress has continually delayed the cuts.

Congress has a historic opportunity to implement sound fiscal policy in the Medicare program in the context of broad economic reforms. I believe we must pursue a fair, efficient, and affordable long-term solution to the Medicare SGR formula. I am committed to working with my colleagues to pass commonsense legislation that promotes efficiency, quality, and value and ensures access to medical services for Medicare beneficiaries.

#### MEDICARE TOWN HALL/DOUGHNUT HOLE CLOSURE

(Ms. HOCHUL asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. HOCHUL. Madam Speaker, yesterday I spoke with over 8,000 of my constituents during a telephone town hall to talk about the end of the open enrollment period for Medicare, which occurs at midnight tonight.

We also talked about the savings they are now receiving as a result of the closing of the legendary prescription drug doughnut hole. More than 2.5 million Medicare recipients across the Nation have saved \$1.5 billion on their prescription drugs this year alone. In New York, we had 175,000 Medicare recipients, and they received a 50 percent discount on prescription drugs, totaling over \$113 million in savings, an average of \$650 per family.

Yesterday's call was a reminder, when I was talking about Bill from Williamsville and Joan from Livingston County, that we have to work hard to protect this absolutely critical program that ensures medical care for our seniors and allows them to live their later years in dignity.

As my seniors told me: Medicare is not an entitlement; it is a program we spent our entire lives paying into. And I, for one, plan to protect it.

□ 1220

#### CONGRATULATING ED SNIDER

(Mr. MEEHAN asked and was given permission to address the House for 1 minute.)

Mr. MEEHAN. Madam Speaker, I rise to congratulate Ed Snider, the owner



of the Philadelphia Flyers hockey club, on being inducted into the United States Hockey Hall of Fame. This is a special occasion, not only for the city of Philadelphia and the Delaware Valley as a whole, but particularly for those who love the game of hockey, myself included.

Ed's tremendous success with the Flyers franchise—winning two Stanley Cups and reaching the finals six times—contributed to making Philadelphia a Class A hockey town. However, the key is that he has really given back to communities.

Through his organization, the Ed Snider Youth Hockey Foundation, he teaches high-risk inner city boys and girls from Philadelphia the game of hockey. But it prepares them with life skills for success in school and life as well. Hard work, honest effort, teamwork, dedication, and a solid work ethic are instilled in these children as life lessons and values as part of participation in this program. It is through these lessons that his organization helps our children become good and productive citizens. His philanthropic cause is significant to our region and to these young children in our area.

Congratulations to Ed Snider on this recognition.

#### ENDING VIOLENCE AGAINST WOMEN

(Ms. SCHAKOWSKY asked and was given permission to address the House for 1 minute.)

Ms. SCHAKOWSKY. Madam Speaker, I rise today to join thousands of activists participating in the 16 Days Campaign by speaking out against violence against women.

Violence against women is a violation of fundamental human rights. It is a global problem of epidemic proportions. One in three women worldwide is beaten, coerced into sex, or otherwise abused over the course of her lifetime.

That is why I am proud to be working with Congressman TED POE to reintroduce the International Violence Against Women Act. The important bill would require a comprehensive strategy to prevent and respond to violence against women and girls internationally.

Violence against women is not just a humanitarian tragedy; it is a global health menace and a threat to national security. The United States can play a significant role in protecting the human rights of all women and ending the violence against our sisters around the world.

#### COMMEMORATING DECEMBER 7

(Mr. CARNEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CARNEY. Madam Speaker, I rise today to commemorate two very important events in our Nation's history that occurred on December 7. As we know, today is National Pearl Harbor Remembrance Day. We pray for the more than 3,500 U.S. soldiers and civilians who were killed or wounded in defense of our Nation that day. The sacrifices they made 70 years ago are not unlike the sacrifices that our soldiers and their families are being asked to make today.

December 7 is also an important milestone for the founding of our Nation. Today is Delaware Day, the 224th anniversary of Delaware's ratification of the United States Constitution, making Delaware the first State to join the Nation.

Delaware's Founding Fathers saw the vision and genius of the form of government laid out in our Constitution. It is this vision and this document that continues to guide everything we do today.

So let us take time today to remember the contributions every generation has made to protect the values and freedoms upon which this great Nation was founded.

#### THE SEINFELD CONGRESS

(Mr. DOYLE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DOYLE. Madam Speaker, the last time the Republicans controlled the House back in 2006, a newspaper columnist called it "the Seinfeld Congress," because like Seinfeld, which was a show about nothing, the 109th Congress was a Congress about nothing. Absolutely nothing got done.

Now the House Republicans have upped the ante. They have an agenda filled with Seinfeld legislation—a bunch of bills about nothing. Tomorrow, for example, we're considering the so-called farm dust bill. Now, ignore for a moment the fact that it's more about mines and smelters and concrete plants than it is about farms. House Republicans want to ban an EPA rule that the EPA administrator has said she has no intention of issuing.

Why are we wasting time prohibiting a rule that's not being issued when we've got real problems like a struggling economy and millions of people out of work.

As Seinfeld might say, yada, yada, yada.

#### HONORING TRINITY SHAMROCKS

(Mr. YARMUTH asked and was given permission to address the House for 1 minute.)

Mr. YARMUTH. Madam Speaker, with an average margin of victory of more than 40 points, an undefeated season, and a win in the State champion-

ship that Sports Illustrated called the team's "finest offensive performance of the year," there can be no more debate: Trinity High School Shamrocks is the best high school football team in the country.

Friday's 62-21 victory over Scott County in the 6A final completed a 25-game win streak, secured a second straight State title, and capped a season in which Trinity didn't just beat the competition, they rocked them.

Over five playoff games, Trinity outscored its foes by more than 240 total points. They never trailed in the second half all season. They crushed top-tier out-of-state competition and avenged their only 2010 loss. After facing Trinity, Scott County's coach called the Shamrocks "the best team in Kentucky football history."

This was a true team effort, and thanks to the leadership and dedication of 40 seniors, these student athletes have achieved a perfect record and deserve to bring a national title home to Louisville. I ask my colleagues to join me today in congratulating Coach Beatty, the team, and the entire Trinity community on an incredible championship and an amazing 2011 season. Way to go Rocks.

#### EXTEND PAYROLL TAX CUT AND EMPLOYMENT ASSISTANCE

(Mr. CICILLINE asked and was given permission to address the House for 1 minute.)

Mr. CICILLINE. Madam Speaker, we simply cannot leave Washington before extending the payroll tax cut and unemployment assistance. With our economy still struggling and unemployment remaining unacceptably high at 10.4 percent in my home State of Rhode Island, now is not the time to take more money out of the pockets of hardworking families.

Allowing the payroll tax cuts to expire at the end of this month will mean less money in the pockets of 600,000 hardworking Rhode Islanders. It is absolutely critical that we extend the payroll tax cut which is saving working families an average of \$1,000 per year and would add \$400 million to Rhode Island's economy next year. We have to do everything we can to strengthen our middle class families who are struggling to make ends meet and provide assistance to those families who need it most.

If Congress does not extend emergency unemployment assistance, thousands of Rhode Islanders, as well as millions of Americans who rely on this critical safety net, will lose their assistance. This will have a devastating impact on these families and on our economy.

Rather than providing subsidies to Big Oil companies and arguing for more tax cuts for millionaires and billionaires, it's time for Congress to

stand up for American families and to extend the payroll tax cut and unemployment compensation.

#### EXTEND PAYROLL TAX CUT

(Ms. McCOLLUM asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. McCOLLUM. Madam Speaker, the temporary payroll tax cut is putting money into the economy and the pockets of 160 million Americans. And now my Republican colleagues are demanding harmful cuts to working families and seniors to offset these middle class tax cuts.

A better idea is to cut from the \$1 trillion in special interest tax earmarks identified by the bipartisan Simpson-Bowles Commission. Let's cut the \$2 million earmark for wooden arrow manufacturers. Let's cut the \$40 million earmark for the owners of NASCAR racetracks. And let's cut \$235 million in earmarks for rum producers in Puerto Rico and the U.S. Virgin Islands. The earmarks are unfair and unaffordable.

To the 99 percent of Americans who don't have a lobbyist, sorry, you missed out on the special interest bonanza. Congress needs to protect working families. Let's pass President Obama's middle class payroll tax cut and help our families and our economy now.

#### SUPPORT REINS ACT

(Mr. YODER asked and was given permission to address the House for 1 minute.)

Mr. YODER. Madam Speaker, the American economy is crying out for certainty. Every day the instability created by new Washington rules, regulations, new taxes, et cetera makes it harder for the economy to recover and harder for small businesses to create jobs.

That's why today I stand in full support of the Regulations from the Executive in Need of Scrutiny Act, known as the REINS Act.

As our Federal agencies churn out regulations by the truckload, it's our small businesses, those very entities that we expect to create jobs and are struggling to survive, that are burdened with implementing them. In fact, regulations cost the economy \$1.75 trillion per year. New regulations this year alone will cost business over \$60 billion, all driving up the cost of doing business and putting more people out of work.

I'm supporting the REINS Act because this legislation will provide Americans with an additional level of accountability when it comes to job-killing regulations from government agencies.

Madam Speaker, it's time we stand up for small business owners, and it's

time we do all that we can to remove the barriers Washington is putting in their way. Let's come together as a Congress and help get America back to work again.

□ 1230

#### OPPOSITION TO THE REINS ACT

(Mrs. CAPPS asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. CAPPS. Madam Speaker, later today the House will vote on the REINS Act. This is a terrible piece of legislation that will make it next to impossible to protect Americans' health or the environment. It would allow either Chamber of Congress to stop efforts to keep our water and air clean or to protect the public from unsafe food—by simply doing nothing.

This bill sets up a congressional approval requirement that is a recipe for more gridlock. It would mean more bureaucracy and more delay, generating uncertainty for businesses and weaker rules to protect consumers.

Sherwood Boehlert, the former Republican chairman of the House Science Committee and one of our most thoughtful former colleagues, recently wrote a scathing piece in *The Hill* about the REINS Act. He said the bill would result in "a virtual shutdown of the system that will leave the public exposed."

Madam Speaker, the REINS Act is an outrageous effort to throw out a system that has protected American families and communities for more than 100 years. I urge my colleagues to join me in voting down this irresponsible and misguided legislation.

#### VOTER SUPPRESSION

(Mr. PETERS asked and was given permission to address the House for 1 minute.)

Mr. PETERS. Madam Speaker, I rise today to oppose nationwide efforts to suppress voter turnout for the 2012 election, including State legislation imposing strict photo ID requirements. These new regulations would disproportionately burden seniors, people with disabilities, the poor, and minorities.

In Michigan, we have seen aggressive purges of voter rules, which can disenfranchise low-income voters who have moved to a new address. Half a million Michiganders don't have a driver's license or State ID. How are they supposed to make their voices heard if these rules are passed?

Let's be clear. These efforts are about one thing and one thing only: silencing voters.

America is a beacon of democracy, and to limit voter access is hypocritical and wrong. Madam Speaker, I don't have to tell you about the shame-

ful times in America's history where power and intimidation were used to prevent Americans from voting. We must learn from our past.

Fight voter suppression efforts in the courts, in State legislatures, here in Washington, and, most importantly, on election day.

#### REMEMBERING PEARL HARBOR

(Ms. HANABUSA asked and was given permission to address the House for 1 minute.)

Ms. HANABUSA. December 7, 1941, "a date which will live in infamy," are the words of President Roosevelt.

I represent Pearl Harbor. On this day, let us not forget the brave people who gave their lives at Pearl Harbor. On this day, let us not forget this act of unprovoked, dastardly aggression which propelled us into a war. On this day, let us not forget how the people of this Nation were unmatched in their evidence of loyalty and patriotism.

Let us remember because we need to be that people again to continue our fight to maintain our position as the greatest Nation in the world. Let us remember because we need to show the compassion to those who are in need in these days.

#### MOTION TO INSTRUCT CONFEREES ON H.R. 2055, MILITARY CONSTRUCTION AND VETERANS AFFAIRS AND RELATED AGENCIES APPROPRIATIONS ACT, 2012

Mr. ROGERS of Kentucky. Madam Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 2055) making appropriations for military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2012, and for other purposes, with a Senate amendment thereto, disagree to the Senate amendment, and agree to the conference requested by the Senate.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

Mr. DICKS. Madam Speaker, I have a motion to instruct at the desk.

The SPEAKER pro tempore. The Clerk will report the motion.

The Clerk read as follows:

Mr. Dicks moves that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the Senate amendment to the bill, H.R. 2055, be instructed to recede to the Senate on the higher level of funding for the "Department of Veterans Affairs—Medical and Prosthetic Research" account.

The SPEAKER pro tempore. Pursuant to clause 7 of rule XXII, the gentleman from Washington (Mr. DICKS) and the gentleman from Kentucky (Mr. ROGERS) each will control 30 minutes.

The Chair recognizes the gentleman from Washington.

GENERAL LEAVE

Mr. DICKS. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks on the motion to instruct.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Washington?

There was no objection.

Mr. DICKS. Madam Speaker, I yield myself such time as I may consume.

The motion instructs conferees to provide the highest level of funding for medical and prosthetic research. This program helps the Department of Veterans Affairs develop cutting-edge treatments for veterans and their families. It is fully integrated throughout the medical community through partnerships with academic affiliates, nonprofits, and commercial entities, as well as other Federal agencies. It is unique because both the clinical care and research occur together.

The Medical and Prosthetic Research Program plays a vital role in advancing the health and care of our Nation's veterans. Some of the areas that the Medical and Prosthetic Research Program focus on include mental health research, prosthetics, traumatic brain injury, and posttraumatic stress disorder, or PTSD. The program has emphasized efforts to improve the understanding and treatment of veterans in need of mental health care.

We hear a lot about the casualties of war and soldiers who have sacrificed their lives in duty. However, over the past few years, the VA has begun to examine the psychological wounds of posttraumatic stress disorder. The motion will provide funding for the VA to care for veterans returning home from Iraq and Afghanistan who may suffer from depression, anxiety, and substance abuse.

Funding for medical and prosthetic research in the House-reported bill was inadequate, and during floor consideration the House majority agreed to increase funding by \$22 million. While I was pleased to see this increase, I believe we need to do more.

The Senate-passed bill funds this program at the FY2011 enacted level, which is \$51 million higher than the House-passed level. I believe the higher funding levels should be maintained because of the impact this research can have on the everyday life of our Nation's veterans.

This Nation must get its fiscal house in order. However, even in an austere budget, we need to make room to fully fund our priorities. The Medical and Prosthetic Research Program is a high priority.

I'm sure that all of my colleagues would agree we can never repay America's veterans for the sacrifice they have made for our country. As a first

installment, we should make a substantial investment in health care research for our veterans, and I urge a "yes" vote on the motion to instruct.

I reserve the balance of my time.

Mr. ROGERS of Kentucky. Madam Speaker, I yield myself such time as I may consume.

This motion to instruct is well-intentioned but unnecessary. The motion would urge adoption of the Senate-passed level for VA medical research, which is \$50 million above the House-passed level.

We all support our veterans and honor their service and sacrifice. We, of course, support the important research work the VA is doing for our veterans in fields such as traumatic brain injury and posttraumatic stress disorder. We provided a robust level of funding for this research in the House-passed version of the bill at a time when our overall funding targets were constrained. In fact, the House bill provided a total of \$531 million for VA medical research, an increase of \$22 million above what the White House and the VA requested. In addition, the VA still has \$71 million in unobligated research funding left over from previous years that could be put to use. So even without the increase, the program level would still be well above the 2011 level.

We all agree that medical research at the VA is undeniably important and we want to do the best that we can for our veterans, particularly those in need of medical assistance. On that, there's no difference between the ranking minority member and myself and between the members of the subcommittee.

□ 1240

I can reassure the Members that we will work with our House and Senate colleagues to determine the appropriate level for VA research to continue to support and honor the service of our veterans.

While this motion is not necessary, I understand and agree with its intent; and I will work with the ranking member. And with reservations, I will accept the motion at this time.

Madam Speaker, I yield back the balance of my time.

Mr. DICKS. I would ask for a vote on my motion to instruct, and I yield back the balance of my time.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to instruct.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to instruct.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. DICKS. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further pro-

ceedings on this question will be postponed.

MOTION TO INSTRUCT CONFEREES ON H.R. 1540, NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2012

Mr. McKEON. Madam Speaker, by direction of the Committee on Armed Services, I ask unanimous consent to take from the Speaker's table the bill (H.R. 1540) to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes, with a Senate amendment thereto, disagree to the Senate amendment, and agree to the conference requested by the Senate.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. SMITH of Washington. Madam Speaker, I have a motion to instruct at the desk.

The SPEAKER pro tempore. The Clerk will report the motion.

The Clerk read as follows:

Mr. Smith of Washington moves that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the Senate amendment to the bill H.R. 1540 be instructed to insist on the amendments contained in subtitle I of title V of the House bill (sections 581 through 587 relating to improved sexual assault prevention and response in the Armed Forces).

The SPEAKER pro tempore. Pursuant to clause 7 of rule XXII, the gentleman from Washington (Mr. SMITH) and the gentleman from California (Mr. McKEON) each will control 30 minutes.

The Chair recognizes the gentleman from Washington.

Mr. SMITH of Washington. Madam Speaker, I yield myself such time as I may consume.

This is a very important provision of the House bill dealing with better combating sexual assault within the military. Now, this is a significant problem that has been documented by many studies and many media reports. I want to particularly congratulate members of my committee, Ms. LORETTA SANCHEZ, Ms. TSONGAS, Ms. SPEIER, and Mrs. SUSAN DAVIS, who have taken a leadership role in this to try to implement policies to control sexual assault within the military. The provisions that we've put together in the House help move us forward towards addressing that issue, make sure that it takes on the importance that it deserves, and empower the military to make the decisions they need to better protect against sexual assault within the military.

I particularly applaud Ms. TSONGAS. This is her motion to stick to the

House provisions in this area. I urge the conference committee to do that going forward.

With that, I reserve the balance of my time.

Mr. McKEON. I reserve the balance of my time.

Mr. SMITH of Washington. Madam Speaker, I yield 2 minutes to the gentlewoman from New York (Ms. SLAUGHTER).

Ms. SLAUGHTER. I thank the gentleman for yielding. And, Madam Speaker, good afternoon.

Sexual assault in the military continues to be a serious problem. It impacts thousands of service women and men each year.

While I'm pleased with the recent improvements made by the Department of Defense, there remains much more to be done. It is vital that we do all we can to protect the men and women in the military who protect us.

I am very pleased that both the House and the Senate passed language improving the military's response to sexual assault in their respective versions of the National Defense Authorization Act.

□ 1250

Earlier this week, I, along with Representative TURNER and 45 colleagues, sent a letter to the House and Senate Armed Services Committees asking them to strongly consider the House-passed provisions dealing with military sexual assault.

The language contained in the House version makes necessary improvements to protect our service women and men. Specifically, the House-passed language strengthens the rights of sexual assault victims by clarifying victim access to legal counsel, and record maintenance and confidentiality, which are critically important. It also ensures expedited unit or station transfer when a servicemember has been victimized.

Imagine being a victim of rape, which one young soldier told me about at a hearing, while serving in the military, and every morning she had to salute her rapist. That's what the members of our Armed Forces have experienced and will continue to experience if we don't do something to change that situation.

The House-passed language also stresses the need for the NDAA to include comprehensive training and education programs for sexual assault prevention within the Department of Defense. The Senate version does not include this protection, which is part of H.R. 1709, the Force Protection and Readiness Act, which I introduced earlier this year.

I am pleased this motion to instruct conferees on the NDAA recognizes the importance of this issue, and I ask the conferees to seriously consider including the strongest possible language to prevent and appropriately respond to

incidents of sexual assault in the military.

Mr. McKEON. I continue to reserve the balance of my time.

Mr. SMITH of Washington. Madam Speaker, I yield the balance of my time to the gentlewoman from Massachusetts (Ms. TSONGAS).

The SPEAKER pro tempore. Without objection, the gentlewoman from Massachusetts will control the balance of the time.

There was no objection.

Ms. TSONGAS. Madam Speaker, I yield myself such time as I may consume.

While one in six women will experience sexual assault in her lifetime, as many as one in three women leaving military service report that they have experienced some form of military sexual trauma.

By the Pentagon's own estimate, as few as 13.5 percent of sexual assaults are reported. Additionally, while 40 percent of sexual assault allegations in the civilian world are prosecuted, this number is a staggeringly low 8 percent in the military.

The military has been slow to take the appropriate actions necessary to protect victims of sexual assault. For example, rape victims still do not yet have the right to a unit or duty location transfer following an assault. This means victims of sexual assault are often forced to live and work alongside their perpetrator, facing repeated stress and trauma due to the constant contact they may have with an assailant who is part of their unit.

As unbelievable as it sounds, this is exactly what happened to Marine Lance Corporal Maria Lauterbach, who accused her assailant of rape, and then spent the next 8 months exposed to the accused rapist, who later murdered her and buried her with the body of her unborn son in his backyard.

Although these events happened in 2007, the Department of Defense has not adopted provisions that would allow victims to escape constant contact with their assailant. We ask men and women who serve in the military to put their lives on the line for our country, and they shouldn't fear harm from their fellow servicemembers. We simply must do more to protect them.

In May, this House passed H.R. 1540, which included strong bipartisan provisions that would allow victims of sexual assault the right to transfer units, the right to counsel, the right to privileged communications between a victim and a victim advocate, and the right to get records of their sexual assault so they can be eligible for veterans' benefits. These provisions came from a bipartisan bill that I introduced with Mr. TURNER of Ohio.

Our language stipulates that confidential communications cannot be used by the defense attorney against a victim during court proceedings, and

they remain actually confidential. These provisions will encourage more victims to come forward and get the help they need to heal, and will encourage more victims to participate in the legal process of prosecuting perpetrators of sexual assault, both of which are critical to maintaining readiness and unit cohesion in the military.

These provisions also establish full-time sexual assault response coordinators and victim advocates and ensure they are well trained for the job and able to properly serve victims of sexual assault. The 2009 Defense Task Force Report on Sexual Assault in the Military Services found that current victim advocates and sexual assault response coordinators are unprepared for the duties of the position.

In the words of a current unit victim advocate, "I would truly be unprepared if a sexual assault were to occur and my services were needed. It is my opinion that active duty victim advocates are not prepared to deal with sexual assaults and could potentially deter individuals from coming forward."

Having full-time SARCs and VAs with extensive training and certification will ensure that they are truly a valuable resource to their unit and to victims who come forward.

This language also improves the retention of sexual assault records and guarantees that victims of sexual assault will have lifetime access to these records for a variety of purposes, such as being considered for veterans benefits and given priority consideration for counseling at Veterans Affairs.

Currently, survivors of sexual assault have to jump through multiple bureaucratic hurdles to prove that their symptoms are connected to an incident of sexual assault in the military in order to be prioritized for mental health counseling or be eligible for benefits. Servicemembers find it difficult to obtain documentation proving their sexual assault once they have left the services because many of these documents are destroyed at DOD after only a few years. This language ensures that the documents are maintained.

This language also requires DOD to prepare a record of all court proceedings in which a charge of sexual assault is adjudicated and provide a copy to the victim. Because victims of sexual assaults serve as a witness rather than an active participant in trials where their case is litigated, they often do not understand the outcome of their case. These records are prepared where convictions result, but when charges are dismissed, or when a perpetrator is found innocent, the victim has no reliable way to understand what happened and why his or her case was dismissed.

Making sure victims understand the outcome of their case is important to providing closure for victims and making sure they are an active, respected participant in the legal process.

□ 1300

It will help to alleviate much of the mistrust that servicemembers and victims of sexual assault in the military harbor when it comes to how a sexual assault case will be handled if they make a report.

Similar provisions were included in the Senate's version of the defense authorization, but these provisions do not clearly spell out a victim's right to counsel and do not provide for a comprehensive education and training program.

Yesterday a bipartisan group of 47 Members, led by Ms. SLAUGHTER and Mr. TURNER, sent a letter to the chairman and ranking member of both the House and Senate Armed Services Committees in support of the House's language. This motion simply instructs our conferees to insist on the House language, language that will protect our servicewomen.

I urge my colleagues on both sides of the aisle to support the motion to instruct conferees.

With that, Madam Speaker, I reserve the balance of my time.

Mr. McKEON. I continue to reserve the balance of my time.

Ms. TSONGAS. Madam Speaker, I am pleased to yield 2 minutes to the gentlewoman from California who has taken such an interest in this very grave issue and played an important leadership role, Congresswoman SPEIER.

Ms. SPEIER. I thank Ms. TSONGAS and the ranking member, Mr. SMITH, for bringing this motion. Thank you, Madam Speaker, for the opportunity to say a few words here.

This is a cancer that is eating up our military. For 25 years, we have debated and discussed and reported on it, and yet the numbers are staggering. By DOD's own estimates, 19,000 men and women in the military each and every year are sexually assaulted or raped. Only 13 percent actually report these sexual assaults and rapes, and 90 percent of them are involuntarily honorably discharged.

There is a message in the military: Shut up, take an aspirin, go to bed, sleep it off. These very modest elements are really very important, but if we're really going to deal with this issue, if we're truly going to say that you are no longer going to be more likely to be a victim of violence in the military by a fellow officer than by the enemy, if we're really going to be able to change that construct, then we're going to have to take the reporting of these crimes away from the chain of command and put it in a separate office where we will have experts, both military and civilian, that will be able to prosecute these cases and actually investigate them.

Right now there's a huge conflict of interest. I spoke on the floor this morning about Petty Officer De Roche

who was raped by two officers in Thailand when they were on port of call. She was raped twice by each of these men. She then went to report it and was told to leave it alone. She was then put in a medical hold for 24 hours, for days. And then what happened, she was eventually allowed to leave the ship and be put in another service setting.

But do you know what happened to those two assailants, both of whom admitted that they had raped her?

The SPEAKER pro tempore. The time of the gentlewoman has expired.

Ms. TSONGAS. I yield the gentlewoman an additional minute.

Ms. SPEIER. One of them had 6 months of reduction in pay; one of them got demoted, one of them did not; but neither of them served any time for having admitted that they had raped her. They got what was called non-judicial punishment.

What a joke that in this country we give a unit commander the authority to be judge and jury and then not even have these individuals who commit these violent crimes have to pay anything. It doesn't go on a record; there is no sexual assault database. That's the way we've been running the military, and that must stop.

Ms. TSONGAS. I yield back the balance of my time.

Mr. McKEON. Madam Speaker, I yield myself such time as I may consume.

I just have to respond to the last speaker that we had.

We have this language in the bill. We have worked with Ms. TSONGAS. She's done great work with Mr. TURNER. We have been out of the majority for 4 years. We now have the majority. I'm not going to say that it shouldn't have been fixed before; it should have. But we have this in the bill. But to attack the military and make them like they are the worst people in the world—19,000 is excessive. It is something that never should have happened. This will take care of it.

We just had talk of a revered football coach we found right in their organization of a very upstanding university that we all have thought great things about, has all kinds of problems with sexual abuse.

I refuse to have the innuendo or the charge that the military is corrupt top to bottom, which is what you basically inferred in what you just said.

We support this. We put it in the bill. We think that it is very important to take care of this problem.

Ms. SPEIER. Will the gentleman yield?

Mr. McKEON. I'd be happy to yield.

Ms. SPEIER. I did not say that the military was corrupt. What I did say was that the way—

Mr. McKEON. Reclaiming my time, you did charge them with some very serious issues and besmirch the character of the military.

Ms. SPEIER. Will the gentleman yield?

Mr. McKEON. I'd be happy to yield.

Ms. SPEIER. What I would say to the gentleman from California is this: that the Congress of the United States has, for almost a quarter of a century now, been looking at this issue. We have not done a good job—

Mr. McKEON. Reclaiming my time, as the new chairman of the committee, the first bill that we have brought forward, we have it in the bill. We are moving to take care of it.

Ms. SPEIER. Will the gentleman yield?

Mr. McKEON. No. I think we've probably said enough.

What I would say at this time is we do support this. The bill was overwhelmingly supported out of committee 60-1, 322-96 in the House. We're moving strongly on this issue. We will support it through the conference and do our best to see that it remains in the bill because it is such a very important issue.

With that, I yield back the balance of my time.

Ms. TSONGAS. Madam Speaker, I did not mean to yield back my time; so I ask unanimous consent to reclaim my time.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Massachusetts?

Mr. McKEON. Reserving the right to object, I understand that I did that once myself, yield back my time inadvertently.

With that, I would be happy to see that my colleague has the balance of her time to close, and I withdraw my reservation.

The SPEAKER pro tempore. Without objection, the gentlewoman from Massachusetts is recognized.

There was no objection.

Ms. TSONGAS. I thank the chairman.

It has been my honor and pleasure to work in a bipartisan fashion on this legislation that seeks to address the great challenge of military sexual trauma. I think that we have incorporated into the House version of the bill some very significant reforms that will help to protect victims, unfortunate victims of this great affront to young people serving in our military; will seek to better protect them as they seek to bring to justice the perpetrators; will better train those who are put in a place designed and created—these are positions created to help victims deal with this tremendous trauma, seek out appropriate legal remedies and do it in a way that does not further victimize the victim.

Does that mean there is not always going to be additional work to do? Absolutely, always; otherwise, we would all be out of a job if we didn't have to simply come back and revisit and revisit and revisit these issues.

But I want to make it very clear that this has been a great bipartisan effort. I'm very thankful for the support we have received. The military has made tremendous efforts. But obviously we would not be here today discussing this if there were still not a long way to go.

I appreciate the fact that this has been recognized on both sides of the aisle, and I thank you for allowing me to reclaim my time.

I will now yield 1 minute to the gentlelady from California, Congresswoman SPEIER.

Ms. SPEIER. I thank the gentlelady from Massachusetts for yielding me the time.

I would just like to say to the gentleman from California and to my colleagues on the Armed Services Committee, I am very grateful that this language is in the motion to instruct the conferees.

My only point is that until we create an independent office to handle these cases, we continue to place the unit commanders and the base commanders in a conflict of interest. What happens when the unit commander is, in fact, the assailant? That means that the rape victim has to go to her rapist and seek to have help and to report that rape to her unit commander.

□ 1310

What we need to do is create an independent authority that will have the expertise, which a unit commander is not going to have, regarding sexual assault and rape and have investigators who have, again, the expertise to look at these cases so that the unit commanders and the base commanders are not flummoxed by the various issues surrounding this very, very serious subject.

Ms. TSONGAS. I yield back the balance of my time.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to instruct.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to instruct.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

#### RECORDED VOTE

Mr. SMITH of Washington. Madam Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. Pursuant to clauses 8 and 9 of rule XX, this 15-minute vote on the motion to instruct will be followed by 5-minute votes on the motion to permit closed conference meetings on H.R. 1540 and the motion to instruct on H.R. 2550.

The vote was taken by electronic device, and there were—ayes 421, noes 2, not voting 10, as follows:

[Roll No. 892]

#### AYES—421

Ackerman	Davis (CA)	Hultgren
Adams	Davis (IL)	Hunter
Aderholt	Davis (KY)	Hurt
Akin	DeFazio	Inslee
Alexander	DeGette	Israel
Altmire	DeLauro	Issa
Amodei	Denham	Jackson (IL)
Andrews	Dent	Jackson Lee
Austria	DesJarlais	(TX)
Baca	Deutch	Jenkins
Bachmann	Dicks	Johnson (GA)
Bachus	Dingell	Johnson (IL)
Baldwin	Doggett	Johnson (OH)
Barletta	Dold	Johnson, E. B.
Barrow	Donnelly (IN)	Johnson, Sam
Bartlett	Doyle	Jones
Barton (TX)	Dreier	Jordan
Bass (CA)	Duffy	Kaptur
Bass (NH)	Duncan (SC)	Keating
Becerra	Duncan (TN)	Kelly
Benish	Edwards	Kildee
Berg	Ellison	Kind
Berkley	Ellmers	King (IA)
Berman	Emerson	King (NY)
Biggert	Engel	Kingston
Bilbray	Eshoo	Kinzinger (IL)
Bilirakis	Farenthold	Kissell
Bishop (GA)	Farr	Kline
Bishop (NY)	Filner	Kucinich
Bishop (UT)	Fincher	Labrador
Black	Fitzpatrick	Lamborn
Blackburn	Flake	Lance
Blumenauer	Fleischmann	Landry
Bonner	Fleming	Langevin
Bono Mack	Flores	Lankford
Boren	Forbes	Larsen (WA)
Boswell	Portenberry	Larson (CT)
Boustany	Fox	Latham
Brady (PA)	Frank (MA)	LaTourette
Brady (TX)	Franks (AZ)	Latta
Braley (IA)	Frelinghuysen	Lee (CA)
Brooks	Fudge	Levin
Broun (GA)	Gallegly	Lewis (CA)
Brown (FL)	Garamendi	Lewis (GA)
Buchanan	Garner	Lipinski
Bucshon	Garrett	LoBiondo
Buerkle	Gerlach	Loeb
Burgess	Gibbs	Loftgren, Zoe
Burton (IN)	Gibson	Long
Butterfield	Gingrey (GA)	Lowey
Calvert	Gohmert	Lucas
Camp	Gonzalez	Luetkemeyer
Campbell	Goodlatte	Luján
Canseco	Gosar	Lummis
Cantor	Gowdy	Lungren, Daniel
Capito	Granger	E.
Capps	Graves (GA)	Lynch
Capuano	Graves (MO)	Mack
Cardoza	Green, Al	Maloney
Carnahan	Green, Gene	Manzullo
Carney	Griffin (AR)	Marchant
Carson (IN)	Griffith (VA)	Marino
Carter	Grijalva	Markey
Cassidy	Grimm	Matheson
Chabot	Guinta	Matsui
Chaffetz	Guthrie	McCarthy (CA)
Chandler	Gutierrez	McCarthy (NY)
Chu	Hahn	McCaul
Cicilline	Hall	McCollum
Clarke (MI)	Hanabusa	McCotter
Clarke (NY)	Hanna	McDermott
Clay	Harper	McGovern
Cleaver	Harris	McHenry
Clyburn	Hartzler	McIntyre
Coble	Hastings (FL)	McKeon
Coffman (CO)	Hastings (WA)	McKinley
Cohen	Hayworth	McMorris
Cole	Heck	Rodgers
Conaway	Heinrich	McNerney
Connolly (VA)	Hensarling	Meehan
Conyers	Herger	Meeks
Cooper	Herrera Beutler	Mica
Costa	Higgins	Michaud
Costello	Himes	Miller (FL)
Courtney	Hinojosa	Miller (MI)
Cravaack	Hirono	Miller (NC)
Crawford	Hochul	Miller, Gary
Crenshaw	Holden	Miller, George
Critz	Holt	Moore
Crowley	Honda	Moran
Cuellar	Hoyer	Mulvaney
Culberson	Huelskamp	Murphy (CT)
Cummings	Huizenga (MI)	Murphy (PA)

Napolitano	Rogers (KY)	Southerland
Neal	Rogers (MI)	Speier
Neugebauer	Rohrabacher	Stark
Noem	Rokita	Stearns
Nugent	Rooney	Stivers
Nunes	Ros-Lehtinen	Stutzman
Nunnelee	Roskam	Sullivan
Olson	Ross (AR)	Sutton
Olver	Ross (FL)	Terry
Owens	Rothman (NJ)	Thompson (CA)
Palazzo	Roybal-Allard	Thompson (MS)
Pallone	Royce	Thompson (PA)
Pascarell	Runyan	Thornberry
Pastor (AZ)	Ruppersberger	Tiberi
Paul	Rush	Tierney
Paulsen	Ryan (OH)	Tipton
Payne	Ryan (WI)	Tonko
Pearce	Sanchez, Linda	Towns
Pelosi	T.	Tsongas
Pence	Sanchez, Loretta	Turner (NY)
Perlmutter	Sarbanes	Turner (OH)
Peters	Scalise	Upton
Peterson	Schakowsky	Van Hollen
Petri	Schiff	Velázquez
Pingree (ME)	Schilling	Visclosky
Pitts	Schmidt	Walberg
Platts	Schock	Walden
Poe (TX)	Schrader	Walsh (IL)
Polis	Schwartz	Walz (MN)
Pompeo	Schweikert	Wasserman
Posey	Scott (SC)	Schultz
Price (GA)	Scott (VA)	Waters
Price (NC)	Scott, Austin	Watt
Quayle	Scott, David	Webster
Quigley	Sensenbrenner	Welch
Rahall	Serrano	West
Rangel	Sessions	Westmoreland
Reed	Sewell	Whitfield
Rehberg	Sherman	Wilson (FL)
Reichert	Shimkus	Wilson (SC)
Renacci	Shuler	Wittman
Reyes	Shuster	Wolf
Ribble	Simpson	Womack
Richardson	Sires	Woodall
Rigell	Slaughter	Woolsey
Rivera	Smith (NE)	Yarmuth
Roby	Smith (NJ)	Yoder
Roe (TN)	Smith (TX)	Young (AK)
Rogers (AL)	Smith (WA)	Young (IN)

#### NOES—2

Amash  
McClintock

#### NOT VOTING—10

Castor (FL)	Hinchey	Waxman
Diaz-Balart	Myrick	Young (FL)
Fattah	Nadler	
Giffords	Richmond	

□ 1338

Messrs. CRENSHAW, CRAWFORD, BRADY of Texas, Mrs. CAPPS, Messrs. MCCARTHY of California, HUIZENGA of Michigan, Ms. CLARKE of New York, Messrs. ENGEL, and KING of Iowa changed their vote from "no" to "aye."

So the motion to instruct was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

#### MOTION TO PERMIT CLOSED CONFERENCE MEETINGS ON H.R. 1540, NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2012

Mr. McKEON. Madam Speaker, pursuant to clause 12 of rule XXII, I move that the managers on the part of the House on H.R. 1540 be permitted to close to the public any of the conference at such times as classified national security information may be broached, providing that any sitting Member of Congress shall be entitled



to attend any meeting of the conference.

The SPEAKER pro tempore. Pursuant to clause 12 of rule XXII, the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 406, nays 17, answered “present” 1, not voting 9, as follows:

[Roll No. 893]

YEAS—406

Ackerman	Costello	Hartzler
Adams	Courtney	Hastings (FL)
Aderholt	Cravaack	Hastings (WA)
Akin	Crawford	Hayworth
Alexander	Crenshaw	Heck
Altmire	Critz	Heinrich
Amodei	Crowley	Hensarling
Andrews	Cuellar	Herger
Austria	Culberson	Herrera Beutler
Baca	Cummings	Higgins
Bachmann	Davis (CA)	Himes
Bachus	Davis (IL)	Hinojosa
Baldwin	Davis (KY)	Hirono
Barletta	DeGette	Hochul
Barrow	DeLauro	Holden
Bartlett	Denham	Holt
Barton (TX)	Dent	Hoyer
Bass (CA)	DesJarlais	Huelskamp
Bass (NH)	Deutch	Huizenga (MI)
Becerra	Dicks	Hultgren
Benishkek	Dingell	Hunter
Berg	Doggett	Hurt
Berkley	Dold	Inslee
Berman	Donnelly (IN)	Israel
Biggert	Doyle	Issa
Billray	Dreier	Jackson (IL)
Bilirakis	Duffy	Jackson Lee
Bishop (GA)	Duncan (SC)	(TX)
Bishop (NY)	Duncan (TN)	Jenkins
Black	Edwards	Johnson (GA)
Blackburn	Ellmers	Johnson (IL)
Bonner	Emerson	Johnson (OH)
Bono Mack	Engel	Johnson, E. B.
Boren	Eshoo	Johnson, Sam
Boswell	Farenthold	Jones
Boustany	Filner	Jordan
Brady (PA)	Fincher	Kaptur
Brady (TX)	Fitzpatrick	Keating
Braley (IA)	Flake	Kelly
Brooks	Fleischmann	Kildee
Broun (GA)	Fleming	Kind
Brown (FL)	Flores	King (IA)
Buchanan	Forbes	King (NY)
Bucshon	Fortenberry	Kingston
Buerkle	Fox	Kinzinger (IL)
Burgess	Frank (MA)	Kissell
Burton (IN)	Franks (AZ)	Kline
Butterfield	Frelinghuysen	Labrador
Calvert	Fudge	Lamborn
Camp	Gallegly	Lance
Campbell	Garamendi	Landry
Canseco	Gardner	Langevin
Cantor	Garrett	Lankford
Capito	Gerlach	Larsen (WA)
Capps	Gibbs	Larson (CT)
Capuano	Gibson	Latham
Cardoza	Gingrey (GA)	LaTourette
Carnahan	Gohmert	Latta
Carney	Gonzalez	Levin
Carson (IN)	Goodlatte	Lewis (CA)
Carter	Gosar	Lipinski
Cassidy	Gowdy	LoBiondo
Chabot	Granger	Loeb
Chaffetz	Graves (GA)	Lofgren, Zoe
Chandler	Graves (MO)	Long
Chu	Green, Al	Lowey
Cicilline	Green, Gene	Lucas
Clarke (MI)	Griffin (AR)	Luetkemeyer
Clay	Griffith (VA)	Lujan
Cleaver	Grimm	Lummis
Clyburn	Guinta	Lungren, Daniel
Coble	Guthrie	E.
Coffman (CO)	Gutierrez	Lynch
Cohen	Hahn	Mack
Cole	Hall	Maloney
Conaway	Hanabusa	Manzullo
Connolly (VA)	Hanna	Marchant
Cooper	Harper	Marino
Costa	Harris	Markey

Matheson	Posey	Shimkus
Matsui	Price (GA)	Shuler
McCarthy (CA)	Price (NC)	Shuster
McCarthy (NY)	Quayle	Simpson
McCaul	Quigley	Sires
McClintock	Rahall	Slaughter
McCollum	Rangel	Smith (NE)
McCotter	Reed	Smith (NJ)
McGovern	Rehberg	Smith (TX)
McHenry	Reichert	Smith (WA)
McIntyre	Renacci	Southerland
McKeon	Reyes	Speier
McKinley	Ribble	Stearns
McMorris	Richardson	Stivers
Rodgers	Rigell	Stutzman
McNerney	Rivera	Sullivan
Meenan	Roby	Sutton
Meeks	Roe (TN)	Terry
Mica	Rogers (AL)	Thompson (CA)
Michaud	Rogers (KY)	Thompson (MS)
Miller (FL)	Rogers (MI)	Thompson (PA)
Miller (MI)	Rohrabacher	Thornberry
Miller (NC)	Rokita	Tiberi
Miller, Gary	Rooney	Tierney
Miller, George	Ros-Lehtinen	Tipton
Moore	Roskam	Tonko
Moran	Ross (AR)	Towns
Mulvaney	Ross (FL)	Tsongas
Murphy (CT)	Rothman (NJ)	Turner (NY)
Murphy (PA)	Roybal-Allard	Turner (OH)
Napolitano	Royce	Upton
Neal	Runyan	Van Hollen
Neugebauer	Ruppersberger	Velázquez
Noem	Rush	Visclosky
Nugent	Ryan (OH)	Walberg
Nunes	Ryan (WI)	Walden
Nunnelee	Sánchez, Linda	Walsh (IL)
Olson	T.	Walz (MN)
Owens	Sanchez, Loretta	Wasserman
Palazzo	Sarbanes	Schultz
Pallone	Scalise	Waters
Pascarella	Schakowsky	Watt
Pastor (AZ)	Schiff	Waxman
Paulsen	Schilling	Webster
Payne	Schmidt	Welch
Pearce	Schock	West
Pelosi	Schrader	Westmoreland
Pence	Schwartz	Whitfield
Perlmutter	Schweikert	Wilson (FL)
Peters	Scott (SC)	Wilson (SC)
Peterson	Scott (VA)	Wittman
Petri	Scott, Austin	Wolf
Pingree (ME)	Scott, David	Womack
Pitts	Sensenbrenner	Woodall
Platts	Serrano	Yarmuth
Poe (TX)	Sessions	Yoder
Polis	Sewell	Young (AK)
Pompeo	Sherman	Young (IN)

NAYS—17

Amash	Farr
Blumenauer	Grijalva
Clarke (NY)	Honda
Conyers	Kucinich
DeFazio	Lee (CA)
Ellison	Lewis (GA)

ANSWERED “PRESENT”—1

Bishop (UT)

NOT VOTING—9

Castor (FL)	Giffords	Nadler
Diaz-Balart	Hinchey	Richmond
Fattah	Myrick	Young (FL)

□ 1347

Mr. CONYERS changed his vote from “yea” to “nay.”

Mrs. LUMMIS changed her vote from “nay” to “yea.”

So the motion was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

MOTION TO INSTRUCT CONFEREES ON H.R. 2055, MILITARY CONSTRUCTION AND VETERANS AFFAIRS AND RELATED AGENCIES APPROPRIATIONS ACT, 2012

The SPEAKER pro tempore. The unfinished business is the vote on the motion to instruct on the bill (H.R. 2055) making appropriations for military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2012, and for other purposes, offered by the gentleman from Washington (Mr. DICKS), on which the yeas and nays were ordered.

The Clerk will redesignate the motion.

The Clerk redesignated the motion.

The SPEAKER pro tempore. The question is on the motion to instruct.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 409, nays 13, not voting 11, as follows:

[Roll No. 894]

YEAS—409

Ackerman	Carson (IN)	Fitzpatrick
Adams	Carter	Fleischmann
Aderholt	Cassidy	Fleming
Akin	Chabot	Forbes
Alexander	Chaffetz	Fortenberry
Altmire	Chandler	Fox
Amodei	Chu	Franks (AZ)
Andrews	Clarke (MI)	Frelinghuysen
Austria	Clarke (NY)	Fudge
Baca	Clay	Gallegly
Bachmann	Cleaver	Garamendi
Bachus	Clyburn	Gardner
Baldwin	Coble	Garrett
Barletta	Coffman (CO)	Gerlach
Barrow	Cohen	Gibbs
Bartlett	Cole	Gibson
Barton (TX)	Conaway	Gingrey (GA)
Bass (CA)	Connolly (VA)	Gohmert
Bass (NH)	Conyers	Gonzalez
Becerra	Cooper	Goodlatte
Benishkek	Costa	Gosar
Berg	Costello	Gowdy
Berkley	Courtney	Granger
Berman	Cravaack	Graves (GA)
Biggert	Crawford	Graves (MO)
Billray	Crenshaw	Green, Al
Bilirakis	Critz	Green, Gene
Bishop (GA)	Crowley	Griffin (AR)
Bishop (NY)	Cuellar	Griffith (VA)
Bishop (UT)	Culberson	Grijalva
Black	Cummings	Grimm
Blackburn	Davis (CA)	Guinta
Blumenauer	Davis (IL)	Guthrie
Bonner	Davis (KY)	Gutierrez
Bono Mack	DeFazio	Hahn
Boren	DeGette	Hall
Boswell	DeLauro	Hanabusa
Boustany	Denham	Hanna
Brady (PA)	Dent	Harper
Brady (TX)	DesJarlais	Harris
Braley (IA)	Deutch	Hartzler
Brooks	Dicks	Hastings (FL)
Brown (FL)	Dingell	Hastings (WA)
Buchanan	Doggett	Hayworth
Bucshon	Dold	Heck
Buerkle	Donnelly (IN)	Heinrich
Burgess	Doyle	Hensarling
Burton (IN)	Dreier	Herger
Butterfield	Duffy	Herrera Beutler
Calvert	Duncan (SC)	Higgins
Camp	Edwards	Himes
Campbell	Ellison	Hinojosa
Canseco	Ellmers	Hochul
Cantor	Emerson	Holden
Capito	Engel	Holt
Capps	Eshoo	Honda
Capuano	Farenthold	Hoyer
Cardoza	Farr	Huizenga (MI)
Carnahan	Filner	Hultgren
Carney	Fincher	Hunter

Hurt  
Inslee  
Israel  
Issa  
Jackson (IL)  
Jackson Lee  
(TX)  
Jenkins  
Johnson (GA)  
Johnson (IL)  
Johnson (OH)  
Johnson, E. B.  
Johnson, Sam  
Jones  
Jordan  
Kaptur  
Keating  
Kelly  
Kildee  
Kind  
King (IA)  
King (NY)  
Kinzinger (IL)  
Kissell  
Kline  
Kucinich  
Labrador  
Lamborn  
Lance  
Landry  
Langevin  
Lankford  
Larsen (WA)  
Larson (CT)  
Latham  
LaTourette  
Latta  
Lee (CA)  
Levin  
Lewis (CA)  
Lewis (GA)  
Lipinski  
LoBiondo  
Loeb sack  
Lofgren, Zoe  
Long  
Lowey  
Lucas  
Luetkemeyer  
Luján  
Lummis  
Lungren, Daniel  
E.  
Lynch  
Mack  
Maloney  
Manzullo  
Marchant  
Marino  
Markey  
Matheson  
Matsui  
McCarthy (CA)  
McCarthy (NY)  
McCaul  
McClintock  
McCollum  
McCotter  
McDermott  
McGovern  
McHenry  
McIntyre  
McKeon  
McKinley  
McMorris  
Rodgers  
McNerney  
Meehan  
Meeks

Mica  
Michaud  
Miller (FL)  
Miller (MI)  
Miller (NC)  
Miller, Gary  
Miller, George  
Moore  
Moran  
Murphy (CT)  
Murphy (PA)  
Napolitano  
Neal  
Neugebauer  
Neom  
Nugent  
Nunes  
Nunnelee  
Olson  
Oliver  
Owens  
Palazzo  
Pallone  
Pascrell  
Pastor (AZ)  
Paul  
Paulsen  
Payne  
Pearce  
Pelosi  
Pence  
Perlmutter  
Peters  
Peterson  
Petri  
Pingree (ME)  
Pitts  
Platts  
Poe (TX)  
Polis  
Pompeo  
Posey  
Price (GA)  
Price (NC)  
Quayle  
Quigley  
Rahall  
Rangel  
Reed  
Rehberg  
Reichert  
Renacci  
Reyes  
Richardson  
Rigell  
Rivera  
Robby  
Roe (TN)  
Rogers (AL)  
Rogers (KY)  
Rogers (MI)  
Rohrabacher  
Rokita  
Rooney  
Ros-Lehtinen  
Roskam  
Ross (AR)  
Ross (FL)  
Rothman (NJ)  
Roybal-Allard  
Royce  
Runyan  
Ruppersberger  
Rush  
Ryan (OH)  
Ryan (WI)  
Sánchez, Linda  
T.  
Sanchez, Loretta

Sarbanes  
Scalise  
Schakowsky  
Schiff  
Schilling  
Schmidt  
Schock  
Schradner  
Schwartz  
Scott (SC)  
Scott (VA)  
Scott, Austin  
Scott, David  
Sensenbrenner  
Serrano  
Sessions  
Sewell  
Sherman  
Shimkus  
Shuler  
Shuster  
Simpson  
Sires  
Slaughter  
Smith (NE)  
Smith (NJ)  
Smith (TX)  
Smith (WA)  
Southerland  
Speier  
Stark  
Stearns  
Stivers  
Sullivan  
Sutton  
Terry  
Thompson (CA)  
Thompson (MS)  
Thompson (PA)  
Thornberry  
Tiberi  
Tierney  
Tipton  
Tonko  
Townes  
Tsongas  
Turner (NY)  
Turner (OH)  
Upton  
Van Hollen  
Velázquez  
Visclosky  
Walberg  
Walden  
Walz (MN)  
Wasserman  
Schultz  
Waters  
Watt  
Waxman  
Webster  
Welch  
West  
Westmoreland  
Whitfield  
Wilson (FL)  
Wilson (SC)  
Wittman  
Wolf  
Womack  
Woodall  
Woolsey  
Yarmuth  
Yoder  
Young (AK)  
Young (IN)

□ 1354

So the motion to instruct was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. CICILLINE. Mr. Speaker, during rollcall vote No. 894 on H.R. 2055, I mistakenly recorded my vote as “no” when I should have voted “yes.”

#### APPOINTMENT OF CONFEREES

THE SPEAKER pro tempore (Mr. WESTMORELAND). Without objection, the Chair appoints the following conferees:

Messrs. ROGERS of Kentucky, YOUNG of Florida, LEWIS of California, FRELINGHUYSEN, ADERHOLT, Mrs. EMERSON, Ms. GRANGER, Messrs. SIMPSON, CULBERSON, CRENSHAW, REHBERG, CARTER, DICKS, VISCLOSKEY, Mrs. LOWEY, Mr. SERRANO, Ms. DELAURO, Messrs. MORAN, PRICE of North Carolina, and BISHOP of Georgia.

There was no objection.

#### APPOINTMENT OF CONFEREES ON H.R. 1540, NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2012

The SPEAKER pro tempore. Without objection, the Chair appoints the following conferees:

From the Committee on Armed Services, for consideration of the House bill and the Senate amendment, and modifications committed to conference:

Messrs. McKeon, Bartlett, Thornberry, Akin, Forbes, Miller of Florida, LoBiondo, Turner of Ohio, Kline, Rogers of Alabama, Shuster, Conaway, Wittman, Hunter, Rooney, Schilling, Griffin of Arkansas, West, Smith of Washington, Reyes, Ms. Loretta Sanchez of California, Messrs. McIntyre, Andrews, Mrs. Davis of California, Messrs. Langevin, Larsen of Washington, Cooper, Ms. Bordallo, Messrs. Courtney, Loeb sack, Ms. Tsongas and Ms. Pingree of Maine.

From the Permanent Select Committee on Intelligence, for consideration of matters within the jurisdiction of that committee under clause 11 of rule X:

Mr. Rogers of Michigan, Mrs. Myrick and Mr. Ruppersberger.

From the Committee on Education and the Workforce, for consideration of secs. 548 and 572 of the House bill, and secs. 572 and 573 of the Senate amendment, and modifications committed to conference:

Messrs. Petri, Heck and George Miller of California.

From the Committee on Energy and Commerce, for consideration of secs. 911, 1099A, 2852 and 3114 of the House bill, and sec. 1089 of the Senate amendment, and modifications committed to conference:

Messrs. Upton, Walden and Waxman.

From the Committee on Financial Services, for consideration of sec. 645 of the House bill, and sec. 1245 of the Senate amendment, and modifications committed to conference:

Mr. Bachus, Mrs. Capito and Mr. Ackerman.

From the Committee on Foreign Affairs, for consideration of secs. 1013, 1014, 1055, 1056,

1086, 1092, 1202, 1204, 1205, 1211, 1214, 1216, 1218, 1219, 1226, 1228–1230, 1237, 1301, 1303, 1532, 1533 and 3112 of the House bill, and secs. 159, 1012, 1031, 1033, 1046, 1201, 1203, 1204, 1206–1209, 1221–1225, 1228, 1230, 1245, title XIII and sec. 1609 of the Senate amendment, and modifications committed to conference:

Ms. Ros-Lehtinen, Messrs. Chabot and Berman.

From the Committee on Homeland Security, for consideration of sec. 1099H of the House bill, and sec. 1092 of the Senate amendment, and modifications committed to conference:

Mr. Daniel Lungren of California, Mrs. Miller of Michigan and Mr. Thompson of Mississippi.

From the Committee on the Judiciary, for consideration of secs. 531 of subtitle D of title V, 573, 843 and 2804 of the House bill, and secs. 553 and 848 of the Senate amendment, and modifications committed to conference:

Messrs. Smith of Texas, Coble and Conyers.

From the Committee on Natural Resources, for consideration of secs. 313, 601 and 1097 of the House bill, and modifications committed to conference:

Messrs. Hastings of Washington, Bishop of Utah and Markey.

From the Committee on Oversight and Government Reform, for consideration of secs. 598, 662, 803, 813, 844, 847, 849, 937–939, 1081, 1091, 1101–1111, 1116 and 2813 of the House bill, and secs. 827, 845, 1044, 1102–1107 and 2812 of the Senate amendment, and modifications committed to conference:

Messrs. Ross of Florida, Lankford and Cummings.

From the Committee on Science, Space, and Technology, for consideration of secs. 911 and 1098 of the House bill, and secs. 885, 911, 912 and Division E of the Senate amendment, and modifications committed to conference:

Messrs. Hall, Quayle and Ms. Eddie Bernice Johnson of Texas.

From the Committee on Small Business, for consideration of sec. 804 of the House bill, and secs. 885–887 and Division E of the Senate amendment, and modifications committed to conference:

Mr. Graves of Missouri, Mrs. Ellmers and Ms. Velázquez.

From the Committee on Transportation and Infrastructure, for consideration of secs. 314, 366, 601, 1098 and 2814 of the House bill, and secs. 262, 313, 315, 1045, 1088 and 3301 of the Senate amendment, and modifications committed to conference:

Messrs. Mica, Cravaack and Bishop of New York.

From the Committee on Veterans Affairs, for consideration of secs. 551, 573, 705, 731 and 1099C of the House bill, and secs. 631 and 1093 of the Senate amendment, and modifications committed to conference:

Mr. Bilirakis, Ms. Buerkle and Ms. Brown of Florida.

From the Committee on Ways and Means, for consideration of secs. 704, 1099A and 1225 of the House bill, and sec. 848 of the Senate amendment, and modifications committed to conference:

Messrs. Camp, Herger and Levin.

There was no objection.

#### REGULATIONS FROM THE EXECUTIVE IN NEED OF SCRUTINY ACT OF 2011

Mr. SMITH of Texas. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous materials on H.R. 10.

#### NAYS—13

Amash  
Broun (GA)  
Cicilline  
Duncan (TN)  
Flake  
Flores  
Huelskamp  
Kingston  
Mulaney  
Ribble  
Schweikert  
Stutzman  
Walsh (IL)

#### NOT VOTING—11

Castor (FL)  
Diaz-Balart  
Fattah  
Frank (MA)  
Giffords  
Hinchey  
Hirono  
Myrick  
Nadler  
Richmond  
Young (FL)

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

The SPEAKER pro tempore. Pursuant to House Resolution 479 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the state of the Union for the consideration of the bill, H.R. 10.

□ 1400

#### IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (H.R. 10) to amend chapter 8 of title 5, United States Code, to provide that major rules of the executive branch shall have no force or effect unless a joint resolution of approval is enacted into law, with Mr. DENHAM in the chair.

The Clerk read the title of the bill.

The CHAIR. Pursuant to the rule, the bill is considered read the first time.

The gentleman from Texas (Mr. SMITH) and the gentleman from Michigan (Mr. CONYERS) each will control 30 minutes.

The Chair recognizes the gentleman from Texas.

Mr. SMITH of Texas. Mr. Chairman, I yield myself such time as I may consume.

The American people today have been hit by an onslaught of unnecessary Federal regulations. From the Obama administration's health care mandate to the increase of burdens on small businesses, government regulation has become a barrier to economic growth and job creation.

By its own admission, the administration is preparing numerous regulations that each will cost the economy \$1 billion or more per year. Its 2011 regulatory agenda calls for over 200 major rules which will affect the economy by \$100 million or more each every year.

Employers, the people who create jobs and pay taxes, are rightly concerned about these costs and the costs that regulations impose on their businesses. In a Gallup poll conducted last month, nearly one-quarter of small business owners cited compliance with government regulations as their primary concern. That should motivate us to take action today.

Rather than restrain its efforts to expand government, the administration now seeks to accomplish through regulatory agencies what it cannot get approved by Congress. The REINS Act gives the people's representatives in Congress the final say over whether Washington will impose major new regulations on the American economy.

More than once this year, the President himself has talked about the dangers that excessive regulations pose to our economy. He has called for reviews of existing regulations. He has professed a commitment to more trans-

parency. The President has stated that "it is extremely important to minimize regulatory burdens and avoid unjustified regulatory costs."

Unfortunately, the President's actions speak louder than his words. But rather than make good on its statements, the Obama administration has proposed four times the number of major regulations than the previous administration over a similar time period. And the White House has admitted to Congress that, for most new major regulations issued in 2010, government failed to analyze both the cost and the benefits.

It is time for Congress to take action to reverse these harmful policies. With the REINS Act, we can hold the administration accountable for its unjustified regulatory assault on America's job creators; and we can guarantee that Congress, not unelected agency officials, will be accountable for all new major regulatory costs.

The American people want job creation, not more regulation. The REINS Act reins in out-of-control Federal regulations that burden America's businesses and job creators.

I thank Mr. DAVIS of Kentucky for introducing this legislation. I urge all my colleagues to support the REINS Act, and I reserve the balance of my time.

Mr. CONYERS. Mr. Chairman, I yield myself 2 minutes.

Ladies and gentlemen of the House, H.R. 10 is the mother of all antiregulatory bills. Since the House was in session during 2010 for 116 legislative days, under this bill—and I invite any of my colleagues to make any different analysis—the Congress would be required after 70 days after they receive a rule to act upon it. If you only have 116 days, legislative days a year, it would be literally impossible to handle the number of rules that we would get.

Namely, we got 94 rules last year, 116 days. If we were handling every rule—please, use your arithmetic skills, ladies and gentlemen. This bill would be unworkable, and it would be impossible for new regulations to be enacted. But then, maybe that's the whole thrust of the matter.

I reserve the balance of my time.

Mr. SMITH of Texas. Mr. Chairman, I yield 6 minutes to the gentleman from Kentucky (Mr. DAVIS), who is the sponsor of this legislation.

Mr. DAVIS of Kentucky. I thank the chairman.

Two years ago, I met with the a constituent who was concerned about the effects of unfunded EPA mandates on his water and sewer bills. He wanted to know why Congress doesn't vote on new regulations. This simple question inspired the legislation that we're considering today, and it also begs a broader question: Who should be accountable to the American people for

major laws with which they are forced to comply?

Since the New Deal, every Congress has delegated more of its constitutional lawmaking authority to unelected bureaucrats in administrative agencies through vaguely written laws. This is an abdication of Congress' constitutional responsibility to write the laws.

This practice of excessive delegation of legislative powers to the executive branch allows Members of Congress to take credit for the benefits of the law it has passed and then blame Federal agencies for the costs and requirements of regulations authorized by the same legislation. Members of Congress are never required to support, oppose, or otherwise contribute to Federal regulations that are major and finalized under their watch.

Even more troubling, this practice has enabled the executive branch to overstep the intent of Congress and legislate through regulation based on broad authorities previously given the agency. In recent years, we've seen examples of administrative agencies, regardless of party, going beyond their original grants of power to implement policies not approved by the people's Congress.

In several cases, such as net neutrality rules and the regulation of carbon emissions, agencies are pursuing regulatory action after Congress has explicitly rejected the concept. In fact, administrative officials publicly proclaimed the strategy after the results of the 2010 elections, going around Congress by forcing their agenda through regulation.

In February of last year, The New York Times quoted White House Communications Director Dan Pfeiffer as saying, "In 2010, executive actions will also play a key role in advancing the administration's agenda." True to their word, the administration continues using regulations as an end around Congress.

The lack of congressional accountability for the regulatory process has allowed the regulatory state to grow almost unchecked for generations. Federal administrative agencies issued 3,271 new rules in 2010, or roughly nine regulations per day.

These regulations have a profound impact on our economy. The Small Business Administration estimated that regulations cost the American economy \$1.75 trillion in 2008, and that's nearly twice the amount of individual income taxes paid in this country that year. Small businesses spend an estimated \$10,500 per employee to comply with Federal rules, a considerable burden on the private sector's ability to create jobs at a time of continued economic struggles.

Today, we can choose to continue on this path, or we can vote to restore our constitutional duty to make law and be

held accountable for the details. The REINS Act effectively constrains the delegation of congressional authority by limiting the size and scope of rule-making permission.

Once major rules are drafted and finalized by an agency, the REINS Act would require Congress to hold an up-or-down vote on any major regulation. Major regulations are those with an annual economic impact of more than \$100 million, as determined by the Office of Information and Regulatory Affairs. The President would also have to sign the resolution before it could be enforced on the American people, job creators, or State and local governments. Every major regulation would be voted on within 70 legislative days.

The REINS Act was specifically written not to unnecessarily hold up the regulatory process. Rather, the bill prevents REINS resolutions from being filibustered in the Senate.

The point of the REINS Act is simply accountability. Each Congressman must take a stand and be accountable for regulations that cost our citizenry \$100 million or more annually. No longer would Congress be able to avoid accountability by writing vague laws requiring the benefits up front and leaving the unpopular or costly elements to the bureaucrats who will write those elements of the law at some later date. Whether or not Congress approves a particular regulation, there will be a clearly accountable vote on the subject that the American people can see and judge for themselves.

□ 1410

This ensures the greatest regulatory burdens on our economy are necessary to promote the public welfare, rather than simply sprouting from the minds of unelected bureaucrats.

The bill's name as a metaphor for the reins on a horse is fitting. The purpose of reins is not to keep a horse at a standstill. Reins are a tool to ensure that the horse knows what is expected of him and is acting according to the intent and will of the rider.

Likewise, the REINS Act would not stop the regulatory process. It would improve the regulatory process by ensuring that new major rules match the intent of Congress and the will of the American people. The REINS Act would foster greater upfront cooperation between agencies and future Congresses, resulting in better written legislation and regulation.

With greater accountability and transparency, regulatory agencies will have no choice but to write regulations that reflect the need for sensible standards and take into account the impact regulations have on American businesses and families.

Similarly, agencies would no longer be able to bypass Congress with regulations that don't match congressional intent or go too far.

Not all regulations are bad. Many provide needed public safeguards, help to keep the American people safe, and maintain a level playing field for businesses to compete. And so good regulations would be approved by future Congresses, and those that could not withstand the public scrutiny of a vote in Congress would not.

A commonsense regulatory system with appropriate checks and balances on the most economically significant rules will help to revive our stagnant economy and give more businesses the ability to hire thanks to a better sense of stability and what to expect from Washington going forward.

The question we're asked today is in effect the same I was asked by my constituent in August of 2009: Who should be accountable for the rules and regulations that have the greatest economic impact on our economy? My answer is the Congress. In an era of high unemployment, Congress can no longer avoid its responsibility to the American people for the regulatory burden. Passing the REINS Act today would be a major step forward in returning to a constitutional, responsible, legislative, and regulatory framework.

I want to thank Judiciary Chairman LAMAR SMITH for his countless efforts on behalf of the REINS Act and his leadership, as well as the more than 200 cosponsors of this bill in the House. I urge my colleagues to support this bill.

Mr. CONYERS. Mr. Chairman, I yield myself 15 seconds.

The REINS Act is the mother of all anti-regulatory bills in the Congress. The only problem, I say to the distinguished author, the gentleman from Kentucky, is that it won't work. There are only 116 legislative days.

I yield 2 minutes to the gentleman from Virginia, JIM MORAN.

Mr. MORAN. I thank the very distinguished former chairman of the Judiciary Committee.

This Republican bill is neither effective nor responsible. To paraphrase H.L. Mencken, eliminating Federal agency rulemaking as we know it is a solution that is simple, neat, and wrong.

Mr. Chairman, despite what the House majority would like you to believe, our Federal regulatory process is a model the world over. Delegations from other countries frequently visit our government agencies to learn how their governments can best ensure public involvement while maximizing government effectiveness and efficiency. Why? Because our regulatory system is the most open and the most fair system in the world.

Current law already guarantees that proposed regulations get widely published and receive extensive public participation. The proof of that is that proposed Federal regulations receive hundreds, thousands, even millions of public comments. The U.S. Forest

Service, for example, received over 1.6 million comments on its roadless rule and held over 600 public meetings.

And public involvement doesn't stop there. Federal agencies are required by law to consider and respond to each comment received. Commenters frequently request and receive comment-period extensions. And when agencies learn of legitimate problems with their proposed regulations, they change or withdraw them to address those concerns.

As an additional check on Federal rulemaking, Congress passed the Congressional Review Act. This law already provides a 60-day waiting period before a final rule becomes effective. And during that delay, Congress can disapprove an agency rule by joint resolution.

The fact is that Federal agencies already have the right attitude about regulation. I think Federal Reserve Chairman Ben Bernanke summed up agency regulatory philosophy best: We seek to implement the will of Congress in a manner that provides the greatest benefit at the lowest cost to society as a whole.

This bill takes America in the wrong direction—one full of risk and cost that will put the public's health and safety at great risk.

I strongly urge my colleagues to join Chairman CONYERS in opposing this wrong legislation.

Mr. SMITH of Texas. Mr. Chairman, I yield 3 minutes to my friend and colleague from Texas (Mr. HENSARLING), the chairman of the House Republican Conference.

Mr. HENSARLING. I thank the gentleman for yielding.

Mr. Chairman, it was just a few weeks ago that our Nation celebrated Thanksgiving. Unfortunately, in the Obama economy, millions could not give thanks for having a job. In the Obama economy, unemployment remains mired at near or above 9 percent. In the Obama economy, one in seven are on food stamps. In the Obama economy, we have seen the fewest small business startups in 17 years.

That's why, Mr. Chairman, jobs are job number one for House Republicans.

That's why our jobs bills have been passed; but, unfortunately, 25 of them are stacking up like cord wood in the Democratic-controlled Senate. After today, it will be 26 because one of the most important pro-jobs bills is on the floor today, the REINS Act.

Mr. Chairman, whether I'm speaking to Fortune 50 CEOs out of Dallas, Texas, where I reside, or small business people in east Texas that I have the privilege of representing in this body, they all tell me the same thing: the number one impediment to jobs in America today is the Federal regulatory burden.

I hear from them each and every day. I heard from the Grasch family in the Fifth District of Texas:

"As a small business, I have to bring in an additional thousand dollars a month to break even." He's talking about his regulatory burden. "This is while consumers have less money to purchase my services. I will not invest in any further expansion and therefore not hiring until smarter policies are being conveyed from Washington."

I heard from the Rossa family, also in the Fifth District, who talks about the regulatory burden from the President's health care plan:

"My company has laid off all staff, and I myself will file for unemployment on Monday. That's about 23 people added to the unemployment rolls next week," again due to Federal regulation.

I heard from the Nixon family in the Fifth District of Texas. Federal regulation, again:

"We are giving up this part of our business. One person's losing their job. This is just one small example of how excessive government regulation is stifling business."

It's the number one impediment, and all we're asking today with the REINS Act is that if a regulation is going to cost our economy jobs, if it's going to cost a hundred million dollars or more, let's have congressional approval. It's common sense. It forces accountability. It simply weighs the benefit of a regulation to be balanced with the cost to our own jobs.

Jobs ought to be number one in this House, and the number one jobs bill we can pass is the REINS Act. I ask for once that my colleagues on the other side of the aisle join me, and let's put America back to work.

Mr. CONYERS. Mr. Chairman, I am pleased to yield 3 minutes to the gentleman from Virginia, STEVE COHEN, a ranking subcommittee member in Judiciary.

Mr. COHEN. I appreciate the time, but I don't appreciate the relocation. I am from Tennessee, the Volunteer State, and from Memphis, in particular. But it is appropriate, I guess, that we be a little confused with States because listening to the debate on the floor, it's obvious we're a little confused about history and Presidents, too, for President Obama has been Bush-whacked here on the floor of the House.

It's not the Obama economy, it's the Bush economy that President Obama saved from going into the second Great Depression that this country would have suffered in 100 years, saved it from depression with great actions at a time of bipartisan action that helped save this country from the Great Depression that it was otherwise looking at. I think we need to commend President Obama and not Bush-whack him when we get the chance here in the partisan discussions.

□ 1420

This bill that has been brought up, H.R. 10, the REINS Act, would rein in

government. It would rein in the opportunity for regulations that are promulgated by experts in our agencies, experts who have years of expertise in subject matters, in order to come up with rules and regulations to implement the laws that we pass.

Now, I am proud to be a Member of the United States Congress. I know that we have good men and women in this House and that most of the people are very good men and women. But right now, Congress has a 9 percent approval rating. This bill would tell the American public that it should take the expertise of the people who are in the agencies and in the administration and turn it over to the 435 Members of Congress—535 when including those in the Senate—the least approved government body that exists.

On the one hand, they decry Congress, and their candidate Mr. Perry wants us to work half time, but this bill would make us the super-regulatory commission. We would have to approve every regulation by a positive vote in the House and by a positive vote in the Senate. We would have to do it and have the President sign it within 70 days of promulgation. We'd only have every other Thursday to do this, and we'd only have debate of 30 minutes on each side. So you'd take the least respected body of government in the entire United States of America—maybe of the entire world—and give it a very limited amount of time to make all of the rules and regulations for the biggest government in the world.

Talk about clean air. We wouldn't have it. You'd have more dirty rain. The REINS Act—it should be called the Acid Rain Act. It's raining outside. It's raining prevarications, fabrications, and canards upon us, none of which are appropriate for this body or for the American people.

We've had several bills dealing with regulation in this session, all of which basically tend to emasculate government. These bills take away the people's rights to clean air, clean water, safe products, and to occupational safety and health hazard protection, all of which are almost second nature to the American public.

I'd ask us to defeat this bill and to protect our environment and our workers.

Mr. SMITH of Texas. Mr. Chairman, I yield 2 minutes to my friend and colleague from Texas (Mr. POE), a member of the Judiciary Committee.

Mr. POE of Texas. The mere phrase "the regulators" brings fear and trepidation down into the hearts and souls of small business owners throughout the fruited plain.

Mr. Chairman, the Code of Federal Regulations is 150,000-pages long. That's a lot of pages. Those are a lot of regulations. According to the Small Business Administration, the annual

cost of all Federal regulations in this country was almost \$2 trillion in 2008.

Now, do we really need all of those expensive regulations? Good thing the Federal regulators weren't around when the Ten Commandments were written—no telling what additional regulations they would have added to those simple 10 phrases.

It is common sense that Congress should have a say on a regulation that would have a drastic, expensive effect on our economy. So why do my friends on the other side, who are such big friends of regulations, not want the regulators to be regulated? I don't understand that.

Remember, we are elected.

The regulators are not.

Congress is the branch of government that is closely connected to the people, and if Congress approves unnecessary and burdensome regulations, we have to be accountable to our voters in our districts for that.

Who do the regulators answer to?

No one. They only answer to their supervisors, who are also regulators.

When the regulators go to work every day, like most people go to work, their work assignments are a little different. In my opinion, they sit around a big oak table, drinking their lattes, they have out their iPads and their computers, and they decide: Who shall we regulate today? Then they write a regulation, send it out to the masses, and make us deal with the cost of that.

All the REINS Act does is ask that the Congress be involved in these over-burdensome regulations.

Mr. CONYERS. Mr. Chairman, I yield 2 minutes to a valuable member of the Judiciary Committee, the distinguished gentleman from Georgia, HANK JOHNSON.

Mr. JOHNSON of Georgia. I rise in opposition to H.R. 10, the so-called REINS Act. It's a demonstration of the reign of terror that the Tea Party-Grover Norquist Republican Party has exacted on Americans insofar as their health and safety are concerned, and in terms of their ability as small businesses to compete with Wall Street and Big Business.

You see, this is a Christmas gift. It's a gift to those who installed this Tea Party reign in Congress, and this Tea Party reign, the Republicans in Congress, are doing everything they're supposed to do.

This is the anti-regulatory bill, as the chairman said, that is the mother of all anti-regulatory bills. In fact, these 25, 26 bills that have been misnamed "jobs bills" that the Republicans have passed are nothing more than anti-regulatory legislation, sprinkled with a little antiabortion legislation in there—with not one job to be created.

You're just simply kowtowing to the wishes of those who line your pockets with gold in order for you to get elected.

This anti-regulatory legislation is turning the clock back on progress in America. We want to turn it all over to Big Business. This is what the Wall Street occupation is all about. This is what the Tea Party is all about.

The CHAIR. The time of the gentleman has expired.

Mr. CONYERS. I yield the gentleman an additional 30 seconds.

Mr. JOHNSON of Georgia. This bill will make it impossible to implement critical new regulations that will place some restraints on the excesses of the business community, and I ask that it be defeated.

Mr. SMITH of Texas. Mr. Chairman, I yield 2 minutes to the gentleman from Arizona (Mr. QUAYLE), a member of the Judiciary Committee.

Mr. QUAYLE. I thank the gentleman for yielding.

Mr. Chairman, I rise today in strong support of H.R. 10 because greater congressional scrutiny of major regulations ensures that the Federal Government is more accountable to the American people.

Poll after poll of small business owners and of medium-sized business owners will show you that major regulations are holding back their expansions and the ability for them to hire more workers. Yet you don't have to rely on polls. You can just go down and talk to the local businesses in your districts. I had a job forum the other week. Time and time again, the constant refrain we heard from these business leaders was that the overly burdensome regulatory environment is holding back their expansions.

Several months ago, in the beginning of the 112th Congress, I had some hope because President Obama issued an Executive order that required agencies to review their regulations to see if we could have a less burdensome regulatory environment. Unfortunately, what happened was that those were just words, and were not followed up by actual action, for, since then, the administration has continued to introduce new regulations at a rapid rate.

In this year alone, over 73,000 pages of new regulations have been added to the Federal Register at a cost of \$67.4 billion. Mr. Chairman, I have right here the amount of paper that has been added to the Federal Register in one week. This is last week's regulations. It's pretty hefty. Actually, it's 8 pounds, 13 ounces. There are 2,940 brand new pages of Federal regulations that would stretch, if you laid them end to end, 2,695 feet.

At this time, there are more than 4,000 new regulations in the pipeline. Of those, 224 are major regulations that will have an economic impact exceeding \$100 million. So, at a minimum, the annual economic impact for these new regulations will be \$22 billion.

We need to change this. Some of these agencies act outside the statu-

tory authority granted by Congress, and we must stop this. The REINS Act is the way to do it, and I strongly urge my colleagues to support this measure.

□ 1430

Mr. CONYERS. Mr. Chairman, I yield 3 minutes to a senior member of the House Judiciary Committee, the gentlewoman from Texas, the Honorable SHEILA JACKSON LEE.

Ms. JACKSON LEE of Texas. I thank the gentleman.

I think it's important for our colleagues to understand just what is being asked of this body. I believe it is a nullification of the Constitution, which I like to carry, and the very distinct definition of the three branches of government and their responsibilities.

Frankly, our friends are trying to equate this Congress and its do-nothing record to the work of the executives, and now to create a do-nothing pathway for the rulemaking process which, as I've indicated on many of the bills that have already passed, there is a Federal court process for anyone that wants to challenge the process of rulemaking or whether or not due process has been denied. So I'd actually say that what we have here is a complete shutdown of the Federal Government, for it is asking this Congress to pass a joint resolution of approval for any major rule to be passed.

Now, Mr. Chairman, let me suggest to you what would happen: Warnings on cigarette packages would no longer exist; Medicare payments for those lying in psychiatric hospitals would not be able to be paid; and the emissions standards for boiler pollutants, hazardous pollutants out of industrial, commercial, and institutional emissions would go flat; and we would have a nation that small businesses, I believe, would argue would also be a distraction from the work that they do.

It is interesting that my friends would want to use the backs of small businesses to pretend that they are protecting them. First of all, if they look at their facts, they will note the Obama administration has passed less rules than the Bush administration.

As I indicated, they will also note that the 111th Congress passed more constructive bills to help small businesses than this Congress could ever do, and the fact that they would note that it has been recorded that this Congress is the largest do-nothing Congress that has ever existed. It would be helpful if we could pass the payroll tax cut for 160 million Americans, allow them to infuse dollars, 1,000 or \$1,500, into the small businesses of America.

I will tell you that my small businesses will celebrate that. In visiting a medical clinic owned by a doctor that had thousands of feet that he wanted to rehab and expand, he said that payroll tax that was part of the jobs bill that

the President wanted to pass through this do-nothing House of Representatives would have helped him greatly.

Then we have millions of Americans, 6 million, who are trying to get unemployment insurance. Here we are down to the last wire telling those in this blessed holiday season, whatever your faith, that you have to wait at the door and, in fact, there may not be any room at the inn for 6 million who don't have their unemployment insurance.

I don't want to shut down the government.

The CHAIR. The time of the gentleman has expired.

Mr. CONYERS. I yield the gentleman an additional 15 seconds.

Ms. JACKSON LEE of Texas. I thank the distinguished gentleman.

I don't want to shut down the government. I want a government that works. Rulemaking is not the demon here; and the process of rulemaking, if you read it, provides the input and assessment of those who are concerned.

What this does is involve the President, the Congress, in a scheme that is so dilatory that we will never do any work in this Congress. I beg of you to defeat this legislation.

Mr. Chair, I rise today to debate H.R. 10 Regulations from the Executive in Need of Scrutiny (REINS). REINS would amend the Congressional Review Act (CRA) and require Congressional approval of all major rules (rules with an economic impact that is greater than \$100 million). If Congress fails to act within 70 days the rule cannot be implemented. This change is targeted directly at executive agencies and does nothing to create jobs.

In other words, this bill is calling for Congressional oversight of Executive branch activities and functions. I have been serving as a member of this governing body since 1995, and oversight of the Executive branch is exactly what Congress does. One of the main functions of the Congressional Committees is oversight.

If Congress were required to proactively approve every federal rule, it would be extremely time consuming. The Federal agencies of the Executive branch are made up of experts in their respective fields. Many of the regulations that Federal agencies enact are very specific and require a high level of familiarity with the minute details of certain issues. The time it would take members of Congress to become adequately acquainted with each issue being proposed by each Federal agency would certainly be more productive if channeled into efforts to effect the change that Americans want. For example extending unemployment insurance, job creation, and encouraging job growth. Yet, here we are again wasting time on a measure that will not help our economy.

There is no credible evidence that regulations depress job creation. The Majority's own witness at the legislative hearing (on H.R. 3010 a bill based on the same false premise) clearly debunked the myth that regulations stymie job creation. Christopher DeMuth, who appeared on behalf of the American Enterprise Institute, a conservative think tank, stated in

his prepared testimony that the “focus on jobs . . . can lead to confusion in regulatory debates” and that “the employment effects of regulation, while important, are indeterminate.”

If anything, regulations may promote job growth and put Americans back to work. For instance, the BlueGreen Alliance notes: “Studies on the direct impact of regulations on job growth have found that most regulations result in modest job growth or have no effect, and economic growth has consistently surged forward in concert with these health and safety protections. The Clean Air Act is a shining example, given that the economy has grown 204% and private sector job creation has expanded 86% since its passage in 1970.”

Regulation and economic growth can go hand in hand. Regarding the Clean Air Act, the White House Office of Management and Budget (“OMB”) recently observed that 40 years of success with this measure “have demonstrated that strong environmental protections and strong economic growth go hand in hand.” Similarly, the Natural Resources Defense Council and the United Auto Workers cite the fact that increased fuel economy standards have already led to the creation of more than 155,000 U.S. jobs.

REGULATORY UNCERTAINTY IS NOT WHY BUSINESSES  
ARE NOT HIRING WORKERS

The claim that regulatory uncertainty hurts business has been debunked as political opportunism. Bruce Bartlett, a senior policy analyst in the Reagan and George H.W. Bush Administrations observed “[R]egulatory uncertainty is a canard invented by Republicans that allows them to use current economic problems to pursue an agenda supported by the business community year in and year out. In other words, it is a simple case of political opportunism, not a serious effort to deal with high unemployment.”

Regulatory uncertainty does not deter business investment. A lack of demand, not uncertainty about regulation, is cited as the reason for not hiring.

At a legislative hearing on regulatory reform (H.R. 3010), Professor Sidney Shapiro similarly noted, “All of the available evidence contradicts the claim that regulatory uncertainty is deterring business investment.”

A July 2011 Wall Street Journal survey of business economists found that the “main reason U.S. companies are reluctant to step up hiring is scant demand, rather than uncertainty over government policies.”

The most recent National Federation of Independent Business survey of its members likewise shows that “poor sales”—not regulation—is the biggest problem. Of those reporting negative sales trends, 45 percent blamed faltering sales, 5 percent higher labor costs, 15 percent higher materials costs, 3 percent insurance costs, 8 percent lower selling prices and 10 percent higher taxes and regulatory costs.”

Small businesses reject the argument that deregulation is what they need. The Main Street Alliance, an alliance of small businesses, observes: “In survey after survey and interview after interview, Main Street small business owners confirm that what we really need is more customers—more demand—not deregulation. Policies that restore our customer base are what we need now, not poli-

cies that shift more risk and more costs onto us from big corporate actors. . . . To create jobs and get our country on a path to a strong economic future, what small businesses need is customers—Americans with spending money in their pockets—not watered down standards that give big corporations free rein to cut corners, use their market power at our expense, and force small businesses to lay people off and close up shop.”

Mr. SMITH of Texas. Mr. Chairman, I yield myself 15 seconds.

I want to set the record straight. The bill is not antiregulatory but pro-accountability. It will enable both Republican and Democratic majorities in Congress to make the final calls on major regulations that come from administrations of either party. Majorities of either party can be expected to approve regulations whenever appropriate, but the key is that Congress always be held accountable.

Mr. Chairman, I yield 2 minutes to the gentleman from Nevada (Mr. AMODEI), a member of the Judiciary Committee.

Mr. AMODEI. I thank my distinguished chairman from Texas.

Mr. Chairman, 85 percent of the land in Nevada is controlled by the Federal Government. Perhaps no other State in the Nation lives with a more daily, direct impact of the presence of the Federal Government and its regulatory regime than the Silver State.

Community-driven development proposals that would generate economic growth often take years longer than they should because of layer upon layer of regulatory, mandatory gymnastics. Home builders, agribusiness, mining, manufacturers, retailers, the resort and hospitality industries, small business in general all lament the gymnastics that they have to go through to get a permit or even to comply with existing regulations.

All of that effort in a State, which I am sorry to have to sit up here and remind you, 85 percent of the land controlled by the Federal Government, highest unemployment rate in the Nation, highest foreclosure rate in the Nation. We are trying to generate economic development, and it's taking years to get a permit because of regulatory regimes. There is no one that will indicate that that is not the case.

So when we talk about this issue before us today—and I congratulate my colleague from Kentucky. When we talk about the job of Congress in an oversight sense, I think it is entirely appropriate that you revisit the regulations that are promulgated not out of thin air, but as a result of the statutes that pass these two Houses. And to revisit that point and make sure that those regulations bear resemblance to both sides of the aisles' legislative intent where they're supported is something we ought to guard zealously; because, the last time I checked, the Federal-elected officials in the executive

branch numbered two. And it doesn't matter what side of the aisle they come from or what party they come from, I think it's appropriate for those 535 who send those measures to those folks, check back to make sure that's being done appropriately.

Mr. CONYERS. Mr. Chairman, I am pleased to yield 2 minutes to a senior member of the Education Committee, the gentleman from New Jersey, ROB ANDREWS.

Mr. ANDREWS. Mr. Chairman, 25 days from now, if the Congress doesn't act, every middle class family in this country is going to have a \$1,000 tax increase. Twenty-five days from now, if the Congress doesn't act, doctors who take care of our Medicare patients are going to have a 23 percent cut in the fee they get to see Medicare patients. During those 25 days, several million Americans who are out there looking for a job every day are going to receive their last unemployment benefits check.

These are the issues confronting America today, and what are we doing? We're debating a bill that says that some regulation the government might do someday in the future should have a procedure where Congress can reject it. There already is such a procedure.

And for all these terrible regulations we keep hearing about that have been introduced this year, do you know how many times the majority has brought to the floor a resolution to reject one of those regulations? Once.

So this is such a grave threat to the country's economy that the majority that controls the floor has chosen on one occasion to bring a regulation to the floor.

What we ought to be doing is canceling out this \$1,000-a-year tax increase on the middle class. What we ought to be doing is making sure our seniors can see the doctor come January 1. What we ought to be doing is making sure Americans who are diligent in looking for work don't run out of employment benefits. But that's not what we're doing.

This is not only the wrong bill, it's the wrong time. Let's put on the floor a bill that puts Americans back to work and focuses on the real priorities of the country.

Mr. SMITH of Texas. Mr. Chairman, I yield 2 minutes to the gentleman from Indiana (Mr. PENCE), a senior member of the Judiciary Committee.

□ 1440

Mr. PENCE. Mr. Chairman, with so many American families struggling, with so many Americans struggling to find work, and businesses struggling to hire unemployed Americans, it's time to rein in the Federal Government. It's time to rein in the avalanche of red tape cascading out of Washington, D.C. and stifling our recovery. It's time to enact the Regulations from the Executive in Need of Scrutiny Act of 2011, the REINS Act.



I rise to commend the gentleman from Kentucky, Congressman GEOFF DAVIS, for his visionary and tireless efforts in moving the REINS Act to the floor today and for his leadership in this Congress.

You know, small businesses are the lifeblood of our economy. They represent 99.7 percent of employer firms, and have generated 65 percent of net new jobs over the past 17 years. Yet today, as most American small businesses know, our job creators are saddled with too many regulations and too many regulatory authorities. According to the Small Business Administration, the average small business faces a cost of \$10,585 in Federal regulation per employee each and every year. The REINS Act will address that. It will protect jobs and promote small business growth by ensuring that the legislative branch has the final say on major regulations before they take effect.

This legislation reforms the rule-making process by requiring that Congress approve any regulation that would have an annual economic impact of \$100 million or more. For too long, Congress has delegated its legislative authority to unelected bureaucrats and agency officials to determine the rule-making process. It's time to bring that authority back into the Congress where the Framers of the Constitution intended it to be, especially with regard to major rulemaking.

The American people are hurting. The American economy is struggling. It's time to rein in Big Government and release the inherent power of the American economy. Again, I urge my colleagues to join with me in a bipartisan fashion, I hope and trust, in support of this important legislation.

Mr. CONYERS. Mr. Chairman, I am pleased to yield 2 minutes to a member of the Financial Services Committee, the gentleman from Connecticut, the Honorable JIM HIMES.

Mr. HIMES. I thank the ranking member.

Mr. Chairman, I rise this afternoon, as I frequently do in this Chamber, a little incredulous at what it is that I'm hearing. I'm hearing stories about east Texas. I'm hearing about lattes, and I'm hearing that the number one reason American businesses are not hiring is because of regulations. It's baloney. There's not a fact in there.

Here's some facts. I wish I had more time to get into these facts. The Bureau of Labor Statistics, which studies this stuff, asked businesses that have been laying people off, why? Regulations was a negligible answer.

I would love to talk about Bruce Bartlett, financial adviser to President Reagan, Republican, who said that the notion that regulation is why this economy is on its back was just plain made up.

If I had more time, I would like to talk about our former colleague, Sher-

wood Boehlert of New York, who said the House is moving forward with bills that would cripple the regulatory system, but they show how far a party enthralled by its right-most wing is willing to veer from what has long been the mainstream.

I've got deep problems with this crazy idea that we should have Congress sign off on every regulation. But my biggest problem, Mr. Chairman, is that we're standing here today talking about this. I hear endlessly about the uncertainty associated with these regulations. Mr. Chairman, I was shocked to look at my schedule tomorrow to see that the Republican majority is sending me home. And I'm going to talk to people in Connecticut tomorrow who are uncertain if after next month they're going to have unemployment insurance available to them because they don't have a job and they don't have money. And they may not have food on their table.

Small businesses and an awful lot of Americans with jobs in my district are uncertain about whether they will see an extension of the payroll tax that we passed in bipartisan fashion.

Except we're here talking about this, a fraudulent idea followed by a terrible legislative proposal, instead of dealing with the imminent expiration of unemployment insurance and payroll tax. Let's talk about those things. Let's remove the uncertainty for the people we represent. We represent people who have a lot of uncertainty about whether they'll have unemployment insurance or the payroll tax cut. Let's deal with that.

Mr. SMITH of Texas. Mr. Chairman, I yield 1½ minutes to the gentleman from Minnesota (Mr. PAULSEN), a member of the Ways and Means Committee.

Mr. PAULSEN. I thank the gentleman for yielding.

I rise as a cosponsor and a strong supporter of the REINS Act. This is legislation that will bring forward reform, accountability, and transparency to the Federal rulemaking process. You know what, it's time for Congress to act more like a board of directors where we will have to oversee proposed rules and regulations, especially those that have a significant economic impact. This bill will absolutely force accountability. It allows regulations to go forward, but it's also going to force Congress to analyze, to pay attention, and then finally to act.

So no longer are we going to see agencies and unelected bureaucrats being able to promulgate these rules and regulations without having an appropriate check and balance. There are thousands and thousands and thousands of these rules and regulations in the pipeline, and over 200, 224 specifically, that have that major economic impact threshold that would be affected by the REINS Act. That's a cost of over \$22 billion, at a minimum, to the economy.

If we want to help small businesses grow, if we want to grow jobs, if we want to help our economy get going and jump start it, we need to remove that cloud of uncertainty that is hanging over the heads of small and medium-sized businesses in that regulatory environment.

I want to thank my colleague from Kentucky for his leadership in leading this reform. I ask for its passage.

Here's an example of a proposed guideline that is of particular concern to me. The FTC, the Department of Agriculture, the FDA, and the CDC have a proposal which seeks to restrict advertising, marketing and sales of food products. As drafted, it would affect 88 of the top 100 most consumed food and would have devastating effects. If this were to go through, one study estimates it could affect more than 74,000 jobs in the first year alone.

Mr. CONYERS. Mr. Chairman, I am pleased to yield 2 minutes to the distinguished gentlelady from Colorado, DIANA DEGETTE, who serves on the Energy and Commerce Committee.

Ms. DEGETTE. Mr. Chairman, do we really want to bind Congress to more votes so we can play Monday morning quarterback for the executive branch every time it tries to finalize a rule? Don't we have enough gridlock around here?

Look around. The REINS Act would grind our government to a halt and stymie the implementation of regulations to protect consumers and protect public health and well-being.

Now, look, this bill would add a feedback loop to require Congress to approve major rules that it has already specifically directed an agency to promulgate. What we really need are smart people and streamlined regulations regardless of which party is in charge of Congress.

In 2010 alone, Federal agencies finalized important rules related to energy efficiency, community disaster loans, weatherization assistance for low-income people, truth in lending, and better pay for teachers. All of those rules would be considered major rules under the REINS Act, and all of those rules would have required congressional approval. Good luck there with this Congress.

Who would oppose final approval of these rules that protect everyday Americans? Well, based on the track record of the 112th Congress, some special interest group would find a way. In fact, the REINS Act would allow special interests a back-door entrance to have their way and weaken laws that protect the American people.

Mr. Chairman, we all know standing here today this bill won't become law; and the majority knows it, too. Why? Because it's a bad idea.

In these last days of the year, what we should be doing is finding a way to help the millions of unemployed Americans who are looking for a job by extending their unemployment insurance. We should be helping middle

class Americans by helping extend their payroll tax cuts so that they can pay for the food and everything else they're putting on their table. That's what the focus of this Congress should be, not passing ill-conceived legislation that will only slow down the process even more.

Mr. SMITH of Texas. Mr. Chairman, I yield 1½ minutes to the gentleman from New York (Mr. GIBSON).

Mr. GIBSON. I thank the chairman.

I rise today in strong support of the REINS Act. This bill is about representative democracy, transparency, and accountability. The concept is simple: any new proposed regulatory rule written by the Federal bureaucracy that has an estimated economic impact greater than \$100 million must first come here before the Congress for an up-or-down vote before implementation.

To get our economy moving, to create jobs, to strengthen the jobs we have now, and to raise the standard of living of all, we need to address the impediments to growth—taxes, regulations, health care costs, and energy costs. The simple truth is Federal regulations have increased the cost of doing business and contributed to job loss and stifled new job creation. Even the President has acknowledged this when he appeared in this Chamber to speak to the American people.

□ 1450

According to the Small Business Administration, Federal regulations cost our economy \$1.75 trillion a year.

This negative impact is something small business owners, including farmers, have told me time and again as I have traveled across the 137 towns in my district. Something must be done. It really comes down to judgment. We want to get these key decisions right. It's about balancing competing priorities. In the process, certainly we want to hear the advice of our subject matter experts in the bureaucracy, but the decision should fall to the people's representatives who can be held accountable to them, not unelected, faceless bureaucrats.

It's far past time for some transparency and accountability. It's far past time for the REINS Act. I'm proud to be an original cosponsor of this bill, and urge my colleagues to join me in voting for it.

Mr. CONYERS. Mr. Chairman, I am pleased to yield 2½ minutes to the gentleman from Virginia, a member of the Government Oversight Committee, Mr. GERRY CONNOLLY.

Mr. CONNOLLY of Virginia. I thank my good friend from Michigan.

Mr. Chairman, for the 173rd time this year our friends on the other side have brought another anti-environmental, anti-public health bill to the floor. For good reason, this House majority has been identified as the most stridently

anti-environmental Congress in history in a tragic refutation of Republicans' heretofore historic commitment to conservation and public safety.

The REINS Act, like the Regulatory Accountability Act passed last week, has a poetic finality as it would block any and all progressive regulations largely the legacy of Republican Teddy Roosevelt. Under Teddy Roosevelt's administration, in response to appalling food processing conditions described in Upton Sinclair's "The Jungle," Congress reacted and passed the first comprehensive food safety regulation. One hundred years later, the REINS Act, on the floor today, would block even the most commonsense regulations which Congress mandated just last session—new standards to protect Americans from deadly contamination by Chinese and Mexican imported foods. The REINS Act is a worthy piece of legislation for those among us who actually believe that Chinese factory farms should ship contaminated, uninspected food directly to American dinner tables.

President Teddy Roosevelt used the Antiquities Act, written by a Republican Congressman, Congressman Lacey of Ohio, to protect the Grand Canyon—and thank God they did—when Congress at that time refused to designate it as a National Park. The REINS Act would prevent Federal land management agencies from issuing regulations to protect America's greatest places from degradation by mining and off-road vehicles.

The REINS Act also would block all regulations issued subsequent to Teddy Roosevelt's administration, including such landmark bills as the Clean Air Act, the Clean Water Act, the Wagner Labor Relations Act, and the Occupational Safety and Health Act. Along with the Regulatory Accountability Act, which the House approved last week, the REINS Act is the most comprehensive, radical assault on American safety and public health in the last century.

If REINS passes, it will replace the rule of law with the rule of the jungle. Our friends on the other side know full well that in commonsense language they have masked the inability of the Federal Government ever again to issue commonsense regulation to protect public health and safety in this country. And that would be a tragedy.

Mr. SMITH of Texas. Mr. Chairman, I yield 1 minute to gentleman from Pennsylvania (Mr. FITZPATRICK).

Mr. FITZPATRICK. I thank the chairman.

Over the past year, I've met with hundreds of businesses throughout the Eighth District of Pennsylvania, and from each of them I've heard a common theme: uncertainty from constant new government regulation is impeding their ability and willingness to invest in our economy, expand their busi-

nesses, and to create jobs. In fact, just last night during a town hall, one of my constituents, Gallus Obert, lamented at the fact that new and burdensome regulations have driven small businesses—and with them, jobs—from Bristol Township in Bucks County.

This should come as no surprise to any of us. Even President Obama admitted on January 18 that his administration's rules have placed unnecessary strain on businesses and stifled innovation and stifled job growth.

Today, small businesses spend more than \$10,000 per employee to comply with Federal regulation. Compliance leads to higher consumer costs, lower wages, and reduced hiring. At the same time, the number of new rules and regulations continues to grow with each passing year. Just as our Tax Code is in need of reform, so is our ballooning regulatory system. The REINS Act will provide the American people with both congressional oversight and congressional accountability for regulations stemming from legislation.

Mr. CONYERS. Mr. Chairman, I am pleased to yield 3 minutes to the former chairman of the Education and Labor Committee, the gentleman from California, the Honorable GEORGE MILLER.

Mr. GEORGE MILLER of California. I want to thank the ranking member for yielding.

The legislation before us today would really destroy the ability of the Congress to create new regulations, to create laws to protect the health and safety of the American citizens. It would also provide a great second bite at the apple for every special interest in this country that doesn't like the regulations to protect clean water and safe drinking water and the health and safety of our workers and our children at play.

If you're wondering what it would look like when we wipe out the health and safety protections for Americans, you need to look no further than the Upper Big Branch Mine in West Virginia, where an explosion ripped through the mine and killed 29 miners in April of this year. That mine was operated as if there were no safety regulations. They treated their workers as if there were no mine safety rules at all because they overruled all of those regulations through criminal activity, through illegal activity, and those miners were forced to work with essentially none of the value of health and safety regulations designed to protect their lives.

And what happened in that mine without those regulations and without the benefit of those safety protections? An explosion ripped through that mine, traveling 2,000 feet per second, and it consumed the lives of 29 miners. Twenty-nine workers died, and their families will never be the same.

That's what happens when you take away the basic worker protections intended to make our economy function and to keep our workers safe. And that's what this bill on the floor today would do.

Now it's even more interesting that the man who broke the laws, created that system of no regulations for the miners in the Upper Big Branch Mine for his own personal benefit and the benefit of that of the corporation and at the expense of his workers, may be getting back into the mining business. Donald Blankenship got an \$86 million "golden parachute" after 29 mine workers died in West Virginia. And now he wants to open a new mine. People who live in coal-mining States like Kentucky should be aware that a serial violator of basic mine safety laws is coming to your State soon seeking to operate a mine. Mine companies under his leadership have engaged in dangerous and deadly practices that would pose a threat to mine workers in your State.

In the 2 years preceding the explosion of the Massey Company mines, they were cited over 10,000 times a year for violations. Under this provision, the coal mines come into Congress, they get the regulations, they cease to exist, and they can go on their way, and there won't be 10,000 citations for the violation of occupational health and safety to protect those miners, and other miners will lose their lives like those in the Upper Big Branch Mine.

I say to my colleagues in this House, you must defeat this incredibly offensive bill for every American, and you must do so in the name of these 29 mine workers who were killed in the Upper Big Branch Mine in West Virginia. They died because a ruthless mine owner gamed the system. Let us not have them game the system in the Congress of the United States.

Mr. SMITH of Texas. Mr. Chairman, I yield 2 minutes to the gentleman from Tennessee (Mr. DUNCAN).

Mr. DUNCAN of Tennessee. Mr. Chairman, I rise in strong support of this bill, and I thank the gentleman from Texas, Chairman SMITH, for yielding me this time and I commend both him and the gentleman from Kentucky (Mr. DAVIS) for bringing this bill to the floor to us at this time.

Thomas Donohue, president of the U.S. Chamber of Commerce, in his speech to the Jobs Summit a few months ago said, "Taken collectively, the regulatory activity now underway is so overwhelmingly beyond anything we have ever seen that we risk moving this country away from a government of the people to a government of regulators."

I want to straighten out one thing, Mr. Chairman. This bill does not do away with any of the thousands and thousands of laws and regulations that are already on the book. It applies only

to new regulations, which will cost businesses and the consumer over \$100 million each. I think the American people would be very surprised if they thought the Congress did not already act on legislation and laws that would cost our economy that much money.

We've heard estimates today by the SBA that rules and regulations cost small businesses almost \$2 trillion a year, and anywhere from \$8,000 to \$10,000 per employee. We have so many thousands and thousands of laws and rules and regulations on the books today, Mr. Chairman, that they haven't even designed a computer that can keep up with them, much less a human being. People are out there every day violating laws that they didn't even know were in existence.

□ 1500

The thousands and thousands of rules and regulations that we have today make it more difficult to run and maintain a business than at any other time in this country's history, and they're the cause of why so many small businesses and medium-size businesses are going under or being forced to merge and why the big keep getting bigger in almost every industry.

The REINS Act is a very modest attempt to end Washington's almost unchecked regulatory power. And it would apply only to regulations which cost over \$100 million annually, so there is nothing even close to being radical about this bill.

I hope my colleagues will join me in supporting this bill, this very moderate and reasonable bill.

Mr. CONYERS. Mr. Chairman, I am honored at this time to recognize the former Speaker of the House, the leader, the gentlewoman from California, the Honorable NANCY PELOSI.

The CHAIR. The gentlewoman from California is recognized for 1 minute.

Ms. PELOSI. Thank you, Mr. Chairman.

I rise today to oppose this bill, the so-called REINS Act, and to urge my colleagues to act now on behalf of jobs for America's workers. Jobs are the lifeblood of our economic growth and that of the middle class, which is the backbone of our democracy.

Mr. Chairman, for more than 330 days the Republican majority has failed to put forward a clear jobs agenda, choosing instead to propose initiatives that undermine job creation and only benefit the special interests. Today, as we approach the end of this year, Republicans have again refused to vote to expand the payroll tax cut for the middle class and unemployment benefits for those who have lost their jobs through no fault of their own. They risk the economic security really of all of us—certainly the 99 percent—but we're all in this together, as our President has said.

Democrats have been clear: We must not go home for the holidays without

extending the payroll tax cut and unemployment insurance benefits. We shouldn't be leaving hardworking Americans high and dry over this holiday season without doing their work.

This challenge poses a question: Why are we here? Republicans have chosen to be here for massive tax cuts for people making over \$1 million a year—not having \$1 million; making over \$1 million a year—300,000 Americans. Democrats are here for the 160 million Americans facing tax cut uncertainty because of Republican inaction. But Democrats are here for everybody, for all Americans, because we all benefit from a strong middle class with demand injected into our economy to create jobs.

Indeed, if we fail to act now on the payroll tax cut and unemployment insurance, consider the consequences of that reduced demand to our economy. At least 600,000 jobs will be lost. Don't take it from me. Respective independent economists have stated that. Over 6 million out-of-work Americans would lose assistance in the beginning of next year.

Now, consider if we do act—and act we must—putting more than \$1,500 in the pockets of the typical middle class family. And every dollar invested in unemployment insurance yields a return of more than \$1.50 in economic growth. What's important about that is what it does to inject demand into the economy.

Money in the pockets of hardworking Americans, that's what we want this Congress to pass, instead of being so completely wedded to the idea that if we give tax cuts to the top 1 percent there will be a trickle-down effect. It hasn't happened.

As we approach the end of this year, Congress has a responsibility to address America's top priority—job creation and economic growth. It's time for us to put the interests of working people ahead of the special interests. We must act now to reignite the American Dream and build ladders of success for anyone willing to work hard and play by the rules, to remove obstacles of participation for those who wish to do that. We must spur our economy, put people to work, and strengthen our middle class.

Now, we should not go home for the holidays without passing the middle income tax—the payroll tax cut and unemployment insurance and SGR. And there are other issues that need to be addressed that affect America's great middle class.

Mr. Chairman, Christmas is coming; the goose is getting fat; please to put a dollar in a worker's hand.

I urge my colleagues to vote "no" on this REINS Act and to get to work to extend the payroll tax cut and unemployment insurance for the American people. Only then will we increase demand in our economy, create jobs, promote economic growth, and put money

into the pockets of 160 million Americans. Think of the difference that will make instead of putting forth legislation that has no impact on our economic growth, is not in furtherance of job creation, is not in furtherance of strengthening the middle class, which is the backbone of our democracy. We can't go home without the payroll tax cut and unemployment benefits for all Americans who need them, who have lost their jobs through no fault of their own.

Mr. SMITH of Texas. Mr. Chairman, I yield 1 minute to the gentleman from Ohio (Mr. JOHNSON).

Mr. JOHNSON of Ohio. I thank the gentleman for yielding.

I rise in strong support of H.R. 10, the REINS Act, because America's job creators are buried in red tape and need certainty from the Federal Government in order to create jobs. This bill would provide that.

You know, when I travel up and down eastern and southeastern Ohio, I hear a recurring theme from the businesses that I meet with: Government over-regulation is strangling their ability to hire new employees, expand their businesses, innovate, and compete.

Today it costs a business over \$10,000 per employee just to comply with current Federal regulations. This administration that claims it believes in reducing the burden on small business is in the process of adding another \$67 billion worth of new regulations this year alone.

This administration is burying small businesses, and enough is enough. The REINS Act will simply return control of the regulatory process to the American people, who are fed up with unelected bureaucrats stopping job creation and delaying true economic recovery.

I strongly urge my colleagues to support this legislation.

Mr. CONYERS. Mr. Chairman, I yield the balance of my time to our final speaker, Representative LYNN WOOLSEY of California, who is finishing out a brilliant career.

The CHAIR. The gentlewoman from California is recognized for 4½ minutes.

Ms. WOOLSEY. I thank our great ranking member for allowing me this time.

It is ironic; we're here today debating a bill supported by those in the Congress who won't cut taxes for the middle class, but won't budge when it comes to making permanent the tax cuts for the very wealthy.

Why are we not here today talking about extending the payroll tax cuts? Why are we not here talking about extending employment benefits? Why are we not working on a jobs bill? That's what we should be doing.

This Congress cannot—and I echo the words of our leader. This Congress cannot leave for the holidays without en-

suring jobless Americans have the security of unemployment benefits that will make their Christmas, their holiday, the rest of their year livable.

I know firsthand what it's like to fall on hard times and need a hand up.

□ 1510

Forty years ago, when I was a single mother raising three young children—my children were 1, 3, and 5 years old—I was lucky enough to have a job; so I didn't need unemployment benefits. But I did need Aid for Families With Dependent Children just to make ends meet. My family needed the compassion of the government and my fellow citizens just to survive. Without that safety net, I don't know what we would have done.

We cannot abandon people who have been victimized by this sluggish economy. These are proud people, who aren't just willing to work; they're desperate to work. There are roughly five unemployed Americans for every available job. These folks need a life preserver.

Extending unemployment benefits is not just a moral imperative. It will pump life back into the economy. It will give people money for their pockets that they can spend in their local communities and in the shops and grocery stores and other businesses that they will inhabit and support if they have some money in their pockets.

And I can't believe that there are some on the other side of the aisle who have been resisting this extension, sticking their finger in the eye of jobless Americans, while protecting lavish tax cuts for millionaires and for billionaires. That flies in the face of common sense and does violence to the very values of who we are as American people.

One Republican Member even said just recently that, and I quote him, he said, "Congress ought to concentrate on paying people to work, not paying people not to work." Except his party hasn't lifted a single finger to do a single thing about creating jobs in this country. You can't pay them to work when there is no work.

So I ask you, having experienced what it means to have little kids that depend on you during hard times, I ask you, do not let these families down. Extend unemployment benefits. Pass a big, bold jobs bill. Put Americans back to work, and stop wasting time on the REINS bill.

Mr. SMITH of Texas. Mr. Chairman, I yield 1 minute to the gentleman from Pennsylvania (Mr. GERLACH), a member of the Ways and Means Committee.

Mr. GERLACH. I thank the chairman. I also want to thank Congressman DAVIS of Kentucky for his great leadership on this important legislation.

While our small business owners are focused on meeting payroll, and their

employees are working hard making products and delivering for customers, unelected bureaucrats in Washington are putting in overtime coming up with new rules and regulations.

In 2010 alone, the Federal Government issued 3,200 new regulations and rules. That's roughly nine rules per day. Complying with all these regulations costs small business owners, as was mentioned, an estimated \$10,500 per employee each year. At a time when we are trying to create jobs, we need to have better accountability and transparency in Congress for the regulatory burdens the Federal Government places on businesses as we try to rejuvenate our economy.

The REINS Act is a commonsense measure that would do just that, giving workers and small business owners and others a voice in the process of approving regulations that will ultimately affect their jobs, their families, and their communities. This legislation would make sure that job creators don't have to worry about unelected bureaucrats imposing regulations on them without the approval of their elected Representatives.

I urge my colleagues to support this legislation.

Mr. SMITH of Texas. Mr. Chairman, I yield the balance of my time to the gentleman from Georgia (Mr. KINGSTON).

The CHAIR. The gentleman from Georgia is recognized for 2 minutes.

Mr. KINGSTON. I thank the Chairman.

The REINS Act provides powerful, commonsense regulatory reform. It reins in the costly overreach of Federal agencies that stifles job creation and slows economic growth.

If we want to have jobs, we have to help the job creators. This bill restores the authority to impose major regulations on those who are accountable to the voters, their elected Representatives in Congress.

Opponents of the bill resist it for two primary reasons. They say, number one, it takes too much time for Congress to approve or disapprove major regulations. Secondly, they say Congress isn't expert enough to understand whether major regulations should be approved or disapproved. Both objections amount to one thing: their belief that Congress cannot be responsible and accountable for major decisions that affect America's economic life.

Fortunately, the Framers of the Constitution saw things differently, and so do most Americans. The Constitution gives Congress the Federal authority to regulate the economy, not the unelected bureaucrats. If the Constitution gives the authority to Congress, then Congress should be willing to accept the responsibility and the accountability for these decisions.

We should and we will take the time. We should and we will hold hearings.

We should and we will allow amendments on the floor and votes and, most importantly, Mr. Chairman, transparency, something that the job creators are not being allowed right now.

This administration has admitted its failure to consider the costs and the benefits when it imposes major new regulations. This administration clearly intends to force through the regulatory process things that they cannot achieve in the people's Congress. They do not want the transparency. They do not want the constituent input, and they do not want to have the hearings where experts from all over the country can give balanced testimony.

The American people struggle enough under the Obama administration's failed economic policy. It's time for Congress to say, Enough.

I urge my colleagues to vote for the REINS Act. Let's help the job creators and vote "yes."

Mr. HOLT. Mr. Chair, I rise in opposition to the so called Regulations from the Executive in Need of Scrutiny Act. Just as the authors went through contortions to generate names with a cute acronym, so this bill is very . . . This misguided legislation would undermine the ability of federal agencies to promulgate and enforce safeguards that protect public health and our environment.

Today again the Majority is showing the American public that they don't think we have a jobs crisis in America, and that getting Americans back to work is not their top priority. Getting the American economy back on track and helping to create jobs is my first, second and third priority. Unlike the Majority, I remain committed to creating jobs immediately and expanding educational opportunity for all Americans.

The so called REINS Act is legislation in search of a problem. Federal agencies cannot create rules and regulations without statutory authority that is granted by Congress, and Congress already has the ability to overturn agency rules. The REINS Act would require Congress to vote within seventy days on all major rules, creating an unprecedented level of uncertainty for the vast number of businesses, organizations, and other entities that already comply with government protections affecting food and drug safety and air and water pollution.

The REINS Act puts politics above the safety and health of the American people. We should let the scientists and experts in the agencies develop and enforce rules like the Clean Air and Clean Water Acts that protect all Americans from toxic air pollution and water-borne illness. I urge my colleagues to vote no on this dangerous bill.

Mr. WAXMAN. Mr. Chair, today, December 7th, is the 70th anniversary of the brutal sneak attack by the Imperial Empire of Japan on Pearl Harbor, which unleashed America's involvement in World War II. Victory over Fascism would come four years later. On this day recalling Pearl Harbor, the House Republicans are bringing to the floor their own sneak attack on America's government, and how it works to protect the safety, security, health and welfare of the American people.

We already have in place today an effective mechanism by which Congress can overturn regulations by government agencies that are judged to be unjustified, overly broad, too harsh, excessively expensive or not in the public interest. There is in place today a court of appeal for bad regulations. That process is called the Congressional Review Act, and it provides expedited consideration by Congress of a measure to veto an offending rule. If Members of Congress have issues with regulatory overreach by an agency, there is a constitutional remedy in place today to stop that agency. Moreover, Congress can pass limits on the agency funding to curtail unwise activities.

But that is not enough for the House Republicans. They want to cripple the Executive Branch and its regulatory agencies altogether. They do so in this bill, by changing the burden of proof in the ability of agencies to develop and implement rules that are developed, in the first instance, pursuant to laws enacted by Congress. These are not rogue agencies; they are implementing policy and directives that Congress has passed and the President has signed into law.

But H.R. 10 says that no major rule can become law unless and until Congress passes—and the President signs—a joint resolution approving the specific regulation. In other words, nothing happens unless Congress says it is OK—and that means nothing will happen.

Congress is an institution where we cannot even pass all the individual bills funding the government by the start of the fiscal year. The last time that happened was in 1994, and it has happened only three times since 1948. With that track record, it is not credible to assert that Congress can process hundreds of major rules by government agencies in a timely fashion.

The deadlock that we see in Congress this year will become perpetual gridlock for the functioning of the Executive Branch and independent regulatory agencies.

One suspects, in fact, that this is the true intent of those supporting H.R. 10: to destroy the workings of our government. And it is for this reason that I wholeheartedly oppose this bill.

No special interest should be powerful enough to eclipse the public interest—but this bill lets the special interests who are being regulated win every time.

If this bill were law, all of the historic legislation we passed into law during the Obama presidency would be vulnerable to re-litigation by powerful special interests as agencies work to put into place the rules to implement those laws. Just this year alone, at risk would be rules that prevent health insurance companies from discriminating against people with pre-existing conditions; rules that ban the marketing of tobacco products to children; rules that improve toy safety and reduce lead in products; and rules that require higher fuel economy standards for cars and reduce mercury and other toxic emissions from power plants.

These are the protections the authors of H.R. 10—and their corporate backers—want to stop.

I believe profoundly that government is a positive force that serves its people—and this is what H.R. 10 is really attacking. This is why

H.R. 10 is so offensive to our constitutional system.

In the great debate over the size and scope and role of government—which is a very legitimate and important discussion—the rhetoric from the Republicans that has gained the most traction is that regulations from Washington are “job killers,” and that these agencies must be stopped before they kill more jobs again.

But this is a lie. David Brooks, a very conservative columnist, assessed these issues this week in the *New York Times*:

Over the past 40 years, small business leaders have eloquently complained about the regulatory burden. And they are right to. But it's not clear that regulations are a major contributor to the current period of slow growth.

The Bureau of Labor Statistics asks companies why they have laid off workers. Only 13 percent said regulations were a major factor. That number has not increased in the past few years. According to the bureau, roughly 0.18 percent of the mass layoffs in the first half of 2011 were attributable to regulations.

Some of the industries that are the subject of the new rules, like energy and health care, have actually been doing the most hiring. If new regulations were eating into business, we'd see a slip in corporate profits. We are not.

There are two large lessons here. First, Republican candidates can say they will deregulate and, in some areas, that would be a good thing. But it will not produce a short-term economic rebound because regulations are not a big factor in our short-term problems.

Second, it is easy to be cynical about politics and to say that Washington is a polarized cesspool. And it's true that the interest groups and the fund-raisers make every disagreement seem like a life-or-death struggle. But, in reality, most people in government are trying to find a balance between difficult trade-offs. Whether it's antiterrorism policy or regulatory policy, most substantive disagreements are within the 40 yard lines.

Obama's regulations may be more intrusive than some of us would like. They are not tanking the economy.

H.R. 10 is a dangerous bill. It is a direct attack on how our government works to protect the public interest. It is based on a completely false premise.

H.R. 10, a bill to veto regulations, deserves its own special veto by Congress and, if necessary, by the President of the United States.

Mr. DINGELL. Mr. Chair, I rise in strong opposition to H.R. 10, the REINS Act. This misguided piece of legislation would do nothing to put people back to work, it would do nothing to reinvigorate the economy, and it would do nothing to rein in our debt and excessive deficit. Worse yet, it would serve to make our government even more dysfunctional. By prohibiting all major regulations from going into effect unless Congress enacts a joint resolution of approval, the REINS Act would put up a major roadblock for implementing important consumer protections, including regulations which help keep our food safe and prevent Wall Street from rascality that could bring our economy to its knees again.

Supporters of this legislation claim that the Obama administration's excessive regulations are crippling our economy. However, the conservative columnist David Brooks of *The New*

York Times recently pointed out that in a recent poll by the Bureau of Labor Statistics, only 13 percent of companies said regulations were a major factor in why they laid off workers. Interestingly, this number has stayed steady over time. If overregulation is what is hampering our economy, you would expect a big spike in this number. This leads Mr. Brooks to conclude that "Obama's regulations may be more intrusive than some of us would like. They are not tanking the economy." I would urge all members to read this column to help dispel some common myths about the impact regulations are having on our economy today.

It is important to note that Congress already has the authority to review regulations before they go into effect. The Congressional Review Act of 1996 allows Congress to pass a joint resolution to overturn a regulation to block its implementation. Additionally, all regulations must be subject to a public comment period, giving this body and members of the general public ample time to weigh in with their concerns. Given that these safeguards are already in place, it makes you wonder if the supporters of the bill seek simply to kill all regulations, including those that keep pollution out of our air and water, our armed forces safe, our commerce uninterrupted and our foods safe to eat.

H.R. 10 is a crass attempt to stop important consumer protections by those who are fundamentally opposed to any government intervention in the private sector. I urge all members to oppose this flawed legislation, and get back to work doing the business of the American people—producing a balanced plan to reduce our deficit, invest in our infrastructure, and put the American people back to work.

Mr. STARK. Mr. Chair, I rise in opposition to H.R. 10, the Regulations from the Executive in Need of Scrutiny Act (REINS Act). It is unfortunate but not surprising that we are voting on this legislation today. We are just weeks away from millions of people being kicked off unemployment insurance and Medicare providers having their payments cut by 27% making it difficult for seniors to find a doctor or get access to care. Instead of dealing with those pressing issues we are voting on another ideological Republican message bill. More false promises from the Republican House Leadership that jobs will miraculously appear if we just eliminate rules that keep our food safe to eat, our air and water clean, and our cars safe to drive.

The REINS Act is aimed at making government less efficient and less responsive to the issues facing our country. The legislation would make it nearly impossible for the government to pass regulations. Any rule developed by an agency through the extensive notice and comment process that we currently use would now be forced through both houses of Congress, where majorities would have to affirmatively vote within 70 days or the rule would disappear. Under the REINS Act, proposed rules would be subject to even more rounds of approval in a new system biased to ensure that these rules fail to be adopted.

Did any one of the Republican cosponsors of this legislation ever take a class in government or civics when they were in high school? Passing a law requires approval of the House,

Senate, and then the President. Congress then delegates the relevant rulemaking to the agencies because these agencies have the manpower, time and expertise to develop the appropriate rules. This legislation turns the relationship between the three branches of government, and our entire regulatory system, on its head.

Our economy needs a level playing field that protects consumers and small business from corporate and other special interests. Science-based regulation helps to create a stable and fair marketplace for consumers and businesses alike. The REINS Act would further empower big business to challenge regulations that they disagree with regardless of the benefits to the public health and welfare. This is yet another Republican attack on the American middle class intended to please their corporate benefactors. I cannot support this legislation and I urge my fellow members to join me in voting "no."

Mr. RYAN of Wisconsin. Mr. Chair, I rise in support of the Regulations from the Executive in Need of Scrutiny Act of 2011 (REINS Act), which will ensure that major policy decisions are made by the people's representatives in Congress and not by unelected bureaucrats.

The bill requires that major regulations cannot go into effect until approved by Congress. Under current law, these economically significant regulations go into effect without further action by Congress. This legislation's sensible reform has important implications for the consideration of legislation that authorizes regulations that result in mandatory spending or other budgetary effects. The Congressional Budget Office's (CBO) longstanding policy is to score legislation providing such regulatory authority with the full budgetary effects of implementing that legislation. The rule governing consideration of H.R. 10 added a provision to the bill, titled the Budgetary Effects of Rules Subject to Section 802 of Title 5, United States Code, that ensures this practice continues.

Absent this provision, CBO has indicated that once the REINS Act is enacted, it would no longer score the budget authority, outlays, or receipts authorized by a statute to that statute if those budgetary effects are contingent on the adoption of a major regulation. Instead, those budgetary effects would be charged to the joint resolution approving the major regulation. While this approach would maintain the principle that the legislation that actually causes the budgetary effects would be charged with the costs incurred, in practice it would create potential problems. Because the REINS Act waives all points of order against the approval resolutions, there would be a potential circumstance where new mandatory spending or other budgetary effects would escape Congressional budget enforcement. This provision retains the current practice of scoring the budgetary impact to the legislation that creates the rulemaking authority and ensures new spending created by that legislation would be fully subject to budget enforcement.

I am pleased that this potential problem has been addressed, and I strongly support this effort to restrain Washington's regulatory overreach and create a more conducive environment for job creation.

#### DESCRIPTION OF THE RYAN AMENDMENT TO THE REINS ACT

The Ryan Amendment self-executed in the rule governing debate for H.R. 10 amends section 257 of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. §907) (BBEDCA) in order to ensure that any budgetary costs associated with approving or disapproving regulations authorized by legislation are properly accounted for under the congressional budget process. Section 257 of BBEDCA defines the budgetary baseline calculated by the Congressional Budget Office and the Office of Management and Budget. This amendment requires that the baseline include any changes in budget authority, outlays, or receipts resulting from regulations necessary to implement a law. Consistent with this requirement, the Congressional Budget Office and the Office of Management and Budget will continue to score legislation that provides the legal authority to promulgate implementing regulations with the budgetary implications resulting from the regulations.

Absent this provision, CBO has indicated that once the REINS Act is enacted, it would no longer score the budget authority, outlays, or receipts authorized by a statute to that statute if those budgetary effects are contingent on the adoption of a major regulation. Instead, those budgetary effects would be charged to the joint resolution approving the major regulation. This amendment maintains the current law practice for scoring the original authorizing legislation.

Mr. RAHALL. Mr. Chair, in recent weeks, the House of Representatives has taken up three major bills designed to address concerns about executive agency overreach in regulatory proposals.

I supported the first two bills—H.R. 3010, the Regulatory Accountability Act, and H.R. 527, the Regulatory Flexibility Act. I believe they would have improved the current regulatory approval scheme. The bills alternatively would have codified the use of critical cost-benefit analyses and the consideration of less costly regulatory alternatives, and helped to ensure the opportunity for additional public participation, especially in regard to small businesses. Both bills contained provisions that would have helped to address the concerns of my State, which has felt under siege in recent months by a raft of regulatory actions affecting the coal industry and emanating from the Environmental Protection Agency.

Today, the House is considering H.R. 10, the Regulations in Need of Scrutiny Act. This bill would require the Congress to approve all major rules projected to cost \$100 million or more. I believe this is, at the very least, an impractical idea, given the number of rules that would have to be considered in the midst of other legislative business. It also raises serious questions about the legal status of rules promulgated by the executive agencies and approved by the Congress, subjecting even the least controversial rules to potential litigation in the courts. In addition, it subjects the Congressional schedule to the whims of the executive agencies and their regulatory agenda.

But worse still, I believe such a requirement could be detrimental to the functions of government, the certainty required by business,



and the stability desired for the economy. Considering the inability of the current Congress to pass important and even popular legislation, the requirements of this bill would almost certainly put rules, even rules supported by the business community that endorses this bill and rules that may be promulgated by future Administrations more favorable to business, in complete limbo.

In this Congress, bipartisan efforts like the surface transportation reauthorization have become mired in partisan squabbles; the Federal Aviation Administration suffered a partial shutdown when a mere extension of its authority was tangled in a partisan mess. When matters of such importance to our nation, matters that are clearly necessary to get our country back on the right economic track, are sidelined indefinitely, I question whether it is wise to subject so many rules to the uncertainty of the Congressional approval process. What's more, when one of the most stringent complaints about the current regulatory process centers on concerns that proposed regulations are politically motivated, it makes no sense to further subject them to the whims of an inherently political institution.

So, while I support critical Congressional oversight of executive agency rules, more public input in the rulemaking process, better cost-benefit analyses of the impact on businesses large and small, and the consideration of less costly regulatory alternatives, I must decline to support H.R. 10.

Mrs. CHRISTENSEN. Mr. Chair, the REIN Act is the culmination of all of the anti-regulation, anti-government and especially anti-President Obama legislation that has been brought to this body since January 2009.

All of the political gymnastics we and the White House have been put through has made it extremely difficult for our President who tried very hard to craft bipartisan solutions to be able to pass much of his agenda. I am glad that he is now doing whatever he can through executive orders, because yes—our country cannot wait.

Even today, with only a few weeks before the deadlines, our Republican colleagues are blocking extending the payroll tax to keep families from losing about 1,000 badly needed dollars next year, they are blocking the extension of unemployment benefits which not only helps families, including children, but is clearly one of the best stimuli for our struggling economy; and they are blocking even just a temporary fix to cuts in fairer payments to the doctors who take care of our elderly and people with disabilities.

But that was not bad enough, now comes the REIN Act to prevent government from fulfilling its critical role to provide services, and to protect the safety, health and wellbeing of people of this country.

They claim they are doing this to get Congress to do their job. Well as far as I can see Congress was doing their job pretty well in the recent Congresses, but that all ground to a halt with this one.

In all of the over 9 months of this Congress the Republican leadership has talked a lot about jobs but done absolutely nothing to create even one and they have held up or weakened laws that would have created the jobs the American people need.

In fact they have wasted these nine months by insisting on bringing legislation to the floor with rhetoric that would keep the fringe elements of their party happy, but go absolutely nowhere and do absolutely nothing.

This is yet another bad bill, with a bad intent that has wasted our time.

The people of this country want government to be there to protect their homes, their money and their retirement, to keep them safe at work and in their neighborhoods, to provide them with access to quality health care, to ensure that their children will have a sound education and meaningful opportunities.

I ask my colleagues to do what the people are calling on us to: create jobs, extend the payroll reduction and unemployment insurance and pay our doctors a fairer fee for their services; and to stop attacking these necessary functions of government. They not only undermine the role of government, but they are weakening our country and making us the laughing stock of the world.

They should withdraw the REIN Act, but since they won't, we need to vote it down and get on with the important issues our fellow Americans want us to address.

Mr. VAN HOLLEN. Mr. Chair, I rise in opposition to H.R. 10, the so-called "Regulations from the Executive in Need of Scrutiny (REINS) Act of 2011."

Federal agencies issue rules based on statutes created when Congress and the President enact legislation. These agencies devote months and even years conducting research, gathering expertise from skilled professionals, and seeking public input when crafting major rules. Congress relies on these agencies to promulgate these rules, because they have expertise in a given area. However, this bill would require that congressional politics play a part in deciding complicated rules and regulations. By preventing agencies from enacting rules, this bill could undermine the ability of agencies to protect the public's health and safety.

Supporters of this legislation make the anecdotal claim that this bill is needed to stop a plethora of regulations. They forget that Congress currently has considerable power, even the responsibility at times, to alter and influence federal rulemaking. Congress has the power under various means to review and reject rules issued by executive agencies. Under the Congressional Review Act, Congress may pass a joint resolution disapproving any rule within 60 days of receiving the rule. If the President signs the resolution of disapproval, the regulation is not implemented. Additionally, it is important to note that federal agencies are only issuing rules to implement statutes that have been enacted by Congress. Federal agencies must adhere to the statute when promulgating a rule. Congress can also impose restrictions on agency rulemaking through the appropriations process by preventing agencies from using funds to implement or enforce certain rules. Congress may also revamp rule-making procedures. In addition to the Congressional Review Act, Congress has enacted the Unfunded Mandates Reform Act, the Regulatory Flexibility Act, and the Paperwork Reduction Act. All of these bills reform the procedures for federal rulemaking by federal agencies.

This bill before us today is unnecessary and potentially harmful to the public health and safety. I urge my colleagues to oppose this bill.

Mr. BLUMENAUER. Mr. Chair, as an administrator and policymaker at the local, state, and federal levels, I have often seen the value of common-sense regulations that save lives. I have also seen the challenges associated with cumbersome regulations that can sometimes appear to be bureaucracy at its worst. However, in my experience, regulations tend to be less stringent than necessary rather than overly strict. While I am very open to discussing how we can make regulations more effective and efficient, I am extremely disappointed with the anti-regulatory agenda of the House leadership.

Congress today considers yet another attack on our government's basic ability to enforce laws that protect public health and the environment. Every major law requires enforcement by the executive branch of government, and enforcement requires agencies to write regulations that explain and make public how that agency is going to enforce the law. The bills under consideration by the House will stop the regulatory process in its tracks. Agencies will not be able to enforce new laws or complete updates to regulations as required by existing laws, such as the Clean Air Act.

H.R. 10, the REINS Act, requires both the House and the Senate to vote on every major regulation before that regulation can be enforced, providing only seventy days to do it. This will allow either house of Congress to effectively veto any major regulation that would enforce a law already passed by Congress merely by taking no action.

H.R. 3010, the Regulatory Accountability Act, adds additional requirements to the regulatory process and overrides standards in existing laws that protect public health and safety. This bill would require agencies to analyze not only the direct costs of regulatory changes, but also vaguely defined indirect costs, as well as costs and benefits of potential alternative rules. The bill requires agencies in nearly every case to use the least costly rule, instead of balancing costs and benefits as required in existing laws. This standard will make it nearly impossible for an agency to regulate at all, because there is always an alternative that could be less costly, even if the public at large bears the much higher cost of less protective rules.

H.R. 527, the Regulatory Flexibility Act, expands the review that agencies must conduct before issuing new regulations to include an evaluation of all reasonably foreseeable "indirect" costs of regulations, especially to small businesses. Virtually any proposed agency action—even a guidance document designed to help a business comply with a rule—could be subject to a lengthy regulatory process. The additional analysis would make any change to a regulation even more difficult. There are already more than 110 separate procedural requirements in the rulemaking process; additional review and analysis will not improve regulations, but merely add to delay.

These bills add additional steps on top of the current process. For major regulations the process, from writing a regulation to its enforcement, can already take four to eight



years. If Congress feels at the end of that process that a regulation is inappropriate in any way, it already has the authority to vote to overturn that regulation and direct the agency to start over. These bills are unnecessary.

It's time for Congress to move beyond a debate about repealing regulations and focus instead on how to make them more effective and efficient. I strongly oppose these three bills that do not make any changes for the better, but instead jeopardize important progress on protecting health and safety.

Mrs. MALONEY. Mr. Chair, I rise today to oppose H.R. 10, the Regulations From the Executive in Need of Scrutiny (REINS) Act.

This bill is another instance of the Republican Majority playing politics, rather than focusing on passing legislation that creates jobs, grows our economy, and protects the American people. Requiring that Congress approve all agency rules and regulations with an annual economic cost of \$100 million or more would not only handicap our government's ability to regulate health and safety laws, it would also distract Congress from addressing pressing issues like job creation, national security and reducing our deficit. After an entire year in which the Republican Majority has demonstrated an inability to take up a productive legislative schedule—forcing last-minute votes on critical issues and not even introducing any kind of serious jobs agenda—it seems ludicrous to suggest that Congress should be spending its time nitpicking federal agencies about enacting regulations that Congress has authorized or ordered be done.

Additionally, this bill would actually harm job creation and hurt businesses. By creating a scenario in which regulations are proposed, and then potentially overridden, and then potentially proposed yet again in a new form, businesses will be forced to spend significant time and resources just keeping track of all the changes—decreasing their productivity and bottom line. This will create uncertainty for businesses and harm job creation—the very thing that the Republican Majority asserts that this bill will prevent. This is nothing more than blatant political posturing, as evidenced by the fact that Congress already has the authority to review and override federal rules under the Congressional Review Act.

The fact is that federal agencies need to be able to issue rules in a timely and efficient manner to protect the health and welfare of the American people and help grow our economy. Industries and individuals in areas from finance to farming rely on rulemaking and regulations to facilitate their businesses, and this bill would undermine that. I urge a no vote.

Ms. HIRONO. Mr. Chair, I rise today to express strong opposition to legislation this chamber passed yesterday, H.R. 10, the Regulations from the Executive in Need of Scrutiny (REINS) Act of 2011.

The REINS Act requires that both chambers of Congress pass a resolution approving every regulation with an economic impact of \$100 million or more. If Congress fails to pass such a resolution, that regulation would not take effect, and the law would go unimplemented.

I oppose this legislation, which would hurt the health, safety, and well-being of my constituents and Hawaii's communities. We cannot let our constituents and communities down when it comes to these vital responsibilities.

For example, this bill would stop the rules that are being written now to implement the Wall Street Reform and Consumer Protection Act—which will rein in reckless behavior in financial markets. Important rules to implement the health care law—which is already lowering drug costs for seniors—would also be stopped. And rules relating to the recent food safety legislation and protecting clean air and water would be stopped.

These rules—and the laws they are implementing—were and are opposed by various powerful corporate special interests. Those special interests know they don't have the votes to repeal these laws—and they know the American people don't want them repealed.

So instead, corporate special interests and their allies claim that the costs of these types of rules are too big to be worth it.

They're wrong.

Even the Bush Administration recognized that the benefits of rules like these outweigh their costs. In fact, in 2008, the Office of Management and Budget—which must sign off on all major rules developed by federal agencies—estimated that costs to the economy for major rules it approved were between \$46 billion and \$54 billion. These costs were far outweighed by the benefits of those same regulations, which they estimated to be between \$122 billion and \$656 billion. Imagine if the rules that are being written to implement Wall Street Reform had been on the books in 2005, before the financial crisis came to a head?

I believe our country could have reined in rampant, out of control behavior of Wall Street, and such regulations could have saved our economy trillions of dollars in lost economic growth and hard-earned retirement and college savings. Millions of people who have lost jobs could still be working. And this body could be focused on matters like improving U.S. education, economic competitiveness, and reducing our deficit.

Not only would this bill halt our regulatory system in its tracks, but it is also unnecessary. The Congressional Review Act already gives Congress the ability to review and disapprove of regulations if they are contrary to Congressional intent. This system ensures that the laws enacted by Congress are implemented appropriately, while preventing the law and its implementation from being hijacked by special interests on a whim—and creating disruptive uncertainty for our economy and legal system.

Mr. Chair, people in Hawaii are tired of these politically motivated bills. They want the federal government to get to work helping to create jobs, protecting health and safety, and to do so responsibly.

The REINS Act also fails miserably on that front. This legislation would require federal agencies to conduct the rigorous analysis required to develop a rule—a process that can take several years—only to have that rule stopped by Congress. This is a waste of federal resources and irresponsible at a time when Congress needs to focus on creating jobs and reducing our deficit.

These are just some of the concerns I have with the REINS Act, and some of the reasons that I voted against this unnecessary and ill conceived legislation.

The CHAIR. All time for general debate has expired.

In lieu of the amendment in the nature of a substitute recommended by the Committee on the Judiciary, printed in the bill, the amendment in the nature of a substitute recommended by the Committee on Rules, printed in the bill, modified by the amendment printed in part A of House Report 112-311, shall be considered as adopted, shall be considered as an original bill for purpose of further amendment under the 5-minute rule, and shall be considered read.

The text of the bill, as amended, is as follows:

H.R. 10

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### **SECTION 1. SHORT TITLE.**

*This Act may be cited as the "Regulations From the Executive in Need of Scrutiny Act of 2011".*

#### **SEC. 2. PURPOSE.**

*The purpose of this Act is to increase accountability for and transparency in the federal regulatory process. Section 1 of article I of the United States Constitution grants all legislative powers to Congress. Over time, Congress has excessively delegated its constitutional charge while failing to conduct appropriate oversight and retain accountability for the content of the laws it passes. By requiring a vote in Congress, the REINS Act will result in more carefully drafted and detailed legislation, an improved regulatory process, and a legislative branch that is truly accountable to the American people for the laws imposed upon them.*

#### **SEC. 3. CONGRESSIONAL REVIEW OF AGENCY RULEMAKING.**

*Chapter 8 of title 5, United States Code, is amended to read as follows:*

##### **"CHAPTER 8—CONGRESSIONAL REVIEW OF AGENCY RULEMAKING**

*"Sec.*

*"801. Congressional review.*

*"802. Congressional approval procedure for major rules.*

*"803. Congressional disapproval procedure for nonmajor rules.*

*"804. Definitions.*

*"805. Judicial review.*

*"806. Exemption for monetary policy.*

*"807. Effective date of certain rules.*

##### **"§801. Congressional review**

*"(a)(1)(A) Before a rule may take effect, the Federal agency promulgating such rule shall submit to each House of the Congress and to the Comptroller General a report containing—*

*"(i) a copy of the rule;*

*"(ii) a concise general statement relating to the rule;*

*"(iii) a classification of the rule as a major or nonmajor rule, including an explanation of the classification specifically addressing each criteria for a major rule contained within sections 804(2)(A), 804(2)(B), and 804(2)(C);*

*"(iv) a list of any other related regulatory actions intended to implement the same statutory provision or regulatory objective as well as the individual and aggregate economic effects of those actions; and*

*"(v) the proposed effective date of the rule.*

*"(B) On the date of the submission of the report under subparagraph (A), the Federal agency promulgating the rule shall submit to the Comptroller General and make available to each House of Congress—*

*"(i) a complete copy of the cost-benefit analysis of the rule, if any;*

“(ii) the agency’s actions pursuant to sections 603, 604, 605, 607, and 609 of this title;

“(iii) the agency’s actions pursuant to sections 202, 203, 204, and 205 of the Unfunded Mandates Reform Act of 1995; and

“(iv) any other relevant information or requirements under any other Act and any relevant Executive orders.

“(C) Upon receipt of a report submitted under subparagraph (A), each House shall provide copies of the report to the chairman and ranking member of each standing committee with jurisdiction under the rules of the House of Representatives or the Senate to report a bill to amend the provision of law under which the rule is issued.

“(2)(A) The Comptroller General shall provide a report on each major rule to the committees of jurisdiction by the end of 15 calendar days after the submission or publication date as provided in section 802(b)(2). The report of the Comptroller General shall include an assessment of the agency’s compliance with procedural steps required by paragraph (1)(B).

“(B) Federal agencies shall cooperate with the Comptroller General by providing information relevant to the Comptroller General’s report under subparagraph (A).

“(3) A major rule relating to a report submitted under paragraph (1) shall take effect upon enactment of a joint resolution of approval described in section 802 or as provided for in the rule following enactment of a joint resolution of approval described in section 802, whichever is later.

“(4) A nonmajor rule shall take effect as provided by section 803 after submission to Congress under paragraph (1).

“(5) If a joint resolution of approval relating to a major rule is not enacted within the period provided in subsection (b)(2), then a joint resolution of approval relating to the same rule may not be considered under this chapter in the same Congress by either the House of Representatives or the Senate.

“(b)(1) A major rule shall not take effect unless the Congress enacts a joint resolution of approval described under section 802.

“(2) If a joint resolution described in subsection (a) is not enacted into law by the end of 70 session days or legislative days, as applicable, beginning on the date on which the report referred to in section 801(a)(1)(A) is received by Congress (excluding days either House of Congress is adjourned for more than 3 days during a session of Congress), then the rule described in that resolution shall be deemed not to be approved and such rule shall not take effect.

“(c)(1) Notwithstanding any other provision of this section (except subject to paragraph (3)), a major rule may take effect for one 90-calendar-day period if the President makes a determination under paragraph (2) and submits written notice of such determination to the Congress.

“(2) Paragraph (1) applies to a determination made by the President by Executive order that the major rule should take effect because such rule is—

“(A) necessary because of an imminent threat to health or safety or other emergency;

“(B) necessary for the enforcement of criminal laws;

“(C) necessary for national security; or

“(D) issued pursuant to any statute implementing an international trade agreement.

“(3) An exercise by the President of the authority under this subsection shall have no effect on the procedures under section 802.

“(d)(1) In addition to the opportunity for review otherwise provided under this chapter, in the case of any rule for which a report was submitted in accordance with subsection (a)(1)(A) during the period beginning on the date occurring—

“(A) in the case of the Senate, 60 session days, or

“(B) in the case of the House of Representatives, 60 legislative days,

before the date the Congress is scheduled to adjourn a session of Congress through the date on which the same or succeeding Congress first convenes its next session, sections 802 and 803 shall apply to such rule in the succeeding session of Congress.

“(2)(A) In applying sections 802 and 803 for purposes of such additional review, a rule described under paragraph (1) shall be treated as though—

“(i) such rule were published in the Federal Register on—

“(I) in the case of the Senate, the 15th session day, or

“(II) in the case of the House of Representatives, the 15th legislative day,

after the succeeding session of Congress first convenes; and

“(ii) a report on such rule were submitted to Congress under subsection (a)(1) on such date.

“(B) Nothing in this paragraph shall be construed to affect the requirement under subsection (a)(1) that a report shall be submitted to Congress before a rule can take effect.

“(3) A rule described under paragraph (1) shall take effect as otherwise provided by law (including other subsections of this section).

#### “§802. Congressional approval procedure for major rules

“(a)(1) For purposes of this section, the term ‘joint resolution’ means only a joint resolution addressing a report classifying a rule as major pursuant to section 801(a)(1)(A)(iii) that—

“(A) bears no preamble;

“(B) bears the following title (with blanks filled as appropriate): ‘Approving the rule submitted by \_\_\_\_\_ relating to \_\_\_\_\_’;

“(C) includes after its resolving clause only the following (with blanks filled as appropriate): ‘That Congress approves the rule submitted by \_\_\_\_\_ relating to \_\_\_\_\_’; and

“(D) is introduced pursuant to paragraph (2).

“(2) After a House of Congress receives a report classifying a rule as major pursuant to section 801(a)(1)(A)(iii), the majority leader of that House (or his or her respective designee) shall introduce (by request, if appropriate) a joint resolution described in paragraph (1)—

“(A) in the case of the House of Representatives, within three legislative days; and

“(B) in the case of the Senate, within three session days.

“(3) A joint resolution described in paragraph (1) shall not be subject to amendment at any stage of proceeding.

“(b) A joint resolution described in subsection (a) shall be referred in each House of Congress to the committees having jurisdiction over the provision of law under which the rule is issued.

“(c) In the Senate, if the committee or committees to which a joint resolution described in subsection (a) has been referred have not reported it at the end of 15 session days after its introduction, such committee or committees shall be automatically discharged from further consideration of the resolution and it shall be placed on the calendar. A vote on final passage of the resolution shall be taken on or before the close of the 15th session day after the resolution is reported by the committee or committees to which it was referred, or after such committee or committees have been discharged from further consideration of the resolution.

“(d)(1) In the Senate, when the committee or committees to which a joint resolution is referred have reported, or when a committee or committees are discharged (under subsection (c)) from further consideration of a joint resolution described in subsection (a), it is at any time

thereafter in order (even though a previous motion to the same effect has been disagreed to) for a motion to proceed to the consideration of the joint resolution, and all points of order against the joint resolution (and against consideration of the joint resolution) are waived. The motion is not subject to amendment, or to a motion to postpone, or to a motion to proceed to the consideration of other business. A motion to reconsider the vote by which the motion is agreed to or disagreed to shall not be in order. If a motion to proceed to the consideration of the joint resolution is agreed to, the joint resolution shall remain the unfinished business of the Senate until disposed of.

“(2) In the Senate, debate on the joint resolution, and on all debatable motions and appeals in connection therewith, shall be limited to not more than 2 hours, which shall be divided equally between those favoring and those opposing the joint resolution. A motion to further limit debate is in order and not debatable. An amendment to, or a motion to postpone, or a motion to proceed to the consideration of other business, or a motion to recommit the joint resolution is not in order.

“(3) In the Senate, immediately following the conclusion of the debate on a joint resolution described in subsection (a), and a single quorum call at the conclusion of the debate if requested in accordance with the rules of the Senate, the vote on final passage of the joint resolution shall occur.

“(4) Appeals from the decisions of the Chair relating to the application of the rules of the Senate to the procedure relating to a joint resolution described in subsection (a) shall be decided without debate.

“(e) In the House of Representatives, if any committee to which a joint resolution described in subsection (a) has been referred has not reported it to the House at the end of 15 legislative days after its introduction, such committee shall be discharged from further consideration of the joint resolution, and it shall be placed on the appropriate calendar. On the second and fourth Thursdays of each month it shall be in order at any time for the Speaker to recognize a Member who favors passage of a joint resolution that has appeared on the calendar for at least 5 legislative days to call up that joint resolution for immediate consideration in the House without intervention of any point of order. When so called up a joint resolution shall be considered as read and shall be debatable for 1 hour equally divided and controlled by the proponent and an opponent, and the previous question shall be considered as ordered to its passage without intervening motion. It shall not be in order to reconsider the vote on passage. If a vote on final passage of the joint resolution has not been taken by the third Thursday on which the Speaker may recognize a Member under this subsection, such vote shall be taken on that day.

“(f)(1) If, before passing a joint resolution described in subsection (a), one House receives from the other a joint resolution having the same text, then—

“(A) the joint resolution of the other House shall not be referred to a committee; and

“(B) the procedure in the receiving House shall be the same as if no joint resolution had been received from the other House until the vote on passage, when the joint resolution received from the other House shall supplant the joint resolution of the receiving House.

“(2) This subsection shall not apply to the House of Representatives if the joint resolution received from the Senate is a revenue measure.

“(g) If either House has not taken a vote on final passage of the joint resolution by the last day of the period described in section 801(b)(2), then such vote shall be taken on that day.

“(h) This section and section 803 are enacted by Congress—

“(1) as an exercise of the rulemaking power of the Senate and House of Representatives, respectively, and as such is deemed to be part of the rules of each House, respectively, but applicable only with respect to the procedure to be followed in that House in the case of a joint resolution described in subsection (a) and superseding other rules only where explicitly so; and

“(2) with full recognition of the Constitutional right of either House to change the rules (so far as they relate to the procedure of that House) at any time, in the same manner and to the same extent as in the case of any other rule of that House.

**“§803. Congressional disapproval procedure for nonmajor rules**

“(a) For purposes of this section, the term ‘joint resolution’ means only a joint resolution introduced in the period beginning on the date on which the report referred to in section 801(a)(1)(A) is received by Congress and ending 60 days thereafter (excluding days either House of Congress is adjourned for more than 3 days during a session of Congress), the matter after the resolving clause of which is as follows: ‘That Congress disapproves the nonmajor rule submitted by the \_\_\_\_\_ relating to \_\_\_\_\_, and such rule shall have no force or effect.’ (The blank spaces being appropriately filled in).

“(b)(1) A joint resolution described in subsection (a) shall be referred to the committees in each House of Congress with jurisdiction.

“(2) For purposes of this section, the term submission or publication date means the later of the date on which—

“(A) the Congress receives the report submitted under section 801(a)(1); or

“(B) the nonmajor rule is published in the Federal Register, if so published.

“(c) In the Senate, if the committee to which is referred a joint resolution described in subsection (a) has not reported such joint resolution (or an identical joint resolution) at the end of 15 session days after the date of introduction of the joint resolution, such committee may be discharged from further consideration of such joint resolution upon a petition supported in writing by 30 Members of the Senate, and such joint resolution shall be placed on the calendar.

“(d)(1) In the Senate, when the committee to which a joint resolution is referred has reported, or when a committee is discharged (under subsection (c)) from further consideration of a joint resolution described in subsection (a), it is at any time thereafter in order (even though a previous motion to the same effect has been disagreed to) for a motion to proceed to the consideration of the joint resolution, and all points of order against the joint resolution (and against consideration of the joint resolution) are waived. The motion is not subject to amendment, or to a motion to postpone, or to a motion to proceed to the consideration of other business. A motion to reconsider the vote by which the motion is agreed to or disagreed to shall not be in order. If a motion to proceed to the consideration of the joint resolution is agreed to, the joint resolution shall remain the unfinished business of the Senate until disposed of.

“(2) In the Senate, debate on the joint resolution, and on all debatable motions and appeals in connection therewith, shall be limited to not more than 10 hours, which shall be divided equally between those favoring and those opposing the joint resolution. A motion to further limit debate is in order and not debatable. An amendment to, or a motion to postpone, or a motion to proceed to the consideration of other business, or a motion to recommit the joint resolution is not in order.

“(3) In the Senate, immediately following the conclusion of the debate on a joint resolution

described in subsection (a), and a single quorum call at the conclusion of the debate if requested in accordance with the rules of the Senate, the vote on final passage of the joint resolution shall occur.

“(4) Appeals from the decisions of the Chair relating to the application of the rules of the Senate to the procedure relating to a joint resolution described in subsection (a) shall be decided without debate.

“(e) In the Senate the procedure specified in subsection (c) or (d) shall not apply to the consideration of a joint resolution respecting a nonmajor rule—

“(1) after the expiration of the 60 session days beginning with the applicable submission or publication date; or

“(2) if the report under section 801(a)(1)(A) was submitted during the period referred to in section 801(d)(1), after the expiration of the 60 session days beginning on the 15th session day after the succeeding session of Congress first convenes.

“(f) If, before the passage by one House of a joint resolution of that House described in subsection (a), that House receives from the other House a joint resolution described in subsection (a), then the following procedures shall apply:

“(1) The joint resolution of the other House shall not be referred to a committee.

“(2) With respect to a joint resolution described in subsection (a) of the House receiving the joint resolution—

“(A) the procedure in that House shall be the same as if no joint resolution had been received from the other House; but

“(B) the vote on final passage shall be on the joint resolution of the other House.

**“§804. Definitions**

“For purposes of this chapter—

“(1) The term ‘Federal agency’ means any agency as that term is defined in section 551(1).

“(2) The term ‘major rule’ means any rule, including an interim final rule, that the Administrator of the Office of Information and Regulatory Affairs of the Office of Management and Budget finds has resulted in or is likely to result in—

“(A) an annual effect on the economy of \$100,000,000 or more;

“(B) a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; or

“(C) significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic and export markets.

“(3) The term ‘nonmajor rule’ means any rule that is not a major rule.

“(4) The term ‘rule’ has the meaning given such term in section 551, except that such term does not include—

“(A) any rule of particular applicability, including a rule that approves or prescribes for the future rates, wages, prices, services, or allowances therefore, corporate or financial structures, reorganizations, mergers, or acquisitions thereof, or accounting practices or disclosures bearing on any of the foregoing;

“(B) any rule relating to agency management or personnel; or

“(C) any rule of agency organization, procedure, or practice that does not substantially affect the rights or obligations of non-agency parties.

**“§805. Judicial review**

“(a) No determination, finding, action, or omission under this chapter shall be subject to judicial review.

“(b) Notwithstanding subsection (a), a court may determine whether a Federal agency has

completed the necessary requirements under this chapter for a rule to take effect.

“(c) The enactment of a joint resolution of approval under section 802 shall not be interpreted to serve as a grant or modification of statutory authority by Congress for the promulgation of a rule, shall not extinguish or affect any claim, whether substantive or procedural, against any alleged defect in a rule, and shall not form part of the record before the court in any judicial proceeding concerning a rule except for purposes of determining whether or not the rule is in effect.

**“§806. Exemption for monetary policy**

“Nothing in this chapter shall apply to rules that concern monetary policy proposed or implemented by the Board of Governors of the Federal Reserve System or the Federal Open Market Committee.

**“§807. Effective date of certain rules**

“Notwithstanding section 801—

“(1) any rule that establishes, modifies, opens, closes, or conducts a regulatory program for a commercial, recreational, or subsistence activity related to hunting, fishing, or camping; or

“(2) any rule other than a major rule which an agency for good cause finds (and incorporates the finding and a brief statement of reasons therefore in the rule issued) that notice and public procedure thereon are impracticable, unnecessary, or contrary to the public interest, shall take effect at such time as the Federal agency promulgating the rule determines.”.

**SEC. \_\_\_\_ . BUDGETARY EFFECTS OF RULES SUBJECT TO SECTION 802 OF TITLE 5, UNITED STATES CODE.**

Section 257(b)(2) of the Balanced Budget and Emergency Deficit Control Act of 1985 is amended by adding at the end the following new subparagraph:

“(E) BUDGETARY EFFECTS OF RULES SUBJECT TO SECTION 802 OF TITLE 5, UNITED STATES CODE.—Any rules subject to the congressional approval procedure set forth in section 802 of chapter 8 of title 5, United States Code, affecting budget authority, outlays, or receipts shall be assumed to be effective unless it is not approved in accordance with such section.”.

The CHAIR. No further amendment to the bill, as amended, is in order except those printed in part B of the report. Each such amendment may be offered only in the order printed in the report, by a Member designated in the report, shall be considered read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question.

AMENDMENT NO. 1 OFFERED BY MR. SESSIONS

The CHAIR. It is now in order to consider amendment No. 1 printed in part B of House Report 112-311.

Mr. SESSIONS. Mr. Chairman, I have an amendment at the desk.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 25, line 18, insert “, including an analysis of any jobs added or lost, differentiating between public and private sector jobs” before the semicolon.

The CHAIR. Pursuant to House Resolution 479, the gentleman from Texas (Mr. SESSIONS) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Texas.

Mr. SESSIONS. Mr. Chairman, I yield myself such time as I may consume.

I want to first thank, if I can, the author of this piece of legislation, the gentleman from Kentucky, GEOFF DAVIS. Mr. DAVIS has distinguished himself among, not only our colleagues, but also, I believe, his strong support of free enterprise and the people of Kentucky in doing his job, and I appreciate the opportunity to be here to help in that endeavor today.

I believe that excessive government regulations are a significant barrier to the creation of private sector jobs in America today. This Congress has made job creation a priority. As a matter of fact, we had the minority leader down talking just a few minutes ago about job creation and the priority that it needs to represent. And as a result, we must review regulations which stand in the way of not only having more jobs, but also the overuse of rules and regulations that prohibit and add to jobs and job creation.

□ 1520

That proposal that I believe we need to look at is whether the benefits outweigh any potential economic harm that might come.

My amendment requires the agencies submitting the report on a proposed Federal rule to include an assessment of anticipated jobs gained or lost as a result of its implementation and to specify whether those jobs will come from the public or the private sector.

This assessment would be part of the cost benefit analysis. It would be required to be submitted to the Comptroller General and made available to each Member of the House prior to our consideration of the rule.

I believe that what we are doing here today is positive, not only a benefit to the country in terms of recognizing that rules and regulations are burdening our economic engine, but also we are doing something about it here today, and I'm very, very proud to be here in support of this.

Earlier this year, I introduced House Resolution 72, and the House passed it with a strong bipartisan vote in February. My bill required authorizing committees in the House to review existing, pending, and proposed regulations through hearings this year and to report back to the House with their findings.

The REINS Act today before us is an extension, I believe, of H. Res. 72 and is an important measure to ensure that the government does not compete against the free enterprise system. And if it does, Congress should understand that at the time that we pass our laws.

Mr. Chairman, I ask my colleagues to support this important addition.

I reserve the balance of my time.

Mr. CONYERS. Mr. Chairman, I rise in opposition to this amendment.

The CHAIR. The gentleman from Michigan is recognized for 5 minutes.

Mr. CONYERS. I want to merely start off by recognizing that somewhere buried in this amendment is the gentleman from Texas' recognition that regulations could or might create jobs. I want to thank him for that.

There's no credible evidence that regulations depress job creation. Now, we've talked about this for 2 days. But at our hearing in the Judiciary Committee, one of the anti-regulatory bills that we considered, we had an American Enterprise Institute witness, Christopher DeMuth, from the conservative think tank that AEI is, and he stated in his prepared testimony that focus on jobs can lead to confusion in regulatory debates and that the employment effects of regulation, while important, are indeterminate.

I must say to my colleagues that that is exactly the same impression that I came out of my Judiciary Committee hearing with, and it's the same impression that I've come to realize is probably accurate in the debate for the last few days on the floor of the House itself.

I'm concerned about this amendment because it would add to the analytical burdens of agencies, the speculative assessment of jobs added or lost, and how many of those jobs would be added or lost in the public and private sectors.

For these reasons, I conclude that this amendment would not be helpful, and I am unable to support it.

I yield back the balance of my time.

Mr. SESSIONS. Mr. Chairman, I yield 1 minute to the gentleman from Texas (Mr. SMITH).

Mr. SMITH of Texas. Mr. Chairman, I thank my Texas colleague for yielding me time, and I also thank him for offering this amendment.

The bill restores to Congress the accountability for the regulatory decisions that impose major burdens on our economy. As Congress makes those decisions, one of the most important facts to consider is whether new regulations produce jobs or destroy them.

The amendment guarantees that when agencies submit new regulations to Congress, their cost benefit analyses will be made available.

The amendment also assures that agencies will specifically identify regulations' impact on private and public sector jobs. With that information, Congress will be in a position to determine whether to approve the rules. And the American people will be in a position to hold Congress accountable for those decisions.

I urge my colleagues to support the amendment.

Mr. SESSIONS. Mr. Chairman, I yield myself the balance of my time.

I believe that the case which we're bringing forth today to Congress is

that we believe that jobs should be priority number one for this United States Congress and for the American people—not just the middle class, but investors and people who want to have great jobs in this country, for us to be competitive with the world. For us to do that, we need to recognize that people in Washington, D.C., who probably wouldn't recognize the free enterprise system if they saw it put rules and regulations on people; they don't understand the business; they don't understand how they operate; and they sure as heck don't understand why it's important to have a free enterprise system, one which is nimble and prepared and ready for competition.

I spent 16 years without missing a day of work in the private sector prior to coming to Congress. During those 16 years, I learned firsthand about how rules and regulations by the Federal Government and others can impede not only us and our ability to add jobs but perhaps more importantly, for us to be competitive. And I want to know today those people who will support us making sure that we look at a rule and regulation and understand what the impact on jobs would be.

That's what this vote will be. All Members will have an opportunity to come down to say, We think that there should be a consideration or should not be a consideration, at the time a rule will be written by an agency, what will be the impact of that rule. It would elude me to understand why someone would not want to include that as part of a cost benefit analysis.

Thus, Mr. Chairman, I rest my case.

I yield back the balance of my time.

The CHAIR. The question is on the amendment offered by the gentleman from Texas (Mr. SESSIONS).

The amendment was agreed to.

AMENDMENT NO. 2 OFFERED BY MR. JOHNSON OF GEORGIA

The CHAIR. It is now in order to consider amendment No. 2 printed in part B of House Report 112-311.

Mr. JOHNSON of Georgia. Mr. Chairman, I have an amendment at the desk.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 45, line 22, insert after the first period the following:

**“§ 808. Exemption for certain rules**

“Sections 801 through 807 of this chapter, as amended by the Regulations from the Executive in Need of Scrutiny Act of 2011 shall not apply in the case of any rule that the Director of the Office of Management and Budget determines will result in net job creation. This chapter, as in effect before the enactment of the Regulations from the Executive in Need of Scrutiny Act of 2011, shall continue to apply, after such enactment, to any such rule, as appropriate.”.

Page 24, in the matter preceding line 10, add after the item relating to section 807 the following new item:

808. Exemption for certain rules.

The CHAIR. Pursuant to House Resolution 479, the gentleman from Georgia (Mr. JOHNSON) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Georgia.

Mr. JOHNSON of Georgia. Mr. Chairman, I yield myself such time as I may consume.

I rise to support my amendment to this dangerous bill, the REINS Act.

My amendment is simple. It would exempt any rule that the Office of Management and Budget determines would promote job growth from the bill's congressional approval requirement, which is very cumbersome.

The Republican majority claims that job growth is its top priority, and if that's the case, then my Republican friends should support this amendment. In reality, we all know this bill will not create a single job, and as part of the majority's anti-regulatory agenda, will make it virtually impossible to implement rules for our health and safety.

This bill does not fine-tune the regulatory process, as the Republicans say. It will do nothing but make the regulatory process more bureaucratic and impose unnecessary hurdles for the agencies seeking to enact rules that protect our health and safety.

The majority has a scare tactic—that is that regulations kill jobs, and that's nothing but a myth. The National Federation of Independent Businesses, which describes itself as the leading small business association representing small and independent businesses, does a regular survey of small businesses. And it found that the single most important problem facing small businesses is poor sales, not regulations.

The REINS Act would delay, if not halt, regulations that are necessary for the health and safety of our constituents. Further, the bill would slow down regulations that may actually foster job growth. Thus, if my colleagues on the other side of the aisle are truly concerned about job growth, I would encourage them to support this amendment.

I hope all of my colleagues will support this amendment because the regulations that will help put unemployed Americans back to work should take effect without unnecessary delay.

I reserve the balance of my time.

□ 1530

Mr. SMITH of Texas. I rise in opposition to the amendment.

The CHAIR. The gentleman is recognized for 5 minutes.

Mr. SMITH of Texas. Mr. Chairman, I yield 2 minutes to the gentleman from Kentucky (Mr. DAVIS), the sponsor of the legislation.

Mr. DAVIS of Kentucky. Thank you, Mr. Chairman.

I could not disagree with the gentleman from Georgia more. It's obvious

which one of us has run a business and which one is talking about a business.

The reality of the regulatory impact on businesses is huge. All you have to do is ask small business owners in any of our congressional districts if they can get credit because of the newly improved FDIC rules on lending. They will tell you they can't. They can't get credit because of the new regulations, and banks are being consolidated and are going under now. We're finding a rash of environmental regulations throughout the Ohio Valley. Machine tool operators, steel mill operators and other manufacturers say over and over that they will be out of business if the cap-and-trade carbon regulations are imposed by the EPA. These are facts. Health care right now is imposing hiring freezes with the Affordable Care Act.

Once again, there is no reason under any circumstances that we should exempt major regulations that do, indeed, have a real impact on hiring, investment, job creation, and especially on an individual who wants to take the risk to start a business.

Congress should not abdicate its authority any longer regarding these rules. We should step up to the plate and be accountable. If we do so, jobs will be created as a result.

Mr. JOHNSON of Georgia. In response, no, I've never operated a business on Wall Street, and I'm not really concerned about Wall Street as Wall Street has been getting all of the breaks. This party, the Tea Party Republicans, seem hellbent on shifting everything in their direction.

I yield the balance of my time to the distinguished gentlewoman from Texas, SHEILA JACKSON LEE.

The CHAIR. The gentlewoman is recognized for 1½ minutes.

Ms. JACKSON LEE of Texas. I am pleased to join my dear friend and colleague on the Judiciary Committee, the gentleman from Georgia, in offering this amendment as the Johnson-Jackson Lee amendment.

I hold a sign that, I think, speaks to the gist of this amendment, "Make It In America." A number of us have been on the floor of the House on a regular basis talking about creating jobs and about making it in America. My good friend from Texas just passed an amendment without opposition, and I see no reason why the Jackson Lee-Johnson or Johnson-Jackson Lee amendment cannot be accepted in the very same way.

Bruce Bartlett, one of the senior policy analysts in the Reagan and George H.W. Bush administrations, observed that regulatory uncertainty is a canard, an invented canard, that allows those who use it to use current economic problems to pursue an agenda supported by the business community year in and year out. In other words, it is a simple case of opportunism be-

cause regulations don't stop you from creating jobs. In actuality, they provide cleaner air; they provide clean food; they provide the opportunity of a roadmap so that small and large businesses can do their work.

The Clean Air Act is a shining example. A lot of regulations came out of the Clean Air Act. Given that the economy since the Clean Air Act was passed in 1970 under Richard Milhous Nixon, a Republican, it shows that the economy has grown 204 percent and that private sector job creation has expanded 86 percent.

I would ask my colleagues to join us in supporting the Johnson-Jackson Lee amendment. Let's make it in America. Let's ensure there is a regulatory process that exempts any regulation that creates jobs. I ask my colleagues to support the amendment.

Mr. Chair, I rise today in support of amendment #2, that I offered along with my esteemed colleague Mr. JOHNSON, to H.R. 10 Regulations from the Executive in Need of Scrutiny (REINS). Our amendment would exempt the Office of Management and Budget once it is determined that the rules they offer will result in net job creation.

REINS would amend the Congressional Review Act (CRA) and require Congressional approval of all major rules (rules with an economic impact that is greater than \$100 million). If Congress fails to act within 70 days the rule cannot be implemented. This change is targeted directly at executive agencies and does nothing to create jobs.

In other words, this bill is calling for Congressional oversight of Executive branch activities and functions. I have been serving as member of this governing body since 1995, and oversight of the Executive branch is exactly what Congress does. One of the main functions of the Congressional Committees is oversight.

If Congress were required to proactively approve every federal rule, it would be extremely time consuming. The Federal agencies of the Executive branch are made up of experts in their respective fields. Many of the regulations that Federal agencies enact are very specific and require a high level of familiarity with the minute details of certain issues. The time it would take members of Congress to become adequately acquainted with each issue being proposed by each Federal agency would certainly be more productive if channeled into efforts to effect the change that Americans want. For example extending unemployment insurance, job creation, and encouraging job growth. Yet, here we are again wasting time on a measure that will not help our economy.

As we consider REINS, it is important that we not forget that federal agencies have their own oversight process in place to ensure that proposed regulations are thoroughly vetted.

For every proposed regulation, agencies are required to issue notice of proposed rulemakings to the industry and market over which they regulate. Those entities then comment on the rules, and they go through many rounds of changes before a final order is enacted.

Furthermore, rules enacted by Federal agencies are subject to Congressional oversight and review, and must meet standards of judicial review. Arguably, rules and regulations issued by Federal agencies go through just as much, if not more, review as bills considered and passed by Congress.

Implementing this rule would put a tremendous burden on Congress, and to be frank, as members elected by our constituencies to represent their interests, our time could be utilized in a much more effective manner.

Instead of debating about oversight authority that Congress already has, we should be focusing on the issues that most concern the American people, particularly, creating jobs. As our country rebounds from one of the most severe economic downturns in our history, it is imperative that we make decisions that will enable our economy to grow and, most importantly, create jobs. We should be using our judgment in a manner that would create American jobs by comprehensively reforming our broken immigration system. We should be working to implement an orderly process for immigration that eases the burden on employers, improves documentation, and complements our enforcement efforts to make them more effective.

Healthy market competition not only protects consumers, but will help our economy to prosper. Congress should be examining the consolidation taking place in certain industries to ensure healthy competition is alive and thriving.

America is a free enterprise society, and small businesses are part of the backbone of our economy, employing a vast portion of Americans. We should be ensuring that any consolidation taking place in the marketplace does not push out small businesses and render them unable to compete.

In the last couple of years, some sweeping mergers and acquisitions have taken place. Just recently, it was reported that 500 jobs are being cut as a result of last year's United-Continental merger. As we face a high unemployment rate, and Americans struggle to make ends meet, every job counts. We should be investigating the outcomes of mergers such as United-Continental, amongst others, to ensure that no more precious jobs are being lost.

Many of my colleagues on the other side of the aisle have stood up here and emphasized the importance of jobs for American workers—especially in the context of immigration debates. However, one of the largest contributors to the lack of employment opportunities here in American is the outsourcing of jobs to other countries where the labor is less expensive. We should be focusing our efforts on ways to return outsourced jobs to American soil.

Bottom line, Congress has a large responsibility. We carry on our shoulders the needs of the American people. Our time here is valuable and our work load is great. We should not further burden this body with the work that an entire branch of government has already been commissioned to do, especially since Congress still has oversight authority.

For each one of us, the needs of the constituents in our districts should be our priority. The needs of the American people as a whole should be our priority.

There is no credible evidence that regulations depress job creation. The Majority's own witness at the legislative hearing clearly debunked the myth that regulations stymie job creation. Christopher DeMuth, who appeared on behalf of the American Enterprise Institute, a conservative think tank, stated in his prepared testimony that the "focus on jobs . . . can lead to confusion in regulatory debates" and that "the employment effects of regulation, while important, are indeterminate."

If anything, regulations may promote job growth and put Americans back to work. For instance, According to the BlueGreen Alliance, notes: "Studies on the direct impact of regulations on job growth have found that most regulations result in modest job growth or have no effect, and economic growth has consistently surged forward in concert with these health and safety protections. The Clean Air Act is a shining example, given that the economy has grown 204% and private sector job creation has expanded 86% since its passage in 1970."

Regulation and economic growth can go hand in hand. Regarding the Clean Air Act, the White House Office of Management and Budget ("OMB") recently observed that 40 years of success with this measure "have demonstrated that strong environmental protections and strong economic growth go hand in hand." Similarly, the Natural Resources Defense Council and the United Auto Workers cite the fact that increased fuel economy standards have already led to the creation of more than 155,000 U.S. jobs.

The claim that regulatory uncertainty hurts business has been debunked as political opportunism. Bruce Bartlett, a senior policy analyst in the Reagan and George H.W. Bush Administrations observed "[R]egulatory uncertainty is a canard invented by Republicans that allows them to use current economic problems to pursue an agenda supported by the business community year in and year out. In other words, it is a simple case of political opportunism, not a serious effort to deal with high unemployment."

Regulatory uncertainty does not deter business investment. A lack of demand, not uncertainty about regulation, is cited as the reason for not hiring.

At a legislative hearing on regulatory reform (H.R. 3010), Professor Sidney Shapiro similarly noted, "All of the available evidence contradicts the claim that regulatory uncertainty is deterring business investment."

A July 2011 Wall Street Journal survey of business economists found that the "main reason U.S. companies are reluctant to step up hiring is scant demand, rather than uncertainty over government policies."

The most recent National Federation of Independent Business survey of its members likewise shows that "poor sales"—not regulation—is the biggest problem. Of those reporting negative sales trends, 45 percent blamed faltering sales, 5 percent higher labor costs, 15 percent higher materials costs, 3 percent insurance costs, 8 percent lower selling prices and 10 percent higher taxes and regulatory costs."

Small businesses reject the argument that deregulation is what they need. The Main Street Alliance, an alliance of small busi-

nesses, observes: "In survey after survey and interview after interview, Main Street small business owners confirm that what we really need is more customers—more demand—not deregulation. Policies that restore our customer base are what we need now, not policies that shift more risk and more costs onto us from big corporate actors . . ."

I urge my colleagues to support this amendment to create jobs and get our country on a path to a strong economic future, what small businesses need is customers—Americans with spending money in their pockets—not watered down standards that give big corporations free reign to cut corners, use their market power at our expense, and force small businesses to lay people off and close up shop."

Mr. SMITH of Texas. Mr. Chairman, I yield such time as he may consume to the gentleman from Kentucky (Mr. DAVIS).

Mr. DAVIS of Kentucky. I thank the gentleman for yielding.

I would point out that Gallup has released a survey that shows that one in three small business owners is worried about going out of business; and overwhelmingly, the response to this survey across the United States points to the uncertainty and the unpredictability caused by regulations.

This bill, the REINS Act, is not antiregulation. It is about more transparency and accountability in regulation, and it is about having Congress step up to the plate. It's important that we work together to restore that trust and confidence in the Congress—that we do our jobs, that we stand firm, and that we exercise restraint over the executive branch so that it cannot act in scoring itself on whether jobs are created.

Let that be done by the Congress, which is held accountable. Let us stand for the vote and be accountable to our citizens.

Mr. SMITH of Texas. Mr. Chairman, I yield myself the balance of my time.

The amendment carves out of the bill regulations that the Office of Management and Budget (OMB) determines will lead to net job creation.

The danger in the amendment is the strong incentive it gives OMB to manipulate its analysis of a major regulation's jobs impacts. Far too often, OMB will be tempted to shade the analysis to skirt the bill's congressional approval requirement.

In addition, regulations alleged to create net new jobs often do so by destroying real, existing jobs and "creating" new, hoped-for jobs associated with regulatory compliance. For example, some Environmental Protection Agency (EPA) Clean Air Act rules will shut down existing power plants. EPA and OMB may attempt to justify that with claims that more new, "green" jobs will be created as a result.

In the end, that is just another way in which government picks the jobs winners and the jobs losers. And there is no guarantee that all of the new, "green" jobs will ever actually exist.



The REINS Act is not intended to force any particular outcome. It does not choose between clean air and dirty air. It does not choose between new jobs and old jobs.

Instead, the REINS Act chooses between two ways of making laws. It chooses the way the Framers intended, in which accountability for laws with major economic impacts rests with Congress. It rejects the way Washington has operated for too long, where there is no accountability because decisions are made by unelected agency officials.

The amendment would undermine that fundamental choice.

I urge my colleagues to oppose the amendment.

I yield back the balance of my time.

The CHAIR. The question is on the amendment offered by the gentleman from Georgia (Mr. JOHNSON).

The question was taken; and the Chair announced that the noes appeared to have it.

Mr. JOHNSON of Georgia. Mr. Chairman, I demand a recorded vote.

The CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Georgia will be postponed.

AMENDMENT NO. 3 OFFERED BY MR. SCHRADER

The CHAIR. It is now in order to consider amendment No. 3 printed in part B of House Report 112-311.

Mr. SCHRADER. Mr. Chairman, I have an amendment at the desk.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 25, line 9, strike "and".

Page 25, insert after line 9 the following (and redesignate provisions accordingly):

"(v) a cost-benefit analysis of the rule; and"

Page 26, insert after line 11 the following:

"(D) Not later than the later of January 1, 2013 or the date that is 1 year after the date of enactment of the Regulations from the Executive in Need of Scrutiny Act of 2011, each Federal agency shall submit to Congress appropriate criteria for conducting cost-benefit analyses under subparagraph (A)(v) for each rule for which that agency may be required to submit such an analysis."

The CHAIR. Pursuant to House Resolution 479, the gentleman from Oregon (Mr. SCHRADER) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Oregon.

Mr. SCHRADER. Mr. Chairman, I yield myself such time as I may consume.

This amendment is pretty straightforward. The goal here is to actually codify some of what has been done here just by Executive order to make sure Congress' intent is actually done regardless of what the executive branch is considering.

It basically codifies the cost-benefit analysis in statute that we would like to have. As we all know, a lot of times some of our agencies get a little overzealous, and some of the cost-benefit

analyses that they do or don't do do not actually reflect a lot of the real-world criteria by which American men and women in businesses actually operate. So our goal here is to actually follow through on what is already existing law but to just codify it so it's not a huge change.

There is a little bit more to it. Right now a lot of the independent Federal agencies are not subject to this Executive order. Of course, this amendment would actually codify that they should be. There is no reason any Federal agency should be exempt from giving Americans the idea of what it's going to cost and what sort of benefit we're going to get out of this at the end of the day.

Last but not least, I think one of the big pieces that is very, very important to know as a veterinarian, a man of science a little bit, are the assumptions by which these cost-benefit analyses are done. That oftentimes influences the outcome. It's important for the agencies, the businesses and, again, others in this country to look at what assumptions are being made when these cost-benefit analyses are being done. Sometimes they deserve to be challenged, and sometimes questions need to be raised. So I think it's extremely important that any cost-benefit analysis assumptions should be made public and transparent.

With that, I yield back the balance of my time.

Mr. SMITH of Texas. Mr. Chairman, I rise in opposition to the amendment.

The CHAIR. The gentleman is recognized for 5 minutes.

Mr. SMITH of Texas. I yield such time as he may consume to the gentleman from Kentucky (Mr. DAVIS).

Mr. DAVIS of Kentucky. I thank the gentleman for yielding.

I also oppose the amendment. The amendment leaves it to each agency to determine how we will conduct the cost-benefit analyses of any regulations. This is regrettable. Each agency will be tempted to design rules that it can manipulate to claim that benefits routinely outweigh costs. In past administrations when we've seen this attempt done, there was a divergence of standard; there was no continuity and virtually no reduction in the regulations or understanding of this across the whole of government.

The Regulatory Accountability Act, which the House passed on December 2, 2011, calls for agencies to follow uniform guidelines for cost-benefit analyses. This improves quality, and it prevents deceptive actions by rogue agencies. The amendment undercuts that effort. Similarly, under executive order 12866, the President has long required agencies to follow uniform guidelines for cost-benefit analyses. The amendment undermines that requirement, too.

I urge my colleagues to oppose the amendment.

Mr. SMITH of Texas. Mr. Chairman, I yield myself the balance of my time.

The amendment leaves it to each agency to determine how it will conduct cost-benefit analyses of new regulations. This is regrettable. Each agency will be tempted to design rules that it can manipulate to claim that benefits routinely outweigh costs.

The Regulatory Accountability Act, which the House passed on December 2, 2011, calls for agencies to follow uniform guidelines for cost-benefit analyses. This improves quality and prevents deceptive actions by rogue agencies. The amendment undercuts that effort.

Similarly, under Executive Order 12866, the President has long required agencies to follow uniform guidelines for cost-benefit analyses. The amendment undermines that requirement, too.

I urge my colleagues to oppose the amendment.

I yield back the balance of my time.

The CHAIR. The question is on the amendment offered by the gentleman from Oregon (Mr. SCHRADER).

The question was taken; and the Chair announced that the noes appeared to have it.

Mr. SCHRADER. Mr. Chairman, I demand a recorded vote.

The CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Oregon will be postponed.

□ 1540

AMENDMENT NO. 4 OFFERED BY MR. MCKINLEY

The CHAIR. It is now in order to consider amendment No. 4 printed in part B of House Report 112-311.

Mr. MCKINLEY. Mr. Chairman, I have an amendment at the desk.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 42, line 23, strike "\$100,000,000" and insert "\$50,000,000".

The CHAIR. Pursuant to House Resolution 479, the gentleman from West Virginia (Mr. MCKINLEY) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from West Virginia.

Mr. MCKINLEY. Mr. Chairman, I rise today to offer an amendment that would reduce the threshold for a major rule from \$100 million or more to \$50 million. This would ensure greater accountability.

Let's keep this in perspective. I base this amendment on legislation that has already been adopted by the House—in 1995—with bipartisan support which lowered the threshold to \$50 million. It passed with a vote of 277-141 with much of today's leadership who were here at the time supporting it.

Also, in perspective, in fiscal year 2011, only 2.6 percent of all the rules were classified as "major," and in 2010 it was only 3 percent that met that criteria. Keep that in consideration. Would you be satisfied with only 2 or 3



percent of your food being inspected or 2 or 3 percent of the aircraft which we fly?

According to the Small Business Administration, in 2008 it cost the economy \$1.75 trillion in regulations. We just went through a gut-wrenching supercommittee that tried to reduce \$1.5 trillion, but yet we let, every year, hundreds of billions of dollars pass through without involvement of Congress.

Since January of this year, we have already seen 67,000 more pages of regulation, 88 million hours, man-hours, have been lost by businesses and employers trying to respond to the regulatory reform. None of this has had congressional oversight or approval.

Canada realizes there needs to be more accountability, and they require all rules and regs of \$50 million or more to come before their legislative body.

Congress, having jurisdiction of only 2 or 4 percent may be better than nothing, but I believe America deserves better. We need a system of checks and balances. No wonder the American people have lost their confidence in Congress and the Federal Government. I'm hopeful that the chairman will see the issues that I have raised here today and work with me on future legislation to correct that.

With that, I yield 30 seconds to the gentleman from Texas (Mr. SMITH).

Mr. SMITH of Texas. I thank the gentleman from West Virginia for yielding me time.

I share my colleague's desire to bring more congressional scrutiny to major regulations and appreciate his interest in the subject.

I know that recent major regulations have hit West Virginia and the gentleman's constituents particularly hard. The Environmental Protection Agency's major regulations that affect energy sources and power production are among the most troubling.

I look forward to continued discussions with the gentleman on these and other issues of interest to him.

Mr. MCKINLEY. Thank you, Mr. Chairman. I appreciate your willingness to work with me on these issues.

Since Congress deserves to have more specific numbers that have not been available from GAO and the CBO relative to lowering this threshold from \$100 million to \$50 million, I ask unanimous consent, for now, to withdraw my amendment, Mr. Chairman.

The CHAIR. Without objection, the amendment is withdrawn.

There was no objection.

AMENDMENT NO. 5 OFFERED BY MRS. MCCARTHY OF NEW YORK

The CHAIR. It is now in order to consider amendment No. 5 printed in part B of House Report 112-311.

Mrs. MCCARTHY of New York. Mr. Chairman, I have an amendment at the desk.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 45, line 22, strike the quotation marks and second period.

Page 45, insert the following after line 22: **"§ 808. Exemption for certain rules**

"Sections 801 through 807, as amended by the Regulations From the Executive in Need of Scrutiny Act of 2011, shall not apply in the case of any rule that relates to the safety of food, the safety of the workplace, air quality, the safety of consumer products, or water quality. The provisions of this chapter, as in effect before the enactment of the Regulations From the Executive in Need of Scrutiny Act of 2011, shall continue to apply, after such enactment, to any rule described in the preceding sentence."

Page 24, in the matter preceding line 10, add after the item relating to section 807 the following new item:

"808. Exemption for certain rules.

The CHAIR. Pursuant to House Resolution 479, the gentlewoman from New York (Mrs. MCCARTHY) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from New York.

Mrs. MCCARTHY of New York. Mr. Chairman, I yield myself such time as I may consume.

I rise today to offer an amendment to the deeply flawed bill before us right now.

Today we continue the majority's politically motivated attacks on regulations. For the past 2 weeks, we have considered bills designed to slow down and stop the regulatory process.

The bill before us today doesn't target just the rules that the majority might like you to believe are problematic; it would hamper all rulemaking, even those rules that are essential to public health and safety.

My amendment today seeks to address that issue by exempting the REINS Act regulations relating to food safety, workplace safety, air quality, consumer product safety, or water quality.

These issue areas are too important to be impeded by the majority's need to generate political talking points. Consumers can't be put at risk because one House of Congress can't get its act together to pass food safety regulations.

Children at risk from being exposed to toxic substances in toys can't wait for 535 new regulators to weigh in—that's us, the Members of Congress. People getting sick from tainted water supplies shouldn't be put further at risk by a legislative vote from one half of one-third of the branches of the government.

Today's bill, the REINS Act, would amend the Congressional Review Act to prohibit a majority rule from going into effect unless Congress enacts a joint resolution of approval, specifically approving the rule.

This is a bizarre, backwards, and unnecessary piece of legislation. The majority claims to be aiming to stream-

line the regulatory process and reduce the negative effects of a bureaucracy on the American people and on American businesses.

Ironically, however, this bill has the effect of growing the regulatory process by effectively adding 535 of us additional regulators to the process. Each Member of Congress will now have to perform the role of a regulator. Congress will be forced to review the rules and regulations regarding highly technical matters currently handled by subject area experts.

This technical complexity is precisely why we have professionals in the executive branch with subject matter expertise to work on these rules and regulations. This divide has been the fundamental cornerstone of the principal of separation of powers.

But Congress is intended to represent the people and enact laws. The executive branch is intended to implement those laws. That implementation takes the form of issuing rules, regulations, and specific guidance on how the law will be implemented.

The REINS Act inappropriately puts Congress into duties that should be carried out only by the executive branch. Congress does have oversight responsibility and a duty to monitor implementation, but we currently have methods to address the problems when they do occur, and we do not need this bill. The bill also will lead to confusion, uncertainty, and more gridlock.

Thanks to the REINS Act requirement that Congress affirmatively approve of every major rule, one House of Congress will essentially have a legislative veto over any major regulation issued.

The worst time for businesses is uncertainty, and the REINS Act increases it in the regulatory process. After engaging in the process of helping to shape the regulations through the rule-making process, citizens will have to wonder what actions will Congress take. What legislative deal-making will occur? Will Congress approve of the regulation? When will Congress approve the regulation?

This uncertainty keeps businesses from investing and from hiring new workers. More uncertainty under the REINS Act is the opposite of what we need. Congress should spend more of its time thoroughly considering enacting legislation. We should have the implementation where it belongs, in the executive branch. We should continue to monitor implementation and exercise proper oversight. And in the cases where correction is needed, use the current legislative tools that we have at our disposal to address those issues.

I do urge all of our Members to vote for my amendment to protect the American people.

We don't need more gridlock here in Washington. That's why everybody back at home is mad at everybody. We

need to go on with our work. We have to make sure that there is a streamlined process so that we can get small businesses growing again, get people back to work. That's what the American people want from all of us.

I urge my colleagues to vote for this amendment.

With that, I yield back the balance of my time.

□ 1550

Mr. DAVIS of Kentucky. Mr. Chairman, I rise in opposition to the amendment.

The CHAIR. The gentleman is recognized for 5 minutes.

Mr. DAVIS of Kentucky. Mr. Chairman, I yield myself such time as I may consume.

The amendment carves out of the bill essential categories of major regulations. These include all major rules on food safety, workplace safety, consumer product safety, clean water, and clean air.

In many cases, these are precisely the agency actions that impose the most cost, do not produce enough benefits, and do not faithfully implement the intent of the people's representatives in the Congress and in the Senate.

A good example is the Environmental Protection Agency's recent proposal to control mercury emissions from coal and oil-fired power plants. EPA estimated that the rule would cost \$11 billion annually to achieve at most just \$6 million in total mercury reduction benefits. That is an 1,833 to 1 cost-benefit ratio. Most of the benefits EPA identified to justify the rule had nothing to do with the control of hazardous air pollution. Proponents of the regulation have nothing to fear from the REINS Act. When agencies prepare good major regulations, Congress will be able to approve them. This provides agencies with a powerful incentive to get major regulations right the first time.

Think about this from the perspective of the mercury regulation that had the 1,833 to 1 cost-benefit ratio. Who do you think is going to pay for that? The mistake that is made in the arguments saying that it's the rich on Wall Street who benefit are entirely wrong. It's hardworking taxpayers. It's the middle class, the working poor, and the elderly whose utility rates will be driven through the roof as a result of a regulation that was imposed against the intent of the Congress.

When an agency prepares a bad regulation, however, Congress will be able, under the REINS Act, to correct the agency and send it back to the drawing board. In the end, the agency will find a way to issue a good regulation that Congress will approve.

It will improve the dialogue between the executive branch and the Congress. But until it does, those who must pay

for regulations will not have to pay for the cost of a misguided major rule made by people who are not accountable to our voters.

I urge my colleagues to oppose the amendment, and I yield back the balance of my time.

Mr. SMITH of Texas. Mr. Chair, I oppose the amendment.

The amendment carves out of the bill essential categories of major regulations. These include all major rules on food safety, workplace safety, consumer product safety, clean water and clean air.

In many cases, these are precisely the agency actions that impose the most costs, do not produce enough benefits and do not faithfully implement Congress' intent.

A good example is the Environmental Protection Agency's (EPA) recent proposal to control mercury emissions from coal- and oil-fired power plants. EPA estimated that the rule would cost \$11 billion annually to achieve at most just \$6 million in total mercury reduction benefits. That is a 1,833:1 cost-benefit ratio.

Most of the benefits EPA identified to justify the rule had nothing to do with the control of hazardous air pollution.

Proponents of regulation have nothing to fear from the REINS Act. When agencies prepare good major regulations, Congress will be able to approve them. This provides agencies with a powerful incentive to get major regulations right the first time.

When an agency prepares a bad regulation, however, Congress will be able to correct the agency and send it back to the drawing board.

In the end, the agency will find a way to issue a good regulation that Congress approves. But until it does, those who must pay for regulations will not have to pay for the costs of a misguided major rule.

I urge my colleagues to oppose the amendment.

The CHAIR. The question is on the amendment offered by the gentleman from New York (Mrs. MCCARTHY).

The question was taken; and the Chair announced that the yeas appeared to have it.

Mrs. MCCARTHY of New York. I demand a recorded vote.

The CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from New York will be postponed.

AMENDMENT NO. 6 OFFERED BY MS. JACKSON LEE OF TEXAS

The CHAIR. It is now in order to consider amendment No. 6 printed in part B of House Report 112-311.

Ms. JACKSON LEE of Texas. Mr. Chairman, I have an amendment at the desk.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 45, line 22, insert after the first period the following:

**"§ 808. Exemption for certain rules**

"Sections 801 through 807 of this chapter, as amended by the Regulations from the Ex-

ecutive in Need of Scrutiny Act of 2011 shall not apply in the case of any rule made by the Secretary of Homeland Security. This chapter, as in effect before the enactment of the Regulations from the Executive in Need of Scrutiny Act of 2011, shall continue to apply, after such enactment, to any such rule, as appropriate."

Page 24, in the matter preceding line 10, add after the item relating to section 807 the following new item:

808. Exemption for certain rules.

The CHAIR. Pursuant to House Resolution 479, the gentlewoman from Texas (Ms. JACKSON LEE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Texas.

Ms. JACKSON LEE of Texas. Mr. Chairman, I yield myself such time as I may consume.

What America wants and what I believe is important to the institution that we have such great respect for is for Members to work together. There are a number of amendments that were allowed by the Rules Committee, and I thank them; and the idea should be that these amendments improve a bill.

It is obvious that I disagree with this bill because I think it will literally shut down government. If you cannot pass simple bills that have been passed out of the House of Representatives to the other body and they have not yet passed, we've finished one year of the 112th Congress, how do you think we can manage what is called major rule-making? Eighty different rules would have to be approved by the President, the House, and the Senate. Literally, the American people would be held hostage.

So this amendment is a cooperative amendment. I think it makes the bill better. The reason why, we have our soldiers, most likely on the front lines of Afghanistan. On account of a heinous act of terrorism on 9/11, our soldiers were dispatched to defend this Nation in Afghanistan. In doing so, they had as their backup the Department of Homeland Security, a Department whose responsibility is to secure the homeland. Simply ask the 9/11 families how serious it is to secure the homeland.

My amendment would simply say that Homeland Security regulations or regulations dealing with securing the homeland, making America safe, would be exempt from this dilatory, long-winded process of approval. We need urgency when we speak of securing the homeland.

For example, it is well known that we deal not only with a terrorism potential from around the world, but it is also possible to have a catastrophic event that deals with a domestic terrorist attack.

I cannot believe that my colleagues would not want to act in a bipartisan manner and, in particular, with the REINS Act that requires a voted-on resolution of approval, otherwise the

security amendment does not go into place. I cannot believe that we would not in a bipartisan way accept the Jackson Lee amendment.

With that, I reserve the balance of my time.

Mr. DAVIS of Kentucky. Mr. Chairman, I rise in opposition to the amendment.

The CHAIR. The gentleman is recognizing for 5 minutes.

Mr. DAVIS of Kentucky. I would point out, first of all, that in a national emergency, the President of the United States does have the ability to enact an emergency rule. But what this amendment seeks to do is shield the Department of Homeland Security from Congress's authority to approve regulations under the REINS Act. That shield should be denied.

For example, take the Department's rule to extend compliance deadlines for States to issue secure driver's licenses under the REAL ID Act. Ten years after 9/11 when hijackers used fraudulent licenses to board airplanes to murder 3,000 innocent Americans, DHS continues to extend the deadline.

Another example is the Department's 2009 rule to recall the Bush administration's no-match rule. That regulation helped companies to identify illegal workers and comply with Federal immigration law. When the Obama administration issued its rule to repeal no match, it put the interests of illegal immigrants above those of millions of unemployed Americans and legal immigrants.

This is the kind of decisionmaking that takes place at the Department of Homeland Security. Congress should use every tool it can use to reassert its authority over the legislation rule-making functions it has delegated to DHS. The result will be to streamline communication, to improve communication in crisp and focused pieces of legislation and regulation. The REINS Act is available to do that.

The point of the REINS Act is accountability, and each Congressman must take a stand to be accountable for regulations that cost our citizenry \$100 million or more annually.

I reserve the balance of my time.

Ms. JACKSON LEE of Texas. Mr. Chairman, I yield myself such time as I may consume.

I thank the gentleman for his explanation, but I think he plays right into the reason why he should join me and make this a bipartisan amendment.

Frankly, I don't think we would want to throw out or delay any process of rulemaking dealing with securing the homeland. I think when the gentleman was citing licenses, he was speaking 9/11. It is now 11 years, and we have passed a number of rulemakings that have improved securing the homeland. As a member of the Homeland Security Committee, I'm quite aware of the progress we've made, such as not hav-

ing to address that kind of, if you will, mishap—more than a mishap—but that kind of lack of communication that we had on 9/11.

The point I want to make is our soldiers are on the front line in Afghanistan. They are asking, as someone would say on the playing field, Have you got my back? The Department of Homeland Security is that Department created from the Select Committee on Homeland Security which I was on, now in the Homeland Security Committee, to in fact provide for the security of the Nation. With that in mind, I think it is untenable to think of thwarting that process.

What we have here in the REINS Act is truly the REINS Act. It is a stranglehold on moving the Nation forward on good regulations, clean air, clean water, but in this instance securing the homeland. I believe that having the President, the Senate, and the House come together in a reasonable period of time to approve a rule dealing with securing the homeland while soldiers are on the front line defending us is an atrocious position to put the securing of the Nation in.

Let me just say this, Bruce Bartlett is a Republican. He said that the regulatory uncertainty that Republicans talk about is a canard invented by Republicans that allows them to use current economic problems to pursue an agenda supported by the business community year in and year out. That's from a Republican.

The question is let's separate the special interests. The REINS Act is here. They have the majority. More than likely it will pass. But they're going to ignore our war and our fight to secure the homeland.

□ 1600

Here on the front line, what are we doing? We're putting a stranglehold on the rulemaking that will come forward that's attempting to help the American people. If we have to do something for the Transportation Security Administration and the security checkpoints and we need a rule, it's going to be held back because of this process.

I ask for the support of the Jackson Lee amendment, and I yield back the balance of my time.

Mr. Chair, I rise today in support of my amendment #6, to H.R. 10, "Regulations from the Executive in Need of Scrutiny" (REINS). This bill amends the Congressional Review Act (CRA) to require Congressional approval of all major rules (rules with an economic impact that is greater than \$100 million). If Congress fails to act within 70 days the rule cannot be implemented. This change is targeted directly at executive agencies and does nothing to create jobs. Under current law Congress can provide oversight and disapprove of a promulgated bill.

My amendment would exempt all rules promulgated by the Department of Homeland Security. As a Senior Member of the Homeland

Security and Ranking Member of the Transportation Security Subcommittee, I am very concerned about any legislation that would hinder the Department of Homeland Security's ability to respond to an emergency.

The bill would add new review requirements to an already long and complicated process, allowing special interest lobbyists to second-guess the work of respected scientists and staff through legal challenges, sparking a wave of litigation that would add more costs and delays to the rulemaking process, potentially putting the lives, health and safety of millions of Americans at risk.

The Department of Homeland Security simply does not have the time to be hindered by frivolous and unnecessary litigation, especially when the safety and security of the American people are at risk.

According to a study conducted by the Economic Policy Institute, public protections and regulations "do not tend to significantly impede job creation", and furthermore, over the course of the last several decades, the benefits of federal regulations have significantly outweighed their costs.

There is no need for this legislation, aside from the need of some of my colleagues to protect corporate interests. This bill would make it more difficult for the government to protect its citizens, and in the case of the Department of Homeland Security, it endangers the lives of our citizens.

In our post 9/11 climate, homeland security continues to be a top priority for our nation. As we continue to face threats from enemies foreign and domestic, we must ensure that we are doing all we can to protect our country. DHS cannot react to the constantly changing threat landscape effectively if they are subject to this bill.

Since the creation of the Department of Homeland Security in 2002, we have overhauled the government in ways never done before. Steps have been taken to ensure that the communication failures that led to 9/11 do not happen again. The Department of Homeland Security has helped push the United States forward in how protect our nation. Continuing to make advance in Homeland security and intelligence is the best way to combat the threats we still face.

The Department of Homeland Security is tasked with a wide variety of duties under its mission. One example of an instance where DHS may have to act quickly to establish new or emergency regulations is the protection of our cyber security.

In the past few years, threats in cyberspace have risen dramatically. The policy of the United States is to protect against the debilitating disruption of the operation of information systems for critical infrastructures and, thereby, help to protect the people, economy, and national security of the United States.

We are all affected by threats to our cyber security. We must act to reduce our vulnerabilities to these threats before they can be exploited. A failure to protect our cyber systems would damage our Nation's critical infrastructure. So, we must continue to ensure that such disruptions of cyberspace are infrequent, of minimal duration, manageable, and cause the least possible damage.

Like other national security challenges in the post 9/11 era, the cyber threat is multifaceted

and without boundaries. Some cyber attackers are foreign nations that utilize their military or intelligence-gathering operations, whereas others are either operating alone or are connected to terrorist groups. In addition, there are cyber threats that are international or domestic criminal enterprises.

According to the Government Accountability Office (GAO), the number of cyber incidents reported by Federal agencies to US-CERT has increased dramatically over the past four years, from 5,503 cyber incidents reported in FY 2006 to about 30,000 cyber incidents in FY 2009 (over a 400 percent increase).

The four most prevalent types of cyber incidents and events reported to US-CERT during FY 2009 were malicious code; improper usage; unauthorized access and incidents warranting further investigations (unconfirmed malicious or anomalous activity).

Critical infrastructure in the Nation is composed of public and private institutions in the sectors of agriculture, food, water, public health, emergency services, government, defense industrial base, information and telecommunications, energy, transportation, banking and finance, chemicals and hazardous materials, and postal and shipping.

With cyberspace as their central nervous system—it is the control system of our country. Cyberspace is composed of hundreds of thousands of interconnected computers, servers, routers, switches, and fiber optic cables that allow our critical infrastructures to work. Thus, the healthy, secure, and efficient functioning of cyberspace is essential to both our economy and our national security.

In light of an attack that threatens the United State's cyber protection, Homeland Security officials may need to issue emergency regulations quickly. Attacks can be sent instantly in cyber space, and the protection of our critical infrastructure cannot be mitigated by cumbersome bureaucracy.

As the Representative for the 18th District of Texas, I know about vulnerabilities in security firsthand. Of the 350 major ports in America, the Port of Houston is the one of the busiest.

More than 220 million tons of cargo moved through the Port of Houston in 2010, and the port ranked first in foreign waterborne tonnage for the 15th consecutive year. The port links Houston with over 1,000 ports in 203 countries, and provides 785,000 jobs throughout the state of Texas. Maritime ports are centers of trade, commerce, and travel along our Nation's coastline, protected by the Coast Guard, under the direction of DHS.

If Coast Guard intelligence has evidence of a potential attack on the port of Houston, I want the Department of Homeland Security to be able to protect my constituents, by issuing the regulations needed without being subject to the constraints of this bill.

The Department of Homeland Security deserves an exemption not only because they may need to quickly change regulations in response to new information or threats, but also because they are tasked with emergency preparedness and response.

Take for example U.S. Immigration and Customs Enforcement (ICE) which identifies prosecutorial discretion as "the authority of an agency charged with enforcing a law to decide to what degree to enforce the law against a

particular individual." When ICE favorably exercises prosecutorial discretion, it "essentially decides not to assert the full scope of the enforcement authority available to the agency in a given case."

In the civil immigration enforcement context, prosecutorial discretion may take the form of a broad range of discretionary enforcement decisions, including: focusing enforcement resources on particular administrative violations or conduct; deciding whom to stop, question, or arrest for an administrative violation; deciding whether a suspect will be detained or released on bond; and granting deferred action, granting parole, staying a final order of removal, or other alternative to obtaining a formal order of removal.

Let me be clear; prosecutorial discretion is not amnesty; it is done on a case by case basis to ensure that the limited resources ICE has to work with are put toward removing those who pose a threat to the safety and security of the American people. Allowing ICE to identify and focus on priorities strengthens immigration enforcement by targeting the right individuals.

Furthermore, ICE Director John Morton issued a memorandum in March of 2011 that outlined the enforcement policies for the agency. Among the priority enforcement cases were aliens posing a risk to national security or public safety, recent illegal entrants, and those who are fugitives or have a history of violating U.S. immigration law.

Director Morton's memorandum indicates that prosecutorial discretion is by no means widespread, blanket amnesty for undocumented aliens; it is a law enforcement method used by many agencies, including ICE, under Republican and Democratic administrations. In fact, prosecutorial discretion allows ICE to allocate its resources to ensure their enforcement efforts provide for the safety and security of the nation. Why would this rule need additional scrutiny?

And another major impact rule deals with the U.S. Citizenship and Immigration Services Fee Schedule the final rule will provide DHS with an average of \$209 million in FY2010 and FY2011 annual fee revenue, based on a projected annual fee-paying volume of 4.4 million immigration benefit requests and 1.9 million requests for biometric services, over the fee revenue that would be collected under the current fee structure. The increased revenue will be used to fund the full cost of processing immigration benefit applications and associated support benefits; the full cost of providing similar benefits to asylum and refugee applicants; and the full cost of similar benefits provided to others at no change. These are the sorts of rules that are going to be needlessly hindered by this Legislation.

Again, instead of focusing on jobs we are focusing on regulations that Congress already has the power to review and prevent its implementation if and when necessary.

There are many challenges our communities face when we are confronted with a catastrophic event or a domestic terrorist attack. It is important for people to understand that our capacity to deal with hurricanes directly reflects our ability to respond to a terrorist attack in Texas or New York, an earthquake in California, or a nationwide pandemic flu outbreak.

On any given day the city of Houston and cities across the United States face a widespread and ever-changing array of threats, such as: terrorism, organized crime, natural disasters and industrial accidents.

Cities and towns across the nation face these and other threats. Indeed, every day, ensuring the security of the homeland requires the interaction of multiple Federal departments and agencies, as well as operational collaboration across Federal, State, local, tribal, and territorial governments, nongovernmental organizations, and the private sector. We can hinder the Department of Homeland Security's ability to protect the safety and security of the American people.

I urge my colleagues to support the Jackson Lee amendment in order to ensure that regulations that save lives that are promulgated by the Department of Homeland Security are not unnecessarily delayed by this legislation.

Mr. DAVIS of Kentucky. Mr. Chairman, I yield myself the balance of my time.

I would like to reiterate that the point of the REINS Act is accountability. It would not impinge, but I believe it would actually improve our ability to manage rulemaking and regulation that relates to security, indeed. The strongest authority in the House of Representatives who could speak on that very issue spoke in favor of this bill earlier, Congressman CHRIS GIBSON from New York, who commanded a brigade in Afghanistan, where that picture was taken, and also a battalion in Iraq in 2005. And I would defer to his authority and military experience on that fact.

The real issue is accountability and restoring transparency and checks and balances to the executive branch so that the American people do not have the reach of government into their back pockets, into their personal lives, into their schools, into their communities, and frankly, in northern Kentucky, even into our sewer pipes, without the consent of the governed.

With that, I oppose the amendment, and I yield back the balance of my time.

Mr. SMITH of Texas. Mr. Chair, I oppose the amendment.

The amendment seeks to shield the Department of Homeland Security (DHS) from Congress' authority to approve regulations under the REINS Act. That shield should be denied.

For example, take the Department's rule to extend compliance deadlines for States to issue secure drivers' licenses under the REAL ID Act. Ten years after 9/11 hijackers used fraudulent licenses to board airplanes used to murder 3,000 innocent Americans, DHS continues to extend the deadline.

Another example is the Department's 2009 rule to recall the Bush Administration's "no-match" rule. That regulation helped companies to identify illegal workers and comply with Federal immigration law.

When the Obama Administration issued its rule to repeal "no-match," it put the interests of illegal immigrants above those of millions of unemployed Americans and legal immigrants.

This is the kind of decision making that takes place at the Department of Homeland Security. Congress should use every tool it can to reassert its authority over the legislative rulemaking functions it has delegated to DHS. The REINS Act is available to do that.

I urge my colleagues to oppose the amendment.

The CHAIR. The question is on the amendment offered by the gentlewoman from Texas (Ms. JACKSON LEE).

The question was taken; and the Chair announced that the noes appeared to have it.

Ms. JACKSON LEE. Mr. Chairman, I demand a recorded vote.

The CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentlewoman from Texas will be postponed.

#### AMENDMENT NO. 7 OFFERED BY MS. MOORE

The Acting CHAIR (Mr. WOMACK). It is now in order to consider amendment No. 7 printed in part B of House Report 112-311.

Ms. MOORE. I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 45, line 22, insert after the first period the following:

#### “§ 808. Exemption for certain rules

“Sections 801 through 807 of this chapter, as amended by the Regulations from the Executive in Need of Scrutiny Act of 2011 shall not apply in the case of any rule that relates to veterans or veterans affairs. This chapter, as in effect before the enactment of the Regulations from the Executive in Need of Scrutiny Act of 2011, shall continue to apply, after such enactment, to any such rule, as appropriate.”.

Page 24, in the matter preceding line 10, add after the item relating to section 807 the following new item:

#### 808. Exemption for certain rules.

The Acting CHAIR. Pursuant to House Resolution 479, the gentlewoman from Wisconsin (Ms. MOORE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from Wisconsin.

Ms. MOORE. Mr. Chairman, I yield myself such time as I may consume.

My amendment is very straightforward. It would exempt our Nation's veterans from the burdensome layers and hurdles that H.R. 10 imposes and adds to the administrative rulemaking process and would specifically remove veterans from the bill's so-called “reining” provisions that require a joint resolution of Congress before an agency puts forth a major rule to help our men and women in uniform when they become veterans and after they return home from service.

Many of my colleagues and I disagree with this bill for a variety of reasons, including the author's premise that reducing the administration's ability to regulate and promulgate rules will result in job creation. But whether or not

we agree on the direction and approach to best help and promote America's future, we all agree on some things. We all agree that the last thing we want to do is to pass legislation that will delay assistance to those veterans who have selflessly chosen to fight for our country and deserve every ounce of assistance we can provide them when they come back home.

Veterans deserve educational opportunity, rehabilitation for sometimes very severe disabilities, Mr. Chairman, mental health treatment for posttraumatic stress disorder, employment opportunities, and housing opportunities. Delaying rulemaking authority will have dire consequences for our veterans.

For example, Mr. Chair, one very disturbing issue for me has been the high rate of suicides among our servicemembers. We can't delay this kind of assistance. In fact, last year there were more deaths among our troops from suspected suicide than deaths from hostile combat.

We're facing an epidemic here at home, too. A recent report from the Center for New American Security noted that 1 percent of the population has served in the military, and yet those servicemembers represent 20 percent of all of the suicides in the United States.

Resources for the military are sparse. According to a recent Veterans Health Administration survey of mental health providers, 40 percent responded that they could not schedule a new appointment at their clinic within 14 days; 70 percent of surveyed facilities cited an inadequate number of staff to treat veterans; and 70 percent said that they just simply lacked space.

We also know that there's a serious unemployment barrier among our veterans as they return to civilian life. The unemployment rate among vets who served in Iraq and Afghanistan since 9/11 is 12.1 percent, substantially higher than the national average that we're so concerned about now. Unemployment among vets will spike as we end the war in Iraq. The last 20,000 troops are expected to arrive by the end of the year from Iraq. We can expect about an additional 10,000 veterans from Afghanistan to come home before the end of the year, and 23,000 by the end of 2012.

We just can't delay assistance to our veterans. This has been an area, Mr. Chairman, where Democrats and Republicans have typically come together and agreed. Yet H.R. 10, the REINS Act, will have unintended consequences and dangerous consequences for veterans who, of course, have received our undying gratitude and support.

I ask my colleagues to consider this amendment and support my amendment because this is not an area where we want to delay services to them. We don't want to subject our vets to the

politics of Washington and a gridlocked, hyperpartisan Congress that struggles even to extend unemployment insurance in a recession or the payroll tax to middle class people, let alone a credit default by something “so historically difficult” as raising the debt ceiling.

I just think that Americans will agree with me that our Nation's veterans deserve to be excluded from the gridlock that this will invariably cause. Let's come together once more to adopt this amendment, Mr. Chair, not just for the troops that need help, but for the troops that will be here in the near future.

I reserve the balance of my time.

Mr. DAVIS of Kentucky. Mr. Chairman, I rise in opposition to the amendment.

The Acting CHAIR. The gentleman is recognized for 5 minutes.

Mr. DAVIS of Kentucky. I yield myself such time as I may consume.

I respect my friend from Wisconsin with whom I have worked on numerous pieces of legislation related to child homelessness and affordable housing; but in this case I'm going to respectfully disagree with the premise of the legislation, as a veteran, as a former Army Ranger, as a flight commander of an assault helicopter unit in the 82nd Airborne Division and who served in the Middle East.

The one thing that I would say is that nothing in the REINS Act would in any way inhibit or impede the delivery of services to our veterans, of whom I have been a champion in my time in Congress on numerous pieces of legislation. What I would say is the REINS Act would provide a framework for discussion were there a rule to arise that hit that cost threshold to assure crisp, clear improvement, particularly in dealing with backlogs.

When we deal with the VA specifically, I have had area managers of the Veterans Administration point out specific rules that cause increased queuing and waiting time that were not being addressed. This amendment would actually prevent us from being able to address such things, were they to hit the threshold.

The amendment carves all regulations that affect veterans and veteran affairs out of the REINS Act congressional approval procedures. Frankly, the REINS Act supporters honor America's veterans. We have had America's veterans speaking in favor of this bill throughout the afternoon.

I believe that ultimately we are going to make decisions that will be in keeping with the will of the American people and in the best interests of those veterans as we move forward.

With that, I reserve the balance of my time.

Ms. MOORE. I thank the gentleman for responding, even though he doesn't agree with me. I'm just looking at

about at least 14 rules that have been implemented very expeditiously on behalf of our veterans since September 11. It is chilling to think about the delays that may be caused by an extra process.

With that, I yield back the balance of my time.

Mr. DAVIS of Kentucky. That's a point that the gentlewoman and I will agree to disagree on. I believe that we have seen the Congress move in an expedited manner in national security in dealing with our veterans, and there would be no difference under this legislation.

Ultimately, we know that Congress must approve all legislation relating to every agency of the Federal Government, and we'll be doing our constitutional duty, as I remind everybody listening, to restore transparency, accountability, and a check-and-balance so that our citizens and our voters can hold somebody in the government accountable instead of faceless bureaucrats.

□ 1610

It's a solution that everyone should support. Congress will be more accountable.

I ask all of my colleagues to oppose this amendment, and I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentlewoman from Wisconsin (Ms. MOORE). The question was taken; and the Acting Chair announced that the noes appeared to have it.

Ms. MOORE. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentlewoman from Wisconsin will be postponed.

#### ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, proceedings will now resume on those amendments printed in part B of House Report 112-311 on which further proceedings were postponed, in the following order:

Amendment No. 2 by Mr. JOHNSON of Georgia.

Amendment No. 3 by Mr. SCHRADER of Oregon.

Amendment No. 5 by Mrs. MCCARTHY of New York.

Amendment No. 6 by Ms. JACKSON LEE of Texas.

Amendment No. 7 by Ms. MOORE of Wisconsin.

The Chair will reduce to 2 minutes the minimum time for any electronic vote after the first vote in this series.

#### AMENDMENT NO. 2 OFFERED BY MR. JOHNSON OF GEORGIA

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Georgia (Mr. JOHNSON) on which further proceedings were

postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

#### RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 187, noes 236, not voting 10, as follows:

[Roll No. 895]

#### AYES—187

Ackerman	Garamendi	Olver
Altmire	Gonzalez	Owens
Andrews	Green, Al	Pallone
Baca	Green, Gene	Pascarelli
Baldwin	Grijalva	Pastor (AZ)
Bass (CA)	Gutierrez	Payne
Bass (NH)	Hahn	Pelosi
Becerra	Hanabusa	Perlmutter
Berkley	Hastings (FL)	Peters
Berman	Heinrich	Pingree (ME)
Bishop (GA)	Higgins	Polis
Bishop (NY)	Himes	Price (NC)
Blumenauer	Hinojosa	Quigley
Boswell	Hirono	Rahall
Brady (PA)	Hochul	Rangel
Braley (IA)	Holden	Reyes
Brown (FL)	Holt	Richardson
Butterfield	Honda	Richmond
Capps	Hoyer	Ross (AR)
Capuano	Inslee	Rothman (NJ)
Cardoza	Israel	Roybal-Allard
Carnahan	Jackson (IL)	Ruppersberger
Carney	Jackson Lee	Rush
Carson (IN)	(TX)	Ryan (OH)
Chandler	Johnson (GA)	Sánchez, Linda
Chu	Johnson, E. B.	T.
Cicilline	Kaptur	Sanchez, Loretta
Clarke (MI)	Keating	Sarbanes
Clarke (NY)	Kildee	Schakowsky
Clay	Kind	Schiff
Cleaver	Kissell	Schrader
Clyburn	Kucinich	Schwartz
Cohen	Langevin	Scott (VA)
Connolly (VA)	Larsen (WA)	Scott, David
Conyers	Larson (CT)	Serrano
Cooper	Lee (CA)	Sewell
Costa	Levin	Sherman
Costello	Lewis (GA)	Shuler
Courtney	Lipinski	Sires
Critz	Loebbeck	Slaughter
Crowley	Lofgren, Zoe	Smith (WA)
Cuellar	Lowe	Speier
Cummings	Lujan	Lynch
Davis (CA)	Maloney	Maloney
Davis (IL)	Markey	Matheson
DeFazio	Matheson	Matsui
DeGette	McCarthy (NY)	McCollum
DeLauro	McCollum	McDermott
Dent	McDermott	McGovern
Deutch	McIntyre	McNerney
Dicks	Meehan	Meeks
Dingell	Meeks	Michaud
Doggett	Miller (NC)	Miller, George
Donnelly (IN)	Miller, George	Moore
Doyle	Moran	Murphy (CT)
Edwards	Murphy (CT)	Napolitano
Ellison	Neal	Neal
Engel		
Eshoo		
Farr		
Fattah		
Filner		
Frank (MA)		
Fudge		

#### NOES—236

Adams	Barrow	Black
Aderholt	Bartlett	Blackburn
Akin	Barton (TX)	Bonner
Alexander	Benish	Bono Mack
Amash	Berg	Boren
Amodei	Biggert	Boustany
Austria	Bilbray	Brady (TX)
Bachus	Billirakis	Brooks
Barletta	Bishop (UT)	Brown (GA)

Buchanan	Hensarling	Poe (TX)
Bucshon	Herger	Pompeo
Buerkle	Herrera Beutler	Posey
Burgess	Huelskamp	Price (GA)
Burton (IN)	Huizenga (MI)	Quayle
Calvert	Hultgren	Reed
Camp	Hunter	Rehberg
Campbell	Hurt	Reichert
Canseco	Issa	Renacci
Cantor	Jenkins	Ribble
Capito	Johnson (IL)	Rigell
Carter	Johnson (OH)	Rivera
Cassidy	Johnson, Sam	Roby
Chabot	Jones	Roe (TN)
Chaffetz	Jordan	Rogers (AL)
Coble	Kelly	Rogers (KY)
Coffman (CO)	King (IA)	Rogers (MI)
Cole	King (NY)	Rohrabacher
Conaway	Kingston	Rokita
Cravaack	Kinzinger (IL)	Rooney
Crawford	Kline	Ros-Lehtinen
Crenshaw	Labrador	Roskam
Culberson	Lamborn	Ross (FL)
Davis (KY)	Lance	Royce
Denham	Landry	Runyan
DesJarlais	Lankford	Ryan (WI)
Dold	Latham	Scalise
Dreier	LaTourette	Schilling
Duffy	Latta	Schmidt
Duncan (SC)	Lewis (CA)	Schock
Duncan (TN)	LoBiondo	Schweikert
Ellmers	Long	Scott (SC)
Emerson	Lucas	Scott, Austin
Farenthold	Luetkemeyer	Sensenbrenner
Fincher	Lummis	Sessions
Fitzpatrick	Lungren, Daniel	Shimkus
Flake	E.	Shuster
Fleischmann	Mack	Simpson
Fleming	Manzullo	Smith (NE)
Flores	Marchant	Smith (NJ)
Forbes	Marino	Smith (TX)
Fortenberry	McCarthy (CA)	Southerland
Fox	McCauley	Stearns
Franks (AZ)	McClintock	Stivers
Frelinghuysen	McCotter	Stutzman
Gallely	McHenry	Sullivan
Gardner	McKeon	Terry
Garrett	McKinley	Thompson (PA)
Gerlach	McMorris	Thornberry
Gibbs	Rodgers	Tiberi
Gibson	Mica	Tipton
Gingrey (GA)	Miller (FL)	Turner (NY)
Goodlatte	Miller (MI)	Turner (OH)
Gosar	Miller, Gary	Upton
Gowdy	Mulvaney	Walberg
Granger	Murphy (PA)	Walden
Graves (GA)	Neugebauer	Noem
Graves (MO)	Nugent	Walsh (IL)
Griffin (AR)	Nunes	Webster
Griffith (VA)	Nunnelee	West
Grimm	Olson	Westmoreland
Guinta	Palazzo	Whitfield
Guthrie	Paul	Wilson (SC)
Hall	Paulsen	Wittman
Hanna	Pearce	Wolf
Harper	Pence	Womack
Harris	Peterson	Woodall
Hartzler	Petri	Yoder
Hastings (WA)	Pitts	Young (AK)
Hayworth	Platts	Young (IN)
Heck		

#### NOT VOTING—10

Bachmann	Gohmert	Wilson (FL)
Castor (FL)	Hinchey	Young (FL)
Diaz-Balart	Myrick	
Giffords	Nadler	

□ 1637

Messrs. BILBRAY, HERGER, CANTOR, FITZPATRICK, STIVERS, and SCHOCK changed their vote from "aye" to "no."

So the amendment was rejected.

The result of the vote was announced as above recorded.

#### AMENDMENT NO. 3 OFFERED BY MR. SCHRADER

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Oregon (Mr. SCHRADER) on which further proceedings were

postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

# RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This is a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 183, noes 238, not voting 12, as follows:

[Roll No. 896]

AYES—183

Ackerman	Fudge	Napolitano
Altmire	Garamendi	Neal
Andrews	Gibson	Oliver
Baca	Gonzalez	Owens
Baldwin	Green, Al	Pallone
Barrow	Green, Gene	Pascarell
Bass (CA)	Gutierrez	Pastor (AZ)
Becerra	Hahn	Payne
Berkley	Hanabusa	Pelosi
Berman	Hanna	Perlmutter
Bishop (GA)	Hastings (FL)	Peters
Bishop (NY)	Heinrich	Peterson
Blumenauer	Higgins	Pingree (ME)
Boren	Himes	Polis
Boswell	Hinojosa	Price (NC)
Brady (PA)	Hirono	Quigley
Braley (IA)	Hochul	Rahall
Brown (FL)	Holden	Rangel
Butterfield	Holt	Reyes
Capps	Honda	Richardson
Capuano	Hoyer	Richmond
Cardoza	Inslee	Ross (AR)
Carnahan	Israel	Rothman (NJ)
Carney	Jackson (IL)	Roybal-Allard
Carson (IN)	Jackson Lee	Ruppersberger
Chandler	(TX)	Rush
Chu	Johnson (GA)	Ryan (OH)
Cicilline	Johnson, E. B.	Sánchez, Linda T.
Clarke (MI)	Jones	Sanchez, Loretta
Clarke (NY)	Kaptur	Sarbanes
Clay	Keating	Schakowsky
Cleaver	Kildee	Schiff
Clyburn	Kind	Schrader
Cohen	Kissell	Schwartz
Connolly (VA)	Langevin	Scott, David
Cooper	Larsen (WA)	Serrano
Costa	Larson (CT)	Sewell
Costello	Lee (CA)	Sherman
Courtney	Levin	Shuler
Critz	Lewis (GA)	Sires
Crowley	Lipinski	Slaughter
Cuellar	Loeb sack	Smith (WA)
Cummings	Lofgren, Zoe	Speier
Davis (CA)	Lowey	Stark
Davis (IL)	Luján	Sutton
DeFazio	Lynch	Thompson (CA)
DeGette	Maloney	Thompson (MS)
DeLauro	Markey	Tierney
Deutch	Matheson	Tonko
Dicks	Matsui	Towns
Dingell	McCarthy (NY)	Van Hollen
Doggett	McClintock	Velázquez
Donnelly (IN)	McColum	Visclosky
Doyle	McGovern	Walz (MN)
Edwards	McIntyre	Waters
Ellison	McNerney	Watt
Engel	Meeks	Welch
Eshoo	Michaud	Wilson (FL)
Farr	Miller (NC)	Woolsey
Fattah	Miller, George	Yarmuth
Filner	Moore	
Frank (MA)	Murphy (CT)	

NOES—238

Adams	Bartlett	Black
Aderholt	Barton (TX)	Blackburn
Akin	Bass (NH)	Bonner
Alexander	Benishak	Bono Mack
Amash	Berg	Boustany
Amodei	Biggert	Brady (TX)
Austria	Bilbray	Brooks
Bachus	Bilirakis	Brown (GA)
Barletta	Bishop (UT)	Buchanan

Bucshon	Herger	Pompeo
Buerkle	Herrera Beutler	Posey
Burgess	Huelskamp	Price (GA)
Burton (IN)	Huizenga (MI)	Quayle
Calvert	Hultgren	Reed
Camp	Hunter	Rehberg
Campbell	Hurt	Reichert
Canseco	Issa	Renacci
Cantor	Jenkins	Ribble
Capito	Johnson (IL)	Rigell
Carter	Johnson (OH)	Rivera
Cassidy	Johnson, Sam	Roby
Chabot	Jordan	Roe (TN)
Chaffetz	Kelly	Rogers (AL)
Coble	King (IA)	Rogers (KY)
Coffman (CO)	King (NY)	Rogers (MI)
Cole	Kingston	Rohrabacher
Conaway	Kinzing (IL)	Rokita
Cravaack	Kline	Rooney
Crawford	Kucinich	Ros-Lehtinen
Crenshaw	Labrador	Roskam
Culberson	Lamborn	Ross (FL)
Davis (KY)	Lance	Royce
Denham	Landry	Runyan
Dent	Lankford	Ryan (WI)
DesJarlais	Latham	Scalise
Dold	LaTourette	Schilling
Dreier	Latta	Schmidt
Duffy	Lewis (CA)	Schock
Duncan (SC)	LoBiondo	Schweikert
Duncan (TN)	Long	Scott (SC)
Ellmers	Lucas	Scott (VA)
Emerson	Luetkemeyer	Scott, Austin
Farenthold	Lummis	Sensenbrenner
Fincher	Lungren, Daniel E.	Sessions
Fitzpatrick	Mack	Shimkus
Flake	Manzullo	Shuster
Fleischmann	Marchant	Simpson
Fleming	Marino	Smith (NE)
Flores	McCarthy (CA)	Smith (NJ)
Forbes	McCaul	Smith (TX)
Fortenberry	McCotter	Southerland
Fox	McDermott	Stearns
Franks (AZ)	McHenry	Stivers
Frelinghuysen	McKeon	Stutzman
Gallely	McKinley	Sullivan
Gardner	McMorris	Terry
Garrett	Rodgers	Thompson (PA)
Gerlach	Meehan	Thornberry
Gibbs	Mica	Tiberi
Gingrey (GA)	Miller (FL)	Tipton
Goodlatte	Miller (MI)	Tsongas
Gosar	Miller, Gary	Turner (NY)
Gowdy	Moran	Turner (OH)
Granger	Mulvaney	Upton
Graves (GA)	Murphy (PA)	Walberg
Graves (MO)	Neugebauer	Walden
Griffin (AR)	Noem	Walsh (IL)
Griffith (VA)	Nugent	Waxman
Grijalva	Nunes	Webster
Grimm	Nunnelee	West
Guinea	Olson	Westmoreland
Guthrie	Palazzo	Whitfield
Hall	Paulsen	Wilson (SC)
Harper	Pearce	Wittman
Harris	Pence	Wolf
Hartzer	Petri	Womack
Hastings (WA)	Pitts	Woodall
Hayworth	Platts	Yoder
Heck	Poe (TX)	Young (AK)
Hensarling		Young (IN)

NOT VOTING—12

Bachmann	Gohmert	Wasserman
Castor (FL)	Hinche	Schultz
Conyers	Myrick	Young (FL)
Diaz-Balart	Nadler	
Giffords	Paul	

□ 1642

Mr. AL GREEN of Texas changed his vote from “no” to “aye.”

Mr. SCOTT of South Carolina changed his vote from “present” to “no.”

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 5 OFFERED BY MRS. MCCARTHY OF NEW YORK

The Acting CHAIR. The unfinished business is the demand for a recorded

vote on the amendment offered by the gentlewoman from New York (Mrs. MCCARTHY) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

# RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This is a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 177, noes 246, not voting 10, as follows:

[Roll No. 897]

AYES—177

Ackerman	Gonzalez	Neal
Altmire	Green, Al	Oliver
Andrews	Green, Gene	Owens
Baca	Grijalva	Pallone
Baldwin	Gutierrez	Pascarell
Bass (CA)	Hahn	Pastor (AZ)
Becerra	Hanabusa	Payne
Berkley	Hastings (FL)	Pelosi
Berman	Heinrich	Peters
Bishop (NY)	Higgins	Pingree (ME)
Blumenauer	Himes	Polis
Boswell	Hinojosa	Price (NC)
Brady (PA)	Hirono	Quigley
Braley (IA)	Hochul	Rahall
Brown (FL)	Holden	Rangel
Butterfield	Holt	Reyes
Capps	Honda	Richardson
Capuano	Hoyer	Richmond
Carnahan	Inslee	Ross (AR)
Carney	Israel	Rothman (NJ)
Carson (IN)	Jackson (IL)	Roybal-Allard
Chandler	Jackson Lee	Ruppersberger
Chu	(TX)	Rush
Cicilline	Johnson (GA)	Ryan (OH)
Clarke (MI)	Johnson, E. B.	Sánchez, Linda T.
Clarke (NY)	Kaptur	Sanchez, Loretta
Clay	Keating	Sarbanes
Cleaver	Kildee	Schakowsky
Clyburn	Kind	Schiff
Cohen	Kissell	Schwartz
Connolly (VA)	Kucinich	Scott (VA)
Conyers	Langevin	Scott, David
Cooper	Larsen (WA)	Serrano
Costello	Larson (CT)	Sewell
Courtney	Lee (CA)	Sherman
Critz	Levin	Shuler
Crowley	Lewis (GA)	Sires
Cuellar	Lipinski	Slaughter
Cummings	Loeb sack	Smith (WA)
Davis (CA)	Lofgren, Zoe	Speier
Davis (IL)	Lowey	Stark
DeFazio	Luján	Sutton
DeGette	Lynch	Thompson (CA)
DeLauro	Maloney	Thompson (MS)
Deutch	Markey	Tierney
Dicks	Matsui	Tonko
Dingell	McCarthy (NY)	Towns
Doggett	McColum	Tsongas
Donnelly (IN)	McDermott	Van Hollen
Doyle	McGovern	Velázquez
Edwards	McIntyre	Visclosky
Ellison	McNerney	Walz (MN)
Engel	Meeks	Waters
Eshoo	Michaud	Watt
Farr	Miller (NC)	Welch
Fattah	Miller, George	Wilson (FL)
Filner	Moore	Woolsey
Frank (MA)	Moran	Yarmuth
Fudge	Murphy (CT)	
Garamendi	Napolitano	

NOES—246

Adams	Bachus	Berg
Aderholt	Barletta	Biggert
Akin	Barrow	Bilbray
Alexander	Bartlett	Bilirakis
Amash	Barton (TX)	Bishop (GA)
Amodei	Bass (NH)	Bishop (UT)
Austria	Benishak	Black



Blackburn Harper  
Bonner Harris  
Bono Mack Hartzler  
Boren Hastings (WA)  
Boustany Hayworth  
Brooks Heck  
Broun (GA) Hensarling  
Buchanan Herger  
Buchshon Herrera Beutler  
Buerkle Huelskamp  
Burgess Huizenga (MI)  
Burton (IN) Hultgren  
Calvert Hunter  
Camp Hurt  
Campbell Issa  
Canseco Jenkins  
Cantor Johnson (IL)  
Capito Johnson (OH)  
Cardoza Johnson, Sam  
Carter Jones  
Cassidy Jordan  
Chabot Kelly  
Chaffetz King (IA)  
Coble King (NY)  
Coffman (CO) Kingston  
Cole Kinzinger (IL)  
Conaway Kline  
Costa Labrador  
Cravaack Lamborn  
Crawford Lance  
Crenshaw Landry  
Culberson Lankford  
Davis (KY) Latham  
Denham LaTourette  
Dent Latta  
DesJarlais Lewis (CA)  
Dold LoBiondo  
Dreier Long  
Duffy Lucas  
Duncan (SC) Luetkemeyer  
Duncan (TN) Lummis  
Ellmers Lungren, Daniel  
Emerson E.  
Farenthold Mack  
Fincher Manzullo  
Fitzpatrick Marchant  
Flake Marino  
Fleischmann Matheson  
Fleming McCarthy (CA)  
Flores McCaul  
Forbes McClintock  
Fortenberry McCotter  
Foxy McHenry  
Franks (AZ) McKeon  
Frelinghuysen McKinley  
Gallegly McMorris  
Gardner Rodgers  
Garrett Meehan  
Gerlach Mica  
Gibbs Miller (FL)  
Gibson Miller (MI)  
Gingrey (GA) Miller, Gary  
Gohmert Mulvaney  
Goodlatte Murphy (PA)  
Gosar Neugebauer  
Gowdy Noem  
Granger Nugent  
Graves (GA) Nunes  
Graves (MO) Nunelee  
Griffin (AR) Olson  
Griffith (VA) Palazzo  
Grimm Paul  
Guinta Paulsen  
Guthrie Pearce  
Hall Pence  
Hanna Perlmutter

## NOT VOTING—10

Bachmann Giffords  
Brady (TX) Hinchey  
Castor (FL) Myrick  
Diaz-Balart Nadler

## ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR (during the vote).  
There is 1 minute remaining.

□ 1645

So the amendment was rejected.

The result of the vote was announced  
as above recorded.

AMENDMENT NO. 6 OFFERED BY MS. JACKSON  
LEE OF TEXAS

The Acting CHAIR. The unfinished  
business is the demand for a recorded  
vote on the amendment offered by the  
gentlewoman from Texas (Ms. JACKSON  
LEE) on which further proceedings were  
postponed and on which the noes pre-  
vailed by voice vote.

The Clerk will redesignate the  
amendment.

The Clerk redesignated the amend-  
ment.

## RECORDED VOTE

The Acting CHAIR. A recorded vote  
has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This is a 2-  
minute vote.

The vote was taken by electronic de-  
vice, and there were—ayes 177, noes 242,  
not voting 14, as follows:

[Roll No. 898]

## AYES—177

Ackerman Fudge  
Altmire Garamendi  
Andrews Gonzalez  
Baca Green, Al  
Baldwin Green, Gene  
Bass (CA) Grijalva  
Becerra Gutierrez  
Berkley Hahn  
Berman Hanabusa  
Bishop (NY) Hastings (FL)  
Heinrich  
Higgins  
Himes  
Hinojosa  
Hochul  
Holden  
Holt  
Honda  
Hoyer  
Inslee  
Israel  
Jackson (IL)  
Jackson Lee  
(TX)  
Johnson (GA)  
Johnson, E. B.  
Kaptur  
Keating  
Kildee  
Kissell  
Kucinich  
Langevin  
Larsen (WA)  
Larson (CT)  
Lee (CA)  
Levin  
Lewis (GA)  
Lipinski  
Loebsack  
Lofgren, Zoe  
Lowey  
Luján  
Lynch  
Markey  
Matheson  
Matsui  
McCarthy (NY)  
McCollum  
McDermott  
McGovern  
McIntyre  
McNerney  
Meeks  
Michaud  
Miller (NC)  
Miller, George  
Moore  
Moran  
Murphy (CT)  
Napolitano

## NOES—242

Adams Akin  
Aderholt Alexander  
Amash  
Amodei

Austria  
Bachus  
Barletta  
Barrow  
Bartlett  
Bass (NH)  
Benishek  
Berg  
Biggert  
Billbray  
Bilirakis  
Bishop (GA)  
Bishop (UT)  
Black  
Blackburn  
Bonner  
Bono Mack  
Boren  
Boustany  
Brady (TX)  
Brooks  
Broun (GA)  
Buchanan  
Buchshon  
Buerkle  
Burgess  
Burton (IN)  
Calvert  
Camp  
Campbell  
Canseco  
Cantor  
Capito  
Carter  
Cassidy  
Chabot  
Chaffetz  
Coble  
Coffman (CO)  
Cole  
Conaway  
Costa  
Cravaack  
Crawford  
Crenshaw  
Culberson  
Davis (KY)  
Denham  
Dent  
DesJarlais  
Dold  
Dreier  
Duffy  
Duncan (SC)  
Duncan (TN)  
Ellmers  
Emerson  
Farenthold  
Fincher  
Fitzpatrick  
Flake  
Fleischmann  
Fleming  
Flores  
Forbes  
Fortenberry  
Foxy  
Franks (AZ)  
Frelinghuysen  
Gallegly  
Gardner  
Garrett  
Gerlach  
Gibbs  
Gibson  
Gingrey (GA)  
Gohmert  
Goodlatte  
Gosar  
Gowdy  
Granger  
Graves (GA)  
Graves (MO)  
Griffin (AR)  
Griffith (VA)  
Grimm  
Guinta  
Guthrie  
Hall  
Hanna

## NOT VOTING—14

Bachmann Hinchey  
Barton (TX) Hirono  
Castor (FL) Kind  
Diaz-Balart Myrick  
Giffords Nadler

## ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR (during the vote).  
There is 1 minute remaining.

□ 1649

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 7 OFFERED BY MS. MOORE

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentlewoman from Wisconsin (Ms. MOORE) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This is a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 183, noes 240, not voting 10, as follows:

[Roll No. 899]

AYES—183

Ackerman	Green, Gene	Owens
Altmire	Grijalva	Pallone
Andrews	Gutierrez	Pascarell
Baca	Hahn	Pastor (AZ)
Baldwin	Hanabusa	Payne
Bass (CA)	Hastings (FL)	Pelosi
Becerra	Heinrich	Perlmutter
Berkley	Higgins	Peters
Berman	Himes	Pingree (ME)
Bishop (NY)	Hinojosa	Polis
Boswell	Hirono	Price (NC)
Brady (PA)	Hochul	Quigley
Braley (IA)	Holden	Rahall
Brown (FL)	Holt	Rangel
Butterfield	Honda	Reyes
Capps	Hoyer	Richardson
Capuano	Inslee	Richmond
Cardoza	Israel	Ross (AR)
Carnahan	Jackson (IL)	Rothman (NJ)
Carney	Jackson Lee	Roybal-Allard
Carson (IN)	(TX)	Ruppersberger
Chandler	Johnson (GA)	Rush
Chu	Johnson, E. B.	Ryan (OH)
Cicilline	Jones	Sánchez, Linda T.
Clarke (MI)	Kaptur	Sanchez, Loretta
Clarke (NY)	Keating	Sarbanes
Clay	Kildee	Schakowsky
Cleaver	Kind	Schiff
Clyburn	Kissell	Schrader
Cohen	Kucinich	Schwartz
Connolly (VA)	Langevin	Scott (VA)
Conyers	Larsen (WA)	Scott, David
Cooper	Larson (CT)	Serrano
Costa	Lee (CA)	Sewell
Costello	Levin	Sherman
Courtney	Lewis (GA)	Shuler
Critz	Lipinski	Sires
Crowley	Loebach	Slaughter
Cuellar	Lofgren, Zoe	Smith (WA)
Davis (CA)	Lowey	Speier
Davis (IL)	Lujan	Stark
DeFazio	Lynch	Sutton
DeGette	Maloney	Thompson (CA)
DeLauro	Markey	Thompson (MS)
Deutch	Matheson	Tierney
Dicks	Matsui	Tonko
Dingell	McCarthy (NY)	Towns
Doggett	McCollum	Tsongas
Donnelly (IN)	McDermott	Van Hollen
Doyle	McGovern	Velázquez
Edwards	McIntyre	Visclosky
Ellison	McNerney	Walz (MN)
Engel	Meeks	Wasserman
Eshoo	Michaud	Schultz
Farr	Miller (NC)	Waters
Fattah	Miller, George	Watt
Filner	Moore	Waxman
Frank (MA)	Moran	Welch
Fudge	Murphy (CT)	Wilson (FL)
Garamendi	Napolitano	Woolsey
Gonzalez	Neal	Yarmuth
Green, Al	Oliver	

NOES—240

Gingrey (GA)	Nunnelee
Gohmert	Olson
Goodlatte	Palazzo
Gosar	Paul
Gowdy	Paulsen
Granger	Pearce
Graves (GA)	Pence
Graves (MO)	Peterson
Griffin (AR)	Petri
Griffith (VA)	Pitts
Grimm	Platts
Guinta	Poe (TX)
Guthrie	Pompeo
Hall	Posey
Hanna	Price (GA)
Harper	Quayle
Harris	Reed
Hartzler	Rehberg
Hastings (WA)	Reichert
Hayworth	Renacci
Heck	Ribble
Hensarling	Rigell
Herger	Rivera
Herrera Beutler	Roby
Huelskamp	Roe (TN)
Huizenga (MI)	Rogers (AL)
Hultgren	Rogers (KY)
Hunter	Rogers (MI)
Hurt	Rohrabacher
Issa	Rokita
Jenkins	Rooney
Johnson (IL)	Ros-Lehtinen
Johnson (OH)	Roskam
Johnson, Sam	Ross (FL)
Jordan	Royce
Kelly	Runyan
King (IA)	Ryan (WI)
King (NY)	Scalise
Kingston	Schilling
Kinzinger (IL)	Schmidt
Kline	Schock
Labrador	Schweikert
Lamborn	Scott (SC)
Lance	Scott, Austin
Landry	Sensenbrenner
Lankford	Sessions
Latham	Shimkus
LaTourette	Shuster
Latta	Simpson
Lewis (CA)	Smith (NE)
LoBiondo	Smith (NJ)
Long	Smith (TX)
Lucas	Southerland
Luetkemeyer	Stearns
Lummis	Stivers
Lungren, Daniel E.	Stutzman
Mack	Sullivan
Duffy	Terry
Manzullo	Thompson (PA)
Marchant	Thornberry
Marino	Tiberi
McCarthy (CA)	Tipton
McCaul	Turner (NY)
McClintock	Turner (OH)
McCotter	Upton
McHenry	Walberg
McKeon	Walden
McKinley	Walsh (IL)
McMorris	Webster
Rodgers	West
Meehan	Westmoreland
Mica	Whitfield
Miller (FL)	Wilson (SC)
Miller (MI)	Wittman
Miller, Gary	Wolf
Mulvaney	Womack
Murphy (PA)	Woodall
Neugebauer	Yoder
Noem	Young (AK)
Nugent	Young (IN)
Nunes	

NOT VOTING—10

Bachmann	Diaz-Balart	Nadler
Bishop (UT)	Giffords	Young (FL)
Castor (FL)	Hinchey	
Cummings	Myrick	

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR (during the vote). There is 1 minute remaining.

□ 1653

So the amendment was rejected.

The result of the vote was announced as above recorded.

The Acting CHAIR (Mr. WEST). There being no further amendments, under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. WOMACK) having assumed the chair, Mr. WEST, Acting Chair of the Committee of the Whole House on the state of the Union, reported that that Committee, having had under consideration the bill (H.R. 10) to amend chapter 8 of title 5, United States Code, to provide that major rules of the executive branch shall have no force or effect unless a joint resolution of approval is enacted into law, and, pursuant to House Resolution 479, reported the bill, as amended by that resolution, back to the House with a further amendment adopted in the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

The question is on the amendment.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT

Ms. DELAURO. Mr. Speaker, I have a motion to recommit at the desk.

The SPEAKER pro tempore. Is the gentlewoman opposed to the bill?

Ms. DELAURO. I am opposed in its current form.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Ms. DELAURO moves to recommit the bill H.R. 10 to the Committee on the Judiciary with instructions to report the same back to the House forthwith, with the following amendment:

Page 45, line 22, insert after the first period the following:

**“§ 808. Protection of Food Safety and Consumer's Right to Know through Country-of-Origin Labeling**

“Sections 801 through 807 of this chapter, as amended by the Regulations from the Executive in Need of Scrutiny Act of 2011 shall not apply in the case of any rule regarding country of origin labeling. This chapter, as in effect before the enactment of the Regulations from the Executive in Need of Scrutiny Act of 2011, shall continue to apply, after such enactment, to any such rule, as appropriate.”.

The SPEAKER pro tempore. The gentlewoman from Connecticut is recognized for 5 minutes.

Ms. DELAURO. Mr. Speaker, I rise to offer a motion that would exempt country of origin labeling from the regulations affected by this legislation. This is the final amendment to the bill, which will not kill it or send it back to

committee. Instead, we will move to final passage on the bill, as amended.

We have had a heated debate over this act. I have very strong concerns about it. But however one feels about the legislation before us, we should all be able to agree on fundamental principles.

First, that it is the responsibility of this institution and of government to see that the health and the safety of American families are protected. This includes protecting Americans from unsafe and contaminated food. And, second, the consumer should be able to know where the food and products they buy come from so that they can make informed decisions about their purchases, as they should be able to in a free market.

That is what country of origin labeling does, and it is why my final amendment simply exempts country of origin labeling from the underlying bill before us. It gives us an opportunity to come together in a bipartisan way to protect the health and safety of our constituents and to give the American public the information they need and clearly want to make informed decisions for their families.

More than 40 other countries we trade with have a country of origin labeling system in place, and the majority of American consumers continue to support country of origin labeling.

We know that food-borne illnesses are a major public health threat. They account for roughly 48 million illnesses, 100,000 hospitalizations and over 3,000 deaths in this country every year. Every year one in every six Americans become sick from the food that they eat. Our youngest and oldest Americans are the most vulnerable to these illnesses, and right now roughly 80 percent of the seafood and 60 percent of the fruits and vegetables consumed in the United States have been produced outside our borders.

Amid all this imported food, our ability to ensure that food products are safe and not contaminated is dwindling. The FDA inspects less than 2 percent of the imported food in its jurisdiction. Yet, 70 percent of the apple juice we drink was produced in China, roughly 90 percent of the shrimp that we eat was produced outside of the United States. Across this 2 percent, the FDA finds a frighteningly large number of shipments with dangerous food safety violations, including the presence of pathogens and chemical contamination.

Families should be able to know where their food is coming from. Just this morning, a Japanese food producer announced the recall of 400,000 cans of infant formula after traces of radioactive cesium were found in the company's milk powder. And after the Fukushima disaster earlier this year, Americans were concerned about the safety of seafood imports.

I do not want to single out any one country. Sadly, food-borne disease outbreaks are frighteningly normal, both here and abroad. We recently experienced a listeria outbreak in cantaloupes which sickened at least 139 people and killed 29 more. Germany saw an E. coli crisis this summer that killed dozens and sickened thousands. In 2010, we saw a salmonella outbreak in crushed pepper that sickened 272 people, and another salmonella outbreak that resulted in the recall of over half a billion eggs and almost 2,000 Americans becoming ill.

Country of origin labeling does not lead to American job losses or bankrupt the food industry; it simply lets consumers know where their food comes from.

That is particularly important in this economy, when not only food inspectors, but food producers are stretched thin. Consumers should be able to know when they are buying foods that were grown, raised, or produced right here in America.

□ 1700

They have the right to know where their food was produced and to make their own choices about the food that they buy.

In the past, there has been a bipartisan consensus that country-of-origin labeling is a good idea, that it keeps families safe, and that it supports American farmers. In fact, the chairman, my counterpart on the Labor-HHS-Education Appropriations Subcommittee, Congressman REHBERG of Montana, has been a leader in ensuring strong country-of-origin labeling. We should continue that bipartisan commitment today. Exempt country-of-origin labeling from the REINS Act.

I urge my colleagues to stand up for public health, consumers' right to know, and American businesses. Support this final amendment.

Mr. DAVIS of Kentucky. Mr. Speaker, I rise in opposition to the motion to recommit.

The SPEAKER pro tempore. The gentleman is recognized for 5 minutes.

Mr. DAVIS of Kentucky. Mr. Speaker, this motion is a distraction. It misses the point of this legislation entirely. We are here today to restore accountability for the regulations with the biggest impact on our economy.

Good, bad or ugly—and our regulatory code includes all three—Congress should be accountable for regulations that cost the American people \$100 million or more annually.

The REINS Act simply says that Congress must vote on these regulations, these major rules, before they can be enforced on the American people. Essentially, this motion to recommit repeats part of an exclusion already attempted in the McCarthy amendment that the House just voted down. It's purely a political motion.

The REINS Act has been the subject of two hearings and a markup in the Judiciary Committee and was subject to an additional markup in the Rules Committee. Today, we have had a robust debate on the bill and seven amendments, five of which were offered by colleagues in the minority.

Congress has a bipartisan bad habit writing vague legislation that sounds nice, but leaves the dirty work to unelected bureaucrats in administrative agencies. This practice has allowed the Congress to claim credit for popular aspects of laws, and blame regulatory agencies for increased costs or the otherwise negative effects of the regulations.

Agencies are also starting to bypass Congress by writing regulations that stretch the bounds of their delegated authorities. The administration has declared an intent to pursue their agenda by pushing items they could not get through Congress through regulatory actions instead. Indeed, laws they could not pass in Democratic supermajorities in the last Congress are now being attempted, against the will of the Congress, to be implemented by regulation.

What we have proposed in the REINS Act is very simple: Congress should at the very least be accountable for regulations with \$100 million of annual economic impact or more. These rules are classified by the administration as major rules.

The REINS Act is not anti-regulation, and it is not pro-regulation. What we're saying is let's have a transparent and accountable process for implementing new regulations.

According to a recent Gallup Poll, small business owners cited complying with government regulation as the biggest problem facing them today. Public Notice did a poll recently that found that a majority of Americans believe Congress should approve regulations before they can be enforced.

Our economy is struggling to recover, and more than 13 million Americans are still out of work. Congress needs to do a much better job of creating a pro-growth environment that increases our competitiveness and rewards entrepreneurship and ingenuity.

Everyone agrees that regulations can have a significant and detrimental impact on jobs and our economy. Even President Obama described regulations that stifle innovation and have a chilling effect on growth and jobs in an op-ed for The Wall Street Journal earlier this year.

The REINS Act lays down a marker to say that Congress should be directly accountable for the most expensive regulations that could stifle innovation and have a chilling effect on growth and jobs.

In the words of the great Speaker from Cincinnati, Ohio, Nicholas Longworth, I ask all of my colleagues to

strike a blow for liberty, to vote for accountability. I oppose the motion to recommit. Vote against the motion to recommit. Support the REINS Act.

I yield back the balance of my time.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

#### RECORDED VOTE

Ms. DELAURO. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. Pursuant to clause 9 of rule XX, the Chair will reduce to 5 minutes the minimum time for any electronic vote on the question of passage.

The vote was taken by electronic device, and there were—ayes 183, noes 235, not voting 15, as follows:

#### [Roll No. 900]

##### AYES—183

Ackerman	Frank (MA)	Moore
Altmire	Garamendi	Moran
Andrews	Gonzalez	Murphy (CT)
Baca	Green, Al	Napolitano
Baldwin	Green, Gene	Neal
Barrow	Grijalva	Oliver
Becerra	Gutierrez	Owens
Berkley	Hahn	Pallone
Berman	Hanabusa	Pascarella
Bishop (GA)	Hastings (FL)	Pastor (AZ)
Bishop (NY)	Heinrich	Pelosi
Blumenauer	Higgins	Perlmutter
Boren	Himes	Peters
Boswell	Hinojosa	Peterson
Brady (PA)	Hirono	Pingree (ME)
Braley (IA)	Hochul	Polis
Brown (FL)	Holden	Price (NC)
Butterfield	Holt	Quigley
Capps	Honda	Rahall
Capuano	Hoyer	Rangel
Cardoza	Inslee	Reyes
Carnahan	Israel	Richardson
Carney	Jackson (IL)	Richmond
Carson (IN)	Jackson Lee	Ross (AR)
Chandler	(TX)	Rothman (NJ)
Chu	Johnson (GA)	Roybal-Allard
Cicilline	Johnson, E. B.	Ruppersberger
Clarke (MI)	Jones	Rush
Clay	Kaptur	Ryan (OH)
Clyburn	Keating	Sánchez, Linda
Cohen	Kildee	T.
Connolly (VA)	Kind	Sanchez, Loretta
Cooper	Kissell	Sarbanes
Costa	Kucinich	Schakowsky
Costello	Langevin	Schiff
Courtney	Larsen (WA)	Schrader
Critz	Larson (CT)	Schwartz
Crowley	Levin	Scott (VA)
Cuellar	Lewis (GA)	Scott, David
Cummings	Lipinski	Serrano
Davis (CA)	Loebach	Sewell
Davis (IL)	Lofgren, Zoe	Sherman
DeFazio	Lowey	Shuler
DeGette	Luján	Sires
DeLauro	Lynch	Slaughter
Deutsch	Maloney	Smith (WA)
Dicks	Markey	Speier
Dingell	Matheson	Stark
Doggett	Matsui	Sutton
Donnelly (IN)	McCarthy (NY)	Thompson (CA)
Doyle	McCollum	Thompson (MS)
Duncan (TN)	McDermott	Tierney
Edwards	McGovern	Tonko
Ellison	McIntyre	Towns
Engel	McNerney	Tsongas
Eshoo	Meeks	Van Hollen
Farr	Michaud	Velázquez
Fattah	Miller (NC)	Visclosky
Filner	Miller, George	Walz (MN)

Wasserman  
Schultz  
Waters

Watt  
Waxman  
Welch

Wilson (FL)  
Woolsey  
Yarmuth

#### NOES—235

Adams	Goodlatte	Nunnelee
Aderholt	Gosar	Olson
Akin	Gowdy	Palazzo
Alexander	Granger	Paul
Amash	Graves (GA)	Paulsen
Amodei	Graves (MO)	Pearce
Austria	Griffin (AR)	Pence
Bachus	Griffith (VA)	Petri
Barletta	Grimm	Pitts
Bartlett	Guinta	Platts
Barton (TX)	Guthrie	Poe (TX)
Bass (NH)	Hall	Pompeo
Benishek	Hanna	Posey
Berg	Harper	Price (GA)
Biggert	Harris	Quayle
Bilbray	Hartzler	Reed
Bilirakis	Hastings (WA)	Rehberg
Bishop (UT)	Hayworth	Reichert
Black	Heck	Renacci
Blackburn	Hensarling	Ribble
Bonner	Herger	Rigell
Bono Mack	Herrera Beutler	Rivera
Boustany	Huelskamp	Roby
Brady (TX)	Huizenga (MI)	Roe (TN)
Brooks	Hultgren	Rogers (AL)
Broun (GA)	Hunter	Rogers (KY)
Buchanan	Hurt	Rogers (MI)
Bucshon	Issa	Rohrabacher
Buerkle	Jenkins	Rokita
Burgess	Johnson (IL)	Rooney
Burton (IN)	Johnson (OH)	Ros-Lehtinen
Calvert	Johnson, Sam	Roskam
Camp	Jordan	Ross (FL)
Campbell	Kelly	Royce
Canseco	King (IA)	Runyan
Cantor	King (NY)	Ryan (WI)
Capito	Kingston	Scalise
Carter	Kinzinger (IL)	Schilling
Cassidy	Kline	Schmidt
Chabot	Labrador	Schock
Chaffetz	Lamborn	Schweikert
Coble	Lance	Scott (SC)
Coffman (CO)	Landry	Scott, Austin
Cole	Lankford	Sensenbrenner
Conaway	Latham	Sessions
Cravaack	LaTourette	Shimkus
Crawford	Latta	Shuster
Crenshaw	Lewis (CA)	Simpson
Culberson	LoBiondo	Smith (NE)
Davis (KY)	Long	Smith (NJ)
Denham	Lucas	Smith (TX)
Dent	Luetkemeyer	Southernland
DesJarlais	Lummis	Stearns
Dold	Lungren, Daniel	Stivers
Dreier	E.	Stutzman
Duffy	Mack	Sullivan
Duncan (SC)	Manzullo	Terry
Ellmers	Marchant	Thompson (PA)
Emerson	Marino	Thornberry
Farenthold	McCarthy (CA)	Tiberi
Fincher	McCaul	Tipton
Fitzpatrick	McClintock	Turner (NY)
Flake	McCotter	Turner (OH)
Fleischmann	McHenry	Upton
Fleming	McKeon	Walberg
Flores	McKinley	Walden
Forbes	McMorris	Walsh (IL)
Fortenberry	Rodgers	Webster
Fox	Meehan	West
Franks (AZ)	Mica	Westmoreland
Frelinghuysen	Miller (FL)	Whitfield
Galleghy	Miller (MI)	Wilson (SC)
Gardner	Miller, Gary	Wittman
Garrett	Mulvaney	Wolf
Gerlach	Murphy (PA)	Womack
Gibbs	Neugebauer	Woodall
Gibson	Noem	Yoder
Gingrey (GA)	Nugent	Young (AK)
Gohmert	Nunes	Young (IN)

#### NOT VOTING—15

Bachmann	Conyers	Lee (CA)
Bass (CA)	Diaz-Balart	Myrick
Castor (FL)	Fudge	Nadler
Clarke (NY)	Giffords	Payne
Cleaver	Hinchey	Young (FL)

#### ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There is 1 minute remaining.

□ 1723

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

#### RECORDED VOTE

Mr. SCOTT of Virginia. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 241, noes 184, not voting 8, as follows:

#### [Roll No. 901]

##### AYES—241

Adams	Fleming	Luetkemeyer
Aderholt	Flores	Lummis
Akin	Forbes	Lungren, Daniel
Alexander	Fortenberry	E.
Amash	Fox	Mack
Amodei	Franks (AZ)	Manzullo
Austria	Frelinghuysen	Marchant
Bachus	Galleghy	Marino
Barletta	Gardner	McCarthy (CA)
Barrow	Garrett	McCaul
Bartlett	Gerlach	McClintock
Barton (TX)	Gibbs	McCotter
Bass (NH)	Gibson	McHenry
Benishek	Gingrey (GA)	McIntyre
Berg	Gohmert	McKeon
Biggert	Goodlatte	McKinley
Bilbray	Gosar	McMorris
Bilirakis	Gowdy	Rodgers
Bishop (UT)	Granger	Meehan
Black	Graves (GA)	Mica
Blackburn	Graves (MO)	Miller (FL)
Bonner	Griffin (AR)	Miller (MI)
Bono Mack	Griffith (VA)	Miller, Gary
Boren	Grimm	Mulvaney
Boustany	Guinta	Murphy (PA)
Brady (TX)	Guthrie	Neugebauer
Brooks	Hall	Noem
Broun (GA)	Hanna	Nugent
Buchanan	Harper	Nunes
Bucshon	Harris	Nunnelee
Buerkle	Hartzler	Olson
Burgess	Hastings (WA)	Palazzo
Burton (IN)	Hayworth	Paul
Calvert	Heck	Paulsen
Camp	Hensarling	Pearce
Campbell	Herger	Pence
Canseco	Herrera Beutler	Peterson
Cantor	Huelskamp	Petri
Capito	Huizenga (MI)	Pitts
Carter	Hultgren	Platts
Cassidy	Hunter	Poe (TX)
Chabot	Hurt	Pompeo
Chaffetz	Issa	Posey
Coble	Jenkins	Price (GA)
Coffman (CO)	Johnson (IL)	Quayle
Cole	Johnson (OH)	Reed
Conaway	Johnson, Sam	Rehberg
Cravaack	Jones	Reichert
Crawford	Jordan	Renacci
Crenshaw	Kelly	Ribble
Culberson	King (IA)	Rigell
Davis (KY)	King (NY)	Rivera
Denham	Kingston	Roby
Dent	Kinzinger (IL)	Roe (TN)
DesJarlais	Kline	Rogers (AL)
Dold	Labrador	Rogers (KY)
Dreier	Lamborn	Rogers (MI)
Duffy	Lance	Rohrabacher
Duncan (SC)	Landry	Rokita
Duncan (TN)	Lankford	Rooney
Ellmers	Latham	Ros-Lehtinen
Emerson	LaTourette	Roskam
Farenthold	Latta	Ross (FL)
Fincher	Lewis (CA)	Royce
Fitzpatrick	LoBiondo	Runyan
Flake	Long	Ryan (WI)
Fleischmann	Lucas	Scalise

Schilling	Southerland	Walden
Schmidt	Stearns	Walsh (IL)
Schock	Stivers	Webster
Schweikert	Stutzman	West
Scott (SC)	Sullivan	Westmoreland
Scott, Austin	Terry	Whitfield
Sensenbrenner	Thompson (PA)	Wilson (SC)
Sessions	Thornberry	Wittman
Shimkus	Tiberi	Wolf
Shuster	Tipton	Womack
Simpson	Turner (NY)	Woodall
Smith (NE)	Turner (OH)	Yoder
Smith (NJ)	Upton	Young (AK)
Smith (TX)	Walberg	Young (IN)

## NOES—184

Ackerman	Gonzalez	Pallone
Altire	Green, Al	Pascarell
Andrews	Green, Gene	Pastor (AZ)
Baca	Grijalva	Payne
Baldwin	Gutierrez	Pelosi
Bass (CA)	Hahn	Perlmutter
Becerra	Hanabusa	Peters
Berkley	Hastings (FL)	Pingree (ME)
Berman	Heinrich	Polis
Bishop (GA)	Higgins	Price (NC)
Bishop (NY)	Himes	Quigley
Blumenauer	Hinojosa	Rahall
Boswell	Hirono	Rangel
Brady (PA)	Hochul	Reyes
Braley (IA)	Holden	Richardson
Brown (FL)	Holt	Richmond
Butterfield	Honda	Ross (AR)
Capps	Hoyer	Rothman (NJ)
Capuano	Inslee	Roybal-Allard
Cardoza	Israel	Ruppersberger
Carnahan	Jackson (IL)	Rush
Carney	Jackson Lee	Ryan (OH)
Carson (IN)	(TX)	Sánchez, Linda
Chandler	Johnson (GA)	T.
Chu	Johnson, E. B.	Sanchez, Loretta
Cicilline	Keating	Sarbanes
Clarke (MI)	Kildee	Schakowsky
Clarke (NY)	Kind	Schiff
Clay	Kissell	Schrader
Cleaver	Kucinich	Schwartz
Clyburn	Langevin	Scott (VA)
Cohen	Larsen (WA)	Scott, David
Connolly (VA)	Larson (CT)	Serrano
Conyers	Lee (CA)	Sewell
Cooper	Levin	Sherman
Costa	Lewis (GA)	Shuler
Costello	Lipinski	Sires
Courtney	Loebach	Slaughter
Critz	Lofgren, Zoe	Smith (WA)
Crowley	Lowey	Speier
Cuellar	Luján	Stark
Cummings	Lynch	Sutton
Davis (CA)	Maloney	Thompson (CA)
Davis (IL)	Markey	Thompson (MS)
DeFazio	Matheson	Tierney
DeGette	Matsui	Tonko
DeLauro	McCarthy (NY)	Towns
Deutch	McCollum	Tsongas
Dicks	McDermott	Van Hollen
Dingell	McGovern	Velázquez
Doggett	McNerney	Visclosky
Donnelly (IN)	Meeks	Walz (MN)
Doyle	Michaud	Wasserman
Edwards	Miller (NC)	Schultz
Ellison	Miller, George	Waters
Engel	Moore	Watt
Eshoo	Moran	Waxman
Farr	Murphy (CT)	Welch
Fattah	Napolitano	Wilson (FL)
Filner	Neal	Woolsey
Frank (MA)	Oliver	Yarmuth
Fudge	Owens	
Garamendi		

## NOT VOTING—8

Bachmann	Giffords	Nadler
Castor (FL)	Hinchey	Young (FL)
Diaz-Balart	Myrick	

□ 1730

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

## REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 1633, FARM DUST REGULATION PREVENTION ACT OF 2011

Mr. WEBSTER, from the Committee on Rules, submitted a privileged report (Rept. No. 112-317) on the resolution (H. Res. 487) providing for consideration of the bill (H.R. 1633) to establish a temporary prohibition against revising any national ambient air quality standard applicable to coarse particulate matter, to limit Federal regulation of nuisance dust in areas in which such dust is regulated under State, tribal, or local law, and for other purposes, which was referred to the House Calendar and ordered to be printed.

## HOUR OF MEETING ON TOMORROW

Mr. WEBSTER. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at 9 a.m. tomorrow.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

## ELECTING A MEMBER TO A CERTAIN STANDING COMMITTEE OF THE HOUSE OF REPRESENTATIVES

Mr. BECERRA. Mr. Speaker, by direction of the Democratic Caucus, I offer a privileged resolution and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 486

*Resolved*, That the following named Member be and is hereby elected to the following standing committee of the House of Representatives:

COMMITTEE ON THE JUDICIARY.—Mr. Polis.

Mr. BECERRA (during the reading). Mr. Speaker, I ask unanimous consent that the resolution be considered as read and printed in the RECORD.

The SPEAKER pro tempore (Mr. RENACCI). Is there objection to the request of the gentleman from California?

There was no objection.

The resolution was agreed to.

A motion to reconsider was laid on the table.

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on the motion to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote incurs objection under clause 6 of rule XX.

Any record vote on the postponed question will be taken later.

## SYNTHETIC DRUG CONTROL ACT OF 2011

Mr. PITTS. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1254) to amend the Controlled Substances Act to place synthetic drugs in Schedule I, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 1254

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

### SECTION 1. SHORT TITLE.

*This Act may be cited as the "Synthetic Drug Control Act of 2011".*

### SEC. 2. ADDITION OF SYNTHETIC DRUGS TO SCHEDULE I OF THE CONTROLLED SUBSTANCES ACT.

(a) CANNABIMIMETIC AGENTS.—Schedule I, as set forth in section 202(c) of the Controlled Substances Act (21 U.S.C. 812(c)) is amended by adding at the end the following:

"(d)(1) *Unless specifically exempted or unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of cannabimimetic agents, or which contains their salts, isomers, and salts of isomers whenever the existence of such salts, isomers, and salts of isomers is possible within the specific chemical designation.*

"(2) *In paragraph (1):*

"(A) *The term 'cannabimimetic agents' means any substance that is a cannabinoid receptor type 1 (CB1 receptor) agonist as demonstrated by binding studies and functional assays within any of the following structural classes:*

"(i) *2-(3-hydroxycyclohexyl)phenol with substitution at the 5-position of the phenolic ring by alkyl or alkenyl, whether or not substituted on the cyclohexyl ring to any extent.*

"(ii) *3-(1-naphthoyl)indole or 3-(1-naphthylmethane)indole by substitution at the nitrogen atom of the indole ring, whether or not further substituted on the indole ring to any extent, whether or not substituted on the naphthoyl or naphthyl ring to any extent.*

"(iii) *3-(1-naphthoyl)pyrrole by substitution at the nitrogen atom of the pyrrole ring, whether or not further substituted in the pyrrole ring to any extent, whether or not substituted on the naphthoyl ring to any extent.*

"(iv) *1-(1-naphthylmethylene)indene by substitution of the 3-position of the indene ring, whether or not further substituted in the indene ring to any extent, whether or not substituted on the naphthyl ring to any extent.*

"(v) *3-phenylacetylindole or 3-benzoylindole by substitution at the nitrogen atom of the indole ring, whether or not further substituted in the indole ring to any extent, whether or not substituted on the phenyl ring to any extent.*

"(B) *Such term includes—*

"(i) *5-(1,1-dimethylheptyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol (CP-47,497);*

"(ii) *5-(1,1-dimethyloctyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol (cannabicyclohexanol or CP-47,497 C8-homolog);*

"(iii) *1-pentyl-3-(1-naphthoyl)indole (JWH-018 and AM678);*

"(iv) *1-butyl-3-(1-naphthoyl)indole (JWH-073);*

"(v) *1-hexyl-3-(1-naphthoyl)indole (JWH-019);*

"(vi) *1-[2-(4-morpholinyl)ethyl]-3-(1-naphthoyl)indole (JWH-200);*

"(vii) *1-pentyl-3-(2-methoxyphenylacetyl)indole (JWH-250);*

"(viii) *1-pentyl-3-[1-(4-methoxynaphthoyl)indole (JWH-081);*

"(ix) *1-pentyl-3-(4-methyl-1-naphthoyl)indole (JWH-122);*

"(x) *1-pentyl-3-(4-chloro-1-naphthoyl)indole (JWH-398);*

“(xi) 1-(5-fluoropentyl)-3-(1-naphthoyl)indole (AM2201);

“(xii) 1-(5-fluoropentyl)-3-(2-iodobenzoyl)indole (AM694);

“(xiii) 1-pentyl-3-[(4-methoxy)-benzoyl]indole (SR-19 and RCS-4);

“(xiv) 1-cyclohexylethyl-3-(2-methoxyphenylacetyl)indole (SR-18 and RCS-8); and

“(xv) 1-pentyl-3-(2-chlorophenylacetyl)indole (JWH-203).”

(b) *OTHER DRUGS.*—Schedule I of section 202(c) of the Controlled Substances Act (21 U.S.C. 812(c)) is amended in subsection (c) by adding at the end the following:

“(18) 4-methylmethcathinone (Mephedrone).

“(19) 3,4-methylenedioxypropylvalerone (MDPV).

“(20) 3,4-methylenedioxyethylmethcathinone (methylo).

“(21) Naphthylpyrrolidone (naphyrone).

“(22) 4-fluoromethcathinone (fephedrone).

“(23) 4-methoxymethcathinone (methedrone; Bk-PMMA).

“(24) Ethcathinone (N-Ethylcathinone).

“(25) 3,4-methylenedioxyethylcathinone (ethylone).

“(26) Beta-keto-N-methyl-3,4-benzodioxolylbutanamine (butylone).

“(27) N,N-dimethylcathinone (metamfepramone).

“(28) Alpha-pyrrolidinopropiophenone (alpha-PPP).

“(29) 4-methoxy-alpha-pyrrolidinopropiophenone (MOPPP).

“(30) 3,4-methylenedioxy-alpha-pyrrolidinopropiophenone (MDPPP).

“(31) Alpha-pyrrolidinovalerophenone (alpha-PVP).

“(32) 6,7-dihydro-5H-indeno-(5,6-d)-1,3-dioxol-6-amine (MDA1).

“(33) 3-fluoromethcathinone.

“(34) 4-Methyl- $\alpha$ -pyrrolidinobutylphenone (MPBP).”

### SEC. 3. TEMPORARY SCHEDULING TO AVOID IMMINENT HAZARDS TO PUBLIC SAFETY EXPANSION.

Section 201(h)(2) of the Controlled Substances Act (21 U.S.C. 811(h)(2)) is amended—

(1) by striking “one year” and inserting “2 years”; and

(2) by striking “six months” and inserting “1 year”.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Pennsylvania (Mr. PITTS) and the gentleman from New Jersey (Mr. PALLONE) each will control 20 minutes.

The Chair recognizes the gentleman from Pennsylvania.

#### GENERAL LEAVE

Mr. PITTS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and insert extraneous materials in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. PITTS. Mr. Speaker, I yield myself such time as I may consume.

H.R. 1254 was introduced by my friend and colleague from Pennsylvania, Representative CHARLIE DENT, in response to a frightening trend of synthetic drug use in our communities. These synthetic drug substitutes, made from chemical compounds that are sold legally in most States, mimic the hal-

lucinogenic and stimulant properties of drugs like marijuana, cocaine, and methamphetamines. While these synthetic drugs are just as dangerous as their traditional counterparts, they are not illegal.

Many families and young people in our communities do not realize the destructiveness of these synthetic drugs because of their legal status and their wide availability and often harmless-sounding names such as “Bath Salts” and “Plant Food,” both cocaine substitutes.

H.R. 1254 would, first, ban synthetic drugs that imitate marijuana, cocaine, and methamphetamines; and, second, allow the Drug Enforcement Administration to temporarily schedule a new substance for up to 3 years. Currently, DEA can only temporarily schedule a substance for up to 18 months.

I would like to thank Congressman DENT for working with the DEA on this important issue, and I would urge my colleagues to support this common-sense and bipartisanly supported legislation.

I reserve the balance of my time.

Mr. PALLONE. Mr. Speaker, I yield myself such time as I may consume.

I am pleased to support H.R. 1254, the Synthetic Drug Control Act. This bill enjoys bipartisan support and is aimed to eliminate commercial availability of harmful synthetic narcotics. Under this proposal, hallucinogenic drugs would no longer be able to hide behind misleading aliases.

During committee consideration, I was quite alarmed to hear some of the stories shared by the bill's sponsor, Representative CHARLIE DENT, as well as other Members. Around the country, constituents have been able to utilize synthetic products to the detriment of their mental and physical health and, in some cases, costing them their lives.

Unfortunately, these imitation drugs are not illegal, and there is a critical need to strengthen the Federal Government's ability to keep these harmful and dangerous drugs off the street. The Synthetic Drug Control Act adds specific synthetic versions of drugs of abuse to Schedule I of the Controlled Substances Act. These designer drugs mimic some of the effects of drugs such as marijuana and can be very unsafe, causing convulsions, anxiety attacks, and dangerously elevated heart rates, among other conditions.

Under current authority, the Drug Enforcement Agency has difficulty taking action against these drugs because they've been designed to fall outside existing statutory descriptions of Schedule I drugs. H.R. 1254 will enable the Drug Enforcement Agency to take appropriate enforcement actions to get them off the street and away from our Nation's youth.

Mr. Speaker, I urge my colleagues to vote in support of this legislation, and I hope the way we work together on it

can prove a model for our efforts on future legislation.

I reserve the balance of my time, Mr. Speaker.

Mr. PITTS. I yield 5 minutes to the prime sponsor of the legislation, the gentleman from Pennsylvania (Mr. DENT).

Mr. DENT. I certainly appreciate the support of Mr. PITTS and Mr. PALLONE for their leadership on this issue. It's deeply appreciated.

This issue of synthetic or designer drugs was first brought to my attention by a woman, a mother in my district whose son had been abusing legal substitutes for marijuana. These synthetic cannabinoids, as they're referred to, or synthetic marijuana, affect the brain in a manner similar to marijuana, but can actually be even much more harmful.

Synthetic marijuana, or cannabinoids, are just one category of designer drugs. Even more potent substances have properties similar to cocaine, methamphetamine, LSD, and other hard street drugs. These substances are marketed as innocent products like bath salts, plant food, incense, and they're sold under brand names familiar to their users, such as K2 Spice, Vanilla Sky, or Ivory Wave. However, these are total misnomers designed to facilitate their legal sale. These drugs have no legitimate purpose, period.

H.R. 1254, the Synthetic Drug Control Act, drafted in consultation with Federal law enforcement, has three principal components:

First, a prohibition of broad structural classes of synthetic marijuana or the cannabinoids;

Two, a prohibition of synthetic stimulants and other designer drugs, such as bath salts, mephedrone, MDPV, C2E, et cetera, several of those;

Third, an expansion of the DEA's existing authority to temporarily ban a new substance from 1½ to 3 years. Under current law, if the DEA and Department of Health and Human Services can prove that a substance is, one, dangerous and, two, lacking legitimate value while it is temporarily banned, the prohibition will become permanent.

Over the past year there's been a sharp increase in the number of new reports detailing horrific stories of individuals high on synthetic drugs. A man in Scranton, Pennsylvania, stabbed a priest, and another jumped out a three-story window, both high on bath salts. Several deaths from West Virginia to Florida to Pennsylvania to Iowa have been attributed to abuse of synthetic drugs.

Senator CHUCK GRASSLEY of Iowa has introduced a companion bill with provisions very similar to H.R. 1254, named after one of his young constituents who tragically took his own life while high on synthetic marijuana.

□ 1740

A man in my district was arrested this past May for firing a gun out of his window in a university neighborhood. Police charges indicate that he injected himself with bath salts, and he later told police he thought there were people on the roof watching him.

Finally, I was approached by another distraught mother from my district whose son was hospitalized for over 2 weeks after suffering liver failure and other complications after injecting himself with bath salts. These substances pose a substantial risk, both to the physical health of the user as well as to the safety of those around them when these drugs contribute to dangerous, psychotic behavior, suicide, and public endangerment.

The fact that these drugs are legal in many States contributes to the misconception that they are safe. And the use of easily recognizable brand names and logos on the packaging promotes the concept of a consistent product.

Significant variations of potency from one unit to the next have led recurrent users to inadvertently overdose. One of the major difficulties in combating these designer drugs is the ability of the producers to skirt the law with different chemical variations. By modifying the formula in some minor way, producers can generate a new compound which circumvents legal prohibitions but has similar narcotic events. DEA needs enhanced authority to temporarily schedule new variations when they hit the market, and they usually hit Europe first, and then they enter the United States.

A growing number of States, including Pennsylvania, have enacted bans on many forms of synthetic drugs, but Federal action is necessary to prevent these drugs from being obtained by simply crossing State lines or, increasingly, ordering them over the Internet.

I believe over 30 States have passed bans, if my memory serves me correctly. State-by-State differences in which individual substances are controlled and how strongly makes for a confusing legal patchwork, and Federal legislation certainly will facilitate enforcement.

The U.S. Department of Justice announced its support of H.R. 1254 as amended by the House Judiciary Committee in a letter dated September 30, 2011, and I would submit that for the RECORD.

I also want to point out, too, that the American College of Emergency Physicians, which notes the devastating physical and psychotic effects of these drugs, has also endorsed this bill, and I think that's quite significant as well.

Finally, go to a hospital like Children's Hospital of Philadelphia—they'll tell you they get a case every day with individuals who are suffering from these particular drugs. A year ago at this time, they probably got no calls.

And now every day, and that's not just typical in Philadelphia but throughout the country. I urge my colleagues to support this legislation.

You will also hear some folks here today who might actually argue that medical research will somehow be impeded. Nothing could be further from the truth. This legislation does not in any way impede medical research. I would be happy to get into that at some point.

U.S. DEPARTMENT OF JUSTICE,  
OFFICE OF LEGISLATIVE AFFAIRS,  
Washington, DC, September 30, 2011.

Hon. F. JAMES SENSENBRENNER, JR.,  
Subcommittee on Crime, Terrorism, and Homeland Security, Committee on the Judiciary,  
House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN. This letter provides the Department of Justice's views on H.R. 1254, as amended by the Committee on Energy and Commerce, titled the "Synthetic Drug Control Act of 2011." The bill would amend the Controlled Substances Act (CSA) to address the growing use and misuse of synthetic drugs by placing a number of substances in schedule I and by extending the length of time that a drug may be temporarily placed in schedule I.

We support the bill as drafted, but believe it can be strengthened with the addition of the "2C family" of drugs listed in an appendix to this letter and in S. 839. The Department also supports the goals of S. 605, Dangerous Synthetic Drug Control Act of 2011 or the "David Mitchell Rozga Act"; S. 839, Combating Designer Drugs Act of 2011; and S. 409, Combating Dangerous Synthetic Stimulants Act of 2011. H.R. 1254 already contains many provisions included in S. 605 and S. 409, and we urge that the bill be expanded to include the provisions of S. 839.

#### THE THREAT OF SYNTHETIC DRUGS

In recent years, a growing number of dangerous products have been introduced into the U.S. marketplace. Products labeled as "herbal incense" have become increasingly popular, especially among teens and young adults. These products consist of plant materials laced with synthetic cannabinoids which, when smoked, mimic the deleterious effects of delta-9- tetrahydrocannabinols (THC), the principal psychoactive constituent in marijuana. To underscore the scope and breadth of the synthetic cannabinoid problem, a recent report prepared by the United Nations Office on Drugs and Crime (UNODC) notes that more than 100 such substances have been synthesized and identified to date."

There is also growing evidence demonstrating the abuse of a number of substances labeled as "bath salts" or "plant foods" which, when ingested, snorted, smoked, inhaled, or injected, produce stimulant and other psychoactive effects. These synthetic stimulants are based on a variety of compounds and are purported to be alternatives to the controlled substances cocaine, amphetamine, and Ecstasy (MDMA). These drugs have been distributed and abused in Europe for several years and have since appeared here in the United States. According to a recent National Drug Intelligence Center report, poison control centers and medical professionals around the country have reported an increase in the number of individuals suffering adverse physical effects associated with abuse of these drugs.

There are other newly developed drugs that also pose a significant threat to the

public. This includes the "2C family" of drugs (dimethoxyphenethylamines), which are generally referred to as synthetic psychedelics/hallucinogens. Recently, a 19-year-old male in Minnesota died of cardiac arrest after allegedly ingesting 2C-E, one of the substances within this class of drugs. We note that the 2C substances listed in the attached Appendix are included in the list of substances covered by S. 839. The Department supports the addition of the 2C family of substances listed in the Appendix to H.R. 1254.

Products containing synthetic drugs are dangerous and represent a growing challenge to law enforcement. Apart from the wide array of harmful or even lethal side effects of many of the listed substances, neither the products nor their active ingredients have been approved by the Food and Drug Administration for use in medical treatment, and manufacturers and retailers of the products containing these substances do not disclose that there are synthetic drugs in their products. Synthetic drug abusers may endanger not only themselves but others: some become violent when under the influence of these substances, and abusers who operate motor vehicles after using synthetic drugs likely present similar dangers as those under the influence of controlled substances.

With the exception of the five substances recently controlled by the Drug Enforcement Administration (DEA) pursuant to its temporary scheduling authority, the listed synthetic cannabinoids and synthetic stimulants are not currently in any schedule under the CSA.

#### EFFORTS TO CONTROL SYNTHETIC DRUGS

Congress created an interagency process for placing new and emerging drugs into one of five schedules of the CSA (21 U.S.C. 811 et seq.). One such mechanism, temporary scheduling (21 U.S.C. 811(h)), was specifically designed to enable the Department to act in an expeditious manner if such action is necessary to avoid an imminent hazard to the public safety. In response to the growing threat posed by known synthetic cannabinoids, on March 1, 2011, the DEA temporarily placed the following five synthetic cannabinoids in schedule I: JWH-018, JWH-073, JWH-200, CP-47, 497, and CP-47, 497 C8 homologue.

The DEA is currently gathering scientific data and other information about synthetic cathinones as well as evaluating their psychoactive effects to support administrative action to schedule these substances under the CSA. To temporarily schedule these stimulants, the DEA must find that placement in schedule I is necessary to avoid an imminent hazard to the public safety, a finding that requires the DEA to consider the following three factors: history and current pattern of abuse; the scope, duration, and significance of abuse; and what, if any, risk there is to the public health, including actual abuse; diversion from legitimate channels; and clandestine importation, manufacture, or distribution. Once data have been gathered to meet the statutory criteria to temporarily schedule these cathinones, the Department will initiate an action to temporarily place them into schedule I. In fact, on September 8, 2011, the DEA published a notice of intent in the Federal Register (21 FR 55616) to temporarily place mephedrone, methylone and MDPV in schedule I.

Unfortunately, however, the distribution and abuse of synthetic drugs cannot be fully addressed by temporary scheduling because as law enforcement investigates, researches,



and develops evidence to support such action, illicit drug makers create new synthetic drugs for the purpose of evading federal law. Scheduling via legislation is an additional tool to promote public health and safety.

#### PURPOSE OF LEGISLATION

Placing synthetic cannabinoid and synthetic stimulant substances in schedule I would expose those who manufacture, distribute, possess, import, and export synthetic drugs without proper authority to the full spectrum of criminal, civil, and administrative penalties, sanctions, and regulatory controls. Unless authorized by the DEA, the manufacture and distribution of these substances, and possession with intent to manufacture or distribute them, would be a violation of the CSA and/or the Controlled Substances Import and Export Act.

H.R. 1254, as well as S. 409, would amend the CSA by expanding the list of substances in schedule I of the CSA (21 U.S.C. 812(c)). To address synthetic cannabinoid abuse, the bill names 15 unique substances that would be placed in schedule I; this list includes those temporarily scheduled by the DEA. Additionally, the bill creates five structural classes of substances collectively referred to as "cannabinimetic agents." In order for a substance to be a cannabinimetic agent, the substance must: (1) bind to the CB1 receptor; and (2) meet any of the definitions for those structural classes. If both criteria are met, that substance will be a schedule I cannabinimetic agent controlled substance.

To address emerging synthetic stimulant abuse, H.R. 1254 names 17 unique substances that would be placed in schedule I. These substances have either been encountered by law enforcement here in the United States or are most likely to be encountered by law enforcement in the United States based on their use and misuse in Europe, which is likely where the use and misuse originated.

Finally, the bill seeks to double the amount of time allowed for the Department to temporarily schedule new and emerging drugs by amending 21 U.S.C. 811(h). In this regard, the bill seeks to enhance the tools available to the Department to combat the abuse of new drugs that will appear in the future.

For these reasons, the Justice Department supports H.R. 1254 and recommends that the Committee consider strengthening it in the ways we have proposed.

Thank you for the opportunity to present our views. The Office of Management and Budget has advised us that from the perspective of the Administration's program, there is no objection to the submission of this letter.

Sincerely,

RONALD WEICH,  
Assistant Attorney General.

#### APPENDIX

Additional Synthetic Drugs for Inclusion in section 202(c) of the Controlled Substances Act (21 U.S.C. 812(c)):

Redline of H.R. 1254, as amended by Energy and Commerce on July 28, 2011—

“(35) 2-(2,5-Dimethoxy-4-ethylphenyl)ethanamine (2C-E).”

(36) 2-(2,5-Dimethoxy-4-methylphenyl)ethanamine (2C-D).

(37) 2-(4-Chloro-2,5-dimethoxyphenyl)ethanamine (2C-C).

(38) 2-(4-Iodo-2,5-dimethoxyphenyl)ethanamine (2C-I).

(39) 2-[4-(Ethylthio)-2,5-dimethoxyphenyl]ethanamine (2C-T-2).

(40) 2-[4-(Isopropylthio)-2,5-dimethoxyphenyl]

-[ethanamine (2C-T-4).

(41) 2-(2,5-Dimethoxyphenyl)ethanamine (2C-H).

(42) 2-(2,5-Dimethoxy-4-nitro-phenyl)ethanamine (2C-N).

(43) 2-(2,5-Dimethoxy-4-(n)-propylphenyl)ethanamine (2C-P).”

Mr. PALLONE. Mr. Speaker, I yield 1 minute to the gentleman from Maine (Mr. MICHAUD).

Mr. MICHAUD. I thank the gentleman for yielding.

Mr. Speaker, I rise today as a cosponsor and a strong supporter of this bill. The spread of synthetic drugs like bath salts has quickly reached crisis levels in many communities throughout our country. This year in Maine, the Bangor Police Department has responded to hundreds of bath salts-related incidents.

In October, I organized a meeting of local, county, State, and Federal law enforcement officials to discuss the spread of bath salts in our State. The message they shared with me was clear, and the message they shared with the ONDCP Deputy Director Ben Tucker was also clear: We need to give our law enforcement officers more tools to combat this epidemic.

While Maine has banned bath salts, a national law will build upon that good work and help make this a bigger impact all across the country. So I urge my colleagues to support the Synthetic Drug Act.

Mr. PITTS. Mr. Speaker, I yield 2 minutes to the gentlelady from Florida, Congresswoman SANDY ADAMS, who was formerly in law enforcement.

Mrs. ADAMS. Thank you, Congressman PITTS.

Mr. Speaker, in October 2010, a 31-year-old Texas man hanged himself in the bedroom. At the top of his suicide note the man wrote, “Thanks, bath salts.”

January 2011 in Panama City, Florida, a daughter tried to attack her sleeping mother with a machete before fleeing the scene. Police said she had spent several days taking drug-altered bath salts.

June, 2011, a 38-year-old Army sergeant murdered his wife and killed himself following a police chase. Both had chemically altered bath salts in their systems. Later in the day, the couple's 5-year-old son was found dead with a plastic bag over his head and bruises on his body.

Horrific cases just like these have been documented across the country. These incidents led many States, including my home State of Florida, to outlaw these often dangerous and deadly substances.

Earlier this year, I introduced legislation to add MDPV and mephedrone, chemicals added to bath salts to induce a drug high, to Schedule I of the Controlled Substances Act. These substances are not marketed for human consumption.

It also is why I have joined Representative CHARLIE DENT in his work

to bring H.R. 1254, which includes a bill I introduced in April, to the floor today. You have heard no research can be conducted if this passes, but those claims are false. It can be conducted. Research is being done and will continue to be done on Schedule I chemicals. Just listen to the ER doctors and the poison control centers that have both asked for this bill, that both want this bill to save lives.

Too many lives have been lost and too many violent acts have been already committed due to these drugs. These dangerous substances are being packaged and marketed to our children by using innocuous names like Ivory Snow, Bliss, and Vanilla Sky. Today I urge support for H.R. 1254. Let's get the substances off the streets and out of the hands of our children.

Mr. PALLONE. Mr. Speaker, I yield the balance of my time to the gentleman from Virginia (Mr. SCOTT), a member of the Committee on the Judiciary.

The SPEAKER pro tempore. Without objection, the gentleman from Virginia will control the time.

There was no objection.

Mr. SCOTT of Virginia. I thank the gentleman for yielding, and I yield myself 2½ minutes.

Mr. Speaker, this bill will place over 40 chemical compounds on Schedule I of the Controlled Substances Act at a time when only eight of these substances can even be found in the United States. And it does so in a way that circumvents the normal process, that skirts scheduling substances, and does so without any scientific or medical research or evidence to support it.

Congress has a process for placing substances on drug schedules. The Criminal Code sets forth a process that the Attorney General and the Secretary of Health and Human Services must engage in to determine the propriety of scheduling substances. The Secretary must conduct a scientific and medical evaluation and provide recommendations about whether the substances being analyzed need to be controlled. And this needs to be a scientific study, not a compilation of anecdotes.

In this there is a mechanism for addressing emergencies. In the case where the Attorney General on his own determines that there is an emergency, the Code provides that substances may be placed on Schedule I for up to 1½ years while the evidence is being developed to permanently schedule them.

Moreover, the Judiciary Committee during our consideration received numerous statements from pharmaceutical and medical researchers imploring us not to hamper their ability to determine possible medical uses of these substances by placing them on Schedule I, which makes it illegal to possess these substances without a permit even for research purposes.

This includes promising research on the cure for Parkinson's disease that would be compromised by this bill. Now, even with a permit, the restrictions placed on researchers once they are placed on Schedule I are unduly onerous. So there are legal uses of these substances.

Mr. Speaker, when Congress established a process for the Secretary and the Attorney General to do their due diligence and study the propriety of placing substances on Schedule I, we've had a very thoughtful process. And if we want to establish good crime policy, we need to follow that thoughtful process. H.R. 1254 circumvents that process. For these reasons, I urge a "no" vote on H.R. 1254.

I reserve the balance of my time.

□ 1750

Mr. PITTS. Mr. Speaker, I yield 4 minutes to the gentleman from Iowa, Congressman TOM LATHAM.

Mr. LATHAM. I thank the chairman and the ranking member for this opportunity today.

Mr. Speaker, I rise in support of H.R. 1254, the Synthetic Drug Control Act. This bill addresses an alarming danger to our kids that many American families may not be aware of.

Many American teenagers are experimenting with synthetic drugs that supposedly mimic the effects of marijuana or other types of drugs. These products, known as K2, Pure Evil, Cloud Nine, and other names, can often be bought legally at convenience stores or at so-called "head shops" where they're passed off as incense or bath salts. In reality, the users of these substances can experience unexpected anxiety attacks, extreme paranoia, hallucinations, and thoughts of suicide; and the users are at serious risk of harming themselves.

Our experience with this issue in the State of Iowa illustrates why a Federal ban on these dangerous substances is so important. A year and a half ago yesterday, 18-year-old David Rozga, from Indianola, Iowa, shot himself after taking K2. In response to the tragedy, David's parents, Mike and Jan, have led a campaign to outlaw synthetic drugs like K2. They testified before Congress about the dangers of the drug and enlisted the help of their elected Representatives in cracking down on the sale and abuse of these substances.

My colleagues, we must act on this issue to protect our kids. And the time is now. The threat posed by synthetic drugs is dangerous, and it's growing. In the past 2 weeks alone, there have been several cases where teens have been injured or hospitalized after taking synthetic drugs. In Polk County, three teens were involved in a high-speed crash after smoking one of these substances. In central Iowa, a teenage boy was hospitalized after taking synthetic

drugs. He became violently ill—having seizures, vomiting, and hallucinations.

I really want to thank the Rozga family for their selfless willingness to relive the tragedy they've experienced, and I want to thank them for their efforts to prevent other families from experiencing the same heartbreak. This legislation and other efforts to address this threat to our children would simply not have occurred without the Rozgas' courage, strength, and leadership.

I am heartened today that Congress has listened to their message and is taking action. It is time to recognize how dangerous these substances are and to ban their sale in the United States by clarifying their status as Schedule I controlled substances. As a cosponsor of H.R. 1254, I urge my colleagues to support the passage of this most important piece of legislation.

Mr. SCOTT of Virginia. Mr. Speaker, I yield 2 minutes to the gentlelady from California (Ms. ZOE LOFGREN).

Ms. ZOE LOFGREN of California. We are all opposed to the damage that these drugs can do to the American people, but I have to express my opposition to this bill.

My concern about the bill is its effect on scientific research. When a drug is placed on Schedule I of the Controlled Substances Act, it becomes difficult to obtain not only for illegal purposes but for researchers who wish to study its pharmaceutical and medical potential. While this may be justified for some drugs, it isn't a restriction that should be implemented rashly. That's because it becomes very difficult for scientists to get permission to obtain these molecules even for the scientific study that we need.

For example, in the United States, only 325 researchers have been able to obtain Schedule I licenses at this moment. Congress established the procedure for scheduling drugs, and it requires a scientific and medical evaluation. This bill would bypass that process rather than relying on scientific and medical experts. I've heard from faculty from a range of universities, and they've shared their concerns about the impact.

Here is what Warren Heideman, Ph.D., professor of pharmaceutical sciences and associate dean for Research, School of Pharmacy, at the University of Wisconsin-Madison writes:

"The bill is an irrational, simplistic response to a social problem of great complexity. As such, the world will get significantly less medical and technical help with a low probability of helping anyone with a substance abuse issue. The list is too broad and does seriously restrict what would otherwise be important and easy experiments. Paperwork problems are already a serious campus concern."

The SPEAKER pro tempore. The time of the gentlewoman has expired.

Mr. SCOTT of Virginia. I yield the gentlelady an additional minute.

Ms. ZOE LOFGREN of California. Here is what Dr. Neal Benowitz, M.D., the chief of the Division of Clinical Pharmacology at the University of California, San Francisco, writes:

"While we support restrictions on the sale of these chemicals for purposes of illicit use . . . scheduling so as to impede access to precursor chemicals in small quantities has the potential to seriously hamper medical research. On balance, the faculty are against this measure."

John Arnold, the faculty director of the Berkeley Center for Green Chemistry, writes:

"This effort is well-intentioned, but it will cause more problems than it solves."

We are all against drugs that harm our people; but we had no hearings in the Judiciary Committee on this, and I think the placing of these molecules on Schedule I is evidence of that lack of scholarship. These drugs need to be controlled, but they need to be controlled in such a way that there is no harm done to the vital scientific and medical research that we count on.

I join the gentleman from Virginia in urging a "no" vote on this bill in the hopes that we can come back with a measure that accomplishes the worthy goals without doing damage to scientific research, which will save so many lives.

Mr. PITTS. Mr. Speaker, I yield 2 minutes to the gentleman from Pennsylvania, a former prosecutor, Congressman PAT MEEHAN.

Mr. MEEHAN. I rise in support of H.R. 1254 for the very practical reason that, as a prosecutor, I have seen the impact of what can be done when children are lured into the false promise, into the sense that somehow, because it's synthetic, it doesn't present the same kind of danger as the drugs that are often believed to be the most dangerous—the heroins, the cocaines. These are luring kids into a false sense of security.

As has been suggested, this evidence isn't anecdotal. I have had the chance to visit an emergency department at one of the leading children's hospitals in the Nation where we have seen a dramatic rise in families who are being affected because their children are coming in and are under the control of these synthetic substances. For that reason, the American College of Emergency Physicians supports this bill.

Lastly, I think we have it backwards. If what we're trying to say is that somehow we've got to let these children be exposed while we wait with the potential that there could be research done, the fact of the matter is I have worked with pharmaceutical companies and with the DEA to be able to get access to drugs that have been held under control. That can be done in

working with the DEA. That's the solution. It's not the solution to put our kids at risk.

Mr. SCOTT of Virginia. Mr. Speaker, I yield 5 minutes to the gentleman from Tennessee (Mr. COHEN).

Mr. COHEN. I appreciate the gentleman from Virginia for yielding the time.

I rise in opposition to this particular bill. It's not that I am, indeed, in favor of any of the particular drugs that are here; but just like Mrs. ADAMS, my colleague from Florida mentioned, the State of Florida has already criminalized it, as many States have, and it's really a State issue.

It seems interesting. When the subject du jour comes up, the item of the day, there is a rush to action and a rush to forget States' rights. There is a desire on gun bills to overlook the States and to have a Federal law on the interstate shipment of guns or on the interstate transportation of guns by people with permits. In this situation, drugs that should be criminalized are criminalized at the State level, but all of a sudden we're doing it more at the Federal level.

This bill would place more than 40 chemical compounds on Schedule I, the most punitive and restrictive schedule, without any independent scientific evidence that doing so is necessary or warranted. It is a rush to legislate before we know all the facts.

This bill essentially bans these substances without any study whatsoever. I've read the press reports of young people who have been harmed by these substances and by others, and I'm very sympathetic as that's certainly wrong; but we shouldn't legislate on the basis of anecdotal evidence. It's typical of the "shoot first and ask questions later" approach that we have taken to drug policy in this country for decades.

Our national drug policy should be driven by science, not politics. We've already gotten a well-deserved reputation here as a do-nothing Congress; but bills like this and our attitudes towards clean air, clean water, global climate change, and other environmental issues have made this the no-respect-for-science Congress as well.

□ 1800

The DEA has already taken steps to temporarily place certain synthetic substances on Schedule I while it conducts a review. If there is an emergency that requires temporarily scheduling the other substances in this bill, the DEA can review them and do that just as well.

But we shouldn't circumvent the process established in law. I don't think this is a responsible way to legislate. I know the sponsors of this bill know about the emergency review process because the bill doubles the length of time a bill can be put on emergency review on a schedule from

18 months to 3 years; it doubles it. Yet there's been no hearings or evidence that 18 months was insufficient, none whatsoever. It was just a knee-jerk way to respond to the issue du jour.

This is a very serious issue and deserves serious study and consideration before we act, as all bills before Congress should. I fear that this bill continues the misguided policies that we've created towards drugs in this country.

Just look at our experience with marijuana, which Congress placed on Schedule I in 1970. According to the criteria of the Controlled Substances Act, it supposedly has a high potential for abuse, has no currently accepted medical use in treatment in the United States, and there is a lack of accepted safety for use of the drug under medical supervision.

Let's put aside for a minute the question of whether it has a potential for abuse. Certainly there's a lot of evidence that it does not. But I think thousands of people who depend on marijuana to treat the effects of such diseases as AIDS, cancer, glaucoma, and multiple sclerosis would take issue with the notion that it has no medical use, and 15 or so States have legalized it for medical use. It increases appetite and eases pain in a way that has helped countless people in the last stages of life.

But we treat our approach to drugs as a law enforcement matter, not a scientific matter, and we've placed marijuana in Schedule I, the most restrictive schedule. Meanwhile, the scientific community is urging that we reschedule marijuana so we can continue to conduct important research and make it available to those in need.

Recently, the California Medical Association called for cannabis to be legalized and regulated, primarily so that scientists can gain access to it and conduct further research. They advocated wider clinical research with accountable and quality-controlled production of cannabis. None of this can happen with the tight restrictions we've placed on cannabis. That's exactly the situation we may find ourselves in with the substances named in this bill.

I know that licenses are available for research in the Schedule I drugs, but there's no reason to make researchers go through such hoops. It is nearly as easy to get permission to do research on a Schedule I drug as it would be to go to the Vatican and ask for a grant to study birth control.

We don't know what medical benefits these substances may contain and we don't know the true risk they pose. Perhaps they belong in a lower schedule. And Schedule II would certainly deter young people from using them and others and set a penalty stage. But we have no idea. We just decided to throw the book and make it Schedule I.

Perhaps they shouldn't be scheduled at all. I suspect they should be scheduled, maybe Schedule II. But the scientists should decide this and not politicians. We have no basis to believe they belong in Schedule I. Haven't we learned from this Nation's 40-year experiment with the war on drugs?

Prohibition does not work. It is an expensive and counterproductive policy that fills up our prisons and places a mark on our citizens that can make jobs, housing, and education nearly impossible to obtain. We should focus our efforts on educating young people about the substances and continue to do research about their benefits and risks.

Instead of basing our drug policy on science, we are letting it be driven by politics. This bill continues that trend, and regrettably I must urge its defeat. We need to send this bill back to committee and take a careful, considerable review so that we can have Congress make this decision on a scientific basis with help from the scientists.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. SCOTT of Virginia. I yield the gentleman 1 additional minute.

Mr. COHEN. The DEA can use its emergency powers to temporarily schedule these substances while letting the scientific process play out. Let's put science first and politics second. Let's defeat this bill.

If we put science first and politics second, maybe we won't be in single figures in the public's mind as an organization that they support as an institution. Part of the 9 percent level is because we do things sometimes in a rush to judgment and politics and the issue du jour rather than allowing the scientific process and doing what is logically best for our Nation to prevail.

I urge the defeat of this bill.

Mr. PITTS. Mr. Speaker, may I inquire how much time remains on each side?

The SPEAKER pro tempore. The gentleman from Pennsylvania has 6½ minutes remaining, and the gentleman from Virginia has 6 minutes remaining.

Mr. SCOTT of Virginia. Mr. Speaker, I tell my colleague that I am prepared to close.

Mr. PITTS. I yield 1 minute to the gentleman from Pennsylvania (Mr. MARINO), a former prosecutor.

Mr. MARINO. Thank you, Chairman.

Mr. Speaker, I recently coauthored a letter with my colleagues, Representative SANDY ADAMS and Representative TREY GOWDY, concerning this very issue, and I'd like to read just a paragraph:

"As of October 4, 2011, the DEA has 325 researchers conducting research with Schedule I controlled substances. These researchers include research centers and universities who seek to better understand the effects of Schedule I controlled substances. Additionally, as

of October 4, 2011, the DEA has 3,983 active registrants who manufacture, research, and conduct chemical analysis with Schedule I controlled substances.

"In fact, many researchers who would conduct research to better understand the compounds controlled in H.R. 1254 are already registered with the DEA, which means there would be virtually no impact on ongoing research."

Mr. Speaker, as a former prosecutor for 18 years at the State and local level, I have seen firsthand the disaster this drug causes.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. PITTS. I yield the gentleman an additional 30 seconds.

Mr. MARINO. I have seen firsthand what this drug does. If it doesn't kill our children, it makes them suicidal; it makes them incredibly violent.

And I still get calls, as a former prosecutor, from hospitals and emergency service personnel telling me the violence that a child under this influence causes, not only on him- or herself, but emergency personnel. Therefore, I ask my colleagues to support this legislation.

Mr. SCOTT of Virginia. Mr. Speaker, I had another speaker that arrived unexpectedly.

Mr. PITTS. I reserve the balance of my time.

Mr. SCOTT of Virginia. I yield 2 minutes to the gentleman from Illinois (Mr. DAVIS).

Mr. DAVIS of Illinois. I want to thank the gentleman from Virginia for yielding.

I rise in opposition to the proposed multistate mortgage settlement currently being negotiated between the country's major mortgage servicers and the State attorney generals.

Before we haphazardly rush into a settlement, we need to pause for what I call station identification, so to speak.

I'm speaking on the wrong bill.

But I also rise in opposition to the synthetic drug bill. I think there is not enough research. I think there's information still needed. I don't think that we are in a position to allow this action to take place, and so I join in opposition to passage of this legislation.

Mr. PITTS. I am prepared to close; so I continue to reserve the balance of my time.

Mr. SCOTT of Virginia. Mr. Speaker, in closing, this bill circumvents the normal thoughtful process for scheduling drugs. Most of the drugs in this bill can't even be found in the United States. And to the extent there is an emergency and a need to place these on a schedule, the Attorney General has the emergency process where he can just put a drug on the schedule for a year and a half.

Medical researchers have asked us not to pass the bill because it will dis-

turb promising research, particularly on Parkinson's disease, and so they have asked us not to pass this bill.

We should follow the thoughtful process for scheduling drugs and defeat this bill.

I yield back the balance of my time.

Mr. PITTS. Mr. Speaker, I yield the balance of my time to the prime sponsor of the bill, the gentleman from Pennsylvania (Mr. DENT).

Mr. DENT. I do want to address a few of the statements I heard on the floor from my friends from Tennessee and Virginia.

My friend from Tennessee made some comments, but I want to be very clear, these drugs are dangerous, have a high potential for abuse and no accepted medical use, which is why they belong on Schedule I. Schedules II and V are reserved for drugs used in legitimate medical procedures.

So we're talking about Schedule I here, not Schedules II through V. Let me be very clear on that point.

□ 1810

Second, the FDA has stated that the drugs listed in H.R. 1254 have no medical use, and there are no INDs—that is, investigational new drug applications—for these substances pending with the FDA. This is from the FDA. H.R. 1254 will not prevent further research into synthetic drugs. It's simply false to say that it will.

DEA has a routine, well-established procedure in place to facilitate scientific study of Schedule I drugs, including marijuana, cocaine, and heroin. Currently the DEA has licensed nearly 4,000 individuals and other entities, including universities, manufacturers, researchers, and labs to handle Schedule I drugs for scientific and investigational purposes. These are facts.

I also want to point out, my friend from Virginia made some comments about I guess eight compounds having been found in the United States. Actually, dozens of compounds have been found in the United States. Many bath salt chemicals currently are in the United States, but only three synthetic stimulants and five synthetic cannabinoids have been emergency scheduled by the DEA because they have to go chemical by chemical in order to act on this matter. They have to deal with this on a chemical-by-chemical basis.

We need Congress to give the DEA authority to be more effective and get ahead of this problem. We know that these drugs are coming into this country from Europe. That's where they're coming from, these compounds. There are some in Europe right now. Our goal is to get out in front of this before they have a chance to be exported into the U.S.

Another comment I heard about 325 researchers, well, 325 researchers because that's all who have applied to do

this type of research. DEA is not in the business of turning researchers away, so I want to be clear on these points.

There's so much more that can be said on this. But again, research will not be impeded in any way. There is a mechanism, there is a process in place to do research on these Schedule I drugs. It's well established. This has nothing to do with the medical marijuana debate. I heard that argued earlier, too. We're talking about synthetic marijuana and synthetic cocaine. This stuff is dangerous. And, in fact, some would argue worse than the real stuff, so let's get to it.

This is about public safety. This is about the health of our constituents. We know what's going on. In fact, somebody pointed out to me today that a store in Washington, D.C., a few blocks from the Capitol, somebody is selling this stuff. My State and over 30 other States have seen this problem. They know what's happening across this country. We need to do something about it. DEA is alarmed by this. Justice is on board. DEA is on board. Let's do something for the good of the American people. Please pass H.R. 1254, the Synthetic Drug Control Act of 2011. It's in the best interest of the American people, and the best interest of our children. We're doing the right thing.

Mr. WAXMAN. Mr. Speaker, the Synthetic Drug Control Act adds specified versions of drugs of abuse to Schedule I of the Controlled Substances Act. These designer drugs generally mimic the effects of marijuana or of stimulants and can be unsafe, causing convulsions, anxiety attacks, dangerously elevated heart rates, and bizarre and dangerous behavior, among other conditions. Under current authority, the Drug Enforcement Administration (DEA) has difficulty taking action against these drugs because they fall outside existing statutory descriptions of Schedule I drugs. H.R. 1254 will enable DEA to take appropriate enforcement actions to get them off the street and away from our Nation's youth. I therefore believe it is critical that we deal with the threat these drugs pose.

I wish to note however that I have concerns with the basic underlying statute that would now apply to these listed substances through this legislation. In particular, I do not support the mandatory minimum sentencing provisions of the Controlled Substances Act for Schedule I drugs, provisions that under this legislation will apply to the listed synthetic drugs as they apply to all Schedule I drugs. Mandatory minimum sentencing inappropriately applies a one size fits all approach, eliminating the ability of judges to exercise discretion in determining an appropriate sentence in light of individual circumstances. The sentencing judge is in the best position to determine a fair sentence, having considered all of the evidence and having heard from the parties and the defendant.

I also believe that the administrative process for scheduling controlled substances should be improved, so that the Attorney General, with the help of the Secretary of Health and Human Services, can make scheduling decisions without resorting to help from Congress.

I do not know whether such improvement requires legislation or regulation. I do know, however, that it is rarely a good idea for Congress to make scientific determinations such as are required to make good scheduling decisions.

Additionally, I believe it is incumbent upon DEA to reevaluate the recordkeeping and other regulatory requirements it imposes upon scientists who use controlled substances for legitimate research. The agency should ensure that such research is not impeded or discouraged through unnecessarily onerous requirements.

I recognize that it is not a simple task to strike the right balance, to exercise enough control to discourage abuse but not so much as to discourage research that may lead to important therapeutic advances and treatments. I intend to send a letter to DEA Administrator Michele Leonhart asking for a report on the restrictions imposed upon researchers, particularly those in academia who work with amounts of scheduled substances too small to pose a serious risk of diversion. I would like to know what if any improvements can be effected to eliminate or modify those requirements whose costs in time and resources outweigh their potential benefits in hindering research scientists from becoming drug abusers. I hope the Chairman of the Energy and Commerce Committee and others will join me on the letter.

Finally, however, while I remain concerned about aspects of the underlying statute, the question before us is whether these substances should be controlled as would be accomplished through passage of this legislation. I believe the answer is yes, because of the danger to public health posed by the listed synthetic drugs.

Mr. LATHAM. Mr. Speaker, I submit the following letter from one of my constituents with respect to the debate on H.R. 1254 that occurred on December 7, 2011.

DEAR CONGRESSMAN LATHAM: Regarding the Synthetic Drug Control Act, as you know I am a mother who lost her son to these drugs and I can't stop myself from reacting to the opposition on the floor yesterday.

Hundreds of chemical compounds are used to make synthetic drugs manufactured under the guise of bath salts, plant food, k2 and various names of synthetic marijuana—with the sole purpose being to ingest. These drugs are smoked, snorted, injected, or put into drinks. The label may say they are not for human consumption, but they are implicitly being sold as such.

Yet those opposing H.R. 1254 argue that not enough research has been done to prove whether or not these already banned and potentially future banned chemicals would bear any medical benefit.

To the contrary, not only have the synthetic drugs included in this legislation failed to show medicinal promise, but the Controlled Substances Act would still allow research on these synthetic drugs to continue if H.R. 1254 were enacted.

Under current law, researchers, universities and labs may register with the Drug Enforcement Agency (DEA) to obtain Schedule I controlled substances for scientific study. DEA allows thousands of labs to handle Schedule I drugs for scientific and investigative purposes. Chemicals with “a high potential for abuse” and “a lack of accepted

safety” under the Controlled Substances Act should be placed under Schedule I—available for scientific study but not sold on convenience store shelves.

The reality is that without H.R. 1254, our society will continue to allow informal, unsupervised and unethical medical experimentation—with our kids as the subjects. It begins with unscrupulous manufacturers obtaining unknown chemical compounds from other countries. It is either manufactured overseas here or in our own backyard. These drugs are openly sold to those “18 years or older” and can be purchased at gas stations, convenience stores and head shops around this country. Its availability is rampant on the internet as well. It is difficult if not impossible to find out who the people really are that sell the chemicals or pre-made products. When it's all said and done, it is American teens who are being endangered and experimented with.

Let's be bold and put a stop to the newest drug trends that are sweeping across our nation like a tidal wave—Jan Rozga, Indianola, IA

Ms. HIRONO. Mr. Speaker, I am voting for this legislation because, like the rest of my colleagues, I want to see an end to the illegal manufacture, sale, and use of synthetic drugs that mimic the properties of illegal drugs. Many of these drugs are extremely dangerous and warrant control. In fact, some 30 states, including Hawaii, have laws that address the manufacture, sale, and use of synthetic drugs.

I am concerned, however, that we may be moving too fast. I would prefer to see a bill that is as important as this considered under regular order, with members having an opportunity to offer amendments. I am hoping that the Senate will take a more measured approach in considering this legislation.

I am especially concerned about the application of mandatory minimum sentences and Schedule I penalties that are included in this bill. I support judicial discretion, especially when the lives and futures of young people are involved.

I know too that there are concerns that this could impede legitimate scientific research of chemical compounds listed in this bill. Adjustments to this legislation may be needed to ensure that we don't hinder development of future biomedical breakthroughs.

We need to make sure the legislation targets those most responsible for widespread distribution of these drugs. Most important, we need to find ways to keep our young people from using synthetic drugs. Education of parents and young people is badly needed as is market regulation to reduce the availability and misuse of certain household and industrial aerosol products. Adding to our already crowded prisons is not a real solution to the very real problem of synthetic drugs.

Mr. HOLT. Mr. Speaker, I rise to express my opposition to H.R. 1254, the Synthetic Drug Control Act of 2011.

While I support sensible restrictions on dangerous substances, I am concerned about the unintended consequences this bill could have on medical research. This bill has the potential to make these kinds of substances extremely difficult for researchers to obtain. In fact, many researchers have expressed concern that the list in this bill is too broad and would restrict their ability to conduct important experiments.

Additionally, this legislation would bypass the scientific and medical review process that

is in place for adding substances to Schedule I. Making decisions without scientific review is problematic.

It is important to note that states are free to make decisions regarding these kinds of substances. I supported the reasonable step New Jersey took when it banned the synthetic drugs known as “bath salts” this summer.

Since this bill would bypass scientific review and could hinder much-needed research, I urge my colleagues to vote no.

Mr. CARNAHAN. Mr. Speaker, I rise to clarify my position on H.R. 1254, the Synthetic Drug Control Act.

My vote in support of H.R. 1254 is not without reservations. I support this legislation because the health and safety of our citizens is my primary concern. This legislation will protect our communities, and particularly our youth, from more than forty new and dangerous synthetic drugs. These substances have been the cause of violent incidents and numerous deaths around the nation and it is preferable to immediately list them as Schedule I as opposed to allowing them to continue to be abused in our communities.

Criminalizing these substances, however, will not solve the root problem of drug abuse in our communities. I have serious concerns about the over-criminalization of drugs. Mandatory minimum sentences lead to over-capacity criminal justice and prison systems at significant burden to taxpayers. I have long advocated for a comprehensive approach to drug abuse treatment, including education, prevention, treatment, research, and enforcement. In fact, I have authored legislation to expand accessible treatment, especially for underserved communities, and research into cutting edge treatment therapies. Responsible law enforcement is just the way to address this issue, and it must be executed in conjunction with a robust and multifaceted approach that targets the root of drug abuse problems.

I also have concerns about the impact of penalties in H.R. 1254 on our scientific research processes. While, it is regrettable that H.R. 1254 circumvents the process for listing drugs as laid out in the Controlled Substances Act (CSA), it is necessary in this circumstance. The evidentiary procedure in CSA has worked well for determining the listing of new substances. Unfortunately, it can be time-intensive and the law enforcement community, including the Drug Enforcement Administration (DEA) and the Department of Justice, supports the immediate listing of these synthetic drugs because of the harm they inflict on our communities. This bill increases the length of time that a new substance can be temporarily scheduled by the DEA, thereby allowing more time for the usual CSA listing process to be carried out.

Throughout my career I have supported scientific research. The study of synthetic drugs is important for understanding their impact on health and their potential beneficial uses. Unfortunately, most of the substances included in this legislation have not been subjected to extensive scientific study, and I am concerned that listing them as Schedule I drugs may inhibit the study of these drugs. While the DEA has a procedure for scientists to study Schedule I controlled substances, it presents greater barriers for scientists to work with these drugs.

As of October 4, 2011, the DEA has 325 researchers conducting research with Schedule I controlled substances. These researchers include research centers and universities who seek to better understand the effects of Schedule I controlled substances. Additionally, as of October 4, 2011, the DEA has 3,983 active registrants who manufacture, research, and conduct chemical analysis with Schedule I controlled substances. I encourage the scientific community to continue their efforts to understand these and other drugs.

Mr. VAN HOLLEN. Mr. Speaker, I rise to oppose H.R. 1254, the "Synthetic Drug Control Act of 2011."

I share the concerns that supporters of this bill have about the sale of synthetic drugs that are determined to be harmful. The issue here is what process should be used to determine whether a drug is harmful and should be banned. I oppose this bill because it circumvents the established process for scheduling controlled substances as illegal for any uses without proper scientific review. This bill short-circuits that process and substitutes the less-informed judgment of Congress for the more considered view of scientists and experts.

We already have a process for banning drugs temporarily on an emergency basis. Indeed, the Drug Enforcement Agency (DEA) has temporarily prohibited the sale or manufacture of many of the compounds banned in this bill as more in-depth scientific reviews are conducted. I also support Maryland's Department of Health and Mental Hygiene's decision to ban the sale of many of these drugs in the State. I believe that the temporary ban by the DEA and the State bans of these drugs are sufficient at this point to protect our society from the harms caused by these synthetic drugs. Congress should only act to add these drugs to the list of Schedule I controlled substances after the process laid out in the Controlled Substance Act is completed.

The process established in the Controlled Substance Act requires that the Attorney General request from the Secretary of Health and Human Services "a scientific and medical evaluation, and his recommendations, as to whether such drug or other substances should be so controlled. . . ." This process is important for many reasons and should not be circumvented by this bill. Without proper scientific review this bill could create significant hurdles for medical research of cures and treatments for various diseases. During the bill mark up in the Judiciary Committee, statements from medical researchers were submitted stating that this bill could hamper their ability to determine lawful uses of these substances by making them illegal to possess. R. Gil Kerlikowske, the Director of the Office of the National Drug Control Policy (ONDCP), stated that these drugs are dangerous, but acknowledged that there is "a lack of sufficient data regarding the prevalence of bath salt stimulant drugs." Additionally, the penalties for possessing and distributing Schedule I drugs are serious. Adding over 35 additional substances to the list of Schedule I drugs, for which people can be incarcerated, should not be taken lightly by Congress.

I urge my colleagues to join me in opposing this bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Pennsylvania (Mr. PITTS) that the House suspend the rules and pass the bill, H.R. 1254, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. PITTS. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

The point of no quorum is considered withdrawn.

#### ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, proceedings will resume on motions to suspend the rules previously postponed.

Votes will be taken in the following order:

H.R. 944, de novo;  
S. 535, de novo;  
H.R. 2360, de novo;  
H.R. 2351, de novo;  
H.R. 1560, de novo;  
S. 683, de novo;  
S. Con. Res. 32, de novo.

#### CALIFORNIA COASTAL NATIONAL MONUMENT CONSOLIDATION ACT

The SPEAKER pro tempore. The unfinished business is the question on suspending the rules and passing the bill (H.R. 944) to eliminate an unused lighthouse reservation, provide management consistency by incorporating the rocks and small islands along the coast of Orange County, California, into the California Coastal National Monument managed by the Bureau of Land Management, and meet the original Congressional intent of preserving Orange County's rocks and small islands, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Washington (Mr. HASTINGS) that the House suspend the rules and pass the bill.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

#### FORT PULASKI NATIONAL MONUMENT LEASE AUTHORIZATION ACT

The SPEAKER pro tempore. The unfinished business is the question on

suspending the rules and passing the bill (S. 535) to authorize the Secretary of the Interior to lease certain lands within Fort Pulaski National Monument, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Washington (Mr. HASTINGS) that the House suspend the rules and pass the bill.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

#### PROVIDING FOR OUR WORKFORCE AND ENERGY RESOURCES ACT

The SPEAKER pro tempore. The unfinished business is the question on suspending the rules and passing the bill (H.R. 2360) to amend the Outer Continental Shelf Lands Act to extend the Constitution, laws, and jurisdiction of the United States to installations and devices attached to the seabed of the Outer Continental Shelf for the production and support of production of energy from sources other than oil and gas, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Washington (Mr. HASTINGS) that the House suspend the rules and pass the bill.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

#### NORTH CASCADES NATIONAL PARK SERVICE COMPLEX FISH STOCKING ACT

The SPEAKER pro tempore. The unfinished business is the question on suspending the rules and passing the bill (H.R. 2351) to direct the Secretary of the Interior to continue stocking fish in certain lakes in the North Cascades National Park, Ross Lake National Recreation Area, and Lake Chelan National Recreation Area.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Washington (Mr. HASTINGS) that the House suspend the rules and pass the bill.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.



# ALLOWING YSLETA DEL SUR PUEBLO TRIBE TO DETERMINE MEMBERSHIP REQUIREMENTS

The SPEAKER pro tempore. The unfinished business is the question on suspending the rules and passing the bill (H.R. 1560) to amend the Ysleta del Sur Pueblo and Alabama and Coushatta Indian Tribes of Texas Restoration Act to allow the Ysleta del Sur Pueblo Tribe to determine blood quantum requirement for membership in that tribe.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Washington (Mr. HASTINGS) that the House suspend the rules and pass the bill.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

## BOX ELDER UTAH LAND CONVEYANCE ACT

The SPEAKER pro tempore. The unfinished business is the question on suspending the rules and passing the bill (S. 683) to provide for the conveyance of certain parcels of land to the town of Mantua, Utah.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Washington (Mr. HASTINGS) that the House suspend the rules and pass the bill.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

# CORRECTING ENROLLMENT OF H.R. 470, HOOVER POWER ALLOCATION ACT OF 2011

The SPEAKER pro tempore. The unfinished business is the question on suspending the rules and concurring in the concurrent resolution (S. Con. Res. 32) to authorize the Clerk of the House of Representatives to make technical corrections in the enrollment of H.R. 470, an Act to further allocate and expand the availability of hydroelectric power generated at Hoover Dam, and for other purposes.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Washington (Mr. HASTINGS) that the House suspend the rules and concur in the concurrent resolution.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the concurrent resolution was concurred in.

A motion to reconsider was laid on the table.

□ 1820

## EXTENDING UNEMPLOYMENT INSURANCE

The SPEAKER pro tempore. Under the Speaker's announced policy of January 5, 2011, the gentleman from Michigan (Mr. LEVIN) is recognized for 60 minutes as the designee of the minority leader.

### GENERAL LEAVE

Mr. LEVIN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on the subject of my Special Order.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. LEVIN. Mr. Speaker, today we're here to talk about the need to extend unemployment insurance. The numbers are staggering. If we do not act by the end of this month, in January well over a million people will lose their unemployment insurance, by mid-February the total will be well over 2 million, and by the end of next year, if we do not act, over 6 million people. As I said, these numbers are staggering. But the people behind these numbers are overwhelming.

We're here today to talk about the numbers and also talk about the people who are involved. When we've had emergencies like this, we have never failed to act. Today, we face an emergency beyond any we've seen since the Great Depression, and it's absolutely vital as a result that we act.

I'm joined by some of my colleagues. I want to call on them. As I do so, I want to read stories. I'll start by reading just one story and then call on one or more of my colleagues.

Let me start by reading what came in from a person in Amherst, New Hampshire, Jackie: "Unemployment benefits helped me make ends meet while I was using my savings and 401(k) to keep up with everything. Now they are gone. My savings are long gone. My 401(k) is almost gone. I'm watching everything I worked so hard for my entire adult life slip away from me. I am 50. I will never recover from this."

I would now like to yield to the gentleman from Texas, if he would like to join me.

Mr. REYES. I want to thank my colleague for yielding and some time to speak on this very important issue here.

Mr. Speaker, recently, the Department of Labor reported that the national unemployment rate fell to 8.6 percent in November, its lowest point in nearly 3 years. Coincidentally, in El Paso in the 16th District of Texas, the

unemployment rate has also declined. This is very good news and very positive news for not just our respective districts but for our country.

We have been told by economists that once our economy gets going and operating at full strength, it can literally drive the economies of the rest of the world. These positive signs make it evident that, in fact, our economy is moving forward and that we are on the road to recovery. However, as our economy continues to heal, we cannot afford to become complacent. Instead, we need to immediately pass legislation that will help create jobs and put more people back to work.

First, I believe, Mr. Speaker, that we must pass the American Jobs Act. My district, as well as the districts of my colleagues, in talking to them here, would greatly benefit from the President's Jobs Act. For instance, El Paso would receive over \$66 million to upgrade and modernize our schools to meet 21st-century needs. In addition, school districts in the El Paso region would receive funding to keep teachers from being laid off.

For example, our largest school district, the El Paso Independent School District, would receive an estimated \$45 million to keep teachers from being laid off and to perhaps hopefully continue to hire desperately needed teachers in our classrooms. These are smart investments on our part for the future which will also boost our economy in the immediate future.

Second, we must extend unemployment benefits. I want to thank my colleague for highlighting this and make sure that we extend unemployment benefits to those that are in desperate need. In fact, these benefits are the only thing that stand between them and homelessness and going without. During this downturn, unemployment benefits have kept over 3 million people in food and clothing and the basic essentials. It has also served as a booster to our struggling economy. We must protect these families who are still struggling and help them by the Jobs Act to find a stable source of income.

I have heard, like many other of my colleagues here, many stories from those in my district that have had difficulty in the last months and years in finding a job. So today we cannot and we must not turn our backs on the American people—the American people that need our help and need the passage of the American Jobs Act. They also need for us to step forward, stand with them, and pass the unemployment insurance. Rather than being distracted and being misled by our colleagues on the other side of the aisle, we must focus on our priority, which should be the creation of jobs, the passage of the unemployment insurance, and getting this economy going.

So I pledge to my colleague and my colleagues here that we must continue



to work together to create jobs not just for El Paso and not just for Texas, but for our country. And when we talk about the United States economy that literally drives all other economies, people around the world are waiting for us to work together to get this done. With that commitment, we can turn things around. We're seeing some very positive signs. We must continue to work for all the people that have sent us here to do that work.

With that, I want to thank my colleague for yielding.

Mr. LEVIN. I thank the gentleman from Texas for joining us and explaining what this means in his State and throughout the country. We're determined to tell the stories and, as I said, to put faces on these numbers. And to do that, I have joined with other Ways and Means Democrats to launch an extended unemployment program e-call Web site. As of this week, 2,590 Americans have joined the e-call, and we have received 501 stories from jobless Americans.

Before I call on the gentleman from Illinois to join, I would like to read, if I might, just a couple more. This is from Nick of Clinton Township, Michigan. "I was unemployed from August 2008 until March 2010 after working for 23½ years at my job.

□ 1830

"My job was sent to Sao Paulo, Brazil. Had it not been for extended unemployment benefits, I would have lost my house." Nick of Clinton Township.

And let me read what was said by Peter of Warren, Michigan: "I was permanently laid off from American Axle. I worked there 15 years and our jobs were sent to Mexico. As of this time, I have not found a job. I have been looking over 2 years now, and nothing in Michigan. I am in the TRA/TAA program to be reeducated, but my benefits will run out before I finish my school, and I will not get the degree in my field." Again, from Peter of Warren, Michigan.

I now would like to call, if I might, on the gentleman from Illinois to join us. And then, if I might, the sponsor of this legislation, Mr. DOGGETT of Texas.

Mr. DAVIS of Illinois. Let me thank the gentleman from Michigan for yielding, but I also want to commend him for his many years of excellent service to this body that we know as the United States House of Representatives. And I want to commend him for the tremendous leadership that he provides as the ranking member of the Ways and Means Committee.

Mr. Speaker, it is December 7, and Republicans still have not enacted legislation to protect the millions of Americans hardest hit by one of the worst economic crises in our Nation's history. The well-being of 6 million Americans, including 100,000 from my home State of Illinois, hangs in the

balance. Our Nation is in an unemployment crisis, and we must act now to help our citizens.

At this time last year, Republicans emphasized that the economy was so horrible that the wealthiest Americans needed 2 years of tax cuts, yet they only saw the need to help the unemployed for 1 year of emergency assistance. Now, 1 year later, as the emergency assistance runs out, Republicans remain comfortable with the \$180 billion in tax breaks for the wealthiest 3 percent of Americans, but they cannot support \$50 billion in 2012 to help millions of the neediest Americans—and never mind any consideration of helping the millions of Americans who have exhausted their Federal benefits and still can't find a job.

Our Nation, yes, is indeed in an unemployment crisis. Over 45 percent of all unemployed workers—more than 6 million people—have been out of work for more than 6 months. There are approximately 6.4 million fewer jobs now than at the beginning of the Great Depression. The Department of Labor data showed that there are over 4.2 unemployed Americans for every one job. Even if every job were filled, 8.9 million citizens would remain unemployed.

During this protracted storm of economic hardship, unemployment benefits are a critical lifeline for our citizens and for our economy. Unemployment benefits have kept 3.2 million Americans—including nearly 1 million children—from falling into poverty in 2010 alone. New research shows that the current Federal unemployment programs provide \$2 in economic stimulus for every \$1 in unemployment benefits circulating in the economy. The Federal unemployment programs saved or created 1.1 million jobs as of the fourth quarter of 2009 alone. And the Economic Policy Institute estimates that preventing unemployment benefits from expiring could prevent the loss of over 500,000 jobs.

Our Nation is indeed in an unemployment crisis, and we must act now to help our citizens. We cannot protect the wealthy while ignoring the millions of Americans hardest hit by one of the worst economic crises in our Nation's history. We cannot deliver a windfall to the privileged and deny the poor. Such a position is not responsible leadership, and such a position is not consistent with American values.

So I join with my colleagues in urging the Republican leadership to protect vulnerable Americans by extending the unemployment benefits.

I want to thank you, Mr. LEVIN, again for the opportunity to participate.

Mr. LEVIN. And I thank the gentleman from Illinois for your distinguished service and your passion that you bring to this and so many other issues.

I want to yield to the gentleman from Texas, who's the lead sponsor and ranking member on the relevant subcommittee. But before I do that, since you're from Texas, I want to read one of the hundreds that we've received, a word from people who are the unemployed.

This is Jessie of San Antonio, Texas: "I have submitted over 350 job applications and have only been called for two face-to-face interviews and five over-the-phone interviews. I am a disabled Navy veteran whose appendix ruptured in October 2010 and was filled with cancer cells. My State benefits expired at the end of August, and now my Federal benefits will expire in 6 weeks.

"It seems that no one is hiring adults over 56 years of age. I'm a very good, positive employee, and I feel that with every job application I'm due to get hired soon. Please help me in any way possible."

It's now my privilege to yield to the lead sponsor of this legislation, LLOYD DOGGETT from the great State of Texas.

Mr. DOGGETT. Thank you, Mr. Chairman. And I still call you "Mr. Chairman," though the formal leadership of the committee has changed with the change in the majority here in the House. And I guess if you were in fact still the chairman with full authority we would not be here, nor would there be any unemployed individual in the United States among the millions whose benefits would expire next year who would be wondering the night before Christmas what would happen the day after their unemployment coverage expired next year.

We face a great challenge, and as you have been pointing out in describing individuals like Jessie, a retired—not voluntarily retired, but retired, removed from the workforce by unemployment in San Antonio, these are very real human beings, not just unemployment statistics.

With over 6 million fewer jobs than when the recession began and more than four workers competing for every job opening, too many Americans have nowhere to go. They are like the lyrics from that working man song of the Nitty Gritty Dirt Band:

Had me a job until the market fell out;  
Tried hard to borrow, but there was no help.

Now I've got nowhere to go.  
I need a job for these two hands;  
I'm a working man with nowhere to go.

And if our Republican colleagues continue to insist that unemployment is caused by the unemployed instead of by the troubling economy we have, there will be about another 5 million Americans with nowhere to go, looking as to where they will find the resources to put food on the table, make the car or pick-up truck payment, take care of the kids and meet the other necessities of life if their unemployment insurance expires.

While the Republicans continue to have a really factless finger-pointing at the unemployed, I think it is past time for us to lay the facts straight out on the table and respond to some of these myths that they've been promoting.

Fact: An unemployment check is not a substitute for a paycheck. People like Jessie know that. An unemployment benefit usually amounts to a fraction of what a worker was making before someone lost his or her job.

Fact: Unless you are actively searching for a job, getting job training for a new job, or are on temporary layoff, you're not likely to be entitled to an unemployment check.

□ 1840

I'm not for just paying people to be idle; but these are individuals who are either getting training, who are actively involved in a job search, or the few that are in the temporary layoff category. There is little evidence to support the Republican claim, repeated again and again, that unemployment insurance benefits are a significant factor in discouraging folks from going out and looking for work.

Fact: to receive extended benefits, an unemployed person is required to accept reasonable offers of employment. Two out of three of the unemployed respondents in the Heldrich Center survey, and 80 percent of those who were receiving unemployment benefits, said they were willing to take a pay cut in order to get a new job, as so many Americans have had to do with the challenges in our economy.

Fact: one economist estimates that for every \$1 dollar we spend on these unemployment insurance benefits, about a \$1.61 in economic activity comes back. In fact, some of the estimates from one group that began its survey back during the Bush administration for the Department of Labor say it's even higher than that in terms of the economic rewards.

So I believe that we must create jobs. Certainly, we must do the kinds of things that this Congress has failed totally to do in terms of job creation and promoting economic recovery. But we also must provide a vital lifeline for those folks who are out there actively searching for work and the jobs are just not there for them.

The facts are clear. The time for us to extend unemployment coverage is now, not to wait until next year, not to wait until Christmas, and not to wait until these families are faced with the critical situation of not having the unemployment insurance coverage that they should have to meet these basic necessities, but to act right now in the next few days.

It's for that reason, as you well know, that we're working together to try to get this unemployment insurance coverage extended, as it has been

done often on a bipartisan basis in the past whenever the unemployment rate was at a level near what it is today.

So, hopefully, in our sounding the alarm here again tonight, in your telling these stories about individual Americans and what a loss of this coverage means, we can begin to involve and get the support of more of our colleagues to do what we really need to have accomplished just as soon as possible.

Mr. LEVIN. Thank you. What we're trying to do, as you say, is to bring America into this debate because if the faces are shown and the voices heard, our faith is that somehow we'll act.

And as you say, Republicans tend to blame the unemployed instead of blaming themselves for inaction. And we're not going to leave here, we're not going to leave here until there's an extension of unemployment benefits; isn't that correct? That's your pledge.

Mr. DOGGETT. It is our pledge, because there's just too much at stake here. This Congress has been incredibly unproductive. You might think it had been unemployed for much of the past year. And we need to stay and complete the work.

This is work that was done practically on Christmas Eve last year, when this extension was in jeopardy again. And we ought not to go right down to the wire like that again. There's no reason that this could not be done in the coming week, but for this ideological commitment saying that unemployment insurance coverage is not good for the economy. The facts don't bear that out.

The individual stories that you're telling us about tonight, those are the individuals, those are the families that have so much at stake. And of course, because of this economic effect, those unemployed families, when they get a dollar of unemployment insurance, they have to spend that dollar. They may be spending it at the grocery store. They may be paying a landlord or a mortgage company. They may be paying on their credit card or their car, just to have the basic necessities of life; and that's why the economic impact on small businesses is so significant from doing what we would need to do in order to support these families engaged in an active job search or getting the retraining and the retooling they need to have an opportunity for a job in the future.

Mr. LEVIN. It's so important that you've talked about the facts. The more we discuss the facts about unemployment insurance, and the more we talk about the unemployed, the more persuasive is the need for action. There's so much mythology, and the stories help to blast the mythology.

I just would wish that we could get into the shoes—there are 6 million whose benefits are threatened here. If you lined up the 6 million from here,

they'd go, I think, to Sioux Falls, South Dakota.

But it's hard for us to receive the stories or to obtain them because, under the Privacy Act, we don't know the names; and that's why you and I and others have joined to, essentially, have a Web site so people can tell us how to reach them.

But your recitation of the facts is so important because, in the end, I think the facts will prevail. The stories will be telling.

And so, Mr. DOGGETT, you've been such a lead person on this. You're the lead person on this legislation. So many of us have been working on this.

As you said, one of the facts is we have never failed to act, and this is a deeper recession than we've known. In fact, one of the facts is that there are now nearly 7 million fewer jobs in the economy today compared to when the recession started in December 2007. Seven million fewer jobs. And so when people search, they're often hitting a wall.

By the way, this gentleman, Jesse, refers to his age. And it's very true that the older—they're not very old—people are having trouble.

I had a forum in Michigan, and it was so heartbreaking that a person said to me—I would guess in her fifties—that I've taken all of the years off of my CV, when I went to college, when I graduated, when I first had a job, and the date of every position she had because she's afraid that when these resumes come in, people look at the age and a stone wall is hit.

It's my privilege, Mr. DOGGETT, to join with you. I'd now like to have join us a very distinguished Member from California. And if you give me a minute, BARBARA LEE, the very distinguished woman, I want to find a story from California. And so if I might just read this before I yield to you.

This is Benjamin of Los Angeles, California:

"I've been actively looking for work for 8 months now. Unemployment insurance has been crucial in my survival. It has literally kept me alive. It's allowed me to buy food and pay all my bills. Bills have no conscience. They come, regardless if one is working or not.

"I really feel for and extend my empathy to those who are unemployed and have children. I wholeheartedly support the emergency extension of unemployment insurance."

Benjamin of Los Angeles California, your home State.

You do such honor to your State and the whole Nation, and it's my privilege now to call upon the gentlelady from California, BARBARA LEE.

□ 1850

Ms. LEE of California. Thank you so much.

First off, let me thank the gentleman from Michigan for those very kind

words, more importantly for your leadership on so many fronts and for caring about those who are falling through the cracks at this point, and also for this very sobering Special Order tonight, because this is very sobering on the need for an immediate extension of unemployment benefits for the millions of Americans who are struggling to find work.

While we received some welcome news on the unemployment rates from last week with the national unemployment rate falling to 8.6 percent from 9 percent, we cannot stop. We cannot abandon the millions of job seekers during the middle of a faltering recovery.

In fact, failing to extend these critical benefits would really cripple our recovery and cost the economy over half a million jobs.

The slow pace of private sector job creation is not because of regulations or uncertainty in the Tax Code. If you speak to nearly any business person, they will tell you that they are not hiring because they don't have customers.

Abruptly ending unemployment benefits during the holiday season, first of all, it's mean and it's morally wrong. It would strip 2 million customers out of the economy by March, and over 6 million customers out of the economy by the end of the year. But again, more importantly this is just morally wrong. This is just not who we are as Americans.

We could not make a worse decision than to cripple our economy by failing to protect millions of families and children from poverty because that is just what unemployment benefits do. It keeps 1 million children from falling into poverty. So we absolutely must extend this critical benefit to workers who were laid off through no fault of their own before the end of this year.

Hidden, though, within the positive 0.4 percent drop of unemployment is the discouraging news that over 300,000 Americans dropped out of the workforce and that the long-term unemployment picture is not improving, with the average length of unemployment now rising from 39 weeks to 40 weeks.

So not only must we immediately extend the emergency unemployment benefits, but we should also immediately pass legislation that Congressman BOBBY SCOTT and myself have introduced, H.R. 589, which would add an additional 14 weeks of tier I unemployment benefits for the millions of Americans who have already completely exhausted their benefits. And I hope that the Republican leadership will bring that bill to the floor for an up-or-down vote.

We can't ignore the needs of people who have hit the 99 weeks, because unfortunately when we extend unemployment benefits, there will be 2 to 3 million people who still won't be covered

because they've hit the 99 weeks. So we can't ignore the needs of the millions of Americans who have run out of time and who are now losing their homes, falling out of the middle class, and relying more and more on our help.

In addition, there was a startling rise in the African American unemployment rate from 15.1 percent to 15.5 percent in the same period. There can be no clearer reminder of the ongoing racial and ethnic disparities that continue to plague our Nation and keep minority communities suffering disproportionately than higher rates of unemployment, poverty, near poverty, and tragic health disparities like unconscionably higher rates of HIV infection.

When the national employment picture improved significantly for the first time in months, African Americans faced a marked increase in their unemployment. That means we must take immediate and bold action to implement targeted programs and policies to ensure that we truly are a Nation that provides equal opportunity and leaves no one behind in terms of accessing the American Dream.

Now, Congressman LEVIN, I held a job fair in my district a few months ago. Thousands of people showed up in Oakland for the few jobs—four people for every job—that were available.

But let me tell you, people want to work. They want to work. We in the Congressional Black Caucus held five job fairs around the country, thousands of people showed up for limited jobs. I can say with certainty, people want to work, people want to work.

And so we have to, however, extend the safety net or this bridge over troubled waters until we figure out how we can deal with the politics of getting the American Jobs Act passed, and also other opportunities and legislation to provide jobs for people because people want to work. So we have to extend this unemployment compensation until we do that.

We have to save our economy and the millions of struggling families from poverty and immediately pass and extend unemployment benefits now.

Let's not forget again the 2 million-plus people who've hit that 99-week limit who will not be eligible for an extension unless we figure out a way to include them in these initiatives and in this policy.

Mr. Speaker, we've got a lot of work to do. But I know we intend to stay here until we do our job, until we extend this bridge over troubled waters, the safety net for people just to survive. That's all this is, is for people just to survive.

If we don't do that, those of us who call ourselves people of faith really need to come to grips with our faith and who we are, and how we propose to move forward within the context of looking out for and making sure that

the least of these are addressed and taken care of until we can provide them those opportunities and dismantle those barriers so they can reignite the American Dream, because it's turned into a nightmare for millions and millions of people.

So Congressman LEVIN, I want to thank you again for, again, this clarion call to our conscience. It should prick our conscience tonight. We should, tomorrow, say let's pass this now. The holiday season is upon us. People need some certainty in their lives. They need to know that they have a bipartisan effort to help them through this period, and they need to also know that we're going to work very hard to pass the American Jobs Act so that they can finally get a job, because that's what this is all about. And people want to work. Thank you again.

Mr. LEVIN. Thank you for your eloquent statement.

As you said, this is one estimate, four people for every job. You mentioned this is a matter of faith. A few weeks ago, I met a minister. I had never met him before. And we got to talking about the challenge of unemployment insurance. And I paraphrase what he said to me: This is a challenge to America's soul.

Thank you very much.

Before I call on the distinguished colleague from Wisconsin, I want to read one more story.

I have a story that's given to us, one of the more than 400, from Nathan of Madison, Wisconsin.

So let me read this before I call on my distinguished colleague and friend from Wisconsin, GWEN MOORE.

I quote: "I have been unemployed twice in the past 5 years, and they were not by choice. I have a master's degree in organic chemistry and have worked in the pharmaceutical industry and related industries since finding a job out of school in 1998. After 2 years with my first company, I received a double promotion. So my layoffs have not been due to my performance, abilities, or capabilities.

Anyone who says unemployed people are lazy or have it good are ignoring the fact that people are hurting across the board." From your fellow resident of the State of Wisconsin.

It is now my distinguished privilege to yield to you, Ms. MOORE, from the State of Wisconsin.

Ms. MOORE. Absolutely, Representative LEVIN.

Let me start out by thanking you for this Special Order. And that letter is just one in 58,000 people, off the top of my head, that will be immediately affected by our inability to expand unemployment insurance. That's one story.

As you indicated, it's a person who is from Madison, Wisconsin, well educated, and cannot find a job in this recession.

I just think it is really curious, and I guess I would like to engage in a dialogue with you about this, you being

the ranking member on Ways and Means, maybe you can help me understand a little bit better. Our colleagues in the majority, the optic and the narrative in the country for them is they want to preserve benefits for millionaires and billionaires. They want to preserve corporate tax expenditure benefits for corporations.

□ 1900

They want to maintain foreign profits for expatriated funds. They want to maintain a very high tax exemption for estates over \$5 million. They want to maintain capital gains benefits, benefits on dividends.

So I'm just curious, Representative LEVIN, why they don't want to provide this governmental benefit for unemployed people. This is very distressing to me when I consider who the unemployed are. When I think about the people the majority party wants to preserve benefits for and then when I get an optic of the people who would most likely benefit from this unemployment insurance, there is a stark contrast. Perhaps that starts to explain why there is a reluctance, an unwillingness and an unreadiness to provide this benefit.

Now, as you know, the overall national unemployment rate dropped from 9.1 percent recently to 8.6, which is something that I think we can claim some victory for; but when you peel back the curtain and disaggregate these numbers, you're going to see that there's a sharp and problematic racial undertone as it pertains to black unemployment.

When you look at the unemployment for white men, Representative LEVIN, their unemployment dropped from 7.9 percent to 7.3 percent, which is very high; but black men endured a spike from 16.2 percent in unemployment to a disturbing 16.5 percent in unemployment. So those lowered unemployment rates certainly do not reflect what's happening in the African American community.

Of course, according to the Bureau of Labor Statistics, unemployment declined for every demographic within the white community—for teenagers, men, women—but it actually increased for every measured group within the African American community—for men, women, teenagers.

Even worse is after the fact, when the recession is over, when black unemployment won't be any better than white unemployment is right now. I guess that's sort of racial inequality 101. When we peel back the layers of this improved economy, what we find, Representative LEVIN, is that single mothers—women—are suffering, that they're some of the hardest hit.

As you will recall, Representative LEVIN, this institution on a bipartisan basis—and I understand I was not here when Mr. Newt Gingrich was Speaker

of the House—decided that the most important legislative initiative that they could undertake was to end aid to families with dependent children and to put women and children under the vagaries and vicissitudes of a cyclical economy. So now that we have an economy that is as bad as it was during the Great Depression, we can look at the unemployment numbers among women, especially among single women, and we can find some very, very distressing data.

Poverty among women climbed to 14.5 percent in 2010 from 13.9 percent in 2009, the highest in 17 years. According to a recent report by Legal Momentum, recent Census data on poverty paints a bleak picture for single-mother families. This report finds that the poverty rate for single moms, for people who by definition have to feed their kids every night, reached 42.2 percent last year, up from 38.5 percent in 2009, and way up from 33 percent in 2000. It is chilling to contemplate the predicament of women and children when there is no aid to families with dependent children and no entitlement. When you consider that you've got folks like the gentleman you described in your letter who has a master's degree and who cannot find a job, a mom with kids is competing in that same job market.

There is a great deal of need in these populations. Even as the economy begins to show growth, they're forced to make cuts in the family budgets. They're living with food insecurity—not enough food—and the quality of the food is not good. They're eliminating health insurance. I know families in my district who are taking medicines every other day, doing without transportation, clothing, and where utility cutoffs are very prevalent.

Mr. LEVIN. I was looking through some of the letters. Let me just read a letter in which the author is a single parent from Geneva:

"I never thought that I would have to start all over again looking for work in my late forties. I hadn't even been 1 year cancer free. I'm a single parent of a teenage daughter. So, when my job terminated, so did my medical insurance . . . I had to move back to my mom's house. I could no longer afford my rent, car note, insurance, and the basic everyday needs of raising my daughter and keeping my own place . . . Please don't take away UI so soon. People like me need to keep it until we can find full-time work to take care of our families and help us keep our self-esteem."

Ms. MOORE. I tell you, that is a very moving letter. You say she had to move with a teenage daughter back into her mom's house. I mean, teenage kids need things other than food. Something like toilet paper becomes an issue when you're sharing a household and when you don't have enough money to make those contributions.

The other thing that makes me very curious, Representative LEVIN, is the rhetoric around the desire to help small businesses. Do you realize if we don't extend this unemployment benefit, economists have calculated that, in 2012, this will take \$90 billion out of the economy? You won't buy that teenager shoes because you're unemployed.

Mr. LEVIN. Absolutely.

We're focusing today on the stories of the unemployed, on the personal stories, in order to put a face on the numbers. It's also important—and you referred to it—for the economy of our country. Every economist, I think without any exception, says that unemployment insurance is one of the two most beneficial instruments that we have in terms of putting money back into the economy because people who are unemployed and who receive their insurance—they work for it—spend it.

We have some other stories from single parents. Let me just, if I might, read another story. Then perhaps we should ask the gentlelady from Texas to join us if she would like.

"I am a military spouse that was forced to move and leave a great-paying office management position since my husband was transferred to a new duty station . . . I have applied for jobs that would barely cover our bills just so that I can be among the working again . . . My soldier can't afford to support us on a military income—and it's not just about me. I have a son to think of. I hope and pray that an extension is approved so that it doesn't cause our family structure to crumble. I believe that an extension should be approved as it is keeping not only my family but millions of other American families from drowning in a sea of financial ruin."

That's from Rachel of Lemoore, California.

It is now my privilege to yield to the gentlelady from Texas, Ms. SHEILA JACKSON LEE.

□ 1910

Ms. JACKSON LEE of Texas. I thank the gentleman very much and thank him for his leadership on this issue. And reading these passionate letters, I don't know how anyone could bring us to the brink of disaster where we find ourselves today.

I just want to read from the U.S. Department of Labor a simple sentence that I think speaks volumes:

"The unemployment insurance system helps the population most directly affected by recessions, those who have lost jobs through no fault of their own."

Mr. LEVIN, you have heard my colleagues speak of the double-digit unemployment in distinctive populations, the young, recent college graduates, African Americans and Latinos who remain at the bottom of the heap, but

who are looking for jobs every day. I am reminded of a job fair at the Fallbrook Church in Houston, Texas, where throngs came seeking opportunity and basically refuting the commentary of one Presidential candidate no longer in the race, Mr. Cain, who said if you're broke and if you're unemployed, it's your fault.

And now the front-runner, Mr. Gingrich, says that poor children have no role models, their parents don't get up and go to work, they have not seen anybody go to work. How outrageous to speak about those who have lost their job, their children are poor, and they would blame the victim.

So I think it is crucial that we pass this legislation; and we have never, Mr. LEVIN, not passed this legislation when unemployment in our country has been near 9.1 percent. It is not 9.1 percent, but it's very well near there.

And unemployment benefits will keep us from losing over 500,000 jobs. It will also help some of the bankrupt States. There are States that are, in fact, looking to \$5 billion in tax hikes on employers in nearly two dozen States. These solvency provisions will stop putting \$5 billion in tax hikes on employers in nearly two dozen States, as well as provide \$1.5 billion in interest relief.

Some of these very Members who may be objecting to this, debating about it, come from States that are themselves facing a question of solvency because of the unemployment insurance.

Where is the life raft, if you will? Where is the helping hand? Where is the rescue for the people who are desperate?

You might not be able to see this, but it's a very small picture of a person living in a disastrous home impacted by Hurricane Ike. There was some decision about some funds going there in Houston, Texas, today. I'm not happy with the meager distribution to help people like this. They're not getting all the money that they need.

I can assure you if they're living in some homes like this, many times they may also be unemployed. So they're living in devastated housing in many instances. They are in need of food on their table. They are likewise trying to provide for their children, and they don't have the resources.

Mr. LEVIN. The gentlelady referred to a particular situation. Let me read from another story, if I might.

Ms. JACKSON LEE of Texas. Please do.

Mr. LEVIN. This is Linda of Seattle, Washington:

"I am a person, a hardworking American person at that, and I will be forced to live on the streets if EUC is not extended. It terrifies me; and if it happens, the struggle I will face to once again be a productive member of this society, in these times, by myself, is

not one that I'm likely to win. There are thousands of stories just like mine that won't be told here. We are people, we have faces and lives and dreams just like everyone who still has a job. I am telling you: we will be on the streets without this extension, and only some of us will ever make it back from that."

Ms. JACKSON LEE of Texas. First, you read about a mother and her child that has to move back into their family's residence, or her parents' residence. These are now senior citizens.

Then you tell me about someone who's actually going to be homeless. Then we hear about a person that's degreed, has the ability to contribute to the engine of this economy in science, and they're unemployed. And then if you would, Mr. LEVIN, just look, I'm on the floor with Mr. GARAMENDI, the gentleman from California, and we use this to show how flat-lined our working and middle class have been in terms of the growth of their income; and we see the top percent of wealth right here shooting up to an enormous amount—that is the blue line. This is how the wealthy have progressed and grown.

And then we hear our friends saying the poor little rich person, where the very rich person in this group, because I'm not involved in class warfare, is saying we understand and we're willing to have the burden of sacrifice with the benefit of living in this great country.

And so when we look at this wealth, think about this woman who is saying she is near homelessness and think about the 160 million Americans that if we do not do a payroll tax cut; but think about, most of all, the 6 million Americans who will be left to homelessness in contrast to the enormous wealth that is on this poster board and the meager proposal of surtax on the 1 percent for 10 years, starting in 2013, to pay this off and to keep solvent Social Security. It is unbelievable that we would not rush to do this as we are nearing the holiday season.

I am just noting for you, Mr. LEVIN, just to say that the powerful, passionate letters that you have read are volumes in terms of those who are seeking our help.

And for anyone that has been to Occupy Houston or Occupy Wall Street or Occupy any city, if they talk to the people individually, they will know that these are simply hurting Americans who have lost their jobs who are seeking to come and seek opportunity. They want to work; and everyone that I have spoken to, the lady who is here with this home, 56 years old, I know that whether she's employed or not, the condition of her home suggests that she is in need. And the homeless persons, because they have no job, are in need.

I don't believe that the wealthy that are speaking on this particular poster

board would argue about the solution that you have come to and that you are advocating and that those who are writing in are saying, they are asking, just give me a lifeline and help me to survive.

I am prepared to stay here, Mr. LEVIN, as you have indicated, to make sure that we do right by the people who are so much in need.

Mr. Speaker, I rise today to address the issue of extending unemployment insurance. We must not go home for the holidays if we cannot agree to extend unemployment insurance.

With a national unemployment rate of 9.1 percent, preventing and prolonging people from receiving unemployment benefits is a national tragedy. As of today, in the City of Houston, the unemployment rate stands at 8.6 percent as almost 250,000 individuals remain unemployed.

Indeed, I cannot tell you how difficult it has been to explain to my constituents whom are unemployed that there will be no further extension of unemployment benefits until the Congress acts. Whether the justification for inaction is the size of the debt or the need for deficit reduction, it is clear that it is more prudent to act immediately to give individuals and families looking for work a means to survive.

If there is a single federal program that is absolutely critical to people in communities all across this nation at this time, it would be unemployment compensation benefits. Unemployed Americans must have a means to subsist, while continuing to look for work that in many parts of the country is just not there. Families have to feed children.

The American people are relying upon us to stand up for them when they are in need. This is not a time to take a vacation, go home to our families, and watch our unemployed constituents suffer through holidays.

Unemployed workers, many of whom rely on public transportation, need to be able to get to potential employers' places of work. Utility payments must be paid. Most people use their unemployment benefits to pay for the basics. No one is getting rich from unemployment benefits, because the weekly benefit checks are solely providing for basic food, medicine, gasoline and other necessary things many individuals with no other means of income are not able to afford.

Personal and family savings have been exhausted and 401(K)s have been tapped, leaving many individuals and families desperate for some type of assistance until the economy improves and additional jobs are created. The extension of unemployment benefits for the long-term unemployed is an emergency. You do not play with people's lives when there is an emergency. We are in a crisis. Just ask someone who has been unemployed and looking for work, and they will tell you the same.

Currently, individuals who are seeking work find it to be like hunting for a needle in a haystack. For every job available today, there are four people who are currently unemployed. You can not fit a square peg in a round hole and point fingers at the three other people who when that job is filled is left unemployed. Let's be realistic there are currently 7 million

fewer jobs in the economy today compared to when this recession began.

Although according to the U.S. Bureau of Labor Statistics the State of Texas continues to have the largest year-over-year job increase in the country with a total of 253,200 jobs. There are still thousands of Texans like thousands of other Americans in dire need of a job.

#### UNEMPLOYMENT INSURANCE

A study was conducted the research firm IMPAQ International and the Urban Institute found Unemployment Insurance benefits:

Reduced the fall in GDP by 18.3%. This resulted in nominal GDP being \$175 billion higher in 2009 than it would have been without unemployment insurance benefits.

In total, unemployment insurance kept GDP \$315 billion higher from the start of the recession through the second quarter of 2010;

kept an average of 1.6 million Americans on the job in each quarter: at the low point of the recession, 1.8 million job losses were averted by UI benefits, lowering the unemployment rate by approximately 1.2 percentage points; made an even more positive impact than in previous recessions, thanks to the aggressive, bipartisan effort to expand unemployment insurance benefits and increase eligibility during both the Bush and Obama Administrations. "There is reason to believe," said the study, "that for this particular recession, the UI program provided stronger stabilization of real output than in many past recessions because extended benefits responded strongly."

For every dollar spent on unemployment insurance, this study found an increase in economic activity of two dollars.

According to the Economic Policy Institute extending unemployment benefits could prevent the loss of over 500,000 jobs.

If Congress fails to act before the end of the year, Americans who have lost their jobs through no fault of their own will begin losing their unemployment benefits in January. By mid-February, 2.1 million will have their benefits cut off, and by the end of 2012 over 6 million will lose their unemployment benefits.

Congress has never allowed emergency unemployment benefits to expire when the unemployment rate is anywhere close to its current level of 9.1 percent.

Republicans seem to want to blame the unemployed for unemployment. But the truth is there are over four unemployed workers for every available job, and there are nearly 7 million fewer jobs in the economy today compared to when the recession started in December 2007.

The legislation introduced today would continue the current Federal unemployment programs through next year.

This extension not only will help the unemployed, but it also will promote economic recovery. The Congressional Budget Office has declared that unemployment benefits are "both timely and cost-effective in spurring economic activity and employment." The Economic Policy Institute has estimated that preventing UI benefits from expiring could prevent the loss of over 500,000 jobs.

In addition to continuing the Federal unemployment insurance programs for one year, the bill would provide some immediate assistance to States grappling with insolvency problems within their own UI programs.

The legislation would relieve insolvent States from interest payments on Federal loans for one year and place a one-year moratorium on higher Federal unemployment taxes that are imposed on employers in States with outstanding loans.

According to preliminary estimates, these solvency provisions will stop \$5 billion in tax hikes on employers in nearly two dozen States, as well as provide \$1.5 billion in interest relief. The legislation also provides a solvency bonus to those States not borrowing from the Federal government.

We must extend unemployment compensation. This will send a message to the nation's unemployed, that this Congress is dedicated to helping those trying to help themselves.

Until the economy begins to create more jobs at a much faster pace, and the various stimulus programs continue to accelerate project activity in local communities, we cannot sit idly and ignore the unemployed.

#### PAYROLL TAX CUT

For 337 days, the GOP House majority has failed to offer a clear jobs agenda. Congress must not leave Washington for the holidays without extending the payroll tax cut and unemployment benefits that put money into the economy and promote jobs.

GOP is risking tax relief for 160 million Americans while protecting massive tax cuts for 300,000 people making more than a million dollars per year.

Extending and expanding payroll tax cut would put \$1,500 into the pockets of the typical middle class family.

At least 400,000 jobs would be lost if Republicans block the payroll tax cut

In November, Senate Democrats proposed reducing it to 3.1 percent for 2012, and cutting employers' taxes on the first \$5 million in taxable payroll to the same level, which helps small businesses. To pay for the cut, the bill calls for a 3.25 percent tax on gross income over \$1 million for single filers and married couples filing jointly, the so-called "Millionaire's Tax." This is a reasonable compromise.

There are other ideas floating around this Chamber that touch on tax, such as repatriation. Lowering taxes is always a good idea, but scattershot approaches to tax reform almost always lead to undesirable outcomes.

#### TARGETED TAX RELIEF FOR AMERICAN WORKERS

The 2% payroll tax cut in effect for 2011 has provided \$110 billion of tax relief to 159 million American workers.

If the payroll tax cut is not extended, a family struggling through the economic recovery making \$50,000 will see its taxes go up by \$1,000.

Expanding the 2% payroll tax holiday to 3.1% will cut Social Security taxes in half for 160 million American workers next year.

This targeted tax relief will mean an extra \$1,500 for a typical American family making \$50,000, and \$2,500 for a family making \$80,000.

Mr. LEVIN. Your chart leads me to the last letter I'll read.

I read from Ralph of Warren, Michigan, because your chart shows what's at stake for middle-class America:

"Unemployment insurance must be extended so you can pay your bills and buy food. Without this insurance you

would see the foreclosures go through the roof. Start looking out for the middle class that built this country."

And this issue of extension of unemployment insurance is critical for all America, and it surely is critical for the middle class that helped to build this country in that now, and the millions are finding, they have lost their jobs, they are looking for work, they can't find it. We need to respond, and we need to respond right now.

And I close with this pledge from all of us on the Democratic side in the House: we do not intend to vote for a motion to adjourn until we have acted on the payroll issue, continuing on the physician reimbursement issue, and very much so on extending unemployment insurance so that people out of work, through no fault of their own, can be assured there won't be millions of people in this country, beginning the 1st of January, who are left out in the cold.

I thank all my colleagues.

Mr. Speaker, I yield back the balance of my time.

Mr. WAXMAN. Mr. Speaker, I rise today in unqualified support of extending unemployment benefits for the long-term unemployed.

The United States is a great nation. We're a great nation because we are the land of opportunity. We're a great nation because we are the home of the American Dream, where hard work and playing by the rules have always equaled success. But the United States is also a great nation because we assist our fellow citizens in need—those who have fallen on hard times and through no fault of their own are in need of a safety net.

An out-of-control Wall Street and the reckless deregulation pursued by the Bush Administration brought us the greatest economic crisis since the Great Depression. Tens of millions of American's lost their jobs, and fourteen million still are unemployed today. Forty-five percent of those unemployed have been out of work for six-months or more.

Every day, I hear from constituents that lost their job during the great recession and have been struggling to get by.

From one constituent:

I have been unemployed for almost 2 years. Never in my 51 years of life have I ever experienced anything like this. I submit resumes via Craigslist daily, I network and I have done whatever I can to get back to work. I will be homeless if [unemployment] benefits are not extended.

And another:

I'd really like to know if there's another unemployment benefits extension in the works. I am 53, with no family, and no car that I can live in, but I will lose my apartment if I can't find a job . . . or get more benefits. It's no secret that jobs are VERY hard to come by, and I've had a really good work history, but that means nothing right now.

And another:

I have sent out hundreds of resumes, both for positions in my field, and for positions I knew I could do, or have done when I was just starting out. I have received less than ten acknowledgements of receipt of my resume over the course of 21 months. My background and education are solid.



And another:

My job as CFO of a small restaurant chain, headquartered in Santa Monica, was eliminated in Dec. 2010. Since then I have been unable to find employment and, as a result, had to sell my condo at a considerable financial loss. I have been surviving through the extended unemployment program offered by the federal government. If this program is not renewed, I have no idea how I will cope, financially, or mentally.

And another:

I'm 63, was let go from a very significant position back in February 2008 after eight years of being a Multi Award Winning Sales Executive, in two industries . . . in working over 40 years without interruption I have been collecting unemployment benefits for two years. I'm embarrassed to tell you how many resumes and contacts I've made, competing with men and women in their 20's, 30's, 40's.

This has taken a huge toll on my life as you can imagine . . . my condo is for sale and I'm being audited by the IRS . . . my health has deteriorated and I didn't have health insurance for the past two years.

For too many Americans, unemployment benefits are the difference between having a roof over their head, or sleeping on the street; having food to feed their kids, or skipping dinner; seeing a doctor, or living with chronic illness.

As a great nation, we have an obligation to provide a lifeline to these fellow citizens. It is incumbent on us a decent society.

I have cosponsored legislation to extend unemployment insurance through the end of 2012. I have also cosponsored legislation to help the so-called "99-ers," by extending the length of federal benefits by an addition 14 weeks, to 113 weeks total.

But Congress must do more. My constituents need more than a safety net. They need jobs.

According to a recent report by the Washington Post, this Republican House is on track to be least productive first session in 20 years. In a full year, Republicans have yet to pass a single bill to create a single job.

The Republicans' refusal to take up measures to help restart our economy—like President Obama's American Jobs Act—is all the more reason that we must extend these essential unemployment benefits. I urge my colleagues to stand up for the unemployed Americans who are facing catastrophe through no fault of their own and vote now to extend this critical lifeline.

□ 1920

#### AMERICANS DESERVE BETTER

The SPEAKER pro tempore. Under the Speaker's announced policy of January 5, 2011, the gentleman from Florida (Mr. MACK) is recognized for 60 minutes as the designee of the majority leader.

Mr. MACK. Mr. Speaker, I think there are a lot of people back home who are watching this debate unfold, and more importantly, are watching the Congress and the administration. And, you know, I think a lot of people at home are scratching their head.

They're saying we the people are outraged at this administration and this Congress. And they should be.

The White House and their liberal allies in Congress and the media go on a nonstop bashing of a group of Americans who are productive and hardworking. Class warfare is as despicable as any other type of stereotyping, and putting citizen against citizen for political gain is outrageous and it's wrong.

Listen to this. The people are told that a tax cut is a tax increase or a tax increase isn't really a tax increase because there are savings that can be made elsewhere. That doesn't even make sense. Only in Washington can someone say we have to pay for a tax cut. Think about that. What we're saying is, what Washington is saying is, we have to pay for a tax cut. Well, whose money is it? Government doesn't make money. It's the people's money. Yet somehow up here in Washington we keep saying we have to pay for a tax increase. It's that hardworking family that has earned that money. It is not Washington's money.

And people, frankly, I think are disgusted with the notion that somehow the paradigm in Washington is we have to pay for a tax cut. It's their money. Something is very wrong here, and this body is part of the problem.

Let's put out the facts; facts, not spin. Government money doesn't exist. That's a fact. It's the people's money.

Here's another fact. If there are projects that can be cut, they should be cut. They shouldn't be traded like futures in the stock market. If we believe that we ought to extend the payroll tax cut extension, let's extend it. Let's stop playing games about moving money around from one program to another or keeping a bucket of projects or programs that we can save to cut at a time to bargain for something else.

It's time that we get serious, and the American people are saying they've had enough. They've had enough of what they're seeing here in Washington.

Let me say this one more time. Pitting American against American is un-American and outrageous and deserves the condemnation of each and every one of us in this Congress. This is not the America we know and love. We the people deserve better.

I yield back the balance of my time.

#### HONORING NAVAJO CODE TALKERS

The SPEAKER pro tempore (Mr. REED). Under the Speaker's announced policy of January 5, 2011, the gentleman from Arizona (Mr. GOSAR) is recognized for the remainder of the hour as the designee of the majority leader.

Mr. GOSAR. Mr. Speaker, thank you for joining me this evening to talk

about a very special group of veterans, the Navajo Code Talkers. Tonight, my colleagues and I are going to share their stories and highlight the amazing accomplishments of this group of warriors. Their contribution to the Allied effort during World War II is widely credited with winning the Battle of Iwo Jima and making majors gains in the Pacific.

During the early months of World War II, Japanese intelligence experts broke every code the U.S. forces devised. The Japanese were able to decode and intercept communications with ease. To combat this, increasingly complex codes were initiated that sometimes took hours at a time simply to decipher one message. Guadalcanal in 1942 was a turning point for the Allied military forces, who realized that the military communications needed a new direction, and new inspiration.

Fortunately, an innovative citizen named Philip Johnston had the answer. As the son of a Protestant missionary, Johnston had grown up on the Navajo reservation and was one of less than 30 non-Navajos fluent in the unique Navajo language. He realized that since it had no alphabet and was almost impossible to master without early exposure, the Navajo language was a perfect choice to form a new, impenetrable military code. In 1942, Johnston completed an impressive demonstration of the Navajo language to the Commanding General of the Pacific fleet headquartered in San Diego. He was then given permission to begin a pilot for the Navajo Code Talker program, and I would like to submit his letter dated March 8, 1942, for the RECORD.

HEADQUARTERS, AMPHIBIOUS FORCE,  
PACIFIC FLEET, CAMP ELLIOTT,  
San Diego, CA, March 6, 1942  
Subject: Enlistment of Navaho Indians.

To: The COMMANDANT,  
U.S. Marine Corps.

Enclosures: (A) Brochure by Mr. Philip Johnston, with maps. (B) Messages used in demonstration.

1. Mr. Philip Johnston of Los Angeles recently offered his services to this force to demonstrate the use of Indians for the transmission of messages by telephone and voice-radio. His offer was accepted and the demonstration was held for the Commanding General and his staff.

2. The demonstration was interesting and successful. Messages were transmitted and received almost verbatim. In conducting the demonstration messages were written by a member of the staff and handed to the Indian; he would transmit the message in his tribal dialect and the Indian on the other end would write them down in English. The text of messages as written and received are enclosed. The Indians do not have many military terms in their dialect so it was necessary to give them a few minutes, before the demonstration, to improvise words for dive-bombing, anti-tank gun, etc.

3. Mr. Johnston stated that the Navaho is the only tribe in the United States that has not been infested with German students during the past twenty years. These Germans, studying the various tribal dialects under the guise of art students, anthropologists,



etc., have undoubtedly attained a good working knowledge of all tribal dialects except Navaho. For this reason the Navaho is the only tribe available offering complete security for the type of work under consideration. It is noted in Mr. Johnston's article (enclosed) that the Navaho is the largest tribe but the lowest in literacy. He stated, however, that 1,000—if that many were needed—could be found with the necessary qualifications. It should also be noted that the Navaho tribal dialect is completely unintelligible to all other tribes and all other people, with the possible exception of as many as 28 Americans who have made a study of the dialect. This dialect is thus equivalent to a secret code to the enemy, and admirably suited for rapid, secure communication.

4. It is therefore recommended that an effort be made to enlist 200 Navaho Indians for this force. In addition to linguistic qualifications in English and their tribal dialect they should have the physical qualifications for messengers.

CLAYTON B. VOGEL,  
*Commanding General.*

Their elite unit was formed in early 1942 when the first of the 29 Navajo Code Talkers were recruited by Johnston. The code was modified and improved throughout the war, but it is so important to note that these 29 Navajo heroes came up with the original code themselves. Accordingly, they are often referred to reverently as the "original 29." We will have the honor of reading their names a bit later this evening.

Many of these enlistees were just boys with little exposure to the world outside of the Navajo reservation. After the war, it was discovered that recruits as young as 15 and as old as 35 years of age had enlisted. In fact, a few of these men traveled to other towns on the reservation, outside their clan where no one knew them and their true age, in order to enlist underage and serve their country.

After sailing through basic training, the Navajo Code Talkers were sent to Marine divisions in the Pacific theater of World War II. Their reputation as innovators soon spread far and wide amongst their commanding officers. In the field, they were not allowed to write any part of the code down as a reference. In fact, the code existed only amongst this small group. Under high pressure battle conditions, the Code Talkers had to quickly recall their code accurately, or risk hundreds or thousands of lives.

Make no mistake about the gravity of this accomplishment. The Navajo Code Talkers created the only unbroken code in modern military history. It baffled the Japanese forces. It was even indecipherable to a Navajo soldier taken prisoner and tortured on Bataan.

The secret code created by the Navajo Code Talkers was a simple marvel of linguistic invention. It contained native terms that were associated with specialized or commonly used military language, as well as native terms that represented letters in the alphabet.

English words with no Navajo translation were spelled out using the Nav-

ajo alphabet. The selection of a given term was based on the first letter of the English meaning of the Navajo word. For words that did not translate into Navajo, the Code Talkers created code that did not directly translate, but tended to resemble the things with which they are associated. For example, the Navajo word for "iron fish" represented submarine. I could give many more examples, but I think that one is particularly poignant. To say "America," the Code Talkers used the word "ne-he-mah," which means "our mother."

This brilliant code allowed our U.S. Marines to communicate quickly and accurately. The Code Talkers' brave work is widely credited with successes of battle in the Pacific and, more ultimately, with helping to end this tragic war.

□ 1930

In the battle for Iwo Jima, in the first 48 hours alone they coded over 800 transmissions with perfect accuracy.

While the true heroism of these brave warriors is known today, sadly, the Code Talkers had to return home after the war without the heroes' welcome they deserved. Ironically, the code was such a precious asset to the U.S. military that it was classified and had to be kept secret. While the code was declassified in 1968, it took years to properly decorate those veterans. In 2001, nearly 60 years after they created their legendary code, the Navajo Code Talkers finally received their well-deserved Congressional Medals of Honor.

Today, only one original Code Talker remains, but the tradition lives on. A delegation of the Four Corners States will attempt to recognize these warriors one by one and give us their thoughts during this hour.

I would like to first recognize my good friend from Arizona (Mr. FLAKE).

Mr. FLAKE. I thank the gentleman for yielding and for arranging this Special Order. This is something that we in Arizona and anywhere in the West in Utah and elsewhere have great pride in and that this recognition, as the gentleman mentioned, came far too late and has been far too little, given the amount of the impact that the Navajo Code Talkers had on World War II.

So I'm pleased to be here and to lend my voice to recognition. As the gentleman mentioned, only one of the original Code Talkers is still living. So I think it's important that we recognize others who carried on this code and tradition and helped out in this way.

This was a group, as we mentioned, of many Navajos, Native Americans, who volunteered for the armed services in World War II. This was, as the gentleman said, very successful. It was the only code that remained unbroken. And one of the most amazing aspects of World War II is how these people came

together, as the gentleman mentioned, young kids in their teen years and others, and volunteered for this effort. It's even more remarkable when we note that many States did not permit Native Americans to vote until the 1950s. Yet the Code Talkers were undeterred. They wanted to help their country.

It's fitting that we honor this group on the anniversary of the attack on Pearl Harbor, the start of World War II, because they had such an integral part of ensuring that that brutal war came to an end. I want to thank my colleague from Arizona and others who have come here for putting together this timely tribute to make sure that these individuals are recognized for the impact that they had in ending this war and to ensure that this world remains free.

Mr. GOSAR. I thank the gentleman.

I would like at this time to acknowledge my good friend from New Mexico (Mr. LUJAN).

Mr. LUJAN. I thank my colleague from Arizona (Mr. GOSAR) for bringing us together tonight as we get a chance to visit and celebrate heroes that are amongst us, whether it's in spirit or body, as we are still so fortunate to have Chester Nez with us, one of the original 29 as well.

With me tonight I have a few excerpts of articles that have been written around the country that capture some stories recently in the Fronteras Desk. An author by the name of Laurel Morales captured the story of Chester Nez. It starts like this: "Growing up in New Mexico, Chester Nez and many of his fellow Navajo were punished for speaking their language."

You talk about a language as they were pulled away to boarding schools, so many of the young Navajo across the country, and the importance of what they were able to accomplish during World War II. In the words of Major Howard Connor of the 5th Marine Division, he declared that were it not for the Navajos, the marines would never have taken Iwo Jima, and the importance of language and what they were able to accomplish.

The article goes on to read that years later, Nez was shocked to learn that he'd been recruited by the marines specifically to devise a code using the same language the government tried to beat out of him. It was extremely ironic. One of the very things they were forbidden to do—speak Navajo—ended up helping us save the war.

Mr. Nez goes on to say that he and his fellow Code Talkers first developed an alphabet, as you described, Mr. GOSAR, using everyday Navajo words to represent letters of words, as you talked about—submarine: iron fish; besh-lo: iron fish; and hummingbird: dah-he-tih-hi to talk about fighter planes. It's amazing how when we talked about the Japanese and how they were so effective at cracking

codes, how they couldn't crack this one.

Mr. Nez goes on to say in the article that being one of the last original Code Talkers, he lives in Albuquerque with his son—a father of six children. He has nine grandchildren and eight great-grandchildren. It goes on to say that “today, with so many people leaving the reservation, Navajo elders like Nez fear their language is dying. Nez hopes Navajo children learn the story of Code Talkers so they understand just how critical it is to learn their own language.”

And thank you for bringing us together, Mr. GOSAR, this evening to help celebrate the history of our Code Talkers, as it wasn't until Senator BINGAMAN moved legislation back in 2000 to be able to give honor to our original 29—a few of them, at the very least, and their families—with gold medals, and silver medals to the others that were also trained to go on.

So I think this is an example of a few stories that we'll be submitting and sharing this evening to be able to celebrate the lives and stories and the history, especially on today as we remember Pearl Harbor and all the sacrifice and all the families we lost that day and so many brave soldiers as well.

Thanks for bringing this tonight. I look forward to many stories and continuing to share many of the articles that we've been able to find capturing the history and personal stories of our friend, our heroes, the Code Talkers from all throughout New Mexico, Arizona, and Utah.

Mr. GOSAR. I thank the gentleman from New Mexico.

At this time I would like to recognize my good friend from Utah (Mr. CHAFFETZ).

Mr. CHAFFETZ. Thank you. I appreciate the bipartisan nature in which we do this. These are truly American heroes who have made a difference in our lives and something we should all be proud of and never forget. I worry as these gentlemen get older that some-how generations in the future will maybe forget this.

I appreciate you, Mr. GOSAR, for your commitment to them. I know you're passionate about this. I can see it in your eyes when you talk about it.

I wanted to recognize and pay special tribute to somebody who's originally from Utah, Samuel Tom Holiday. He was a Navajo Code Talker. He served in the United States Marine Corps 4th Marine Division, 25th Regiment, the H&S Company. We're fortunate to still have him here with us in our presence today.

Mr. Holiday was born in 1924 on a Navajo reservation near the Monument Valley area of Utah, down near the Four Corners area. He was a Navajo Code Talker in World War II. As you have talked about before, Code Talkers transmitted tactical messages by tele-

phone and radio in the Dine language. It was a code the Japanese were never able to break and was very instrumental in our war efforts.

At a young age, Samuel and his brothers hid from government agents who came to send Navajo children to boarding schools. Holiday said he was ultimately caught and forced to attend a boarding school where he was not allowed to speak his native language. As he said, “One of the hardest times I had was learning to talk English. I would hide cookies in my pockets to pay the older boys to teach me English. Whenever they”—the school instructors—“found out I had talked Navajo, they made me scrub floors, scrub walls. I spent much of my first year scrubbing the wall.”

Mr. Holiday attended the school until he was 18 years old and he was recruited into the Marine Corps. Mr. Holiday served in the Pacific theatre from 1943 to 1945 in Saipan, Tinian, Kwajalein Atoll, and Iwo Jima.

From Mr. Holiday: “A lot of time they sent us where it was a very dangerous spot, and I sent messages. They didn't know we were Navajo Code Talkers using Navajo language.” The very language he was punished for using in his boarding school was suddenly a major asset to the United States Marines.

Mr. Holiday remains active with the Navajo Code Talkers Association. He's traveled throughout most of the United States conducting presentations about the Code Talkers and about his life experiences before and after the war. I was very pleased to see that Mr. Holiday was awarded the Congressional Silver Medal, something he was very worthy of, obviously.

It's interesting to me that the Navajo Code Talker Program was actually a secret until after the war and was not declassified until later in 1968. It was another 14 years before the Navajo Code Talkers were recognized by the United States Government. In fact, in December of 1982, President Ronald Reagan recognized the Code Talkers for their dedicated service, unique achievement, patriotism, resourcefulness, and courage.

□ 1940

August 14, 1982 was proclaimed National Navajo Code Talkers Day. I think President Reagan did the right thing. I think it's something that all Americans—I want my kids and people in Utah and across the Nation to recognize the contributions and sacrifices that these people made. They truly made a difference in our lives; instrumental in the war.

I appreciate this time to be able to recognize their achievements and help to our country.

Mr. GOSAR. I thank the gentleman from Utah.

I would like at this time to recognize my friend, the gentleman from New Mexico (Mr. HEINRICH).

Mr. HEINRICH. I want to thank the gentleman from Arizona for pulling us together from around the four corners to honor these incredible Native Americans, these incredible Americans, especially on this historic anniversary. And I'm certainly honored to join my colleagues tonight to honor the quiet valor of all the Navajo Code Talkers.

Today, some six decades since their service during World War II, only one of the original 29 Code Talkers, Corporal Chester Nez, survives. And I am incredibly proud of Corporal Nez, who at the age of 90 resides in my congressional district in Albuquerque with his son Mike, his daughter-in-law Rita, and their children.

Corporal Nez's story is much like the hundreds of Code Talkers who followed in his footsteps. He grew up on the Navajo Nation to parents who grew corn and pinto beans, kept goats and sheep. And he grew up in a time when Navajos were sharply mistreated and even unable to vote in our own elections in places throughout the Southwest. Yet in 1942, at the age of 18, he sprung into action and he joined the 382nd Platoon in a role that is largely credited with saving thousands of American lives.

Along with the other 28 original Code Talkers, Corporal Nez developed a code from their unwritten language. You can find the code's explanation today in the index of his autobiography. And whether in artillery, tanks, aboard ships or in infantry, the Code Talkers played a vital role in some of the worst battles in the Pacific theater, communicating battlefield codes that were never, ever broken by the enemy. Their code-talking was considered so essential to the war that, unlike their counterparts, many of them were forced to serve straight through the war with no breaks for rest or trips back home. And today, we widely recognize that their service helped turn the course of World War II.

Yet because of the sheer secret of their role and the possibility that they would be called back for the same duty in the future, the actions of the Code Talkers weren't declassified until 23 years after the war ended. And it wasn't until 55 years later that they were bestowed with the Congressional Gold Medal of Honor and Silver Medal.

To the young people of the Navajo Nation for whom Corporal Nez's quiet valor is a remarkable example, I encourage you to carry on his legacy by keeping the Navajo language alive and well for generations to come.

Mr. Speaker, I know that the Navajo Nation takes such pride in these heroes. And on behalf of all of us who owe a tremendous debt of gratitude for their service, I'm proud to recognize the courage, service, and bravery of all the Navajo Code Talkers, and especially Corporal Nez of Albuquerque, New Mexico.

Mr. GOSAR. I thank the gentleman from New Mexico for that find.

I would now like to acknowledge my good friend from Arizona (Mr. SCHWEIKERT).

Mr. SCHWEIKERT. Thank you, Congressman GOSAR. For all of us, we truly appreciate you organizing this.

When you consider today is the 70th anniversary of Pearl Harbor and the entry into World War II, for many of us who grew up with family that had served, there's many heartbreaking stories. But when we reach out and read and learn more about the Code Talkers story, it's one of the great moments of pride for those of us from Arizona.

When you consider there were—my understanding is there were about 400 native Americans who served, but the 27—was it 27 or 29?

Mr. GOSAR. Twenty-nine.

Mr. SCHWEIKERT. Twenty-nine from Arizona, I've had the pleasure over time of meeting some of them. I also know, as Arizona now is about to begin celebrating its 100th anniversary—and I have, actually, it's a little bit of a silly photo, but there is actually a smaller version of this on my wall in my office. A few months ago we had our very first celebration of beginning the 1-year celebration of our centennial as a State, and we were featuring our Navajo Code Talkers. It is something that many of us from the West are very, very proud of. And it was also that little moment where if you ever want to be a little humiliated, have them try to teach you to speak a few Navajo words, and then the giggling begins on how badly you pronounce it.

But for anyone who is listening, the Navajo Code Talkers have actually built a foundation, and they actually have a wonderful Web site that has data and stories. It is [navajocodetalkers.org](http://navajocodetalkers.org). I encourage anyone to reach out and grab some of that information. These are powerful stories of incredible service to our country in a time of great need with a very unique skill and talent.

I thank the gentleman from Arizona for organizing this.

Mr. GOSAR. I thank the gentleman from Arizona.

I want to take a few moments and honor one of our own in Arizona who just recently died. It is my humble privilege to honor Allen Dale June, one of the original 29 Code Talkers. He died just recently in September of 2010 at the age of 91. He passed away of natural causes at the Veterans Hospital in Prescott, Arizona, which is in my district. He is survived by his wife and 10 children and was buried in Kaibeto, in the heart of Navajo reservation.

June, who attained the rank of sergeant, received the Congressional Gold Medal in 2001 along with other members of the original Code Talkers. When

he died, Navajo Nation Council Speaker Lawrence Morgan said, "The Navajo Nation lost a great warrior. His unique service to his country brought positive attention to the Navajo Nation. He will be missed."

According to his wife, Virginia, June first tried to sign up for the Marines in his hometown of Kaibeto, but a recruiter told him he was too young. He then traveled to the reservation town of Chinle to enlist because he figured people there wouldn't recognize him and he could lie about his age and forge his father's signature. This dedication and determination to serve their country was common among the Code Talkers and shows character and bravery that we all should emulate.

Allen June was a humble man who did not like to brag about much, even his remarkable service as a Code Talker. However, in the last years of his life he wore his service proudly, sporting a red Navajo Code Talker cap with his name on it.

I would like to take an opportunity and see if my colleague from New Mexico would entertain a colloquy back and forth giving the roll call of the names of the 29.

Mr. LUJAN. It would certainly be an honor, Mr. GOSAR.

Mr. GOSAR. Thank you, sir. The roll call for the Navajo Code Talkers, the original 29:

Charlie Y. Begay.  
Mr. LUJAN. Royal L. Begay.  
Mr. GOSAR. Samuel Begay.  
Mr. LUJAN. John Ashi Benally.  
Mr. GOSAR. Wilsie Bitsie.  
Mr. LUJAN. Cosey S. Brown.  
Mr. GOSAR. John Brown, Jr.  
Mr. LUJAN. John Chee.  
Mr. GOSAR. Benjamin Cleveland.  
Mr. LUJAN. Eugene R. Crawford.  
Mr. GOSAR. David Curley.  
Mr. LUJAN. Lowell S. Damon.  
Mr. GOSAR. George H. Dennison.  
Mr. LUJAN. James Dixon.  
Mr. GOSAR. Carl N. Gorman.  
Mr. LUJAN. Oscar B. Ilthma.  
Mr. GOSAR. Allen Dale June.  
Mr. LUJAN. Alfred Leonard.  
Mr. GOSAR. Johnny R. Manuelito.  
Mr. LUJAN. William McCabe.  
Mr. GOSAR. Chester Nez.  
Mr. LUJAN. Jack Nez.  
Mr. GOSAR. Lloyd Oliver.  
Mr. LUJAN. Joe Palmer.  
Mr. GOSAR. Frank Danny Pete.  
Mr. LUJAN. Nelson S. Thompson.  
Mr. GOSAR. Harry Tsosie.  
Mr. LUJAN. John Willie.  
Mr. GOSAR. William Dean Wilson.

Does my friend have any further comments?

Mr. LUJAN. Only to say again, Mr. GOSAR, as we celebrate tonight, to never forget about the contributions of the Navajo people to our great Nation, with the work that they've done not only through the Cold War, but going back to all the work that was done.

□ 1950

As we pointed out earlier, in the words of Major Howard Connor, if it

were not for the Navajos, the marines never would have taken Iwo Jima. It's a great night to be here to celebrate, and I thank you for bringing us together.

I would like to submit into the RECORD an article from the Santa Fe New Mexican, dated August 29, 2010, also capturing the story telling and talking about Mr. Chester Nez, as well as the article, "The Last of the Navajo Code Talkers," by Laurel Morales, which was listed in the Fronteras Desk.

[From the SantaFeNewMexican.com, Aug. 29, 2010]

AN ORIGINAL CODE TALKER KEEPS TALE ALIVE—FEW REMAINING MEMBERS OF ELITE NAVAJO MARINE UNIT

(By Felicia Fonseca)

ALBUQUERQUE.—Tourists hurry inside a shop here to buy books about the famed Navajo Code Talkers, warriors who used their native language as their primary weapon.

Outside, on a walk sheltered from the sun, nine of the Code Talkers sit at a table autographing the books. Each is an old man now. They wear similar caps and shirts, the scarlet and gold of the Marine Corps, and turquoise jewelry.

One of these men, who signs his name as Cpl. Chester Nez, is distinguished from the others. Below his signature, he jots down why: 1st Original 29.

Before hundreds of Code Talkers were recruited from the Navajo Nation to join the elite unit, 29 Navajos were recruited to develop the code—based on the then-unwritten Navajo language—that would confound Japanese military cryptologists and help win World War II.

Of the Original 29, only three survive. Nez is one.

The Code Talkers took part in every assault the Marines conducted in the Pacific, sending thousands of messages without error on Japanese troop movements, battlefield tactics and other communications critical to the war's ultimate outcome.

"It's one of the greatest parts of history that we used our own native language during World War II," Nez said in an interview with The Associated Press. "We're very proud of it."

Nez tells the story succinctly. He is the last of the original group able to do so. One can hardly speak or hear, and the memory of the third is severely tested by Alzheimer's disease.

The 89-year-old Nez is limited, too. He is in a wheelchair after diabetes led to the amputation of both legs. These days, he'd rather "just sit around, take it easy," he said.

As a boy, Nez lived in a traditional Navajo home and helped his family tend to sheep in Two Wells on the eastern side of the vast 27,000-square-mile reservation.

He played with toy cars, went barefoot, and spoke only his native language. That changed when he was sent to one of the boarding schools set up by the federal government to assimilate American Indian children into the broader culture.

At boarding school, Nez said he had his mouth washed out with soap for speaking Navajo—ironic indeed, considering the vital role that the unique language—and Nez—would come to play.

Nez was in 10th grade when a Marine recruiter came looking for young Navajos who were fluent in Navajo and English to serve in World War II. He jumped at the chance to defend his country, and to leave boarding

school. He kept the decision to enlist a secret from his family and lied about his age, as did many others.

"I told my roommate, 'Let's try it out,' and that's what we did," Nez said. "One reason we joined is the uniform—they were so pretty, dress uniforms."

About 250 Navajos showed up at Fort Defiance, Ariz., then a U.S. Army base. But only 29 were selected to join the first all-Native American unit of Marines. They were inducted in May 1942.

After basic training, the 382nd Platoon was tasked with developing the code.

There Nez met Allen Dale June and Lloyd Oliver, among the others. Using Navajo words for red soil, war chief, clan, braided hair, beads, ant and hummingbird, for example, they came up with a glossary of more than 200 terms, later expanded, and an alphabet.

At first, Nez said, the concern was whether or not the code could work. Then it proved impenetrable. "The Japanese did everything in their power to break the code but they never did," he said.

Nez no longer remembers the code in its entirety, but easily switches from English to Navajo to repeat one instruction he delivered during fighting on Guadalcanal.

"I always remember this one," Nez said. "Enemy machine gun on your right flank, destroy!"

The Navajos trained in radio communications were walking copies of the code. Each message read aloud by a Code Talker was immediately destroyed.

"When you're involved in the world of cryptology, you not only have to provide information, you have to protect that," said Patrick Weadon, curator of the National Cryptologic Museum. "And there's no better example than the Navajo Code Talkers during World War II."

The Code Talkers were constantly on the move, often from foxhole to foxhole. Nez had a close call in Guam with a sniper's bullet that whizzed past his head and struck a palm tree.

Once while running a message, Nez and his partner were mistaken for Japanese soldiers and were threatened at gunpoint until a Marine lieutenant cleared up the confusion, his son, Michael, said.

"Of course Dad couldn't tell them he was a Code Talker," Nez's son said.

The Code Talkers had orders not to discuss their roles—not during the war and not until their mission was declassified 23 years later.

In 2001 Nez, Dale and June traveled aboard the same plane to Washington, D.C., to receive the Congressional Gold Medal. The recognition, which they didn't receive when they returned home from war, propelled them to a sort of celebrity status, along with the release of a movie based on the Code Talkers the following year.

They appeared on television, rode on floats in parades and were asked to speak to veterans groups and students.

Nez threw the opening pitch at a 2004 Major League Baseball game and blessed the presidential campaign of John Kerry. Oliver traveled with other Code Talkers as guests of honor in the nation's largest Veterans Day parade in New York last year.

When residents of Longmont, Colo., heard that June and his wife did not have a permanent home, they raised money to buy one for the couple.

The last three survivors of the Original 29 don't live on the Navajo Nation, where they are celebrated with a tribal holiday. They wonder about each other, but it's unlikely they'll reunite again.

After World War II, Nez volunteered to serve two more years during the Korean War and retired in 1974 after a 25-year career as a painter at the veterans hospital in Albuquerque.

June, 88, has spent the past few weeks in and out of hospitals in Wyoming and Arizona, and requires round-the-clock care. His third wife, Virginia, calls herself "the charm" and the protector of an endangered species.

She's a walking promotion for him and the Marine Corps, yet she's careful of how much she says because he thinks it is unwelcome bragging.

Oliver's wife, Lucille, echoes similar sentiments about her husband. Oliver displayed few reminders in what, until earlier this year, was his home on the Yavapai Indian reservation in Camp Verde, Ariz.—a few framed pictures, a Marine cap above his bedroom window and a U.S. flag above the doorway.

"He just put the past behind him, I guess," she says.

Oliver, 87, speaks audibly but his words are difficult to understand. His hearing is impaired and he prefers not to have a hearing aid.

Both June and Oliver had brothers who later served as Code Talkers.

Nez tells the tourists seeking autographs in Albuquerque that he's part of the Original 29, but few appear to grasp what that means.

"Most of them," he says of the tourists, "they just thank me for what we did."

[From the Fronteras Desk, Nov. 11, 2011]

#### THE LAST OF THE NAVAJO CODE TALKERS

(By Laurel Morales)

FLAGSTAFF.—Only one veteran Navajo code talker remains of the original 29 Navajo Marines who used their native language to devise an unbreakable code during World War II.

Growing up in New Mexico, Chester Nez and many of his fellow Navajo were punished for speaking their language. In the 1920s, Nez attended one of many government run boarding schools that attempted to erase Indian culture and language.

"I often think about the things I went through, all the hardships," Nez said. He was being interviewed at the studios of KUNM in Albuquerque for Veterans Day.

Years later, Nez was shocked to learn he'd been recruited by the Marines, specifically to devise a code using the same language the government tried to beat out of him. Judith Avila helped Nez write his memoir Code Talker, which was just published.

"It was extremely ironic one of the very things they were forbidden to do—speak Navajo—ended up helping save us during the war," Avila said.

During World War II, the Japanese had cracked code after code the U.S. military used to hide their communications. Then, a Marine by the name of Philip Johnston, who had been raised on the Navajo Nation by white missionaries, suggested enlisting the help of the Navajo tribe. They became known as the code talkers.

Navajo, or Dine as it's called, is a spoken language. And few non-Navajos understand its complexities. Nez and his fellow code talkers first developed an alphabet using every day Navajo words to represent letters, like the Navajo word for ant became "A."

Chester Nez, seen here during World War II, is 90 and the last of the original 29 Navajo Code Talkers.

Then they came up with words for military terms. In Navajo, there is no word for bomb.

So they called it an egg. A fighter plane was the Navajo word for hummingbird.

"And the Japanese tried everything in their power to try to decipher our code, but they never succeeded," Nez said.

He and his fellow code talkers were faced with many cultural challenges during the war. The most difficult was dealing with so much death.

The Navajo believe when you encounter a dead body that person's spirit stays with you. Coming home after the war, Nez remembered being haunted by these spirits.

"They were all around me. I actually see them alongside my bed," Nez said. "This was one of the bad omen."

His family performed a ceremony called the "enemy way" to cleanse him. After that, Nez said, he felt free of the ghosts.

The code talker program was secret. When Nez and the others arrived home in 1945, there was no fanfare. The code remained active for years after the war; it wasn't declassified until 1968. Still, it took decades before the men were officially recognized.

In 2000, New Mexico Senator Jeff Bingaman introduced legislation to honor the code talkers. The following year—nearly six decades after the code was written—president George W. Bush awarded them Congressional Gold Medals.

"Today we give these exceptional Marines the recognition they earned so long ago," President Bush told a televised crowd at the Capital Rotunda.

Only five of the original 29 were still alive.

Chester Nez stood tall, puffed out his chest and saluted the president, while the crowd—many relatives of code talker families—gave the group a standing ovation.

"This gold medal is something I will treasure for as long as I live," said Nez, now 90-years-old.

The last original code talker lives in Albuquerque with his son. The father of six children, he has nine grandchildren and eight great grandchildren.

Today with so many people leaving the reservation, Navajo elders like Nez fear their language is dying. Nez hopes Navajo children learn the story of the code talkers, so they understand just how critical it is to learn and use their own language.

Mr. GOSAR. I thank the gentleman from New Mexico for his contribution.

I would also like to start by going through the further list of the Navajo Code Talkers in the honor roll:

#### NAVAJO CODE TALKER LIST

CONFIRMED BY MARINE CORPS, AS OF 17 JULY 2001

1. Akee, Dan 818638
2. Anthony, Franklin 990074
3. Apache, Jimmie 936773
4. Arviso, Bennie 894438
5. Ashike, Earl 990140
6. Ashley, Regis 894674
7. Attikai, Harold 990084
8. Augustine, John 894402
9. Ayze, Lewis 990075
10. Bahe, Henry 479876
11. Bahe, Woody 875423
12. Baldwin, Benjamin 818564
13. Beard, Harold 894537
14. Becenti, Roy L. 831055
15. Bedoni, Sidney 479771
16. Begay, Carlos 818566
17. Begay, Charlie Sosie 830976
18. Begay, Flemming 830977
19. Begay, George 990132
20. Begay, Henry 990142
21. Begay, Jerry C. 830979
22. Begay, Joe 990094

23. Begay, Lee 990116
24. Begay, Leo 990126
25. Begay, Leonard 990210
26. Begay, Notah 875405
27. Begay, Paul 479917
28. Begay, Samuel H. 358525
29. Begay, Thomas H. 537144
30. Begay, Walter 990073
31. Begay, Willie K. 1000016
32. Begay, Wilson J. 894417
33. Begody, David M. 990209
34. Begody, Roger 875422
35. Belinda, Wilmer 875407
36. Belone, Harry 936837
37. Benallie, Jimmie D. 964665
38. Benally, Harrison Lee 1000075
39. Benally, Harry 894507
40. Benally, Jimmie L. 831045
41. Benally, Johnson D. 875371
42. Benally, Samuel 1000078
43. Benton, Sr., Willie 830980
44. Bernard, John 875276
45. Betone, Lloyd 830963
46. Bia, Andrew 990072
47. Billey, Wilfred 830982
48. Billie, Ben 1000045
49. Billiman, Howard 521004
50. Billison, Samuel (Dr.) 831074
51. Billy, Sam Jones 830981
52. Bitsie, Peter J. 1000037
53. Bitsoie, Delford 990061
54. Bizardie, Jesse 875495
55. Black, Jesse 990205
56. Blatchford, Paul 818633
57. Bluehorse, David M. 831043
58. Bowman, John Henry 403099
59. Bowman, Robert 936938
60. Brown, Arthur 990125
61. Brown, Clarence Paul 990088
62. Brown, Tsosie Herman 990202
63. Brown, William Tully 990109
64. Buck, Wilford 1000019
65. Burke, Bobby 894411
66. Burnie, Jose 1000100
67. Burnside, Francis 548184
68. Burr, Sandy 830984
69. Cadman, William 936839
70. Calleditto, Andrew 448919
71. Carroll, Oscar Tsosie 894622
72. Cattle Chaser, Dennis 479729
73. Cayedito, Del 830985
74. Cayedito, Ralph 830986
75. Charley, Carson Bahe 894600
76. Charlie, Sam 990199
77. Chase, Frederick 479873
78. Chavez, George 831098
79. Chee, Guy 990200
80. Clah, Stewart 965051
81. Claw, Thomas 818547
82. Cleveland, Billie 521016
83. Cleveland, Ned 894519
84. Cody, Leslie 479834
85. Cohoe, James Charles 416497
86. Craig, Bob Etcitty 830988
87. Crawford, Karl Kee 478278
88. Cronemeyer, Walter 990201
89. Crosby, Billy 990035
90. Csinnjinni, Carl 416351
91. Dale, Ray 448911
92. Damon, Anson C. 990227
93. Davis, Tully 875378
94. Deel, Martin Dale 818563
95. Dehiya, Dan 830989
96. Dennison, Leo 990107
97. Dodge, Jerome Cody 894478
98. Doolie, John 830990
99. Doolie, Richardson 479723
100. Draper, Nelson 990098
101. Draper, Teddy Sr. 875345
102. Etsicitty, Kee 830991
103. Etsitty, Deswood 875304
104. Evans, Harold 990097
105. Foghorn, Ray 830992
106. Francisco, Jimmy 818625
107. Gatewood, Joseph P. 479889
108. George, William 894441
109. Gishal, Milton M. 875283
110. Gleason, Jimmie 894446
111. Goodluck, John 830933
112. Gorman, Tom 818627
113. Grayson, Bill L. 990052
114. Greymountain, Yazzie 894538
115. Guerito, Billy Lewis 830994
116. Gustine, Tully 830995
117. Guy, Charles 875406
118. Harding, Ben Williams 990091
119. Harding, Jack W. 479888
120. Hardy, Tom 894628
121. Harrison, Emmett 894479
122. Haskie, Ross 358587
123. Hawthorne, Roy Orville 990027
124. Haycock, Bud 990196
125. Hemstreet, Leslie 936840
126. Henry, Albert 830996
127. Henry, Edmund Juan 830997
128. Henry, Kent Carl 936779
129. Hickman, Dean Junian 990103
130. Holiday, Calvin 990198
131. Holiday, Samuel Tom 818614
132. Housewood, Johnson 448907
133. Housteen, Dennie 479730
134. Howard, Ambrose 818574
135. Hubbard, Arthur Jose 1000128
136. Hudson, Lewey 894521
137. Hunter, Tom 875445
138. James, Benjamin 830998
139. James, Billie 875301
140. James, George B. 875342
141. Johle, Elliott 894447
142. John, Charlie T. 875395
143. John, Leroy M. Sr. 448918
144. Johns, Edmund 448908
145. Johnny, Earl 830999
146. Johnson, Deswood R. 844625
147. Johnson, Francis T. 479772
148. Johnson, Johnnie 537164
149. Johnson, Peter 894412
150. Johnson, Ralph 990086
151. Jones, Jack 818548
152. Jones, Tom H. Jr. 831001
153. Jordan, David 831000
154. June, Floyd 479768
155. Keams, Percy 990028
156. Keedah, Wilson 894673
157. Kellwood, Joe H. 479704
158. Kescoli, Alonzo 875397
159. Ketchum, Bahe 875416
160. King, Jimmie 448910
161. Kinlacheeny, Paul 894414
162. Kinsel, John 448912
163. Kirk, George H. 831003
164. Kirk, Leo 585379
165. Kiyaani, Mike 894629
166. Kontz, Rex T. 448921
167. Lapahie, Harrison 831046
168. Largo, James 990095
169. Little, Keith M. 818629
170. Lopez, Tommy K. 831059
171. MacDonald, Peter 1000079
172. Malone, Max 894621
173. Malone, Rex 831101
174. Malone, Robert 831075
175. Maloney, James 990085
176. Maloney, Paul E. 875431
177. Manuelito, Ben C. 479800
178. Manuelito, Ira 831005
179. Manuelito, James C. 831060
180. Manuelito, Peter 1000234
181. Marianito, Frank 936841
182. Mark, Robert 990093
183. Martin, Matthew 894406
184. Martinez, Jose 894550
185. McCraith, Archibald 990110
186. Mike, King Paul 894671
187. Miles, General 990096
188. Moffitt, Tom Clah 894473
189. Morgan, Jack C. 830932
190. Morgan, Ralph 448920
191. Morris, Joe 894601
192. Moss, George 990093
193. Multine, Oscar P. 875314
194. Murphy, Calvin H. 875360
195. Nagurski, Adolph N. 875384
196. Nahkai, James T. Jr. 831006
197. Nakaidinae, Peter Sr. 479861
198. Napa, Martin Felix
199. Negale, Harding 936842
200. Newman, Alfred 831007
201. Nez, Arthur 1000176
202. Nez, Freeland 875252
203. Nez, Israel Hosteen 479769
204. Nez, Sidney 894511
205. Notah, Roy 448914
206. Notah, Willie Anthony 875300
207. O'Dell, Billy 479877
208. Oliver, Willard V. 831008
209. Paddock, Layton 479871
210. Pahe, Robert D. 831114
211. Parrish, Paul A. 416414
212. Patrick, Amos Roy 936843
213. Patterson, David Earl 831043
214. Peaches, Alfred James 875372
215. Peshlakai, Sam 894440
216. Peterson, Joe Sr. 1000089
217. Pinto, Gaul (Guy) 831047
218. Pinto, John Senator 990189
219. Platero, Richard 894460
220. Preston, Jimmie 479801
221. Reed, Sam 875369
222. Roanhorse, Harry C. 831011
223. Sage, Andy 831012
224. Sage, Denny 818604
225. Salabiye, Jerry E. 1000024
226. Sandoval, Peter P. 831088
227. Sandoval, Samuel F. 831013
228. Sandoval, Thomas 831014
229. Scott, John 875415
230. Sells, John C. 936956
231. Shields, Freddie 894442
232. Shorty, Dooley 1000177
233. Shorty, Robert T. 831049
234. Silversmith, Joe A. 831015
235. Silversmith, Sammy 831050
236. Singer, Oscar Jones 990122
237. Singer, Richard 479774
238. Skeet, Wilson Chee 1000081
239. Slinkey, Richard T. 479727
240. Slivers, Albert J. Sr. 990068
241. Smiley, Arcenio 894508
242. Smith, Albert 831062
243. Smith, George 831063
244. Smith, Raymond R. 857535
245. Smith, Samuel Jesse 831073
246. Soce, George B. 831016
247. Sorrell, Benjamin G. 448905
248. Spencer, Harry 990197
249. Tabaha, Johnnie 990076
250. Tah, Alfred 479831
251. Tah, Edward 894676
252. Talley, John N. 831017
253. Tallsalt, Bert 990082
254. Thomas, Edward 990129
255. Thomas, Richard 894520
256. Thompson, Clare M. 875458
257. Thompson, Everett M. 818518
258. Thompson, Francis T. 537182
259. Thompson, Frank T. 403057
260. Todacheene, Carl Leon 831018
261. Todacheene, Frank Carl 990105
262. Tohe, Benson 537165
263. Toledo, Curtis 831051
264. Toledo, Frank 479759
265. Toledo, Preston 479757
266. Toledo, Willie 479756
267. Towne, Joseph H. 479721
268. Towne, Zane 479770
269. Tso, Chester H. 894413
270. Tso, Howard B. 894677
271. Tso, Paul Edward 990071
272. Tso, Samuel 818546
273. Tsosie, Alfred 831019
274. Tsosie, Cecil G. 831020

275. Tsosie, Collins D. 831021  
 276. Tsosie, Kenneth 831025  
 277. Tsosie, Samuel Sr. 479913  
 278. Upshaw, John 990099  
 279. Upshaw, William 875364  
 280. Vandever, Joe 831026  
 281. Wagner, Oliver 990162  
 282. Wallace, Stephan P. 1000022  
 283. Walley, Robert 831027  
 284. Werito, John 831052  
 285. Whitman, Lyman J. 894466  
 286. Willetto, Frank, Jr. 831029  
 287. Willetto, Frankie Chee 894509  
 288. Williams, Alex 875338  
 289. Williams, Kenneth 875370  
 290. Willie, George B. 875408  
 291. Woody, Clarence Bahi 990092  
 292. Yazhe, Ernest 448949  
 293. Yazhe, Harrison A. 875363  
 294. Yazza, Peter 875442  
 295. Yazza, Vincent 1000109  
 296. Yazzie, Clifton 894593  
 297. Yazzie, Daniel 831030  
 298. Yazzie, Eddie Melvin 521223  
 299. Yazzie, Edison Kee 875390  
 300. Yazzie, Felix 416408  
 301. Yazzie, Francis 1000101  
 302. Yazzie, Frank H. 990101  
 303. Yazzie, Harding 894480  
 304. Yazzie, Harold 537154  
 305. Yazzie, Joe Shorty 830962  
 306. Yazzie, John 990113  
 307. Yazzie, Justin D. 1000126  
 308. Yazzie, Lemuel Rev. 990062  
 309. Yazzie, Ned 990112  
 310. Yazzie, Pahe Denet 479773  
 311. Yazzie, Raphael 831053  
 312. Yazzie, Robert 831031  
 313. Yazzie, William 875347  
 314. Yellowhair, Leon 990100  
 315. Yellowhair, Stanley 818600  
 316. Yellowman, Howard 831032  
 317. Yoe, George 990119  
 318. Zah, Henry 894551

## LISTED, BUT NOT CONFIRMED

1. Alfred, Johnnie 479728  
 2. Allen, Perry 818534  
 3. Becenti, Ned 448948  
 4. Begay, Edward 474862  
 5. Begay, Jimmie 419878  
 6. Begay, Johnson 965045  
 7. Brown, Ned 818534  
 8. Clark, Jimmie 830987  
 9. Fowler, King 990080  
 10. Gray, Harvey 448909  
 11. Jenson, Nevy 990178  
 12. Jose, Teddy 448913  
 13. Kennepah, Jessie 358451  
 14. Morgan, Herbert 448922  
 15. Morgan, Sam 831100  
 16. Nez, Howard 403039  
 17. Nez, Howard H. 831086  
 18. Otero, Tom 831009  
 19. Singer, Tom 448916  
 20. Smith, Enoch 998953  
 21. Sorrel, Jerome 448915  
 22. Tsosie, David W. 831022  
 23. Tsosie, Howard 964998  
 24. Tsosie, Howard J. 831024  
 25. Whitman, Joe Reid 831028  
 26. Wilson, William 567102  
 27. Yazzie, Charley H. 831054  
 28. Yazzie, Sam W. 990036

## PENDING/WAITING FOR RECORDS

1. Anderson, Edward 956330  
 2. Brown, N.A. 964770  
 3. Burnside, Francis A. 548184  
 4. Curley, Rueban 875229  
 5. David, Alfred  
 6. Dooley, Richard 807198  
 7. Foster, Harold Y. 537154  
 8. Freeman, Edwin  
 9. Goldtooth, Emmett

10. Goodman, Billie 875280  
 11. Harthorn, Rodger 2314982  
 12. Jake, H.  
 13. Kien, William 831058  
 14. Leroy, George  
 15. Leuppe, Edward 381004  
 16. Nazwood, Johnson  
 17. Peterson, David 831043  
 18. Price, Joe F. 894626  
 19. Price, Wilson H. 358592  
 20. Sandoval, Merrill Leon 831048  
 21. Tracey, Peter 257670  
 22. Tsosie, Woody B.  
 23. Visalia, Buster

## NOT LISTED

1. Babiye, Don  
 2. Barber, Willie  
 3. Begaye, Flemming 830977  
 4. Bejay, Charlie  
 5. Burbank, Askee  
 6. Clauschee, Guy 990200  
 7. Hanigahnie Jake  
 8. Kent, Carl Henry  
 9. Livingston, ?  
 10. Lod(?)ato, Joe T.  
 11. Martinez, Martin  
 12. Peshlakai, Wallace Jr.  
 13. Singer, William  
 14. Yazzie ?, Leon  
 15. Yazzie, Peter

It is with that I submit those names on a wonderful treasure from the Four Corners to America, and what they gave this country is so valuable. You look back on their life and what they gave us is immeasurable. What I would also like to do is honor them on today, the anniversary of Pearl Harbor; and I hope that we would look fondly on their attributes and what they gave to this great country because we are all great because of them.

I also want to take the liberty of acknowledging one other person. It's her birthday today. It's my mom. She turned 78. Happy birthday, Mom.

I yield back the balance of my time.

## NAVAJO CODE TALKERS

(Mr. LAMBORN asked and was given permission to address the House for 1 minute.)

Mr. LAMBORN. Mr. Speaker, on this, the 70th anniversary of the attack on Pearl Harbor, I want to recognize a group of unique Americans who made an invaluable contribution to winning the war in the Pacific—Native American Code Talkers.

John Werito of southwest Colorado was assigned to the 4th Marine Division in Maui, Hawaii. He first saw action when his division landed on Roi Namur, part of the Marshall Islands, then a Japanese stronghold.

From there, the 4th Division took Saipan where Werito was wounded. After recovering from his injuries, he took part in the invasion of Iwo Jima, where he was wounded a second time. He recovered from his injuries on a hospital ship at sea after refusing to be sent home to the U.S. because he wanted to be part of the invasion of Japan, should that be necessary.

Back home, Werito settled in Denver where he served as a letter carrier for

the U.S. Postal Service. He passed away in 1983 and is buried at Fort Logan National Cemetery in Colorado.

Werito was posthumously awarded the Silver Congressional Medal of Honor in 2002. His widow, Rose, and children, Nellie and Michael, attended the ceremony in Window Rock, Arizona, on the Navajo Nation.

I thank Mr. Werito for his courage in fighting a brutal enemy in the Pacific.

The Code Talkers of all tribes are a special class of brave warriors who deserve our continued recognition.

## LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. NADLER (at the request of Ms. PELOSI) for today and December 8 on account of a family matter.

## SENATE ENROLLED BILLS SIGNED

The Speaker announced his signature to enrolled bills of the Senate of the following titles:

S. 1541. An act to revise the Federal charter for the Blue Star Mothers of America, Inc. to reflect a change in eligibility requirements for membership.

S. 1639. An Act to amend title 36, United States Code, to authorize the American Legion under its Federal charter to provide guidance and leadership to the individual departments and posts of the American Legion, and for other purposes.

## ADJOURNMENT

Mr. LAMBORN. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 8 o'clock and 8 minutes p.m.), under its previous order, the House adjourned until tomorrow, Thursday, December 8, 2011, at 9 a.m.

## EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XIV, executive communications were taken from the Speaker's table and referred as follows:

4176. A letter from the Acting Administrator, Department of Agriculture, transmitting the Department's final rule — Christmas Tree Promotion, Research, and Information Order [Doc. No.: AMS-FV-10-0008-FR-1A] (RIN: 0581-AD00) received November 15, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4177. A letter from the Management and Program Analyst, Directives and Regulations, Forest Service, Department of Agriculture, transmitting the Department's final rule — Community Forest and Open Space Conservation Program (RIN: 0596-AC84) received November 15, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4178. A letter from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting the Department's final rule — Defense Federal Acquisition Regulations Supplement (DFARS



Case 2009-D036) (RIN: 0750-AG66) received November 18, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

4179. A letter from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting the Department's final rule — Defense Federal Acquisition Regulations Supplement (DFARS Case 2011-D050) (RIN: 0750-AH44) received November 18, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

4180. A letter from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting the Department's final rule — Defense Federal Acquisition Regulations Supplement (DFARS Case 2011-D053) (RIN: 0750-AH46) received November 18, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

4181. A letter from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting the Department's final rule — Defense Federal Acquisition Regulations Supplement (DFARS Case 2011-D031) (RIN: 0750-AH30) received November 18, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

4182. A letter from the Chief Counsel, Department of Homeland Security, transmitting the Department's final rule — Changes in Flood Elevation Determinations [Docket ID: FEMA-2011-0002] received November 15, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

4183. A letter from the Chief Counsel, Department of Homeland Security, transmitting the Department's final rule — Final Flood Elevation Determinations [Docket ID: FEMA-2011-0002] received November 16, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

4184. A letter from the Chief Counsel, Department of Homeland Security, transmitting the Department's final rule — Changes in Flood Elevation Determinations [Docket ID: FEMA-2011-0002] [Internal Agency Docket No.: FEMA-B-1225] received November 15, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

4185. A letter from the Assistant General Counsel for Regulatory Affairs, Consumer Product Safety Commission, transmitting the Commission's final rule — Virginia Graeme Baker Pool and Spa Safety Act; Incorporation by Reference of Successor Standard received November 16, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4186. A letter from the Deputy Archivist of the United States, National Archives and Records Administration, transmitting the Administration's final rule — NARA Records Reproduction Fees [NARA-11-0002] (RIN: 3095-AB71) received November 15, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Oversight and Government Reform.

4187. A letter from the Deputy Assistant Administrator for Regulatory Programs, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Northeastern United States; Monkfish; Framework Adjustment 7 [Docket No.: 101119575-1554-02] (RIN: 0648-BA46) received November 15, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

4188. A letter from the Deputy Assistant Administrator for Operations, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final

rule — Magnuson-Stevens Act Provisions; Fisheries Off West Coast States; Pacific Coast Groundfish Fishery; Amendments 20 and 21; Trawl Rationalization Program; Correcting Amendments [Docket No.: 110721401-1470-01] (RIN: 0648-BB31) received November 16, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

4189. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Pacific Cod by Vessels Harvesting Pacific Cod for Processing by the Inshore Component in the Central Regulatory Area of the Gulf of Alaska [Docket No.: 101126522-0640-02] (RIN: 0648-XA759) received November 15, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

4190. A letter from the Deputy Assistant Administrator for Regulatory Services, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Magnuson-Stevens Act Provisions; Fisheries Off West Coast States; Pacific Coast Groundfish Fishery; Biennial Specifications and Management Measures; Correction [Docket No.: 100804324-1496-05] (RIN: 0648-BA01) received November 16, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

4191. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Snapper-Grouper Fishery of the South Atlantic; Closure of the 2011-2012 Recreational Sector for Black Sea Bass in the South Atlantic [Docket No.: 0907271173-0629-03] (RIN: 0648-XA686) received November 15, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

4192. A letter from the Deputy Assistant Administrator for Regulatory Programs, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Western Pacific Bottomfish and Seamount Groundfish Fisheries; 2011-12 Main Hawaiian Islands Deep 7 Bottomfish Annual Catch Limits and Accountability Measures [Docket No.: 11071384-1534-02] (RIN: 0648-XA470) received November 16, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

4193. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Gulf of Mexico Reef Fishery; Closure of the 2011 Gulf of Mexico Commercial Sector for Greater Amberjack [Docket No.: 040205043-4043-01] (RIN: 0648-XA766) received November 15, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

4194. A letter from the Director Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Atka Mackerel in the Bering Sea and Aleutian Islands Management Area [Docket No.: 101126521-0640-02] (RIN: 0648-XA783) received November 15, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

4195. A letter from the Assistant Administrator for Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Western Pacific Pelagic Fisheries; American Samoa Longline Gear Modification to Reduce Turtle Interactions [Docket No.:

100218104-1485-02] (RIN: 0648-AY27) received November 16, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

4196. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Reallocation of Crab Prohibited Species Catch Allowances in the Bering Sea and Aleutian Islands Management Area [Docket No.: 101126521-0640-02] (RIN: 0648-XA784) received November 15, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

4197. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Northeastern United States; Atlantic Herring Fishery; Adjustment to the Atlantic Herring Management Area 1A Sub-Annual Catch Limit [Docket No.: 0907301205-0289-02] (RIN: 0648-XA767) received November 15, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

4198. A letter from the Director Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Cod by Vessels Harvesting Pacific Cod for Processing by the Inshore Component in the Western Regulatory Area of the Gulf of Alaska [Docket No.: 101126522-0640-02] (RIN: 0648-XA790) received November 15, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

4199. A letter from the Director Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Cod by Vessels Harvesting Pacific Cod for Processing by the Inshore Component in the Western Regulatory Area of the Gulf of Alaska [Docket No.: 101126522-0640-02] (RIN: 0648-XA790) received November 15, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

4200. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Northeastern United States; Atlantic Herring Fishery; Sub-ACL (Annual Catch Limit) Harvested for Management Area 1A [Docket No.: 0907301205-0289-02] (RIN: 0648-XA764) received November 15, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

4201. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Cod and Octopus in the Bering Sea and Aleutian Islands Management Area [Docket No.: 101126521-0640-02] (RIN: 0648-XA794) received November 15, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

4202. A letter from the Federal Liaison Officer, Patent and Trademark Office, transmitting the Office's final rule — Rules of Practice before the Board of Patent Appeals and Interferences in Ex Parte Appeals [No.: PTO-P-2009-0021] (RIN: 0651-AC37) received November 15, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.



4203. A letter from the Senior Program Analyst, Department of Transportation, transmitting the Department's final rule — Standard Instrument Approach Procedures, and Takeoff Minimums and Obstacle Departure Procedures; Miscellaneous Amendments [Docket No.:30809; Amdt. No. 3449] received November 21, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4204. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Update List of Areas Included in "North American Area"; Under IRC Section 274(h) (Rev. Rul. 2011-26) received November 15, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4205. A letter from the Management and Program Analyst, Directives and Regulations, Forest Service, Department of Agriculture, transmitting the Department's final rule — Prohibitions — Developed Recreation Sites (RIN: 0596-AC98) received November 15, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); jointly to the Committees on Agriculture and Natural Resources.

#### REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. WEBSTER: Committee on Rules. House Resolution 487. Resolution providing for consideration of the bill (H.R. 1633) to establish a temporary prohibition against revising any national ambient air quality standard applicable to coarse particulate matter, to limit Federal regulation of nuisance dust in areas in which such dust is regulated under State, tribal, or local law, and for other purposes (Rept. 112-317). Referred to the House Calendar.

#### PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mrs. BLACK (for herself, Mr. RYAN of Wisconsin, Mr. HENSARLING, Mr. YOUNG of Indiana, Mr. CHAFFETZ, Mr. LANKFORD, Mr. MULVANEY, and Mr. STUTZMAN):

H.R. 3575. A bill to amend the Congressional Budget Act of 1974 to establish joint resolutions on the budget, and for other purposes; to the Committee on Rules, and in addition to the Committee on the Budget, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. CAMPBELL (for himself, Mr. RYAN of Wisconsin, Mr. HENSARLING, Mr. GUINTA, Mr. ROKITA, Mr. CHAFFETZ, and Mr. STUTZMAN):

H.R. 3576. A bill to amend the Balanced Budget and Emergency Deficit Control Act of 1985 to establish spending limits and deficit control; to the Committee on the Budget, and in addition to the Committee on Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. RIBBLE (for himself, Mr. RYAN of Wisconsin, Mr. HENSARLING, Mr.

STUTZMAN, Mr. ROKITA, Mr. GUINTA, and Mr. LANKFORD):

H.R. 3577. A bill to establish biennial budgets for the United States Government; to the Committee on the Budget, and in addition to the Committees on Rules, and Oversight and Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. WOODALL (for himself, Mr. RYAN of Wisconsin, Mr. HENSARLING, Mr. YOUNG of Indiana, Mrs. BLACK, Mr. LANKFORD, Mr. CHAFFETZ, and Mr. STUTZMAN):

H.R. 3578. A bill to amend the Balanced Budget and Emergency Deficit Control Act of 1985 to reform the budget baseline; to the Committee on the Budget.

By Mr. CHAFFETZ (for himself, Mr. RYAN of Wisconsin, Mr. HENSARLING, Mr. ROKITA, Mrs. BLACK, and Mr. STUTZMAN):

H.R. 3579. A bill to require greater accountability in spending in direct spending programs, and for other purposes; to the Committee on the Budget, and in addition to the Committees on Rules, Education and the Workforce, and the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MULVANEY (for himself, Mr. RYAN of Wisconsin, Mr. HENSARLING, Mr. ROKITA, Mr. STUTZMAN, Mr. CHAFFETZ, and Mr. LANKFORD):

H.R. 3580. A bill to amend the Balanced Budget and Emergency Deficit Control Act of 1985 to provide for long-term budgeting, and for other purposes; to the Committee on the Budget, and in addition to the Committees on Rules, Agriculture, Ways and Means, Energy and Commerce, and Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GARRETT (for himself, Mr. RYAN of Wisconsin, Mr. HENSARLING, Mr. PRICE of Georgia, Mr. HUELSKAMP, Mr. CHAFFETZ, and Mr. STUTZMAN):

H.R. 3581. A bill to amend the Balanced Budget and Emergency Deficit Control Act of 1985 to increase transparency in Federal budgeting, and for other purposes; to the Committee on the Budget, and in addition to the Committees on Oversight and Government Reform, and Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. PRICE of Georgia (for himself, Mr. GARRETT, Mr. RYAN of Wisconsin, Mr. HENSARLING, Mr. CHAFFETZ, and Mr. STUTZMAN):

H.R. 3582. A bill to amend the Congressional Budget Act of 1974 to provide for macroeconomic analysis of the impact of legislation; to the Committee on the Budget, and in addition to the Committee on Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. LANKFORD (for himself, Mr. RYAN of Wisconsin, Mr. HENSARLING, Mrs. BLACK, Mr. YOUNG of Indiana, Mr. CHAFFETZ, Mr. STUTZMAN, and Mr. BUCSHON):

H.R. 3583. A bill to amend title 31, United States Code, to provide for automatic continuing resolutions; to the Committee on Appropriations.

By Mr. OWENS (for himself, Mr. CONNOLLY of Virginia, and Mr. DEUTCH):

H.R. 3584. A bill to authorize the United States Postal Service to co-locate post offices at retail facilities and municipal buildings, and for other purposes; to the Committee on Oversight and Government Reform.

By Mr. PRICE of North Carolina:

H.R. 3585. A bill to amend the Federal Election Campaign Act of 1971 to require personal disclosure statements in all third-party communications advocating the election or defeat of a candidate, to require the disclosure of identifying information within communications made through the Internet, to apply disclosure requirements to prerecorded telephone calls, and for other purposes; to the Committee on House Administration.

By Mr. STEARNS (for himself and Mr. MATHESON):

H.R. 3586. A bill to amend the Public Health Service Act to limit the liability of health care professionals who volunteer to provide health care services in response to a disaster; to the Committee on Energy and Commerce, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BILBRAY (for himself and Ms. ESHOO):

H.R. 3587. A bill to amend title XIX of the Social Security Act to provide for the application of Medicaid prompt pay requirement to claims for payment for covered items and services furnished by any Medicaid health care entity; to the Committee on Energy and Commerce.

By Mr. WELCH (for himself and Mr. CHAFFETZ):

H.R. 3588. A bill to require the proposal for debarment from contracting with the Federal Government of persons violating the Foreign Corrupt Practices Act of 1977; to the Committee on Oversight and Government Reform.

By Mr. SMITH of New Jersey (for himself and Mr. ISSA):

H.R. 3589. A bill to authorize appropriations for fiscal years 2012 and 2013 for the Trafficking Victims Protection Act of 2000, and for other purposes; to the Committee on Foreign Affairs, and in addition to the Committees on the Judiciary, Ways and Means, and Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. MALONEY (for herself, Mr. PALLONE, Mr. GUTIERREZ, Ms. BORDALLO, Mr. HONDA, Mr. FALBOMAVEGA, Mr. GRIJALVA, and Mr. POLIS):

H.R. 3590. A bill to allow certain Indonesian citizens to file a motion to reopen their asylum claims; to the Committee on the Judiciary.

By Mr. DEFAZIO (for himself, Mr. HINCHAY, and Ms. SLAUGHTER):

H.R. 3591. A bill to recalculate and restore retirement annuity obligations of the United States Postal Service, eliminate the requirement that the United States Postal Service pre-fund the Postal Service Retiree Health Benefits Fund, place restrictions on the closure of postal facilities, create incentives for

innovation for the United States Postal Service, to maintain levels of postal service, and for other purposes; to the Committee on Oversight and Government Reform, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. DEFazio:

H.R. 3592. A bill to provide that the Postal Service may not close any post office which results in more than 10 miles distance (as measured on roads with year-round access) between any 2 post offices; to the Committee on Oversight and Government Reform.

By Ms. HAYWORTH (for herself, Mr. KING of New York, Mrs. MCCARTHY of New York, Mr. ACKERMAN, Mr. GRIMM, Mrs. MALONEY, Mr. RANGEL, Mr. SERRANO, Mr. ENGEL, Mrs. LOWEY, Mr. GIBSON, Mr. TONKO, Mr. OWENS, Mr. HANNA, Ms. BUEKLE, Ms. HOCHUL, and Mr. REED):

H.R. 3593. A bill to designate the facility of the United States Postal Service located at 787 State Route 17M in Monroe, New York, as the "National Clandestine Service of the Central Intelligence Agency NCS Officer Gregg David Wenzel Memorial Post Office"; to the Committee on Oversight and Government Reform.

By Mr. WALSH of Illinois (for himself, Mr. HUELSKAMP, Mr. GINGREY of Georgia, Mr. CONAWAY, Mr. POSEY, Mr. KING of Iowa, Mr. BARTON of Texas, Mr. WESTMORELAND, Mr. DUNCAN of South Carolina, and Mr. BROUN of Georgia):

H.R. 3594. A bill to express the sense of the Congress that the United States should not adopt any treaty that poses a threat to national sovereignty or abridges any rights guaranteed by the United States Constitution, such as the right to keep and bear arms, and to withhold funding from the United Nations unless the President certifies that the United Nations has not taken action to restrict, attempt to restrict, or otherwise adversely infringe upon the rights of individuals in the United States to keep and bear arms, or abridge any of the other constitutionally protected rights of citizens of the United States; to the Committee on Foreign Affairs.

By Ms. WILSON of Florida:

H.R. 3595. A bill to establish a mandatory mediation process for servicers of residential mortgages and borrowers; to the Committee on Financial Services.

By Mr. BISHOP of New York (for himself, Mr. MCKINLEY, Mr. MICHAUD, and Mr. GENE GREEN of Texas):

H.R. 3596. A bill to require a publicly available list of all employers that relocate a call center overseas and to make such companies ineligible for Federal grants or guaranteed loans and to require disclosure of the physical location of business agents engaging in customer service communications; to the Committee on Energy and Commerce, and in addition to the Committees on Oversight and Government Reform, Armed Services, and Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BRALEY of Iowa (for himself and Mr. BOSWELL):

H.R. 3597. A bill to authorize the Secretary of Education to make grants to 10 institutions of higher education for the expansion of master's degree in physical education pro-

grams that emphasize technology and innovative teaching practices; to the Committee on Education and the Workforce.

By Ms. CLARKE of New York:

H.R. 3598. A bill to prohibit fees with respect to electronic benefit transfer debit cards used in connection with unemployment compensation; to the Committee on Ways and Means.

By Mr. HEINRICH (for himself, Mr. LUJÁN, Ms. BERKLEY, and Mr. MATHE-SON):

H.R. 3599. A bill to reauthorize the Secure Rural Schools and Community Self-Determination Act of 2000, to provide full funding for the Payments in Lieu of Taxes program, and for other purposes; to the Committee on Natural Resources, and in addition to the Committee on Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. JONES (for himself and Mr. CLEAVER):

H.R. 3600. A bill to restore the Free Speech and First Amendment rights of churches and exempt organizations by repealing the 1954 Johnson Amendment; to the Committee on Ways and Means.

By Mr. KINGSTON (for himself and Mr. FARENTHOLD):

H.R. 3601. A bill to amend title III of the Social Security Act to require a substance abuse risk assessment and targeted drug testing as a condition for the receipt of unemployment benefits, and for other purposes; to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. PAUL:

H.R. 3602. A bill to amend title 5, United States Code, to provide that an employee or Member who dies within the 2-year notification period with respect to a survivor annuity shall be presumed to have elected to provide a former spouse with such an annuity, and for other purposes; to the Committee on Oversight and Government Reform, and in addition to the Committee on House Administration, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ROTHMAN of New Jersey:

H.R. 3603. A bill to authorize 150,000 incremental vouchers for tenant-based rental assistance under section 8 of the United States Housing Act of 1937 to help meet the housing needs of low-income families; to the Committee on Financial Services.

By Mr. YOUNG of Alaska:

H.R. 3604. A bill to amend the Alaska Native Claims Settlement Act to provide for equitable allotment of lands to Alaska Native veterans; to the Committee on Natural Resources.

By Mr. JONES (for himself, Mr. POE of Texas, and Mr. WHITFIELD):

H. Res. 485. A resolution expressing the sense of the House of Representatives regarding the declassification of information related to missing and unaccounted-for members of the Armed Forces; to the Committee on Armed Services.

By Mr. BECERRA:

H. Res. 486. A resolution electing a Member to a certain standing committee of the House of Representatives; considered and agreed to.

By Mr. BISHOP of New York (for himself and Mr. HANNA):

H. Res. 488. A resolution honoring Americans who served as volunteers for the United States Office of Civilian Defense during World War II; to the Committee on Armed Services.

By Mr. LAMBORN:

H. Res. 489. A resolution expressing the sense of the House of Representatives that the symbols and traditions of Christmas should be protected for use by those who celebrate Christmas; to the Committee on Oversight and Government Reform.

## CONSTITUTIONAL AUTHORITY STATEMENT

Pursuant to clause 7 of rule XII of the Rules of the House of Representatives, the following statements are submitted regarding the specific powers granted to Congress in the Constitution to enact the accompanying bill or joint resolution.

By Mrs. BLACK:

H.R. 3575.

Congress has the power to enact this legislation pursuant to the following: Article I, Section 9, Clause 7.

By Mr. CAMPBELL:

H.R. 3576.

Congress has the power to enact this legislation pursuant to the following: Article I, Section 9, Clause 7.

By Mr. RIBBLE:

H.R. 3577.

Congress has the power to enact this legislation pursuant to the following: Article I, Section 9, Clause 7.

By Mr. WOODALL:

H.R. 3578.

Congress has the power to enact this legislation pursuant to the following: Article I, Section 9, Clause 7.

By Mr. CHAFFETZ:

H.R. 3579.

Congress has the power to enact this legislation pursuant to the following: Article I, Section 9, Clause 7.

By Mr. MULVANEY:

H.R. 3580.

Congress has the power to enact this legislation pursuant to the following: Article I, Section 9, Clause 7.

By Mr. GARRETT:

H.R. 3581.

Congress has the power to enact this legislation pursuant to the following: Article I, Section 9, Clause 7.

By Mr. PRICE of Georgia:

H.R. 3582.

Congress has the power to enact this legislation pursuant to the following: Article I, Section 9, Clause 7.

By Mr. LANKFORD:

H.R. 3583.

Congress has the power to enact this legislation pursuant to the following: Article I, Section 9, Clause 7.

By Mr. OWENS:

H.R. 3584.

Congress has the power to enact this legislation pursuant to the following:

This bill is enacted pursuant to the power granted to Congress under Article I, Section 8, of the United States Constitution.

By Mr. PRICE of North Carolina:

H.R. 3585.

Congress has the power to enact this legislation pursuant to the following:

The General Welfare Clause, Art. I, Sec. 8, of the Constitution

By Mr. STEARNS:

H.R. 3586.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 1

By Mr. BILBRAY:

H.R. 3587.

Congress has the power to enact this legislation pursuant to the following:

Under Article 1, Section 8 of the U.S. Constitution The Congress shall have Power To lay and collect Taxes, Duties, Imposts and Excises, to pay the Debts and provide for the common Defence and general Welfare of the United States; but all Duties, Imposts and Excises shall be uniform throughout the United States;

By Mr. WELCH:

H.R. 3588.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8, Clause 18: The Congress shall have Power To . . . make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by this Constitution in the Government of the United States, or in any Department or Officer thereof

By Mr. SMITH of New Jersey:

H.R. 3589.

Congress has the power to enact this legislation pursuant to the following:

article 1, section 8 of the Constitution

By Mrs. MALONEY:

H.R. 3590.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8, Clause 4, which reads: To establish a uniform rule of naturalization, and uniform laws on the subject of bankruptcies throughout the United States.

By Mr. DEFAZIO:

H.R. 3591.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 7 "To establish Post Offices & Post Roads"

By Mr. DEFAZIO:

H.R. 3592.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 7 "To establish Post Offices & Post Roads"

By Ms. HAYWORTH:

H.R. 3593.

Congress has the power to enact this legislation pursuant to the following:

The constitutional authority on which this bill rests is the power of Congress to establish Post Offices and post roads, as enumerated in Article I, Section 8, Clause 7 of the United States Constitution.

By Mr. WALSH of Illinois:

H.R. 3594.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 14 of the United States Constitution.

By Ms. WILSON of Florida:

H.R. 3595.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 3 of the Constitution.

The Congress shall have Power . . . To regulate Commerce with foreign Nations, and among the several States, and with the Indian Tribes.

By Mr. BISHOP of New York:

H.R. 3596.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 3.

By Mr. BRALEY of Iowa:

H.R. 3597.

Congress has the power to enact this legislation pursuant to the following:

This bill is enacted pursuant to the power granted to Congress under Article I, Section 8, Clause 18 of the United States Constitution.

By Ms. CLARKE of New York:

H.R. 3598.

Congress has the power to enact this legislation pursuant to the following:

This bill to prohibit fees with respect to electronic benefit transfer debit cards used in connection with unemployment compensation is enacted pursuant to the power granted to Congress under Article I of the United States Constitution and its subsequent amendments, and further clarified and interpreted by the Supreme Court of the United States.

By Mr. HEINRICH:

H.R. 3599.

Congress has the power to enact this legislation pursuant to the following:

Congress has the power to enact this legislation pursuant to Article IV, Section 3 of the United States Constitution.

By Mr. JONES:

H.R. 3600.

Congress has the power to enact this legislation pursuant to the following:

The constitutional authority of Congress to enact this legislation is provided by the 1st Amendment of the United States Constitution, which states Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.

By Mr. KINGSTON:

H.R. 3601.

Congress has the power to enact this legislation pursuant to the following:

Congress has the power to enact the Ensuring Quality Unemployment Insurance Program (EQUIP) Act pursuant to Article I, Section 8 of the Constitution.

By Mr. PAUL:

H.R. 3602.

Congress has the power to enact this legislation pursuant to the following:

The Spouse Equity Election Clarification Amendment Act is justified by Article 1, Section 8 of the constitution which vests all legislative authority in the United States Congress. This section clearly gives Congress the power to pass laws amending federal rules regarding benefits of federal employees and their current and former spouses.

By Mr. ROTHMAN of New Jersey:

H.R. 3603.

Congress has the power to enact this legislation pursuant to the following:

This bill is enacted pursuant to the power granted to Congress under Article I, Section 8, Clause 18 of the United States Constitution.

By Mr. YOUNG of Alaska:

H.R. 3604.

Congress has the power to enact this legislation pursuant to the following:

article 1 section 8 clause 3.

H.R. 157: Mr. HANNA.

H.R. 210: Ms. WASSERMAN SCHULTZ, Mr. BUTTERFIELD, Mr. BISHOP of New York, Mr. CLAY, and Mr. ACKERMAN.

H.R. 374: Mr. DENHAM.

H.R. 452: Mr. BILIRAKIS.

H.R. 547: Mr. LANCE.

H.R. 594: Mr. SABLAN.

H.R. 664: Mr. DINGELL, Mr. BUTTERFIELD, and Mr. HIMES.

H.R. 665: Mr. FRANKS of Arizona and Mr. LABRADOR.

H.R. 721: Mr. WEBSTER.

H.R. 733: Mr. HOLDEN.

H.R. 735: Mr. GOODLATTE and Mr. HALL.

H.R. 835: Ms. LEE of California.

H.R. 889: Mr. MICHAUD.

H.R. 890: Ms. LEE of California.

H.R. 905: Mr. WITTMAN.

H.R. 920: Mrs. SCHMIDT, Mrs. BLACKBURN, Mr. WEST, Mr. BURGESS, Mr. FLEISCHMANN, Mr. WALSH of Illinois, and Mr. HUELSKAMP.

H.R. 1006: Mr. FORBES.

H.R. 1058: Mr. PASTOR of Arizona and Ms. BASS of California.

H.R. 1063: Mr. GENE GREEN of Texas.

H.R. 1148: Mr. JORDAN, Mr. WALBERG, Mr. DENHAM, Mr. DENT, Mr. CARSON of Indiana, Mr. DAVIS of Illinois, Mr. SHIMKUS, Mrs. EMERSON, Mr. TOWNS, Ms. SCHWARTZ, Mr. BRALEY of Iowa, Mr. PETRI, Mr. RAHALL, Mr. NADLER, Mr. FITZPATRICK, Mr. BERG, Ms. BALDWIN, Mr. MARKEY, Mr. COFFMAN of Colorado, Mrs. LOWEY, Ms. BERKLEY, and Mr. LARSON of Connecticut.

H.R. 1175: Mr. OWENS.

H.R. 1206: Mr. HUELSKAMP.

H.R. 1288: Mr. SHERMAN.

H.R. 1375: Mr. ISRAEL and Mrs. DAVIS of California.

H.R. 1394: Mr. MORAN and Mr. ROTHMAN of New Jersey.

H.R. 1426: Ms. MATSUI.

H.R. 1449: Ms. SPEIER.

H.R. 1639: Mr. FORTENBERRY.

H.R. 1681: Mr. SIRES.

H.R. 1697: Mr. PEARCE.

H.R. 1734: Mr. HERGER.

H.R. 1735: Ms. MCCOLLUM.

H.R. 1783: Ms. WILSON of Florida.

H.R. 1802: Mr. KING of New York, Mr. BACHUS, and Mr. LATOURETTE.

H.R. 1831: Mr. FILNER.

H.R. 1897: Mr. BARTLETT, Mr. KEATING, Ms. MATSUI, Mr. LOBIONDO, and Mr. SARBANES.

H.R. 1905: Mr. LYNCH.

H.R. 1916: Mr. ACKERMAN and Ms. NORTON.

H.R. 1930: Mr. CARNAHAN.

H.R. 1946: Mr. CRAWFORD.

H.R. 1956: Mr. MANZULLO.

H.R. 2001: Mr. CARTER.

H.R. 2016: Mr. SHERMAN and Mr. LOBIONDO.

H.R. 2104: Mr. BRALEY of Iowa.

H.R. 2105: Mr. CHABOT, Mr. FRANKS of Arizona, and Mrs. ELLMERS.

H.R. 2269: Mr. HONDA, Mr. MILLER of North Carolina, Mr. FILNER, and Mr. ISRAEL.

H.R. 2299: Mr. FITZPATRICK.

H.R. 2414: Mr. CRAWFORD.

H.R. 2437: Mr. LOEBSACK.

H.R. 2446: Mr. MCHENRY.

H.R. 2457: Mr. FORBES.

H.R. 2492: Mr. PALLONE.

H.R. 2499: Mr. COHEN.

H.R. 2539: Ms. WATERS.

H.R. 2572: Mr. COHEN.

H.R. 2624: Mr. POLIS.

H.R. 2672: Mr. GUTHRIE.

H.R. 2701: Mr. SCOTT of Virginia.

H.R. 2742: Mrs. CHRISTENSEN.

H.R. 2753: Mr. SABLAN.

H.R. 2827: Mr. YODER and Mr. LATTA.

H.R. 2874: Mr. MULVANEY.

H.R. 2902: Mr. HINOJOSA.

#### ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 87: Mr. FRANKS of Arizona.

H.R. 100: Mr. WOMACK.

H.R. 2913: Mr. SCHILLING and Mr. QUAYLE.  
 H.R. 2917: Mr. WESTMORELAND.  
 H.R. 2948: Ms. WATERS.  
 H.R. 2982: Mr. DEUTCH, Mr. KISSELL, and Mr. OLSON.  
 H.R. 3027: Mr. GEORGE MILLER of California.  
 H.R. 3032: Mr. LATHAM.  
 H.R. 3043: Mr. BURGESS.  
 H.R. 3059: Mrs. BLACK and Mr. GRIFFIN of Arkansas.  
 H.R. 3061: Mr. TURNER of New York.  
 H.R. 3066: Mr. DESJARLAIS.  
 H.R. 3083: Mr. SMITH of Washington.  
 H.R. 3086: Mr. RIVERA, Mrs. McMORRIS RODGERS, and Mr. KILDEE.  
 H.R. 3104: Mrs. BLACKBURN, Mr. FORBES, Mrs. LUMMIS, Mr. WEST, and Mr. GINGREY of Georgia.  
 H.R. 3109: Mr. LANGEVIN.  
 H.R. 3125: Mr. DANIEL E. LUNGREN of California.  
 H.R. 3166: Mr. LATTA.  
 H.R. 3168: Mrs. MYRICK.  
 H.R. 3173: Mr. LUETKEMEYER.  
 H.R. 3179: Mr. KELLY, Mr. BARLETTA, Ms. WATERS, Mr. GIBSON, Mr. SCOTT of Virginia, and Ms. LINDA T. SANCHEZ of California.  
 H.R. 3207: Mr. LANCE and Mrs. McMORRIS RODGERS.  
 H.R. 3210: Mr. RUPPERSBERGER.  
 H.R. 3218: Mr. SOUTHERLAND.  
 H.R. 3225: Mr. BACA.  
 H.R. 3261: Mr. BACA and Mr. SHERMAN.  
 H.R. 3264: Mr. WALSH of Illinois and Mr. FRANKS of Arizona.  
 H.R. 3298: Ms. WATERS.  
 H.R. 3300: Mr. RANGEL and Mrs. MALONEY.  
 H.R. 3308: Mr. WALSH of Illinois.  
 H.R. 3310: Mr. KLINE and Mr. LATTA.  
 H.R. 3324: Mrs. LOWEY.  
 H.R. 3337: Mr. SMITH of Washington and Mr. NUGENT.  
 H.R. 3340: Mr. ROTHMAN of New Jersey.  
 H.R. 3364: Mrs. BIGGERT.  
 H.R. 3371: Mr. PRICE of North Carolina.  
 H.R. 3421: Mr. RAHALL, Mr. DEFAZIO, Ms. EDDIE BERNICE JOHNSON of Texas, Ms.

EDWARDS, Mr. SIRES, Mr. BARTON of Texas, Mrs. BIGGERT, Mr. WITTMAN, Mr. McKEON, Mr. THORNBERRY, Mr. SAM JOHNSON of Texas, Mr. MCCLINTOCK, Mr. RIBBLE, Mr. HENSARLING, Mr. BURGESS, Mr. LUCAS, Mr. CASSIDY, Mr. BILIRAKIS, Mr. LANKFORD, Mr. AMODEI, Mr. ISSA, Mr. BROUN of Georgia, Mr. FLORES, Mr. FINCHER, Mr. BRADY of Texas, Mr. ROYCE, Mr. ANDREWS, Mr. DAVIS of Illinois, Mr. ACKERMAN, Mr. FALEOMAVAEGA, Mr. COSTA, Mr. ENGEL, Ms. HANABUSA, Mr. COSTELLO, Mr. BACA, Ms. MATSUI, Mr. NEAL, Mr. HINOJOSA, Mr. STARK, Mr. JOHNSON of Georgia, Mr. OWENS, Mr. LANGEVIN, Ms. HAHN, Ms. WATERS, Mr. AL GREEN of Texas, Mrs. NAPOLITANO, Mr. MARKEY, Ms. LORETTA SANCHEZ of California, Mr. LARSEN of Washington, Mr. CLEAVER, Mr. BERMAN, Mr. CUMMINGS, Mr. DONNELLY of Indiana, Ms. BASS of California, Mr. ADERHOLT, Mr. HONDA, Mr. CLAY, Mr. HIMES, Mr. CHABOT, Mr. LEVIN, Mr. MULVANEY, Mr. MILLER of North Carolina, Mr. SCOTT of Virginia, Ms. DELAURO, Mr. GALLEGLY, Mr. PERLMUTTER, Mr. PETERSON, Ms. PINGREE of Maine, Mr. SCHRADER, Mr. BARROW, Mrs. MCCARTHY of New York, Mr. CROWLEY, Mr. HASTINGS of Washington, Mr. KLINE, Mr. NEUGEBAUER, Mr. MICHAUD, Mr. VAN HOLLEN, Ms. LEE of California, Mr. WELCH, Mr. CLARKE of Michigan, Mr. CHANDLER, Mr. YODER, and Mr. CARNAHAN.  
 H.R. 3422: Mr. LABRADOR.  
 H.R. 3425: Mr. COURTNEY.  
 H.R. 3435: Mr. POLIS, Ms. FUDGE, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. LEWIS of Georgia, Mr. KEATING, Mr. CARSON of Indiana, Mr. THOMPSON of Mississippi, Mr. HASTINGS of Florida, Mr. McDERMOTT, Ms. BERKLEY, Mr. RUSH, Ms. HANABUSA, Ms. WILSON of Florida, and Mr. COHEN.  
 H.R. 3443: Mr. BISHOP of Georgia and Mr. GUTHRIE.  
 H.R. 3444: Mr. ROHRBACHER, Mr. JONES, Mr. FORBES, and Mr. DUNCAN of Tennessee.  
 H.R. 3474: Mr. DUNCAN of Tennessee.  
 H.R. 3483: Mr. GRIJALVA.  
 H.R. 3488: Mr. BENISHEK and Mr. JONES.

H.R. 3510: Mr. SMITH of Nebraska and Mr. SHULER.  
 H.R. 3516: Ms. DELAURO.  
 H.R. 3521: Mr. YOUNG of Indiana, Mr. CHAFFETZ, Mr. LANKFORD, Mrs. BLACK, and Mr. STUTZMAN.  
 H.R. 3536: Mr. RUPPERSBERGER, Mr. TOWNS, and Mr. WITTMAN.  
 H.R. 3538: Mrs. McMORRIS RODGERS, Mrs. BLACK, Mr. MCCAUL, Mr. SCHWEIKERT, Mr. BENISHEK, and Mrs. ELLMERS.  
 H.R. 3545: Mr. BARLETTA.  
 H.R. 3550: Mr. FITZPATRICK.  
 H.R. 3551: Mr. ROKITA, Mr. LABRADOR, and Mr. WOODALL.  
 H.R. 3568: Ms. HANABUSA.  
 H.R. 3572: Mr. VAN HOLLEN, Mr. DEUTCH, and Mr. FRANK of Massachusetts.  
 H.J. Res. 80: Ms. SCHAKOWSKY.  
 H. Res. 365: Ms. PINGREE of Maine.  
 H. Res. 378: Mr. COHEN.  
 H. Res. 462: Mr. DAVIS of Illinois.  
 H. Res. 475: Mr. NUNNELEE, Mr. POE of Texas, Mr. JORDAN, Mr. BENISHEK, and Mr. WESTMORELAND.  
 H. Res. 480: Mrs. MILLER of Michigan and Ms. JENKINS.

#### CONGRESSIONAL EARMARKS, LIMITED TAX BENEFITS, OR LIMITED TARIFF BENEFITS

Under clause 9 of rule XXI, lists or statements on congressional earmarks, limited tax benefits, or limited tariff benefits were submitted as follows:

The amendment to be offered by Representative RUSH, or a designee, to H.R. 1633, the Farm Dust Regulation Prevention Act of 2011, does not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9 of rule XXI.

## EXTENSIONS OF REMARKS

### A TRIBUTE TO KYRIE HILLS

#### HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 7, 2011

Mr. TOWNS. Mr. Speaker, I rise today in recognition of Ms. Kyrie Hills for her passionate devotion as a leader to inspire others through the performing arts.

Ms. Hills is the daughter of Harold and Patricia Hills and the second oldest of three siblings. Ms. Hills and her family are active members at Berean Baptist Church in Brooklyn, NY where Dr. Arlee Griffin, Jr. is their Pastor and Rev. Byron Benton is the Youth Pastor.

Ms. Hills is currently a sophomore at Clark Atlanta University where she is pursuing a degree in psychology with the aspiration to become a psychotherapist. One of her greatest passions is dance and the performing arts, where she strives to bring her community together. During the summer of 2011 Ms. Hills worked as a camp counselor at Inspired, a performing arts camp in Brooklyn, NY. That same summer she was recruited to perform in the acclaimed play "For Christian Girls", written and directed by Termaine Price at Berean Baptist Church.

Ms. Hills also attends Chapel on CAU campus, and is a member of the choir and sings praises. Currently Ms. Hills is the CCO Rep of CAU Dance Theater and aspires to be President of the Dance Theater next academic year. Ms. Hills has previously served as the section leader of BCD "Royal Dame" dance line and she is the former Vice President of the Ministry of Sacred Dance at Berean Baptist Church.

Ms. Hills has been awarded several awards and was recognized for her performing arts throughout Brooklyn. In 2009 Ms. Hills performed in Dance Africa at the Brooklyn Academy of Music, was recognized by the National Council of Negro Women, and received the Joseph A.E. Jones "Youth of the Year Award" for outstanding and dedicated service to the Youth Ministry at Berean Baptist Church.

Aside from her extraordinary accomplishments in the performing arts, Ms. Hills also performs community service in Atlanta with the NAACP, while also mentoring children at the Booker T Washington Middle School with a group called Lady B Fly.

Mr. Speaker, I urge my colleagues to join me in recognizing the accomplishments of Ms. Kyrie Hills.

### MR. WALLACE L. BOYLE

#### HON. LOU BARLETTA

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 7, 2011

Mr. BARLETTA. Mr. Speaker, today I rise to honor Wallace L. Boyle Jr. of Hazleton, Penn-

sylvania, for his faithful and dedicated service to the United States of America through turbulent times.

Wallace Boyle joined the Army Air Corps in 1940. At that time, there was no draft, so an enlistee could choose where he wanted to be stationed. Mr. Boyle selected Hawaii as his duty station, and he was sent to Wheeler Air Field. This put him about 24 miles from Pearl Harbor on the morning of December 7, 1941. The Japanese flew over and attacked Wheeler Air Field on the way to the naval base. The Japanese attack on Wheeler destroyed two-thirds of the aircraft at the field.

On that morning, Wallace Boyle was in the mess hall. He was just handed a plate of pancakes when the first bomb struck. Mr. Boyle ran outside and began helping his wounded comrades. More than 2,400 American lives were lost on that day, and almost 1,300 were injured.

During World War II, Mr. Boyle served at Andover Airfield in England, in France, in Belgium, and in Germany. He was discharged from the Army in 1945.

Mr. Speaker, Wallace L. Boyle Jr., who is only months away from his 90th birthday, is a fine example of the faithful and dedicated men and women that make up our Armed Forces. His selfless actions, and those of his generation, should forever be remembered and cherished by a grateful Nation.

### BILL LIVINGOOD, HOUSE SERGEANT AT ARMS

#### HON. TED POE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 7, 2011

Mr. POE of Texas. "Mr. Speaker, the President of the United States."

The announcement of the President at the State of the Union is how Americans have come to know the House Sergeant at Arms, Bill Livingood.

This duty is just one of many responsibilities of the House Sergeant at Arms.

He most importantly ensures the safety of Members, staff, and visitors as the chief law enforcement officer in the House.

And sadly Mr. Livingood, the third longest serving Sergeant at Arms, is retiring.

Bill is a wonderful person and accomplished public servant.

He has served the House since 1998 through some of the most trying times in our history and previously served our country as a member of the Secret Service.

I've known Bill for over 25 years beginning when I was a Judge in Texas, and he was the head of the Secret Service field office in Houston. His agents would file cases that were sometimes heard in my court.

I am sad to see him go but he has made a mark on this institution with improvements in

security and steadfast leadership that is a model for all who serve in the people's house.

Congratulations on your retirement, Bill, and thank you for your service to the House of Representatives and the United States of America.

And that's just the way it is.

### HONORING BRENT BAIR

#### HON. MIKE ROGERS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 7, 2011

Mr. ROGERS of Michigan. Mr. Speaker, I rise today to honor a man that needs no introduction in Michigan, nor the transportation and intelligent transportation network in the country.

After 34 years of public service to the Road Commission for Oakland County, Brent Bair will be retiring at the end of the year. A pillar of the community, Mr. Bair has a long and distinguished resume.

Serving as the Managing Director of the Road Commission for Oakland County, his department is responsible for the largest county road system in Michigan, second in size to the state highway system, and currently operates the second largest system of adaptive traffic signals in the nation. He is widely respected as a leading expert on road funding in Michigan and has been an advocate on behalf of Intelligent Transportation Systems (ITS) and ITS funding. He is a founding member and past president of the Intelligent Transportation Society of Michigan as well as an active member in and former chairman of the national ITS association, ITS America.

As the Chairman of the Intelligent Transportation Systems' Caucus in the House of Representatives, I have long looked to Brent for advice and guidance on good governance and ITS policy. Early on I recognized the benefits to including technological advances in our cars, highways and infrastructure. Through educational programs and ongoing efforts by Brent and ITS Michigan, Congress has recognized that in this economic climate of doing more with less, ITS solutions are an important step towards fiscal responsibility and more importantly, smart solutions.

A tireless advocate for his community, Brent Bair will be missed. I wish him and his family all the best in the years to come.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

HONORING SUPREME COURT  
JUSTICE FRANK A. SEDITA, JR.

**HON. BRIAN HIGGINS**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, December 7, 2011*

Mr. HIGGINS. Mr. Speaker, I want to take a moment to have the House pause in its deliberations this morning to honor New York State Supreme Court Justice Frank A. Sedita, Jr., whose three decade judicial career will end this year. The Judge, best known to friends and family as "Chickie," is among the most lovable and well-respected legal figures in the Western New York community.

A lifelong Buffalonian, Judge Sedita is the scion of one of the most famous and well-respected 20th century Buffalo political families. While the Judge's father was one of Buffalo's most well-liked 20th century political figures and someone looked back upon nostalgically as one of Buffalo's most favorite mayors; Judge Sedita's career as an attorney and a jurist has been tremendously substantial, as have been the Judge's contributions as a public servant to the hometown region he loves so much.

Born and raised in Buffalo, Judge Sedita was graduated summa cum laude from the Canisius College of Buffalo, and in 1960 earned his J.D. at the University at Buffalo Law School. During extensive legal practice in the office of the City of Buffalo's Corporation Counsel, Judge Sedita developed substantial expertise in the area of education law, serving for many years as the counsel to the city's Board of Education.

Judge Sedita's career on the bench began in the mid-1970s, upon his election as an Associate Judge of the Buffalo City Court. Following successful service as a Judge of the Erie County Family Court, he was elected as Chief Judge of the Buffalo City Court, administering the city's court system within the very building named for his late father. During this period, Judge Sedita assumed responsibility for the city's Housing Court, raising that court's profile and restoring its work to its rightful level of prominence. His work in that court was probably among the most impactful judicial work performed in Western New York during that period, and resulted in Judge Sedita's selection as a Buffalo News "Citizen of the Year."

For the better part of the past two decades, Judge Sedita has served with tremendous distinction as a Justice of the New York State Supreme Court, continuing to bring honor to not only his own career but also to his storied family name. Notwithstanding his retirement, all residents in Erie County are fortunate that the Sedita family's tradition of effective public service will continue—hopefully for many years to come. In 2012, the judge's son—Frank A. Sedita III, will complete his first term as Erie County's District Attorney. Frank Sedita III has proven a tenacious and effective prosecutor throughout his legal career, and he too, like his father the judge, continues to be a credit to his family, and to the community that he serves with such effectiveness.

In closing, Mr. Speaker, I ask that the whole House join with those of us in Western New

York who wish good luck and Godspeed to New York State Supreme Court Justice Frank A. Sedita, Jr., upon the occasion of his retirement from the bench.

HONORING THE SEVENTH CYCLE  
BIRTHDAY ANNIVERSARY OF  
KING BHUMIBOL ADULYADEJ

**HON. DANA ROHRBACHER**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, December 7, 2011*

Mr. ROHRBACHER. Mr. Speaker, I rise today to join the people of Thailand in celebrating the seventh cycle birthday anniversary of His Majesty King Bhumibol Adulyadej on December 5th. During his reign of over 65 years, Thailand continues to be the United States' long-term military ally, trade and economic partner, and friend in southeast Asia.

King Bhumibol holds a special relationship with our country beginning with his birth in Cambridge, Massachusetts while his father was attending Harvard University. As part of his continuing efforts to strengthen the ties between the United States and Thailand, the King visited America in 1960 and 1967. Under King Bhumibol's stewardship, Thailand has become a model of democracy and economic development in the region. Thailand's role as a regional democratic leader is a critical factor in the development of a stable Bangkok-Washington relationship.

I had the distinct honor and privilege of visiting King Bhumibol on my past visits. His continued efforts to provide guidance to improve the lives of his people were evident. Fittingly, he was awarded the United Nations Development Programme's first Human Development Lifetime Achievement Award in 2006.

Mr. Speaker, I extend my best and warmest wishes on his 84th birthday and for a long life of good health. I am pleased to join our Thai friends in recognizing this special day.

IN SUPPORT OF THE 16 DAYS OF  
ACTIVISM AGAINST GENDER VIOLENCE

**HON. SAM FARR**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, December 7, 2011*

Mr. FARR. Mr. Speaker, I rise today to speak about the 16 Days of Activism Against Gender Violence. This campaign draws attention to the impact of violence against women around the world.

The 16 Days of Activism Against Gender Violence is an international campaign of activism. It lasts for 16 days and starts on November 25, which is the International Day Against Violence Against Women, and ends on December 10, International Human Rights Day. The campaign highlights the links between violence against women and human rights, and stresses that this type of violence is a violation of human rights.

Since 1991, over 3,700 organizations in approximately 164 countries have participated in the 16 Days of Activism campaign.

Violence against women remains a serious problem both domestically and throughout the world. It has been estimated that nearly a billion women globally will be beaten, raped, mutilated or otherwise abused during their lifetimes. That is 1 in 3 women. Those statistics are extremely frightening for both men and women and are simply unacceptable.

Mr. Speaker, I urge my colleagues to join the call to end violence against women and girls around the world.

A TRIBUTE TO KEITH HICKS

**HON. EDOLPHUS TOWNS**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, December 7, 2011*

Mr. TOWNS. Mr. Speaker, I rise today in recognition of Mr. Keith Hicks for his leadership throughout his community and focus on education and professionalism.

Mr. Hicks was born the youngest of five children, to his parents John Henry and Marie Antoinette in South Jamaica, Queens. As a child Mr. Hicks learned to cultivate a strong sense of leadership that would transcend into his future career.

In his early career, Mr. Hicks joined the Private Industry Council, an organization committed to youth development. As a program monitor, he completed his BA degree at John Jay College. He would also serve as instructor before moving to the Fortune Society, focusing his efforts on developing both the educational and professional lives of former prisoners. His career focus of providing resources to assisting the economically disadvantaged and at risk youth would continue with stops at the Hope Program where he served as Learning Center Director and the WAY Program where he served as Assistant Director, and Director.

Mr. Hicks' continued leadership role would extend to the YMCA, when he served as Director of the Cross Island branch in Queens. At the YMCA, Mr. Hicks ascended to serve as the Assistant Executive of the Northern Brooklyn branch and now as the executive Director of the Greenpoint Brooklyn branch, where he continues to serve. In this capacity, Mr. Hicks manages a budget in the millions, over 100 professional staff members, and offers services to thousands.

While serving at the YMCA, Mr. Hicks had the opportunity to pursue his Masters Degree from Queens College, further providing a great example to those he has influenced over the years. Mr. Hicks' accomplishments at the YMCA and throughout his career are extensive, but professionally he remains most proud of the role he has been able to play in the lives of our youth.

Mr. Hicks is the proud father of a daughter Tyler Marie Hicks who is presently a senior at Townsend Harris School and will enter college next year. Mr. Hicks' favorite scripture serves as a guiding force in his life, Hebrews 12:1: "wherefore seeing we also are compassed about with so great a cloud of witnesses, let us lay aside every weight and the sin which doth so easily beset us, and let us run with patience the race that is set before us".

Mr. Speaker, I urge my colleagues to join me in recognizing the life and accomplishments of Mr. Keith Hicks.

IN RECOGNITION OF THE 100TH  
BIRTHDAY OF RUBY HARTLEY  
BARTON

**HON. MIKE ROGERS**

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, December 7, 2011*

Mr. ROGERS of Alabama. Mr. Speaker, I would like to request the House's attention today to pay recognition to the special life of Ruby Hartley Barton of Talladega, Alabama.

Mrs. Barton was born on December 15, 1911 in Georgia to James and Victoria Hartley. Mrs. Barton's father died while she was a baby, and her mother raised her and her six brothers and sisters. Mrs. Barton grew up in a fanning and textile family.

She was married to the late B.W. Barton for over 50 years and was blessed with two sons, Charles D. Barton and Larry H. Barton and one daughter, Edith Barton Bishop. Mrs. Barton now has three grandchildren, three great-grandchildren and one great-great grandchild.

Mrs. Barton worked at Bemis Mills for close to 40 years and has spent her life serving God and volunteering in her church as a Sunday School teacher, choir director and pianist.

On December 15th, her friends and family will celebrate her birthday in her room at Talladega Health Care in Talladega. Today I would like to wish Mrs. Ruby Hartley Barton a very Happy 100th Birthday.

PERSONAL EXPLANATION

**HON. ANNA G. ESHOO**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, December 7, 2011*

Ms. ESHOO. Mr. Speaker, I was not present during the rollcall vote No. 875, on December 1, 2011.

On rollcall vote No. 875 I would have voted "yes."

MERGER OF TRANSPORTATION  
COMMUNICATIONS UNION AND  
INTERNATIONAL ASSOCIATION  
OF MACHINISTS AND AEROSPACE  
WORKERS

**HON. CORRINE BROWN**

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, December 7, 2011*

Ms. BROWN of Florida. Mr. Speaker, I rise today to commemorate the January 1, 2012 merger of the Transportation Communications Union (TCU) and the International Association of Machinists and Aerospace Workers (IAMAW).

These two great unions, with railroad roots, are on pace to become one strong voice for hundreds of thousands of middle-class working men and women across our great nation.

It was in 1888 that 19 Machinists meeting in a locomotive pit in Atlanta, Georgia formed what is now the International Association of Machinists and Aerospace Workers, commonly known as the "Fighting Machinists".

Today's TCU is one union made of many. At its core is the Union founded in 1899, which became the Brotherhood of Railway Clerks. Then in 1919 the name expanded, becoming the Brotherhood of Railway and Steamship Clerks, Freight Handlers, Express and Station Employees. To further reflect the diversity of the union's membership, the delegates at the 1987 Convention voted to become the Transportation Communications International Union (TCU).

TCU, joining the ranks of the Machinists, makes its membership and the labor movement that much stronger. Both of these unions are constantly fighting for the dignity, welfare and prosperity of their members. Workers are the foundation of our nation; they drive our economy and our country forward. TCU and the IAM understand the values of hard work, faith, family and community—they are the keys of success. These four pillars are what make TCU and IAM stronger.

This merger not only unites two unions but two dedicated union presidents as well. The determination of these two men to fight for the rights for fair wages and working conditions for everyone has its roots in Tom Buffenbarger, who started out as a journeyman tool and die maker at GE's jet engine plant in Evendale, Ohio. In 1997 he was the youngest IAM President in its history. And Bob Scardelletti, a lifelong railroader, started out as a yard clerk in Cleveland with the New York Central Railroad in 1967; in 1971 took on his first union position and by 1991 was elected president and has been re-elected by acclamation four times.

TCU and IAM were fundamental in building the American middle-class, and have a vital role today in preserving the American dream for working families. Their unions were unified by a common purpose: to do the very best they can—every single day—for the members they serve. The TCU/IAM merger now creates a powerful force representing close to a million active and retired Americans. Their combined strength will provide leadership throughout the labor movement; particularly, the transportation industry. TCU/IAM is now one of the largest rail unions in the United States.

I ask my colleagues to join me in honoring this historic merger for the betterment of the hard-working middle-class men and women of our country.

HONORING THE SCOTLAND HIGH  
SCHOOL FOOTBALL TEAM ON ITS  
2011 NORTH CAROLINA 4-A STATE  
CHAMPIONSHIP TITLE

**HON. LARRY KISSELL**

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, December 7, 2011*

Mr. KISSELL. Mr. Speaker, I rise today to recognize the Scotland High School football team in honor of the school's first-ever North Carolina 4-A State Football Championship. The Fighting Scots rallied for 35 points in the second half on their way to a 42-16 victory over a talented and determined Porter Ridge High School team, Saturday, Dec. 3.

Scotland finished the 2011 season with a perfect 15-0 record, the first undefeated sea-

son in school history. I congratulate Scotland head coach Chip Williams, who in his fourth year leading the program, posted an undefeated record, won the Southeastern 4-A Conference title and brought home a State Championship to Scotland County, the county's first football state championship since 1944, when Laurinburg High School captured the Class-A state title.

Game Most Valuable Player honors were awarded to Scotland quarterback Kwashaun Quick, who threw for 172 yards and two touchdowns in the second half. Running back Tony McRae, who received offensive MVP honors, rushed for 75 yards and two scores. Defensive MVP honors were awarded to nose tackle Kris Tyndall. Scotland's superb defense forced four Porter Ridge turnovers and allowed just 161 yards of offense.

I recognize the Scotland County community and congratulate them on the success of their team and the support they have given these young men throughout the year. In the days following his team's victory, Coach Williams has cited the community's support as a driving force behind this year's team. It is always great to see a community get behind a program that supports and encourages young people and teaches them the value of perseverance and teamwork. Before Congress and our great nation, I am proud to recognize Coach Williams, his dedicated coaching staff and players, and the Scotland County community as a whole for their championship season. Thank you.

FIGHTING MALARIA: PROGRESS  
AND CHALLENGES

**HON. CHRISTOPHER H. SMITH**

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, December 7, 2011*

Mr. SMITH of New Jersey. Mr. Speaker, yesterday, the Subcommittee on Africa, Global Health, and Human Rights, which I chair, held a hearing on malaria, one of the most serious health issues facing the developing world, and particularly Africa, today.

For the last century, America has been a leader in the fight against malaria. While the United States and several other countries have been able to eliminate malaria, this deadly disease still presents a serious challenge to other parts of our world.

The World Health Organization estimates that 781,000 people died from malaria in 2009 and that 225 million people suffered from infection. Malaria is the fifth leading cause of death from infectious diseases worldwide. It inflicts a particularly severe toll on the people of sub-Saharan Africa, where ninety percent of deaths are caused by malaria. Moreover, approximately 85 percent of malaria deaths occur in children under 5 years of age. Every 45 seconds, a mother and father in Africa lose their child to malaria.

There is also a far-reaching impact on the wealth and development of countries with endemic malaria. Africa may lose up to \$12 billion in productivity due to malaria each year due to the disease, while the disease in turn consumes about 40 percent of Africa's public



health expenditures. These numbers and statistics are staggering, but they have a greater impact when one has been to Africa and met the individuals who must live with the disease.

Anyone who spends any meaningful amount of time in Africa and mingles with the African people will soon notice the prevalence of malaria. When you ask someone whether he or she has ever had malaria, they likely will respond not with a yes but with the time that has passed since they last suffered from it.

More astounding than the sad reality that malaria is killing or harming so many millions of people is the reality that malaria is preventable and treatable. The world has the tools to prevent and treat malaria. No one in the twenty-first century should have to suffer from it, let alone die from it.

When I last visited Uganda, I visited several homes, including a home in the remote region of Bushenyi. The three-room dwelling of white-washed walls and dirt floors was practically empty, and this made the insecticide-treated mosquito net over the floor mats all the more striking. These nets may seem like insignificant items when listed on paper, but they are noticeably visible in the modest homes of those families who rely on them for protection from this ravaging disease.

What began for the United States as an effort to protect our troops abroad and citizens here at home has become for us a larger global health objective.

In the last decade we have seen a renewed commitment by the United States, international organizations, and private foundations to eliminate all malaria deaths. The effort received a notable boost in 2007 when Bill and Melinda Gates renewed the challenge of worldwide malaria eradication.

While much progress has been made in combating malaria, as we have seen from past eradication efforts, malaria can resurge when treatment becomes ineffective through drug resistance. While the global commitment remains to beat this disease, and to beat it as soon as possible, the stakes are too high to bet it all on doing so before the tools we have lose their impact.

At yesterday's hearing the subcommittee received an update on the progress toward malaria elimination in the most endemic countries with a focus on the vitality and effectiveness of the treatment component. The hearing examined the future of anti-malarial drug and vaccine development, and challenges in ensuring an adequate supply of effective medicines. We also heard about the continued availability, affordability, and safe distribution of quality anti-malarial medicines.

Our distinguished witnesses explored means for achieving the immediate goal of saving lives, and the ultimate goal of eradicating malaria from our world.

#### A TRIBUTE TO IRIS ROBERTSON

### HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, December 7, 2011*

Mr. TOWNS. Mr. Speaker, I rise today in recognition of Iris Robertson for her contribu-

tions to her community in the role of mentor, educator and community coordinator.

Mrs. Robertson was taught at an early age to treat people with respect and integrity, and to approach any task with rigor and importance. Her mother and grandmother instilled this discipline upon her. These pillars allow her to impact the community in a positive way through growth and development.

Mrs. Robertson devotes herself to several charitable and educational organizations and sits on the board of directors for Brownville Heritage House Inc. (BHH) as secretary. Since joining BHH in 1995, Mrs. Robertson and her fellow board members worked tirelessly to bring forth the vision of founder Mother Rosetta Gaston to form an intergenerational exchange in order to teach African American children of their heritage.

Mrs. Robertson is a member of and has been recognized by the National Association of Professional Women (NAPW) as Woman of the Year for 2009, 2010, and 2011 for excellence and proficiency in her work as an advertising executive. She has also received high achievement award from the National Association of Hispanic Publishers in 1994 for her work with AT&T.

Working in the advertising industry for more than 30 years, she currently holds the position of media supervisor at UniWorld Group Inc, a multicultural agency owned by Mr. Byron Lewis Sr. In this capacity, Mrs. Robertson has had the privilege of working with fortune 500 companies, recommending media strategies that best showcase their products.

In 1965, Mrs. Robertson met and married her husband Larry Robertson. She is the proud mother of six children. She attended New York City School of Technology and is currently enrolled at Kaplan University.

Mr. Speaker, I urge my colleagues to join me in recognizing the achievements of Mrs. Iris Robertson.

#### A TRIBUTE TO KITTY O'NEAL ON THE OCCASION OF BEING NAMED PERSON OF THE YEAR BY THE CARMICHAEL CHAMBER OF COMMERCE

### HON. DANIEL E. LUNGREN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, December 7, 2011*

Mr. DANIEL E. LUNGREN of California. Mr. Speaker, I rise today to congratulate Kitty O'Neal on being named Person of the Year by the Carmichael Chamber of Commerce.

Over the last 20 years, Sacramentans have known Kitty as the voice of our afternoon radio. With exceptional class and professionalism, Kitty has given us the news on our drive home from work, anchoring the award winning KFBK Afternoon News. As an ambassador of Sacramento, she has represented us at the Grammy Awards, Academy Awards and on national programs such as A&E Channel's Biography.

Those of us who live in the region know Kitty as more than simply the voice coming through our speakers; she is a pillar within the Sacramento community. Her roots run deep

there as she donates much of her time and talent to community events and charitable organizations. Growing up, Kitty's father was the Base Commander at Mather AFB in the 1970's, and before embarking on her path in radio, Kitty attended Sacramento State graduating with a degree in Communications. Along with being one of the Sacramento region's most notable figures, Kitty is married to restaurateur Kurt Spataro, and together they are partners in several well known Sacramento area restaurants.

If you have ever dined, listened to Sacramento radio or have been involved in our surrounding community, more than likely you have benefited from Kitty's legacy. The Carmichael Chamber couldn't have chosen a better person to recognize and again it is with great pleasure that I congratulate Kitty O'Neal on her achievements and recognition as Person of the Year by the Carmichael Chamber of Commerce.

#### A TRIBUTE TO THE LIFE OF GEORGIA FAYE BAKER

### HON. JIM COSTA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, December 7, 2011*

Mr. COSTA. Mr. Speaker, I rise today to pay tribute to the life of Georgia Faye Baker who passed away on November 24, 2011 at the age of 95. Georgia was a loyal friend, loving mother, and respected community leader who touched the lives of many in the great San Joaquin Valley. Georgia was born on March 30, 1916 to James and Susan Herd in Ozark County, Missouri.

Georgia made her way to Madera, California in 1938, where she quickly became an icon and a source of inspiration due to her involvement in the community. On April 14, 1946, Georgia married Aubrey Baker, the love of her life. Together they worked on several projects to improve the quality of life in Madera, the place they called home. They were married for 55 years until his passing in 2001.

Through her leadership and willingness to serve, Georgia became a role model for her friends and neighbors. For 33 years, she was a committed and reliable member of the Madera Community Hospital Board. Her membership demonstrated her dedication to fostering and preserving the health and safety of residents throughout Central California, and her compassion and concern for our community served as a testament to her extraordinary character.

A principled and engaged citizen, Georgia was very active in local, state, and national elections. She served on a number of state committees and boards, including the Madera County Fair Board. In addition, Georgia was also an energetic member of the Democratic Party. In 1960, her wisdom and capability allowed her the opportunity to campaign with President John F. Kennedy during his bid for the presidency.

In 1991, the State of California honored her strength of character and zest for life when she was recognized as "Woman of the Year."

A generous and graceful woman, Georgia was a faithful parishioner at the Madera Trinity

Episcopal Church and would often be seen attending weekly services at the historic site. Her long-lasting participation in our community and commitment to the well-being of future generations will ensure that her legacy lives on for years to come.

Georgia lived an exemplary life and will undoubtedly be missed by many. She is survived by her daughter, Claudia Steinauer; her sister, Mable Russell; three grandchildren; seven great-grandchildren and five great great-grandchildren.

Mr. Speaker, I ask my colleagues to join me in honoring the life of Georgia Faye Baker, a beloved leader and true champion for the people of Central California.

#### TRIBUTE TO THE HAZARD HIGH SCHOOL FOOTBALL TEAM 2011

### HON. HAROLD ROGERS

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, December 7, 2011*

Mr. ROGERS of Kentucky. Mr. Speaker, I rise today to pay tribute to the 2011 Hazard High School Football Team, who captured the Kentucky High School Athletic Association Class 1-A State Championship Title for the first time in history. This group of student-athletes should be proud of this remarkable achievement and I am honored to recognize them as champions.

The State Championship title has been a highly coveted achievement for the Hazard Bulldogs. After their third appearance in a Class 1-A title game in four years, the Bulldogs tenaciously took the field with experience, heart and determination, earning every yard to lead them to a well-deserved victory and their first-ever State Championship.

The Hazard Bulldogs defeated a tough team from Mayfield, winning 24-6. More than five thousand fans filled the Houchens Smith Stadium in Bowling Green, Kentucky to witness these focused young men put their athletic ability and knowledge of the game to the highest test. Redeeming themselves from last year's 47-6 loss to Mayfield, the Bulldogs dominated the majority of the game and put an end to Mayfield's state-best 29-game winning streak. Holding the Cardinals to just 237 yards offensively, the Hazard Bulldogs forced five Mayfield turnovers and sealed their victory with an interception returned for a touchdown in the last two minutes of the game.

This season, Coach Mark Dixon led the Bulldogs to a near perfect 12-2 season. Despite defeat in last year's title game, the Bulldogs persevered and came back this season with unwavering determination to bring the state title home to the mountains of eastern Kentucky. These experiences and life lessons learned on the field will be carried on after the game and continue to shape these football players into men of promise and outstanding character.

Mr. Speaker, I ask my colleagues to join me in honoring Coach Dixon and the Hazard High School 2011 Football Team as the KHSAA Class 1-A State Champions. This team has successfully carried on a sports tradition of pride in the mountains and I wish them all the best in the years to come.

#### A TRIBUTE TO ELIZABETH CROSLAND

### HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, December 7, 2011*

Mr. TOWNS. Mr. Speaker, I rise today to honor Ms. Elizabeth Crosland for her commitment to her community and for her service to the children of Brooklyn as a Family Assistant with PS 13.

Ms. Crosland was born in Philadelphia, Pennsylvania to the late William T. and Annie Lee Pinchback. She was the eldest of five siblings, and later moved to Brooklyn, New York.

Ms. Crosland has been employed with the Department of Education at PS 13 as a Family Assistant for 24 years. During her years of service, she has enjoyed working with the administrators, her colleagues, and the students. Ms. Crosland prays everyday that she will empower the lives of the students and their families to become productive citizens in the community.

Ms. Crosland attends the Mount Lebanon Baptist Church on the Hill in Bedford Stuyvesant, where she has been a member for 74 years. She is active on the usher board, serving the needs of the congregation. She also sings in the Robert A. Laws Millennium Choir and was a member of the Allstate Club.

Ms. Crosland is an Honorary past Matron in the order of the Maria Chapter #18 Order of Eastern Stars. She has also been a great contributor to the community by working with the district leaders and working the primary and general election polls for many years.

Mr. Speaker, I would like to recognize Ms. Elizabeth Crosland for her exceptional service to her district as a dedicated member of her local religious and government institutions, and as a long serving employee of the Department of Education.

#### RECOGNIZING THE NOVEMBER 25, 2011 DEMOCRATIC ELECTIONS OF MOROCCO

### HON. STEVE COHEN

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, December 7, 2011*

Mr. COHEN. Mr. Speaker, I congratulate the people of Morocco for the free and fair Parliamentary election that took place on November 25, 2011. Participation rates were 20 percent higher than the previous election held in 2007. The Justice and Development Party (PJD), a moderate Islamist party, secured the largest number of seats in the new Parliament. Morocco's King Mohammed VI, in line with the new constitution, has already tasked the leader of the PJD, as Head of Government, to form a new coalition government. This election marks the first time the Moroccan people have gone to the polls within the framework of the new constitution. With this election, Morocco has crossed yet another major milestone in its democratic progress. I extend my warm wishes to the King of Morocco for his leadership and the Moroccan people for their achieve-

ments so far and hope they continue on the path of reform and progress.

#### A TRIBUTE TO DEACON AUDREY WRIGHT

### HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, December 7, 2011*

Mr. TOWNS. Mr. Speaker, I rise today in recognition of Deacon Audrey Wright who has dedicated her life to the teachings of Jesus Christ, and to her family, colleagues, and community.

Deacon Wright was born to Anna Mae King-Gordon and Mitchell Gordon in Princeton, West Virginia where her parents regularly attended Golden Gate Church. With her strong convictions, Deacon Wright completed high school in a very segregated district of West Virginia, and soon relocated to Brooklyn, New York to complete her undergraduate studies at Medgar Evers College.

Later in life Deacon Wright spent 25 years as an assistant teacher in the Ocean Hill Section of Brooklyn before retiring. Prior to teaching, Deacon Wright was employed by Abraham Strauss for several years in the sales department. After retiring as an assistant teacher, she turned to the Lord and became a member at Berean Baptist Church.

Joining Berean Baptist Church in 1994, she worked as a volunteer with children in the "Time Release Program" for seven years. At Berean, Deacon Wright was ordained on December 13, 1998 and continued her deep involvement with the church. She became a member of the First Lady's Ministry and served as the Deacon Advisor as well as the Spiritual Advisor to the Hospitality Ministry. Presently, she is a member of the Deacon Ministry, Pastoral Care Ministry, the Sunday School Ministry and the Sisterhood Ministry.

Several of her hobbies include writing, reading and exercising. During her tenure at Berean, Deacon Wright wrote and directed seven plays; two of which were performed to raise funds for Women's Day and five others that were written to raise funds for the church. In addition to being an avid reader and writer, Deacon Wright has been dedicated to her health and exercise—walking two miles every day.

Deacon Wright is married to Samuel Wright, and has been blessed with three sons—Bobby, David, and Dominic. She is thankful for God in her life, and gives thanks to the Lord every day for loving and caring for her.

Mr. Speaker, I urge my colleagues to join me in recognizing the life and accomplishments of Deacon Audrey Wright.

#### HONORING DR. EDWARD WAITE MILLER

### HON. LYNN C. WOOLSEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, December 7, 2011*

Ms. WOOLSEY. Mr. Speaker, I rise in sadness today to honor my friend, Dr. Edward

Waite Miller, who passed away October 27, 2011, at the age of 92. He was a prominent surgeon and writer in Marin County, California, as well as a loving family man.

Born in Oyster Bay, New York, in 1919, Dr. Miller studied at Union College in Schenectady and at Cornell Medical School with an internship at Boston City Hospital. He then served at the US Naval Hospital in Corpus Christi and in the South Pacific during WWII. He was awarded the American Theatre, Asiatic-Pacific, and Victory Medals. Reactivated in 1953, his service varied from making training films in the California desert to witnessing nuclear testing at the Bikini Atoll. He then received the Korean Service, United Nations, and National Defense Medals.

Dr. Miller also had a distinguished medical career. While working as a research fellow at the Cleveland Clinic with Dr. Willem Kolff in the 1950s, he published some seminal studies on the angiography of the heart that led to research in the new practice of coronary bypass surgery. He later worked as a surgeon in Mann General Hospital in Greenbrae, CA, and Children's Hospital in San Francisco, CA, and as a physician at Novato Community Hospital in Novato, CA.

In retirement Dr. Miller became well known in the community and around the world for his writing in the Coastal Post newspaper, a Marin County publication that gave him free rein to speak out on issues he was passionate about. From advocacy for peace and human rights to his sometimes controversial pro-Palestinian stance, he penned opinion pieces that reflected his deeply held beliefs and his great knowledge of world events.

I had many conversations with Ed Miller about these issues, and, although I sometimes didn't agree with him, I always enjoyed our time together and appreciated his commitment and his compassion. He loved discussing everything from politics to poetry (which he quoted from memory) with friends and family.

A long-time resident of the Lucas Valley area, Dr. Miller enjoyed landscaping his yard, and he was a board member and President of the Lucas Valley Homeowners' Association.

Dr. Miller is survived by his wife Fusae Ito Miller; his children and stepchildren, Trudy Vriethoff, Susan Ray, Lori Callahan, Jeffrey Miller, Grace Bransford, and Robert Fleming and their spouses; and 5 grandchildren.

Mr. Speaker, I always looked forward to seeing Ed Miller and will miss our lively discussions. Please join me in offering condolences to his family and friends.

#### TRIBUTE TO RONNY L. BEESLEY

#### HON. RON PAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, December 7, 2011*

Mr. PAUL. Mr. Speaker, on December 31, 2011, US Army Corps of Engineers, Galveston District employee, Ronny L. Beesley will retire after 40 years of service to his country. It is my pleasure to pay tribute to Mr. Beesley for all he has done for the people of Texas and the United States.

Mr. Beesley's long and distinguished career with the Federal Government began in October

1968 when he joined the US Army. Mr. Beesley served in Vietnam as part of the 1st Infantry Division, 101st Airborne Division until June 1971. After leaving the Army, Mr. Beesley earned a Bachelor of Science degree in Civil Engineering at Texas A&M University, in Kingsville, Texas.

Mr. Beesley started working with the Galveston District, Army Corps of Engineers in July 1975. He has held numerous positions with the Corps over the past forty years including: Civil Engineer in the Fort Point Area Office, Civil Engineer and Project Engineer in the Houston Area Office, he worked in the Construction Branch of the Construction Operations Division, General Engineer in the Plant Branch of the Construction Operations Division, and he was promoted to Chief of the Plant Branch in 1990 until he became the Chief of Management Support Branch in 1995. In July 1998, Mr. Beesley was again promoted to Senior Operations Project Manager, Project Operations Branch, and Operations Division. Mr. Beesley's outstanding work was recognized by the Galveston District in 2004 when he was selected as Employee of the Year.

In July 2010, Mr. Beesley was promoted to Chief of Project Operations Branch in the Operations Division of the Galveston District. His duties include managing and supervising Operations and Maintenance of the District's projects including Addicks/Barker Dams and Reservoirs, Brazos River Floodgates, Wallisville Lake Project and the Colorado River Locks. He is also responsible for overseeing expenses for Operations and Maintenance at the Neches Saltwater Barrier, as well as for inspection of projects built by the Government and operated by local sponsors. Mr. Beesley provides support/assistance to the Chief, Operations Division in areas of land and water resource management and is responsible for maintenance of the district's floating plant. Under Mr. Beesley's leadership, the Operations Division acquired a new floating plant for the Galveston district.

Mr. Speaker, Mr. Ronny Beesley provided outstanding services to his country and his town as both a soldier and an employee with the U.S. Army Corps of Engineers, Galveston District. It is therefore my pleasure to once again extend my congratulations and thanks to him as he prepares for retirement.

#### HONORING RETIRED MASTER SERGEANT NATHAN WEISER

#### HON. THADDEUS G. McCOTTER

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, December 7, 2011*

Mr. McCOTTER. Mr. Speaker, today I rise to honor and acknowledge retired Master Sergeant Nathan Weiser, on this the 70th anniversary of the attack on Pearl Harbor, a horror which by the grace of our Almighty God, Mr. Weiser survived.

After graduating from Albion College with a teaching degree in 1939, Nate Weiser enlisted in the newly formed United States Army Air Corps along with two of his friends in October 1940. All three men were sent to Hawaii as part of the 15th Fighter Group, 45th Fighter

Squadron and were stationed at Pearl Harbor on the horrific day of December 7, 1941.

Retired Master Sergeant Weiser and his two friends were in the mess hall waiting in line for breakfast when the attack began. He recalls the planes flying low enough to be able to see the red scarves and goggles of the pilots hell-bent on destruction. After surviving the initial wave and the smaller second wave of enemy planes, it began to rain. Having lost the friends he enlisted with to the Japanese fury, Weiser and his unit headed toward a mountain fox-hole and spent some very uncomfortable nights in the flooded dugout.

In 1943, Staff Sergeant Nate Weiser was sent back to the mainland to attend special schooling. He was asked to serve as an Army officer and declined. Weiser requested to be sent back to the Army Air Corps and was assigned to Jefferson Barracks in St. Louis. From there he was detailed to the 365th Fighter Bomber Group, 386th Squadron based out of Richmond, Virginia. Nate Weiser arrived in Normandy, France on June 13, 1944, a mere seven days after the initial invasion. As 1944 gave way to 1945, Weiser served in the grueling 40 day Battle of the Bulge. Master Sergeant Nate Weiser undoubtedly saw some of the fiercest combat in the history of these great United States and was released from service in August, 1945.

Mr. Speaker, Nathan Weiser has faithfully served and dutifully protected the citizens of the United States. Our nation owes him a deep debt of gratitude. He has been retired since 1996 after 55 years as a small business owner. He is blessed to enjoy life with his beloved wife of 65 years, Norma, their daughters Karen and Kendra and two granddaughters. Today, I ask my colleagues to join me in honoring and acknowledging Master Sergeant Nathan Weiser for his years of loyal service to our community and country.

#### A TRIBUTE TO DR. R. SANDLIN LOWE, III

#### HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, December 7, 2011*

Mr. TOWNS. Mr. Speaker, I rise today to honor Dr. R. Sandlin Lowe, III, MD for his outstanding contribution to Neuroscience and the treatment of brain disorders and injuries.

Originally from Coosa County, Alabama, Dr. Lowe obtained his MD from Tulane University in 1987. Currently on the Faculty of New York University School of Medicine with appointments in both the Department of Psychiatry and the Department of Physiology and Neuroscience, he is the Consulting Neuropsychiatrist to the NYU School of Medicine Brain Research Laboratories and Collaborating Psychiatrist at the NYU Langone Center for Neuromagnetism. After 18 years of service and research (for which he was honored with a Congressional Award), Dr. Lowe has become a member of various research councils and health centers.

Dr. Lowe is an expert in Translational Clinical Neuroscience and Therapeutics and has created new paradigms for the

conceptualization, evaluation, and treatment of consciousness spectrum disorders associated with brain injuries. In the past few years, for personal reasons, his efforts have focused on autism spectrum disorders.

Currently, Dr. Lowe and his colleagues are exploring small molecules, biological, cellular and regenerative medicine therapeutics, and applied field energy techniques to find new treatments for autism and brain injuries.

Dr. Lowe is a co-founder of the Global Alliance for Innovation in Neuroscience, to which he brings his experience and ability to creatively approach the study and management of coma and other brain injuries. Dr. Lowe possesses a remarkable energy with an unparalleled faith and optimism that are apparent in his approach to research and his dedication to patient care.

Dr. Lowe has recently been awarded a grant of over \$3.2 million from the Marcus foundation to study the safety and efficacy of cellular and regenerative medicine therapeutics in the treatment of autism. This work will be done by the GAIN labs at New York City Health and Hospitals Corporation in collaboration with the Stem Cell Institute in Panama, along with Inverion Technologies, Ltd. and Xplora Interactive India. Preliminary data from the individuals with autism who have received these treatments shows that these new methods are both safe and promising.

Mr. Speaker, I would like to recognize Dr. R. Sandlin Lowe, III, MD for the advancements he has made in the study and treatment of autism spectrum disorders, brain injuries, and other disorders.

#### RECOGNIZING THE CONTRIBUTIONS OF NANCY COWLES

##### HON. JANICE D. SCHAKOWSKY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, December 7, 2011*

Ms. SCHAKOWSKY. Mr. Speaker, I rise today to recognize Nancy Cowles, who was honored last week with the Consumer Product Safety Commission Chairman's Circle of Commendation Award for her tireless advocacy for children's product safety. This is the first time that this award has been presented, and I cannot think of anyone more deserving.

Nancy is the Executive Director of Kids in Danger (KID), an advocacy organization dedicated to protecting children by improving the safety of the products they play with or otherwise use. In the more than a decade that Nancy has headed KID, she has served on the front lines, educating parents and caregivers about the dangers of certain products, promoting the development of safer children's products, and advocating for important legislative and regulatory improvements. She has worked on numerous issues both as a member of panels and as an outside advocate for safety improvements in CPSC standards and recall efforts.

Nancy has played a significant role in the improvement of consumer product safety, ensuring that children and families have a voice and that product-makers are held accountable. In Washington, Nancy's work has served as

an invaluable contribution to the creation of CPSC standards and the implementation of recalls, no doubt saving many lives in the process. She has served as an invaluable resource for me and many of my colleagues who are committed to protecting the health and well-being of children.

The Consumer Product Safety Improvement Act (CPSIA) became law in 2008, and it is the most significant reform of the CPSC and its responsibilities in decades. With Nancy's input, I authored several provisions to the bill, including mandatory standards and testing for infant and toddler products such as cribs and high chairs and a provision requiring that post-age-paid recall registration cards must be attached to products. I am proud of those provisions, and the overall bill, which would not have been as strong or protective without Nancy's guidance.

I would like to thank the CPSC, and Chairman Inez Tenenbaum, for recognizing the contributions of Nancy Cowles toward making products safer for children and families. As the Chairman said, Nancy's "contributions to product safety are invaluable."

As a mother and grandmother deeply concerned about preventing injuries to children, I could not be more grateful for Nancy's efforts and I am proud to call her a friend.

#### CONGRATULATING WILLIAM (BILL) H. OSBORNE ON 50 YEARS OF OUTSTANDING FEDERAL SERVICE WITH THE U.S. ARMY CORPS OF ENGINEERS

##### HON. THOMAS J. ROONEY

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, December 7, 2011*

Mr. ROONEY. Mr. Speaker, today I wish to congratulate Mr. William (Bill) Osborne of Atlanta, Georgia for 50 years of dedicated Federal service to the U.S. Army Corps of Engineers. He has also served as the Commandant of the 3388th USARF School in Tampa, Florida with prior assignments in the Office of the Deputy Chief of Staff for Logistics at the 81st U.S. Army Reserve Command in Atlanta, Georgia. He retired from the Army Reserve in April 1993 at the rank of Colonel. I hope Members will join with me today to thank Mr. Osborne for his contributions to the Corps of Engineers, his local community and the United States of America.

Mr. Osborne began his career with the Corps of Engineers in 1957 as a summer hire in the Operation Division in the Nashville District. After graduating from the University of Tennessee with a Bachelor's Degree in Engineering he joined the Jacksonville District as a Civil Engineer. In 1970, he transferred to the South Atlantic Division and took a position as the Assistant Chief of the Program Management Office. Since 1988 he has been the Chief of the Civil Works Integration Division. In this position he puts together the South Atlantic Division's portion of the President's Civil Works Budget for Congressional consideration.

Some of the major projects for which he has provided Congress justification documentation

include the Tennessee Tombigbee Waterway, Herbert Hoover Dike, Portugues and Bucana Rivers, and two of the largest environmental projects in the country; South Florida Ecosystem Restoration and the Comprehensive Restoration of the Mississippi Barrier Islands projects. Over his stellar career he has justified billions of Federal dollars in support of these and countless other much needed projects. For over two decades he has provided exceptional support to Division Commanders, Chiefs of Engineers and the Assistant Secretaries of the Army in their annual testimony before Congress. Through his expert knowledge of the Civil Works process Mr. Osborne consistently provided outstanding service in the relationship with the public, Congressional Members and their staffs, involving controversial and complex issues.

Mr. Osborne has received numerous awards in recognition of his outstanding efforts to include Superior Civilian Service Awards, the Meritorious Civilian Service Award and he has been nominated for the prestigious Decoration for Exceptional Civilian Service from the Secretary of the Army.

Bill Osborne is a tremendous asset not only to the U.S. Army Corps of Engineers, but also to Members of Congressional Delegations throughout the Southeast and his country. I want to sincerely wish Bill and his wife, Fran, every success in the future.

#### OUR UNCONSCIONABLE NATIONAL DEBT

##### HON. MIKE COFFMAN

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, December 7, 2011*

Mr. COFFMAN of Colorado. Mr. Speaker, on January 26, 1995, when the last attempt at a balanced budget amendment passed the House by a bipartisan vote of 300-132, the national debt was \$4,801,405,175,294.28.

Today, it is \$15,071,624,794,970.66. We've added \$10,270,219,619,676.38 dollars to our debt in 16 years. This is \$10 trillion in debt our nation, our economy, and our children could have avoided with a balanced budget amendment.

#### A TRIBUTE TO DEBRA DAVIS-SMITH

##### HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, December 7, 2011*

Mr. TOWNS. Mr. Speaker, I rise today in recognition of Debra Davis-Smith for her service to the health and well-being of those living in the 10th Congressional District of New York.

Ms. Davis-Smith was born to the late Joyce and Robert Davis, and raised in an extended family that included her maternal grandparents and aunts in Brooklyn, New York. Being the eldest of three, Ms. Davis-Smith always had the instinct to care for and look after others.

Ms. Davis-Smith was educated in both the public and parochial school systems. It was

during this time that she recognized her interest in helping others outside of her family by volunteering her services after school as the Candy Striper at Kings County Hospital. On weekends and during the summer months, she volunteered with the Department of Aging which allowed her to work with elders in various senior citizen centers and also work with her local precinct in mentoring teenagers.

After high school, Ms. Davis-Smith attended The City College of New York where she majored in Sociology. During her studies, she continued to volunteer and intern with several non-profit groups. Her focus was always on educating and empowering others whether they be youth or senior citizens.

Following her undergraduate studies, she attended Fordham University and received her Master's in Social Work. While at Fordham her studies focused on individuals and families which eventually led her towards the field of mental health. The National Institute of Mental Health provided support to Ms. Davis-Smith which would also determine her future employment.

Upon graduating Fordham, Ms. Davis-Smith was employed by The Catholic Guardian Society where she worked with children in foster care and adoption service. She remained there for a year until she began working as a social worker at Woodhull Medical and Mental Health Center in their Inpatient Psychiatric Unit. Ms. Davis-Smith would spend the next 25 years with the health center, working alongside dedicated professionals who shared her passion in working with the mentally ill. Within this time she held several positions within the discipline of social work, and is currently in the position of acting Director of Social Work Services.

Ms. Davis-Smith is married to Clifford Smith and has two daughters, Brittany and Morgan. With her family's continued love and support she is able to continue her community service.

Mr. Speaker, I urge my colleagues to join me in recognizing the community achievements of Ms. Debra Davis-Smith.

#### A TRIBUTE IN HONOR OF THE LIFE OF THE HONORABLE JAMES E. BURCH

**HON. ANNA G. ESHOO**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, December 7, 2011*

Ms. ESHOO. Mr. Speaker, I rise today to pay tribute to the extraordinary life and work of the Honorable James E. Burch, known to all as 'Jim', who died on Monday, November 28, 2011, at the age of 85.

Jim Burch was born on February 27, 1926, in Evanston, Illinois to a World War I veteran and a religious pacifist. He, his parents and two brothers moved to San Mateo, California in 1940. Jim graduated from San Mateo High School in 1943 and served in the U.S. Army until 1946.

He returned to civilian life and launched a very successful career in advertising, retiring in 1974 to serve his community as a volunteer. He co-founded San Francisco's Urban Coalition and was President of Palo Alto's

Creative Initiative Foundation, which evolved into Beyond War and then into the Foundation for Global Community, organizations he volunteered with for 36 years. He gave so generously of his time and considerable talents to many other organizations, including the Boy Scouts, United Way, NAACP, and most recently he served on the Palo Alto Police Chiefs Advisory Committee, where his wise counsel earned the respect of the entire committee.

In 1999, Jim was elected to the Palo Alto City Council, and he was elected Mayor in 2005. At the age of 78, he was the City's oldest Mayor, but he served in the role with energy, enthusiasm and distinction. He was honored for his Lifetime of Achievement by Avenidas in 2011.

I was privileged to know and work with Jim Burch for many years. He was a friend, a mentor, and an inspiration to me. The memory of this strong and gentle, wise and funny, proud and humble man will live long after him, as will his countless contributions which have made our community better and our country stronger.

Jim's son, Bill, is quoted as saying "My father led a life of giving to his family, of giving to his community, of giving to his city and giving to the world." His daughter, Barbara Lindsay, said "He was the most giving person in terms of what he sought to do out in the world and his hometown." There can be no greater tributes than these from his beloved children.

I ask the entire House of Representatives to join me in honoring the life and the accomplishments of Jim Burch, and extend our deepest sympathy to his wife Wileta, and his children, Barbara, and Bill.

#### RECENT EVENTS IN BAHRAIN

**HON. CHRIS VAN HOLLEN**

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, December 7, 2011*

Mr. VAN HOLLEN. Mr. Speaker, the U.S. and Bahrain share a decades-old economic and strategic partnership that spawned a free trade agreement in 2006 and influenced the decision to locate the U.S. Fifth Fleet in the port-city of Jaffair. That partnership has endured for years in part because the U.S. viewed Bahrain as a nation committed to evolving toward a political system that allowed greater public participation and respect for religious tolerance. Events over the last year have dealt a serious blow to that long held belief.

The Arab Spring inspired Bahrain's Shi'a majority to seek the full human and political rights that they say they have been denied since the Al Khalifa family became the rulers of the tiny island nation over 200 years ago.

The Bahraini government's response to the largely peaceful demonstrations of the opposition groups who seek only a better life for themselves and their families has been violent and systematic. Dozens of demonstrators lost their lives; independent media outlets were silenced; Shi'a mosques were burned; thousands of Bahrainis were incarcerated and thousands more lost their jobs.

Our worst suspicions were confirmed by the report recently released by the Bahrain Commission of Inquiry. The report described the disproportionate and indiscriminate use of force by security forces. Opposition members were abused, beaten and even tortured.

I associate myself with the public statements of President Obama and Secretary of State Clinton as they strongly urge the Bahraini government to follow through on its promises and to systematically and expeditiously implement the forthcoming recommendations of the newly established follow-on committee.

To achieve a meaningful and lasting reconciliation, all parties must engage in comprehensive political dialogue geared toward a mutually satisfactory power-sharing solution. The long-standing commitment of the United States to a strong partnership with the government and people of Bahrain will be influenced by how the government of Bahrain chooses to negotiate this challenging moment in its nation's history.

We all will be watching closely.

#### INTRODUCTION OF THE INDO- NESIAN FAMILY REFUGEE PRO- TECTION ACT OF 2011

**HON. CAROLYN B. MALONEY**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, December 7, 2011*

Mrs. MALONEY. Mr. Speaker, today I am introducing legislation with my colleagues, Rep. FRANK PALLONE, Rep. LUIS GUTIERREZ, Rep. MADELINE BORDALLO, Rep. MIKE HONDA, and Rep. ENI FALEOMAVAEGA, which would simply allow Christian Indonesian citizens fleeing persecution, many of whom arrived during a five-year timeframe (January 1, 1997–November 30, 2002) and were denied asylum solely for missing the one-year filing deadline, the opportunity to reopen their claims during the two-year period following enactment.

Beginning in 1997, many Indonesian Christians fled religious persecution in Indonesia, where extreme violence and destruction of churches drove them from their homes. These individuals came to this country, seeking relief from extreme violence and persecution for their religious beliefs, but were unable to make the one-year filing deadline. They deserve the opportunity to have their claims heard.

The United States has long sought to protect refugees fleeing persecution and provide a process to fairly consider their claims. This bill does not, in itself, grant asylum, but merely removes a procedural barrier to their claims being considered. These individuals seeking asylum deserve a second chance to avoid the persecution they have fled and remain united with their families.

## A TRIBUTE TO CRUZ FUKSMAN

**HON. EDOLPHUS TOWNS**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, December 7, 2011*

Mr. TOWNS. Mr. Speaker, I rise today in recognition of Ms. Cruz Fuksman for her continued efforts to rebuild and improve her community through health and educational services.

Ms. Fuksman was born and raised in the Dominican Republic by her single mother and six siblings. Ms. Fuksman came to the United States to seek a better education to provide for herself and her family. She attained her bachelor's in Human Services from Boricua College and later received a Master's degree in Social Work from Hunter College School of Social Work. Currently Ms. Fuksman works as the Community Liaison at the New York Psychotherapy and Counseling Center where she uses her expertise in social work to serve as the director for a variety of mental health and family service programs. She likewise served in this capacity at the American Red Cross of Greater New York for more than a dozen years, where she was routinely honored as Caseworker of the Month.

The work that Ms. Fuksman has done reflects her ambition to reform her community at the highest levels. The social work discipline she learned throughout her schooling has been a guiding tool that Ms. Fuksman frequently relies on to help families. Recently Ms. Fuksman was honored by Bushwick Impact for her enthusiasm, wisdom, collaboration, and support in helping them serve over 2000 families in the Bushwick area.

Ms. Fuksman also displays her strong community ties by serving as one of the co-chairs of the Community Partnership Project of East New York, Chair of the Seed Committee of the Cypress Hills Local Development Corporation and by participating in many community projects and events in East New York. Aside from her community involvement, Ms. Fuksman understands the importance of educating our youth, and has had the opportunity to work as an adjunct professor at La Guardia Community College.

Ms. Fuksman has a very genuine and unique passion for helping children and families to improve the quality of their lives and for getting the community involved in efforts to improve the quality of life for the residents. Ms. Fuksman is an excellent cook and uses her cooking skills to fundraise for many causes. Among them are victims of the earthquake in Haiti, Habitat for Humanity, Breast Cancer Foundation and various Catholic charities.

Mr. Speaker, I urge my colleagues to join me in recognizing the accomplishments of Ms. Cruz Fuksman.

HONORING REVEREND LEON H.  
MATTHIAS

**HON. DONNA M. CHRISTENSEN**

OF THE VIRGIN ISLANDS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, December 7, 2011*

Mrs. CHRISTENSEN. Mr. Speaker, I rise today to pay tribute to a devoted servant of

God, the Reverend Leon H. Matthias who will retire from active ministry on December 31, 2011.

Sunday, December 8, 1946 seemed to be a perfect day for the arrival of Leon Henson Matthias to George and Ethel Matthias. His humble home provided his first real setting where Christian nurture would take place. The family were members of Gracefield Moravian Church in Cedar Grove and Adrian Joseph, the grandfather, was the sexton of this small congregation.

After primary and High School he gained four subjects at Ordinary Level from the University of London. In September 1967, he entered the teaching profession and was appointed as an uncertified teacher at the St. James Government School in Cedar Grove where he had received his early primary education.

At 19, he was elected as chairman of the Board of Stewards at Gracefield. The members of the congregation recognized that God was calling him to a special task in His church.

Leon Henson Matthias began his theological training on the island of Trinidad in 1970 and in 1974 he completed the Licentiate in Theology at the United Theological College of the West Indies in Kingston, Jamaica. He served as student pastor in the Antigua and Tobago Conferences and on August 24, 1975 Brother Matthias was ordained a Deacon. On September 1, 1975, he began his first appointment as a Moravian Pastor in St. Kitts. Six years after his ordination as a Deacon in the Moravian Church, Rev. Matthias was consecrated a Presbyter.

On August 28, 1976, Rev. Leon Matthias made another decision in his life. He joined in matrimony to Mable Hall in that beautiful western Jamaica Town of Montego Bay. God blessed this marriage with three wonderful sons, Lennox, Leon Jr. and L. Richard.

From all accounts, Brother Leon was as popular as he was active. He has always had an abundance of energy that seems contagious, and this has manifested itself throughout his life and the life of anyone with whom he has had contact. As an executive of the Rivals Sports Club in Cedar Grove, where he was a serious cricketer and concert performer, to Youth Soccer Coach in Richmond, Virginia, he displayed versatility and his love of sports.

Rev. Matthias has always enjoyed leadership roles in the church and the community. He however developed a new interest in 1992. In 1990, he was invited by the Lutheran Church in the United States Virgin Islands to participate in an oral history workshop led by Judy Saxton of Baylor University. This opened for him a vast new field of inquiry and an unquenchable thirst for the unwritten folk history of his people. This he has pursued in his visits to Tanzania, London, Johannesburg and Cape Town.

The versatility of the good Reverend has also been manifested in his editing of many publications including Rapport' magazine and the writing of four books—Boy from Popeshead (1995), Against the Odds (1996), A history of the Friedensberg Moravian Church, Tales from the Hill (1997) and Winds of Change (1999) Gracefield—A Northern Star (2005) Down Punty Hill (2008) A Cloud of Great Witnesses (2011).

Brother Matthias holds a Licentiate in Theology from the University of the West Indies and a Master of Arts Degree from the Presbyterian School of Christian Education. In 2002, he obtained an MLS Degree from Catholic University of America in Washington, DC, specializing in Archival Studies.

His ministry has spanned forty years and the Western Hemisphere—beginning in Jamaica as a Student Pastor in 1971, serving the Virgin Islands Conference in St. Croix from 1988 to 1996 and St. Thomas and Tortola from 1996 to 2000, then New York from 2002 to 2009 and lastly in Washington DC.

In that time he has served in many positions of church leadership, has mentored many young pastors and served every congregation and community with excellence, dedication and compassion. We are thankful to God for his service, which overcame many obstacles over the years, and for his family who served by his side these many years.

I ask my colleagues to join me in asking God's blessings on Reverend Leon H. Matthias, his wife, Mable and the entire family with gratitude for a life of exemplary service.

## PERSONAL EXPLANATION

**HON. JOSEPH CROWLEY**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, December 7, 2011*

Mr. CROWLEY. Mr. Speaker, on December 6, 2011 I voted "no" on H.R. 2471; I intended to vote "yes."

THE PASSING OF MY DEAREST  
FRIEND AND CBC FOUNDATION  
FOUNDING MEMBER, OFIELD  
DUKES**HON. CHARLES B. RANGEL**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, December 7, 2011*

Mr. RANGEL. Mr. Speaker, as a Member of Congress, I have been blessed to call many wonderful people my friend, but none more than Ofield Dukes. I am extremely saddened by the passing of such great man who had significant impact in not only my life, but that of my Colleagues in the Congressional Black Caucus, dating back to its founding. Aside from his many accomplishments in business, politics and his personal life, Ofield was simply a true and kind person who sought to make our country a better place for all. I will forever miss his virtue, justness and sincerity.

Ofield was the best communications strategist in Washington. He helped organized the first Congressional Black Caucus (CBC) dinner in 1971 and served as an advisor to numerous CBC chairpersons. He was a founding member of the CBC Foundation and served on the Foundation Board (CBCF) for 14 years. As the first chairman of the Foundation's Finance and Fundraising Committee, Ofield was instrumental in developing strategies for fundraising including recruiting business support and active involvement.

Ofield's devotion to his craft was esteemed by everyone. In 1988, Ofield was selected by CBC Chairman Julian Dixon to serve as chairman of a historic black-tie dinner in salute of U.S. Supreme Court Justice Thurgood Marshall. When the CBC Chairman Clyburn needed a person to organize and edit the first news letter of the CBC-CBCF, he called Ofield and for seven years he did a superb job in editing the CBC-CBCF newsletter.

In addition to his work with the CBC & CBCF, Ofield was dedicated to fighting for racial equality. He served for 10 years on the board of the MLK, Jr. Committee for Non-Violent Social Change and as an advisor to Mrs. Coretta Scott King. He also served as an advisor to Dr. Leon Sullivan, organized the first Stevie Wonder March to make Dr. King's birthday a national holiday and was an advisor to Alex Haley, author of the epic book "Roots" which provided the impetus for the historic TV series.

Aside from all his public service achievements, Ofield always found time to nurture the next generation of communicators and political minds. As an adjunct professor for 25 years at the Howard University John H. Johnson School of Communication, Ofield is credited with influencing hundreds of students to enter the field of public relations. He also taught public relations at the American University for eight years.

In politics, Ofield served as a communications consultant to the Democratic National Committee in six presidential campaigns. In 1998, Ofield worked very closely with me in developing the national African American media strategy that helped generate a large black voter turnout that helped Democrats to gain control of the House of Representatives.

Ofield is credited with having tremendous impact on the professional lives of many. Radio One Founder Cathy Hughes says there would not be a Radio One without the early support and continuing advice of Ofield. Upon receiving his graduate degree from Princeton University, Robert Johnson called Ofield who arranged the first two jobs for Johnson in Washington, D.C. prior to his founding BET.

In 2001, Ofield became the first African American to win the Public Relations Society of America's Gold Anvil, the highest individual awards given in the public relations industry. In 2004, PRWeek named him one of this nation's top five national communicators. In 2009, Dukes succeeded Dr. C. Delores Tucker as President of the Bethune-DuBois Institute.

Ofield's other professional recognition includes: being named by the Washington Post as one of the top five PR persuaders in Washington; among the first to be inducted into the Washington, D.C. Public Relations Hall of Fame; inducted into the Commonwealth of Virginia Communications Hall of Fame; and receiving the Wayne State University 2010 Alumni Achievement Award.

Ofield's list of accomplishments goes on and on, but what his friendship meant to me and so many people is immeasurable. I want to express my deepest condolences to his beautiful family. Ofield Dukes was one of a kind and he will be deeply missed. His legacy will last throughout Washington and our country.

#### A TRIBUTE TO ALBERT WILTSHIRE

#### HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 7, 2011

Mr. TOWNS. Mr. Speaker, I rise today in recognition of Albert Wiltshire for his unwavering service.

Mr. Wiltshire's career would not be as successful as it is if it weren't for his stellar academic track record. He graduated from Brooklyn's Boys High School when it was regarded as one of the city's top schools for learning. Mr. Wiltshire then received his Bachelor's degree from St. Francis College, a Masters in Public Administration from New York University, and a Senior Managers in Government Program Certificate from the prestigious Harvard University, John F. Kennedy School of Government.

Mr. Wiltshire's illustrious career began with the New York City Police Department, where he served for 20 years during the civil rights era. Following his retirement, Mr. Wiltshire worked for 13 years at the Brooklyn Navy Yard Development Corporation serving as President and CEO. It was here that he made an indelible mark by strengthening the company's financials while also providing countless opportunities for minorities and women to enter the business community.

Mr. Wiltshire went on to work as Vice President Keyspan Corporation, one of the nation's largest energy conglomerates. He would work as a liaison between the company and the government to ensure the needs of the community were met, and to spearhead environmental awareness.

Since 2007, Mr. Wiltshire has worked as my Chief of Staff, helping me represent the people of New York's 10th congressional District in Brooklyn. Managing personnel in two Brooklyn offices and the nation's capitol, Mr. Wiltshire is one of my most trusted advisors on key legislative issues and public policies. Mr. Wiltshire's vast experience with the community in Brooklyn has been invaluable, providing sound leadership and direction in the 10th district.

While his service in the public and private sector has consumed most of his time, Mr. Wiltshire continues his involvement with the Madison Boys and Girls Club, Brooklyn School of Music, and the vestry of the Church of St. Luke and St. Matthew.

Mr. Wiltshire is a proud father, grandfather, and mentor to many. The life he chose to lead is one that is admired by many and should be emulated by all. Mr. Speaker, I urge my colleagues to join me in recognizing the many achievements of Mr. Albert Wiltshire.

#### PERSONAL EXPLANATION

#### HON. JO ANN EMERSON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 7, 2011

Mrs. EMERSON. Mr. Speaker, on rollcall No. 882, 883, 884, 885, 886, 887, and 888 I

am not recorded because I was absent due to a family event. Had I been present the week of December 2nd, I would have voted "aye" on rollcall No. 888. I would have voted "nay" on rollcall No. 882, 883, 884, 885, 886, and 887.

IN SUPPORT OF MOTION TO INSTRUCT CONFEREES ON H.R. 1540, NATIONAL DEFENSE AUTHORIZATION ACT

#### HON. LAURA RICHARDSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 7, 2011

Ms. RICHARDSON. Mr. Speaker, today I rise in support of the Motion to Instruct Conferees, which instructs House conferees to insist on the inclusion of certain amendments intended to improve the sexual assault prevention and response in the Armed Services that were contained in the version of National Defense Authorization Act passed by the House on May 26, 2011.

While 1 in 6 women in the United States will experience some type of sexual assault in her lifetime, as many as 1 in 3 veteran women report that they have experienced some form of Military Sexual Trauma during their service. Due to shame, guilt or fear of not being believed, countless victims do not report their assault and it has been reported that as few as 13 percent of these sexual assaults are reported to the proper authorities.

Mr. Speaker, not only do cases of sexual assault largely go unreported, but response protocols necessary to protect victims of assault need to be improved.

In addition, more must be done to protect these victims after they report their abuse. Victims of sexual assault face a lack of confidentiality, protection, support, and access to legal counsel once an incident is reported.

Currently, victims of rape or sexual assault do not have the right to a unit or duty location transfer following an assault. The result is that victims of these unspeakable crimes often have to continue serving alongside their assailant. As of this date, the Department of Defense has not yet adopted policies that will enable sexual assault victims to escape constant contact with their attackers.

Mr. Speaker, this is a huge problem. Something must be done.

Fortunately, the problem of rape and sexual assault in the military has been addressed by provisions in both the House- and Senate-passed versions of the National Defense Authorization Act for FY 2012 (NDAA). In both the House and Senate versions, the NDAA makes improvements in the military's response to sexual assault and to provide greater protections for our service men and women in the armed forces. Our hope is to ensure zero tolerance for sexual assault in the military.

However, the House and Senate versions of this act differ significantly. The House version of the NDAA has stronger provisions regarding sexual assault in the military by strengthening legal protections for the victims, providing support and guidance to victims, and by strengthening the systems in place to prevent future



assaults. That is why the Motion to Instruct directs House conferees to insist on the inclusion of these provisions in the compromise legislation negotiated in the Conference.

Among the House-passed improvements are provisions:

ensuring that sexual assault victims be afforded legal counsel if desired;

protecting the confidentiality and victim advocates;

requiring that commanders transfer duty stations; and

requiring adequate training and education programs to prevent sexual assault.

Mr. Speaker, we have a duty to protect our men and women in the military, who put their lives on the line for our country. We have a duty to make our armed forces safe for all men and women who wish to serve. It is dangerous enough risking one's safety in defense of our country on foreign shores. It is simply intolerable for American servicewomen and men to have to assume the risk of sexual assault from their comrades.

The provisions in the version of H.R. 1540 passed by the House reflects a zero tolerance policy when it comes to the sexual assault of members of the Armed Forces by members of the Armed Forces. That is why I strongly support this Motion to Instruct Conferees on H.R. 1540. I urge all of my colleagues to do likewise.

MR. CHARLES L. NEUBERT

HON. LOU BARLETTA

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 7, 2011

Mr. BARLETTA. Mr. Speaker, today I rise to honor Charles L. Neubert of Hazleton, Pennsylvania, for his faithful and dedicated service to the United States of America through turbulent times.

Charles Neubert was serving in the National Guard in the State of Washington when he decided to transfer to active duty in 1941. He was assigned to the 16th Truck Company, Quartermaster Corps. At the time, Charles Neubert was only 20 years old. He was stationed in Pearl Harbor, Hawaii.

Mr. Neubert was working in the motor pool during the surprise military attack conducted by the Imperial Japanese Navy on the morning of December 7, 1941. Mr. Neubert watched helplessly as 353 Japanese fighters and bombers launched their assault on the naval base. When he recalls this day, Charles Neubert can remember thinking that the planes just kept coming and coming. More than 2,400 American lives were lost on that day, and almost 1,300 were injured.

Charles Neubert continued to serve his country in the 357th and the 356th Truck Companies on both Pearl Island and on Tinian in the Marianas Islands.

Charles Neubert would be discharged from active duty in the Army in June 1945, just a few months before the end of the war. He would join the Naval Reserves in 1950, and he served aboard the USS *Douglas H Fox* (DD779) for 15 months during the Korean War. He was discharged in 1953.

Mr. Speaker, Charles L. Neubert, who only a few months ago celebrated his 90th birthday, is a fine example of the faithful and dedicated men and women that make up our armed forces. His selfless actions, and those of his generation, should forever be remembered and cherished by a grateful nation.

#### A TRIBUTE TO ABU BEKR COURT NO. 74

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 7, 2011

Mr. TOWNS. Mr. Speaker, I rise today in recognition of Abu Bekr Court No. 74 for its long history of community involvement through activities and sponsorships.

Abu Bekr Court No. 74 has participated in all of the programs and projects of the Imperial court, Daughters of Isis. Individual Court members have been actively involved in numerous community volunteer activities on behalf of the organization.

The projects supported by Abu Bekr Court No. 74 and its members include: homeless women's shelters, a hospital for children with special needs, gifts of love baskets to elderly and needy community residents, donations to local community churches and the NAACP. Under the leadership of their Illustrious Commandress, Dt. Shirley Holliday, Abu Bekr Court has been in partnership with Tilden Hall by sponsoring multiple clothing drives.

The Court has served in many capacities throughout the community. They attended a World Day of Worship at Berean Baptist Church and gave a sizable monetary donation to their Drum Line Youth group, while also raising hundreds of dollars to participate in the Breast Cancer Walk. The Court has also donated school supplies to several schools in Brooklyn and Long Island, as well as donating over 200 knit hats to cancer patients through the American Cancer Society.

Abu Bekr Court No. 74 is pleased to have had 57 Daughters lead this Court and serve as Illustrious Commandress since 1949. As part of Abu Bekr Court's great history, two of their Daughters served the Imperial Court Daughters of Isis as Imperial Commandress, which is the highest honor that can be bestowed upon a Daughter. Dt. Phyllis McKoy who was elected and served as Imperial Commandress in 1984 and now Dt. Ruth Mayfield Ellerbe who was elected and installed as Imperial Commandress of the Imperial Court Daughters of Isis on August 18, 2011.

The Court looks forward to continuing their long tradition of service to the community and to remain supportive to the Imperial Court, Daughters of Isis.

Mr. Speaker, I urge my colleagues to join me in recognizing the community achievements that Abu Bekr Court No. 74 has made in Brooklyn and throughout New York City.

#### SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a sys-

tem for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Thursday, December 8, 2011 may be found in the Daily Digest of today's RECORD.

#### MEETINGS SCHEDULED DECEMBER 13

10 a.m.  
Agriculture, Nutrition, and Forestry  
To hold hearings to examine MF Global bankruptcy. SH-216

Judiciary  
To hold hearings to examine the nomination of Paul J. Watford, of California, to be United States Circuit Judge for the Ninth Circuit. SD-226

Environment and Public Works  
Water and Wildlife Subcommittee  
To hold hearings to examine our nation's water infrastructure, focusing on challenges and opportunities. SD-406

10:15 a.m.  
Health, Education, Labor, and Pensions  
Children and Families Subcommittee  
To hold hearings to examine child abuse, focusing on protection, prevention, intervention, and deterrence. SD-106

2:30 p.m.  
Banking, Housing, and Urban Affairs  
Housing, Transportation and Community Development Subcommittee  
To hold hearings to examine helping homeowners harmed by foreclosures, focusing on ensuring accountability and transparency in appeals. SD-538

#### DECEMBER 14

9:30 a.m.  
Banking, Housing, and Urban Affairs  
Securities, Insurance and Investment Subcommittee  
To hold hearings to examine investor risks in capital raising. SD-538

10 a.m.  
Foreign Relations  
European Affairs Subcommittee  
To hold hearings to examine the state of human rights and rule of law in Russia, focusing on United States policy options. SD-419

Health, Education, Labor, and Pensions  
Business meeting to consider S. 1855, to amend the Public Health Service Act to reauthorize various programs under the Pandemic and All-Hazards Preparedness Act, and the nominations of

Wendy M. Spencer, of Florida, to be Chief Executive Officer of the Corporation for National and Community Service, Deepa Gupta, of Illinois, to be a Member of the National Council on the Arts, Christopher Merrill, of Iowa, to be a Member of the National Council on the Humanities, Stephanie Orlando, of New York, and Gary Blumenthal, of Massachusetts, both to be a Member of the National Council on Disability, and a nomination list in the Public Health Service.

SD-430

Homeland Security and Governmental Affairs

Business meeting to consider pending calendar business.

SD-342

Judiciary

To hold an oversight hearing to examine the Federal Bureau of Investigation.

SD-226

Veterans' Affairs

To hold hearings to examine the nominations of Margaret Bartley, of Maryland, Coral Wong Pietsch, of Hawaii, and Gloria Wilson Shelton, of Maryland, all to be a Judge of the United States Court of Appeals for Veterans Claims.

SR-418

DECEMBER 15

10 a.m.

Health, Education, Labor, and Pensions

To hold hearings to examine prescription drug shortages, focusing on examining a public health concern and potential solutions.

SD-430

11 a.m.

Foreign Relations

Western Hemisphere, Peace Corps and Global Narcotics Affairs Subcommittee  
To hold hearings to examine the United States-Caribbean shared security partnership, focusing on responding to the growth of trafficking narcotics in the Caribbean.

SD-419

2:15 p.m.

Foreign Relations

African Affairs Subcommittee

To hold hearings to examine improving governance in the Democratic Republic of Congo.

SD-419

2:30 p.m.

Aging

To hold hearings to examine implementing the "Physician Payment Sunshine Act".

SD-562



United States  
of America

# Congressional Record

PROCEEDINGS AND DEBATES OF THE 112<sup>th</sup> CONGRESS, FIRST SESSION

## SENATE—Thursday, December 8, 2011

The Senate met at 9:31 a.m. and was called to order by the Honorable JON TESTER, a Senator from the State of Montana.

### PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

King and judge of the universe, You rule with righteousness and govern with justice. You have been good to us, restoring our strength and directing our footsteps.

Today guide our Senators in their labors. In these difficult days empower them to produce dividends of character and grace. We pray not for tasks fitted to their strength but for strength which fits them for their tasks. In the hard decisions of this day, guide them by Your word and spirit.

We pray in Your loving Name. Amen.

### PLEDGE OF ALLEGIANCE

The Honorable JON TESTER, a Senator from the State of Montana, led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

### APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. INOUE).

The assistant legislative clerk read the following letter:

U.S. SENATE,  
PRESIDENT PRO TEMPORE,  
Washington, DC, December 8, 2011.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable JON TESTER, a Senator from the State of Montana, to perform the duties of the Chair.

DANIEL K. INOUE,  
President pro tempore.

Mr. TESTER thereupon assumed the chair as Acting President pro tempore.

### RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

### RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

### SCHEDULE

Mr. REID. Mr. President, following leader remarks, the Senate will be in executive session to consider the nomination of Richard Cordray to be Director of the Consumer Financial Protection Bureau. At 10:30 a.m., there will be a cloture vote on the Cordray nomination. If cloture is not invoked, the Senate will resume consideration of the motion to proceed to S. 1944, the Middle Class Tax Cut of 2011. As a reminder to all Senators, cloture has been filed on the motion to proceed to S. 1944. Unless an agreement is reached, that will be tomorrow morning.

### CORDRAY NOMINATION

Mr. REID. Mr. President, shortly the Senate will vote on the confirmation of Richard Cordray to lead the Consumer Financial Protection Bureau. Again, the Consumer Financial Protection Bureau. I stress "consumer." By now we all know my Republican colleagues will filibuster Mr. Cordray's nomination. They said they will. This is not an up-or-down vote. In the Republicans' effort to not allow this vote, they are stopping a vote on this very qualified man.

They are not blocking this nomination because of any fault, real or perceived, in this candidate. He has bipartisan support and is eminently qualified. He has a long history of protecting consumers against the unfair practice of financial predators. He currently serves as chief of enforcement at the Bureau.

Before that, Mr. Cordray served as Ohio's attorney general, a very impor-

tant job in a very heavily populated State. While there, he recovered billions of dollars from pension funds on behalf of retirees, investors, and others. He took action against fraudulent foreclosures and predatory lending. He is qualified, and he is a man of diligence.

The Republicans are blocking his nomination and not allowing a vote because they don't like the Federal agency he would lead, an agency established by law. This is the first time in the Senate's history that a party has blocked a qualified candidate solely because they disagreed with the existence of an agency that has been created by law.

Republicans are doing this to undermine the system of law we have in our country. Democrats fought to pass Wall Street reform last year to protect against the greed of big banks. Well, without a director, the Consumer Financial Protection Bureau doesn't have the tools it needs to get the job done. It is shocking that despite the economic crash in our rearview mirror—it is easy to look back and see what happened because of Wall Street greed—Republicans, in spite of that, would leave consumers without a watchdog to guard against the greed of Wall Street. That is unfortunate.

Would the Chair announce the business of the day.

### EXECUTIVE SESSION

### NOMINATION OF RICHARD CORDRAY TO BE DIRECTOR, BUREAU OF CONSUMER FINANCIAL PROTECTION

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will proceed to executive session to consider the following nomination, which the clerk will report.

The assistant legislative clerk read the nomination of Richard Cordray, of Ohio, to be Director, Bureau of Consumer Financial Protection.

The ACTING PRESIDENT pro tempore. Under the previous order, the

● This "bullet" symbol identifies statements or insertions which are not spoken by a member of the Senate on the floor.

time until 10:30 a.m. will be equally divided and controlled between the two leaders or their designees.

Mr. REID. I ask that a quorum be called and the time be equally divided between the two sides.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MCCONNELL. Mr. President, I ask that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

#### RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. The Republican leader is recognized.

Mr. MCCONNELL. This morning the Senate will vote whether the new Consumer Financial Protection Bureau should be able to put a director in place before concerns about its accountability to the American people are addressed. Let me stress that is all today's vote is about. Today's vote is about accountability and transparency. It is a debate about whether we think Americans need more oversight over Washington or less.

Republicans made our position clear more than 7 months ago when 44 of us signed a letter saying we will not support a nominee for this Bureau, no matter who the President is, until three commonsense conditions are met that would bring some transparency and accountability to the CFPB. That letter now has 45 signatories.

The President knew about these concerns months ago and he chose to dismiss them. Now he is suddenly making a push to confirm his nominee because it fits into some picture he wants to paint about who the good guys are and who the bad guys are here in Washington. So, once again, Democrats are using the Senate floor this week to stage a little political theater. They are setting up a vote they know will fail so they can act shocked about it later. This is what passes for leadership at the White House right now.

The President has made his choice about how to deal with this issue, and we have made ours. What we have said is that until this or any other President addresses these legitimate concerns, we cannot and will not support a nominee. Here is what we said in that letter 7 months ago: First, replace the single Director with a board of directors who would oversee the Bureau. Second, subject the Bureau to the congressional appropriations process. Third, allow other financial regulators to provide a check on CFPB rules so they don't imperil the health of financial institutions and lead to unnecessary bank failures.

Look, everybody supports strong and effective oversight, but that has to in-

clude the overseers as well. Unelected bureaucrats must be held accountable to the American people, and that is exactly what our proposal would do. So it is up to the President. Republicans have outlined our concerns and they are well known. We are not going to let the President put another unelected czar in place, unaccountable to the American people. And, frankly, his refusal to work with us only deepens our concerns. The CFPB requires reforms before any nominee can be confirmed. It is time the President takes these concerns seriously.

I look forward to hearing from the President on this issue so we can put in place the kind of oversight and accountability the American people expect in an agency of this size and this scope. Until then, I will vote against this nominee for the CFPB and any others that this or any other President sends until he works to fix the problems, until he brings transparency to this bureaucracy and accountability to the American people.

I yield the floor and suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SHELBY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. SHELBY. Mr. President, I rise today in opposition to the motion to invoke cloture on the nomination of Richard Cordray to be the Director of the Bureau of Consumer Financial Protection.

Earlier this year, I and 44 of my colleagues sent a letter to the President expressing our concerns with the unaccountable structure of the Bureau. It is now 7 months later and the President has yet to respond.

The majority has called for a vote they know will fail today. It is evident the White House and the majority have decided to place politics ahead of good policy. They have chosen to fabricate a political issue rather than do what is in the best interests of consumers. Nonetheless, they claim this debate is about consumer protection.

There is no disagreement, however, that consumer protection, as the Acting President pro tempore knows, needs to be enhanced. The only real point of contention is whether the new Bureau of Consumer Financial Protection will be accountable to the American people.

If we believe regulators never fail, then the current structure of the Bureau is just fine. Yet we all know regulators do fail and their failures harm consumers.

Members of the majority, I believe, have repeatedly made this point with

their criticism of the Fed's failure to regulate subprime mortgages and the OCC's preemption of State consumer protection laws.

I strongly agree with the majority that our regulators failed to do their jobs in the lead-up to the financial crisis. But the lesson we should learn from the financial crisis is not that we need more unaccountable regulators. Instead, all of our financial regulators need to be held more accountable.

Just as banks should be held accountable for their failures, regulators should also be held accountable for theirs. After all, if regulators know Congress can hold them accountable, they will have a far stronger incentive to do their jobs. That will be good, as we all know, for consumers. That is why, if the Bureau is reformed, the biggest winners will be the American consumers.

Today, however, the majority will show that they are now more concerned with insulating bureaucrats from accountability and rewarding political allies than looking out for consumers. The administration and the majority will try to argue that the Bureau already is accountable. Indeed, they will say it is more accountable than any other financial regulator. But let's look at the facts. The facts tell a different story.

First, it is necessary to appreciate the amount of power placed in the hands of the Director of this Bureau. No bureaucrat will have more power over the daily economic lives of Americans than this Director. The Director, in effect, will decide which Americans can access credit to buy homes, purchase cars, and pay for college. The Director will regulate not only financial companies but also tens of thousands of Main Street businesses. Also, the Director will unilaterally decide how the Bureau spends its up to \$600 million budget.

Despite the vast power vested in the hands of the Director, there are no effective checks on the Director's authority. To truly understand just how unusual the structure of the Bureau is, one need only compare it to other independent agencies.

Unlike the Chairman of the SEC, the CFTC, and the Federal Reserve, the Director of the Bureau does not have to obtain the agreement of other board members or other government officials before acting. Unlike other consumer protection agencies, the Bureau is not subject to the congressional appropriations process. Indeed, other consumer protection agencies, such as the Federal Trade Commission and the Securities and Exchange Commission, are both subject to appropriations and are governed by five-member boards.

To further ensure against one party domination, the FTC and the SEC can have no more than three members from

the same political party. Another important comparison is with the Consumer Product Safety Commission. This agency actually served as the template for Professor Warren when she first advocated for the creation of a consumer protection agency in an article several years ago. How is the Consumer Product Safety Commission structured? It is, first, funded through appropriations, and there is a five-member commission.

Opponents of accountability have sought to justify the structure of this Bureau by pointing to the Office of the Comptroller of the Currency and the Federal Housing Finance Agency. Once again, the facts refute their argument.

First, the Comptroller can be removed at any time by the President for any reason. In contrast, the President can remove the Director of the Bureau only for limited grounds of "inefficiency, neglect of duty or malfeasance." This means the Director of the Bureau cannot be removed even if the Director pursues policies that are harmful to the American people. How is that good for consumers?

As for the Federal Housing Finance Agency, its Director is far less powerful than the Director of the Bureau. The Director of the Federal Housing Finance Agency oversees the regulation of only 14 financial institutions. He does not have sweeping powers over all consumers and tens of thousands of Main Street businesses like the Director of the Bureau would have.

It should be common sense that the more power an agency has, the more accountable it needs to be. Moreover, rather than attempting to point to other regulators to justify the structure of the Bureau, a more responsible approach would be to make all of our financial regulators more accountable. And we should begin right here with the Bureau.

To make the Bureau more accountable, we have proposed three commonsense reforms.

First, the Bureau should be led by a board of directors, as I have said. This is such a commonsense measure that the President and the Democratic-controlled House originally called for the consumer agency to be structured as a commission.

Second, the Bureau's funding should be subject to congressional appropriations.

Currently, the Federal Reserve is required to transfer up to \$600 million to the Bureau each year. These are funds that could otherwise be remitted to the Treasury and used for deficit reduction or other things. Diverting this money to fund an unaccountable Federal agency sets a dangerous precedent of using the Federal Reserve as an off-budget mechanism for funding programs. It had not happened before.

In addition, funding the Bureau through the Fed removes any check on

runaway spending. I believe the fiscally responsible way to fund the Bureau is through the congressional appropriations process just as every other consumer protection agency is funded.

Our third reform proposal is to create an effective safety and soundness check for the prudential bank regulators.

Some have said the Bureau already has a check under the so-called Financial Stability Oversight Council veto. But this veto was designed so it would never actually constrain the Bureau. The council can only overturn a rule in an extremely rare case: The rule must put at risk the safety and soundness of the entire U.S. banking system or the stability of the U.S. financial system.

Under this construct, a rule could cause the failure of multiple banks, but the council still would not have standing to alter the rule. Additionally, the procedure is rigged to prevent the council from acting. It takes an affirmative vote of at least two-thirds of the council's members to set aside one of the Bureau's rules, and the Bureau's Director is a voting member of the council.

In addition, only 3 of the council's 10 members are actually bank prudential regulators. This veto is not a check on the powers of the Bureau. It is a sham that they have today. We need to change that.

Recent history shows that taxpayers are ultimately on the hook for bank failures. For this reason, consumer protection needs to be carefully coordinated with bank regulation to prevent against unnecessary bank failures.

As presently structured, the Bureau can ignore any advice offered by banking regulators, even if it undermines the safety and soundness of banks. Unless this structural flaw is remedied, a real possibility exists that the consumer bureau will one day cause bank failures that end up harming consumers, taxpayers, and our economy.

In light of the reasonableness of the reform proposals we have requested, the question remains: Why are the administration and the majority so insistent that the Bureau be unaccountable?

Clearly, they want to use the Bureau as a political issue. A second reason is that they believe nonbank financial institutions are not currently regulated. But this is false. The Federal Trade Commission, the State attorneys general, and State financial regulators all have authority over nonbanks. A more likely reason for today's vote is that the Bureau will provide funding to key liberal activists, such as ACORN.

Other agencies must return to the Treasury funds what they receive from enforcement actions. This consumer bureau, as now structured, is allowed to dole out money it collects from fines and penalties to liberal consumer groups. This reveals why the administration and the majority want so des-

perately for the Bureau to be unaccountable. They want the Bureau to be a permanent funding machine for their political allies.

Finally, we are going to hear that our methods to achieve reform are unprecedented in the history of the Senate. It has been said:

Never before has the consideration of a nominee been conditioned on a change in the law.

This, of course, is ridiculous on its face. It is nonsense. Nominees are held routinely in the Senate by both parties, for any number of reasons, including the desire to make changes in existing law. The only thing different in this particular case is that it is completely transparent. No secret backroom deals. We are right here in the open.

After all the harm caused to consumers by financial regulators, it is time the majority stops using consumer protection as a political football and starts taking actions that actually help consumers. We can take the first step by reforming the Bureau to make it accountable to the very consumers it purports to protect.

Until that time, however, we cannot, we should not, and we will not move forward on the nomination of the Director to lead this massive and unaccountable bureaucracy. I urge my Democratic colleagues to stop obstructing reform and join with us to move forward on real consumer protection.

I yield the floor.

The PRESIDING OFFICER (Mr. UDALL of New Mexico). The Senator from Rhode Island.

Mr. REED. Mr. President, I ask unanimous consent to be recognized for 5 minutes at the conclusion of Senator JOHNSON's remarks.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. JOHNSON of South Dakota. Mr. President, 2 months ago the Senate Banking Committee voted along party lines to send to the full Senate the nomination of Richard Cordray to be the first Director of the Consumer Financial Protection Bureau. Due to an unprecedented and irresponsible display of political gamesmanship, Mr. Cordray's nomination and strong protections for American consumers are being held hostage.

Before any candidate was put forth, Senate Republicans pledged to block the nomination, and their objections have nothing to do with Mr. Cordray's qualifications, his politics, or his character. Republican Senators have actually admitted as much, with a public pledge to block any nominee for the new consumer agency until a list of legislative demands, which would greatly weaken the agency, are met. That those demands were debated and rejected by a bipartisan Congress last

year is beside the point. The minority party is distorting the Senate confirmation process, mandated by the Constitution, to rewrite a law against the wishes of the American people.

Why do Senate Republicans remain opposed to consumer protection despite national surveys showing 3-in-4 bipartisan voters support the new agency's creation? Whatever the motivation, it appears to outweigh any concerns about protecting families buying homes, students borrowing for college, and service members or older Americans falling prey to financial scams.

This vocal minority opposed to strong consumer protection and helped by special interests have drummed up misleading claims to hide behind. They claim the CFPB Director will put the economy at risk—ignoring the effects of the foreclosure crisis, which was itself fueled by irresponsible and predatory lending. They claim the agency lacks accountability—ignoring the fact that it is bound by accountability measures comparable to or exceeding that of other independent financial regulators. And they claim restrictions on abusive financial products will hurt lenders—ignoring the damage those products inflicted on consumers tricked into signing unfair contracts filled with hidden fees and penalties.

In reality the CFPB was created as an accountable yet independent regulator in bipartisan negotiations last year. Its mission is to protect consumers—by cracking down on predatory lenders and streamlining disclosures so families can make better informed financial choices. But until it has a confirmed director in place, the CFPB's authority over nonbank financial institutions, like private student lenders and mortgage brokers, will be stifled. Every day Mr. Cordray's confirmation is blocked, vital protections are delayed, millions of Americans—including service members, veterans and older Americans—are left vulnerable, and the Nation's community banks and credit unions remain at a disadvantage to their less-regulated competitors.

The question we consider today should not be whether the minority party can hijack this constitutional process and demand as ransom legislative changes that would hamstring the consumer agency. The question should be whether Mr. Cordray is qualified for the job. And I believe that Mr. Cordray is an outstanding candidate. For years Richard Cordray has worked tirelessly as a public servant. As Ohio's Attorney General he aggressively pursued financial crimes by banks and mortgage firms, and won more than \$2 billion in settlements for the State. And as Ohio's first solicitor, he argued cases before the Supreme Court to protect consumers and enhance the quality of our financial markets.

American families paid a steep price for the financial crisis, battered by lay-

offs and foreclosures. Yet incredibly, many of the bad actors that contributed to the crisis remain poorly regulated and continue to lobby against tougher regulation. Congress created the CFPB to protect consumers and clean up the marketplace, but it needs a director. Richard Cordray has proven himself capable for the job, and there is no legitimate reason to block his confirmation.

I urge my colleagues to reconsider their political game playing and do the right thing.

Stop blocking Richard Cordray's nomination and allow him to have an up or down vote.

I yield to my colleague from Rhode Island.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. REED. Mr. President, I wish to thank the chairman for his leadership on this important issue and so many others before the Banking Committee.

Since September 2008, we have learned many hard lessons about the factors that contributed to the financial crisis. To address systemic risks and to fix the system, we passed the Dodd-Frank Wall Street Reform and Consumer Protection Act. One of the most important reforms we made in that legislation was the creation of the Consumer Financial Protection Bureau, or the CFPB. The CFPB is charged with stopping abusive mortgage originators, stopping abusive credit card companies, and stopping abusive private student loan lenders.

For years we have had organizations whose purpose was to protect the banking system and, indirectly, consumers. We need to provide a balance. Frankly, if we had this balance in place prior to 2008, we might have avoided some of the incredible costs we have seen not only to consumers but to the entire banking system as a result of predatory behavior by many different financial institutions.

Unfortunately, many of my Republican colleagues are trying not to correct deficiencies in the Dodd-Frank Act or improve it. They want to gut it. One of the things they want to take out is consumer protection, and they want to do that by denying a nominee to head up this important agency.

It certainly is a prerogative of my colleagues to work on improving any piece of legislation, but effectively to say: We will not let legislation that has passed this body by 60 votes and that has ample precedent in the law to take effect because we won't put a person in charge is, I think, abusing the process.

We have worked on this issue, and we know consumers need these types of protections. We know that daily there are scams targeting the elderly. There are unscrupulous mortgage lenders and abusive payday lenders. Most financial firms are not like this—in fact, these individuals probably represent a very

small minority of the financial community, but they are abusive predators, particularly to the most vulnerable people in our society.

There has been a lot of discussion about the 1 percent and the 99 percent. Well, guess what, the 99 percent are consumers, and the 1 percent are probably those people who are running some of these financial institutions, some of them fairly and scrupulously, but others who are not.

We want to protect consumers in this country—all of us—certainly the 99 percent, but because of Republican opposition of this nominee, we are running into a real problem. If we do not have a head of this organization, then it cannot effectively implement regulations and effectively enforce the laws it has been given the task to oversee and implement.

We have to have rules that apply across the country that get at the shadow banking system, that provide the kinds of protections consumers can rely on, and that, in fact, improve the operation of the marketplace. Again, I think some of the people who regret what happened the most in the 2007, 2008, 2009 time period are financial leaders looking around and saying: Why wasn't anyone checking the behavior of some of the financial companies out there that have ruined my marketplace and ruined my reputation? Well, we have to do that.

The longer Richard Cordray is blocked, the longer such disreputable practices in the financial marketplace can continue. And Richard Cordray is entirely qualified: as former treasurer of the State of Ohio, he knows the financial business and worked closely with banks at the Treasury, as former attorney general of Ohio, he worked to protect consumers, and as an individual, he has the intellect and the character to do an outstanding job. We have to get him in place.

Who suffers if we don't do this? Well, among those who are suffering are military personnel. I had the privilege of commanding a paratrooper company in the 82nd Airborne Division in the 1970s. I was an executive officer, and I handled all the complaints, all the dunning, all the letters that were coming in from my soldiers. It has gotten worse.

Holly Petraeus, who is the head of the Office of Servicemember Affairs at the CFPB, testified before the committee. She talked about Internet lenders who target military personnel—vulnerable soldiers and their families—who are about to deploy or who just came back from Afghanistan. They will give loans of up to 40 percent of a soldier's pay. Of course, the interest rate can be as high as 584 percent APR. We can't stop that until we get somebody such as Richard Cordray in charge of this organization.

She also talked about the dunning calls, 20 times a day, threatening them:

We will go to your commander. We will have you court-martialed. We will take away your security clearance. We will ruin your career.

We have to stop that. This is about real people, real consumers. We have to confirm Richard Cordray.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. MENENDEZ. Mr. President, I understand I have 5 minutes.

The PRESIDING OFFICER. There is no order. The Senator may use 5 minutes.

Mr. MENENDEZ. Thank you very much.

Let me first thank Chairman JOHNSON for his leadership in this regard and in so many other major issues before the Banking Committee. He has really exercised a lot of our oversight obligations in making sure we implement Wall Street reform in a way that protects all of us as taxpayers in the country but creates a system that can still let us economically flourish, and this is one of those.

For too long too many in Washington protected Wall Street from common-sense regulations and let consumers fend for themselves. For too long Republican economic policy, when it should have protected the 99 percent of American consumers from the reckless financial games that led us to the brink of economic disaster in 2008, protected the 1 percent on Wall Street instead.

Banks played Russian roulette with the future and economic security of middle-class families, and no one—no one—was watching. Backed up by too-big-to-fail government guarantees, they wreaked havoc on our economy and on the jobs and retirement savings of families who played by the rules.

We have lived through the unfortunate results of lax oversight, and now it is time to work together to correct it. It is time to stop the political games and govern. It is time to act. It is time to work together to make sure middle-class families get the protection they deserve and the watchdog they need.

This is really about whose side a person is on. Cordray and consumer protection are being blocked simply because Republicans want to protect Wall Street. Wall Street already has a legion of lobbyists protecting its interests. We need someone who can protect Main Street's interests, and that is what Richard Cordray would do as the Director of the Consumer Financial Protection Bureau.

Richard Cordray is an unquestionably well-qualified nominee, and no one is disputing that fact—no one. I have not heard anyone dispute his qualifications for the job. We know the Consumer Financial Protection Bureau would be off to a good start with Richard Cordray at the helm, despite efforts

by special interests to derail the process. It will be a strong but fair agency under Richard Cordray—to protect financial consumers who are tired of being tricked by the fine print, the “gotcha” paragraphs that no one but a bank lawyer would understand.

Despite hysterical claims from Wall Street, the Bureau actually won widespread praise from both consumers and the industry for its first major initiative when it created a new and greatly simplified Know Before You Owe mortgage loan disclosure form so that consumers understand what kind of mortgage they are getting into before they take it. Had we had that type of language early on, maybe we wouldn't have had part of the crisis in which consumers were led to bad mortgage products—products that ultimately had skyrocketing interest rates—when they qualified for a conventional mortgage. Maybe we wouldn't be in the great predicament we have been in since 2008.

Under Wall Street reform, Richard Cordray will be there to prevent those families from being ripped off again. Fixing our broken system was not easy, and it is still not over. We are still fighting to keep the ground we have gained against special interests.

The longer this nomination is delayed, the more consumers will suffer. Without a Director, the Consumer Financial Protection Bureau cannot carry out some of its most vital functions, including regulating payday lenders, pawn shops, private student loan companies, those that make unscrupulous and predatory loans on our military families—we heard Senator REED, who has great experience in this, talk about that—giving them an unfair advantage at the same time as they do that over community banks and credit unions that are regulated, that are good and that play by the rules.

Now is a time to work together to make that happen. I ask that my colleagues stop playing games. Let us go to a final up-or-down vote on Mr. Cordray.

Republicans have continued to couple Mr. Cordray's nomination to weakening the Consumer Financial Protection Bureau, which is unprecedented. Never in Senate history has a nominee been opposed in the Senate because of opposition to the whole agency for which he or she has been nominated.

I say to my Republican colleagues, let's stop playing games with the protections American consumers need. Work with us to do the job we were elected to do and confirm this nominee. Work with us to protect consumers.

We have come a long way toward a middle ground in creating this agency with checks and balances to begin with. The time has come for Republicans to join us in governing.

I yield the floor.

The PRESIDING OFFICER. The Senator from Louisiana.

Mr. VITTER. Mr. President, there has been a lot of wild rhetoric, quite frankly, hyperbole, exaggeration. I wanted to try to bring this discussion and this debate back to reality. To do that, I wanted to remind folks that conservatives objecting to this nomination have, from the very beginning, laid out three very narrow, specific, concrete reforms we are seeking. So this notion that we are against consumer protection, we are trying to gut CFPB, is silly. Let's get back to reality. Let's get back to what we have said from the very beginning: We want these three important reforms.

First of all, we think it is very important for the single Director, a new czar quite frankly, a credit czar, to be replaced with a board to oversee this Bureau. That is how other comparable agencies operate. The best example—the best comparison—is the SEC. I think that is a critical check on the Bureau's authority to have a board that can discuss and come up with a consensus, not a single agency.

Secondly, related to that, there should be safety and soundness checks for the prudential financial regulators who oversee the safety and soundness of financial institutions. One of the core reasons we had the 2008 financial crisis is we had political agendas run amok with regard to financial institutions with no safety and soundness checks.

We are putting that same problem on steroids in this new all-powerful bureaucracy. Again, point No. 1, very specific, very concrete, very commonsense reform that we have proposed from the beginning is a safety and soundness check.

Third, and perhaps most important, the Bureau should be subject to the congressional appropriations process so there is some oversight and accountability from the American people and their representatives. That is the norm. That sort of check and balance, that oversight and accountability, is absolutely the norm. It is way outside the norm to have no oversight and accountability because, as it stands now, this new superbureaucracy has an unlimited check that it gets from the Federal Reserve—never has to get an appropriation, never has to answer a single question from the people or their representatives.

Again, the CFPB, as it sounds now, draws its budget directly from the revenue of the Federal Reserve. By the way, this revenue would otherwise be deposited into the Treasury paying down the debt. The CFPB is not just about mega institutions, mega banks—more hyperbole that has been thrown on the floor—but anyone, any business, for instance, that offers four or more payment installments and an installment plan.



Sure, that includes Citibank. It also includes your dentist, your vet, your local electronics store. CFPB right now is so unlimited in their authority that they are able to limit or prohibit the terms of any such product or service, has power over marketing of any such product or service in its jurisdiction with, again, the Federal Reserve as its basically unlimited piggy bank.

I think these concerns we have are pretty darn fundamental and have a lot of common sense in them. Again, we have three very specific, concrete reforms we want advanced. We are not trying to gut the CFPB. Those reforms would not gut it—not against consumer protection. Those reforms would still have a sound, strong consumer protection agency in place.

I think the American people deserve a more honest debate than, quite frankly, they are getting in a lot of this. This notion that if we are against ObamaCare, we are against all improvement of the health care system is silly. I think Americans get that as their health insurance premiums go up significantly now, by every accounting, by every independent source, well beyond what they would have gone up otherwise.

Being against that is not being against health care reform. We heard even earlier, if we are against the stimulus plan, we are against economic recovery. That is silly. I think Americans know that now that we are still stuck at very high unemployment. How is that recovery working out for everyone?

I was against the stimulus because I was for economic recovery, and it is the same thing here. We need to advance the interests of the American people, certainly including consumers. But we do not need an all-powerful, new czar in Washington who can hurt everyone, including consumers.

So we continue to advance three very specific, concrete, commonsense reforms. That is all we want. That does not gut CFPB. That is not against consumer protection. It is against unbridled, unprecedented authority. The American people, agency after agency, issue after issue, have seen the effects of that sort of unbridled, virtually unlimited Federal Government authority in the last 2 years. They do not like it.

Mr. RUBIO. Earlier this week in Kansas, President Obama tried to score political points by chiding Senate Republicans for refusing to vote on the confirmation of Richard Cordray to be Director of the so-called Consumer Financial Protection Bureau—CFPB—saying we refuse to let him do his job. And the President asked, Why? I am happy to answer his question, again.

Earlier this year, I joined 44 other Senators in recommending to the President three necessary reforms for the CFPB in order to improve accountability in its operations. Specifically,

we asked that a board of directors be established to oversee it, that the agency be subjected to the regular congressional appropriations process, and for the establishment of a safety and soundness check for the prudential regulators.

We made clear to the President that without these reforms we would not vote to confirm any nominee to run the CFPB, regardless of political affiliation or qualifications. The President chose to ignore our suggestions. Although the President frequently pays lip service to accountability in the regulatory process, when push came to shove, he made this serious issue just another talking point.

President Obama is now trying to pressure my colleagues to vote to confirm Mr. Cordray by traveling around the country giving speeches. I want to reiterate that I will not vote to confirm any director for this rogue bureaucracy until appropriate checks and balances are put into place. President Obama promised that “transparency and accountability will be a hallmark of my administration”, making his refusal to make CFPB more transparent especially disappointing.

Without reform, CFPB’s director would serve with unprecedented and unconstitutional amounts of power. The director would have the power to decide what rules are issued in the name of consumer protection, how funds are spent, and how its enforcement authority will be used. In short, it empowers a single, unelected person with seemingly endless and unchecked authority. This bureaucracy holds the sweeping ability to limit choices when it comes to commonly-used financial products such as home equity loans, credit cards, and student loans. Simply put, a designation from the CFPB director saying these products are “abusive” could restrict the availability of credit to consumers and increase the cost of goods or services for all Americans.

This year alone, over 70,000 pages of new regulations have been added to the books from agencies such as the Environmental Protection Agency and the National Labor Relations Board, oftentimes without any compelling justification for their existence. The last thing job creators in America need is more uncertainty from a powerful government agency such as the CFPB that will receive a blank check for a half billion dollar budget with virtually no input from Congress.

President Obama has urged the American people to “help hold [him] accountable”. I stand with my Republican colleagues in an effort to do just that. The truth is we need transparency in government that provides greater confidence that regulations are designed to protect consumers from unfair practices, without destroying jobs. Until basic transparency requests are

made, I will not support allowing the CFPB to operate with unaccountable leadership.

Mr. CRAPO. Mr. President, both sides agree that everyone benefits from a marketplace free of fraud and other deceptive and exploitative practices. The disagreement is over the best way to structure our Federal regulatory agencies to accomplish this goal and provide accountability.

One of the lessons of the financial crisis is that we need a supervisory program that looks and considers how safety and soundness and consumer protection work together and reinforce better and safer services to banking customers. Far too often, supervision either looked at consumer issues in isolation—promoting access to credit and home ownership—or it looked at safety and soundness in isolation, such as ensuring that customer information was legally accurate but not asking whether it was understandable to bank customers.

We should have strengthened the link and coordination between prudential supervision and consumer protections rather than severing it. Instead Congress institutionalized this separation by creating a Consumer Financial Protection Bureau and blurred the role and accountability of the prudential regulators and the new Bureau.

Mortgage underwriting is a good example of an issue that was found lacking before the financial crisis and has the potential to be subject to an even more bureaucratic regulatory system going forward. I say potential because it is unclear to me where the authority of the Bureau stops and where the authority of the prudential regulators overlaps on several important issues that will likely cause confusion and potentially inconsistent regulatory approaches. Already we are seeing conflicts among regulators with different regulators adopting different consumer protection rules and duplication in examinations.

From my perspective, the new Bureau is a massive, expensive government bureaucracy that is immunized against meaningful oversight by either Congress or the President, and dramatically extends the Federal Government’s control over the economy.

According to analysis from Andrew Pincus, a partner in the law firm Mayer Brown LLP:

The Bureau’s structure has a number of features that, when taken together, concentrate an amount of unchecked authority in a single individual—the Director—that is unprecedented for a federal agency that regulates private entities and individuals:

First, the Bureau will be headed by a single Director with complete, unilateral authority to make all regulatory and enforcement decisions and to hire and fire all personnel, including his or her own deputy.

Second, the Bureau’s Director does not serve at the pleasure of the President. Rather, during his or her five-year term, the Director may be removed only for inefficiency,

neglect of duty, or malfeasance in office. That standard eliminates the President's power to remove the Director based on a policy disagreement: once nominated and confirmed, the Director cannot be overruled by the President.

Third, the Bureau is exempt from the congressional appropriations process. It is funded instead by a transfer of money from the Federal Reserve in an amount determined solely by the Director, subject only to a cap that already exceeds \$550 million, will increase 10% for the next fiscal year, and is subject to automatic inflation adjustments thereafter.

While I appreciate the willingness of Richard Cordray to serve and answer questions, I can't support the consideration of any nominee to be the Director of the Bureau until the agency is reformed to make it more accountable and transparent.

First, we would establish a board of directors to oversee the Bureau. This would allow for the consideration of multiple viewpoints in decisionmaking and would reduce the potential for the politicization of regulations. A board of directors structure is consistent with the organization of the Federal Reserve Board, National Credit Union Administration, FDIC, SEC, CFTC, and Federal Trade Commission.

Second, we would subject the Bureau to the congressional appropriations process to ensure that it doesn't engage in wasteful or unnecessary spending. This also gives Congress the ability to ensure that the Bureau is acting in accordance with our legislative intent. The SEC, CFTC, and the Federal Trade Commission have long been subject to the appropriations process for the same reasons.

Finally, we would establish a safety and soundness check. This would strengthen the link and coordination between prudential supervision and consumer protections.

Given the enormous impact the Bureau will have on the economy, it is important for Congress to revisit its structure and authorities to make it more accountable and transparent.

Mrs. MURRAY. Mr. President, I come to the floor to speak about the nomination of Richard Cordray to lead the Consumer Financial Protection Bureau and to urge my colleagues to join me in voting in support of his confirmation.

In July of last year, I was proud to join many of my colleagues in the Senate to pass comprehensive Wall Street reform legislation that is already working to protect middle-class families, hold Wall Street accountable, and put in place policies to make sure taxpayers will never again be left holding the bag for the big banks' mistakes. I supported this legislation because for far too long the financial rules of the road had not favored the American people. They were tilted toward big banks, credit card companies, and Wall Street, and they were twisted and abused to make sure no matter what happened, the financial industry would come out ahead.

When the economy was roaring, the big banks made enormous sums of money and handed out huge bonuses to their employees. But when the products they created brought down the banks and pulled Main Street down with them, it was the taxpayers who had to foot the bill to prevent absolute calamity. Wall Street had a pretty good system going for a while: Heads they won, tails the taxpayers lost. To correct this, we fought to pass Wall Street Reform last year over Republican objections, and we took a huge step in the right direction. We strengthened the rules. We increased the oversight. And critically, we created the first-ever agency dedicated to protecting middle-class families, seniors, and small business owners from the financial fraud and scams that have devastated so many.

The mission of this new Consumer Financial Protection Bureau is clear: to make sure that consumers come first—that the financial industry can no longer pull fast-ones on their customers—and, fundamentally, that the markets for consumer financial products and services actually work for all Americans. The CFPB's job is to help consumers understand the financial products that are being marketed to them every day because we know the big banks win when the American people don't understand the fine print. And it is to make sure that the financial firms are playing by the rules and to stand up for the American people and enforce those rules if consumers are being lied to, scammed, or cheated.

Over the last year the CFPB has been staffing up and ramping up and has already started working to protect consumers. But without a confirmed Director, they are simply unable to do everything possible to stand up for middle-class families. Their hands are tied. Without a confirmed Director, the CFPB doesn't have the full authority to protect consumers who use non-bank financial institutions such as payday lenders, credit-reporting agencies, and debt collectors, which are services many working families depend on, as well as so many of our Nation's veterans and servicemembers. This isn't right. We created the CFPB to protect all families and consumers, and we need to confirm a Director to give them the tools they need to do that.

I was proud to support President Obama's appointment of Elizabeth Warren to help set up the new Bureau. I think she did a fantastic job, and I am deeply disappointed that Republicans were so opposed to her work standing up for middle-class families against the big banks that they said they would block any attempt to name her as full-time Director. I thought the way Elizabeth Warren was treated by Senate Republicans was truly shameful. But she hasn't given up, and she is still fighting for the middle-class fami-

lies and consumers she has always been such a passionate advocate for.

I am very glad that President Obama nominated another strong advocate for the middle-class to fill this role. Richard Cordray has been serving as the Chief of Enforcement at the CFPB, so he understands the mission and the need to fight for the rules that protect consumers. He previously served as attorney general and State treasurer in Ohio, where he amassed a strong record of standing up for seniors, investors, business owners, and consumers. He has received support from Democrats and Republicans, and he is the right man for the job.

But the Republicans who have come out in opposition to this nomination don't seem to be opposing Richard Cordray. They seem to be opposed to the very idea that anyone should be in a position to stand up for consumers and families in the financial products market. They want to keep this position open because they are worried that this agency is going to have too much power.

Well, the Consumer Financial Protection Bureau was designed to have power. It was created to put that power in the hands of middle-class families and consumers and to take some away from the big banks and credit card companies that had it all before.

So once again we have a simple choice before us in the Senate: Do you stand up for middle-class families who deserve to be protected from scams and financial gimmicks or do you stand up for the big banks and Wall Street firms that are scared to death that a powerful consumer advocate will cut into their fat profits and big bonuses? I know where the American people stand. I stand with them. And I truly hope that Republicans have a change of heart and stand with us to confirm this highly capable and effective nominee so the CFPB can do the job the American people expect and deserve.

Mrs. BOXER. Mr. President, I wish to express my strong support for the President's nomination of Richard Cordray to be the first Director of the Consumer Financial Protection Bureau, CFPB. Mr. Cordray is an exceptionally well-qualified nominee who deserves an up-or-down vote in the Senate.

The opposition to this nomination has nothing to do with Mr. Cordray's credentials and is yet another attempt by Republicans to undermine the CFPB and stop it from cracking down on unscrupulous and fraudulent practices by big banks, credit card companies, payday lenders, and other financial firms.

The CFPB was established as part of the Dodd-Frank financial reform legislation that overhauled our banking system. Before the financial crisis, no single agency coordinated Federal consumer protection. Banks and financial companies could choose their own regulator, which enabled them to avoid

regulations with real teeth. The failure of Federal agencies to coordinate and the lack of any effective consumer watchdog agency allowed financial firms to pursue deceitful lending practices that hurt American families and caused the worst recession since the Great Depression.

The CFPB was created to solve this problem and to make sure that financial markets work for all Americans, not just big business. The CFPB has already begun reviewing many areas of consumer protection law, including mortgage disclosure forms. It will enforce new rules for credit cards, require mortgage servicers to better assist homeowners in avoiding foreclosure, and enforce new rules on bank overdraft fees.

President Obama appointed Elizabeth Warren, a respected law professor and dedicated consumer advocate, to set up the CFPB. Elizabeth Warren was selected for her long history of independent, unflinching consumer advocacy, and under her leadership the CFPB had a running start. But Republicans adamantly opposed her as CFPB director, before she had even been nominated. They knew she would crack down on abusive practices in the banking and credit card industries. And they know that by law, the CFPB cannot exercise its full authority without a confirmed Director. That is why 44 Republican Senators signed a letter promising to oppose any nominee, of any party, until their demands to cut back the agency's power and independence are met.

Mr. Cordray would be an outstanding leader of the CFPB. He currently leads the CFPB's Enforcement Division. He has built his career around protecting the public interest, reflecting his commitment to consumers and his dedication to fairness. After having been a State Representative, Solicitor General and Treasurer in the State of Ohio, Mr. Cordray was elected Attorney General of Ohio in 2008. In this role, he prosecuted fraudulent foreclosures and predatory lending, and recovered more than \$2 billion for Ohio's retirees, investors, and business owners.

Mr. Cordray's nomination has broad, bipartisan support. Attorneys General from 37 States, representing both political parties, signed a letter in support of this nomination, calling him "both brilliant and balanced," with a "superior knowledge of the financial services marketplace." Sixty-one mayors from around the country, led by Mayor Villaraigosa of Los Angeles, also wrote to support his confirmation. The California Reinvestment Coalition, Center for Responsible Lending, Consumers Union, Main Street Alliance, NAACP, National Association of Consumer Advocates, AFL-CIO, AFCSME, International Brotherhood of Teamsters, SEIU, UAW, and UFCW have all expressed support for Mr. Cordray, and

for confirming a director so that the CFPB can operate as intended.

It is stunning that Republicans continue to block any effort to rein in the type of reckless and abusive behavior that caused the worst economic crisis since the Great Depression.

I yield the floor.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. BROWN of Ohio. Mr. President, it never ceases to amaze me to hear my colleagues whose first loyalty is to Wall Street banks, who continue to make excuses for being against putting a consumer cop on the beat. This is an office that will be a few-hundred-million-dollar office, this consumer protection—this consumer cop on the beat.

But this consumer cop on the beat has to look at trillions of dollars in mortgages, has to protect consumers when there are \$30 billion in overdraft fees alone that banks are charging, when many times those overdraft fees are because consumers simply cannot figure out the fine print and do not understand the terms of the agreement.

In the end, again, people on this floor and their special interest friends in the Congress, the friends of the Wall Street banks, the friends of these interest groups that continue to fleece the American people—if we had had Rich Cordray or Elizabeth Warren, for that matter, the consumer cop on the beat, would we have had those kinds of foreclosures in places such as Cleveland and Dayton? Would we have had these fly-by-night mortgage brokers from Ameriquest and New Century and others moving in and taking advantage of people? I am not sure we would have.

But my Republican colleagues, my colleagues who always do the bidding—not all of them, but many of them always do the bidding of these special interest groups that have inflicted far too much damage on this economy—I hear all this, that if we would just make some changes in the agency. I talked to the Senate Historian because I have heard these arguments: If we just change this agency, I would vote for it. First of all, I talked to the Senate Historian, who said: Never in the history of the Senate has one political party tried to block the nomination of a Presidential appointee based on wanting to change the agency. It is nothing about the qualifications of Rich Cordray. I know Rich Cordray better than anybody in this institution. He is from my State. He was our attorney general. He was the State treasurer. He was county treasurer. He was a State legislator. I have known Rich for over 20 years. I know he is qualified. Many of my colleagues on both sides say he is qualified.

But they say: We want to change the agency. We worked with Republicans to change this agency as it went through the process in Dodd-Frank.

They kept shifting the goalposts. In order to accommodate Republican concerns, we made the CFPB a bureau at the Federal Reserve. Many of us thought it should be totally independent. We were willing to make that concession in order to get Republican support.

They then, after we did that, asked for regular GAO audits of the books. They got them. The GAO said the CFPB passed with flying colors. They said: We do not like Elizabeth Warren, give us someone else. Elizabeth Warren withdrew. She was a great consumer activist, would have been very good at this. We are replacing her—the President is—with Richard Cordray from Ohio. He will do this job well.

Then, after he is appointed, they say—and Richard Cordray has support from banks and credit unions and consumer groups. That is still not good enough. They asked the President not to recess appoint a Director. The President agreed to that. They are moving the goalposts. Now they are saying they will not approve anyone to serve as the Director of the consumer bureau unless we change the Bureau.

In other words, to protect their Wall Street friends, they are saying: We are not going to allow a Director to be in place unless we weaken this agency. As Senator REED from Rhode Island said, would we not appoint a Director of the Food and Drug Administration in the future until we rolled back all food safety laws? Are we not going to protect the Consumer Products Bureau in the government, in the Department of Commerce, until we roll back child toy safety laws? That makes no sense.

This was voted with more than 60 votes—61 or 62, if I recall—a supermajority in this Congress 2 years ago. We allowed all kinds of amendments. We accepted many changes that Republicans wanted. But in the end, it is a choice: Are we for consumers or are we for Wall Street? We know who it is. I am not asking my colleagues to vote for him. I am asking my colleagues to let us have an up-or-down vote. Let us vote on it. Do not filibuster. Do not block the vote.

Understand, this is a vote coming up that is to break a filibuster, to break a Republican filibuster, where Republican Senators almost always are flacking for Wall Street. They do that. It never ceases to amaze me.

So all we ask is an up-or-down vote. Vote yes for cloture so we can have an up-or-down vote for Attorney General Cordray.

I yield the floor and ask for a "yes" vote.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. SHELBY. I yield back my time.

CLOTURE MOTION

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The legislative clerk read as follows.

# CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the nomination of Richard Cordray, of Ohio, to be Director, Bureau of Consumer Financial Protection:

Harry Reid, Joseph I. Lieberman, Jeff Bingaman, Patty Murray, Patrick J. Leahy, Kent Conrad, Sheldon Whitehouse, Jack Reed, Benjamin L. Cardin, Barbara Boxer, Al Franken, Max Baucus, Richard J. Durbin, Robert Menendez, Jon Tester, Sherrod Brown, Tom Harkin, Tim Johnson.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call is waived.

The question is, Is it the sense of the Senate that debate on the nomination of Richard Cordray, of Ohio, to be Director, Bureau of Consumer Financial Protection, for a term of 5 years, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The legislative clerk called the roll.

Ms. SNOWE (when her name was called). Present.

Mr. DURBIN. I announce that the Senator from Massachusetts (Mr. KERRY) is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 53, nays 45, as follows:

[Rollcall Vote No. 223 Ex.]

## YEAS—53

Akaka	Gillibrand	Nelson (NE)
Baucus	Hagan	Nelson (FL)
Begich	Harkin	Pryor
Bennet	Inouye	Reed
Bingaman	Johnson (SD)	Reid
Blumenthal	Klobuchar	Rockefeller
Boxer	Kohl	Sanders
Brown (MA)	Landrieu	Schumer
Brown (OH)	Lautenberg	Shaheen
Cantwell	Leahy	Stabenow
Cardin	Levin	Tester
Carper	Lieberman	Udall (CO)
Casey	Manchin	Udall (NM)
Conrad	McCaskill	Warner
Coons	Menendez	Webb
Durbin	Merkley	Whitehouse
Feinstein	Mikulski	Wyden
Franken	Murray	

## NAYS—45

Alexander	Enzi	McCain
Ayotte	Graham	McConnell
Barrasso	Grassley	Moran
Blunt	Hatch	Murkowski
Boozman	Heller	Paul
Burr	Hoeven	Portman
Chambliss	Hutchison	Risch
Coats	Inhofe	Roberts
Coburn	Isakson	Rubio
Cochran	Johanns	Sessions
Collins	Johnson (WI)	Shelby
Corker	Kirk	Thune
Cornyn	Kyl	Toomey
Crapo	Lee	Vitter
DeMint	Lugar	Wicker

ANSWERED "PRESENT"—1

Snowe

NOT VOTING—1

Kerry

The PRESIDING OFFICER. On this vote, the yeas are 53, the nays are 45,

and one Senator responded "present." Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected.

# VOTE EXPLANATION

• Mr. KERRY. Mr. President, I was necessarily absent for the cloture vote on the nomination of Mr. Richard Cordray to be Director of the Consumer Financial Protection Bureau. If I were able to attend today's session, I would have supported cloture on this nomination.●

## LEGISLATIVE SESSION

### MIDDLE CLASS TAX CUT ACT OF 2011—MOTION TO PROCEED

The PRESIDING OFFICER (Mr. BINGAMAN). Under the previous order, the Senate will resume legislative session and the motion to proceed to S. 1944, which the clerk will report.

The legislative clerk read as follows:

Motion to proceed to the bill (S. 1944) to create jobs by providing payroll tax relief for middle-class families and businesses, and for other purposes.

The PRESIDING OFFICER. The Senator from Utah is recognized.

Mr. LEE. I ask unanimous consent to enter into a colloquy with my Republican colleagues for up to 30 minutes.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. LEE. Mr. President, I stand today to urge my colleagues to support efforts to bring forward a balanced budget amendment, one that can be passed out of both Houses of Congress and submitted to the States for ratification.

Article V of the Constitution gives us the power to change the Constitution from time to time, to modify our laws, that 224-year-old document that has fostered the development of the greatest civilization the world has ever known.

We have done this 27 times. We have done it at times in order to protect and preserve the Nation our ancestors fought so valiantly to create and later again to defend. We have to modify our government, the manner in which we do business, in order to preserve that system, in order to make it strong, in order to ensure that it will continue to be strong for future generations.

We made it stronger when, for example, we added the Bill of Rights shortly after the ratification of the Constitution. We made it stronger again when, for example, we added the so-called Civil War amendments, amendments XIII, XIV, and XV, ending slavery and the badges and incidents thereof. We made it stronger when we made clear that women must always be given the right to vote. We have made it stronger a number of times. And the time to make it stronger has come yet again.

It is time to modify the Constitution to limit—to restrict—Congress's current power granted by article I, section 8, clause 2 of the Constitution to borrow money on credit of the United States. The reason we need to do this is because this power has been so severely abused over such a prolonged period of time that it is causing devastating consequences for our economy and for our ability to fund the operations of the government.

We have now accumulated over \$15 trillion in debt as a country. That works out to about \$50,000 for every man, woman, and child in America. It works out, arguably, to about \$120,000 to \$150,000 for every taxpayer in America. This is lot of money. It also represents between 90 and 100 percent of our gross domestic product annually, depending on whose statistics you follow. This is troubling, given that there is an abundant amount of research indicating that once a country's sovereign debt-to-GDP ratio crosses the significant 90-percent threshold—which we have now done—economic growth tends to slow, tends to slow to a point that an economy as large as ours can expect to lose as many as 1 million jobs a year. We can't afford to lose jobs, especially when we know one of the major causes is our national debt. It is time we change the way we do business. It is time to change the manner in which Congress acquires new debt.

This is no longer an issue that is either Republican or Democrat, that is either liberal or conservative. It is simply American. I remind my colleagues, whether you are concerned on the one hand about preserving America's leading edge, its ability to fund its national defense program or, on the other hand, if you are most concerned about funding our entitlement programs, you should want a balanced budget amendment because this is what we need to do, this is what we have to do in order to protect our ability to fund both of those things and everything else we do, you see, because by the end of this decade, according to the White House's own numbers, we will be paying close to \$1 trillion every year to pay the interest on our national debt. Just the interest alone. We are currently spending a little over \$200 billion a year on interest—still a lot of money but about \$800 billion lower than what we are likely to be spending by the end of this decade.

Where will that additional \$800 billion every single year come from? This isn't a discretionary sum. This is money we have to pay. It is the first thing we have to pay. Where will that \$800 billion difference be made up? At that point, we can't expect simply to raise taxes to make up that difference. I am not aware of any tax increase plan that could bring in that much additional revenue every year, without stagnating our economy to the point

that we might, within 1 year or 2 years, bring in less revenue rather than more—certainly not \$800 billion more. Nor am I aware of any plan whereby we could simply borrow an additional \$800 billion to pay that interest, because doing so, of course, would cause our interest rates to skyrocket, grow out of control, and our interest payments would be even more significant at that point, thus further impairing our ability to fund everything from defense to entitlements. So at that point, the only option on the table would be dramatic, severe, abrupt, even Draconian cuts to everything from defense to entitlements and everything in between. We don't want this. There is a better way. And the better way forward consists of a severe permanent structural spending reform that can be achieved only through a balanced budget amendment.

Let me explain what I mean by that. And, more importantly, let me explain what I don't mean by that.

We have to be aware of things that masquerade as balanced budget amendments, things that will actually do the job instead of purporting to do the job, distracting the public's attention away from the need to do this while in effect doing nothing. We need to be aware of what I sometimes call the Trojan horse balanced budget amendment proposal.

There are a few hallmarks of what a real, effective balanced budget amendment would accomplish. First and foremost, it has to apply to all spending in requiring Congress to provide a supermajority vote for any borrowing authority. There are some who have suggested we should have a balanced budget amendment that exempts certain categories of entitlement spending. But, of course, as we all know, it is entitlement spending that continues to consume a larger and larger share of our national budget each and every year. It is entitlement spending that is anticipated to have shortfalls for sums that will have to be expended for Americans alive today. It could range anywhere from \$50- to \$60- to \$110 trillion in unfunded entitlement liabilities. So simply exempting entire categories of entitlements is one of these hallmarks of a Trojan horse balanced budget amendment. We can't do that. We need it to apply to all Federal outlays, all Federal spending.

Second, an effective balanced budget amendment must cap spending at the average historic level of Federal revenue. Over the last 40 years, our average take, our average income as a percentage of GDP, has been about 18 to 18.5 percent of our gross domestic product. We need to make sure we are not spending more than that; that Congress can't, without a supermajority vote, spend more than 18 percent of GDP in any given year. Otherwise, we run the risk that Congress will find a way through tricky accounting

schemes to circumvent the restrictions to make sure it is not spending more than it takes in.

Third, the supermajority requirement must apply to the folks in both Houses of Congress every time Congress wants to spend more than it takes in. Any balanced budget amendment proposal that allows for a simple majority to bring about an exception to these spending limitations is one that Congress can and will use to circumvent the amendment entirely. Let me explain what I mean.

We have had in the past certain statutory legislative limitations on Congress's spending and borrowing power. Some of these have been known as the Graham-Rudman-Hollings legislation, and also the pay-go rules. But because Congress makes those laws and because they haven't been reduced to a constitutional amendment, just as Congress giveth, Congress taketh away, and Congress has seen fit to exempt itself of those rules. A balanced budget amendment, even while enshrined in our Constitution, becomes no more effective than those statutory or internal rules unless every time Congress wants to get around those limitations Congress is required to cast a supermajority vote to justify that excess.

Finally, an effective balanced budget amendment must require that Congress cast a supermajority vote anytime we raise the debt limit. This will give us an additional guarantee that tricky accounting mechanisms will not be used to circumvent some of these most important restrictions. Without these restrictions, Congress will continue to spend out of control, because Members of Congress tend to be rewarded when they spend and they tend to be criticized when they cut, and political pressures are such that I fear this spending will continue out of control in perpetuity until that moment in which we reach our natural mathematical borrowing limit—not our statutory debt limit, our natural mathematical borrowing limit. It is at that point when the most abrupt, the most painful, the most Draconian cuts will have to be made. We can do this in a way that makes sense. We can do this in a way that is sensitive to the needs of the most vulnerable Americans, those who have become the most dependent upon our entitlement State, most dependent for their day-to-day existence on these very programs. Those programs will have to be cut abruptly and in a most painful manner unless we take the necessary steps right now and start moving onto a smooth glidepath toward a balanced budget amendment.

We may not be able to balance our budget overnight, but we can do it over the course of a few years. That is exactly what this would allow us to do.

I have worked closely with a number of my Republican colleagues in sup-

porting S.J. Res. 10, a balanced budget amendment proposal that has the support of all 47 Republicans. One of my close allies in this endeavor has been my friend and colleague, the junior Senator from Kentucky. I would like to ask him to share his perspective on why this is necessary.

So I ask Senator PAUL why does he think this is so important for us to have this amendment right now.

Mr. PAUL. I think Congress has failed. We have not passed a budget in 2 years, much less a balanced budget. We cannot even pass a budget under the normal procedures, and we are showing no signs of being able to balance our own budget.

They say the American public, when we ask them are they for a balanced budget, 70 to 75 percent of the people are for it—Republicans, Democrats, and Independents. Congress currently has about a 10-percent approval rating. My thought is maybe our approval rating is so low because we are not listening to what the people want. The people want us to balance our budget. They want us to do the responsible thing. But they also do not want to say: Oh, Social Security, we are going to put that off to the side. They want the Social Security fund to be sound too.

What are we doing right now? We are reducing the funding to Social Security. We are doing exactly the things we should not be doing. So it is important, as my colleague said, that the balanced budget amendment include all spending, and we need to balance our budget.

Mr. LEE. If the Congress is consisting of a Senate and House, and the Members of the Senate and House are elected representatives of the people who stand for reelection at regular intervals, and if the American voting public overwhelmingly supports a balanced budget amendment, why haven't we then passed it and given the States an opportunity to ratify such an amendment?

Mr. PAUL. The big driving force here is the entitlements. If we look at the revenue coming into the government, it is all being spent on entitlements and interest. Forty percent of every dollar is borrowed, but that means we have to borrow all the money for national defense, for our roads, all the rest of government. Forty percent of every dollar, \$40,000 a second, is being borrowed. Why don't we come to an agreement?

I have been asking many people on the other side that, and they say we will not fix entitlements until we have a \$1 trillion tax increase. If that is the starting point, we are never going to fix entitlements because many of us think raising taxes is a mistake, in the middle of a recession, and we think more money left in the private sector would be better spent for jobs.

We have the balanced budget debate as part of this debate on how to reduce spending on the entitlement programs because they consume 60 percent of the budget. But there is this unwillingness up here. I think people would like us to find solutions. When I go home to my State, it doesn't matter whether they are a Republican or Democrat or Independent; they want us to fix the entitlement programs. They don't want it to be dependent on increasing taxes on everyone also.

Mr. LEE. What is my colleague's sense as to how the various State legislatures are likely to respond to a constitutional amendment proposed by both Houses of Congress? Does he think they would likely ratify such an amendment by the necessary three-fourths margin?

Mr. PAUL. In the last year, I spoke before my State legislature to a joint session of the House and Senate, and there was overwhelming support for a balanced budget amendment. I think there is actually a movement out there to do it if we do not do it. There is so much feeling among the public that this enormous debt is hurting us.

When I go home and talk to people, I say: Look, the people the debt hurts the worst are those on fixed incomes, senior citizens, and those in the working class. Those are the people who are being hurt by this debt because it causes rising prices. As we print the new money, those people are hurt every time they go buy gas at the pump, every time they go to the grocery store. The rising prices are hurting senior citizens and the working class. The only way we are going to fix it is to have rules that must be obeyed.

Mr. LEE. So they are paying for Washington's fiscal irresponsibility in the form of job losses and in the form of increased prices for goods and services and in the form of inflation.

It is likewise my experience with my State legislature that they seem to be very supportive of it. In fact, I have a document here signed by the legislative leaders of my State: by Governor Gary Herbert, by Utah house of representatives speaker Rebecca Lockhart, and by Utah State Senate President Michael Waddoups. It concludes essentially as follows:

We urge the United States Senate and House of Representatives to pass a balanced budget amendment and send it to the states for ratification. Additionally, we urge Congress to make Utah's current resolution part of the CONGRESSIONAL RECORD.

They also proceed to explain why they feel so strongly about this. They say:

Not only for our own sake, but for future generations as well, the states must now combine in an unwavering resolve with convincing action to put the nation's financial house in order. Passage of your own state's resolution urging the support for a balanced budget amendment can help make this happen. Please join with Utah to call upon Con-

gress to immediately pass a balanced budget amendment. We respectfully encourage you to urge your congressional delegation to act in your behalf.

They are calling not only on Congress but also their fellow State legislators throughout the country to urge this same action from Congress. In the same breath, they also adopt it, and they supported wholeheartedly the specific balanced budget amendment proposal that is found in S.J. Res. 10.

I thank them for doing that. I think they reflect the views of so many of our State legislatures which balance their budgets every single year. Most of them do. It is not news when they do it. It is not news because it is what is expected. It is expected because that is what they do.

I look forward to the day and age when it is no longer news when Congress balances its budget.

I would like to ask Senator PAUL another question. Why is it that so many are fond of saying, as our President has recently said, "We don't need a balanced budget amendment; what we need is for Congress to just do its job"? Why isn't that enough to carry the day?

Mr. PAUL. The problem is, in the past we have had rules—as the Senator mentioned, Gramm-Rudman-Hollings, pay as you go. I think pay as you go, which was passed in the late 1990s, was broken 700 times. There doesn't seem to be the spine or willpower here to say no. Everybody wants something from government, but they do not realize that by getting things from government we do not pay for has ramifications.

Admiral Mullens said last year that the biggest threat to our national security right now is our debt. Erskine Bowles, head of the Debt Commission, said the most predictable crisis in our history is going to be a debt crisis.

For those on the other side who will oppose a balanced budget, they will need to explain to the American people when chaotic situations come and we are having trouble paying for those things that come from government, when the value of the money is destroyed and when prices are rising dramatically, they will have to explain to the American people why they thought it was not necessary to balance the budget.

I have seen no willpower to attack entitlements. There are simple ways. We could gradually raise the age of the entitlement eligibility and means test the benefits. We could fix Social Security tomorrow. We could fix Medicare tomorrow. But the other side is unwilling to talk about entitlement reform unless—they believe they are owed some obligation of raising taxes by \$1 trillion. That would be a disaster for the economy, and it is beyond me why the other side will not say let's fix Social Security.

What would it take to fix Social Security? What would it take to fix Medicare? I think we could fix all of these problems, but I do not think the dialog is there. I have been trying to ask questions to the other side for months now, and we are not getting anywhere.

Mr. LEE. I think most Members of Congress would acknowledge that their constituents want the Federal budget balanced. Why is it not enough for us just to tell Members of Congress: Please balance it. We don't want to have to restrict your authority. We don't want to have to take the keys away from the irresponsible driver. We just want you to be responsible. Why doesn't that work?

Mr. PAUL. I think because so much of government spending is considered to be mandatory, so it just keeps enlarging and expanding. Also, because people have great big hearts and they want to help everyone, but they do not realize the ramifications of accumulating such a massive debt. As we accumulate this debt there are ramifications. There are higher prices and the threat of an economic collapse.

Greece is going under. Italy is behind them. Portugal, Spain—they are struggling under this burden of debt. They say when a country's debt equals its economy, when it is about 100 percent of its gross domestic product, it is losing 1 million jobs a year.

Our debt is stealing American jobs, it is making us weaker as a country, making us vulnerable, making our national security vulnerable. But we have to do something. There is no evidence in this body we can even pass a budget, much less a balanced budget.

I think everything about this body shows a failure to be fiscally responsible and we need stronger rules.

Mr. LEE. Perhaps it is inherent in the institution itself, in the forces at play, that have made Congress uniquely vulnerable to this kind of massive deficit spending. Whatever the reason, we know Congress is not willing, is not able, or at least in recent years has not been inclined except in rare, unusual circumstances to balance its own budget.

That being the case, we cannot assume that Congress will all of a sudden start doing its job, as those who have used this argument have insisted. Part of Congress's job, as Congress has come to perceive it, is to engage in deficit spending. One of Congress's powers, as Members of Congress who read the Constitution will point out, is to borrow money on the credit of the United States. So it is not enough to simply tell Congress to do its job because it has regarded this kind of massive deficit as consistent with that mandate, consistent with that injunction.

Meanwhile, Congress is continuing to occupy a larger and larger share of the American economy. We have to remember that for the first 150 years or



so of our Republic's existence, we were spending between 1 percent and 4 percent of gross domestic product at the Federal national level, with only two brief exceptions—once during the Civil War and once during and then the immediate aftermath of World War I. But that all started to change in the 1930s when we broke into double digits for the first time ever during peacetime. We have never really gone back.

Now the Federal Government is spending about 25 percent of GDP annually. Roughly a quarter out of every dollar that moves through the American economy every year is taken out of the real economy by Washington. It is absorbed within the Federal morass that is our government. That is a problem. That needs to change.

I fear, I suspect, I firmly believe that it will not change until we take this power away, until we at least impose severe restrictions on Congress's borrowing power because it has become part of Congress's nature to engage in this kind of out-of-control deficit spending.

I would like to ask Senator PAUL another question. How does he think it would impact the lives of Americans, of Kentuckians, on a day-to-day basis, if we were to pass an amendment such as this and have it ratified by the States?

Mr. PAUL. People maintain that they are for jobs, for getting the economy growing again. If we were to pass a balanced budget amendment and send it to the States this year, it would create more jobs and create a better psychology than we have had in this country in decades. I think we would see a rise in the stock market like we have never seen before if we said to Wall Street and said to investors worldwide: We are going to balance our budget; we are not going to spend more than we take in.

I think we would see an economic recovery begin as we have never seen in this country. I think we would see millions of jobs created. That is why we have to do this. That is what the American people want.

What amazes me about this debate is we are going to have this debate and have this vote and the vast majority of the other side said they will not vote for a balanced budget amendment.

I say take that home. Tell your people at home that you are opposed to balancing the budget, and let's run on that. Let's see who wins the elections in the future because our country's future depends on balancing our budget and controlling the debt. I hope we do not wake up when it is too late.

Mr. LEE. I could not agree more with that assessment. It is important for us to remind our colleagues of that because according to a recent CNN poll, the American people overwhelmingly support this by a margin of about 75 percent. Those who oppose it, those

who are Members of this body, those who are Members of our sister body—the House of Representatives—who choose not to support it, will cast their “no” vote at their own political peril because the American people are standing and they are demanding more. They understand that, in the words of Benjamin Franklin: “He'll cheat without scruple who can without fear.”

When Congress is free to spend more than it takes in every single year without political consequence, bad things happen. When Congress starts to manipulate more and more of the economy, that is something the American people understand is hurtful rather than helpful to them, to the people on the ground, to the person who is unemployed and looking for a job, to the person who is underemployed or underpaid for the work he does, to the single mother who is just worried about taking care of her children, to the grandparents who are worried about the future of their grandchildren, worried about the fact that for the first time in American history, Americans fear their posterity will enjoy a lower standard of living than what they have enjoyed.

All this is due to the fact that Congress has no real boundaries to its authority and recognizes no real limits on its ability to spend our hard-earned money. This has real consequences. We can forestall those negative consequences right now if we will act to restrict, on a permanent and structural basis, Congress's ability to engage in deficit spending.

Accept no imitations, beware of the Trojan horse balanced budget amendment, the one that can be circumvented easily by a simple majority vote. Beware of the balanced budget amendment that limits, as a percentage of GDP, Congress's ability to spend money. Look out for these principles. If we get this balanced budget amendment passed, submit it to the States for ratification. They will ratify it, and we will find our best days, as Americans, are yet ahead of us.

I urge my colleagues to cast a vote in favor of S.J. Res. 10.

I thank the Chair.

I yield the floor.

The PRESIDING OFFICER (Mr. BROWN of Ohio). The Senior Senator from Iowa.

#### HEALTH CARE LITIGATION

Mr. GRASSLEY. Mr. President, in a few minutes, the Supreme Court will be addressing four issues in connection with the constitutionality of the Obama health care law. Previously, I spoke about the unconstitutionality of the individual mandate. Today, I wish to discuss the second issue of four: how much of the law must be struck down if the Court finds the individual mandate to be unconstitutional. This legal question is called severability.

When a court rules a law is unconstitutional, it can strike down only those

parts it considers unconstitutional. It can strike down the parts that are intertwined with the unconstitutional provision or it can strike down the whole law. Its action will depend upon whether the remainder of the law can function as Congress intended when it passed it.

There are rules governing severability. Normally, when only parts of a law are held to be unconstitutional, only those parts of the law are struck down by the Court. But when a statute's unconstitutional provisions are severed, the whole law falls when Congress would not have passed the constitutional provisions without the unconstitutional ones being in it as well.

It is not enough that some of the remaining provisions are constitutional. The Supreme Court has asked whether the remaining provisions “would function in a manner consistent with . . . the original legislative bargain.”

The lower courts have reached four different conclusions concerning the health care reform law; first, that the individual mandate can be severed from the rest of the bill; second, that the individual mandate can be severed but only if the law's related provisions that require mandatory issue and community ratings are also severed; third, the opposite position, that the mandate and the related provisions are not severable; and, finally, that the mandate is not severable and that the whole law must fall.

One of my Judiciary Committee colleagues has stated, for the Democrats, “worst-case scenario, the mandate falls.” But even the Obama administration does not take that view. The administration argues that if the mandate falls, the guaranteed issue and community rating provisions must also be struck down. The President's administration says health insurance markets will not function if all Americans are not forced to buy health insurance and insurance companies must, nonetheless, insure everyone who seeks coverage at prices that do not reflect their health risk.

If the mandate falls, keeping any of this law would violate the original legislative bargain. I would like to remind my colleagues of that original legislative bargain. The health care law passed because the majority party—in its own partisan way—was going to pass this bill by any means necessary. The individual mandate was very critical to the ability to pass this law and to particularly pass it only by partisan considerations.

We considered an amendment in the Finance Committee that would have granted exemptions from the individual mandate to everybody who asked for that exemption. My good friend, the chairman—and that is Senator BAUCUS, as we all know—correctly stated: “The system won't work if this amendment passes.” He further called



it "an amendment which guts and kills health reform." He commented that "if we are serious about making sure that the Americans have health insurance, we all have to participate. . . ." So the bill's sponsors knew the whole operation of the law depended upon this very important provision that the Court is now considering on the individual mandate and whether that issue was constitutional.

Let me repeat that. The people promoting this legislation that passed on a partisan vote knew the whole operation of the law depended upon the compulsion of the individual mandate. The legislative bargain also showed this law would not have passed if a single comma had been changed. Congress could not have enacted any part of this law without the individual mandate or any other provision. That situation comes about from the fact that the bill passed the Senate by one vote and individual Senators were able to extract specific provisions that benefited their State in return for agreeing to provide their deciding vote for the bill. I think we all know the outrage that came from the grassroots of America over some of those very special provisions. We also know the American people were disgusted by these deals. But without those arrangements and deals, none of the law would have passed.

Those deals were one of the reasons why the Democrats lost their 60-vote majority in the last election. So when the other body could pass a bill only by accepting the Senate bill, they blocked any amendments that would have changed so much as a comma. Had anything changed, the new 59-vote Senate majority would have prevented passage. The bill was offered on a take-it-or-leave-it basis, all or nothing. If the individual mandate is struck down, then the whole law must fall. Although it is not conclusive, it is certainly relevant that the law does not contain a severability clause. This is one more indication Congress thought the law was a unified whole.

It is simply not reasonable to argue that the law should survive without the mandate. The most important political accomplishment of the law is the additional coverage, not the lower costs we were promised. Without the mandate, coverage under the law evaporates.

Does anyone believe that without the coverage in the law, Congress could have passed the massive Medicaid expansion? Does anyone believe that without the coverage in the law, Congress could have passed the Draconian cuts in Medicare? Does anyone believe that without the coverage in the law, Congress could have passed hundreds of billions of dollars in new taxes? Of course not. It is simply not a legitimate argument that the rest of the bill could have ever stood on its own without the individual mandate enabling additional coverage.

I am pleased the Supreme Court has granted oral arguments devoted to the severability question all by itself. In the past, the Supreme Court has issued very activist severability rulings in which it rewrote a statute in a way Congress never would have passed it.

For instance, it completely rewrote the campaign finance laws in the 1976 *Buckley v. Valeo* decision in a way that produced an unworkable system that no Member of Congress would have ever voted for. In the *Booker* case, the Supreme Court rewrote the sentencing laws in a way that produced a very unworkable system that no Member of Congress would have voted for. This time, the Supreme Court should not use the severability doctrine to rewrite the health care law into something Congress never would have passed in the first place. It should strike down the entirety of the law in keeping with the law on this subject. Such a ruling would give us the chance to do what we did not do before: work in a truly bipartisan way to address these issues.

I yield the floor.

The PRESIDING OFFICER. The majority leader is recognized.

#### LAS VEGAS HELICOPTER CRASH

Mr. REID. Mr. President, I am saddened to have learned this morning that five people were killed late yesterday in the terrible helicopter crash just a few miles outside Las Vegas. My sympathy is with the families of those who died, including pilot Landon Nield and four passengers. My thoughts are with them as the recovery efforts continue this morning and as they lay their lost loved ones to rest.

Reports indicate the aircraft was on a tour of Hoover Dam. It crashed into a remote and rocky terrain in the River Mountains between Lake Mead and Henderson, NV, a few miles from Las Vegas.

I have taken those helicopter tours. It is an exciting trip. People don't realize this, but we are just a few miles from the Grand Canyon there in Las Vegas. It takes just a short time to travel to that beautiful canyon to see where millions of people go every year to see the Grand Canyon. Hundreds of thousands of tourists come from Las Vegas to see it.

I am truly grateful for the efforts of the National Park Service rangers, the metropolitan police department, the search-and-rescue team, and the Henderson fire departments that responded rapidly to the scene of the accident.

The Federal Aviation Administration and the National Transportation Safety Board are investigating this accident as we speak. I will continue to monitor the investigation as well as the recovery efforts that are in progress.

Hundreds of thousands of tourists, I repeat, enjoy these helicopter tours each year. I am sorry innocent people

lost their lives in such a rare tragedy. Nevada puts great stock in protecting the safety of its tourists, whether flying over the Grand Canyon or walking down the Las Vegas strip. I hope the inquiry into the cause of this crash will help us better protect helicopter pilots and passengers in the future.

Again, my heart goes out to the families as they mourn this awful tragedy.

I note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRASSLEY. If the Democrats aren't going to take their time, I would like to take 5 or 6 minutes on another subject, and I ask unanimous consent to do so.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### BROKEN ACCOUNTING SYSTEM

Mr. GRASSLEY. Mr. President, I come to the floor today to commend Secretary of Defense Leon Panetta for personally focusing top-level attention to what has been a festering problem, and I think it is fair for me to say a festering problem for decades. I am talking about the Defense Department's broken accounting system and lack of financial accountability.

Secretary Panetta has grabbed the bull by the horns and told the military services to get on the stick and move out smartly. He wants them to fix the problem now, not later. Secretary Panetta's bold initiative is laid out in a Department-wide memorandum dated October 11 this year. In this document, he calls for an all-hands-on-deck priority effort to accelerate plans to create a modern, fully integrated finance and accounting system. Such a system, if it ever comes to be, would be designed to generate reliable, accurate, and complete financial information. Such a system should be capable of producing credible financial statements that can earn clean opinions from independent auditors. If that happens, the Department will achieve what is called full audit readiness. But now I want to warn Secretary Panetta about what has happened to so many well-intentioned Secretaries of Defense. That could be a big "if."

Under the Chief Financial Officers Act of 1990, all government agencies were supposed to reach full audit readiness 15 years ago. As I understand it, the Defense Department is now the only delinquent agency. After the passage of so much time, how is it, then, that the Pentagon cannot provide an accurate accounting of all the money it spends? Doing it is a constitutional responsibility. Not doing it is unacceptable. Why are the military services

dragging their feet as they are? What is the problem? Are all of the petty fiefdoms entrenched in Pentagon bureaucracy causing the problem? Is it because they do not want to surrender control of the money to a centralized financial authority?

This is a festering problem Secretary Panetta has tackled. As a former chairman of the House Budget Committee and Director of the Office of Management and Budget, he has the necessary knowledge and the necessary experience to get this job done.

The magic date for achieving full audit readiness at Defense was set in concrete 2 years ago. Unfortunately, this goal has a long and elusive history, and that long and elusive history is best characterized by relentless slippage. It is a rolling target date, and most experts believe the 2017 deadline is unattainable.

I am sure our tax-paying public doesn't understand why the Federal Government wouldn't have the best accounting system in the world, but they don't, particularly in the Defense Department.

Under Secretary Panetta's leadership, I hope all the slippage comes to a screeching halt and all the bureaucratic roadblocks are torn down. He has definitely turned up the heat and turned up the pressure. He has drawn a line in the sand. He wants to see results and see results now. He is calling for a revised plan for achieving audit readiness. It is due on his desk December 13. So Army, Navy, Air Force, Marines, Coast Guard, and everybody else—well, the Coast Guard is not involved but everybody else—get on the stick because that is next week. He has set a near-term goal. He wants the Department to produce partial financial statements by 2014.

As a first step, Secretary Panetta has called for the production of statements of budgetary resources by 2014. A statement of budgetary resources is just one component of a financial statement, but it represents a big important chunk of the whole. If credible statements of budgetary resources can be produced 3 years ahead of schedule, then maybe the full audit readiness by 2017 is, indeed, possible.

I also understand that Secretary Panetta's near-term goal is being incorporated in legislation working its way through Congress right now. That should help to move the ball further down the field.

Secretary Panetta's decision to set a preliminary goal of 2014 will be a good gauge—a good test—of what is and is not possible. Can the Defense Department achieve full audit readiness by 2017? We won't have to wait 6 years to find that out under the process Secretary Panetta is instituting. If problems surface early on, we in Congress can help the Department take corrective action to keep this effort on track and moving in the right direction.

A willingness and a commitment on the part of the Secretary of Defense to take on this problem goes way beyond the production of credible financial statements required by the Chief Financial Officers Act of the late 1970s. It goes right to the heart of a much larger constitutional issue; that is, whether the Department of Defense is going to be held accountable.

The Department must be able to provide a full and accurate accounting of all the money it spends. Under article I, section 9 of the Constitution, such an accounting must be published from time to time. The taxpayers expect and deserve nothing less than that. Today, DOD can't do that. The status quo is unacceptable.

While I began conducting oversight of the Defense Department financial management issues more than 20 years ago, I did not come to fully appreciate the true understanding of the root cause issue until 3 years ago.

After receiving a series of anonymous letters alleging misconduct and mismanagement within the inspector general's audit office, I initiated an in-depth oversight review of audit reporting. Early on in the review, there was a startling revelation: One all-important, central element was adversely affecting every facet of the inspector general's audit effort, and that was the Department's broken accounting system. This dysfunctional system is driving the audit freight train. The success or failure of an audit turns on the quality of the financial data available for audit by competent examiners. The record clearly shows the quality of financial data presented for audit by the Department should be rated poor—or maybe I ought to say even worse than poor. This is what I call the “no audit trail” scenario. It is frequently encountered by auditors trying to examine Department of Defense books of account. That is the exact problem Secretary Panetta is attempting to address.

All my audit oversight work tells me that fixing the accounting machinery is the first step to audit readiness. Once a modern, fully integrated system is up and running, it should be a simple matter of punching the right computer buttons and credible financial statements will roll off of the printer. Doing routine oversight audits should be a piece of cake. Today's labor-intensive and time-consuming audit trail reconstruction work which auditors now endure in the absence of reliable accounting records will be a thing of the past. Most importantly, effective internal controls will be in place to protect the taxpayers' money against fraud, theft, and waste.

What I am saying to my colleagues is this: Secretary Panetta is on the right track. He is trying to take us to a place where we need to go and go soon. I want to help him lead us there, so I

am here today to encourage and support this courageous effort to clean up the books. I admire and respect his personal commitment to such a noble cause.

I am also here to reinforce the words of encouragement contained in a letter that my friend from Oklahoma, Dr. COBURN, and I penned to Secretary Panetta on November 17. We, being Senator COBURN and I, want to work with him to achieve this most worthy goal. And in the process of these remarks to the Senate, I hope other Members of the Senate, particularly those who are on the Armed Services Committee, will also give Secretary Panetta encouraging words of support and thanks.

I yield the floor.

The PRESIDING OFFICER. The Senator from Illinois.

#### ORDER OF PROCEDURE

Mr. DURBIN. Mr. President, on behalf of the majority leader, I ask unanimous consent that the time until 2:30 p.m. be equally divided between the two leaders or their designees for debate on the Reid motion to proceed to Calendar No. 251, S. 1944; that at 2:30 p.m., the Senate vote on the motion to proceed to S. 1944; that upon disposition of the Reid motion to proceed, it be in order for the Republican leader or his designee to move to proceed to Calendar No. 244, S. 1931; that there be 2 minutes of debate equally divided between the two leaders or their designees prior to the vote; that both motions to proceed be subject to a 60-vote threshold; finally, that the cloture motion relative to the motion to proceed to S. 1944 be vitiated.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

#### BALANCED BUDGET AMENDMENT

Mr. DURBIN. Mr. President, a little earlier today the junior Senator from Utah, Mr. LEE, came to the floor to discuss the balanced budget amendment. Under the budget agreement agreed to in Congress in August, both the House and Senate were required to vote on a constitutional amendment to balance the budget before the end of this calendar year. The House has already taken the vote. The measure failed. The Senate still has a responsibility to take it up, which we will do in the closing hours of the session this calendar year.

There are at least two proposals before us for a constitutional amendment, and my subcommittee, the Subcommittee on the Constitution, Civil Rights and Human Rights of the Committee on the Judiciary, held a hearing last week asking questions about these approaches to the Constitution.

The leading approach on the Republican side comes from both Senators HATCH and MCCONNELL. I am not certain which they will offer or whether the language might change at the last minute, but it would enshrine in our

Constitution a disciplinary mechanism to reduce the budget deficit. This has been brought before the Senate and the House before many times. This particular proposed constitutional amendment would:

Require that in each fiscal year Federal outlays shall not exceed receipts unless two-thirds of each House votes to waive.

It caps outlays at 18 percent of gross domestic product each year unless two-thirds of each House votes to waive.

It requires a two-thirds vote in each House for any tax or revenue-raising measure.

It requires a three-fifths vote in each House for raising the debt limit.

It allows for waiver of the amendment in times of declared war or serious military conflict.

It prohibits courts from ordering any increase in revenue to enforce the amendment.

It directs Congress to enforce the amendment through appropriate legislation.

It takes effect 5 years after ratification.

This is far more extreme than the clean House balanced budget amendment, which failed to pass in that Chamber on November 18.

The testimony before our subcommittee from experts in the field said that this amendment, proposed by Senators HATCH and MCCONNELL, will require Draconian cuts in Social Security, Medicare, Medicaid, our military retirement system, and many programs important to working families.

It will make Republican fiscal policies the constitutional law of the land, giving protection to those in higher income categories from any tax increase forever, without an extraordinary vote in either House.

It would delegate the task of resolving budget disputes to our court system.

It would make recessions worse by requiring cuts in countercyclical safety-net programs such as food stamps and unemployment just at the time when those expenditures are most needed.

It would increase the likelihood of debt limit standoffs each year.

It would lead to increased burdens on our States.

During the course of the hearings, several people came forward to testify. I recommend to my colleagues that they carefully read these testimonies, which are available on the Senate Judiciary Committee website.

The first was Robert Greenstein, president of the Center on Budget and Policy Priorities. Mr. Greenstein, who is well recognized and respected on Capitol Hill, spoke about the countercyclical aspect and said that if you cut spending in the midst of a recession, you will not have the resources you need to provide unemployment bene-

fits, food stamps, and the things that save families when they are out of work or making very little money.

I ask unanimous consent that Mr. Greenstein's statement be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

TESTIMONY OF ROBERT GREENSTEIN, BEFORE THE SUBCOMMITTEE ON THE CONSTITUTION, CIVIL RIGHTS AND HUMAN RIGHTS HEARING ENTITLED, "A BALANCED BUDGET AMENDMENT: THE PERILS OF CONSTITUTIONALIZING THE BUDGET DEBATE," NOVEMBER 30, 2011

Thank you for the invitation to testify today. I am Robert Greenstein, president of the Center on Budget and Policy Priorities, a policy institute that focuses both on fiscal policy and on policies affecting low- and moderate-income Americans. We, like most others who analyze fiscal policy developments and trends, believe that the nation's fiscal policy is on an unsustainable course. As part of our work, we have been analyzing proposed changes in budget procedures for more than 20 years. We have conducted extensive analyses of proposals to write a balanced-budget requirement into the Constitution, among other proposals.

The purpose of changing our fiscal policy course is to strengthen our economy over the long term and to prevent the serious economic damage that would likely occur if the debt explodes in future decades as a share of the economy. But we need to choose our fiscal policy instruments carefully. We want to avoid "destroying the village in order to save it."

The goal of a constitutional balanced budget amendment is to address our long-term fiscal imbalance. Unfortunately, a constitutional balanced budget amendment would be a highly ill-advised way to try to do that and likely would cause serious economic damage. It would require a balanced budget every year regardless of the state of the economy, unless a supermajority of both houses overrode that requirement. This is an unwise stricture that large numbers of mainstream economists have long counseled against, because it would require the largest budget cuts or tax increases precisely when the economy is weakest. It holds substantial risk of tipping faltering economies into recessions and making recessions longer and deeper. The additional job losses would likely be very large.

When the economy weakens, revenue growth drops and revenues may even contract. And as unemployment rises, expenditures for programs like unemployment insurance—and to a lesser degree, food stamps and Medicaid—increase. These revenue declines and expenditure increases are temporary; they largely disappear as the economy recovers. But they are critical for helping to keep struggling economies from falling into a recession and for moderating the depth and length of recessions that do occur.

When the economy weakens, consumers and businesses spend less, which in turn causes further job loss. The drop in tax collections and increases in unemployment and other benefits that now occur automatically when the economy weakens cushions the blow, by keeping purchases of goods and services from falling more. That is why economists use the term "automatic stabilizers" to describe the automatic declines in revenues and automatic increases in UI and other benefits that occur when the economy turns down; these actions help stabilize the economy.

A constitutional balanced budget amendment, however, effectively suspends the automatic stabilizers. It requires that federal expenditures be cut or taxes increased to offset the effects of the automatic stabilizers and prevent a deficit from occurring—the opposite course from what sound economic policy calls for.

Over the years, leading economists have warned of the adverse effects of a constitutional balanced budget amendment. In Congressional testimony in 1992, Robert Reischauer—then director of the Congressional Budget Office and one of the nation's most respected experts on fiscal policy—explained: "[I]f it worked [a constitutional balanced budget amendment] would undermine the stabilizing role of the federal government." Reischauer noted that the automatic stabilizing that occurs when the economy is weak "temporarily lowers revenues and increases spending on unemployment insurance and welfare programs. This automatic stabilizing occurs quickly and is self-limiting—it goes away as the economy revives—but it temporarily increases the deficit. It is an important factor that dampens the amplitude of our economic cycles." Under the constitutional amendment, he explained, these stabilizers would no longer operate automatically.

Similarly, when a constitutional balanced budget amendment was under consideration in 1997, more than 1,000 economists including 11 Nobel laureates issued a joint statement that said, "We condemn the proposed 'balanced-budget' amendment to the federal Constitution. It is unsound and unnecessary. The proposed amendment mandates perverse actions in the face of recessions. In economic downturns, tax revenues fall and some outlays, such as unemployment benefits, rise. These so-called 'built-in stabilizers' limit declines of after-tax income and purchasing power. To keep the budget balanced every year would aggravate recessions." This summer, five Nobel laureates in economics issued a new statement opposing a constitutional balanced budget amendment for this reason.

Earlier this year, the current CBO director, Douglas Elmendorf, sounded a similar warning when asked about a constitutional balanced budget amendment at a Senate Budget Committee hearing. Elmendorf observed:

"Amending the Constitution to require this sort of balance raises risks . . . [t]he fact that taxes fall when the economy weakens and spending and benefit programs increase when the economy weakens, in an automatic way, under existing law, is an important stabilizing force for the aggregate economy. The fact that state governments need to work . . . against these effects in their own budgets—need to take action to raise taxes or cut spending in recessions—undoes the automatic stabilizers, essentially, at the state level. Taking those away at the federal level risks making the economy less stable, risks exacerbating the swings in business cycles."

Finally, a month ago, Macroeconomic Advisers (MA) analyzed the economic impacts of a constitutional balanced budget amendment. One of the nation's preeminent private economic forecasting firms, Macroeconomic Advisers provides analysis to major corporations and government entities, such as the President's Council of Economic Advisors under Presidents of both parties, including Presidents Reagan and George W. Bush.

MA concluded that if a constitutional balanced budget amendment had already been

ratified and were now being enforced for fiscal year 2012, “the effect on the economy would be catastrophic.” If the 2012 budget were balanced through spending cuts, MA found, those cuts would total about \$1.5 trillion in 2012 alone—and would throw about 15 million more people out of work, double the unemployment rate from 9 percent to approximately 18 percent, and cause the economy to shrink by about 17 percent instead of growing by an expected 2 percent.

Even if a BBA were implemented when the budget was already in balance, MA concluded, it would still put “new and powerful uncertainties in play. The economy’s ‘automatic stabilizers’ would be eviscerated [and] discretionary counter-cyclical fiscal policy would be unconstitutional . . . . Recessions would be deeper and longer.”

MA also warned that “The pall of uncertainty cast over the economy if it appeared a BBA could be ratified and enforced in the middle of recession or when the deficit was still large would have a chilling effect on near-term economic growth.” MA concluded that a BBA would have detrimental effects on economic growth in both good times and bad.

Proponents of a constitutional amendment often respond to these admonitions by noting that the proposed constitutional amendment would allow the balanced-budget requirement to be waived by a vote of three-fifths of the House and the Senate, so the BBA would be set to the side in recessions. But this response is too facile, and the three-fifths waiver provision does not solve the problem. It is difficult to secure three-fifths votes for anything; consider the paralysis that marks much of the work of the Senate. Moreover, it may take months after a downturn begins before sufficient data are available to convince three-fifths of the members of both houses of Congress that a recession is underway. Furthermore, it is all too likely that even after the evidence for a downturn is clear, a minority in the House or Senate would hold a waiver vote hostage to demands for concessions on other matters (such as new, permanent tax cuts). By the time that a recession were recognized to be underway and three-fifths votes were secured in both chambers, if such support could be obtained at all, extensive economic damage could have been done and hundreds of thousands or millions of additional jobs unnecessarily lost.

The bottom line is that the automatic stabilizers need to continue to be able to work automatically to protect American businesses and workers. The balanced budget amendment precludes that.

Nor is a recession the only concern. Consider the savings and loan crisis of the 1980s, or the financial meltdown of the fall of 2008. A constitutional balanced budget amendment would have hindered swift federal action to rescue the savings and loan industry or to rapidly put the Troubled Assets Relief Program in place. In both cases, history indicates that federal action helped save the economy from what otherwise likely would have been far more dire problems.

Moreover, the federal government provides deposit insurance for accounts of up to \$250,000; this insurance—and the confidence it engenders among depositors—is critical to the sound functioning of our financial system so that we avoid panics involving a run on financial institutions, as occurred in the early 1930s. A constitutional prohibition of any deficit spending (unless and until a supermajority of both houses of Congress voted to authorize it) could seriously weaken

the guarantee that federal deposit insurance provides. That is a risk we should not take.

These are illustrations of why fiscal policy should not be written into the Constitution.

A parallel problem is that the proposed constitutional amendment would make it even harder than it already is to raise the debt limit, by requiring a three-fifths vote of both the House and Senate to raise the limit. This is playing with fire. It would heighten the risk of a federal government default. A default would raise our interest costs and could damage the U.S. economy for years to come.

#### MISTAKEN ANALOGIES TO STATES AND FAMILIES

Proponents of a constitutional amendment sometimes argue that states and families must balance their budgets every year and the federal government should do so, too. But statements that the constitutional amendment would align federal budgeting practices with those of states and families are mistaken.

While states must balance their operating budgets, they can borrow to finance their capital budgets—to finance roads, schools, and other projects. Most states do so. States also can build reserves during good times and draw on them in bad times without counting the drawdown from reserves as new spending that unbalances a budget.

Families follow similar practices. They borrow—they take out mortgages to buy a home or student loans to send a child to college. They also draw down savings when times are tight, with the result that their expenditures in those periods exceed their current incomes.

But the proposed constitutional amendment would bar such practices at the federal level. The total federal budget—including capital investments—would have to be balanced every year, with no borrowing allowed for infrastructure or other investments that can boost future economic growth. And if the federal government ran a surplus one year, it could not draw it down the next year to help balance the budget.

I would also note that the fact that states must balance their operating budgets even in recessions makes it all the more important from the standpoint of economic policy that the federal government not be subject to the same stricture. American Enterprise Institute analyst Norman Ornstein addressed this matter in an article earlier this year, where he wrote: “Few ideas are more seductive on the surface and more destructive in reality than a balanced budget amendment. Here is why: Nearly all our states have balanced budget requirements. That means when the economy slows, states are forced to raise taxes or slash spending at just the wrong time, providing a fiscal drag when what is needed is countercyclical policy to stimulate the economy. In fact, the fiscal drag from the states in 2009–2010 was barely countered by the federal stimulus plan. That meant the federal stimulus provided was nowhere near what was needed but far better than doing nothing. Now imagine that scenario with a federal drag instead.”

#### S.J. RES. 10 AND S.J. RES. 23 RAISE ADDITIONAL ISSUES

The foregoing concerns apply to all versions of the balanced budget amendment that have been introduced. Some versions of the balanced budget amendment, such as S.J. Res. 10 and S.J. Res. 23, which are identical, raise additional concerns, because they would write into the Constitution new barriers to raising any revenues—including closing wasteful tax loopholes—to help balance

the budget and also would prohibit federal expenditures in any year from exceeding a figure such as 18 percent of the Gross Domestic Product in the previous calendar year. These constitutional requirements could be overridden only by supermajority votes in both the House and the Senate.

This requirement for a supermajority to raise taxes would be extremely unwise. It would protect what President Reagan’s former chief economic advisor, Harvard economist Martin Feldstein, has called the biggest area of wasteful government spending in the federal budget—what economists call “tax expenditures” and Alan Greenspan has called “tax entitlements.”

In 2010, tax expenditures amounted to \$1.1 trillion, more than the cost of Medicare and Medicaid combined (which was \$719 billion), Social Security (\$701 billion), defense (\$689 billion, including expenditures in Iraq and Afghanistan), or non-defense discretionary spending (\$658 billion, including expenditures from the Recovery Act). Many of these tax expenditures are fully the equivalent of government spending. Let me use child care as an example.

If you are low- or moderate-income, you may get a federal subsidy to help cover your child care costs, and the subsidy is provided through a spending program. If you are higher on the income scale, you still get a government subsidy that reduces your child care costs, but it is delivered through the tax code, as a tax credit. (Moreover, if you are a low- or moderate-income parent with child care costs, you likely will miss out because the spending programs that provide child care subsidies are not open ended and can only serve as many people as their capped funding allows. By contrast, if you are a higher income household—and there is no limit on how high your income can be—your child care subsidy is guaranteed, because the tax subsidy that you get operates as an open-ended entitlement.) It is difficult to justify making the tax-code subsidy sacrosanct and the program subsidy a deficit-reduction target merely because one is delivered through a “spending” program and the other is delivered through the code.

And as the child care example illustrates, sharply distinguishing between subsidies delivered through the tax code and those delivered through programs on the spending side of the budget also has a “reverse Robin Hood” aspect. Low- and moderate-income households receive most of their government assistance through spending programs; affluent households receive most of their federal subsidies through tax expenditures. Effectively barring reductions in tax expenditures from contributing to deficit reduction is a prescription for placing the greatest burden of deficit reduction on those who can least afford to bear it.

The problems do not stop there. If it requires a supermajority to raise any revenue, another likely outcome is a proliferation of tax loopholes. New loopholes—including loopholes that Congress did not intend but that high-priced tax lawyers and accountants have found ways to create—could become untouchable once they appeared, because it would require a supermajority of the House and Senate to raise any revenue. It would become more difficult to close tax loopholes that opened up, since (under S.J. Res. 10 and S.J. Res. 23) special-interest lobbyists could block such action simply by securing the votes of one-third plus one member in one chamber.

Finally, as noted, S.J. Res. 10 and S.J. Res. 23 would bar federal spending from exceeding

18 percent of GDP in the prior calendar year, which translates into a limit of about 16.6 percent of the current fiscal year's GDP. To hit that level would require cuts of a truly draconian nature. Consider the austere budget that the House of Representatives passed on April 15, sometimes referred to as the Ryan budget. Under that budget, Medicare would be converted to a voucher system under which, the Congressional Budget Office has said, beneficiaries' out-of-pocket health-care costs would nearly triple by 2030 (relative to what those costs would be that year under the current Medicare program). CBO also has written that under the Ryan budget, federal Medicaid funding in 2030 would be 49 percent lower than it would be if the Affordable Care Act's Medicaid expansion were repealed but Medicaid otherwise was unchanged. And funding for non-security discretionary programs would be cut more than one-third below its real 2010 level. Yet CBO says that under this budget, total federal spending would be 20¼ percent of GDP in 2030, so it would breach the allowable limit under S.J. Res. 10 and S.J. Res. 23 by four percentage points of GDP. This illustrates the draconian nature of the proposed 16.6 percent-of-current-GDP requirement.

Another way to look at this stricture is to examine federal expenditures under Ronald Reagan. Under President Reagan, who secured deep budget cuts at the start of his term, federal expenditures averaged 22 percent of GDP. And that was at a time before any members of the baby boom generation had retired and when health care expenditures throughout the U.S. health care system (including the private sector) were one-third lower as a share of GDP than they are today. It also was before the September 11 terrorist attacks led policymakers to create a new category of homeland security spending, and before the wars in Iraq and Afghanistan led to increases in veterans' health-care costs that will endure for a number of decades.

#### ESTIMATING THE EFFECTS OF SPENDING CAP IN S.J. RES. 10 AND S.J. RES. 23

To provide a more precise and detailed analysis of the impact that the spending cap in S.J. Res. 10 and S.J. Res. 23 would have, we recently conducted an analysis of its effects, using the latest Congressional Budget Office ten-year budget projections. We considered the impact if the balanced budget requirement would take effect in fiscal year 2018, as would occur if Congress approved it now and the requisite number of states ratified it by September 30, 2013. Here are the results.

—Congress would have to cut all programs (except interest on the debt) by an average of 24.9 percent in 2018. It would have to cut programs by \$1.1 trillion in 2018 alone, and by \$6.1 trillion through 2021.

—If all programs were cut by the same percentage, Social Security would be cut \$265 billion in 2018 alone and \$1.7 trillion through 2021; Medicare would be cut \$168 billion in 2018 and \$1.1 trillion through 2021; and Medicaid and the Children's Health Insurance Program (CHIP) would be cut \$115 billion in 2018 and \$724 billion through 2021.

—Veterans disability payments, compensation, and other such benefits would be cut \$19 billion in 2018 and \$122 billion through 2021.

—Defense spending would be cut \$141 billion in 2018 and \$879 billion through 2021, on top of the reductions made to comply with the discretionary spending caps that the Budget Control Act establishes and the reductions made under the sequestration order that is expected to be issued in January 2013, pursuant to that act.

Congress would not, of course, have to cut all programs by the same percentage and likely would not do so. But if Congress chose to spare certain programs, others would have to be cut even more deeply. For example, if Social Security were spared, the average cut to all other programs would rise by more than one third, from 24.9 percent in 2018 to 34.2 percent. Similarly, if the defense budget were increased by placing it at 4 percent of GDP (exclusive of war costs) and maintaining it at that level, as presidential candidate Mitt Romney has proposed, then all other programs—including Social Security—would have to be cut an average of 38.2 percent in 2018 under S.J. Res. 10 and S.J. Res. 23.

Even if the so-called "plain vanilla" version of the BBA is pursued, rather than S.J. Res. 10 and S.J. Res. 23, the required level of budget cuts would be massive, assuming taxes are not raised to help balance the budget. Congress would have to cut everything an average of 17.3 percent in 2018, an average of 23.8 percent if Social Security were protected, and an average of 29.4 percent if the defense budget were set at 4 percent of GDP and Social Security were not protected.

#### CONCLUSION

Policymakers need to begin to change our fiscal trajectory. As various recent commissions have indicated, we need to stabilize the debt as a share of GDP in the coming decade and to keep it stable after that (allowing for some fluctuation over the business cycle). But establishing a balanced budget amendment in the Constitution would be exceedingly unwise. It would likely exact a heavy toll on the economy and on American businesses and workers in the years and decades ahead. It is not the course that the nation should follow.

Mr. DURBIN. Mr. President, another testimony that I thought was extremely compelling came from Alan Morrison. Alan Morrison is an accomplished attorney and has argued many cases before the U.S. Supreme Court. He is the Lerner Family Associate Dean for Public Interest & Public Service Law at George Washington University Law School.

Professor Morrison really asked us to think through what we are doing. In fact, he asked us the most important question: If you put an amendment to the Constitution that requires a balanced budget, who will enforce it? Who will make it work? Who will decide if you have lived up to its terms? He concluded, based on his background in constitutional law and arguing before the Supreme Court, not the President. The President is not in that position to do it. The President, of course, with his budget, has his own favorites when it comes to spending and revenue.

Professor Morrison said this case ultimately has to find its way to our court system. But he made it clear that any constitutional balanced budget amendment must expressly give to the Federal courts the standing to decide the question. He raised a question that without that expressed language, he really was doubtful that the courts would take it up. They might view it as just a political question to be resolved by Congress itself.

Now, Senator LEE, who spoke on the floor earlier, has a version of the balanced budget amendment that expressly gives standing to Members of Congress, if I am not mistaken. But the point made by Professor Morrison is that any balanced budget amendment has to expressly give to our Federal court system the power of judicial review. In other words, who is going to call the fouls, the balls, the strikes, and the outs? It is going to have to be the court system when it comes to whether the balanced budget amendment is being complied with.

That is the first question but certainly not the last question.

Professor Morrison then went on to say: Now, put this in the real world. In the real world, where Congress has passed a budget, appropriations bills, and now someone is arguing that what Congress did does not comply with the new provision of the Constitution requiring a balanced budget—arguing that, in fact, Congress is overspending the amount it is allowed to spend, for example—then, of course, that case has to find its way from the Capitol Building to the President, who signed the bill, and then over to the court system.

Keep in mind, while we are in doubt about the outcome on appropriations bills and the budget, there is a serious question about how we will continue to fund our government, whether we can continue to make important payments to military retirees, Social Security recipients, Medicare recipients. All of it is in doubt while there is a question raised as to whether the budget passed by the Congress is unconstitutional.

This is the thicket we are being led into by those who very glibly say: All we need to do is mandate in the Constitution a balanced budget, and it will just flow naturally from that mandate.

Well, listen to what Professor Morrison said:

The federal courts will (rightly) be extremely reluctant to wade into these budget battles and thus will want to be sure that there is likely to be a violation before agreeing to decide the merits. But budgets are inherently uncertain in their impact, depending on such factors as whether revenue targets are met, whether the demand for entitlements is higher or lower than anticipated, whether discretionary spending is fully realized, and whether an existing war winds down or a new one starts, each with great uncertainties accompanying them. Thus, it will be far from clear on October 1st of a given fiscal year whether a duly enacted budget will or will not be in balance, assuming that the question is reasonably close, as it is likely to be in at least some years. Unless Congress makes it clear, either in the [constitutional] amendment or perhaps by subsequent legislation, that the courts should resolve all doubts in favor of finding claims ripe, the courts are likely to be very reluctant to reach the merits even for those persons who are expressly given standing in the amendment.

Then, of course, is the question of a remedy. What if Congress passes a budget and appropriations bills, the

President signs them, and they are challenged in court, and the court says: Yes, in fact, Congress has overspent beyond the requirements of the Constitution. What is next? What remedy would the courts order? What can the court do?

Can they order the recipients (of salaries, social security benefits, Medicare payments, payments under Government contracts etc) to "pay back" [a certain percentage]? Or can it order Congress to rectify the balance in the next year's budget, which would almost certainly trigger a new lawsuit? To be sure, the courts will not dismiss as moot claims that are capable of repetition, yet evade review because the duration of the violation is so limited that the courts cannot decide its legality before it has ceased.

Professor Morrison asks us to get beyond the bumper stickers and to think twice before we amend our Constitution.

In the 220 years since the enactment of the Bill of Rights, we have amended this Constitution precious few times. We have done it for compelling national reasons. We have done it to extend the right to vote to women. We have done it to make it clear that African Americans treated as slaves will be treated as citizens in the United States. We have done it to deal with questions of Presidential disability and succession. These are things which were compelling, major, national issues which could be resolved in a clear, definitive way by our Congress, working with the States for ratification.

Now comes the flavor of the day. In the midst of the deficit crisis debate, there are those who are arguing that we should not accept our responsibility in the Senate and the House to balance the budget. No, we should just put in the Constitution that we are required to do it. And then they go further. If we are going to address it, they say, we are going to draw certain lines that future Congresses, forever, as long as this constitutional amendment applies, will be bound by—to make it more difficult to raise taxes on anyone in the United States; to make it imperative, if not mandatory, that cuts be made in programs such as Social Security and Medicare. These are questions that should be decided by Congress and the President on a timely basis.

I have been involved in the past 2 years with a lot of debate about our national budget deficit, both on the Bowles-Simpson Commission and with the voluntary effort by six Democratic and Republican Senators. It is not easy. It is very hard. But it can be done if the political will is there.

I think we need to summon the courage, the political courage and the will to do it. But we should reject—summarily reject these efforts to amend our Constitution. They are not well thought out. The Constitution is too important a document, a historical guidepost for our Nation, and an inspi-

ration for nations around the world to put in a fatally flawed constitutional balanced budget amendment in the heat of the moment.

This is a significant vote. Those of us—and that includes every single Member of the Senate—who have sworn to uphold and defend the Constitution need to take that document very, very seriously. Those who want to amend it in quick fashion, changing their amendment language by the day, should be dismissed. If they do not show the reverence for this document that it deserves, if they do not take the time to make certain their proposals are consistent with the sanctity and importance of this document, they should not be taken seriously.

I do not believe any of my colleagues can go home having voted for that amendment and expect wild applause from audiences across America. They will understand that this was just a political reaction to a very important issue. Let's not amend the Constitution with a balanced budget amendment.

(Mrs. HAGAN assumed the chair.)

Mr. DURBIN. Madam President, I would like to make one additional brief statement. I see the Senator from Ohio in the Chamber.

The holiday season is upon us, and a lot of us are thinking about our families, and we are thinking about being with them as quickly as we can. It is a time of year that has a special significance for so many of us. But what was made clear by President Obama yesterday—and my colleagues should take note—we are not going home for Christmas, Hanukkah, or any holiday season until we have done our job for the people of this country.

Millions of people in Illinois and across America are counting on Congress to extend the payroll tax cut. What does it mean in my State? With an average income of \$50,000 a year, it is worth more than \$1,000 a year to those families. It is worth about \$125 to \$150 a month to have a payroll tax cut—money that working families, struggling from paycheck to paycheck, desperately need to fill the gas tank, to pay the utility bills, to provide clothing for their kids, to make sure they can stay in their home. These are the basics.

No Member of Congress is going to be allowed to go home and ignore the imposition of such a new payroll tax on America. President Obama met with the Democratic leaders of the Senate yesterday, and he said point-blank—he has told the First Lady, Michelle, and his girls that, if necessary, they can have their Christmas vacation in Hawaii, which they go to each year, by themselves, and he will wait here until this job is done. I hope that does not happen for the sake of his family or for the sake of any family of any Member of Congress, but in order to avoid that,

we have to do the right and responsible thing.

This afternoon, there will be a vote on the payroll tax cut offered by Senator CASEY of Pennsylvania. It is a payroll tax cut that would help millions of America's working families have more to spend and help the economy to recover. And he pays for it. He does not add to the deficit. He pays for it by imposing a surtax—listen closely—on the second million dollars earned by a person in a year, not the first million. You do not pay a penny on the first million you earn. On the second million, you will pay a surtax, and I think it is 2 percent, maybe less.

The Republicans have said: Absolutely unacceptable. We will not allow you to impose this onerous tax on these people.

People who are already making \$20,000 a week, we cannot ask them to pay 2 percent more on the next dollar they make? I do not think it is unreasonable. And if it leads to a payroll tax cut that helps families across this country, if the economy continues to recover even at a faster pace, if we see more business activity and business life and more people working, do you know what is going to happen? Those same wealthy people will prosper again, as they always do. It is in their best interests for this economy to get well. For our Republican friends to fold their arms and say: We are just not going to let you touch the wealthiest people in America, is an irresponsible position.

Senator CASEY has led this effort. It is the second effort we have made. We had one last week. The Republicans offered their alternative last week. It had 20 votes on the floor of the Senate—20 out of 47 Republican Senators. Twenty voted for it. They want to bring it up again today. They will probably get more than 20 votes this time, but it is pretty clear that the Republican Senators are halfhearted in their support of this Republican alternative.

One Republican Senator from Maine had the courage to step across the aisle last week and join us. We salute Senator COLLINS for doing that. We hope others will do it today.

We can bring this challenge to a close the right way by extending the payroll tax cut, paying for it with a tax on the wealthiest people in America. We can do our job and go home and be with our families. If Republicans will not come to the table to work with us on a reasonable compromise, I am afraid the American people will know very clearly who is to blame for continuing a tax on working families across America.

The facts are that we want working Americans to have a good year, get through a difficult time, and the economy to recover.

We should be doing this on a bipartisan basis. The President said: Roll out your Christmas trees and blankets



here in the Senate because you are going to stay here, even through the holidays if necessary. We are not going to go home to celebrate until we can celebrate with American families who are counting on us across America.

I yield the floor.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. BROWN of Ohio. Madam President, I go home every weekend, back to northeast Ohio where I live in a town called Avon in Lorain County. I want to go home at Christmas. I want to be with my 3-year-old grandson and my three daughters and son. But I also think our obligation, as Senator DURBIN said, the assistant majority leader, is to stay here and get our work done. And "get our work done" means extend the payroll tax cut and extend unemployment benefits.

If we do not do that, frankly, we are ruining the holiday season for tens of thousands and dozens of tens of thousands, if you will, of Ohioans and Illinoisans and North Carolinians. If we do not do that, we do not deserve to be able to go home and be with our families. I am not trying to be a martyr, but I think it is shameful a group of people, in order to protect the highest income taxpayers in this country—those making over \$1 million a year—continue to block an extension, a continuation, if you will, of this tax cut for working families.

In my State the average tax cut that we will vote for today, and continue until it happens is about \$100, \$110, \$120 per family per month. It is absolutely unconscionable not to do that.

Senator DURBIN also talked about the constitutional amendment to balance the budget. I want to recount something I heard earlier today on the Senate floor. Two of my conservative colleagues—one from Kentucky, one from Utah—spoke about the importance of a balanced budget amendment. I supported a balanced budget amendment in the past when I was in the House of Representatives. In here I have actually voted—it was part of an effort to get us to a balanced budget in reality in the 1990s. When President Bush took office we had the largest budget surplus. We balanced the budget and then some. We had the largest budget surplus in American history.

I was part of that. I was proud of that. We accomplished what we set out to do. We accomplished what we said we would, and we accomplished something very important for our country. It was then in the first years of the last decade—in 2001, 2002, and 2003—that we went to war, two wars, Afghanistan and Iraq, and we did not pay for them.

President Bush, in those days, pushed through two tax cuts—one in 2001, one in 2003—that went overwhelmingly to the wealthiest Americans, without paying for it, without offsets, cuts, or other taxes. Then President Bush also

pushed through—at a very close, middle-of-the-night vote in the House of Representatives, by, I believe, one vote or two votes—a Medicare privatization bill that basically was a bailout for the drug companies and the insurance companies and did not pay for that. That is why we got to this situation, unfortunately, where we have had this terrible budget problem.

What I wanted to address is what the solution of a couple of my colleagues seems to be. To their minds, there seems to be sort of a moral equivalent of, on the one hand, asking millionaires, people making a million dollars and up, to pay their fair share and making Medicare beneficiaries and Social Security beneficiaries take big cuts.

So I heard my two colleagues basically say this: that if the Democrats were serious about moving toward a balanced budget—and, again, 15 years ago we did it. We absolutely did it with President Clinton, got to a balanced budget, got to a surplus.

They said if the Democrats are serious about that, they will raise the retirement age for Social Security, and they will raise the eligibility age of Medicare. Let me tell you why that is a bad thing. I was in Youngstown not too long ago at a townhall meeting. A 63-year-old woman stood up and said—62, 63 years old.

She said: I just need to stay healthy and stay alive until I am 65 so I have health insurance. I need to be able to stay alive for another couple of years so I can get on Medicare and have health insurance.

Imagine living your life that way, when you are thinking: I just have to stay alive until I am 65. Then I will have good government Medicare health insurance. So some people here say: Well, tough luck. We are going to have to raise the eligibility age of Medicare to 66, 67, 68, whatever my very conservative colleagues are proposing—from Utah and Kentucky—raise the eligibility age for Medicare as if that is going to make them better.

When you think about it—I want 62-year-olds—one reason we passed the health care reform, I want 62-year-olds to have health insurance. One, it is good for them. Second, it is way better for the country, including taxpayers, that they get health care before they get sicker and sicker and end up in the emergency room or end up with cobbled-together health care that is much more expensive, let alone what it does to this lady and her family.

Second, they proposed to raise the eligibility age for Social Security. Now, it is easy for people around here to dress like this who, for all intents and purposes, talk for a living—work hard at what we do but talk for a living and work in offices and, you know, do not do heavy lifting and are not exposed to the elements and all of that.

It is easy for us to say: Let's raise the Social Security age to 70 because, God willing, we will still be here if the voters vote us in and we can keep doing this. Most of us are pretty healthy and do not work around asbestos and are not doing heavy lifting, are not working in the snow, in the rain, in the heat.

Well, when I think about raising the retirement age to 70, here is who I think about. I think about construction workers. I think about women who cut hair. I think about a waitress who works at a diner. I think about someone who works at a factory in Brunswick, OH. I think about people who walk the floors in retail. We are going to tell them that—we who dress like this, we who have jobs like this are going to tell those constituents—and there are millions in my State and tens and tens and tens of millions around the country, working-class citizens of this country who simply cannot work until they are 70.

If you are cutting hair, if you are changing sheets in a hotel, cleaning out bathrooms in a hotel, if you are working as a carpenter or a laborer or sheet metal worker, if you are working as an auto worker, a steel worker or nonunion in a tool-and-die or machine shop, you probably cannot work until you are 70. Your body probably will not be able to function in the workplace, with the physical and mental demands now to work in the workplace until 70. Yet people here think it is OK to do that.

The people here, I would add, can retire if they have 20 or 25 years in the House and Senate. They can retire at 60 or 62 or whatever and get a full pension. That is why I have introduced legislation—not opposed to their balanced budget amendment. I think it has all kinds of mechanisms in it that lock in low tax rates for the richest people in this country. I will not get into that. Senator DURBIN talked about that.

But I have introduced the legislation that simply says if we raise the retirement age to 70, then Members of Congress cannot retire with a pension until 70. Why should Members of Congress be able to get a pension at 62 or 58 if they served enough years, but a Social Security beneficiary should not until a decade or so later?

So it is important, as we talk about balancing the budget, as we talk about our fiscal situation, not to make a moral equivalence between the richest people, the richest 1 percent in this country paying their fair share in taxes, making that a moral equivalence to Social Security and Medicare beneficiaries having to endure significant cuts.

Some people around here call Medicare and Social Security entitlements. They can be dismissive: We have to fix entitlements. Well, talk to a 72-year-



old in Dayton or a 68-year-old in Zanesville or an 81-year-old woman in Xenia or Springfield, OH, and they will tell you oftentimes this is not really an entitlement, this is an investment. They paid into Social Security. They paid into Medicare. They want to make sure the government fulfills the covenant that we made over the last 75 years in the case of Social Security, 45 years in the case of Medicare, the covenant that we made between our government and the citizens of this country. That is the importance of that. We need to think twice.

That is why my legislation was introduced, in part, that Congressmen and Congresswomen cannot receive a pension before the same retirement age as Social Security beneficiaries. We need to think twice before we are going to tell a carpenter or a barber or a retail worker or a steel worker that we are going to raise the retirement age and make them work until 70 so they can receive Social Security benefits.

I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. COBURN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. COBURN. I ask unanimous consent that I be allowed to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### MAKING TOUGH CHOICES

Mr. COBURN. I am coming to the floor now because we will not have an opportunity to debate on the payroll tax cuts because the vote is going to be at 2:30 and that time is taken.

I think it is important for the American public to look at what is happening in Washington right now. There is not a disagreement in Washington about whether we want people to continue to receive this tax cut. The disagreement is, should it come out of Social Security? Should we continue to undermine Social Security or should we do it a different way? That is No. 1.

No. 2 is, if we are going to borrow \$117 billion against our children knowing that we have significant waste, fraud, abuse, and duplication in the Federal Government of in excess of \$350 billion a year, should we not eliminate some of that, pay for this rather than borrow the money?

So we have the posturing between the two parties based on the election that is coming to create a predicate that some people only care for the rich and some people only care for those who are less fortunate, which is all smoke and mirrors. There is unanimity that we want this to continue. So what the American people are not hearing is the real debate.

The real debate is, should we eliminate some of the waste, some of the stupidity, some of the duplication in the Federal Government and actually do that to be able to pay for this so that as we do this thing that we all want to do—in other words, keep this \$1,000 to \$2,000 per family in the economy now—that we do not do that by crippling the children of the very people who are in the economy.

You know it is a zero-sum game. Somebody is going to pay the bill sometime. If it is us who refuse to do the hard work of ferreting out waste, duplication, fraud, then our service will have been in vain because what we are really doing is transferring to our children the responsibility for us today. Actually, it is going to come doublefold because the way this bill is lined out is we are going to borrow the money in the market to pay for this continued decrease in Social Security taxes.

We have already stolen \$2.6 trillion from Social Security, Congresses have the last 20 years. When we borrow that money and put it back in, there is no reduction in what is owed, so our kids are actually going to get to pay for it twice. They are going to pay for it now with the new debt that we are taking, and the fact that new payment was not recognized as a reduction, they are going to get to pay it again.

So it is going to cost our children a quarter of a trillion dollars. There is a lack of honesty in talking plainly with the American people. They know we are in trouble. The question is, Will we be honest with them, treat them as adults in terms of how we go about solving the problem? We hear the mess. The press takes advantage of that. There is not a lot of difference between the Senator from Ohio who just spoke, in terms of what we want to do in terms of protecting seniors. But the politics surrounding it and the game playing poorly serves our country.

So for all the press that is watching, we are going to get this done. I know it is the game Blood Sport that is happening right now, with the press saying: Will they or will they not? It is going to happen. We are going to fix unemployment so that we have a continuation of that. The real question is, Will we fix the real things that the country needs fixed or are we just going to kick the can down the road?

What we are doing is kicking the can down the road because we won't make the tough choices to pay for it. We won't pay for the unemployment benefits. The first 26 weeks is what is earned; that is what people contributed to. We are up to 99 weeks, and that comes directly from the American taxpayer—it actually comes from the future American taxpayer.

Some real questions ought to be asked. What is the game being played in Washington by both sides—trying to

get advantage in the next election? As our country drowns in debt, we continue to further mortgage our children's future, and we continue to treat the American people like children rather than the adults they are. Everybody knows we are all going to have to sacrifice. Does that mean we are going to abandon the social safety net? No, it doesn't. Does that mean a 62-year-old who is trying to get on Social Security is not going to get there? No; they are. Those are the tactics of fear that something will not be there. As a fiscal conservative or a constitutional conservative, I want us to fulfill our obligation to the promises we have made and to our oath, which is to uphold the Constitution. Thomas Jefferson said you should never borrow money which you have not laid a tax to pay for. He is a Founder—one of the Founders of our country. We would do well to go back and revisit the wise and prudent advice of our Founders. You don't see that or hear that much anymore in the U.S. Congress.

These are big problems our country is facing. I am 63—soon to be 64—years old. We have never faced anything close to what we are facing today. How we react and how we respond is going to make all the difference in the world—not only for our short-term future but also for our long-term future.

I hope the American people who are listening right now understand that we are going to do what is necessary to help get the economic process of our country running again in a better and viable way. I hope you will dismiss the partisan rhetoric and the class warfare rhetoric that is all too commonplace today. If we will focus on what the problem is rather than the next election, we will have a great deal more success in coming together and forging solutions the American people can be proud of and we will actually move our country ahead.

With that, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BEGICH. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### CORDRAY NOMINATION

Mr. BEGICH. Madam President, first, I want to comment on the Cordray appointment that was attempted a little bit ago, and then I want to bring up some more good news on the economic front.

First, I was somewhat disappointed in the vote of 54 to 45, garnering only 1 Republican from the other side—only 1—and on such an important agency that ensures the protection of consumers in a variety of areas. It seems illogical to me that we would not find

compromise in a vote to appoint someone to run an agency that this body, in a 60-vote margin, approved to help protect consumers, particularly considering what has happened over the last several years and the glaring problems and challenges consumers have had to endure with the financial institutions of this country as well as from other entrepreneurs, such as pawnshops and payroll check cashers. All of these institutions would have firm regulations and provide the consumer an opportunity to respond, or those who get abused by those programs.

I am a little disappointed. I wasn't intending to come and speak on that issue, but I wanted to have my voice on the floor that I was disappointed that an appointment could not happen, which I believe is raw politics. It has nothing to do with the individual's ability to make this agency run properly. They didn't want to appoint him because they didn't like the agency—the 45 or so who didn't vote for it. And I think it all boils down to one very simple thing: Consumers are now, once again, left without someone running an agency that will help protect them against these people who prey on individuals in the financial arena.

#### THE ECONOMY

Again, Madam President, I am somewhat disappointed, but let me get to the real reason I came to the floor. I came down yesterday and had a lot to say about the economy and where we are and the headlines that were reported yesterday. And in less than 48 hours—27 hours—there are more good news headlines.

These are some of the headlines I talked about yesterday: "Jobless Rate Dips to Lowest Level in More Than 2 Years." New York Times. CNN: "Dow Closes With the Largest Gain Since March 2009." "Private Sector Jobs Soar. Payroll Forecasts Rise." That is Reuters. The Wall Street Journal: "Online Sales Reached Record \$1.25 Billion on Cyber Monday."

On top of that, we had record sales for Thanksgiving weekend—Black Friday they call it, and Small Business Saturday. Again, an incredible impact for our economy.

What this tells me—even though we get a lot of criticism from the other side and others who complain maybe we are not doing our job and are frustrated that Washington isn't working as well as it could—and I agree there are a lot of areas where we are not able to move forward, such as the appointment I mentioned a few minutes ago—is there are good examples of policies we have worked through over the last 3 years during this great recession. We have fought kind of a lonely war to get these policies in place.

Once again, more good news, and let me read off a couple. This week's Time magazine has a whole article entitled "How America Started Selling Cars

Again." Why is this important? Because this is a manufacturing base for our country. It employs people not only in jobs in the automobile industry but it trickles all the way through the economy of the country. It doesn't matter if they are at a port, for example.

I remember meeting recently with the folks from the Detroit Port Authority talking about ships and the movement of product from the automobile industry across this country, but also manufacturing and other activities throughout the country that support the automobile industry. It is moving forward. It is growing.

We took a dramatic step and got a lot of criticism for it. As a matter of fact, no one wants to even mention the words, because everyone is so nervous about it. Some call it an auto bailout. And, yes, we did do that. That result is a healthy, strong, profitable industry that is bringing jobs to America and creating jobs in America. As a matter of fact, there was an article in the Wall Street Journal not long ago talking about how we are importing jobs from Japan and China back to the United States, to the automobile industry, because it is successful.

And, oh, by the way, they are paying back all those loans they got from the Federal Government with interest. So the taxpayers are getting their money back in full. The net result is, because we helped at the right time, we have ensured we are still a player in the automobile industry not only in this country but in the world market. So for those who want to continue to complain and to demonize that action, the net result is we are bringing jobs back to the United States in this industry.

The Cash for Clunkers Program was another piece of legislation that barely passed. Again, many of us on this side of the aisle took that lonely road because we thought it was the right thing to help move this economy forward. Again, the net result is this industry is profiting more in the last several years. They are producing more jobs not only in their industry directly but indirectly. And the naysayers on the other side rarely bring this up anymore, because in less than 3 years—really, less than 2 years—this industry has turned itself around because of American ingenuity and with the help and support from the U.S. Government, and that help and support is being paid back with interest in the good old American way.

So from my perspective, once again, this is a great story, and I commend Time magazine for talking about the future.

Let me also talk about another one. This is from CNBC. I pulled this off because I like looking at all the business magazines and Web sites every morning. I glance through quickly to see what is happening, what the markets

are doing, what the industry is doing, who is investing, what are the new businesses, and what is happening out there. Here is this one: "U.S. Mortgage Applications Jumped Last Week."

This is the industry that fell apart in the beginning of the great recession—the housing industry. A lot of people say that was the main reason the economy collapsed. It was a significant portion of it, no question about it. But let me read this.

The Mortgage Bankers Association said its seasonally adjusted index of mortgage application activity, which includes both refinancing and home purchase demand, spiked 12.8 percent in the week December 2. The MBA's seasonally adjusted index of refinancing applications also jumped, gaining 15.3 percent, while the gauge of loan requests for home purchases rose 8.3 percent.

By loan requests, these are people who are now saying, I want to think about buying a home. I want to purchase today. I want to start examining what is out there.

Here is what the Mortgage Bankers Association's vice president of research and economics said. These are his words:

Applications increased significantly as mortgage rates dropped to their lowest levels in about 2 months.

Actually, overall, it is the lowest level in decades. But we now measure things by an eighth of a point. So when you are at 4.125 or 4.25, we are now measuring which is lower overall, but it is lower for the last several decades. Incredible.

Let me read another one. This is from Politico, but it is reporting on the Bloomberg Global Poll—which they started doing in 2009 to sort of see where foreign investors will put their money. Where will they invest? Where will they take the dollars they have accumulated or will gather through investors and shareholders and so forth? Where are they going to put their money?

More than . . . 41 percent, said they expect the U.S. will have one of the strongest performing economies in the world in the coming year—the highest percentage the country has seen since the Bloomberg Global Poll began in October 2009.

Here is another one. Today, again MSNBC. "Jobless claims drop to 9-month low."

. . . jobless claims dropped 23,000 to adjusted 381,000—

That is actually below the magical threshold of 400,000, which people watch. The question is, Will it be consistently under 400,000? We have received more of these under 400,000 recently than in the last 3 years. That is a good signal that the economy is moving.

I know some will say it is not enough. Well, when I came here, half a million people were losing their jobs every single month. So we have now had 21 consecutive months of job growth in the private sector. That is a

great statement for us as an economy, this 21 consecutive months of job growth. It is an indication our economy is moving.

Do we want it to move faster? Of course we do. That is what America is about. We want to see things happen right now—today. But this has been called a great recession. Yet we are pulling ourselves out of it. It takes time and it takes good policy. And, yes, it takes some opportunity and taking a little risk, and we did some of that here. We made some decisions that were tough and were not necessarily very popular at times.

I remember many of the calls I received on some of these issues. But what is the end result? That is what we have to measure by. Leadership is not about waiting for a poll to tell us what is right or wrong or waiting for someone to say, here is the right move because your constituency will vote for you if you do this thing this way. It is about leadership. Sometimes the leadership role is tough. It means getting a few trucks running over you a little bit, leaving some tire tracks on your back, but the end result is what we look for.

Today, where we are, we have job growth—not as significant as we want but job growth. Where were we? Half a million jobs a month disappearing.

Let me cite another one. This is a big issue people are concerned about. As a former mayor, managing a city, you are always looking at the revenues because the revenues tell you how your local economy or, if it is State revenue, how your State is doing. If you remember, at the end of 2008, 2009, and beginning of 2010, there was incredible concern about local governments collapsing under the debt and deficit spending and unable to manage.

As a matter of fact, the markets were concerned about municipal and State debt and what that might mean. Oddly enough—and I wish I had brought that article—it hasn't panned out as people thought. Local governments, State governments are doing better than people anticipated. It is still a tough road, no question about it. We still have firefighters, police officers, and teachers who have been laid off. We tried to pass a bill here to help that out, but that didn't happen because too many on the other side opposed it.

But for State and local governments, here is the latest State revenue report by the Nelson A. Rockefeller Institute of Government, University at Albany, NY: "Overall Tax Revenues Show Strong Growth in Second Quarter." The article speaks to State tax revenues growing by 10.8 percent in the second quarter of 2011.

As a matter of fact, the year ending June 2011—which is the end of a lot of fiscal years for State and local governments—the period corresponding to 46 States—almost all of the States' fiscal

years—total State collections increased by \$58 billion in that year, or 8.4 percent, from the previous year, the strongest annual gain since 2005.

What does that mean? That means local economies, State governments, are starting to recover. It is still a rough road but starting to recover. Good signs. That means there is more economic activity within their communities. It means businesses are replanting and redesigning their opportunities in those communities. People are buying homes, as I mentioned, which means they are paying property taxes, which means those local governments can hire police and fire and paramedics and teachers.

Again, I could probably come here every day and give this kind of good news. Because what we all hear—today, the market is down. I forget what it is—70, 80 points, maybe 100 today—but the headlines will be: market crashes or market dips significantly.

Here is the reality. Since March of 2009, the market is up, even with today's activity, 81 percent. That means my son's 529 account is better today than it was 3 years ago. That is good because that means my wife and I can afford to make sure he can go to college someday. But it also means retirement accounts have more resources in them today than they did 2½ or 3 years ago. It means public pension programs and investment retirement programs that invest in these kinds of markets also are doing better. But, again, the headline will be that the sky is falling because that is what people like to do. They like to prey on fear rather than opportunity.

I think a lot of us on this side believed in the opportunity, in the future of this great country 3 years ago when we sat here and made some tough decisions over the first 18 months in my term. Tough decisions. But we believed in what was possible. We believed that this economy would turn around with a little help from the people who live here, work here, and see the future.

We also knew we had to do a little bit. We had to do something extraordinary to create the opportunities for the future of this great country. As I mentioned, private sector jobs increased, the automobile industry better than ever before, home sales doing better than they were 2½ years ago, the market is up by 80 percent—all good news. But we don't hear a lot of those as the front-page, above-the-fold, big, bold headlines because they are not sexy. They are not controversial. But that is what is happening. If a lot of us around here had more belief in the potential, it would be incredible what could happen.

Let me end on this note; that is, we are in the middle of the debate on continuing tax relief for the folks who are working every day, the people I just talked about who are buying homes,

buying cars, paying taxes. We are saying to them: We want to make sure you continue to receive the dollars in your pocket.

In my State, that is \$300 million—just in my State, \$300 million with the payroll tax deduction that they get to keep for 400,000 Alaskans instead of the IRS taking it. I don't know about you, but I think that is a good thing.

I know some will say: We have no proof this works. Well, I just gave proof. I will give proof every day if necessary. Yes, we can't say this certain industry came back because of this one little item. But I will tell you, if we put \$300 million in my State into the hands of 400,000, Alaskans, a little over \$1,000 per person, the net result is they are going to spend that money in the economy. They are going to buy that car, that washing machine, or go on that vacation. They are going to spend that money in this economy. Yes, there is no fancy report that said this business succeeded because we gave them this special tax break—which we shouldn't do. We gave to the people of this country an incredible opportunity to take their money and put it to work.

Mr. President, 160 million families will benefit—160 million families will benefit by this action today. People making \$50,000 or less will put back about \$1,000 into their pockets again—not in the IRS's pocket but into the consumers' pockets that they will spend.

Again, I will hear from the other side how bad it is, that there is no proof, that this may not work. It is working. They can deny it all they want, but I will continue to lay all the facts down. It is not me producing this out of some government document. It is mostly some very conservative publications reporting on the good news.

I hope the folks on the other side—and I know we picked up a Republican from when we had this before. This is a modified, compromised version that didn't pass last week to say: OK, we are trying to compromise. But we are keeping it simple and trying to do it in a way that ensures that middle-class Americans, and Alaskans whom I represent, put more money in their pockets, people who are working every day, making a difference in the economy—not people who are just on the top end of the cycle. I know that is the great debate, and we differ and I differ with several people on the other side.

I do believe people who make \$1 million or more should pay a little bit more. I don't have any heartburn over that. It is 235,000 people we are talking about versus 160 million. That is who I want to put my investment in because I know those people, who are individuals, families, and a significant portion of small businesspeople who will continue to build this economy.

As a matter of fact, the best growth period and growth pattern right now is

small business. They are the ones that are the backbone of this economy. Those are the ones that we need to help. That is what this bill does. I hope we find the magical success.

I wish we would have 50 majority votes like the rest of this world operates under. For some reason, this place has to have special rules and make it complicated and hard for anything to get done. But maybe there will be some people who join and want to support the American people and support giving them tax relief and making sure their lives are better, especially at this time of year with Christmas around the corner. I would love to give them a good Christmas gift. I think all of us would. Let's do it. Let's do it today. Let's do it for the American people. Let's do it for my constituency in Alaska, for your constituency, Mr. President, and all the rest in this room.

Mr. President, if there is one thing I look for, if it makes a difference for Alaska, if it is about Alaska, I am there. This is not only about Alaska, it is about this country. It is about the middle class. Not only am I there, I am double there, and I hope we find opportunity in this Chamber to do the right thing.

Mr. President, I ask unanimous consent that any time spent during a quorum call between now and 2:30 p.m. be equally divided.

The PRESIDING OFFICER (Mr. BLUMENTHAL). Without objection, it is so ordered.

The Senator from Nevada.

Mr. HELLER. Mr. President, today the Senate will consider my legislation again to extend the temporary payroll tax cut.

This week, the Senate has been given another opportunity to do the right thing and provide much needed relief to the American worker.

It shouldn't be news to anyone that Americans are desperate for solutions. Millions of Americans are unemployed, underemployed, or have simply given up looking for a job.

In between looking for a job or higher paying employment, Americans are busy trying to figure out how to handle high health care costs, looming bankruptcy, and the threat of foreclosure.

As a Senator from Nevada, I understand how difficult it is, perhaps more than any of my other colleagues. My State has the unfortunate distinction of leading the Nation in unemployment, in bankruptcies, and in foreclosures. I hear from my constituents every day on these issues. Nevadans—Democrats, Independents, and Republicans—are looking to Congress for answers, and they are frustrated that they are not getting them.

Even with the economic difficulty Americans across the country are experiencing, Congress appears to be prepared to stage a partisan standoff rather than extending a payroll tax cut for

hard-working Americans. I cannot allow this to happen. Americans deserve solutions.

The plan I have introduced to extend the payroll tax cut is a workable solution that will provide relief for Americans responsibly. In fact, the solution I am proposing today borrows a cost-cutting idea from the bipartisan Simpson-Bowles Commission that can actually pass Congress and be signed into law.

My proposal allows American taxpayers to hold on to more of their hard-earned wages while not punishing the Nation's job creators as the majority proposes. Under my plan, American taxpayers will not see a tax increase. In fact, my plan prevents a tax increase on those already receiving a payroll tax credit. Today, Congress can do the right thing by allowing employers to continue to invest in their businesses so they can plan for the future and, of course, hire more workers.

I understand that Democrats would prefer to pay for the payroll extension by raising taxes on employers. But treating tax dollars responsibly is absolutely necessary if we are going to see long-term economic growth in this country. In this case, we can extend the payroll tax cut and still pay for it.

I also understand that not all Republicans support my plan. To be honest, I disagree with some of my colleagues who claim a payroll tax holiday is not necessary. I believe that we should allow more Americans to hold on to their hard-earned wages. For those who are already struggling to live within their means, this payroll tax cut will continue some much needed relief.

Today, I am asking my Republican and Democratic colleagues to come together and join me to help continue the payroll tax holiday without raising taxes on businesses in America. This will help preserve long-term job growth in the future.

My proposal is a workable solution containing provisions endorsed by both the majority and my colleagues in the House of Representatives. This is the only version of the payroll tax cut that has the potential to pass Congress and to be signed into law.

My proposal pays for the payroll tax cut by reducing government spending where it is no longer needed and requires the richest Americans to pay higher premiums for Medicare. This will allow us to strengthen and preserve Medicare for those Americans who rely on the program the most.

This is the same approach endorsed by Democrats who say the richest Americans should do more. Americans want solutions. They do not want more partisan bickering.

This week Congress has another opportunity to do the right thing to help hard-working Americans extend the payroll tax cut holiday.

I make calls back to my home State every week. In those calls, I ask Nevad-

ans if they think their children will have access to a better, brighter future than their own. For the first time in history, a majority of Americans and a majority of Nevadans believe their children will have less opportunity. By continuing down this path of partisanship, Congress is robbing the American people of the dream for their children. This needs to stop.

We in this body need to seriously consider the high stakes of the political games that continue to unfold on this Senate floor. American workers need solutions and they need relief right now. Congress should come together today, put partisanship aside, and pass meaningful legislation that will benefit all Americans.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. CASEY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CASEY. Mr. President, I also ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CASEY. Mr. President, I rise this afternoon to speak about an issue we will be voting on today and we have been discussing and debating now for a number of days. We are into our second week of debate about a cut in the payroll tax. Just by way of review—and so many Americans have been following this debate—here is where it basically stands between what we did last year and what we are trying to do this year.

Last year, as part of a larger tax bill, we reduced the payroll tax for employees across the country from 6.2 percent to 4.2. So that 2-percent reduction meant millions of American families were able to have about \$1,000 in their pocket of take-home pay they wouldn't have had otherwise absent that action in the tax bill. What we are trying to do this year—and I should start with what I tried to do last week, and we got 51 votes for this—is to say we should not only continue or extend that cut in the payroll tax but we should expand it. So instead of saying it should go from 6.2 to 4.2, we take it down to 3.1. In essence, what we tried to do last week was cut in half the payroll taxes that relate to employees. We wanted to add to that cutting in half the payroll tax for small businesses, and they would benefit disproportionately. Thirdly, we wanted to add to that a tax credit so that if an employer hired or increased wages for employees, if an employer expands their payroll in one of several ways, they can get a tax credit equal to an elimination of the payroll tax. So instead of the usual 6.2,

you would be down to zero. So the combination of those three would mean we would be helping employees by cutting their payroll tax in half, helping employers by cutting their payroll contribution in half, and then have this third element as well for employers who actually hired people or added to their wage base.

Unfortunately, in the Senate, because we needed 60 votes and got 51, we knew at that point we couldn't get enough support from the other side of the aisle. So what I did, in working with our leadership and working with folks in the Senate, was to refashion the legislation so that we made it smaller. We reduced the cost of the overall proposal by some \$80 billion. We also concentrate on just the element we worked on together last year, which was the employee side.

Here is where we are in this debate about cutting the employee payroll taxes. It is down to this question: Should we cut it to 4.2, as we did last year, or should we cut it further and reduce it in half? I believe we should, and I think most Americans believe that.

Here is what it means to folks out there. Instead of saying we will continue what we did last year—which would be about \$1,000 per worker, in essence, per family, on average—if we cut it in half, we can get that number up to \$1,500. So it is not just putting money in people's pockets and continuing to do that for another year, but it is more money. It would go from roughly \$1,000 to approximately \$1,500.

That is where we are. Unfortunately, we are not yet sure we can get the support we need to do that.

Here is what it means to Americans. It means more money in their pockets, more take-home pay, but it also means that if we don't, at a minimum, extend the payroll tax cut from last year—here is what it means on two issues: GDP—gross domestic product—and jobs. According to Mark Zandi of Moody's—someone we have quoted often on both sides of the aisle and relied on his expertise—not extending the payroll tax at least to the 4.2 level would reduce 2012 growth of real GDP in a State such as Pennsylvania, by way of example, by 0.52 percentage points. That means we are talking about gross domestic product or gross State product, in a sense, in a State such as Pennsylvania, cutting it in half instead of allowing it to grow. So this has a real adverse consequence for Pennsylvania and for the country if we don't do what we did last year.

Of course, if we did more than we did last year, as I think we should and I think most people do, we could not only not fall behind, but we could move forward dramatically.

Here is another way to look at it: Jobs. According to Mark Zandi, not extending the payroll tax cut will cost

Pennsylvania 19,700 payroll jobs in the calendar year 2012. For context, in the State of Pennsylvania last year, the payroll tax job creation number—or payroll jobs added last year—was 54,500. So we created last year in a State such as Pennsylvania almost 55,000 jobs. But if we don't extend the payroll tax cut this year, we are talking about losing as many as almost 20,000 jobs. This is a substantial factor in the discussion about our economy. It would have a substantially adverse impact if we don't keep the payroll tax cut in place.

As I said before, we should do more than we did last year. We should cut it in half. It would give people across the country peace of mind in two time periods: The next couple weeks when they are going out and shopping and enjoying the holidays. We want people to spend as much as they feel they can, and if they know they are going to get \$1,000 to \$1,500, they can spend more in this upcoming holiday season. But it is especially important for 2012. Why should taxpayers have to live with a tax increase because Washington just didn't get along and the same old political games were played in Washington instead of saying let's come together in a bipartisan way and extend and expand the payroll tax cut from last year.

We have lots to do in the next couple days and weeks. But maybe the most important thing we can do in the next few days is to make sure we cut the payroll tax again. Because this is about whether we are going to give people peace of mind as we head into a new year and whether we are going to put more money in their pockets in order to jump-start the economy, to give the economy the jolt we got at the end of last year. Last year, we came together and passed a tax bill and we had average job growth from February, March, and April 2011—those 3 months—average private sector job growth of just about 240,000 jobs. We need another 3-month period similar to that. In fact, we need another 6 or 7 or 8 months similar to that. But the only way to get there is to put in place this payroll tax cut.

I hope when we vote later today, we will get at least 60 votes for this effort to make sure we are giving Americans peace of mind and more money in their pockets.

With that, I yield the floor and note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BLUMENTHAL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. SANDERS). Without objection, it is so ordered.

Mr. BLUMENTHAL. Mr. President, I ask unanimous consent to speak de-

spite the expiration of the majority's time.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. BLUMENTHAL. Thank you, Mr. President.

Mr. President, I begin by thanking my colleagues, many of whom served in the last Congress. I thank them for extending the payroll tax cut at that time, providing a payroll tax cut from 6.2 percent to 4.2 percent. I thank them on behalf of myself. I was not a Member of this body at that time. I thank them on behalf of the American people. They are due that thanks and appreciation for that vision and courage in extending that measure in cutting the payroll tax so as to lessen the recession. We have only to listen to the virtually unanimous opinion of economists to the effect that we saved the Nation, this body saved the Nation from a deeper recession.

Now I ask my colleagues to undertake a similar mission, to accomplish the same goal, to once again save the Nation from a deeper recession. The recovery of this Nation's economy has been fragile and slow. Many economists—notably, Mark Zandi, who has been quoted by my distinguished colleague from Pennsylvania—say that a failure to extend it will mean a new recession. We are talking about average Americans, ordinary people who are hurting and struggling. They are hurting economically and struggling to find jobs. They are struggling to stay in their homes and keep their families together at a time of year when joy and satisfaction ought to be the quality of their lives. They deserve this measure of peace of mind, as my colleague from Pennsylvania, BOB CASEY, has referred to it. But all of us—the entire Nation—deserve the economic security, which is a matter of national security.

Rescuing this country from continuing debt and deficit means returning to full employment. Twenty-five percent of our deficit can be eliminated by going back to lower rates of unemployment.

Economic recovery is a means to countering and curtailing what the former Chairman of the Joint Chiefs of Staff called a national crisis and a security threat.

Economic recovery depends on consumer demand. As I go around the State of Connecticut, businesspeople tell me what they need most is consumer demand. Their confidence and certainty about the future of the economy, their willingness to invest, depends on consumer demand. That kind of factor, that need is what ought to motivate all of my colleagues—every Member of this body—to vote for this measure, not only extending that payroll tax cut but also reducing it by 3.1 percent.

We are talking about anywhere from \$1,400 to \$1,500 or more in the pockets

of people around the country, people around the State of Connecticut. The average middle-class family in Connecticut earns \$83,797 per year and would save \$1,676 in taxes under the current payroll tax cut. Let me give you those numbers again. The average middle-class family in Connecticut earns \$83,797 per year—back in their pockets \$1,676 in taxes under the current payroll tax cut as proposed in this measure.

We are talking here about a compromise. Our side of the aisle has modified this bill to make it about one-third smaller in size and cost. This legislation will no longer give employers a tax break. We have pulled back on the magnitude of this measure. But it will still affect 160 million workers who will receive nearly \$1,500 in additional take-home pay.

This bill will be paid for by measures that were coming from the deficit reduction proposals contained in a number of the supercommittee's ideas. It is paid for by fees charged by Fannie Mae and Freddie and by a proposal suggested by my colleague, the Republican leader. The cost-saving reform suggested by him would make millionaires ineligible for unemployment compensation and food stamps.

This legislation also levies a surcharge, a temporary 10-year surcharge, on the highest earners in American society, who can well afford it when their own interests would be extraordinarily well served by the consumer demand and economic recovery that would be generated.

I know many of my colleagues, including the Presiding Officer, are concerned about the effect on Social Security, and so am I. The Social Security trust fund is a trust, a sacred trust that we are honor bound to protect. And I would not vote for this measure if I thought it created a threat, a real threat, to the viability of that fund. But I believe the assurance we have received from the chief actuary of that fund—and it is contained in a letter to Secretary Geithner and to Jacob Lew, it was printed in the CONGRESSIONAL RECORD yesterday by Senator CASEY, and it assures that the effect would be negligible. In fact, it says the trust funds would be "unaffected." It uses that word, and I will quote directly from the letter.

We estimate that the projected level of the OASI and DI Trust Funds would be unaffected by enactment of this provision.

That letter comes from the chief actuary of the trust fund, and I am prepared to rely on that assurance and to say that I believe this kind of measure is the responsible thing to do at this point in our economic history to make sure our recovery is continuing.

The effects of failing to do so: The economists differ whether the rate of growth will suffer by .5 percent, which is Mark Zandi; or .66 percent, Goldman

Sachs; or 1 percent, RBC Capital Markets; or 1.5 percent, Michael Pond. Whatever the specific percentage, we know it will be grave and serious in the damage to our economy if we fail to extend and enlarge the tax cut.

So I urge my colleagues to heed the voices they are hearing back home, as I am hearing from ordinary citizens, middle-class families.

We are talking about a middle-class family measure that will benefit people like Marilyn in Bloomfield, who writes to me:

I believe these cuts need to remain in effect in order to avoid deepening the recession we are in. I urge you to support the President's jobs plan and pass as much of it as you can in upcoming legislative sessions, for the benefit of struggling families.

She writes and she says "to urge you to vote in favor of extending the payroll tax cut for workers beyond Dec 31."

Listen to people like Ginny. They are in every one of our States. Ginny, who is from Southport, CT, writes:

I know you will do the right thing when the payroll tax cut and increasing the taxes of only the 2nd million and above of wealthy Americans comes up for a vote. I have faith in you.

With the economy still struggling to recover and millions of Americans struggling to put food on the table this holiday season, we cannot afford to raise taxes on working Americans.

Those voices from middle-class families are reaching this body every day. We have heard them before. This body heeded them last year in enacting this tax cut. I thank every Member who voted for it. It was a bipartisan vote. I hope this one will be as well. I will be proud to join Members from both sides of the aisle, and I hope this measure will have support—overwhelming support—from both sides of the aisle in showing the American people we can come together, bridge our differences, and compromise.

This measure reflects a compromise on both sides. I hope it will be passed later in the day.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. WHITEHOUSE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WHITEHOUSE. I thank the Chair.

The PRESIDING OFFICER. Under the previous order, the question occurs on agreeing to the motion to proceed to S. 1944, which is subject to a 60-affirmative-vote threshold.

Mr. WHITEHOUSE. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The clerk will call the roll.

The bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from Massachusetts (Mr. KERRY) and the Senator from Wisconsin (Mr. KOHL) are necessarily absent.

The PRESIDING OFFICER (Mrs. MCCASKILL). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 50, nays 48, as follows:

[Rollcall Vote No. 224 Leg.]

#### YEAS—50

Akaka	Franken	Nelson (NE)
Baucus	Gillibrand	Nelson (FL)
Begich	Hagan	Pryor
Bennet	Harkin	Reed
Bingaman	Inouye	Reid
Blumenthal	Johnson (SD)	Rockefeller
Boxer	Klobuchar	Schumer
Brown (OH)	Landrieu	Shaheen
Cantwell	Lautenberg	Stabenow
Cardin	Leahy	Tester
Carper	Levin	Udall (CO)
Casey	Lieberman	Udall (NM)
Collins	McCaskill	Warner
Conrad	Menendez	Webb
Coons	Merkley	Whitehouse
Durbin	Mikulski	Wyden
Feinstein	Murray	

#### NAYS—48

Alexander	Graham	McConnell
Ayotte	Grassley	Moran
Barrasso	Hatch	Murkowski
Blunt	Heller	Paul
Boozman	Hoeven	Portman
Brown (MA)	Hutchison	Risch
Burr	Inhofe	Roberts
Chambliss	Isakson	Rubio
Coats	Johanns	Sanders
Coburn	Johnson (WI)	Sessions
Cochran	Kirk	Shelby
Corker	Kyl	Snowe
Cornyn	Lee	Thune
Crapo	Lugar	Toomey
DeMint	Manchin	Vitter
Enzi	McCain	Wicker

#### NOT VOTING—2

Kerry Kohl

The PRESIDING OFFICER. On this vote, the yeas are 50, the nays are 48. Under the previous order requiring 60 votes for the adoption of this motion, the motion is rejected.

The Republican leader.

#### TEMPORARY TAX HOLIDAY AND GOVERNMENT REDUCTION ACT—MOTION TO PROCEED

Mr. MCCONNELL. Madam President, I move to proceed to S. 1931.

The PRESIDING OFFICER. Under the previous order, the motion is now pending.

The majority leader.

Mr. REID. Madam President, this will be the last vote of this week. We will have a couple of votes on Monday night. I will announce later as much of the schedule as I am able to do. Right now, I can't do that, but I will before the day is out.

The PRESIDING OFFICER. Under the previous order, there will be 2 minutes of debate equally divided.

The Senator from Pennsylvania.

Mr. CASEY. Madam President, what is about to happen is we are going to be

taking a vote on a measure that got 20 votes last week—this same vote. I don't know what the vote will be today, obviously, but this is an exercise in futility to vote on this again.

What we should do is cut the payroll tax in half for American workers. That is what we have been trying to do. I hope we can continue to work together, but we should move beyond this measure that got 20 votes last week and cut the payroll tax in half for 160 million American workers. We should do that and give people the peace of mind and dollars in their pockets they would not have otherwise.

I urge a "no" vote on this motion, and I hope we can continue to work together to support the American worker.

The PRESIDING OFFICER. Who yields time?

Time is yielded back.

Under the previous order, the question is on agreeing to the motion to proceed to S. 1931, which is subject to a 60-affirmative-vote threshold.

Mr. CORKER. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There appears to be a sufficient second.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Massachusetts (Mr. KERRY) and the Senator from Wisconsin (Mr. KOHL) are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 22, nays 76, as follows:

[Rollcall Vote No. 225 Leg.]

#### YEAS—22

Ayotte	Heller	Portman
Barrasso	Hoeven	Risch
Brown (MA)	Hutchison	Rubio
Cochran	Lugar	Snowe
Collins	McCain	Vitter
Crapo	McConnell	Wicker
Enzi	Murkowski	
Grassley	Paul	

#### NAYS—76

Akaka	Franken	Moran
Alexander	Gillibrand	Murray
Baucus	Graham	Nelson (NE)
Begich	Hagan	Nelson (FL)
Bennet	Harkin	Pryor
Bingaman	Hatch	Reed
Blumenthal	Inhofe	Reid
Blunt	Inouye	Roberts
Boozman	Isakson	Rockefeller
Boxer	Johanns	Sanders
Brown (OH)	Johnson (SD)	Schumer
Burr	Johnson (WI)	Sessions
Cantwell	Kirk	Shaheen
Cardin	Klobuchar	Shelby
Carper	Kyl	Stabenow
Casey	Landrieu	Tester
Chambliss	Lautenberg	Thune
Coats	Leahy	Toomey
Coburn	Lee	Udall (CO)
Conrad	Levin	Udall (NM)
Coons	Lieberman	Warner
Corker	Manchin	Webb
Cornyn	McCaskey	Whitehouse
DeMint	Menendez	Wyden
Durbin	Merkley	
Feinstein	Mikulski	

#### NOT VOTING—2

Kerry

Kohl

The PRESIDING OFFICER. On this vote, the yeas are 22 and the nays are 76. Under the previous order requiring 60 votes for the adoption of this motion, the motion is rejected.

#### VOTE EXPLANATION

• Mr. KERRY. Mr. President, I was necessarily absent for the votes on the motion to proceed to the Casey Middle Class Tax Cut Act of 2011, S. 1944, and the motion to proceed to the Temporary Tax Holiday and Government Reduction Act, S. 1931. If I were able to attend today's session, I would have supported the motion to proceed to the Casey Middle Class Tax Cut Act of 2011, S. 1944, and opposed the motion to proceed to the Temporary Tax Holiday and Government Reduction Act, S. 1931. •

The PRESIDING OFFICER. The majority leader is recognized.

#### MORNING BUSINESS

Mr. REID. Madam President, I ask unanimous consent we proceed now to a period for morning business, with Senators allowed to speak for up to 10 minutes each until 6 o'clock this evening.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Vermont.

(The remarks of Mr. SANDERS pertaining to the introduction of S.J. Res. 33 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

The PRESIDING OFFICER. The Senator from Florida.

#### MEDICARE

Mr. NELSON of Florida. I wish to thank the Senator from Tennessee for his graciousness to make a very few brief remarks.

I wish to call to the attention of the Senate that there are some good things that are happening in Medicare. In the health care bill—which was a very complicated piece of legislation—there are a lot of good things. There were some things that are implemented over time, that if mistakes had been made, we can correct those mistakes as they are starting to be implemented.

I wish to point out some of the salutary things that are happening under the new health care reform bill with regard to Medicaid. It was just this week that the agency that runs Medicare, the Centers for Medicare and Medicaid Services, CMS, announced that more seniors and people with disabilities on Medicare are seeing significantly lower costs for important health care because of this new law.

For example, what we are seeing for the first time is that millions of Americans on Medicare are now getting free

physical exams as part of their preventive medicine. Because of the doughnut hole, which is that complicated black hole senior citizens would fall into when they were getting assistance for their prescription drugs, well, lo and behold, that doughnut hole is being filled by the Federal Government assisting them in paying for those drugs. Therefore, they are getting a lot more of their drugs without having to pay for them.

For example, Nationwide has over 2.5 million people on Medicare who have saved more than \$1.5 billion on their prescriptions. If we boil that down to my State of Florida, we have 172,000 Medicare recipients who save \$96 million, which is an average for the senior citizen in Florida of \$563 per person per year.

In the case of physical exams, we have over 24 million people in the country who now have taken advantage of having one of these free physical exams in order to help with the preventive health care aspects that the bill was aimed at. In my State, where there are a lot of senior citizens, close to 2 million senior citizens have taken advantage of those physical exams.

Remember how we were discussing the doom and gloom of Medicare Advantage? What has happened to Medicare Advantage? We had to change it because Medicare Advantage before, under the previous law, had a 14-percent bump over and above Medicare fee-for-service. The Federal Government was going to go broke if we did not do something about that. Where was that money going? It was going to the insurance company because Medicare Advantage is a fancy term for Medicare given through an insurance company and HMO.

What has happened? If we look all across the country at Medicare Advantage, enrollments are up and the premiums senior citizens pay are down. Look at the State of Florida in this last year. Enrollment was up by 6 percent, premiums decreased by about 10 percent. What is happening now in 2012? Enrollments are up almost 20 percent and the premiums are going down by a whopping 26 percent. That means more seniors are going to have access to higher quality care while paying less, and it is a win-win-win. It is clearly a win for the country that we are leveling out all of the excess bumps. It is clearly a win to the senior citizen and, in the process, the insurance companies are giving better quality care.

I wanted to bring this to the attention of the Senate, and I do thank my colleague from Tennessee for his generosity in allowing me to make these comments prior to his.

I yield the floor.

The PRESIDING OFFICER. The Senator from Tennessee.



## MARKETPLACE FAIRNESS ACT

Mr. ALEXANDER. Madam President, we hear a lot about tax breaks and tax loopholes around the Senate. I wish to talk about a tax loophole, a big one, that is on its way out. It is a \$23 billion tax loophole. It is not a loophole in the tax code of Washington, DC. It is a loophole in virtually every State in the country. It is a loophole that prefers some taxpayers over other taxpayers. It subsidizes some businesses over other businesses. Because of that loophole, it causes tax rates in States to be higher, and it causes States to have less money to fund the universities or the State parks or the schools or the other expenses that are legitimate in the operation of a State.

I say it is a tax loophole that is on its way out because after 10 years, Senator ENZI of Wyoming and Senator DURBIN of Illinois have produced a piece of legislation that is rare in Washington, DC. It is only 10 pages long. It is very simple. It is a States rights piece of legislation that gives each State the right to decide for itself how to collect its State sales tax from everybody who owes it, whether that person buys a pair of cowboy boots in Nashville or whether that person buys a pair of cowboy boots online.

Senator ENZI and Senator DURBIN introduced the Marketplace Fairness Act 4 weeks ago. It has five Republican sponsors and five Democratic sponsors. I am one of those sponsors. This is the bill that solves the problem of the online sales tax loophole, the one I described a little earlier. I mentioned cowboy boots. Let me describe what I am talking about in practical terms.

I called the owner of the Nashville Boot Company a couple weeks ago. His name is Frank Harwell. He sold boots online, and he sells them to people who walk into his store in west Nashville. When he started the company, almost all of his boots were sold online. Here is what he says is happening to him today: People come into the store in Nashville and they try on cowboy boots. They find a pair they like and then they go home and buy the cowboy boots online in order to save the State sales tax.

They owe the sales tax. Many people don't know they owe it. They owe the sales tax as much as if they had bought the boots at the cowboy boot store in Nashville. They don't pay it. Why is that? Under the State law, when Frank Harwell sells a pair of cowboy boots in his store in Nashville, he collects the sales tax and sends it to the State.

But under the law, the Supreme Court said 20 years ago, the State of Tennessee or the State of Missouri or the State of Washington could not require an out-of-State seller to collect the same sales tax. They had a reason for doing so, and it was a good reason. They said it was so complicated to do that it put a burden on interstate com-

merce. But at the same time, the Supreme Court invited the Congress to fix the problem. By fixing the problem, that means the Congress could act in order to create a fair way for States to require retailers that are out-of-State to collect the same sales tax retailers on Main Street collect.

Over that 20 years, the online sales tax loophole got to be a big loophole. It subsidizes some businesses at the expense of others and, as I said earlier, prefers some taxpayers at the expense of others.

Last week, the Hudson Institute, a generally conservative organization, released a new report that explains how the subsidizing of out-of-State sellers works and how the Federal Government—those of us in Washington—are keeping States from closing this loophole. Hudson concludes that this online sales tax loophole is distorting the marketplace, and I urge my colleagues to take a serious look at the Hudson Institute report.

Governors and legislators are up in arms because they are being deprived of the right to enforce their own sales tax law. This is a little different loophole—actually, a little worse one. Usually, loopholes are written into the law. Those are the kind we are trying to change in our tax reform proposals in Washington. This is a tax that is already owed. This is a tax that is already owed that Governors and legislators want to collect. It is used to pay for the things States need to pay for or reduce a tax. In the State of Tennessee, which has a very high sales tax, if the State was allowed to collect sales tax from out-of-State retailers the same way it does from Main Street retailers, then we might postpone the day of a State income tax, which are probably three of the most hated words in the tax vocabulary in Tennessee.

I said, when Senator ENZI and Senator DURBIN introduced their bill, that I believed they had solved the problem and that if I were an out-of-State retailer or an online retailer, I would begin to make plans to collect sales tax the same way Main Street collectors collect it today, and many have. For example, Amazon—which had opposed for a long time this kind of legislation because, in their view, it was too complicated for them to figure out what the tax might be—changed their mind, and said the Enzi-Durbin bill is a good bill and Amazon now supports it. That is not all. Mississippi Gov. Haley Barbour, a strong conservative Republican Governor and former chairman of the Republican Governors Association, wrote a letter on November 29 which I wish to quote:

In the early days of the Internet, the complexities of collecting State sales taxes across thousands of State and local sales tax jurisdictions were major obstacles. The technology simply didn't exist to expect startups to comply with the various tax compliance rules in every part of the country. But today,

e-commerce has grown, and there is simply no longer a compelling reason for government to continue giving online retailers special treatment over small businesses who reside on the Main Streets across Mississippi and the country.

Governor Barbour continues:

The time to level the playing field is now, as there are no effective barriers to complying with state sales tax laws.

Here is what Governor Barbour is saying: Twenty years ago we didn't have the kind of software and information we do today. If I want to know what the weather is in Maryville, TN, where I live, I put in "weather" and my ZIP Code, 37886. Under this new bill and under the technology that exists today, States will be required to give out-of-State retailers or online retailers the software that will permit them to do the same thing. If I order a pair of cowboy boots, they can put in my name, the cost of the boots, and the ZIP Code, and the software will compute the tax and even find a way to send it on to the State. It will be just as easy, or maybe even easier, for the out-of-State retailers to collect the sales tax that is owed as it will be for a cowboy boots store selling it out of the front door in Nashville.

The National Governors Association sent a letter last week saying that the Enzi-Durbin bill represents a common-sense approach that will allow States to collect taxes they are owed, help businesses comply with different State tax laws, and provide fair competition between retailers that will benefit consumers.

Last week, the Judiciary Committee in the House of Representatives held an oversight hearing to discuss all three bills that have been introduced to address this issue and there was a lot of good discussion. I wish to share a few things that were said and I hope we can have a similar hearing in the Senate soon.

MIKE PENCE of Indiana, one of the leading conservatives in Congress and a fellow who knows a tax when he sees one, said:

I don't think Congress should be in the business of picking winners and losers. Inaction by Congress today results in a system that does pick winners and losers.

Congressman PENCE also talked about something I want to make sure my colleagues understand. The Enzi-Durbin bill is not talking about taxing the Internet. It is not talking about creating a new tax. As far as the Internet access tax goes, the Senate debated that a few years ago. I was in the middle of that debate and I was in the middle of the solution that imposed a moratorium on the Internet access tax. That law is still there. We are not talking about an Internet access tax. Neither are we talking about a new tax. We are talking about the plain old State sales tax that already exists. It is very hard to imagine how anyone

can say collecting a tax that is already owed is a new tax.

Governor Barbour and Congressman PENCE are correct; 20 years ago the technology didn't exist. Today it does. About the only ones complaining are the taxpayers and businesses that enjoy being subsidized by other taxpayers and other businesses, and that, in our opinion, is not correct tax policy.

As Republicans, I believe our party should oppose government policies that prefer some taxpayers over others or some businesses over others. As Republicans, I believe we should support States rights, and our bill does that by giving the State the right to make the decision about how to collect its own taxes: Do you want to collect taxes from everybody who owes the tax, or do you not want to? Do you want to prefer some out-of-State businesses over in-State businesses, or do you not want to? Do you want to collect the tax, reduce tax rates, or spend the money on services? That is up to the States.

These sentiments are also shared by the late William F. Buckley and Al Cardenas, chairman of the American Conservative Union. Ten years ago William Buckley, who many people see as the father of the modern conservative movement, wrote in the *National Review*:

The mattress maker in Connecticut is willing to compete with the company in Massachusetts, but doesn't like it if out-of-State businesses are, in practical terms, subsidized; that's what the non-tax amounts to. Local concerns are complaining about traffic in mattresses and books and records and computer equipment which, ordered through the Internet come in, so to speak, duty free.

That is William F. Buckley.

Then Al Cardenas, the chairman of the American Conservative Union, a distinguished man from Florida, and the head of an outfit that is arguably as strong and influential as any conservative organization in Washington, said in his recent essay:

There is no more glaring example of misguided government power than when taxes or regulations affect two similar businesses completely differently.

As I have said many times before, I believe the Enzi-Durbin legislation solves the problem. I believe it is going to happen. I hope that out-of-State sellers and online sellers will move ahead to work with States to make voluntary agreements as, for example, Amazon has in Tennessee, and begin to allow States to enforce their tax policy properly.

Our bill is a remarkable feat in Washington, DC. I have mentioned it before and I wish to emphasize it again. It is only 10 pages long. It is only about allowing States to make a decision about whether they want to close a tax loophole. It is about stopping the subsidization of some taxpayers over others. It is about stopping the subsidization of

some businesses over others. I am glad others are starting to share this view, and as more Senators learn about the Marketplace Fairness Act and look at the options it gives each State, I hope and I believe we will have more cosponsors.

Ten years ago the bills introduced weren't adequate to solve the problem. Fortunately, today, Senator ENZI and Senator DURBIN have solved the problem. I agree, Democratic Senators agree, the chairman of the American Conservative Union agrees, a former chairman of the Republican Governors Association agrees, Congressman MIKE PENCE agrees: It is a matter of marketplace fairness.

I ask unanimous consent to have printed in the RECORD the letter to which I referred from Mississippi Governor Barbour, a letter from the National Governors Association, and the National Journal article published last week regarding the House Judiciary Committee hearing on this subject.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

STATE OF MISSISSIPPI,  
OFFICE OF THE GOVERNOR,  
Jackson, MS, November 29, 2011.

Hon. MIKE ENZI,  
U.S. Senate, Russell Senate Office Building,  
Washington, DC.

Hon. LAMAR ALEXANDER,  
Senate, Dirksen Senate Office Building, Wash-  
ington, DC.

DEAR SENATOR ENZI AND SENATOR ALEXANDER: I am writing to congratulate you on the introduction of the Marketplace Fairness Act and offer my support for its timely passage.

Fifteen years ago, when e-commerce was still a nascent industry, it made sense to exempt startups like Amazon.com from collecting and remitting sales taxes in states where they had no facilities. As chairman of the Republican Party, I was there when discussions surrounding the Internet commerce tax moratorium took place, and this was only to last until e-commerce had truly taken root. I supported this effort then, because I believed this budding industry needed every opportunity to thrive and grow. Looking back, I think it's clear we made the right call as America is home to the largest and most dynamic e-commerce companies in the world.

In the early days of the Internet, the complexities of collecting sales taxes across thousands of state and local tax jurisdictions were major obstacles. The technology simply didn't exist to expect startups to comply with the various tax compliance rules in every part of the country. But today, e-commerce has grown, and there is simply no longer a compelling reason for government to continue giving online retailers special treatment over small businesses who reside on the Main Streets across Mississippi and the country. The time to level the playing field is now, as there are no effective barriers to complying with states' tax laws.

As Governor of Mississippi, I value the important role that our Main Street retailers play in our communities. Failure to level the playing field threatens to, and in fact has, run many of them out of business, taking with them jobs and the sizable contribution they make to not just our community cul-

ture, but to the Organizations who have long benefited from their charitable involvement.

States should not be deprived of their right to establish and collect taxes as they see fit. I've stood for lower taxes and smaller government my entire career in public life, but I've also stood for the authority of states to devise their own tax laws without being overridden by the federal government for no existing purpose.

Finally, government shouldn't be picking winners and losers. In this area, at least, the Marketplace Fairness Act will end that practice, and that's something conservatives should be proud to support.

I again applaud you for addressing this important issue and I look forward to working with you to end the special treatment for online retailers and give everyone the opportunity to compete fairly.

Sincerely,

HALEY BARBOUR,  
Governor.

NATIONAL GOVERNORS ASSOCIATION,  
Washington, DC, November 28, 2011.

Hon. RICHARD DURBIN,  
U.S. Senate, Washington, DC.  
Hon. TIM JOHNSON,  
U.S. Senate, Washington, DC.  
Hon. MICHAEL ENZI,  
U.S. Senate, Washington, DC.  
Hon. LAMAR ALEXANDER,  
U.S. Senate, Washington, DC.

DEAR SENATOR DURBIN, SENATOR ENZI, SENATOR JOHNSON AND SENATOR ALEXANDER: The National Governors Association applauds your efforts to level the playing field between Main Street retailers and online sellers by introducing S. 1832, the "Marketplace Fairness Act."

As you know, years ago the Supreme Court opinion in *Quill Corp. v. North Dakota* stated that Congress has the authority to require out-of-state sellers to collect sales taxes. At present, states are unable to collect more than \$22 billion in sales taxes annually from remote sales made through catalogues or over the Internet. This also creates a price disparity between goods bought from the corner store and those bought online, effectively giving a continuing and growing subsidy to Internet sales.

Since the *Quill* ruling, at least two facts have changed: (1) the proliferation of computers to calculate taxes due on sales—just as shipping costs are determined based on Zip Code—and (2) a state agreement on streamlining and simplifying sales taxes so that it is easier to collect and remit sales taxes wherever a company does business.

The Marketplace Fairness Act recognizes these changes and uses them to grant authority to states that simplify their tax systems to make it easier to do business. This common sense approach will allow states to collect the taxes they are owed, help businesses comply with different state laws, and provide fair competition between retailers that will benefit consumers.

NGA looks forward to working with you as you work to enact the Marketplace Fairness Act and create a more level playing field for all sellers and consumers.

Sincerely,

GOVERNOR BILL HASLAM,  
Tennessee.

GOVERNOR CHRISTINE O. GREGOIRE,  
Washington.

[From the National Journal Daily, Nov. 30, 2011]

STATES TELL CONGRESS ONLINE TAX  
LOOPHOLE COSTLY

(By Juliana Gruenwald)

State officials and some retailers urged Congress on Wednesday to finally close a loophole that they say benefits online retailers by allowing them to avoid collecting sales taxes from out-of-state customers.

The issue the House Judiciary Committee examined relates to a 1992 Supreme Court decision in *Quill v. North Dakota* that found catalog and other retailers do not have to collect sales taxes from customers in states where they do not have a physical store or other facility. Since then, online retailers have exploited the loophole to the tune of billions in lost tax revenue, according to state officials.

"It is estimated that currently in the state of Texas between \$600 million and \$800 million is not collected on out-of-state sales. . . . That points out to me the unfair competition that my storefronts are competing against," Texas state Rep. John Otto, a Republican, told the committee.

Even some tax-averse lawmakers such as Rep. Mike Pence, R-Ind., said congressional action is warranted.

"I don't think Congress should be in the business of picking winners and losers," Pence said. "Inaction by Congress today results in a system today that does pick winners and losers."

State calls for congressional action on the issue got a big boost earlier this month when Amazon, after years of battling efforts to address the loophole, endorsed bipartisan online-sales-tax legislation introduced by Sens. Michael Enzi, R-Wyo., Dick Durbin, D-Ill., and others. That bill would authorize states that meet certain minimum standards to require online retailers to collect sales taxes from customers even in states where those firms have no facility. A similar bill has been introduced in the House by Reps. Steve Womack, R-Ark., and Jackie Speier, D-Calif.

Mr. ALEXANDER. Madam President, I yield the floor, and I note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DURBIN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Ms. KLOBUCHAR.) Without objection, it is so ordered.

Mr. DURBIN. Madam President, I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### THE DREAM ACT

Mr. DURBIN. Madam President, it has been 10 years since I introduced the DREAM Act, legislation that will allow a select group of immigrant students with great potential to contribute to America. The DREAM Act would give these students a chance to become legal in America. They came to the United States as children. They have to be long-term residents of our coun-

try, have good moral character, graduate from high school, and complete 2 years of college or military service in good standing. Those are the basic standards we apply.

I think if we enacted the DREAM Act, as I have tried to for many years, it would make America a stronger country, giving these talented young immigrants a chance to serve in our military and make us a stronger nation. Tens of thousands of highly qualified, well-educated young people would enlist in the Armed Forces if the DREAM Act becomes law. We have the support of the Department of Defense and the President. They understand that these young people could make us a stronger and safer nation by serving in our military. And they are willing. Many of them are willing to risk their lives for this country.

Studies have also found that these DREAM Act participants could literally build our economy in years to come with their talent.

Remember, these students we are talking about were brought to America as children and as infants. They grew up here believing they were Americans. They went to class every day, pledged allegiance to the only flag they knew, and sang the only national anthem they had ever heard. They are American in their hearts, and they should not be punished because their parents made a decision to bring them here.

These young people are tomorrow's doctors, engineers, soldiers, teachers. They are the people with whom we can build an America on. We should not squander their talent by deporting them to countries they may not remember at all.

Last year, Republican Senator RICHARD LUGAR of Indiana joined me in asking the Department of Homeland Security to suspend the deportation of these DREAM Act students. Now, for the record, if there is any evidence of wrongdoing by these students, they are completely disqualified from this conversation. We are talking about students of good moral character who are in the United States basically without a country.

Earlier this year, Senator LUGAR and I were joined in our request by 21 other Senators, including majority leader HARRY REID, Judiciary Committee chairman PATRICK LEAHY, and Senator BOB MENENDEZ, asking that these DREAM Act students be given an opportunity to stay and not be deported. In response to our letters, John Morton, the Director of Immigration and Customs Enforcement, issued a memo in June of this year establishing new priorities for deportation. The Morton memo says: It is a high priority to deport those who have committed serious crimes or those who are a threat to public safety, while it is a low priority to deport individuals who have been in the United States since childhood, like

those who are eligible for the DREAM Act.

During hearings this summer on the DREAM Act, Homeland Security Secretary Janet Napolitano told me and my subcommittee that the Department of Homeland Security would establish a process to implement the Morton memo. Under this new process, high-priority cases will be expedited, and low-priority cases will be closed in many instances.

Recently, the Department of Homeland Security announced the next step in the process. Immigration and Customs Enforcement officers and attorneys will receive comprehensive training on the new deportation policy. By January, all ICE officers and attorneys will have the training they need. ICE attorneys will review all new deportation cases to identify low-priority cases that should not be placed in the immigration court.

A review of the cases currently in immigration court is also underway. Department of Homeland Security attorneys will review pending deportation cases in Baltimore and Denver to identify low priority cases that should be removed from the docket. This trial review of new and pending cases will be completed by mid-January and then expanded nationwide.

Let me commend the President and his administration for these thoughtful and humane steps to implement this new deportation policy.

Today, there are approximately 11 million undocumented immigrants in the United States. It would take billions and billions of dollars to deport all of them. It would likely lead to the collapse of many parts of our economy. You can't go to a hotel or restaurant in the city of Chicago—I have been told this by restaurant owners—and not find at least some place in that establishment an undocumented person doing the tough, hard work immigrants do.

DHS has to set priorities about which people to deport—and not deport—using its limited resources. Some of my Republican colleagues have claimed that this is kind of a backdoor amnesty. That could not be further from the truth. This is simply a temporary decision not to use limited government resources to deport low-priority individuals who are no threat to the United States of America. Individuals whose cases are closed will not receive any permanent legal status. So there is no amnesty involved.

Ironically, some Republican critics of the administration's new policy called on the Clinton administration to establish deportation guidelines—exactly what the Obama administration has done here. In response to this request from some Republicans in Congress, the Clinton administration established a policy on prosecutorial discretion. The Bush administration kept the policy in force from the Clinton years and

issued several followup memos without any criticism from any Republicans in Congress. The Bush administration also stopped deportations of a number of DREAM Act students, again without any criticism from Republican Members.

Let's be clear. What the Obama administration has done in establishing this new process for prioritizing deportations is perfectly appropriate and legal. Throughout our history, our government has had to decide who to prosecute and who not to prosecute based on law enforcement priorities and available resources.

I strongly support the administration's new deportation policy but more needs to be done to implement this policy and it needs to be done quickly. Many young people who would be eligible for the DREAM Act are still facing deportation proceedings. Almost every day my office is contacted by DREAM Act students who are at risk of being deported in a matter of hours or days. Today, let me tell you the story of two of these young people.

Here is a photo of Minhaz Khan. Eighteen years ago, in 1992, Minhaz Khan's parents brought him to the United States from Bangladesh. At the time, he was 4 years old. Today, Minhaz is 22—18 years later—and he has overcome amazing obstacles to complete his education. In 2009, Minhaz graduated from the University of California Riverside with a bachelor's degree in neuroscience.

Minhaz sent me a letter, and here is what he said about his future:

My dream is to make several contributions to science, and become a physician's assistant as a career, and eventually a teacher as well. I have great aspirations, but I do not dream of big houses or tons of cars. I want normality, stability, and liberty.

Today, Minhaz lives in Palo Alto, CA, with his wife, who is an American citizen. Minhaz's wife has filed an application for her husband to become an American citizen, but under our broken immigration laws he has been placed instead in deportation proceedings. Eighteen years in the United States, a bachelor's degree in neuroscience, aspiring to become a researcher or teacher, married to an American citizen, and he is under threat of being deported. What threat is he to America? The threat is losing a person who is talented and can make such a difference in the lives of so many people.

Minhaz was scheduled to be deported last month. Under President Obama's new deportation policy, the Department of Homeland Security put his deportation on hold for 3 months so that his application for legal status can be considered. I think that was the right thing to do. Minhaz grew up in America, he is married to an American, and he wants to make America a better nation.

In his letter to me, Minhaz spoke about what it would mean to him if the DREAM Act became law.

Imagine the countless numbers of individuals ready to contribute to our society as law-abiding, successful individuals who live life with a sense of strength and morality. Abraham Lincoln once said, "I have always found that mercy bears richer fruit than strict justice," and this is more true now than ever. I have a great amount of hope, optimism, and belief in this country and that one day we shall see the DREAM Act enacted into law.

Here is another DREAMer. This is a photo of Jose Librojo. In 1995, when he was a child—16 years ago—Jose's parents brought him from the Philippines to the United States. Shortly after they arrived here, Jose's parents filed an application to stay in this country as legal permanent residents. For more than 15 years, their immigration application has been stuck in the courts.

In the meantime, Jose grew up in America. He graduated from San Francisco State University with a bachelor's degree in biology. As a member of Alpha Phi Omega National Service Fraternity, Jose volunteers, working with the elderly and young Asian Americans, among other things.

Jose has been authorized to work while his immigration case is pending. For more than 10 years, he worked as a registered dental assistant and a dental laboratory x-ray technician. The dentist who employs him was so impressed by his work, he filed papers to sponsor Jose for legal permanent residency in the United States. The employer's petition was approved, but because of our broken immigration laws, Jose has been placed in deportation proceedings. After all of these years in America—16 years—and earning a bachelor's degree in biology, currently working in the health field in dentistry, and one who has done such a good job that his employer wants to have him here permanently, he is now facing the prospect of being deported to a country he cannot even remember.

Jose was scheduled to be deported last month, 3 days before Thanksgiving. But the Department of Homeland Security put his deportation on hold, so he will have a chance to apply for legal status and keep working.

Jose sent me a letter, and this is what he said:

I have followed the laws of our system, but the logjam in the courts has put me in this untimely predicament. I have lived in the U.S. for 16 years, and I consider this country as my home. I have always felt like an American. I wish to stay, live my dreams, and build my own family here in the United States. I hope that someday the DREAM Act becomes a reality so that I may continue making contributions to the country I call home.

I ask my colleagues who are critical of the administration's deportation policy, would America be better off if we deported Minhaz or Jose back to Bangladesh and the Philippines? I don't think so. These two young men were brought here as infants, children. They grew up in our country. They have

overcome great odds and achieved great academic success, without the support of Federal assistance. They didn't qualify for it. They have no problems with moral character, and they pose no threat to America. They would make us a better country if we gave them a chance.

Minhaz and Jose are not isolated examples. There are literally thousands of others like them in this country. We have a responsibility in the Senate to give them a chance to let them prove what they can do for America.

I commend the Obama administration for its new deportation policies. I urge the Department of Homeland Security to move forward on an expedited basis. As long as young people such as Minhaz Khan and Jose Librojo are facing deportation, work still needs to be done.

It is also clear that this policy is only a temporary solution. The deportations of many DREAM Act students will be temporarily suspended. Ultimately, the responsibility lies with Congress and with us to fix these broken immigration laws and give these good young people a chance.

I ask my colleagues to support the DREAM Act. It is the right thing to do. It will make America a stronger nation.

I yield the floor.

THE PRESIDING OFFICER (Mr. DURBIN). The Senator from Minnesota.

#### THE COLLAPSE OF MF GLOBAL

Ms. KLOBUCHAR. Mr. President, I rise today to discuss the collapse of MF Global. While its demise hasn't triggered the sort of economic turmoil we saw in 2008, let me assure you it is having a devastating impact on the livelihoods and savings of many in my State.

Sadly, the story of MF Global is all too familiar. It is the story of another overleveraged financial firm that took on too much risk and did little to disclose its bets. Once again, the folks whom the system was supposed to protect have been left holding the short end of the stick. Three years after the U.S. financial system was nearly toppled by this sort of recklessness, it seems little has changed on Wall Street.

Today, Mr. Corzine appeared before the House Agriculture Committee to testify on events that led to the bankruptcy of MF Global—the firm he led—as well as the whereabouts of roughly \$1.2 billion in customer funds that remain missing. While taking responsibility for the collapse of the firm in his testimony today, Mr. Corzine chose to use much of his testimony defending the strategy that ultimately led to the firm's demise and that left many in my State with their life savings on the line. In regard to the missing customer funds, he responded that, as CEO of MF

Global, he wasn't really in the position to know what happened.

If executives at MF Global were willing to steer their ship into dangerous waters, they should be able to account for the safety of their customers' funds held in segregated accounts—something considered sacred within these markets.

If anybody still doubts that Wall Street has not learned from its mistakes, I would have you talk with the farmers in my State who can't access their life savings and aren't sure when or how much of it they will ever get back.

Dean Tofteland, from Luverne, MN, a town of 4,600 people—his family grows corn, soybeans, and raises pigs on their farm in southwest Minnesota. He currently has over \$200,000 in what was supposed to be a segregated MF Global account, which he cannot access and which he may never fully recover. He is not a speculator. He invested to reduce his risk—locking in prices ahead of the growing season so he is protected from price fluctuations that can eat into his profits.

Talk to Dennis Magnuson, a pork producer from Austin, MN, who had a substantial amount of money with MF Global that he used to stabilize the cost of feed for his pigs. Both Senators in the Chamber are from States that have livestock, and they know the cost of feed has been escalating. That is why he vested. He knows the risks—price swings, poor crops, bad weather. These are all part of farming. But his account at MF Global was supposed to help manage those risks, not become one.

It is not just individual farmers; the effects of MF Global's collapse are rippling through the whole agricultural community.

Here is a letter from Philip Deal, who writes:

I am the CEO and General Manager of Wheaton-Dumont Co-Op Elevator in Wheaton, MN.

Wheaton is located on the western edge of Minnesota by the North Dakota/South Dakota border. Our cooperative has approximately 1,200 active members and a total membership of more than 5,000. So the MF Global situation affects a great number of people here.

We employ about 115 people, and we are easily the largest nongovernment employer in all of the communities we operate in.

Our business uses a Chicago Mercantile Exchange and Minneapolis Grain Exchange to hedge grain purchases and sales. We do not speculate. We have always relied on the implied fiduciary responsibility of the Commodity Futures Trading Commission and the Chicago Mercantile Exchange to safeguard our segregated funds.

The impact to our business has been huge. We have been forced to double-margin the missing funds. This has increased our interest expenses and decreased our ability to buy and sell grain.

Simply put, we cannot afford to lose any money on this deal. On a local level, the very future of our business is at stake. On a larger

level, if segregated funds are lost, market participants will leave the market, open interest will decline, and market liquidity will fall. Everyone loses.

Sadly, Philip Deal is correct. The failure of MF Global has caused millions in investor losses, created significant uncertainty in the markets, and has left many in my State confused and angry—and they should be angry. Just 3 years after the 2008 financial collapse, and what has changed? How can ordinary folks trust this system? Who can they trust to protect them?

Two weeks after the collapse of MF Global, it was announced the Commodity Futures Trading Commission, which is leading the investigation into the missing funds, will receive only two-thirds of their budget request for 2012, potentially limiting the agency's ability to do its job at a time when the markets they oversee are expanding exponentially. This is not acceptable. We need to make sure our regulatory agencies aren't allowing Wall Street bankers to go down the street in their Ferraris while those standing up for the middle class—those at the agencies that are supposed to regulate them—are not following behind in a Model T Ford.

We don't know with certainty what the ongoing investigations into MF Global will find, but there is little doubt Congress has work to do. Already the CFTC, after our hearing in the Senate Agriculture Committee last week, has come up with some changes they are proposing to how these funds can be invested. I think more needs to be done. There are also rules of disclosure being considered and that were discussed today at a House hearing, as well as in our Senate Agriculture hearing, that need to be changed. These changes were made to the CFTC rules in 2000 and in 2005 they loosened the rules and expanded things. They need to go back to where they once were, where they protected investor savings.

Investor trust in segregated accounts is vital to market confidence and is the cornerstone of customer protection in the commodity futures market. This trust has been breached. I urge my colleagues to join me in demanding those responsible for the MF Global failure be held accountable for their actions and that steps are taken to prevent this from ever happening again.

Mr. President, I yield the floor.

The PRESIDING OFFICER (Ms. KLOBUCHAR). The Senator from Wyoming.

Mr. ENZI. Madam President, I ask unanimous consent to speak as in morning business for whatever time I might use.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### SPENDING VERSUS REVENUE

Mr. ENZI. Madam President, I wanted to take this opportunity to share

with you what has been keeping me awake, and I am sure, if I explain it well enough, it will keep you awake as well. Misery loves company. This is misery that is going to affect your future, and the Senate has to make some changes to have a future for this country.

For 14 years, I was the only accountant in the Senate. I have been joined by Senator JOHNSON of Wisconsin, who is an accountant, and these kinds of numbers always bother us a little bit. I have put together a couple of pie charts here. This one on the left represents the spending we are doing; the one on the right represents the revenue we are receiving to do the spending. These are proportionately correct. This is the spending; this is the revenue to do the spending. Dramatically different. The revenues are dramatically lower.

There are a number of pieces to this that I think probably will reveal more. The spending, incidentally, is \$3.456 trillion. We are spending \$3.456 trillion. We are taking in \$2.2 trillion. That is \$1.3 trillion less than we are spending. So we are spending a third more than we are taking in.

How long can you do that? There is no end in sight. What is that made up of? Well, one of the things we worry about is Medicare, Medicaid, and Social Security. I have the revenues represented here for Social Security and other social insurances, and we are taking in \$865 billion a year to support these programs. This piece of the pie is what we are having to put out for those same programs. We are having to put out \$1.494 trillion; so \$865 billion versus \$1.494 trillion.

When we say these programs are going broke, I think that fact is pretty evident. If you don't make any changes, this kind of spending will eliminate a program that seniors rely on. I used to say when we are spending at this rate, we are stealing from our grandkids. Now we are to a point where we have spent so much, it is no longer our grandkids we are stealing from, it is our kids. And in a matter of months the bill could come due.

Europe is having some difficult financial times, and they are changing the way money is going to be available to secure the bonds that allow us to do this kind of spending. These actions could have widespread implications for the United States very soon. We also took Social Security money and put it in a trust fund. I always say, don't trust the trust funds. What we did is put IOUs in a drawer and we spent the money. We are spending some of the money twice. How long can you spend the money twice?

Let us take a look at some of the other parts of this pie, because we always talk about the nondiscretionary spending. Well, to cover our discretionary spending, which includes Defense and all of the nonmandatory

items, we are spending \$1.349 trillion. And the income? Individual income tax is paying \$899 billion. Corporate income tax pays \$191 billion. I bet people thought there was a lot more corporate tax than that.

Part of the reason for this corporate number is that a lot of people have single proprietorships, partnerships, or small business corporations. If a business is in one of those three categories, the money their company makes goes straight to their tax line, even though hardly anybody in business can take out all of the money they make. If they do not reinvest that money into the business, it business would go broke. So they do not get to take the money out, but have to count it through the individual tax code. That goes in this \$899 billion of individual income, as opposed to the corporate tax of \$191 billion. There is also an excise tax of \$67 billion. These are the kinds of numbers that have to fund \$1.349 trillion of spending.

We have discretionary spending of \$660 billion and we have military spending of \$689 billion. I mentioned Social Security, Medicare, and Medicaid, but besides that we have other mandatory spending adding another \$416 billion in spending. That \$416 billion accounts for the other items we have said will definitely be paid no matter what kind of shape the Federal Government is in. There are all sorts of programs included in that tally.

This little yellow sliver here, a very important one, is the interest we have to pay. That is mandatory as well. We don't have an option on whether we are going to pay the interest on the bonds that we owe. Those interest costs come to \$197 billion a year and that is at the lowest interest rate in the history of the United States. What happens when that goes up? As European countries have more trouble trying to sell their bonds, they are going to have to pay a higher rate to be able to sell those bonds. When they have to pay a higher rate, we will have to pay a higher rate. We are all competing for the same dollars, and there aren't enough dollars out there to fund this kind of an increase in spending each and every year. How do we make up the \$1.2 trillion more we are spending than we are taking in? It's a huge difference we aren't coming close to addressing.

I hope people can grasp the difference between spending and revenues. If you look at your own personal budget, your spending better be lower than your revenues, or at least no greater than the revenues. We haven't grasped that concept here yet. We did eliminate earmarks for the most part, and that helps, but it was still a rather small amount and we are still adding programs.

Sometimes we add programs as a demonstration project. A group of Senators get together and they say, our

five States could do something beneficial with this new program we have devised, so we will put a little money in the budget and draw up the criteria so just those five States can receive these monies. And the purpose is to see whether the program is effective. In my 14 years here, I have rarely seen one of these types of tailored programs that wasn't effective. I suppose there are some I never heard reported on, but I yet to see one that isn't effective. This means the following year the same group comes back and says, we just had this revelation, this marvelous experiment that happened in our State. It was spectacular and it ought to be expanded to every State in the Nation. Well, if it is that good, it probably ought to be expanded to every State in the Nation. But with whose money? With what money? We are already spending more than we are taking in.

We can't do the demonstration programs on new ideas unless we can eliminate some of the old ideas, which brings up another problem. Another thing we do around here is we say we are going to eliminate this program, and over 10 years it will bring in the \$5 billion needed to fund a new program. Well, that savings is accrued over 10 years, but the money on the new program is going to be spent over 1 year or 2 years at the most. That is pretty bad accounting. That is how you get to a situation where you have the current spending level versus the current revenues, by using creative accounting to pay for that new program.

Well, you can't bind a future Congress, so there is no assurance that the current method of getting the revenue will stay around. There is also no assurance we won't use that same pot of revenue two or three times. We will probably be told this is not the case, but I have seen some instances around here where revenue has been spent more than once.

One of the other problems we have around here is that we have too many spending decisions to make. There isn't a business in the world, with the exception of a business like Wal-Mart, that spends \$3.456 billion in a year—1 year. There aren't many businesses that comes close to that. And they have a bevy of accountants figuring out how to make expenditures, cuts, and balance the budget for the year.

What we do here in the United States Senate is an appropriations process. We have broken that process down into 12 pieces to make it more manageable, but 12 pieces doesn't cut it. You can't get into the detail for spending the billions. One of those numbers is \$689 billion. How long would it take to go through the expenditures on \$689 billion? We have to trust some of the past spending and some of the past obligations, but we can't be as conscientious and detail-oriented as we should be.

So what do we do about it? Well, we do omnibus bills. That is where we look

at what we spent last year, and we put everything into one package and hurry up and pass it so the government can continue to operate. Before that happens, we might do a series of continuing resolutions. We say, we can't shut down government because there are so many things people need that we have already approved—to the tune of \$3.456 trillion—so we have to keep government operating. What we end up with is a continuing resolution.

A continuing resolution allows a government agency to spend one-twelfth of what they had the previous year each month until we get a funding agreement for the remainder of the fiscal year. In 2008, we spent 27 percent less than we spend right now. I think a lot of the agencies would be delighted to have us keep continuing one-twelfth of their last year's allotted spending each month this year. That is what we have been doing, and it's not getting us anywhere.

I think there ought to be a penalty, which would be reflected in every one of the budgets. I think every time we pass a continuing resolution there ought to be a reduction in the amount spent each month until we get a final resolution. That could be 1 percent or  $\frac{1}{2}$  percent or  $\frac{1}{4}$  percent, but there should be some kind of a reduction if we are ever going to reduce spending and pay down our debt.

There is another responsibility, and that is for appropriators to figure out how to get this spending circle down to the size of the revenue circle. This is the only part that the Appropriations Committee has worked on—this little third of the square that contains discretionary spending.

What we are going to have to do now is come up with some solutions. I have some solutions. I am not going to go into those today, but what I want people to do right now is to think about how much we are spending versus the revenue we have. Every person in America needs to be thinking about the way the programs they are involved in can be a part of getting the spending circle down to the size of the revenue circle. It is everybody's responsibility.

What we continually run into are the groups—particularly from our States—that come in and say: I have this fantastic program and we just need a little increase for inflation because it is such a phenomenal program. For years, we have been able to do that. That is how the balloon got this big. We are not going to be able to do that anymore.

What would be helpful is if people could suggest how, in their program, they could make it better for less money. It is either going to have to be better for less with a little pain right now, or wait a couple years and have it worse for less with a lot of pain.

We are at a point right now where we reduce spending 1 percent for each of 7



years and get to a balanced budget; that is, 1 percent true cuts. That isn't 1 percent less growth. It is 1 percent true cuts each and every year, and it has to cover the whole circle, not just the discretionary part of the spending circle—which is what we usually concentrate on—and then have some discretionary capability on it. The fact is, the largest amounts we spend in this whole piece of the pie is spent on mandatory spending, and it is conversely funded by a much smaller amount. We can't do that for long. We are going to have to propose solutions.

Instead we have been in scenario where people come in and say we need a little bit more money or don't cut my program; keep it the same size. I ask for suggestions on how we could keep this practice going in light of our disproportionate revenues and expenditures. The usual approach is to tell me and my fellow senators there are a couple of other programs that we ought to eliminate. We are looking at those too.

We looked at them in the Health and Human Services areas, Senator COBURN and I did, and found there was \$9 billion of duplication. Do we need duplication? I would hope not. Senator COBURN got so excited, he did this same study for the entire Federal Government and found \$900 billion in duplication. Does that mean a whole lot of other agencies were a whole lot less efficient than Health and Human Services? No. It means we have duplicative programs in every single agency.

We also have financial literacy programs in every single agency. If we are spending \$3.456 trillion and only getting \$2.2 trillion in revenue, is the financial literacy in our government working? I don't think so.

When I first got here, there were 119 preschool education programs. Preschool is important. The start children get from when they are first born until they go to school makes a huge difference in their growth and development for the rest of their lives. However, we had 119 programs and once we took a closer look, we found many of them, according to their own evaluation, were failing. We now have that number down to 69 programs. Do you know why we can't go below 69? My jurisdiction as Ranking Member of the Health, Education, Labor, and Pensions Committee is over the Department of Education, which only has 8 programs—8 of 69 preschool programs. The Department of Agriculture has the most preschool programs.

That's why, when Senator COBURN is talking about duplication and looking at the complete picture of everything the Federal Government does, there is duplication in each and every agency. What we are going to have to do is pick out those that operate with the most efficiency and results, give them a little more funding and eliminate the other duplicative programs. Getting rid

of duplication is a surer way of solving the problem than some of the other ways that have been talked about.

One other avenue we keep talking about is waste, fraud, and abuse. Yes, there is waste, fraud, and abuse. We need everybody in America to help us find that waste, fraud, and abuse, but in reality, the total cost of waste, fraud, and abuse is a rather elusive number. Does anybody know how big that is? Everybody is guessing. It is only a guess how much there is. We need to find it, and we need to be taking the money from eliminating these actions before we spend it.

We will sometimes attempt to use the waste, fraud, and abuse numbers as the pay-for for a new program. We aren't able to spend that money until we actually have it, but what happens it is used as pay-for and the program goes into effect, but nobody follows up to go out and dig up that waste, fraud, and abuse. Instead, the waste, fraud, and abuse money ought to go into a fund before it can be spent on something else.

However, when I am talking about duplication, the \$900 billion worth of duplication, I am talking about numbers that we can go to the Federal budget and look up. We can find out exactly how much those programs are spending. In its duplication, we wouldn't eliminate all of them, but we ought to be able to eliminate half of them. Madam President, \$450 billion alone, half of Senator COBURN's total duplication findings, would be a huge change for this country.

I hope we look at some of those ideas to cut spending. I have a 15-page speech that would explain some ways we could solve this problem, but what I am trying to do is get people to grasp the concept that our Federal tax receipts, and total revenue, is far outweighed by the circle that shows what we are spending. As a family, people know they can't budget this way. As a government, we can't do it for very long, even if we print our own money. Somehow we are going to have to shrink the spending circle down until it is that size or grow the revenue circle until it is—they are comparable in size, or a combination of the two. As I said, I will give some other speeches to outline some of my other ideas. In the meantime, I hope everybody will take a look at the chart I have shown today.

We can't look at it and say don't touch Medicare, Medicaid, and Social Security, we can't have \$½ trillion of extra expenditure spending in that category alone for long. There is another \$416 trillion in mandatory spending in that same category. How long can we keep spending at this rate? What happens if interest rates go up? This piece of the spending pie can become much bigger and probably will. I don't know how long we can keep interest rates as low rate as they are now. If they go up,

it will help some seniors because they have some investments in cash that would get higher interest rates, but for the country as a whole, rising interest rates that already make up 6 percent of our budget will only be more cause for worry. When that one expands above the 1 percent we are spending right now—and it is going to expand in the next couple of years because of what is happening in Europe—we had better be worried about it.

This is the kind of picture shown by the deficit commission that Erskine Bowles and Alan Simpson chaired. I was hoping we would repaint this picture a number of times between the time they released their report 1 year ago and now, because we have to get America to understand. Actually, I can tell you the people in my State understand this. I don't need to explain it to them. They know how much more we are spending versus what we are taking in. They can even tell you the numbers. They are concerned, and they need to be concerned. We all need to be concerned.

I am open to suggestions on this. I will have some speeches I'll give later reiterating this definite problem we are in. I have said a number of times our country has maxed out its credit cards.

A couple weeks ago during a trip to Wyoming, I checked into a hotel and I used my Senate credit card. The lady a few moments later, very embarrassed, said: "I am sorry, but your card is being rejected." I said: "I guess the Federal Government is in worse trouble than I thought," and used my own card and it went through.

We had better be worrying about it now because we do have a problem. We have maxed out our credit cards, and there are not any other places we can go for money. We have been the bastion of money for years.

Keep this in mind. Start thinking of ways we can actually make some cuts and increase some revenues. I have ideas for both in speeches I'll give in the future. We are in a crisis. It will be a more immediate crisis any time and we are no longer spending our grandkids' money; we are spending our kids' money, and it is about to come due on us. When I say "on us," I am even including myself and the seniors in that count. The day of reckoning is not far away.

I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LAUTENBERG. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LAUTENBERG. I ask to speak as if in morning business.



The PRESIDING OFFICER. Without objection, it is so ordered.

#### FUTURE OF AMERICA

Mr. LAUTENBERG. Mr. President, we are here now deciding what kind of a country America might be in the future—whether it will be a place we can look back at and remember when everybody had a chance at success.

It is hard to believe that when we look at the vote we just had. It confirmed where the Republicans are on the issue of whether middle-class families should get a tax break. The Republican answer, was no. The answer they gave on the middle-class families tax break was: Absolutely no. No, no, no.

To the struggling single parent who wants to provide for their family, works hard every day, the Republicans said no way. To the recent college graduate trying to start a career but having trouble paying back college loans, paying rent, paying living costs, the Republicans said no. To the working couple, a family with a couple of kids who needs some help in this tough economy, the Republicans said no. No, no, no. The Republicans refuse to help them because their mission is to shield the wealthy from paying their fair share of our country's obligations.

Across our country, Americans are watching Republicans in this Congress and wondering what they are going to do to supply encouragement and hope for people who need it. Are we going to be simply a big accounting firm, simply doing the auditing, or are we going to be there to stimulate activity for people, to give them a chance to elevate their living standards for their family, to get their kids educated, and take care of the family necessities?

Right now, 14 million Americans are jobless, and they are worried about how they are going to stay in their homes, feed their children, and keep their families warm this winter. But unemployed Americans are not the only people who are struggling. Hard-working Americans from all walks of life are struggling to make ends meet. They are coping with skyrocketing grocery prices, surging health premiums, soaring college tuition.

In my home State, 1 in 10 New Jerseyans is on food stamps, the highest level in more than a decade. New Jersey has traditionally been among the top States per capita income in the country, within the top three, often in the first position.

On this side of the aisle, we are trying to help struggling families. I learned the hard way about family struggles when I was growing up. My father took ill with cancer when he was 42; I was 18. My mother, when my father died, was 37 years old. We had all kinds of obligations to pay. My mother took over the family leadership. We owed money for the pharmacy, for hos-

pitals, for doctors. We were virtually bankrupt. I had enlisted in the Army. Next week, it will be 69 years ago that I enlisted in the Army, in December of 1942.

I know how tough it was and how much aggravation accompanies a family who just cannot keep their heads above water.

Here we are, in a day of some incredible wealth around this country—around this room—and Republicans are trying to thwart our efforts to extend and expand the payroll tax cut for working families—for people who depend upon their incomes to take care of their family needs; not on their savings, not on their inheritance, on their jobs.

Millions of American families have benefitted from this tax cut that we have had this year, but it stands to expire at the end of December. Our side is eager to continue this tax cut and increase the size of that cut to help these families. In my State, this means a typical family would receive a total tax cut of \$2,100 next year. For parents who are trying to feed their families, educate their kids, pay their bills, an extra \$2,100 goes a long way. To make sure that all working families receive this much needed relief next year, we are asking America's millionaires to pay their fair share, but the Republicans would rather protect their wealthy friends than continue the payroll tax cut for working families.

First, the Republicans blocked our side's efforts to cut taxes for the middle class. Then the Republicans offered their own plan. It was a disgrace. Their plan calls for a much smaller middle-class tax break, which they would have paid for by laying off 200,000 middle-class government workers. That is how they would solve the problem—fire people. Don't take it out of your bank account, don't take it out of your salary—even if you make over \$1 million a year—fire people. That will make sure they understand we are not as concerned about them as we are about the person who makes over \$1 million a year.

It was a cynical ploy. It showed the other side's true stripes. The Republicans say they are for lower taxes, but we now see that only goes for the jet set. Their tax-cutting zeal doesn't extend to the middle class. Republican priorities? Raise taxes on middle-class families. Middle-class families do not have it easy in America today. Republicans want to raise their taxes to protect the luxuries for the millionaires.

Make no mistake. Working families will suffer if the Republicans continue to block our efforts to extend and expand the payroll tax cut, and so will our economy. Last week, Barclays Bank warned that our GDP will drop 1.5 percent if the payroll tax cut is allowed to expire.

The choice is clear. We can continue the payroll tax cut for working fami-

lies or we can allow the Republicans to continue running their millionaires' protection ring. The fact is, American millionaires are doing just fine. They don't need protection from the Republicans. Since the 1980s, our country's wealthiest 1 percent have seen their average household income increase by 55 percent. But for the bottom 90 percent, average household income has not increased at all.

As we see here, even though incomes are growing for the very wealthy, their taxes are actually going down.

We can also look at CEOs to see how well the wealthy are faring. CEOs at the largest companies are now paid an average salary of \$11 million a year. That is 343 times as much as the average worker's salary of \$33,000.

It used to be a much more modest comparison. In 1980, CEOs made 42 times the average worker's pay. Just look at that. Just a few decades ago the pay was much more reasonable, and the people who were working in the mills and making products and doing the service jobs and all of that were living significantly better than they are today.

Millionaires are making much more money today than they did in those years past. This is something I know something about directly. I was the president of a very large company when I came to the Senate. And you know how I got there: I had a boost from our country. I had enlisted in the Army, and I served in Europe. I got the GI bill. I went to Columbia University. It happened because the country said: Frank, if you can learn we will help you. We will pay your tuition because you served your country. I've done well because my country invested in me, and I'm willing to invest more in my country today to help the next generation.

That company I helped start with two other fellows has 45,000 employees today; 45,000 people are working at ADP, the company I helped start, because we had a chance at an education and to learn what we had to do to be in management, what we had to do to be in leadership.

Our goal should not be to protect millionaires and billionaires who don't need our help. We should focus on the foundation that our society requires to function. We should be focused on protecting Medicare, food safety, Head Start.

Imagine, they want to take seats away from Head Start Programs. I visited a Head Start Program in New Jersey just a few weeks ago, and I saw the children. They were 3, 4, 5 years old. They were interested in learning something. I talked to them, and I wanted—one of the little kids came over and hugged me around the knees. I wanted to pick him up and take him home. He was so beautiful, so nice. I thought: Here is a child, learning. He came from a single-parent family.

The people who need help—we should be focusing on protecting them and giving them a chance to grow. We should be about making sure they have proper Medicare, that food safety is taken care of. Head Start, home heating for the poor, and other essential programs—we should be protecting them from reckless cuts.

The Republicans who served on the supercommittee refused, before the negotiations were started—refused to ask wealthy Americans to pay their fair share. They practically took an oath that they would demand nothing more of the wealthy, when the country is deeply in debt, starving for a better way to solve our problems.

As a result, the poor and the middle class are going to have to make up the difference. These are the people who need help the most right now. We must act now to protect the vital programs on which they rely. If we fail to act, our country and our economy will continue to suffer—especially Americans who are already struggling. It is just plain heartless to continue asking the poor, the middle class, the elderly, and our children to bear the entire burden of these brutal economic times.

It does not hurt any of us who have been successful to pay a fair share. It might cost a few dollars more, but if you are making over \$1 million a year, look in the mirror and see if you have done it all by yourself or whether it took the help of your country to get there. There is a whole cadre of people working across America—they go to work every day because they want to make a week's pay and take care of their kids and take care of their obligations. That is the foundation that built America. It is the foundation of the development of something that was called the "greatest generation."

That was the generation in the last century who served in World War II. All of us had an opportunity to get a college education when we otherwise would not have been near a college.

That built our country. That strengthened our foundation. Now we see people, Republicans, who want to make it tougher for people to make a living, tougher for people to get an education, tougher to provide heat for people who desperately need it in the wintertime, tougher to think ahead and say: You know what. I know my children will do better than I have done in my life.

That used to be a truism in our view of life in this country. We don't hear that much anymore because people are unsure, and it does not help to have the Republicans sticking up for the wealthiest among us and turning their backs on working-class families in this country, the middle-class families. It is not right.

I hope the people across this country will say: No. We are going to say no to these Republican policies. I hope our

Republican colleagues will disband their millionaires' protection game, stop standing in the way, and start standing up for everyday Americans who need our help.

Help us continue the payroll tax cut for working families. Help us protect the programs that benefit the people who need them most. Help us, friends on the Republican side, to make America even stronger than it is today. We can do that.

Countries are failing all over the globe. America need not to do that. We just have to make sure that while we take care of our expenses, we also make sure we have the revenues to do the job.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. FRANKEN). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mrs. SHAHEEN). Without objection, it is so ordered.

#### EXECUTIVE SESSION

NOMINATION OF NORMAN L. EISEN TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE CZECH REPUBLIC

NOMINATION OF MARI CARMEN APONTE TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF EL SALVADOR

Mr. REID. Madam President, I ask unanimous consent that we now proceed to executive session to consider Calendar Nos. 360 and 501, and I send two cloture motions to the desk.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the nominations.

The assistant legislative clerk read the nomination of Norman L. Eisen, of the District of Columbia, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Czech Republic.

#### CLOTURE MOTION

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The assistant legislative clerk read as follows:

#### CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the nomi-

nation of Norman L. Eisen, of the District of Columbia, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Czech Republic:

Harry Reid, Barbara Boxer, Patrick J. Leahy, Patty Murray, Richard J. Durbin, Kent Conrad, John D. Rockefeller IV, Jeff Bingaman, Tim Johnson, Daniel K. Inouye, Debbie Stabenow, Robert P. Casey, Jr., Max Baucus, Charles E. Schumer, John F. Kerry, Mark Udall, Michael F. Bennet.

The assistant legislative clerk read the nomination of Mari Carmen Aponte, of the District of Columbia, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of El Salvador.

#### CLOTURE MOTION

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The assistant legislative clerk read as follows:

#### CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the nomination of Mari Carmen Aponte, of the District of Columbia, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of El Salvador:

Harry Reid, John F. Kerry, Barbara Boxer, Patrick J. Leahy, Patty Murray, Richard J. Durbin, Kent Conrad, John D. Rockefeller IV, Jeff Bingaman, Tim Johnson, Robert Menendez, Daniel K. Inouye, Max Baucus, Charles E. Schumer, Mark Udall, Michael F. Bennet, Al Franken.

Mr. REID. Madam President, I ask unanimous consent the mandatory quorum under rule XXII be waived in each instance; that on Monday, December 12, at 4:30 p.m., the Senate proceed to executive session to consider the following nominations concurrently: Calendar No. 360 and Calendar No. 501; that there be 1 hour of debate, equally divided, in the usual form; that upon the use or yielding back of that time, the Senate proceed without interviewing action or debate to vote on Calendar No. 360; and that if cloture is invoked, the Senate immediately vote on confirmation of the nomination, and following disposition of Calendar No. 360, the Senate proceed to vote on cloture on Calendar No. 501; further, that if cloture is not invoked on Calendar No. 360, the Senate proceed to vote on cloture on Calendar No. 501; that any statements be printed in the RECORD, and the President be immediately notified of the Senate's action and the Senate then resume legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will resume legislative session.

## TRIBUTE TO JACOB'S TREE

Mr. McCONNELL. Madam President, I rise today to extend my personal blessing this holiday season to the family of Jacob Akin of Somerset, Kentucky. This year, the town of Somerset has graciously chosen to honor the Akin family by accepting their donation of a 20-foot cherry spruce tree to be displayed in the town's Fountain Square as the county Christmas tree. More important, however, is the solemn but heart-warming story of the tree's origin, and the inspiration it brings to the people of the community.

The tree, known as "Jacob's Tree," was planted in remembrance of Jacob Akin, who was tragically killed in a terrible accident on December 6, 1994. Five-year-old Jacob was playing with his older brother, Abraham, in a house when a chimney unexpectedly collapsed on top of him. Thus, the holiday season each year is especially burdensome for his family, as it serves as a constant reminder of the horrific accident that took place 17 years ago.

A year after his death, his family decided to plant a tree to honor young Jacob. Over the years, the tree has helped bring comfort and peace to the family. "We decided to put up the tree in memory of my son," Jacob's mother, Rebecca Buis, says. "I felt like as the tree grew, I could keep up with the years and somehow see how my son might have grown. It's kind of a reminder, and it helps with the grieving process to plant something in memory of someone you love."

Almost two decades later, Jacob's spirit remains ever-present in the magnificent 20-foot cherry spruce tree that Rebecca hopes will bring a joyful light to the community on Fountain Square. "Over the years, it just grew and grew," she says. "It's a beautiful, well-rounded tree and would make a wonderful Christmas tree."

On December 3, Jacob's Tree was scheduled to be lit for the first time in Fountain Square in a special tree-lighting ceremony during this year's annual Christmas parade. In the spirit of the season, Jacob's family hopes that the community will come together around the tree and share in its joy. "Christmas is a time of giving," Rebecca said.

The story of Jacob's Tree and the selflessness of the Akin family is truly inspirational. I would like to extend my personal blessing to Jacob's mother, Rebecca Buis, his father, David Akin, and his brother, Abraham Akin, this holiday season. And I ask my Senate colleagues to join me in wishing the family a very Merry Christmas and a Happy New Year. It is my hope that the tree brings them comfort, and that it shine especially bright in honor of young Jacob.

The Commonwealth Journal, a Somerset-area publication, recently published an article telling the story of Ja-

cob's Tree. I ask unanimous consent that the full article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD as follows:

[From the Commonwealth Journal, Nov. 25, 2011]

'JACOB'S TREE' WILL WARM THE SPIRIT THIS SEASON

(By Chris Harris)

The Christmas season is seen as a time of miracles, a time of redemption for mankind.

This year, one of Somerset's proudest symbols of the Christmas tradition will be its own miracle of sorts—a chance to redeem joy and light out of the clouds of tragedy.

The Christmas tree in the town's Fountain Square is scheduled to be lit in a special ceremony on Saturday, December 3, as is the annual custom.

This year's tree comes from the yard of Rebecca Buis, known to local bank customers as a branch manager and loan officer at First & Farmers National Bank in Somerset.

Anyone who has driven down Denham Street lately has probably noticed the towering cherry spruce standing out with its bold green hue, even as the trees around it have shed their leaves and stand bare and bland.

The tree was planted around the holiday season of 1995—one year after a horrific accident that changed Buis's life forever.

On December 6, 1994, Jacob Akin, Buis's 5-year-old son, was killed in what his mother can only call a "freak accident."

Jacob and his brother Abraham, who was 10 at the time, were playing in a house on Newton Street in Ferguson that their father was in the process of razing.

"(The father, David Akin) did construction work," said Buis. "This wasn't anything that was new to (the children). They were used to playing around that kind of stuff."

This time, however, was different.

After Abraham exited the structure to ask his father a question, a chimney crumbled and collapsed on top of young Jacob.

A parent's worst nightmare had come to pass—and during the holiday season meant to be a happy time for families.

The memories remain painful to this day.

"They couldn't find my son underneath the bricks," recalled Buis, who still finds herself overcome with emotion when talking about the incident. "They had to pull them off brick by brick until they found him."

According to then-county coroner Alan Stringer, Jacob died of multiple skull fractures as a result of the toppled bricks. Buis noted that Jacob's neck was broken immediately, which meant that death came quickly. This and the fact that Abraham survived provided the only sources of solace in that terrible time.

"My worry was that he suffered, and they told me he had not," said Buis. "I'm lucky in the sense that I felt like God could have taken both my boys that day, playing in the house together. I could have lost them both."

Still, the holiday season was unalterably affected for Buis and her family.

"I wasn't able to focus on Christmas at all," said Buis. "We didn't put up a tree that year."

For one thing, Buis felt like she had to stay strong for her other son's sake. The necessity of putting on a brave face took its own toll on the devastated mother.

"You have to carry on because you have two children," she said. "Kids grieve dif-

ferently. It's not an easy thing to deal with; kids don't usually tell you, but they feel responsible. I tried hard not to show grief because I didn't want (Abraham) to feel responsible. Nobody could have done anything. It was a freak accident."

Buis recalls Jacob, in kindergarten at Hopkins Elementary at the time, as "a funny little young man," as well as one who was both handsome and intelligent.

"He was a very smart young man," she said. "He understood lots of things, I think."

The calendar pages turned, and soon enough, it was the Christmas season again. Buis decided it would be appropriate to pay some kind of tribute to Jacob, and decided to plant the household Christmas tree, only about five feet tall at the time, in the ground outside their home.

"We decided to put up the tree in memory of my son," she said. "I felt like as the tree grew, I could keep up with the years and somehow see how my son might have grown. Every time I would pull in the driveway, I would see the tree."

"It's kind of a reminder," she added. "It helps with the grieving process to plant something in memory of someone you love."

Today, the majestic tree stands about 20 feet tall. It's "reached its potential," as Buis put it, and has "overgrown the place."

As such, Buis decided it might be the perfect time to inquire about donating "Jacob's Tree," as it's called, to use on the Fountain Square as the county's official Christmas tree. County officials happily obliged.

"Over the years, it just grew and grew," said Buis. "I'd been thinking for some time about (donating it), and just decided, 'You know, it's time to cut the tree down.'"

Buis said she also took Abraham's feelings into consideration. Now 27, still in Pulaski County working in construction, Abraham "thinks it's a good idea," according to Buis, but she wanted to make sure he was okay with the choice to donate the tree given the effect Jacob's death had on him as well.

Much as the tree reached its adult size, Jacob would have been 22 years old this year. However, his legacy has managed to live on in other ways as well.

After Jacob's death, Buis decided to donate his corneas and heart valves to help save the lives of other individuals. "(Christmas) is a time of giving," she said, noting that Jacob's untimely passing was able to give hope to others.

"I received letters telling me that one of Jacob's corneas went to a child who was born with a birth defect, and another went to an older man in his 60s with an eye injury from a work accident," said Buis. "His heart valves also went to adults. I didn't realize how important heart valves were to people who need them (until then)."

"It's a hard decision to make because you have to make it quickly," she added, referring to the decision to donate Jacob's organs. "You can't think about it for days. You have to know at the time of death, and it's a very hard time."

Just as Jacob's body was donated to bring a new light of hope to those in need, his spirit remains in the tree that has now been donated to bring a similarly joyful light to the community.

"It's a beautiful tree," said Buis. "It's well-rounded and would make a wonderful Christmas tree."

Citizens can see "Jacob's Tree" lit for the first time on December 3. The annual Christmas parade, sponsored and organized by the Chamber of Commerce, begins at 5 p.m. with the tree lighting activities set for 7 p.m.

As a Chamber Ambassador, Buis is looking forward to the yearly festivities that are so beloved by locals—but especially since she will get to see that special memorial to her son shining in all its glory.

"I just hope that (those who see it) will enjoy the tree and that it will be beautifully decorated," said Buis. "I hope that people will get a warm feeling from the tree, and know that it's given in a good spirit."

#### COMPUTER SCIENCE EDUCATION WEEK

Mr. CASEY. Mr. President, I rise today to speak about Computer Science Education Week, which began on December 4, 2011, and continues until December 10, 2011. This celebration includes events in my home State of Pennsylvania that advance the teaching and learning of computer science. These activities help to engage students and build their interest in a field that promises good jobs in a rapidly expanding sector. The week also draws attention to the critical need for strong computer science education in our schools.

E-mails, text messages, financial transactions, cell phone calls and doctor's visits are just a few of the activities that rely on computer science. In the last 20 years, we have undergone a technological revolution that has transformed industry, created entirely new segments of the economy, and transformed our daily lives. Pennsylvania's high-tech industry has played a crucial role in this growth, and we must prepare the next generation to continue innovating. The events of Computer Science Education Week help to build momentum for students to learn computer science.

In Pittsburgh, Carnegie Mellon University, which boasts one of the best computer science and informatics programs in the country, will host high school students and expose them to the multitude of academic and professional opportunities in computer science. At Emmaus High School in Emmaus, young people will demonstrate programmable robots and hear from alumni who have successfully pursued careers in computer science, all while honoring computing pioneer Grace Hopper with a birthday cake. Even the White House is celebrating Computer Science Education Week by honoring the week's organizers and representatives of the Computer Science Teachers Association as "Champions of Change."

I have introduced S. 1614, the Computer Science Education Act, to help students develop the skills to compete for the growing number of jobs in computer science. Our Nation's economy and security depend upon computing professionals, but the current pipeline of graduates will satisfy only 52 percent of the more than 1.4 million computing job openings expected by 2018. The other 48 percent of these jobs will either go unfilled or move to other

countries. America should continue to lead in the high-tech sector by preparing students to take these well-paying jobs. This legislation would strengthen computer science education in elementary and high schools by ensuring that students not only use technology but also learn the technical skills needed to work in computer science and grow our economy.

Computer Science Education Week will help to increase the interest of students who will invent the next mobile technology or start the next technology company. This week was established in 2009 by the Computing in the Core Coalition, a group of organizations, companies, and scientific societies that strive to advocate for computer science as a core academic subject. Computer Science Education Week coincides with the birthday of Grace Murray Hopper, a pioneer in computer science, who was born on December 9, 1906. She rose to the rank of rear admiral in the U.S. Navy, engineered new programming languages and developed standards for computer systems that laid the foundation for many computer science advances.

The economy of the future and the jobs that will accompany it demand that we prepare our students to remain competitive as leaders in the high-tech global marketplace. For that reason, I urge my colleagues to join me in recognizing Computer Science Education Week and to cosponsor the Computer Science Education Act.

#### HOOVER POWER ALLOCATION ACT

Mrs. FEINSTEIN. Mr. President, I rise today to speak about the importance of the Hoover Power Allocation Act of 2011, of which I am a cosponsor.

This legislation passed the Congress after a multiyear effort led by Senator HARRY REID, the bill's lead author, and I thank him for his work.

Upon enactment, Californians will be able to continue buying Hoover Dam's power at the cost of production for the next 50 years.

The legislation allows the people of southern California whose local governments and utilities signed the 50-year contracts that made building Hoover Dam possible to receive 56 percent of the energy produced by the dam for another five decades.

For the people of my State, the Hoover Dam has been a consistent supply of affordable, pollution-free power for decades. The Hoover Dam is one of the largest power plants in the United States, with a capacity of 2,080 megawatts approximately the size of each of California's nuclear powerplants.

Its average production between 1999 and 2008 was about 4.2 billion kilowatt-hours per year, approximately 2.4 billion kilowatt hours of which goes to southern Californians who buy their

power from Southern California Edison, the Los Angeles Department of Water and Power, or members of the Southern California Public Power Agency.

Hoover's power also plays an essential role moving water into parched and populous southern California.

The Metropolitan Water District uses Hoover's power to move its 550,000 acrefeet annual allocation of water from the Colorado River, over five desert mountain ranges, to Los Angeles.

Without Hoover's power, the Metropolitan Water District's cost of moving that water would be inordinately more expensive.

And if California rate payers had to buy that much power at market rates instead of Hoover Dam's 2.5 cents per kilowatt hour cost of production, it would cost approximately \$180 million more each year.

And that power would likely come from dirtier, more distant sources, including coal plants.

Instead, continued access to Hoover's low-cost, renewable hydropower will keep rates low as California's utilities bring on new, more expensive renewable power to comply with the State's 33-percent renewable portfolio standard.

The legislation also sets up a process through which new power recipients in California will be determined by the Western Area Power Administration.

As explained in the House committee report accompanying this bill, Congress expects the agency to conduct an open hearing and review the process to determine power allocations fairly and equitably.

The process should provide the opportunity for irrigation districts, rural electric cooperatives, and other eligible entities to receive allocations.

Congress also expects that Western Area Power Administration will evaluate the relevant power requests of potential new Hoover power recipients in an open, thorough, and transparent process to assess both the applicants' power needs and the classes of customers they serve.

The agency should make allocation determinations in an impartial, unbiased, and objective manner, consistent with State and Federal preference standards, and in a way that provides the most benefit to the most Californians.

My colleagues and I also expect that the process and analytical results will be documented and made available for review.

Finally, no discussion of Hoover Dam would be complete without acknowledging efforts to protect endangered species.

Hoover contractors have committed to providing more than \$150 million over 50 years to support the Lower Colorado River Multi-Species Conservation Program for the protection of 26

endangered, threatened and sensitive species.

The legislation authorizing the MSCP was enacted in the 111th Congress and signed into law on March 30, 2009.

I thank the parties for reaching this agreement.

The Hoover Dam is an American success story. And it is a renewable energy success story.

During the depths of the Great Depression, Americans stepped forward to help build one of the great engineering marvels of all time.

Between 1931 and 1936, our Nation made a massive effort involving thousands of workers more than 100 of whom lost their lives to build a powerplant unlike anything the world had ever seen.

Many in Congress at the time argued the cost of Hoover Dam was too high.

They argued that government should not be making such large investments in infrastructure.

They opposed efforts to invest in an unproven energy technology like hydropower.

The debate was strikingly similar to debates we are having in this body today.

Luckily for the people of California, believers in American infrastructure and technology won the Hoover Dam debate.

The U.S. Congress provided Federal funds, but only after the Department of the Interior arranged power contracts at prices sufficient to both, No. 1, cover the operating and maintenance charges and, No. 2 repay the capital appropriated by the U.S. Congress within 50 years.

When the communities and utilities of California, led by the City of Los Angeles, stepped forward to sign those contracts, construction began.

As the years have passed, the investment has been repaid and the wisdom of Congress's decision has become apparent.

And now we have enacted a law that continues the legacy of Hoover Dam.

I thank the generations before us for having the foresight to fund the Hoover Dam, and I hope we can again rekindle the spirit and invest in America.

#### RECOGNIZING LORELEI SHEPARD

Mrs. FEINSTEIN. Madam President, I rise today to recognize and thank Ms. Lorelei Shepard, who will be retiring from the United States Senate at the end of the year. Lorelei began her career on the Hill in 1993, working for the Secretary of the Senate as an elevator operator in the Capitol. She eventually became a supervisor where she was responsible for managing the weekly schedule of 20 operators and supervising their day to day duties. Her pleasant demeanor and calm nature served her well as she guided and deliv-

ered confused visitors and harried staff and Senators to their destinations in the Capitol.

She joined the staff of the Senate Select Committee on Intelligence in 1995, as the Committee's receptionist, where once again her calm and friendly approach and knowledge of the Capitol served her well. In 2000, Lorelei decided to pursue one of her dreams and she moved to a beautiful home in a little town in Vermont. As a Californian, I think it is safe to say that although beautiful, the winters in Vermont leave something to be desired. Thanks to that New England winter, Lorelei decided she needed to thaw out and she soon returned to Washington. Through a combination of good luck and timing, the Committee was able to have Lorelei join the Committee staff again, at the end of 2001.

She has served for the last 10 years on the Committee's staff, including for the last 5 years as our security assistant, making sure that classified documents are logged and distributed appropriately, handling classified correspondence, and keeping track of the secrets entrusted to the Committee.

It is the Intelligence Committee's constitutional responsibility to oversee the intelligence activities of our nation. Through her many years of service on the Committee, Lorelei has made a quiet but critical contribution to this effort. For that, I thank her.

Though Lorelei will be leaving, the Shepard family still remains a part of the Senate community. Lorelei's daughter, Lori, and son, Peter, have followed in their mother's footsteps and both work in the Senate today. This is quite a testament to their family's commitment and dedication to our nation and one for which they should be proud.

I wish Lorelei all the best as she retires and eventually returns to Vermont. I know she will enjoy the new-found time she will have to pursue her love of quilting, writing and the myriad of other talents with which she has been blessed.

On behalf of the Intelligence Committee, many thanks Lorelei, best wishes, and stay warm.

#### VIOLENCE AGAINST WOMEN REAUTHORIZATION ACT

Mr. WHITEHOUSE. Madam President, I rise to speak in support of the Violence Against Women Reauthorization Act of 2011, which I am pleased to cosponsor today. As attorney general of Rhode Island, I saw firsthand the good work the Violence Against Women Act, VAWA, has done to protect victims of domestic violence, to provide crucial services to those in need, and to hold batterers accountable. The VAWA Reauthorization Act builds on that record of success and makes important updates to strength-

en the law, while cognizant of the challenging budget circumstances we face. I congratulate Senators LEAHY and CRAPO for their hard work and leadership on this bill.

I am particularly appreciative that Senators LEAHY and CRAPO have included the Saving Money and Reducing Tragedies through Prevention Act of 2011, or the SMART Prevention Act, which I previously introduced, within the Violence Against Women Reauthorization Act.

Far too many teens suffer abuse at the hands of a dating partner. According to the Centers for Disease Control, for example, 1 in 10 teenagers reported being hit or physically hurt on purpose by a boyfriend or girlfriend at least once in the past year. The SMART Prevention Act will support innovative and effective programs to protect our children from this dangerous abuse.

Earlier this year, as chairman of the Senate Judiciary Committee's Subcommittee on Crime and Terrorism, I held a field hearing in my home State on "Preventing Teen Violence: Strategies for Protecting Teens from Dating Violence and Bullying." With hundreds of students from Tolman High School in Pawtucket, RI, in the audience, prominent advocates and experts testified about the importance of educational and community programs in preventing dating violence among teenagers.

The witnesses explained that teen dating violence remains a serious problem, but that we can take important preventive measures. Ann Burke, a leading national advocate, explained that school-based teen dating violence prevention programs, especially those focused on middle schools, have proven effective in changing behaviors. The Lindsay Ann Burke Act, named in memory of Ann's daughter, a victim of dating violence, supports abuse education programs for teens in Rhode Island. Since its passage, physical teen dating violence rates in our State have decreased from 14 percent in 2007 to 10 percent in 2009.

These preventive measures are most effective when part of a community-wide approach. As Kate Reilly, the executive director of the Start Strong Rhode Island Project, explained at the hearing, effective prevention programming should not be limited to schools alone, but should "meet kids where they live and play." That requires involving parents, coaches, mentors, and teen and community leaders, as well as using new technology and social media in innovative ways.

One group of children needs particular attention: children who have witnessed abuse in their home. Deborah DeBare, the executive director of the Rhode Island Coalition Against Domestic Violence, explained at the hearing that "growing up in a violent home may . . . lead to higher risks of repeating the cycle of abuse as teens and

young adults." By supporting robust services for children exposed to domestic violence in the home, we can help break the intergenerational cycle of violence.

The SMART Prevention Act builds on each of these insights. It would create a new grant program within VAWA to support dating violence education programs targeting young people, with a particular focus on middle school students. The bill would also support programs to train those with influence on youth, including parents, teachers, coaches, older teens, and mentors. The new teen dating violence prevention program would be coordinated with existing grant programs focused on prevention, including a program directed at children who have witnessed violence and abuse. By requiring coordination with these programs, and focusing resources on prevention, the SMART Prevention Act is also smart policy fiscally. Abuse that is prevented reduces the strain on our already overburdened health and education systems.

New laws in several States, as well as innovative and hard-working organizations such as the Lindsay Ann Burke Memorial Fund and the Katie Brown Educational Program in New England, have demonstrated how effective such prevention programs can be, so now is the time for Congress to act.

I again thank Senators LEAHY and CRAPO for their leadership in reauthorizing the Violence Against Women Act. I look forward to working with them and other Senators from both sides of the aisle toward a country that is free from dating and domestic violence.

#### INTERNATIONAL HUMAN RIGHTS DAY

Mr. CARDIN. Madam President, I rise today to mark International Human Rights Day, a day which celebrates the adoption of the Universal Declaration on Human Rights by the UN General Assembly on December 10, 1948.

In the immediate aftermath of World War II, and reacting with revulsion to the horrors of that global war and the Holocaust, the community of nations organized itself with the goal of protecting international peace and security. Although the United Nations founding Charter recognized the protection of human rights as one of the UN's most basic purposes, it was quickly recognized that it would be necessary to further elaborate these fundamental freedoms in order to ensure their protection. The resulting document—the Universal Declaration of Human Rights—has since served as the foundation upon which all other human rights work at the international level has stood. It remains to this day an enduring guide for human rights advocates around the globe.

This has been an exciting and dramatic year that will be remembered for

the triumphs of the Arab Spring. The fall of so many dictators who have been responsible for the deaths, torture, and other atrocities meted out against so many has opened up the exhilarating prospect of real reform and meaningful human rights improvements. But the final chapter of the Arab Spring has not yet been written, and nothing can be taken for granted.

Progress in this field is not necessarily linear. As Ronald Reagan said in his inaugural address, "Freedom is a fragile thing and is never more than one generation away from extinction."

I believe it is especially critical, at this historic moment, for the United States to remain vigilant in the protection and promotion of human rights—abroad and at home.

Overseas, the United States must continue to use our voice to speak on behalf of those silenced by brutal regimes. We must continue to lift up those who cannot stand on their own. And while we must inevitably pursue a multifaceted foreign-policy that advances American goals in a broad range of areas including hard security and the economy, we must never treat human rights as something expendable.

I take particular note of the countries that stand shoulder to shoulder with us in that effort. I welcome Polish Foreign Minister Radek Sikorski's call for a "European endowment for democracy," similar to the National Endowment for Democracy which the United States has supported since 1983. I commend Poland for the leadership it has shown on human rights issues during its presidency of the European Union.

In all of these efforts, the role of civil society remains critical. On the 50th anniversary of the adoption of the Universal Declaration of Human Rights, the United Nations adopted a declaration on the rights of human rights defenders. They are the first line of defense and they often pay the highest price.

There are, unfortunately, too many cases of human rights defenders who are imprisoned, persecuted or worse, for me to raise them all here. But I would like to mention one in particular that maybe emblematic of many others: the case of Evgenii Zhovtis, Kazakhstan's most well-known human rights activist.

Zhovtis is the Director of the Kazakhstan International Bureau for Human Rights and Rule of Law and even a member of the OSCE Office for Democratic Institutions and Human Rights' panel of experts on freedom of assembly. But he was involved in a tragic car accident in which a pedestrian was killed and, after a trial widely condemned for lacking due process, he was sentenced in 2009 to 4 years in prison.

A year ago, at the OSCE Summit in Astana, civil society activists called for Zhovtis' release. As one NGO participant remarked:

Evgenii is the human rights Everyman. If this can happen to him, it can happen to anyone.

A year later, Evgenii Zhovtis remains in a Siberian penal colony, even as Kazakhstan prepares to host an OSCE election observation mission. In the spirit of the Universal Declaration of Human Rights, I once again urge President Nazarbayev to review his case and to release him.

Thank you.

#### TRIBUTE TO JOAN MCKINNEY

Ms. LANDRIEU. Madam President, I rise today to pay tribute to Joan McKinney, who has been a beloved and respected mainstay of the Senate Press Gallery for almost 40 years.

Joan retired recently after a decade of service on the Press Gallery staff. Prior to that, she served the people of my home State of Louisiana for 2½ decades as Washington correspondent for the Baton Rouge Advocate.

Joan is originally from Greenville, SC, and is a graduate of Winthrop College. She came to Washington in 1971 to work on the press staff of our dear colleague Senator Fritz Hollings.

As her career advanced, she chose to return to journalism, working first as a reporter for the Greenville News, where her father served as editor, and then for another paper from my home state, the Shreveport Journal.

Joan was hired away by the Advocate when she continually beat the Advocate's reporter—who happened to be the son of the publisher—on stories. I came to know and respect Joan during our many hallway meetings that so often occur between Members and the press. I also had the great fortune of getting to know her as a person and as a friend.

In her tenure as the Advocate's congressional correspondent, Joan came to be well respected by members of the Louisiana delegation from both parties. The Members from my State knew her as fair-handed and tough, and most of all, that there was nothing, nothing that could get by her.

Through her work, Joan became an expert on the intricacies of the Senate and the Supreme Court. She took this knowledge with her into her role as a member of the Senate daily press gallery staff. I know her Senate acumen on the institution and its procedure was of great value to the reporters roaming the gallery who relied on her for deep insight about the Chamber they cover.

Joan, who has won reporting awards from the South Carolina and Louisiana press associations, is a longtime member of the elite Gridiron Club of newspaper writers. She was one of the first women to become a member.

I know that one of Joan's biggest interests is dance, something I am told she plans to be very active with in retirement. Long before "American Idol"



and "So You Think You Can Dance," Joan was an excellent competitive dancer. Her specialty is Shag, a regional dance popular in the Carolinas.

This year, Joan won her first national Shag championship. With more time to practice, I am sure more dance titles are on the way.

For those of us who have been fortunate to work with Joan, it is almost impossible to imagine the Press Gallery without her. But I know I join the entire Senate press corps in wishing Joan the best as she embarks on this new adventure in her life.

Joan, thank you for sharing with this institution and our entire country your knowledge, experience and good heart. All of us are better as a result of your service to the best ideals of our democracy.

#### CROWDFUNDING

Mr. MERKLEY. Mr. President, I rise today to address a promising new idea for investors and small businesses: crowdfunding.

In recent years, small businesses and startup companies have struggled to raise capital. The traditional methods of raising capital have become increasingly out of reach for many startups and small businesses. There is another option, but Congress must act to authorize it and provide for appropriate safeguards.

Low-dollar investments from ordinary Americans may help fill the void, providing a new avenue of funding to the small businesses that are the engine of job creation. The CROWDFUND Act would provide startup companies and other small businesses with a new way to raise capital from ordinary investors in a more transparent and regulated marketplace.

The promise of crowdfunding is that investments in small amounts, made through transparent online forums, can allow the "wisdom of the crowd" to provide funding for small, innovative companies. It allows ordinary Americans to get in on the ground floor of the next big idea. It is American entrepreneurship at its best, which is why it has the support of the President and many in the business community.

That said, there are real risks of investment losses at a rate far beyond ordinary investing. Crowdfunding, if done without proper oversight, provides significant opportunity for fraud. Indeed, it was not too long ago that our financial regulators were doing daily battle with scam artists pitching huge returns on fraudulent schemes through small, unregistered securities.

That is why the CROWDFUND Act will tap the opportunity of crowdfunding while reducing the risks.

The CROWDFUND Act provides a capital-raising alternative for startups and other small businesses, while not undercutting essential investor protec-

tions. It allows companies to raise up to \$1 million each year from ordinary Americans. It provides more disclosure, more accountability and accuracy, and limits the exposure of any individual investor.

I thank my colleague Senator BENNET for joining me in this effort, and I hope to partner with more of my colleagues to move this idea forward in the days to come.

#### TRIBUTE TO CHRISTOPHER L. CUGINI

Mr. THUNE. Madam President, today I recognize Christopher L. Cugini, an intern in my Washington, DC, office, for all of the hard work he has done for me, my staff, and the State of South Dakota over the past several months.

Chris is a graduate of Glen Oak High School in Canton, OH. Currently, he is attending the University of Mount Union in Alliance, OH, where he is majoring in communication. He is a hard worker who has been dedicated to getting the most out of his internship experience.

I would like to extend my sincere thanks and appreciation to Chris for all of the fine work he has done and wish him continued success in the years to come.

#### TRIBUTE TO ROBERT CUYLER HASKINS

Mr. THUNE. Madam President, today I recognize Robert Cuyler Haskins, an intern in my Washington, DC, office, for all of the hard work he has done for me, my staff, and the State of South Dakota over the past several months.

Cuyler is a graduate of L.D. Bell High School in Hurst, TX. Currently, he is attending Texas Christian University in Fort Worth, TX, where he is majoring in political science. He is a hard worker who has been dedicated to getting the most out of his internship experience.

I would like to extend my sincere thanks and appreciation to Cuyler for all of the fine work he has done and wish him continued success in the years to come.

#### TRIBUTE TO KATI M. SEYMOUR

Mr. THUNE. Madam President, today I recognize Kati M. Seymour, an intern in my Washington, DC, office, for all of the hard work she has done for me, my staff, and the State of South Dakota over the past several months.

Kati is a graduate of Jones County High School in Murdo, SD. This past August, Kati graduated from Sinte Gleska University in Mission, SD, where she majored in English and American history. She is a hard worker who has been dedicated to getting the most out of her internship experience.

I would like to extend my sincere thanks and appreciation to Kati for all of the fine work she has done and wish her continued success in the years to come.

#### TRIBUTE TO MICHELLE MATTHIES

Mr. THUNE. Madam President, today I recognize Michelle Matthies, an intern in my Sioux Falls, SD, office, for all of the hard work she has done for me, my staff, and the State of South Dakota over the past several months.

Michelle is a graduate of Parker High School in Parker, SD. Currently, she is attending Augustana College, where she is majoring in English and secondary education. She is a hard worker who has been dedicated to getting the most out of her internship experience.

I would like to extend my sincere thanks and appreciation to Michelle for all of the fine work she has done and wish her continued success in the years to come.

#### ADDITIONAL STATEMENTS

##### REMEMBERING ELDEN HUGHES

• Mrs. BOXER. Madam President, last weekend California and the Nation lost one of our great environmental champions when Elden Hughes died at his desert home in Joshua Tree, CA, at age 80.

As a longtime activist with the Sierra Club and former president of its Angeles Chapter, Elden led successful campaigns to protect California's wild rivers and preserve the historic Union Pacific Railroad depot in the desert town of Kelso, CA.

But Elden Hughes is best known and fondly remembered as one of the tireless leaders of the long grassroots effort to enact the 1994 California Desert Protection Act, which created a new national park in the Eastern Mojave Desert and established higher levels of protection for Death Valley, Joshua Tree, and other desert lands.

Elden was born in 1931 in Whittier, CA, the son of cattle farmers from Modoc County. When he was 13, the family moved out of town and bought a ranch where Elden made enough money raising hogs to buy an old car and begin a lifetime of exploring California's wild places. After earning his way through college, he worked in the family plumbing supply business, which he then sold to become the executive vice president of a major computer service company.

Elden's interest in river-running, spelunking, archaeology, nature photography, and the desert led him to join Sierra Club expeditions and gradually become involved in the club's conservation activities. In the early 1980s, he led a grassroots letter-writing campaign that convinced California Senator Pete Wilson to sponsor "wild and



scenic" designation for a major stretch of the Tuolumne River. In the late 1980s, Elden led the successful "three rivers campaign" that obtained wild and scenic designations for portions of the Kings, Kern, and Merced Rivers.

Elden worked with Congressman JERRY LEWIS to save the historic Kelso Depot, in what was then the Eastern Mojave National Scenic Area. Showing their usual flair and creativity, Elvin and his wife Patty galvanized public opinion on the depot issue by convincing Amtrak to run a special "Desert Wind" train from Los Angeles to Kelso, where Elden led the crowd in singing railroad songs.

In 1986, as the new chair of the Sierra Club Angeles Chapter, Elden was invited to attend a press conference on the introduction of the first Desert Bill, authored by Senator Alan Cranston. He brought along some of his photos of the Mojave and was soon leading a group of amateur photographers on a 2-year project cataloguing the fragile beauty of this unique natural area.

In 1990, Elden retired from business to become the west coast spokesman for the Desert Bill. He was a natural, and the media loved him. As Frank Wheat noted in his book "California Desert Miracle," Elden was also "knowledgeable, quotable, pleasant to be with, and willing to go to great lengths to show members of the press what the Desert Bill was intended to protect. Soon he was drawing reporters as a lamp draws moths."

Meanwhile, Elden and Patty had adopted a pair of abandoned pet tortoises and successfully bred a new family. When the babies were 5 months old, Elden and Patty took them on a cross-country tour to raise media and public interest in protecting the desert tortoise. Over the years, they made nine trips to Washington, DC, to gain congressional support for the Desert Bill. Once, when an airline security guard told them they couldn't bring pet tortoises on the plane, Patty said, "They aren't pets, they're lobbyists."

Finally, in 1994, Congress passed the California Desert Protection Act, and I was proud to cosponsor this bill with Senator FEINSTEIN. Elden Hughes was instrumental in passing this landmark legislation. Today, the Mojave National Preserve and the Kelso Depot stand as monuments to this joyous, creative, and inexhaustible man who did so much to protect California's priceless natural heritage.

On behalf of the people of California, who have benefitted so much from Elden's life work, I send my deepest gratitude and condolences to his wife Patty; his sons, Mark, Paul, and Charles; and his three grandchildren.●

## MESSAGES FROM THE HOUSE

### ENROLLED BILLS SIGNED

At 9:39 a.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the Speaker has signed the following enrolled bills:

S. 1541. An act to revise the Federal charter for the Blue Star Mothers of America, Inc. to reflect a change in eligibility requirements for membership.

S. 1639. An act to amend title 36, United States Code, to authorize the American Legion under its Federal charter to provide guidance and leadership to the individual departments and posts of the American Legion, and for other purposes.

The enrolled bills were subsequently signed by the President pro tempore (Mr. INOUE).

At 1:03 p.m., a message from the House of Representatives, delivered by Mr. Novotny, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 10. An act to amend chapter 8 of title 5, United States Code, to provide that major rules of the executive branch shall have no force or effect unless a joint resolution of approval is enacted into law.

H.R. 944. An act to eliminate an unused lighthouse reservation, provide management consistency by incorporating the rocks and small islands along the coast of Orange County, California, into the California Coastal National Monument managed by the Bureau of Land Management, and meet the original Congressional intent of preserving Orange County's rocks and small islands, and for other purposes.

H.R. 1254. An act to amend the Controlled Substances Act to place synthetic drugs in Schedule I.

H.R. 1560. An act to amend the Ysleta del Sur Pueblo and Alabama and Coushatta Indian Tribes of Texas Restoration Act to allow the Ysleta del Sur Pueblo Tribe to determine blood quantum requirement for membership in that tribe.

H.R. 2351. An act to direct the Secretary of the Interior to continue stocking fish in certain lakes in the North Cascades National Park, Ross Lake National Recreation Area, and Lake Chelan National Recreation Area.

H.R. 2360. An act to amend the Outer Continental Shelf Lands Act to extend the Constitution, laws, and jurisdiction of the United States to installations and devices attached to the seabed of the Outer Continental Shelf for the production and support of production of energy from sources other than oil and gas, and for other purposes.

The message also announced that the House has passed the following bills, without amendment:

S. 535. An act to authorize the Secretary of the Interior to lease certain lands within Fort Pulaski National Monument, and for other purposes.

S. 683. An act to provide for the conveyance of certain parcels of land to the town of Mantua, Utah.

The message further announced that the House has agreed to the following concurrent resolution, without amendment:

S. Con. Res. 32. Concurrent resolution to authorize the Clerk of the House of Rep-

resentatives to make technical corrections in the enrollment of H.R. 470, an Act to further allocate and expand the availability of hydroelectric power generated at Hoover Dam, and for other purposes.

### ENROLLED BILLS SIGNED

At 4:40 p.m., a message from the House of Representatives, delivered by Mr. Novotny, one of its reading clerks, announced that the Speaker has signed the following enrolled bills:

S. 535. An act to authorize the Secretary of the Interior to lease certain lands within Fort Pulaski National Monument, and for other purposes.

S. 683. An act to provide for the conveyance of certain parcels of land to the town of Mantua, Utah.

The enrolled bills were subsequently signed by the President pro tempore (Mr. INOUE).

## MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 10. An act to amend chapter 8 of title 5, United States Code, to provide that major rules of the executive branch shall have no force or effect unless a joint resolution of approval is enacted into law; to the Committee on Homeland Security and Governmental Affairs.

H.R. 944. An act to eliminate an unused lighthouse reservation, provide management consistency by incorporating the rocks and small islands along the coast of Orange County, California, into the California Coastal National Monument managed by the Bureau of Land Management, and meet the original Congressional intent of preserving Orange County's rocks and small islands, and for other purposes; to the Committee on Energy and Natural Resources.

H.R. 1021. An act to prevent the termination of the temporary office of bankruptcy judges in certain judicial districts; to the Committee on the Judiciary.

H.R. 1254. An act to amend the Controlled Substances Act to place synthetic drugs in Schedule I; to the Committee on the Judiciary.

H.R. 1560. An act to amend the Ysleta del Sur Pueblo and Alabama and Coushatta Indian Tribes of Texas Restoration Act to allow the Ysleta del Sur Pueblo Tribe to determine blood quantum requirement for membership in that tribe; to the Committee on Indian Affairs.

H.R. 2351. An act to direct the Secretary of the Interior to continue stocking fish in certain lakes in the North Cascades National Park, Ross Lake National Recreation Area, and Lake Chelan National Recreation Area; to the Committee on Energy and Natural Resources.

H.R. 2360. An act to amend the Outer Continental Shelf Lands Act to extend the Constitution, laws, and jurisdiction of the United States to installations and devices attached to the seabed of the Outer Continental Shelf for the production and support of production of energy from sources other than oil and gas, and for other purposes; to the Committee on Energy and Natural Resources.

## ENROLLED BILLS PRESENTED

The Secretary of the Senate reported that on today, December 8, 2011, she

had presented to the President of the United States the following enrolled bills:

S. 1541. An act to revise the Federal charter for the Blue Star Mothers of America, Inc. to reflect a change in eligibility requirements for membership.

S. 1639. An act to amend title 36, United States Code, to authorize the American Legion under its Federal charter to provide guidance and leadership to the individual departments and posts of the American Legion, and for other purposes.

#### REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mrs. BOXER, from the Committee on Environment and Public Works, with an amendment in the nature of a substitute:

S. 1400. A bill to restore the natural resources, ecosystems, fisheries, marine and wildlife habitats, beaches, and coastal wetlands of Gulf Coast States, to create jobs and revive the economic health of communities adversely affected by the explosion on, and sinking of, the mobile offshore drilling unit Deepwater Horizon, and for other purposes (Rept. No. 112-100).

By Mr. LEAHY, from the Committee on the Judiciary, with an amendment:

S. 678. A bill to increase the penalties for economic espionage.

By Mr. LEAHY, from the Committee on the Judiciary, without amendment:

S. 1886. A bill to prevent trafficking in counterfeit drugs.

#### EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of nominations were submitted:

By Mr. ROCKEFELLER for the Committee on Commerce, Science, and Transportation.

\*Rebecca M. Blank, of Maryland, to be Deputy Secretary of Commerce.

\*Ajit Varadaraj Pai, of Kansas, to be a Member of the Federal Communications Commission for a term of five years from July 1, 2011.

\*Jessica Rosenworcel, of Connecticut, to be a Member of the Federal Communications Commission for a term of five years from July 1, 2010.

\*Jon D. Leibowitz, of Maryland, to be a Federal Trade Commissioner for a term of seven years \*pm September 26, 2010.

\*Maureen K. Ohlhausen, of Virginia, to be a Federal Trade Commissioner for a term of seven years from September 26, 2011.

By Mr. LEAHY for the Committee on the Judiciary.

Kathryn Keneally, of New York, to be an Assistant Attorney General.

\*Nomination was reported with recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

(Nominations without an asterisk were reported with the recommendation that they be confirmed.)

#### INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first

and second times by unanimous consent, and referred as indicated:

By Mr. ISAKSON:

S. 1963. A bill to revoke the charters for the Federal National Mortgage Corporation and the Federal Home Loan Mortgage Corporation upon resolution of their obligations, to create a new Mortgage Finance Agency for the securitization of single family and multifamily mortgages, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Ms. STABENOW (for herself and Mr. PORTMAN):

S. 1964. A bill to amend the Internal Revenue Code of 1986 to exempt from the harbor maintenance tax certain commercial cargo loaded or unloaded at United States ports in the Great Lakes Saint Lawrence Seaway System; to the Committee on Finance.

By Mr. MORAN (for himself and Mr. WARNER):

S. 1965. A bill to jump-start economic recovery through the formation and growth of new businesses, and for other purposes; to the Committee on Finance.

By Ms. AYOTTE (for herself, Mr. BEGICH, Mr. VITTER, and Mr. RUBIO):

S. 1966. A bill to direct the Secretary of Homeland Security to reform the process for enrolling, activating, issuing, and renewing Transportation Worker Identification Credentials so that applicants are not required to visit a designated enrollment center more than once; to the Committee on Commerce, Science, and Transportation.

By Mr. JOHNSON of South Dakota (for himself and Mr. COCHRAN):

S. 1967. A bill to amend title XVIII of the Social Security Act to provide for the treatment of certain physician pathology services under the Medicare Program; to the Committee on Finance.

By Mr. WARNER (for himself and Mr. KIRK):

S. 1968. A bill to require the Secretary of Transportation to establish a pilot program to increase accountability with respect to outcomes of transportation investments, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Ms. STABENOW (for herself and Mr. MENENDEZ):

S. 1969. A bill to amend title XI of the Social Security Act to improve the quality, health outcomes, and value of maternity care under the Medicaid and CHIP programs by developing a maternity care quality measurement program, evaluating maternity care home models, and supporting maternity care quality collaboratives; to the Committee on Finance.

By Mr. MERKLEY (for himself, Mr. BENNET, and Ms. LANDRIEU):

S. 1970. A bill to amend the securities laws to provide for registration exemptions for certain crowdfunded securities, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. INHOFE (for himself and Mr. JOHANNES):

S. 1971. A bill to provide for the establishment of a committee to assess the effects of certain Federal regulatory mandates and to provide for relief from those mandates, and for other purposes; to the Committee on Environment and Public Works.

By Mr. COATS (for himself and Ms. AYOTTE):

S. 1972. A bill to amend the Food and Drug Administration's mission; to the Committee on Health, Education, Labor, and Pensions.

By Mrs. GILLIBRAND (for herself, Mr. SCHUMER, Mr. LAUTENBERG, and Mr. KERRY):

S. 1973. A bill to prevent gun trafficking in the United States; to the Committee on the Judiciary.

By Mr. UDALL of New Mexico (for himself, Mr. HELLER, Mr. BINGAMAN, Mrs. FEINSTEIN, and Mrs. GILLIBRAND):

S. 1974. A bill to amend the Tariff Act of 1930 to clarify the definition of aircraft and the offenses penalized under the aviation smuggling provisions under that Act, and for other purposes; considered and passed.

By Mr. DEMINT (for himself, Mr. CORNYN, Mr. VITTER, Mr. TOOMEY, Mr. RISCH, Ms. AYOTTE, Mr. JOHNSON of Wisconsin, Mr. LEE, Mr. PAUL, Mr. BLUNT, Mr. HATCH, Mr. BOOZMAN, Mr. GRAHAM, Mr. KYL, Mrs. HUTCHISON, Mr. CRAPO, Mr. INHOFE, Mr. BARRASSO, Mr. CHAMBLISS, Mr. COBURN, Mr. THUNE, Mr. BURR, Mr. HELLER, Mr. RUBIO, Mr. JOHANNES, and Mr. SESSIONS):

S. 1975. A bill to repeal the authority to provide certain loans to the International Monetary Fund, to prohibit loans to enable the Fund to provide financing for European financial stability and to oppose the provision of such financing, and for other purposes; to the Committee on Foreign Relations.

By Ms. COLLINS (for herself and Mr. COONS):

S. 1976. A bill to authorize educational assistance under the Armed Forces Health Professions Scholarship program for pursuit of advanced degrees in physical therapy and occupational therapy; to the Committee on Armed Services.

By Mr. SANDERS (for himself and Mr. BEGICH):

S.J. Res. 33. A joint resolution proposing an amendment to the Constitution of the United States to expressly exclude for-profit corporations from the rights given to natural persons by the Constitution of the United States, prohibit corporate spending in all elections, and affirm the authority of Congress and the States to regulate corporations and to regulate and set limits on all election contributions and expenditures; to the Committee on the Judiciary.

#### SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. VITTER (for himself, Mr. SHELBY, Mr. COCHRAN, and Mr. WICKER):

S. Res. 346. A resolution expressing the sense of the Senate regarding the Government of Antigua and Barbuda and its actions relating to the Stanford Financial Group fraud; to the Committee on Foreign Relations.

#### ADDITIONAL COSPONSORS

S. 306

At the request of Mr. WEBB, the name of the Senator from Vermont (Mr. LEAHY) was added as a cosponsor of S. 306, a bill to establish the National Criminal Justice Commission.

S. 494

At the request of Mr. LIEBERMAN, the name of the Senator from Massachusetts (Mr. BROWN) was added as a cosponsor of S. 494, a bill to amend the

Public Health Service Act to establish a national screening program at the Centers for Disease Control and Prevention and to amend title XIX of the Social Security Act to provide States the option to increase screening in the United States population for the prevention, early detection, and timely treatment of colorectal cancer.

S. 506

At the request of Mr. CASEY, the name of the Senator from Vermont (Mr. LEAHY) was added as a cosponsor of S. 506, a bill to amend the Elementary and Secondary Education Act of 1965 to address and take action to prevent bullying and harassment of students.

S. 626

At the request of Ms. CANTWELL, the name of the Senator from Hawaii (Mr. AKAKA) was added as a cosponsor of S. 626, a bill to amend the Internal Revenue Code of 1986 to repeal the shipping investment withdrawal rules in section 955 and to provide an incentive to reinvest foreign shipping earnings in the United States.

S. 752

At the request of Mrs. FEINSTEIN, the names of the Senator from New Jersey (Mr. MENENDEZ) and the Senator from New Jersey (Mr. LAUTENBERG) were added as cosponsors of S. 752, a bill to establish a comprehensive interagency response to reduce lung cancer mortality in a timely manner.

S. 955

At the request of Mr. LEAHY, his name was added as a cosponsor of S. 955, a bill to provide grants for the renovation, modernization or construction of law enforcement facilities.

S. 985

At the request of Ms. MIKULSKI, the name of the Senator from Vermont (Mr. LEAHY) was added as a cosponsor of S. 985, a bill to amend the definition of a law enforcement officer under subchapter III of chapter 83 and chapter 84 of title 5, United States Code, respectively, to ensure the inclusion of certain positions.

S. 996

At the request of Mr. ROCKEFELLER, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 996, a bill to amend the Internal Revenue Code of 1986 to extend the new markets tax credit through 2016, and for other purposes.

S. 1174

At the request of Ms. STABENOW, the name of the Senator from New Hampshire (Mrs. SHAHEEN) was added as a cosponsor of S. 1174, a bill to provide predictability and certainty in the tax law, create jobs, and encourage investment.

S. 1175

At the request of Mrs. HAGAN, the names of the Senator from Minnesota (Mr. FRANKEN) and the Senator from

Ohio (Mr. BROWN) were added as cosponsors of S. 1175, a bill to provide, develop, and support 21st century readiness initiatives that assist students in acquiring the skills necessary to think critically and solve problems, be an effective communicator, collaborate with others, and learn to create and innovate.

S. 1440

At the request of Mr. BENNET, the names of the Senator from Louisiana (Ms. LANDRIEU) and the Senator from Vermont (Mr. LEAHY) were added as cosponsors of S. 1440, a bill to reduce preterm labor and delivery and the risk of pregnancy-related deaths and complications due to pregnancy, and to reduce infant mortality caused by prematurity.

S. 1591

At the request of Mr. KIRK, the name of the Senator from Wyoming (Mr. BARRASSO) was added as a cosponsor of S. 1591, a bill to award a Congressional Gold Medal to Raoul Wallenberg, in recognition of his achievements and heroic actions during the Holocaust.

S. 1629

At the request of Mrs. GILLIBRAND, the name of the Senator from Minnesota (Ms. KLOBUCHAR) was added as a cosponsor of S. 1629, a bill to amend title 38, United States Code, to clarify presumptions relating to the exposure of certain veterans who served in the vicinity of the Republic of Vietnam, and for other purposes.

S. 1680

At the request of Mr. CONRAD, the name of the Senator from Kansas (Mr. MORAN) was added as a cosponsor of S. 1680, a bill to amend title XVIII of the Social Security Act to protect and preserve access of Medicare beneficiaries in rural areas to health care providers under the Medicare program, and for other purposes.

S. 1749

At the request of Mr. WARNER, the name of the Senator from Rhode Island (Mr. WHITEHOUSE) was added as a cosponsor of S. 1749, a bill to establish and operate a National Center for Campus Public Safety.

S. 1866

At the request of Mr. RUBIO, the names of the Senator from Utah (Mr. LEE), the Senator from New York (Mr. SCHUMER) and the Senator from Idaho (Mr. RISCH) were added as cosponsors of S. 1866, a bill to provide incentives for economic growth, and for other purposes.

S. 1872

At the request of Mr. CASEY, the name of the Senator from Nevada (Mr. HELLER) was added as a cosponsor of S. 1872, a bill to amend the Internal Revenue Code of 1986 to provide for the tax treatment of ABLE accounts established under State programs for the care of family members with disabilities, and for other purposes.

S. 1884

At the request of Mr. DURBIN, the name of the Senator from Tennessee (Mr. CORKER) was added as a cosponsor of S. 1884, a bill to provide States with incentives to require elementary schools and secondary schools to maintain, and permit school personnel to administer epinephrine at schools.

S. 1896

At the request of Ms. AYOTTE, the name of the Senator from Utah (Mr. LEE) was added as a cosponsor of S. 1896, a bill to eliminate the automatic inflation increases for discretionary programs built into the baseline projections and require budget estimates to be compared with the prior year's level.

S. 1925

At the request of Mr. LEAHY, the names of the Senator from Minnesota (Mr. FRANKEN), the Senator from New York (Mr. SCHUMER) and the Senator from Rhode Island (Mr. WHITEHOUSE) were added as cosponsors of S. 1925, a bill to reauthorize the Violence Against Women Act of 1994.

S. 1954

At the request of Mrs. HUTCHISON, the name of the Senator from North Carolina (Mr. BURR) was added as a cosponsor of S. 1954, a bill to amend title 49, United States Code, to provide for expedited security screenings for members of the Armed Forces.

S. 1959

At the request of Mr. BURR, the names of the Senator from South Carolina (Mr. DEMINT) and the Senator from Florida (Mr. RUBIO) were added as cosponsors of S. 1959, a bill to require a report on the designation of the Haqqani Network as a foreign terrorist organization and for other purposes.

S. 1961

At the request of Mr. REED, the names of the Senator from Alaska (Ms. MURKOWSKI) and the Senator from South Dakota (Mr. JOHNSON) were added as cosponsors of S. 1961, a bill to provide level funding for the Low-Income Home Energy Assistance Program.

AMENDMENT NO. 1209

At the request of Mr. NELSON of Florida, the name of the Senator from Connecticut (Mr. BLUMENTHAL) was added as a cosponsor of amendment No. 1209 proposed to S. 1867, an original bill to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

#### STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Ms. COLLINS (for herself and Mr. COONS):

S. 1976. A bill to authorize educational assistance under the Armed

Forces Health Professions Scholarship program for pursuit of advanced degrees in physical therapy and occupational therapy; to the Committee on Armed Services.

Ms. COLLINS. Mr. President, I rise today to introduce a bill to allow physical and occupational therapists to enroll in the Armed Forces Health Professions Scholarship Program. I am pleased to be joined in this effort by my colleague, Senator COONS of Delaware. Our legislation provides tuition assistance to critical health care professionals in exchange for service as a commissioned medical officer.

Unfortunately, while the need for physical therapists has grown during the last ten years of combat, neither the Department of Defense nor the military services have conducted a separate analysis of the current or future DoD workforce requirements for occupational and physical therapists, even though such an analysis was required by last year's Defense authorization bill.

This legislation would allow the military services to extend the same kind of educational benefits to physical and occupational therapists that are already afforded to physicians, dentists, physician assistants, and even veterinarians.

Physical and occupational therapists at the military's major medical centers serve approximately 600 wounded warriors every day on their road to recovery. More than 32,000 service members have been wounded in Iraq and Afghanistan, including many who have suffered very serious injuries and amputations. Physical and occupational therapists play a critical role in the prevention of injury, rehabilitation, and recovery of wounded warriors. They not only serve in medical facilities, but are also embedded with combat brigade teams on the battlefield. They use their medical training and skill to overcome impairments, regardless of the cause to enable service members to overcome disability and succeed in all aspects of life.

The idea for this bill came directly from a visit I had with a wounded Marine from Maine at the National Military Medical Center in Bethesda, Maryland in November. He was severely wounded by an IED in Afghanistan. He lost part of one leg and his other leg contains shrapnel wounds. Both of his arms were wounded, and he has a traumatic brain injury as well. In short, he has very serious wounds that are going to require a very lengthy recovery period. But, his spirits are amazingly strong and upbeat.

However, when I asked him if he had any concerns, while he praised the care he was receiving, he said there was a severe shortage of physical therapists and other trained clinical personnel to help him in what is going to be a very long recovery. He is expected to be at

Bethesda for another nine months. It troubles me that he believes there are not a sufficient number of physical therapists to help him and the other wounded warriors who are hospitalized at Bethesda.

While the Department of Defense reports that it does not face a shortage in these professions overall, both the Air Force and the Navy report shortages in physical therapists, physical therapy technicians, and occupational therapists. One out of every four physical therapist positions in the active duty Navy is currently unfilled. So including these medical professions in this existing educational program would help meet this need.

This bill is also endorsed by both the American Physical Therapy Association and the American Occupational Therapy Association, who agree this effort will help curtail a possible shortage of these valuable professionals in the future.

I wish to point out, we are not authorizing additional or new funding in this bill, it is simply an important insurance policy against a shortfall of these medical professions that will help the Navy and the Air Force fill vacancies. After all, it is these talented and committed professionals who are helping our wounded warriors return to living full and independent lives.

Mr. President, I ask unanimous consent that letters of support be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD as follows:

AMERICAN PHYSICAL  
THERAPY ASSOCIATION.

Senator SUSAN COLLINS,  
*Dirksen Senate Office Building,*  
*Washington, DC.*

DEAR SENATOR COLLINS: On behalf of the more than 77,000 members of the American Physical Therapy Association, I write to thank you for your amendment to the National Defense Authorization Act and your introduction of legislation to include physical therapists in the Health Professions Scholarship Program (HPSP).

APTA commends your efforts to add physical therapists to the HPSP. This legislation will enable more of these highly qualified professionals to help treat our nation's wounded warriors and ensure that there will be no shortage in the future. There should never be any disruption in care for the reason of inadequate personnel.

As you know, physical therapists play a critical role in the prevention of injury, rehabilitation, and recovery of wounded warriors around the world. They not only serve at medical facilities like the Walter Reed National Military Medical Center (WRNMMC), but they are also found on the battlefield with the Army Medical Specialist Corps and are embedded with combat brigade teams. They aid in shortening the recovery time of soldiers so they can return to service, and are a necessary and integral part of the health care structure of the armed forces.

Thank you for your commitment to improving the rehabilitation and well being of our wounded warriors. Please contact Mi-

chael Hurlbut, Associate Director of Congressional Affairs, at [michaelhurlbut@apta.org](mailto:michaelhurlbut@apta.org) or 703-706-3160, if you have any questions or would like any additional information.

Sincerely,  
R. SCOTT WARD, PT, PhD,  
*President.*

THE AMERICAN OCCUPATIONAL  
THERAPY ASSOCIATION, INC.,  
*Bethesda, MD, December 7, 2011.*

Hon. SUSAN COLLINS,  
*U.S. Senate,*  
*Washington, DC.*

DEAR SENATOR COLLINS: On behalf of the American Occupational Therapy Association (AOTA), the national professional association representing the interests of more than over 140,000 occupational therapists, occupational therapy assistants and students of occupational therapy, I am writing to thank you for sponsoring legislation to promote occupational therapy within the United States military. This legislation seeks to authorize educational assistance under the Armed Forces Health Professions Scholarship program for the pursuit of advanced degrees in occupational therapy and physical therapy.

Occupational therapy is a skilled health, wellness and rehabilitation service with the goal of improving function, independence and quality of life so that individuals can lead more productive and rewarding lives. Occupational therapists work within the military from the frontlines in Combat Stress Control teams throughout the continuum of care to long-term rehabilitation and stateside community reintegration. While occupational therapists are present in every branch of the service the Army has the largest and most prominent role for occupational therapy; using the professions unique focus on overcoming impairments regardless of the cause to enable soldiers to overcome disability and succeed in all aspects of life.

The current wars in Iraq and Afghanistan have dramatically increased the demand for occupational therapy practitioners within the military. The signature injuries of these conflicts include traumatic brain injury, post-traumatic stress disorder, traumatic amputation and poly-trauma. Within both the military and the Veterans Administration occupational therapists work as critical members of the treatment teams to address each of these conditions.

AOTA and our members in the civilian world and the military appreciate your leadership and vision in promoting occupational therapy education and training for service members so that they can go on to meet the needs of fellow soldiers and society as a whole. Both within the military and the private sector, demand for occupational therapy is expected to increase dramatically and your legislation can help meet those needs.

We look forward to working with you and your staff to enact this legislation during this session of Congress so that more occupational therapists are trained to meet the health care, rehabilitation and reintegration needs of our service members.

Sincerely,  
TIM NANOF, MSW,  
*Director of Federal Affairs.*

By Mr. SANDERS (for himself and Mr. BEGICH):

S.J. Res. 33. A joint resolution proposing an amendment to the Constitution of the United States to expressly exclude for-profit corporations from the rights given to natural persons by

the Constitution of the United States, prohibit corporate spending in all elections, and affirm the authority of Congress and the States to regulate corporations and to regulate and set limits on all election contributions and expenditures; to the Committee on the Judiciary.

Mr. SANDERS. Mr. President, I am submitting a resolution to amend the U.S. Constitution. I do not do this lightly, nor have I ever done something such as this before. The U.S. Constitution is an extraordinary document which has served our country well for over 200 years and, in my view, it should not be amended often.

But in light of the disastrous Supreme Court's 5-to-4 decision in the Citizens United case, I see no alternative but a constitutional amendment. I should add that a similar resolution has been offered in the House by Congressman TED DEUTCH of Florida. This constitutional amendment is supported by such grassroots organizations as Public Citizen, People for the American Way, and the Center for Media and Democracy.

Let me go on record as strongly as I can, and as clearly as I can, in stating that I strongly disagree with the Supreme Court's Citizens United decision. In my view, a corporation is not a person. In my view, a corporation does not have first amendment rights to spend as much money as it wants, without disclosure, on a political campaign. In my view, corporations should not be able to go into their treasuries and spend millions and millions of dollars on a campaign in order to buy elections.

I do not believe that is what American democracy is supposed to be about. I do not believe that is what the bravest of the brave from our country, fighting for democracy, fought and died to preserve. Almost 2 years ago, in its now infamous Citizens United decision, the United States Supreme Court upended over a century of precedent, taking a somewhat narrow legal question and using it as an opportunity to radically change our political landscape, unleashing a tsunami of corporate spending on campaign ads that has just begun. Make no mistake, the Citizens United ruling has radically changed the nature of our democracy, further tilting the balance of power toward the rich and the powerful at a time when already the wealthiest people in this country have never had it so good.

In my view, history will record that the Supreme Court's Citizens United decision is one of the worst decisions ever made by a Supreme Court in the history of our country. While there is no way of knowing for sure, since there are no disclosure requirements in place to track what was spent, it is no secret that already in the 2010 midterm elections, corporations and some very wealthy individuals spent a huge and

unprecedented amount of money to further their political goals. There is no question this is just the beginning of their efforts. At a time when corporations have over \$2 trillion in cash in their bank accounts and are making recordbreaking profits, the American people should be concerned when the Supreme Court says these corporations have a constitutionally protected right to spend, spend, spend shareholders' money to dominate an election as if they were real live persons. There will be no end to the impact corporate interests can have on our campaigns and our democracy if we do not end this Citizens United decision and its impact on our Nation.

All of us in the Senate share one common characteristic. We all run for elections. We all live in the real political world. Let me speak for a moment what I think many of my colleagues in their heart of hearts know to be true; that is, that while the campaign finance system we had before Citizens United was, in my view, a disaster—there is no question it is a disastrous situation where candidates, Members of the Senate, spend huge amounts of time having to raise money, and I know that is distasteful not just for Democrats, it is distasteful to Republicans, it is distasteful for an Independent; that is what we do—now, as a result of Citizens United, that bad situation has become much worse because infinitely more money is going to come into the political process through non-disclosed donations suddenly appearing on TV screens in our States.

According to an October 10, 2011, article in *Politico*:

The billionaire industrialist brothers David and Charles Koch plan to steer more than \$200 million—potentially much more—to conservative groups ahead of Election Day [2012].

What do we think? Do we think American democracy is about a couple of wealthy billionaires putting hundreds of millions of dollars into campaigns without disclosure? Is that the democracy Americans fought and died for in war after war? I think not.

It clearly is not just Republican operatives. There will be Democrats doing the same. So more and more money comes into the system. We do not know where it comes from, and in order to defend ourselves candidates are going to have to raise more money and become more and more dependent on big money interests. Does anybody believe that is what American democracy is supposed to be about?

Let's talk about the practical impacts. What happens on the floor of the Senate? The six largest banks on Wall Street have assets equal to over 65 percent of our GDP, over \$9 trillion—six banks. When an issue comes up that impacts Wall Street—some of us, for example, think it might be a good idea to break up these huge banks. Members

walk to the desk up there and they have to decide am I going to vote for this, am I going to vote against it—with full knowledge that if they vote against the interests of Wall Street, 2 weeks later, there may be ads coming down into their State attacking them. Every Member of the Senate, every Member of the House, in the back of their minds, will be thinking: Gee, if I cast a vote this way, if I take on some big money interests, am I going to be punished for that? Will a huge amount of money be unleashed in my State?

Everybody here understands that is true. It is not just taking on Wall Street, maybe it is taking on the drug companies, maybe it is taking on the private insurance companies, maybe it is taking on the military-industrial complex. But whatever powerful and wealthy special interest we are prepared to take on, on behalf of the interest of the middle-class and working families of this country, when we walk to that desk and we cast that vote, we know in the back of our mind we may be unleashing a tsunami of money coming into our State, and we are going to think twice about how we cast that vote.

I am a proud sponsor of a number of bills that would respond to Citizens United and begin to get a handle on the problem. I would like to acknowledge them very briefly. One is the Disclose Act, sponsored by Senator SCHUMER, which would force corporations spending money on campaign ads to disclose their identity, as candidates have to do. That is a good thing. I support it.

Another is the Fair Elections Now Act, sponsored by Senator DURBIN, which would move us to publicly financed elections. I think that is a very good idea. I support that.

The third piece of legislation is a recent resolution for a campaign finance constitutional amendment, introduced by Senator TOM UDALL of New Mexico, that would make it clear that Congress and the States have the authority to write laws to regulate campaign spending across the country and make sure our State and Federal elections are about what is right for our democracy, and I support Senator UDALL's resolution. But even these excellent pieces of legislation are not enough.

The Constitution of this country has served us well for more than 200 years. But when the Supreme Court says—for purposes of the first amendment—corporations are people, that writing checks from the company's bank account is constitutionally protected speech, and that even attempts by the Federal Government and States to impose reasonable restrictions on campaign ads are unconstitutional, when that occurs, our democracy is in grave danger. Something more needs to be done. There needs to be something more fundamental and indisputable, something that cannot be turned on its

head by a 5-to-4 Supreme Court decision.

We have to send a constitutional amendment to the States that says simply and straightforwardly what everyone—except five members of the U.S. Supreme Court—seems to understand; that is, corporations are not people. Bank of America is not a person. ExxonMobil is not a person.

The resolution I am offering calls for an amendment to be sent to the States that would do that. It would make perfectly clear, No. 1, corporations are not persons with equal constitutional rights as real-life, flesh-and-blood human beings; No. 2, corporations are subject to regulation by the people; No. 3, corporations may not make campaign contributions, which has been the law of the land for the last century; No. 4, Congress and States have the power to regulate campaign finance as Senator UDALL's amendment would also say.

This amendment is cosponsored by Senator BEGICH of Alaska, and I would urge all my colleagues to cosponsor this amendment which, in fact, does what its title suggests, saves American democracy.

#### SUBMITTED RESOLUTIONS

#### SENATE RESOLUTION 346—EX-PRESSING THE SENSE OF THE SENATE REGARDING THE GOVERNMENT OF ANTIGUA AND BARBUDA AND ITS ACTIONS RELATING TO THE STANFORD FINANCIAL GROUP FRAUD

Mr. VITTER (for himself, Mr. SHELBY, Mr. COCHRAN, and Mr. WICKER) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 346

Whereas the Government of Antigua and Barbuda has committed numerous acts against the interests of United States citizens and operated the financial sector and judicial system of Antigua and Barbuda in a manner that is manifestly contrary to the public policy of the United States;

Whereas 20,000 investors, including many United States citizens, lost \$7,200,000,000 in an alleged Ponzi scheme involving fictitious certificates of deposit from Stanford International Bank, an offshore bank chartered in Antigua and Barbuda;

Whereas the Government of Antigua and Barbuda violated the order of the United States District Court for the Northern District of Texas regarding the receivership proceeding initiated at the request of the United States Securities and Exchange Commission (referred to in this preamble as the "Securities and Exchange Commission"), in which the court took exclusive control of all the assets owned by Allen Stanford and Stanford-affiliated entities around the world and documents relating to those assets;

Whereas the Government of Antigua and Barbuda challenged the authority of the United States District Court for the Northern District of Texas by—

(1) initiating a separate and competing liquidation proceeding for Stanford International Bank; and

(2) appointing liquidators who have defied the orders of the court in multiple jurisdictions around the world by litigating for control of hundreds of millions of dollars in bank accounts in the United Kingdom, Switzerland, and Canada;

Whereas the Government of Antigua and Barbuda challenged the authority of the United States Department of Justice by seeking to obtain control of hundreds of millions of dollars in bank accounts in the United Kingdom, Switzerland, and Canada that had been frozen at the request of the Department of Justice in accordance with multilateral criminal asset forfeiture treaties;

Whereas the courts of Antigua and Barbuda have denied recognition of the United States district court-appointed receiver for all assets of Allen Stanford and Stanford-affiliated entities;

Whereas the Stanford International Bank liquidators appointed by the Eastern Caribbean Court of Appeals now seek recognition of the Antigua and Barbuda liquidation proceeding as a foreign insolvency proceeding under chapter 15 of title 11, United States Code, in the United States District Court for the Northern District of Texas;

Whereas the Government of Antigua and Barbuda acknowledged in a statement in March 2010 that—

(1) Stanford International Bank "was operating in Antigua as a transit point and for purposes of registration and regulation"; and

(2) "[t]he business of Stanford International Bank, Ltd. was run from Houston, Texas, and its books maintained in Memphis, Tennessee";

Whereas Allen Stanford, the Stanford Financial Group, and the Government of Antigua and Barbuda enjoyed a mutually beneficial business relationship involving numerous economic development projects and loans to the government of at least \$85,000,000, and forensic accounting reports have identified those loans as having been made from Stanford International Bank certificate of deposit funds;

Whereas, in June 2010, the Securities and Exchange Commission alleged that Allen Stanford bribed Leroy King, the chief executive officer of the Financial Services Regulatory Commission of Antigua and Barbuda, to persuade Leroy King to—

(1) not investigate Stanford International Bank;

(2) provide Allen Stanford with access to the confidential files of the Financial Services Regulatory Commission;

(3) allow Allen Stanford to dictate the response of the Financial Services Regulatory Commission to inquiries by the Securities and Exchange Commission about Stanford International Bank; and

(4) withhold information from the Securities and Exchange Commission;

Whereas, in June 2010, the United States Department of Justice indicted Leroy King on criminal charges and ordered Leroy King to be extradited to the United States;

Whereas the Government of Antigua and Barbuda has failed to complete the process of extraditing Leroy King to the United States to stand trial;

Whereas Dr. Errol Cort, who served as the Minister of Finance of Antigua and Barbuda from 2004 to 2009, allegedly received more than \$1,000,000 of fraudulently transferred Stanford investor funds either directly or indirectly through his law firm, Cort & Cort;

Whereas Cort & Cort, the law firm of Dr. Errol Cort, served as the official registered agent for Stanford International Bank until June 2009;

Whereas the Government of Antigua and Barbuda, along with the Eastern Caribbean Central Bank—

(1) seized control and possession of the Allen Stanford-owned Bank of Antigua without compensation to the United States district court-appointed receiver;

(2) renamed that bank the "Eastern Caribbean Amalgamated Bank"; and

(3) allocated a 40 percent ownership position to the Government of Antigua and Barbuda and 60 percent ownership to 5 Eastern Caribbean Central Bank member banks;

Whereas, after the fraud that the Stanford Financial Group allegedly perpetrated was made public, the Government of Antigua and Barbuda expropriated numerous Allen Stanford-owned properties in Antigua and Barbuda worth up to several hundred million dollars, and the government has not turned over those properties to the United States district court-appointed receiver;

Whereas the Government of Antigua and Barbuda expropriated without compensation the property known as the Half Moon Bay Resort, which is owned by a group of 12 United States citizens; and

Whereas the Government of Antigua and Barbuda—

(1) has sought and obtained loans from the International Bank for Reconstruction and Development and the International Development Association (commonly known as the "World Bank") and the International Monetary Fund; and

(2) is the recipient of other direct and indirect aid from the United States: Now, therefore, be it

*Resolved*, That it is the sense of the Senate that—

(1) provision of all further direct or indirect aid or assistance, including assistance derived from Federal funds, by the United States Government to the Government of Antigua and Barbuda should be suspended until the Government of Antigua and Barbuda provides complete redress of the issues described in the preamble, including through—

(A) the full cooperation of the Government of Antigua and Barbuda and any appointee of that government, including the joint liquidators of Stanford International Bank, with the United States Securities and Exchange Commission, the United States Department of Justice, the United States district court-appointed receiver, and the United States district court-appointed Stanford Investors Committee, in investigating the Stanford Financial Group fraud and marshaling the assets of Allen Stanford and all Stanford-affiliated entities;

(B) an agreement by the Government of Antigua and Barbuda to be subject to the jurisdiction and bound by the judgment of any United States court that adjudicates the claims relating to the Stanford Financial Group fraud;

(C) the transfer of the assets seized by the Government of Antigua and Barbuda, or obtained by the joint liquidators of Stanford International Bank, to the United States district court-appointed receiver for the benefit of victims of the Stanford Financial Group fraud;

(D) a contribution by the Government of Antigua and Barbuda to the United States receivership estate for the benefit of victims of the Stanford Financial Group fraud, in an amount equal to the amount of any funds



that Allen Stanford or any Stanford-affiliated entity provided to the Government or government officials of Antigua and Barbuda;

(E) a contribution by the Government of Antigua and Barbuda to the United States receivership estate for the benefit of victims of the Stanford Financial Group fraud, in an amount equal to any payments that Allen Stanford or the Stanford Financial Group made to Leroy King or any other official of the Government of Antigua and Barbuda for the purpose of subverting regulatory oversight of Stanford International Bank;

(F) the fulfillment by the Government of Antigua and Barbuda of its obligations relating to the expropriation of the Half Moon Bay Resort; and

(G) an agreement by the Government of Antigua and Barbuda to not—

(i) interfere with the receivership commenced by the United States Government; and

(ii) seek control of assets claimed by the United States Government; and

(2) the Secretary of the Treasury should direct the United States Executive Directors of the International Bank for Reconstruction and Development and the International Development Association (commonly known as the "World Bank") and the International Monetary Fund to use the voice and vote of the United States to ensure that any future loan made by the World Bank or the International Monetary Fund to the Government of Antigua and Barbuda is conditioned on providing complete redress of the matters, and satisfaction of the requirements, described under paragraph (1).

#### NOTICE OF HEARING

##### COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. HARKIN. Mr. President, I wish to announce that the Committee on Health, Education, Labor, and Pensions will meet in open session on Thursday, December 15, 2011, at 10 a.m. in SD-430 to conduct a hearing entitled "Prescription Drug Shortages: Examining a Public Health Concern and Potential Solutions."

For further information regarding this meeting, please contact the committee at (202) 224-7675.

#### AUTHORITY FOR COMMITTEES TO MEET

##### COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. DURBIN. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet during the session of the Senate on December 8, 2011, at 10 a.m. in room 253 of the Russell Senate Office Building.

The Committee will hold a hearing entitled, "ICANN's Expansion of Top Level Domains."

The PRESIDING OFFICER. Without objection, it is so ordered.

##### COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. DURBIN. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and

Transportation be authorized to meet during the session of the Senate on December 8, 2011, in the President's Room, at 10:30 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

##### COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. DURBIN. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on December 8, 2011, at 9:30 a.m., in room 366 of the Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

##### COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. DURBIN. Mr. President, I ask unanimous consent that the Committee on Environment and Public Works be authorized to meet during the session of the Senate on December 8, 2011, at 9:30 a.m., in room 406 of the Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

##### COMMITTEE ON FOREIGN RELATIONS

Mr. DURBIN. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on December 8, 2011, at 10 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

##### COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. DURBIN. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to meet during the session of the Senate to conduct a hearing entitled "Tales from the Unemployment Line: Barriers Facing the Long-Term Unemployed" on December 8, 2011, at 9:45 a.m., in room 106 of the Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

##### COMMITTEE ON INDIAN AFFAIRS

Mr. DURBIN. Mr. President, I ask unanimous consent that the Committee on Indian Affairs be authorized to meet during the session of the Senate on December 8, 2011, at 2:15 p.m., in room 628 of the Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

##### COMMITTEE ON THE JUDICIARY

Mr. DURBIN. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate on December 8, 2011, at 10 a.m., in SD-226 of the Dirksen Senate Office Building to conduct an executive business meeting.

The PRESIDING OFFICER. Without objection, it is so ordered.

##### SELECT COMMITTEE ON INTELLIGENCE

Mr. DURBIN. Mr. President, I ask unanimous consent that the Select

Committee on Intelligence be authorized to meet during the session of the Senate on December 8, 2011, at 2 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

##### SUBCOMMITTEE ON WATER AND POWER

Mr. DURBIN. Mr. President, I ask unanimous consent that the Subcommittee on Water and Power be authorized to meet during the session of the Senate on December 8, 2011, at 2:30 p.m., in room 366 of the Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### CONSENT OF CONGRESS TO AN AMENDMENT TO THE COMPACT BETWEEN THE STATES OF MIS- SOURI AND ILLINOIS

Mr. REID. I ask that the Chair lay before the Senate a message from the House with respect to S.J. Res. 22.

The PRESIDING OFFICER laid before the Senate the following message from the House of Representatives:

S.J. RES. 22

*Resolved*, That the resolution from the Senate (S.J. Res. 22) entitled "Joint resolution to grant the consent of Congress to an amendment to the compact between the States of Missouri and Illinois providing that bonds issued by the Bi-State Development Agency may mature in not to exceed 40 years.", do pass with the following amendment:

Strike out all after the resolving clause and insert:

##### SECTION 1. CONSENT.

(a) *IN GENERAL.*—The consent of Congress is given to the amendment of the powers conferred on the Bi-State Development Agency by Senate Bill 758, *Laws of Missouri 2010* and Public Act 96-1520 (Senate Bill 3342), *Laws of Illinois 2010*.

(b) *EFFECTIVE DATE.*—The amendment to the powers conferred by the Acts consented to in subsection (a) shall take effect on the date of enactment of this Act.

##### SEC. 2. APPLICATION OF ACT OF AUGUST 31, 1950.

The provisions of the Act of August 31, 1950 (64 Stat. 568) shall apply to the amendment approved under this joint resolution to the same extent as if such amendment was conferred under the provisions of the compact consented to in such Act.

##### SEC. 3. RIGHT TO ALTER, AMEND, OR REPEAL.

The right to alter, amend, or repeal this joint resolution is expressly reserved.

##### SEC. 4. RESERVATION OF RIGHTS.

The right is reserved to Congress to require the disclosure and furnishings of such information or data by the Bi-State Development Agency as is deemed appropriate by Congress.

Mr. REID. Madam President, I ask unanimous consent that the Senate concur in the House amendment, that the motion to reconsider be laid upon the table, with no intervening action or debate, and that any statements related to the measure be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### CIVILIAN SERVICE RECOGNITION ACT

Mr. REID. Madam President, I ask unanimous consent that the Homeland



Security Committee be discharged from further consideration of H.R. 2061 and the Senate proceed to its consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 2061) to authorize the presentation of a United States flag on behalf of Federal civilian employees who die of injuries in connection with their employment.

There being no objection, the Senate proceeded to consider the bill.

Mr. REID. Madam President, I ask unanimous consent that the bill be read the third time and passed, that the motion to reconsider be laid upon the table, with no intervening action or debate, and that any related statements be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 2061) was ordered to be read a third time, was read the third time, and passed.

#### CORRECTING THE ENROLLMENT OF H.R. 2061

Mr. REID. Madam President, I ask unanimous consent that the Senate proceed to consideration of H. Con. Res. 86, which was received from the House.

The PRESIDING OFFICER. The clerk will report the resolution of title.

The legislative clerk read as follows:

A concurrent resolution (H. Con. Res. 86) directing the Clerk of the House of Representatives to make corrections in the enrollment of H.R. 2061.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. REID. Madam President, I ask unanimous consent that the concurrent resolution be agreed to, the motion to reconsider be laid upon the table, with no intervening action or debate, and that any related statements be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The concurrent resolution (H. Con. Res. 86) was agreed to.

#### ULTRALIGHT AIRCRAFT SMUGGLING PREVENTION ACT OF 2011

Mr. REID. Madam President, I ask unanimous consent that the Senate proceed to the consideration of S. 1974.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 1974) to amend the Tariff Act of 1930 to clarify the definition of aircraft and the offenses penalized under the aviation smuggling provisions under that Act, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. REID. I ask unanimous consent that the bill be read a third time, passed, and the motion to reconsider be laid upon the table; that there be no intervening action or debate, and any statements related to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 1974) was ordered to be read a third time, was read the third time, and passed as follows:

S. 1974

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

This Act may cited as the "Ultralight Aircraft Smuggling Prevention Act of 2011".

#### SEC. 2. CLARIFICATION OF DEFINITION OF AIRCRAFT AND OFFENSES UNDER AVIATION SMUGGLING PROVISIONS OF THE TARIFF ACT OF 1930.

(a) IN GENERAL.—Section 590 of the Tariff Act of 1930 (19 U.S.C. 1590) is amended—

(1) by redesignating subsection (g) as subsection (h); and

(2) by inserting after subsection (f) the following:

"(g) DEFINITION OF AIRCRAFT.—In this section, the term 'aircraft'—

"(1) has the meaning given that term in section 40102 of title 49, United States Code; and

"(2) includes a vehicle described in section 103.1 of title 14, Code of Federal Regulations."

(b) CRIMINAL PENALTIES.—Subsection (d) of section 590 of the Tariff Act of 1930 (19 U.S.C. 1590(d)) is amended in the matter preceding paragraph (1) by inserting " , or attempts or conspires to commit," after "commits".

(c) EFFECTIVE DATE.—The amendments made by this section apply with respect to violations of any provision of section 590 of the Tariff Act of 1930 on or after the 30th day after the date of the enactment of this Act.

#### SEC. 3. INTERAGENCY COLLABORATION.

(a) FINDINGS.—Congress makes the following findings:

(1) The Department of Defense has worked collaboratively with the Department of Homeland Security to identify equipment, technology, and expertise used by the Department of Defense that could be leveraged by the Department of Homeland Security to help fulfill its missions.

(2) As part of that collaborative effort, the Department of Homeland Security has leveraged Department of Defense equipment, technology, and expertise to enhance the ability of U.S. Customs and Border Protection to detect, track, and engage illicit trafficking across the international borders between the United States and Mexico and the United States and Canada.

(3) Leveraging Department of Defense equipment, technology, and expertise is a cost-effective inter-agency approach to enhancing the effectiveness of the Department of Homeland Security to protect the United States against a variety of threats and risks.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the Secretary of Defense should—

(1) continue the broad program of cooperation and collaboration with the Secretary of Homeland Security described in subsection (a); and

(2) ensure that the Department of Homeland Security is able to identify equipment and technology used by the Department of Defense that could also be used by U.S. Customs and Border Protection to enhance its efforts to combat illicit trafficking across the international borders between the United States and Mexico and the United States and Canada, including equipment and technology that could be used to detect and track the illicit use of ultralight aircraft.

#### ORDERS FOR MONDAY, DECEMBER 12, 2011

Mr. REID. Madam President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 2 p.m. on Monday, December 12, 2011; that following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day; that following any leader remarks, the Senate be in a period of morning business until 4:30 p.m. with Senators permitted to speak for up to 10 minutes each; and that following morning business the Senate proceed to executive session under the previous order.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### PROGRAM

Mr. REID. Madam President, there will be at least two rollcall votes at 5:30 p.m. on Monday in relation to the Eisen and Aponte nominations. Next week, we have additional nominations we expect to consider, and we have to do either a CR or an omnibus spending bill—or one of each, which is possible. We have the balanced budget amendments, the payroll tax, we have unemployment insurance, Medicare reimbursement, tax extenders, including the Medicare reimbursement, and, of course, what we are talking about there is the SGR or the doctor fix.

All of these matters are set to expire at the end of the year.

#### ADJOURNMENT UNTIL MONDAY, DECEMBER 12, 2011, AT 2 P.M.

Mr. REID. If there is no further business to come before the Senate, I ask unanimous consent that the Senate stand adjourned under the previous order.

There being no objection, the Senate, at 6:25 p.m., adjourned until Monday, December 12, 2011, at 2 p.m.

## HOUSE OF REPRESENTATIVES—Thursday, December 8, 2011

The House met at 9 a.m. and was called to order by the Speaker pro tempore (Mrs. MILLER of Michigan).

### DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,  
December 8, 2011.

I hereby appoint the Honorable CANDICE S. MILLER to act as Speaker pro tempore on this day.

JOHN A. BOEHNER,  
*Speaker of the House of Representatives.*

### PRAYER

The Chaplain, the Reverend Patrick J. Conroy, offered the following prayer: Eternal God, we give You thanks for giving us another day.

Once again we come to You to ask wisdom, patience, peace, and understanding for the Members of this people's House.

Give them the generosity of heart, and the courage of true leadership, to work toward a common solution to the many issues facing our Nation. This might call for compromise, even sacrifice on both sides. As true statesmen and -women, may they find the fortitude to make judgments to benefit all Americans in their time of need.

May all that is done this day be for Your greater honor and glory.

Amen.

### THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House her approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

Mr. PITTS. Madam Speaker, pursuant to clause 1, rule I, I demand a vote on agreeing to the Speaker's approval of the Journal.

The SPEAKER pro tempore. The question is on the Speaker's approval of the Journal.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. PITTS. Madam Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8, rule XX, further pro-

ceedings on this question will be postponed.

The point of no quorum is considered withdrawn.

### PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Texas (Mr. POE) come forward and lead the House in the Pledge of Allegiance.

Mr. POE of Texas led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

### ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will entertain up to five requests for 1-minute speeches on each side of the aisle.

### GONE ROGUE

(Mr. POE of Texas asked and was given permission to address the House for 1 minute.)

Mr. POE of Texas. Madam Speaker, the Justice Department appears to have gone rogue. Instead of enforcing the law, they seem to be recklessly encouraging violations of law.

The Justice Department, with the aid of the ATF, apparently facilitated the smuggling of over 2,000 weapons to the drug cartels south of the border—the national enemy of Mexico. Those weapons were used to kill at least 200 Mexican nationals and two U.S. law enforcement agents.

Who is responsible for this conduct? The Attorney General says he was unaware of Fast and Furious. He claims he either didn't get the memo or he didn't read it. That's a lame excuse. The Attorney General is the chief lawyer and law enforcement officer in the country. If people under him violated U.S. or international law, they need to be held accountable, even if it means somebody goes to jail.

We need an independent special counsel to investigate the Justice Department and the ATF. The Department of Justice cannot be trusted to investigate themselves because the agency has lost credibility. Even Washington insiders responsible for Fast and Furious cannot hide from the long arm of American justice because justice is what we do in this country.

And that's just the way it is.

### CONSUMER FINANCIAL PROTECTION BUREAU

(Mr. MILLER of North Carolina asked and was given permission to address the House for 1 minute.)

Mr. MILLER of North Carolina. Wall Street may be in disrepute with most Americans, but their power here, their political power in Congress, is undiminished.

Americans strongly support a consumer watchdog, the new Consumer Financial Protection Bureau, but the CFPB has become Republicans' new least favorite agency, which greatly pleases their friends on Wall Street.

Months ago, Republicans in the other body announced that they would block the confirmation of the first Director of the new agency, whether the nominee was Elizabeth Warren or anyone else, unless Congress stripped the agency of its independence and of the powers to protect consumers from the abuses that were rampant in the last decade.

In the next day or two, the other body will vote on the confirmation of Richard Cordray to head the CFPB. If the vote goes as expected, Republicans will abuse their constitutional confirmation powers to hobble the new agency. They don't want Elizabeth Warren. They don't want Richard Cordray. They don't want anyone because they don't want the agency, and they don't want the agency because they don't want to protect consumers.

Republicans are willing to leave consumers vulnerable again to predatory lending practices. They're willing to leave the economy vulnerable again to another financial crisis to please their friends on Wall Street.

### OVERREGULATING DIETARY SUPPLEMENTS ENDANGERS AMERICANS' JOBS AND HEALTH

(Mr. HULTGREN asked and was given permission to address the House for 1 minute.)

Mr. HULTGREN. Madam Speaker, I rise today to express my concern over another example of rampant government regulation.

For 17 years, the Food and Drug Administration has sought to ignore congressional intent and create a vast new regulatory regime for dietary supplements. Millions of Americans, including many of my constituents and my family, rely on dietary supplements as part of their everyday health maintenance routine. Moreover, they play an important role in ensuring that people

take individual responsibility for preventative health care. We all can agree that the FDA should not limit Americans' access to dietary supplements.

In January President Obama issued an Executive order to ensure that the FDA's new rules will not limit access. Last week, the comment period on the FDA's draft guidance closed. Now that they've heard from the public, and now that I'm sure they've heard from countless Americans who share my concern, I urge them to go back to the drawing board and ensure that they do not limit Americans' access to dietary supplements.

#### TAX BREAKS FOR RACING INTERESTS—NO ACTION ON PAYROLL TAX CUT AND UNEMPLOYMENT INSURANCE EXTENSION

(Ms. DELAURO asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. DELAURO. Madam Speaker, at a recent horse sale in Kentucky, Breeder's Cup winner Royal Delta sold for \$8.5 million as part of the sale of the late Saudi Prince Saud bin Khaled's farm. Three of the Saudi's other horses also sold for seven figures. A total of 22 horses were sold that day for \$1 million or more, compared with only eight sold in 2010.

Every millionaire who purchased these horses benefited from a Republican-sponsored taxpayer subsidy written into the last 2008 farm bill. It allows them to recover the cost of the horse. Even as they call for more budget cuts, Republicans used that bill to transfer wealth—nearly \$500 million—from the pockets of ordinary taxpayers to the coffers of wealthy racing interests. This is just one example of how Republicans will go to absurd lengths to support the wealthiest 1 percent of Americans while turning their backs on the middle class and working families.

Now they refuse to take up a payroll tax cut extension and expansion that would mean \$1,500 for 160 million people while they protect the tax breaks for 350,000 millionaires. They refuse to extend unemployment insurance to save 200,000 jobs.

Our Nation deserves better leadership than this. Republicans need to stop giving out handouts to millionaire racing horse owners and start addressing the needs of the vast majority of American families.

□ 0910

#### LIONS CLUB INTERNATIONAL CENTURY OF SERVICE COMMEMORATIVE COIN ACT

(Mr. ALTMIRE asked and was given permission to address the House for 1 minute.)

Mr. ALTMIRE. Madam Speaker, I rise in support of the Lions Club International Century of Service Commemorative Coin Act. This legislation commemorates the Lions Club's 2017 Centennial, at no cost to the taxpayer, as the cost will be paid for by sales to the public.

As former president and zone chairman of my local Lions Club in Allegheny County in Pennsylvania, I know firsthand the great work done by Lions Club International, which now has 1.3 million members and chapters spanning every corner of the globe.

The Lions Clubs focus on the five goals of preserving sight, combating disability, promoting health, serving youth, and disaster relief, for which Lions Club donated over \$50 million in relief funds to Japan, Haiti, and most recently to our own southern States.

I commend the great work carried out by Lions Club International, and look forward to helping them commemorate their 2017 centennial year.

#### SAFEGUARDING SOCIAL SECURITY BENEFITS

(Mr. REYES asked and was given permission to address the House for 1 minute.)

Mr. REYES. Madam Speaker, I rise today on behalf of the millions of people in this country, including the 55 million seniors, disabled workers, widows, and children currently receiving Social Security benefits that have their Social Security unnecessarily targeted as part of the debt reduction talks. Now, more than ever, we cannot jeopardize earned benefits of seniors who have worked so hard over their lifetime to retire with dignity. Every senior deserves dignity in their retirement. Every senior, no exceptions.

For almost two-thirds of America's seniors, Social Security is the primary source of retirement income. Social Security is also a lifeline for workers who became disabled and for families who have lost a breadwinner. In the 16th District of Texas that I represent, over 98,000 El Pasoans receive Social Security benefits. They depend on these benefits to buy groceries, pay utility bills, and fill their gas tanks.

As their Representative, I want to ensure that we uphold the decades-old promise to the American worker, in return for their years of hard work and contributions, that we ensure dignity in retirement, assistance of the disabled, and support for their surviving children.

#### GIVE SOMETHING BACK THIS SEASON

(Mr. BARROW asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BARROW. Madam Speaker, I rise to encourage my colleagues to give a

little something back this season to those who give so much.

Every year we accumulate thousands of frequent flyer miles as we travel between our districts and Washington, DC. For the past several years, I've donated my frequent flyer miles to the Fisher House's Hero Miles Program, which provides free airline tickets to American soldiers and their families, and to the Children's Miracle Network, a nonprofit organization dedicated to saving and improving the lives of children.

Most of my frequent flyer miles this year came from congressional travel, and I don't think it's right to use them for myself. What I do know is that there is no better way for us to use our frequent flyer miles than to help troops and their families see each other, or to help sick kids get well.

I encourage each of my colleagues to join me and donate the frequent flyer miles you receive for government-funded congressional travel to programs like the Fisher House and the Children's Miracle Network, and to do it this holiday season.

#### MESSAGE FROM THE SENATE

A message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate has passed a bill of the following title in which the concurrence of the House is requested:

S. 1958. An act to extend the National Flood Insurance Program until May 31, 2012.

#### PROVIDING FOR CONSIDERATION OF H.R. 1633, FARM DUST REGULATION PREVENTION ACT OF 2011

Mr. WEBSTER. Madam Speaker, by direction of the Committee on Rules, I call up House Resolution 487 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 487

*Resolved*, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 1633) to establish a temporary prohibition against revising any national ambient air quality standard applicable to coarse particulate matter, to limit Federal regulation of nuisance dust in areas in which such dust is regulated under State, tribal, or local law, and for other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chair and ranking minority member of the Committee on Energy and Commerce. After general debate the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Committee on Energy and

Commerce now printed in the bill. The committee amendment in the nature of a substitute shall be considered as read. All points of order against the committee amendment in the nature of a substitute are waived. No amendment to the committee amendment in the nature of a substitute shall be in order except those printed in the report of the Committee on Rules accompanying this resolution. Each such amendment may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. All points of order against such amendments are waived. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER pro tempore. The gentleman from Florida is recognized for 1 hour.

Mr. WEBSTER. Madam Speaker, for the purpose of debate only, I yield the customary 30 minutes to my colleague from Colorado (Mr. POLIS), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

GENERAL LEAVE

Mr. WEBSTER. Madam Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. WEBSTER. Madam Speaker, I rise today in support of the rule and the underlying bill. House Resolution 487 provides for a structured rule for consideration of House Resolution 1633, the Farm Dust Regulation Prevention Act.

The rule makes 8 of the 11 amendments submitted to the Rules Committee in order, a majority of which are Democrat amendments, in order to have robust debate here on the floor of the House of Representatives.

H.R. 1633 passed out of the Energy and Commerce Committee with bipartisan support after proceeding through the committee process under regular order. A subcommittee hearing was followed by a subcommittee markup, and then a markup was held by the full committee, which passed the bill with bipartisan support.

The Farm Dust Regulation Prevention Act is quite simple. It seeks regu-

latory certainty in the short term and a regulatory, commonsense approach in the long term. Specifically, this legislation does two things. First, in the short term, the Farm Dust Regulation Prevention Act would temporarily prohibit the EPA from issuing a new coarse particulate matter standard for 1 year.

H.R. 1633 does not prohibit EPA from issuing a revised standard for coarse particulate matter after this 1-year timeout. Coarse particulate matter, or PM<sub>10</sub>, is also known by a much more common name: dust.

Second, in the longer term, this legislation would limit future EPA regulation of nuisance dust to areas where it is not already regulated by State or local government, where it causes substantial adverse effects, and where the benefits of the EPA stepping in would outweigh the costs.

Nuisance dust is particulate matter that is generated primarily from natural sources, dirt roads, earth moving, or other common farm activities. Nuisance dust is pieces of plants plowed up during tilling, soil disturbed by the movement of livestock or bits of rock kicked up by a truck driving down a dirt road. The definition specifically precludes combustion emissions, coal combustion residues and radioactive particulate matter from mining operations.

H.R. 1633 does not eliminate EPA's authority to step in if local or State regulatory efforts fall short of what is needed to adequately protect the public. The bill would allow EPA to step in and regulate "nuisance dust" in areas where States and localities do not do so, if it substantially hurts the public health, and if benefits of applying these standards outweigh the cost.

□ 0920

So in summary, if it isn't regulated, it would harm public health, and the benefit of regulation would outweigh the cost of regulation. The EPA could, and presumably would, fill that void.

While EPA Administrator Jackson has announced that she does not plan on changing the standard, EPA has been actively considering a revised, more costly and stringent standard as part of the review process. The same review process increased the stringency of that standard in 1996 and most recently in 2006. Prior to the administrator's announcement, EPA's staff had recommended further changes to the standard.

Despite Administrator Jackson's statement, there is nothing currently on the books preventing the EPA from adopting a stricter regulation. Further, as we all know, the environmental lobby could force a more stringent standard regardless of what the EPA announces, finalizes, or proposes through legal action.

This legislation provides ironclad certainty to farmers, ranchers, small

business owners that farm dust would stay off the EPA's to-do list for at least another year. For that very reason, farming, agricultural and rural small business organizations of all shapes and sizes have put their steadfast support behind this legislation. To them, certainty means the ability to grow their business by creating jobs in their communities, feeding every American, and providing for their families through the sale of the fruits of their labors.

The agricultural community and, more largely, rural America is critical to economic growth and job creation. The agricultural sector alone supports 1.8 million American jobs and represents 5 percent of our Nation's total exports. The Obama administration has acknowledged the importance of economic health for rural America. In fact, the President's White House Rural Council has claimed that rural America is "central to the economic health and prosperity of our Nation."

Unfortunately, it is often rural communities, particularly those in the western United States, that suffer from the highest rates of unemployment and are least equipped to bear the burden of additional costs stemming from Washington.

So once again, Madam Speaker, I rise in support of this rule and the underlying legislation. The relevant committee of jurisdiction has worked to provide us with a bipartisan bill which, at its core, quite simply offers regulatory certainty in the short term and commonsense regularity relief in the long.

This bill is not a cure-all, but is a step in the right direction. While a small step, it is a commonsense approach to fixing what's wrong in Washington, D.C. It's a step that many in Congress on both sides of the aisle seem ready and willing to take.

As I mentioned, the Farm Dust Regulation Prevention Act passed out of subcommittee and full committee with bipartisan support. The bill has over 100 bipartisan cosponsors. Companion legislation in the Senate also enjoys that same bipartisan support.

Let's ensure rural businesses and American farmers that at least for 1 more year they can cross dust off the list of the potential bureaucratic burdens passed down from Washington.

I encourage my colleagues to vote "yes" on the rule and "yes" on the underlying bill, and I reserve the balance of my time.

Mr. POLIS. Madam Speaker, I thank my colleague for yielding me the customary 30 minutes, and I yield myself such time as I may consume.

I rise today in opposition to the rule and the underlying bill.

Today, there are very serious challenges facing our country, facing rural America, suburban America, and urban America. In the next 3 weeks, Congress

has to address the payroll tax cut issue, or there will be an enormous tax increase, over \$1,000 per family, to the American middle class. This Congress has to pass a budget or the government will shut down. This Congress has to address a number of other expiring tax provisions—all in the next 3 weeks.

This is real work to do, real work that needs to be done for the American middle class, the American people, for farmers, for businessmen and -women, and for workers.

And yet today, this body is not taking on real work. Instead, we're addressing an illusory problem, a fake problem rather than a real one. My colleague from Florida mentioned the specter of someone somehow regulating the dust kicked up by a truck on a dirt road. I don't think there's a single Member of this body that wants to regulate the dust that's kicked up by a truck on a dirt road. The EPA certainly doesn't. The farmers don't want us to. Members of Congress don't want us to.

So what are we exactly talking about? Instead of addressing the serious problems that are facing the Nation, we're talking about a bill that satisfies talking points, has a few unintended consequences, which I'll get into in my remarks, and ignores the real problems of today.

This bill before us claims to block the EPA from implementing a rule that doesn't even exist, hasn't even been thought up, and is opposed by the head of the EPA. That's right. We've got millions of unemployed Americans, a massive tax increase looming, and yet here we have a bill to stop the EPA from doing something it's not doing.

EPA Administrator Lisa Jackson just told Congress specifically that they have no intention of doing a rule in this area because the existing rules passed during the Reagan administration are adequate.

So instead of worrying about a non-existent farm dust rule, maybe we should pass a regulatory ban on blowing smoke, because that's exactly what Congress is doing with this bill here today.

Not only does this bill seek to address a non-existent problem, Madam Speaker, but it also has a number of unintended consequences. The new loopholes it creates in the mining and other sectors will have severe public health and environmental impacts. Now, there will be a number of amendments that have been allowed under this rule that will go into a discussion and tailoring of this bill to hopefully roll back some of these unintended consequences, but what this bill does, rather than solve a problem, is create a slew of new problems which we would need to address.

This bill is chock full of exemptions for major industries. It allows for more arsenic and lead pollution from indus-

trial sources, with dire consequences for health and well-being. It disables the ambient air quality standards within the Air Quality Act. This bill won't help farmers at all because it won't fend off any onerous regulation because none of the regulations that are being contemplated are even being thought of by anybody in the EPA.

Interestingly, what this bill will do is it allows the release of more pollution from industrial sources like open-pit mining, coal-processing facilities, cement kilns and smelters. This has nothing to do with the family farms that you're going to hear people talk about debating this bill.

That's why this bill's main supporters are not farmers, but they're the mining industry. In fact, this bill has gained vocal support from the National Mining Association; and one of the biggest groups representing farmers, the National Farmers Union, has said this bill isn't necessary. In fact, in October, National Farmers Union president Roger Jackson said, "The National Farmers Union is pleased to see EPA Administrator Jackson provide final clarification for Members of Congress and the agriculture community that the agency does not have plans to regulate farm dust."

He went on, "Lately, there has been considerable anxiety within the farming community that EPA is going to regulate dust on farms. We hope this action finally puts to rest the misinformation regarding dust regulation and eases the minds of farmers and ranchers across the country."

Yet, instead of letting sleeping dogs lie and quelling the ridiculous rumors that somebody plans to regulate dust kicked up from cars on dirt roads, here we have Members of this body reinvigorating and giving credibility to these false rumors, scaring the hardworking farmers of America into thinking somehow government is about to regulate something that no one is purporting to regulate.

Furthermore, during committee consideration of this bill, an amendment by Congressman BUTTERFIELD would have explicitly limited this bill to agriculture, which is what the proponents of this bill purport it to be about. And yet the majority voted down that amendment, sending a clear message that this bill is not about farmers.

Let us see this bill for what it really is—another effort to attack the EPA and prevent the EPA from implementing the Clean Air Act under its commonsense rules to protect our public health.

It's time to get serious with the business of the House, to take on the real tasks that we have of expanding the payroll tax cut, passing a budget, and stop making up problems and making up solutions that cause more problems than they purport to solve. We've already got enough problems that this

Congress and this country need to work on. Let's get to work.

I reserve the balance of my time.

Mr. WEBSTER. I continue to reserve the balance of my time.

Mr. POLIS. Madam Speaker, it is my honor to yield 3 minutes to the gentlewoman from Wisconsin (Ms. BALDWIN).

Ms. BALDWIN. I thank the gentleman for yielding time.

Madam Speaker, the bill before us today is entitled the Farm Dust Regulation Prevention Act of 2011.

I want to make something very clear. If we were here today voting on a bill that actually stopped farm dust from being regulated by the EPA, I would support it. Agriculture is hugely important to my home State of Wisconsin, and the thought of regulating farm dust on a Federal level is simply ridiculous. However, there is no attempt by the EPA to regulate farm dust. Administrator Lisa Jackson said that the EPA has no intention of regulating farm dust.

□ 0930

The Republican Senate sponsor of this bill, former Secretary of Agriculture MIKE JOHANNIS, states that the EPA has provided "unequivocal assurance that it won't attempt to regulate farm dust."

This legislation is not about farm dust. Instead, this bill creates a new category of pollution called "nuisance dust" and exempts it from the Clean Air Act entirely. To be clear, "nuisance dust" is a made-up term that has no basis in established science.

Under this legislation, particulate pollution from open-pit mines, mine processing plants, sand mines, lead smelters, and cement kilns would be exempt from the Clean Air Act. These facilities emit coarse and fine particulates—arsenic, lead, mercury, and other toxic substances.

Now, I don't know about you, Madam Speaker, but this doesn't sound like "farm dust" to me.

I agree with my colleague Congressman JOHN DINGELL, who said, "This is a solution in search of a problem." During the Energy and Commerce Committee markup, the majority showed us that this bill isn't about farm dust at all; it's about hacking another hole in the Clean Air Act and about stoking the fears of rural Americans and farmers for cheap political points.

Americans are so sick of these political games. They want jobs, not fear mongering and baseless accusations. We shouldn't be wasting our time and theirs dealing with myths. We have real problems that need real solutions.

We should be extending the payroll tax relief for hardworking American families. We should be passing a transportation bill that puts Americans back to work rebuilding our crumbling roads and bridges. We should be extending unemployment insurance to millions of Americans who are still out,

pounding the pavement day in and day out, trying to find work.

Republicans need to stop stoking the fears of farmers and rural Americans and get back to fixing the real crisis facing our country—the jobs crisis.

Mr. WEBSTER. I continue to reserve the balance of my time.

Mr. POLIS. Madam Speaker, if we defeat the previous question, I will offer an amendment to the rule to require that we vote on an unemployment benefit extension and that we vote on a payroll tax holiday extension for next year before we leave for the holidays.

I would like to yield 2 minutes to the gentleman from Georgia (Mr. LEWIS).

Mr. LEWIS of Georgia. I want to thank my friend and colleague for yielding.

Madam Speaker, I rise today to urge my colleagues to extend unemployment benefits now.

It is amazing that we have time to debate this farm dust bill. We are polluting our air, but we don't have time to create jobs or to help people who have lost their jobs through no fault of their own. It is our moral obligation to give just a little bit of hope, a little bit of justice to help people survive these cold, difficult, hard times.

During this holiday season, I ask each and every one of you to take a deep, hard look within and ask yourselves: Is this how I wish to treat my mother? my father? my sister? my brother? my son? my daughter or my neighbor?

The unemployed lost their jobs through no fault of their own. They don't want handouts. They want jobs. This small amount of money is just enough to squeeze by while they continue to look for jobs. Help them. Please help them keep roofs over their heads, shoes on their feet, food on their tables, and heat in their homes.

Madam Speaker, this is the least we can do. It is the right thing to do. It is the fair thing to do. Fairness cannot wait. Give them just a little bit of hope in the name of those elected to serve them. Let's come together. Let's put politics aside and just get it done. Vote "no" on this rule, and extend unemployment insurance here and now.

Mr. WEBSTER. Madam Speaker, I yield myself such time as I may consume.

That's a good reason as to why we should pass this bill. The real cure for unemployment is employment. If we can remove the uncertainty from the marketplace for farmers and for those in other places in this country through limited regulation—good regulation but not by overburdening the businesses and the job creators of this country—then we will have the opportunity to solve that problem, to solve it by hiring people.

I am hoping that this bill will pass. In knowing that it probably will pass in the House, I hope the Senate takes

it up and the President signs it, and I hope we end up with less regulation in an area where many, many jobs could be created and where certainty could be provided if we would only pass this bill.

I reserve the balance of my time.

Mr. POLIS. I don't see how this bill would create any jobs, because it's purporting to undo regulations that don't exist and that aren't going to exist. So, obviously, if somebody at the EPA were to get the idea to start regulating farm dust, we would probably act to undo those regulations, which might help create jobs. Yet nobody is doing that, so this bill does absolutely nothing.

I would like to yield 3 minutes to the gentleman from Washington (Mr. McDERMOTT).

Mr. McDERMOTT. There is a lot of mourning among the comedians of this country that Herman Cain has left the field, but I think the Republican caucus is now stepping in to give the comedians things to laugh at.

This bill is about dust. This is dust to throw in the American people's eyes so they won't see what's going on here. We're going home a day early. Why aren't we staying here tomorrow? Because they haven't got anything to do or they can't figure out how to do it. I don't know which it is.

In fact, we have never put out a jobs bill from this House now in 11 months of the Republican majority, who said jobs are the issue. Boy, we've got to get jobs. They haven't produced a single job in 11 months off this floor. They're letting the unemployment extension expire. Beginning in January, 5 million Americans are not going to get benefits from the unemployment insurance because the Republicans have to throw dust in the people's eyes so that they won't see. But they know. They're not stupid.

The American people can see through this game. They know we're going home because you can't get your act together. You run this House and you can't put a bill out here to extend unemployment benefits. Now, I understand that the unemployment bill is an issue, but you can't extend the payroll.

Madam Speaker, what's wrong with the Republicans that they can't get their act together to somehow extend the reduction in the payroll tax?

That's going to take a thousand bucks out of every middle class person's pocket in the next year—but what are we talking about today? Dust. Ah, dust. I can just see it on Jon Stewart—or maybe it will be Sean Hannity. I don't know which it will be.

The fact is that this Congress has been a do-nothing Congress on the issues that affect the American people. The middle class is getting clobbered, and you're talking about dust.

It reminds me of this business we went through, this manufactured stuff,

about raising the debt limit. It was such an awful thing, so we created this committee that was going to cut \$1.2 trillion. That was magician talk. You don't want to talk about raising the debt limit. You want to talk about this committee that did nothing because the six members on the Republican side who came to that committee said from the very start that they would not raise taxes, that they would not look at revenue.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. POLIS. I yield the gentleman an additional 30 seconds.

□ 0940

Mr. McDERMOTT. In my view, if you're serious, you sit down and you talk about everything. The last 3 weeks of that committee, they never even met. That was dust in people's eyes.

Get them to talk about a commission. We had all this talk about a commission. Are they going to do this, are they going to do that, what's going to happen? In fact, everybody around here knew it was a lot of baloney from the start, and that's what this is today, more baloney.

You know, Yogi Berra, who is one of my favorite philosophers, said, this is *deja vu* all over again. We did this last Christmas, we didn't extend the benefits, and we're doing it again this year.

Mr. WEBSTER. Madam Speaker, I yield myself such time as I may consume.

Yes, Yogi Berra, it ain't over till it's over. We've got time.

We have a plan. House Republicans have a plan. It's down here on this card. We have a plan, a jobs plan. Twenty-five of those issues have already passed this House and they went to the Senate. And where are they? I don't know. They're there. They're ready to be acted on.

Let me just give one. The union labor in this country rallied around that bill a couple of days ago and said we want to build the pipeline. It's tens of thousands of jobs. Many of the Democrats opposed that, and yes, it's thousands and thousands of jobs. Is it a job creator? Absolutely.

Do we have a plan? We have a plan, and that's just one of the 25 that's waiting in the Senate for action. We need to have action there. We have a plan. We have job plans, this is it, and we're ready to move this country forward, get our economy rolling again, creating jobs, and making this economy better for everyone in America.

I reserve the balance of my time.

Mr. POLIS. Madam Speaker, we have no remaining speakers on our side. I would like to inquire if the gentleman has any remaining speakers.

Mr. WEBSTER. I am prepared to close.

Mr. POLIS. I yield myself such time as I may consume, Madam Speaker.

We get it and the American people get it. Just because you repeat something enough times doesn't make it true.

What businesses need in this country is long-term certainty and predictability, a fair playing field with clear rules for all. And yet here we are with a bill like this creating more uncertainty by introducing ambiguously drafted bills and new ambiguously drafted standards that skew the rules in favor of some and against others, making it tougher and tougher for small business, entrepreneurs, and innovators who don't have teams of lobbyists in Washington, D.C., monitoring every bit of legislation to get by and succeed.

The American people understand it wasn't the Environmental Protection Agency that caused this recession, that caused this economic mess we're in, and the economic recovery won't come through creating loopholes in public health laws.

If we are serious about helping farmers, there's plenty that we could be doing. But increasing industrial pollution for mining and coal processing isn't something that farmers in my district and across Colorado have asked me to do.

Farmers are concerned about many real-life challenges. Farmers are concerned that their kids can't get financing to go carry on the family business because the startup and liability costs are too high. Farmers are concerned about the estate tax.

Farmers are concerned about getting sued by Monsanto because their crops were contaminated by Roundup Ready pollen. Farmers are concerned about rapid swings in commodity prices because of instability in the market. Political brinksmanship and gridlock create market instability, and bills that create corporate handouts, loopholes, and more uncertainty like this one aren't helping farmers, they're hurting farmers, and they aren't helping the rest of the country either.

In addition to ignoring the needs of farmers, this bill ignores our national debt. In fact, it ignores our own House protocols to pay for things. Oddly enough, not regulating this non-existent regulation isn't cheap. Because of the bureaucratic changes that would ensue from this bill, the non-partisan CBO has scored this bill as costing the Federal Government \$10 million. So this bill violates the Republican rule for discretionary authorizations.

In fact, while the majority has pledged to adhere to spending limits on all indirect spending bills by including offsetting language, this bill includes no offsetting language, which is particularly grating because this bill doesn't actually do anything besides create more Federal bureaucrats.

Madam Speaker, with only one committee hearing and a quick vote, this

bill shouldn't be before us on the floor today. We have real work to do. We need a good-faith effort to get to the bottom of the real issues that affect this country and caused the recession, and help the middle class. This bill is not aimed at doing anything for farmers. It's not even aimed at a real problem.

I urge my colleagues to follow the House CutGo guidelines, to table this bill and focus on the real problems we should be working on. We all must stop pretending the answer to this country's problems is giving handouts and loopholes to those with the most lobbyists here in Washington, D.C.

As I mentioned earlier, Madam Speaker, if we defeat the previous question, I will offer an amendment to the rule.

I ask unanimous consent to insert the text of the amendment in the RECORD along with extraneous material immediately prior to the vote on the previous question.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Colorado?

There was no objection.

Mr. POLIS. Madam Speaker, I urge my colleagues to vote "no" and defeat the previous question so that we can do the right thing for working families and the millions of people looking for a job and vote on an unemployment extension and a payroll tax holiday and extension before we leave for next year, 3 more weeks.

I urge a "no" vote on the rule, and I yield back the balance of my time.

Mr. WEBSTER. Madam Speaker, I yield myself the balance of my time.

This bill provides for ample open debate, allowing for the colleagues here on this floor and across the aisle, both on our side and theirs, to offer amendments to this bill.

The underlying bill isn't particularly controversial. As a matter of fact, it's rather simple. This bill has no effect on direct spending. It does not appropriate any money or have any new appropriation in it at all. This bill creates no new programs. It has nothing to do with CutGo or pay-as-you-go, either way. It doesn't do either.

In the end, I can't imagine 186 different groups being so stirred up in this country to write and to call and to ask for this legislation, groups like the National Corn Growers Association and the Sheep Growers Association and the Association of Cooperatives and the Farm Bureaus across this country and the American Soybean Association and many, many more getting stirred up about nothing?

No, that argument is heifer dust. It is. This argument is real, it's true, and it's right, and it's absolutely just like what's happening in EPA in many other areas.

The underlying bill, as I said, is quite simple. It provides much-needed cer-

tainty in the short term for agricultural, ranching, and rural businesses by hitting pause on the EPA's runaway regulatory machine for just one measure for just 1 year.

H.R. 1633 simply says that now is not the time to thrust yet another burdensome, costly and, in EPA's own judgment, unnecessary regulation on rural job creators. In the long term, it offers regulatory relief to rural America by acknowledging that States and local communities are better suited to manage dust in their own communities and thus grant them the flexibility to do so.

It's particularly offensive because it's like the old cookie-cutter approach that Washington uses, the same program that's good for Ocoee, Florida, is good for Butte, Montana, and inner-city New York, and it's wrong. We ought to get rid of the cookie-cutter approach and go back to local communities and State governments and let them solve their problems, as opposed to one-size-fits-all Federal Government.

Given the state of the economy, given the EPA administrator's own comments about the lack of need to further regulate farm dust, given the dearth of scientific evidence that says that this is a danger, there is some sort of danger from farm dust, this legislation represents a commonsense effort to create an environment for job creation that all Members should support. It gives farmers, ranchers, and other rural small business owners the certainty, at least when it comes to dust, that costly regulations would not shackle their ability to focus on growing their business, providing for their families, and creating much needed jobs in rural America.

I ask my colleagues to join me in voting in favor of the rule and passage of the underlying bill.

The material previously referred to by Mr. POLIS is as follows:

AN AMENDMENT TO H. RES. 487 OFFERED BY MR. POLIS

At the end of the resolution, add the following new sections:

SEC. 2. Not later than December 16, 2011, the House of Representatives shall vote on passage of a bill to extend the payroll tax holiday beyond 2011, the title of which is as follows: 'Payroll Tax Holiday Extension Act of 2011.'

SEC. 3. Not later than December 16, 2011, the House of Representatives shall vote on passage of a bill to provide for the continuation of unemployment benefits, the title of which is as follows: 'Emergency Unemployment Compensation Extension Act of 2011.'

(The information contained herein was provided by the Republican Minority on multiple occasions throughout the 110th and 111th Congresses.)

THE VOTE ON THE PREVIOUS QUESTION: WHAT IT REALLY MEANS

This vote, the vote on whether to order the previous question on a special rule, is not merely a procedural vote. A vote against ordering the previous question is a vote



against the Republican majority agenda and a vote to allow the opposition, at least for the moment, to offer an alternative plan. It is a vote about what the House should be debating.

Mr. Clarence Cannon's Precedents of the House of Representatives (VI, 308-311), describes the vote on the previous question on the rule as "a motion to direct or control the consideration of the subject before the House being made by the Member in charge." To defeat the previous question is to give the opposition a chance to decide the subject before the House. Cannon cites the Speaker's ruling of January 13, 1920, to the effect that "the refusal of the House to sustain the demand for the previous question passes the control of the resolution to the opposition" in order to offer an amendment. On March 15, 1909, a member of the majority party offered a rule resolution. The House defeated the previous question and a member of the opposition rose to a parliamentary inquiry, asking who was entitled to recognition. Speaker Joseph G. Cannon (R-Illinois) said: "The previous question having been refused, the gentleman from New York, Mr. Fitzgerald, who had asked the gentleman to yield to him for an amendment, is entitled to the first recognition."

Because the vote today may look bad for the Republican majority they will say "the vote on the previous question is simply a vote on whether to proceed to an immediate vote on adopting the resolution . . . [and] has no substantive legislative or policy implications whatsoever." But that is not what they have always said. Listen to the Republican Leadership Manual on the Legislative Process in the United States House of Representatives, (6th edition, page 135). Here's how the Republicans describe the previous question vote in their own manual: "Although it is generally not possible to amend the rule because the majority Member controlling the time will not yield for the purpose of offering an amendment, the same result may be achieved by voting down the previous question on the rule . . . When the motion for the previous question is defeated, control of the time passes to the Member who led the opposition to ordering the previous question. That Member, because he then controls the time, may offer an amendment to the rule, or yield for the purpose of amendment."

In Deschler's Procedure in the U.S. House of Representatives, the subchapter titled "Amending Special Rules" states: "a refusal to order the previous question on such a rule [a special rule reported from the Committee on Rules] opens the resolution to amendment and further debate." (Chapter 21, section 21.2) Section 21.3 continues: "Upon rejection of the motion for the previous question on a resolution reported from the Committee on Rules, control shifts to the Member leading the opposition to the previous question, who may offer a proper amendment or motion and who controls the time for debate thereon."

Clearly, the vote on the previous question on a rule does have substantive policy implications. It is one of the only available tools for those who oppose the Republican majority's agenda and allows those with alternative views the opportunity to offer an alternative plan.

Mr. WEBSTER. Madam Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. POLIS. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

#### RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 9 o'clock and 50 minutes a.m.), the House stood in recess subject to the call of the Chair.

□ 1030

#### AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mrs. MILLER of Michigan) at 10 o'clock and 30 minutes a.m.

#### ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, proceedings will resume on questions previously postponed.

Votes will be taken in the following order: ordering the previous question on H. Res. 487, by the yeas and nays; adoption of H. Res. 487, if ordered; motion to suspend the rules on H.R. 1254, de novo; approval of the Journal, de novo.

The first electronic vote will be conducted as a 15-minute vote. The remainder of the votes in this series will be conducted as 5-minute votes.

#### PROVIDING FOR CONSIDERATION OF H.R. 1633, FARM DUST REGULATION PREVENTION ACT OF 2011.

The SPEAKER pro tempore. The unfinished business is the vote on ordering the previous question on the resolution (H. Res. 487) providing for consideration of the bill (H.R. 1633) to establish a temporary prohibition against revising any national ambient air quality standard applicable to coarse particulate matter, to limit Federal regulation of nuisance dust in areas in which such dust is regulated under State, tribal, or local law, and for other purposes, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question.

The vote was taken by electronic device, and there were—yeas 241, nays 173, not voting 19, as follows:

[Roll No. 902]

#### YEAS—241

Adams	Goodlatte	Nunnelee
Aderholt	Gosar	Olson
Akin	Gowdy	Paulsen
Alexander	Granger	Pearce
Amash	Graves (GA)	Pence
Amodei	Graves (MO)	Peterson
Austria	Griffin (AR)	Petri
Bachus	Griffith (VA)	Pitts
Barletta	Grimm	Platts
Bartlett	Guinta	Poe (TX)
Barton (TX)	Guthrie	Pompeo
Bass (NH)	Hall	Posey
Benishek	Hanna	Price (GA)
Berg	Harper	Quayle
Biggert	Harris	Reed
Billray	Hartzler	Rehberg
Bilirakis	Hastings (WA)	Reichert
Bishop (UT)	Hayworth	Renacci
Black	Heck	Ribble
Blackburn	Hensarling	Rigell
Bonner	Herger	Rivera
Bono Mack	Herrera Beutler	Roby
Boren	Huelskamp	Roe (TN)
Boustany	Huizenga (MI)	Rogers (AL)
Brady (TX)	Hultgren	Rogers (KY)
Brooks	Hunter	Rogers (MI)
Broun (GA)	Hurt	Rohrabacher
Buchanan	Issa	Rokita
Bucshon	Jenkins	Rooney
Buerkle	Johnson (IL)	Ros-Lehtinen
Burgess	Johnson (OH)	Ross (AR)
Burton (IN)	Johnson, Sam	Ross (FL)
Calvert	Jones	Rothman (NJ)
Camp	Jordan	Royce
Campbell	Kelly	Runyan
Canseco	King (IA)	Ryan (WI)
Cantor	King (NY)	Scalise
Capito	Kingston	Schilling
Carter	Kinzinger (IL)	Schmidt
Cassidy	Kline	Schock
Chabot	Labrador	Schweikert
Chaffetz	Lamborn	Scott (SC)
Coble	Lance	Scott, Austin
Coffman (CO)	Landry	Sensenbrenner
Cole	Lankford	Sessions
Conaway	Latham	Shimkus
Cravaack	LaTourette	Shuler
Crawford	Latta	Shuster
Crenshaw	Lewis (CA)	Simpson
Culberson	LoBiondo	Smith (NE)
Davis (KY)	Long	Smith (NJ)
Denham	Lucas	Smith (TX)
Dent	Luetkemeyer	Southerland
DesJarlais	Lummis	Stearns
Dold	Lungren, Daniel	Stivers
Dreier	E.	Stutzman
Duffy	Mack	Sullivan
Duncan (SC)	Manzullo	Terry
Duncan (TN)	Marchant	Thompson (PA)
Ellmers	Marino	Thornberry
Emerson	Matheson	Tiberi
Farenthold	McCarthy (CA)	Tipton
Fincher	McCauley	Turner (NY)
Fitzpatrick	McClintock	Turner (OH)
Flake	McCotter	Upton
Fleischmann	McHenry	Walberg
Fleming	McKeon	Walden
Flores	McKinley	Walsh (IL)
Forbes	McMorris	Webster
Fortenberry	Rodgers	West
Fox	Meehan	Westmoreland
Franks (AZ)	Mica	Whitfield
Frelinghuysen	Miller (FL)	Wilson (SC)
Gallegly	Miller (MI)	Wittman
Gardner	Miller, Gary	Wolf
Garrett	Mulvaney	Womack
Gerlach	Murphy (PA)	Woodall
Gibbs	Neugebauer	Yoder
Gibson	Noem	Young (AK)
Gingrey (GA)	Nugent	Young (FL)
Gohmert	Nunes	Young (IN)

#### NAYS—173

Ackerman	Berman	Capps
Altmire	Bishop (GA)	Capuano
Andrews	Bishop (NY)	Cardoza
Baca	Blumenauer	Carnahan
Baldwin	Boswell	Carney
Barrow	Brady (PA)	Carson (IN)
Bass (CA)	Braley (IA)	Chandler
Becerra	Brown (FL)	Chu
Berkley	Butterfield	Cicilline

Clarke (MI)	Honda	Pingree (ME)	[Roll No. 903]	Capuano	Hinojosa	Polis
Clarke (NY)	Inslee	Polis		Carnahan	Hirono	Price (NC)
Clay	Jackson Lee	Price (NC)	AYES—249	Carney	Holden	Quigley
Cleaver	(TX)	Quigley		Carson (IN)	Holt	Rangel
Cohen	Johnson (GA)	Rangel		Chu	Honda	Reyes
Connolly (VA)	Johnson, E. B.	Reyes		Cicilline	Inslee	Richardson
Conyers	Kaptur	Richardson		Clarke (MI)	Jackson Lee	Richmond
Cooper	Keating	Alexander		Clarke (NY)	(TX)	Rothman (NJ)
Costa	Kildee	Richmond		Clay	Johnson (GA)	Roybal-Allard
Costello	Kind	Roybal-Allard		Cleaver	Johnson, E. B.	Ruppersberger
Courtney	Kissell	Ruppersberger		Cohen	Kaptur	Rush
Critz	Kucinich	Rush		Connolly (VA)	Keating	Ryan (OH)
Crowley	Langevin	Ryan (OH)		Conyers	Kildee	Sánchez, Linda
Cuellar	Larsen (WA)	Sánchez, Linda		Cooper	Kucinich	T.
Cummings	Larson (CT)	T.		Costello	Langevin	Sanchez, Loretta
Davis (CA)	Lee (CA)	Sanchez, Loretta		Courtney	Larsen (WA)	Sarbanes
DeFazio	Levin	Sarbanes		Critz	Larson (CT)	Schakowsky
DeGette	Lewis (GA)	Schakowsky		Crowley	Lee (CA)	Schiff
DeLauro	Lipinski	Schiff		Cuellar	Levin	Schrader
Deutch	Loeb sack	Schrader		Cummings	Lewis (GA)	Schwartz
Dicks	Lofgren, Zoe	Schwartz		Davis (CA)	Lipinski	Scott (VA)
Dingell	Lowey	Scott (VA)		DeFazio	Lofgren, Zoe	Scott, David
Doggett	Luján	Scott, David		DeGette	Lowey	Serrano
Donnelly (IN)	Lynch	Serrano		DeLauro	Luján	Sewell
Doyle	Maloney	Sewell		Deutch	Lynch	Sherman
Edwards	Markey	Sherman		Dicks	Maloney	Sires
Ellison	Matsui	Sires		Dingell	Markey	Slaughter
Engel	McCarthy (NY)	Slaughter		Doggett	Matsui	Smith (WA)
Eshoo	McCollum	Smith (WA)		Doyle	McCarthy (NY)	Speier
Farr	McDermott	Speier		Edwards	McCollum	Sutton
Fattah	McGovern	Sutton		Ellison	McDermott	Thompson (CA)
Filner	McIntyre	Thompson (CA)		Engel	McGovern	Thompson (MS)
Fudge	McNerney	Thompson (MS)		Eshoo	McNerney	Tierney
Garamendi	Meeks	Tierney		Farr	Meeks	Tonko
Gonzalez	Michaud	Tonko		Fattah	Michaud	Towns
Green, Al	Miller (NC)	Towns		Filner	Miller (NC)	Tsongas
Green, Gene	Miller, George	Tsongas		Fudge	Miller, George	Van Hollen
Grijalva	Moore	Van Hollen		Garamendi	Moore	Velázquez
Gutierrez	Moran	Velázquez		Gonzalez	Moran	Visclosky
Hahn	Murphy (CT)	Visclosky		Green, Al	Murphy (CT)	Wasserman
Hanabusa	Napolitano	Walz (MN)		Green, Gene	Napolitano	Schultz
Hastings (FL)	Neal	Wasserman		Grijalva	Neal	Pallone
Heinrich	Oliver	Schultz		Gutierrez	Pallone	Pascarell
Higgins	Owens	Waters		Hahn	Pascarell	Pastor (AZ)
Himes	Pallone	Watt		Hanabusa	Pastor (AZ)	Payne
Hinojosa	Pascarell	Waxman		Hastings (FL)	Payne	Perlmutter
Hirono	Pastor (AZ)	Welch		Heinrich	Perlmutter	Peters
Hochul	Payne	Wilson (FL)		Higgins	Peters	Pingree (ME)
Holden	Perlmutter	Woolsey		Himes		
Holt	Peters	Yarmuth				

## NOT VOTING—19

Bachmann  
Castor (FL)  
Clyburn  
Davis (IL)  
Diaz-Balart  
Frank (MA)  
Giffords

Hinchev  
Hoyer  
Israel  
Jackson (IL)  
Myrick  
Nadler  
Palazzo

Paul  
Pelosi  
Rahall  
Roskam  
Stark

## □ 1100

Mr. CLEAVER, Ms. KAPTUR, Messrs. GUTIERREZ, PERLMUTTER, MARKEY, BERMAN, Ms. WASSERMAN SCHULTZ, and Mr. HONDA changed their vote from “yea” to “nay.”

So the previous question was ordered.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

## RECORDED VOTE

Mr. POLIS. Madam Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 249, noes 161, not voting 23, as follows:

Adams  
Aderholt  
Akin  
Alexander  
Amash  
Amodei  
Austria  
Bachus  
Barletta  
Bartlett  
Barton (TX)  
Bass (NH)  
Benishek  
Berg  
Biggert  
Bilirakis  
Bishop (UT)  
Black  
Blackburn  
Bonner  
Bono Mack  
Boren  
Boswell  
Boustany  
Brady (TX)  
Brooks  
Broun (GA)  
Buchanan  
Bucshon  
Buerkle  
Burgess  
Burton (IN)  
Calvert  
Camp  
Campbell  
Moran  
Canseco  
Cantor  
Cardoza  
Carter  
Cassidy  
Chabot  
Chaffetz  
Chandler  
Coble  
Coffman (CO)  
Cole  
Conaway  
Costa  
Cravaack  
Crawford  
Crenshaw  
Culberson  
Davis (KY)  
Denham  
Dent  
DesJarlais  
Dold  
Donnelly (IN)  
Dreier  
Duffy  
Duncan (SC)  
Duncan (TN)  
Ellmers  
Emerson  
Farenthold  
Fincher  
Fitzpatrick  
Flake  
Fleischmann  
Fleming  
Flores  
Forbes  
Fortenberry  
Foxy  
Franks (AZ)  
Frelinghuysen  
Gallegly  
Gardner  
Gerlach  
Gibbs  
Gibson  
Gingrey (GA)  
Gohmert

## NOES—161

Ackerman  
Altmire  
Andrews  
Baca  
Baldwin  
Barrow  
Bass (CA)  
Becerra  
Berkley  
Berman  
Bishop (GA)  
Bishop (NY)  
Blumenauer  
Brady (PA)  
Braley (IA)  
Brown (FL)  
Butterfield  
Capps

## NOT VOTING—23

Bachmann  
Bilbray  
Castor (FL)  
Clyburn  
Davis (IL)  
Diaz-Balart  
Frank (MA)  
Garrett

Giffords  
Hinchev  
Hoyer  
Israel  
Jackson (IL)  
Lamborn  
Myrick  
Nadler

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE  
The SPEAKER pro tempore (Mr. WOMACK) (during the vote). There are 2 minutes remaining in this vote.

## □ 1106

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

## SYNTHETIC DRUG CONTROL ACT OF 2011

The SPEAKER pro tempore. The unfinished business is the question on suspending the rules and passing the bill (H.R. 1254) to amend the Controlled Substances Act to place synthetic drugs in Schedule I, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Pennsylvania (Mr. PITTS) that the House suspend the rules and pass the bill, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

## RECORDED VOTE

Mr. WHITFIELD. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 317, noes 98, not voting 18, as follows:

## [Roll No. 904]

## AYES—317

Adams	Dold	Kinzinger (IL)
Aderholt	Donnelly (IN)	Kissell
Akin	Doyle	Kline
Alexander	Dreier	Lamborn
Altmire	Duffy	Lance
Amodei	Duncan (SC)	Landry
Austria	Duncan (TN)	Langevin
Baca	Ellmers	Lankford
Bachus	Emerson	Larsen (WA)
Barletta	Engel	Larson (CT)
Barrow	Farenthold	Latham
Bartlett	Fincher	LaTourette
Barton (TX)	Fitzpatrick	Latta
Bass (NH)	Fleischmann	Lewis (CA)
Benishek	Fleming	Lipinski
Berg	Flores	LoBiondo
Berkley	Forbes	Loebsack
Berman	Fortenberry	Long
Biggart	Franks (AZ)	Lowey
Billbray	Frelinghuysen	Lucas
Bilirakis	Gallely	Luetkemeyer
Bishop (GA)	Garamendi	Lujan
Bishop (NY)	Gardner	Lummis
Bishop (UT)	Garrett	Lungren, Daniel E.
Black	Gerlach	Lynch
Blackburn	Gibbs	Mack
Bonner	Gibson	Manzullo
Bono Mack	Gingrey (GA)	Marchant
Boren	Gohmert	Marino
Boswell	Goodlatte	Matheson
Boustany	Gosar	Matsui
Brady (TX)	Gowdy	McCarthy (CA)
Braley (IA)	Granger	McCarthy (NY)
Buchanan	Graves (MO)	McCaul
Buchson	Griffin (AR)	McCollum
Buerkle	Griffith (VA)	McCotter
Burgess	Grimm	McHenry
Burton (IN)	Guinta	McIntyre
Calvert	Guthrie	McKeon
Camp	Hahn	McKinley
Canseco	Hall	McMorris
Cantor	Hanabusa	Rodgers
Capito	Hanna	McNerney
Capps	Harper	Meehan
Cardoza	Harris	Mica
Carnahan	Hartzer	Michaud
Carney	Hastings (WA)	Miller (FL)
Carter	Hayworth	Miller (MI)
Cassidy	Heck	Miller, Gary
Chabot	Heinrich	Murphy (CT)
Chaffetz	Hensarling	Murphy (PA)
Chandler	Herger	Neugebauer
Cicilline	Herrera Beutler	Noem
Coble	Higgins	Nugent
Coffman (CO)	Himes	Nunes
Cole	Hinojosa	Nunnelee
Conaway	Hirono	Olson
Connolly (VA)	Hochul	Owens
Cooper	Holden	Palazzo
Costa	Huelskamp	Pallone
Costello	Huizenga (MI)	Pascarella
Courtney	Hunter	Pastor (AZ)
Cravaack	Hurt	Paulsen
Crawford	Inslee	Pearce
Crenshaw	Issa	Pence
Critz	Jenkins	Perlmutter
Cuellar	Johnson (IL)	Peters
Culberson	Johnson (OH)	Peterson
Davis (CA)	Johnson, Sam	Petri
Davis (KY)	Jones	Pingree (ME)
DeFazio	Jordan	Pitts
DeLauro	Keating	Platts
Denham	Kelly	Pompeo
Dent	Kildee	Posey
DesJarlais	Kind	Price (GA)
Deutch	King (IA)	Quayle
Dingell	King (NY)	

Quigley	Sanchez, Loretta	Terry
Rangel	Sarbanes	Thompson (MS)
Reed	Scalise	Thompson (PA)
Rehberg	Schiff	Thornberry
Reichert	Schilling	Tiberi
Renacci	Schmidt	Tipton
Reyes	Schock	Tonko
Ribble	Schrader	Tsongas
Richardson	Schwartz	Turner (OH)
Rigell	Schweikert	Upton
Rivera	Scott (SC)	Walberg
Roby	Scott, Austin	Walden
Roe (TN)	Sensenbrenner	Walz (MN)
Rogers (AL)	Sessions	Wasserman
Rogers (KY)	Sewell	Schultz
Rogers (MI)	Sherman	Waxman
Rokita	Shimkus	Webster
Rooney	Shuler	Welch
Ros-Lehtinen	Shuster	West
Roskam	Simpson	Westmoreland
Ross (AR)	Smith (NE)	Whitfield
Ross (FL)	Smith (NJ)	Wilson (FL)
Rothman (NJ)	Smith (TX)	Wilson (SC)
Royce	Southerland	Wittman
Runyan	Speier	Wolf
Ruppersberger	Stearns	Womack
Ryan (OH)	Stivers	Yoder
Ryan (WI)	Stutzman	Young (AK)
Sanchez, Linda T.	Sullivan	Young (FL)
	Sutton	Young (IN)

## NOES—98

Ackerman	Flake	Moran
Amash	Fox	Mulvaney
Andrews	Fudge	Napolitano
Baldwin	Gonzalez	Neal
Bass (CA)	Graves (GA)	Oliver
Becerra	Green, Al	Payne
Blumenauer	Green, Gene	Poe (TX)
Brady (PA)	Grijalva	Polis
Brooks	Gutierrez	Price (NC)
Brown (GA)	Hastings (FL)	Richmond
Brown (FL)	Holt	Rohrabacher
Butterfield	Honda	Roybal-Allard
Campbell	Jackson Lee	Rush
Capuano	(TX)	Schakowsky
Carson (IN)	Johnson (GA)	Scott (VA)
Chu	Johnson, E. B.	Scott, David
Clarke (MI)	Kaptur	Serrano
Clarke (NY)	Kingston	Sires
Clay	Kucinich	Slaughter
Cleaver	Labrador	Smith (WA)
Cohen	Lee (CA)	Thompson (CA)
Conyers	Levin	Tierney
Crowley	Lewis (GA)	Towns
Cummings	Lofgren, Zoe	Turner (NY)
DeGette	Maloney	Van Hollen
Dicks	Maloney	Velazquez
Doggett	McClintock	Visclosky
Edwards	McDermott	Walsh (IL)
Ellison	McGovern	Waters
Eshoo	Meeks	Watt
Farr	Miller (NC)	Woodall
Fattah	Miller, George	Woolsey
Filner	Moore	Yarmuth

## NOT VOTING—18

Bachmann	Giffords	Myrick
Castor (FL)	Hinchey	Nadler
Clyburn	Hoyer	Paul
Davis (IL)	Hultgren	Pelosi
Diaz-Balart	Israel	Rahall
Frank (MA)	Jackson (IL)	Stark

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 2 minutes remaining.

□ 1113

Messrs. NEAL, TIERNEY, POE of Texas, and AL GREEN of Texas changed their vote from “aye” to “no.”

Ms. RICHARDSON changed her vote from “no” to “aye.”

So (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated against:

Mr. HULTGREN. Mr. Speaker, on rollcall No. 904, had I been present, I would have voted “no.”

## THE JOURNAL

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the unfinished business is the question on agreeing to the Speaker's approval of the Journal, which the Chair will put de novo.

The question is on the Speaker's approval of the Journal.

The question was taken; and the Speaker announced that the ayes appeared to have it.

## RECORDED VOTE

Mr. WOODALL. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 312, noes 94, answered “present” 1, not voting 26, as follows:

## [Roll No. 905]

## AYES—312

Ackerman	Coble	Graves (GA)
Adams	Coffman (CO)	Graves (MO)
Aderholt	Cohen	Green, Al
Akin	Cole	Griffin (AR)
Alexander	Connolly (VA)	Griffith (VA)
Amodei	Conyers	Grimm
Austria	Cooper	Guinta
Baca	Courtney	Guthrie
Bachus	Crawford	Gutierrez
Barletta	Crenshaw	Hahn
Barrow	Critz	Hall
Bartlett	Crowley	Hanabusa
Barton (TX)	Culberson	Harper
Bass (NH)	Davis (CA)	Hartzer
Becerra	Davis (KY)	Hastings (WA)
Berg	DeGette	Hayworth
Berkley	DeLauro	Heinrich
Berman	Denham	Hensarling
Biggart	Dent	Herger
Billbray	DesJarlais	Higgins
Bilirakis	Deutch	Hinojosa
Bishop (GA)	Dicks	Hirono
Bishop (UT)	Dingell	Hochul
Black	Doggett	Holden
Blackburn	Doyle	Huelskamp
Bonner	Dreier	Huizenga (MI)
Bono Mack	Duncan (SC)	Hultgren
Boswell	Duncan (TN)	Hunter
Boustany	Edwards	Hurt
Brady (TX)	Ellmers	Issa
Braley (IA)	Emerson	Jackson Lee
Brooks	Engel	(TX)
Brown (GA)	Eshoo	Jenkins
Brown (FL)	Farenthold	Johnson (GA)
Buchanan	Farr	Johnson (IL)
Bucshon	Fattah	Johnson, E. B.
Buerkle	Fincher	Johnson, Sam
Burton (IN)	Flake	Jones
Butterfield	Fleischmann	Jordan
Calvert	Fleming	Kaptur
Camp	Flores	Kelly
Campbell	Forbes	Kildee
Canseco	Fortenberry	King (IA)
Cantor	Franks (AZ)	Kingston
Capito	Frelinghuysen	Kissell
Capps	Fudge	Kline
Carnahan	Gallely	Labrador
Carney	Garamendi	Lamborn
Carter	Gerlach	Landry
Chabot	Gibbs	Langevin
Chaffetz	Gingrey (GA)	Lankford
Cicilline	Gonzalez	Larsen (WA)
Clarke (MI)	Goodlatte	Larson (CT)
Clarke (NY)	Gosar	LaTourette
Clay	Gowdy	Latta
Cleaver	Granger	Levin

Lewis (CA)  
Lipinski  
Loebsock  
Lofgren, Zoe  
Long  
Lowey  
Luetkemeyer  
Luján  
Lummis  
Lungren, Daniel E.  
Mack  
Maloney  
Manzullo  
Marchant  
Marino  
McCarthy (CA)  
McCarthy (NY)  
McCaul  
McClintock  
McCollum  
McHenry  
McIntyre  
McKeon  
McKinley  
McMorris  
Rodgers  
McNerney  
Meeks  
Mica  
Michaud  
Miller (FL)  
Miller (MI)  
Miller (NC)  
Miller, Gary  
Moran  
Murphy (CT)  
Murphy (PA)  
Napolitano  
Neal  
Neugebauer  
Noem  
Nugent  
Nunes  
Nunnelee  
Olson  
Owens  
Palazzo  
Pascrell  
Paulsen

Payne  
Pearce  
Pence  
Perlmutter  
Peters  
Petri  
Pingree (ME)  
Pitts  
Platts  
Pompeo  
Posey  
Price (GA)  
Price (NC)  
Quigley  
Rehberg  
Reichert  
Reyes  
Richardson  
Richmond  
Rigell  
Rivera  
Roby  
Rogers (AL)  
Rogers (KY)  
Rogers (MI)  
Rohrabacher  
Rokita  
Ros-Lehtinen  
Roskam  
Ross (AR)  
Ross (FL)  
Rothman (NJ)  
Roybal-Allard  
Royce  
Runyan  
Ruppersberger  
Ryan (WI)  
Scalise  
Schiff  
Schilling  
Schmidt  
Schock  
Schrader  
Schwartz  
Schweikert  
Scott (SC)  
Scott (VA)  
Scott, Austin  
Scott, David  
Sensenbrenner

Serrano  
Sessions  
Sewell  
Sherman  
Shinkus  
Shuster  
Simpson  
Sires  
Smith (NE)  
Smith (NJ)  
Smith (TX)  
Smith (WA)  
Southernland  
Speier  
Stearns  
Stivers  
Stutzman  
Sullivan  
Thompson (PA)  
Thornberry  
Tiberi  
Tierney  
Tonko  
Towns  
Tsongas  
Turner (NY)  
Upton  
Van Hollen  
Velázquez  
Walberg  
Walz (MN)  
Wasserman  
Schultz  
Watt  
Waxman  
Welch  
West  
Westmoreland  
Whitfield  
Wilson (FL)  
Wilson (SC)  
Wittman  
Wolf  
Womack  
Woolsey  
Yarmuth  
Young (FL)  
Young (IN)

Paul  
Pelosi  
Polis

Rahall  
Stark  
Walsh (IL)

Waters  
Webster

#### ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 2 minutes remaining.

□ 1119

So the Journal was approved.

The result of the vote was announced as above recorded.

#### FARM DUST REGULATION PREVENTION ACT OF 2011

Mr. UPTON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks on the legislation and to insert extraneous material on H.R. 1633.

The SPEAKER pro tempore (Mr. PAULSEN). Is there objection to the request of the gentleman from Michigan?

There was no objection.

The SPEAKER pro tempore. Pursuant to House Resolution 487 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the state of the Union for the consideration of the bill, H.R. 1633.

□ 1119

#### IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (H.R. 1633) to establish a temporary prohibition against revising any national ambient air quality standard applicable to coarse particulate matter, to limit Federal regulation of nuisance dust in areas in which such dust is regulated under State, tribal, or local law, and for other purposes, with Mr. WOMACK in the chair.

The Clerk read the title of the bill.

The CHAIR. Pursuant to the rule, the bill is considered read the first time.

The gentleman from Michigan (Mr. UPTON) and the gentleman from California (Mr. WAXMAN) each will control 30 minutes.

The Chair recognizes the gentleman from Michigan.

Mr. UPTON. Mr. Chairman, I yield myself 2 minutes.

No question, from the largest manufacturer to the smallest farm or ranch, not enough businesses are thriving in this economy. The recovery has been slow and weak, job growth has been anemic, and the continuous rollout of expensive new regulations has only made it harder to get the economy back on track. That's why the House continues to approve bipartisan legislation addressing costly EPA rules, and that is why I support this legislation, the Farm Dust Regulation Prevention Act.

This bill achieves two important goals: regulatory certainty in the short

term and common sense for rural America in the long term. The bill retains the current coarse particulate matter standard for 1 year—a position that Administrator Lisa Jackson from EPA has embraced with her plans to propose maintaining the standard—and it offers regulatory relief to rural America by recognizing that States and local communities are better equipped to monitor and control farm dust. EPA would no longer be in the business of regulating rural dust except in cases where it is not already regulated and the benefits of EPA regulation outweigh the costs.

Opponents of this bill insist that it's not necessary and that rural America has nothing to worry about, but the voices of rural America tell quite a different story. Listen to the American Farm Bureau Federation and all of its State affiliates. Listen to the Cattle-men's Beef Association and over 185 other organizations who collectively represent a significant portion of the rural economy, including Michigan and across the country. These organizations believe that this bill is necessary, and so do I.

The bill makes clear that the lead role in regulating nuisance dust should rest with State, local, and tribal governments, not the EPA.

This is a smart step for a lot of reasons. For one thing, State, local, and tribal governments already address rural dust issues. For another, dust issues differ greatly from location to location and thus are not well suited to a one-size-fits-all Federal approach. Further, these levels of governments do a much better job than the Federal EPA when it comes to weighing both the costs and the benefits of various options and choosing a path that is cost-effective and achieves the greatest benefits.

Finally, under this bill, in the absence of State, local, and tribal regulation, EPA may step in and regulate nuisance dust if the case for net benefits can be made for it. This bill is a commonsense bill that removes a regulatory threat to economic growth and prosperity across rural America. I urge all my colleagues to support it.

I reserve the balance of my time.

Mr. WAXMAN. Mr. Chairman, I yield myself such time as I may consume.

Over the past year, Republicans have brought to the floor one bill after another to weaken the Clean Air Act and eliminate EPA authority to protect public health from dangerous air pollution. The House has passed bills to nullify EPA's rules on air pollution from incinerators, power plants, cement kilns, and industrial boilers. But the bill before us today breaks new ground. It would block EPA from taking an action that EPA has no plan to take.

This bill is called the "Farm Dust Regulation Prevention Act of 2011." Well, that's a misleading title. EPA

#### NOES—94

Altmire  
Andrews  
Baldwin  
Bass (CA)  
Benishke  
Bishop (NY)  
Boren  
Brady (PA)  
Burgess  
Capuano  
Cardoza  
Carson (IN)  
Chandler  
Chu  
Conaway  
Costa  
Costello  
Cravaack  
Cuellar  
Cummings  
DeFazio  
Dold  
Donnelly (IN)  
Duffy  
Ellison  
Filner  
Fitzpatrick  
Foxy  
Gardner  
Garrett  
Gibson  
Green, Gene

Grijalva  
Hanna  
Harris  
Hastings (FL)  
Heck  
Herrera Beutler  
Holt  
Honda  
Inlee  
Johnson (OH)  
Keating  
Kind  
King (NY)  
Kinzinger (IL)  
Kucinich  
Lance  
Latham  
Lee (CA)  
Lewis (GA)  
LoBiondo  
Lynch  
Markey  
Matheson  
Matsui  
McCotter  
McDermott  
McGovern  
Meehan  
Miller, George  
Moore  
Mulvaney  
Oliver

Pallone  
Pastor (AZ)  
Peterson  
Poe (TX)  
Quayle  
Rangel  
Reed  
Renacci  
Ribble  
Roe (TN)  
Rooney  
Rush  
Ryan (OH)  
Sánchez, Linda T.  
Sanchez, Loretta  
Sarbanes  
Schakowsky  
Shuler  
Slaughter  
Sutton  
Terry  
Thompson (CA)  
Thompson (MS)  
Tipton  
Turner (OH)  
Visclosky  
Walden  
Woodall  
Yoder  
Young (AK)

#### ANSWERED "PRESENT"—1

Amash

#### NOT VOTING—26

Bachmann  
Blumenauer  
Cassidy  
Castor (FL)  
Clyburn  
Davis (IL)

Diaz-Balart  
Frank (MA)  
Giffords  
Gohmert  
Himes  
Hinchey

Hoyer  
Israel  
Jackson (IL)  
Lucas  
Myrick  
Nadler

currently does not regulate farm dust and they have no plans to regulate farm dust. EPA Administrator Jackson told Congress that she will propose no change to the current air quality standard for coarse particles, which have been in place since the Reagan administration.

This bill belongs in the False Advertising Hall of Fame. It is not really about farms at all. Its real effect is to exempt industrial mining operations and other large industries from regulation under the Clean Air Act. And it threatens to overturn the particulate pollution standards that protect families in both rural and urban communities.

Section three of the bill exempts so-called "nuisance dust" from any regulation under the Clean Air Act. It then defines nuisance dust incredibly broadly. The definition covers both coarse particulates and deadly fine particulates. It covers particulates from earth moving—which means industrial mining operations—and from activities typically conducted in rural areas, which include cement plants, smelters, coal processing plants, and other industrial activities that are common in rural areas.

During the committee markups of this bill, the Republicans amended the definition of so-called "nuisance dust" three times. This shows how poorly drafted and broadly worded the definition really is. But they voted down an amendment to clarify that the bill only applies to agricultural dust and another amendment to clarify that the bill does not apply to mining activities. They even voted down an amendment to preserve EPA's authority to regulate emissions of arsenic from copper mines and smelters.

One supporter of this bill is Kennecott Copper, which operates one of the largest open pit copper mines in the world. The company's mining activities are the single largest source of particulate pollution in Utah and a big reason why the 1 million residents of Salt Lake County breathe unhealthy air. This bill would exempt all particulate matter pollution from the Kennecott mine and all other mines from the entire Clean Air Act. Let's be honest: The reason industrial mining operations are pushing this bill has nothing to do with protecting family farms.

The bill would also make unenforceable the national air quality standards for both fine and coarse particulate pollution. Particulate pollution causes aggravated asthma attacks, heart attacks, respiratory diseases, strokes, and premature death. Reductions in particulate pollution under the Clean Air Act account for some of the largest public health benefits produced by the act. Gutting these standards would be radical and devastating.

The American people support the Clean Air Act. People want clean air.

And over the past 40 years, the Clean Air Act has brought us dramatic air quality improvements. But House Republicans are intent on undoing these achievements. In bill after bill, for one industry after another, the House has voted to punch holes in the Clean Air Act. It has voted for more weather-altering carbon pollution, more toxic mercury pollution, more arsenic and lead pollution, more particulate matter pollution, more sulfur dioxide pollution, and more nitrogen oxide pollution. In fact, the House has voted 170 times to undermine our Nation's environmental laws—over 60 of those votes were to dismantle the Clean Air Act.

I urge my colleagues to protect clean air and the health of all Americans and oppose H.R. 1633.

I reserve the balance of my time.

Mr. WHITFIELD. Mr. Chairman, I yield myself such time as I may consume.

American farmers, ranchers, and other rural businesses, like many other sectors of our economy, have faced an onslaught of EPA regulations. Now, we all support the environment, but our economy is struggling today, and every regulation adds additional cost.

The Congressional Research Service recently reported that agriculture has been facing new Clean Air Act greenhouse gas standards; engine emission standards; national ambient air quality standards for ozone and particulates; Clean Water Act permitting and other requirements; Superfund reporting requirements; and regulations for disclosure, permitting, and other regulatory requirements relating to the use of pesticides. And until recently, the dairy industry faced ambiguity about whether milk and milk containers would be subject to the EPA oil spill prevention regulations.

We have 2.2 million farms in America employing 1.8 million people and providing 5 percent of this Nation's exports. We need to do everything possible to make it easy for them to do business and still protect the economy.

□ 1130

Today we're going to consider H.R. 1633, the Farm Dust Regulation Prevention Act of 2011. At a time when rural economies are struggling, this bill provides certainty that farmers, ranchers, and other rural businesses will not be burdened with costly and unnecessary new dust regulations from Washington, D.C.

As one might expect, a reasonable and commonsense measure like H.R. 1633 has garnered 120 bipartisan cosponsors. I would like to particularly thank and commend the efforts of Representative KRISTI NOEM, as well as Representative LEONARD BOSWELL, Representative ROBERT HURT, and Representative LARRY KISSELL for their tireless efforts on behalf of rural Americans and this bill.

Our bill makes clear that the lead role in regulating so-called nuisance dust rests with State, local, and tribal governments. And the bill defines nuisance dust to include particulate matter generated primarily from natural sources, unpaved roads, earth moving, and other activities typically conducted in rural areas.

In some ways, it's ludicrous we're sitting here debating about the EPA regulating dust. And I might say that we have 197 organizations supporting this legislation.

Now, why do we need the bill? Well, EPA has been considering more costly, stringent PM<sub>10</sub> standards. It is true that the EPA Administrator, Lisa Jackson, recently announced that she would not propose new regulations, that she would retain the current PM<sub>10</sub> standards. But the problem with that is, when they finalize a standard, it's uncertain whether EPA will finalize a standard that imposes greater costs to rural businesses. And we all know that many of the regulations and EPA environmental protections today are decided by the court system. So even though Lisa Jackson says she's not going to do anything, lawsuits can be filed requiring her to do certain things. So this legislation simply provides certainty.

I might also say, because the science does not support the regulation of coarse rural dust, EPA itself proposed, in 2006, to exempt this dust from their national ambient air quality standards. And the integrated science assessment for particulate matter at EPA said, for long-term effects of coarse particles, there is next to no evidence in support of long-term health effects.

I would urge all the Members to support this legislation, and I reserve the balance of my time.

Mr. WAXMAN. Mr. Chairman, I am pleased to yield 5 minutes to our senior member on the committee and former chairman of our committee, the gentleman from Michigan (Mr. DINGELL).

Mr. DINGELL. Mr. Chairman, this is a magnificent solution to a nonexistent problem. But it's made a lot of money for a lot of lobbyists, and a lot of industrial polluters are going to enjoy this, hiding behind the supposed benefit that it's going to give to the farmers.

In a nutshell, this legislation is not going to help the farmers; it's going to help the people who farm the farmers. And the end result is that, when this nonsensical bill gets over to the courts, the courts are going to look at it and say, Just what, in the name of common sense, is the House trying to do with this legislation?

Nowhere in the Clean Air Act is a word about nuisance dust, but it's very prominently put here in the legislation. And lo and behold, it also has something to do, supposedly, with some kind of action that the EPA is

supposed to take. But diligent looking at the legislation doesn't reveal what that might be.

The question here, then, is: We have a solution in search of a problem. We've got a job crisis in our Nation, crippling debt, excessive deficit, and the gaping inequality between the poor and the well-to-do is putting democracy at risk. And when this country needs us to focus on serious problems like deficit and national debt, we are here busily scratching around to try and fit a solution on a problem that doesn't exist.

The Clean Air Act Amendments of 1990 were the last major changes to the original Clean Air Act of 1970; and, unlike what we are piddling around with today, those legislations were needed, and they have served us well. The Congress held lengthy hearings and did a tremendous amount of work to understand what it was. Eighteen months or so of consideration of the legislation led finally to its enactment, and it has cleaned up the air for our people.

While the amendments of 1990 were truly bipartisan, only four of the 120 sponsors of this legislation are Democrats. Ten amendments were considered in the committee, but only one Democratic amendment was adopted. The final adoption of the legislation occurred strictly along partisan lines. It should be clear to anyone that this is not compromise legislation.

Supporters insist the legislation is necessary due to uncertainty regarding EPA action. There is no uncertainty here. The Republican author of a similar Senate bill, a former Secretary of Agriculture, takes a different position. In one of his weekly columns, the Senate sponsor stated, "I asked only for clarity from EPA, and this week Administrator Jackson finally provided it." It's obvious to our friends in the Senate and from the EPA Administrator, herself, that EPA will not implement stricter regulations.

Even newspapers in the sponsor's home State have questioned the logic of this legislation. The Sioux Falls Argus Leader wrote that the bill is fighting "against a made-up problem" and that it's time for the sponsor "to let the phantom issue of dust regulation settle."

The Yankton Daily Press and The Dakotan gave a "thumbs down" signal on the bill, in which they say it is unnecessary. The two local papers wish that those who had sponsored this legislation would stop trying to stir the fear of farmers and ranchers and, instead, spend time fighting real problems rather than those which are imaginary.

This bill does not help the farmers and ranchers. It helps the people who farm the farmers and a fine collection of well-to-do lobbyists down on K Street who are profiting mightily on selling a nonsensical piece of legisla-

tion which wastes the time of Congress and does nothing for the farmers or the ranchers or the economy or the jobs.

So I hope that the House will reject these half-baked bills that are poorly written, contain no solutions, deal with no problems, help no one, and that the two parties can sit down and find real, important, reasoned compromises to real problems.

I urge my colleagues to vote "no" on the bill.

Mr. WHITFIELD. Mr. Chairman, I yield 3 minutes to the gentlelady from South Dakota (Mrs. NOEM), who is a strong advocate for rural America and the creation of jobs in rural America.

Mrs. NOEM. I thank the gentleman for yielding.

Mr. Chairman, I rise in strong support of H.R. 1633 because I coauthored this bill with my friend and colleague from Virginia (Mr. HURT), and I did it to bring certainty, regulatory certainty to farmers and ranchers across this country. Farmers and ranchers have been working on this issue for a long time. We look forward to passing it off the House floor today.

It's not a partisan issue. I introduced this with my colleagues Mr. BOSWELL and Mr. KISSELL, and 121 of my colleagues from both sides of the aisle are cosponsors.

The Clean Air Act has a worthy goal, but it's not a perfect law, and it does have unintended consequences. My bill would improve the current statute. It also makes permanent what the administrator has said, which is that she did not intend to regulate farm dust.

As South Dakota Farm Bureau President Scott VanderWal said, "If we don't deal with this issue today, it's going to be right back here 5 years from now."

□ 1140

I would like to reiterate why this bill is necessary. First, farm dust is already regulated. It is not a myth. It's very real to all of my constituents. We heard testimony from farmers in the hearing in committee that they're currently being regulated as a result of the EPA's standards. Regulation of farm dust is a problem today and will only continue to be a problem into the future if we do not pass this bill.

If my colleagues will take the time to read the bill, they'll notice that this bill doesn't eliminate any regulations. It simply leaves the regulation of rural dust to the States and to the local communities who best understand how to manage what is happening in their own backyard.

Too often, bureaucrats in Washington, D.C. who have never stepped foot on a farm or lived in rural America try to impose a one-size-fits-all approach to regulation.

Let's be realistic. Dust in rural America is not the same as dust in urban areas. It's common sense that

dust from a dirt road is much different than soot from a car; and it's common sense that they should be treated differently, which is exactly what this bill does.

I would ask my colleagues on both sides of the aisle to consider this piece of legislation very carefully. Even if you're not from a rural area, this is still an important piece of legislation to all of us who rely on farmers to feed our families.

You don't have to take my word for it. I have a letter here that I would like to submit for the RECORD of over 190 different organizations supporting this bill and its passage. Many of these organizations are local businesses and agriculture groups within all of our districts. They represent thousands and thousands of people across the country.

Let's not forget that we all reap the benefits of the success of our ag producers through safe, nutritious, and affordable food. Let's not burden our communities with overbearing regulations. Let's pass this commonsense legislation and provide farmers, ranchers, and local businesses with the certainty that they need in an already volatile industry.

I urge all of my colleagues to join me in support of rural America and vote "yes" on H.R. 1633.

DEC. 5, 2011.

Hon. JOHN BOEHNER,  
*Speaker, House of Representatives, U.S. Capitol, Washington, DC.*

Hon. NANCY PELOSI,  
*Minority Leader, House of Representatives, U.S. Capitol, Washington, DC.*

DEAR SPEAKER BOEHNER AND MINORITY LEADER PELOSI: The undersigned organizations would like to express our strong support for the Farm Dust Regulation Prevention Act of 2011, H.R. 1633. H.R. 1633 would bring some much needed certainty to agriculture and other rural businesses by exempting rural "nuisance dust" from EPA regulation if states and localities regulate it on their own. Our organizations request your support in keeping jobs in rural America by passing H.R. 1633.

As you are aware, farming and other resource-based industries are dusty professions. From tilling fields, to driving on dirt roads, to extracting resources, rural Americans deal with dust every day. Working in the soil is where they derive their livelihoods, and where the world derives much of its food and other essential resources. If EPA were to revise the dust standard now or in the future, states would be put in a position of having to impose regulatory restraints on rural operations, increasing the cost of production when that cost is already at historically high levels. And, for what purpose? Scientific studies have never shown rural dust to be a health concern at ambient levels.

While the undersigned organizations welcome EPA's Oct. 14 announcement that the agency plans to propose to retain the current coarse particulate matter (PM<sub>10</sub>) National Ambient Air Quality Standard (NAAQS), the announcement does not provide the certainty that rural America needs. First, it is common for the agency to finalize a rule that is different from the proposed rule. In fact, in 1996 EPA proposed to remove the PM<sub>10</sub> 24-hour standard altogether, only to

bring it back in the final rule. And in 2006, EPA proposed to exempt agriculture dust, but that exemption also disappeared in the final rule. Second, under the Clean Air Act, EPA must review this standard every five years. That means we could be facing the same challenges again in just five short years.

Thankfully, this Congress has the opportunity to ease this potential burden on rural America. H.R. 1633 would exempt rural "nuisance dust" from regulation under the Clean Air Act if states and localities regulate it on their own. In the event a state or locality does not regulate rural dust, the administrator could regulate it only if validated scientific analysis shows there is a significant health effect from such dust in a particular area and that the costs to the local economy associated with dust regulation would not outweigh any benefits.

H.R. 1633 is common sense legislation that the undersigned strongly support. We urge the Senate to pass this bill to help protect rural American jobs.

Sincerely,

Agribusiness Association of Indiana; Agribusiness Association of Iowa; Agricultural Council of Arkansas; Agricultural Retailers Association; Agri-Mark, Inc.; Alabama Cattlemen's Association; Alabama Pork Producers Association; All-Terrain Vehicle Association; American Farm Bureau Federation and their 51 state affiliates; American Feed Industry Association; American Highway Users Alliance; American Motorcyclist Association; American Seed Trade Association; American Sheep Industry Association; American Veal Association; Americans for Limited Government; Americans for Prosperity; Americans for Tax Reform; Arkansas Cattlemen's Association; Arkansas Pork Producers Association.

Arkansas Poultry Federation; Arizona Cattle Feeders' Association; Arizona Cattle Growers' Association; Arizona Cotton Growers Association; Arizona Pork Council; California Cattlemen's Association; California Pork Producers Association; CropLife America; Colorado Association of Wheat Growers; Colorado Cattlemen's Association; Colorado Corn Growers Association; Colorado Lamb Council; Colorado Livestock Association; Colorado Pork Producers Council; Colorado Potato Administrative Committee; Colorado Sheep & Wool Authority; Colorado Wool Growers Association; Council for Citizens Against Government Waste; Dairy Farmers of America; Dairy Producers of New Mexico.

Dairy Producers of Utah; DairyLea Cooperative; South East Dairy Farmers Association; Stewards of the Sequoia; Florida Cattlemen's Association; Florida Nursery, Growers and Landscape Association; Georgia Agribusiness Council; Georgia Cattlemen's Association; Georgia Fruit and Vegetable Growers Association; Georgia Milk Producers; Georgia Pork Producers Association; Georgia Poultry Federation; Georgia Watermelon Association; Idaho Cattle Association; Idaho Dairymen's Association; Idaho Grain Producers Association; Idaho Pork Producers Association; Idaho Potato Commission; Idaho Wool Growers Association; Illinois Beef Association; Illinois Pork Producers Association; Independent Cattlemen's Association of Texas.

Indiana Beef Cattle Association Indiana Pork; Iowa Cattlemen's Association; Iowa Pork Producers Association; Kansas Livestock Association; Kansas Pork Association; Kentucky Cattlemen's Association; Kentucky Pork Producers Association; Let Freedom Ring; Livestock Marketing Association;

Louisiana Cattlemen's Association; Louisiana Pork Producers Association; Maine Hog Growers Association; Michigan Cattlemen's Association; Michigan Pork Producers Association; Milk Producers Council; Minnesota Grain and Feed Association; Minnesota Pork Producers Association; Minnesota State Cattlemen's Association; Mississippi Cattlemen's Association; Mississippi Pork Producers Association.

Missouri Cattlemen's Association; Missouri Corn Growers Association; Missouri Pork Producers Association; Missouri Poultry Federation; Montana Pork Producers Council; Montana Stockgrowers Association; Montana Wool Growers Association; National All-Jersey; National Association of Manufacturers; National Cattlemen's Beef Association; National Chicken Council; National Cotton Council; National Cotton Ginners Association; National Council of Farmer Cooperatives; National Federation of Independent Business; National Grain and Feed Association; National Livestock Producers Association; National Meat Association; National Milk Producers Federation.

National Mining Association; National Oilseed Processors Association; National Pork Producers Council; National Potato Council; National Renderers Association; National Stone, Sand, and Gravel Association; National Turkey Federation; Nebraska Cattlemen's Association; Nebraska Grain and Feed Association; Nebraska Pork Producers Council, Inc.; New Hampshire Pork Producers Council; New Mexico Cattle Growers' Association; New Mexico Farm and Livestock Bureau; New Mexico Federal Lands Council; New Mexico Wool Growers, Inc.; New York Producers Cooperative, Inc.; North Carolina Agribusiness Council, Inc.; North Carolina Cattlemen's Association; North Carolina Forestry Association; North Carolina Horse Council.

North Carolina Peanut Growers Association; North Carolina Pork Council; North Carolina Poultry Federation; North Carolina Soybean Producers Association, Inc.; North Carolina SweetPotato Commission; North Dakota Corn Growers Association; North Dakota Pork Producers Council; Northeast Ag and Feed Alliance; Northeast Dairy Farmers Cooperatives; North Dakota Stockmen's Association; Ohio AgriBusiness Association; Ohio Cattlemen's Association; Ohio Pork Producers Council; Oklahoma Cattlemen's Association; Oklahoma Poultry Federation; Oklahoma Pork Council; Oregon Pork Producers Association; PennAg Industries Association; Pennsylvania Pork Producers; Strategic Investment Program; Public Lands Council.

Recreational Off-Highway Vehicle Association; Rocky Mountain Agribusiness Association; Select Milk Producers; Small Business & Entrepreneurship Council; South Carolina Cattlemen's Association; South Carolina Pork Board; South Dakota Agri-Business Association; South Dakota Association of Cooperatives; South Dakota Cattlemen's Association; South Dakota Dairy Producers; South Dakota Grain & Feed Association; South Dakota Pork Producers Council; South Dakota Soybean Association; South Dakota Stockgrowers Association; South Dakota Wheat Inc.; Southern Cotton Growers; Southern Crop Production Association; Southeast Milk Inc.; Southeastern Livestock Network; Specialty Vehicle Institute of America.

St. Albans Cooperative Creamery; Tennessee Cattlemen's Association; Tennessee Pork Producers Association; Texas Agricultural Cooperative Council; Texas and South-

western Cattle Raisers Association; Texas Association of Dairymen; Texas Cattle Feeders Association; Texas Pork Producers Association; The Blue Ribbon Coalition; The Fertilizer Institute; Upstate Niagara Cooperative; USA Rice Federation; U.S. Beet Sugar Association; U.S. Chamber of Commerce; Utah Cattlemen's Association; Utah Pork Producers Association.

Utah Wool Growers Association; Virginia Agribusiness Council; Virginia Cattlemen's Association; Virginia Grain Producers Association; Virginia Pork Industry Association; Virginia Poultry Federation; Washington Cattle Feeders Association; Washington Cattlemen's Association; Washington Pork Producers; Western Business Roundtable; Western United Dairymen; West Virginia Cattlemen's Association; Wisconsin Dairy Business Association; Wisconsin Pork Producers; Wyoming Pork Producers; Wyoming Stock Growers Association.

Mr. WAXMAN. Mr. Chairman, I am pleased to yield 5 minutes to the leading Democrat on the Energy Committee, the ranking member, the gentleman from Illinois (Mr. RUSH).

Mr. RUSH. I want to thank the ranking member for his outstanding leadership and for yielding time to me.

Mr. Chairman, I oppose this ill-conceived, nonsensical, and in all ways awful bill, H.R. 1633, which could have a devastating effect on the EPA's ability to enforce the Clean Air Act on the basis of both procedural and substantive grounds.

Mr. Chairman, the CBO, the Congressional Budget Office, scored this bill and determined that it would cost \$10 million in discretionary spending over a 5-year period for the EPA to cover the cost of carrying out changes to existing emission control standards, as well as other activities to study the need and feasibility of modifying the EPA's national monitoring network for particulate matter, as this bill requires.

Since this \$10 million is not appropriated anywhere in this bill, this bill would directly violate the discretionary CutGo policy that this majority, that my friends on the other side, voted for that they put in place at the beginning of this Congress.

If we pass this bill, it will be the height of hypocrisy for this atrocious bill to get through this House.

Additionally, Mr. Chairman, on the issue of substance, I oppose this bill because it would dramatically weaken the Clean Air Act by eliminating the EPA's ability to regulate particulate matter from a broad range of sources, as well as jeopardize existing State and Federal regulations that apply to fine and coarse particulate matter.

Although the title of this bill suggests that it only covers dust from farms, this bill creates a whole new broad, new nonscientific category of pollution called "nuisance dust," which it would exempt from the Clean Air Act completely. Nuisance dust would be exempted from the Clean Air Act totally without any basis and



science, no scientific evidence whatsoever; and in doing so, this bill would do harm to the public's health.

The bill would exempt from the Clean Air Act any particulate matter pollution that is emitted from sources such as open-pit mines, mining processing plants, sand and gravel mines, smelters, coal mines, coal-processing plants, cement kilns, and waste and recovery facilities. These very facilities emit fine particulates, coarse particulates, arsenic, lead, mercury, cadmium, zinc, chromium, and other heavy metals—all of which would fall under this bill's broad exemption from the Clean Air Act.

Mr. Chairman, as the American Lung Association noted, under the provisions of this bill, our country's most vulnerable populations—poor people, people who depend on the EPA to protect them from the harmful effects of coarse particulates will be most affected.

Children, teens, senior citizens, low-income people, people with chronic lung disease such as asthma, chronic bronchitis, and emphysema will be especially at risk of being sickened by coarse particulates if this bill were to become law.

Additionally, people with other chronic diseases, such as diabetes, cardiovascular disease, high blood pressure, coronary artery disease, and congestive heart failure, they will all be placed at greater risk if this bill becomes law.

Mr. Chairman, as I've noted before, this bill is a solution in search of a problem, and it does more harm than good. This bill should fail. I oppose this bill.

Mr. WHITFIELD. Mr. Chairman, I might say that during the debate on this bill in committee, a lot was made of mining activities in rural America, and I would just point out that there are 17 Federal laws that mining operations must abide by. So we didn't feel like we needed to provide additional protection in that area.

At this time I would like to yield 3 minutes to the gentleman from Virginia (Mr. HURT), one of the prime sponsors of this legislation and a protector of rural America.

Mr. HURT. I thank the gentleman for yielding.

I'd first like to thank Chairmen UPTON and WHITFIELD for this effort and Representative NOEM for her leadership and hard work on this legislation.

Mr. Chairman, I rise today in strong support of the Farm Dust Regulation Prevention Act. This is a bipartisan bill that I am proud to sponsor, along with Representatives NOEM, BOSWELL, and KISSELL, in order to provide greater economic certainty to our rural communities in central Virginia and south side Virginia and across this country.

Since January, this House has been laser focused on advancing policies that will remove the Federal Government as a barrier to job creation and steer us on a course toward economic recovery giving our job creators the opportunity to hire and the confidence to expand. It is with this in mind that we introduced this legislation.

In Virginia's Fifth District, my district, we have a proud heritage in agriculture, manufacturing, Main Street businesses that create jobs and have created jobs for thousands of Virginians. As I travel across Virginia's rural Fifth District, I am constantly reminded by my constituents of how government regulations threaten their businesses and their very way of life. This is why the EPA's national standard for fugitive dust is so troubling to the people that I represent. It is yet another example of the vast expansion of the Federal Government, and it is yet another example of the uncertainty that Washington continues to impose upon our job creators and our rural communities.

□ 1150

The effects of Federal Government overreach are both very real and very tangible in the Fifth District and across this country.

This past year, I spoke with a small business owner in Southside, Virginia, who was warned by a regulator about the amount of dust coming from his property. He was told to take active measures to decrease the dust coming from the dirt road leading into his sawmill.

This is the kind of unnecessary regulation that prevents businesses and farmers from focusing on the needs of their customers. Where I'm from, dust is not a nuisance. Rather, it is a necessary byproduct of the hard work the farmers and businesses in my rural district perform every day, and these farmers and businesses should not suffer losses in production because of overbearing Federal regulations. These are the people who are struggling to survive, to grow, and to create jobs during this stalled economic recovery. These are the people who cannot afford more costly and burdensome regulations handed down by Washington.

While I applaud the EPA's apparent statement that it does not intend to propose a more stringent standard for coarse particulate matter at this time, I remain concerned about the uncertainty of future rulemaking. This bill addresses that uncertainty by providing clarity and stability for our job creators by replacing the current Federal standard for naturally occurring dust in rural America. With unemployment rates nearing 20 percent in some parts of my district, we simply can't afford to perpetuate unnecessary regulations and unnecessary uncertainty for the farmers and businesses in our rural communities.

I strongly urge my colleagues to support this legislation so that we may assure our farmers and businesses that naturally occurring dust will not be subject to regulations by an ever-expanding Federal Government.

Mr. WAXMAN. Mr. Chairman, I am pleased to yield 5 minutes to the gentleman from Massachusetts (Mr. MARKEY).

Mr. MARKEY. I thank the gentleman for yielding.

We are now debating on a very real piece of legislation that solves an imaginary problem. The Farm Dust Regulation Prevention Act purports to address the fictitious threat that the Environmental Protection Agency is out to destroy the family farm and countless jobs by regulating the dust emitted by tractors and other farming equipment.

Never mind that EPA Administrator Lisa Jackson has committed to leaving the 1987 standard for large soot particles unchanged; and never mind that EPA Assistant Administrator Gina McCarthy essentially told the Energy and Commerce Committee that EPA was about as likely to regulate fairy dust as it was to regulate farm dust.

While hiding behind its stated purpose of addressing the made-up threat of utter ruin to the family farm, this bill inflicts very real harm. That is because it also blocks EPA from setting standards for the dirty soot that gets spewed out of massive mines and smelters and refineries and some chemical plants. It becomes, in fact, the congressional version of Never Never Land—where the Republicans' answer to the question "when can we remove the poisons from the air that we breathe?" is "never."

In the play "Peter Pan," Tinker Bell drinks poison that is intended to kill Peter. She begins to die, but Peter Pan implores those in the audience to just clap their hands if they really do believe in fairies, and then maybe, just maybe, Tinker Bell won't die. All small children in the audience then clap so hard their hands sting, and Tinker Bell rises magically back to life.

With this bill, the Republicans are engaging in the very same sort of fantasy. If we just believe EPA has launched a war on jobs, then it must be so, and we must stop it. If we just believe that EPA officials are lying about their secret, nonexistent plans to destroy the livelihood of every farmer in America, then it must be so, and we must stop it. If we just believe that eviscerating every environmental law on the books will not lead to the real deaths of thousands of Americans each and every year, then it must be so.

The Republican lost boys and girls are telling America that the only way to revive the jobs fairy is to kill EPA. To pretend that the deaths, the cancers and other illnesses that the Republican plan will cause are imaginary, or a

mere nuisance, really is the stuff of fairy tales.

Let's get back to reality and solve real problems in this country. Vote "no" on this very dangerous bill.

Mr. WHITFIELD. The gentleman from Massachusetts may view this as being about Peter Pan and Tinker Bell and fairy dust, but we have 197 organizations representing rural America that consider it a real problem.

At this time, I would like to yield 1½ minutes to the gentleman from West Virginia, a member of the Energy and Commerce Committee, Mr. MCKINLEY.

Mr. MCKINLEY. I rise today in support of H.R. 1633, the Farm Dust bill.

Earlier this year, the House passed H.R. 2273, the bipartisan coal ash legislation. Unfortunately, opponents of the Farm Dust bill believe that nuisance dust in this bill might include fly ash. Therefore, an amendment was offered and adopted to clarify that the definition of "nuisance dust" in the Farm Dust bill does not include coal ash or other coal combustion residuals. The amendment makes it perfectly clear that nuisance dust is not composed of any residuals from coal combustion. Unfortunately, opponents of the Farm Dust bill are still, apparently, unaware of the changes that have been made to the bill to address their concerns.

Don't oppose the Farm Dust bill because you don't like fly ash. Let's relieve one more threat to our agricultural community with the passage of this bill. We should be striving to create more jobs, not putting up more barriers with misinformation.

I urge my colleagues to support this legislation.

Mr. WAXMAN. Mr. Chairman, I am pleased to yield 2 minutes to an important member of our committee, the gentleman from Texas (Mr. GREEN).

Mr. GENE GREEN of Texas. I rise in opposition to H.R. 1633, the Farm Dust Regulation Prevention Act of 2011.

I just heard it referred to as "Tinker Bell," but I think this is more like Alice in Wonderland legislation. It seeks to solve a problem that's not there while dancing around a lot of our real problems that we have to deal with in our country and particularly in this Congress.

This bill would prohibit the EPA from proposing, finalizing, implementing, or enforcing any regulation revising the National Ambient Air Quality Standards applicable to coarse particulate matter for 1 year from the date of enactment.

EPA Administrator Lisa Jackson committed in an October 14, 2011, letter that the EPA plans to propose keeping the PM<sub>10</sub> National Ambient Air Quality Standards as they are, with no change. These standards have been in place since 1987.

When Gina McCarthy, the Assistant Administrator for Air and Radiation at the EPA, testified before our Energy

and Power Subcommittee of the full committee, she also confirmed that this bill is not necessary since the administrator plans to propose retaining the current standards that have been in place since 1987.

For this reason, I did not support H.R. 1633 when it came up for a vote in our Energy and Commerce Committee, and I encourage my colleagues to oppose it today. I've had very public disagreements with the EPA on other regulations they are revising, but this bill is a solution in search of a problem, and it is not a good use of our congressional time. Taking up a bill that's not necessary hurts our efforts to work with the EPA and to revise some of the standards the EPA is setting that are real problems. That's why, Mr. Chairman, I urge a "no" vote on this bill.

UNITED STATES  
ENVIRONMENTAL PROTECTION AGENCY,  
Washington, DC, Oct. 14, 2011.  
Hon. DEBBIE STABENOW,  
U.S. Senate,  
Washington, DC.

DEAR SENATOR STABENOW: Thank you for your inquiry on the status of EPA's Review of the National Ambient Air Quality Standards (NAAQS) for particulate matter. Particulate matter includes fine particles (known as PM<sub>2.5</sub>) and coarse particles (known as PM<sub>10</sub>). PM<sub>2.5</sub> can come from fossil-fuel combustion, including power plants and motor vehicles, and wildfires and PM<sub>10</sub> can come from construction and demolition activities, industrial operations, wildfires, and dust from unpaved roads. It is well established that particulate matter emissions are linked to premature death and numerous adverse health impacts.

We have been making steady progress in reducing emissions of particulate matter—both fine and coarse—in this country for more than two decades, improving the public health of Americans while the economy has continued to grow.

It is important that a standard for particulate matter be protective of the health of the public. Based on my consideration of the scientific record, analysis provided by EPA scientists, and advice from the Clean Air Science Advisory Council, I am prepared to propose the retention—with no revision—of the current PM<sub>10</sub> standard and form when it is sent to OMB for interagency review.

This rulemaking package will also consider the latest scientific evidence and assessments for PM<sub>2.5</sub>. Again, thank you for the inquiry. It is EPA's responsibility to protect the health of all Americans—rural and urban—from known pollutants, including particulate matter. Please feel free to contact me if you have any questions, or your staff can contact Arvin Ganesan, Associate Administrator for the Office of Congressional and Intergovernmental Relations at (202) 564-4741.

Sincerely,

LISA P. JACKSON.

Mr. WHITFIELD. I yield 2 minutes to the gentleman from Kansas (Mr. POMPEO), a member of the Energy and Commerce Committee.

Mr. POMPEO. I thank the chairman for yielding.

This is a great day for rural America. H.R. 1633 is going to do what we've been trying to do for a long time, dur-

ing my entire 11 months in the United States Congress, which is to provide just a little bit of certainty for those folks who are out there trying to create jobs, trying to create food for America, trying to do the things that we've done in the rural parts of our country for so long.

The truth is the other side continues to say we are shooting the fairy dust and talking about Tinker Bell. I can assure you that I'm not amused. I can assure you that the 500 folks with whom I met just 2 weeks ago now at the Kansas Farm Bureau meeting were not amused either.

□ 1200

We understand that the very real risk of Lisa Jackson and the Environmental Protection Agency beginning to clamp down on farm dust still exists. We worked in our committee diligently. There were some valid concerns raised by the folks on the other side, and we endeavored, Mr. Chairman, at every moment to try and meet those concerns. We offered amendments. I offered an amendment in the nature of a full substitute which tried to address some of the concerns that the opposition expressed.

The truth is they just want to leave our farmers and our ranchers and our agricultural community at the whim of the EPA. That's not the place to put good, hardworking Americans who go out there every day trying to do the right thing. The whims of the EPA we have seen all too often present a real risk, a real risk of job destruction, a real risk of higher costs for every consumer in America.

This is a wonderful piece of legislation. It will, for the first time, get the EPA to move their hands away from the throats of our farmers and agricultural communities, and I would urge every one of my colleagues to support it.

Mr. WAXMAN. Mr. Chairman, the standard that's in place has been in place since 1987 when Reagan was President. It has not been changed. Suddenly there is a made-up fear that it's going to be changed and, therefore, we have the legislation that's before us.

We hear a lot about certainty. If this bill goes through, the certainty will be that there will be no regulation of many industries because EPA will no longer have jurisdiction. The other certainty is that a lot of people are going to get very sick from some dangerous pollutants.

At this time I wish to yield 2 minutes to the gentlelady from Illinois (Ms. SCHAKOWSKY).

Ms. SCHAKOWSKY. I thank the gentleman for yielding.

This bill is dangerous and its title is disingenuous. H.R. 1633 is about much more than farm dust. Our colleague Mr. SHIMKUS acknowledged that much

in the Energy and Commerce Committee markup of this bill last week when he said, "It is called farm dust, but I am here for my open-pit mines in southern Illinois."

The bill allows major industrial polluters to emit unlimited amounts of particulate matter in violation of the Clean Air Act. Mines, cement plants, and coal processing plants could legally emit unlimited amounts of dangerous chemicals into the air.

Let's be clear. The chemicals we are talking about are incredibly dangerous. Arsenic overexposure leads to skin, bladder, liver, and lung cancer. Lead exposure can damage the central nervous system, kidney, and blood cells. Cadmium exposure leads to severe respiratory damage. Zinc poisoning leads to kidney damage. Mercury pollution results in cognitive deficiencies, especially in children. Those pollutants, emitted from a range of nonfarm sources, could fall under the vague definition of "nuisance dust."

It seems to me that this is a piece of legislation that is being disguised as something as innocuous as farm dust, something that, as has been pointed out, has been regulated for a very long time. This is an effort to get around the legislation with a phony name, to get around the effectiveness of the Environmental Protection Agency. And we owe it to our constituents and our country to promote legislation that will stimulate the economy, which our environmental bills do, and protect and promote human health and the environment.

Our colleagues across the aisle have failed in that regard, and I urge a "no" vote.

Mr. WHITFIELD. At this time I would like to yield 2½ minutes to the gentleman from Nebraska (Mr. TERRY), a member of the Energy and Commerce Committee.

Mr. TERRY. Mr. Chairman, I am amused, humored by the opposition, all hailing from our greatest cities in the United States, urban areas.

I would like to read a note that I received from a rancher in Nebraska and our Nebraska cattlemen representing those who are affected:

The bill is needed to provide regulatory certainty to rural areas. We applaud the recent statement from Administrator Jackson that EPA does not intend to propose revisions to the current dust standard. The reality is, however, that regulations often change from the proposal stage of a rule-making to the final. For example, in 1996, EPA proposed to remove the PM<sub>10</sub> 24-hour standard altogether, only to bring it back in the final rule. And in 2006, EPA proposed to exempt agriculture dust, but that exemption also disappeared in the final rule. Second, under the Clean Air Act, EPA must review this standard every 5 years. That means we could face the same chal-

lenges again in just 5 short years. Also, citizen lawsuits could be brought that could result in a court deciding farm dust should be regulated. H.R. 1633 is the only way to provide regulatory certainty to farmers, ranchers, and rural residents.

Nuisance dust occurs naturally in rural areas. The type of "nuisance dust" that this bill would exempt from Federal regulation occurs naturally in rural areas, especially in arid and windy areas of the Plains and western States. This dust does not stay in the air but falls out quickly. Rural fugitive dust travels only a short distance from emission point. It settles out of the air quickly because of its size, making dust a localized issue. In fact, according to a study done by Hoffnagle, rural dust will fall out of the air within a thousand meters of its source.

This is not fairy dust or fables or tales to our folks in rural America; this is real and they want certainty.

Mr. WAXMAN. Mr. Chairman, I reserve the balance of my time.

Mr. WHITFIELD. I yield 1½ minutes to the gentleman from Arizona (Mr. GOSAR).

Mr. GOSAR. Mr. Chairman, I rise today in support of the Farm Dust Regulation Prevention Act brought today by my friend and colleague, Congresswoman KRISTI NOEM.

This good piece of legislation is a commonsense solution to a bureaucratic problem that is causing concern among many Arizonans. It's almost unfathomable to think that this legislation is necessary to protect Arizona against Federal bureaucrats who want to regulate dust, but here we are. That's exactly what the EPA is doing with its overreaching policies, holding individuals and businesses accountable for naturally occurring dust particles.

I stand here today to raise my voice against the unreasonable Federal regulations which would allow simple haboobs, dust clouds, and wind storms to pose an economic threat to the economic livelihood of farmers in and around my district.

It is important to also note that this bill covers dust which has been found to have no adverse human health effects.

Also notable among this bill's many supporters are the Arizona Farm Bureau Federation, the Arizona Cattle Feeders' Association, the Arizona Cattle Growers' Association, the Arizona Cotton Growers Association, and the National Cattlemen's Association.

Again, I support this legislation and encourage you to pass this good bill today.

Mr. WAXMAN. I continue to reserve the balance of my time.

Mr. WHITFIELD. Mr. Chairman, I yield 2 minutes to the gentleman from Indiana (Mr. BURTON).

Mr. BURTON of Indiana. I thank the gentleman for yielding.

With the economy the way it is, with unemployment very high, we don't need more government regulations. More regulations strangle the private sector and create more economic problems, and especially right now we don't need more regulations.

The Obama administration continues to circumvent Congress to go around us by passing more regulations, and the economy can't stand it. We need to stop more regulations. Even the threat, even the threat of more regulations must be stopped.

I mean, farm dust? Farm dust? Give me a break. We can't give these bureaucrats more authority. We don't need to give this administration or the bureaucracy more control over the lives of Americans.

Mr. WAXMAN. Mr. Chairman, I continue to reserve the balance of my time.

Mr. WHITFIELD. I yield 2 minutes to the gentleman from Illinois (Mr. MANZULLO).

Mr. MANZULLO. Mr. Chairman, I often hear complaints from farmers back home about the numerous regulatory burdens placed on them by the government. In fact, this whole past summer we worked with the farmers who have been in a real brouhaha with the EPA concerning the runoff from their stockyards, and even small ones at that.

□ 1210

These are life-threatening types of regulations to continuing their farming. And now we come up with another one, this one on dust.

EPA is in the process of reviewing its dust standards. In 2009, EPA said farm dust "likely is not safe" and could cut the allowable dust levels in half. Because of the furor this has created, the EPA said last October they would not regulate farm dust. First they said they would regulate it; now they said they won't regulate it. So to codify this understanding or these contradictory statements by the EPA, I'm sure that all of my colleagues will have no problem in voting for this bill.

H.R. 1633 will prevent the EPA from imposing new Federal regulations on naturally-occurring dust in rural America. It will allow States and localities to regulate farm dust as they see fit based on sound science. Farmers in Illinois already struggle to comply with current standards. If Washington imposes another one-size-fits-all solution to farm dust, this could mean even more unemployment in rural areas throughout Illinois and the Nation.

I urge my colleagues to support H.R. 1633.

Mr. WAXMAN. Mr. Chairman, I yield 2 minutes to the gentleman from Illinois (Mr. RUSH).

Mr. RUSH. I want to thank the ranking member for yielding.

Mr. Chairman, I want to share with the Members of this body the administration's position on this particular

bill that is under discussion right now. This is a Statement of Administration Policy:

"The administration strongly opposes H.R. 1633. As drafted, this bill would create serious problems for implementing Clean Air Act public health protections that have been in place for years while adding uncertainty for businesses and States. The bill, therefore, goes far beyond its stated intent of prohibiting the EPA from tightening national standards for coarse particles, which the administration has repeatedly explained that it has no intention of doing."

It goes on to say: "This ambiguously written bill would create high levels of regulatory uncertainty regarding emission control requirements that have been in place for years. Specifically, the bill's exclusion from the entire CAA of a new class of air pollutants called 'nuisance dust,' an imprecise and scientifically undefined term, could be used to roll back existing public health protection limiting pollution from mining operations, industrial activities, and possibly other sources."

"The bill also raises serious issues about whether the EPA could continue to implement the existing health-based fine and coarse particle programs, which play a vital, ongoing role in preventing adverse health effects of air pollution, including premature deaths, childhood asthma attacks, and other respiratory problems."

The CHAIR. The time of the gentleman has expired.

Mr. WAXMAN. I yield the gentleman an additional 30 seconds.

Mr. RUSH. I thank the gentleman for yielding.

"This administration remains committed to commonsense approaches to improving air quality across the country and preserving the competitiveness of every economic sector. Because H.R. 1633 is not only unnecessary, but also could have significant adverse public health consequences, the administration strongly opposes this bill."

"If H.R. 1633 were presented to the President, his senior advisers would recommend that he veto this bill."

Why are we wasting our time on this nuisance which is nonsense?

Mr. WHITFIELD. Mr. Chairman, I yield 2 minutes to the gentleman from Texas (Mr. FARENTHOLD).

Mr. FARENTHOLD. Thank you very much.

I rise today in disgust with the dust. The regulations the Environmental Protection Agency are proposing to regulate, coarse particulate matter, what you and I know as dust, is ridiculous. It's indicative of what is wrong in Washington, D.C. with the regulatory framework that has gone wild. This just defies common sense. You cannot farm without kicking up dust.

I was raised on the farms and ranches in south Texas. As we drive to tend the

cattle herds, till the fields, or check out what's going on, there's no way to do it without dust. This opens the door to massive regulations. First we start with the farmer. Where's the EPA going to be next, checking under my bed for dust bunnies, putting on a white glove, running their fingers across the top of my doors, or making sure my car is adequately washed?

The EPA's regulation on this is the height of government overreach, the height of a waste of time, the height of a waste of money, and a perfect example of what is wrong with Washington.

We've got to stop this type of crazy government regulation so we can get people back to work, we can get jobs on track, and we can keep our farmers feeding our country and the world.

Mr. WAXMAN. Mr. Chairman, I yield myself such time as I may consume.

The unemployment rate in this country is close to 9 percent, and we're not doing anything about that problem. The deficit is a real threat to our economy, and the Republicans nearly made us default on our debts because they wouldn't go along with a real deficit reduction bill. We are looking at sequestrations of our national budget for the military, and our Secretary of Defense says that could be a threat to the Nation. And that sequestration will take place because the Republicans wouldn't allow the so-called supercommittee to do its job.

I want to read from an editorial in the Sioux Falls ArgusLeader:

"There are important issues at the Federal level right now that will have direct impact on our State—the dwindling funding for the Lewis and Clark water project and the fight to maintain our State's Medicare reimbursements through the Frontier States Provision . . . These are real issues . . . So it's disappointing to see [this] fight against a made-up problem like the potential for farm dust regulations by the Environmental Protection Agency."

When the EPA announced it would not pursue anything along these lines and they had no intention to do it, the Senate sponsor of this same bill declared victory and he pulled back on his companion bill for the other body. The Republicans ought to declare victory and allow us to deal with the real problems in this country, not this made-up threat that they want to help protect us from. I urge Members to vote against this bill."

I reserve the balance of my time.

Mr. WHITFIELD. Mr. Chairman, I have been told that we have no further speakers; so if the gentleman from California would like to close, then I would follow him.

Mr. WAXMAN. I yield back the balance of my time.

Mr. WHITFIELD. Mr. Chairman, we certainly do appreciate this discussion on this important bill. I can tell you that rural America does consider this to be a real problem. The gentleman from California mentioned, correctly

so, that we're operating under 1987 particulate matter standards. In 1997 and in 2006, the EPA went back to review that standard. They made a determination at that time that they would not take further action, but they were sued. Litigation ensued, and every 5 years the EPA is required by the Clean Air Act to look at this.

□ 1220

We know there are going to be further lawsuits. And so that's why we think it's absolutely mandatory that Congress assert itself and set out the policy that we do not want EPA regulating the dust on farms and ranches in America.

I might also add that in the letter we received from the board of supervisors of the county of Imperial in Arizona, they said the original rule that EPA had covered farms of 40 acres or more, which is 97 percent of all farmland in the Valley. EPA is now insisting that that be changed to all farms of 10 acres or more. And for what purpose? It seems clear that there's absolutely no justification for imposing requirements that would have a negative impact on the economy and the employment in Imperial County when the rules and controls would not change the ability of the county to meet the standards on the few high particulate matter days that are caused by exceptional events.

So, in closing, I would simply say we view this as a real problem. Congress needs to assert itself and set a definitive policy on this issue. I would urge all Members to support this legislation.

I yield back the balance of my time.

Mr. HENSARLING. Mr. Chair, I am proud to support yet another jobs bill put forth by House Republicans to empower small business owners and eliminate burdensome Washington regulations that prevent job creation and hinder economic growth. This bill prevents the EPA from issuing new dust regulations. Additionally, it gives states the flexibility to address any rural dust issues rather than the federal government.

During this debate we have heard a lot about the need to protect our air quality and the need to ensure clean air for future generations. As the grandson of a farmer, I know the value and importance agriculture producers place on protecting the soil and water they use to grow quality food to feed the country. I would argue there are no greater stewards of the land than farmers, and that additional rules on these hard-working Americans to regulate rural dust are not only unnecessary, they can be detrimental.

In this time of record unemployment, Washington should be on the side of job creators and family farmers, not on their backs. We should support smart regulations that instill confidence in job creators, not abusive red tape that only leads to closed farms and longer unemployment lines.

You don't have to take my word for it though. Just listen to some of my constituents:

Mr. Cummins of Canton writes, "Their proposed regulations on milk spills or dust . . .

would create undue hardships and be economically unfeasible to attain."

Mr. Johnson of Mineola writes, "I feel like the government is passing a law, regulation, unfunded mandate at the drop of a hat these days. [...] farmers controlling dust, dairy farmers documenting and controlling milk spills, telling me what kind of light bulb to buy [...] what kind of health care I must have, it is just never ending these days."

The Farm Dust Regulation Prevention Act is the 35th jobs bill produced by the House Republican Plan for America's Job Creators to restore the freedom and confidence our private sector needs to grow again.

After today, with this bill, there will be 27 House-passed bipartisan jobs bills stacked like cordwood on the doorstep of the Democrat-controlled Senate.

As America weathers through the Obama Economy and the worst jobs climate since the Great Depression, I urge my colleagues to support our nation's farmers and ranchers and pass this jobs bill.

Mr. PENCE. Mr. Chair, I rise as a cosponsor and strong supporter of the Farm Dust Regulation Prevention Act (H.R. 1633). I want to express my appreciation to the gentlelady from South Dakota, Congresswoman NOEM, for her strong leadership on this issue. As a family farmer and sponsor of this legislation, Congresswoman NOEM is keenly aware of the devastating effects Environmental Protection Agency regulations can have on our Nation's farmers.

For those who are unfamiliar with farm dust, it is quite simply the everyday dirt and dust present in rural America on fields and country roads. It occurs naturally from dry weather or wind blowing across wide open spaces. Or it can be caused by the act of farming—tilling-up the land or harvesting crops. If you come from rural areas like my home district in Eastern Indiana, you know that farm dust is a part of daily life, and if you make a living on a farm, you probably have never even given farm dust a second thought. But, the EPA, despite the fact that rural farm dust has not been shown to pose a significant health concern, has done nothing to clarify the difference between rural farm dust and harmful pollutants that are common in urban areas. This legislation differentiates farm dust from these harmful air pollutants and gives family farms the certainty of knowing the federal government will not regulate their windblown soil.

Mr. Chair, the EPA needs to leave farmers alone and let them get about the business of farming. The Farm Dust Regulation Prevention Act will go a long way in securing the long-term stability of family farms and rural businesses. It would limit the EPA's regulation of this naturally occurring dust by giving state and local governments the ability to address the issue, and it would delay any new National Ambient Air Quality Standards issued by the EPA for one year.

In this difficult economy, family farms must be protected from burdensome, costly federal redtape. The EPA has no business regulating the dirt kicked-up on the farms and back roads of rural Indiana, and I urge my colleagues to support this commonsense legislation.

Mr. DEFAZIO. Mr. Chair, today, my Republican colleagues missed an opportunity to pass

targeted, nonpartisan legislation to protect farmers and small businesses from unnecessary federal regulation.

There is widespread and bipartisan agreement that "farm dust," dust produced during activities on farms and ranches, should not be regulated by the Environmental Protection Agency (EPA) under the Clean Air Act. The EPA doesn't want to regulate it. And Members of Congress do not want the EPA to regulate it, myself included.

But instead of writing legislation to codify a simple ban on regulating farm dust—legislation that would have won my support and the support of most of my Democratic colleagues—the Majority wrote a bill creating major loopholes in the Clean Air Act that would have significant consequences for public health and the environment.

H.R. 1633 imposes a blanket, one-year moratorium on any regulation updating the national ambient air quality standards applicable to all coarse particulate matter, which includes: fly ash, diesel soot, asbestos, arsenic, lead, mercury, and heavy metals.

None of these harmful toxins are defined as farm dust. Yet, this far-reaching bill would prohibit EPA from protecting American families from these harmful toxins for at least a year.

H.R. 1633 would also exempt major industrial activities, including open-pit mining and aluminum smelters, from EPA's review. Again, arsenic, beryllium, cadmium, nickel, and mercury—all particulates emitted from mines and industrial activities—would be exempt from federal oversight, even though they have nothing to do with "farm dust."

The Environmental Protection Agency (EPA) does not regulate farm dust. The EPA has no plans to start regulating farm dust. And, if the EPA ever proposed regulations for farm dust, I would vociferously oppose them and sponsor legislation to prevent their implementation.

But that's not the bill before the House today. The bill before the House today is a distraction from the most pressing issue facing our country and economy: jobs, jobs, and jobs.

Mr. Chair, I support a ban on regulating farm dust. That's common sense. But I do not support creating Clean Air Act loopholes for big industry under the guise of helping small farmers and businesses. I am voting no on H.R. 1633.

Mr. VAN HOLLEN. Mr. Chair, farm dust is not regulated by the EPA, and EPA Administrator Jackson has clearly stated that the EPA has no plans to regulate farm dust in the future—which makes the Farm Dust Regulation Prevention Act a solution in search of a problem.

Unfortunately, today's legislation is more than just a mere waste of time. Under the guise of protecting farmers from non-existent regulation, H.R. 1633 would define and then exempt a completely new category of particle pollution from the entire Clean Air Act, except under very narrow circumstances. This new exempt category of particle pollution would include both coarse and fine particles from sources that have nothing to do with farming—including particulate matter from mining and other industrial operations like smelters, cement kilns and coal-processing facilities. Whether this consequence is intended or sim-

ply the result of sloppy drafting, this legislation should be roundly rejected.

Mr. Chair, with barely a week left on this year's congressional calendar, we simply don't have the time to waste on imaginary problems. The challenges our constituents face are real, and the hour is late. We need to focus on growing the economy, reducing our debt and getting people back to work before we adjourn for the year.

Mr. BOSWELL. Mr. Chair, I rise in support of H.R. 1633, the Farm Dust Regulation Prevention Act.

As a farmer, and an original cosponsor of this legislation, I appreciate the opportunity to discuss this bill and speak in support of its common sense approach to rural dust regulations.

I have traveled the rural parts of my district and I have farmed my own fields. I know that when I'm harvesting my crops in the combine that I'm going to stir up some dust. Whether I am planting, tiling, or transferring crop to the grain bin, I cannot control the fact that there will be dust.

A one size fits all approach to regulating particulate matter, does not take into consideration that there are many sources of dust.

This legislation allows the flexibility for our states and municipalities to manage dust in rural areas, so that local residents and workers can determine which types may be harmful, and what is simply the result of hard-working Americans of doing their jobs.

Our farmers, ranchers, and rural business leaders are facing the same economic uncertainties as the rest of the country and they cannot afford additional, costly regulations on dust.

Particularly, those producers who are in areas where natural disasters have created new challenges for tilling soil that has been harmed by drought, fire and flood. For these individuals, many of the challenges remain unknown. Additional regulations will only increase their burdens and limit their ability to return to their job and contribute to the economy of rural America.

I know that Administrator Jackson has stated that the agency plans to maintain current standards. I thank her for that. I appreciate her intention to work with Congress and our farmers and ranchers.

However, her statement alone does not protect the farm operations across our nation and it does not prevent this body from legislating on behalf of our producers.

This legislation provides the protections needed for rural Americans to continue to do their day to day work without the threat of new regulation interfering with their mission to grow safe, plentiful, and affordable food for our nation.

We all have a vested interest to ensure that farmers and ranchers can provide for their families and all Americans.

I encourage my colleagues to support his legislation.

Mr. LUCAS. Mr. Chair, I rise in support of the Farm Dust Regulation Prevention Act.

This bipartisan legislation is necessary to ensure that farmers and ranchers will not be subjected to excessive regulation from the Environmental Protection Agency.

The EPA currently has the ability to tighten regulatory standards for dust under the Clean Air Act.

Should the EPA do so, farmers, ranchers, and rural economies could be devastated. On dry days, production could come to a standstill as producers focus on controlling dust rather than producing food.

After months of receiving questions and concerns from farmers, ranchers, and their Representatives in Congress, the Administrator of the EPA finally stated that her agency does not intend to change the current standards.

However, as long as EPA Administrator Jackson retains unchecked power to implement stricter standards, farmers and ranchers could be subject to oppressive regulations at any time.

A legislative fix is the only way to give farmers and ranchers the certainty they need to invest in the future without worrying about the influence of overzealous activists on EPA's regulations.

I urge my colleagues to support this bill.

Ms. ESHOO. Mr. Chair, H.R. 1633, the Farm Dust Regulation Prevention Act is another step by the Majority to roll back clean air and water laws, and this bill dishes out both injury and insult.

The injury: Republicans convinced farmers that the EPA was going to regulate farm dust (or nuisance dust), a made-up term, not based on scientific or medical evidence. The EPA has no plans to regulate farm dust. In fact, in October of this year, EPA Administrator Lisa Jackson confirmed that she does not plan to change current law regarding coarse particle emissions, so this bill is completely unnecessary.

The insult: What this bill does do is exempt particle emissions from a wide array of sources including mining operations, cement plants, gravel pits and coal processing plants. These sources emit arsenic, lead, and mercury among other harmful pollutants and these pollutants can cause very serious health problems, including decreased lung function, asthma attacks, respiratory diseases, and worse.

The Energy and Commerce Committee recently received a letter from a team of physicians and researchers at Johns Hopkins School of Public Health. The experts wrote that this legislation, "does not account for current or future knowledge of health risks posed by rural particulate matter exposure, and rather enacts a permanent exemption of rural particulate matter from Clean Air Act regulation. This approach is not supported by the scientific evidence or good professional judgment, and is not scientifically defensible."

This bill ignores science, creates harm, and insults farmers.

I urge my colleagues to oppose this bill.

Ms. MCCOLLUM. Mr. Chair, I rise to strongly oppose H.R. 1633, the Farm Dust Regulation Prevention Act. Regrettably, the House Republican majority is choosing to waste precious floor time debating this political statement instead of allowing a vote on President Obama's American Jobs Act.

Contrary to the claims of my Republican colleagues, H.R. 1633 has nothing to do with job creation or economic growth. This legislation addresses a nonexistent issue since the Environmental Protection Agency (EPA) stated repeatedly it has no intention of regulating "farm dust."

However, it cannot be said that H.R. 1633 would have no effect. This legislation creates new loopholes that allow open-pit mines, gravel mines, smelters and coal-processing facilities to escape public-health protections under the Clean Air Act. Enactment of this legislation would result in more pollution leading to more premature deaths, asthma attacks, respiratory disease and heart attacks. House Republicans say they are standing up for family farmers when in fact they are aiding corporate polluters.

While the Minnesota family farmers I have heard from have serious challenges, they assure me that farm dust is far down on their list of priorities. Their real concerns relate to rising costs for seed, fertilizer, land, rent and machinery. They worry about protecting their land for the next generation in the face of federal cuts to conservation programs. They struggle with consolidation in the agricultural sector and the ability of the biggest farms to expand at the expense of smaller ones. Political debates in Washington about farm dust are not a factor in their lives.

H.R. 1633 is just another veiled Republican assault on our nation's landmark clean air laws. I urge my colleagues to reject this bill and return our attention to the real problems that are impacting job growth in our economy.

The CHAIR. All time for general debate has expired.

Pursuant to the rule, the amendment in the nature of a substitute recommended by the Committee on Energy and Commerce, printed in the bill, shall be considered as an original bill for the purpose of amendment under the 5-minute rule and shall be considered read.

The text of the committee amendment in the nature of a substitute is as follows:

H.R. 1633

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### **SECTION 1. SHORT TITLE.**

*This Act may be cited as the "Farm Dust Regulation Prevention Act of 2011".*

#### **SEC. 2. TEMPORARY PROHIBITION AGAINST RE- VISING ANY NATIONAL AMBIENT AIR QUALITY STANDARD APPLICABLE TO COARSE PARTICULATE MATTER.**

*Before the date that is one year after the date of the enactment of this Act, the Administrator of the Environmental Protection Agency may not propose, finalize, implement, or enforce any regulation revising the national primary ambient air quality standard or the national secondary ambient air quality standard applicable to particulate matter with an aerodynamic diameter greater than 2.5 micrometers under section 109 of the Clean Air Act (42 U.S.C. 7409).*

#### **SEC. 3. NUISANCE DUST.**

*Part A of title I of the Clean Air Act (42 U.S.C. 7401 et seq.) is amended by adding at the end the following:*

#### **"SEC. 132. REGULATION OF NUISANCE DUST PRIMARILY BY STATE, TRIBAL, AND LOCAL GOVERNMENTS.**

*"(a) IN GENERAL.—Except as provided in subsection (b), this Act does not apply to, and references in this Act to particulate matter are deemed to exclude, nuisance dust.*

*"(b) EXCEPTION.—Subsection (a) does not apply with respect to any geographic area in which nuisance dust is not regulated under*

*State, tribal, or local law insofar as the Administrator finds that—*

*"(1) nuisance dust (or any subcategory of nuisance dust) causes substantial adverse public health and welfare effects at ambient concentrations; and*

*"(2) the benefits of applying standards and other requirements of this Act to nuisance dust (or such subcategory of nuisance dust) outweigh the costs (including local and regional economic and employment impacts) of applying such standards and other requirements to nuisance dust (or such subcategory).*

*"(c) DEFINITION.—In this section—*

*"(1) the term 'nuisance dust' means particulate matter that—*

*"(A) is generated primarily from natural sources, unpaved roads, agricultural activities, earth moving, or other activities typically conducted in rural areas;*

*"(B) consists primarily of soil, other natural or biological materials, or some combination thereof;*

*"(C) is not emitted directly into the ambient air from combustion, such as exhaust from combustion engines and emissions from stationary combustion processes; and*

*"(D) is not comprised of residuals from the combustion of coal; and*

*"(2) the term 'nuisance dust' does not include radioactive particulate matter produced from uranium mining or processing."*

The CHAIR. No amendment to the committee amendment in the nature of a substitute shall be in order except those printed in House Report 112-317. Each such amendment may be offered only in the order printed in the report, by a Member designated in the report, shall be considered read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question.

AMENDMENT NO. 1 OFFERED BY MR. RUSH

The CHAIR. It is now in order to consider amendment No. 1 printed in House Report 112-317.

Mr. RUSH. Mr. Chairman, I have an amendment at the desk.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

In section 2, strike "applicable to particulate matter with an aerodynamic diameter greater than 2.5 micrometers" and insert "for PM<sub>10</sub>".

At the end of section 2, add the following: "Nothing in this Act precludes the Administrator from proposing, finalizing, implementing, or enforcing the national primary ambient air quality standard or the national secondary ambient air quality standard for PM<sub>2.5</sub>".

Strike section 3.

The CHAIR. Pursuant to House Resolution 487, the gentleman from Illinois (Mr. RUSH) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Illinois.

Mr. RUSH. Mr. Chairman, if the premise of this bill is to simply provide regulatory certainty to rural farmers and reiterate what Administrator Jackson has already publicly stated—



that EPA would not alter the Bush-era standards for coarse particulate matter—then the Rush amendment would satisfy that objective.

During the subcommittee hearing on H.R. 1633, we heard testimony from the bill's sponsor that the intent of this legislation was to address the regulatory uncertainty over "farm dust." However, during that same hearing, we heard testimony from the Assistant Administrator of the Office of Air and Radiation, Gina McCarthy, where she expressed a serious concern over the ambiguous language in the bill and the overly broad impact it could have on existing Clean Air Act programs.

Mr. Chairman, the Rush amendment would remove the ambiguity and provide clarity to the bill's intent so that we can keep in place standards to protect our Nation's most vulnerable populations. At the end of section 2, my amendment would add the following: "Nothing in this Act precludes the Administrator from proposing, finalizing, implementing, or enforcing the national primary ambient air quality standard or the national secondary air quality standard for PM<sub>2.5</sub>." Additionally, because there is such widespread suspicion that the real intent of this bill is to roll back existing Clean Air Act protections, my amendment would strike section 3 altogether, which contains the most overly ambiguous and excessively broad provisions of the bill. In section 3, the bill's exclusion for particulate matter from combustion would not exclude particulate pollution from sources such as open-pit mines, mining processing plants, sand and gravel mines, smelters, coal mines, coal-processing plants, cement kilns, and waste and recovery facilities.

Mrs. McCarthy raised serious concerns about the effect of this bill on existing health-based standards due to the fact that the term "nuisance dust" is not a scientifically-defined term, and it would be very difficult to incorporate into a scientifically-based program. As Mrs. McCarthy noted, "Coarse particles have been linked to a variety of adverse health effects, including hospitals visits related to cardiovascular and respiratory disease, and premature death. While the body of scientific evidence is much more limited for coarse PM than for fine particles, the agency's review of the studies indicate that short-term exposures to coarse particles remain a concern."

Mr. Chairman, the Rush amendment would provide regulatory certainty to rural farmers while also protecting our Nation's most vulnerable population, including our children, our senior citizens, people with low incomes, and people with chronic lung disease such as asthma, chronic bronchitis, and emphysema.

I urge all my colleagues to support my amendment.

With that, I yield back the balance of my time.

Mr. WHITFIELD. Mr. Chairman, I claim time in opposition.

The CHAIR. The gentleman from Kentucky is recognized for 5 minutes.

Mr. WHITFIELD. While I have a great deal of respect and admiration for the gentleman from Illinois, I am going to oppose this amendment.

I would say, first of all, that this legislation does not change in any way the current EPA standard relating to particulate matter on coarse materials. His amendment would strike the provision in the bill addressing nuisance dust, keeping only that which prohibits a change to the existing PM<sub>10</sub> standard for 1 year, which we agree with. But because it strikes section 3, which is the main part and the substantive part of this bill because it would eliminate our nuisance dust definition, I would respectfully oppose the amendment and urge all Members to vote "no" on the amendment.

I yield back the balance of my time.

The CHAIR. The question is on the amendment offered by the gentleman from Illinois (Mr. RUSH).

The question was taken; and the Chair announced that the noes appeared to have it.

Mr. RUSH. Mr. Chairman, I demand a recorded vote.

The CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Illinois will be postponed.

#### AMENDMENT NO. 2 OFFERED BY MRS. CHRISTENSEN

The CHAIR. It is now in order to consider amendment No. 2 printed in House Report 112-317.

Mrs. CHRISTENSEN. I have an amendment at the desk.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

In section 132(b) of the Clean Air Act, as proposed to be added by section 3 of the bill, after "is not regulated under State, tribal, or local law" insert "at a level requisite to protect public health (as determined by the Administrator)."

The CHAIR. Pursuant to House Resolution 487, the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from the Virgin Islands.

□ 1230

Mrs. CHRISTENSEN. Mr. Chairman, I yield myself such time as I may consume.

This bill stands as an effort to dramatically weaken the Clean Air Act and delay implementation of vital public health protections against toxic particles.

The adverse health effects of particulate matter are serious and have been well documented. Thousands of studies published over the last 9 years make a

much stronger case for the regulation of fine particles and indicate that the current standards must be revisited in order to ensure the public health is protected.

The major health effects of fine particulate matter include reduced lung function, cough, wheezing, missed school days due to respiratory symptoms, increased use of asthma medication, strokes, emergency room visits, hospital admissions, lung cancer, and premature death—at levels well below the current national air quality standards.

This bill, H.R. 1633, eliminates EPA's authority to control so-called "nuisance dust" except in a very narrow set of circumstances.

First, the Administrator must find that nuisance dust causes substantial adverse public health and welfare effects.

Second, even if the Administrator determines that nuisance dust causes substantial harm, she must also find that the benefits of regulating nuisance dust outweigh the cost, including impacts on employment. This approach upends the way EPA has been setting health-based air pollution standards for 40 years.

The Clean Air Act requires EPA to set each air quality standard based purely on science and medical evidence showing the health effects of exposure to the pollutant. The standard basically identifies the level of pollution that is safe to breathe. The Clean Air Act also requires EPA to set the standard with an adequate margin of safety to account for uncertainty and protect sensitive subpopulations, such as children with asthma. Essentially, this bill would require EPA to determine the level of air pollution that is safe to breathe based on the costs of control, not the medical evidence.

Third, under this bill, the Administrator only has this limited authority in areas where State, local or tribal governments are not regulating nuisance dust. But the bill provides no minimum standard of protection, no Federal floor. That means that even the most minimal State or local requirement is sufficient to bar EPA action on anything that falls under the definition of nuisance dust.

It is absurd, Mr. Chairman, to claim that any State or local dust regulation, no matter how minimal, would be sufficient to protect the public health. We tried to address air pollution only on the State and local level throughout the 1960s. It did not work. Companies blocked cleaner air protections by threatening to leave for other States with weaker standards.

This widely acknowledged failure produced overwhelming support for the cooperative federalism approach embodied in the Clean Air Act since 1970. Under this approach, the Federal Government sets minimum uniform standards to protect health, and States and



localities then decide how to achieve those standards.

Since 1970, every American has had the same basic right to clean and healthy air. My amendment simply preserves those rights. It ensures that the residents of every State and locality are afforded a baseline level of protection against particle pollution. My amendment says that if the State, local, or tribal laws are not sufficient to protect public health from exposure to dangerous particle pollution, then EPA has the authority under the Clean Air Act to step in and take action to reduce that pollution.

This bill tries to turn back the clock to a time when State and local air pollution laws weren't strong enough to protect public health. Those who are ignorant of history are doomed to repeat it. Let's learn our history and recognize that both States and the Federal Government play valuable roles in ensuring that Americans breathe clean and healthy air.

I urge my colleagues to support my amendment, and I reserve the balance of my time.

Mr. HURT. Mr. Chairman, I claim time in opposition.

The CHAIR. The gentleman from Virginia is recognized for 5 minutes.

Mr. HURT. I thank the Chairman.

This amendment would allow the EPA to override the State and local regulations and thereby gut the purpose of this bill.

Let's remember what the commonsense purpose of this bill is. There's nothing radical at all about this bill. In fact, in section 3 this bill protects public health. It protects public health by relying on the State and local regulators who are best equipped to make judgments about naturally occurring dust. And it does nothing at all to affect the particulate matter 2.5 standard. I think that's important to note inasmuch as it seems that the opposition seems to want to forget that.

Let's remember the ultimate purpose of this bill, and that is to protect the farmer and the rural businesses from overreaching Federal regulation that causes uncertainty and it causes job loss.

However, the EPA and the opposition talked about the myth. They say that it's more likely that the EPA would regulate fairy dust. They say that this is a solution in search of a problem. But our farmers know better; our rural business owners know better. They know better because they have looked at the proposed regulations and the proposals from the EPA staff that was dated back in April in which they proposed looking at and revising the PM<sub>10</sub> standard. They also have seen the letter that was sent to my office in May of this year in which Ms. McCarthy, the assistant administrator, makes it clear that agricultural dust and dust coming off of roads is absolutely within

the larger view of these standards. That's what our farmers know.

But most of all, they know their experience. They know what they have endured over the years—over the decades—of what comes out of Washington and how it affects their everyday life. If you look at their track record, you can only see why there is uncertainty and why they believe this is a very, very real threat.

I am proud to be able to travel across my rural district in south side Virginia and central Virginia and talk to farmers. In August, I sat down with a group of farmers in Nelson and Albemarle Counties. One of the farmers that was there is a peach farmer, a fruit grower. He said to me, Mr. HURT, on my farm, where my family has been for generations growing peaches for our customers, I'm regulated by the Department of Labor, the Department of Agriculture, the FDA, the IRS, the Department of Transportation, the Corps of Engineers, the EPA—and the list goes on when you add the State and local regulators. He said, I'm regulated by all those different agencies, most of them Federal agencies; and all I'm trying to do is grow a peach. How hard can it be?

And I think when you look at the commonsense purpose of this bill, you will see that this amendment would gut it. It is for that reason that I would urge my colleagues to vote against this amendment.

Mr. Chairman, I yield back the balance of my time.

The CHAIR. The gentlewoman from the Virgin Islands has 30 seconds remaining.

Mrs. CHRISTENSEN. I would just like to add that my amendment does not really take away any authority from the State, local, and tribal governments; it just ensures that they set standards that are based on the protection of the public health.

With that, I yield back the balance of my time.

The CHAIR. The question is on the amendment offered by the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN).

The question was taken; and the Chair announced that the noes appeared to have it.

Mrs. CHRISTENSEN. Mr. Chairman, I demand a recorded vote.

The CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentlewoman from the Virgin Islands will be postponed.

AMENDMENT NO. 3 OFFERED BY MR. CRAWFORD

The CHAIR. It is now in order to consider amendment No. 3 printed in House Report 112-317.

Mr. CRAWFORD. Mr. Chairman, I have an amendment at the desk.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

In section 132(b) of the Clean Air Act, as proposed to be added by section 3 of the bill, after "insofar as the Administrator" insert ", in consultation with the Secretary of Agriculture,".

The CHAIR. Pursuant to House Resolution 487, the gentleman from Arkansas (Mr. CRAWFORD) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Arkansas.

Mr. CRAWFORD. Mr. Chairman, my amendment is very straightforward, and I believe it will help provide the proper amount of interagency communication with the EPA when they go to write air quality standards for particulate matter.

The legislation being considered today excludes nuisance dust from the EPA regulatory net, but the bill provides an exemption if the EPA determines that the economic benefits of regulating dust outweigh the cost. My amendment would simply direct the EPA to consult with the Department of Agriculture in making this determination.

As a member of the Ag Committee, I've heard testimony from both the Secretary of Agriculture and the EPA Administrator on how their respective agencies propose and write regulations. A problem that became apparent to me is that the two agencies don't even seem to communicate. Neither agency could give me a sufficient explanation of the protocol for interagency communication between the EPA and the USDA. Their responses were bureaucratic and vague.

I find this troubling because if you ask the farmers and ranchers in my Arkansas district about the greatest threat to their operations, they always respond with three letters: EPA. I don't think their response would be the same if both agencies worked together more often.

□ 1240

Perhaps the best example of the right hand not knowing what the left hand is doing occurred this past summer when the President was in his home State of Illinois for a town hall event. One farmer asked the President why the EPA was targeting new regulations at farmers after a difficult growing season through the Midwest and Midsouth this year. The President pointed to Ag Secretary Vilsack for backup and asked the farmer to explain the specific regulations.

The farmer cited rules that would be crippling to the ag community, including regulating farm dust. President Obama defiantly dismissed the question by saying, "Don't always believe what you hear." He later told the crowd: If you ever have a question as to whether it's going to make it harder for you to farm, contact USDA.

It seems to me that the President didn't understand that it's the EPA, not the Department of Agriculture,

that was the source of this man's frustration. If the President doesn't realize that the EPA is coming down hard on our Nation's farmers and ranchers, then why would the agency, itself, find it necessary to consider agriculture in proposing regulations? Clearly, it does not.

My amendment would ensure that the EPA and the Department of Agriculture work together if the EPA seeks to further regulate the agriculture industry in the future. The Department of Agriculture understands the economic well-being of our Nation's farmers and ranchers better than any other agency and should have a degree of input whenever the EPA writes rules that directly impact farmers and ranchers.

This amendment would be a small but important step in that direction.

With that, Mr. Chairman, I yield back the balance of my time.

Mr. WAXMAN. Mr. Chairman, I ask unanimous consent that I be able to control the time that would be allotted to those in opposition.

The SPEAKER pro tempore. Without objection, the gentleman from California is recognized for 5 minutes.

There was no objection.

Mr. WAXMAN. Mr. Chairman, the Crawford amendment simply requires EPA to consult with the Secretary of Agriculture before making any determination about the health threat posed by pollution in an area, as well as the costs and benefits of taking action.

I don't know that the Department of Agriculture has much to contribute in terms of the health threats; but the bill is so objectionable already, it's hard to argue that this amendment makes it discernibly worse. It's a drop in a very large bucket.

For that reason, I will not oppose this amendment. We're willing to accept it, but I still am in opposition to the bill.

I yield back the balance of my time.

The CHAIR. The question is on the amendment offered by the gentleman from Arkansas (Mr. CRAWFORD).

The amendment was agreed to.

AMENDMENT NO. 4 OFFERED BY MR. MARKEY

The CHAIR. It is now in order to consider amendment No. 4 printed in House Report 112-317.

Mr. MARKEY. Mr. Chair, I have an amendment at the desk.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

In section 132(c) of the Clean Air Act, as proposed to be added by section 3 of the bill, strike "and" at the end of paragraph (1), strike the period at the end of paragraph (2) and insert "and", and add at the end the following paragraph:

"(3) the term 'nuisance dust' does not include particulate matter containing arsenic or other heavy metals that are hazardous to human health."

The CHAIR. Pursuant to House Resolution 487, the gentleman from Massa-

chusetts (Mr. MARKEY) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Massachusetts.

Mr. MARKEY. I yield myself 2 minutes.

In this legislation, the Republican majority exempts all so-called nuisance dust from the protective air quality standards for coarse particle or soot pollution under the Clean Air Act.

Republicans have defined "nuisance dust" to include particulate matter that is generated from "earth moving or other activities that are typically conducted in rural areas." This legislation's broad definition means a bill which is supposed to be all about tractors and farms is actually about barring EPA from regulating the toxic soot that comes out of mines, smelters, chemical plants. And that's because all of these materials come from earth moving, natural materials, or activities that take place in rural areas.

Now, I don't know about the majority, but when most people hear the word "nuisance" they think of things like honking horns, telemarketers, and buzzing flies. They don't think of poison. By preventing EPA from regulating the toxic soot spewing out of mining operations, smelters, chemical facilities, and construction sites, Republicans have apparently decided that poisonous chemicals such as arsenic, lead, and mercury are mere nuisances.

This false advertising is not a total surprise. We have heard from Republican witnesses in the past who, in defense of the most polluting industries, have unwillingly offered up the absurd. In fact, in the last Congress, at a hearing I chaired, the Republican witness said he would be happy to sprinkle arsenic-laced coal ash on his cereal.

It turns out that the Republican witness is not alone in his suggestion to use arsenic as a dietary supplement. Arsenic, which is a major component of mining activities, was famously used to poison and kill a number of prominent people throughout history, including Napoleon, King George III, and the Emperor of China.

I reserve the balance of my time.

Mr. TERRY. Mr. Chairman, I claim the time in opposition.

The CHAIR. The gentleman from Nebraska is recognized for 5 minutes.

Mr. TERRY. I thank the chairman and appreciate the gentleman from Boston's arguments here suggesting that this bill somehow exempts arsenic and all these poisons. The reality is it does not. It's an unnecessary amendment. It, one, is to make a point that I think is inflated.

The reality is emissions of arsenic above the standard would still be in violation of EPA rules. The reality also exists then, if you're going to move the goalpost to a zero particulate, then we've got a different issue here.

Now, the dust that we're talking about from agricultural activities—

plowing, harvesting, driving on roads—in our own definition says that consists primarily of soil and other natural and biological materials. So, if you're going to adopt a new standard totally different than current standards at the EPA on such issues as arsenic, the reality in rural America is that it is a natural part of our soil, and when dust would kick up and blow, it will be at a particulate level below what the standards are.

We're just trying to say, look, the reality is the EPA even says that at the extremely minor level of particulates that would be inherent in topsoil that could be kicked up by wind or farming activities is not a health risk. In fact, one of the authors of the EPA's most recent integrated science assessment for particulate matter issued in 2010 testified before our committee and stated, "For long-term effects of coarse particulates, there is next to no evidence in support of long-term health effects."

In rural America, in Nebraska, we can show you real-life examples. In rural America, they have the highest health standards and longevity of life and health.

So with that, I will let the gentleman close on his amendment and yield back the balance of my time.

Mr. MARKEY. Mr. Chairman, I yield myself the balance of my time.

In the 19th century, mercury, another common mining waste, was used as a cure-all for toothaches and other ailments. It turns out that the mercury is also highly toxic. It causes severe impacts on the brain and, throughout history, has been identified as the poison behind many other notable illnesses and deaths in the history of our planet.

By defining nuisance dust this way, the Republicans are, essentially, providing the mining industry with the holiday gift of pollution. Instead of gold and frankincense and myrrh, the Republicans are bearing gifts of arsenic and lead and mercury for every family in our country.

My amendment simply states that so-called nuisance dust doesn't include poisonous arsenic or other heavy metals that are hazardous to human health, because cancer is not a nuisance. The development of a child's brain is not a nuisance. Yet the Republicans would treat these conditions as a nuisance rather than as medical catastrophes for the families of America.

So let's be clear what this bill is all about. This is another attempt by the Republicans to protect Big Coal by creating another loophole to avoid the Clean Air Act so that families don't have to worry that their children are inhaling these dangerous materials, the arsenic, the lead, the mercury that they are petrified are going to have a negative long-term impact on their children's development.

□ 1250

That's what this is all about, bottom line. And the coal industry is saying "no." The Republicans are using the guise of some farm dust cloud of confusion to mask what they're really trying to do, which is to allow the coal industry to continue to send this lead, this mercury, this arsenic up into the air and into the lungs of children across our country, especially those that are so young that we know it has an impact on their development, especially of their brain.

So I urge an "aye" vote on this amendment, and I don't think there can be a more important amendment that we're going to vote upon in this Congress.

I yield back the balance of my time. The CHAIR. The question is on the amendment offered by the gentleman from Massachusetts (Mr. MARKEY).

The question was taken; and the Chair announced that the noes appeared to have it.

Mr. MARKEY. Mr. Chairman, I demand a recorded vote.

The CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Massachusetts will be postponed.

AMENDMENT NO. 5 OFFERED BY MR. WAXMAN

The CHAIR. It is now in order to consider amendment No. 5 printed in House Report 112-317.

Mr. WAXMAN. Mr. Chairman, I have an amendment at the desk.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

In section 132(c) of the Clean Air Act, as proposed to be added by section 3 of the bill, strike "and" at the end of paragraph (1), strike the period at the end of paragraph (2) and insert "; and", and add at the end the following paragraph:

"(3) the term 'nuisance dust' does not include any particulate matter produced from mining activities.

The CHAIR. Pursuant to House Resolution 487, the gentleman from California (Mr. WAXMAN) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from California.

Mr. WAXMAN. Mr. Chairman, I yield myself such time as I may consume.

The supporters of this bill said they're simply trying to exempt harmless dirt from farms and ranches from regulation under the Clean Air Act. That simply is not the case. This bill is nothing more than a bait-and-switch. The title says it's about farm dust, but in reality, it would exempt air pollution from a number of industrial sources from the entire Clean Air Act, including mines.

The bill defines "nuisance dust" to include particulate matter, that consists primarily of natural materials generated from sources that include "earth moving." So when you look at

that definition, it would allow mines to be exempted from the requirements of the Clean Air Act. This is an egregious overreach that would allow mines to release particulate matter into the air without any controls.

The Kennecott, Utah, Copper Mine serves as a perfect example of why this is such a problem. Kennecott Copper operates one of the largest open-pit copper mines in the world, in Utah. The mine is even visible from space.

Every day, they mine about 150,000 tons of copper ore and 330,000 tons of waste rock from the Bingham Canyon mine. Kennecott's operations are the single largest source of particulate pollution in Utah.

The mine is having a significant impact on air quality, even with the pollution control requirements in place. There is simply no reason, therefore, to say well, we're going to address farm dust by exempting this mine from regulation under the Clean Air Act. And that is what this bill would do. It would exempt all particle pollution from the mine's activities from the entire Clean Air Act.

That mine is now subject to the requirements of the Clean Air Act. They're doing what they need to do to control pollution from that mine. If we adopt this bill, it would allow them to refrain from doing anything other than just simply spewing the pollution.

These mining operations, Kennecott and others, can have a significant impact. They emit large quantities of both fine and coarse particulate matter. Yet under this bill, they would be exempt from regulation.

So my amendment simply clarifies that this bill does not apply to particle pollution from any mining activities.

The science shows that coarse and fine particle pollution, regardless of the source, can trigger asthma attacks, heart attacks, stroke, and premature death. That's why I oppose exempting favored sources of this pollution from the Clean Air Act, and that's why I oppose the bill.

But at a minimum if we adopt this amendment, we would ensure that the bill is true to its name—the Farm Dust Regulation Prevention Act. Large industrial open-pit mines and gravel mining operations shouldn't get a free pass to pollute under the clever pretense of being involved with farms.

I would urge my colleagues to support this amendment removing mine operations from coverage under this bill and making sure the bill only covers farming operations.

I reserve the balance of my time.

Mrs. McMORRIS RODGERS. Mr. Chairman, I claim time in opposition.

The CHAIR. The gentlewoman from Washington is recognized for 5 minutes.

Mrs. McMORRIS RODGERS. I yield myself such time as I may consume.

Just to let me clarify, the purpose of this legislation, H.R. 1633, is to exempt

rural dust from costly and unnecessary Federal regulation. It doesn't do anything to exempt any kind of facility, source, or mine from environmental regulation. The northeastern part of Washington State, which I represent, is one of the toughest places in the world to mine. This bill isn't going to change that. Mining and agricultural dust is comprehensively regulated by State agencies and many, many Federal statutes currently in place, including the Surface Mining and Control Reclamation Act, Federal Mine Safety and Health Act, Resource Conservation and Recovery Act, Clean Water Act, Federal Land Policy and Management Act, the National Environmental Policy Act, and many others. This includes regulation by the Department of Interior of dust from wind erosion and vehicle traffic associated with mines. State and local authorities will still have full authority to impose nuisance dust controls, and rural America needs certainty that they won't be second-guessed by the EPA.

I urge a "no" on this amendment.

Bottom line, if you stop and think about it, there's a story here, a story of two paths forward. One path has the potential to bring economic growth, jobs, and energy independence to this country; the second path has brought and will continue to bring economic stagnation to our Nation.

The irony is that the administration seems to continue to advocate for the second path. And of course I'm talking about the path of EPA overregulation that continues to put a stranglehold on businesses and economic growth in this country.

The next phase of the EPA's path is America's farmland. Whether you're working in the field herding cattle or driving down a dirt road, the EPA wants to regulate the dust you pick up.

The Farm Dust Regulation Protection Act of 2011 will ensure that this path is stopped by prohibiting the implementation of a stricter PMT standard for 1 year and exempting nuisance dust, like farm dust, from any future PMT regulation.

I applaud my colleagues, Representatives NOEM and HURT, for introducing this important legislation. I urge my colleagues to support it.

I reserve the balance of my time.

Mr. WAXMAN. Mr. Chairman, farm dust is not the same thing as pollution from a mine. My amendment would exclude pollution from a mine from this legislation so that it stays under EPA regulation under the Clean Air Act, as it is today. There is no reason to give mining operations, whether they're in rural or in urban areas, a pass so that they need not even meet requirements to protect the public from unsafe pollutants that could cause adverse health impacts.

I urge the adoption of the amendment, and I yield back the balance of my time.

Mrs. McMORRIS RODGERS. I would like to yield the balance of my time to the chairman of the subcommittee.

Mr. WHITFIELD. Mr. Chairman, this is a little off topic. We have a young man who served the Energy and Commerce Committee and me personally for many years and did an outstanding job. His name is Jeff Mortier. Tomorrow is his last day as an employee of the House of Representatives. I just want to take this opportunity to thank him for the great job that he did and to wish him the very best in his new endeavor.

The CHAIR. The question is on the amendment offered by the gentleman from California (Mr. WAXMAN).

The question was taken; and the Chair announced that the ayes appeared to have it.

Mr. WHITFIELD. Mr. Chairman, I demand a recorded vote.

The CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from California will be postponed.

□ 1300

#### AMENDMENT NO. 6 OFFERED BY MR. FLAKE

The CHAIR. It is now in order to consider amendment No. 6 printed in House Report 112-317.

Mr. FLAKE. I have an amendment at the desk.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

At the end of the bill, add the following:

#### SEC. 4. SENSE OF CONGRESS.

It is the sense of the Congress that the Administrator of the Environmental Protection Agency should implement an approach to excluding so-called "exceptional events", or events that are not reasonably controllable or preventable, from determinations of whether an area is in compliance with any national ambient air quality standard (NAAQS) applicable to coarse particulate matter that—

(1) maximizes transparency and predictability for States, tribes, and local governments; and

(2) minimizes the regulatory and cost burdens States, tribes, and local governments bear in excluding such events.

The CHAIR. Pursuant to House Resolution 487, the gentleman from Arizona (Mr. FLAKE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Arizona.

Mr. FLAKE. Mr. Chairman, I yield myself such time as I may consume.

While the Clean Air Act obviously serves a useful purpose, all too often States and localities are tied up in knots in just trying to comply with the provisions of it in which the rules that were promulgated in response to the law, or amendments to the law, just weren't well thought out.

In this regard, in 2005 Congress amended the Clean Air Act so States and localities could get off the regu-

latory hook for so-called "exceptional events"—dust events—events that they cannot control but that impact air quality. In 2007, the EPA adopted the Exceptional Event Rule, implementing Congress' amendment to the Clean Air Act; but this rule has proven flawed, costly, and inconsistently implemented.

Let me give you an idea of what we're talking about here. Here is a picture. It's an actual photograph of one of the events that happened just this year in the Phoenix metropolitan area which was caused by a monsoon.

The monsoon comes along. When it rolls along flat ground, it tends to pick up every loose bit of dust or dirt that's there, and it causes an event like this. Obviously, this is not something that the State or local government can control; yet we're forced to go then to the EPA and beg for an exception to the Clean Air Act, which has proven to be extremely costly when we have to do it over and over again.

I reserve the balance of my time.

Mr. WAXMAN. Mr. Chairman, I ask unanimous consent to speak on this amendment.

The CHAIR. Without objection, the gentleman from California is recognized for 5 minutes.

There was no objection.

Mr. WAXMAN. I wanted to say to the gentleman from Arizona that I think his amendment makes a great deal of sense. It complies with what, I think, the EPA ought to do under these exceptional circumstances, and we are prepared to accept his amendment.

I yield back the balance of my time.

Mr. FLAKE. I thank the gentleman from California.

Mr. Chairman, just to give you an idea of how prevalent the problem is, I'll just summarize a little more. In Arizona, the Maricopa Association of Governments, or MAG, has said that there have been about 100 events that have exceeded the PM<sub>10</sub> standard this year. All but one was from an exceptional event—dust storms that occurred naturally.

What happens then is States and localities, as I said, have to go to the EPA and beg for an exception to the rule. In some cases, just for an example, if you take all of the events in 2011, the Maricopa Association of Governments is estimating it will cost over \$1 million to just argue and put together the paperwork to go to the EPA and say, This was a big monsoon that caused this. It was an exceptional event. In the end, the EPA may rule in our favor, but it is the cost of actually going through it.

This is not just in Maricopa County. It's not just in Arizona. In the San Joaquin Valley, I believe it has noted that the paperwork for just one high-wind exceptional event takes more than 400 staff hours to prepare in order to go to the EPA. It takes 400 staff hours for

one exceptional event like this to go and say, This shouldn't count against our air quality or count against us in terms of new regulations and costs that will be imposed on us.

I am a cosponsor of the underlying bill to which this amendment will be attached, and I support it. This is an important amendment. It is not just an academic question, and I'm glad that all sides recognize this. So I thank the gentleman from California for accepting the amendment.

I now wish to yield time to the sponsor of the bill, the gentlewoman from South Dakota (Mrs. NOEM). I thank her for her dogged work in bringing this forward.

Mrs. NOEM. I rise in support of the amendment that the gentleman from Arizona has brought to the floor.

Mr. Chairman, this amendment would add a sense of Congress to this piece of legislation that the EPA should approach and exclude exceptional events and have a provision such as this. It would give us a consistent and a transparent manner for dealing with these events. Certainly, rural America and other parts of America need the certainty that the regulation is not triggered by natural events that are out of our control.

Mr. FLAKE. I thank the gentlelady.

In conclusion, Mr. Chairman, the EPA does recognize there is a problem here, and they are working to correct it. It's just taking a long time. The rule was promulgated in 2007. We've had 3 or 4 years since that time, and every year it costs States and local governments millions of dollars just to seek exceptions with these exceptional events. The language in this amendment simply encourages the EPA to move more quickly, and Congress stands ready to help them to fashion a new rule that will truly account for these exceptional events.

With that, I urge support for the amendment, and I yield back the balance of my time.

The CHAIR. The question is on the amendment offered by the gentleman from Arizona (Mr. FLAKE).

The amendment was agreed to.

#### AMENDMENT NO. 7 OFFERED BY MR. SCHOCK

The CHAIR. It is now in order to consider amendment No. 7 printed in House Report 112-317.

Mr. SCHOCK. Mr. Chairman, I have an amendment at the desk.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

At the end of the bill, add the following:

#### SEC. 4. IMPACTS OF EPA REGULATORY ACTIVITY ON EMPLOYMENT AND ECONOMIC ACTIVITY IN THE AGRICULTURE COMMUNITY.

(a) ANALYSIS OF IMPACTS OF ACTIONS ON EMPLOYMENT AND ECONOMIC ACTIVITY IN THE AGRICULTURE COMMUNITY.—

(1) ANALYSIS.—Before taking a covered action, the Administrator shall analyze the impact, disaggregated by State, of the covered action on—

(A) employment levels in the agriculture industry; and

(B) agricultural economic activity, including estimated job losses and decreased economic activity related to agriculture.

(2) ECONOMIC MODELS.—

(A) IN GENERAL.—In carrying out paragraph (1), the Administrator shall utilize the best available economic models.

(B) ANNUAL GAO REPORT.—Not later than December 31 of each year, the Comptroller General of the United States shall submit to Congress a report on the economic models used by the Administrator to carry out this subsection.

(3) AVAILABILITY OF INFORMATION.—With respect to any covered action, the Administrator shall—

(A) post the analysis under paragraph (1) as a link on the main page of the public Internet Web site of the Environmental Protection Agency;

(B) request the Secretary of Agriculture to post the analysis under paragraph (1) as a link on the main page of the public Internet Web site of the Department of Agriculture; and

(C) request that the Governor of any State experiencing more than a de minimis negative impact post such analysis in the Capitol of such State.

(b) PUBLIC HEARINGS.—

(1) IN GENERAL.—If the Administrator concludes under subsection (a)(1) that a covered action will have more than a de minimis negative impact on agricultural employment levels or agricultural economic activity in a State, the Administrator shall hold a public hearing in each such State at least 30 days prior to the effective date of the covered action.

(2) TIME, LOCATION, AND SELECTION.—A public hearing required under paragraph (1) shall be held at a convenient time and location for impacted residents. In selecting a location for such a public hearing, the Administrator shall give priority to locations in the State that will experience the greatest number of job losses.

(c) NOTIFICATION.—If the Administrator concludes under subsection (a)(1) that a covered action will have more than a de minimis negative impact on agricultural employment levels or agricultural economic activity in any State, the Administrator shall give notice of such impact to the State's Congressional delegation, Governor, and Legislature at least 45 days before the effective date of the covered action.

(d) DEFINITIONS.—In this section, the following definitions apply:

(1) ADMINISTRATOR.—The term "Administrator" means the Administrator of the Environmental Protection Agency.

(2) COVERED ACTION.—The term "covered action" means any of the following actions taken by the Administrator under the Clean Air Act (42 U.S.C. 7401 et seq.) relating to agriculture and the national primary ambient air quality standard or the national secondary ambient air quality standard for particulate matter:

(A) Issuing a regulation, policy statement, guidance, response to a petition, or other requirement.

(B) Implementing a new or substantially altered program.

(3) MORE THAN A DE MINIMIS NEGATIVE IMPACT.—The term "more than a de minimis negative impact" means the following:

(A) With respect to employment levels, a loss of more than 100 jobs related to the agriculture industry. Any offsetting job gains that result from the hypothetical creation of

new jobs through new technologies or government employment may not be used in the job loss calculation.

(B) With respect to economic activity, a decrease in agricultural economic activity of more than \$1,000,000 over any calendar year. Any offsetting economic activity that results from the hypothetical creation of new economic activity through new technologies or government employment may not be used in the economic activity calculation.

The CHAIR. Pursuant to House Resolution 487, the gentleman from Illinois (Mr. SCHOCK) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Illinois.

Mr. SCHOCK. Mr. Chairman, I yield myself such time as I may consume.

I rise today to offer an amendment with my good friend and colleague, Mrs. SHELLEY MOORE CAPITO of West Virginia.

Our amendment is simple. It requires the EPA to consider the impact of new agriculture jobs and the economy before issuing new rules and regulations. A similar amendment to the Clean Water Cooperative Federalism Act passed this House in July, and it enjoyed broad bipartisan support.

My amendment today says if jobs and the economic well-being of farmers would be negatively impacted, the EPA will be required to hold public hearings in the impacted State. It would also require the EPA to notify the State's Governor, legislature, and congressional delegation. It would also require that the EPA post its analysis of the negative job impact on its Web site, request the Secretary of Agriculture to do the same, and request the Governor of that State to post similar analysis on the State capital's Web site.

I don't believe this is too much to ask. We are simply asking the EPA to calculate the number of jobs lost and the economic impact on the agricultural community with a new rule that would do such. If its calculation turns out to be detrimental, we want the EPA to let our Nation's farmers know before it implements additional red tape and new regulations.

We expect the bureaucrats in the EPA here in Washington, D.C. to go out into the real world and understand the impact of the rules that they are implementing, that they are suggesting, and that have a real effect on farmers who are trying to run their operations across America and are helping to feed the world's population.

This past weekend, the Illinois Farm Bureau, in my home State, had its annual meeting. It conducted a survey of the thousands of farmers who participated in that convention, and it asked them an open-ended question:

What posed the biggest threat to their future profitability as family farmers? Was it input costs? lower commodity prices? land prices? commodity price swings?

No. Their answer, overwhelmingly, was government regulation.

Dale Hadden, who is a farmer from Jacksonville, Illinois, recently told me: "The thought of the EPA continuing to place more regulations on my farming operation is unfounded. My family prides itself on being environmental stewards and making our farm better for the next generation. We do it better here than in any other place in the world."

Jamie Schaffer, another farmer from my district, in Princeville, Illinois, told me:

"The EPA over-regulation has the potential to shut us down. We wouldn't be able to farm with modern equipment. Livestock walks across the field and creates dust when it's dry out. We need to take regulators out to our farms and personally show them there's no way around dust or dirt. It's just a natural part of the environment."

Let's let Dale, Jamie, and other farmers in our country continue to do what they do best. Let the EPA bureaucrats understand first, before they implement a new rule, what kind of effect, if any, it will have negatively on jobs and the economy throughout our country.

I urge a "yes" vote, and I reserve the balance of my time.

Mr. WAXMAN. Mr. Chairman, I rise in opposition to the amendment.

The CHAIR. The gentleman from California is recognized for 5 minutes.

Mr. WAXMAN. I have several concerns about this amendment, which seems to ignore the reality of how agencies communicate, along with the well-established process for how EPA proposes and finalizes a rule.

First of all, this amendment requires the EPA to conduct additional economic analyses for a broad range of agency actions that could affect agriculture, including guidance documents and policy statements.

□ 1310

Requiring an expensive and time-consuming detailed economic analysis for every policy statement makes no sense.

Secondly, this amendment singles out one favored sector for special treatment. Why should we have an entirely different rulemaking process in place for agriculture? If the Republicans are concerned about the rulemaking process, then they should work with us on a bipartisan basis to improve the way rules are adopted for all sectors, not just one.

This amendment also isn't necessary. EPA already has to evaluate the costs and benefits of each rule to satisfy requirements and numerous statutes. When issuing a rule, EPA has to comply with the Administrative Procedure Act, the Paperwork Reduction Act, the Regulatory Flexibility Act, the Small Business Regulatory Enforcement Fairness Act, the Unfunded Mandates

Reform Act, specific environmental statutes, Executive orders on regulatory planning and review requirements of the Office of Management and Budget, and others.

A few minutes ago, we accepted an amendment from the gentleman from Arizona (Mr. FLAKE) that called on EPA not to have a burdensome process when they grant a state flexibility in handling an exceptional event that caused a violation, and he argued we didn't need a burdensome process to get to that result.

This additional burdensome process imposed by this amendment is also unnecessary. According to the GAO, the requirements already in place are quote, "clearly voluminous and require a wide range of procedural, consultative, and analytical action on the part of the agencies."

This amendment appears to ignore this well-established process and, instead, would add another burdensome layer to the already lengthy review. It serves no purpose. It bogs down the agency. It creates more bureaucracy. It costs more money. It does not accomplish anything. And insofar as it accomplishes anything, it just stalls the agency from acting in only one area—agriculture.

I urge my colleagues to oppose this amendment as well as oppose the underlying bill.

I reserve the balance of my time.

Mr. SCHOCK. May I inquire as to how much time remains?

The CHAIR. The gentleman from Illinois has 1½ minutes remaining.

Mr. SCHOCK. Thank you, Mr. Chairman.

I would respond to my friend from California with a couple points.

First of all, we did have the opportunity to apply a similar rule to the entire bureaucracy. We passed that yesterday. It's called the REINS Act.

But with regard to specifically pointing out agency by agency, a similar amendment passed earlier this year to the clean water bill, the Clean Water Act, that had bipartisan support, and I would certainly hope that this amendment would as well.

To the concern about expense, I can't imagine what's more expensive than putting Americans out of work. I can't think of what's more expensive than asking American farmers to come up with more cash and more expenses because of bureaucrats' new rules in Washington, D.C.

Finally, this does not prohibit the agency from doing anything. It just requires the agency to know what they're doing, the impact on jobs, and that to be known by the farmers, the State, the congressional delegation, and certainly the bureaucrats at the EPA.

With that, I yield 1 minute to my friend from Colorado (Mr. GARDNER).

Mr. GARDNER. I thank the gentleman from Illinois for this amendment.

It's ironic that the opposition to this amendment characterizes the amendment as a burden. However, the burden being placed, I would suggest, if it's a burden at all, is on the EPA, the EPA who actually has to take a look at whether or not this is impacting jobs before the regulation is promulgated.

How about that? We actually do something around this place that takes a burden off the private sector and makes government do their job to make sure they're not hurting jobs in private industry.

You know, this is an amendment that makes absolute common sense, to look before you leap, to make sure that you understand the impacts of a regulation before you issue it, and that's why I support this amendment.

The CHAIR. The time of the gentleman from Illinois has expired.

Mr. WAXMAN. Mr. Chairman, how much time do I have?

The CHAIR. The gentleman from California has 2 minutes remaining.

Mr. WAXMAN. Mr. Chairman, the EPA goes through an incredible analysis now, the costs and the benefits and all the other considerations. It's appropriate. To add another review of regulations at EPA is to require paralysis by analysis, and perhaps that's the objective of the amendment.

The gentleman from Illinois (Mr. SCHOCK) has said he can't imagine anything more expensive than what this regulation might do to farmers. Well, I'll tell you something that's more expensive: Tax breaks for zillionaires, billionaires, and millionaires is a lot more expensive than requiring EPA to do even more.

Let's not burden the agency with reviews only for one sector that add nothing to the analysis that they already achieved before they adopt any regulation. And these regulations that are already in effect now are not costing jobs.

This whole bill is supposed to prevent regulations that had not even been adopted. And we're not losing jobs because of that. We're losing jobs because our economy is not functioning, because we don't have a willingness by the Republicans to stimulate this economy, get people back to work and get jobs for those who need them.

I oppose this amendment, and I yield back the balance of my time.

The CHAIR. The question is on the amendment offered by the gentleman from Illinois (Mr. SCHOCK).

The amendment was agreed to.

AMENDMENT NO. 8 OFFERED BY MR. AL GREEN  
OF TEXAS

The CHAIR. It is now in order to consider amendment No. 8 printed in House Report 112-317.

Mr. AL GREEN of Texas. Mr. Chairman, I have an amendment at the desk.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

At the end of the bill, add the following section:

**SEC. 4. REPORT ON EFFECT ON JOBS.**

Not later than 180 days after the date of enactment of this Act, the Administrator of the Environmental Protection Agency shall transmit to Congress a report estimating the increase or decrease in the number of jobs in the United States that will occur as a result of the enactment of this Act (including the amendment to the Clean Air Act (42 U.S.C. 7401 et seq.) made by section 3 of this Act).

The CHAIR. Pursuant to House Resolution 487, the gentleman from Texas (Mr. AL GREEN) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Texas.

Mr. AL GREEN of Texas. Mr. Chairman, I yield myself such time as I may consume.

There has been much debate as to whether this bill will create or save jobs. There is much speculation based on whether this bill will create or save jobs. When you have few facts, you, generally speaking, can have much speculation. This amendment addresses speculation.

There is some sense in this country that our approval rating is low in Congress because of much speculation. Speculation can breed distrust. Speculation can lead to fact-free debate, a term my good friend, EMANUEL CLEAVER, Representative from Missouri, uses—fact-free debate.

This amendment can help us eliminate fact-free debate. This amendment contains less than 100 words, and it addresses the elimination of fact-free debate. It reads:

Not later than 180 days after the date of enactment of this act, the Administrator of the Environmental Protection Agency shall transmit to Congress a report estimating the increase or decrease in the number of jobs in the United States that will occur as a result of the enactment of this act.

This amendment eliminates fact-free debates and speculation. So if you really want to eliminate fact-free debates and speculation, then you should support this amendment.

If you believe that this bill really does create or save jobs, then you should support this amendment.

If you believe that Carlisle is right, that no lie can live forever, and this will eliminate the possibility of things being done with malice aforethought, you should support this amendment.

If you believe that William Cullen Bryant is right, that truth, when crushed to Earth, can rise again, you should support this amendment, because this amendment will help us to reveal what the truth is.

If you believe that fact-free debates ought to be eliminated, you ought to support this amendment.

I reserve the balance of my time.

Mr. GARDNER. I rise in opposition to the amendment.

The CHAIR. The gentleman from Colorado is recognized for 5 minutes.



Mr. GARDNER. Mr. Chairman, I yield myself such time as I may consume.

The question I have on that—I understand the confusion about jobs in the EPA. I think there is a great deal of confusion when it comes to whether or not the EPA is considering jobs in their analysis.

The administration has issued an Executive order. We have actually, through the Energy and Commerce Committee, held a number of hearings on the Executive order that says, hey, you need to take a look at the impact on jobs when a regulation is promulgated.

We have had testimony from various officials at the EPA talking about whether or not they look at jobs.

□ 1320

There seems to be a great deal of confusion at the EPA about whether they actually care about jobs. But the problem is we ought to take a look at those jobs before the regulation is issued. That's exactly what the amendment did that we just passed by Mr. SCHOCK. Addressing jobs, clearly, is not the expertise of the EPA. In fact, just ask assistant administrator Mathy Stanislaus, who came before our committee and testified that, indeed, when they issued a regulation, they didn't take a look at the jobs impact, even though about 30 seconds before in his statement he said that they did take a look at the impact on jobs.

To the extent the EPA does comment on the jobs impact of its regulatory agenda, it has been widely criticized for understanding the potential for job losses, or for even making farfetched claims that the regulations create jobs. At one time we had a hearing with Gina McCarthy, assistant administrator of the EPA, who testified for every \$1 million in regulations, it creates 1.5 jobs; 1.5 jobs for every \$1 million in cost of a regulation. That's their idea of a job-creating idea or activity.

State, local, and tribal governments will be able to enforce their own dust regulations in a way that makes sense for local conditions, including on jobs and the economy.

We don't need to spend money on a study to know that avoiding overregulation will benefit the economy. Avoiding overregulation will benefit the economy. Regulations—1.5 jobs for every \$1 million. That's the kind of math that my constituents, many constituents across this country, simply don't understand.

I reserve the balance of my time.

Mr. AL GREEN of Texas. Mr. Chairman, how much time do I have?

The CHAIR. The gentleman has 2½ minutes remaining.

Mr. AL GREEN of Texas. Thank you.

It is an opinion, well stated, and I appreciate the opinion that has been well

stated. However, the best way to ascertain whether jobs are being created or eliminated is to utilize empirical evidence, empirical evidence developed after the fact as opposed to before the actual implementation of the bill.

If you believe, and I believe your heart's in the right place, if you believe that this is an opportunity for us to dispel any myths, to dispel any speculation, then let's have a study done after the bill has passed and after there has been some time for implementation.

I'm willing to extend the time. I'm willing to have GAO do the study. My heart's in the right place. I want us to have proof positive that this bill does or does not eliminate jobs. I want to eliminate the speculation.

I believe I have enough time left to engage my friend in a colloquy.

How much time do I have, Mr. Chairman?

The CHAIR. The gentleman has 1½ minutes remaining.

Mr. AL GREEN of Texas. I yield to my friend from Colorado.

Mr. GARDNER. Thank you very much for the time and consideration. Again, we did adopt an amendment that actually takes a look at the regulation before it's offered.

Mr. AL GREEN of Texas. Reclaiming my time for just a moment, you say before. You see, empirical evidence under the scientific method is best acquired after you have the actual evidence. So what you would do is utilize speculation to come to a conclusion and then call that a fact. This would eliminate speculation.

I yield to the gentleman.

Mr. GARDNER. I think I know that if I stub my toe, it's going to hurt before I do it. We ought to be able to check out whether or not it's going to cost jobs before we do it.

Mr. AL GREEN of Texas. Reclaiming my time, the question is whether you will actually have the opportunity to hurt your toe, as you put it. There is no need to avoid things that don't exist. Let us get the actual raw empirical evidence and use that to draw our conclusions as to whether this bill creates or saves jobs.

I yield to the gentleman.

Mr. GARDNER. I thank the gentleman.

The empirical evidence that I go on comes from the groups in Colorado that know this issue the best—the farmers and ranchers that I represent. Here's just a listing of a few of the organizations that support this bill as it stands.

Mr. AL GREEN of Texas. Reclaiming my time, because supporting something is not empirical evidence as to whether or not it will do a certain thing. I respect all who are supporting it.

By the way, I don't disrespect you. I believe your heart is in the right place.

What I'm trying to get you to see is if you utilize the scientific method, you will get your empirical evidence after you have given this an opportunity to be enacted.

I yield back the balance of my time.

Mr. GARDNER. Mr. Chairman, I yield myself the balance of my time.

Again, I would just like to continue with a list of overwhelming support from those in my district that believe this will, indeed, cost jobs. We've adopted an amendment that says hey, let's take a look at it before it goes into effect. The Colorado agriculture organizations, including the Colorado Association of Wheat Growers, the Colorado Cattlemen's Association, the Colorado Corn Growers, the Colorado Lamb Council, the Colorado Livestock Association, the Colorado Pork Producers Council, the Colorado Potato Administrative Committee, the Colorado Sheep and Wool Authority, the Colorado Wool Growers Authority, and the Colorado Farm Bureau, these are organizations that will work each and every day under this regulation. And perhaps the EPA says hey, you know what, we're not going to do this right now, but they are very concerned.

Mr. AL GREEN of Texas. Will the gentleman yield?

Mr. GARDNER. I yield to the gentleman from Texas.

Mr. AL GREEN of Texas. With all due respect, the world is larger than Colorado, and there are other States and other organizations.

Mr. GARDNER. Reclaiming my time, I understand there are some big concerns from Boston, there are concerns in Houston, and there are some concerns in Los Angeles; but, I can tell you in rural Colorado, in rural America, there are grave concerns that there are many people in this body that think their concerns over farm dust are nothing more than concerns over pixie dust.

I would just close with this argument.

Mr. AL GREEN of Texas. Will the gentleman yield?

Mr. GARDNER. I yield to the gentleman.

Mr. AL GREEN of Texas. In my city we have a rock-crushing company. It yields dust, particulate matter. That is something that is a concern to rural people as well.

Mr. GARDNER. Reclaiming my time, the gentleman will recognize that State, local, and tribal governments will be able to enforce their own dust regulations according to local conditions. So I understand where you're coming from. I would just oppose this amendment. I believe that we need to get on to the underlying bill and adopt the underlying bill so that we can move forward, creating jobs, making sure that we're not killing jobs, and do what's right for this country when it comes to our economy.



I yield back the balance of my time.  
The CHAIR. The question is on the amendment offered by the gentleman from Texas (Mr. AL GREEN).

The question was taken; and the Chair announced that the noes appeared to have it.

Mr. AL GREEN of Texas. I demand a recorded vote.

The CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Texas will be postponed.

#### ANNOUNCEMENT BY THE CHAIR

The CHAIR. Pursuant to clause 6 of rule XVIII, proceedings will now resume on those amendments printed in House Report 112-317 on which further proceedings were postponed, in the following order:

Amendment No. 1 by Mr. RUSH of Illinois.

Amendment No. 2 by Mrs. CHRISTENSEN of the Virgin Islands.

Amendment No. 4 by Mr. MARKEY of Massachusetts.

Amendment No. 5 by Mr. WAXMAN of California.

Amendment No. 8 by Mr. AL GREEN of Texas.

The Chair will reduce to 2 minutes the minimum time for any electronic vote after the first vote in this series.

#### AMENDMENT NO. 1 OFFERED BY MR. RUSH

The CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Illinois (Mr. RUSH) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

#### RECORDED VOTE

The CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 150, noes 255, not voting 28, as follows:

[Roll No. 906]

#### AYES—150

Ackerman	Connolly (VA)	Grijalva
Andrews	Conyers	Gutierrez
Baca	Courtney	Hahn
Baldwin	Crowley	Hanabusa
Bass (CA)	Cummings	Hastings (FL)
Berkley	Davis (CA)	Heinrich
Berman	DeFazio	Higgins
Bishop (NY)	DeGette	Himes
Blumenauer	DeLauro	Hinojosa
Brady (PA)	Deutch	Hirono
Brown (FL)	Dicks	Holt
Butterfield	Dingell	Honda
Capps	Doggett	Hoyer
Capuano	Doyle	Inslee
Carnahan	Edwards	Israel
Carney	Ellison	Jackson Lee
Carson (IN)	Eshoo	(TX)
Chu	Farr	Johnson (GA)
Cicilline	Fattah	Johnson, E. B.
Clarke (MI)	Filner	Kaptur
Clarke (NY)	Frank (MA)	Keating
Clay	Garamendi	Kildee
Cleaver	Gonzalez	Kucinich
Clyburn	Green, Al	Langevin
Cohen	Green, Gene	Larsen (WA)

Larson (CT)	Pascarell	Scott, David
Lee (CA)	Pastor (AZ)	Serrano
Levin	Payne	Sherman
Lewis (GA)	Pelosi	Sires
Lipinski	Perlmutter	Slaughter
Lofgren, Zoe	Peters	Speier
Lowey	Pingree (ME)	Stark
Lujan	Polis	Sutton
Lynch	Price (NC)	Thompson (CA)
Maloney	Quigley	Thompson (MS)
Markey	Rangel	Tierney
Matsui	Reyes	Tonko
McCarthy (NY)	Richardson	Towns
McCollum	Richmond	Tsongas
McDermott	Rothman (NJ)	Van Hollen
McGovern	Roybal-Allard	Velázquez
McNerney	Ruppersberger	Visclosky
Meeks	Rush	Wasserman
Michaud	Sánchez, Linda	Schultz
Miller (NC)	T.	Waters
Moore	Sanchez, Loretta	Watt
Moran	Sarbanes	Waxman
Murphy (CT)	Schakowsky	Welch
Napolitano	Schiff	Wilson (FL)
Neal	Schwartz	Woolsey
Pallone	Scott (VA)	Yarmuth

#### NOES—255

Adams	Duncan (TN)	Lance
Aderholt	Ellmers	Landry
Akin	Emerson	Lankford
Alexander	Farenthold	Latham
Altmire	Fincher	LaTourette
Amash	Fitzpatrick	Latta
Amodei	Flake	Lewis (CA)
Austria	Fleischmann	LoBiondo
Bachus	Fleming	Loeback
Barletta	Flores	Long
Barrow	Forbes	Lucas
Bartlett	Fortenberry	Luetkemeyer
Barton (TX)	Fox	Lummis
Bass (NH)	Franks (AZ)	Lungren, Daniel
Benishek	Frelinghuysen	E.
Berg	Gallegly	Mack
Biggart	Gardner	Manzullo
Bilbray	Garrett	Marchant
Bishop (GA)	Gerlach	Marino
Bishop (UT)	Gibbs	Matheson
Black	Gibson	McCarthy (CA)
Blackburn	Gingrey (GA)	McCauley
Bonner	Gohmert	McClintock
Bono Mack	Goodlatte	McCotter
Boren	Gosar	McHenry
Boswell	Gowdy	McIntyre
Boustany	Graves (GA)	McKinley
Brady (TX)	Graves (MO)	McMorris
Braley (IA)	Griffin (AR)	Rodgers
Brooks	Griffith (VA)	Meehan
Broun (GA)	Grimm	Mica
Buchanan	Guinta	Miller (FL)
Bucshon	Guthrie	Miller (MI)
Buerkle	Hall	Miller, Gary
Burgess	Hanna	Mulvaney
Burton (IN)	Harper	Murphy (PA)
Calvert	Harris	Noem
Camp	Hartzler	Nunes
Canseco	Hastings (WA)	Nunnelee
Cantor	Hayworth	Olson
Capito	Heck	Palazzo
Cardoza	Hensarling	Paulsen
Carter	Herger	Pearce
Cassidy	Herrera Beutler	Pence
Chabot	Hochul	Peterson
Chaffetz	Holden	Petri
Chandler	Huelskamp	Pitts
Coffman (CO)	Huizenga (MI)	Platts
Cole	Hultgren	Poe (TX)
Conaway	Hunter	Pompeo
Cooper	Hurt	Posey
Costa	Issa	Price (GA)
Costello	Jenkins	Quayle
Cravaack	Johnson (IL)	Reed
Crawford	Johnson (OH)	Rehberg
Crenshaw	Johnson, Sam	Reichert
Critz	Jones	Renacci
Cuellar	Jordan	Ribble
Culberson	Kelly	Rigell
Davis (KY)	Kind	Rivera
Denham	King (IA)	Roby
Dent	King (NY)	Roe (TN)
DesJarlais	Kingston	Rogers (AL)
Donnelly (IN)	Kinzinger (IL)	Rogers (KY)
Dreier	Kissell	Rogers (MI)
Duffy	Kline	Rohrabacher
Duncan (SC)	Lamborn	Rokita

Rooney	Shimkus	Upton
Ros-Lehtinen	Shuler	Walberg
Roskam	Shuster	Walden
Ross (AR)	Simpson	Walsh (IL)
Ross (FL)	Smith (NE)	Walz (MN)
Royce	Smith (NJ)	Webster
Runyan	Smith (TX)	West
Ryan (WI)	Southerland	Westmoreland
Scalise	Stearns	Whitfield
Schilling	Stivers	Wilson (SC)
Schmidt	Stutzman	Wittman
Schock	Sullivan	Wolf
Schrader	Terry	Womack
Schweikert	Thompson (PA)	Woodall
Scott (SC)	Thornberry	Yoder
Scott, Austin	Tiberi	Young (AK)
Sensenbrenner	Tipton	Young (FL)
Sessions	Turner (NY)	Young (IN)
Sewell	Turner (OH)	

#### NOT VOTING—28

Bachmann	Fudge	Neugebauer
Becerra	Giffords	Nugent
Bilirakis	Granger	Olver
Campbell	Hinchey	Owens
Castor (FL)	Jackson (IL)	Paul
Coble	Labrador	Rahall
Davis (IL)	McKeon	Ryan (OH)
Diaz-Balart	Miller, George	Smith (WA)
Dold	Myrick	
Engel	Nadler	

#### □ 1351

Messrs. SCHWEIKERT, ALTMIRE, GRIFFIN of Arkansas and SULLIVAN changed their vote from “aye” to “no.”

Mr. GRIJALVA and Ms. SPEIER changed their vote from “no” to “aye.”

So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated for:

Mr. BECERRA. Mr. Chair, earlier today I was unavoidably detained and missed rollcall vote 906. If present, I would have voted “aye” on rollcall vote 906.

Stated against:

Mr. DOLD. Mr. Chair, on rollcall No. 906 I was unavoidably detained. Had I been present, I would have voted “no.”

#### AMENDMENT NO. 2 OFFERED BY MRS. CHRISTENSEN

The CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from the Virgin Islands (Mrs. CHRISTENSEN) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

#### RECORDED VOTE

The CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIR. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 159, noes 250, not voting 24, as follows:

[Roll No. 907]

#### AYES—159

Ackerman	Bishop (NY)	Carnahan
Andrews	Blumenauer	Carney
Baca	Brady (PA)	Carson (IN)
Baldwin	Braley (IA)	Chu
Bass (CA)	Brown (FL)	Cicilline
Becerra	Butterfield	Clarke (MI)
Berkley	Capps	Clarke (NY)
Berman	Capuano	Clay

Cleaver	Jackson Lee	Price (NC)	Lungren, Daniel	Pompeo	Shimkus	Carson (IN)	Honda	Polis
Clyburn	(TX)	Quigley	E.	Posey	Shuler	Chandler	Hoyer	Price (NC)
Cohen	Johnson (GA)	Rangel	Mack	Price (GA)	Shuster	Chu	Inslée	Quigley
Connolly (VA)	Johnson, E. B.	Reyes	Manzullo	Quayle	Simpson	Cicilline	Israel	Rangel
Conyers	Kaptur	Richmond	Marchant	Reed	Smith (NE)	Clarke (MI)	Jackson Lee	Reichert
Cooper	Keating	Rothman (NJ)	Marino	Rehberg	Smith (NJ)	Clarke (NY)	(TX)	Reyes
Courtney	Kildee	Roybal-Allard	Matheson	Reichert	Smith (TX)	Clay	Johnson (GA)	Richardson
Crowley	Kind	Ruppersberger	McCarthy (CA)	Renacci	Southerland	Cleaver	Johnson, E. B.	Richmond
Cummings	Kucinich	Rush	McCaul	Ribble	Stearns	Clyburn	Kaptur	Rothman (NJ)
Davis (CA)	Langevin	Ryan (OH)	McClintock	Richardson	Stivers	Cohen	Keating	Roybal-Allard
DeFazio	Larsen (WA)	Sánchez, Linda	McCotter	Rigell	Stutzman	Connolly (VA)	Kildee	Ruppersberger
DeGette	Larson (CT)	T.	McHenry	Rivera	Sullivan	Conyers	Kind	Rush
DeLauro	Lee (CA)	Sanchez, Loretta	McIntyre	Roby	Terry	Cooper	Kucinich	Ryan (OH)
Deutch	Levin	Sarbanes	McKeon	Roe (TN)	Thornberry	Costello	Langevin	Sánchez, Linda
Dicks	Lewis (GA)	Schakowsky	McKinley	Rogers (AL)	Tiberi	Courtney	Larsen (WA)	T.
Dingell	Lipinski	Schiff	McMorris	Rogers (KY)	Tipton	Crowley	Larson (CT)	Sanchez, Loretta
Doggett	Loeb sack	Schwartz	Rodgers	Rogers (MI)	Turner (NY)	Cuellar	Lee (CA)	Sarbanes
Doyle	Lofgren, Zoe	Scott (VA)	Meehan	Rohrabacher	Turner (OH)	Cummings	Levin	Schakowsky
Edwards	Lowey	Scott, David	Mica	Rokita	Upton	Davis (CA)	Lewis (GA)	Schiff
Ellison	Luján	Serrano	Miller (FL)	Rooney	Walberg	DeFazio	Lipinski	Schrader
Engel	Lynch	Sherman	Miller (MI)	Ros-Lehtinen	Walden	DeGette	Loeb sack	Schwartz
Eshoo	Maloney	Sires	Miller, Gary	Roskam	Walsh (IL)	DeLauro	Lofgren, Zoe	Scott (VA)
Farr	Markey	Slaughter	Mulvaney	Ross (AR)	Walz (MN)	Deutch	Lowey	Scott, David
Fattah	Matsui	Smith (WA)	Murphy (PA)	Ross (FL)	Webster	Dicks	Luján	Serrano
Filner	McCarthy (NY)	Speier	Noem	Royce	West	Dingell	Lynch	Sherman
Frank (MA)	McCollum	Stark	Nugent	Runyan	Westmoreland	Doggett	Maloney	Shuler
Garamendi	McDermott	Sutton	Nunes	Ryan (WI)	Whitfield	Doyle	Markay	Sires
Gonzalez	McGovern	Thompson (CA)	Nunnelee	Scalise	Wilson (SC)	Edwards	Matsui	Slaughter
Green, Al	McNerney	Thompson (MS)	Olson	Schilling	Wittman	Ellison	McCarthy (NY)	Smith (WA)
Green, Gene	Meeks	Thompson (PA)	Palazzo	Schmidt	Wolf	Engel	McCollum	Speier
Grijalva	Michaud	Tierney	Paulsen	Schock	Womack	Eshoo	McDermott	Stark
Gutierrez	Miller (NC)	Tonko	Pearce	Schrader	Woodall	Farr	McGovern	Sutton
Hahn	Moore	Towns	Pence	Schweikert	Yoder	Fattah	McNerney	Thompson (CA)
Hanabusa	Moran	Tsongas	Peterson	Scott (SC)	Young (AK)	Filner	Meeks	Thompson (MS)
Hastings (FL)	Murphy (CT)	Van Hollen	Petri	Scott, Austin	Young (FL)	Frank (MA)	Michaud	Tierney
Heinrich	Napolitano	Velázquez	Pitts	Sensenbrenner	Sewell	Garamendi	Miller (NC)	Tonko
Higgins	Neal	Visclosky	Platts	Sessions	Miller, George	Gonzalez	Moore	Towns
Himes	Pallone	Wasserman	Poe (TX)	Sewell	Myrick	Green, Al	Moran	Tsongas
Hinojosa	Pascarell	Schultz			Nadler	Green, Gene	Murphy (CT)	Van Hollen
Hirono	Pastor (AZ)	Waters			Neugebauer	Grijalva	Napolitano	Velázquez
Hochul	Payne	Watt	Amodei	Forbes	Olver	Gutierrez	Neal	Visclosky
Holt	Pelosi	Waxman	Bachmann	Franks (AZ)	Owens	Hahn	Owens	Wasserman
Honda	Perlmutter	Welch	Campbell	Fudge	Paul	Hanabusa	Pallone	Schultz
Hoyer	Peters	Wilson (FL)	Cardoza	Giffords	Rahall	Hastings (FL)	Pascarell	Waters
Inslee	Pingree (ME)	Woolsey	Castor (FL)	Gingrey (GA)		Heinrich	Pastor (AZ)	Watt
Israel	Polis	Yarmuth	Coble	Hinchev		Higgins	Payne	Waxman
			Davis (IL)	Jackson (IL)		Himes	Pelosi	Welch
			Diaz-Balart	LaTourette		Hinojosa	Perlmutter	Wilson (FL)
						Hochul	Peters	Woolsey
						Holt	Pingree (ME)	Yarmuth

## NOES—250

Adams	Conaway	Guinta
Aderholt	Costa	Guthrie
Akin	Costello	Hall
Alexander	Cravaack	Hanna
Altmire	Crawford	Harper
Amash	Crenshaw	Harris
Austria	Critz	Hartzler
Bachus	Cuellar	Hastings (WA)
Barletta	Culberson	Hayworth
Barrow	Davis (KY)	Heck
Bartlett	Denham	Hensarling
Barton (TX)	Dent	Herger
Bass (NH)	DesJarlais	Herrera Beutler
Benishkek	Dold	Holden
Berg	Donnelly (IN)	Huelskamp
Biggart	Dreier	Huizenga (MI)
Bilbray	Duffy	Hultgren
Bilirakis	Duncan (SC)	Hunter
Bishop (GA)	Duncan (TN)	Hurt
Bishop (UT)	Ellmers	Issa
Black	Emerson	Jenkins
Blackburn	Farenthold	Johnson (IL)
Bonner	Fincher	Johnson (OH)
Bono Mack	Fitzpatrick	Johnson, Sam
Boren	Flake	Jones
Boswell	Fleischmann	Jordan
Boustany	Fleming	Kelly
Brady (TX)	Flores	King (IA)
Brooks	Fortenberry	King (NY)
Broun (GA)	Fox	Kingston
Buchanan	Frelinghuysen	Kinzing (IL)
Bucshon	Gallely	Kissell
Buerkle	Gardner	Kline
Burgess	Garrett	Labrador
Burton (IN)	Gerlach	Lamborn
Calvert	Gibbs	Lance
Camp	Gibson	Landry
Canseco	Gohmert	Lankford
Cantor	Goodlatte	Latham
Capito	Gosar	Latta
Carter	Gowdy	Lewis (CA)
Cassidy	Granger	LoBiondo
Chabot	Graves (GA)	Long
Chaffetz	Graves (MO)	Lucas
Chandler	Griffin (AR)	Luetkemeyer
Coffman (CO)	Griffith (VA)	Lummis
Cole	Grimm	

ANNOUNCEMENT BY THE CHAIR  
The CHAIR (during the vote). There is 1 minute remaining.

□ 1355

So the amendment was rejected.  
The result of the vote was announced as above recorded.

AMENDMENT NO. 4 OFFERED BY MR. MARKEY  
The CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Massachusetts (Mr. MARKEY) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

## RECORDED VOTE

The CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIR. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 165, noes 249, not voting 19, as follows:

[Roll No. 908]

## AYES—165

Ackerman	Berkley	Brown (FL)
Andrews	Berman	Butterfield
Baca	Bishop (NY)	Capps
Baldwin	Blumenauer	Capuano
Bass (CA)	Brady (PA)	Carnahan
Becerra	Braley (IA)	Carney

## NOES—249

Adams	Chabot	Goodlatte
Aderholt	Chaffetz	Gosar
Akin	Coffman (CO)	Gowdy
Alexander	Cole	Granger
Altmire	Conaway	Graves (GA)
Amash	Costa	Graves (MO)
Amodei	Cravaack	Griffin (AR)
Austria	Crawford	Griffith (VA)
Bachus	Crenshaw	Grimm
Barletta	Critz	Guinta
Barrow	Culberson	Guthrie
Bartlett	Davis (KY)	Hall
Barton (TX)	Denham	Hanna
Bass (NH)	Dent	Harper
Benishkek	DesJarlais	Harris
Berg	Dold	Hartzler
Biggart	Donnelly (IN)	Hastings (WA)
Bilbray	Dreier	Hayworth
Bilirakis	Duffy	Heck
Bishop (GA)	Duncan (SC)	Hensarling
Bishop (UT)	Duncan (TN)	Herger
Black	Ellmers	Herrera Beutler
Blackburn	Emerson	Holden
Bonner	Farenthold	Huelskamp
Bono Mack	Fincher	Huizenga (MI)
Boren	Fitzpatrick	Hultgren
Boswell	Flake	Hunter
Brady (TX)	Fleischmann	Hurt
Brooks	Fleming	Issa
Broun (GA)	Flores	Jenkins
Buchanan	Forbes	Johnson (IL)
Bucshon	Fortenberry	Johnson (OH)
Buerkle	Fox	Johnson, Sam
Burgess	Franks (AZ)	Jones
Burton (IN)	Frelinghuysen	Jordan
Calvert	Gallely	Kelly
Camp	Gardner	King (IA)
Canseco	Garrett	King (NY)
Cantor	Gerlach	Kingston
Capito	Gibbs	Kinzing (IL)
Cardoza	Gibson	Kissell
Carter	Gingrey (GA)	Kline
Cassidy	Gohmert	Labrador

Lamborn  
Lance  
Landry  
Lankford  
Latham  
LaTourette  
Latta  
Lewis (CA)  
LoBiondo  
Long  
Lucas  
Luetkemeyer  
Lummis  
Lungren, Daniel E.  
Mack  
Manzullo  
Marchant  
Marino  
Matheson  
McCarthy (CA)  
McCaul  
McClintock  
McCotter  
McHenry  
McIntyre  
McKeon  
McKinley  
McMorris  
Rodgers  
Meehan  
Mica  
Miller (MI)  
Miller, Gary  
Mulvaney  
Murphy (PA)  
Neugebauer  
Noem  
Nugent  
Nunes  
Nunnelee

Olson  
Palazzo  
Paulsen  
Pearce  
Pence  
Peterson  
Petri  
Pitts  
Platts  
Poe (TX)  
Pompeo  
Posey  
Price (GA)  
Quayle  
Reed  
Rehberg  
Renacci  
Ribble  
Rigell  
Rivera  
Robby  
Roe (TN)  
Rogers (AL)  
Rogers (KY)  
Rogers (MI)  
Rohrabacher  
Rokita  
Rooney  
Ros-Lehtinen  
Roskam  
Ross (AR)  
Ross (FL)  
Royce  
Runyan  
Ryan (WI)  
Scalise  
Schilling  
Schmidt  
Schock  
Schweikert  
Scott (SC)

Scott, Austin  
Sensenbrenner  
Sessions  
Sewell  
Shimkus  
Shuster  
Simpson  
Smith (NE)  
Smith (NJ)  
Smith (TX)  
Southernland  
Stearns  
Stivers  
Stutzman  
Sullivan  
Terry  
Thompson (PA)  
Thornberry  
Tiberi  
Tipton  
Turner (NY)  
Turner (OH)  
Upton  
Walberg  
Walden  
Walsh (IL)  
Walz (MN)  
Webster  
West  
Westmoreland  
Whitfield  
Wilson (SC)  
Wittman  
Wolf  
Womack  
Woodall  
Yoder  
Young (AK)  
Young (FL)  
Young (IN)

## NOT VOTING—19

Bachmann  
Boustany  
Campbell  
Castor (FL)  
Coble  
Davis (IL)  
Diaz-Balart

Fudge  
Giffords  
Hinchey  
Hirono  
Jackson (IL)  
Miller (FL)  
Miller, George

Myrick  
Nadler  
Olver  
Paul  
Rahall

## ANNOUNCEMENT BY THE CHAIR

The CHAIR (during the vote). There is 1 minute remaining.

□ 1358

So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated against:

Mr. MILLER of Florida. Mr. Chair, on rollcall No. 908, had I been present, I would have voted “no.”

## AMENDMENT NO. 5 OFFERED BY MR. WAXMAN

The CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from California (Mr. WAXMAN) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

## RECORDED VOTE

The CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIR. This is a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 158, noes 257, not voting 18, as follows:

[Roll No. 909]

## AYES—158

Ackerman  
Andrews  
Baca  
Baldwin  
Bass (CA)  
Becerra  
Berkley  
Berman  
Bishop (NY)  
Brady (PA)  
Braley (IA)  
Brown (FL)  
Butterfield  
Capps  
Capuano  
Carnahan  
Carney  
Carson (IN)  
Chu  
Cicilline  
Kildee  
Kind  
Kucinich  
Schiff  
Larsen (WA)  
Larson (CT)  
Lee (CA)  
Levin  
Lewis (GA)  
Lipinski  
Lofgren, Zoe  
Lowey  
Lujan  
Lynch  
Maloney  
Markley  
Matsui  
McCarthy (NY)  
McCollum  
McDermott  
McGovern  
McNerney  
Meeks  
Michaud  
Miller (NC)  
Moore  
Moran  
Murphy (CT)  
Napolitano  
Neal  
Olver  
Owens  
Pallone  
Pascarell

Grijalva  
Gutierrez  
Hahn  
Hanabusa  
Hanna  
Hastings (FL)  
Heinrich  
Higgins  
Himes  
Hinojosa  
Hirono  
Holt  
Honda  
Hoyer  
Inslee  
Israel  
Johnson (GA)  
Johnson, E. B.  
Kaptur  
Keating  
Kildee  
Kind  
Kucinich  
Schiff  
Larsen (WA)  
Larson (CT)  
Lee (CA)  
Levin  
Lewis (GA)  
Lipinski  
Lofgren, Zoe  
Lowey  
Lujan  
Lynch  
Maloney  
Markley  
Matsui  
McCarthy (NY)  
McCollum  
McDermott  
McGovern  
McNerney  
Meeks  
Michaud  
Miller (NC)  
Moore  
Moran  
Murphy (CT)  
Napolitano  
Neal  
Olver  
Owens  
Pallone  
Pascarell

Payne  
Pelosi  
Peters  
Pingree (ME)  
Polis  
Price (NC)  
Quigley  
Rangel  
Reichert  
Reyes  
Richardson  
Jones  
Richmond  
Rothman (NJ)  
Roybal-Allard  
Ruppersberger  
Rush  
Ryan (OH)  
Sanchez, Linda T.  
Sanchez, Loretta  
Sarbanes  
Schakowsky  
Schiff  
Schrader  
Schwartz  
Scott (VA)  
Scott, David  
Serrano  
Sherman  
Sires  
Slaughter  
Smith (WA)  
Speier  
Stark  
Sutton  
Thompson (CA)  
Thompson (MS)  
Tonko  
Townes  
Tsongas  
Van Hollen  
Velázquez  
Visclosky  
Wasserman  
Schultz  
Waters  
Watt  
Waxman  
Welch  
Wilson (FL)  
Woolsey  
Yarmuth

## NOES—257

Adams  
Aderholt  
Akin  
Alexander  
Altmire  
Amash  
Amodei  
Austria  
Bachus  
Barletta  
Barrow  
Bartlett  
Barton (TX)  
Bass (NH)  
Benishke  
Berg  
Biggert  
Bilbray  
Bilirakis  
Bishop (GA)  
Bishop (UT)  
Black  
Blackburn  
Blumenauer  
Bonner  
Bono Mack  
Boren  
Boswell  
Boustany  
Brady (TX)  
Brooks  
Broun (GA)  
Buchanan  
Bucshon  
Buerkle  
Burgess

Burton (IN)  
Calvert  
Camp  
Canseco  
Cantor  
Capito  
Cardoza  
Carter  
Cassidy  
Chabot  
Chaffetz  
Chandler  
Coffman (CO)  
Cole  
Conaway  
Costa  
Costello  
Cravack  
Crawford  
Crenshaw  
Critz  
Culberson  
Davis (KY)  
Denham  
Dent  
DesJarlais  
Dold  
Donnelly (IN)  
Dreier  
Duffy  
Duncan (SC)  
Duncan (TN)  
Ellmers  
Emerson  
Farenthold  
Fincher

Fitzpatrick  
Flake  
Fleischmann  
Fleming  
Flores  
Forbes  
Fortenberry  
Foxy  
Franks (AZ)  
Frelinghuysen  
Gallegly  
Gardner  
Gerlach  
Gibbs  
Gibson  
Gingrey (GA)  
Gohmert  
Goodlatte  
Gosar  
Gowdy  
Granger  
Graves (GA)  
Graves (MO)  
Griffin (AR)  
Griffith (VA)  
Grimm  
Guinta  
Guthrie  
Hall  
Harper  
Harris  
Hartzler  
Hastings (WA)  
Hayworth  
Heck  
Hensarling

Herger  
Herrera Beutler  
Hochul  
Holden  
Huelskamp  
Huizenga (MI)  
Hultgren  
Hunter  
Hurt  
Issa  
Jenkins  
Johnson (IL)  
Johnson (OH)  
Johnson, Sam  
Jones  
Jordan  
Kelly  
King (IA)  
King (NY)  
Kingston  
Kinzinger (IL)  
Kissell  
Kline  
Labrador  
Lamborn  
Lance  
Landry  
Lankford  
Latham  
LaTourette  
Latta  
Lewis (CA)  
LoBiondo  
Loebach  
Long  
Lucas  
Luetkemeyer  
Lummis  
Lungren, Daniel E.  
Mack  
Manzullo  
Marchant  
Marino  
Matheson  
McCarthy (CA)  
McCaul  
McClintock  
McCotter  
McHenry  
McIntyre

McKeon  
McKinley  
McMorris  
Rodgers  
Meehan  
Mica  
Miller (FL)  
Miller (MI)  
Miller, Gary  
Mulvaney  
Murphy (PA)  
Neugebauer  
Noem  
Nugent  
Nunes  
Nunnelee  
Olson  
Palazzo  
Pastor (AZ)  
Paulsen  
Pearce  
Pence  
Perlmutter  
Peterson  
Petri  
Pitts  
Platts  
Poe (TX)  
Pompeo  
Posey  
Price (GA)  
Quayle  
Reed  
Rehberg  
Renacci  
Ribble  
Rigell  
Rivera  
Robby  
Roe (TN)  
Rogers (AL)  
Rogers (KY)  
Rogers (MI)  
Rohrabacher  
Rokita  
Rooney  
Ros-Lehtinen  
Roskam  
Ross (AR)  
Ross (FL)  
Royce

Runyan  
Ryan (WI)  
Scalise  
Schilling  
Schmidt  
Schock  
Sessions  
Sewell  
Shimkus  
Shuler  
Shuster  
Simpson  
Smith (NE)  
Smith (NJ)  
Smith (TX)  
Southernland  
Stearns  
Stivers  
Stutzman  
Sullivan  
Terry  
Thompson (PA)  
Thornberry  
Tiberi  
Tipton  
Turner (NY)  
Turner (OH)  
Upton  
Walberg  
Walden  
Walsh (IL)  
Walz (MN)  
Webster  
West  
Westmoreland  
Whitfield  
Wilson (SC)  
Wittman  
Wolf  
Womack  
Woodall  
Yoder  
Young (AK)  
Young (FL)  
Young (IN)

## NOT VOTING—18

Bachmann  
Campbell  
Castor (FL)  
Coble  
Davis (IL)  
Diaz-Balart  
Fudge

Garrett  
Giffords  
Hinchey  
Jackson (IL)  
Jackson Lee  
(TX)  
Miller, George

Myrick  
Nadler  
Paul  
Rahall  
Tierney

## ANNOUNCEMENT BY THE CHAIR

The CHAIR (during the vote). There is 1 minute remaining.

□ 1402

So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated for:

Ms. JACKSON LEE of Texas. Mr. Chair, on rollcall No. 909 which is on the Waxman Amendment to the bill H.R. 1633, I was detained with official matters pertaining to my office and failed to make the vote. Had I been present, I would have voted “aye.”

## AMENDMENT NO. 8 OFFERED BY MR. AL GREEN OF TEXAS

The CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Texas (Mr. AL GREEN) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

## RECORDED VOTE

The CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIR. This is a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 170, noes 247, not voting 16, as follows:

[Roll No. 910]

## AYES—170

Ackerman  
Andrews  
Baca  
Baldwin  
Barrow  
Bass (CA)  
Becerra  
Berkley  
Berman  
Bishop (GA)  
Bishop (NY)  
Blumenauer  
Brady (PA)  
Braley (IA)  
Brown (FL)  
Butterfield  
Capps  
Capuano  
Cardoza  
Carnahan  
Carney  
Carson (IN)  
Chu  
Cicilline  
Clarke (MI)  
Clarke (NY)  
Clay  
Clever  
Clyburn  
Cohen  
Conyers  
Costello  
Courtney  
Crowley  
Cuellar  
Cummings  
Davis (CA)  
DeFazio  
DeGette  
DeLauro  
Dent  
Deutch  
Dicks  
Doggett  
Donnelly (IN)  
Doyle  
Edwards  
Ellison  
Engel  
Eshoo  
Farr  
Fattah  
Filner  
Fitzpatrick  
Frank (MA)  
Garamendi  
Gerlach  
Gibson

Gonzalez  
Green, Al  
Green, Gene  
Grijalva  
Gutierrez  
Hahn  
Hanabusa  
Hanna  
Hastings (FL)  
Heinrich  
Higgins  
Himes  
Hinojosa  
Hirono  
Hochul  
Holt  
Honda  
Hoyer  
Inlee  
Israel  
Jackson Lee  
(TX)  
Johnson (GA)  
Johnson, E. B.  
Kaptur  
Keating  
Kildee  
Kucinich  
Langevin  
Larsen (WA)  
Larson (CT)  
Lee (CA)  
Levin  
Lewis (GA)  
Lipinski  
LoBiondo  
Lofgren, Zoe  
Lowey  
Lujan  
Lynch  
Maloney  
Markey  
Matsui  
McCarthy (NY)  
McCollum  
McDermott  
McGovern  
McNerney  
Meeks  
Michaud  
Miller (NC)  
Moore  
Moran  
Murphy (CT)  
Napolitano  
Neal  
Oliver  
Pallone

Pascarell  
Pastor (AZ)  
Payne  
Pelosi  
Perlmutter  
Peters  
Pingree (ME)  
Polis  
Price (NC)  
Quigley  
Rangel  
Renacci  
Reyes  
Richardson  
Richmond  
Rothman (NJ)  
Roybal-Allard  
Ruppersberger  
Rush  
Ryan (OH)  
Sánchez, Linda  
T.  
Sanchez, Loretta  
Sarbanes  
Schakowsky  
Schiff  
Schwartz  
Scott (VA)  
Scott, David  
Serrano  
Sewell  
Sherman  
Shuler  
Sires  
Slaughter  
Smith (WA)  
Stark  
Sutton  
Thompson (CA)  
Thompson (MS)  
Tierney  
Tonko  
Townes  
Tsongas  
Van Hollen  
Velázquez  
Visclosky  
Walz (MN)  
Wasserman  
Schultz  
Waters  
Watt  
Waxman  
Welch  
Wilson (FL)  
Woolsey  
Yarmuth

## NOES—247

Adams  
Aderholt  
Akin  
Alexander  
Altmire  
Amash  
Amodei  
Austria  
Bachus  
Barletta  
Bartlett  
Barton (TX)  
Bass (NH)  
Benishek  
Berg  
Biggert  
Bilbray  
Bilirakis  
Bishop (UT)  
Black  
Blackburn  
Bonner

Bono Mack  
Boren  
Boswell  
Boustany  
Brady (TX)  
Brooks  
Broun (GA)  
Buchanan  
Bucshon  
Buerkle  
Burgess  
Burton (IN)  
Calvert  
Camp  
Canseco  
Cantor  
Capito  
Carter  
Cassidy  
Chabot  
Chaffetz  
Chandler

Coffman (CO)  
Cole  
Conaway  
Connolly (VA)  
Cooper  
Costa  
Cravaack  
Crawford  
Crenshaw  
Critz  
Culberson  
Davis (KY)  
Denham  
DesJarlais  
Dingell  
Dold  
Dreier  
Duffy  
Duncan (SC)  
Duncan (TN)  
Ellmers  
Emerson

Farenthold  
Fincher  
Flake  
Fleischmann  
Fleming  
Flores  
Forbes  
Fortenberry  
Fox  
Franks (AZ)  
Frelinghuysen  
Gallegly  
Gardner  
Garrett  
Gibbs  
Gingrey (GA)  
Gohmert  
Goodlatte  
Gosar  
Gowdy  
Granger  
Graves (GA)  
Graves (MO)  
Griffin (AR)  
Griffith (VA)  
Grimm  
Guinta  
Guthrie  
Hall  
Harper  
Harris  
Hartzler  
Hastings (WA)  
Hayworth  
Heck  
Hensarling  
Herger  
Herrera Beutler  
Holden  
Huelskamp  
Huizenga (MI)  
Hultgren  
Hunter  
Hurt  
Issa  
Jenkins  
Johnson (IL)  
Johnson (OH)  
Johnson, Sam  
Jones  
Jordan  
Kelly  
Kind  
King (IA)  
King (NY)  
Kingston  
Kinzinger (IL)  
Kissell  
Kline  
Labrador  
Lamborn

Lance  
Landry  
Lankford  
Latham  
LaTourette  
Latta  
Lewis (CA)  
Loebach  
Long  
Lucas  
Luetkemeyer  
Lummis  
Lungren, Daniel  
E.  
Mack  
Manzullo  
Marchant  
Marino  
Matheson  
McCarthy (CA)  
McCaul  
McClintock  
McCotter  
McHenry  
McIntyre  
McKeon  
McKinley  
McMorris  
Hall  
Meehan  
Mica  
Miller (FL)  
Miller (MI)  
Miller, Gary  
Mulvaney  
Murphy (PA)  
Neugebauer  
Noem  
Nugent  
Nunes  
Nunnelee  
Olson  
Owens  
Palazzo  
Paulsen  
Pearce  
Pence  
Peterson  
Petri  
Pitts  
Platts  
Poe (TX)  
Pompeo  
Posey  
Price (GA)  
Quayle  
Reed  
Rehberg  
Reichert  
Ribble  
Rigell

Rivera  
Roby  
Roe (TN)  
Rogers (AL)  
Rogers (KY)  
Rogers (MI)  
Rohrabacher  
Rokita  
Rooney  
Ros-Lehtinen  
Roskam  
Ross (AR)  
Ross (FL)  
Royce  
Runyan  
Ryan (WI)  
Scalise  
Schilling  
Schmidt  
Schock  
Schrader  
Schweikert  
Scott (SC)  
Scott, Austin  
Sensenbrenner  
Sessions  
Shimkus  
Shuster  
Simpson  
Smith (NE)  
Smith (NJ)  
Smith (TX)  
Souterland  
Stearns  
Stivers  
Stutzman  
Sullivan  
Terry  
Thompson (PA)  
Thornberry  
Tiberi  
Tipton  
Turner (NY)  
Turner (OH)  
Upton  
Walberg  
Walden  
Walsh (IL)  
Webster  
West  
Westmoreland  
Whitfield  
Wilson (SC)  
Wittman  
Wolf  
Womack  
Woodall  
Yoder  
Young (AK)  
Young (FL)  
Young (IN)

## NOT VOTING—16

Bachmann  
Campbell  
Castor (FL)  
Coble  
Davis (IL)  
Diaz-Balart

Fudge  
Giffords  
Hinchey  
Jackson (IL)  
Miller, George  
Myrick

Nadler  
Paul  
Rahall  
Speier

## ANNOUNCEMENT BY THE CHAIR

The CHAIR. (during the vote). There is 1 minute remaining.

□ 1405

So the amendment was rejected.

The result of the vote was announced as above recorded.

The CHAIR. The question is on the committee amendment in the nature of a substitute, as amended.

The amendment was agreed to.

The CHAIR. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. WOODALL) having assumed the chair, Mr. WOMACK, Chair of the Committee of the Whole House on the state of the Union, reported that that Committee, having had under consideration the bill

(H.R. 1633) to establish a temporary prohibition against revising any national ambient air quality standard applicable to coarse particulate matter, to limit Federal regulation of nuisance dust in areas in which such dust is regulated under State, tribal, or local law, and for other purposes, and, pursuant to House Resolution 487, reported the bill back to the House with an amendment adopted in the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment to the amendment reported from the Committee of the Whole?

If not, the question is on the committee amendment in the nature of a substitute, as amended.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

## MOTION TO RECOMMIT

Ms. DEGETTE. Mr. Speaker, I have a motion to recommit at the desk.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Ms. DEGETTE. Yes, sir, most definitely I am.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Ms. DeGette moves to recommit the bill H.R. 1633 to the Committee on Energy and Commerce with instructions to report the same back to the House forthwith, with the following amendment:

At the end of the bill, add the following section:

**SEC. 4. PROTECTING THE PUBLIC FROM TOXIC DUST THAT CAUSES CANCER AND BRAIN DAMAGE.**

Nothing in this Act or the amendment made by this Act shall prohibit the Administrator of the Environmental Protection Agency from proposing, finalizing, implementing, or enforcing any regulation promulgated under the Clean Air Act (42 U.S.C. 7401 et seq.) relating to emissions in particulate form of cadmium, lead, or asbestos, including vermiculite asbestos released from mining activities and asbestos released from demolition and renovation activities.

The SPEAKER pro tempore. The gentleman from Colorado is recognized for 5 minutes.

Ms. DEGETTE. Thank you, Mr. Speaker.

Really? Really, Mr. Speaker?

With 1 week left in the legislative session, we've spent an entire day debating about a bill that does not address an existing problem; and with the continuing resolution expiring 1 week from tomorrow, we're not working on an appropriations bill to keep our government operating? We're not here today voting on an extenders bill that would extend the payroll tax cut for

middle Americans just as the economy begins to recover?

Really?

We're not voting on extending unemployment benefits to help struggling families stay afloat while they continue to look for work?

Really, Mr. Speaker?

And once again, we're not doing one thing today to put Americans back to work?

Unfortunately, as ridiculous as today's effort has been, the consequences of the bill are no laughing matter. The truth is the EPA does not currently regulate farm dust. This bill would prevent a regulation that doesn't actually exist from overseeing something undefined.

□ 1410

Also, EPA Administrator Lisa Jackson has said unequivocally that she does not intend to regulate farm dust in the future.

But to add insult to injury, the consequences of this proposed solution could be devastating. The bill that came out of the Energy and Commerce Committee could be interpreted broadly to limit existing and future Clean Air Act public health protections for different pollutants.

This final amendment that I offer today offers us the chance to protect our children and our grandchildren from asbestos, lead, cadmium, and other toxic air pollutants. I want to be clear: this is the final amendment to the bill; and even though I'd like to, it will not kill the bill or send it back to committee. If adopted, it would then be voted on at final passage, as amended.

Now, Mr. Speaker, if we are going to adopt this bill, we should make sure that we don't inadvertently roll back EPA rules relating to toxic dust containing cadmium, lead, and asbestos. This should be something all of us can agree on. Currently, the bill exempts particulate matter from regulation under the Clean Air Act if it is natural material, commonly produced in rural areas, and is not produced by combustion.

Asbestos is a natural material. Activities involving asbestos are considered typical in rural areas, and asbestos emissions from mining and demolition do not involve combustion. Unfortunately, asbestos is also a known carcinogen.

What would happen if we exempted asbestos from the Clean Air Act?

We already know. To see the realities of asbestos, a natural material, we could simply ask the rural families of Libby, Montana.

In 2009 the Environmental Protection Agency declared a public health emergency in Libby after decades of asbestos exposure from local mines. Even though the vermiculite asbestos mine closed in 1990, the EPA believes that current conditions continue to present

significant ongoing threats to public health. There remain significantly higher rates of asbestos-related disease in Libby compared with the national average.

Too bad the managers of the mine told their workers that the dust they inhaled daily was just "nuisance dust" and would have no permanent effects.

H.R. 1633 would also exempt lead and cadmium particulate emissions from the Clean Air Act. Because lead and cadmium are natural materials, activities involving lead and cadmium, such as cement kilns and smelters, are typical in rural areas; and activities at cement kilns and smelters produce lead and cadmium without combustion.

Sounds safe; right?

Unfortunately, cadmium is a known human carcinogen. Exposure to cadmium may cause lung, kidney, prostate, and bladder cancer.

Lead is a potent neurotoxin. Infants and young children are especially sensitive to even low levels of lead, which may contribute to behavioral problems like learning deficits and lower IQs.

Is that what this distinguished body really wants to do, actively take steps to cause behavioral problems, learning deficiencies and lower IQs in our Nation's rural children?

Mr. Speaker, this entire session of Congress has felt to many of us like a trip into Alice's Wonderland. While our Nation struggles with a devastating economy, we do nothing about jobs or about getting Americans back to work. Instead, we repeatedly fall down the rabbit hole of extreme legislation. Now, with this so-called Farm Dust Regulation Prevention Act, it seems that we're even having tea with the Cheshire Cat.

To paraphrase our friend, the Cheshire Cat: We're all mad here. I'm mad. You're mad. You must be mad or you wouldn't have come here.

Sadly, for the American people, H.R. 1633 simply underscores the madness of this body right now. It's a mad solution to an imaginary problem.

Vote "no."

Mr. WHITFIELD. Mr. Speaker, I claim time in opposition to the motion.

The SPEAKER pro tempore. The gentleman from Kentucky is recognized for 5 minutes.

Mr. WHITFIELD. American farmers, ranchers and other rural businesses, like many other sectors of this economy, have faced an onslaught of EPA regulations—regulations that are costly and that make it more difficult to create jobs in America at a time when America needs jobs.

The Congressional Research Service recently reported that agriculture alone has been facing new Clean Air Act greenhouse gas standards; engine emission standards; National Ambient Air Quality Standards for ozone and particulates; Clean Water Act permit-

ting and other requirements; Superfund reporting requirements; and regulations for disclosure, permitting and other regulatory requirements related to the use of pesticides.

There are 2.2 million farms in America. There are 1.8 million people employed by those farms. Those farms provide 5 percent of the exports from America, and they provide \$154 billion to our economy.

This legislation that we have on the floor today has the support of 120 Democrats and Republicans, and we have over 197 organizations representing rural America that support this legislation. The bill is very simple. It does not change any of the existing EPA regulations. It just says that the EPA cannot change its PM<sub>10</sub> standard for coarse material earlier than 1 year after the enactment of this legislation, and it defines and exempts nuisance dust.

So why do we need this bill? People are saying that Lisa Jackson has said she is not going to regulate PM<sub>10</sub>.

That is true. She has said that. Yet we know that many of the environmental decisions in America today are made by people and groups and entities that file lawsuits against the EPA. Every time that has happened recently, the EPA has run and entered into a consent decree, and then it has paid the legal fees for the entity that has brought the lawsuit, which is exactly what we are afraid is going to happen in this instance. In this way, we can pass this legislation and make certain that local governments, State governments, and tribal governments will decide this issue of nuisance dust.

Now, some people have said, Oh, my God, this dust is so dangerous to one's health, and it includes all sorts of substances.

I might remind everyone that one of the authors of the EPA's most recent Integrated Science Assessment for Particulate Matter testified before our committee. He said, as to the long-term effects of coarse particles, there is not one shred of evidence in support of long-term health effects.

This is a commonsense piece of legislation. It protects jobs in America, and it protects our exports. So I would urge everyone to vote against the motion to recommit.

I yield back the balance of my time.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit. The question was taken; and the Speaker pro tempore announced that the yeas appeared to have it.

RECORDED VOTE

Ms. DEGETTE. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. Pursuant to clause 9 of rule XX, the Chair

will reduce to 5 minutes the minimum time for any electronic vote on the question of passage.

The vote was taken by electronic device, and there were—ayes 166, noes 252, not voting 15, as follows:

[Roll No. 911]

#### AYES—166

Ackerman	Grijalva	Payne
Andrews	Gutierrez	Pelosi
Baca	Hahn	Perlmutter
Baldwin	Hanabusa	Peters
Bass (CA)	Hastings (FL)	Pingree (ME)
Becerra	Heinrich	Polis
Berkley	Higgins	Price (NC)
Berman	Himes	Quigley
Bishop (GA)	Hinojosa	Rangel
Bishop (NY)	Hirono	Reyes
Blumenauer	Hochul	Richardson
Brady (PA)	Holt	Richmond
Braley (IA)	Honda	Rothman (NJ)
Brown (FL)	Hoyer	Roybal-Allard
Butterfield	Inslee	Ruppersberger
Capps	Israel	Rush
Capuano	Jackson Lee	Ryan (OH)
Carnahan	(TX)	Sánchez, Linda
Carney	Johnson (GA)	T.
Carson (IN)	Johnson, E. B.	Sánchez, Loretta
Chu	Kaptur	Sarbanes
Cicilline	Keating	Schakowsky
Clarke (MI)	Kildee	Schiff
Clarke (NY)	Kind	Schrader
Clay	Kucinich	Schwartz
Cleaver	Langevin	Scott (VA)
Clyburn	Larsen (WA)	Scott, David
Cohen	Larson (CT)	Serrano
Connolly (VA)	Lee (CA)	Sewell
Conyers	Levin	Sherman
Cooper	Lewis (GA)	Shuler
Costello	Lipinski	Sires
Courtney	Loeb sack	Slaughter
Crowley	Lofgren, Zoe	Lowey
Cuellar	Lowe y	Lujan
Cummings	Lujan	Speier
Davis (CA)	Lynch	Stark
DeFazio	Maloney	Sutton
DeGette	Markey	Thompson (CA)
DeLauro	Matui	Thompson (MS)
Deutch	McCarthy (NY)	Tierney
Dicks	McCollum	Tonko
Dingell	McDermott	Towns
Doggett	McGovern	Tsongas
Doyle	McNerney	Van Hollen
Edwards	Meeks	Velázquez
Ellison	Michaud	Visclosky
Engel	Miller (NC)	Wasserman
Eshoo	Moore	Schultz
Farr	Moran	Waters
Fattah	Murphy (CT)	Watt
Filner	Napolitano	Waxman
Frank (MA)	Neal	Welch
Garamendi	Oliver	Wilson (FL)
Gonzalez	Pallone	Woolsey
Green, Al	Pascrell	Yarmuth
Green, Gene	Pastor (AZ)	

#### NOES—252

Adams	Boswell	Cravaack
Aderholt	Boustany	Crawford
Akin	Brady (TX)	Crenshaw
Alexander	Brooks	Critz
Altmire	Broun (GA)	Culberson
Amash	Buchanan	Davis (KY)
Amodei	Bucshon	Denham
Austria	Buerkle	Dent
Bachus	Burgess	DesJarlais
Barletta	Burton (IN)	Dold
Barrow	Calvert	Donnelly (IN)
Bartlett	Camp	Dreier
Barton (TX)	Canseco	Duffy
Bass (NH)	Cantor	Duncan (SC)
Benishek	Capito	Duncan (TN)
Berg	Cardoza	Ellmers
Biggart	Carter	Emerson
Bilbray	Cassidy	Farenthold
Bilirakis	Chabot	Fincher
Bishop (UT)	Chaffetz	Fitzpatrick
Black	Chandler	Flake
Blackburn	Coffman (CO)	Fleischmann
Bonner	Cole	Fleming
Bono Mack	Conaway	Flores
Boren	Costa	Forbes

Fortenberry	LaTourette	Roe (TN)
Fox	Latta	Rogers (AL)
Franks (AZ)	Lewis (CA)	Rogers (KY)
Frelinghuysen	LoBiondo	Rogers (MI)
Gallegly	Long	Rohrabacher
Gardner	Lucas	Rokita
Garrett	Luetkemeyer	Rooney
Gerlach	Lummis	Ros-Lehtinen
Gibbs	Lungren, Daniel	Roskam
Gibson	E.	Ross (AR)
Gingrey (GA)	Mack	Ross (FL)
Gohmert	Manzullo	Royce
Goodlatte	Marchant	Runyan
Gosar	Marino	Ryan (WI)
Gowdy	Matheson	Scalise
Granger	McCarthy (CA)	Schilling
Graves (GA)	McCaul	Schmidt
Graves (MO)	McClintock	Schock
Griffin (AR)	McCotter	Schweikert
Griffith (VA)	McHenry	Scott (SC)
Grimm	McIntyre	Scott, Austin
Guinta	McKeon	Sensenbrenner
Guthrie	McKinley	Shimkus
Hall	McMorris	Shuster
Hanna	Rodgers	Simpson
Harper	Meehan	Smith (NE)
Harris	Mica	Smith (NJ)
Hartzler	Miller (FL)	Smith (TX)
Hastings (WA)	Miller (MI)	Smith (TX)
Hayworth	Miller, Gary	Southerland
Heck	Mulvaney	Stearns
Hensarling	Murphy (PA)	Stivers
Herger	Neugebauer	Stutzman
Herrera Beutler	Noem	Sullivan
Holden	Nugent	Terry
Huelskamp	Nunes	Thompson (PA)
Huizenga (MI)	Nunnelee	Thornberry
Hultgren	Olson	Tiberi
Hunter	Owens	Tipton
Hurt	Palazzo	Turner (NY)
Issa	Paulsen	Turner (OH)
Jenkins	Pearce	Upton
Johnson (IL)	Pence	Walberg
Johnson (OH)	Peterson	Walsh (IL)
Johnson, Sam	Petri	Walz (MN)
Jones	Pitts	Webster
Jordan	Platts	West
Kelly	Poe (TX)	Westmoreland
King (IA)	Pompeo	Whitfield
King (NY)	Posey	Wilson (SC)
Kingston	Price (GA)	Wittman
Kinzinger (IL)	Quayle	Wolf
Kissell	Reed	Womack
Kline	Rehberg	Woodall
Labrador	Reichert	Yoder
Lamborn	Renacci	Young (AK)
Lance	Ribble	Young (FL)
Landry	Rigell	Young (IN)
Lankford	Rivera	
Latham	Roby	

#### NOT VOTING—15

Bachmann	Diaz-Balart	Miller, George
Campbell	Fudge	Myrick
Castor (FL)	Giffords	Nadler
Coble	Hinchey	Paul
Davis (IL)	Jackson (IL)	Rahall

□ 1436

Ms. HAYWORTH changed her vote from “aye” to “no.”

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

#### RECORDED VOTE

Ms. DEGETTE. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 268, noes 150, not voting 15, as follows:

[Roll No. 912]

#### AYES—268

Adams	Gibson	Nunes
Aderholt	Gingrey (GA)	Nunnelee
Akin	Gohmert	Olson
Alexander	Goodlatte	Owens
Altmire	Gosar	Palazzo
Amash	Gowdy	Paulsen
Amodei	Granger	Pearce
Austria	Graves (GA)	Pence
Baca	Graves (MO)	Peterson
Bachus	Green, Gene	Petri
Barletta	Griffin (AR)	Pitts
Barrow	Griffith (VA)	Platts
Bartlett	Grimm	Poe (TX)
Barton (TX)	Guinta	Pompeo
Bass (NH)	Guthrie	Posey
Benishek	Hall	Price (GA)
Berg	Hanna	Quayle
Biggart	Harper	Reed
Bilbray	Harris	Rehberg
Bilirakis	Hartzler	Reichert
Bishop (GA)	Hastings (WA)	Renacci
Bishop (UT)	Hayworth	Ribble
Black	Heck	Rigell
Blackburn	Hensarling	Rivera
Bonner	Herger	Roby
Bono Mack	Herrera Beutler	Roe (TN)
Boren	Hochul	Rogers (AL)
Boswell	Holden	Rogers (KY)
Boustany	Huelskamp	Rogers (MI)
Brady (TX)	Huizenga (MI)	Rohrabacher
Braley (IA)	Hultgren	Rokita
Brooks	Hunter	Rooney
Broun (GA)	Hurt	Ros-Lehtinen
Buchanan	Issa	Roskam
Bucshon	Jenkins	Ross (AR)
Buerkle	Johnson (IL)	Ross (FL)
Burgess	Johnson (OH)	Royce
Burton (IN)	Johnson, Sam	Runyan
Calvert	Jones	Ryan (OH)
Camp	Jordan	Ryan (WI)
Canseco	Kelly	Sánchez, Loretta
Cantor	Kind	Scalise
Capito	King (IA)	Schilling
Cardoza	King (NY)	Schmidt
Carter	Kingston	Schock
Cassidy	Kinzinger (IL)	Schrader
Chabot	Kissell	Schweikert
Chaffetz	Kline	Scott (SC)
Chandler	Labrador	Scott, Austin
Coffman (CO)	Lamborn	Sensenbrenner
Cole	Lance	Sessions
Conaway	Landry	Sewell
Costa	Lankford	Shimkus
	Latham	Shuler
	LaTourette	Shuster
	Latta	Simpson
	Lewis (CA)	Smith (NE)
	LoBiondo	Smith (NJ)
	Loeb sack	Smith (TX)
	Long	Southerland
	Lucas	Stearns
	Luetkemeyer	Stivers
	Lummis	Stutzman
	Lungren, Daniel	Sullivan
	E.	Terry
	Mack	Thompson (MS)
	Manzullo	Thompson (PA)
	Marchant	Thornberry
	Marino	Tiberi
	Matheson	Tipton
	McCarthy (CA)	Turner (NY)
	McCaul	Turner (OH)
	McClintock	Upton
	McCotter	Walberg
	McHenry	Walden
	McIntyre	Walsh (IL)
	McKeon	Walz (MN)
	McKinley	Webster
	McMorris	West
	Rodgers	Westmoreland
	Meehan	Whitfield
	Mica	Wilson (SC)
	Miller (FL)	Wittman
	Miller (MI)	Wolf
	Miller, Gary	Womack
	Mulvaney	Woodall
	Murphy (PA)	Yoder
	Neugebauer	Young (AK)
	Noem	Young (FL)
	Nugent	Young (IN)

## NOES—150

Ackerman	Gutierrez	Pascarell
Andrews	Hahn	Pastor (AZ)
Baldwin	Hanabusa	Payne
Bass (CA)	Hastings (FL)	Pelosi
Becerra	Heinrich	Perlmutter
Berkley	Higgins	Peters
Berman	Himes	Pingree (ME)
Bishop (NY)	Hinojosa	Polis
Blumenauer	Hirono	Price (NC)
Brady (PA)	Holt	Quigley
Brown (FL)	Honda	Rangel
Butterfield	Hoyer	Reyes
Capps	Inslee	Richardson
Capuano	Israel	Richmond
Carnahan	Jackson Lee	Rothman (NJ)
Carney	(TX)	Roybal-Allard
Carson (IN)	Johnson (GA)	Ruppersberger
Chu	Johnson, E. B.	Rush
Cicilline	Kaptur	Sánchez, Linda
Clarke (MI)	Keating	T.
Clarke (NY)	Kildee	Sarbanes
Clay	Kucinich	Schakowsky
Cleaver	Langevin	Schiff
Clyburn	Larsen (WA)	Schwartz
Cohen	Larson (CT)	Scott (VA)
Connolly (VA)	Lee (CA)	Scott, David
Conyers	Levin	Serrano
Cooper	Lewis (GA)	Sherman
Courtney	Lipinski	Sires
Crowley	Lofgren, Zoe	Slaughter
Cummings	Lowe	Smith (WA)
Davis (CA)	Lujan	Speier
DeFazio	Lynch	Stark
DeGette	Maloney	Sutton
DeLauro	Markey	Thompson (CA)
Deutch	Matsui	Tierney
Dicks	McCarthy (NY)	Tonko
Dingell	McCollum	Towns
Doggett	McDermott	Tsongas
Doyle	McGovern	Van Hollen
Edwards	McNerney	Velázquez
Ellison	Meeks	Visclosky
Engel	Michaud	Wasserman
Eshoo	Miller (NC)	Schultz
Farr	Moore	Waters
Fattah	Moran	Watt
Filner	Murphy (CT)	Waxman
Frank (MA)	Napolitano	Welch
Gonzalez	Neal	Wilson (FL)
Green, Al	Olver	Woolsey
Grijalva	Pallone	Yarmuth

## NOT VOTING—15

Bachmann	Diaz-Balart	Miller, George
Campbell	Fudge	Myrick
Castor (FL)	Giffords	Nadler
Coble	Hinchey	Paul
Davis (IL)	Jackson (IL)	Rahall

□ 1444

Ms. JACKSON LEE of Texas and Mr. HOYER changed their vote from “aye” to no.”

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

## MESSAGE FROM THE SENATE

A message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate has passed without amendment a bill of the House of the following title:

H.R. 470. An act to further allocate and expand the availability of hydroelectric power generated at Hoover Dam, and for other purposes.

## REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 3538

Mr. MICA. Mr. Speaker, I ask unanimous consent that the gentleman from Tennessee (Mr. COOPER) be removed as a cosponsor from H.R. 3538.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

## PRAY FOR VICTIMS OF VIRGINIA TECH SHOOTING

(Mr. GRIFFITH of Virginia asked and was given permission to address the House for 1 minute.)

Mr. GRIFFITH of Virginia. I ask everyone here and across the Nation to pray for those individuals at Virginia Tech in Blacksburg, Virginia, who are currently dealing with the shootings that took place there today and the two people who, regrettably, have passed away.

## LEGISLATIVE PROGRAM

(Mr. HOYER asked and was given permission to address the House for 1 minute.)

Mr. HOYER. Mr. Speaker, before yielding to the majority leader to inquire about the schedule for the week to come, let me say I join with the gentleman from Virginia, and I know certainly Mr. CANTOR, who also represents Virginia, but the entire country as well. We don't know the facts yet. We don't know exactly what's happened. But the information I have is that two people may well have lost their lives at this point in time. We certainly want to send our deepest sympathies to Virginia Tech and to the families that are affected by this incident and hope sincerely that there is no further loss of life.

On that issue, let me yield to the majority leader, who I know will want to say something as well.

Mr. CANTOR. Mr. Speaker, I thank the gentleman from Maryland, the Democratic whip, for yielding.

I too want to join the gentleman in expressing our sorrow and extending our thoughts and prayers to those in the Hokie Nation in Blacksburg who, unfortunately, have endured more pain today, reminiscent of the pain that so many have felt in that fine university in the past. Hopefully, things can look up. I know that there are reports that law enforcement was involved. We also want to extend our thanks to law enforcement in that community as well as everywhere else in this country—certainly in this Capitol—for what individuals of the Capitol Police and other police forces across the country do for us every single day.

Again, we express our sorrow to those who are mourning the loss of life and extend our thoughts to President Steger at Virginia Tech and to that community.

I do thank the gentleman from Maryland for yielding.

Mr. Speaker, on Monday, the House will meet at noon for morning hour and 2 p.m. for legislative business. Votes will be postponed until 6:30 p.m.

At this point, the House is scheduled to be in session for the remainder of the week, with a weekend session possible. Per our usual weekly schedule, I would expect morning hour on most days to begin at 10 a.m. and legislative business to start by noon. However, because this will likely be our last week in session prior to the end of the year, the daily convening times may fluctuate to accommodate our year-end business.

I can assure Members, however, that we do not expect votes on Tuesday, December 13, prior to 1 p.m. That is as far as Tuesday, December 13 is concerned.

Mr. Speaker, our legislative business next week will include a number of suspensions, a complete list of which will be announced by the close of business tomorrow. In addition, we expect to consider a conference report on the remaining appropriations bills for FY12 as well as a conference report for the National Defense Authorization Act. I want to thank both Chairman HAL ROGERS and Chairman BUCK MCKEON for their incredibly hard work throughout the year.

Finally, we anticipate a vote on a year-end package of expiring laws that will include extensions of the payroll tax holiday, unemployment benefits, and the physician reimbursement issue.

If the gentleman will continue to yield, Mr. Speaker, I want to take a minute to highlight a bipartisan event that took place here in the Capitol this week.

□ 1450

Yesterday the Democratic whip and I hosted the first-ever Facebook Hackathon, allowing private sector programmers and software developers to get together with us to work on ways to utilize social media in making Congress more accessible to the public. I'm happy to report that over 200 developers from all over the country participated in this bipartisan event and shared their ideas.

I thank the gentleman for joining me and for his help in facilitating this noteworthy cause, and I look forward to working with him to continue to make Congress a more transparent and accessible institution for the people who have sent us here.

Mr. HOYER. I thank the gentleman for his comments and his leadership on the Hackathon event that occurred yesterday.

He and I both had the opportunity to address a large number of—over 250, I think—individuals who were there who will, in fact, bring their expertise, their technical knowledge to bear on what the gentleman referenced as making our institution more accessible and transparent to our citizens. We all believe, I think, that doing that will make the products that we produce better and make citizens better able to



make judgments on the work that we do.

So I want to thank the gentleman and his staff for their leadership on this effort. We were glad to join in that.

Mr. Speaker, I understand that the unemployment insurance, the payroll tax issue, which will continue to give the middle class tax cuts to those who need it most, the unemployment, which will keep millions of people from losing their unemployment, as well as the physician adjustment are scheduled next week. It's my understanding that that bill has not been filed yet.

Can the gentleman tell me when he believes that bill will be filed?

Mr. CANTOR. Mr. Speaker, I would respond to the gentleman by saying that we are still in discussion about that bill and in drafting; and we do intend to abide by our necessary 3-day notice period so that all sides and all Members, as well as the public, can enjoy their right to know what will be in that legislation. But the gentleman is correct, we do expect that bill on the floor next week.

Mr. HOYER. I thank the gentleman for that comment.

I have had discussions with the gentleman, and with Mr. MCCARTHY in particular—and also briefly with the Speaker—that we are certainly prepared to participate in discussions leading towards a successful passage of those three pieces of legislation, particularly the unemployment insurance and the payroll tax extension, which we believe are critical before we end this year. So we're pleased to see that legislation moving forward. But I will tell my friend that I would be pleased to participate in discussions with him so that we can assure that that bill will in fact pass and, hopefully, pass in a bipartisan fashion.

I want to tell the gentleman that I'm a little bit concerned, and I want to ask him whether this principle will be followed. I think I used this quote last week, but it bears repeating. Speaker BOEHNER said:

We will end the practice of packaging unpopular bills with must-pass legislation to circumvent the will of the American people. Instead, we will advance major legislation one issue at a time.

That was in the Republican Pledge as well, and the Speaker has reiterated that at the beginning of this session.

Now, I am concerned because Republican Study Committee Chairman JIM JORDAN of Ohio is quoted in *The Washington Post* as saying the following:

"The fact the President doesn't like it"—the "it" referring to the Keystone pipeline provision, which we understand is under discussion. I'm glad to hear those discussions have not concluded. But he again quoted, "The fact that the President doesn't like it makes me like it even more . . . said of

the GOP leadership proposal as he left Thursday morning's closed-door meeting."

I will say to my friend that we are at the end of the session. We are hopeful, as I have said—and as we have demonstrated on the two CRs and the debt extension and on the minibuss appropriation bill that we passed—that we are prepared to respond in a bipartisan fashion to assist in passing must-pass legislation and would hope very much that we don't put controversial items in that. The President has clearly announced that he will veto a bill that has the Keystone pipeline.

I will say, as my friend clearly knows, there is bipartisan concern—as a matter of fact, the Governor of Nebraska, a Republican, and the Republican legislature, which although nominally nonpartisan, as the gentleman knows, is two-thirds Republican, one-third Democrat, have all voted to delay this project because of their concern about the aquifer and the impact that the Keystone pipeline, as currently platted, will have in reference to the aquifer, so that there is a bipartisan concern.

As the gentleman knows, as a result of Nebraska's passing legislation which said they wanted to do a study on the aquifer and alternative siting of the Keystone pipeline course, that that study would take them 5 to 6 to 7 months, as a result, the President indicated they would give time to the Nebraska Governor and the Nebraska Legislature—again, Republican organs—to look at that, has given them additional time and said he won't act until the beginning of 2013.

I ask the gentleman, does he believe that provision—I understand what Mr. JORDAN says. It may be a nice political gesture, but I would hope that that would not be the kind of provision that would be included in the legislation, whether it's individual bills or a comprehensive bill, including those three items that hopefully we can pass in a bipartisan fashion.

I yield to my friend.

Mr. CANTOR. Mr. Speaker, I thank the gentleman.

I understand the point he is trying to make.

Mr. HOYER. If I may, I thought I did make the point.

Mr. CANTOR. Well, you may have made the point.

Maybe, Mr. Speaker, what I'm trying to say is that I disagree with the gentleman, that if the provisions dealing with the Keystone pipeline are in the measure that makes it to the floor that we shouldn't join together and do what was done in the past, and that is demonstrate a strong bipartisan vote in support of that project. Because, as the gentleman knows, organized labor in this country is very supportive of that bill, of that provision. It means immediate jobs. The President continues to

say he is for creating jobs, doing all we can to get America back to work. This is a provision that allows for that.

We also have seen, Mr. Speaker, in response to the gentleman's concerns about Nebraska and the issues raised by its Governor as well as its State legislature, I believe and am told that there have been many discussions in which an alternative route has been determined, and there is agreement on that to allow for the proceeding of the construction of the pipeline.

Again, knowing that there is strong bipartisan support for the project, knowing that labor is in support of it, knowing that it puts people back to work immediately, it would seem to me that this is a consistent provision to go along with making sure that we deal with the unemployment situation in this country through an extension of the UI provisions—with, hopefully, some reforms—as well as the extension of the payroll tax holiday.

As the gentleman knows, our side is concerned. We don't want taxes to go up on anybody, especially in an economy like this. But again, I hope the gentleman can consider joining us in terms of helping promote an environment for job creation.

Mr. HOYER. I thank the gentleman for his comment.

I will say this, though, it seems inconsistent, when the President of the United States yesterday said he would veto such a provision, that we would include it in legislation that is must pass.

By the way, the unemployment insurance, economists tell us, will provide for 100 times as many jobs; so, therefore, we're for that. Some 500,000 jobs may be affected by extending the unemployment insurance.

In addition to that, I tell my friend, the President has offered a jobs bill. I know that you're concerned about jobs. The pipeline bill, in and of itself, is about 5,000 to 6,000 jobs over the lifetime of the pipeline. The jobs bill, economists tell us, is 1 million jobs, or 200 times as many jobs. Notwithstanding that, very frankly, that has been languishing since September and not brought to this floor.

So it seems to me that, if we are really interested—and I think you are—in extending unemployment insurance and providing for a continued tax cut for middle-income Americans and for providing for the payment of doctors who are serving Medicare patients, that we not include in that bill an item that apparently is popular on your side just because the President doesn't like it, according to Mr. JORDAN.

□ 1500

I think that's not the way we ought to be operating. The last 7 days of the session, or 5 days, 6 days, 7, assuming we went through Sunday, we shouldn't be doing that, I suggest respectfully to

The article provides firsthand accounts of the targeted elimination of religious prisoners, prisoners of conscience, and political opponents of the

regime. Minorities, including Falun Gong, Uyghurs, House Christians, and Tibetans have been executed, followed by organ transplant surgeries—some being performed while the victims are still alive, numbering in the tens of thousands.

Furthermore, foreign companies are already making investments to benefit off of the thriving organ transplant market. Pharmaceutical companies like Roche and Isoteknika Pharma have been involved in clinical drug testing of transplant patients. A British firm, TFP Ryder Healthcare, is proposing a medical facility that would include an organ transplant center.

Before they follow suit, U.S. companies must understand the unethical climate that exists in China. And our State Department and the U.N. must treat these actions as an abuse of China's international agreements and human rights of their own people.

[From WeeklyStandard.com, Dec. 5, 2011]

#### THE XINJIANG PROCEDURE

(By Ethan Gutmann)

To figure out what is taking place today in a closed society such as northwest China, sometimes you have to go back a decade, sometimes more.

One clue might be found on a hilltop near southern Guangzhou, on a partly cloudy autumn day in 1991. A small medical team and a young doctor starting a practice in internal medicine had driven up from Sun Yat-sen Medical University in a van modified for surgery. Pulling in on bulldozed earth, they found a small fleet of similar vehicles—clean, white, with smoked glass windows and prominent red crosses on the side. The police had ordered the medical team to stay inside for their safety. Indeed, the view from the side window of lines of ditches—some filled in, others freshly dug—suggested that the hilltop had served as a killing ground for years.

Thirty-six scheduled executions would translate into 72 kidneys and corneas divided among the regional hospitals. Every van contained surgeons who could work fast: 15–30 minutes to extract. Drive back to the hospital. Transplant within six hours. Nothing fancy or experimental; execution would probably ruin the heart.

With the acceleration of Chinese medical expertise over the last decade, organs once considered scraps no longer went to waste. It wasn't public knowledge exactly, but Chinese medical schools taught that many otherwise wicked criminals volunteered their organs as a final penance.

Right after the first shots the van door was thrust open and two men with white surgical coats thrown over their uniforms carried a body in, the head and feet still twitching slightly. The young doctor noted that the wound was on the right side of the chest as he had expected. When body #3 was laid down, he went to work.

Male, 40-ish, Han Chinese. While the other retail organs in the van were slated for the profitable foreigner market, the doctor had seen the paperwork indicating this kidney was tissue-matched for transplant into a 50-year-old Chinese man. Without the transplant, that man would die. With it, the same man would rise miraculously from his hospital bed and go on to have a normal life for 25 years or so. By 2016, given all the anti-tis-

sue-rejection drug advances in China, they could theoretically replace the liver, lungs, or heart—maybe buy that man another 10 to 15 years.

Body #3 had no special characteristics save an angry purple line on the neck. The doctor recognized the forensics. Sometimes the police would twist a wire around a prisoner's throat to prevent him from speaking up in court. The doctor thought it through methodically. Maybe the police didn't want this prisoner to talk because he had been a deranged killer, a thug, or mentally unstable. After all, the Chinese penal system was a daily sausage grinder, executing hardcore criminals on a massive scale. Yes, the young doctor knew the harvesting was wrong. Whatever crime had been committed, it would be nice if the prisoner's body were allowed to rest forever. Yet was his surgical task that different from an obstetrician's? Harvesting was rebirth, harvesting was life, as revolutionary an advance as antibiotics or steroids. Or maybe, he thought, they didn't want this man to talk because he was a political prisoner.

Nineteen years later, in a secure European location, the doctor laid out the puzzle. He asked that I keep his identity a secret. Chinese medical authorities admit that the lion's share of transplant organs originate with executions, but no mainland Chinese doctors, even in exile, will normally speak of performing such surgery. To do so would remind international medical authorities of an issue they would rather avoid—not China's soaring execution rate or the exploitation of criminal organs, but rather the systematic elimination of China's religious and political prisoners. Yet even if this doctor feared consequences to his family and his career, he did not fear embarrassing China, for he was born into an indigenous minority group, the Uyghurs.

Every Uyghur witness I approached over the course of two years—police, medical, and security personnel scattered across two continents—related compartmentalized fragments of information to me, often through halting translation. They acknowledged the risk to their careers, their families, and, in several cases, their lives. Their testimony reveals not just a procedure evolving to meet the lucrative medical demand for living organs, but the genesis of a wider atrocity.

Behind closed doors, the Uyghurs call their vast region in China's northwest corner (bordering on India, Pakistan, Afghanistan, Tajikistan, Kyrgyzstan, Kazakhstan, and Mongolia) East Turkestan. The Uyghurs are ethnically Turkic, not East Asian. They are Muslims with a smattering of Christians, and their language is more readily understood in Tashkent than in Beijing. By contrast, Beijing's name for the so-called Autonomous Region, Xinjiang, literally translates as "new frontier." When Mao invaded in 1949, Han Chinese constituted only 7 percent of the regional population. Following the flood of Communist party administrators, soldiers, shopkeepers, and construction corps, Han Chinese now constitute the majority. The party calculates that Xinjiang will be its top oil and natural gas production center by the end of this century.

To protect this investment, Beijing traditionally depicted all Uyghur nationalists—violent rebels and non-violent activists alike—as CIA proxies. Shortly after 9/11, that conspiracy theory was tossed down the memory hole. Suddenly China was, and always has been, at war with al Qaeda-led Uyghur terrorists. No matter how transparently opportunistic the switch, the American intel-

ligence community saw an opening for Chinese cooperation in the war on terror, and signaled their acquiescence by allowing Chinese state security personnel into Guantanamo to interrogate Uyghur detainees.

While it is difficult to know the strength of the claims of the detainees' actual connections to al Qaeda, the basic facts are these: During the 1990s, when the Chinese drove the Uyghur rebel training camps from neighboring countries such as Kazakhstan and Pakistan, some Uyghurs fled to Afghanistan where a portion became Taliban soldiers. And yet, if the Chinese government claims that the Uyghurs constitute their own Islamic fundamentalist problem, the fact is that I've never met a Uyghur woman who won't shake hands or a man who won't have a drink with me. Nor does my Jewish-sounding name appear to make anyone flinch. In one of those *vino veritas* sessions, I asked a local Uyghur leader if he was able to get any sort of assistance from groups such as the Islamic Human Rights Commission (where, as I found during a brief visit to their London offices, veiled women flinch from an extended male hand, drinks are forbidden, and my Jewish surname is a very big deal indeed). "Useless!" he snorted, returning to the vodka bottle.

So if Washington's goal is to promote a reformed China, then taking Beijing's word for who is a terrorist is to play into the party's hands.

Xinjiang has long served as the party's illicit laboratory: from the atmospheric nuclear testing in Lop Nur in the mid-sixties (resulting in a significant rise in cancers in Urumqi, Xinjiang's capital) to the more recent creation in the Tarim Desert of what could well be the world's largest labor camp, estimated to hold 50,000 Uyghurs, hardcore criminals, and practitioners of Falun Gong. And when it comes to the first organ harvesting of political prisoners, Xinjiang was ground zero.

In 1989, not long after Nijat Abdureyimu turned 20, he graduated from Xinjiang Police School and was assigned to a special police force, Regiment No. 1 of the Urumqi Public Security Bureau. As one of the first Uyghurs in a Chinese unit that specialized in "social security"—essentially squelching threats to the party—Nijat was employed as the good cop in Uyghur interrogations, particularly the high-profile cases. I first met Nijat—thin, depressed, and watchful—in a crowded refugee camp on the outskirts of Rome.

Nijat explained to me that he was well aware that his Chinese colleagues kept him under constant surveillance. But Nijat presented the image they liked: the little brother with the guileless smile. By 1994 he had penetrated all of the government's secret bastions: the detention center, its interrogation rooms, and the killing grounds. Along the way, he had witnessed his fair share of torture, executions, even a rape. So his curiosity was in the nature of professional interest when he questioned one of the Chinese cops who came back from an execution shaking his head. According to his colleague, it had been a normal procedure—the unwanted bodies kicked into a trench, the useful corpses hoisted into the harvesting vans, but then he heard something coming from a van, like a man screaming.

"Like someone was still alive?" Nijat remembers asking. "What kind of screams?"

"Like from hell."

Nijat shrugged. The regiment had more than enough sloppiness to go around.

A few months later, three death row prisoners were being transported from detention

to execution. Nijat had become friendly with one in particular, a very young man. As Nijat walked alongside, the young man turned to Nijat with eyes like saucers: "Why did you inject me?"

Nijat hadn't injected him; the medical director had. But the director and some legal officials were watching the exchange, so Nijat lied smoothly: "It's so you won't feel much pain when they shoot you."

The young man smiled faintly, and Nijat, sensing that he would never quite forget that look, waited until the execution was over to ask the medical director: "Why did you inject him?"

"Nijat, if you can transfer to some other section, then go as soon as possible."

"What do you mean? Doctor, exactly what kind of medicine did you inject him with?" "Nijat, do you have any beliefs?"

"Yes. Do you?"

"It was an anticoagulant, Nijat. And maybe we are all going to hell."

I first met Enver Tohti—a soft-spoken, husky, Buddha of a man—through the informal Uighur network of London. I confess that my first impression was that he was just another emigre living in public housing. But Enver had a secret.

His story began on a Tuesday in June 1995, when he was a general surgeon in an Urumqi hospital. Enver recalled an unusual conversation with his immediate superior, the chief surgeon: "Enver, we are going to do something exciting. Have you ever done an operation in the field?"

"Not really. What do you want me to do?"

"Get a mobile team together and request an ambulance. Have everyone out front at nine tomorrow."

On a cloudless Wednesday morning, Enver led two assistants and an anaesthesiologist into an ambulance and followed the chief surgeon's car out of Urumqi going west. The ambulance had a picnic atmosphere until they realized they were entering the Western Mountain police district, which specialized in executing political dissidents. On a dirt road by a steep hill the chief surgeon pulled off, and came back to talk to Enver: "When you hear a gunshot, drive around the hill."

"Can you tell us why we are here?"

"Enver, if you don't want to know, don't ask."

"I want to know."

"No. You don't want to know."

The chief surgeon gave him a quick, hard look as he returned to the car. Enver saw that beyond the hill there appeared to be some sort of armed police facility. People were milling about—civilians. Enver half-sarcastically suggested to the team that perhaps they were family members waiting to collect the body and pay for the bullet, and the team responded with increasingly sick jokes to break the tension. Then they heard a gunshot, possibly a volley, and drove around to the execution field.

Focusing on not making any sudden moves as he followed the chief surgeon's car, Enver never really did get a good look. He briefly registered that there were 10, maybe 20 bodies lying at the base of the hill, but the armed police saw the ambulance and waved him over.

"This one. It's this one."

Sprawled on the blood-soaked ground was a man, around 30, dressed in navy blue overalls. All convicts were shaved, but this one had long hair.

"That's him. We'll operate on him."

"Why are we operating?" Enver protested, feeling for the artery in the man's neck. "Come on. This man is dead."

Enver stiffened and corrected himself. "No. He's not dead."

"Operate then. Remove the liver and the kidneys. Now! Quick! Be quick!"

Following the chief surgeon's directive, the team loaded the body into the ambulance. Enver felt himself going numb: Just cut the clothes off. Just strap the limbs to the table. Just open the body. He kept making attempts to follow normal procedure—sterilize, minimal exposure, sketch the cut. Enver glanced questioningly at the chief surgeon. "No anaesthesia," said the chief surgeon. "No life support."

The anaesthesiologist just stood there, arms folded—like some sort of ignorant peasant, Enver thought. Enver barked at him. "Why don't you do something?"

"What exactly should I do, Enver? He's already unconscious. If you cut, he's not going to respond."

But there was a response. As Enver's scalpel went in, the man's chest heaved spasmodically and then curled back again. Enver, a little frantic now, turned to the chief surgeon. "How far in should I cut?"

"You cut as wide and deep as possible. We are working against time."

Enver worked fast, not bothering with clamps, cutting with his right hand, moving muscle and soft tissue aside with his left, slowing down only to make sure he excised the kidneys and liver cleanly. Even as Enver stitched the man back up—not internally, there was no point to that anymore, just so the body might look presentable—he sensed the man was still alive. I am a killer, Enver screamed inwardly. He did not dare to look at the face again, just as he imagined a killer would avoid looking at his victim.

The team drove back to Urumqi in silence.

On Thursday, the chief surgeon confronted Enver: "So. Yesterday. Did anything happen? Yesterday was a usual, normal day. Yes?"

Enver said yes, and it took years for him to understand that live organs had lower rejection rates in the new host, or that the bullet to the chest had—other than that first sickening lurch—acted like some sort of magical anaesthesia. He had done what he could; he had stitched the body back neatly for the family. And 15 years would elapse before Enver revealed what had happened that Wednesday.

As for Nijat, it wasn't until 1996 that he put it together.

It happened just about midnight, well after the cell block lights were turned off. Nijat found himself hanging out in the detention compound's administrative office with the medical director. Following a pause in the conversation, the director, in an odd voice, asked Nijat if he thought the place was haunted.

"Maybe it feels a little weird at night," Nijat answered. "Why do you think that?"

"Because too many people have been killed here. And for all the wrong reasons."

Nijat finally understood. The anticoagulant. The expensive "execution meals" for the regiment following a trip to the killing ground. The plainclothes agents in the cells who persuaded the prisoners to sign statements donating their organs to the state. And now the medical director was confirming it all: Those statements were real. They just didn't take account of the fact that the prisoners would still be alive when they were cut up.

"Nijat, we really are going to hell."

Nijat nodded, pulled on his beer, and didn't bother to smile.

On February 2, 1997, Bahtiyar Shemshidin began wondering whether he was a police-

man in name only. Two years before, the Chinese Public Security Bureau of the Western city of Ghulja recruited Bahtiyar for the drug enforcement division. It was a natural fit because Bahtiyar was tall, good-looking, and exuded effortless Uighur authority. Bahtiyar would ultimately make his way to Canada and freedom, but he had no trouble recalling his initial idealism; back then, Bahtiyar did not see himself as a Chinese collaborator but as an emergency responder.

For several years, heroin addiction had been creeping through the neighborhoods of Ghulja, striking down young Uighurs like a medieval plague. Yet inside the force, Bahtiyar quickly grasped that the Chinese heroin cartel was quietly protected, if not encouraged, by the authorities. Even his recruitment was a bait-and-switch. Instead of sending him after drug dealers, his Chinese superiors ordered him to investigate the Meshrep—a traditional Muslim get-together promoting clean living, sports, and Uighur music and dance. If the Meshrep had flowered like a traditional herbal remedy against the opiate invader, the Chinese authorities read it as a disguised attack on the Chinese state.

In early January 1997, on the eve of Ramadan, the entire Ghulja police force—Uighurs and Chinese alike—were suddenly ordered to surrender their guns "for inspection." Now, almost a month later, the weapons were being released. But Bahtiyar's gun was held back. Bahtiyar went to the Chinese bureaucrat who controlled supplies and asked after it. "Your gun has a problem," Bahtiyar was told.

"When will you fix the problem?"

The bureaucrat shrugged, glanced at his list, and looked up at Bahtiyar with an unblinking stare that said: It is time for you to go. By the end of the day, Bahtiyar got it: Every Chinese officer had a gun. Every Uighur officer's gun had a problem.

Three days later, Bahtiyar understood why. On February 5, approximately 1,000 Uighurs gathered in the center of Ghulja. The day before, the Chinese authorities arrested (and, it was claimed, severely abused) six women, all Muslim teachers, all participants in the Meshrep. The young men came without their winter coats to show they were unarmed, but, planned or unplanned, the Chinese police fired on the demonstrators.

Casualty counts of what is known as the Ghulja incident remain shaky. Bahtiyar recalls internal police estimates of 400 dead, but he didn't see it; all Uighur policemen had been sent to the local jail "to interrogate prisoners" and were locked in the compound throughout the crisis. However, Bahtiyar did see Uighurs herded into the compound and thrown naked onto the snow—some bleeding, others with internal injuries. Ghulja's main Uighur clinic was effectively shut down when a squad of Chinese special police arrested 10 of the doctors and destroyed the clinic's ambulance. As the arrests mounted by late April, the jail became hopelessly overcrowded, and Uighur political prisoners were selected for daily executions. On April 24, Bahtiyar's colleagues witnessed the killing of eight political prisoners; what struck them was the presence of doctors in "special vans for harvesting organs."

In Europe I spoke with a nurse who worked in a major Ghulja hospital following the incident. Nervously requesting that I provide no personal details, she told me that the hospitals were forbidden to treat Uighur protesters. A doctor who bandaged an arm received a 15-year sentence, while another got 20 years, and hospital staff were told, "If you

treat someone, you will get the same result." The separation between the Uighur and Chinese medical personnel deepened: Chinese doctors would stockpile prescriptions rather than allow Uighur medical staff a key to the pharmacy, while Uighur patients were receiving 50 percent of their usual doses. If a Uighur couple had a second child, even if the birth was legally sanctioned, Chinese maternity doctors, she observed, administered an injection (described as an antibiotic) to the infant. The nurse could not recall a single instance of the same injection given to a Chinese baby. Within three days the infant would turn blue and die. Chinese staffers offered a rote explanation to Uighur mothers: Your baby was too weak, your baby could not handle the drug.

Shortly after the Ghulja incident, a young Uighur protester's body returned home from a military hospital. Perhaps the fact that the abdomen was stitched up was just evidence of an autopsy, but it sparked another round of riots. After that, the corpses were wrapped, buried at gunpoint, and Chinese soldiers patrolled the cemeteries (one is not far from the current Urumqi airport). By June, the nurse was pulled into a new case: A young Uighur protester had been arrested and beaten severely. His family paid for his release, only to discover that their son had kidney damage. The family was told to visit a Chinese military hospital in Urumqi where the hospital staff laid it out: One kidney, 30,000 RMB (roughly \$4,700). The kidney will be healthy, they were assured, because the transplant was to come from a 21-year-old Uighur male—the same profile as their son. The nurse learned that the "donor" was, in fact, a protester.

In the early autumn of 1997, fresh out of a blood-work tour in rural Xinjiang, a young Uighur doctor—let's call him Murat—was pursuing a promising medical career in a large Urumqi hospital. Two years later he was planning his escape to Europe, where I met him some years after.

One day Murat's instructor quietly informed him that five Chinese government officials—big guys, party members—had checked into the hospital with organ problems. Now he had a job for Murat: "Go to the Urumqi prison. The political wing, not the criminal side. Take blood samples. Small ones. Just to map out the different blood types. That's all you have to do."

"What about tissue matching?"

"Don't worry about any of that, Murat. We'll handle that later. Just map out the blood types."

Clutching the authorization, and accompanied by an assistant from the hospital, Murat, slight and bookish, found himself facing approximately 15 prisoners, mostly tough-guy Uighurs in their late twenties. As the first prisoner sat down and saw the needle, the pleading began.

"You are a Uighur like me. Why are you going to hurt me?"

"I'm not going to hurt you. I'm just taking blood."

At the word "blood," everything collapsed. The men howled and stampeded, the guards screaming and shoving them back into line. The prisoner shrieked that he was innocent. The Chinese guards grabbed his neck and squeezed it hard.

"It's just for your health," Murat said evenly, suddenly aware the hospital functionary was probably watching to make sure that Murat wasn't too sympathetic. "It's just for your health," Murat said again and again as he drew blood.

When Murat returned to the hospital, he asked the instructor, "Were all those prisoners sentenced to death?"

"That's right, Murat, that's right. Yes. Just don't ask any more questions. They are bad people—enemies of the country."

But Murat kept asking questions, and over time, he learned the drill. Once they found a matching blood type, they would move to tissue matching. Then the political prisoner would get a bullet to the right side of the chest. Murat's instructor would visit the execution site to match up blood samples. The officials would get their organs, rise from their beds, and check out.

Six months later, around the first anniversary of Ghulja, five new officials checked in. The instructor told Murat to go back to the political wing for fresh blood. This time, Murat was told that harvesting political prisoners was normal. A growing export. High volume. The military hospitals are leading the way.

By early 1999, Murat stopped hearing about harvesting political prisoners. Perhaps it was over, he thought.

Yet the Xinjiang procedure spread. By the end of 1999, the Uighur crackdown would be eclipsed by Chinese security's largest-scale action since Mao: the elimination of Falun Gong. By my estimate up to three million Falun Gong practitioners would pass through the Chinese corrections system. Approximately 65,000 would be harvested, hearts still beating, before the 2008 Olympics. An unspecified, significantly smaller, number of House Christians and Tibetans likely met the same fate.

By Holocaust standards these are piddling numbers, so let's be clear: China is not the land of the final solution. But it is the land of the expedient solution. Some will point to recent statements from the Chinese medical establishment admitting the obvious—China's medical environment is not fully ethical—and see progress. Foreign investors suspect that eventually the Chinese might someday—or perhaps have already—abandon organ harvesting in favor of the much more lucrative pharmaceutical and clinical testing industries. The problem with these soothing narratives is that reports, some as recent as one year ago, suggest that the Chinese have not abandoned the Xinjiang procedure.

In July 2009, Urumqi exploded in bloody street riots between Uighurs and Han Chinese. The authorities massed troops in the regional capital, kicked out the Western journalists, shut down the Internet, and, over the next six months, quietly, mostly at night, rounded up Uighur males by the thousands. According to information leaked by Uighurs held in captivity, some prisoners were given physical examinations aimed solely at assessing the health of their retail organs. The signals may be faint, but they are consistent, and the conclusion is inescapable: China, a state rapidly approaching superpower status, has not just committed human rights abuses—that's old news—but has, for over a decade, perverted the most trusted area of human expertise into performing what is, in the legal parlance of human rights, targeted elimination of a specific group.

Yet Nijat sits in refugee limbo in Neuchâtel, Switzerland, waiting for a country to offer him asylum. He confessed to me. He confessed to others. But in a world eager not to offend China, no state wants his confession. Enver made his way to an obscure seminar hosted by the House of Commons on Chinese human rights. When the MPs opened

the floor to questions, Enver found himself standing up and speaking, for the first time, of killing a man. I took notes, but no British MP or their staffers could be bothered to take Enver's number.

The implications are clear enough. Nothing but self-determination for the Uighurs can suffice. The Uighurs, numbering 13 million, are few, but they are also desperate. They may fight. War may come. On that day, as diplomats across the globe call for dialogue with Beijing, may every nation look to its origins and its conscience. For my part, if my Jewish-sounding name tells me anything, it is this: The dead may never be fully avenged, but no people can accept being fatally exploited forever.

□ 1510

#### YUCCA MOUNTAIN

The SPEAKER pro tempore. Under the Speaker's announced policy of January 5, 2011, the gentleman from Illinois (Mr. SHIMKUS) is recognized for 60 minutes as the designee of the majority leader.

Mr. SHIMKUS. Mr. Speaker, it's great to get a chance to come back down to the floor to visit with my colleagues and talk about an issue that I've been raising seven or eight weeks in a row. I'll have a little more extended time to go over what has transpired over the past 6 to 7 months, and that's that this country really needs to address this high-level nuclear waste problem in this country.

I'm glad to be joined with some of my colleagues who I'll yield to in a couple of minutes.

But just to start in a synopsis, based upon the parts of the country that we visited, for us to move past the logjam that's in the other body, we have to find 60 Senators who will vote to move forward what we know is Federal law. The Nuclear Waste Policy Act of 1982 recognized and determined that Yucca Mountain would be the national repository for high-level nuclear waste.

I think a lot of folks would say, well, so if it's a law, why aren't we there? Well, the reason we're not there now is because the majority leader of the Senate has blocked it, along with the President of the United States.

This time is being spent to help educate the American public, Mr. Speaker, on where is the high level nuclear waste, what communities, what States are affected, and what Senators should be held somewhat accountable for the positions they take as far as high-level nuclear waste?

On the chart to my far left, throughout this last half a year, we need 60 votes. We've got at least 27 Senators who we know already support this based upon votes or public statements. We have eight that really have not had a chance to address this by a vote or haven't made a public statement on it yet. And we have seven "nays" or seven "no" votes.

With that, just because I appreciate my colleagues taking time out, I would

like to first yield to my colleague from the State of Illinois, no disrespect to my colleague from the State of Georgia, to go into a discussion about one of the areas that we addressed, one of the first sites we talked about. I figured I'd better come forward and talk about my own State. If I'm going to talk about other States, I better talk about my own State, the State of Illinois.

In the State of Illinois, 50 percent of our electricity is generated by nuclear power. We're one of the biggest nuclear power States in the country. We picked a facility that's actually closed, which is Zion Power Plant.

With that, I'd yield to my colleague, Mr. DOLD, to kind of talk about Zion, the State of Illinois, and its location.

Mr. DOLD. I want to thank the gentleman for yielding and certainly for taking this issue up, which I think is so very, very critical not only for just the State of Illinois but for facilities all across the country as we look at how we can best store the used material from the nuclear facilities—the spent fuel rods, more specifically.

If you'll notice here in Zion, which is just north of the district but certainly affects the district just north of Chicago and the 10th district which I represent, it's right on the shores of Lake Michigan. The Great Lakes, 95 percent of all fresh surface water in the United States is from the Great Lakes.

When we look at the amount of drinking water that the State of Illinois uses, it's an enormous percentage. It's coming from the Great Lakes. Yet, in our infinite wisdom we've decided that we want to store the fuel rods just a sheer several hundred feet from the shores of Lake Michigan, 5 feet above the water table.

If we take a look at Yucca Mountain, the reason why Yucca Mountain was chosen was Yucca Mountain is uniquely suited as the premier place. If we were to store any place spent fuel rods, this would be the ideal location. A thousand feet below the ground. A thousand feet above the water table. A very dry, arid environment. And correct me if I'm wrong: Where are the nearest inhabitants of Yucca Mountain? Is it 100 miles?

Mr. SHIMKUS. The city of Las Vegas, which is the major metropolitan area, is a hundred miles from Yucca Mountain.

What people have a hard time understanding about the nuclear test area, this is where the nuclear test site was. The Federal Government owns numerous parcels of land around Yucca Mountain. The communities right outside the reservation—and I think the whole test site area is like the size of New Hampshire—but the communities, what's interesting about this debate, the communities right outside the gate are fully supportive of Yucca Mountain being the repository for high-level nu-

clear waste. And why do I know that? Because I visited them. I've been in their communities. I went to the community center. They welcomed me, and we talked about how this was important for the country and their local communities.

Mr. DOLD. This is absolutely critical for the country. When we look at just the State of Illinois, the State of Illinois has got 13 commercial reactors at seven sites across the State of Illinois. Our neighbors to the north have three commercial reactors operating on two different sites, both of those on Lake Michigan.

So when we look at the 8.5 million people that rely on the drinking water, much less the recreation, the fishing, all of the different forms of commerce that happen on our Great Lakes, this is something that I think is critical.

The Senators from both the State of Illinois and the State of Wisconsin have all been in favor of trying to utilize this facility out at Yucca Mountain, and it just makes sense.

Why would we want to store, Mr. Speaker, over a thousand metric tons of nuclear waste hundreds of feet away from the greatest source of fresh surface water in our Nation? It is indeed the jewel of our ecosystem. This is something that we need to protect, something that we need to have a long-term vision for.

Yet what we don't need to do is have scattered sites all across our country of nuclear waste that has a greater potential for disasters to happen. They're being stored right now in casks that are about 5 feet above the ground water, above the water table, and what we'd like to do is take it a thousand feet above the water table, a thousand feet below ground.

This is something that makes absolutely perfect sense, and I welcome the gentleman's colloquy in terms of talking about not only this site, and I thank you for bringing it up week after week, trying to make sure that we try and get through to our colleagues on the other side of the building to make sure they can move this commonsense piece of legislation forward.

How much have we spent already at Yucca Mountain? I think it's in the \$14 billion range.

Mr. SHIMKUS. My colleague is correct. We've already spent about \$14.5 billion dollars in the research, the development, the exploration, the testing. A lot of money, time, effort, and some of our greatest minds have been involved.

I don't really think you have to be one of the greatest minds. The point I always say is, common sense says in the desert underneath a mountain. Isn't that where you would want high-level nuclear waste versus right off the shore of Lake Michigan?

Mr. DOLD. It seems certainly like common sense to me, and I certainly

applaud the gentleman's efforts and thank you for giving me the time. I just want to make sure that this isn't just important for the folks in the State in Illinois and the folks in Wisconsin, and the people in Michigan that are surrounding the Great Lakes, and specifically Lake Michigan; it's all the Great Lakes. And it's not just in Illinois. There are nuclear power facilities all across the country.

We need to have a safe, secure way to be able to store these spent fuel rods, and I think Yucca Mountain has been proven to be the place to do it. And I think we should move forward on it.

Mr. SHIMKUS. Can you tell me the disposition of what's going on with the Zion Power Plant? What's going on there right now?

Mr. DOLD. The Zion Power Plant has actually been decommissioned at this point in time. So right now they are putting it in mothballs, they are taking the spent fuel rods, they're in casks, they are being transported to a location that's on the site. It's just literally a few hundred feet away from the beaches there, and probably about 20 to 30 miles north of the city of Chicago.

This is not the place that we want to be storing spent fuel rods.

Zion was a great source of electricity for the people around the area and has been decommissioned over the last 2 years. So it is now sitting idle, and they're trying to go through the process of dismantling it.

□ 1520

Mr. SHIMKUS. Yes. I think I briefly tried to show this article from The Salt Lake Tribune, dated December 8, which talks about some of the reactor parts that are going to go out to Utah.

What the article ends up saying is:

The site will not, however, take the Illinois plant's used fuel rods. The United States currently has no site to dispose of spent fuel from commercial reactors, a form of high-level nuclear waste.

So if we don't have a location, where is that high-level nuclear waste, the spent fuel, going to remain?

Mr. DOLD. It's going to remain, seriously, right in the middle of a high-population area and hundreds of feet away from the jewel of our ecosystem—in the Great Lakes, in Lake Michigan. It's the wrong place for it to be. Common sense would say to move it out to a place, to a location, just like Yucca Mountain; \$14 billion of research and dollars have gone into the site. Let's put it 1,000 feet below the ground, 1,000 feet above the water table, in an arid environment. It's absolutely perfect for it. It's something that we should move forward on. It's in the best interest and safety of the American public to do something along these lines.

Mr. SHIMKUS. I'm told that Zion is, what, 40 miles from downtown Chicago.



Mr. DOLD. It's 40 miles from downtown Chicago. So, obviously, in the greater Chicago area, you probably have about 6.5 to 7 million people. It's certainly not what we want to have in terms of this nuclear waste disposal.

Mr. SHIMKUS. The reason this is important is, unfortunately, due to Fukushima Daiichi in Japan, which is a great tragedy. A lot of people think about the containment issue, which has always been the fear. Part of the Fukushima Daiichi problem was the spent fuel in the pools, which might be a bigger environmental disaster based upon things that cannot be planned. That's why we continue to push this.

I appreciate my colleague for coming down.

Mr. DOLD. I thank the gentleman for allowing me to have some time with you today and, again, for talking about this very important issue.

Mr. SHIMKUS. Now I'm going to turn to my colleague from Georgia, who also serves with me on the Energy and Commerce Committee. We have jurisdiction over this. My subcommittee is the Environment and the Economy. I deal with a lot of these waste disposal issues, nuclear waste being one of those.

My colleague from Georgia has followed this issue as long as I have. The last time I came to the floor, I mentioned a couple facilities in Georgia, but the one that I have highlighted is the Savannah River. As I finish, I'll get this picture up to my colleague.

But the point we're trying to make today is that here you have Yucca Mountain, which is a mountain in a desert. Then you have nuclear waste all over this country. Look at this one. It's right next to the Savannah River. At Yucca Mountain, we have no nuclear waste on site. At the Savannah River, there are 6,300 canisters of waste on site. The waste would be stored, as my colleague BOB DOLD said, 1,000 feet underground; whereas, at the Savannah River, it's stored right below the ground. At Yucca Mountain, it's 1,000 feet above the water table. At the Savannah River, it would be zero to 160 feet above the water table. The waste at Yucca Mountain is 100 miles from the Colorado River. Well, you can see that it's adjacent to the Savannah River.

So I appreciate the gentleman from Georgia, Congressman GINGREY, for joining me; and I yield to him to enter into the colloquy.

Mr. GINGREY of Georgia. Mr. Speaker, I am glad to join my colleague from Illinois, the chairman of the Environment and the Economy Subcommittee on the Committee of Energy and Commerce, on this very important subject.

Our colleagues from Illinois specifically pointed out the existing situation in their State in regard to these nuclear reactor sites in Illinois and what they do with spent nuclear fuel.

The poster that the gentleman has presented in regard to my great State and my neighboring State of South Carolina as to what we're faced with is equally as telling. I think it might be instructive, Mr. Speaker, if I go back and take a walk down memory lane just a little bit in regard to my background.

When I was growing up in North Augusta, South Carolina, this central Savannah River area, which includes the southern part, if you will, or the western part of South Carolina and the eastern part of Georgia, is separated by the Savannah River. There was a facility built on the South Carolina side in a town called Ellington, South Carolina, back in 1950. I hate to tell my age, but I was 7 or 8 at the time. Mr. Speaker, my parents owned a little motel on the river, and they very insightfully named the mom-and-pop, 25-unit motel the Riviera Motel.

During the construction of this nuclear plant, there were 50,000 construction workers involved in constructing that facility for 3 years. Every evening when the Sun went down, I can't tell you how happy my parents were to turn on that "no vacancy" sign at the Riviera Motel, because all of these workers stayed with us. We didn't get rich; they were only paying \$8 a night. It's just to point out the importance of jobs in the nuclear industry and the capability of expanding our employment sector in this particular lane of energy.

In this country right now, today, I'm told that we produce about 20 percent of our electricity from nuclear power. In the State of Georgia, it's 24 percent. It's not much higher. We have two sites and four reactors. We're in the process of adding two more right on the Savannah River, as the gentleman from Illinois points out, at Plant Vogtle; and, hopefully, we'll get that done.

The problem, which the gentleman is bringing before all of our colleagues—and hopefully to a lot of other folks who are viewing or listening—is: Why is it for the last 30 years we have had no new nuclear sites? We've literally had a moratorium. You have about 103 across the country—those in Illinois, those in Georgia—and what are they doing with this spent nuclear fuel? It is either shallow, underground in pool tanks, not very much above the water table or—even worse—it's aboveground in these concrete and steel containers. Talk about the risk of a terrorist attack in a radiation release.

So the gentleman was so generous to ask me to join him in this colloquy about the issue. I'm looking forward to continuing, as I yield back to him, to discuss the real problem here of what to do with that spent fuel.

Mr. SHIMKUS. Again, I appreciate your joining me today.

I want to quote from a Chicago Tribune editorial of March 19. I'll just read three short paragraphs:

"Here's why that is potentially a bigger problem than a meltdown: In the Japanese reactors, as in many U.S. reactors, the spent fuel is housed in large water-filled pools in the reactor building but outside the concrete-and-steel fortress that surrounds the reactor core.

"If the core melts down, any radiation released is likely to be partly bottled up by the containment vessel.

"Not so for the spent fuel pools, which often contain far more radioactive material than in the reactor. If the water that keeps those rods cool drains or boils away, the used fuel can catch fire. Result: A dangerous plume of extremely high radioactivity spewed into the air.

"Obvious question: Why do nuclear plants store spent fuel that way?

"Obvious answer in the U.S.: Yucca Mountain isn't open. In the 1980s, the Federal Government launched plans to ship nuclear waste to a storage lair carved into the mountain in Nevada and let it slowly and harmlessly decay."

So there are benefits to nuclear power. If you're a climate change person and if you don't want carbon dioxide and if you still want a lot of electricity for us to use in all of our new technology, you'll have to have a generator. Yet, in this case, it's the used fuel. It is properly stored, but it would be better stored in a single repository underneath a mountain in the desert for all of those reasons.

□ 1530

You're talking about four reactors right now in Georgia; two more coming online, that's six; Illinois has 11. There are over 104 across this whole country and, of course, we spent our time talking about the used nuclear fuel from the industry.

But when I started this debate about what do we do with high-level nuclear waste, I started with a DOE facility that goes back to World War II and the development of the nuclear bomb and the Fat Man bomb, which was built at Hanford, Washington. And all that waste, going all the way back to World War II, is in Hanford. And there are 53 million gallons of nuclear waste on site, buried right off the surface of the ground in tanks that are 750,000 to a million gallons each. Only about 40 of them—there is over 100. Only about 40 of them are double-lined. That means the rest are not. Some are leaking.

Mr. GINGREY of Georgia. Will the gentleman yield?

Mr. SHIMKUS. I yield to the gentleman.

Mr. GINGREY of Georgia. And the question of who is responsible in Hanford or Barnwell, South Carolina, or New Ellington to guard and protect, a tremendous burden on the States. But even if the Department of Homeland Security—maybe they do some oversight and protection of these sites. But



103 different sites across the country, how much simpler, how much safer, how much cheaper if they had one site to protect, that being 100 miles from Las Vegas at Yucca Mountain?

Mr. SHIMKUS. Continuing to speak on this issue of just looking at it, to kind of get away from just the nuclear generating profit sector, to address our responsibility as stewards of a program that was developed to stop World War II and then eventually remedy these environments that had an environmental impact.

Yucca Mountain, the waste storage plan for Hanford—and I've just toured it this year. The plan to gather up, deliquify, reprocess, put it in these canisters is designed to go to one location. Do you know what that location is? That location is Yucca Mountain.

So our failure to move forward, or our failure—actually, the other Chamber's failure, the leader of the Senate's failure, the President of the United States' failure, just tells Washington State what? Guess what. You've got this high-level nuclear waste that's leaking, that's close to the Columbia River, and just deal with it. Just deal with it.

I find that unacceptable after, as my colleague from Illinois said, \$14.5 billion we've spent to prepare this site at Yucca Mountain only to have it stopped for political purposes.

Mr. GINGREY of Georgia. Well, if the gentleman will yield to me again, and I appreciate the opportunity to discuss this, because what year did we commission a group to study—and there were a number of potential sites for permanent storage from all these 103 facilities—one unified central site?

I'm relatively sure—the gentleman could correct me if I am wrong, but it was at least a 5-year process before it was settled in 1987 and Congress at that time designated Yucca Mountain as the sole site for permanent high-level nuclear waste repository after years of contentious applications.

So this is set in law, is it not?

Mr. SHIMKUS. The Nuclear Waste Policy Act of 1982 established Yucca Mountain as the national repository for high-level nuclear waste. And, again, for the educational purposes, Mr. Speaker, that is spent fuel. Sometimes it's spent nuclear waste from our Department of Defense, now controlled by the Department of Energy sites like Hanford.

Our argument is: Let's consolidate this waste safely, securely at one location so that, as my colleague from Georgia says, we can more safely, I think, effectively, I think, efficiently, I think, cost effectively manage, protect, and eventually try to remediate some of the damage that's been done over decades because of this high-level nuclear waste being located all over the country.

I yield to the gentleman.

Mr. GINGREY of Georgia. I have had the opportunity, as a Member of Congress, and particularly as a member of the Energy and Commerce Committee, Mr. Speaker, to travel to France and Scandinavia recently to look at their nuclear facility but, in particular, their ability to reprocess in France and their ability to store in Scandinavia.

We have described a little bit about the physiognomy, if you will, of the Yucca Mountain area, the nuclear test site, that arid desert of northern Nevada; and they have, in Scandinavia, developed a laboratory. I think they call it The Clad. But it is literally 1,400 meters below ground in bedrock, and you could drive 18-wheel trucks down to something like 2 miles deep in the ground where their spent nuclear fuel is stored. And that's the model, and that's really what we are looking at and planning for at Yucca Mountain. Nothing, really, nothing could be safer in regard to storage.

The other thing is, while we were in France, we looked at a facility where they take that spent fuel, Mr. Speaker, and they reprocess it. So at some point in the future, we decide and we have the technology to do that, that source of spent nuclear fuel that's stored in Yucca Mountain could be used to recycle and to get more energy out of this spent nuclear fuel.

It's beyond me how a President, by Executive order, can stop the will of Congress. And maybe we ought to talk about that in regard to things like the Keystone energy pipeline and expand this discussion a little further.

Mr. SHIMKUS. Again, I thank my friend from Georgia for helping out on the Special Order and just addressing the issue of recycling. What do we do? Because those of us who follow the nuclear fuel cycle, most people want it closed. And how do you get it closed? You get it closed by getting as much energy out of the fuel rods as you can. You do that by reprocessing. But it would make sense that if there was someone who is going to attempt to do that, that the nuclear fuel would be close by.

There's probably some discussions about if we were going to have a reprocessing facility sometime in this country like France, where would you locate it? Where would it be situated? I mean, I am just a layman in this debate, but I think you would want it close by where the nuclear material is, the material that you want to use to reprocess, to create fuel.

I can't speak for the entire body. I do know that the House spoke on Yucca Mountain and bringing a finality to this—297 Members voted to ensure that we had the final dollars to do the final scientific study to move this process forward. And in that debate, it just showed that the will of the House was supportive and this is bipartisan. I mean, we don't have 297—or whatever

the number is—Members who are just Republicans. We have 242. That means we brought a lot of our colleagues from the other side on this debate. Some of those really believe that the future is reprocessing and that we ought to be exploring that, and it's much better to have them located where you can recover that material.

□ 1540

If my colleague from Georgia wouldn't mind, we are joined by another colleague from Illinois. People wonder why we take up this cause. It's because we're a big nuclear State. It's about 50 percent of our electricity generation. I do a lot of coal. Coal is very important to me, but we are a nuclear power State which means we have a lot of sites, a lot of reactors, and we have a lot of nuclear waste.

So I yield to my colleague and thank him for coming down.

Mr. KINZINGER of Illinois. I thank my colleague from Illinois. I just want to say thank you for your leadership on this issue, among many other things. This is an issue that is very important. It is important not just for the country. It is important for my State, and it's important for my district. The 11th District of Illinois is kind of north central Illinois. It's a beautiful place. Come spend money there sometime.

But we have three nuclear power plants there. In fact, at each nuclear power plant of course there is stored nuclear waste on site. And then we also have an area that was intended to be early on, the original site of what was going to be nuclear reprocessing in this country, and now it is really just a pool with stored nuclear waste in it.

So in one district—I think there's 131 locations across the country where we are storing this nuclear waste, and in my district alone we have four of those. So this is an issue that is very important not just to the people of Illinois, the people of the 11th District, but mainly to the people of this country.

I mean, Yucca Mountain, the fund was created for this sole purpose of finding a place, a safe place, a safe alternative to store nuclear waste.

Now, going back to the very beginning part of the debate as to why do we need nuclear power, I think we have addressed that. I think most Americans are on board with the understanding that it is good, clean power. It provides a lot of great jobs. I have toured some of the plants in my district, and I can tell you they are good, high-paying American jobs. They take us on that road to energy independence. So understanding then that we need nuclear power and understanding that nuclear power plays an important role, we have to talk about the unfortunate side of it, which is the storage.

Yucca Mountain has been, or was being, created until it was zeroed out

for the purpose of storing all of this waste; and it just makes sense. You know, regardless of whether we build the nuclear reactors or reprocess them, we have to store this somewhere. Now here's the question, though. If Yucca Mountain is technologically unable to store this fuel, then I would think the NRC, the Nuclear Regulatory Commission, needs to come out and tell us it's technologically insufficient and show us why.

But they're not doing that because the truth is technologically it's almost perfect, as far as something like this would go. But the chairman of the NRC has turned this into not necessarily what's the right thing to do for the industry, what's the right thing to do for the country, but what's the political thing to do, and turned the commission into a political commission.

When you talk about this and when you talk about the safety of our country, I think for something very basic like this, and I think it is very evident, I think we should take politics out of that. And I would think all of my colleagues joining me today would agree this doesn't need to be a political issue. We need to have the NRC free of the political manipulations; and only President Obama, frankly, can determine the fate of the chairman. I hope he takes that into account. I hope he takes into account what's the right thing to do for this country in the long run.

So we have great jobs here. We have a need for nuclear power. Let's just complete the puzzle, and let's put this stuff at Yucca Mountain.

Mr. SHIMKUS. If my colleague would continue to discuss this for a few minutes, you mentioned a fund in your kind of opening statement. For the benefit of the Speaker, could you explain where this fund comes from and who is paying into it and what is it designed to do and what's going on with it right now.

Mr. KINZINGER of Illinois. Look, if you pay for any kind of nuclear power, ratepayers pay for this fund.

Mr. SHIMKUS. So you have constituents who have been paying into this fund?

Mr. KINZINGER of Illinois. Sure. And paying for a long time. Let me add, for every year we delay opening—Yucca Mountain is not going away; it doesn't disappear off the face of the Earth—for every year we delay, it's costing us half a billion dollars more than what it's ultimately going to cost.

So my constituents, your constituents, anybody who uses any aspect of nuclear power, which is almost everybody, has been paying for this. This isn't some giant expenditure we're going to have to make out of the general fund when we don't have any money. This is already being funded. It's already being paid for. It only

makes sense. I think the colleagues that are joining me here today will say the same thing: this just makes sense.

Mr. SHIMKUS. And part of this debate about the nuclear waste and where it's stored and the nuclear waste fund has been litigated in Federal court, and the courts have said it is the responsibility of the national government to take this waste as part of the law, complying with the law. Obviously, we have no place to take it. So we end up having the utility store the high-level nuclear waste on site; and some of them, some have not asked us yet, some of them we are actually paying to hold the waste that we're supposed to be holding.

Mr. KINZINGER of Illinois. If my colleague wouldn't mind, and you mentioned it just a few minutes ago, this idea passed this body with a large majority. That to me seems like this is the will of the American people. It's not just some agenda or some crazy pie-in-the-sky idea. This is the will of the American people, and it's the responsibility of us to ensure that we're being safe. I mean, it just seems very basic to me, and so I'm having a hard time figuring out how and why politics has come into play on this. I think this is a debate we solved decades ago. But nonetheless, out in Washington, D.C., nothing surprises me in the 10 months I've been out here.

Mr. GINGREY of Georgia. If the subcommittee chair from Illinois would yield to me, if the gentleman from the 11th of Illinois lets the gentleman from the 11th of Georgia be somewhat instructive in regard to the politics, because that pure and simple is what it is. Of course comments were made in regard to the chairman of the Nuclear Regulatory Commission.

But the fact is that it is the Secretary of Energy, it's the Secretary of Energy. This Secretary of Energy, a Nobel Laureate in nuclear physics who was essentially told by this administration to tell the Nuclear Regulatory Commission that he was requesting that the license application for Yucca Mountain be withdrawn from the NRC, taken out of their hands, the licensing process stopped with prejudice.

Now, I'm not a lawyer, but if there are any lawyers in the body, they understand when you withdraw something with prejudice, that means you can't bring it back up. So this \$14 billion that has been taken out of the ratepayers from the 50 States, or at least where these 103 reactors exist, they are paying for this. And yet this political pressure on a gentleman who's got to be much, much smarter than any of us, a Nobel Laureate in nuclear physics; if I were him, as soon as that word came down to me and I got the memo from the White House, I would immediately resign over righteous indignation.

Mr. KINZINGER of Illinois. If I can just say quickly on that point, Aby

Mohseni, acting director for licensing and inspections at the NRC, made this remark: "Some senior managers contributed to the manipulation of the budget process and information to apparently make sure that the Yucca Mountain project would be left unfunded even if the license application was still before the NRC. We were unprepared for the political pressures and manipulations of our scientific and licensing processes that would come with the appointment of Chairman Jaczko in 2009."

Mr. GINGREY of Georgia. But, fortunately, if I might interject, the board of the NRC rejected that, rejected what he recommended.

Mr. SHIMKUS. Reclaiming my time, I would kind of close this circle, Mr. Speaker, reminding folks that the chairman of the NRC, Mr. Jaczko, used to work for now-majority leader in the Senate, HARRY REID. And it's the majority leader in the Senate that is blocking the funding for the final scientific analysis, and it is the chairman of the NRC who used to work for the majority leader who is complicit in this plan to shut down an investment of this country of \$14.5 billion to comply with Federal law that we passed in 1982.

Now, in 1982 I was serving my country as an Army lieutenant in West Germany before the Wall came down. That's a long time ago. This has been the policy of this country for decades. And to have one man, one majority leader of the Senate, put a halt to that, that's why we're down here, because he has raised this to a political debate, not a scientific debate.

□ 1550

And because it's a political debate, what I'm attempting to do over a series of weeks is go around the country and just identify where is high-level nuclear waste stored, and would it be better for that waste to be stored underneath a mountain in a desert, the most investigated piece of property on the history of this Earth. There is no piece of property that has been more studied than Yucca Mountain anywhere on the face of this Earth.

So I know this is hard for some folks to see. We're doing a tally as we go around the country to look at, where are the votes? And we have 27 people, bipartisan, who have said this is where it should go from Washington State; of course, Illinois and Wisconsin, Georgia, South Carolina, Arizona, Idaho, Utah, Wyoming, Maine, Vermont, Florida, Alabama, Mississippi, and Louisiana. We have new Senators who have not had an opportunity to publicly either make a statement on it or cast a vote. They're in the middle. We have 27 "yes," 8 unknown. We're going to give them the benefit of the doubt. MERKLEY. FEINSTEIN was a "no" but

Fukushima Daiichi and the two nuclear power plants that are on the Pacific Ocean in California and the high-level nuclear waste that's stored in ponds have her in a quandary based upon the representation of that State.

TESTER of Montana, unknown; LEE of Utah; BROWN of Massachusetts; AYOTTE of New Hampshire; SHAHEEN of New Hampshire; WICKER of Mississippi.

Bona fide "noes": REID of Nevada, HELLER of Nevada, CANTWELL of Washington, BOXER of California, BAUCUS of Montana, KERRY of Massachusetts, and SANDERS of Vermont.

So it's a chance to use the bully pulpit and my position as chairman of the subcommittee to help educate not only the floor, my colleagues, the Speaker, those who are following us, that there's got to be a better way to store high-level nuclear waste than in pools next to Lake Michigan, next to the Savannah River, next to the Pacific Ocean. Surely, there's a better place. And we know there is.

Thirty years of study and research—Federal law says Yucca Mountain in the desert underneath a mountain is probably as good a place as you're going to find, at least in the United States.

Mr. KINZINGER of Illinois. If the gentleman would grant me just a moment. When you said there's a mountain in the desert, or there's I think 131 locations as it exists today, I can tell you I have four of those locations in the 11th District in Illinois. I believe nuclear power is safe, effective, cheap, efficient. But right now there's four nuclear storage waste facilities in the district. That's by the Midewin Tallgrass Prairie. That's by populated areas and towns.

There are a lot of big issues going on in Washington, and this probably isn't at the top of people's priorities, but I would encourage anybody that's watching us right now who sees their senator's name on that board you had up earlier and says, Hey, my senator is a "yea," call and say, Thank you. Encourage that senator if they're unsure. If they have the three yellow question marks, probably call that senator and say, Hey, I really would like to get you onboard with safe nuclear storage. And if they're a "nay," please call them twice. Because we react to what we hear. And if the American people want safe storage—and I know they do—then this is the right alternative.

Mr. SHIMKUS. I appreciate, again, my colleague for coming down for this hour of discussion on really what should be the national policy on high-level nuclear waste in this country.

I didn't get a chance to go through all the areas but I'm going to end with Yucca Mountain versus the San Onofre Nuclear Generation Station between L.A. and San Diego. This is one of the ones I'm talking about. How much nuclear waste is in the desert underneath

the mountain? None. How much is on the Pacific Ocean right on the coastline? There's the photo. That's 2,300 waste rods on site. The waste would be stored a thousand feet underground at Yucca. The waste is stored above the ground in pools right on the shoreline of the Pacific Ocean. The waste would be a thousand feet above the water table here. Of course, as you can see from the photo, the waste is right next to the Pacific Ocean. The waste at Yucca Mountain would be a hundred miles from the Colorado River. Again, you can see the waves breaking almost right up to the nuclear generating station between LA and San Diego.

I've gone to Massachusetts. I should have talked about Florida today. I've talked about Illinois. DOE locations like Washington State. There's a lot of nuclear waste defined differently all over this country. Let's do the correct public policy and get it at a single repository in the desert underneath a mountain.

With that, Mr. Speaker, I appreciate your diligence, and I yield back the balance of my time.

#### CONGRESSIONAL PROGRESSIVE CAUCUS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 5, 2011, the gentleman from Minnesota (Mr. ELLISON) is recognized for 60 minutes as the designee of the minority leader.

Mr. ELLISON. My name is KEITH ELLISON. I am the cochair of the Progressive Caucus and a Member of Congress from the great State of Minnesota. I'm here claiming time to speak on behalf of the Congressional Progressive Caucus.

The Congressional Progressive Caucus, Mr. Speaker, is 77 members in the United States Congress who believe that when we say the Pledge of Allegiance and we say liberty and justice for all, that means all—all means blacks, whites, Latinos, Asians, straight, gays, the senior citizens and the youngest among us, people with disabilities and people who are able-bodied. It means the great mass of American people included in "in liberty and justice for all."

The Progressive Caucus believes in economic justice. We believe in civil rights and human rights for all people. We believe that public employees are valuable to our society, and we honor and respect the services that they give to us. We believe that America, with our awesome military power, should use that power to promote peace in the world. We are the ones who called for the U.S. to not go into Iraq. When we went in there, we were the ones to push to get us out. We are the ones who are raising the issues around Afghanistan. And we'll continue to argue the case for diplomacy and for development and

to make friends with the world, to be a good member of the international community in the United Nations and under international bodies.

We're not the ones who believe that the world is a scary, dangerous place and we've got to jack up the military as much as we can. We're not the ones who think that the rich don't have enough money and the poor have too much. We're not the people who believe in dividing Americans based on culture and color and gender and urban versus rural. We believe in unifying Americans and having equal rights for all people.

Yes, we are liberal, and we are proud of it. We're the Progressive Caucus.

Today, Mr. Speaker, I'm here to deliver the Progressive message. The Progressive message is what we're talking about today. The topic I'm going to address, Mr. Speaker, is going to be jobs in this American economy.

Today, Mr. Speaker, we want to speak as bipartisan as we can, but there's no question that the arguments that we have in Congress have a partisan tone. Therefore, for us to sit up here and say we're all just getting along here in Congress and we don't have a different point of view would be not exactly being straight with the American people.

□ 1600

So we're going to say that the debates that we have been having in the House of Representatives have to do with those of us who believe that we as Americans need to live in harmony with the planet, need to try to cut down our carbon footprint, need to try to diminish pollution. And those others of us—mostly on the Republican side of the aisle—who make the case that, for the sake of industry, we have to sacrifice our health, our lungs, our good clean environment, they're making that case.

We're trying to ask Americans to look carefully at the different programs that are being offered on this House floor and to make a decision: Do you believe that we have a responsibility to the poor? The Progressive Caucus does.

Do you believe that public employees and government brings quality and improves the quality of life for Americans? Not all the time. Government needs to be refined like everybody. But the Republicans and conservatives in this House who make the case that government is the problem, we wholeheartedly reject that point of view. That is wrong. We believe in a mixed economy, where the private sector and the public sector exist to benefit the American people in general.

So we're here to talk about these things tonight, and we're here to lay it on the table so that Americans of all backgrounds, all colors, all cultures, all faiths can make decisions about

what kind of America they want. Because there are clearly two different visions of what America is about being offered on this House floor every day for the last year and for the next year, and I think Americans should be able to say, I think this is the kind of America I want. And others who think that rich people don't have enough money and poor people have too much, they can support the Republican program.

Mr. Speaker, I want to talk a little bit about jobs tonight; and, therefore, I just want to make the case that, again, I don't think it's a good idea to always draw the partisan divide, but I think it is important to be honest. And my Republican colleagues just have not—even though they're the majority—have not introduced a single bill for jobs this whole time they've been in the majority.

They will say, Oh, yes, we've brought jobs. We had jobs bills. We had jobs bills. Didn't you see us cutting the EPA?

That's not a jobs bill.

Didn't you see us trying to let cement companies be able to emit more pollution in the air?

That's not a jobs bill.

Didn't you see us trying to let coal companies, electric coal companies be able to put more emissions in the air?

That's not a job bill. That's just saying industry can do what it wants to our lungs.

But a jobs bill to help rebuild America's infrastructure? Haven't seen that from our friends on the Republican side of the aisle. A jobs bill that would help refurbish public buildings like schools, haven't seen that. They don't want to do that.

A jobs bill that would say, Look, you know what? We need to train Americans to be able to do the jobs of the 21st century and to promote solar, wind, biomass, the waves, all these kind of ways that we can live in harmony with the Earth and power the Earth at the same time. They haven't had any jobs doing that. To make our grids smarter, our electrical grids smarter, they don't want to put money in that. They think that is a waste of money.

The fact is Republicans have not come up with a jobs agenda. I call it the Republican no jobs agenda.

And, you know, it's clear that the government has an important role in terms of jobs. You hear some of my Republican colleagues say the government doesn't create jobs. This is absurd.

Ask any small retailer out there who's trying to make a go of it in their local community. They may have a nail shop or they may have a hair shop or they may sell retail clothing or they may have just a small little business that they opened up. If they don't have any police protection—that's the gov-

ernment—then that's going to cut the number of customers that come to them. That is going to hurt their business. Government helping business to thrive.

Ask a trucker, somebody who may own their own rig or maybe somebody who owns a trucking company. If we don't have public roads, highways and things like that—that's the government—where would their business model be?

The Internet. Think about Google. Think about all of the wondrous economic activity associated with the Internet. Well, the Internet was started by the government—yes, it was.

I'm telling you that, whether it's the National Institutes of Health coming up with lifesaving innovation and funding important basic research or whether it is the Food and Drug Administration giving Americans confidence that when they buy that product it's not going to kill them, the government helps business thrive. It helps the market operate properly so that we don't have caveat emptor, so that the buyer doesn't have to beware. The buyer knows that somebody somewhere is looking to make sure that the food is edible and the water is drinkable.

Now, my friends on the Republican side of the aisle that say government doesn't do anything to help the economy are wrong.

I was so proud to hear the President discredit the false economic theory of trickle down. What is trickle down? Mr. Speaker, trickle down is the theory that, look, if we give as much money as we possibly can to the richest Americans and we take it from the poorest Americans and the middle class, then maybe the rich people, through investments and stuff, will put money into the economy and maybe it will trickle down and other people will be able to get something out of it. Well, the President said it's an okay theory except for it doesn't work.

The President's right: Trickle down is a failure, and trickle down doesn't work. I'm so glad that the President really helped explain this to the American people. Because trickle down, at the end of the day, it doesn't trickle down. It just stays up there. And that's why we see so much wealth concentrated in the hands of so few, because Republicans think the only way to make the economy work is to cut all of our health and environmental regulations and to give tax breaks to people who already have more money than they know what to do with.

Some of my Republican friends like to say, well, you've never met a payroll. I met a payroll. I was a small business owner for many years. I was a lawyer and ran a law firm, had to pay my staff. And it wasn't taxes and stuff that I worried about. You know what I worried about? Mr. Speaker, I worried about customers. Could I get some cli-

ents coming through the door asking me to write a will, to incorporate their business? Could I get some clients to say, Would you represent me in this accident? Or, I got in a little trouble. Would you represent me in that?

Clients is what I needed. And if my customers didn't have any money, they wouldn't be able to hire me. But if the customers aren't working and the economy is poor and there's no money circulating amongst working folk, my business suffered. And if people were doing well, my business would thrive. You ask any business person: What would you rather have, a tax cut or a lot of customers? They're going to say, Customers. I want customers.

And so this claim that the Republicans make, that we don't need to make sure that the average working American is doing well, we just make sure that the money gets up to the top and it will trickle down, is not true. And I'm so glad that the President made that point today.

We've got to destroy myths around this economy because, again, there are people who tell self-serving narratives. They tell stories and narratives that help them make more money.

I'm sure that the Koch brothers, who have given a lot of donations around and who own this big refinery and make a lot of money, would really like it if we all believed that giving them a huge tax cut and getting rid of environmental regulations was good for the economy. Of course we don't believe it because it isn't true. But we know that if we keep on arguing, that masses of American people will say, You know what? I think it's okay to have unemployment insurance for people who are out of work. You know, I think it's okay to, in an economy like this, to extend the payroll tax cut.

Rich people get tax cuts. Republicans like it when rich people get tax cuts. They don't like it when working middle people get tax cuts. They would rather have just the rich people get them.

But the fact is people are waking up all over America. They're saying, Hey, you know, when I voted last time or I didn't vote last time, I was upset because of the job situation. And my friends on the Republican side of the aisle didn't get to the business of jobs. They got in here going after the EPA and going after tax cuts for the wealthiest Americans. And because of that, you know, things haven't been good.

Now, I will give President Obama some credit. Because of the good work that he has done, we have seen private job growth continue for about 24 months.

□ 1610

The problem is we have cut the government so badly, and at the wrong time, that State and local governments

have had to shed public employees left, right, and center. We are literally seeing gains in private sector employment being offset by cuts in public sector employment, and it's unfortunate that that's the situation that we have.

So today, I'm here with the progressive message. Today we're here to illustrate what's at stake in America today. And this week, thousands of Americans all across the country came here to Washington to raise their voices. They call themselves the 99 percent. And I have to say, it's starting to feel like the people's House around here.

I had a number of folks in my office who came on a 24-hour bus ride, Mr. Speaker, from my district in Minneapolis, to come tell me that, look, you know, we've got to rebuild America and put people back to work. Infrastructure crumbling, people can work to rebuild it.

They said, hey, look, you know this income inequality is not working. And as you give more and more tax cuts and loopholes to the richest, it just ends up hurting us.

I had to tell them that two-thirds of all American corporations don't pay any taxes at all. Two-thirds of all American corporations don't pay any taxes at all. And I brought in this chart, Mr. Speaker. I pulled this chart out because they were—it was hard for them to believe.

I told them, I said, you know, the companies on this chart that I'm about to show you, you know, show me however much money you have in your pocket, you paid at least as much taxes as these companies, because if you paid nothing, then you paid the same as them. If you got one penny, you paid more than them.

Bank of America paid no taxes. Now, let me tell the story about Bank of America, Mr. Speaker. Bank of America made bad business deals. When you make a bad deal in business, you're supposed to pay for that. You know, things go wrong, people go out of business.

Bank of America, they went and bought Merrill Lynch after this guy, this CEO named Stan O'Neal, ran the company into the ground. They still gave him a golden parachute of, like, several hundred million dollars. And I often joke and say I'd have been happy to run the company into the ground for just a million dollars. But he did it, they paid him millions to run Merrill Lynch into the ground. And Bank of America bought that company.

And then Countrywide, which is the leading predatory lender, subprime lender, bought them, Bank of America did. Got all these bad mortgages that weren't performing because they were never properly underwritten because people made money by just selling the mortgage and then selling the paper. And it was like a hot potato. Once you

sold the mortgage, you got the fees out of it, send it to somebody else to be securitized into a mortgage-backed security. So a lot of those happened.

And Bank of America bought those two companies, and then it started causing them losses. And then they said, America, America, we're going down. Help us, please. And then they called us all together in September and October 2008 and said, we need a bailout, please.

We came up with a bill called TARP and Bank of America got bailed out. Now, the problem is, after Bank of America got bailed out and got back up on its feet somewhat, they paid all their executives big giant bonuses, they laid off 30,000 people.

What? Yeah. That's how they repay the American people helping them out.

Citigroup, another one, paid no taxes. They got saved. They were absolutely going down. They probably are, I don't know, Citigroup is a company with a lot of problems. Paid no taxes.

ExxonMobil. Now these people are making money hand over fist. They are making money. They are very, very, very, profitable. Why? Because you're happy to pay \$3 gas. If you can go pay \$3 you'd be, like, hooray; this is the store I'm going to go to. And you know you see it going up to four. And over the last few years, it's fluctuated between three and four.

Well, do you think that ExxonMobil is not making money on that? They are absolutely making money hand over fist because of that, and yet they pay no taxes.

So, look, the fact is—oh, GE. Don't let me forget about my friends at GE. I think they're the biggest corporation in the world. No taxes. GE pays no taxes.

I'm like, look, you know, GE, we, the government, because we've cut taxes for the wealthiest people, and two-thirds of all corporations don't pay any taxes, we don't have that much money. We're in a position where we may have to cut Head Start, home heating oil program for senior citizens. Do y'all think you could do a little bit better?

And they say, nope, can't do nothing for you. This is amazing. You mean to tell me you've got more—the executives of these companies got more houses than they could ever, ever visit; they've got more lakes that they live on than they could ever water ski on. They've got more \$1,500 Armani suits than they could ever wear. They've got more monogrammed shirts that are tailored than they could ever put on. They've got more expensive shoes. They travel all over the world. They fly around in jets. And they won't pay nothing, and we've got to then talk about cutting home heating oil, the LIHEAP program, cut the food stamp program.

I mean, how do you sleep at night? It's amazing to me. Shocking. Shocking.

And I'm sure all of them look at each other and they say well, you know, we earned it. You can't tell me that you earned that.

This is—and I'm going to tell you, you know, Mr. Speaker, some people want to say, well, they work hard. No, no. This is not true. What they do is they take all that money that they make, and they come down here and they get us to go argue for loopholes for them, and they—\$50 million is spent lobbying Congress; \$130 million spent giving donations to campaigns.

As of 2008, 94 percent of all candidates with the most money win the election.

And about 261 Members of Congress—and there's only 535 of us—are millionaires. The average worth here is about \$700,000. And let me tell you, I'm not one of those rich guys. I actually live on the money my constituents pay me because I'm working for them 24/7. And yet, you know, I go to the grocery store. I know how much bread costs.

And so what I'm saying is, to whom much is given, much is expected. And if America, Nation that I love so much, has a military which protects us all, has a police department that protects us in our local communities, has a fire department that makes sure that Bank of America branches don't burn to the ground, America, if one of their executives or employees gets sick, the EMT truck, the emergency medical truck is going to come help them and bring them back to life if they can. The roads and the bridges that people drive to work on to all these companies, publicly paid for.

And yet they turn around and say, yeah, you've done all that for us, America; but we've got nothing for you. Zero taxes.

It's wrong. And there should be an Occupy movement to say so.

Now, this is a chart, Mr. Speaker, that I do like to pull out now and again. And I want to say that I actually have no beef with Donald Trump or Paris Hilton. I'm sure they're both nice people.

But, you know, do you really think they need a tax break, Mr. Speaker? I think they're getting along just fine.

I think that some of my neighbors who are firefighters and cops and teachers, or who work at the local bank branch, or who work at the local grocery store stocking up groceries, I think they could use a little help. But I do believe that if Donald and Paris don't get a tax break, they'll manage just fine.

These are the millionaires and billionaires of our society. When we cut taxes for the richest people, you're putting more money in the hands of these folks. I don't think that's wise public policy.

So my point, Mr. Speaker, is just this: you know, you want to talk tax breaks. We're actually talking about

extending the payroll tax deduction so that \$1,500 bucks, you know, could stay in the hands of people who are really struggling.

We asked—in the U.S. Senate there was a bill that said, you know, millionaires, on your first million, we're not asking you for no more taxes on your first million. But on your second million, can we have 3 percent? You know. What do you think?

They're, like, nope, nothing doing.

I said, even if it's going to help working class people, you know? Will you help then?

Nope. No. Can't do it. Cannot possibly do it. It might sap their incentive to work. If we were to help the working class people of America, it might sap their incentive to work, so we can't help them.

□ 1620

Tax breaks for billionaires or tax breaks for teachers, police, firefighters, job training, small business, investment, better schools, clean energy, health care, infrastructure investment, college affordability.

Now, my question is, Mr. Speaker, what are America's priorities? I've got a feeling that they're with these folks down here. I think America would rather help these folk than these folks. Just a wild guess.

So that's all we're asking for. This payroll tax deduction, you know, \$1,000, \$1,500 in the pockets of people who really need it. We asked billionaires and millionaires to pony up just a little more. They wouldn't even notice it, wouldn't have to cancel any of your country club memberships. But they said no.

There is a loss of civic virtue among some of our most privileged Americans, but I'm proud to tell you about a group of guys and women called the Patriotic Millionaires. They came to a forum that the Progressive Caucus organized last week, Mr. Speaker, and the Patriotic Millionaires said, You know what, you've invested in research which we used to make our products that made us rich. You invested in roads and bridges and education that we used to help make us rich. And we love America more than we love all that money, and we're here to pay taxes.

And then some smarty-pants Republican said, Well, if you want to pay extra and you're rich, you can. I'm sure the Treasury will accept your checks. And then one of the Patriotic Americans said something really wise. He said, You know, America is not a charity. America is all of our responsibility, and that's what taxes are.

I'm here today, Mr. Speaker, to argue that taxes are the dues we pay to live in a civilized society. Taxes are not a punishment. When they talk about tax relief, really, from what, from good schools and clean water? When they

say "tax burden," I mean, let me tell you.

If you want to live in a society where there's no taxes and therefore no public services, you could move to Somalia. That's what it is. No government. I don't see any of our friends who love—I call them the free market fundamentalists—I don't see them running to Somalia, moving to Mogadishu.

So, Mr. Speaker, I just want to say quite frankly that on this Thursday night in this great country, in my view the greatest country in the history of the world, Americans have a question before themselves. Are we going to choose community, choose each other, or is it going to be a selfish pursuit where everybody is only on their own? I view America as people who would look out for each other, even the least-to-be.

Americans don't think that helping seniors who are on Social Security is a bad thing to do. Americans don't think that helping the poor and the sick is somehow a bad thing to do.

In fact, one of the things that illustrated this national debate we're having, Mr. Speaker, is something that happened in the United States Senate today, the other body.

Today, I can't blame my friends in the House, my Republican friends in the House. They didn't do this one. But today, Republicans in the Senate voted to block President Obama's appointment of Richard Cordray to head the Consumer Financial Protection Bureau.

Now, look, the Consumer Financial Protection Bureau came about because of the massive failure of decency on Wall Street that resulted in all of the foreclosures and America having to bail out the likes of Bear Stearns, and Bank of America and a whole bunch of others. And they said, look, you know, a mortgage document can be very complicated, and we just want to have a bureau that will try to make these things simpler so people know what they're signing up for; a bureau that will say you've got to say what the interest rates are going to be, you've got to say what the terms are going to be so that we can have transparency.

Actually, the real free marketeers around here would never be against more information and better and more effective information going to the consumer. I mean, Adam Smith, the one who wrote—oh, my goodness, I can't believe I can't remember the name of that great book—but the one in which he describes the invisible hand and how markets move and people operate and their individual interest yields the economy. He said in that book that consumer information is key to a good market operating. So I don't know why people wouldn't want a good market to operate.

But anyway, Republicans in the Senate—can't blame the House members

this time—like to claim that the new Consumer Financial Protection Agency would be reformed before it gets a new director. They say they won't even allow it to exist. They won't allow it to have a director until they change it. Well, we had a vote and it came into being. So now they're trying to wreck it before it even gets up and running.

The truth is that these folks who are against consumer protection and the lobbyists that support them are trying to water down our new consumer watchdog's power so they can't hold Wall Street and predatory lenders accountable. And that's too bad. They don't want anybody to be the new cop on the beat protecting all Americans against these predatory lenders.

I've always said, look, if you're offering a good financial product that helps people and is fair, why would you be afraid of a little transparency? Only if your business model is based on bilking and cheating customers would you want to fight against a Consumer Financial Protection Bureau.

Without an enforcer and without real powers to crack down on predatory loans, we will keep on seeing mortgages that are designed to fail from the very beginning, tricking people with the fine print, cheating consumers to make a quick buck.

So, Mr. Speaker, I see that Republicans are ready to take the time. I'm happy to yield it. I'm going to yield back the balance of my time in just a moment.

But I just want to say that America was a good idea. America is a good idea. But it's an idea that you have to fight for; and the idea of liberty and justice for all living in a fair, prosperous economy is something that Americans all over this country have to stand up for and assert because if we leave it to the big guys, to the 1 percent, to the people with all the money and all the dough, they're going to snatch this great American Dream away from us.

With that, I yield back the balance of our time.

#### THE SPECTER OF GLOBAL GOVERNANCE

The SPEAKER pro tempore. Under the Speaker's announced policy of January 5, 2011, the gentleman from California (Mr. ROHRBACHER) is recognized for 30 minutes.

Mr. ROHRBACHER. Thank you, Mr. Speaker.

Before I go into my prepared remarks, I would like to point out that I personally have opposed all of the bailouts and the hundreds of billions of dollars that the Obama administration has channeled to different financial wheeler-dealers and cronies, like Goldman Sachs and the others that have received so much money as directed to them from this administration, just to put it on the record.

Many of these so-called corporations that my colleague just pointed out, if we take a look, when we say if we're going to increase taxes on them, these corporations' biggest stockholders happen to be pension funds. What we're really talking about by trying to say we're going to just tax these big corporations, what we're really doing is taxing the pension funds and are taxing the entities that provide the money for the pension funds for the rest of the citizens of this country. But that is another issue that I will discuss some other day.

Today, Mr. Speaker, as a strong advocate of human progress through advancing mankind's understanding of science and engineering, I rise to discuss the blatant abuse and misuse of science. A few nights ago, I watched a video of President Eisenhower's 1961 farewell address. Unfortunately, his much-heralded warnings about the military industrial complex, which were right on target, I might add, that warning has unfortunately obscured another warning in that farewell address that is just as significant.

□ 1630

Eisenhower pointed to the danger "of domination of the Nation's scholars by Federal employment, project allocations, and the power of money is ever present—and is gravely to be regarded. Yet, in holding scientific research and discovery in respect, as we should, we must also be alert to the equal and opposite danger that public policy could itself become the captive of a scientific-technological elite."

In my lifetime, there has been no greater example of this threat, which Eisenhower warned us about, than the insidious coalition of research science and political largesse—a coalition that has conducted an unrelenting crusade to convince the American people that their health and their safety and—yes—their very survival on this planet is at risk due to manmade global warming. The purpose of this greatest-of-all propaganda campaigns is to enlist public support for, if not just the acquiescence to, a dramatic mandated change in our society and a mandated change to our way of life. This campaign has such momentum and power that it is now a tangible threat to our freedom and to our prosperity as a people.

Ironically, as the crusade against manmade global warming grows in power, more evidence surfaces every day that the scientific theory on which the alarmists have based their crusade is totally bogus. The general public and decisionmakers for decades have been inundated with phony science, altered numbers, and outright fraud. This is the ultimate power grab in the name of saving the world; and like all fanatics, disagreement is not allowed in such endeavors.

Prominent scientists who have been skeptical of the claims of manmade global warming have themselves been cut from research grants and have been obstructed when trying to publish peer-reviewed dissenting opinions. How the mainstream media or publications like the *National Journal*, for example, have ignored the systematic oppression that I speak about is beyond me.

If you've heard the words "case closed," it doesn't take a genius to figure out that the purpose of such a proclamation is to limit and repress debate. Well, the case isn't closed, so let's start with some facts about manmade global warming and the theory of manmade global warming.

First and foremost, the Earth has experienced cooling and warming climate cycles for millions of years, which a significant number of prominent scientists believe is tied to solar activity—just like similar temperature trends have been identified on Mars and other bodies in the solar system—and that is the Sun.

So how about those icecaps on Mars that seem to expand and recede, mirroring our own polar icecaps? Doesn't that point to the Sun rather than to human activity? After all, there are very few, if any, human beings around on Mars, and certainly millions of years ago, when we had other cycles in the world, there weren't very many human beings, if any, around. So where do the climate cycles come from? What causes climate cycles?

Right off the bat, let's acknowledge that manmade global warming advocates, who I suggest are alarmists, do not believe the Sun has no impact on climate cycles. They just believe that the Sun has a minimal impact as compared to the increasing level of CO<sub>2</sub> in the atmosphere. Basically, they believe that the Sun does have some impact but nothing compared to the increase in CO<sub>2</sub> in the atmosphere. Today, they believe this increase in CO<sub>2</sub> in the atmosphere has become very frightening because mankind is using fossil fuels, which they believe is causing this dramatic increase in CO<sub>2</sub>.

Similarly, skeptics like me believe the solar activity of the Sun is the major factor in creating the Earth's climate cycles, including the one that we're currently in. We also believe that manmade CO<sub>2</sub> buildup may have a minor impact. The debate isn't all Sun or all manmade CO<sub>2</sub>. It's over which of these factors is a major determinant or even the significant determinant.

At this point, one other fact needs to be understood. Many intelligent people believe that CO<sub>2</sub>—carbon dioxide—represents 10, 20, even 30 percent of the atmosphere. If anyone is reading this or is listening to this, answer this question:

What do you think the percentage is after all we've heard, time and time again, of how CO<sub>2</sub> is changing the climate of our planet?

As I say, most people think it's 10, 20, even 30 percent of the atmosphere. In reality, CO<sub>2</sub> is less—less—than one half of one-tenth of 1 percent of the atmosphere, and humankind's contribution to that one half of one-tenth of 1 percent is a small fraction of that. So to say that what we're talking about is minuscule, no, that's not smart enough. What it really is is microscopic.

Frankly, I believe that CO<sub>2</sub> is so irrelevant that it should not be the focus of air standards and regulations. After all, it is not harmful to human beings unless, of course, you stick it into your automobile in the garage and shut the door for hours and hours at a time. The CO<sub>2</sub> that's in the atmosphere is not harmful. Other gases, like NO<sub>x</sub>, which are damaging to human health, should be a much higher priority than CO<sub>2</sub>. NO<sub>x</sub> is harmful to people's health. It's global pollution, not global warming, that we should be concerned about.

Not making this distinction has cost us billions, maybe more. The temperature of this planet isn't manmade, and we can't do anything about it. Our energy challenges and the air quality that we have are man-influenced, if not manmade. We can do something about these maladies.

But the alarmists are not interested in solving those problems. They are part of a coalition that wants to change our way of life, which requires us to acquiesce—or, better yet, to frighten us into submission. Make no mistake: The manmade global warming theory is being pushed by people who believe in global government. They have been looking for an excuse for an incredible freedom-busting centralization of power for a long time, and they've found it in the specter of manmade global warming.

For the past 30 years, the alarmists have been spouting "Chicken Little" climate science. This campaign was turbocharged in the 1990s when the Clinton administration made it part of its agenda, thanks to Vice President Al Gore. One of the first actions that the administration took was to fire the top scientist at the Department of Education, Dr. William Happer, a professional who, at the time, dared to be open-minded about the global warming theory. Al Gore decided Dr. Happer just didn't fit in, and out he went. From there, the pattern became all too clear. In order to receive even one iota of Federal research funds, a scientist had to toe the line on manmade global warming.

There is a biblical quote: "The truth shall set you free." Well, this is a battle for the truth, and we are up against a political machine that has been yelling, "Case closed," and restricting Federal research grants only to those who agree with them.

That we have politicians who believe in centralizing power and are willing to



use their own power certainly should surprise no one, but that a scientific-technological elite, the very group that President Eisenhower warned us against 50 years ago, has allied itself with such a political power play is totally contrary to what science and scientists are supposed to be all about.

Because of the retaliation of those alarmists in charge of bestowing the Federal research grants, opposition to this power grab has taken time to coalesce; but the opposition to the man-made global warming theory is now evident and won't be ignored.

There have been major conferences here in Washington and at other locations around the Nation, with hundreds of prominent members of the scientific community. Individuals, many of whom are renowned scientists, Ph.D.'s and heads of major university science departments, including a few Nobel Prize winners, have all stepped up and spoken out.

□ 1640

Even with little news coverage, this group, who are accurately referred to as skeptics, are gaining ever more recognition and ever more influence. They face a daunting challenge, however, and they, as I say, have to fight for any attention, even though they have just as good credentials as those people who are advocating on the other side. For a list of some of these credentialed and very well-respected skeptics, one can visit my Web site. I'm Congressman DANA ROHRBACHER from California.

So what is this apocalyptic manmade global warming theory that the globalists and radical environmentalists would have us believe? It is that our planet is dramatically heating up because we human beings, especially Americans, put large amounts of CO<sub>2</sub> into the atmosphere as a result of using oil, gas, and coal as fuel.

The CO<sub>2</sub> has an impact in that it entraps a certain amount of heat in the atmosphere, thus dangerously warming the planet. We have been warned about huge changes in our environment, including a 10-degree jump in the overall temperature, and thus a serious rise in the level of the oceans of the world.

Vice President Gore, in his movie, "An Inconvenient Truth," showed what seemed to be a video of melting and breaking icecaps. Inconveniently, somebody squealed, the video was actually a special effect. It was Styrofoam made to look like melting and breaking icecaps. But that's no problem. People still listen to Al Gore.

Over and over again, the alarmists have said that the Earth is dramatically heating up. Look closely at the data that they're talking about. Look closely at the date that was picked by these people as a baseline for comparing temperatures. It is 1850. And what is 1850? It's the end of a 500-year decline in the Earth's temperature.

The Little Ice Age was ending in the 1850s. Skeptics say that a 1- or 2-degree increase in the planet's temperature is irrelevant if the basis of comparison is a 500-year low in the Earth's temperature. To skeptics, currently we are just in another natural climate cycle. That's what we as skeptics believe. This is another natural climate cycle, and it's been going on, as was the 500-year decline in the Earth's temperatures. If it's going up a little bit now, that is a natural climate cycle.

To alarmists, however, the sky is falling. A couple of degrees warmer and the sky is heating, or it's falling, that is, or heating, and all of this is caused by mankind pumping CO<sub>2</sub> into the air.

This theory of manmade CO<sub>2</sub> causing global warming emerged when scientists mistakenly believed that the data they were studying from ice cores indicated that a warming of our planet was happening after a major increase in CO<sub>2</sub>.

However, later, it was found that the ice cores were misread. Nicholas Caillon pointed out in *Science* magazine in 2003 that the CO<sub>2</sub> increase lagged Antarctic deglaciation warming by 800 to 200 years, give or take 200 years. So the heating came first, and then the CO<sub>2</sub> increased, not the other way around.

Yes, when Earth heats up, there is more CO<sub>2</sub>. But we've been told the opposite over and over again, and we were told it was the CO<sub>2</sub> that was making the Earth heat up, and they were telling us that the Earth will keep heating up until it reaches a tipping point, and then there will be a huge jump in the temperature. The temperature will shoot up once it reaches this tipping point. And we could expect, this is what we were told over and over again by the scientists predicting over and over again that we could expect this warming to go on and on until we quit using CO<sub>2</sub> and quit using these CO<sub>2</sub>-emitting fossil fuels as a major source of our energy.

The future they described was hot and bleak, but their frightening illusion began to disintegrate when, about 9 years ago, even as more CO<sub>2</sub> was being pumped into the air and has continued to be pumped into the air, the Earth quit warming and, in fact, it may be now in a cooling cycle. That's right. The NOAA National Climate Data Center shows that ground surface temperatures have flattened, and there hasn't been any net warming since 1998, and the RSS microwave sounding units—that's MSU—operating on NOAA satellites show a net cooling since 1998.

It's totally the opposite of every prediction of the United Nations Intergovernmental Panel on Climate Change, that's the IPCC, and their faulty computer models, as well as the army of global warming scientists who have been warning us about higher and high-

er temperatures of what we could expect.

Well, miraculously, the frantic claims and predictions of manmade global warming have now been replaced with an all-new encompassing warning. So if it gets colder, or it gets warmer, the alarmists will have their way because that's being caused by too much CO<sub>2</sub>.

Well, what is being caused? Well, whatever it is, it's being caused by it. And so they changed the words from global warming to climate change and have replaced, as I say, global warming with their climate change.

Well, I guess they think that we would just forget about the predictions and their predictions over and over again being 100 percent wrong. Even the much-touted melting of the icecaps has now reversed itself in the last few years. According to the most recent data from the National Snow and Ice Data Center in Boulder, Colorado, not all the icecaps are melting now. There's melting, and there is also re-freezing going on.

So the polar icecaps aren't going away and, yes, the polar bears are not becoming extinct. They were put on the extinct list even though they weren't extinct. In fact, there are some number of polar bear families that are growing dramatically in the last few years, even as we were warned that polar bears were becoming extinct.

Warming has ended, but the power grab continues. What we are now finding out is exactly how ruthless and, yes, deceitful that power grab has been. One example of blackballing is of prominent scientists like Dr. William Gray, Emeritus Professor of Atmospheric Science at Colorado State University and the head of the Tropical Meteorology Project at CSU's Department of Atmospheric Science. Gray had the courage and honesty to point out that there have not, in recent years, been more or stronger hurricanes and other such storms than in the past. No more research grants for him, no attention in the media, either.

Zealots can usually find high-sounding excuses for their transgressions against other professionals like Dr. Gray. Professional figures in white coats with authoritative tones of voices and lots of credentials repeatedly dismiss criticism by claiming that their so-called scientific findings had been peer reviewed, verified by other scientists. It sounds so much beyond reproach. They gave each other prizes as they selectively handed out research grants.

To those who disagreed, like Dr. Gray, no matter how prominent, they were treated like nonentities, like they didn't exist, or were personally disparaged with labels like "denier." Well, you know, Holocaust denier, that's what you do. Now, how much uglier does it get? How much against the

standard of professional science can you be than to try to paint someone like that because he disagrees with you?

□ 1650

Well, these unprofessional tactics won't work forever, and it's becoming ever clearer that the man-made global warming steamroller is beginning to fall apart. We now know that the scientists clamoring for subservient acceptance to their theory of man-made global warming were themselves making a sham out of the scientific methodology. We now know what they were doing. I'm speaking, of course, of Climategate, the publication of over 1,000 emails and 3,000 other unofficially obtained documents from one of the world's foremost global warming research institutes, the Climate Research Unit of East Anglia University in the United Kingdom. And we have all heard of those quotes. Here's a few of them:

"We can't account for the lack of warming at the moment, and it's a travesty that we can't."

How about another quote: "I've just completed Mike's nature trick . . . to hide the decline."

Here's another quote: "We'll keep them"—meaning the skeptics of their science. "We'll keep them out somehow—even if we have to redefine what peer-review literature is."

How about this for another quote: "If they ever hear there is a Freedom of Information Act now in the U.K., I think I'll delete the file rather than send it to anyone."

Deleting files? Trying to prevent peer review? What kind of scientists were these? Well, arrogant and politically motivated scientists, that's who.

The unauthorized release of those internal memos exposed the shenanigans of the man-made global warming alarmists and the crime being committed against science and the public. Even though handpicked panels of their peers held the kangaroo court—yeah, their own peers judged them, that's right—and that kangaroo court loudly proclaimed there had no wrongdoing by these people, well, public confidence was justifiably shaken in the global warming science advocates.

Now, just as that scandal was about to be forgotten, we have an even larger database being exposed showing even more clearly how this elite operates, and it ain't pretty.

Here are some of the quotes from the newly released database: Unfortunately, there is no way to fix the IPCC, and there never was. The reason is that its information over 20 years ago was to support political and energy policy goals, not to search for scientific truth.

Here's another quote: If you disagree with their interpretation of climate change, you were left out of the IPCC process. They ignore or fight against any evidence which does not support

their policy-driven mission, even to the point of pressuring scientific journals not to publish papers which might hurt the IPCC's effort.

Here's another one regarding the IPCC: I also think the science is being manipulated to put a political spin on it.

Here's another one: It's very likely that the mean temperature has shown much larger past variability than caught by previous reconstructions. We cannot, from these reconstructions, conclude that the previous 50-year period has been unique in the context of the last 500 to 1,000 years.

What's that mean? That means the current cycle we're in has nothing to do with the burning of fossil fuel by human beings.

I would like to insert an article from James Taylor of Forbes magazine who said Climategate 2: "These scientists view global warming as a political 'cause' rather than a balanced scientific inquiry."

#### CLIMATEGATE 2.0: NEW E-MAILS ROCK THE GLOBAL WARMING DEBATE

(By James Taylor)

A new batch of 5,000 emails among scientists central to the assertion that humans are causing a global warming crisis were anonymously released to the public yesterday, igniting a new firestorm of controversy nearly two years to the day after similar emails ignited the Climategate scandal.

Three themes are emerging from the newly released emails: (1) prominent scientists central to the global warming debate are taking measures to conceal rather than disseminate underlying data and discussions; (2) these scientists view global warming as a political "cause" rather than a balanced scientific inquiry and (3) many of these scientists frankly admit to each other that much of the science is weak and dependent on deliberate manipulation of facts and data.

Regarding scientific transparency, a defining characteristic of science is the open sharing of scientific data, theories and procedures so that independent parties, and especially skeptics of a particular theory or hypothesis, can replicate and validate asserted experiments or observations. Emails between Climategate scientists, however, show a concerted effort to hide rather than disseminate underlying evidence and procedures.

"I've been told that IPCC is above national FOI [Freedom of Information] Acts. One way to cover yourself and all those working in AR5 would be to delete all emails at the end of the process," writes Phil Jones, a scientist working with the United Nations Intergovernmental Panel on Climate Change (IPCC), in a newly released email.

"Any work we have done in the past is done on the back of the research grants we get—and has to be well hidden," Jones writes in another newly released email. "I've discussed this with the main funder (U.S. Dept of Energy) in the past and they are happy about not releasing the original station data."

The original Climategate emails contained similar evidence of destroying information and data that the public would naturally assume would be available according to freedom of information principles. "Mike, can you delete any emails you may have had with Keith [Briffa] re AR4 [UN Intergovern-

mental Panel on Climate Change 4th Assessment]?" Jones wrote to Penn State University scientist Michael Mann in an email released in Climategate 1.0. "Keith will do likewise. . . . We will be getting Caspar [Ammann] to do likewise. I see that CA [the Climate Audit Web site] claim they discovered the 1945 problem in the Nature paper!!"

The new emails also reveal the scientists' attempts to politicize the debate and advance predetermined outcomes.

"The trick may be to decide on the main message and use that to guide what's included and what is left out" of IPCC reports, writes Jonathan Overpeck, coordinating lead author for the IPCC's most recent climate assessment.

"I gave up on [Georgia Institute of Technology climate professor] Judith Curry a while ago. I don't know what she thinks she's doing, but its not helping the cause," wrote Mann in another newly released email.

"I have been talking w/ folks in the states about finding an investigative journalist to investigate and expose" skeptical scientist Steve McIntyre, Mann writes in another newly released email.

These new emails add weight to Climategate 1.0 emails revealing efforts to politicize the scientific debate. For example, Tom Wigley, a scientist at the University Corporation for Atmospheric Research, authored a Climategate 1.0 email asserting that his fellow Climategate scientists "must get rid of" the editor for a peer-reviewed science journal because he published some papers contradicting assertions of a global warming crisis.

More than revealing misconduct and improper motives, the newly released emails additionally reveal frank admissions of the scientific shortcomings of global warming assertions.

"Observations do not show rising temperatures throughout the tropical troposphere unless you accept one single study and approach and discount a wealth of others. This is just downright dangerous. We need to communicate the uncertainty and be honest. Phil, hopefully we can find time to discuss these further if necessary," writes Peter Thorne of the UK Met Office.

"I also think the science is being manipulated to put a political spin on it which for all our sakes might not be too clever in the long run," Thorne adds.

"Mike, The Figure you sent is very deceptive . . . there have been a number of dishonest presentations of model results by individual authors and by IPCC," Wigley acknowledges.

More damaging emails will likely be uncovered during the next few days as observers pour through the 5,000 emails. What is already clear, however, is the need for more objective research and ethical conduct by the scientists at the heart of the IPCC and the global warming discussion.

Perhaps the most perplexing aspect of all of this, amid all of the consternation about their malpractices to which we have now been exposed: The global warming elite just keeps a straight face. They keep up their PowerPoint presentations, distorted graphs and all, and continue projections of man-made global doom and gloom. They try to ignore the uproar and change the subject, but these recent revelations seriously call into question the basic science of man-made global warming fanatics.

In the meantime, a report was recently issued by world-respected scientists at CERN in Switzerland. The CERN study demonstrated it is cosmic rays from the sun that determine global cloud cover, and the clouds have dramatically more to do with temperature than the minuscule amounts of CO<sub>2</sub> in the atmosphere.

The Cloud Project at a highly respected CERN laboratory published a paper in the journal *Nature* this past August based on this research which shows that the sun's activity is influencing cloud formation and may account for most of the recorded temperature changes in the last century.

I would like to submit an editorial about this project from *The Wall Street Journal* by Anne Jolis for the RECORD.

#### THE OTHER CLIMATE THEORY

Al Gore won't hear it, but heavenly bodies might be driving long-term weather trends.

(By Anne Jolis)

In April 1990, Al Gore published an open letter in the *New York Times* "To Skeptics on Global Warming" in which he compared them to medieval flat-Earthers. He soon became vice president and his conviction that climate change was dominated by man-made emissions went mainstream. Western governments embarked on a new era of anti-emission regulation and poured billions into research that might justify it. As far as the average Western politician was concerned, the debate was over.

But a few physicists weren't worrying about Al Gore in the 1990s. They were theorizing about another possible factor in climate change: charged subatomic particles from outer space, or "cosmic rays," whose atmospheric levels appear to rise and fall with the weakness or strength of solar winds that deflect them from the earth. These shifts might significantly impact the type and quantity of clouds covering the earth, providing a clue to one of the least-understood but most important questions about climate. Heavenly bodies might be driving long-term weather trends.

The theory has now moved from the corners of climate skepticism to the center of the physical-science universe: the European Organization for Nuclear Research, also known as CERN. At the Franco-Swiss home of the world's most powerful particle accelerator, scientists have been shooting simulated cosmic rays into a cloud chamber to isolate and measure their contribution to cloud formation. CERN's researchers reported last month that in the conditions they've observed so far, these rays appear to be enhancing the formation rates of pre-cloud seeds by up to a factor of 10. Current climate models do not consider any impact of cosmic rays on clouds.

Scientists have been speculating on the relationship among cosmic rays, solar activity and clouds since at least the 1970s. But the notion didn't get a workout until 1995, when Danish physicist Henrik Svensmark came across a 1991 paper by Eigil Friis-Christensen and Knud Lassen, who had charted a close relationship between solar variations and changes in the earth's surface temperature since 1860.

"I had this idea that the real link could be between cloud cover and cosmic rays, and I wanted to try to figure out if it was a good idea or a bad idea," Mr. Svensmark told me

from Copenhagen, where he leads sun-climate research at the Danish National Space Institute.

He wasn't the first scientist to have the idea, but he was the first to try to demonstrate it. He got in touch with Mr. Friis-Christensen, and they used satellite data to show a close correlation among solar activity, cloud cover and cosmic-ray levels since 1979.

They announced their findings, and the possible climatic implications, at a 1996 space conference in Birmingham, England. Then, as Mr. Svensmark recalls, "everything went completely crazy. . . . It turned out it was very, very sensitive to say these things already at that time." He returned to Copenhagen to find his local daily leading with a quote from the then-chair of the U.N. Intergovernmental Panel on Climate Change (IPCC): "I find the move from this pair scientifically extremely naive and irresponsible."

Mr. Svensmark had been, at the very least, politically naive. "Before 1995 I was doing things related to quantum fluctuations. Nobody was interested, it was just me sitting in my office. It was really an eye-opener, that baptism into climate science." He says his work was "very much ignored" by the climate-science establishment—but not by CERN physicist Jasper Kirkby, who is leading today's ongoing cloud-chamber experiment.

On the phone from Geneva, Mr. Kirkby says that Mr. Svensmark's hypothesis "started me thinking: There's good evidence that pre-industrial climate has frequently varied on 100-year timescales, and what's been found is that often these variations correlate with changes in solar activity, solar wind. You see correlations in the atmosphere between cosmic rays and clouds—that's what Svensmark reported. But these correlations don't prove cause and effect, and it's very difficult to isolate what's due to cosmic rays and what's due to other things."

In 1997 he decided that "the best way to settle it would be to use the CERN particle beam as an artificial source of cosmic rays and reconstruct an artificial atmosphere in the lab." He predicted to reporters at the time that, based on Mr. Svensmark's paper, the theory would "probably be able to account for somewhere between a half and the whole" of 20th-century warming. He gathered a team of scientists, including Mr. Svensmark, and proposed the groundbreaking experiment to his bosses at CERN.

Then he waited. It took six years for CERN to greenlight and fund the experiment. Mr. Kirkby cites financial pressures for the delay and says that "it wasn't political."

Mr. Svensmark declines entirely to guess why CERN took so long, noting only that "more generally in the climate community that is so sensitive, sometimes science goes into the background."

By 2002, a handful of other scientists had started to explore the correlation, and Mr. Svensmark decided that "if I was going to be proved wrong, it would be nice if I did it myself." He decided to go ahead in Denmark and construct his own cloud chamber. "In 2006 we had our first results: We had demonstrated the mechanism" of cosmic rays enhancing cloud formation. The IPCC's 2007 report all but dismissed the theory.

Mr. Kirkby's CERN experiment was finally approved in 2006 and has been under way since 2009. So far, it has not proved Mr. Svensmark wrong. "The result simply leaves open the possibility that cosmic rays could

influence the climate," stresses Mr. Kirkby, quick to tamp down any interpretation that would make for a good headline.

This seems wise: In July, CERN Director General Rolf-Dieter Heuer told *Die Welt* that he was asking his researchers to make the forthcoming cloud-chamber results "clear, however, not to interpret them. This would go immediately into the highly political arena of the climate-change debate."

But while the cosmic-ray theory has been ridiculed from the start by those who subscribe to the anthropogenic-warming theory, both Mr. Kirkby and Mr. Svensmark hold that human activity is contributing to climate change. All they question is its importance relative to other, natural factors.

Through several more years of "careful, quantitative measurement" at CERN, Mr. Kirkby predicts he and his team will "definitively answer the question of whether or not cosmic rays have a climatically significant effect on clouds." His old ally Mr. Svensmark feels he's already answered that question, and he guesses that CERN's initial results "could have been achieved eight to 10 years ago, if the project had been approved and financed."

The biggest milestone in last month's publication may be not the content but the source, which will be a lot harder to ignore than Mr. Svensmark and his small Danish institute.

Any regrets, now that CERN's particle accelerator is spinning without him? "No. It's been both a blessing and the opposite," says Mr. Svensmark. "I had this field more or less to myself for years—that would never have happened in other areas of science, such as particle physics. But this has been something that most climate scientists would not be associated with. I remember another researcher saying to me years ago that the only thing he could say about cosmic rays and climate was that it was a really bad career move."

On that point, Mr. Kirkby—whose organization is controlled by not one but 20 governments—really does not want to discuss politics at all: "I'm an experimental particle physicist, okay? That somehow nature may have decided to connect the high-energy physics of the cosmos with the earth's atmosphere—that's what nature may have done, not what I've done."

Last month's findings don't herald the end of a debate, but the resumption of one. That is, if the politicians purporting to legislate based on science will allow it.

In this piece, she says: charged subatomic particles from outer space, or cosmic rays, might significantly impact the type and quality of clouds covering the Earth, providing a clue to one of the least understood but most important questions about climate. Heavenly bodies might be driving long-term weather trends.

And while scientists have discovered the sun's relationship to cloud cover, even more recently there's been a study directly undermining the theory that CO<sub>2</sub> levels are a major determinant of the Earth's temperature.

A recent editorial from *Investor's Business Daily* on the topic of this new study about temperature sensitivity to carbon dioxide undermines the case-closed arguments of the scientific elite.

From the editorial: The left's proposed solutions to the world's ills are

based on the idea that carbon dioxide is a climate-heating poison that must be scrubbed from the global economy at all costs. Yet another study shows this to be foolishness.

And I submit that for the RECORD at this point as well.

[From the Investor's Business Daily  
Editorial, Nov. 25, 2011]

GLOBAL WARMING MODELS CALLED INTO  
QUESTION BY NEW STUDY

Climate: The left's proposed solutions for the world's ills are based on the idea that carbon dioxide is a climate-heating poison that must be scrubbed from the global economy at all cost. Yet another study shows this is foolish.

The study in the journal *Science* found that global temperatures appear to be far less sensitive to the amount of CO<sub>2</sub> in the atmosphere than originally estimated.

This sounds prosaic, but it's a bombshell—another in a long line of revelations showing the scientific fraud at the heart of the anti-global warming movement.

The study's findings are simple and devastating. "This implies that the effect of CO<sub>2</sub> on climate is less than previously thought," said Oregon State University's Andreas Schmittner, the study's main author.

Even with a doubling of CO<sub>2</sub> from levels that existed before the Industrial Revolution, the study found a likely increase in Earth's temperature only from about 3.1 degrees Fahrenheit to 4.7 degrees Fahrenheit.

That compares with the U.N. Intergovernmental Panel on Climate Change's 2007 report, which predicted an increase of 3.6 degrees to 8.6 degrees.

Coupled with the fact the average global temperature hasn't increased at all over the past decade—even though under all of the global warming models now in use, this is impossible—warmist ideology is crumbling. There is no climate armageddon on the horizon.

But don't expect global warm-mongers to admit this. As we've discovered from a new trove of emails sent by leading European climate-change scientists, there has been a vast, global green conspiracy to silence scientific opposition to the idea—even to the point of falsifying data and ruining others' careers.

Subscribe to the IBD Editorials Podcast—The left's entire prescription for solving the world's ills—ranging from population control to strict regulation of businesses to shrinking CO<sub>2</sub> output are premised on the notion that carbon-dioxide is a poison.

Happily, the left's pernicious, economy-destroying and false global warming ideology is collapsing under a growing body of evidence that the CO<sub>2</sub> scare is a fraud.

Who says we have nothing to be thankful for?

And despite the weaknesses of the linkage between CO<sub>2</sub> and temperature, the alarmists continue with their tactics. We just heard a report published in *Nature Climate Change* in the last few days that CO<sub>2</sub> emissions in 2010 went up by 5.9 percent, which scientists claimed was the highest total annual growth ever recorded—except they didn't record any CO<sub>2</sub> emissions. They estimated that based on energy use. They didn't take into account new technologies that make gas and oil and coal cleaner and greener. The scientists didn't care about how cleanly coal and

oil might be being burned; they just estimated—or guesstimated—CO<sub>2</sub> emissions based on the total amount of coal and oil used. And the media, like their lapdogs, faithfully reported that this sounds like a calamity when you have so much more CO<sub>2</sub> coming in, even though they never measured any CO<sub>2</sub> emissions. None of it was actually recorded.

The truth is CO<sub>2</sub> is not a pollutant. Anybody perpetuating that myth that CO<sub>2</sub> is dangerous, a dangerous pollutant, is contributing to the health-destructive impact of real pollution by diverting resources and attention away from these very real challenges. We have wasted \$25 billion or more on this foolishness. That is money that could have been used to develop new energy technologies, for example, that could have moved us off of our dependence on foreign oil.

Some examples of these technologies are the small modular nuclear reactors which could offer us safety and no pollution, no leftover waste, but we didn't have the money for that. How about space-based solar power, which could collect solar energy from the sun out in outer space and transmit it to the Earth?

Developing these new technologies will take hundreds of millions of dollars for these new reactors, billions of dollars for a space-based solar. Instead, we've squandered our billions of dollars and our limited science money and technology dollars on trying to prove that man-made global warming is something that we have to worry about and spread the fear.

We have not pursued these or other technologies which could have fundamentally benefited everyone on the Earth because we have been wasting our time and our resources. We have been trying to figure out how to bury carbon in the ground and other such things.

Well, Mr. Speaker, I'm here to explain that this is utter nonsense and to warn of the danger that lurks behind this high-sounding cause.

Don't miss the significance, by the way, of the Durban conference in South Africa that is gathering now to determine how best to control our lives.

□ 1700

As happened in Kyoto and Copenhagen in the past, they now are meeting in Durban to try to find ways of issuing mandates to the people of the world in the name of stopping global warming.

Mr. Speaker, I would suggest to the people of the United States they pay close attention to this. Eisenhower isn't here to protect us anymore. The fact is our freedom is at stake. The globalists would like to control the people of the United States. It's up to us to defend our freedom. The patriots will win if we stand together.

I yield back the balance of my time.

YEAR IN REVIEW: FIRST SESSION  
OF 112TH CONGRESS

The SPEAKER pro tempore (Mr. KINZINGER of Illinois). Under the Speaker's announced policy of January 5, 2011, the gentleman from Florida (Mr. WEST) is recognized for 30 minutes.

Mr. WEST. Thank you, Mr. Speaker.

I think it's very important that, as we draw to the close of this first session of the 112th Congress, we come back and we do what I believe is a yearly review or an assessment.

Mr. Speaker, today, the 8th of December, was the target adjournment day that the leadership of the new majority of the United States House of Representatives hoped would mark the end of the first session of the 112th Congress. Yet today we are short of completing some of the most important work that we must accomplish.

As we enter the final days of 2011 and approach the end of this first session of the 112th Congress, I must take the time to offer an apology to the citizens of the 22nd Congressional District of Florida and to all my fellow citizens across this great Nation. It is not because we have not changed the conversation here in Washington, D.C., but because I would have hoped our exertions would have been as a collective body a bit greater. Failure to pass a balanced budget amendment was a great disappointment and an example of a lack of exertion.

When I was elected to the House of Representatives in November 2010, I was one of over 80 new Members that you, the American people, sent to the House of Representatives, entrusting each one of us to come to Capitol Hill and work diligently—and differently than our predecessors—on the critical issues our country was facing during these challenging times. Record high unemployment; a quickly growing debt; out-of-control spending that leads to budget deficits year after year; a spiraling foreclosure rate around the country, and specifically back in our district in south Florida; businesses shutting their doors, due in part to increasing uncertainty provided by the government from crushing regulations issued by Federal agencies in Washington, D.C., and the list goes on.

Friends, neighbors, colleagues, and our fellow citizens all believed our Nation was on the wrong track, and we were concerned for our future. Many of them felt our country's best days were in the past and that our future looked bleak. Each of them wanted our Federal Government to take a different course of action.

Mr. Speaker, I spent the majority of my adult life—22 years—serving in the United States Army, never having been elected to public office. I have dedicated my career to serving our great

Nation. But unlike many of those whom I serve with here in Congress, I am not a career politician. I have led soldiers in combat on foreign battlefields, and was ready to go to our Nation's Capitol and lead from the front on this new battlefield. I understood that where my political experience would fall short, my military training would enable me to serve my constituents well in the Halls of Congress, because in the military we were taught a simple principle, Mr. Speaker, and I think you know it well: We work until the mission is complete. And on election night of 2010, I knew that I was embarking, along with my new colleagues, on one of the most challenging missions that I would ever face.

The leadership of the new majority in the House of Representatives created a calendar for the first session of this Congress, and as a newly elected Member of this body, I provided my assessment, stating that I believed the schedule did not provide the necessary days on Capitol Hill to address the pressing issues our Nation faced. Now, 1 year later, unfortunately, it seems I was correct. On the eve of the holiday season, the United States Congress is dealing with some of its most important issues, all while pressed against the desire to be home and with our families and loved ones.

Mr. Speaker, I, along with you, spent many holidays away from my family and friends while serving our country in the Armed Forces. Every time I was away from home during the holiday season, as well as I'm sure you did, I proudly put on my uniform and did my duty on behalf of the American people. And while I may not wear the uniform of the United States Army any longer, I am proud to put on my new uniform of a suit and tie and spend this holiday away from home, once again putting our country first so that we may finish the job our constituents entrusted us to do.

Now, I don't want people to think that I am not happy about certain things, because I am truly pleased that the regular order has been established here and returned to the House floor. The American people are able to see vibrant debate on the pressing issues and legislation is developed by Members and cleared through committee. We are slowly seeing a move away from megabills. Yet these so-called omnibus bills do a disservice to the American people because, rather than allowing elected representatives to vote "aye" or "nay" on certain provisions, these bills create a bill that includes hundreds of provisions for passage.

During the first session in the month of April, I was able to bring to the House floor H.R. 1246. This bill cut \$35.7 million of wasteful spending in the form of printing and reproduction at the Department of Defense. What was so important about this legislation is

that the vote was 393-0, meaning that we were able to get unanimous support from both Republicans and Democrats.

The American people expect their elected to work together to deal with the issues of our Nation. However, Mr. Speaker, we have witnessed over 900 days without the United States Senate passing a budget. That's 900 days. When the House of Representatives did our job and passed a budget on the 15th of April 2011, Democrats continued to use it as a political weapon since it finally addresses the exorbitant mandatory spending that is bankrupting our country and leaving critical programs like Social Security and Medicare on an unsustainable path.

Americans continue to struggle with 9 percent-plus unemployment for over a year. In south Florida, it is even higher. But instead of debating the 20-plus bills passed by the House, many bipartisan, that address the anemic jobs situation in which we are stuck, these bills languish on Senate Majority Leader HARRY REID's desk while President Obama continues to try to convince the American people that this is a "do-nothing" Congress. It is indeed a "do-nothing" Senate.

One of the most important and constitutionally mandated functions of the Congress is to fund the Federal Government each year before the beginning of the fiscal year on October 1. This year, of the 12 funding bills, the House completed six of those bills and the United States Senate only completed one. Congress did not finish conferring any appropriations bills to be signed by the President by the October 1 deadline. This means that once again we had to pass continuing resolutions to prevent a shutdown of the Federal Government.

I wrote the chairman of the House Committee on Appropriations suggesting that appropriations bills should be considered on a priority-based tiered system. I presented several questions, such as what he believed should be considered priority bills and whether or not certain appropriations bills should cover a 2-year period in order to provide more certainty in the marketplace.

Mr. Speaker, in the military something that continues to fail means that it is broken. And when something is broken, it must be fixed. Our fellow citizens understand that the path we are on is broken and they also understand it is time to fix it. Therefore, we must focus on structural reforms to our legislative and appropriations processes.

Over the course of my first year in office, I have been asked numerous times why we refuse to compromise and why can't we just get something done. Mr. Speaker, I find it very funny that no one talked about compromise in regard to a \$2 trillion health care law or a \$1 trillion stimulus package or

cap-and-trade or Card Check. But my answer is simple: The House of Representatives has tried to work with the Senate and President Obama; yet they refuse to listen to the will of the people. Tabling the cut, cap, and balance piece of legislation during the debt debate is a prime example. Instead, they wish to remain on the same path that has proved to be a failure year after year. They refuse to believe that we need major structural reforms. They did not heed the message of the American people of November of 2010.

□ 1710

And while Washington, D.C. has a budget deficit, the leadership deficit is even more disconcerting. Mr. Speaker, leaders take responsibility; and rarely do they take credit, a simple lesson that was taught to me as a young captain in the United States Army. A strong American leader would not take the misfortunes facing the American people and leverage it for political gain. And the facts speak for themselves.

Since January of 2009, more than 2 million Americans are unemployed, close to 26 million are underemployed. National unemployment has been at or above 9 percent for 28 straight months, at or above 8 percent for 34 straight months. And it is double that in the black community.

Average gas prices have gone from \$1.83 to over \$3.45. The Federal debt has gone from \$10.6 trillion to over \$15 trillion, with 3 straight years of trillion-dollar-plus deficits. And the debt per person, Mr. Speaker, has gone from \$34,000 to \$48,000.

Food stamp recipients are up by 41 percent. Americans in poverty up 16 percent, with an increase of 6.4 million Americans. The Misery Index is up 65 percent, and nearly 48.5 percent of Americans are on some form of government aid.

Home values are down 11 percent, and health insurance premiums are up 23 percent, from \$3,354 to over \$4,000. United States global competitiveness is down from first to fifth in the world.

We currently borrow 42 cents on every dollar, a dollar which soon, thanks to the insidious monetary policies emanating from the Federal Reserve, may not any longer be the default currency of the world.

Yet with these abysmal statistics, all we hear from the big megaphone of the White House is that we need to tax people—particularly certain people—more. We hear about extending a payroll tax holiday, which is nothing but a Band-Aid approach that only provides a very short-term impetus. What no one is telling the American people, especially our seniors, is that the constant use of payroll tax breaks continues to erode the funding of Social Security, which for the first time this year was running at a deficit.

When combined with the unemployment situation, we are speeding up the demise of Social Security in America. At some point, there must be structural tax and unemployment reform; and we must incentivize our job creators.

America is suffering, Mr. Speaker, from crony capitalism in which the government is picking the winners and the losers in the free market, using our hard-earned taxpayer dollars. We have an Obama administration which believes it is the preeminent venture capitalist in our Nation. Episodes such as Solyndra and MF Global should cause us all grave concern.

You see, American exceptionalism is not constrained by class or caste. There are income levels in our country; but sound economic, tax, and regulatory policies enable our citizens to transit those levels because America is about equal opportunity and not equal achievement, where liberal progressives believe that they are the arbiters of fairness.

There is no leadership emanating from the White House. Instead, we have policy by election-cycle sound bites where the purpose is just to get re-elected.

Too many politicians are now focused on manipulative and deceitful rhetoric and not developing visionary, pro-growth economic policies for America. The obvious goal, it seems to me, Mr. Speaker, is to create more victims in America, an America of dependency, not individual independence.

Therefore, our Nation is truly at a crossroads. There is an ever-widening ideological chasm of what we are going to become as a Nation: Shall America continue as a constitutional Republic led by men and women of courage, conviction, and character? Or shall America become a bureaucratic nanny state, ruled by manipulative deceivers seeking their own political gain?

Is America truly that shining city that sits upon a hill, Mr. Speaker, or will that light be forever extinguished? The choice lies before the American people. I hope that they will choose wisely because our children and our grandchildren are watching, as well as our enemies abroad.

But, Mr. Speaker, for America I say this: fear not, for the Guardians of America's Honor shall ensure that the greatest days for this constitutional Republic lie ahead.

Mr. Speaker, I yield back the balance of my time.

#### LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. DAVIS of Illinois (at the request of Ms. PELOSI) for today.

Mr. JACKSON of Illinois (at the request of Ms. PELOSI) for today on account of district/constituent matters.

Mr. PASTOR of Arizona (at the request of Ms. PELOSI) for December 12 and until 4 p.m. December 13 on account of official business in the district.

#### SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 1958. An act to extend the National Flood Insurance Program until May 31, 2012; to the Committee on Financial Services.

#### SENATE ENROLLED BILLS SIGNED

The Speaker announced his signature to enrolled bills of the Senate of the following titles:

S. 535. An act to authorize the Secretary of the Interior to lease certain lands within Fort Pulaski National Monument, and for other purposes.

S. 683. An act to provide to the conveyance of certain parcels of land to the town of Mantua, Utah.

#### ADJOURNMENT

Mr. WEST. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 15 minutes p.m.), under its previous order, the House adjourned until tomorrow, Friday, December 9, 2011, at 11 a.m.

#### EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XIV, executive communications were taken from the Speaker's table and referred as follows:

4206. A letter from the Acting Administrator, Department of Agriculture, transmitting the Department's final rule — Walnuts Grown in California; Increased Assessment Rate [Doc. No.: AMS-FV-11-0062; FV11-984-1 FR] received November 17, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4207. A letter from the Acting Administrator, Department of Agriculture, transmitting the Department's final rule — Onions Grown in Certain Designated Counties in Idaho, and Malheur County, OR; Modification of Handling Regulations [Doc. No.: AMS-FV-11-0025; FV11-958-1 FR] received November 17, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4208. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Abamectin (avermectin); Pesticide Tolerances [EPA-HQ-OPP-2010-0619; FRL-8890-2] received November 4, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4209. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Amides, C5-C9, N-[3-(dimethylamino)propyl] and amides, C6-C12, N-[3-(dimethylamino)propyl]; Exemption from the Requirement of a Tolerance [EPA-HQ-OPP-2011-0093; FRL-8890-8] received November 4, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4210. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Flutriafol; Pesticide Tolerances [EPA-HQ-OPP-2010-0876; FRL-9325-6] received November 4, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4211. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Methacrylic acid-methyl methacrylate-polyethylene glycol monomethyl ether methacrylate graft copolymer; Tolerance Exemption [EPA-HQ-OPP-2011-0583; FRL-8891-4] received November 4, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4212. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Methacrylic Polymer; Tolerance Exemption [EPA-HQ-OPP-2011-0333; FRL-8891-1] received November 4, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4213. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Trifloxystrobin; Pesticide Tolerances [EPA-HQ-OPP-2011-0456; FRL-8890-1] received November 4, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4214. A letter from the Deputy to the Chairman for External Affairs, Federal Deposit Insurance Corporation, transmitting the Corporation's final rule — Transfer and Redesignation of Certain Regulations Involving State Savings Association Pursuant to the Dodd-Frank Wall Street Reform and Consumer Protection Act of 2010 (RIN: 3064-AD82) received November 15, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

4215. A letter from the Secretary, Securities and Exchange Commission, transmitting the Commission's final rule — Rescission of Outdated Rules and Forms, and Amendments to Correct References [Release Nos.: 33-9273, 39-65686, 34-2480, IA-3310 and IC-29855] received November 15, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

4216. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Indiana; Miscellaneous Metal and Plastic Parts Surface Coating Rules [EPA-R05-OAR-2010-1001; FRL-9478-4] received October 11, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4217. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Maryland; Adoption of Control Techniques Guidelines for Drum and Pail Coatings [EPA-R03-OAR-2011-0610; FRL-9479-4] received October 11, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4218. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Maryland; Adoption of Control Techniques Guidelines for Plastic Parts and Business Machines Coatings [EPA-R03-OAR-2011-0600; FRL-9479-6] received October 11, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.



4219. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Transportation Conformity Rule: MOVES Regional Grace Period Extension [EPA-HQ-OAR-2011-0393; FRL-9478-1] (RIN: 2060-AR03) received October 11, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4220. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — OMB Approvals Under the Paperwork Reduction Act; Technical Amendment; Community Right-to-Know Toxic Chemical Release Reporting [FRL 94884] received November 4, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4221. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Revisions to the California State Implementation Plan, San Joaquin Valley Unified Air Pollution Control District [EPA-R09-OAR-2011-0312; FRL-9485-4] received November 4, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4222. A letter from the Director, Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting the Commission's final rule — Regulatory Changes to Implement the United States/Australian Agreement for Peaceful Nuclear Cooperation [NRC-2011-0072] (RIN: 3150-A195) received November 15, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4223. A letter from the Assistant Secretary for Export Administration, Department of Commerce, transmitting the Department's final rule — Exports and Reexports to the Principality of Liechtenstein [Docket No.: 110818514-1531-01] (RIN: 0694-AF33) received November 15, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Foreign Affairs.

4224. A letter from the Chief Acquisition Officer, General Services Administration, transmitting the Administration's final rule — Federal Acquisition Regulation; Set-Asides for Small Business [FAC 2005-54; FAR Case 2011-024; Item VI; Docket 2011-0024, Sequence 01] (RIN: 9000-AM12) received November 4, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Oversight and Government Reform.

4225. A letter from the Chief Acquisition Officer, General Services Administration, transmitting the Administration's final rule — Federal Acquisition Regulation; Sudan Waiver Process [FAC 2005-54; FAR Case 2009-041; Item VII; Docket 2010-0105, Sequence 1] (RIN: 9000-AL65) received November 4, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Oversight and Government Reform.

4226. A letter from the Chief Acquisition Officer, General Services Administration, transmitting the Administration's final rule — Federal Acquisition Regulation; Successor Entities to the Netherlands Antilles [FAC 2005-54; FAR Case 2011-014; Item VIII; Docket 2011-0014, Sequence 1] (RIN: 9000-AM11) received November 4, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Oversight and Government Reform.

4227. A letter from the Chief Acquisition Officer, General Services Administration, transmitting the Administration's final rule — Federal Acquisition Regulation; Preventing Personal Conflicts of Interest for Contractor Employees Performing Acquisi-

tion Functions [FAC 2005-54; FAR Case 2008-025; Item II; Docket 2009-0039, Sequence 1] (RIN: 9000-AL46) received November 4, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Oversight and Government Reform.

4228. A letter from the Chief Acquisition Officer, General Services Administration, transmitting the Administration's final rule — Federal Acquisition Regulation; Certification Requirement and Procurement Prohibition Relating to Iran Sanctions [FAC 2005-54; FAR Case 2010-012; Item IV; Docket 2010-0102, Sequence 1] (RIN: 9000-AL71) received November 4, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Oversight and Government Reform.

4229. A letter from the Chief Acquisition Officer, General Services Administration, transmitting the Administration's final rule — Federal Acquisition Regulation; Representation Regarding Export of Sensitive Technology to Iran [FAC 2005-54; FAR Case 2010-018; Item V; Docket 2010-0018, Sequence 1] (RIN: 9000-AL91) received November 4, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Oversight and Government Reform.

4230. A letter from the Chief Acquisition Officer, General Services Administration, transmitting the Administration's final rule — Federal Acquisition Regulation; Federal Acquisition Circular 2005-54; Small Entity Compliance Guide [Docket: FAR 2011-0077; Sequence 6] received November 4, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Oversight and Government Reform.

4231. A letter from the Chief Acquisition Officer, General Services Administration, transmitting the Administration's final rule — Federal Acquisition Regulation; Technical Amendments [FAC 2005-54; Item X; Docket 2011-0078; Sequence 3] received November 4, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Oversight and Government Reform.

4232. A letter from the Chief Acquisition Officer, General Services Administration, transmitting the Administration's final rule — Federal Acquisition Regulation; Labor Relations Costs [FAC 2005-54; FAR Case 2009-006; Item IX; Docket 2010-0084, Sequence 1] (RIN: 9000-AL39) received November 4, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Oversight and Government Reform.

4233. A letter from the Office of Sustainable Fishies, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Reallocation of Yellowfin Sole in the Bering Sea and Aleutian Islands Management Area [Docket No.: 101126521-0640-02] (RIN: 0648-XA757) received November 15, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

4234. A letter from the Deputy Assistant General Counsel for the Office of Aviation Enforcement and Proceedings, Department of Transportation, transmitting the Department's final rule — Enhancing Airline Passenger Protections [Docket No.: DOT-OST-2010-0140] (RIN: 2105-AD92) received November 10, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4235. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Generation-Skipping Transfers (GST) Section 6011 Regulations and Amendments to the Section 6112 Regulations [TD 9556] (RIN: 1545-BG89) received November 17, 2011, pursuant

to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

## REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports on committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. HASTINGS of Washington: Committee on Natural Resources. H.R. 443. A bill to provide for the conveyance of certain property from the United States to the Maniilaq Association located in Kotzebue, Alaska; with an amendment (Rept. 112-318, Pt. 1). Referred to the Committee of the Whole House on the state of the Union.

Mr. HASTINGS of Washington: Committee on Natural Resources. H.R. 1466. A bill to resolve the status of certain persons legally residing in the Commonwealth of the Northern Mariana Islands under the immigration laws of the United States (Rept. 112-319, Pt. 1). Referred to the Committee of the Whole House on the state of the Union.

Mr. HASTINGS of Washington: Committee on Natural Resources. H.R. 1740. A bill to amend the Wild and Scenic Rivers Act to designate a segment of Illabot Creek in Skagit County, Washington, as a component of the National Wild and Scenic Rivers System; with an amendment (Rept. 112-320). Referred to the Committee of the Whole House on the state of the Union.

Mr. HASTINGS of Washington: Committee on Natural Resources. H.R. 2719. A bill to ensure public access to the summit of Rattlesnake Mountain in the Hanford Reach National Monument for educational, recreational, historical, scientific, cultural, and other purposes (Rept. 112-321). Referred to the Committee of the Whole House on the state of the Union.

Mr. HASTINGS of Washington: Committee on Natural Resources. H.R. 3069. A bill to amend the Marine Mammal Protection Act of 1972 to reduce predation on endangered Columbia River salmon and other nonlisted species, and for other purposes (Rept. 112-322). Referred to the Committee of the Whole House on the state of the Union.

Ms. ROS-LEHTINEN: Committee on Foreign Affairs. H.R. 2829. A bill to promote transparency, accountability, and reform within the United Nations system, and for other purposes; with an amendment (Rept. 112-323). Referred to the Committee of the Whole House on the state of the Union.

## DISCHARGE OF COMMITTEE

Pursuant to clause 2 of rule XIII the following actions were taken by the Speaker:

The Committee on Energy and Commerce discharged from further consideration. H.R. 443 referred to the Committee of the Whole House on the state of the Union, and ordered to be printed.

The Committee on the Judiciary discharged from further consideration. H.R. 1466 referred to the Committee of the Whole House on the state of the Union, and ordered to be printed.

## PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. SMITH of New Jersey (for himself, Mr. WOLF, and Mr. MCCOTTER):



H.R. 3605. A bill to prevent United States businesses from cooperating with repressive governments in transforming the Internet into a tool of censorship and surveillance, to fulfill the responsibility of the United States Government to promote freedom of expression on the Internet, to restore public confidence in the integrity of United States businesses, and for other purposes; to the Committee on Foreign Affairs, and in addition to the Committees on Ways and Means, and Financial Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. FINCHER (for himself, Mr. CARNEY, Mr. BACHUS, Mr. CROWLEY, Mr. GARRETT, Mr. MCHENRY, Mr. SCHWEIKERT, Mr. WESTMORELAND, Mr. GARAMENDI, Mr. RENACCI, Mr. HUIZENGA of Michigan, Mr. KIND, Mrs. BLACKBURN, Mr. DESJARLAIS, Mr. TIPTON, Mr. POLIS, Mr. CRAWFORD, Mr. GRIFFIN of Arkansas, Mr. AUSTIN SCOTT of Georgia, Mr. PERLMUTTER, Mr. HIMES, Mrs. MCCARTHY of New York, Mr. CONNOLLY of Virginia, Mr. PETERS, Mr. GRIMM, Mrs. CAPITO, Mr. HENSARLING, and Ms. ESHOO):

H.R. 3606. A bill to increase American job creation and economic growth by improving access to the public capital markets for emerging growth companies; to the Committee on Financial Services.

By Mr. SMITH of Washington (for himself and Mr. DICKS):

H.R. 3607. A bill to establish a program to improve freight mobility in the United States, to establish the National Freight Mobility Infrastructure Fund, and for other purposes; to the Committee on Transportation and Infrastructure, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. BLACKBURN (for herself, Mr. FORBES, Mrs. LUMMIS, Mr. WALSH of Illinois, Mr. FLEMING, Mr. POSEY, Mr. FLORES, Mr. GARRETT, Mr. WESTMORELAND, Mr. MARCHANT, Mr. GINGREY of Georgia, Mr. DUNCAN of Tennessee, Mr. POE of Texas, Mr. SAM JOHNSON of Texas, Mr. SENSENBRENNER, Mr. SULLIVAN, Mr. MICA, Mr. KINGSTON, Mr. PENCE, Mr. REICHERT, Ms. HERRERA BEUTLER, Mr. BISHOP of Utah, Mrs. ELLMERS, Mr. GRIFFIN of Arkansas, Mr. BURTON of Indiana, and Mr. KING of Iowa):

H.R. 3608. A bill to direct the Assistant Secretary of Homeland Security (Transportation Security Administration) to prohibit certain employees of the Transportation Security Administration from using the title of "officer" and from wearing uniforms and carrying badges resembling those of law enforcement officers; to the Committee on Homeland Security.

By Mr. LANKFORD (for himself, Mr. BOREN, Mr. GERLACH, and Mrs. BLACKBURN):

H.R. 3609. A bill to provide taxpayers with an annual report disclosing the cost of, performance by, and areas for improvements for Government programs, and for other purposes; to the Committee on Oversight and Government Reform.

By Ms. FOXX (for herself, Mr. ROE of Tennessee, Mr. WILSON of South Carolina, Mr. ROKITA, Mr. GOWDY,

Mrs. ROBY, Mr. HECK, and Mr. KELLY):

H.R. 3610. A bill to consolidate and streamline redundant and ineffective Federal workforce development programs to increase accountability, reduce administrative bureaucracies, and put Americans back to work; to the Committee on Education and the Workforce, and in addition to the Committees on Armed Services, Veterans' Affairs, Agriculture, Natural Resources, the Judiciary, Energy and Commerce, and Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. HECK (for himself, Ms. FOXX, Mr. ROE of Tennessee, Mr. HANNA, Mr. GOWDY, and Mr. KELLY):

H.R. 3611. A bill to amend the Workforce Investment Act of 1998 to increase business engagement and improve training opportunities for occupations that are in-demand in order to get Americans back to work; to the Committee on Education and the Workforce.

By Mr. GIBSON (for himself, Mr. DOGETT, Mr. WALZ of Minnesota, and Mr. REHBERG):

H.R. 3612. A bill to amend title 38, United States Code, to clarify presumptions relating to the exposure of certain veterans who served in the vicinity of the Republic of Vietnam, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. JOHNSON of Georgia (for himself, Mr. FARR, Mr. KISSELL, Ms. JACKSON LEE of Texas, Mr. CONYERS, Ms. LEE of California, Mr. HONDA, Mr. GRIJALVA, Mr. MICHAUD, Ms. RICHARDSON, Ms. FUDGE, Mr. RYAN of Ohio, Mrs. CHRISTENSEN, Mr. CARSON of Indiana, Mr. TOWNS, Mr. OLVER, Mr. FRANK of Massachusetts, Mr. CLAY, Ms. ROYBAL-ALLARD, Mr. BOSWELL, Mr. FILNER, Ms. SLAUGHTER, Ms. SCHAKOWSKY, Ms. NORTON, Mr. DEUTCH, Mr. HINCHEY, Ms. MOORE, Mr. JACKSON of Illinois, Ms. WOOLSEY, Mr. DAVIS of Illinois, Mr. ELLISON, Mr. LEWIS of Georgia, Mr. KILDEE, and Mr. JONES):

H.R. 3613. A bill to amend title XVIII of the Social Security Act to allow for fair application of the exceptions process for drugs in tiers in formularies in prescription drug plans under Medicare part D; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. ROYBAL-ALLARD (for herself, Mr. HINOJOSA, and Mr. CARNAHAN):

H.R. 3614. A bill to reauthorize the Enhancing Education Through Technology Act of 2001; to the Committee on Education and the Workforce.

By Mr. PEARCE:

H.R. 3615. A bill to amend title III of the Social Security Act to require States to implement a drug testing program for applicants for and recipients of unemployment compensation; to the Committee on Ways and Means.

By Mr. BERG:

H.R. 3616. A bill to provide that the rules of the Environmental Protection Agency entitled "National Emission Standards for Hazardous Air Pollutants for Reciprocating Internal Combustion Engines" have no force or effect with respect to existing stationary compression and spark ignition reciprocating

internal combustion engines operated to generate electricity for emergency or demand response purposes, or for the purpose of operating a water pump; to the Committee on Energy and Commerce.

By Ms. CLARKE of New York:

H.R. 3617. A bill to amend the Child Abuse Prevention and Treatment Act to require States receiving funds under section 106 of such Act to have in effect a State law providing for a criminal penalty on a person who has knowledge of child abuse or neglect, but fails to report such abuse or neglect to a law enforcement official or child protective services; to the Committee on Education and the Workforce.

By Mr. CONYERS (for himself, Mr. ACKERMAN, Ms. BROWN of Florida, Mr. COHEN, Mr. CUMMINGS, Mr. DAVIS of Illinois, Mr. DINGELL, Mr. ELLISON, Mr. FALBOMAVEGA, Mr. FARR, Mr. FILNER, Mr. FRANK of Massachusetts, Mr. GRIJALVA, Mr. GUTIERREZ, Mr. HONDA, Mr. JACKSON of Illinois, Mr. JOHNSON of Georgia, Mr. JOHNSON of Illinois, Ms. EDDIE BERNICE JOHNSON of Texas, Ms. JACKSON LEE of Texas, Ms. LEE of California, Mr. LEWIS of Georgia, Ms. ZOE LOFGREN of California, Mrs. MCCARTHY of New York, Ms. MCCOLLUM, Mr. GEORGE MILLER of California, Ms. NORTON, Mr. PAYNE, Mr. PRICE of North Carolina, Mr. RANGEL, Ms. RICHARDSON, Mr. RICHMOND, Mr. ROTHMAN of New Jersey, Mr. RUSH, Mr. SCOTT of Virginia, Mr. SERRANO, Mr. TOWNS, and Mr. WATT):

H.R. 3618. A bill to eliminate racial profiling by law enforcement, and for other purposes; to the Committee on the Judiciary.

By Mr. ELLISON (for himself and Mr. STARK):

H.R. 3619. A bill to permanently extend the Protecting Tenants at Foreclosure Act of 2009 and establish a private right of action to enforce compliance with such Act; to the Committee on Financial Services.

By Mr. ENGEL:

H.R. 3620. A bill to amend title IX of the Social Security Act to improve the quality, health outcomes, and value of maternity care under the Medicaid and CHIP programs by developing a maternity care quality measurement program, evaluating maternity care home models, and supporting maternity care quality collaboratives; to the Committee on Energy and Commerce.

By Mr. ISRAEL:

H.R. 3621. A bill to suspend temporarily the duty on certain adjustable metal lighting fixtures; to the Committee on Ways and Means.

By Mr. ISRAEL (for himself, Mr. TIBERI, Mr. GRIJALVA, Mr. HINCHEY, Mr. ELLISON, Mr. FRANK of Massachusetts, and Ms. NORTON):

H.R. 3622. A bill to amend title XVIII of the Social Security Act to provide comprehensive cancer patient treatment education under the Medicare program and to provide for research to improve cancer symptom management; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. LATTA (for himself and Ms. KAPTUR):

H.R. 3623. A bill to authorize and request the President to award the congressional

Medal of Honor to Arthur Jibilian for actions behind enemy lines during World War II while a member of the United States Navy and the Office of Strategic Services; to the Committee on Armed Services.

By Mr. MICHAUD:

H.R. 3624. A bill to authorize the Secretary of Education to enter into voluntary, flexible agreements with certain guaranty agencies to provide delinquency prevention and default aversion services for borrowers and potential borrowers of Federal Direct Loans under the Higher Education Act of 1965, and for other purposes; to the Committee on Education and the Workforce.

By Mr. PALLONE:

H.R. 3625. A bill to amend title III of the Public Health Service Act to authorize and support the creation of cardiomyopathy education, awareness, and risk assessment materials and resources by the Secretary of Health and Human Services through the Centers for Disease Control and Prevention and the dissemination of such materials and resources by State educational agencies to identify more at-risk families; to the Committee on Energy and Commerce.

By Ms. PINGREE of Maine (for herself, Mr. MICHAUD, Mr. WELCH, Mr. LANGEVIN, Mr. CICILLINE, and Mr. MARKEY):

H.R. 3626. A bill to provide level funding for the Low-Income Home Energy Assistance Program; to the Committee on Appropriations, and in addition to the Committees on Energy and Commerce, and Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ROE of Tennessee (for himself and Mr. HOYER):

H.R. 3627. A bill to provide States with incentives to require elementary schools and secondary schools to maintain, and permit school personnel to administer, epinephrine at schools; to the Committee on Energy and Commerce.

By Mr. SCALISE (for himself, Mr. BOUTANY, Mr. LANDRY, Mr. PALAZZO, and Mr. RICHMOND):

H.R. 3628. A bill to extend the National Flood Insurance Program until May 31, 2012; to the Committee on Financial Services.

By Mr. SERRANO:

H.R. 3629. A bill to require retail establishments that use mobile device tracking technology to display notices to that effect; to the Committee on Energy and Commerce.

#### CONSTITUTIONAL AUTHORITY STATEMENT

Pursuant to clause 7 of rule XII of the Rules of the House of Representatives, the following statements are submitted regarding the specific powers granted to Congress in the Constitution to enact the accompanying bill or joint resolution.

By Mr. SMITH of New Jersey:

H.R. 3605.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 3

To regulate Commerce with foreign Nations, and among the several States, and within the Indian Tribes.

By Mr. FINCHER:

H.R. 3606.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8.

By Mr. SMITH of Washington:

H.R. 3607.

Congress has the power to enact this legislation pursuant to the following:

Article I Section 8 Clause 3—"To regulate Commerce with foreign Nations, and among the several States, and within the Indian Tribes."

By Mrs. BLACKBURN:

H.R. 3608.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 1 of the Constitution of the United States and Article I, Section 8, Clause 18 of the Constitution of the United States.

By Mr. LANKFORD:

H.R. 3609.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 9

No Money shall be drawn from the Treasury, but in Consequence of Appropriations made by Law; and a regular Statement and Account of the Receipts and Expenditures of all public Money shall be published from time to time.

By Mrs. FOX:

H.R. 3610.

Congress has the power to enact this legislation pursuant to the following:

Article I, section 8 of the Constitution of the United States

By Mr. HECK:

H.R. 3611.

Congress has the power to enact this legislation pursuant to the following:

Article I, section 8 of the Constitution of the United States

By Mr. GIBSON:

H.R. 3612.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 18

The Congress shall have Power \* \* \* To make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by the Constitution in the Government of the United States, or in any Department or Officer thereof.

By Mr. JOHNSON of Georgia:

H.R. 3613.

Congress has the power to enact this legislation pursuant to the following:

Clause 3 of section 8 of article I of the Constitution, which sets forth the constitutional authority of Congress to regulate interstate commerce.

By Ms. ROYBAL-ALLARD:

H.R. 3614.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 18

By Mr. PEARCE:

H.R. 3615.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 1 of the United States Constitution

By Mr. BERG:

H.R. 3616.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 4.

By Ms. CLARKE of New York:

H.R. 3617.

Congress has the power to enact this legislation pursuant to the following:

This bill, the See Something, Say Something Act, is enacted pursuant to the power granted to Congress under Article I of the United States Constitution and its subse-

quent amendments, and further clarified and interpreted by the Supreme Court of the United States.

By Mr. CONYERS:

H.R. 3618.

Congress has the power to enact this legislation pursuant to the following:

Pursuant to Section 5 of the Fourteenth Amendment to the United States Constitution, Congress shall have the power to enact appropriate laws protecting the civil rights of all Americans.

By Mr. ELLISON:

H.R. 3619.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8 of the U.S. Constitution

By Mr. ENGEL:

H.R. 3620.

Congress has the power to enact this legislation pursuant to the following:

The bill is enacted pursuant to the power granted to Congress under the following provisions of the United States Constitution:

Article I, Section 1;

Article I, Section 8, Clause 1;

Article I, Section 8, Clause 3; and

Article I, Section 8, Clause 18.

By Mr. ISRAEL:

H.R. 3621.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8, Clause 1 of the Constitution of the United States.

By Mr. ISRAEL:

H.R. 3622.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8, Clause 1 of the Constitution of the United States. Article 1, Section 8, Clause 18 of the Constitution of the United States.

By Mr. LATTA:

H.R. 3623.

Congress has the power to enact this legislation pursuant to the following:

This bill is enacted pursuant to Article I, Section 8, Clauses 13 and 14 of the United States Constitution.

By Mr. MICHAUD:

H.R. 3624.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8 of the United States Constitution.

By Mr. PALLONE:

H.R. 3625.

Congress has the power to enact this legislation pursuant to the following:

Clause 18 of Section 8 of Article I of the United States Constitution.

By Ms. PINGREE of Maine:

H.R. 3626.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 1—The Congress shall have Power To lay and collect Taxes, Duties, Imposts and Excises, to pay the Debts and provide for the common Defense and general Welfare of the United States; but all Duties, Imposts and Excises shall be uniform throughout the United States.

By Mr. ROE of Tennessee:

H.R. 3627.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 1

Article I, Section 8, Clause 18

By Mr. SCALISE:

H.R. 3628.

Congress has the power to enact this legislation pursuant to the following:

Article I, section 8, clause 1

By Mr. SERRANO:

H.R. 3629.

Congress has the power to enact this legislation pursuant to the following:

Clause 3 of section 8 of article I of the Constitution.

The Congress shall have Power \* \* \* To regulate Commerce with foreign Nations, and among the several States, and with the Indian Tribes.

In addition, Congress has the power to enact this legislation pursuant to the following:

Clause 18 of section 8 of article I of the Constitution.

The Congress shall have Power \* \* \* To make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by the Constitution in the Government of the United States, or in any Department or Officer thereof.

#### ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 23: Mr. BARROW and Mr. AL GREEN of Texas.

H.R. 50: Ms. NORTON.

H.R. 68: Mr. FRANKS of Arizona.

H.R. 104: Mr. KING of Iowa.

H.R. 111: Mr. COOPER.

H.R. 121: Mr. FRANKS of Arizona.

H.R. 139: Mr. MURPHY of Connecticut and Mr. MICHAUD.

H.R. 157: Mr. SHIMKUS and Mr. DUNCAN of South Carolina.

H.R. 234: Ms. JENKINS.

H.R. 361: Mr. ROGERS of Alabama and Mr. AMASH.

H.R. 396: Mr. THORNBERRY.

H.R. 420: Mr. FITZPATRICK.

H.R. 468: Ms. HANABUSA.

H.R. 615: Mr. PEARCE.

H.R. 809: Mr. WELCH.

H.R. 812: Mr. MCGOVERN, Ms. PINGREE of Maine, Mr. MICHAUD, and Mr. McDERMOTT.

H.R. 814: Mr. ALTMIRE.

H.R. 933: Ms. CLARKE of New York, Ms. LEE of California, Ms. CHU, Mrs. NAPOLITANO, Ms. MOORE, Mr. SERRANO, and Mr. FARR.

H.R. 959: Mr. HEINRICH.

H.R. 1041: Mr. BASS of New Hampshire.

H.R. 1148: Mr. ENGEL, Ms. ZOE LOFGREN of California, Mr. SARBANES, Mr. SCOTT of South Carolina, Mr. BOUSTANY, Mr. MEEHAN, Mr. PAULSEN, Mr. CROWLEY, Mr. McNERNEY, Mr. BRADY of Pennsylvania, Mr. GARAMENDI, Mr. PERLMUTTER, Mr. BUTTERFIELD, Mrs. SCHMIDT, Mr. FALEOMAVAEGA, Mr. ANDREWS, Mr. CARDOZA, Mr. GALLEGLY, Mr. BACA, and Mr. DESJARLAIS.

H.R. 1159: Mr. BUCSHON.

H.R. 1172: Mr. RUSH.

H.R. 1195: Mr. CASSIDY.

H.R. 1206: Ms. HERRERA BEUTLER.

H.R. 1236: Mr. LATOURETTE, Mr. LOESACK, Mr. MILLER of North Carolina, Mr. BURTON of Indiana, and Mr. COBLE.

H.R. 1259: Mr. BASS of New Hampshire.

H.R. 1265: Mr. CROWLEY, Mr. BARLETTA, and Ms. MOORE.

H.R. 1294: Ms. HIRONO and Ms. CASTOR of Florida.

H.R. 1295: Mr. CARSON of Indiana.

H.R. 1348: Mr. PLATTS and Mr. FITZPATRICK.

H.R. 1370: Mr. MARINO and Mr. GRIFFITH of Virginia.

H.R. 1418: Ms. WILSON of Florida.

H.R. 1443: Mr. BOUSTANY.

H.R. 1463: Mr. SCHOCK and Mr. BERMAN.

H.R. 1478: Mr. TIBERI.

H.R. 1511: Mr. PASTOR of Arizona.

H.R. 1513: Mr. RUSH, Ms. ESHOO, and Ms.

CLARKE of New York.

H.R. 1546: Mr. MCGOVERN.

H.R. 1614: Mr. HARRIS.

H.R. 1676: Mr. COOPER.

H.R. 1718: Mr. CONNOLLY of Virginia.

H.R. 1738: Mr. SHERMAN.

H.R. 1744: Mr. MARINO.

H.R. 1895: Mr. DOYLE, Ms. NORTON, and Mrs. T5Lowey.

H.R. 1957: Mr. LEWIS of Georgia.

H.R. 1964: Mr. PIERLUISI, Mr. GALLEGLY, Mr. ISSA, Mrs. ELLMERS, and Mr. MARCHANT.

H.R. 1996: Mr. DUNCAN of South Carolina.

H.R. 2001: Mr. FARENTHOLD.

H.R. 2033: Mr. COOPER.

H.R. 2139: Mr. WALBERG, Mr. CANSECO, Mr. CLAY, Ms. PINGREE of Maine, Mr. LATOURETTE, Mr. GRIFFIN of Arkansas, and Mr. FLEISCHMANN.

H.R. 2140: Ms. DEGETTE and Mr. TOWNS.

H.R. 2288: Mr. BARROW.

H.R. 2313: Mr. CASSIDY and Mr. WESTMORELAND.

H.R. 2359: Mr. TIERNEY.

H.R. 2396: Mr. PRICE of North Carolina.

H.R. 2412: Ms. EDWARDS.

H.R. 2432: Mr. LUETKEMEYER.

H.R. 2466: Mr. OLSON.

H.R. 2499: Mr. FARR.

H.R. 2500: Mr. COHEN.

H.R. 2528: Mr. SHIMKUS.

H.R. 2530: Ms. CHU.

H.R. 2536: Ms. HIRONO.

H.R. 2541: Mr. GRIFFITH of Virginia.

H.R. 2543: Mr. COHEN.

H.R. 2547: Mr. HINOJOSA and Mr. HASTINGS of Florida.

H.R. 2569: Mr. NUNES and Mr. CONNOLLY of Virginia.

H.R. 2595: Mr. BLUMENAUER.

H.R. 2617: Mr. SCOTT of Virginia.

H.R. 2655: Ms. MOORE and Mr. RICHMOND.

H.R. 2697: Ms. BROWN of Florida.

H.R. 2706: Mr. LANDRY.

H.R. 2755: Mr. GERLACH.

H.R. 2809: Ms. BERKLEY, Ms. LEE of California, Mr. CLARKE of Michigan, Mr. THOMPSON of Mississippi, and Mr. RUSH.

H.R. 2810: Mr. MARCHANT.

H.R. 2834: Mr. REHBERG.

H.R. 2900: Mr. POSEY.

H.R. 2962: Mr. DENT and Mr. POSEY.

H.R. 2969: Mr. COOPER, Mr. PAYNE, Mr. BENISHEK, and Mr. LUETKEMEYER.

H.R. 3014: Ms. NORTON.

H.R. 3059: Mr. THOMPSON of Pennsylvania, Mr. WALDEN, Mrs. BONO MACK, and FARENTHOLD.

H.R. 3062: Mr. PEARCE.

H.R. 3076: Ms. NORTON.

H.R. 3096: Mr. FLEISCHMANN.

H.R. 3138: Ms. CHU.

H.R. 3166: Mr. WOLF.

H.R. 3200: Mr. BUTTERFIELD.

H.R. 3202: Mr. HIGGINS and Ms. PINGREE of Maine.

H.R. 3207: Mr. GUTHRIE and Mr. MCKINLEY.

H.R. 3216: Mr. GIBBS and Mr. RUNYAN.

H.R. 3243: Mr. FRANKS of Arizona.

H.R. 3269: Mr. LATTA, Mr. JONES, Ms. BALDWIN, Mrs. BIGGERT, Ms. CHU, Mrs. MCCARTHY of New York, Mr. GARDNER, Mr. HIGGINS, Mr. TERRY, Mr. KELLY, and Mr. PEARCE.

H.R. 3307: Mrs. CAPPS, Ms. BORDALLO, Ms. BERKLEY, Mr. ROTHMAN of New Jersey, Mr. BERMAN, Mr. WAXMAN, Mr. MCGOVERN, Mr. MARKEY, Mr. GEORGE MILLER of California, Mr. ISRAEL, and Mr. LEVIN.

H.R. 3325: Mrs. LOWEY.

H.R. 3346: Mr. THOMPSON of California and Mr. MICHAUD.

H.R. 3365: Mr. REICHERT.

H.R. 3366: Mr. SCHOCK.

H.R. 3378: Mr. DINGELL.

H.R. 3393: Mr. BILIRAKIS and Mr. YOUNG of Alaska.

H.R. 3397: Mr. REHBERG.

H.R. 3399: Ms. ROS-LEHTINEN.

H.R. 3400: Mr. CHABOT, Mr. FLAKE, Mr. MANZULLO, Mr. WEST, and Mr. FLEISCHMANN.

H.R. 3421: Mr. BLUMENAUER, Mr. MURPHY of Connecticut, Mr. GRIJALVA, Mr. SARBANES, Ms. WILSON of Florida, Mr. ISRAEL, Ms. ZOE LOFGREN of California, Mr. RUPPERSBERGER, Mr. COOPER, and Mr. BISHOP of Georgia.

H.R. 3425: Mr. SERRANO, Mr. LEVIN, and Mr. BACA.

H.R. 3435: Mr. BERMAN, Mr. CLARKE of Michigan, Mr. CARDOZA, Mr. BOSWELL, Mr. CROWLEY, and Mr. CONYERS.

H.R. 3437: Mr. SERRANO.

H.R. 3440: Mr. SCHWEIKERT, Mr. DUNCAN of Tennessee, Mr. POSEY, and Mr. CALVERT.

H.R. 3441: Mrs. LUMMIS, Mr. DUNCAN of Tennessee, Mr. ROE of Tennessee, Mr. LAMBORN, Mr. TERRY, Mr. MICA, Mr. AMODEI, Mr. ROONEY, Mr. HALL, and Mr. JORDAN.

H.R. 3453: Mr. PETRI and Mr. CAMP.

H.R. 3457: Mrs. LOWEY.

H.R. 3462: Mrs. LOWEY.

H.R. 3465: Mr. PALLONE.

H.R. 3474: Mr. GRIMM.

H.R. 3480: Mr. KELLY.

H.R. 3483: Ms. BROWN of Florida.

H.R. 3503: Mr. FRANK of Massachusetts.

H.R. 3521: Mr. SHULER, Ms. CASTOR of Florida, Mr. HENSARLING, and Mr. DUNCAN of South Carolina.

H.R. 3523: Mr. LATTA, Mr. QUAYLE, Mr. MCHENRY, Mr. FRELINGHUYSEN, and Mr. YODER.

H.R. 3548: Mr. BROWN of Georgia, Mr. FLORES, Mr. LAMBORN, and Mr. WALDEN.

H.R. 3572: Mr. POE of Texas.

H.R. 3578: Mr. MCCLINTOCK and Mr. GOHMERT.

H.R. 3581: Mr. DUNCAN of South Carolina.

H.R. 3583: Mr. DUNCAN of South Carolina and Mr. BOREN.

H.R. 3590: Mr. SABLAN.

H.R. 3594: Mr. COBLE and Mr. MARCHANT.

H.J. Res. 88: Mr. WELCH.

H.J. Res. 90: Mr. ELLISON.

H.J. Res. 92: Ms. LEE of California.

H. Con. Res. 85: Mr. LANGEVIN, Mr. CARSON of Indiana, and Mr. QUIGLEY.

H. Con. Res. 87: Mr. BENISHEK and Mr. FILER.

H. Con. Res. 89: Mr. GOHMERT, Mr. MULVANEY, Mr. FLORES, Mr. GARRETT, Mr. BROOKS, Mrs. SCHMIDT, Mrs. BLACKBURN, Mr. FORBES, Mrs. LUMMIS, Mrs. HARTZLER, Mr. RIBBLE, Mr. WEST, Mr. STUTZMAN, Mr. MCCLINTOCK, Mr. PEARCE, Mr. YODER, Mr. ROE of Tennessee, Mr. BURGESS, Mr. FLEISCHMANN, Mr. COLE, Mr. GOODLATTE, Mr. WALSH of Illinois, Mr. HUELSKAMP, Mr. FLEMING, Mr. GINGREY of Georgia, Mr. CONAWAY, Mr. POSEY, Mr. CHABOT, Mr. BARTON of Texas, Mr. GRAVES of Georgia, Mr. CAMPBELL, Mr. DUNCAN of South Carolina, Mr. ROKITA, Mr. CHAFFETZ, Mr. LANKFORD, Mr. QUAYLE, Mr. LABRADOR, Mr. WILSON of South Carolina, Mr. HARRIS, Mr. FORTENBERRY, Mr. MANZULLO, Mr. HULTGREN, and Mr. HUIZENGA of Michigan.

H. Res. 134: Mr. FALEOMAVAEGA, Mr. RIVERA, and Mr. DUNCAN of South Carolina.

H. Res. 262: Mr. COHEN.

#### DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H.R. 3538: Mr. COOPER.

## EXTENSIONS OF REMARKS

## RECOGNIZING THE 10TH ANNIVERSARY OF THE BRANDYWINE HEALTH FOUNDATION OF COATESVILLE

## HON. JIM GERLACH

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 8, 2011

Mr. GERLACH. Mr. Speaker, I rise today to congratulate The Brandywine Health Foundation of Coatesville, Chester County, Pennsylvania, on the occasion of its 10th anniversary.

Over the last ten years, the Brandywine Health Foundation has made over \$10 million in grants and scholarships to improve health and encourage youth development in the greater Coatesville area. Its efforts have resulted in bringing ChesPenn Health Services, the only Federally Qualified Health Center in Chester County, to Coatesville. This helps to provide over 8,000 patient visits to low income County residents. Additionally, the Foundation has assisted in the development of a new Dental Center, Chester County Community Dental, and has partnered with the Chester County Department of Mental Health and Mental Retardation, as well as the Coatesville Area School District, to bring behavioral health services to child guidance research centers.

The Brandywine Health Foundation is also responsible for the construction of the four-story Brandywine Center, which opened in April 2008 and houses the non-profit organizations such as ChesPenn Health Services, Chester County Community Dental, Child Guidance Resource Centers, and Human Services, Inc., as well as offering 24 units of affordable senior housing.

Mr. Speaker, in light of its years of exemplary service to the community and outstanding accomplishments, I ask that my colleagues join me today in recognizing The Brandywine Health Foundation in celebration of its 10 year anniversary.

HONORING THE CAREER OF  
MAYOR RICHARD FREY

## HON. BRIAN HIGGINS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 8, 2011

Mr. HIGGINS. Mr. Speaker, I rise today to honor the career and accomplishments of a distinguished public servant and friend, the Mayor of the City of Dunkirk, New York, the Honorable Richard Frey.

With a long career in the private sector—and distinguished wartime service in Korea, including earning the Purple Heart—before running for Mayor, Dick Frey has unquestionably been a hands-on Mayor for the residents of Dunkirk.

Dick's key focus as Mayor was community revitalization and economic development, and he delivered for his constituents. On each example of progress you see in Dunkirk today—from waterfront development to the Dunkirk Boardwalk Market, from the SUNY Fredonia Incubator to the redevelopment of the vacant Crocker-Sprague building—you see Dick Frey's fingerprints. Through Dick's efforts, underutilized recreational parks and other brownfields throughout the city were turned into clean and development-ready sites.

Never shy about fighting for his city, I first met Dick Frey in 2005, shortly after I took office representing Dunkirk and Chautauqua County as a Member of Congress, and I'll confess to being a little concerned. After all, Dunkirk and Chautauqua had not been represented in Congress by a Democrat in nearly a generation. But after our first meeting, two things were clear: number one, Dick Frey was a man of his word who passionately cares about the constituents he served; number two, Dick Frey cares about people, and not politics.

Dick once said in an interview with the Dunkirk Observer newspaper, "As far as politics go, you can expect to leave politics at the door when dealing with [people's] concerns." That statement embodies my experience with him completely. Though we come from different political sides of the aisle, politics was never an issue between us. We both represented the same people—the hard-working folks in the city of Dunkirk—and we each had a responsibility to deliver for them.

Now as his wife Pat and their large extended family will welcome Dick back to them after loaning him, his time and attention to the city and its residents for the past ten years, we wish them good luck as Dick leaves active civic life for a much deserved respite.

Mr. Speaker, I thank you for allowing me a few moments to commemorate the service of one of the most honorable public servants that I have had the good fortune to know. I am thankful all the more, however, to call Dick Frey my friend, and to wish him Godspeed in all of his future endeavors.

RECOGNIZING CITY OF SAN LUIS  
OBISPO POLICE CHIEF DEBORAH  
E. LINDEN

## HON. LOIS CAPPS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 8, 2011

Mrs. CAPPS. Mr. Speaker, it is with the greatest respect that I rise today to recognize Deborah Linden on the event of her retirement as Police Chief for the City of San Luis Obispo.

Chief Linden is a native Californian, raised in Sunnyvale. She moved to Santa Barbara in 1979 to attend U.C. Santa Barbara, graduating

in 1984 with a Bachelor of Arts degree in sociology. She began her law enforcement career with the Santa Barbara County Sheriff's Department as a Deputy Sheriff at the age of 22.

During her 18 year tenure at the Sheriff's Department, Chief Linden served in a variety of assignments including Patrol Deputy, Narcotics Detective, Major Crimes Detective, Patrol Sergeant, Major Crimes Sergeant, Lieutenant, and Commander.

She was hired by the City of San Luis Obispo as Chief of Police on January 1, 2003.

Chief Linden holds a Master of Arts degree in Leadership from St. Mary's College in Moraga and she is a P.O.S.T. Command College graduate. In 2004, she was honored with a three-year gubernatorial appointment to the California Commission on Peace Officer Standards and Training and she was reappointed to subsequent terms in 2007 and 2010. Chief Linden serves on the Board of the California Police Chiefs Association and is a lifetime member of the California Narcotic Officers Association. Chief Linden is also dedicated to future members of law enforcement, as she has been a criminal justice instructor for Santa Barbara City College, an academy instructor for Allan Hancock Law Enforcement Academy, and an instructor of Public Policy for St. Mary's College Graduate Leadership Program.

Chief Linden also takes an active role in our local community in addition to her commitments as Police Chief. She is involved with many community and non-profit groups, including serving on the boards of the Anti-Defamation League, Transitions Mental Health Association, and the Monday Rotary Club in San Luis Obispo. She is the law enforcement representative on the San Luis Obispo County Homeless Services Oversight Council.

Mr. Speaker, I ask that my colleagues join me in honoring Deborah Linden, for her leadership, dedication, and outstanding service to our community and the San Luis Obispo Police Department.

## IN HONOR OF SCOTT KENNEDY

## HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 8, 2011

Mr. FARR. Mr. Speaker, I rise today to honor the life of a good friend and great leader who passed away unexpectedly on November 19, 2011. His energy, intelligence, and dedication served the City of Santa Cruz since 1976, when he co-founded the Resource Center for Nonviolence. In 1991, Scott began his political career, serving on the Santa Cruz City Council from 1991 to 1998 and again from 2001–2003. He also served as the mayor of Santa Cruz in 1994 and 2004. Throughout his life, Scott demonstrated a strong commitment

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

to his community and he will be dearly missed. I am proud to honor my friend and his service to the City of Santa Cruz and to the rest of the world.

Scott was born in Nebraska on December 9, 1948, and grew up in San Jose, California. He began his advocacy for international peace while attending the University of California at Santa Cruz when as a freshman he first traveled to the Israel-Palestine region. Middle Eastern issues were at the forefront of Scott's advocacy and he led some 25 delegations to the Middle East with increasing success over three decades of involvement. Since the mid-1970s Scott attempted to amplify the voices of Israelis and Palestinians who are committed to participating in a nonviolent struggle for lasting peace. Scott's tenacity and passion provided the foundation from which the Resource Center for Nonviolence has continued to prosper to this day. His later heavy involvement with the Washington, D.C.-based group Interfaith Peace Builders only adds to his great strides toward world peace. His lifetime of humanitarian service was honored in 2010 when he received the Pfeffer Peace Prize.

The Loma Prieta earthquake in 1989 was a jumping off point for Scott's local political career. Several affordable housing activists, afraid the disaster would result in a lack of affordable housing, recruited Scott to be their voice and run for city council. During his time in elected office, he worked to construct low-income housing, build a community soccer field, pass a resolution against the first Iraq war and permanently preserve several greenbelt properties on the city's perimeter. His intelligence and passion challenged and taught those who served alongside him to do their very best for Santa Cruz.

Throughout all of these great achievements, Scott had the stalwart support of his loving family. He is survived by his wife and soulmate, Kristin (Kris), his two sons, Peter and Benjamin and his daughter Megan, who served in this Chamber as a Congressional House Page. His entire family actively supported his work by door-to-door canvassing and later travelling to Israel and Palestine. Scott described his family, and his wife Kris in particular, as his bedrock. The support she gave him made possible his lifelong humanitarian and political success.

Mr. Speaker, on behalf of the House of Representatives, I would like to extend our Nation's deepest condolences to Scott Kennedy's family for their loss. I would like to honor his great struggle for peace and his service to the City of Santa Cruz. He was a treasured Mayor, father, and husband and he will be greatly missed.

#### RECOGNIZING THE COLONIAL HIGH SCHOOL CHAMBER CHOIR

#### HON. DANIEL WEBSTER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, December 8, 2011*

Mr. WEBSTER. Mr. Speaker, it is my pleasure to recognize the Colonial High School Chamber Choir during their visit to Washington, DC. Founded in 1959, Colonial High

School is located in Orlando and is committed to educating its students in a learning environment based on excellence in academic performance, enabling students to become productive and responsible citizens.

The Chamber Choir is made up of 26 audition-selected students from the 150-student Colonial High School Chorus. Their talent is most recently marked by an invitation to perform at the White House on Friday, December 9, 2011. The parents and educators of these students should be very proud of the dedication and discipline required to get to this level.

On behalf of the citizens of Florida's 8th Congressional District, I am pleased to recognize the Colonial High School Chamber Choir and congratulate the students for their hard work and accomplishment.

#### A TRIBUTE TO REV. BYRON LEAVANCE BENTON

#### HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Thursday, December 8, 2011*

Mr. TOWNS. Mr. Speaker, I rise today to honor the Rev. Byron LeaVance Benton for his pastoral and community service that has benefited the youth and religious community of Brooklyn.

Rev. Benton, a native of Greensboro, North Carolina, is a graduate of North Carolina Agricultural and Technical State University where he majored in Business Education with a concentration in Administrative Systems. He earned his Master's of Divinity degree from Princeton Theological Seminary, focusing his studies on homiletics and pastoral care. He is currently pursuing a Doctorate of Arts in Marriage and Family Therapy at Eastern University in Philadelphia, Pennsylvania.

At A&T, he sat on the board of several programs that reached out to troubled youth in the Greensboro area, and he served as the percussion section leader and chaplain of the A&T University Band: The Marching Machine.

While at Princeton, Rev. Benton served as a chaplain for both the Trenton Psychiatric Hospital in Trenton, New Jersey and the Association of Black Seminarians at Princeton Theological Seminary. He was awarded the Aaron E. Gast Award in Urban Ministry, the Jagow Award in Homiletics and Speech, and the Ray Lindquist Award in Pastoral Care.

Rev. Benton started a community drumline in Brooklyn, New York through the Berean Community and Family Life Center. The drumline's vision is to encourage positive, holistic health in youth by providing physical activity that combats obesity, prevents disease, and encourages an overall healthy lifestyle, while simultaneously creating self-discipline and encouraging community service. Their performances include: museums, numerous church and youth ministry events, and as accompaniment for the Jamal Jackson Dance Company. They were also featured in the 2011 Black History Calendar by Aetna Healthcare. They placed second in both the 2011 Hot 97 Battle in the Apple and Battle of the Drumlines.

Rev. Benton currently serves as the Associated Pastor of the Berean Baptist Church in

Brooklyn, New York under the mentorship of the Senior Pastor, Rev. Dr. Arlee Griffin, Jr. He also sits on the board of directors for the Berean Community and Family Life Center.

Rev. Benton has traveled extensively throughout the world, partnering with the National Baptist Convention in Liberia, Africa.

Mr. Speaker, I would like to recognize Rev. Byron Benton for his exceptional dedication to the youth of Brooklyn and his years of pastoral service.

#### IN RECOGNITION OF RICHARD J. LEONARDINI

#### HON. JOHN GARAMENDI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, December 8, 2011*

Mr. GARAMENDI. Mr. Speaker, I rise today in honor of Captain Richard J. Leonardini, who is retiring after more than 31 years of law enforcement service, with 22 years of that service to the City of Fairfield. As his colleagues, friends and family gather together to celebrate the next chapter of his life, I ask all of my colleagues to join me in saluting this outstanding public servant and defender of peace and safety.

Richard started his law enforcement career as a Deputy Sheriff, serving three years for the El Dorado County Sheriff's office and over five years with the San Joaquin County Sheriff's office. On March 6, 1989, he was hired as a Police Officer with the Fairfield Police Department. As an officer, Richard worked in various capacities that included Patrol, Investigations, Street Crime Apprehension (SCAT) and Field Training. He joined the Crisis Negotiations Team in 1991, the Special Activity Felony Enforcement (SAFE) Team in 1992 and was promoted to Police Sergeant on July 30, 1999.

As a Police Sergeant, Richard served in Patrol and then Personnel and Training before being promoted to Police Lieutenant on December 14, 2001 and serving as the Commander of the Special Operations Division. He was a thoughtful and capable manager which led him to receiving the Manager of the Year award in 2002. On March 19, 2004 he was promoted to Police Captain and served in Administration, Support Services, and Field Operations.

Richard has been a valued employee and his commitment to the community was evidenced on a daily basis. He was a loyal representative of the law enforcement community and admired for his hard work, dedication, and positive work ethic.

Mr. Speaker, I am truly honored to pay tribute to this dedicated public servant. I ask all of my colleagues to join with me in wishing Richard J. Leonardini continued success and happiness in all of his future endeavors.

HONORING THE NATIVE AMERICAN  
CODE TALKERS**HON. JARED POLIS**

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Thursday, December 8, 2011*

Mr. POLIS. Mr. Speaker, I rise today to honor the Native American Code Talkers for their selfless contributions to America's defense during World Wars I and II. During these times of worldwide turmoil, hundreds of American Indians joined the United States' Armed Forces with the goal of protecting freedom and human rights around the world.

The Code Talkers, as these brave soldiers became known, used their ancient tribal languages to develop a military communications code that no enemy was ever able to crack. American Indians served bravely in both World Wars, though the most well-known code group, the Navajo Code Talkers, was not formed by the Marine Corps until the 1940s.

The Navajo Code Talkers came up with a code that enabled them to send and receive messages that were unintelligible to eavesdroppers. The Navajo language had no alphabet, and only an extraordinarily few individuals outside of the Navajo community were fluent in it, making it the ideal foundation for updating the U.S. military's slow-to-decipher and easily broken codes. Over 400 Navajo Code talkers served bravely in World War II, and their code was considered so secretive that they were prohibited from writing it down. It was not until the declassification of the code in 1968 that Americans were truly able to appreciate the contributions of the Code Talkers.

Mr. Speaker, it is fitting that as we remember the brave Americans whose lives were lost at Pearl Harbor 70 years ago this week, we also honor all of America's veterans who have committed their time and risked their lives to protect our nation. It is with great honor and respect that I offer my appreciation to the Code Talkers for exemplifying the spirit and commitment of public service and duty to country. Indeed, both their code and their commitment to America remain unbreakable, and to this day we remain in awe of their achievements.

IN RECOGNITION OF THE 20TH AN-  
NIVERSARY OF THE CAPITOL  
CORRIDOR**HON. DORIS O. MATSUI**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, December 8, 2011*

Ms. MATSUI. Mr. Speaker, I rise today in recognition of the 20th anniversary of the Capitol Corridor train service, which connects the Sacramento Region to the San Francisco Bay Area. It is a great pleasure to recognize the corridor's stellar track record of providing cost-effective, public transportation that stimulates economic development, reduces emissions, and promotes partnerships among passengers, private investors, and the communities. As the Capitol Corridors' supporters and partners gather to celebrate this milestone, I

ask all my colleagues to join me in honoring the essential role that the Capitol Corridor plays in Northern California.

Since its inception on December 12, 1991, with a mere six trains between Sacramento and San Jose, the Capitol Corridor has significantly grown and invested in infrastructure, increasing the number of weekday trains to thirty-two, weekend trains to twenty-two and expanding its corridor to span seven counties with a total population of 6.7 million. In addition to investing in railcars and tracks, it has established signaling systems and sixteen stations that directly connect its passengers to the Bay Area Rapid Transit (BART) system, Santa Clara Valley Transportation Authority buses, and Sacramento Regional Transit light rails.

Over the past twenty years, the Capital Corridor has experienced a 600 percent increase in ridership, up to 1.7 million passengers in the 2010–2011 fiscal year. In all, it has carried nearly 19 million people to travel 1.3 billion miles. With this popular intercity train service, the downtown Sacramento Valley Station is now the seventh busiest Amtrak station in the country.

The Capitol Corridor has been managed by the Capitol Corridor Joint Powers Authority (CCJPA) since 1998. Previously, the Capitol Corridor was a partnership between Amtrak and Caltrans. The CCJPA consists of a partnership of six transit agencies from the counties serviced by the Capitol Corridor. Operating funds for the CCJPA are provided by Caltrans. Administrative costs are kept down because of the strong partnership between Amtrak, BART, Caltrain, Caltrans, CCJPA and Union Pacific Railroad. In the past twenty years, the Capitol Corridor has stayed major accident-free and also improved lives by reducing air pollutants and greenhouse gas emissions.

Mr. Speaker, I am honored to pay tribute to the Capital Corridor, and its record of giving Northern Californians more transportation options, on their 20th anniversary. I ask my colleagues to join me in honoring the Capitol Corridor's outstanding work in providing the community with much needed services.

ANNOUNCING RECIPIENTS OF THE  
INAUGURAL CONGRESSIONAL  
VETERAN COMMENDATION FOR  
THE THIRD DISTRICT OF TEXAS**HON. SAM JOHNSON**

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, December 8, 2011*

Mr. SAM JOHNSON of Texas. Mr. Speaker, it is a privilege to announce before my colleagues in the United States House of Representatives the names of eleven distinguished military veterans and community servants who call the Third District of Texas home. For their selfless service and dedication to their neighbors and nation, the following individuals have been selected as recipients of the inaugural Congressional Veteran Commendation:

Thomas C. Garner joined the United States Army on March 5, 1943, eager to serve his

nation during World War II. Originally assigned to the revered 78th Infantry Division, Garner soon applied and was selected for Army Air Corps pilot training. He served nearly a year abroad with the Air Corps, running an oxygen generating plant on Guam in support of the B-29 bombers that raided Japan.

Six months after the war's end, Garner decided to make military service his career and reentered what was now the United States Air Force. Garner's troop carrier organization serviced all the embassies in Central and South America and the Caribbean and, from 1948–1949, participated in the Berlin Air Lift. Over the course of his career, Garner also deployed to Japan, Wake Island, Bermuda, Bangkok, and Thailand.

Garner retired in 1970 after 27 years of active duty service. He then became a civil servant, kicking off a second, 20-year career with the Social Security Administration. During those years, Garner also served with the Texas State Guard, receiving numerous awards and citations and achieving the rank of Colonel.

An active community servant with the Plano VFW and Air Force Sergeant's Association, Garner continues to put others first.

For these reasons, it is my pleasure to name Thomas Garner a recipient of the inaugural Congressional Veteran Commendation for the Third District of Texas.

## PERSONAL EXPLANATION

**HON. LYNN C. WOOLSEY**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, December 8, 2011*

Ms. WOOLSEY. Mr. Speaker, on December 7, 2011, I was unavoidably detained and was unable to record my vote for Rollcall No. 898. Had I been present I would have voted:

Rollcall No. 898: "Yes"—Jackson Lee of Texas Part B Amendment No. 6.

## A TRIBUTE TO NIKITA DAVIS

**HON. EDOLPHUS TOWNS**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Thursday, December 8, 2011*

Mr. TOWNS. Mr. Speaker, I rise today in recognition of Ms. Nikita Davis for her passion for teaching and serving as a mentor to the youth in her community.

Ms. Davis was influenced at a young age by her peers and teachers to serve as a role model for young adults in New York City. When she attended Mary Louis Academy for girls in Jamaica Estates, New York, her mathematics teacher made such a great impression on her that it has transcended into her current work. At the time Ms. Davis gained an affinity for working with adolescents and other students, tutoring and teaching them alongside her teachers.

When Ms. Davis enrolled in Mount St. Mary College and began studying mathematics and secondary education, she continued her work with teens in the community. Upon completion

of her undergraduate studies, Ms. Davis was offered a teaching position in the Mathematics Department of the NYC Department of Education. She has served in this capacity for the past eight years and truly loves the difference she can make among the youth.

Ms. Davis reminds herself of how her grassroots involvement with her peers at a young age propelled her to this current post. To this day Ms. Davis still works with students after school for personal tutoring, and is a member of the United Federation of Teachers Delegate Assembly where she serves as a union delegate for her colleagues.

A quote that offers a unique perspective into the drive Ms. Davis has for her profession is by Sasha Azevedo. "When you love people and have the desire to make a profound, positive impact upon the world, then you will have accomplished the meaning to live." For Ms. Davis this is the essence of her mission as an educator.

Ms. Davis lives in Brooklyn, NY, and is married to her wonderful husband Derrick and has two daughters, Anaiya and Laila.

Mr. Speaker, I urge my colleagues to join me in recognizing the profound accomplishments of Ms. Nikita Davis to continue the fight of educating our youth.

#### THE REOPENING AMERICAN CAPITAL MARKETS TO EMERGING GROWTH COMPANIES ACT OF 2011

##### HON. STEPHEN LEE FINCHER

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 8, 2011

Mr. FINCHER. Mr. Speaker, unemployed Americans are crying out for more jobs and urging Congress to review rules and regulations that stifle innovation, economic growth, and job creation. I am introducing the Reopening American Capital Markets to Emerging Growth Companies Act of 2011 for one reason: to increase job creation on Main Street. Burdensome costs are discouraging companies from going public, which deprives firms of the capital needed to expand their businesses and hire more American workers.

During the last fifteen years, fewer and fewer start-up companies have pursued Initial Public Offerings (IPOs) to access the capital needed to expand their businesses, develop innovative products, and hire new employees. The number of IPOs in the United States is slipping behind the rest of the world in terms of growing our markets. Other markets are growing or holding steady, while the United States continues to decline. This is especially true in the Asian markets, which have seen an explosion of new public companies in recent years.

Since 2010, the Asian markets have had nearly 700 new IPOs compared to less than 300 in the United States during the same time-frame. Unfortunately, federal regulatory burdens are a major contributing factor in the steep drop of IPOs in the United States.

This decline is of concern because going public provides opportunities for companies to raise badly needed capital in order to expand, reinvest, and create jobs. From 2008–2010,

21 percent of the United States GDP was generated by venture capital-backed start-up companies. In addition, an August 2011 survey of CEOs conducted by the IPO Task Force found that over 90 percent of job growth occurs after a company goes public.

Unfortunately, a series of "one-size-fits-all" laws and regulations have changed the nature of the United States' capital markets and had a disproportionate cost on smaller American public companies. Washington's regulatory oversteps have harmed American workers by eliminating jobs that are created when a start-up company decides to go public. Instead, to avoid costly regulatory requirements, many companies decide to merge with others, which usually results in job cuts.

To help solve this problem, my bill would create a new category of issuers, called "Emerging Growth Companies" that have less than \$1 billion in annual revenues when they register with the SEC and less than \$700 million in public float after the IPO. These companies will have as many as five years to transition to full compliance with a variety of federal regulations that are expensive and burdensome to new companies. This "on-ramp" status will allow small and midsize companies the opportunity to save on expensive compliance costs and create cash needed to successfully grow their businesses and create new American jobs.

I am proud to have Mr. CARNEY from Delaware and 26 additional co-sponsors from both sides of the aisle join me in introducing this bill today. With unemployment holding steady just under 9 percent, this bill would help bring investments back to the United States and help our best job creators put Americans back to work.

#### IN RECOGNITION OF DR. MARVIN ANDREW McMICKLE

##### HON. MARCIA L. FUDGE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 8, 2011

Ms. FUDGE. Mr. Speaker, on behalf of the citizens of the Eleventh Congressional District of Ohio, I rise today to recognize a religious leader, constituent, and friend in my District. At the beginning of January 2012, Reverend Dr. Marvin Andrew McMickle will assume his new full-time role of President at Colgate Rochester Crozer Divinity School. For the past 24 years, Dr. McMickle has been the Pastor of Antioch Baptist Church, leading his flock and many others to join him in the fight for social, racial, and economic justice. Dr. McMickle's travels to Israel, Greece, Austria, Senegal and the West Indies are testaments of this effort to uphold his teachings of justice. His leadership in Northeast Ohio is unmatched. He served on numerous boards and led organizations, including President of the Cleveland NAACP between 1989 and 1992.

Dr. McMickle's many accomplishments can be attributed to his educational credentials. Over the years, Dr. McMickle has obtained several post-secondary degrees, two of which are Doctorates from Princeton Theological Seminary and Case Western Reserve Univer-

sity. He used his many years of education to perpetuate the transfer of biblical knowledge and insight to instruct a Homiletics course at Ashland Theological Seminary in Ohio. In addition to academic leadership, Dr. McMickle has written numerous books, articles and sermons to serve as tools and guidelines for others to develop their ministries.

Congratulations to Colgate Rochester Crozer Divinity School for selecting such an exceptional man, husband, father and leader as their new President. Dr. McMickle will be deeply missed in my district, but I know his work at Colgate will continue to change the world.

#### IN HONOR OF THE LEMAY FIRE DISTRICT

##### HON. RUSS CARNAHAN

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 8, 2011

Mr. CARNAHAN. Mr. Speaker, I rise today to recognize the Lemay Fire District, which will be celebrating its 100th Anniversary in 2012.

The history of Lemay Fire District can be traced back as early as 1902. Due to unrestricted building, no fire protection, and bad roads, some insurance companies refused to write insurance in the Lemay area. So, after several disastrous fires, the Luxemburg Improvement Association organized a volunteer fire department in 1902. The Longwood Volunteer Fire Department Fire Association was organized two years later to provide protection to the south side of Lemay.

There still remained an area between the two that had no fire protection, so a group of citizens organized the Bismark Heights Volunteer Fire Department. The department added equipment through the years but had experienced difficulty keeping track and caring for the equipment. So in July 1911, the Bismark Heights Volunteer Department incorporated so it could have recourse to law to protect the equipment. This incorporation would eventually lead to the Lemay Fire Protection District.

In 1917 the Bismark Heights Volunteer Department changed its name to Dewey Heights Volunteer Fire Department, the change being recorded in 1922. A fire house was built in the summer of 1919 at the corner of Orient and Erskine Avenue.

On December 6, 1920 the Longwood and Luxemburg Volunteer Fire departments were invited to consolidate with Dewey Heights as one organization. By 1921, both departments turned their equipment and assets over to Dewey Heights.

In 1933, a tag system was introduced to pay for the protection which consisted of 1500 people. Later that year, full time firefighters were added, giving 24 hour service.

In May 1942, the voters in the Lemay area approved a tax-supported fire district. The Dewey Heights Fire Department was officially named the Lemay Fire Protection District. The district operated out of the fire station located at Erskine and Orient Avenue until 1992.

In 1979, the fire district added another service to help the community; it hired paramedics and established an ambulance service. The



fire district not only responded to fires, but began treating and transporting sick and injured people to the hospital.

In 1991, land was purchased, and a new firehouse was built at 1201 Telegraph Road in central Lemay. The firehouse opened in 1992 and is still being used today.

The great flood of 1993 impacted the Lemay area and the Lemay Fire District responded to help its citizens once again. The north part of Lemay has been flooded causing propane tanks to become loose and creating an exposing hazard. With the help of many fire agencies, the disaster was prevented and lives were saved.

The Lemay Fire Protection District continues to serve the citizens of Lemay with twenty four firefighters. While many things have changed over the last 100 years, the one constant that has remained the same has been the unwavering commitment to the community.

#### HONORING ERIC MASSARI

### HON. CHRISTOPHER S. MURPHY

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

*Thursday, December 8, 2011*

Mr. MURPHY of Connecticut. Mr. Speaker, I rise today to honor the dedication and service of Mr. Ericolino "Eric" Massari of Waterbury, Connecticut, one of our nation's distinguished heroes.

Mr. Massari served in the 5307th Composite Unit (Provisional), also known as "Merrill's Marauders," a group that operated in Southeast Asia during World War II. This elite and all-volunteer unit successfully conducted numerous daring missions behind Japanese lines.

Throughout their service, these volunteers suffered from a multitude of illnesses and diseases, extreme malnutrition and countless encounters in which they were both outgunned and outnumbered. By the end of the war, the Marauders had advanced approximately 750 miles through one of the harshest jungles in the world. Of the 2,750 men to cross enemy lines, only two were left alive who had not been hospitalized. Mr. Massari was one of these two men, and explains that he "had the good lord on [his] shoulders at all times."

The Marauders have received widespread and deserved recognition for their heroic acts. There have been books, movies, and comic books depicting their brave encounters.

Waterbury is lucky to have such a hero living in Town Plot. Each soldier has been awarded the Bronze Star, and the unit has been awarded a Distinguished Unit Citation. However, one of the most meaningful recognitions for Mr. Massari came in the form of a postcard that he received last month. It was a thank you card from a group of Chinese students, who had recently learned about the Marauders in school. They wanted to express their appreciation for being rescued from the Japanese by Massari's unit some 67 years ago.

Mr. Speaker, Ericolino Massari represents the kind of courage, honor, and character that all of us should admire. As a distinguished veteran and a former employee at the Waterbury Tool Company, Mr. Massari has spent

his life serving our country and the great state of Connecticut. I ask my colleagues and the entire country to join me in honoring the service of Ericolino Massari, and all of our veterans.

#### A TRIBUTE TO LAVERNE NIMMONS

### HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Thursday, December 8, 2011*

Mr. TOWNS. Mr. Speaker, I rise today in recognition of Laverne Nimmons for her service towards educating the youth of Brooklyn and her high expectations for her community.

Dr. Nimmons was born in South Carolina and migrated to Brownsville, Brooklyn in 1960 where her mother would instill in her a lifelong passion for teaching. Dr. Nimmons' mother was a teacher at PS 137K and eagerly and ambitiously pushed her daughter towards studying public education. Dr. Nimmons attended Queens College after the passing of her mother and would receive her Bachelors and Masters degree in Education. She continued her educational pursuits, receiving her Professional Degree in Administration and Supervision from St. John's University, and a Ph.D. in Educational Leadership from Fordham University.

In 2003, Dr. Nimmons began an eight year career as Principal of Granville T. Woods Public School 335, which serves the predominantly African American, Crown Heights and Bedford Stuyvesant Brooklyn neighborhoods. In this time Dr. Nimmons increased the passing rates in both mathematics and English courses by 67% and 61% respectively. With the guide of Dr. Nimmons P.S. 335 made the transformation, showing most gains of any other 4th grade students in New York State in mathematics and English. This earned the school the distinction of a National Blue Ribbon Award.

Prior to becoming Principal at Granville T. Woods School, Dr. Nimmons was the director of curriculum and instruction for Community School District Sixteen. In this capacity she directed elementary and middle school Principals and teachers in professional development activities in all curriculum areas. The district that was once one of the lowest performing in the city, now boasts better gains than many other New York City school districts in similar socioeconomic communities.

Dr. Nimmons has been awarded many prestigious awards for her dedicated service: the Terrell Bell Award for Excellence in Leadership, Educator of the Year Award in 2009 and 2011 from Education Update Magazine, and the 2010 Outstanding Educator of the Year from the Association of Black Educators in New York. Dr. Nimmons is currently a member of the Cahn Fellows Program for Distinguished Public School Principals at Teachers College, Columbia University.

Dr. Nimmons' leadership, compassion and knowledge make her an example to all in our community. Mr. Speaker, I urge my colleagues to join me in recognizing the vast achievements of Dr. Laverne Nimmons.

THE 20TH ANNIVERSARY OF INDEPENDENCE FOR THE REPUBLIC OF AZERBAIJAN

### HON. KATHLEEN C. HOCHUL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Thursday, December 8, 2011*

Ms. HOCHUL. Mr. Speaker, even though we are approaching the conclusion of the wars in Iraq and Afghanistan, we still live in a dangerous world. But if we look back over the past two decades we can see that considerable progress has been made.

In 1991 the Soviet Union disintegrated, according to our late, great Senator Daniel Patrick Moynihan, a victim of ethnic tensions among the various and diverse republics that made up the USSR. Two decades later, much change has taken place in the former Soviet Union. Independent democracies have begun to emerge where once there were just brutal dictatorships. The Cold War is now over and we no longer have the same types of demands on our defense infrastructure prevalent of that era.

There is one former Soviet Republic that I would like to single out today and congratulate on the 20th anniversary of its independence, the Republic of Azerbaijan. Azerbaijan has been a good friend of the United States, co-operating with us on the war on terror and the program to prevent former Soviet nuclear weapons from falling into the wrong hands. Azerbaijan has also provided important logistical support to our forces in Afghanistan and sent over 150 soldiers to assist us in our efforts in that country.

As a secular Shiite Muslim country, Azerbaijan has been a role model. Before Azerbaijan was incorporated into the Soviet Union in 1918, after the Russian Revolution, the country enjoyed a brief period of independence, and was the very first Muslim country to grant women the right to vote in 1918, two years before the United States did so with the ratification of the 19th Amendment.

Azerbaijan has also enjoyed strong relations with Israel and the over 12,000 Azeri Jews are treated as full members of that society. Unlike most Muslim countries, Azerbaijan has full diplomatic relations with Israel and has hosted Israeli President Shimon Peres on a state visit in 2009. Israel is also Azerbaijan's 5th largest trading partner, and Azerbaijan provides over one-sixth of Israel's oil supply. As a result of these strong relations, when almost 600 Israeli citizens were stranded in Georgia at the beginning of the Russian invasion of that country and the Tbilisi Airport closed, Azerbaijan sent buses to the Georgian border to help evacuate the Israelis.

Mr. Speaker, today I would like to concur with President Obama's statement on October 20, 2011 that "This 20th anniversary of independence, and Azerbaijan's achievements during this time, demonstrate the extraordinary promise and determination of the Azeri people. The United States is committed to developing greater opportunities to work with the Government and people of Azerbaijan."

TRIBUTE TO BEN MCKINNON,  
"GODFATHER OF BIRMINGHAM  
RADIO"

**HON. JO BONNER**

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, December 8, 2011*

Mr. BONNER. Mr. Speaker, I rise to pay tribute to one of Alabama's radio pioneers, Mr. Ben McKinnon, who recently passed away at the age of 89. An influential force in broadcasting throughout the Southeast, Ben was perhaps best known as the "Godfather" of Birmingham radio.

Born in Maxton, North Carolina, Ben graduated from the University of North Carolina with an AB in Journalism. As the nation became involved in the Second World War, Ben answered his country's call to duty by serving as a line officer in the U.S. Navy. Seeing action in both the Atlantic and Pacific theatres, Ben led one of the major assault waves on Yellow Beach in Okinawa.

Upon returning home from the war, Ben traded his service pistol for a typewriter as editor of three weekly newspapers in his home county. But it wasn't long before his gaze turned toward the growing broadcast industry. He soon joined the staff of legendary Charlotte radio station WBT as local sales manager. Three years later he was hired as general manager of television station WGVL in Greenville, SC. His skills as a manager quickly brought him down to Alabama where he took the reins of Birmingham radio station WSGN. From that point on, he would call Alabama's largest city his home.

As vice president and general manager and later president of WSGN, Ben transformed the radio station into a dominant player in Birmingham and north Alabama broadcasting. Under his leadership, WSGN—known as "The Big 610"—thundered across the airwaves with the Magic City's first full-time "top 40" format. For those who listened to radio in the 50s and 60s, rock 'n roll was king. Under Ben's direction, WSGN proudly wore the crown in Birmingham radio and earned a spot as one of the nation's top rock 'n roll stations.

Upon his retirement after 28 years with WSGN, Ben remained a strong voice in the state's communications industry. As executive director of the Alabama Broadcasters Association, he was a frequent visitor to Washington, DC to advocate on behalf of our local radio and television stations. He led the ABA for 18 years before retiring a second time.

Mr. Speaker, Ben's awards and accomplishments are, frankly, too extensive to list here. He was active in numerous major Birmingham area community service organizations for decades, ranging from board member of the Jefferson County March of Dimes and the Birmingham Chapter of the American Red Cross, to president of the Jefferson County Chapter of the American Cancer Society—to name but a few.

His remarkable career and many contributions to society are further highlighted by an impressive array of recognitions including the Thad Holt Distinguished Broadcaster Award from the University of Alabama School of Communications, the Silver Plate Award from

the South Carolina Association of Broadcasters, the Broadcaster of the Year Award from the Alabama Broadcasters Association, and the National Association of Broadcasters State Executive of the Year Award.

On behalf of the people of Alabama, I wish to offer condolences to Ben's daughters, Sharon Bruns, Ellen McKinnon and Lisa McKinnon; and grandchildren and many friends. You are each in our thoughts and prayers. Ben was well loved and will be sorely missed.

IN RECOGNITION OF THE CAREER  
AND ACHIEVEMENTS OF THE  
HONORABLE NETTIE  
MAYERSOHN

**HON. GARY L. ACKERMAN**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Thursday, December 8, 2011*

Mr. ACKERMAN. Mr. Speaker, I rise today in recognition of the exceptional achievements and outstanding career of New York State Assemblywoman Nettie Mayersohn. Nettie was the political midwife to a generation of young politicians in New York. She spent decades working tirelessly for the people of Queens, and I know I speak for many when I say that her recent retirement from the Assembly has truly marked the end of an era. Nettie is being honored this week for her innumerable accomplishments over many years by the Stevenson Regular Democratic Club at its annual dinner, and I would like to join in recognizing the profound impact that my very dear and long-time friend, Nettie Mayersohn, has had on our community.

Nettie Mayersohn's steadfast dedication to Queens County began long before she was elected to the Assembly. For over 20 years, she served as a community activist, making a name for herself as an unrelenting advocate for children and families in Queens. She was a member of Community Board 8 for ten years, at one time serving as the Chairperson of its Youth Committee; she served as the Chairperson of the Pomonok Community Center; and she continues to serve as a Democratic District Leader, a role she has filled for some three decades. Nettie also served as the Executive Secretary of the New York State Crime Victims Board. In 1977, Nettie was New York State's delegate to the International Women's Conference and the recipient of the Builders of Brotherhood Award from the National Conference of Christians and Jews. She received a B.A. from Queens College in 1978, and was elected four years later to represent the 27th District in the New York State Assembly.

As an Assemblywoman, Nettie led the charge to improve healthcare for New Yorkers and defend the rights of victims of violent crime. Nettie's proudest and best-known achievement was the 1996 passage of her Baby AIDS bill, which requires doctors in New York State to tell a mother if her newborn child is HIV-positive. While the fight to enact this bill was, at times, a lonely battle, Nettie's tenacity and fortitude resulted in a landmark law that has saved an untold number of lives and led to an increase in the number of pregnant

women who receive prenatal care. Among Nettie's numerous other legislative accomplishments are her HIV Rape Law, which requires a court to comply with a rape victim's request to test the accused for HIV; her Partner Notification Law, which requires the names of those testing positive for HIV to be reported to the Department of Health for the purpose of contact tracing and partner notification; her Victim Impact Law, which allows the victims of a crime to describe, in court, the effect the crime has had on their lives; and her Food Service Law, which implemented crucial health safety measures for food service workers.

Nettie Mayersohn's unwavering commitment to AIDS policy inspired the Beyond AIDS Foundation to create the Nettie Award—an annual honor that recognizes outstanding efforts to promote HIV prevention and control in the United States and across the world. Nettie herself was given a special Nettie Award from Beyond AIDS in 2002, in recognition of her leadership on HIV/AIDS issues. That year, she also received the Public Service Award from the National Alliance for the Mentally Ill.

After 28 years of tireless service, Nettie retired from the Assembly at the beginning of April 2011 so she can spend time more with her wonderful family. While I lament Nettie's retirement from an impressive career as a public servant, she will remain my lifelong friend. We are all beyond grateful for everything she has done to help New Yorkers. I wish her all the best in her retirement—she will be sorely missed in public life.

Mr. Speaker, Nettie Mayersohn is a one-of-a-kind leader and I ask my colleagues to join me in recognizing her accomplishments and thanking Nettie for a lifetime of dedication to her community.

HONORING THE 10TH ANNIVERSARY OF THE EAST ALDINE  
MANAGEMENT DISTRICT

**HON. GENE GREEN**

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, December 8, 2011*

Mr. GENE GREEN of Texas. Mr. Speaker, I rise today to recognize the tenth anniversary of the East Aldine Management District for their commitment to improving the safety and development in East Aldine.

The District was created in June of 2001 with the purpose to improve the physical, social, and economic well-being of the community. Their goal is to attract public and private investments and promote the area as a leading place to not only invest but also to work and live. Since then the District has gained the power to finance public safety and transportation projects as well as assist with environmental and economic development.

District funding has improved the community's street conditions by adding pedestrian crosswalks, signage to the streets and landscaping, making the area more attractive to families and businesses. In the year 2010 alone, the District funded over \$240,000 in community projects.

The District's economic development program provides across-the-board marketing and

public relations activities for the District to support business retention and encourage new business within the District as well as expansion of small businesses. The development program is successful due to the advanced media outreach which includes traditional methods such as print and mailings but also utilizes the District's alliance with community partners.

Over the past ten years this community has witnessed significant advancements but the next ten years will bring even more economic growth to the area. The District is located just four miles away from Houston Intercontinental Airport and the Port of Houston is a mere twelve miles away, making the District a great expansion location for manufacturing, warehousing, and distribution companies.

I congratulate the President and CEO David Hawes, Board Chairman Gerald Overturf, the entire East Aldine District staff, and the many other volunteers that have dedicated their time to improving their community.

**HONORING RALPH STANFORD  
GRIFFIN**

**HON. GEORGE MILLER**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, December 8, 2011*

Mr. GEORGE MILLER of California. Mr. Speaker, I rise today to remember and pay tribute to the tremendous contributions made to our community by my friend and constituent, Ralph Stanford Griffin, who passed away on December 1, 2011.

Ralph Griffin, a native of San Antonio, Texas, worked and raised his family in the San Francisco Bay Area, retiring as an educator and administrator from the Oakland Unified School District. Ralph was a lifelong champion of equal education for all, services for the developmentally disabled, and support for African American families in our community.

His passion and determined advocacy was in no small part the catalyst for establishing the Black Families Association of Contra Costa County (BFA) in 1973. As Founding Members, Mr. Griffin and his wife of 50 years, Norma, together with a small group of their peers saw the need for African Americans in their community to have an outlet to discuss current events and provide support to one another. In an era where racism and biases still prevented equal access to housing and education, the BFA was a place where neighbors could come together to guide and help one another through these challenges. It was and remains an organization that promotes cultural heritage, pride, and dignity within the community, and provides scholarships for deserving high school students.

Ralph Griffin further extended his commitment to students' access to higher education as a dedicated member of the Kennedy-King Memorial Scholarship Fund. He was instrumental in helping the Fund provide annual \$8,000 college scholarships to students from minority groups often under-represented at California's four-year colleges and universities. It is due to Ralph's commitment that so many of our brightest graduating high school stu-

dents have been able to continue on to higher education.

To Norma, their sons Stanford and Steven, and the entire Griffin family, I extend my heartfelt condolences. Your loss is shared not only by those who knew Ralph personally, but also by all of those touched by his work. I ask my colleagues to join me in remembering Mr. Ralph Griffin, a courageous and compassionate man who shared his time and talent freely for the betterment of our entire community.

**CONGRATULATING SAN JACINTO  
COLLEGE ON ITS 50TH ANNIVERSARY**

**HON. PETE OLSON**

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, December 8, 2011*

Mr. OLSON. Mr. Speaker, I rise today to congratulate San Jacinto College on its fiftieth anniversary. For fifty years, San Jacinto College has provided high quality education to the citizens and communities of East Harris County, Texas. Congratulations to San Jacinto College for a wonderful half-century of empowering students to achieve their goals.

San Jacinto College first opened its doors on Sept. 18, 1961, in a downtown Pasadena storefront, with an initial enrollment of 700 students. Thanks to their passion for helping students succeed, the college has grown to serve more than 30,000 students in 140 disciplines, and it continues to expand.

A leader in comprehensive learning, San Jacinto College recently earned recognition for being a veteran friendly college and was named an Achieving the Dream Leader College. This establishment plays a critical role in improving the educational experience of the hard working citizens in our communities.

Access to quality education is an important stepping stone to achieve the American dream of a better life. San Jacinto College provides a valuable opportunity for people throughout our communities to access higher education. As President Kennedy once said, "Our progress as a nation can be no swifter than our progress in education. The human mind is our fundamental resource."

The achievements of San Jacinto College bring pride to Houston and all of Texas. Congratulations to San Jacinto College for fifty years of excellence and to a bright future ahead.

**TRIBUTE TO MONTGOMERY,  
ALABAMA MAYOR EMORY FOLMAR**

**HON. JO BONNER**

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, December 8, 2011*

Mr. BONNER. Mr. Speaker, I rise to give tribute to an Alabamian whose patriotism and devotion to country made him a leader early in life and carried him to prominence in business and public service in later years. I am speaking of former Montgomery Mayor Emory

Folmar, who passed away on November 11 at the age of 81.

Emory Folmar was born in Troy, AL, in 1930 and moved to Montgomery when he was fourteen. After graduating from Sidney Lanier High School in 1948, he attended The University of Alabama, receiving a BS in Business in just three years while serving as cadet colonel of the Army ROTC.

After college, he received an Army commission and went to Ft. Benning, GA for parachute training and instructors' schools where he was assigned to the 11th Airborne Division attached to the 2nd Infantry Division. He married Anita Pierce in February 1952 and was deployed to Korea that summer. Wounded in action, he received the Silver Star, the Bronze Star and the Purple Heart. At the rank of lieutenant, he received the French Croix de Guerre as a result of his actions with the 23rd Regiment of the 2nd Infantry Division and French troops.

Following his service in Korea, he was assigned to Ft. Campbell, Kentucky, as an Airborne Jump Master until 1954. He then moved to Montgomery to join his brother James Folmar and Henry Flynn in home construction. The Folmar brothers' business later expanded to include large commercial shopping center construction throughout the Southeast.

In 1975, he entered politics at the urging of his son David, first running for Montgomery city council. He was soon elected president of the city council and then became Mayor of Montgomery from 1977 till 1999. His time in office was marked by economic growth and an emphasis on law and order.

Mayor Folmar ran as Republican for governor in 1982 against former Democrat Governor George C. Wallace. Although he did not win the election, Emory made the strongest showing of any Republican running for governor since reconstruction to that time.

Very active in Republican politics on the state and national levels, he also served as campaign chairman for Ronald Reagan's finance committee in 1980; state chairman for President Reagan in 1984; and chairman for Bush-Quayle in 1988 and 1992. After retiring from politics, he was appointed Commissioner of the Alabama Beverage Control Board by then-Governor Bob Riley in 2003. During his time in that post, he streamlined and modernized the ABC to make it more efficient.

Mr. Speaker, on behalf of the people of Alabama, I wish to send my heartfelt condolences to his wife, Anita; their children, Wilson Bibb and Margaret; and their grandchildren; as well as his sisters, Miriam and Anne, and many friends. You are all in our thoughts and prayers.

**HONORING ALBERT BIERSTADT  
AND THE HUDSON RIVER  
SCHOOL OF PAINTING**

**HON. JARED POLIS**

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Thursday, December 8, 2011*

Mr. POLIS. Mr. Speaker, I rise today to call attention to a change in the Capitol Visitors Center. Two paintings by the prominent 19th

century painter Albert Bierstadt have recently been returned to the Capitol Complex by the Architect of the Capitol. Originally purchased after the Civil War, "Discovery of the Hudson River" and "Entrance into Monterey," are part of the first indigenous American school of painting, called the Hudson River School. This movement was not just restricted to beautiful landscapes—it also had an important influence on American culture, recreation, and conservation.

Though the Hudson River School originated in upstate New York, painters soon began traveling widely to study and capture new scenes. These travels took the painters to Europe, the Middle East, North Africa, South America, and the American West. Bierstadt is one of the most prominent artists of the Western United States, and has a strong connection to my district in Colorado.

In 1859, Bierstadt traveled to my home State of Colorado and to Wyoming, then territories, with a government surveyor. The large-scale landscapes he painted from his notes and sketches from this trip prompted the creation of many more paintings back in his studio. Bierstadt's depiction of the craggy peaks of the Rockies, the Sierra Nevada, and in Yosemite, among others, resulted in the christening of Mount Bierstadt in my district.

In the 1870s, Congress purchased several of Bierstadt's works, including the two that hang today in the CVC. These same paintings, and other Western landscapes by Hudson River School painters, coupled with a growing environmental conservation movement, inspired Congress to protect this natural beauty through the creation of Yellowstone and Yosemite National Parks. Later, these paintings were used again to prompt the formation of the National Park Service.

This is just one example of the Hudson River School of Painters' legacy. The School emphasized realistic, highly detailed scenes that were very popular over the 19th century. These works captured the beauty and variety of the American landscape.

Painters from the Hudson River School also had a hand in the foundation of the Metropolitan Museum of Art in New York City. Inspired by the artistic culture of the capitals of Europe, School painters joined other area businessmen and academics to form the Met in 1870. Bierstadt met with the President, and other painters of the School served as trustees or as members of the executive committee. Today, many of Bierstadt's works hang in the Met alongside works by many other Hudson River School painters, as well as other institutions like the Smithsonian American Art Museum, and the Museum of Fine Arts in Boston.

Mr. Speaker, I encourage Americans of all ages to take the time to view these paintings and consider the beauty and greatness of these landscapes, both on canvas and in the wilderness.

## THE FAILURE TO PROTECT FARMERS AND RANCHERS FROM CORPORATE ABUSES

### HON. MARCY KAPTUR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Thursday, December 8, 2011*

Ms. KAPTUR. Mr. Speaker, I rise today to express my disappointment with the U.S. Department of Agriculture's (USDA) Grain Inspection, Packers & Stockyards Administration's (GIPSA) final rule that was supposed to protect our Nation's farmers and ranchers from abusive practices in the livestock industry.

Simply put, the final rule is inadequate and shows the power big corporate packers and processors have in this country. The final rule does not include about half of the protections it did in a previous draft.

Congress had to direct USDA in the 2008 farm bill to establish a set of comprehensive protection rules because the department was so slow in responding to the changing marketplace that has become so slanted toward corporate packers and processors that we are losing small farmers at a rapid pace.

The average American chicken grower makes 34 cents per bird while the processing corporation makes \$3.23 per bird. With a profit margin of 34 cents is it any wonder that we have lost over 460,000 small-scale farms since 1982.

USDA claims it is committed to ensuring a fair and transparent marketplace. How can we have a fair and transparent marketplace when we allow corporations to force farmers to sign production contracts where one farmer is paid less than another despite producing the same livestock because there is no way for farmers to determine fair product value since there is no contract disclosure requirement.

In addition, how can USDA claim it supports a fair marketplace when it fails to clearly define conduct that is a violation of law? How are farmers supposed to know when they are being taken advantage of when the governmental agency tasked with protecting them does not tell them what types of practices are a violation of the law?

This House has not helped our Nation's producers either. We recently passed legislation that withholds funding from USDA to move forward with establishing more comprehensive fairness rules. Ultimately, we set the USDA up to fail and farmers and ranchers will suffer because corporate special interests have a stronger lobby than America's producers.

While the final rule will prevent some of the most abusive practices in the poultry industry, it largely fails to protect farmers and ranchers specifically in the pork and beef industry. Nevertheless, I will continue to fight to protect our farmers and ranchers from further corporate abuses and urge the USDA to enforce existing laws designed to regulate corporate packers and processors.

## IN RECOGNITION OF JOHN M. DUGAN

### HON. JOHN GARAMENDI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, December 8, 2011*

Mr. GARAMENDI. Mr. Speaker, I rise today in honor of Police Sergeant John M. Dugan, who is retiring after nearly 30 years of law enforcement service to the City of Fairfield. As his colleagues, friends and family gather together to celebrate the next chapter of his life, I ask all of my colleagues to join me in saluting this outstanding public servant and defender of peace and safety.

John started his career of service as a Firefighter for the California Department of Forestry and the City of Paradise. On March 19, 1982, he was hired as a Public Safety Officer with the Fairfield Police Department. As an officer, John worked in various capacities that included Patrol, Investigations, Special Operations, and Field Training.

John was promoted to Police Sergeant on July 22, 1994, and ultimately supervised a number of different units including Patrol, Traffic, Crime Suppression, and Youth Services. In 2000, he earned the California Highway Patrol's 10851 Award for recovering 12 stolen vehicles in eight months; three of which were occupied vehicles. Sergeant Dugan was a strong, decisive, professional, and respected leader. As a result of these superb traits, he received the Manager of the Year award in 1999 and 2006.

In 2007 and 2010, as the Police Department experienced changes in leadership and command staff, Sergeant Dugan stepped in and assisted the City management in filling the gaps. Over the last four years, he has assumed the Police Lieutenant's position twice and managed Patrol Operations. Sergeant Dugan has a can-do attitude and he consistently provides quality service to the community.

John has been a valued employee and his commitment to the community was evidenced on a daily basis. He was a loyal representative of the law enforcement community and admired for his hard work, dedication, and positive work ethic.

Mr. Speaker, I am truly honored to pay tribute to this dedicated public servant. I ask all of my colleagues to join with me in wishing John M. Dugan continued success and happiness in all of his future endeavors.

## IN RECOGNITION OF THE HANDLEY HIGH SCHOOL STATE FOOTBALL CHAMPIONSHIP

### HON. MIKE ROGERS

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, December 8, 2011*

Mr. ROGERS of Alabama. Mr. Speaker, I would like to request the House's attention today to congratulate Handley High School of Roanoke, Alabama, on winning its first Alabama Class 3A championship football title in 90 years.

Rallying from a 14–7 deficit late in the fourth quarter, Handley came back to win the game

20–14 in stirring fashion with a goal-line stand in the final seconds. Led by their coach, Mike Battles, this team showed the type of grit and determination that we should all try to emulate during these difficult times.

Originally opened in 1848 as the Roanoke Academy, it was the first school in the city. After various changes through the years, the name of the school finally settled on Handley High School in 1910 to honor the memory of a Confederate soldier, Captain William Anderson Handley. The late Captain had gifted the land which supports the campus today in exchange for one dollar.

Known for its strong music, band and theatre department, Handley has always been known to offer its students excellent opportunities to pursue artistic endeavors. Now it has a football program it can brag about too.

Congratulations to Handley High School, Principal Gregory Foster, Superintendent Chuck Marcum and all their fans on their State Championship. Go Tigers!

#### SUPPORT OF TIME WARNER CABLE

#### HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Thursday, December 8, 2011*

Mrs. MALONEY. Mr. Speaker, I rise today to commend Time Warner Cable, which is headquartered in my district, for its investment in local television news coverage, specifically for opening a Washington, D.C., news bureau that will cover stories and events here in Washington that are important to the communities served by its 14 local news channels throughout the country.

Mr. Speaker, Time Warner Cable is dedicating significant resources to high quality local news channels that provide critical local news, weather, traffic and sports coverage in the local communities that they serve. These stations are good for the public, and for our republic, at a time when many local television news budgets are being cut and local newspapers are cutting back, too. Thus it is important to note the rare times when we see new investment in local news coverage.

I applaud Time Warner Cable for recognizing the importance of local news, for investing in it, and creating jobs while providing this critical service to its customers—many of whom are my constituents. With more local news coverage, it's a certainty that we will have a better informed citizenry, which can only improve our nation.

#### CELEBRATING THE 200TH ANNIVERSARY OF THE FOUNDING OF CITRONELLE, ALABAMA

#### HON. JO BONNER

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, December 8, 2011*

Mr. BONNER. Mr. Speaker, I rise to bring to the attention of this House a very special historical event in my home state, the 200th Year

of Celebration of the founding of Citronelle, Alabama.

Located in northwest Mobile County, Citronelle may not be a household name nationwide, but over a hundred years ago the friendly and charming small town was a popular stop for Northern vacationers. To the residents of such bustling Midwestern cities as Cleveland and Chicago, the name Citronelle conjured images of healing springs and bucolic Southern vistas.

In the early 20th century, Citronelle was known as the "Land of Healing Waters," owing to its mineral springs which a 1903 publication compared to the famous Poland Springs of Maine.

Located along the main line of the Mobile and Ohio Railway, for many years Citronelle was celebrated not only for its prized therapeutic waters, but also for its "salubrious" air which was reported to aid in the treatment of respiratory disorders. Indeed, the small town soon sported four very nice guest accommodations, including the Illinois Hotel, the Hygeia Hotel and the Hotel Citronelle. The Hygeia Hotel Cottage still stands today and is a local tourist attraction.

It is not surprising that Citronelle would have gained a reputation as a haven for rest and good health. In the late 1700's, the area was already destined for fame because of its curative properties. Native Americans in Southwest Alabama told European settlers about a unique plant thought to cure malaria. The miracle plant—which was named "Citronella"—was discovered growing in abundance along the hills that would eventually be known as Citronelle.

Along Citronelle's historic journey, the community also found improbable ways to add to its remarkable resume. For example, we all learned in school that Gen. Robert E. Lee surrendered to Gen. Ulysses S. Grant at Appomattox Court House, Virginia on April 8, 1865. What some may not have been told in class is that less than a month later, on May 4, Lt. Gen. Richard Taylor, son of President Zachary Taylor, surrendered his Confederate forces under the "Surrender Oak" in Citronelle, Alabama. Citronelle was, therefore, one of five Civil War surrender locations. The legendary oak tree was sadly lost to a hurricane many years ago, but the town's contribution to American history is undeniable.

In addition to being a site of the official end of the Civil War, Citronelle has also occupied the spotlight as a potential rival to America's Western oil fields. In 1955, Citronelle was dubbed the Oil Capital of Alabama and home to the largest oil discovery east of the Mississippi River at that time.

Over the years, the sometimes sleepy town has capitalized on its quaint atmosphere, touting its "delightful walks through the woods (that) always charm the man or woman who seeks rest and recreation away from the busy city." Today, Citronelle remains a beautiful place to live filled with hard-working, dedicated people who love their God, their country and their families. I am proud to represent this lovely city in Congress.

On December 10, 2011, I will join Mayor Loreta Presnell, and other city officials, along with the people of Citronelle, in celebrating the birthday of their historic city. Older than the

State of Alabama, Citronelle occupies a special place in our culture and in our hearts. Congratulations to the City of Citronelle on this special occasion and a very Happy 200th birthday! May there be many more good years ahead in the next chapter of your rich history.

#### PERSONAL EXPLANATION

#### HON. BARBARA LEE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, December 8, 2011*

Ms. LEE of California. Mr. Speaker, had I been able to vote, I would have voted "yes" on the Democratic Motion to Recommit H.R. 10.

#### IN RECOGNITION OF JOHN KATZ

#### HON. DON YOUNG

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, December 8, 2011*

Mr. YOUNG of Alaska. Mr. Speaker, I rise today to honor one of Alaska's most distinguished, faithful, and respected public servants, John Katz.

Fresh out of Berkley Law, he boldly moved to Alaska and made a decision to embark upon a life of selfless public service to the people of Alaska. Among his first few jobs in public service were being Alaska Commissioner of Natural Resources and special counsel on land-use issues, before being appointed the Governor's man in Washington, D.C. in 1983.

His departure can only be described as an enormous loss for our great state. For more than 40 years, and spanning eight governors, he has served Alaska with unwavering commitment, integrity, and with the utmost level of professionalism. Having worked with him for almost 30 of those years, I have little doubt that his loyalty to and knowledge of Alaska is second to none.

Through thick and thin, his dedication to Alaska was evident to everyone who worked with him. Over the years he has always put the needs of Alaska first, no more so than when he delayed his retirement at the request of Governor Frank Murkowski.

His reputation of being calm and cool under pressure is well known and his ability to work well with Republicans and Democrats alike should be emulated by others here in Washington. He once said his greatest disappointment was being unable to open up ANWR and I share that disappointment with him.

But despite ANWR, he was an integral part of every positive development to happen to Alaska in the last three decades including Alaska Native rights, fisheries management, protecting Alaska's sovereignty, and natural resource development. After all the work we've done together, I will do my utmost to continue this legacy for the good of Alaska.

He is exactly the kind of public servant who gives public service a good name. My staff and I will miss working with him, but I hope that our paths will continue to cross.

Thank you for your service to Alaska, John, and I wish you all the best in the future.

THE CENTENNIAL SEASON OF THE  
SAN FRANCISCO SYMPHONY

**HON. NANCY PELOSI**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, December 8, 2011*

Ms. PELOSI. Mr. Speaker, it is with great pride and joy that I join my constituents in celebration of the centennial season of the San Francisco Symphony. Its illustrious history is marked by commitment to artistic excellence and innovation; its future is sustained by its large and loyal base of supporters.

One hundred years ago today, December 8, 1911, the Symphony gave its first performance. In recognition of this historic occasion, on September 7, 2011 we began a year-long celebration with a free outdoor concert at the Civic Center Plaza with Conductor Michael Tilson Thomas, pianist Lang Lang and violinist Itzhak Perlman. This concert demonstrated the San Francisco Symphony's value of making music available to everyone. The founders believed music was a source of enrichment and pleasure intended for all and not the province of the privileged few. Reaching broader audiences has always been a priority, from recordings and radio broadcasts in the 1920s to video and internet today. Today the San Francisco Symphony has accomplished one of its early goals, to offer music to a city, to a Nation and to the world.

To help commemorate the centennial over the next year, San Franciscans will welcome notable performers and six of our Nation's greatest orchestras will visit San Francisco: the Boston Symphony, the Chicago Symphony, the Cleveland Orchestra, the Los Angeles Philharmonic, New York Philharmonic and the Philadelphia Orchestra.

The centennial presents a wonderful opportunity to honor the Symphony's robust musical history, starting with the Barbary Coast. Over the past century, the Orchestra has grown in stature and acclaim under the leadership of eminent music directors, including Pierre Monteau, Seiji Ozawa, Herbert Blomstedt, and since 1995 Michael Tilson Thomas.

Michael Tilson Thomas has brought pride to all San Franciscans. He has served as Music Director for 15 years, and this is his 25th season as Artistic Director of the New World Symphony—an academy for training the next generation of orchestral musicians. A recipient of the 2010 National Medal of Arts, the highest award given to artists by the President, and winner of seven Grammy Awards, Thomas has been a remarkable mentor and supporter to many young artists, and he has educated millions about the joy of music.

The San Francisco Symphony provides the most extensive education and community programs offered by any American orchestra. Concerts for children have been part of the programming from the beginning and the groundbreaking Adventures in Music program, now over 20 years old, provides music education and free concerts to every first through fifth grader in San Francisco's public schools—75,000 children each year.

We offer special congratulations to John Goldman, the Symphony's President, whose generosity and family philanthropy have had a dramatic impact on the quality of life in the San Francisco Bay Area. The Symphony is blessed with an active board of governors with deep philanthropic and social ties to our City as well as tremendous public support. Thank you to the Symphony's brilliant musicians, dedicated staff and volunteers.

The first one hundred years of the San Francisco Symphony have been distinguished by outstanding concerts of the highest quality. Its second century is certain to be just as successful.

INTRODUCTION OF END RACIAL  
PROFILING ACT OF 2011

**HON. JOHN CONYERS, JR.**

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Thursday, December 8, 2011*

Mr. CONYERS. Mr. Speaker, I am pleased to introduce the End Racial Profiling Act of 2010, along with additional cosponsors. This legislation represents a comprehensive federal commitment to healing the rift caused by racial profiling and restoring public confidence in the criminal justice system at-large. This legislation is designed to enforce the constitutional right to equal protection of the laws by eliminating racial profiling through changing the policies and procedures underlying the practice.

This legislation can be traced back to the data collection efforts of the late 1990's that were designed to determine whether racial profiling was a fact versus an urban legend. Based upon the work around that legislation, by September 11, 2001, there was significant empirical evidence and wide agreement among Americans, including President Bush and Attorney General Ashcroft, that racial profiling was a tragic fact of life in the minority community and that the Federal government should take action to end the practice. Moreover, many in the law enforcement community have acknowledged that singling out people for heightened scrutiny based on their race, ethnicity, religion, or national origin had eroded the trust in law enforcement necessary to appropriately serve and protect our communities.

At a recent Judiciary Committee hearing on the issue of racial profiling, we approached the issue from the perspective of "smart policing" and what makes sense in a time of austerity in the face of the continuing need to protect public safety. I believe that it became clear during the hearing that enough agreement exists to allow us to re-open the bipartisan dialogue on racial profiling commenced by President Bush and Attorney General Ashcroft.

Despite the fact that the majority of law enforcement officers perform their duties professionally and without bias—and we value their service highly—the specter of racial profiling has contaminated the relationship between the police and minority communities to such a degree that federal action is justified to begin addressing the issue.

While the Department of Justice promulgated a series of guidelines in 2003 which

were designed to end the practice of racial profiling by federal law enforcement agencies, these measures do not reach the vast majority of racial profiling complaints arising from the routine activities of state and local law enforcement agencies. Further, the guidelines provide no enforcement mechanism or methods for identifying law enforcement agencies not in compliance and, therefore, fail to resolve the racial profiling problem nationwide. In this instance, there is no substitute for comprehensive federal anti-profiling legislation.

The End Racial Profiling Act is designed to eliminate racial, ethnic, religious, and national origin profiling that is well documented. First, the bill provides a prohibition on racial profiling, enforceable by declaratory or injunctive relief. Second, the bill mandates that training on racial profiling issues as part of Federal law enforcement training, the collection of data on all routine or spontaneous investigatory activities that is to be submitted through a standardized form to the Department of Justice. Third, the Justice Department is authorized to provide grants for the development and implementation of best policing practices, such as early warning systems, technology integration, and other management protocols that discourage profiling. Finally, the Attorney General is required to provide periodic reports to assess the nature of any ongoing discriminatory profiling practices.

Decades ago, with the passage of sweeping civil rights legislation, this country made clear that race should not affect the treatment of individual Americans under the law. However, recent events demonstrate that racial profiling remains a divisive issue that strikes at the very foundation of our democracy. When law-abiding citizens are treated differently by those who enforce the law simply because of their race, ethnicity, religion, or national origin, they are denied the basic respect and equal treatment that is the right of every American. With the cooperation of the Administration, we have the opportunity to develop a comprehensive approach to eliminating the practice of racial profiling through this legislative effort. I hope that we do not miss this historic opportunity to heal the rift caused by racial profiling and restore much of the community's confidence in law enforcement.

SUPPORT OF KAISER PERMANENTE'S INITIATIVE TO PROMOTE BREASTFEEDING AND PREVENT CHILDHOOD OBESITY

**HON. FORTNEY PETE STARK**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, December 8, 2011*

Mr. STARK. Mr. Speaker, I rise in support of a new Kaiser Permanente initiative to encourage breastfeeding as an important component of preventing childhood obesity and promoting other health benefits. Kaiser is implementing a systemwide program to ensure mothers are provided ample breastfeeding education and support. They will track their successes as a measure of hospital quality.

Research suggests breastfeeding has multiple benefits for baby and mother alike.

Breastfed babies have a lowered risk of childhood obesity as well as allergies, asthma, and sudden infant death syndrome. Nursing reduces a mother's risk of post-partum depression, Type 2 diabetes, ovarian and breast cancer.

Family- and patient-centered prevention initiatives like this will play an enormous role in battling America's toughest health care challenges. Kaiser's new breastfeeding initiative is an example of how a commitment to prevention can positively impact health outcomes.

Health care in America must shift from its singular focus on treating disease to incorporating a strong commitment to prevention. I encourage other major health care providers to follow Kaiser's example.

**MOURNING THE LOSS OF MARTINA  
DAVIS-CORREIA, SISTER OF  
TROY ANTHONY DAVIS**

**HON. JOHN LEWIS**

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, December 8, 2011*

Mr. LEWIS of Georgia. Mr. Speaker, I come to the floor today with a heavy heart. Martina Davis-Correia, the older sister of executed Georgia prisoner, Troy Anthony Davis, died last week in Savannah. She was the most outspoken advocate of the "I Am Troy Davis" clemency campaign, which spread to countries all around the world. Correia traveled far and wide to any group that would give an ear in a strenuous effort to save her brother's life. Despite several commutations of his sentence, Davis was killed by lethal injection in Georgia in September of this year. The Davis case has helped turn the tide of public opinion in the struggle for repeal of the death penalty.

I am deeply saddened to hear about the passing of Martina Davis-Correia. The agony of this death sentence and execution has killed not just one man, but has decimated an entire nuclear family. After 22 years of struggle, Davis's mother died in the spring, her son was killed by the state of Georgia in September, and now her daughter has died. Correia was a brave and courageous woman who was her brother's most stalwart advocate for clemency. She was an angel of mercy who sacrificed her health to win her brother's life.

For a state which could have used its power to do what is right, the outcome is tragic. But for the Davis family, if it had to be this way, it is an elegant ending. God has finally accomplished what the state of Georgia could not. In his mercy he granted their prayers to be all together again—happy, healed and whole. They leave us the lessons of their lives and a legacy of struggle that strengthened a movement for repeal of the death penalty in this country. I send my deepest condolences to the Davis family and to Martina Correia's son, who needs our support in this time. May God richly bless you for the sacrifice you as a family have made in the long, hard struggle for justice in America.

**CAMP ASHRAF IN IRAQ**

**HON. DANIEL E. LUNGREN**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, December 8, 2011*

Mr. DANIEL E. LUNGREN of California. Mr. Speaker, the clock is running down for the 3,400 residents of Camp Ashraf in Iraq. I share the concern of many of my constituents and others across our country and around the world for the status of those living in Camp Ashraf. It is my fear that if the Iraqi government follows through on their threat to shut down the camp that we could be facing a monumental human rights tragedy. I have joined many of my colleagues in calling for access to the camp by the United Nations High Commissioner for Refugees. It is indefensible that UNHCR has not been given access to those in Ashraf. This in itself seems to be a violation of international human rights law.

It is imperative that the government of Iraq revoke its year end deadline for the closure of Ashraf. UNHCR must be provided sufficient time to process each and every one of these individual cases. Regardless of the State Department's position concerning the legal status of MEK, the department has both a moral and legal responsibility to do everything in its power to ensure that UNHCR is provided access to the camp.

It is my hope that when Prime Minister Maliki visits with President Obama, that he will agree to remove the December 31 deadline for the closure of Camp Ashraf. There is still time to avoid a catastrophe and the Secretary of State should act with the assurance that decisive action will have the support of Members of Congress on both sides of the aisle.

**IN RECOGNITION OF MARY ANN  
CHRISTOPHER**

**HON. FRANK PALLONE, JR.**

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Thursday, December 8, 2011*

Mr. PALLONE. Mr. Speaker, I rise today to recognize Mrs. Mary Ann Christopher, who, after 29 years of service, will depart her position as President and Chief Executive Officer of the Visiting Nurse Association Health Group, Inc. to assume the same position at the Visiting Nurse Service of New York. Her dedication to the well-being of New Jerseyans in need deserves this body's recognition.

During her decade long-tenure as CEO, Mrs. Christopher spearheaded a geographic expansion which transformed the agency from a two-county provider to a statewide organization. Mrs. Christopher led the development of a continuum of services, including home-health care, hospice care, community-based prevention and outreach initiatives, clinics for the poor and school-based health care. In recent years, she skillfully steered the organization through a myriad of federal and state policy changes, directed a second capital campaign that resulted in the agency's new, modern headquarters, and launched a name change and comprehensive branding initiative.

Mrs. Christopher is a leading national voice on a wide range of health care issues. She regularly interacts with decision makers on Capitol Hill, and in Trenton to develop legislative and regulatory policies to enhance the quality of health care for New Jersey citizens. Her public policy work has included advancement of public-private partnerships to address the growing nursing shortage, expansion of telehealth services, ensuring adequate reimbursement for Medicare home-health care, and improving Medicaid care programs strengthening her state's human services system for the most vulnerable.

Mr. Speaker, once again, please join me in recognizing and thanking Mrs. Mary Ann Christopher for her 29 years of service to New Jersey and her dedication to providing healthcare to those in need.

**THE ATTAIN ACT**

**HON. LUCILLE ROYBAL-ALLARD**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, December 8, 2011*

Ms. ROYBAL-ALLARD. Mr. Speaker, I rise today to introduce the Achievement Through Technology and Innovation Act of 2011 (ATTAIN).

Given the challenges facing job seekers in our current economy, technology skills are now more critical than ever. As a nation, we need to prioritize technology literacy, and it should begin with our educational system.

Whether students are preparing for college or planning to go straight into the workforce, we must provide them with the high tech skills employers and the economy demand. Obtaining these critical skills is of particular concern to low income and minority students who are falling further behind their higher income peers in terms of 21st century college and workplace skills.

Not only has technology literacy become a critical life skill, but studies show technology also has a tremendous impact on student learning. In this era of ever shrinking school budgets, overcrowded schools and over-extended teachers, technology provides an opportunity to improve academic outcomes for our students.

I had the opportunity to see this first hand at the LA School for Global Studies in my district. This school seamlessly integrates technology in the classroom and I was amazed to see students that were previously low performers academically and at risk of dropping out of school, engaged and eager to learn. My visit underscored the promise that initiatives like the ATTAIN Act hold for closing the student achievement gap.

The ATTAIN Act amends the current "Enhancing Education Through Technology" program in the Elementary and Secondary Education Act to better target federal education technology resources to raise student achievement, ensure high quality teaching and improve our education system while ensuring our students are college and career ready and prepared to compete in the digital economy.

The bill authorizes up to \$1 billion in annual funding to train teachers, purchase education



technology hardware and software, and to support student technological literacy.

Under the bill's provisions, if Congress appropriates more than \$300 million annually for ATTAIN, 60% would be used to purchase new technology and train teachers on how to effectively use these new tools.

The remaining 40 percent of ATTAIN funds would be distributed through competitive grants that encourage schools to undertake comprehensive, technology based reform initiatives that have been proven to increase student achievement.

However, should Congress appropriate \$300 million or less for this program annually, the Secretary of Education would allocate the entirety of the funding to conduct a competition and award grants to those states with the most promising initiatives to improve K-12 education through the use of technology. This provision is intended to ensure that there is adequate funding to impact student outcomes during lean fiscal years.

It is my hope that through this competition states and districts across the country will be compelled to evaluate their technology use and work to integrate it effectively throughout all classrooms, and especially those that are currently underserved by education technology.

Mr. Speaker, we know that when teachers are properly trained and schools are properly equipped with technology, students are engaged, eager to learn, and ultimately better prepared to meet the challenges of the 21st century. I believe that the ATTAIN Act is integral to our continued efforts to deliver all students the world class education they expect, need and deserve. I urge my colleagues to co-sponsor this important bill.

IN RECOGNITION OF MICHAEL B.  
MITCHELL

**HON. JOHN GARAMENDI**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, December 8, 2011*

Mr. GARAMENDI. Mr. Speaker, I rise today in honor of Police Sergeant Michael B. Mitchell, who is retiring after nearly 30 years of law enforcement service, with 23 years of that service to the City of Fairfield. As his colleagues, friends and family gather together to celebrate the next chapter of his life, I ask all of my colleagues to join me in saluting this outstanding public servant and defender of peace and safety.

Michael started his law enforcement career as a Police Officer with the City of South San Francisco for six years. On September 5, 1988, he was hired as a Police Officer with the Fairfield Police Department. As an officer, Michael worked in various capacities that included Patrol, Traffic, and Investigations. In 1998, he completed the distinctive Peace Officer Standards and Training (POST)—Robert Presley's Institute of Criminal Investigation (ICI) certification course with a specialty in homicide investigation.

Michael was promoted to Police Corporal on September 8, 2000, and served in Patrol, Youth Services, and earned a City Manager's

Commendation in 2003 for his contribution and dedication to the City of Fairfield Driver's Training Program. On January 5, 2007 Michael was promoted to Police Sergeant and supervised teams on Patrol and then the Traffic Unit beginning in 2008. As the Police Department experienced changes in leadership and command staff, he stepped in and assisted city management by filling the gaps and acting as a Police Lieutenant and managing Patrol Operations when needed. In 2009, he earned the California Office of Traffic Safety's Award of Excellence for his outstanding motivational and leadership skills. His guidance and efforts dramatically increased the successful implementation and completion of traffic safety activities in the City of Fairfield.

Michael has been a valued employee and his commitment to the community was evidenced on a daily basis. He was a loyal representative of the law enforcement community and admired for his hard work, dedication, and positive work ethic.

Mr. Speaker, I am truly honored to pay tribute to this dedicated public servant. I ask all of my colleagues to join with me in wishing Michael B. Mitchell continued success and happiness in all of his future endeavors.

TRIBUTE TO MR. BOB NICKELSEN

**HON. GREG WALDEN**

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

*Thursday, December 8, 2011*

Mr. WALDEN. Mr. Speaker, I rise today to recognize the 60 years of outstanding public and volunteer service of my fellow Oregonian and friend, Mr. Bob Nickelsen. I would like to celebrate and pay tribute to Bob's loyal service to my hometown of Hood River, Oregon and to pay tribute to a man who embodies the selfless spirit of service to others.

In 1951, Bob first joined the West Side Fire Department as a volunteer firefighter. In 1961, Bob was appointed fire chief of the department, a position that he held until 1980. During his tenure as fire chief, the West Side Fire Department expanded its services by erecting a second firehouse, which now bears his name. Under Bob's guidance, the fire department also began dispatching first responder personnel to aid emergency medical calls with the Hood River Ambulance Service.

For the past 30 years, he has also served as an elected member of the West Side Fire District Board of Directors. To this day, Bob continues to put himself in harm's way as a volunteer fire fighter. His leadership allowed this small rural volunteer fire district to stay in step with current developments in the fire sciences and provide the professional level of support that the community so richly deserves.

Mr. Speaker, Bob Nickelsen's civic responsibilities do not end at the firehouse doors. He was a commissioner for the Port of Hood River for over 15 years and has served on numerous local agricultural boards and committees. He was previously recognized as the Hood River Valley's "Orchardist of the Year." As a leader within the local farming community, Bob has contributed much of his time and effort to the economic development of Hood River and the Columbia Gorge.

On December 10, the West Side Fire Department will once again honor Bob with a banquet on his behalf I invite my colleagues to join me in praising Bob Nickelsen for 60 remarkable years of dedicated public service, his numerous contributions to his community, and for his outstanding character as a citizen of Hood River.

Theodore Roosevelt once said that "the first requisite for a good citizen is that he should be willing and able to pull his own weight." Bob continues to far surpass this noble standard.

IN RECOGNITION OF THE 50TH ANNIVERSARY OF THE ETHEL  
MACLEOD HART SENIOR CENTER

**HON. DORIS O. MATSUI**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, December 8, 2011*

Ms. MATSUI. Mr. Speaker, I rise today in recognition of the Ethel MacLeod Hart Senior Center, a popular gathering location for Sacramento's seniors. It is a great pleasure to recognize the center's 50th Anniversary, as it has provided a positive environment that enhances and affirms older adults' dignity and promotes their independence. As the Hart Center's supporters and patrons gather to celebrate this milestone, I ask all of my colleagues to join me in honoring the center's leadership and service to the Sacramento community.

The Sacramento Senior Center was formed in 1961, and was later renamed the Ethel MacLeod Hart Senior Center in honor of Hart's generous legacy to the city's senior community. From its earliest beginnings, the center has helped to foster a welcoming environment that supports older citizens' interests and needs, a place in which senior citizens feel a connection to each other and receive validation from the wider community.

Over the last fifty years, the Hart Center has provided a wide variety of recreational and health services. The center's programs include flu clinics, legal workshops, the Friendship Café, computer classes, and a hearing impaired club. In addition, the Center's staff publish a monthly newsletter called the Hart Cornerstone that announces community events, and provide fitness classes that promote physical exercise and encourage healthy aging. The Hart Center has also partnered with a number of organizations to meet the needs of local seniors, including the Gray Panthers, Older Women's League, Sacramento Senior Legal Hotline, California Health Advocates, Social Security, the Franchise Tax Board, and many others.

As a member of Congress, I have had the privilege of visiting the Hart Senior Center on numerous occasions. Earlier this year I had the opportunity to speak at an Older Women's League monthly meeting at the Center, and talk about legislative proposals that affect Sacramento's senior community. Additionally, last summer the Hart Senior Center hosted a Social Security 75th anniversary party where we celebrated the program and reflected on its importance.

Mr. Speaker, I am honored to pay tribute to the Ethel MacLeod Hart Senior Center on its 50th anniversary. I ask my colleagues to join me in honoring the Hart Center's role of providing the community with much needed services.

OUR UNCONSCIONABLE NATIONAL  
DEBT

**HON. MIKE COFFMAN**

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Thursday, December 8, 2011*

Mr. COFFMAN of Colorado. Mr. Speaker, on January 26, 1995, when the last attempt at a balanced budget amendment passed the House by a bipartisan vote of 300–132 the national debt was \$4,801,405,175,294.28.

Today, it is \$15,046,397,725,405.16. We've added \$10,244,992,550,110.88 dollars to our debt in 16 years. This is \$10 trillion in debt our nation, our economy, and our children could have avoided with a balanced budget amendment.

IN RECOGNITION OF MR. S.  
THOMAS GAGLIANO

**HON. FRANK PALLONE, JR.**

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Thursday, December 8, 2011*

Mr. PALLONE. Mr. Speaker, I rise today to congratulate Mr. Thomas Gagliano, founder of the Jersey Shore Partnership. On December 14, 2011, members of this organization will gather to celebrate Mr. Gagliano's 80th birthday. Throughout his professional career, Tom Gagliano has demonstrated outstanding dedication to his community and trade. His services are truly worthy of this body's recognition.

Tom Gagliano is founder and former President of the Jersey Shore Partnership, Inc., a nonprofit coastal advocacy organization, active in Monmouth, Ocean, Atlantic and Cape May Counties. Jersey Shore Partnership has been instrumental on a national, state and local level for funding beach replenishment projects along the 127 miles of the New Jersey coastline. Mr. Gagliano's leadership has remained a catalyst in the organization's ability to maintain an active role in initiatives unique and important to the Jersey Shore community. Mr. Gagliano is also the Chairman of the Jersey Shore Partnership Foundation and remains a key figure in the organization's success. The Foundation was instrumental in creating the \$25 million per year "Shore Protection Fund", allowing the federal government to proceed with multiple beach replenishment projects throughout the state. Mr. Gagliano and the Jersey Shore Partnership remain an integral part to maintaining the health and beauty of New Jersey's shore region.

Mr. Gagliano is a lifelong resident of Jersey Shore, currently residing in Red Bank, New Jersey. He is a proud alumni of Brown University and earned his law degree from Georgetown University. Mr. Gagliano has also admirably served in the United States Navy from

1954 to 1956. He is a member of the New Jersey Bar and served as senior partner of his own law firm, located in West Long Branch, New Jersey until 1989. Mr. Gagliano was elected to the Oceanport Council in 1967. He also served as Monmouth County Surrogate from 1971 through 1976. Mr. Gagliano was first elected to the New Jersey Senate in 1977 and was re-elected three times, serving as Minority Leader and Ranking Member of the Transportation and Communications Committee. Governor Tom Kean appointed him Executive Director of New Jersey's NJTRANSIT Agency. In 1990, Mr. Gagliano was appointed by President George H.W. Bush to serve as commuter rail representative to the Commission on Railroad Retirement Reform, which he humbly accepted. In 2001, Mr. Gagliano accepted a position as Senior Vice President of Corporate Affairs at EPS corporate headquarters, the position he currently holds to this day.

Mr. Speaker, once again, please join me in congratulating Mr. Thomas Gagliano as members of the Jersey Shore Partnership gather to celebrate his 80th birthday. His outstanding service as an elected official and founder of the organization exemplifies his whole-hearted dedication and commitment to serving the residents of the Jersey Shore and New Jersey.

H. RES. 364, NAMING HVC-215 THE  
GABRIEL ZIMMERMAN ROOM

**HON. JARED POLIS**

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Thursday, December 8, 2011*

Mr. POLIS. Mr. Speaker, I rise today in strong support of H. Res. 364, a bill designating room HVC-215 of the Capitol Visitor Center as the "Gabriel Zimmerman Room."

Almost one year ago, a gunman ruthlessly opened fire on a crowd attending one of Congresswoman GABRIELLE GIFFORDS' "Congresswoman on the Corner" events at a local supermarket. That day is one of this body's greatest tragedies, and we will forever remember the 13 wounded, including Congresswoman GIFFORDS and the 6 individuals that lost their lives.

Today, we have the opportunity to remember one of those individuals who was taken from us, Gabriel Zimmerman, the Director of Community Outreach for Congresswoman GIFFORDS. Gabriel's position was to enable the Congresswoman to interact closely with constituents, organizations and citizens throughout southern Arizona. Indeed, he had devoted his life to public service.

By dedicating HVC-215 as the "Gabriel Zimmerman Room," we are not only commemorating the first congressional staffer in history to be killed in the performance of his official duties, but we also are memorializing the value of civic participation which Gabriel Zimmerman exemplified in his life.

Gabriel, at the age of thirty was engaged to be married. He was known to be a kind, hard-working person respected throughout Congresswoman GIFFORDS' Eighth Congressional District.

He graduated from the University of California at Santa Cruz in 2002 with a degree in sociology and then went on to graduate from Arizona State University in 2006 with a Masters in social work. Gabriel continued his passion for civic service as a social worker assisting troubled youth prior to joining Congresswoman GIFFORDS' staff.

None of us in this body will forget Gabriel and all those who were brutally and senselessly murdered that day.

The naming of a room in the Capitol Visitor Center will forever memorialize this young man whose commitment to public service and idealism we should all hope to emulate each and every day. We must continue to fulfill our promise of improving and supporting our communities and our country, as Gabriel so honestly believed we, the Congress, should.

IN RECOGNITION OF U.S. MARSHAL  
PETER J. ELLIOTT ON THE OC-  
CASION OF RECEIVING THE 2011  
OHIO STATE BAR FOUNDATION'S  
OUTSTANDING PROGRAM AWARD

**HON. MARCIA L. FUDGE**

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Thursday, December 8, 2011*

Ms. FUDGE. Mr. Speaker, on behalf of the citizens of the Eleventh Congressional District of Ohio, I rise today to recognize U.S. Marshal Peter J. Elliott of the Northern District of Ohio, on receiving the Ohio State Bar Foundation's Outstanding Program Award on behalf of the Fugitive Safe Surrender Program. The Award is given annually to an organization and its leadership for programs that promote access to, and generate improvements in, the Ohio criminal justice system.

I am pleased to recognize Marshal Elliott's tireless efforts and commend him on the success of the Fugitive Safe Surrender Program, which he created after Cleveland police officer Wayne Leon, a family friend, was killed by an individual being served an arrest warrant.

Since 2005, Fugitive Safe Surrender has brought thousands of fugitives in over 25 cities across the nation to surrender. The idea of having fugitives surrender in a safe haven, such as a church, has been one key to the program's success.

In 2010, between September 22nd and 25th, Fugitive Safe Surrender brought in a national record of 7,431 fugitives at Mount Zion Church in Oakwood Village, Ohio. The Fugitive Safe Surrender program was authorized by Congress in July 2006 and signed into law in 2007, after being introduced by the late Congresswoman Stephanie Tubbs-Jones and former Senator Mike DeWine. It is believed to be the first program of its kind in the nation. I am very proud that this program was created in the Northern District of Ohio by my friend, U.S. Marshal Peter Elliott, and congratulate him on receiving the well-deserved Ohio State Bar Foundation's Outstanding Program Award in recognition of the Fugitive Safe Surrender Program.

## HOUSE OF REPRESENTATIVES—Friday, December 9, 2011

The House met at 11 a.m. and was called to order by the Speaker pro tempore (Mr. LATOURETTE).

### DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,  
December 9, 2011.

I hereby appoint the Honorable STEVEN C. LATOURETTE to act as Speaker pro tempore on this day.

JOHN A. BOEHNER,  
*Speaker of the House of Representatives.*

### PRAYER

The Chaplain, the Reverend Patrick J. Conroy, offered the following prayer: Loving and gracious God, we give You thanks for giving us another day.

Bless the Members of this assembly as they set upon the work of these hours, of these days. Help them to make wise decisions in a good manner and to carry their responsibilities steadily, with high hopes for a better future for our great Nation.

Deepen their faith; widen their sympathies; heighten their aspirations; and give them the strength to do what ought to be done for this country. Give them the wisdom and perseverance to work together constructively to address the pressing issues facing our Nation.

May Your blessing, O God, be with them and with us all this day and every day to come, and may all we do be done for Your greater honor and glory. Amen.

### THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

### PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. The Chair will lead the House in the Pledge of Allegiance.

The SPEAKER pro tempore led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

### ADJOURNMENT

The SPEAKER pro tempore. Without objection, the House stands adjourned until noon on Monday next for morning-hour debate.

There was no objection.

Accordingly (at 11 o'clock and 3 minutes a.m.), under its previous order, the House adjourned until Monday, December 12, 2011, at noon.

### EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XIV, executive communications were taken from the Speaker's table and referred as follows:

4236. A letter from the Acting Administrator, Department of Agriculture, transmitting the Department's final rule — Nectarines and Fresh Peaches Grown in California; Termination of Marketing Order 916 and the Peach Provision of Marketing Order 917 [Doc. No.: AMS-FV-11-0018; FV11-916/917-4 FR] received November 17, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4237. A letter from the Acting Administrator, Department of Agriculture, transmitting the Department's final rule — Cotton Board Rules and Regulations: Adjusting Supplemental Assessment on Imports; Corrections [Doc. No.: AMS-CN-11-0026C; CN-11-002] received November 17, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4238. A letter from the Acting Administrator, Department of Agriculture, transmitting the Department's final rule — Christmas Tree Promotion, Research, and Information Order; Referendum Procedures [Document No.: AMS-FV-10-0008-FR] (RIN: 0581-AD00) received November 17, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4239. A letter from the Program Manager, Department of Health and Human Services, transmitting the Department's final rule — Permanent Certification Program for Health Information Technology; Revisions to ONC-Approved Accreditor Processes (RIN: 0991-AB77) received November 23, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4240. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Maryland; Adhesives and Sealants Rule [EPA-R03-OAR-2011-0491; EPA-R03-OAR-2011-0570; FRL-9480-5] received October 11, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4241. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Ohio and Indiana; Redesignation of the Ohio and Indiana Portions Cincinnati-Hamilton Area to Attainment of the 1997 Annual Standard

for Fine Particulate matter [EPA-R05-OAR-2011-0017; EPA-R05-OAR-2011-0106; FRL-9480-6] received October 14, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4242. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; South Carolina; Update to Materials Incorporated by Reference; Correction [SC-201152; FRL-9480-3] received October 14, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4243. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Virginia; Transportation Conformity Regulations [EPA-R03-OAR-2011-0788; FRL-9480-8] received October 14, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4244. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Special Rules Governing Certain Information Obtained Under the Clean Air Act: Technical Correction [EPA-HQ-OAR-2009-0924; FRL-9479-8] (RIN: 2060-xxx) received October 14, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4245. A letter from the Chief Acquisition Officer, General Services Administration, transmitting the Administration's final rule — Federal Acquisition Regulation; Federal Acquisition Circular 2005-54; Introduction [Docket FAR 2011-0076; Sequence 6] received November 4, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Oversight and Government Reform.

4246. A letter from the Assistant General Counsel for Legislation, Regulation and Energy Efficiency, Department of Energy, transmitting the Department's final rule — National Environmental Policy Act Implementing Procedures (RIN: 1990-AA34) received November 17, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

4247. A letter from the Senior Program Analyst, Department of Transportation, transmitting the Department's final rule — Standard Instrument Approach Procedures, and Takeoff Minimums and Obstacle Departure Procedures; Miscellaneous Amendments [Docket No.: 30808; Amtd. No. 3448] received November 10, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4248. A letter from the Branch Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — General Rule for Taxable Year of Deduction (Rev. Rul. 2011-29) received November 17, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4249. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Extending Religious and Family Member FICA

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

and FUTA Exceptions to Disregarded Entities [TD 9554] (RIN: 1545-BJ07) received November 3, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4250. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — *O'Donnabhain v. Commission 134 T.C. 34* (2010) [T.C. Docket No.: 6402-06] received November 3, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4251. A letter from the Chief, Publication and Regulations, Internal Revenue Service, transmitting the Service's final rule — *Determination of Issue Price in the Case of Certain Debt Instruments Issued for Property* (Rev. Rul. 2011-31) received November 18, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4252. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — *Trusts for the Distribution of Gaming Revenues to Indian Minors* (Rev. Proc. 2011-56) received November 22, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4253. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — *Application of Section 108(e)(8) to Indebtedness Satisfied by a Partnership Interest* [TD 9557] (RIN: 1545-BF27) received November 22, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4254. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — *Publication of the Tier 2 Tax Rates* received November 18, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4255. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — *Application of General Welfare Exclusion to Benefits Provided under Indian Tribal Government Programs* [Notice 2011-94] received November 18, 2011, pursuant to 5

U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

#### TIME LIMITATION OF REFERRED BILL

Pursuant to clause 2 of rule XII the following action was taken by the Speaker:

*[The following action occurred on December 9, 2011]*

H.R. 1981. Referral to the Committee on Energy and Commerce extended for a period ending not later than December 16, 2011.

#### PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. CAMP (for himself, Mr. BACHUS, Mr. DANIEL E. LUNGREN of California, Mr. LUCAS, Mr. UPTON, and Ms. ROSELEHTINEN):

H.R. 3630. A bill to provide incentives for the creation of jobs, and for other purposes; to the Committee on Ways and Means, and in addition to the Committees on Energy and Commerce, Financial Services, Foreign Affairs, Transportation and Infrastructure, Agriculture, Oversight and Government Reform, House Administration, the Budget, Natural Resources, Rules, and Intelligence (Permanent Select), for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. HIGGINS (for himself and Mr. STIVERS):

H.R. 3631. A bill to amend the Homeland Security Act of 2002 to preserve homeland security capability gains achieved through the Urban Area Security Initiative program, and for other purposes; to the Committee on Homeland Security.

#### CONSTITUTIONAL AUTHORITY STATEMENT

Pursuant to clause 7 of rule XII of the Rules of the House of Representatives, the following statements are submitted regarding the specific powers granted to Congress in the Constitution to enact the accompanying bill or joint resolution.

By Mr. CAMP:

H.R. 3630.

Congress has the power to enact this legislation pursuant to the following:

Clause 1 of Section 7 and Clause 18 of Section 8, of Article 1 of the United States Constitution.

By Mr. HIGGINS:

H.R. 3631.

Congress has the power to enact this legislation pursuant to the following:

This bill is enacted pursuant to the power granted to Congress under Article I, Section 8, Clauses 1 and 18 of the United States Constitution.

#### ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 1058: Mr. CARNAHAN.

H.R. 1195: Mr. DUNCAN of South Carolina.

H.R. 2313: Mr. HUNTER, Mr. STUTZMAN, Mr. KINZINGER of Illinois, Mr. CRAWFORD, Mr. POE of Texas, Mr. MACK, Mr. HANNA, Mrs. BLACK, Mr. JORDAN, Mr. SAM JOHNSON of Texas, Mrs. LUMMIS, Mr. SESSIONS, Mr. MCHENRY, Mr. BURGESS, Mr. CULBERSON, Mr. CARTER, Ms. GRANGER, Mr. NUNNELEE, Mr. OLSON, Mr. REICHERT, Mr. POMPEO, Mr. BUCSHON, and Mr. HUIZENGA of Michigan.

H.R. 3179: Mr. SCHOCK and Mr. LARSON of Connecticut.

H.R. 3574: Mr. RAHALL and Mrs. MCCARTHY of New York.

## EXTENSIONS OF REMARKS

HONORING JEREMIAH THOR  
SANCHO

**HON. BILL POSEY**

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Friday, December 9, 2011*

Mr. POSEY. Mr. Speaker, I rise to commemorate the life and service of Jeremiah Thor Sancho, a Specialist with the United States Army, who laid down his life for our freedoms on October 13, 2011, while performing his duties in the Kandahar Province of Afghanistan, in support of Operation Enduring Freedom.

Mr. Sancho was a JRROTC Member and 2006 Graduate of Palm Bay High School, who honorably served his country as a member of the A Troop, 3rd Squadron, 71st Cavalry Regiment, 10th Mountain Division, Fort Drum, New York.

Mr. Sancho's military decorations include: The Purple Heart, Bronze Star, Afghanistan Campaign Medal, the Global War on Terrorism Service Medal, the Global War on Terrorism Expeditionary Medal, the Army Service Medal, the Overseas Service Ribbon, Combat Action Badge, and the National Defense Medal.

Jeremiah, or "Jerry" as he was better known to friends and loved ones, is survived by his wife, RaiAnne Sancho; his loving parents Janet and Bernardo Diaz; Sister, Jaell Diaz; Brothers Bernardo "E.J." Diaz, Jovon A. Diaz; Aunt, Darlene Caraballo; Uncle, Edward Anthony Izquierdo; Grand Parents, Edward Izquierdo, Enrique Diaz, Gary and Jeannie Boyer; Mother-in-law, Sharon Bocco; Father-in-law, Joe Bocco; Brother-in-law, Joseph Bocco; Sister-in-law, Catherine Bocco; and many more friends and family members. Several hundred people attended the memorial service that was conducted at the First Baptist Church of Melbourne in Melbourne, Florida on October 28, 2011.

Jerry will be remembered by those who admired him as a fun loving, avid comic-book fan, gamer, and budding artist. Our thoughts and prayers are with his family and friends.

There's no greater honor than to lay your life down for another. Jeremiah T Sancho paid the ultimate sacrifice and we'll always remember him for that. We've lost another great American, and he will be truly missed. Jerry is a true hero.

### PERSONAL EXPLANATION

**HON. SUE WILKINS MYRICK**

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

*Friday, December 9, 2011*

Mrs. MYRICK. Mr. Speaker, due to illness, I was unable to participate in the following

votes. If I had been present, I would have voted as follows:

December 6, 2011

Rollcall vote 889, On Ordering the Previous Question, Providing for consideration of the bill (H.R. 10) to amend chapter 8 of title 5, United States Code, to provide that major rules of the executive branch shall have no force or effect unless a joint resolution of approval is enacted into law, and for other purposes—I would have voted "aye."

Rollcall vote 890, On Agreeing to the Resolution, Providing for consideration of the bill (H.R. 10) to amend chapter 8 of title 5, United States Code, to provide that major rules of the executive branch shall have no force or effect unless a joint resolution of approval is enacted into law, and for other purposes—I would have voted "aye."

Rollcall vote 891, On Motion to Suspend the Rules and Pass, as Amended, To amend section 2710 of title 18, United States Code, to clarify that a video tape service provider may obtain a consumer's informed, written consent on an ongoing basis and that consent may be obtained through the Internet—I would have voted "aye."

December 7, 2011

Rollcall vote 892, On Motion to Instruct Conferees, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense and for military construction, to prescribe military personnel strengths for fiscal year 2012, and for other purposes—I would have voted "aye."

Rollcall vote 893, On Motion to Close Portions of Conference, To authorize appropriations for fiscal year 2012 for military activities of the Department of Defense and for military construction, to prescribe military personnel strengths for fiscal year 2012, and for other purposes—I would have voted "aye."

Rollcall vote 894, On Motion to Instruct Conferees, Making appropriations for military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2012, and for other purposes—I would have voted "aye."

Rollcall vote 895, Johnson of Georgia Part B Amendment No. 2, On Agreeing to the Amendment—I would have voted "nay."

Rollcall vote 896, Schrader of Oregon Part B Amendment No. 3, On Agreeing to the Amendment—I would have voted "nay."

Rollcall vote 897, McCarthy of New York Part B Amendment No. 5, On Agreeing to the Amendment—I would have voted "nay."

Rollcall vote 898, Jackson Lee of Texas Part B Amendment No. 6, On Agreeing to the Amendment—I would have voted "nay."

Rollcall vote 899 Moore of Wisconsin Part B Amendment No. 7, On Agreeing to the Amendment—I would have voted "nay."

Rollcall vote 900, On Motion to Recommit with Instructions, To amend chapter 8 of title 5, United States Code, to provide that major rules of the executive branch shall have no

force or effect unless a joint resolution of approval is enacted into law—I would have voted "nay."

Rollcall vote 901, On Passage, To amend chapter 8 of title 5, United States Code, to provide that major rules of the executive branch shall have no force or effect unless a joint resolution of approval is enacted into law—I would have voted "aye."

December 8, 2011

Rollcall vote 902, On Ordering the Previous Question, Providing for consideration of H.R. 1633, the Farm Dust Regulation Prevention Act of 2011—I would have voted "aye."

Rollcall vote 903, On Agreeing to the Resolution, Providing for consideration of H.R. 1633, the Farm Dust Regulation Prevention Act of 2011—I would have voted "aye."

Rollcall vote 904, On Motion to Suspend the Rules and Pass, as Amended, Synthetic Drug Control Act—I would have voted "aye."

Rollcall vote 905, On Approving the Journal—I would have voted "aye."

Rollcall vote 906, Rush of Illinois Amendment No. 1, On agreeing to the Amendment—I would have voted "nay."

Rollcall vote 907, Christensen of the Virgin Islands Amendment No. 2, On Agreeing to the Amendment—I would have voted "nay."

Rollcall vote 908, Markey of Massachusetts Amendment No. 4, On Agreeing to the Amendment—I would have voted "nay."

Rollcall vote 909, Waxman of California Amendment No. 5, On Agreeing to the Amendment—I would have voted "nay."

Rollcall vote 910, Al Green of Texas Amendment No. 8, On Agreeing to the Amendment—I would have voted "nay."

Rollcall vote 911, On Motion to Recommit with Instructions, To establish a temporary prohibition against revising any national ambient air quality standard applicable to coarse particulate matter, to limit Federal regulation of nuisance dust in areas in which such dust is regulated under State, tribal, or local law, and for other purposes—I would have voted "nay."

Rollcall vote 912, On Passage, To establish a temporary prohibition against revising any national ambient air quality standard applicable to coarse particulate matter, to limit Federal regulation of nuisance dust in areas in which such dust is regulated under State, tribal, or local law, and for other purposes—I would have voted "aye."

### 70TH ANNIVERSARY OF ATTACK ON PEARL HARBOR

**HON. LAURA RICHARDSON**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Friday, December 9, 2011*

Ms. RICHARDSON. Mr. Speaker, I rise to recognize the 70th anniversary of the attack on Pearl Harbor. A beautiful Sunday morning

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

on December 7, 1941 in O'ahu, Hawaii was darkened by a surprise and brutal attack on the United States Naval Station at Pearl Harbor.

More than 2,400 Americans lost their lives that day while over 1,200 suffered from injuries protecting not only the base and the country they loved. The attack led to the entry of the United States into World War II, the most transformative event of the 21st century. In addressing the Congress the day after the attack on Pearl Harbor, President Franklin D. Roosevelt said that "yesterday, December 7, [is] a date which will live in infamy." Today we remember those who sacrificed their lives that day in the defense of our country and honor the patriots who continue to carry the memory of this day through their daily lives.

Mr. Speaker, the attack on Pearl Harbor brings back the same emotions we experienced on September 11, 2001. We were stunned, shocked, horrified, but united in our resolve to protect our homeland and defeat our adversaries. Long Beach, California, which is located in my district, played a critical role in this effort. It was one of the leading centers of military activity on the West Coast. Along the Pacific coast of Long Beach were several Navy shipbuilding and repair yards, Coast Guard stations, supply depots, and transport facilities. It is no exaggeration to state that Long Beach was a critical component of the "Arsenal of Democracy" that was the United States.

Mr. Speaker, the war that began on December 7, 1941 with the attack on Pearl Harbor

ended on August 15, 1945, with Japan's unconditional surrender. In keeping with our national character, the United States did not gloat in victory, extract reparations from a vanquished foe, or occupy and oppress a conquered people. Rather, the United States helped Japan rebuild its economy and transform itself into a great democracy. The peace treaty that was signed on September 2, 1945, on the decks of the U.S.S. *Missouri* ushered into being a friendship that grows stronger and more important with every passing year. Japan is now one of our strongest allies and major trading partners.

As we reflect on the anniversary of the attack on Pearl Harbor, let us remember the sacrifices of the men and women who perished that day in defense of the land we love.

**SENATE—Monday, December 12, 2011**

The Senate met at 2 p.m., and was called to order by the Honorable CHRISTOPHER A. COONS, a Senator from the State of Delaware.

**PRAYER**

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

God, our King, You are clothed in majesty and strength. Your throne has been established from the beginning and You existed before time began.

Help our lawmakers today to do their work, striving to labor for Your glory. Give them the purity of life and honesty of purpose to walk in Your way. Lord, strengthen their heart and mind that they may worthily measure up to the role You have ordained for them. Thus, may they fulfill their vocation to the glory of Your Name and the advancement of Your kingdom.

We pray in Your sacred Name. Amen.

**PLEDGE OF ALLEGIANCE**

The Honorable CHRISTOPHER A. COONS led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

**APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE**

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. INOUE).

The legislative clerk read the following letter:

U.S. SENATE,  
PRESIDENT PRO TEMPORE,  
Washington, DC, December 12, 2011.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable CHRISTOPHER A. COONS, a Senator from the State of Delaware, to perform the duties of the Chair.

DANIEL K. INOUE,  
President pro tempore.

Mr. COONS thereupon assumed the chair as Acting President pro tempore.

**RECOGNITION OF THE MAJORITY LEADER**

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

**SCHEDULE**

Mr. REID. Mr. President, following leader remarks, the Senate will be in a

period of morning business until 4:30 this afternoon. Following morning business, the Senate will be in executive session to consider the nominations of Norman Eisen to be Ambassador to the Czech Republic and Mari Aponte to be Ambassador to El Salvador.

At 5:30 p.m. there will be at least two rollcall votes in relation to the nominations.

**NOMINATIONS**

Mr. REID. Mr. President, today the Senate will vote on two nominations: those of Norman Eisen to serve as Ambassador to the Czech Republic and Maria Carmen Aponte to serve as Ambassador to El Salvador.

These two Ambassadors are in their positions as we speak, having been given recess appointments. These nominees are accomplished, qualified public servants who will continue to represent their Nation with distinction. For my Republican colleagues, however, being qualified and dedicated doesn't seem to be enough anymore. Last week, they blocked the nomination of a brilliant legal mind, Caitlin Halligan, to the U.S. Court of Appeals for the District of Columbia. Obviously, they don't mind there are these vacancies because Republicans were in the majority in that court. So they wanted to defeat this competent woman, and that is what they did with these vacancies still there in that court.

They blocked the nomination of Richard Cordray to lead the Consumer Financial Protection Bureau, despite his obviously deep qualifications for the job. He has a long history of protecting the middle class against unfair practices by financial predators and he would have been a great asset in our fight to protect Main Street from the kind of Wall Street greed that caused the 2008 financial crisis. Yet Republicans denied Mr. Cordray's nomination—I should say confirmation—and all it does is weaken the agency he was nominated to lead.

I hope Republicans will not turn every confirmation process into a political three-ring circus. The candidates today, Mr. Eisen and Ms. Aponte, have jumped through enough hoops already. Ms. Aponte's accomplished record as Ambassador to El Salvador over the past 15 months speaks for itself. Experts in the region from across the political spectrum support her confirmation. The same enthusiasm is there for Ambassador Eisen. If Republicans block the con-

firmation of these excellent, qualified candidates, it will only be for nakedly partisan reasons.

**PAYROLL TAX CUT EXTENSION**

Mr. REID. Mr. President, also under partisan assault this month is a Democratic proposal to grant a \$1,000-tax decrease on working families.

Senate Republicans have blocked four proposals to protect middle-class pocketbooks. Every hour they delay and every day they filibuster is one more the Senate, by necessity, will have to stay in Washington to get its work done.

Republicans have opposed our plan to pay for this legislation with a tiny surtax on a tiny fraction of America's highest earners. The tax would only apply to the second or third or fourth million the wealthiest Americans make. But Republicans say the richest of the rich in our country—even those who make millions every year—shouldn't contribute more to get our economy back on track. They call our plan, time after time, a tax on job creators—and I say so-called job creators—because every shred of evidence contradicts this red herring.

For example, there have been many outlets, but I will concentrate on one: National Public Radio went looking for one of these fictitious millionaire job creators. A reporter reached out to business groups, the antitax lobby, and Republicans in Congress hoping to interview one of these millionaires. Days ticked by with no luck. Many of our job creators are similar to unicorns; they are impossible to find and don't exist. That is because only a tiny fraction of people making more than \$1 million—probably less than 1 percent—are actually small business owners, and only a tiny fraction of that tiny fraction is a traditional job creator. Most of these businesses are hedge fund managers or wealthy lawyers. They don't do much hiring and they don't need more tax breaks.

One reporter looked for millionaire job creators hiding on Facebook. This time they found a few, and they actually supported our plan. These people on Facebook actually supported our plan to ask the richest of the rich to pitch in to improve the economy for all Americans. This is what Jason Burger, owner of a contracting company that is hiring like crazy, said:

It's only fair that I put back into the system. That is the entire reason for my success.

Mr. Burger may be a millionaire, but he is not one in a million. The majority



of people who make more than \$1 million a year say they would gladly contribute more to improve the economy.

It is often said that what is good for business is good for America. I hope my Republican colleagues will remember, as Mr. Burger does, what is good for America is also good for business.

#### RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. The Republican leader is recognized.

#### MIDDLE CLASS TAX RELIEF AND JOB CREATION ACT

Mr. McCONNELL. Mr. President, later this week Senators will have an opportunity to do three big things with a single vote.

By voting for the Middle Class Tax Relief and Job Creation Act that will soon come over from the House, Senators will be able to extend the temporary tax relief working Americans continue to need nearly 3 years into this administration, prevent more job losses in the middle of a jobs crisis by blocking a new regulation on U.S. manufacturers, and facilitate the creation of tens of thousands of new jobs through the construction of the Keystone XL Pipeline. One vote, three accomplishments. That is to say nothing of the other things the bill would do such as the doc fix and unemployment insurance.

My suggestion is that once this legislation comes over from the House, we pass it without delay. Based on the merits of the bill, it should be a strong bipartisan vote. Nothing could be more bipartisan right now than preventing job loss or facilitating the creation of new private sector jobs.

The President has said job creation is his top priority. Here is a bill that helps him achieve it without a dime of taxpayer money. The President says he wants to extend the payroll tax extension. Here is a bill that does it. The President says he wants unemployment insurance extended. This bill does that. The President says he wants the two parties to compromise. This is it. There is no reason this legislation shouldn't have the President's enthusiastic support.

The only reason—the only reason—for Democrats to oppose this job-creating bill would be to gain some political advantage at a time when every one of them says job creation is a top priority.

Here is what the junior Senator from West Virginia, a Democrat, had to say just today about the pipeline measure contained in the House bill:

I'm for the Keystone Pipeline. All the trade unions, everyone's for it. It creates thousands of jobs.

I couldn't say it better.

The House actually had a stand-alone vote on the Keystone XL back in July. Forty-seven House Democrats voted for it. I would suggest to my friends on the other side that they join with us and close out the year on a bipartisan note.

The Middle Class Tax Relief and Job Creation Act was written to appeal to both parties, and I have yet to hear anyone on the other side offer a single good reason for opposing it. So far, the only reason Democrats have given for opposing this bill is that they would rather extend the payroll tax cut on its own without adding language about a pipeline that many of them say they support anyway. So evidently they would vote for both these things separately but not together. That makes absolutely no sense.

Look, you are either for this pipeline project and the jobs that would come with it or you are not. If you are for it, there is no reason to oppose it just because it is not offered as a stand-alone measure. That doesn't make any sense.

It is time to stop the posturing. Here is a bill that contains top priorities from both sides. Let's take it up and pass it without any more theatrics. Let's pass this job-creating bill and give Americans the certainty and the jobs they deserve.

I yield the floor.

#### RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, leadership time is reserved.

#### MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will be in a period of morning business until 4:30 p.m., with Senators permitted to speak therein for up to 10 minutes each.

Mr. McCONNELL. I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DURBIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. DURBIN. Mr. President, I ask unanimous consent to speak as in morning business.

The ACTING PRESIDENT pro tempore. The Senate is in morning business.

#### USE OF THE FILIBUSTER

Mr. DURBIN. Mr. President, last week, the highlight of the Senate was two Republican filibusters. Those are efforts by the Republicans to demand

60 votes for the Senate to take action. It used to be rare. In fact, it was so rare that Jimmy Stewart made a movie about it: "Mr. Smith Goes to Washington." My colleagues may remember it. It wasn't this Chamber, but it looked a lot like it, and Jimmy Stewart was at a desk in the back row because he was a freshman Senator and he literally spoke until he dropped, physically, but he won the argument, won the day—a great triumph in Washington. He used the filibuster effectively to stop what he thought was a greedy move, a selfish move by his colleagues.

That is the movies. What is real life? Real life is when a Republican Senator says: I declare a filibuster and I will see you later; I am going out to dinner.

That is how it works around here. If we had a few more Jimmy Stewart moments on the floor, where those who are pushing for a filibuster—an exceptional, extraordinary 60-vote margin—had to actually stay on the floor and argue their point, I think they would go away. That is because 9 times out of 10, 19 out of 20, maybe even more, it turns out there is no solid basis for what they are doing.

What they did last week with their filibusters was to stop a woman from being appointed to the circuit court in the District of Columbia. Her name is Caitlin Halligan. She is from New York. She is an extraordinary person who has argued many cases before the Supreme Court. I do not have her résumé in front of me, but I spoke to her nomination last week. She was found unanimously well-qualified by the American Bar Association, and yet she was filibustered by the Republicans, and we could only come up with one Republican vote to support us—only one. All the rest said: The filibuster continues.

To put that in historic perspective, a few years ago we had a big confrontation in the Senate, before the Acting President pro tempore was elected to the Senate, so I do not implicate him in any way. But before the Acting President pro tempore was elected, there was an argument about whether you should filibuster nominees.

Well, a group of 14, a bipartisan group, said: only under extraordinary circumstances. Last week, with the filibuster of this nominee, they completely forgot that—except for one, Senator MURKOWSKI of Alaska. She remembered that promise, and she kept it. She joined us in voting to break the filibuster. It was not enough. That nominee fell by the wayside.

It was not enough, though. One filibuster a week is not enough for the other side. They came up later in the week with another one—that seems to be the sum and substance of their strategy in the Senate—and this filibuster was of Richard Cordray. Richard Cordray is a former attorney general of

the State of Ohio. He is now working at the Consumer Financial Protection Bureau, and the President wants him to be the Director.

What is this bureau? Created by the Dodd-Frank financial reform bill, it will put in place for the first time in the history of the United States an agency of government focused on making certain families and consumers know what they are signing when they get into financial transactions, and to stop those who are exploiting Americans and American families. The Consumer Financial Protection Bureau. We have a ton of agencies that work with the financial institutions. Some of them are good, close friends of those institutions. This would be the one agency of government on the side of consumers.

I know a little bit about it because I heard a speech once from Elizabeth Warren. Elizabeth Warren, a Harvard law professor, one of the most articulate spokespersons for consumer rights in America—and the watchdog on the bailout funds Congress gave to the banks. She gave a speech once and said: We ought to have one agency that says to the American people, here are the tricks and traps you might find in a mortgage or a credit card agreement, and here are some things we should not allow under the laws of America.

I liked it so much, I went up to her afterward and said: I wish to introduce the bill. She and I worked on it. We introduced it. I put the first bill in. It gained support and popularity to the point where, when we came to the floor with the Dodd-Frank bill, Senator Chris Dodd took my idea and, I will say, improved it dramatically—he did a great job—and included it in financial reform.

My hope—the hope of many people—was that Elizabeth Warren, the person who conceived this idea, would head this agency. She was stopped cold. The banking interests and financial institutions in America said not only no, but heck no, we are not going to allow her to be the head of this agency.

She worked at it, trying to get it up and running, get the right people in place, and eventually went on, and I will not talk here about what her next effort will be. You can read about it anywhere in the papers. But she was the inspiration for this, and Richard Cordray was by her side, as they put this agency together.

The banks hate the Consumer Financial Protection Bureau like the devil hates Holy Water. The idea there would actually be an independent agency looking over their transactions and their legal instruments and informing the American people when they have stepped over the line is something they find unacceptable.

Let me tell you about another person working over at the Consumer Financial Protection Bureau. Her name is

Holly Petraeus. If her name rings a bell, it should. Her husband, General Petraeus, has probably been in the forefront of keeping America safe since 9/11 more than any other individual, serving both Republican and Democratic administrations. He has risked his life serving his country overseas. He is completely committed to our men and women in the military, and he is currently head of the CIA. His wife is cut from the same cloth. She believes in the military in her heart and soul, and she has worked at the Consumer Financial Protection Bureau to stop predatory lenders who are taking advantage of military families. That is the kind of work that can be done and is being done there. But they do not have a Director. They do not have a leader.

So last week we brought Richard Cordray's nomination to the floor. It has been here for a long time. No one—no one—has argued this man is not extremely well qualified for the job. He is. The vote came up, and there was another Republican filibuster. He fell by the wayside—just what the banks want. They want to make certain this Bureau does not have a leader and cannot use its resources effectively. They are doing everything they can to cripple it.

Well, Mr. President, if that were the end of the story—two bad filibusters last week—hold on to your hats because here we come again. This week we are going to have Ambassador Mari Aponte, President Obama's choice to represent our Nation as U.S. Ambassador to El Salvador, before the Senate.

We know Ambassador Aponte is more than qualified for this assignment because she is already performing that job with distinction. President Obama appointed her by recess appointment nearly a year ago.

Let me tell you about two of the things she has achieved in a year as our chief diplomat in El Salvador.

First, she persuaded El Salvador to send troops to assist the NATO training mission in Afghanistan in August. This is the first time—the first time—any Latin American country has put troops on the ground in Afghanistan in support of American troops.

This represents a significant achievement for El Salvador. Twenty years ago, the people of El Salvador were struggling in the midst of a bloody civil war. Today, they are strong enough and stable enough to help others around the world in Afghanistan establish their own stable democracy.

Ambassador Aponte has proven to be very effective advocating for U.S. interests in Latin America—a region immediately on our doorstep and with which we have many strategic interests.

Ambassador Aponte has helped to advance America's security interests in

Latin America by expertly negotiating an agreement with El Salvador to open a new jointly funded electronic monitoring center to fight transnational crime.

What are we talking about here? Drug dealing and terrorism. Such gang and narcotics-related crime impacts both our nations, Central America, and the world. This skilled diplomat is able to work now, as a recess appointment by President Obama, to ensure that El Salvador remains a strong ally in the fight against these dangers.

She has already proven herself to be an accomplished diplomat in a short period of time. She has a long history of public service and experience in both the private and nonprofit sectors.

One of America's greatest strengths is that we are a diverse nation. Ambassador Aponte helps demonstrate that strength to the world. She is one of the few Puerto Rican Ambassadors serving our Nation.

But despite everything I have said to you, her nomination has been met with unjustified resistance on the Republican side of the aisle.

In 1998, Ambassador Aponte was appointed by then-President Clinton to be Ambassador to the Dominican Republic. She withdrew her nomination, in 1998—13 years ago—after a Miami newspaper reported allegations that a former naturalized Cuban-American boyfriend from the early 1990s was actually a Cuban intelligence agent who was trying to recruit her.

The FBI looked into the matter. They investigated it. Aponte cooperated completely, and she also severed all her ties with this individual. She was never the subject of any FBI investigation or ever accused of any wrongdoing.

Despite her full cooperation with the Federal Bureau of Investigation, ultimately the FBI found no evidence to support the allegations against her—none.

When President Obama looked at Ambassador Aponte's record of public service, he nominated her to serve as America's Ambassador to El Salvador in 2009. Once again, the critics raised the same allegations about her former relationship, even though they had been thoroughly investigated and dismissed and discredited by the Federal Bureau of Investigation.

Senator DEMINT of South Carolina objected to her nomination. He was the only Senator objecting. So this time around, the chairman of the Foreign Relations Committee, Senator JOHN KERRY of Massachusetts, along with Senator MENENDEZ, our only Hispanic Senator on the Democratic side, from the State of New Jersey, made an unprecedented move. They said to Senator DEMINT of South Carolina: We will allow you to personally review the FBI files on Ambassador Aponte.

So Senator DEMINT appeared to raise a new objection to Aponte at that

point. And listen to this one: This objection—new one—by Senator DEMINT stems from an editorial the Ambassador wrote in a popular El Salvadoran newspaper in June about Lesbian, Gay, Bisexual, and Transgender Pride Month. The article was entitled “For the elimination of prejudices wherever they exist.” Her op-ed disavowed violence and hatred against individuals based on their sexual orientation, urging education and understanding. Those are hardly radical ideas. Most Members of the Senate—at least, let’s say, many Members of the Senate—have given speeches along these lines.

Well, the Senator from South Carolina calls this op-ed provocative and argues that it is disrespectful of El Salvador’s culture and that it inflamed tensions with an important ally. There is no evidence to support what he said—none.

To the contrary, El Salvador itself had already taken—before she published this editorial—steps toward more equal rights with the passage of Decree 56 in May 2010. That law prohibits all forms of discrimination by the Government of El Salvador based on sexual orientation—just what the Ambassador had asked for in her editorial.

Decree 56 was signed 1 year before Ambassador Aponte wrote her article, 4 months before she was sworn in as Ambassador. The record is there.

El Salvador reaffirmed its national commitment to equality again last June when it joined the United States and more than 80 other nations in signing the declaration for the elimination of violence against the lesbian, gay, bisexual, and transgender community during the Human Rights Council of the United Nations.

Let me also note that Ambassador Aponte wrote that op-ed pursuant to cables from the State Department that went out to all ambassadors around the world, suggesting they write similar pieces or hold a related event. In fact, similar editorials to what Ambassador Aponte wrote were written and events were held at American embassies and posts all around the world.

Why is one Senator picking on this Ambassador? Quite simply, the nomination of a U.S. Ambassador to a strategically important ally such as El Salvador is no time for a political debate that has little or nothing to do with time-honored and accepted principles in the United States and around the world.

Ambassador Aponte deserves a vote in the Senate based on her work, her achievements, and her demonstrated ability to effectively advocate for the United States in El Salvador.

She has been thoroughly vetted by the FBI and the State Department, as is every nominee. She has passed two separate top secret security clearances. She has shown she is able to work with

Salvadoran leaders and achieve way beyond what many believed could be achieved because of her skill.

We live in challenging times. Our ambassadors are the eyes and ears of America around the world. Some of the posts they serve in are very dangerous. Look at what Ambassador Robert Ford has been doing in Syria amid that country’s upheaval. Blocking qualified and talented Americans from serving in El Salvador or any place in the world is not in America’s best long-term interests.

During our recent Foreign Relations Committee markup, which the Acting President pro tempore attended, related to Ambassador Aponte’s nomination, Chairman KERRY offered Senator DEMINT another opportunity to review all the materials we have regarding Ambassador Aponte. I hope he took advantage of that offer. Should he still oppose her nomination, I disagree with him, of course, but respect his rights in the Senate. He can register his vote along with the other Senators. But I certainly hope this critical and important nomination will not be unfairly held up and discredited with another filibuster. It is time for the Senate to move beyond filibusters, to work in an effort to try to solve our problems.

#### PAYROLL TAX CUT

Mr. DURBIN. Mr. President, there was a recent survey of how many families in America have an immediate member of the family who is serving in the military. The number is one of the lowest in history. It turns out the families who actually know someone or have someone serving in the military are a small percentage of this great Nation.

My family has a nephew serving in Afghanistan with the 10th Mountain Division. Not long ago, as a college student, he worked as a doorman here in the Senate. But Michael is now serving overseas in Afghanistan. I think about him all the time. I send him boxes of things. I do not know if he will have any use for them or enjoy them, but it is my way of reminding him we do not forget him.

We have a big family, and I am sure he gets plenty of stuff. I know some of that must be a joy for him to receive. But more important than any material sent to him, I hope it is an expression of how we feel about him, about the sacrifice he is making, as so many others are making, thousands around the world, as we meet in the safety of this Senate Chamber.

We ask an awful lot of our men and women in uniform. We ask them to risk their lives for America. Many come back injured. Some do not return, having given that promise and that pledge. They make a sacrifice which many of us have never been asked to make.

I think about that in terms of the debate we enter into this week in the Senate. We are trying to turn this economy around because so many people are out of work. Businesses are struggling. The President put forward a jobs bill and has for months been pushing for its passage. We have considered a lot of parts of it.

One part relating to veterans we actually agreed on. It was a breakthrough. I am glad we did. But when it came to all of the others, the million who are out of work in America, there is still wide disagreement. We hope to finish this matter this week and head home for the holidays where we all want to be. But, unfortunately, we are embroiled in a political fight again. The fight is over something very basic. It is this: Should we ask the wealthiest in America to pay a little more in taxes so that we can provide a payroll tax cut for almost 160 million Americans? That is it.

What we hear from the other side of the aisle over and over again is, no; we cannot impose a new burden on the wealthiest in America. We cannot ask any more sacrifice from people who are already earning at least—at least—\$1 million a year. I thought about that. I thought about my nephew and so many like him who sacrifice every single day for this great Nation, and to think that we could not ask the wealthiest among us to pay a little more in taxes to help us get out of this recession and put America back to work.

Those two things, unfortunately, are in sharp contrast. I think it is time for us to pass this payroll tax cut. It is desperately needed. We need to maintain our unemployment insurance because we still have too many people out of work: four unemployed Americans for every available job. That is a fact. Things are getting better slowly but too slowly. In the meantime, these people are looking every single day for a job while they do their best to keep their families together, to keep their families with the basics in life, to make sure they pay the rent, the mortgage, the utility bills.

The first casualty in many of these families is health insurance. Can you imagine raising children not knowing if one trip to the emergency room will be something you could never hope to afford. Unemployment benefits allow people to keep their families together and to continue looking for work.

I urge my colleagues, before we consider leaving for the holiday season, let’s get the job done. President Obama has made it clear. He will not allow us to go home until we get this job done. Extend the payroll tax cut for 160 million Americans; maintain unemployment benefits for those millions who are counting on them to put bread on the table and keep their families together during a very difficult time and let’s pass a spending bill. We agreed on

the limits on what we would spend. Let's pass the bill now in a bipartisan fashion. I hope we can reach that point.

One last point. I now hear the Republican Senate leader come to the floor and tell us this entire debate, this entire breakdown, all the problems we have had is about an oil pipeline. Now, I did not know that until last week. I wish he would have spoken up a lot earlier, that an oil pipeline, the Keystone Pipeline, which has been controversial, has to be part of any deal. He said at one point that it may even create 20,000 jobs.

I am quick to remind my colleague, there are 14 million Americans out of work and 160 million counting on this payroll tax cut. So 20,000 jobs is important. I would love to see every job we can responsibly bring to this country. But let's not stop the business of government, let's not stop helping this economy recover over one issue, whatever it may be—whether it is a pipeline or whatever it may be.

We owe to the people who sent us here to respect them, to show that we will do our best to keep this country moving forward and do it in the name of so many of our men and women in uniform who are sacrificing today as we meet in the safety and security of this Chamber.

I yield the floor, and I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. HATCH. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. BLUMENTHAL). Without objection, it is so ordered.

#### SPENDING AND TAXES

Mr. HATCH. Mr. President, over the last few weeks the Senate has been engaged in a familiar exercise. The Democratic majority, urged on by the President, offers up an increase in spending to be paid for by an increase in taxes. If anything, this familiar refrain should cement in the minds of the American people that President Obama and his congressional allies remain committed to a policy of tax and spend. Let's not mistake any of this for carefully designed stimulus spending or tax policy. No, the series of tax-and-spend proposals brought to the Senate floor during the past few months were designed for political reasons only. It remains unclear what any of this has to do with job creation. In fact, I suspect that much of this bread and circus routine is meant to distract the families and taxpayers from the President's mediocre record on job creation and economic growth.

For months the Senate has been asked to consider higher taxes, includ-

ing surtaxes on the so-called rich to pay for whatever the Democrats have settled on as their spending idea of the week. Most of those ideas were sold as stimulus even though they include things such as an infrastructure bank, which would be a brandnew GSE to gobble taxpayer resources—just like Fannie and Freddie—and which would take years just to get off the ground. Most of the ideas have been designed to appease Democratic constituencies—mostly unions—and to construct campaign-season talking points attacking Republicans for their failure to increase taxes on the evil rich in order to pay for the Democrats' spending sugar highs. The focus on politics has become such a priority for the President that he is now in the unusual position of making a raid on Social Security's trust funds his principal policy objective.

At first, to pay for the very massive new stimulus plan of the President's, the Democrats wanted to limit deductions for people earning \$200,000 or more, which in September was evidently how they defined the so-called rich. Next came a proposed surtax of 5.6 percent on people earning \$1 million or more to pay for the President's stimulus scheme. We can't be sure, but I suspect this jump in the income threshold for the Democrats' tax increases came when high-income Democrats in high-income jurisdictions such as New York, California, and New Jersey made it clear that this is where they had to part company with the President. Next came a surtax of 0.5 percent on high-income earners to give funds to States to help pay mostly union workers. Then came a surtax of 0.7 percent on those earners to help pay for a new Fannie and Freddie called an infrastructure bank. This was followed by a surtax of 3.25 percent on those earners for a payroll tax expenditure. Finally came a surtax of 1.9 percent on those earners for the payroll tax expenditure.

The pattern is clear: Democrats roll out their stimulus spending plan of the week, find out how much it will cost, and then find out what surtax to slap on high earners, including business income recipients. That is how we get tax proposals with rates of 5.6 percent, then 0.5 percent, then 0.7 percent, then 3.25 percent, and then 1.9 percent. Who knows what will come next. Never mind that businesses across this country have been clear that massive uncertainty about the current administration's policies, regulations, and tax increases is holding back their hiring, job creation, and the economy. People are uncertain about what their future health care costs will be, what their future energy costs will be, what their future regulatory environment will be, and what their future taxes will be. Given the past few months of tax rate roulette being played by the Demo-

crats, is it any wonder that families and businesses are uncertain and pessimistic about the future?

These tax rates have nothing to do with designing optimal tax policy and everything to do with scoring cheap political points and growing an already bloated Federal Government. These tax rates have nothing to do with engineering greater wealth or income equality through the Tax Code. These tax rates have nothing to do with creating a foundation for growth in jobs and the economy. They have everything to do with paying for politically favored, poll-tested stimulus spending.

In the President's \$800 billion-plus stimulus of 2009, we were told that the measures would be temporary and we would "pivot" later to fiscal austerity. But the promised pivot never comes. Still today we are told to spend more now and pivot later, but the promised pivots never come. Unfortunately, unless we pivot, we will run off a budgetary cliff and face the deficit and debt crisis plaguing Europe today.

These tax rates recently proposed by Democrats have nothing to do with long-term economic growth and more to do with the President's vision of government as the benevolent allocator of people's hard-earned income. Not content with his average deficits being close to 25 percent of the entire size of our economy—which we have not seen since the years surrounding World War II—the President and my Democratic friends here in the Senate want to permanently enshrine a European-sized government in the American economy. They don't just want additional infrastructure spending; they want a brandnew government bureaucracy free of Congress to tax and spend. They want an all-powerful, unchecked government czar to control the provision and costs of consumer credit cards. They want an overzealous EPA to control reliable sources of energy no matter what the cost of their policies. They want an activist Labor Department to control how workers and companies can bargain to control where they can operate a business and to push people into their union voting base whether they support the union or not. The President's pursuits are not those of someone who thinks that in certain instances government is constitutionally authorized to act and can occasionally do some good. His record is that of someone who is confident that in most cases, government technocrats can do better things with Americans' hard-earned incomes than Americans can do for themselves.

When we look at the variable menu of recent tax rates proposed by Democrats, we have to ask whether, once enshrined into law, the 5.6-percent rate or the 0.5-percent rate or whatever happens to be their flavor of the week is where my friends on the other side of the aisle would leave things. I have

every reason to doubt they would stop at those rates and every reason to believe they will work as hard as they can to keep increasing those rates, demolishing businesses and jobs as they go. I have every reason to believe the current President will stick with his commitment to “spread the wealth around” and ask the so-called rich—and that could mean people who earn as little as \$200,000, according to Democrats—to pay “just a little bit more.”

So where will they stop? What is the optimal tax-the-rich rate of taxation? Economist Peter Diamond, who was nominated by the President to serve on the Federal Reserve Board, has proposed in recent writings that “tax policy needs to be socially acceptable” and then finds it acceptable to go on to say that the so-called optimal top tax rate could be as high as 73 percent. The current top marginal tax rate on earnings in the U.S. economy is around 42.5 percent when we combine income tax rates of 35 percent with the Medicare tax and average State taxes. The cutoff for the top percentile of tax filers is about \$400,000, according to Diamond’s analysis.

When we consider the liberal conventional wisdom about how businesses operate, the American people, it seems to me, should be careful about where the Democrats’ tax hike proposals might lead. The bottom line is that the sky is the limit.

Consider the New York Times’ December 9 editorial, tucked in between advertisements for jewelry, properties, and baubles that only the tremendously megarich could afford, where the liberal press offered the following guidance on tax policy:

The latest Democratic bill to cut the payroll tax, blocked by Republicans on Thursday, called for a 1.9 percent surtax on income over \$1 million. More important, for any savvy business owner, a surtax would have no bearing on hiring decisions. If new workers are profitable before tax, they will be profitable after tax, even if the employer has to pay slightly more of the profit in taxes.

This perfectly encapsulates the understanding of the economy by folks who have never run a business or tried to turn a profit. The liberal notion is that business owners are immune to basic economics and that their hiring decisions are entirely unaffected by tax rates.

The PRESIDING OFFICER. The Senator’s time has expired.

Mr. HATCH. I ask unanimous consent to be able to speak for just a few minutes more.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HATCH. With this view in mind, it is not hard to imagine proposals for taxes upward of 73 percent because those megarich business owners simply won’t flinch.

The Democrats’ burning desire to raise taxes seems to confuse income and wealth. They abhor the outsized

wealth accumulation of the megarich, even though they love the campaign contributions flowing from them. They seem to think that massive increases in income taxes will cure the growth in inequality observed over decades in the United States and in many foreign economies.

Some of our Nation’s wealthiest individuals, such as Bill Gates and Warren Buffett, join this chorus and call for higher taxes on others, even though they channel large portions of their wealth to private foundations, revealing their preference for resources to be allocated in the private sector rather than by the government.

Even our President calls for more taxes on himself, although he could write a check to the IRS at any moment. He calls for a Buffett rule, even though he paid a tax rate of 26.3 percent in 2010, which, according to a recent Congressional Research Service analysis, means the President violates his own idea of the Buffett rule by paying a lower tax rate than well over 10 million more moderate income taxpayers.

The past few months have witnessed a variable menu of tax rates offered by my friends on the other side of the aisle. They claim these tax increases will secure equality, economic growth, job creation, and more.

Those claims are false. The evidence is clear that the recent proposals from Democrats have been more of the same: tax and spend, move toward a permanently larger government, and design politically motivated bills they know will fail in the Congress in order to hone election year talking points.

We need to be clear with the American people that these proposals might be good for government, but they will do little to cure the ills of our economy.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. KYL. Mr. President, I ask unanimous consent to speak for up to 15 minutes in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### CLASS WARFARE

Mr. KYL. Mr. President, last Thursday marked the fifth time this year the majority has initiated a vote on the so-called millionaires’ surcharge—a tax that primarily affects small businesses—in order to “pay for” a piece of legislation. Notably, Thursday also marked the fifth time this year this tax increase failed to pass the Senate, which suggests, of course, it is being used for political purposes.

President Obama and his supporters have argued that the tax increases they support—such as the millionaires’ surcharge—will not affect anyone but the wealthiest Americans, and that

those people have to start doing “their fair share” because they “can afford it.” They repeat the phrase “shared sacrifice.”

In a recent campaign speech in Kansas, President Obama took the class warfare argument to a whole new level, injecting his speech with false economic moralisms and evoking what he calls the “you’re on your own” economics of Republicans and suggesting that the “breathtaking greed of a few”—these are his words I am using—has been crushing the middle class. The President’s object seems to be purposefully conflating all upper income taxpayers with those reckless few who helped cause the financial crisis, ignoring, I might add, those in Congress who also helped to create that crisis.

The President’s rhetoric is not only wrongheaded, in my view it is irresponsible. I wish to make three points in response.

First, the President of the United States should not be pitting Americans against each other. Class warfare has no place in American debates. It is divisive, and it is unhelpful to the national discourse. It is especially unbecoming of the President, who is the only person elected to represent all Americans. He should speak for all Americans, especially in times of high unemployment and high economic uncertainty, not pit them one against each other for short-term political gain.

America is not a caste society. There is no formal class structure engrained into our way of life. The opposite is true. That is why millions of people left the old countries in Europe and elsewhere to come here for economic opportunity and to compete in our free markets.

Why doesn’t the President offer encouragement about America’s strengths and its future, rather than play into some Americans’ fears? In other words, why doesn’t he run the kind of campaign he ran in 2008—one based on unity and hope?

The answer, I am afraid, is because the President’s record during the last 3 years does not inspire much hope: a massive stimulus filled with special-interest goodies, a government takeover of health care, a failed cap-and-trade agenda, an EPA power grab, and more new job-killing regulations than one can count.

Obviously, the policies of the last 3 years have not left Americans in better shape than they were 3 years ago. Indeed, about three-quarters of Americans say the country is on the “wrong track.” As columnist Charles Krauthammer wrote in a recent column: “Obama has spent three years on signature policies that ignore or aggravate” structural problems, such as high unemployment, weak growth, vast debt, and our strained safety net and dysfunctional Tax Code.

So the President cannot run on his record. And he does not want voters to focus on how his policies may have prolonged our economic troubles or that his party controlled Washington for the first 2 years of his Presidency. His way out is to blame others.

But rather than stir up resentment and unease, I suggest the President focus on strengthening opportunity for all Americans. That gets to the second point, which addresses the assertion that upper income taxpayers are not doing their fair share. This is patently false. Let me provide a few instructive numbers.

According to IRS data, the top 1 percent of taxpayers pays 38 percent of total income taxes but earns only 20 percent of total income. In other words, the top 1 percent earns 20 percent and pays almost double that in their share of Federal income taxes.

The top 2 percent of taxpayers pays almost half of all the taxes—48.68 percent, to be exact. They only earn a little under 28 percent of the total income and pay almost 50 percent. So the top 2 percent are paying almost 50 percent of all the taxes. And this is not a fair share? This is not doing their part?

The top 5 percent of taxpayers pays 58.7 percent. They earn just a little over one-third of all of the income. In fact, the top 5 percent pays more than the bottom 95 percent, total. The top 5 percent pays more taxes by far than the rest of the 95 percent. And they are not doing their fair share?

The top 10 percent of taxpayers pays almost 70 percent and still earns less than 50 percent of total income—45.7 percent, to be exact.

The bottom 95 percent of taxpayers pays 41.3 percent. They earn 65.3 percent of total income. So the bottom 95 percent—this is a big chunk of American taxpayers—is earning a lot more in percentage than they are paying in percentage of income taxes.

The Joint Committee on Taxation estimates that 51 percent of all households, which includes both filers and nonfilers, had either zero or negative income tax liability for the year 2009. Such progressive taxation is, in fact, “shared sacrifice.” The United States has the most progressive income Tax Code of any country among developed nations. So the argument that top-tier earners are not doing enough does not hold water, and somebody needs to call the President on this false argument of his because it attempts to pit one group of Americans against the other when in point of fact the President, of all people, should be unifying Americans.

The third point is related to who actually would pay this millionaires’ surcharge that the President advocates and our colleagues have been urging us to vote for yet again. This proposed tax increase will presumably be trotted out again and again. It cannot get the

votes to pass, but it makes a nice political charge.

The President and his supporters claim it would only affect the wealthiest of the wealthy. Well, the fact is this tax would crush small business owners. Many small businesses are organized as “pass-through” entities. That means they pay their taxes as individuals. They are not organized as corporations. They do not pay their taxes as corporations. They pay as individuals.

So when the plumbing company or the air conditioning company pays taxes, that small business owner pays them as an individual and, therefore, he pays at the individual income tax rates. If you are in one of the top two rates—and 50 percent of small business income is reported in those top two rates—you are going to get clobbered by this surtax on millionaires. And these are the very businesses, the most successful small businesses, that create many of America’s new jobs.

According to the National Association of Manufacturers’ December 5 weekly report:

Small and medium-sized payrolls (those with less than 500 employees) accounted for the bulk of the net new jobs, continuing a familiar trend. This was true for both the goods-producing as well as the service-producing sectors.

There is a lot of data that shows many of these job-creating small businesses would be slammed by a millionaires’ surcharge.

For example, a Wall Street Journal editorial reports that the Joint Committee on Taxation has estimated that taxpayers will declare \$1.2 trillion in business income in 2013. Of this reported tax income, 34 percent would be “on tax returns with ‘modified adjusted gross income in excess of \$1 million.’” As the Journal notes, that means about \$400 billion in business income would be subjected to the so-called millionaires’ surcharge tax.

And who pays that? As the Journal writes, the Treasury Department examined IRS data in 2007 and found 392,000 tax returns with incomes above \$1 million, 311,000 of which were classified by the Treasury Department as “business owners.” So 80 percent of a payroll tax surcharge will fall on these small business owners. That is a direct tax on job creation. What could you think of that would do more harm to creating jobs in America than imposing a brandnew tax on the people who we hope are going to create the new jobs coming out of this recession? Remember too that taxes are already set to go up in 2013 when the current tax rates expire. On top of that, business investors will also face a 3.8-percent ObamaCare “investment income tax surcharge” set to begin in 2013.

How is taking money away from these small businesses going to allow them to expand and hire more workers?

John Mackey, who is the cofounder of the wildly successful Whole Foods

chain, wrote an op-ed last month explaining, from his point of view, what policies can help and harm job growth. He writes:

One hundred years ago the total cost of government at all levels . . . was only 8 percent of our gross domestic product. In 2010, it was 40 percent. Government is gobbling up trillions of dollars from our economy to feed itself through higher taxes and unprecedented deficit spending—money that could be used by individuals to improve their lives and by entrepreneurs to create jobs.

Policymakers would do well to listen to the advice of entrepreneurs such as John Mackey about a real growth agenda. Americans are counting on job creators in the private sector to help turn the economy around by putting capital at risk and hiring new employees. Relentless class warfare and obsessing over income redistribution are not real policy prescriptions.

Mr. President, I ask unanimous consent to have printed in the RECORD the op-ed piece by Charles Krauthammer which I mentioned.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Washington Post, Dec. 8, 2011]

OBAMA’S CAMPAIGN FOR CLASS RESENTMENT  
(By Charles Krauthammer)

In the first month of his presidency, Barack Obama averred that if in three years he hadn’t alleviated the nation’s economic pain, he’d be a “one-term proposition.”

When three-quarters of Americans think the country is on the “wrong track” and even Bill Clinton calls the economy “lousy,” how then to run for a second term? Traveling Tuesday to Osawatimie, Kan., site of a famous 1910 Teddy Roosevelt speech, Obama laid out the case.

It seems that he and his policies have nothing to do with the current state of things. Sure, presidents are ordinarily held accountable for economic growth, unemployment, national indebtedness (see Obama, above). But not this time. Responsibility, you see, lies with the rich.

Or, as the philosophers of Zuccotti Park call them, the 1 percent. For Obama, these rich are the ones holding back the 99 percent. The “breathtaking greed of a few” is crushing the middle class. If only the rich paid their “fair share,” the middle class would have a chance. Otherwise, government won’t have enough funds to “invest” in education and innovation, the golden path to the sunny uplands of economic growth and opportunity.

Where to begin? A country spending twice as much per capita on education as it did in 1970 with zero effect on test scores is not underinvesting in education. It’s mis-investing. As for federally directed spending on innovation—like Solyndra? Ethanol? The preposterously subsidized, flammable Chevy Volt?

Our current economic distress is attributable to myriad causes: globalization, expensive high-tech medicine, a huge debt burden, a burst housing bubble largely driven by precisely the egalitarian impulse that Obama is promoting (government aggressively pushing “affordable housing” that turned out to be disastrously unaffordable), an aging population straining the social safety net. Yes, growing inequality is a problem



throughout the Western world. But Obama's pretense that it is the root cause of this sick economy is ridiculous.

As is his solution, that old perennial: selective abolition of the Bush tax cuts. As if all that ails us, all that keeps the economy from humming and the middle class from advancing, is a 4.6-point hike in marginal tax rates for the rich.

This, in a country \$15 trillion in debt with out-of-control entitlements systematically starving every other national need. This obsession with a sock-it-to-the-rich tax hike that, at most, would have reduced this year's deficit from \$1.30 trillion to \$1.22 trillion is the classic reflex of reactionary liberalism—anything to avoid addressing the underlying structural problems, which would require modernizing the totemic programs of the New Deal and Great Society.

As for those structural problems, Obama has spent three years on signature policies that either ignore or aggravate them:

—A massive stimulus, a gigantic payoff to Democratic interest groups (such as teachers, public-sector unions) that will add nearly \$1 trillion to the national debt.

—A sweeping federally run reorganization of health care that (a) cost Congress a year, (b) created an entirely new entitlement in a nation hemorrhaging from unsustainable entitlements, (c) introduced new levels of uncertainty into an already stagnant economy.

—High-handed regulation, best exemplified by Obama's failed cap-and-trade legislation, promptly followed by the Environmental Protection Agency trying to impose the same conventional-energy-killing agenda by administrative means.

Moreover, on the one issue that already enjoys a bipartisan consensus—the need for fundamental reform of a corrosive, corrupted tax code that misdirects capital and promotes unfairness—Obama did nothing, ignoring the recommendations of several bipartisan commissions, including his own.

In Kansas, Obama lamented that millions “are now forced to take their children to food banks.” You have to admire the audacity. That's the kind of damning observation the opposition brings up when you've been in office three years. Yet Obama summoned it to make the case for his reelection!

Why? Because, you see, he bears no responsibility for the current economic distress. It's the rich. And, like Horatius at the bridge, Obama stands with the American masses against the soulless plutocrats.

This is populism so crude that it channels not Teddy Roosevelt so much as Hugo Chavez. But with high unemployment, economic stagnation and unprecedented deficits, what else can Obama say?

He can't run on stewardship. He can't run on policy. His signature initiatives—the stimulus, Obamacare and the failed cap-and-trade—will go unmentioned in his campaign ads. Indeed, they will be the stuff of Republican ads.

What's left? Class resentment. Got a better idea?

Mr. KYL. I thank the Chair.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. KERRY addressed the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts.

#### ORDER OF PROCEDURE

Mr. KERRY. Mr. President, I apologize for interrupting my colleague, and I will not for long. I think my col-

league wants to speak on the subject of the nominations that are going to be contained within an hour of debate, equally divided. I want to make certain the comments of the Senator are going to be part of that time period. So if I could ask, for my colleague—I believe we are almost at the hour where we have to go to executive session and report the two nominations. I would be happy, then, to yield to my colleague to speak first, if he wishes.

Would my colleague agree with that?

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. I am willing to do that, but I thought I maintained the right to the floor by—

Mr. KERRY. Mr. President, I ask unanimous consent that after we have moved to executive session, the Senator from Iowa be the first to speak in the time period allotted to the opponents.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

#### EXECUTIVE SESSION

#### NOMINATION OF NORMAN L. EISEN TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE CZECH REPUBLIC

#### NOMINATION OF MARI CARMEN APONTE TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF EL SALVADOR

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to executive session to consider the following nominations, en bloc, which the clerk will report.

The bill clerk read the nominations of Norman L. Eisen, of the District of Columbia, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Czech Republic, and Mari Carmen Aponte, of the District of Columbia, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of El Salvador.

The PRESIDING OFFICER. Under the previous order, there will be 1 hour of debate equally divided in the usual form.

The Senator from Iowa.

Mr. GRASSLEY. Mr. President, I want to speak about one of the votes we are going to have this afternoon,

and it has nothing to do with Mr. Eisen's job as Ambassador. It is about why he has not been confirmed to this point.

The President announced Mr. Eisen's nomination to be Ambassador to the Czech Republic on June 28, 2010. On September 20, 2010, I provided public notice of my intention to object to the nomination. In other words, as I always do when I put a hold on something—a bill or a nomination—I put a reason in the CONGRESSIONAL RECORD so that everybody knows it is me. I am not a secret-holds guy.

The reason for my objection is not related to the substance of his duty as Ambassador; I object to his nomination because of the way Mr. Eisen handled the controversial firing of Gerald Walpin and the congressional inquiry into that firing. Mr. Walpin was the inspector general at the Corporation for National Community Service, AmeriCorps. Mr. Eisen was at the White House Counsel's office at the time.

Any attempt to undermine the independence and integrity of inspectors general raises serious concerns with me, and anybody ought to know that about this Senator. An inspector general who does his or her job runs the risk of losing friends at any agency as well as maybe the White House. The Congress must not sit idly by when an inspector general is removed improperly.

After the President abruptly removed Inspector General Walpin from office, there were allegations that he was fired for political reasons. So I started the investigation. There was evidence that the removal may have been motivated by a desire to protect a friend and political ally of the President, mayor of Sacramento Kevin Johnson.

The inspector general and CNCS management were clashing over an inquiry into misuse of Federal grant money at a charity run by Johnson. There were allegations that the grant money was used to pay for personal services for Johnson such as maybe washing his car. There seemed to be evidence of that. There were allegations that the grant money has been used to pay for political campaign work. So what would you expect an inspector general to do?

The IG was pushing aggressively to require Johnson to repay the Federal grant money that his charity could not account for. The inspector general was also pushing to have Johnson prohibited from receiving future Federal grant funds. This caused, as you might expect, a political uproar because some people feared that might prevent the city of Sacramento from receiving Federal stimulus dollars during the financial crisis.

All of this background cried out for further investigation. I also learned that Mr. Eisen personally delivered an



ultimatum to Inspector General Walpin. He demanded the inspector general resign or be terminated within 1 hour. At the time he delivered the ultimatum, no notice had been given or provided to Congress as is legally required under the Inspector General Reform Act.

The IG Act requires the President to tell Congress the reasons for removal of an inspector general 30 days before taking action. That is what the law requires. Now, ironically, I cosponsored this provision with Senator Obama before he became President Obama. The goal of that provision is to make sure Congress is aware of why an inspector general is being removed.

We need independent inspectors general. They should not be removed for political reasons. So we need to make sure Congress is informed of the reasons for getting rid of an inspector general. Mr. Eisen's 1-hour ultimatum was an attempt to avoid that provision of law. If the inspector general had resigned under that pressure, Congress would not have received any notice and the reasons for his removal would have remained a secret, but Inspector General Walpin did not resign, and the President began the process of removing him with a 30-day notice. At first the notice merely said he had lost confidence in the inspector general. Senators from both political parties agreed that was too vague. So Mr. Eisen provided a second more detailed explanation. The second explanation said the inspector general had been "confused and disoriented" at a board meeting on May 20, 2009. It essentially implied that he might be senile.

So my staff met with Mr. Eisen to try to learn more. So here I give you another reason for my hold on Mr. Eisen. During that interview with the congressional staff on June 17, 2009, Mr. Eisen refused to answer at least 12 very direct questions. I wrote to the White House Counsel's office immediately after the interview. I listed the 12 questions he refused to answer and asked for written answers.

I never got a satisfactory reply. So I had to gather the facts independently. So Mr. Eisen did provide some information during this interview that very day in 2009. The problem is, the information turned out to be not true. Eisen tried to assure the staff that the firing was not politically motivated. He claimed the agency's bipartisan board of directors unanimously supported the removal of Inspector General Walpin before the President decided to remove him. He also claimed the White House conducted "an extensive review" in response to concerns raised by the board about Walpin's fitness for that office. He said this review was prompted by that incident at the May 20, 2009, board meeting where it appeared that the inspector general was disoriented.

When congressional investigators interviewed eyewitnesses, however,

their accounts differed slightly. At a minimum, all agreed the inspector general lost his train of thought during the presentation. Others described it as being a more serious episode.

The chairman of the board of directors suggested telling the White House about what happened. No one on the board objected. So he went and met with Mr. Eisen in the White House Counsel's office.

Now, think about that, would you, please. If you think the inspector general might be suffering from some mental incapacity or illness, why would you run straight to the White House Counsel's office? It seems to me you would talk to his family or the people who worked with him every day about your concerns. That would be the only way to find out if there had been similar incidents or if it was only a one-time occurrence.

Instead, the chairman of the board asked Mr. Eisen at the White House Counsel's office to look into it. According to Mr. Eisen, he conducted "an extensive review" which then formed the basis for the President's decision to remove Walpin from office. However, our investigation finds no evidence that Mr. Eisen's review consisted of anything more than simply asking the CNCS management to describe their complaints about Mr. Walpin. Unlike the congressional review, Mr. Eisen did not interview each of the board members present at the May 20 meeting. He also did not interview the other Office of Inspector General employee who was present with Mr. Walpin during that board meeting where they said he was disoriented. Instead, Eisen merely collected from the agency details about various routine disagreements with the inspector general.

Now, get this. None of the evidence the agency provided to the White House related to Mr. Walpin's mental capacity to serve, even though that was the question that supposedly prompted the review in the first place. Mr. Eisen accepted the agency's version of those disagreements without even giving the inspector general a chance to respond.

Obviously, any agency is going to have some clashes with an inspector general, at least if that office operates as a truly independent and aggressive watchdog. Mr. Eisen did not provide Mr. Walpin or anyone else in the Office of Inspector General an opportunity to reply or give their side of the story. Mr. Eisen took action based upon incomplete information provided only by agency officials who had adversarial relationships with that inspector general.

He told Congress the May 20 incident was the reason for removing the inspector general. But Mr. Eisen failed to give Inspector General Walpin or anyone close to him a chance to tell his side of the story. To put it as simply as possible: That is just not fair.

On June 17, 2009, I wrote to White House counsel Gregory Craig listing 12 specific direct questions that Eisen refused to answer that day. Question No. 4 was this: Which witnesses were interviewed in the course of Mr. Eisen's review?

This question followed a more general question about what Mr. Eisen did in the course of his review. His answer to that prior more general question included the claim that he conducted witness interviews of the board members. However, he refused to specify which witnesses or how many witnesses he interviewed. Then he resorted to talking points rather than answering specific questions.

He replied along these lines: No. 1, we did an extensive review; No. 2, I am not going to get into the details; and, No. 3, all of the board members agreed, including the Republican board members.

Mr. Eisen clearly led the staff to believe that the President's decision was based in part on the unanimous agreement of the board that the inspector general should go. That was false. The account of Eisen's interview is based on memories of both House and Senate staff present at that time. Also present was a career law enforcement agent from the executive branch on temporary detail to my oversight and investigations staff whose recollections confirm this account as well.

In short, Mr. Eisen's lack of candor and cooperation cannot be mistaken for a misunderstanding or a miscommunication. There was no miscommunication. Attempts to remove an IG must be evaluated with strict scrutiny. When administration officials are asked to provide information to Congress, I expect to rely on those officials to provide the unvarnished truth. Evidence that a witness may have misled Congress is extremely serious.

Just last month, Mr. Eisen finally admitted his earlier statements were not true. He sent me a letter, and I ask unanimous consent to have it printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

NOVEMBER 20, 2011.

DEAR SENATOR GRASSLEY: Thanks very much for meeting with me. I know how busy you are and I very much appreciate you and your staff taking the time to talk about my service as Ambassador to the Czech Republic. I also appreciate the opportunity to discuss your concerns about my interactions with staff relating to the removal of Gerald Walpin as the Inspector General of the Corporation for National Community Service (CNCS).

With respect to the Walpin matter, you have asked me to clarify certain steps that were taken by the Administration prior to my June 10, 2009 phone call with Mr. Walpin about the President's decision to remove him from office. On May 20, 2009, the Chair of the CNCS Board, Alan Solomont, notified the White House that the Board had serious concerns about Mr. Walpin's performance. I personally spoke with Mr. Solomont and obtained his independent recollection of the

events of the May 20 Board meeting. To be clear, at that time, CNCS Board Members did not express to the White House, verbally or otherwise, unanimous support for the removal of Mr. Walpin. I believe that, on or about June 8 or 9, 2009, White House personnel also communicated with a Republican Board member, Vice-Chair Goldsmith. I do not recall any other conversations with Board members prior to the removal.

Thanks again for seeing me and for allowing me to convey my apology in connection with my June 17, 2009 meeting with Congressional staff. It is now my understanding that I answered a few of the questions inaccurately, although at the time I thought they were accurate. Of course, it was not my intent to mislead staff in any way, but to the extent that I was unclear in my responses, or that my declining to answer questions created confusion, I regret it and I sincerely apologize. I have tremendous respect for the role that you and your staff have played in supporting the Inspector General community. I look forward to working with you in the future on items of mutual interest.

Sincerely yours,

NORMAN L. EISEN.

Mr. GRASSLEY. He sent me a letter on November 20 admitting his answers were "inaccurate." He also acknowledged in a meeting with me that the key factual findings in the staff report were correct. He said he did not intentionally provide false information, and he has apologized.

I am sure he sincerely regrets the way he handled the questions, especially since it has led to the difficulty in his confirmation process and probably, if we had had that letter as we asked for late last year, he would have been confirmed at that particular time.

Now after my meeting with him this year, I accepted his apology about the false or "inaccurate" statements. I agreed to proceed to the nomination with a 60-vote margin required for confirmation. The majority leader did not agree with that, so he decided to invoke cloture instead.

I will oppose cloture because I am still opposed to the nomination. My opposition was always based on more than one or two false statements. Lack of candor is broader than whether a particular statement is technically true. It includes his failure to be forthcoming and responsive to those questions that were asked on June 17, 2009. His evasiveness caused House and Senate staff to spend much more time and resources uncovering the truth.

If he had just answered a few simple factual questions, that would not have been necessary. For example, in relation to the 1-hour ultimatum, he refused to answer specific questions about his June 10, 2009, conversation with Mr. Walpin. He would only say that he disagreed with certain aspects of Mr. Walpin's account without specifying which aspects.

Word games and evasiveness of that sort are incompatible with being a candid and forthcoming witness and ought to be incompatible with a person representing the United States as an am-

bassador. My reasons for opposing his nomination also include all of the other circumstances surrounding the way Mr. Eisen handled Mr. Walpin's removal.

Mr. Eisen's attempt to force the inspector general to resign with a 1-hour ultimatum would have amounted to a constructive removal. It would have evaded the congressional notice requirement if he had been successful. However, Inspector General Walpin refused to resign and even filed lawsuits to try to keep his position. He did not win his lawsuit because ultimately the White House did comply with the technical requirements of the 30-day notice provision.

After the controversy erupted, the inspector general was placed on administrative leave until 30 days after the second more detailed notice to Congress.

That is why Walpin lost his lawsuit, but that does not change the nature and the fact that Norm Eisen attempted to evade the statute.

He tried to force a quiet resignation and thus remove the inspector general from office without the 30-day notice to Congress the law requires.

Because Inspector General Walpin did not yield to the pressure, no court had a chance to rule on whether that would be appropriate.

I am also opposed to this nomination because of the way the White House decided to avoid these issues last year with a recess appointment. Senate confirmation, under the advice and consent clause, is one of the strongest checks on executive branch power.

Recess appointments are meant to fill vacancies that arise during a long recess, not to bypass the confirmation process. This vacancy arose on January 20, 2009. Yet the President waited 18 months before making an appointment.

There had already been a lot of controversy over Mr. Eisen's actions at the time of his appointment. The White House should have known there would be issues with his confirmation. Rather than listening to my concerns, the White House decided to bypass Congress. President Obama rewarded Mr. Eisen by using a recess appointment to install him as Acting U.S. Ambassador to the Czech Republic.

Mr. Eisen had several opportunities to address my concerns last year. He was scheduled to meet with my staff on December 16, 2010, at 11:30 a.m., and at approximately 11:15 a.m., the White House postponed the meeting until 2:15 p.m. At approximately 2 p.m., the meeting was canceled by the White House Office of Legislative Affairs without further explanation.

By calling off a face-to-face meeting in favor of a recess appointment, the White House sent the message that the President is not interested in hearing the concerns of Republican Members of Congress.

Once he had his recess appointment, Mr. Eisen did not seek to meet with me or my staff again until that appointment was about to expire at the end of this year. Only then did he apologize and admit that the statements in his staff interview were not accurate. Remember, our President, at the time of his inauguration, made a commitment to be the most transparent of any administration in our history.

In summary, Mr. Eisen took action on behalf of the President that ran afoul of the Inspector General Reform Act. Mr. Eisen only listened to the agency's complaints about the inspector general rather than conducting a fair, thorough, and responsible investigation, and then he misled congressional investigators about his review and about the true basis of the President's decision to fire the inspector general. He admitted in this letter to me that he provided inaccurate information but claimed it was unintentional.

This is the second time in the last 2 months an official from the Obama administration has done that. The Deputy Attorney General just withdrew a letter sent to me on Operation Fast and Furious earlier this year because of its "inaccuracies."

I am afraid there is a pattern developing with this administration about not leveling with Congress in its constitutional responsibility of oversight. When we ask for information from the executive branch, we expect honest, forthcoming, and truthful answers. We can disagree on policy; we are all entitled to our opinion, but we are not entitled to our own facts. Getting the facts straight should not be akin to pulling teeth. We need to send a signal that congressional oversight matters and there are consequences in misleading Congress.

It should come as no surprise to anybody that doing our constitutional job of oversight is very important to this Senate. I know Ambassador Eisen recognizes that. I got that very clearly from him in our last meeting in October.

I don't like interference by people in either a Republican or Democratic administration who don't cooperate with my investigations, and I will bet every Senator will say that. Therefore, for the reasons I just gave, I ask my colleagues to oppose cloture and oppose this nomination.

I yield the floor and reserve the remainder of the time on this side.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized.

Mr. KERRY. Mr. President, momentarily, I am going to yield time to the Senator from New Jersey.

Before I do that, I wish to say very quickly—and I am not going to make all my comments right now—to my colleague from Iowa, first of all, I have great respect for his diligent approach

to these issues. He has been tremendously receptive to a continuing dialog. I express my gratitude to him for that. When asked, he met with Ambassador Eisen, and he certainly listened to the facts as they were presented by others who have a different point of view.

Obviously, every Senator here always does draw their own conclusions. First, I thank Senator GRASSLEY for his willingness to agree to have these votes that we will have today and to move forward with some resolution with respect to this nomination.

I understand he has chosen to oppose the nominee. I simply say to him, and I think to others, sometimes in these processes, sometimes in the questions for the record, as we call them, where people submit written questions, and even in the interviews, there are miscommunications, misinterpretations, and misstatements that are not intentional and not meant to somehow mislead or deceive somebody.

I simply say to the Senator that I know he has met with Ambassador Eisen and we have now heard why he intends to vote no. I am convinced several different individuals and entities have thoroughly investigated and examined the removal of Inspector General Walpin, and they have found there was no wrongdoing. The Foreign Relations Committee looked into it in conjunction with the consideration of this nomination, and the Homeland Security Committee examined this issue. It was, in fact, litigated in Federal district court and before the D.C. Circuit Court. None of these entities—not one—found that either the President somehow acted wrongly or illegally or inappropriately in connection with the removal of Mr. Walpin from the office.

To the contrary, the U.S. district court specifically rejected Mr. Walpin's claims that he was improperly removed from this position, and they dismissed his lawsuit.

Our friends, Senator LIEBERMAN and Senator COLLINS, both of whom enjoy strong reputations for integrity within the Senate, stated their belief, as ranking and chair of the Homeland Security Committee, that the President met the letter and spirit of the Inspector General Reform Act.

I do believe there was some miscommunication. I have talked to the Senator from Iowa about it. I think it was unfortunate, and I wish it had been cleared up earlier. I believe it was genuinely a miscommunication, not an intentional act, and I appreciate the fact that Mr. Eisen has apologized to Senator GRASSLEY for his sense of that miscommunication—the difference between review and removal and a sense of what may have happened in the course of that.

I also appreciate Senator GRASSLEY's willingness to look beyond that and to enforce his principles, as he is privi-

leged to do as an individual Senator, but also to allow the Senate to try to do its work today.

I will say a few words about Mr. Eisen and the job he is doing. He is doing an outstanding job in Prague on our behalf.

First, the Senator from New Jersey is here to speak about a different nominee. I will yield up to 10 minutes to the Senator from New Jersey.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. MENENDEZ. Mr. President, I thank the chairman for yielding. I have come to the floor to address the nomination of an extraordinary woman—a qualified, talented Latina—to be the U.S. Ambassador to El Salvador.

Unfortunately, some of my Republican colleagues have made Ambassador Mari Carmen Aponte a target of inside-the-beltway politics, where the political points gained from bringing down an administration's nominee supersedes the value gained from having a superior ambassador, promoting and guarding American interests at a critical time.

Born in Puerto Rico, Ambassador Aponte became the executive director of the Puerto Rico Federal Affairs Administration in 2001. She has served as a director at the National Council of LaRaza and the Puerto Rican Legal Defense and Education Fund. She has presided over the Hispanic Bar Association of the District of Columbia and the Hispanic National Bar Association. She has excelled in her field, and she has won the respect of her colleagues and the diplomatic community.

Let's look at the record. Nearly 2 years ago, I chaired the nomination hearing for Ambassador Aponte to serve as President Obama's Ambassador in San Salvador. At that time, one of my Republican colleagues objected to her nomination because he was not given access to her FBI file to review information about a personal relationship Ambassador Aponte had with a Cuban national some 20 years ago.

Pursuant to precedent, one Democrat and one Republican reviewed that file. I was the Democrat. There was nothing in the file to substantiate the concerns raised by my colleagues.

On this issue, I take a backseat to no one when it comes to promoting democracy in Cuba and opposing the Castro regime or anybody who sympathizes with such a despotic regime. I certainly would never, for a moment, let down my guard when it comes to that regime.

I can assure every colleague on both sides of the aisle that if I had any concern that Ambassador Aponte would let her guard down or had any questionable relationship with a Cuban national or if there was any relationship of the Castro regime in her background, I would not be supporting her today.

This is a respected American diplomat who has been on the job and has served this Nation with distinction. In the 15 months since Ambassador Aponte was sworn in as U.S. Ambassador to El Salvador during a recess appointment, she has impressed the diplomatic establishment with her professionalism and won the respect of parties both right and left in El Salvador. She has won the respect of civilian and military forces. She has won the respect of the public and private sector. She has won everyone's support and fostered a strong U.S.-Salvadoran bilateral relationship that culminated with President Obama announcing El Salvador as only one of four countries in the world, and the only country in Latin America, chosen to participate in the Partnership for Growth Initiative.

Most important, Ambassador Aponte has been an advocate for American national security and democratic values. As a result of her advocacy, El Salvador is again a key ally in Central America, and its troops are the only ones from a Latin American country fighting alongside American troops in both Iraq and Afghanistan.

Ambassador Aponte has consistently fought efforts by Cuba and Venezuela to gain influence in Central America. As a result of her negotiating skills, the United States and El Salvador will open a new joint electronic monitoring center—jointly funded, by the way—that will be an invaluable tool in fighting transnational crime.

This is a record of success. It is a record of honor. It is a record of diplomatic and political distinction. It is the record of a dedicated, qualified, experienced, and engaged American diplomat—a 15-month record that brought our nations together and pursued our interests. What more could we ask? What more should we ask?

Having said that, because of my strong belief that Ambassador Aponte is fully and uniquely qualified for this post, during the last several months, I worked with the distinguished chairman, Senator KERRY, to find a way—despite committee precedent—to allow an additional Republican on the Foreign Relations Committee to review the Ambassador's FBI file. As a result, not one but two Republicans—my colleague and friend from Florida, Mr. RUBIO, and the Senator from South Carolina, Mr. DEMINT—were able to review her file. Since the concern had been not having access to the file, we presumed that once they were reviewed, they would lift their objections and allow a vote on her nomination. Why? Because there is nothing in that file that would indicate otherwise. But we were wrong. It wasn't about the file. That appeared to just be a delay tactic. The opposition to Ms. Aponte's nomination turned out to be about one thing and one thing only; that is, politics. Our good-faith effort to provide

full access to information and address concerns about Ms. Aponte was summarily dismissed.

At her nomination hearing in November, Republican members of the committee raised a new concern—an editorial penned by Ambassador Aponte on tolerance and nonviolence during Gay Pride Month in June. Republicans decried it as disregarding Salvadoran culture and questioned her motives for writing the editorial, despite the fact that this editorial was the result of a cable edict to all embassies from the State Department urging missions to write editorials during these events.

The true irony of this trumped-up allegation is that the editorial, which Republicans assert “stirred controversy and was rebuked throughout Latin America,” mirrored a May 2010 decree by Salvadoran President Funes prohibiting discrimination by the Government of El Salvador based on sexual orientation.

So let’s be honest, there is no question about Ambassador Aponte’s qualifications or performance on the job or about whether an editorial on tolerance is grounds for sacking an ambassador. This is just another Republican dog and pony show to undermine the President’s policy objectives and attack a qualified Democratic nominee to an essential post.

When the facts, when the files—when there was nothing that corroborated the vicious allegations about Ms. Aponte’s past, those on the other side argued that her editorial on the elimination of prejudice was the basis for their opposition. When they learned that the Government of El Salvador itself supports this view, Republicans again changed their tune. Four weeks after her November 29 nomination hearing on the eve of the Foreign Relations Committee business meeting, these Members decided they wanted to attack from a different angle. They called for a new classified hearing to vet her nomination, to permit questions to FBI and diplomatic security investigators about whether they had been subjected to political interference for determining that Ambassador Aponte was eligible for a security clearance.

I find it pretty appalling that Members of the Chamber would essentially suggest without evidence that professional FBI and diplomatic security members would bend to political pressure or that any administration would apply such pressure, risking U.S. national security, on behalf of any person. Those Members knew that the content and timing of their request would make it impossible to fulfill. To his credit, the chairman of the committee, Senator KERRY, over the last several weeks has nonetheless sought to resolve the situation. In fact, there has been an offer made to Senator DEMINT to go over the whole essence of

the background of the diplomatic security clearance.

The shifting basis of the opposition to Ambassador Aponte reveals, to me at least, that the motive for this operation is pure partisan politics, driven by pure partisan interest, fueled by a pure partisan desire to derail an administration nominee for the sake of derailment alone, without any regard for the consequences for American foreign policy or for the Nation.

I have seen this Ambassador. She has succeeded beyond anybody’s wildest expectations in a country that has dramatically turned the course of events in a way we want to see it. I urge my colleagues to support Ambassador Aponte’s nomination. I urge them to put partisan politics aside, recognize the benefits to America’s security and foreign policy interests that her tenure has delivered, and allow Ambassador Aponte to continue serving our Nation.

With that, I yield the floor, and I yield back to the chairman any time I may not have consumed.

**THE PRESIDING OFFICER.** The Senator from South Carolina.

**MR. DEMINT.** Mr. President, I rise today to express my opposition to the nomination of Mari Carmen Aponte to be Ambassador to El Salvador. Her confirmation has been unanimously opposed twice by all Republicans on the Senate Foreign Relations Committee, and for good reason.

Before I discuss Ms. Aponte, I would like to clarify some facts about the nomination process. Several Democrats have voiced complaints recently about Senate Republicans’ supposed obstruction when it comes to President Obama’s nominees, but most of his nominees have not even been contested. In fact, since Obama became President, the Senate has confirmed 1,198 of his nominees. Only a small fraction of these nominees have been so controversial that they have been blocked by the Senate.

As a Member of the Senate, I take the Senate’s constitutional duty to provide advice and consent to the President regarding his nominees seriously. While the overwhelming majority of nominees are easily confirmed, some do rise to such a level that further debate and scrutiny are required by the Senate. Ms. Aponte is one of these nominees.

This is not the first time the Senate has considered confirming Ms. Aponte for an ambassadorship. She was first nominated by former President Clinton in 1998 to be the Ambassador to the Dominican Republic. At the time, Senator Jesse Helms, who was chairman of the Foreign Relations Committee, learned of possible background issues and concerns by investigators relating to Ms. Aponte’s ties to Cuban intelligence. Primarily, the question centered around the 12-year romantic relationship she had with a man who was tar-

geted as part of an FBI counterintelligence investigation and allegedly worked for Cuba’s spy agency. A high-ranking Cuban defector claimed that Cuban intelligence tried to recruit Ms. Aponte to be a spy for the Cuban Government. Rather than discuss her past relationship, Ms. Aponte withdrew her nomination, and it was filled by someone else.

Eventually, Ms. Aponte was given a top security clearance by the State Department despite what some have described as serious objections from career officials.

When President Obama nominated Ms. Aponte in March of 2010 to be Ambassador to El Salvador, Republicans asked for more information to address the allegations that had previously surfaced—namely, information about the scope of the 1998 investigation, including an update to that file; second, information about the Cuban defector who was handled by the CIA who publicly alleged that Cuban intelligence had attempted to recruit Ms. Aponte through her longtime live-in boyfriend; and third, information about the FBI’s counterintelligence investigation that led to Ms. Aponte’s refusal to take a lie detector test in 1994, as requested by the FBI. Serious questions, honest questions.

Instead of allowing Senators to access that information and alleviate our concerns, President Obama went around the Senate and granted Ms. Aponte a recess appointment in August of 2010. For nearly a year and a half, Republicans have been continually denied access to Ms. Aponte’s full FBI record and other information, as the Obama administration has rebuffed our requests related to Ms. Aponte’s past.

Shortly after Ms. Aponte was first nominated by President Obama, I, along with four other members of the Senate Foreign Relations Committee, wrote a letter to Secretary of State Hillary Clinton asking for her assistance in obtaining this information. That same month, all eight Republican members of the committee wrote to Senate Foreign Relations Committee chairman JOHN KERRY stating that committee members had not received requested information needed to fully vet the nominee.

Let me remind everyone that we never received that information. Ms. Aponte was recess-appointed by the Obama administration later that summer. We have continued our efforts to work with the administration to get access to this information. Chairman KERRY was able to convince the White House to allow me to see a summary of the diplomatic security background investigation; however, that summary did not address the fundamental questions that have arisen, and that summary left me with more questions than answers.

Committee Republicans wrote another letter to Chairman KERRY about

our concerns last month. In the letter, we said:

We recognize the need to balance highly sensitive materials during the confirmation process. However, we believe that in this particular case, the scope of the background review was not appropriately complete.

We went on to say:

The background summary that was provided was based on an updated investigation, but it did not encompass numerous allegations that the initial background investigation in 1998 was tainted by political interference. News reports and other sources alleged that Ms. Aponte received security clearance despite objections from career officials due to outside pressure. However, these allegations and the circumstances surrounding them were not part of the current background investigation. Without additional information, Senators have no way of determining the validity of media stories and rumors that have been circulating about this nominee's past.

We also asked for a closed hearing due to these lingering issues. We wrote:

We believe that the circumstances warrant additional committee review in the form of a closed hearing. A closed hearing would allow Senators to review and discuss the classified and sensitive data relevant to the nomination and discuss the unresolved issues with investigators and relevant intelligence community officials. As the issue involved both a high-ranking Cuban defector and FBI counterintelligence investigations, a closed hearing would be the most beneficial format available to the committee to rectify the deficiency of information provided.

Senator KERRY declined to hold a closed briefing and wrote a letter back stating:

In my view the process we have followed with regard to Ms. Aponte's nomination has afforded committee members ample time and opportunity to consider her nomination and secure answers to any relevant questions.

He also said:

We should all be in a position now to debate Ms. Aponte's nomination on its merits.

Senator KERRY then offered to work with my office further to get answers from the administration. I believe he did work in good faith with our office, but in the end the White House once again denied our requests for information.

While I would agree with Senator KERRY that there has been ample time spent on Ms. Aponte's nomination, we still lack critical information. The Senate cannot in good faith confirm a nominee who has repeatedly refused to answer simple necessary questions related to her past.

In addition to questions about her past, Ms. Aponte's current judgment is also in question. In her recess-appointed capacity as Ambassador to El Salvador, Ms. Aponte has inflamed tensions in the very country where she should be improving diplomatic relations. Her decision to publish an opinion piece hostile to the culture of El Salvadorans presents even more doubts about her fitness for the job. This op-ed upset a large number of community

and pro-life groups in El Salvador who were insulted by Ms. Aponte's rhetoric.

A coalition of more than three dozen groups has since written the Senate asking its Members to oppose Ms. Aponte's confirmation. I quote from their letter, in which they wrote:

We respectfully request that Ms. Aponte be removed from post as soon as possible so that El Salvador may enjoy the benefits of having a person as a government representative of your noble country.

Meanwhile, Republicans on the Senate Foreign Relations Committee are still trying to get access to information about Ms. Aponte's past. Two days ago, the White House again denied Senators the right to be briefed or review information relevant to this nomination.

Senators should not be forced to vote on a nominee without a complete understanding of her background. I urge you to join us in voting against cloture.

Mr. President, I reserve the remainder of the Republican time. How much time remains?

The PRESIDING OFFICER. Ten seconds.

Mr. DEMINT. That is pretty good timing.

I thank the Chair, and I yield back.

Mr. KERRY. Mr. President, I yield 4 minutes to the Senator from Connecticut.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. LIEBERMAN. I thank my friend from Massachusetts, and I rise, Mr. President, to speak in support of the nomination of Norm Eisen to be Ambassador to the Czech Republic.

I know Norm in a very personal capacity, so I feel very strongly about this nomination. Since I was fortunate to be elected to the Senate and came to Washington in the late 1980s, I joined a synagogue in Georgetown, and Norm Eisen and his wife and children are members of that synagogue, so I have gotten to know them in a totally non-political, nondiplomatic way. Based on that, I start with a real appreciation of this fine, honorable, public-spirited man.

He happened to have gone to law school with President Obama. I think as a result of that the President knew him and asked him to be the ethics counsel in the White House in the first years of the administration. I think anybody you talk to, or most anybody you talk to, about his performance in that job would say he did an excellent job. He was demanding ethically and intellectually. His honor and his quest to have the government and those who serve in government act in an honorable way is very high.

When there was a vacancy in the position of Ambassador to the Czech Republic, President Obama asked Norm Eisen if he would serve. And the President did something that really had a

lot of meaning to it. Apart from Norman's quite considerable resume as a private attorney, being successful and highly regarded and very effective, Norm Eisen is the child of survivors of the Holocaust. His mother was actually born in the Czech Republic. So what a remarkable moment for President Obama to ask him to return to the country from which his family was essentially chased—and some worse—in the position as Ambassador of the greatest country in the world, the superpower of the United States of America.

We now have a record of his performance in that position. There was a problem with the nomination before, raised by Senator GRASSLEY at that time, and so he was a recess appointment. But now he has been there, and he has done an extraordinary job. I know from conversations with people in Prague that he is very highly regarded by the leadership of the Czech Republic. An extraordinary, bipartisan group of foreign policy experts has also endorsed his confirmation.

It would actually be extremely disruptive if we did not confirm Norm Eisen in terms of our relations—diplomatic, economic, security relations—with the Czech Republic, which are so important.

So I think if you were considering this nomination and put the various arguments on the scales of justice, on one side you have a record of public service, of honor, of great family values, of intellectual excellence, of belief in public service, of a great record now in the time he has been in Prague as our Ambassador. On the other side, you have a question about how Norman, while he was in the White House as ethics counsel, handled the case of this one individual inspector general at the Corporation for National and Community Service.

I have been over this in great detail. In our Governmental Affairs part of the Homeland Securities Committee, we oversee the IGs. Senator COLLINS and I have gone over this. And with respect to Senator GRASSLEY, who has been very thorough and fair about this and is probably the leading protector and defender of the IGs in the Senate, in the matter that bothers him, there was a misunderstanding. There was not, in my opinion, after looking at this very thoroughly, an intentional act of deceit. There was a misunderstanding, and Ambassador Eisen has now apologized for that misunderstanding of stating unintentionally an inaccuracy.

So on one side of the scales of justice, you have all these extraordinary positives and on the other a question raised about this one case he handled, which Senator GRASSLEY and others working for him say was deceitful. Ambassador Eisen says it was a misunderstanding, for which he apologizes.

To me, it is not only in the interest of the United States but also in the interest of fairness and justice—with which we like to believe we conduct our proceedings here—that the Senate today cross party lines and confirm the nomination of Norm Eisen to be Ambassador to the Czech Republic.

Mr. CASEY. Mr. President, I stand in support of Norman L. Eisen's appointment to be Ambassador to the Czech Republic. It is with great confidence in Ambassador Eisen's skill, qualifications, and record that I support this appointment. Ambassador Eisen will greatly advance U.S.-Czech relations and directly benefit American diplomatic and business interests, possibly helping to create 9,000 jobs in the Commonwealth of Pennsylvania and elsewhere in America.

Ambassador Eisen was first nominated to be Ambassador to the Czech Republic on June 29, 2010. He was given a recess appointment on December 29, 2010 and has served with distinction as Ambassador in Prague since that time.

Ambassador Eisen is highly qualified and suited for this post. He speaks Czech, knows and respects Czech culture, and understands the country's history in a deeply personal way. His mother was born in the former Czechoslovakia and survived Auschwitz. The State Department notes that the Ambassador resides in the former Nazi General Staff Headquarters, where he and his family now celebrate the Sabbath in the same room where Nazis dined 70 years ago "a powerful Czech-American message about the triumph of good."

Accompanying his strong multicultural qualifications is Ambassador Eisen's quintessentially American personal history. He was the first in his family to graduate from high school, college, and law school—all with honors. He had a long and successful practice as a private attorney at a major D.C. law firm; founded a government watchdog group, and served in the White House for two years—2009–10—as Special Assistant and Special Counsel to the President. This history prepared Norm Eisen to be a successful ambassador representing American interests, culture, and values abroad.

Ambassador Eisen's track record as Ambassador to the Czech Republic speaks for itself. Since assuming his post, Ambassador Eisen has ensured the U.S. can look to the Czech Republic as a partner troop-contributing nation in Afghanistan, opponent of human rights violations by Iran, and an ally in the European Union and at the United Nations on important issues such as Israel.

Due to Ambassador Eisen's efforts, the defense relationship between the U.S. and the Czech Republic is at an historic high point. He has been an eloquent advocate in urging Prague to retain the 600 soldiers it has sent to Af-

ghanistan, making it one of our most supportive NATO allies. The National Review notes that during Ambassador Eisen's tenure, "defense ties with the Czech Republic have broadened and deepened."

Energy and technology developments have also strengthened the relationship between our two nations during Ambassador Eisen's tenure. He assisted the Czech government to develop a Center for Civilian Nuclear Safety in Prague that would build on efforts to ensure the safety of radiological materials. Of special importance to Pennsylvanians, Ambassador Eisen has worked in support of Westinghouse's efforts to provide civilian nuclear reactors in the Czech Republic. Westinghouse employs over 6,000 Western Pennsylvanians and over 9,000 Americans in other areas of the country.

A successful Westinghouse bid in the Czech Republic would create an estimated 9,000 direct and indirect high-paying U.S. jobs over the next 5 years. These jobs will be not only in western Pennsylvania, but also in States employing hundreds of high-tech nuclear energy industry workers, such as Connecticut, Minnesota, New Hampshire, South Carolina, and Utah.

The American Chamber of Commerce has noted that Ambassador Eisen's "presence in the country has been and will be essential to our common efforts to advance the interests of U.S. business" and has "invigorated our community and . . . expanded their export possibilities, which should add much needed jobs in the U.S. manufacturing sector."

In addition to defense, energy, and business developments, Ambassador Eisen has championed causes important to both Americans and Czechs. Having founded a watchdog group and worked on ethics and government reform in the White House, Ambassador Eisen is strongly qualified to help the Czech Republic address corruption. He helped launch the first ever "World Forum on Governance" in Prague, at which 100 Czech, U.S., and international anti-corruption champions met to develop innovative new solutions. The head of Transparency International in the Czech Republic has said that "Ambassador Eisen's efforts have contributed to progress in fighting corruption and his continued presence in Prague is vital to help maintain that trend."

Ambassador Eisen has earned the respect and trust of Czech leaders and senior officials. In the words of Defense Minister Alexandr Vondra, who formerly served as the Czech Ambassador to the U.S.: "Norm Eisen is one of the most energetic, optimistic ambassadors I have ever seen. The bilateral U.S.-Czech relationship needs him."

It is clear that Norm Eisen has excelled at the duties entrusted to him as the U.S. Ambassador to the Czech Re-

public, and I fully support his appointment.

I thank the Chair.

Mr. KERRY. I thank the Senator. I yield 2 minutes to the Senator from New Hampshire.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mrs. SHAHEEN. I rise also to speak in support of the confirmation of Norm Eisen to be U.S. Ambassador to the Czech Republic.

In the year since his recess appointment to this position by President Obama, Ambassador Eisen has proven to be a strong advocate for the United States. He has brought a renewed focus to our defense relations with the Czech Republic, resulting in an expansion of our bilateral and NATO military cooperation, and the Czech Republic has increased its troop contribution in Afghanistan and strongly supported international efforts on Iran and the U.S. policy on Israel with the EU and the United Nations during his tenure.

As Chair of the Senate Foreign Relations Subcommittee on European Affairs, I had the privilege of chairing both of Ambassador Eisen's nomination hearings. Throughout the nomination process, he has demonstrated a strong understanding of the complexities of our relationship with the Czech Republic, a drive to fully represent American interests and values, and a special humility in having the opportunity to represent the United States.

I would hope that all of our colleagues in the Senate this evening will join us in supporting Norm Eisen to be the Ambassador to the Czech Republic.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KERRY. Mr. President, I thank the Senator from New Hampshire very much. I know she cut her time a little bit because we are getting toward the end of these comments with respect to the nominees and to the vote.

Likewise, I haven't said anything about either nominee, and I want to say a couple words about each, if I can, and I want to specifically answer a couple points made by the Senator from South Carolina with respect to Mari Aponte.

First, with respect to Norm Eisen. He has been an extraordinarily effective Ambassador for the United States in terms of our relationship with the Czech Republic and he has, by everybody's measure, deepened that partnership on key national security interests, and he has been a key supporter of American economic interests.

He has aggressively backed the Westinghouse Company's pursuit of a \$27 billion contract to construct civilian nuclear reactors in the Czech Republic, and that would mean thousands of jobs here in the United States. The Chamber of Commerce has called him one of the most effective ambassadors to hold this post. He has assisted the Czech



Government with its plans to develop a center for nuclear safety in Prague, and he has been an eloquent advocate of urging Prague to retain the 600 soldiers they have sent from the Czech Republic to Afghanistan, making it one of our most supportive NATO allies. He has supported the Czech Government's efforts to pool defense resources with neighbors, and he has supported and enhanced the Czech efforts to establish a NATO Center of Excellence for helicopters.

Finally, he has enthusiastically supported the Czech leadership's efforts to promote the stabilization and democratization of six states between the EU and Russia—Ukraine, Georgia, Belarus, Armenia, Moldova, and Azerbaijan.

I think that in every respect Ambassador Eisen has earned the respect of the Senate. He understands the culture of the Czech Republic. He speaks the language, which is a critical asset for our ambassadors in any country in any part of world. And as was mentioned by the Senator from Connecticut, he is the son of a Holocaust survivor from the former Czechoslovakia and, believe me, he understands the history of that part of the world and that country in a very personal way.

I might also comment that the country's leaders trust him. National Review this week said that his efforts have been publicly recognized by innumerable Czech officials, including the leading transatlanticists: Prime Minister Petr Necas, Foreign Minister Karel Schwarzenberg, and Defense Minister Sasha Vondra.

I hope our colleagues today will recognize that he is exactly the right person we need in Prague at this time.

Now let me speak, if I may, to Ambassador Aponte.

I would hate to see the Senate take this good person and make her a part of the political back and forth that has consumed this city and to deny her the right to the full appointment as ambassador, given the outstanding job she has done in that capacity.

Let's talk about the accomplishments, rather than talk about something from 1990 that, frankly, has been vetted several times not just by the committees in her appointments but by the professionals in the national security establishment of the United States who have three times—not once but three times—given her national security clearances at the highest level.

It seems to me we should recognize that she has done a spectacular job of negotiating an agreement with the Salvadoran Government to open a new jointly funded electronic monitoring center to fight transnational crime. She has helped secure the deployment of Salvadoran troops to Afghanistan—the only country in South America and Latin America to be doing so, and I think that is no small accomplishment. It is clear she has gained the respect of the Salvadoran Government.

The Foreign Relations Committee has received many letters in support of her nomination, including one signed by eight former foreign ministers and 18 members of the Salvadoran Congress.

We heard the Senator from South Carolina a few moments ago say that he wanted somehow to get additional information. I think the Senator from South Carolina knows I have bent over backward to try to help provide that information.

The first time she was nominated, two members of our committee were permitted to look at the FBI report, and we designated Senator MENENDEZ and Senator BARRASSO. They looked at it, and there was nothing in it that struck either of them as restraining people from being able to vote for her.

Then she was a recess appointment, because Senator DEMINT at that time objected to the nomination. And subsequently, with this nomination now, we were again appointing two people to see the FBI record. On this occasion we bent the rules, and both Senator RUBIO and Senator DEMINT were allowed to look at the FBI record.

Subsequent to that we went through a process of trying to schedule the nomination. Senator LUGAR and I had agreed we would try to do so. So Senator DEMINT reviewed the background file on November 3; Senator RUBIO reviewed it on November 7. Her nomination hearing was held on November 8, and her nomination was put on the agenda for the November 15 committee business meeting. The day of that business meeting—not before it—the day of the meeting, I received a request that her nomination be held over until the next business meeting. I honored that request and, indeed, we held it over. That same day I sent a letter to the members of the Foreign Relations Committee saying that the next business meeting would be rescheduled for 2 weeks later, which was the Tuesday after Thanksgiving, November 29.

Then late in the Thanksgiving recess, I received a letter asking that it be deferred indefinitely. The stated reason was to permit the committee to hold a closed-door hearing in which we could examine whether the FBI properly conducted its investigation relating to Ms. Aponte—not for her nomination now, not for her nomination a few months ago or last year, but looking into what the FBI did or didn't do in the 1990s.

I understand that everybody is busy. We all have a lot to do around here. But to wait until the 11th hour to ask for a hearing of that sort is, frankly, puzzling. And carrying out an investigation of the FBI is no small matter. To suggest that on the several occasions she has received a top secret clearance somehow the FBI or the CIA or some other entity in our intelligence community bent under political pressure is insulting to them. And

believe me, if that were true, we would have been reading about it on the front pages of the Washington Post or New York Times or all the papers a long time ago.

Let me recap. The background file was reviewed on November 3. No request for a closed hearing. Not during the November 8 nomination hearing was there a request for a closed hearing. Not in the written request on November 15 for a holdover was there a request for a closed hearing. And even after the Foreign Relations Committee voted out this nomination, I bent over backward to try to help Senator DEMINT be able to get the answers to his questions, and the White House said they would make available to him a briefing at the time of his choosing. That request was never responded to.

I ask unanimous consent to have printed in the RECORD the letter from the White House Director of Legislative Affairs.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

THE WHITE HOUSE,  
Washington, DC, December 9, 2011.

Hon. JOHN F. KERRY,  
Chairman, Senate Committee on Foreign Relations, U.S. Senate, Washington, DC.

DEAR CHAIRMAN KERRY: I write to update you on our efforts to provide background information to members of the Senate Foreign Relations Committee in connection with their review of the nomination of Mari Carmen Aponte to be Ambassador to El Salvador. Ms. Aponte was originally nominated for this post in December 2009, and later recess appointed in August 2010. She was re-nominated to this position in February 2011.

Before detailing our most recent efforts to provide information to the Committee, we believe it is useful to describe our standard practice in this area and detail the substantial steps that have been taken to date. As you know, it has been the practice, for many years and through previous administrations, to balance between protecting highly sensitive materials and accommodating a legitimate need to access relevant information about pending nominees. In this case, we have pushed that balance far in the direction of disclosure to several Committee members.

It is the standard practice of the White House to make background investigations of nominees before your Committee available, upon request, for review by the Chair and Ranking Member, or their designees, only. Former Counsel to the President, Robert F. Bauer, explained the basis for this longstanding practice in a March 17, 2010 letter to Senator and Committee Ranking Member Lugar, "[o]ver many years and multiple Administrations, this policy has successfully struck the appropriate balance between protecting the confidentiality of highly sensitive materials and accommodating the Senate's legitimate need to access relevant information about pending nominees."

In 2010, when Ms. Aponte's nomination was first under consideration, both you and Senator Lugar designated other members of the Committee—Senators Menendez and Barrasso—to review Ms. Aponte's background investigation in advance of her confirmation hearing. The White House provided those briefings in March 2010. At that time, Senator DeMint made his first request to be



briefed on the background investigation despite standard practice limiting that review to only two members of the Committee. Accordingly, Mr. Bauer denied the request.

Earlier this year, as the Committee considered Ms. Aponte's nomination for the second time, the Committee made the unusual request to have the background investigations made available for re-inspection. The White House in good faith accommodated this request. Senator Lugar designated his review to Senator Rubio, and you allowed Senator Menendez to designate your review to Senator DeMint. The White House provided the briefing to Senator DeMint on November 3, and to Senator Rubio on November 7. Despite this briefing, during the November 29 Committee Business Meeting, Senator DeMint stated that he still had questions regarding Ms. Aponte's background investigation. In a further display of good faith, you committed to working with the Administration to address Senator DeMint's concerns.

To this end, the White House has worked in close coordination with the State Department to arrange an additional briefing for Senator DeMint. The proposed briefing would have been conducted by Under Secretary Pat Kennedy, Assistant Secretary of Diplomatic Security Eric Boswell, and Donald Reid, who is Senior Coordinator for Security Infrastructure at the Bureau of Diplomatic Security. These three career State Department officials share the ultimate responsibility for conducting background investigations of candidates for Ambassadorial positions and issuing security clearances for such officials. Senator DeMint has to date declined this proposed briefing.

We are confident that the extraordinary steps that we have taken in this case have afforded Committee members the ability to thoroughly evaluate Ms. Aponte's nomination. Yet every accommodation has been met with a new demand. We are not prepared to make further briefings beyond what has already occurred and been offered. We appreciate your continued work on the timely consideration and confirmation of Administration nominees. Please let me know if I can provide additional information.

Sincerely,

ROBERT L. NABORS II,  
*Assistant to the President and  
Director of the Office of Legislative Affairs.*

The PRESIDING OFFICER. The Senator's time has expired.

Mr. KERRY. Mr. President, fair is fair around here. I do not think this nominee ought to be the victim of a prolonged delay process. She has done the job well. She deserves to be sent back. I hope colleagues will not filibuster her nomination today.

#### CLOTURE MOTION

The PRESIDING OFFICER. Under the previous order, pursuant to rule XXII the clerk will report the motion to invoke cloture.

The assistant legislative clerk read as follows:

#### CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the nomination of Norman L. Eisen, of the District of Columbia, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Czech Republic.

Harry Reid, Barbara Boxer, Patrick J. Leahy, Patty Murray, Richard J. Dur-

bin, Kent Conrad, John D. Rockefeller IV, Jeff Bingaman, Tim Johnson, Daniel K. Inouye, Debbie Stabenow, Robert P. Casey, Jr., Max Baucus, Charles E. Schumer, John F. Kerry, Mark Udall, Michael F. Bennet.

The PRESIDING OFFICER. By unanimous consent the mandatory quorum call has been waived. The question is, Is it the sense of the Senate that debate on the nomination of Norman L. Eisen, of the District of Columbia, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Czech Republic shall be brought to a close?

The yeas and nays are mandatory under the rule.

Mr. KERRY. Mr. President, I ask unanimous consent, before the clerk calls the roll, that before the Aponte vote there be 2 minutes of debate.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Montana (Mr. BAUCUS), the Senator from Oregon (Mr. MERKLEY), the Senator from Maryland (Ms. MIKULSKI), and the Senator from Oregon (Mr. WYDEN) are necessarily absent.

Mr. KYL. The following Senators are necessarily absent: the Senator from Texas (Mr. CORNYN), the Senator from Missouri (Mr. BLUNT), the Senator from North Carolina (Mr. BURR), the Senator from Oklahoma (Mr. COBURN), the Senator from South Carolina (Mr. GRAHAM), the Senator from Nevada (Mr. HELLER), the Senator from Illinois (Mr. KIRK), the Senator from Utah (Mr. LEE), the Senator from Kansas (Mr. MORAN), and the Senator from South Dakota (Mr. THUNE).

Further, if present and voting, the Senator from Texas (Mr. CORNYN) would have voted: nay.

The PRESIDING OFFICER (Mr. MANCHIN). Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 70, nays 16, as follows:

[Rollcall Vote No. 226 Ex.]

#### YEAS—70

Akaka	Feinstein	Lugar
Alexander	Franken	Manchin
Ayotte	Gillibrand	McCain
Begich	Hagan	McCaskill
Bennet	Harkin	Menendez
Bingaman	Hatch	Murkowski
Blumenthal	Hoeven	Murray
Boxer	Hutchison	Nelson (NE)
Brown (MA)	Inhofe	Nelson (FL)
Brown (OH)	Inouye	Portman
Cantwell	Isakson	Pryor
Cardin	Johnson (SD)	Reed
Carper	Kerry	Reid
Casey	Klobuchar	Rockefeller
Chambliss	Kohl	Sanders
Coats	Kyl	Schumer
Collins	Landrieu	Sessions
Conrad	Lautenberg	Shaheen
Coons	Leahy	Shelby
Corker	Levin	Snowe
Durbin	Lieberman	Stabenow

Tester	Udall (NM)	Whitehouse
Toomey	Warner	
Udall (CO)	Webb	

#### NAYS—16

Barrasso	Grassley	Roberts
Boozman	Johanns	Rubio
Cochran	Johnson (WI)	Vitter
Crapo	McConnell	Wicker
DeMint	Paul	
Enzi	Risch	

#### NOT VOTING—14

Baucus	Graham	Mikulski
Blunt	Heller	Moran
Burr	Kirk	Thune
Coburn	Lee	Wyden
Cornyn	Merkley	

The PRESIDING OFFICER. On this vote, the yeas are 70, the nays are 16. Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to.

Under the previous order, the question is, Will the Senate advise and consent to the nomination of Norman L. Eisen, of the District of Columbia, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Czech Republic?

The nomination was confirmed.

The PRESIDING OFFICER. There will now be 2 minutes of debate prior to the next vote.

The Senator from New Jersey.

Mr. MENENDEZ. Mr. President, Mari Carmen Aponte is an excellently qualified Latina who is being politically discriminated against despite a record of accomplishment for the United States in El Salvador, which is universally recognized as extraordinary, from getting Salvadoran troops to fight alongside us—the only Latin American country to do so—to creating a new monitoring center to fight transnational crime. To suggest that the FBI and diplomatic security would give her not one but two top secret clearances that were not merited is the ultimate insult to those agencies. It is simply wrong to use alleged nameless, faceless accusers to falsely impugn her reputation.

I urge my colleagues to allow an up-or-down vote on her nomination and to vote for cloture so we can get to that vote to let this qualified Latina continue to work on behalf of the United States and El Salvador as she has successfully done.

The PRESIDING OFFICER. Who yields time?

The Senator from South Carolina.

Mr. DEMINT. Mr. President, all of us regret when there is a situation where one of us has to oppose a nomination of a President, and 1,198 nominations have gone through without being contested. But this is one that rises to the level of concern.

Republicans have been asking questions about this nominee for months—in fact, much longer than that—going back to why she refused to take a lie detector test, why she withdrew her name when she was first nominated for ambassador under Clinton, and why the files have not been properly updated. We have asked the White House for private meetings with the FBI and CIA to

give us updated knowledge of what happened in this circumstance so we can make a good decision. But there was never an offer to do that. We had offers of low-level folks to come talk only to me, not to Republicans on the committee. But there are enough questions here for honest answers, and we have not gotten them.

I encourage my colleagues to vote against this nomination.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. KERRY. Do we have any time remaining?

The PRESIDING OFFICER. No time remains.

#### CLOTURE MOTION

Under the previous order, pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will state.

The assistant legislative clerk read as follows:

#### CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of Rule XXII of the Standing Rules of the Senate, hereby move to bring to a close the debate on the nomination of Mari Carmen Aponte, of the District of Columbia, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of El Salvador.

Harry Reid, John F. Kerry, Barbara Boxer, Patrick J. Leahy, Patty Murray, Richard J. Durbin, Kent Conrad, John D. Rockefeller IV, Jeff Bingaman, Tim Johnson, Robert Menendez, Daniel K. Inouye, Max Baucus, Charles E. Schumer, Mark Udall, Michael F. Bennett, Al Franken.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that debate on the nomination of Mari Carmen Aponte, of the District of Columbia, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of El Salvador shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The assistant bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from Montana (Mr. BAUCUS), the Senator from Oregon (Mr. MERKLEY), the Senator from Maryland (Ms. MIKULSKI), and the Senator from Oregon (Mr. WYDEN) are necessarily absent.

Mr. KYL. The following Senators are necessarily absent: the Senator from Texas (Mr. CORNYN), the Senator from Missouri (Mr. BLUNT), the Senator from North Carolina (Mr. BURR), the Senator from Oklahoma (Mr. COBURN), the Senator from South Carolina (Mr. GRAHAM), the Senator from Nevada (Mr. HELLER), the Senator from Illinois (Mr. KIRK), the Senator from Utah (Mr. LEE), the Senator from Kansas (Mr.

MORAN), and the Senator from South Dakota (Mr. THUNE).

Further, if present and voting, the Senator from Texas (Mr. CORNYN) would have voted: nay.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 49, nays 37, as follows:

[Rollcall Vote No. 227 Ex.]

#### YEAS—49

Akaka	Franken	Murray
Begich	Gillibrand	Nelson (FL)
Bennet	Hagan	Pryor
Bingaman	Harkin	Reed
Blumenthal	Inouye	Rockefeller
Boxer	Johnson (SD)	Sanders
Brown (MA)	Kerry	Schumer
Brown (OH)	Klobuchar	Shaheen
Cantwell	Kohl	Stabenow
Cardin	Landrieu	Tester
Carper	Lautenberg	Udall (CO)
Casey	Leahy	Udall (NM)
Collins	Levin	Warner
Conrad	Lieberman	Webb
Coons	Manchin	Whitehouse
Durbin	McCaskill	
Feinstein	Menendez	

#### NAYS—37

Alexander	Hoeven	Portman
Ayotte	Hutchison	Reid
Barrasso	Inhofe	Risch
Boozman	Isakson	Roberts
Chambliss	Johanns	Rubio
Coats	Johnson (WI)	Sessions
Cochran	Kyl	Shelby
Corker	Lugar	Snowe
Crapo	McCain	Toomey
DeMint	McConnell	Vitter
Enzi	Murkowski	Wicker
Grassley	Nelson (NE)	
Hatch	Paul	

#### NOT VOTING—14

Baucus	Graham	Mikulski
Blunt	Heller	Moran
Burr	Kirk	Thune
Coburn	Lee	Wyden
Cornyn	Merkley	

The PRESIDING OFFICER. On this vote, the yeas are 49, the nays are 37. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected.

The majority leader.

Mr. REID. Mr. President, I enter a motion to reconsider the vote by which cloture was not invoked.

The PRESIDING OFFICER. The motion is entered.

The PRESIDING OFFICER. Under the previous order, the President will be immediately notified of the Senate's action.

#### LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will resume legislative session.

The Senator from Texas.

#### RISK-BASED SECURITY SCREENING FOR MEMBERS OF THE ARMED FORCES ACT

Mrs. HUTCHISON. Mr. President, I come to the floor to discuss and pass the Risk-Based Security Screening for Members of the Armed Forces Act.

How many times have you been at an airport screening line, you are getting

ready to go through the machines that are going to determine you are safe to travel and standing right there in the line is a man or woman in their military fighting gear—their camouflage and their combat boots—and they are having to take off their combat boots, many times in their 2-week R&R period between their stints in Afghanistan or Iraq, and you think: Oh, my gosh. It is unbelievable that our military people—who are putting their lives on the line, who are sacrificing so much—are having to go through a procedure that does not have a commonsense feel about it.

Last week, Senator ROCKEFELLER, Senator BURR, and I introduced S. 1954, the Risk-Based Security Screening for Members of the Armed Forces Act. The bill was a modification of the House companion bill that was recently passed by Representative CRAVACK from Minnesota in a unanimous decision by the House.

It requires the TSA, the Transportation Security Agency, to create a system to speed members of our uniformed services through airport security.

I would also like to thank Senators LIEBERMAN and COLLINS for their input on this piece of legislation. We have all worked hard to move this bill through quickly, and it is the House bill we will be taking up very shortly with the modifications I have mentioned.

The bill establishes a timeline for the Transportation Security Administration and the Department of Defense together to develop and implement a program to establish expedited security screening procedures for military personnel and their families.

I think we can all agree our military men and women make sacrifices for our Nation every day. The least we can do is try to make their lives a little easier when they travel around the country they defend.

I think they have earned the right to at least go to the head of the line or have some kind of trusted passenger status.

Our Armed Forces are comprised of over 1.4 million brave men and women. They are stationed at more than 6,000 military bases worldwide. For all the hardships they endure, I think they deserve to be at the front of the line in some kind of procedure that expedites their security clearance.

Airports, airlines, and TSA recognize this issue, and they want to reduce the delays. Currently, TSA uses the same screening protocols for all passengers.

The TSA has indicated that it would like to improve the process and to move forward to risk-based screening procedures. They certainly have my support and I know that of many Members, if not an overwhelming majority in Congress, to do that.

Mr. Pistole, the head of the Transportation Security Administration, has testified before our Commerce Committee about the risk-based screening

procedures they are trying to put in place that will give them a better opportunity to target people who are more at risk or more under suspicion, while letting frequent flyers and people in the military go through on an expedited basis.

I would say the first identifiable group to get risk-based screening processes should be those who are fighting this war, those with boots on the ground. Members of our military and their families traveling on orders and in uniform should benefit from these new rules. In a time of limited resources, the establishment of procedures to expedite the screening of a pool of travelers who are most certainly our trusted travelers would better allow the TSA to focus their attention on areas of real threats.

Earlier this year, the House passed Congressman CRAVAACK's bill unanimously, just a couple of weeks ago. I hope our quick and unanimous action will allow the House to quickly reconsider the modified measure and get the bill signed into law as soon as possible.

As we are going into this traveling season—we have been through Thanksgiving, and we are now approaching Christmas. The bill is not going to be implemented by this season. They cannot do it in 2 weeks. But surely by the next holiday season, our trusted travelers, the members of our military and their families, will be able to have this expedited procedure. I hope that as they are traveling in this year's rush through the processes to get home to their loved ones, they will know we are working on something that will make their lives easier and expedite their travels while they are home on leave from fighting the war that is protecting our freedoms and our way of life.

Mr. President, I ask unanimous consent that the Committee on Commerce be discharged from further consideration of H.R. 1801 and the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 1801) to amend title 49, United States Code, to provide for expedited security screenings for members of the Armed Forces.

Without objection, the Senate proceeded to consider the bill.

Mrs. HUTCHISON. Mr. President, I ask unanimous consent that the amendment at the desk be agreed to, and I urge passage of the bill, as amended.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 1458), in the nature of a substitute, was agreed to, as follows:

(Purpose: In the nature of a substitute)

Strike all after the enacting clause and insert the following:

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "Risk-Based Security Screening for Members of the Armed Forces Act".

#### SEC. 2. SECURITY SCREENING FOR MEMBERS OF THE ARMED FORCES.

(a) IN GENERAL.—Section 44903 of title 49, United States Code, is amended by adding at the end the following:

"(m) SECURITY SCREENING FOR MEMBERS OF THE ARMED FORCES.—

"(1) IN GENERAL.—The Assistant Secretary of Homeland Security (Transportation Security Administration), in consultation with the Department of Defense, shall develop and implement a plan to provide expedited security screening services for a member of the armed forces, and, to the extent possible, any accompanying family member, if the member of the armed forces, while in uniform, presents documentation indicating official orders for air transportation departing from a primary airport (as defined in section 47102).

"(2) PROTOCOLS.—In developing the plan, the Assistant Secretary shall consider—

"(A) leveraging existing security screening models used to reduce passenger wait times;

"(B) establishing standard guidelines for the screening of military uniform items, including combat boots; and

"(C) incorporating any new screening protocols into an existing trusted passenger program, as established pursuant to section 109(a)(3) of the Aviation and Transportation Security Act (49 U.S.C. 114 note), or into the development of any new credential or system that incorporates biometric technology and other applicable technologies to verify the identity of individuals traveling in air transportation.

"(3) RULE OF CONSTRUCTION.—Nothing in this subsection shall affect the authority of the Assistant Secretary to require additional screening of a member of the armed forces if intelligence or law enforcement information indicates that additional screening is necessary.

"(4) REPORT TO CONGRESS.—The Assistant Secretary shall submit to the appropriate committees of Congress a report on the implementation of the plan."

(b) EFFECTIVE DATE.—Not later than 180 days after the date of enactment of this Act, the Assistant Secretary shall implement the plan required by this Act.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill (H.R. 1801), as amended, was read the third time and passed.

Mrs. HUTCHISON. Mr. President, I ask unanimous consent that the motion to reconsider be laid upon the table and that any statements related to the measure be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. HUTCHISON. I am very pleased we have been able to pass this bill for the expedited travel procedures for our military personnel. The TSA will have about 180 days working with the Department of Defense to get procedures in place to do this.

I hope our military people, wherever they are in the world, know how much America appreciates their service. We know they are fighting for our way of life to prevail for our children and future generations.

I yield the floor.

The PRESIDING OFFICER (Mr. CASEY). The Senator from Ohio.

Mr. BROWN of Ohio. I echo the words of the senior Senator from Texas in support of our men and women who might be home on leave, might have been sent somewhere on Active Duty, that this is the least we can do.

#### MORNING BUSINESS

Mr. BROWN of OHIO. Mr. President, I ask unanimous consent that the Senate proceed to a period of morning business until 7:30 p.m., with Senators permitted to speak therein for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### CHINA POLICY

Mr. BROWN of Ohio. Mr. President, 10 years ago this month—10 years ago actually tomorrow, I believe—the People's Republic of China officially joined the World Trade Organization. American businesses, we were told, would gain new access to Chinese markets through the removal of trade barriers, through increased transparency, through more stringent protection of intellectual property rights.

China promised to follow the rule of law, to reform its legal system, and, in turn, would gain new access to global markets. At the time of joining the World Trade Organization, China made a number of promises. Chinese leaders pledged to reduce trade barriers and open markets. They promised to increase transparency, protect intellectual property rights, and reform their legal system.

Supporters of the People's Republic of China, including a strong majority, unfortunately, of Members of this body and a much thinner majority in the House of Representatives—other supporters of the People's Republic of China were most of America's, almost all of America's largest corporate CEOs—argued that the WTO membership would bring human rights and freedom and the rule of law to China.

Now 10 years later we see a very different picture, a picture of a number of Members of the House in those days and some Members of the Senate and some opponents to allowing China into the World Trade Organization. We have seen something very different. American workers have seen millions of jobs shipped to China. Factories in places such as Youngstown and Charleston and Huntington and Dayton have moved to Wuhan and Shenzhen and Shanghai, with final products sold back to the United States.

Think about this. The business plan of a number of American corporations is to shut down production in Mansfield, OH, and in Zanesville, OH, and move that production to Beijing,

China, set up companies there, and ship products back to the United States. To my knowledge, never in history has there been a country where such a huge number of companies have set up that business plan. Think about that—shut down production in the country where you are located, lay off workers who have made you a successful company, hurt a community by closing down that plant, doing terrible damage to the schools, to the police departments, to the city services and all of that, and move your production to another country because you can work there more cheaply and sell products back to the United States. To my knowledge—and I could be mistaken about this, but nobody has ever shown me otherwise—to my knowledge, never in world history has that been the business plan for so many companies.

American manufacturers that stay here have been undermined by a flood of cheap Chinese imports priced artificially low.

When a large corporation moves to China, so often that corporation's supply chain—the tool and die shop, tool and die maker, a machine shop—a small manufacturer that makes components and that sells to the larger company does not have the wherewithal to follow it to China, so they lose one of their biggest customers.

Those American manufacturers that stay here have been undermined by a flood of cheap Chinese imports priced artificially low. Some of those Chinese imports came from American companies that moved overseas to China.

Chinese citizens so often face poor work conditions, continual human rights violations. The country's sole Nobel Peace Prize winner is languishing in prison.

The big winners? The big winners are the multinational corporations here that have outsourced jobs, and the other big winner is the Chinese Communist Government and the apparatchiks they have enriched. Think about that. The big winners in this China trade policy are large American corporations that have outsourced jobs to China and the Chinese Communist Party, which apparently seems to be their allies in this, and the people in the Chinese Communist Party, the high-ranking apparatchiks.

So while American companies that stay here and American workers are following World Trade Organization rules intended to provide a common set of laws to ensure a level playing field for global trade, the Chinese are gaming the system. It is clear that China does not live up to its promises, does not live up to the unrealistic expectations of its supporters.

Far from becoming freer, the Chinese people are burdened with limited rights to basic freedoms of speech, religion, and assembly. I can't count the number of CEOs whom I saw walk the Halls—I

was in the House of Representatives—of Congress and say: You know, if we pass PNTR, we are going to see freedom, all of this capitalism in China. All of these jobs in China are going to bring freedom—freedom of speech, freedom of religion, freedom of assembly in China.

No, it has enriched the country of China, to be sure. It has especially enriched the Communist Party, enriched the People's Liberation Army, enriched some of the capitalists in China in this Communist Party system. And it is getting worse. From the harsh crackdown on human rights lawyers and activists after the Arab Spring in the Middle East, to the brutal policies in Tibet that have led to a recent wave of self-immolations—imagine the depth of feeling and passion and hopelessness and anger at an oppressive government that people who have such strong feelings would actually set themselves on fire in protest. From the crackdown on human rights lawyers, to the brutal policies in Tibet, the Chinese Communist Party shows no sign of easing its grip on the Chinese people. Not only did their membership—their joining the WTO—not bring freedom and democracy to China, it did not bring fair trade either.

China has flouted WTO rules. China has gamed the system to its advantage. While China has chosen to comply with some WTO rules, overall the list of China's WTO violations is a long one: rampant intellectual property theft, massive subsidies for China's exports, hoarding of rare earths and other raw materials. China has refused to commit to the WTO's Agreement on Government Procurement.

I have stood here, as you have seen, Mr. President, in your time in the Senate, arguing for "Made in America" language so that when taxpayer dollars are spent buying products, those products should be made in America, paid for by U.S. taxpayers. I have heard conservative Washington politicians defending China, for all intents and purposes, saying: No, that would create a trade war, even though China will not sign on to an agreement on government procurement, which is exactly what their "Made in China" policy is all about. These violations not only show China's lack of respect for the rule of law, they also cost American jobs, and they also tend to stymie our economic growth.

American intellectual property-intensive firms alone have lost some \$50 billion to intellectual property rights violations. Those same firms are reporting that better intellectual property enforcement could lead to almost 1 million new jobs. Some of the worst hit companies are in my State, struggling to compete against a country that manipulates its currency and subsidizes its manufacturers.

Given our companies' well-founded fear of retaliation by Chinese regu-

lators and companies if they speak up, we in government must give voice to their concerns. Let me explore that for a minute.

When we have launched—typically a labor union in the United States will launch a petition for a trade complaint, if you will, alleging violations by China of trade rules. Often the American company where these workers work is unwilling to join that petition. Why? Because they do business in China, and they know China will, in some cases, exact some kind of revenge against them. So our companies are not willing to stand up to the Chinese because they know what the Chinese will do when they are doing business in China. So it is up to us, as these companies' representatives, as these workers' representatives, as these community representatives, to stand up.

Probably the most damaging of China's violations is its continual manipulation of its currency. By deliberately holding down the value of its currency to boost exports, China is not only violating WTO commitments, they have built the largest trading surplus in history to the detriment of other leading trading partners.

The Senate fought back this fall by passing the Currency Exchange Rate Oversight Reform Act. I authored this legislation with a bipartisan group of Senators—Senator SNOWE from Maine, a Republican; Senator SCHUMER from New York, a Democrat; Senator GRAHAM of South Carolina, a Republican; Senator SESSIONS of Alabama, a Republican; Senator STABENOW of Michigan, a Democrat; Senator CASEY of Pennsylvania, a Democrat, and several others. This bill is the largest bipartisan bill that passed the Senate this year. It passed with 63 votes—joined, in fact, by the junior Senator from my State. Senator PORTMAN, former Trade Representative in the Bush administration, voted for this bill. This bill would crack down on China currency manipulation and provide an opportunity for Republicans and Democrats to come together to put American jobs and American workers first.

They said it represented the largest bipartisan jobs bill passed this session of Congress.

Currency manipulation provides an unfair subsidy to Chinese exports—of up to 40 percent, according to most economists. Almost all economists agree it is at least 25 percent. C. Fred Bergsten, an economist with the Peterson Institute for International Economics, who is fairly conservative, has asserted that China's intervention in currency markets and other subsidies they have provided makes up the most protectionist policy of any major country since World War II.

American politicians and CEOs are always afraid of standing up to the Chinese. They say we will look protectionist or that it looks as though we

are starting a trade war. When Fred Bergsten, a mainstream economist, says that what China does is the most protectionist policy of any country since World War II, it is time we stood up and forced them to play fair. That is not a trade war. That comes from China. They have been waging a trade war against the United States for 10 years. That is why we have seen our budget deficit grow from double figures a decade ago to more than a half billion dollars a day, day in and day out, 7 days a week.

Additionally, American manufacturers seeking to sell products to China—our Nation's fastest growing export market—are hit with the same percentage in what amounts to an unfair tariff. If a company in Brunswick, OH, wants to sell products in China, they are hit with a 25-percent or larger currency tax and currency tariff. So the product costs 25 percent more, at least. When a Chinese company wants to sell a product in Brunswick, competing with that company, they get a 25-percent bonus or advantage. That is hardly a way to practice fair trade.

A report released this fall estimates that our trade deficit with China, exacerbated by Chinese currency manipulation, has caused the loss of more than 2.8 million American jobs in the past 10 years—with two-thirds of the lost jobs in the manufacturing industry. The Presiding Officer, when he goes to Altoona, Bethlehem, or if he comes to Dayton or Toledo, sees the kind of damage this trade policy has done to American manufacturing. All of our problems in manufacturing are not because of our relationship with China and because they have gamed the system, but millions of jobs here have been lost and undermined because of China's gaming the system.

The first President Bush said a billion dollar trade deficit or surplus is equivalent to 13,000 jobs. So when we have a greater than \$200 billion persistent year-in and year-out trade deficit with China, that means we sell \$200 billion worth of fewer goods to them than they sell to us. Do the math. It is 13,000 jobs per billion dollar budget deficit.

Addressing currency manipulation through the trade remedies included in our bill, cosponsored by Senators GRAM, SNOWE, SCHUMER, SESSIONS, HAGAN, CASEY, and others, would provide immediate relief to American job creators. A report released earlier this year showed that addressing currency manipulation would support the creation and retention of more than 2 million American jobs, without requiring any government spending. That is why this is such an important jobs bill, because it is not spending any taxpayer dollars, it is just saying level the playing field for our companies and our workers dealing with China.

After years of China gaining benefits of WTO membership without adhering

to its rules—and they promised they would under the rule of law 10 years ago this week when they joined the WTO—after years of them getting membership and getting the benefits of WTO membership, without agreeing to its rules, it is time for Congress and the administration to act in our Nation's interest. The Congress should pass a bill and the President should sign the bill.

American workers and American manufacturers can compete with anyone. But they cannot compete on a playing field that is far from level as long as we continue to let China do what it wants without repercussions.

Over the last 10 years, China has sought to sidestep and reshape the WTO to benefit China at our expense. That is not competing, that is cheating. We must act while we still have a chance.

I yield the floor.

#### ADDITIONAL STATEMENTS

##### RECOGNIZING THE CENTRAL ARKANSAS VETERANS HEALTHCARE SYSTEM

• Mr. BOOZMAN. Mr. President, today I honor the Central Arkansas Veterans Healthcare System, CAVHS, of Little Rock, AR. This health care provider is the recipient of the Secretary of Veterans Affairs' Robert W. Carey Performance Excellence Award, recognizing VA organizations for the implementation of management practices that produce the highest levels of performance and service to our Nation's veterans.

This well-deserved honor recognizes the outstanding service this facility provides to Arkansas veterans. CAVHS has an outstanding record of success throughout its rich 90-year history. In recent years, CAVHS has earned Robert W. Casey Awards in 2009 and 2010 in addition to 2011.

This health care delivery system includes a 2-campus medical center with 280 operating hospital beds, a 152-bed nursing home care unit, and a 119-bed domiciliary. CAVHS offers a variety of inpatient and outpatient health care amenities, spanning from disease prevention, primary care, extended rehabilitative care, and complex surgical procedures. It serves as an educational facility for more than 1,500 students and residents enrolled in more than 65 educational programs.

I am proud of the Central Arkansas Veterans Healthcare System for its dedication to providing quality care to Arkansas veterans and encourage continued efforts and services to these brave men and women. I urge my colleagues to join me in congratulating this facility for the outstanding work it does and will continue to do to ensure the well-being of our veteran community.●

##### RECOGNIZING THE VETERANS HEALTH CARE SYSTEM OF THE OZARKS

• Mr. BOOZMAN. Mr. President, today I honor the Veterans Health Care System of the Ozarks, VHOS, in Fayetteville, AR. This health care provider is the recipient of the Secretary of Veterans Affairs Robert W. Carey Trophy Award, the highest recognition for quality achievement and service to our Nation's veterans. Each year, this award is presented to no more than two of the VA's highest performing organizations for quality achievement.

This well-deserved honor recognizes the exemplary quality of service it is providing to Arkansas veterans. The VHOS has an outstanding track record, winning Robert W. Carey Awards in 2010, 2009, and 2008.

Founded in 1935, the VHOS serves veterans in 23 counties in northwest Arkansas, southwest Missouri, and eastern Oklahoma. In addition to the Fayetteville location, six communities in the region have community based outpatient clinics.

Services at the VHOS include primary care, mental health care, specialty care, women's clinic, pharmacy, social work, surgery, and nutrition services. They are a 72-bed level 2 facility and have a large team of caregivers who can assist veterans whether they are hospitalized, living at home, or transitioning between the two. To accomplish the Veterans Affairs goals of integrity, commitment, advocacy, respect, and excellence, the VHOS works to honor veterans with high-quality health care.

I am proud of the Veterans Health Care System of the Ozarks and its commitment to providing exceptional care to our veterans and encourage continued efforts to improve the health and services offered to these brave men and women. I urge my colleagues to join me in congratulating this facility for the outstanding work it does to care for our veterans who have sacrificed so much for this Nation.●

##### TRIBUTE TO MR. JERRY LOLLEY

• Mr. JOHNSON of South Dakota. Mr. President, today I recognize the public service of a veterans service officer from South Dakota who is retiring after nearly 40 years of dedicated military and public service to veterans and their families.

Jerry Lolley has served as Meade County veterans service officer since 1992. Jerry's wife Harriet, known as "Granny," and children Grant and Lara have always supported Jerry while he has provided tireless service to thousands of veterans seeking assistance with benefit claims, medals requests, records searches, payment issues, and health care issues. He has always been a valuable source of needed information for the families of veterans as well.

Military service and an understanding of the needs and issues of our military service personnel and veterans is deeply rooted with Jerry. After spending 2 years at South Dakota School of Mines and Technology, he served in the U.S. Air Force from 1968 to 1988 and retired as an E-7, providing dedicated service as an aircraft mechanic. His father served in General Patton's Army in World War II.

But Jerry's service extends also to the numerous issues impacting veterans and their families. He has been a constant advocate for veterans on Federal, State, and local issues of importance. He monitors Federal legislative issues and has shared valuable insight with me and my staff regarding potential impacts of legislation or VA agency decisions. He has always put the veteran first and foremost in his efforts, especially when it comes to improving health care resources, access, and level of care for veterans. He has also provided valuable insight on educational, spousal, dependent, and burial benefits.

During the Persian Gulf war, Operation Enduring Freedom, and Operation Iraqi Freedom, Jerry has been diligent in providing returning soldiers with important information about deadlines involving access to health care services, assisting soldiers with applications for various benefits, and providing general information to assist in their return home.

My staff and I have always valued Jerry's advocacy for veterans. He is rarely short on opinions on important matters and is quick to offer well-targeted questions toward agency officials to learn the basis for decisions and actions on various issues and even takes great care to request background information to verify or dispel the occasional rumor or misconception that may surface within the veterans community. His steadfast dedication to veterans has made him a great public servant and his service will be greatly missed.

I wish Jerry and his family all the best in his retirement, and it is my hope that he can find other options to continue serving veterans in the future. I congratulate him on his military service and his great public service career.●

#### RECOGNIZING CONCORDIA PUBLISHING HOUSE

● Mrs. MCCASKILL. Mr. President, I rise today to recognize and congratulate St. Louis-based Concordia Publishing House on their 2011 Baldrige Award and overall commitment to excellence.

Founded in 1869, Concordia Publishing House, CPH, serves as the publishing arm of the Lutheran Church-Missouri Synod, LCMS, and provides members of the LCMS community with

resources for Christian worship and education. Throughout its history, CPH has grown both in size and scope while providing the very best products and services to customers around the world.

CPH's successful customer-focused business model distinguishes their business as one of the best in the industry and has earned noteworthy praise. With a near-perfect customer satisfaction score, CPH's customer call center was ranked a center of excellence by a Purdue University study for 3 consecutive years. CPH pairs their outstanding customer care with state-of-the-art products and technology. From being one of the first St. Louis companies to utilize an IBM online data filing system, to delivering eProducts on iPhones and iPads, the company has always embraced the latest technology in service of their clients. CPH's rank as one of the "Best Christian Workplaces in the United States" in 2009, 2010, and 2011, illustrates their focus on employee satisfaction and well-being.

Named after the 26th U.S. Secretary of Commerce, Malcolm Baldrige, the Baldrige Award was established by Congress in 1987 to enhance the competitiveness and performance of U.S. businesses. It is the highest Presidential honor for business performance. Recipients serve as role models not only for their peers in the nonprofit and business sectors but for every American organization that strives for a higher standard of performance and overall excellence.

The 2011 Baldrige Award winners were selected from a field of 69 applicants. Applicants were evaluated based on seven areas defined by the Baldrige Criteria for Performance Excellence: leadership; strategic planning; customer focus; managements, analysis and knowledge management; workforce focus; operations focus; and results.

Mr. President, 142 years after its founding, Concordia Publishing House continues to fulfill their mission to provide the LCMS community with the best possible products and services. Concordia Publishing House is an exemplary model of a customer-focused, quality-driven business that provides important resources to its community. It is my pleasure to recognize Concordia Publishing House for their well-deserved 2011 Baldrige Award.●

#### MESSAGE FROM THE HOUSE

At 3:23 p.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 1633. An act to establish a temporary prohibition against revising any national ambient air quality standard applicable to coarse particulate matter, to limit Federal regulation of nuisance dust in areas in which

such dust is regulated under State, tribal, or local law, and for other purposes.

#### MEASURES READ THE FIRST TIME

The following bill was read the first time:

H.R. 1633. An act to establish a temporary prohibition against revising any national ambient air quality standard applicable to coarse particulate matter, to limit Federal regulation of nuisance dust in areas in which such dust is regulated under State, tribal, or local law, and for other purposes.

#### ENROLLED BILLS PRESENTED

The Secretary of the Senate reported that on December 9, 2011, she had presented to the President of the United States the following enrolled bills:

S. 535. An act to authorize the Secretary of the Interior to lease certain lands within Fort Pulaski National Monument, and for other purposes.

S. 683. An act to provide for the conveyance of certain parcels of land to the town of Mantua, Utah.

#### EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC-4234. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Saflufenacil; Pesticide Tolerances" (FRL No. 9325-2) received during adjournment of the Senate in the Office of the President of the Senate on December 2, 2011; to the Committee on Agriculture, Nutrition, and Forestry.

EC-4235. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Isoxaflutole; Pesticide Tolerances" (FRL No. 8885-8) received in the Office of the President of the Senate on December 6, 2011; to the Committee on Agriculture, Nutrition, and Forestry.

EC-4236. A communication from the Associate Director, Office of Foreign Assets Control, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Sudanese Sanctions Regulations" (31 CFR Part 538) received in the Office of the President of the Senate on December 6, 2011; to the Committee on Banking, Housing, and Urban Affairs.

EC-4237. A communication from the Chief of the Policy and Rules Division, Office of Engineering and Technology, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Parts 2 and 97 of the Commission's Rules to Facilitate Use by the Amateur Radio Service of the Allocation at 5 MHz" (FCC 11-171) received in the Office of the President of the Senate on December 5, 2011; to the Committee on Commerce, Science, and Transportation.

EC-4238. A communication from the Secretary of the Federal Trade Commission, transmitting, pursuant to law, the Commission's seventh annual report on ethanol market concentration; to the Committee on Commerce, Science, and Transportation.



EC-4239. A communication from the Acting Assistant Secretary for Fish and Wildlife and Parks, National Park Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Special Regulations; Areas of the National Park System, Yellowstone National Park" (RIN1024-AD92) received in the Office of the President of the Senate on December 7, 2011; to the Committee on Energy and Natural Resources.

EC-4240. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; Indiana; Redesignation of Lake and Porter Counties to Attainment of the Fine Particulate Matter Standard" (FRL No. 9499-6) received during adjournment of the Senate in the Office of the President of the Senate on December 2, 2011; to the Committee on Environment and Public Works.

EC-4241. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; Ohio and Indiana; Redesignation of the Ohio and Indiana Portions Cincinnati-Hamilton Area to Attainment of the 1997 Annual Standard for Fine Particulate Matter" (FRL No. 9499-7) received during adjournment of the Senate in the Office of the President of the Senate on December 2, 2011; to the Committee on Environment and Public Works.

EC-4242. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Transportation Conformity Rule: MOVES Regional Grace Period Extension" (FRL No. 9499-1) received during adjournment of the Senate in the Office of the President of the Senate on December 2, 2011; to the Committee on Environment and Public Works.

EC-4243. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Significant New Use Rules on Certain Chemical Substances; Withdrawal of Two Chemical Substances" (FRL No. 9329-5) received during adjournment of the Senate in the Office of the President of the Senate on December 2, 2011; to the Committee on Environment and Public Works.

EC-4244. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Interim Final Determination to Defer Sanctions, San Joaquin Valley Unified Air Pollution Control District" (FRL No. 9499-4) received during adjournment of the Senate in the Office of the President of the Senate on December 2, 2011; to the Committee on Environment and Public Works.

## INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. SCHUMER:

S. 1977. A bill to amend the Fair Labor Standards Act of 1938 to provide that over-the-road bus drivers are covered under the maximum hours requirements; to the Com-

mittee on Health, Education, Labor, and Pensions.

By Mr. BLUMENTHAL (for himself and Ms. MIKULSKI):

S. 1978. A bill to amend the Workforce Investment Act of 1998 to provide for community-based job training grants, to provide Federal assistance for community college modernization, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. CONRAD (for himself and Mr. MORAN):

S. 1979. A bill to provide incentives to physicians to practice in rural and medically underserved communities and for other purposes; to the Committee on the Judiciary.

By Mr. INOUE (for himself, Mr. BEGICH, Mr. WHITEHOUSE, Ms. SNOWE, Ms. MURKOWSKI, and Mr. ROCKEFELLER):

S. 1980. A bill to prevent, deter, and eliminate illegal, unreported, and unregulated fishing through port State measures; to the Committee on Commerce, Science, and Transportation.

## ADDITIONAL COSPONSORS

S. 165

At the request of Mr. VITTER, the names of the Senator from Florida (Mr. RUBIO) and the Senator from Nebraska (Mr. JOHANNIS) were added as cosponsors of S. 165, a bill to amend the Public Health Services Act to prohibit certain abortion-related discrimination in governmental activities.

S. 309

At the request of Mr. LUGAR, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. 309, a bill to authorize the extension of nondiscriminatory treatment (normal trade relations treatment) to the products of Moldova.

S. 362

At the request of Mr. WHITEHOUSE, the name of the Senator from Colorado (Mr. BENNET) was added as a cosponsor of S. 362, a bill to amend the Public Health Service Act to provide for a Pancreatic Cancer Initiative, and for other purposes.

S. 420

At the request of Ms. LANDRIEU, the name of the Senator from Connecticut (Mr. BLUMENTHAL) was added as a cosponsor of S. 420, a bill to support the establishment or expansion and operation of programs using a network of public and private community entities to provide mentoring for children in foster care.

S. 431

At the request of Mr. PRYOR, the name of the Senator from Utah (Mr. HATCH) was added as a cosponsor of S. 431, a bill to require the Secretary of the Treasury to mint coins in commemoration of the 225th anniversary of the establishment of the Nation's first Federal law enforcement agency, the United States Marshals Service.

S. 453

At the request of Mr. BROWN of Ohio, the name of the Senator from Virginia

(Mr. WARNER) was added as a cosponsor of S. 453, a bill to improve the safety of motorcoaches, and for other purposes.

S. 513

At the request of Mrs. FEINSTEIN, the name of the Senator from Vermont (Mr. LEAHY) was added as a cosponsor of S. 513, a bill to amend the Controlled Substances Act to provide enhanced penalties for marketing controlled substances to minors.

S. 543

At the request of Mr. WYDEN, the name of the Senator from Massachusetts (Mr. BROWN) was added as a cosponsor of S. 543, a bill to restrict any State or local jurisdiction from imposing a new discriminatory tax on cell phone services, providers, or property.

S. 609

At the request of Mr. INHOFE, the name of the Senator from South Dakota (Mr. THUNE) was added as a cosponsor of S. 609, a bill to provide for the establishment of a committee to assess the effects of certain Federal regulatory mandates.

S. 707

At the request of Mr. DURBIN, the names of the Senator from New York (Mrs. GILLIBRAND) and the Senator from Massachusetts (Mr. BROWN) were added as cosponsors of S. 707, a bill to amend the Animal Welfare Act to provide further protection for puppies.

S. 798

At the request of Mr. TESTER, the name of the Senator from Alaska (Ms. MURKOWSKI) was added as a cosponsor of S. 798, a bill to provide an amnesty period during which veterans and their family members can register certain firearms in the National Firearms Registration and Transfer Record, and for other purposes.

S. 968

At the request of Mr. LEAHY, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 968, a bill to prevent online threats to economic creativity and theft of intellectual property, and for other purposes.

S. 979

At the request of Mr. DURBIN, the names of the Senator from Massachusetts (Mr. KERRY) and the Senator from Illinois (Mr. KIRK) were added as cosponsors of S. 979, a bill to designate as wilderness certain Federal portions of the red rock canyons of the Colorado Plateau and the Great Basin Deserts in the State of Utah for the benefit of present and future generations of people in the United States.

S. 1231

At the request of Mr. LEAHY, the name of the Senator from Alaska (Mr. BEGICH) was added as a cosponsor of S. 1231, a bill to reauthorize the Second Chance Act of 2007.

S. 1236

At the request of Mrs. FEINSTEIN, the name of the Senator from Minnesota



(Ms. KLOBUCHAR) was added as a cosponsor of S. 1236, a bill to reduce the trafficking of drugs and to prevent human smuggling across the Southwest Border by deterring the construction and use of border tunnels.

S. 1506

At the request of Mr. RUBIO, the names of the Senator from Georgia (Mr. CHAMBLISS) and the Senator from Alabama (Mr. SESSIONS) were added as cosponsors of S. 1506, a bill to prevent the Secretary of the Treasury from expanding United States bank reporting requirements with respect to interest on deposits paid to nonresident aliens.

S. 1537

At the request of Mr. INOUE, the names of the Senator from Connecticut (Mr. BLUMENTHAL), the Senator from Massachusetts (Mr. KERRY), the Senator from New Mexico (Mr. UDALL) and the Senator from Minnesota (Mr. FRANKEN) were added as cosponsors of S. 1537, a bill to authorize the Secretary of the Interior to accept from the Board of Directors of the National September 11 Memorial and Museum at the World Trade Center Foundation, Inc., the donation of title to The National September 11 Memorial and Museum at the World Trade Center, and for other purposes.

S. 1568

At the request of Mr. ALEXANDER, the name of the Senator from Missouri (Mr. BLUNT) was added as a cosponsor of S. 1568, a bill to amend section 9401 of the Elementary and Secondary Education Act of 1965 with regard to waivers of statutory and regulatory requirements.

S. 1616

At the request of Mr. MENENDEZ, the name of the Senator from Delaware (Mr. COONS) was added as a cosponsor of S. 1616, a bill to amend the Internal Revenue Code of 1986 to exempt certain stock of real estate investment trusts from the tax on foreign investments in United States real property interests, and for other purposes.

S. 1680

At the request of Mr. CONRAD, the name of the Senator from New Mexico (Mr. BINGAMAN) was added as a cosponsor of S. 1680, a bill to amend title XVIII of the Social Security Act to protect and preserve access of Medicare beneficiaries in rural areas to health care providers under the Medicare program, and for other purposes.

S. 1701

At the request of Ms. SNOWE, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. 1701, a bill to amend the Harmful Algal Blooms and Hypoxia Research and Control Act of 1998, and for other purposes.

S. 1763

At the request of Mr. AKAKA, the name of the Senator from Alaska (Ms. MURKOWSKI) was added as a cosponsor of S. 1763, a bill to decrease the inci-

dence of violent crimes against Indian women, to strengthen the capacity of Indian tribes to exercise the sovereign authority of Indian tribes to respond to violent crimes committed against Indian women, and to ensure that perpetrators of violent crimes committed against Indian women are held accountable for that criminal behavior, and for other purposes.

S. 1773

At the request of Mr. BROWN of Ohio, the names of the Senator from Oregon (Mr. WYDEN), the Senator from New Hampshire (Mrs. SHAHEEN) and the Senator from Vermont (Mr. SANDERS) were added as cosponsors of S. 1773, a bill to promote local and regional farm and food systems, and for other purposes.

S. 1866

At the request of Mr. RUBIO, the name of the Senator from Massachusetts (Mr. BROWN) was added as a cosponsor of S. 1866, a bill to provide incentives for economic growth, and for other purposes.

S. 1868

At the request of Mr. MENENDEZ, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 1868, a bill to establish within the Smithsonian Institution the Smithsonian American Latino Museum, and for other purposes.

S. 1900

At the request of Mr. MENENDEZ, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 1900, a bill to amend title XVIII of the Social Security Act to preserve access to urban Medicare-dependent hospitals.

S. 1925

At the request of Mr. LEAHY, the names of the Senator from Massachusetts (Mr. KERRY) and the Senator from West Virginia (Mr. ROCKEFELLER) were added as cosponsors of S. 1925, a bill to reauthorize the Violence Against Women Act of 1994.

S. 1942

At the request of Mr. KOHL, the name of the Senator from Vermont (Mr. SANDERS) was added as a cosponsor of S. 1942, a bill to amend title 49, United States Code, to improve transportation for seniors, and for other purposes.

S. 1957

At the request of Mr. COBURN, the name of the Senator from Tennessee (Mr. CORKER) was added as a cosponsor of S. 1957, a bill to provide taxpayers with an annual report disclosing the cost of, performance by, and areas for improvements for Government programs, and for other purposes.

S. 1959

At the request of Mr. BURR, the name of the Senator from Indiana (Mr. LUGAR) was added as a cosponsor of S. 1959, a bill to require a report on the designation of the Haqqani Network as a foreign terrorist organization and for other purposes.

S. 1961

At the request of Mr. REED, the name of the Senator from Minnesota (Ms. KLOBUCHAR) was added as a cosponsor of S. 1961, a bill to provide level funding for the Low-Income Home Energy Assistance Program.

S. 1964

At the request of Ms. STABENOW, the name of the Senator from Michigan (Mr. LEVIN) was added as a cosponsor of S. 1964, a bill to amend the Internal Revenue Code of 1986 to exempt from the harbor maintenance tax certain commercial cargo loaded or unloaded at United States ports in the Great Lakes Saint Lawrence Seaway System.

S. RES. 252

At the request of Mr. LUGAR, the name of the Senator from New Hampshire (Ms. AYOTTE) was added as a cosponsor of S. Res. 252, a resolution celebrating the 60th Anniversary of the United States-Philippines Mutual Defense Treaty.

S. RES. 310

At the request of Ms. COLLINS, the name of the Senator from Alaska (Ms. MURKOWSKI) was added as a cosponsor of S. Res. 310, a resolution designating 2012 as the "Year of the Girl" and congratulating Girl Scouts of the USA on its 100th anniversary.

At the request of Ms. MIKULSKI, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. Res. 310, *supra*.

#### STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. INOUE (for himself, Mr. BEGICH, Mr. WHITEHOUSE, Ms. SNOWE, Ms. MURKOWSKI, and Mr. ROCKEFELLER):

S. 1980. A bill to prevent, deter, and eliminate illegal, unreported, and unregulated fishing through port State measures; to the Committee on Commerce, Science, and Transportation.

Mr. INOUE. Mr. President, I am pleased to introduce the Pirate Fishing Elimination Act, a bill to implement the international Agreement on Port State Measures to Prevent, Deter, and Eliminate Illegal, Unreported and Unregulated, IUU, Fishing as adopted by the United Nations Food and Agriculture Organization in November of 2009. The agreement is the first binding global instrument focused specifically on combating IUU, also known as pirate fishing, and the United States was a primary participant in its negotiation and was one of its first signatories.

Pirate fishing is a global problem that threatens healthy ocean ecosystems and sustainable fisheries both here and abroad. It is estimated that annual lost revenues from pirate fishing activities may be as much as \$23 billion worldwide and that as much as 40 percent of the total catch for some

fish stocks is caught illegally. The impacts of these activities are felt throughout the fishery supply chain, from the fisherman through the consumer, and affect food security and socio-economic stability in many parts of the world. This includes the United States where our own sustainable domestic fisheries may be undermined through unfair competition with illegally caught international product.

The Pirate Fishing Elimination Act, and the underlying international agreement, would combat this threat by establishing an inspection regime that would raise global standards for access to seafood markets to levels similar to those that we set here in the U.S. It would also explicitly prohibit known pirate fishing vessels from entering our ports and from introducing their tainted goods to our healthy seafood supply chain. As the world's third largest seafood importer, our actions can make a real difference by dramatically increasing the risks and costs associated with pirate fishing. I urge my colleagues to join me in supporting this crucial legislation.

#### AMENDMENTS SUBMITTED AND PROPOSED

SA 1458. Mrs. HUTCHISON (for herself, Mr. ROCKEFELLER, and Mr. BURR) proposed an amendment to the bill H.R. 1801, to amend title 49, United States Code, to provide for expedited security screenings for members of the Armed Forces.

#### TEXT OF AMENDMENTS

**SA 1458.** Mrs. HUTCHISON (for herself, Mr. ROCKEFELLER, and Mr. BURR) proposed an amendment to the bill H.R. 1801, to amend title 49, United States Code, to provide for expedited security screenings for members of the Armed Forces; as follows:

Strike all after the enacting clause and insert the following:

##### SECTION 1. SHORT TITLE.

This Act may be cited as the "Risk-Based Security Screening for Members of the Armed Forces Act".

##### SEC. 2. SECURITY SCREENING FOR MEMBERS OF THE ARMED FORCES.

(a) IN GENERAL.—Section 44903 of title 49, United States Code, is amended by adding at the end the following:

"(m) SECURITY SCREENING FOR MEMBERS OF THE ARMED FORCES.—

"(1) IN GENERAL.—The Assistant Secretary of Homeland Security (Transportation Security Administration), in consultation with the Department of Defense, shall develop and implement a plan to provide expedited security screening services for a member of the armed forces, and, to the extent possible, any accompanying family member, if the member of the armed forces, while in uniform, presents documentation indicating official orders for air transportation departing from a primary airport (as defined in section 47102).

"(2) PROTOCOLS.—In developing the plan, the Assistant Secretary shall consider—

"(A) leveraging existing security screening models used to reduce passenger wait times;

"(B) establishing standard guidelines for the screening of military uniform items, including combat boots; and

"(C) incorporating any new screening protocols into an existing trusted passenger program, as established pursuant to section 109(a)(3) of the Aviation and Transportation Security Act (49 U.S.C. 114 note), or into the development of any new credential or system that incorporates biometric technology and other applicable technologies to verify the identity of individuals traveling in air transportation.

"(3) RULE OF CONSTRUCTION.—Nothing in this subsection shall affect the authority of the Assistant Secretary to require additional screening of a member of the armed forces if intelligence or law enforcement information indicates that additional screening is necessary.

"(4) REPORT TO CONGRESS.—The Assistant Secretary shall submit to the appropriate committees of Congress a report on the implementation of the plan."

(b) EFFECTIVE DATE.—Not later than 180 days after the date of enactment of this Act, the Assistant Secretary shall implement the plan required by this Act.

#### NOTICE OF HEARING

##### COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BINGAMAN. Mr. President, I wish to announce that the Committee on Energy and Natural Resources will hold a business meeting on Thursday, December 15, 2011 at 9:30 a.m., in room SD-366 of the Dirksen Senate Office Building.

The purpose of the business meeting is to consider pending calendar business.

For further information, please contact Sam Fowler at (202) 224-7571 or Alison Seyferth at (202) 224-4905.

#### PRIVILEGES OF THE FLOOR

Mr. REID. Mr. President, I ask unanimous consent that John Daley, a detailee with the Foreign Relations Committee from the State Department, be granted floor privileges for the consideration of the Eisen and Aponte nominations.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

#### UNANIMOUS CONSENT AGREEMENT—S.J. RES 10 AND S.J. RES 24

Mr. REID. I ask unanimous consent, pursuant to the Budget Control Act of 2011, that following morning business on Tuesday, December 13, the Judiciary Committee be discharged from further consideration of the following joint resolutions proposing a balanced budget constitutional amendment and the Senate proceed to their consideration en bloc: S.J. Res. 10, S.J. Res. 24; further, that the titles of both joint resolutions be amended as follows so they comply with the Budget Control Act of 2011:

"Joint resolution proposing a balanced budget amendment to the Constitution of the United States"; that there be up to 8 hours of debate on the joint resolutions to run concurrently during Tuesday's session, equally divided between the two leaders or their designees; that when the Senate resumes consideration of the joint resolutions en bloc, on Wednesday, December 14, there be up to 10 minutes of debate equally divided between the two leaders or their designees prior to votes on passage of the joint resolutions in the following order: first, S.J. Res. 24; and, secondly, on S.J. Res. 10; further, that there be 2 minutes, equally divided, between the votes; finally, that there be no amendments, motions or points of order to either joint resolution prior to the votes.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### MEASURE READ THE FIRST TIME—H.R. 1633

Mr. REID. I understand there is a bill at the desk, and I ask for its first reading.

The PRESIDING OFFICER. The clerk will read the bill by title for the first time.

The legislative clerk read as follows:

A bill (H.R. 1633) to establish a temporary prohibition against revising any national ambient air quality standard applicable to coarse particulate matter, to limit Federal regulation of nuisance dust in areas in which such dust is regulated under State, tribal, or local law, and for other purposes.

Mr. REID. I now ask for a second reading and, in order to place the bill on the calendar under the provisions of rule XIV, I object to my own request.

The PRESIDING OFFICER. Objection having been heard, the bill will be read for the second time on the next legislative day.

#### ORDERS FOR TUESDAY, DECEMBER 13, 2011

Mr. REID. I ask unanimous consent that when the Senate completes its business today, it adjourn until 10 a.m. tomorrow morning, Tuesday, December 13, 2011; that following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, and the time for the two leaders be reserved for their use later in the day; that following any leader remarks, the Senate be in morning business for 2 hours, with Senators permitted to speak therein for up to 10 minutes each, with the time equally divided and controlled between the two leaders or their designees, with the Republicans controlling the first half and the majority controlling the final half; and that following morning business, the Senate proceed to the consideration of S.J. Res. 10 and S.J. Res. 24, under the previous order; further, that

the Senate recess from 12:30 p.m. until 2:15 p.m. to allow for the weekly caucus meetings.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADJOURNMENT UNTIL 10 A.M.  
TOMORROW

Mr. REID. If there is no further business to come before the Senate, I ask that it adjourn under the previous order.

There being no objection, the Senate, at 7:23 p.m., adjourned until Tuesday, December 13, 2011, at 10 a.m.

#### CONFIRMATION

Executive nomination confirmed by the Senate December 12, 2011:

#### DEPARTMENT OF STATE

NORMAN L. EISEN, OF THE DISTRICT OF COLUMBIA, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE CZECH REPUBLIC, TO WHICH POSITION HE WAS APPOINTED DURING THE RECESS OF THE SENATE FROM DECEMBER 22, 2010, TO JANUARY 5, 2011.

## HOUSE OF REPRESENTATIVES—Monday, December 12, 2011

The House met at noon and was called to order by the Speaker pro tempore (Mr. DENHAM).

### DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,  
December 12, 2011.

I hereby appoint the Honorable JEFF DENHAM to act as Speaker pro tempore on this day.

JOHN A. BOEHNER,  
*Speaker of the House of Representatives.*

### MORNING-HOUR DEBATE

The SPEAKER pro tempore. Pursuant to the order of the House of January 5, 2011, the Chair would now recognize Members from lists submitted by the majority and minority leaders for morning-hour debate.

### RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until 2 p.m. today.

Accordingly (at 12 o'clock and 1 minute p.m.), the House stood in recess until 2 p.m.

□ 1400

### AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. DENHAM) at 2 p.m.

### PRAYER

The Chaplain, the Reverend Patrick J. Conroy, offered the following prayer: God of the universe, we give You thanks for giving us another day.

We ask Your blessing as we approach the end of the first session of this 112th Congress. You know well the contentiousness of this session. Look into the hearts of all the Members of this people's House to discern the goodwill within. May the goodwill You find be rewarded with Your grace. May any contrary spirit be banished.

In the days that come, help each Member to understand well and interpret positively, as they are able, the positions of those with whom they disagree. Grant to each the wisdom of Solomon, and to us all the faith and con-

fidence to know that no matter how difficult things appear to be, You continue to walk with our Nation, as You have done for over two centuries.

May all that is done today in the people's House be for Your greater honor and glory.

Amen.

### THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

Mr. CLYBURN. Mr. Speaker, pursuant to clause 1, rule I, I demand a vote on agreeing to the Speaker's approval of the Journal.

The SPEAKER pro tempore. The question is on the Speaker's approval of the Journal.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. CLYBURN. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8, rule XX, further proceedings on this question will be postponed.

### PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from South Carolina (Mr. CLYBURN) come forward and lead the House in the Pledge of Allegiance.

Mr. CLYBURN led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

### COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,  
HOUSE OF REPRESENTATIVES,  
Washington, DC, December 9, 2011.

Hon. JOHN A. BOEHNER,  
*The Speaker, House of Representatives,*  
Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on December 9, 2011 at 10:02 a.m.:

That the Senate concur in the House of Representatives amendment to the joint resolution S.J. Res. 22.

That the Senate passed without amendment H.R. 2061.

That the Senate passed S. 974.

That the Senate agreed to without amendment H. Con. Res. 86.

With best wishes, I am

Sincerely,

KAREN L. HAAS.

### COMMUNICATION FROM PRINCIPAL ENGINEER, OFFICE OF THE CHIEF ADMINISTRATIVE OFFICER

The SPEAKER pro tempore laid before the House the following communication from Grant Scherling, Principal Engineer, Office of the Chief Administrative Officer:

OFFICE OF THE CHIEF ADMINISTRATIVE OFFICER, HOUSE OF REPRESENTATIVES,

Washington, DC, December 8, 2011.

Hon. JOHN A. BOEHNER,  
*Speaker, House of Representatives,*  
Washington, DC.

DEAR MR. SPEAKER: This is to notify you formally, pursuant to Rule VIII of the Rules of the House of Representatives, that I have been served with a subpoena issued by the Superior Court of the District of Columbia for testimony in a civil case.

After consultation with the Office of General Counsel, I have determined that compliance with the subpoena is consistent with the privileges and rights of the House.

Sincerely,

GRANT SCHERLING,  
*Principal Engineer,*  
*Office of the Chief Administrative Officer.*

### RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 2 o'clock and 4 minutes p.m.), the House stood in recess subject to the call of the Chair.

□ 1615

### AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. DENHAM) at 4 o'clock and 15 minutes p.m.

### ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

today on motions to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote incurs objection under clause 6 of rule XX.

Record votes on postponed questions will be taken after 6:30 p.m. today.

**PERMISSION TO FILE CONFERENCE REPORT ON H.R. 1540, NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2012**

Mr. ROGERS of Alabama. Mr. Speaker, I ask unanimous consent that the managers on the part of the House have until midnight tonight, December 12, to file the conference report to accompany H.R. 1540.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Alabama?

There was no objection.

**U.S. POSTAL SERVICE BREAST CANCER RESEARCH AUTHORITY ACT**

Mr. ISSA. Mr. Speaker, I move to suspend the rules and pass the bill (S. 384) to amend title 39, United States Code, to extend the authority of the United States Postal Service to issue a semipostal to raise funds for breast cancer research.

The Clerk read the title of the bill.

The text of the bill is as follows:

S. 384

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. EXTENSION OF POSTAGE STAMP FOR BREAST CANCER RESEARCH.**

Section 414(h) of title 39, United States Code, is amended by striking “2011” and inserting “2015”.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. ISSA) and the gentleman from Missouri (Mr. CLAY) each will control 20 minutes.

The Chair recognizes the gentleman from California.

**GENERAL LEAVE**

Mr. ISSA. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days in which to revise and extend their remarks and include extraneous materials on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. ISSA. Mr. Speaker, Senate bill 384, introduced by Senator DIANNE FEINSTEIN from the great State of California, would extend the authority of the United States Postal Service to issue semipostal stamps to raise funds for breast cancer research. The bill enjoys cosponsorship on both sides of the aisle; 66 Senators have cosponsored it, and my committee has voted it out unanimously. Senate bill 384 is very

simple yet important that we pass, and pass before the end of the year. Senate bill 384 will allow the United States Postal Service to continue to sell special postage stamps that generate funds used for breast cancer research.

In 1997 President Clinton signed Public Law 105-41, known as the Stamp Out Breast Cancer Act. The law authorizes the Postal Service to sell, for the first time, a special semipostal stamp for first-class mail. Under the law, the United States Postal Service sells this stamp at a price that is above the standard first-class mail rate. Buyers willingly buy this, knowing that this is helping stamp out breast cancer.

After accounting for administrative costs, the Postal Service then transfers surplus funds to the National Institutes of Health and the Department of Defense for breast cancer research. Today the sale of each 55 cent stamp generates 11 cents to go toward breast cancer research. Since being offered to the public in 1998, nearly 925 million—that’s right, 1 billion—of these stamps have been sold, and over \$74 million of proceeds have been transferred to the NIH and the Department of Defense for breast cancer research.

I would like to thank my colleague, the ranking member of the full committee, Mr. CUMMINGS, and my colleague here today, Mr. CLAY, for championing this bill and its reauthorization. I would also like to thank Senator FEINSTEIN for her work in moving this bill in the other Chamber in a timely fashion.

The authorization for this stamp expires on December 31. Mr. Speaker, it is important that we act and act today if we are, in fact, going to continue to help the more than 2.5 million women currently living with breast cancer nationwide and the over 200,000 women diagnosed with this disease each year in our country. The funds generated from this stamp are greatly needed. Each dollar raised for research increases the likelihood that more people will become cancer survivors rather than cancer statistics.

I urge all of my colleagues to vote for the bill, and I reserve the balance of my time.

□ 1620

Mr. CLAY. Mr. Speaker, I yield myself such time as I may consume, and I’m pleased to rise in support of S. 384, along with my chairman, Mr. ISSA of California, of the Oversight and Government Reform Committee. I want to thank him for bringing this legislation to the floor.

This bill, S. 384, will extend the authority of the U.S. Postal Service to issue the popular semipostal stamp that helps to raise funds for breast cancer research. The measure before us, S. 384, is sponsored by our Senate colleague, Senator DIANNE FEINSTEIN, and here in the House, Representative JOE

BACA, also from California, who introduced the companion version of this legislation.

Cancer is one of the scourges of our society, and this is a truly bipartisan bill that makes a huge difference in a cost-efficient manner. I hope my colleagues will join me in supporting this bill without reservation. This will allow the American people to continue contributing to the fight against breast cancer and cancer in general for another 4 years. I urge passage of this bill.

I yield back the balance of my time.

Mr. ISSA. Mr. Speaker, I yield back the balance of my time.

Mr. BACA. Mr. Speaker, I rise today to voice my strong support for S. 384, legislation that reauthorizes the semi-postal breast cancer research stamp for four additional years.

I want to thank my friend, Senator DIANNE FEINSTEIN, for sponsoring this bill.

I am proud to serve as lead sponsor on H.R. 466, the counterpart legislation for S. 384, that was introduced here in the House of Representatives.

The breast cancer research stamp has been of critical importance in the battle against breast cancer—both in raising awareness of the diseases, and raising tens of millions of dollars for important research activities.

Since 1998, the U.S. Postal Service has sold over 903 million “semi-postal” breast cancer research stamps.

The sale of these stamps has resulted in over \$72 million being raised that has gone directly to supporting breast cancer research at the National Institutes of Health.

If Congress does not act by the end of the year—the authorization to sell the breast cancer research stamp will expire within a few short weeks.

Aside from skin cancer, breast cancer is considered the most commonly diagnosed cancer among women nationwide.

According to the American Cancer Society, more than 2.5 million women in the United States are living with breast cancer today.

The research money raised by the breast cancer stamp makes a real and immediate difference in the lives of women diagnosed with breast cancer—and gives all of us hope that one day we can live in a world without this devastating disease.

The awareness the stamp creates is also critical—as we continue to stress the importance of preventative measures and early detection with America’s women.

I urge my colleagues to join me in reauthorizing the breast cancer research stamp for another four years, and vote “yes” on S. 384.

Let’s stand with America’s our mothers, grandmothers, sisters, and daughters—and vow to continue to work towards a world without breast cancer.

Mr. VAN HOLLEN. Mr. Speaker, I rise in strong support of S. 384, which will reauthorize the sale of the highly successful Breast Cancer Research Stamp. I am a proud cosponsor of House companion legislation.

Breast cancer has or will eventually touch all of our lives. According to the National Cancer Institute, more than 230,000 women in the United States will be diagnosed with breast

cancer this year and nearly 40,000 will die. Breast cancer is the most common non-skin cancer among women. It is also the second leading cause of cancer-related death among women.

Designed by Ethel Kessler of Bethesda, Maryland and illustrated by Whitney Sherman of Baltimore, Maryland, the Breast Cancer Research Stamp was first issued in 1998. Since then, it has raised over \$74 million for cancer research at the National Institutes of Health and the Department of Defense. By renewing this stamp today, Congress is reaffirming its deep commitment to increasing awareness and finding a cure for this terrible disease.

Mr. Speaker, I urge my colleagues to support this bipartisan, lifesaving legislation.

Mr. ISSA. Mr. Speaker, I would like to submit the following letter regarding S. 384:

COMMITTEE ON ENERGY AND COMMERCE,  
Washington, DC, December 13, 2011.

Hon. DARRELL ISSA,  
Chairman, Committee on Oversight and Government Reform, Washington, DC.

DEAR CHAIRMAN ISSA: I am writing concerning S. 384, to amend title 39, United States Code, to extend the authority of the United States Postal Service to issue a semipostal to raise funds for breast cancer research. I wanted to notify you that the Committee on Energy and Commerce will forgo action on S. 384 so that it may proceed expeditiously to the House floor for consideration.

This is done with the understanding that the Committee on Energy and Commerce is not waiving any of its jurisdiction, and the Committee will not in any way be prejudiced with respect to the appointment of conferees or its jurisdictional prerogatives on this or similar legislation.

I would appreciate your response confirming this understanding with respect to S. 384 and ask that a copy of our exchange of letters on this matter be included in the Congressional Record during consideration of the bill on the House floor.

Sincerely,

FRED UPTON,  
Chairman.

COMMITTEE ON OVERSIGHT AND  
GOVERNMENT REFORM,  
Washington, DC, December 13, 2011.

Hon. FRED UPTON,  
Chairman, Committee on Energy and Commerce,  
Washington, DC.

DEAR MR. CHAIRMAN: Thank you for your letter regarding the Committee on Energy and Commerce's jurisdictional interest in S. 384, to amend title 39, United States Code, to extend the authority of the United States Postal Service to issue a semipostal to raise funds for breast cancer research, and your willingness to forego consideration of S. 384 by your committee.

I agree that the Committee on Energy and Commerce has a valid jurisdictional interest in certain provisions of S. 384 and that the Committee's jurisdiction will not be adversely affected by your decision to not request a sequential referral of S. 384.

Finally, I will include a copy of your letter and this response in the Committee Report and in the Congressional Record during the floor consideration of this bill. Thank you again for your cooperation.

Sincerely,

DARRELL ISSA,  
Chairman.

The SPEAKER pro tempore. The question is on the motion offered by

the gentleman from California (Mr. ISSA) that the House suspend the rules and pass the bill, S. 384.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. ISSA. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

The point of no quorum is considered withdrawn.

#### MASTER SERGEANT DANIEL L. FEDDER POST OFFICE

Mr. ISSA. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3220) to designate the facility of the United States Postal Service located at 170 Evergreen Square SW in Pine City, Minnesota, as the "Master Sergeant Daniel L. Fedder Post Office".

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 3220

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. MASTER SERGEANT DANIEL L. FEDDER POST OFFICE.

(a) DESIGNATION.—The facility of the United States Postal Service located at 170 Evergreen Square SW in Pine City, Minnesota, shall be known and designated as the "Master Sergeant Daniel L. Fedder Post Office".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the "Master Sergeant Daniel L. Fedder Post Office".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. ISSA) and the gentleman from Missouri (Mr. CLAY) each will control 20 minutes.

The Chair recognizes the gentleman from California.

#### GENERAL LEAVE

Mr. ISSA. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days in which to revise and extend their remarks and include extraneous materials on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. ISSA. Mr. Speaker, I yield myself such time as I may consume.

H.R. 3220, introduced by the gentleman from Minnesota (Mr. CRAVAACK), would designate the facility of the United States Postal Service located at 170 Evergreen Square SW in Pine City, Minnesota, as the Master Sergeant Daniel L. Fedder Post Office.

The bill is cosponsored by the entire Minnesota State delegation and has been favorably reported from committee.

Master Sergeant Fedder died tragically in August of last year while he was based out of Camp Pendleton within my district and was serving honorably in our theater of operation.

Mr. Speaker, the postal naming is something that our committee takes seriously. We require that all post offices have unanimous support in order to be named. And under this year's rules, we require that it be for individuals befitting of the honor of having a post office named after them, and virtually every postal naming this year has been after one of our fallen heroes.

With that, I yield such time as he may consume to the gentleman from Minnesota (Mr. CRAVAACK).

Mr. CRAVAACK. I thank Chairman ISSA for the introduction.

Mr. Speaker, I rise today to honor the life and service of Master Sergeant Daniel Fedder by dedicating and renaming the U.S. Postal Office in his hometown of Pine City, Minnesota, as the Master Sergeant Daniel L. Fedder Post Office. Master Sergeant Daniel L. Fedder, 34, died on August 27, 2010, while supporting combat operations in Helmand province, Afghanistan, as part of Operation Enduring Freedom.

While working as an explosive ordnance disposal technician, he was killed by a blast of an improvised explosive device. Master Sergeant Fedder was a 16-year veteran of the United States Marine Corps, with completed combat deployments to Iraq in 2004 and 2006 and an overseas deployment with the 11th Marine Expeditionary Unit in 2007.

He was on his first combat tour in Afghanistan but was a very decorated marine with several military awards, including the Purple Heart, two Navy-Marine Corps Commendation Medals, and a Joint Service Achievement Medal. Master Sergeant Daniel Fedder was assigned to the 7th Engineer Support Battalion, 1st Marine Logistics Group, 1st Marine Expeditionary Force out of Camp Pendleton, California.

Master Sergeant Daniel Fedder grew up in Pine City, Minnesota. He is survived by his parents, Robert and Jackie McKellar, who still reside in the area. Master Sergeant Fedder is further survived by his wife, Diana Fedder; former spouse, Susan Fedder; their two children—daughter, Danielle, and son, Strom; and his brother, Dominic McKellar.

A scholarship has been created in his name. It gives financial support to graduating seniors from Pine City High School where Master Sergeant Fedder attended.

Master Sergeant Fedder spent his career in service for his country and ended up making the ultimate sacrifice while working to protect his fellow

Americans in Afghanistan and at home. Daniel Fedder is a true American hero, and I am privileged—in fact, I am humbled—by the opportunity to honor his life, sacrifice, and legacy by designating the local post office of his hometown in his name.

It is my hope that this post office will stand as a reminder to Daniel's family, friends, and the citizens of Pine City, Minnesota, of my appreciation, the appreciation of his constituents of Minnesota's 8th Congressional District, and America's appreciation for Master Sergeant Fedder and those servicemembers like him who have been killed in combat operations while protecting our country.

Mr. CLAY. Mr. Speaker, I yield myself such time as I may consume.

As a member of the House Committee on Oversight and Government Reform, I am pleased to join my colleagues in the consideration of this bill.

H.R. 3220 designates the facility of the U.S. Postal Service located at 170 Evergreen Square SW in Pine City, Minnesota, as the Master Sergeant Daniel L. Fedder Post Office. The measure before us was first introduced by my colleague, Representative CHIP CRAVAACK of Minnesota, on October 14, 2011.

Before serving in Afghanistan, Master Sergeant Fedder had served two highly decorated tours in Iraq. He was a recipient of the Purple Heart, a Navy-Marine Corps Commendation Medal, and a Joint Service Achievement Medal, among many others.

Mr. Speaker, I ask that we recognize and honor the heroic actions and the life of service of Master Sergeant Daniel L. Fedder and pass the underlying bill without reservation. I urge my colleagues to join me in supporting the passage of the bill, and I reserve the balance of my time.

Mr. ISSA. Mr. Speaker, I yield myself such time as I may consume.

In brief, no individual is to be honored more than one who knowingly walks up to a piece of explosive that can kill them surrounded by hostiles who can kill them. When others stand back, our EOD technicians go forward. And no organization has paid more of a price than Marine EOD and Army EOD during this conflict.

So as we honor Master Sergeant Fedder, hopefully we will recognize that he didn't come home, many other EOD technicians didn't come home, and many who came home came home injured because, in fact, you cannot expect these IEDs not to be set off as you walk up to them.

□ 1630

Only a week ago, I was at the Kennedy Center where they honored a countless number of individuals who had been wounded warriors. Disproportionately, I saw the badge of the EOD technician on many of these individ-

uals. They were operating from wheelchairs, and they were operating with terrible, terrible scars.

The master sergeant did not come home, and that is tragic. But let's understand this post office naming is being named after those men and women who serve day in and day out in Iraq, Afghanistan and here at home, to disarm explosives that most people would simply run away from.

With that, I reserve the balance of my time.

Mr. CLAY. Mr. Speaker, I have no further speakers and want to close by again urging adoption of this bill. H.R. 3220 renames the post office in Pine City, Minnesota, after Master Sergeant Fedder, who gave his life in the name of freedom and service to our country.

I yield back the balance of my time.

Mr. ISSA. In closing, I join my colleague in this bipartisan effort to name the post office after Master Sergeant Daniel L. Fedder, and I yield back the balance of my time.

Ms. MCCOLLUM. Mr. Speaker, I rise today as a proud cosponsor of H.R. 3220, a bill to designate the facility of the United States Postal Service located at 170 Evergreen Square SW in Pine City, MN as the Master Sergeant Daniel L. Fedder Post Office.

A Minnesota native and sixteen year veteran of the Marine Corps, Master Sergeant Fedder was serving his fourth tour overseas and his first in Afghanistan when he was mortally wounded by an Improvised Explosive Device on August 27, 2010. During his tour in Afghanistan, he demonstrated incredible courage in disposing of more than 25 improvised explosive devices. His actions saved the lives of countless fellow service members and Afghan civilians. At only 34 years of age, Master Sgt. Fedder had dedicated nearly half of his life to military service, during which time he was cited for his professionalism and strong leadership.

His life serves as a towering example of the courage, valor and dedication of our servicemen and women. H.R. 3220 is an important step to honor the memory of Master Sgt. Fedder's sacrifice.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. ISSA) that the House suspend the rules and pass the bill, H.R. 3220.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. ISSA. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

#### SPECIALIST PETER J. NAVARRO POST OFFICE BUILDING

Mr. ISSA. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3246) to designate the facility of

the United States Postal Service located at 15455 Manchester Road in Ballwin, Missouri, as the "Specialist Peter J. Navarro Post Office Building".

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 3246

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SPECIALIST PETER J. NAVARRO POST OFFICE BUILDING.

(a) DESIGNATION.—The facility of the United States Postal Service located at 15455 Manchester Road in Ballwin, Missouri, shall be known and designated as the "Specialist Peter J. Navarro Post Office Building".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the "Specialist Peter J. Navarro Post Office Building".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. ISSA) and the gentleman from Missouri (Mr. CLAY) each will control 20 minutes.

The Chair recognizes the gentleman from California.

#### GENERAL LEAVE

Mr. ISSA. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days in which to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. ISSA. Mr. Speaker, I yield such time as he may consume to the author of this bill, Representative TODD AKIN of Missouri, who has authored this bill and carried it throughout the process, including here today.

Mr. AKIN. Mr. Speaker, I rise today in strong support of H.R. 3246, a bill I introduced to honor the life of Peter J. Navarro by designating the post office in Ballwin, Missouri, as the Specialist Peter J. Navarro Post Office Building.

A resident of Wildwood, Missouri, Specialist Peter J. Navarro was part of Company A, 2nd Battalion, 70th Armor Regiment, 3rd Brigade Combat Team and the 1st Armored Division. On December 13, 2005, Specialist Navarro was one of four soldiers killed when a roadside bomb detonated near their Humvee during combat operations in Taji, Iraq.

A graduate of Lafayette High School, Peter declined his acceptance at Truman State University so that he could join the Army right after his graduation. When Peter returned home for his younger brother's funeral, he was faced with the undeniable risks of serving his country. However, he returned to Iraq, telling friends and family that without him "they would be a man short. They need me there."

Peter was a dedicated soldier, willing to give the ultimate sacrifice to protect his country and the men and



women who reside there. As Peter's father, Retired Chief Petty Officer Jose Navarro, said, "He cared for the soldiers he worked with. He would do anything for his friends. And he told me he believed in what the mission was."

As the father of three marines, I have watched my boys deploy to both Iraq and Afghanistan. As such, it's a privilege to stand here today to honor one of our fallen soldiers. Peter's commitment and dedication to his country is a shining example of how our military men and women are the finest our Nation has to offer. He and his family's sacrifice should serve as a reminder to all of us that the freedom we enjoy as Americans is not free, but it's the result of the tremendous bravery and selfless service of men and women willing to put themselves in harm's way for freedom's cause. Our Nation will be forever indebted to Specialist Peter Navarro.

Mr. Speaker, I ask that my colleagues join me today in honoring Peter. Vote "yes" on H.R. 3246.

Mr. CLAY. Mr. Speaker, I yield myself such time as I may consume.

On behalf of the Democratic members of the House Committee on Oversight and Government Reform, I stand in support of the consideration of H.R. 3246. This bill designates the facility of the U.S. Postal Service located at 15455 Manchester Road in Ballwin, Missouri, as the Specialist Peter J. Navarro Post Office Building.

The measure before us was first introduced by my friend and colleague, Representative TODD AKIN of Missouri, on October 24, 2011. In accordance with committee requirements, the entire Missouri delegation serves as cosponsors to the bill.

Peter J. Navarro was a resident of Wildwood, Missouri, and a graduate of Lafayette High School. In honor of his service, Specialist Navarro has been awarded the Good Conduct Medal, the Purple Heart, and the Bronze Star. He was a dedicated soldier, willing to give the ultimate sacrifice to protect his country.

Mr. Speaker, I ask that we recognize Specialist Navarro's life and pass the underlying bill without reservation. Passage of H.R. 3246 is but a small token of appreciation for the faithful service of an outstanding American soldier, and I urge its immediate adoption.

I reserve the balance of my time.

Mr. ISSA. Mr. Speaker, I yield myself such time as I may consume.

I join with my colleagues from Missouri on the left and the right that we are united by the naming of this post office on behalf of our fallen hero. Few things unite us in Congress like a recognition that men and women today are still paying the ultimate sacrifice for our freedom. Knowing the risk, serving a long time, Peter Navarro knew what he was doing when he went

back to Iraq, and he did so knowing the risks that he took.

Many youth in America take risks, and they know not what they do and they lose their life; but the men and women of the Armed Forces know the risk, and particularly when they've already been in combat, return home, and go again. Sadly, more and more are going again for the second, third and fourth time; and Peter was no exception.

So today, as we name this post office on behalf of our fallen heroes from Missouri, hopefully we will take time to reflect about the many from Missouri who will not have something named after them but should never be forgotten for their sacrifice and their contribution to the freedoms we enjoy.

With that, I reserve the balance of my time.

Mr. CLAY. Mr. Speaker, I thank the chairman for his comments. I have no further speakers.

Let us join together and support the passage of H.R. 3246 in honor of Specialist Peter J. Navarro.

I yield back the balance of my time.

Mr. ISSA. I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. ISSA) that the House suspend the rules and pass the bill, H.R. 3246.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. ISSA. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

The point of no quorum is considered withdrawn.

□ 1640

#### WAYNE GRISHAM POST OFFICE

Mr. ISSA. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2158) to designate the facility of the United States Postal Service located at 14901 Adelfa Drive in La Mirada, California, as the "Wayne Grisham Post Office".

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 2158

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. WAYNE GRISHAM POST OFFICE.

(a) DESIGNATION.—The facility of the United States Postal Service located at 14901 Adelfa Drive in La Mirada, California, shall be known and designated as the "Wayne Grisham Post Office".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other

record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the "Wayne Grisham Post Office".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. ISSA) and the gentleman from Missouri (Mr. CLAY) each will control 20 minutes.

The Chair recognizes the gentleman from California.

#### GENERAL LEAVE

Mr. ISSA. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days in which to revise and extend their remarks and include extraneous materials on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. ISSA. Mr. Speaker, I yield myself such time as I may consume.

H.R. 2158, introduced by my colleague and friend, the gentlelady from California, Ms. LINDA SANCHEZ, would designate the facility of the United States Post Office located at 14901 Adelfa Drive in La Mirada, California, as the "Wayne Grisham Post Office."

This bill enjoys bipartisan support. In fact, every Member of the California delegation supports it, all 53.

Mr. Speaker, it is fitting and proper that Wayne Grisham, a man who dedicated his life to public service, be recognized. Born in 1923, Mr. Grisham served as a fighter pilot in World War II and was shot down over Germany, earning a Purple Heart.

After a successful career in real estate, Mr. Grisham was elected to the La Mirada City Council, where he served for 8 years. In 1978, he was elected to serve as a Member of this body, representing California's 33rd Congressional District. He served for two terms.

In 1983, he was appointed by then President Reagan to serve as the director of the Peace Corps in Kenya. After his service in Kenya, Mr. Grisham was elected to the California State Assembly in 1984, where he served until 1998.

Sadly, Mr. Speaker, on January of this year, Mr. Grisham died at the age of 88. He is survived by his wife of 66 years, his son, daughter, and five grandchildren.

After his death, he was described by the distinguished chairman of the Rules Committee, Mr. DREIER—who Mr. Grisham lost to in a 1982 reelection bid—as being the model of civility and a true gentleman. Mr. Speaker, we don't hear that very much in this body. I'll repeat it; as the model of civility and a true gentleman.

I urge Members to join me in supporting this legislation in honoring a true public servant.

I reserve the balance of my time.

Mr. CLAY. Mr. Speaker, I yield myself such time as I may consume.

I join with my colleague from the other side of the aisle and rise in support of H.R. 2158, which would rename the U.S. postal facility at 14901 Adelfa Drive in La Mirada, California, as the "Wayne Grisham Post Office."

This bill was first introduced by my colleague and friend, Representative LINDA SÁNCHEZ of California. The bill is widely supported by the members of the California delegation and has been properly vetted and approved by the Oversight and Government Reform Committee.

At this time I would like to yield such time as she may consume to my good friend and colleague, Ms. SÁNCHEZ.

Ms. LINDA T. SÁNCHEZ of California. Mr. Speaker, I rise today in strong support of H.R. 2158, a bill which would designate the facility of the United States Postal Service located at 14901 Adelfa Drive in La Mirada as the Wayne Grisham Post Office.

We could not be honoring a more deserving member of the Southern California community. Wayne Grisham dedicated his life to our country and to southern California. He valiantly served as a fighter pilot during World War II and was held as a prisoner of war when his plane was shot down over Germany. Mr. Grisham was awarded the Purple Heart and Air Medal for his courageous service.

After the war, Wayne returned home to Whittier College, where he earned a bachelor's degree in economics and went on to teach elementary school in Long Beach. Eventually, an entrepreneurial spirit led Mr. Grisham to open his own realty business in La Mirada, which he maintained for much of his life.

A self-described "conservative do-gooder," his dedication to our local community was truly remarkable. Mr. Grisham proudly served the city of La Mirada for over two decades, beginning in 1970 when he was elected to the city council. He later went on to be the mayor of that city.

Wayne once said, "I think of myself as an average guy, and I think it was the average guy who elected me." It was that connection with the community that guided Wayne throughout his career.

Mr. Grisham continued his service to the community with his election to Congress in 1978 and the California State Assembly in 1984. He also lent his talents to the Peace Corps, serving as director in Kenya.

More important than his dedication to our local community was Wayne's life as a dedicated husband, father, and grandfather. He married his high school sweetheart, Millie Watt, in 1944 and had three beautiful children—Cathy, Randy, and Kellie. Wayne was also blessed with seven grandchildren.

Wayne's daughter Kellie recently remembered her father this way: "He was

always smiling and always had a kind word. He loved when he could help people. He took great pride in the work he did for the city of La Mirada, the State of California, and the United States of America. He was a genuinely sincere person with great integrity. He believed in treating everyone with respect."

Mr. Speaker, I urge my colleagues to join me in honoring the service and memory of this dedicated civic leader.

Mr. ISSA. Mr. Speaker, it is now my honor to yield such time as he may consume to a friend and colleague who would like to speak on Mr. Grisham's behalf, the gentleman from California (Mr. LEWIS).

Mr. LEWIS of California. I want to first say I very much appreciate my colleagues' recognizing the service of our dear friend Wayne Grisham.

In my early days in the Congress, Arlene and I spent a good deal of time with Wayne and Millie. We traveled together and talked often of other trips we could take with one another. Our favorite place in the West, for example, is Catalina Island, and we had planned to spend at least one weekend—if not many—there together. It is with great regret that I rise today in recognition of his passing in January.

Mr. Speaker, I arise to honor the life of my friend and colleague Wayne Grisham. During our early years in Congress, Wayne and his wife Millie became our dear friends. We traveled together and often talked of a weekend at our mutual favorite place in the west—Catalina Island. We miss them both in our lives.

Mr. CLAY. Mr. Speaker, having no additional speakers, I urge my colleagues to support H.R. 2158, which renames the La Miranda, California, post office after Mr. Wayne Grisham, and I yield back the balance of my time.

Mr. ISSA. Mr. Speaker, I yield back the balance of my time.

Mr. DREIER. Mr. Speaker, I rise today to recognize Wayne Grisham. From serving as a decorated combat pilot during World War II, to his public service as Mayor of La Mirada and later, as a Member of Congress, Wayne Grisham honorably served his nation, his state and his community.

After graduating from Jordan High School in Long Beach, California, Wayne Grisham joined the Army Air Corps. During World War II, he became a prisoner of war after his aircraft was shot down on a combat mission over Germany. For his valor, he was awarded the Purple Heart. After the war, Wayne completed his studies at Whittier College and the University of Southern California and went on to build a successful real estate company.

In 1970, Wayne began his political career on the La Mirada City Council and soon became the city's mayor. Wayne was elected to Congress in 1978 and was immediately known for his civility. President John F. Kennedy said in his inaugural address that "civility is not a sign of weakness." This was certainly true of Wayne Grisham. In 1982, Wayne and I found ourselves in the unfortunate circumstance of having our districts drawn together. I was hon-

ored to call Wayne Grisham, not only a colleague, but a friend, and while we engaged in a rigorous campaign, I will never forget Wayne's strength of character and enduring friendship. Wayne continued his dedication to public service through elected office in California and as the director of the Peace Corps in Kenya.

Mr. Speaker, it was a privilege to have served in Congress with Wayne Grisham and I am pleased that we are able to honor him today.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. ISSA) that the House suspend the rules and pass the bill, H.R. 2158.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. ISSA. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

#### WILLIAM T. TRANT POST OFFICE BUILDING

Mr. ISSA. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2767) to designate the facility of the United States Postal Service located at 8 West Silver Street in Westfield, Massachusetts, as the "William T. Trant Post Office Building".

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 2767

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. WILLIAM T. TRANT POST OFFICE BUILDING.

(a) DESIGNATION.—The facility of the United States Postal Service located at 8 West Silver Street in Westfield, Massachusetts, shall be known and designated as the "William T. Trant Post Office Building".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the "William T. Trant Post Office Building".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. ISSA) and the gentleman from Missouri (Mr. CLAY) each will control 20 minutes.

The Chair recognizes the gentleman from California.

#### GENERAL LEAVE

Mr. ISSA. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days in which to revise and extend their remarks and include extraneous materials on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. ISSA. Mr. Speaker, I yield myself such time as I may consume.

H.R. 2767, introduced by the gentleman from Massachusetts (Mr. OLVER), would designate the facility of the United States Post Office located at 8 West Silver Street in Westfield, Massachusetts, as the "William T. Trant Post Office Building." This bill is cosponsored by the entire Massachusetts delegation and was favorably reported unanimously from our committee in November.

Mr. Speaker, William Trant was a man truly dedicated to serving both his country and his community.

□ 1650

In 1943 he enlisted in the Army and saw combat in Europe, suffering wounds at both Normandy and Rhineland. For his service, he was awarded the Purple Heart, as well as numerous other service medals.

After returning from war, Mr. Trant began his career working for the United States Post Office there in Westfield. Following a short stint with the New York Giants minor league baseball team, Mr. Trant returned to his career at the postal service—as we know in government, it's always good to have a backup job if you're going to pitch—where he would continue to serve for 32 years.

Mr. Trant rose to the rank of the postmaster of that post office that he served in up through the process. He also, though, did many community works, including serving on the Westfield City Council for near 20 years and, in 1962, also served as acting mayor. It is fitting that we name the Westfield Post Office after its postmaster.

In 1967 he served as procurement officer in the Springfield Post Office, as well as the procurement director of services in the northeast postal district in Hartford, Connecticut.

Sadly, Mr. Speaker, in 2002 Mr. Trant passed away. He is remembered by many in Westfield as both an exemplary citizen and a person of character.

I urge all Members to join in support of this legislation to honor a true public servant, and I reserve the balance of my time.

Mr. CLAY. Mr. Speaker, I yield myself such time as I may consume.

I am pleased to rise in support of H.R. 2767, this bill to designate the facility of the U.S. Postal Service located at 8 West Silver Street in Westfield, Massachusetts, as the William T. Trant Post Office Building.

The measure was first introduced by my colleague, Representative JOHN OLVER of Massachusetts, on August 1, 2011. The entire Massachusetts delegation supports the bill. Having met all of the Oversight and Government Reform Committee's requirements, H.R. 2767 was reported favorably by the committee on November 3, 2011.

Mr. Speaker, at this time I yield such time as he may consume to my friend from Massachusetts (Mr. OLVER).

Mr. OLVER. I thank the gentleman from Missouri for yielding me time.

Mr. Speaker, I rise today to support H.R. 2767, a bill that would designate the United States Post Office at 8 West Silver Street in Westfield, Massachusetts, as the William T. Trant Post Office Building.

William Trant was an exemplary citizen, a soldier, a father, a public servant, and a pillar of his community.

Born and raised in Westfield, he enlisted in the U.S. Army in 1943, and participated in five of the great campaigns of World War II, including the invasion of Normandy. He was decorated with several military honors, including the European-African-Middle Eastern Campaign Medal with five Bronze Stars, the Good Conduct Medal, and the Purple Heart with an oak leaf cluster for wounds sustained at Normandy and at Rhineland.

After being honorably discharged at the end of the war, Mr. Trant returned home and worked for the U.S. Post Office in Westfield, leaving briefly to pitch for a minor league baseball team affiliated with the New York Giants.

He served on Westfield's City Council for nearly 20 years, served as acting mayor in 1962 following the death of Westfield's incumbent mayor. Through his service, he became friends with many Massachusetts political figures from both parties, including President John Kennedy, Senator Edward Kennedy, Congressman Silvio Conte, and House Speaker Tip O'Neill.

In 1967, Mr. Trant was appointed postmaster at the Westfield Post Office, a title which he proudly held while serving for many years.

Mr. Trant was actively involved in sports programs for the young people of Westfield, including the Westfield Little League, Westfield Babe Ruth and Westfield American Legion Baseball.

He and his wife, Mary, were devoted parents to nine children.

He passed away in 2002, having lived a life that is an example and an inspiration for all who knew him.

Mr. Speaker, I urge the passage of H.R. 2767 and ask my colleagues to join me in honoring William Trant's service to his country and his community.

Mr. CLAY. Mr. Speaker, I have no further speakers.

I ask that we recognize the long life and heroic service of William T. Trant and pass the underlying bill without reservation.

I yield back the balance of my time.

Mr. ISSA. Mr. Speaker, I join with my colleague and move that we support unanimously the William Trant Post Office naming, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. ISSA) that the House suspend the rules and pass the bill, H.R. 2767.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. ISSA. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

The point of no quorum is considered withdrawn.

#### BRIAN A. TERRY MEMORIAL ACT

Mr. DENHAM. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2668) to designate the station of the United States Border Patrol located at 2136 South Naco Highway in Bisbee, Arizona, as the "Brian A. Terry Border Patrol Station".

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 2668

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "Brian A. Terry Memorial Act".

#### SEC. 2. FINDINGS.

The Congress finds the following:

(1) A native of Flat Rock, Michigan, Agent Brian A. Terry served his country proudly with the United States Marine Corps and continued his service as a police officer with the cities of Ecorse and Lincoln Park, Michigan, prior to joining the United States Border Patrol.

(2) Agent Terry was a member of the 699th Session of the Border Patrol Academy assigned to the Naco Border Patrol Station within the Tucson Sector.

(3) On December 14, 2010, Border Patrol Agent Brian A. Terry was conducting a Border Patrol Tactical unit (BORTAC) operation in the area of "Peck Wells".

(4) At 11:15 p.m., near Rio Rico, Arizona, and about 15 miles north of Nogales, Arizona, Agent Terry and his team spotted a group of individuals approaching their position.

(5) Shortly thereafter, an encounter ensued and gunfire was exchanged that left Agent Terry mortally wounded.

(6) Agent Terry succumbed to his injuries on December 15, 2010.

(7) Agent Terry is survived by his mother, father, stepmother, stepfather, brother, and two sisters.

#### SEC. 3. DESIGNATION.

The station of the United States Border Patrol located at 2136 South Naco Highway in Bisbee, Arizona, shall be known and designated as the "Brian A. Terry Border Patrol Station".

#### SEC. 4. REFERENCES.

Any reference in a law, map, regulation, document, paper, or other record of the United States to the station referred to in section 1 shall be deemed to be a reference to the "Brian A. Terry Border Patrol Station".

The SPEAKER pro tempore (Mr. ROGERS of Alabama). Pursuant to the rule, the gentleman from California (Mr. DENHAM) and the gentleman from Maryland (Mr. CUMMINGS) each will control 20 minutes.

The Chair recognizes the gentleman from California.

GENERAL LEAVE

Mr. DENHAM. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on H.R. 2668.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. DENHAM. Mr. Speaker, I yield myself such time as I may consume.

H.R. 2668 would designate the station of the United States Border Patrol located at 2136 South Naco Highway in Bisbee, Arizona, as the Brian A. Terry Border Patrol Station. I am pleased to coauthor H.R. 2668, and I want to thank the gentleman from California (Mr. ISSA) for introducing this bipartisan legislation.

The Brian A. Terry Memorial Act would honor Border Patrol Agent Brian A. Terry by designating the station of the United States Border Patrol located at 2136 South Naco Highway in Bisbee, Arizona, as the Brian A. Terry Border Patrol Station.

Born in Flat Rock, Michigan, Agent Terry proudly served his country with the United States Marine Corps and continued his service as a police officer in Michigan prior to joining the United States Border Patrol. Agent Terry became a member of the 699th Session of the Border Patrol Academy, assigned to the Naco Border Patrol Station within the Tucson, Arizona, sector.

On December 14, 2010, Border Patrol Agent Brian A. Terry was conducting a Border Patrol Tactical Unit operation in the area of Peck Well. At 11:15, near Rio Rico, Arizona, and about 15 miles north of Nogales, Arizona, Agent Terry and his team spotted a group of individuals approaching their position.

□ 1700

Investigators later found that the suspects were preying on illegal immigrants with the intent to rob them. Shortly thereafter, an encounter ensued and gunfire was exchanged that left Agent Terry mortally wounded by a bullet fired by a suspect's AK-47. Agent Terry passed away the following day.

This legislation honors the ultimate sacrifice of Agent Terry while he bravely protected our Nation's borders. I support passage of this legislation and urge my colleagues to do the same.

I reserve the balance of my time.

Mr. CUMMINGS. Mr. Speaker, I yield myself such time as I may consume.

I rise in strong support of H.R. 2668, the Brian A. Terry Memorial Act, which honors the life and sacrifice of U.S. Border Patrol Agent Brian Terry. I'm pleased to be an original cosponsor of this measure, and I applaud Mr. ISSA for his leadership on this.

One year ago this Wednesday, on December 14, 2010, as on so many previous

nights, Agent Terry and his team were out patrolling the border areas of Arizona and defending this country. Tragically, that night he died in the line of duty from injuries sustained in a gun fight. He died in the line of duty upholding his oath to defend our country. He was only 40 years old and was days away from taking a trip back home to Michigan for the Christmas holiday.

Even before he joined the United States Customs and Border Protection as a Border Patrol agent, Agent Terry displayed an exemplary record of public service. He joined the United States Marine Corps upon his graduation from high school and served a tour of duty in Iraq. He was honorably discharged in 1994.

Upon completing his military service, he returned home to Michigan and completed a bachelor of science degree in criminal justice. He then served as a police officer in Ecorse and Lincoln Park, Michigan. In 2007, he joined the United States Customs and Border Protection and became a member of its elite Border Patrol Tactical Unit. This unit responds to some of the most dangerous threats against our Nation's homeland, which perfectly suited Agent Terry's courage, patriotism, and dedication to his country. Agent Terry was stationed at the Nogales Border Patrol Station near Tucson, Arizona, which is the largest border patrol station in the entire country.

Agent Terry took great pride in serving and defending his country. He worked tirelessly day after day confronting imminent and immediate danger on the southwest border.

Despite the dangerous nature of his work, those who knew him described him as "a strong, competitive, handsome, courageous, funny, and incredibly patriotic American." He was also proud to serve as a Federal law enforcement agent.

I have met Agent Terry's family, and I support the ongoing efforts to seek answers for them. Others at the FBI and the U.S. Attorney's Office are working to bring his killers to justice.

I join with the chairman of the Oversight Committee, Chairman ISSA, in urging that the House adopt H.R. 2668, the Brian A. Terry Memorial Act, which recognizes Agent Terry's life and service and names in his honor a Border Patrol station in Bisbee, Arizona.

With that, I reserve the balance of my time.

Mr. DENHAM. Mr. Speaker, I yield 10 minutes to the gentleman from California (Mr. ISSA).

Mr. ISSA. The ranking member said a great deal of what I was going to say and he said it well. Brian Terry was, in fact, a special human being who dedicated his life to public service, first in the United States Marine Corps, then in local law enforcement, then at the Border Patrol. His only ambition was to be a Federal law enforcement servant.

He left behind a family asking a great many questions because just 10 days before Christmas a year ago, he was gunned down. In fact, we still don't have all of the answers. The ranking member, Mr. CUMMINGS, and I continue to look for those answers. We learned only last week that there is an indictment in connection with his killing. We look forward to the Terry family having full and complete resolution of all the details around his death.

But for all the ambiguity that often happens in the heat of a battle that happens in law enforcement, there's no question about who Brian Terry was, what a special human being he was and why for only the second time in Border Patrol history will a facility be named for one of their fallen heroes. It was decades after the last fallen heroes before a facility not even envisioned at the time was named for them.

In this case we believe this is appropriate to do now. This was some one who knew the risk, and he went willingly into the highest risk down on our border. Here in Congress we often have a lively debate about the border and border enforcement. Brian Terry didn't debate border enforcement. He knew his job was to see that no one got past the border that wasn't supposed to.

Whether it was human traffickers, whether it was drug smugglers, whether they had high-powered rifles, or they were simply crossing the border illegally, he knew his job was to see that our borders were respected, and he did so out of a sense of duty and patriotism.

This act is hugely bipartisan at a time in which Congress is not so bipartisan. It is so because we know that the men and women of the Border Patrol, the men and women who support and protect one of the most basic aspects of national sovereignty, do so without looking at politics. They don't make the laws. They don't decide who gets to come to our country or not. They enforce them, and they enforce them in a way that we all can respect.

Our committee has an obligation to look into and to get the details of the unnecessary loss of his life. But I want to thank today Chairman MICA and Mr. DENHAM and certainly Ranking Member RAHALL for moving this historic piece of legislation, one that brings an honor only once before ever given to a Border Patrol and Customs agent, to this one at the very facility where, if he were still alive, he would have returned after that Christmas back home in Michigan to his friends, his colleagues, the people whose flank he protected. He didn't get that opportunity to go home for Christmas. He didn't get to serve out his years with his friends and colleagues; and for that the family has our undying gratitude for his sacrifice and our apologies and our condolences for the loss.

Today, we're doing one of the few things we can do, and that is to honor

on the House floor a fallen hero, a man who didn't fall in Iraq, but did fall on the Arizona border.

With that, I want to thank Mr. DENHAM for bringing this here in a timely fashion. I want to thank the Speaker for ensuring that this becomes law.

Mr. CUMMINGS. I yield myself such time as I may consume.

Mr. Speaker, we have no further speakers.

I will say that it is so important that we pause for a moment to honor people like Officer Terry.

So often our officers, various officers throughout the Federal system, go out expecting to come home to their families and unfortunately do not come home. It is so very, very sad. We spent quite a bit of time, Mr. ISSA and I, talking to the family and trying to console them. But I think the thing they want more than anything else right now is answers. I again join him in a bipartisan way with our entire committee to find those answers because I think it is so very, very important. As I've said many times, I shall not rest until we do find those answers.

With that, Mr. Speaker, I urge all of our Members to vote for this historic piece of legislation, and I yield back the balance of my time.

Mr. DENHAM. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. DENHAM) that the House suspend the rules and pass the bill, H.R. 2668.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. CUMMINGS. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

The point of no quorum is considered withdrawn.

□ 1710

# PIPELINE SAFETY, REGULATORY CERTAINTY, AND JOB CREATION ACT OF 2011

Mr. SHUSTER. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2845) to amend title 49, United States Code, to provide for enhanced safety and environmental protection in pipeline transportation, to provide for enhanced reliability in the transportation of the Nation's energy products by pipeline, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 2845

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

## SECTION 1. SHORT TITLE; AMENDMENT OF TITLE 49, UNITED STATES CODE; DEFINITIONS; TABLE OF CONTENTS.

(a) *SHORT TITLE.*—This Act may be cited as the “Pipeline Safety, Regulatory Certainty, and Job Creation Act of 2011”.

(b) *AMENDMENT OF TITLE 49, UNITED STATES CODE.*—Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or a repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of title 49, United States Code.

(c) *DEFINITIONS.*—Any term used in this Act that is defined in chapter 601 of title 49, United States Code, shall have the meaning given that term in that chapter.

(d) *TABLE OF CONTENTS.*—The table of contents for this Act is as follows:

Sec. 1. Short title; amendment of title 49, United States Code; definitions; table of contents.

Sec. 2. Civil penalties.

Sec. 3. Pipeline damage prevention.

Sec. 4. Automatic and remote-controlled shut-off valves.

Sec. 5. Integrity management.

Sec. 6. Public education and awareness.

Sec. 7. Cast iron gas pipelines.

Sec. 8. Leak detection.

Sec. 9. Accident and incident notification.

Sec. 10. Transportation-related onshore facility response plan compliance.

Sec. 11. Transportation-related oil flow lines.

Sec. 12. Cost recovery for design reviews.

Sec. 13. Biofuel pipelines.

Sec. 14. Carbon dioxide pipelines.

Sec. 15. Study of transportation of diluted bitumen.

Sec. 16. Study of non-petroleum hazardous liquids transported by pipeline.

Sec. 17. Clarifications.

Sec. 18. Maintenance of effort.

Sec. 19. Administrative enforcement process.

Sec. 20. Gas and hazardous liquid gathering lines.

Sec. 21. Authorization of appropriations.

## SEC. 2. CIVIL PENALTIES.

(a) *GENERAL PENALTIES; PENALTY CONSIDERATIONS.*—Section 60122 is amended—

(1) in subsection (a)(1)—

(A) in the first sentence by striking “\$100,000” and inserting “\$175,000”; and

(B) in the last sentence by striking “\$1,000,000” and inserting “\$1,750,000”; and

(2) in subsection (b)(1)(B) by striking “the ability to pay.”.

(b) *OPERATOR ASSISTANCE IN INVESTIGATIONS.*—Section 60118(e) is amended to read as follows:

“(e) *OPERATOR ASSISTANCE IN INVESTIGATIONS.*—

“(1) *ASSISTANCE AND ACCESS.*—If the Secretary or the National Transportation Safety Board investigates an accident involving a pipeline facility, the operator of the facility shall—

“(A) make available to the Secretary or the Board all records and information that in any way pertain to the accident (including integrity management plans and test results); and

“(B) afford all reasonable assistance in the investigation of the accident.

“(2) *OPERATOR ASSISTANCE IN INVESTIGATIONS.*—

“(A) *IN GENERAL.*—The Secretary may impose a civil penalty under section 60122 on a person who obstructs or prevents the Secretary from carrying out inspections or investigations under this chapter.

“(B) *DEFINITIONS.*—In this paragraph, the following definitions apply:

“(i) *OBSTRUCTS.*—The term ‘obstructs’ includes actions that were known, or reasonably should have been known, to prevent, hinder, or impede an investigation without good cause.

“(ii) *GOOD CAUSE.*—The term ‘good cause’ includes, at a minimum, restricting access to facilities that are not secure or safe for non-pipeline personnel or visitors.”.

(c) *ADMINISTRATIVE PENALTY CAPS INAPPLICABLE.*—Section 60120(a)(1) is amended by adding at the end the following: “The maximum amount of civil penalties for administrative enforcement actions under section 60122 shall not apply to enforcement actions under this section.”.

(d) *JUDICIAL REVIEW OF ADMINISTRATIVE ENFORCEMENT ORDERS.*—Section 60119(a) is amended—

(1) in the subsection heading by striking “AND WAIVER ORDERS” and inserting “, ORDERS, AND OTHER FINAL AGENCY ACTIONS”; and

(2) by striking “about an application for a waiver under section 60118(c) or (d) of this title” and inserting “under this chapter”.

## SEC. 3. PIPELINE DAMAGE PREVENTION.

(a) *MINIMUM STANDARDS FOR STATE ONE-CALL NOTIFICATION PROGRAMS.*—Section 6103(a) is amended to read as follows:

“(a) *MINIMUM STANDARDS.*—

“(1) *IN GENERAL.*—In order to qualify for a grant under section 6106, a State one-call notification program, at a minimum, shall provide for—

“(A) appropriate participation by all underground facility operators, including all government operators;

“(B) appropriate participation by all excavators, including all government and contract excavators; and

“(C) flexible and effective enforcement under State law with respect to participation in, and use of, one-call notification systems.

“(2) *EXEMPTIONS PROHIBITED.*—In order to qualify for a grant under section 6106, a State one-call notification program may not exempt municipalities, State agencies, or their contractors from its one-call notification system requirements.”.

(b) *STATE DAMAGE PREVENTION PROGRAMS.*—Section 60134(a) is amended—

(1) in paragraph (1) by striking “and” after the semicolon;

(2) in paragraph (2)(B) by striking “(b).” and inserting “(b); and”; and

(3) by adding at the end the following:

“(3) does not provide any exemptions to municipalities, State agencies, or their contractors from its one-call notification system requirements.”.

(c) *EFFECTIVE DATE.*—The amendments made by this section shall take effect 2 years after the date of enactment of this Act.

(d) *THIRD PARTY DAMAGE.*—

(1) *STUDY.*—The Secretary of Transportation shall conduct a study on the impact of third party damage on pipeline safety.

(2) *CONTENTS.*—The study shall include—

(A) an analysis of the frequency and severity of different types of third party damage incidents;

(B) an analysis of exemptions to the one-call notification system requirements in each State;

(C) a comparison of exemptions to the one-call notification system requirements in each State to the types of third party damage incidents in that State; and

(D) an analysis of the potential safety benefits and adverse consequences of eliminating all exemptions for mechanized excavation from State one-call notification systems.

(3) *REPORT.*—Not later than 2 years after the date of enactment of this Act, the Secretary

shall submit to the House of Representatives Committee on Transportation and Infrastructure and Committee on Energy and Commerce and the Senate Committee on Commerce, Science, and Transportation a report on the results of the study.

**SEC. 4. AUTOMATIC AND REMOTE-CONTROLLED SHUT-OFF VALVES.**

Section 60102 is amended—

(1) by striking subsection (j)(3); and

(2) by adding at the end the following:

“(n) AUTOMATIC AND REMOTE-CONTROLLED SHUT-OFF VALVES FOR NEW TRANSMISSION PIPELINES.—

“(1) IN GENERAL.—The Secretary may require by regulation, if determined appropriate by the Secretary, the use of automatic or remote-controlled shut-off valves, or equivalent technology, where economically, technically, and operationally feasible on transmission pipeline facilities constructed or entirely replaced after the date on which the Secretary issues the final rule containing such requirement.

“(2) FACTORS FOR CONSIDERATION.—In determining whether to proceed with a rulemaking under paragraph (1), the Secretary shall consider the factors specified in subsection (b)(2).”.

**SEC. 5. INTEGRITY MANAGEMENT.**

(a) EVALUATION.—Not later than 2 years after the date of enactment of this Act, the Secretary of Transportation shall evaluate—

(1) whether integrity management system requirements, or elements thereof, should be expanded beyond high consequence areas; and

(2) with respect to gas transmission pipeline facilities, whether applying integrity management program requirements, or elements thereof, to additional areas would mitigate the need for class location requirements.

(b) REPAIR CRITERIA.—In conducting the evaluation under subsection (a), the Secretary shall consider applying repair criteria, such as pressure reductions and special requirements for scheduling remediation, to areas that are not high consequence areas.

(c) REPORT.—Based on the evaluation to be conducted under subsection (a), the Secretary shall submit to the House of Representatives Committee on Transportation and Infrastructure and Committee on Energy and Commerce and the Senate Committee on Commerce, Science, and Transportation a report containing the Secretary's analysis and findings regarding—

(1) expansion of integrity management requirements, or elements thereof, beyond high consequence areas; and

(2) with respect to gas transmission pipeline facilities, whether applying the integrity management program requirements, or elements thereof, to additional areas would mitigate the need for class location requirements.

(d) DATA REPORTING.—The Secretary shall collect any relevant data necessary to complete the evaluation required by subsection (a).

(e) TECHNICAL CORRECTION.—Section 60109(c)(3)(B) is amended to read as follows:

“(B) Subject to paragraph (5), periodic reassessments of the facility, at a minimum of once every 7 calendar years, using methods described in subparagraph (A). Such deadline shall be extended for an additional 6 months if the operator submits written notice to the Secretary that includes an explanation of the need for the extension.”.

(f) RULEMAKING REQUIREMENTS.—

(1) REVIEW PERIOD DEFINED.—In this subsection, the term “review period” means the period beginning on the date of enactment of this Act and ending on the earlier of—

(A) the date that is 1 year after the date of completion of the report under subsection (c); or

(B) the date that is 3 years after the date of enactment of this Act.

(2) CONGRESSIONAL AUTHORITY.—In order to provide Congress the necessary time to review the results of the report required by subsection (c) and implement appropriate recommendations, the Secretary shall not, during the review period, proceed with a rulemaking to prescribe regulations described in paragraph (3).

(3) STANDARDS.—Following the review period, the Secretary may, as appropriate, prescribe regulations that—

(A) expand integrity management system requirements, or elements thereof, beyond high consequence areas; and

(B) remove redundant class location requirements for gas transmission pipeline facilities that are regulated under an integrity management program adopted and implemented under section 60109(c)(2) of title 49, United States Code.

(4) SAVINGS CLAUSE.—

(A) IN GENERAL.—Notwithstanding any other provision of this subsection, the Secretary, during the review period, may proceed to a rulemaking to prescribe regulations described in paragraph (3), and may prescribe the regulations, if the Secretary determines that a condition that poses a risk to public safety, property, or the environment is present or an imminent hazard exists and that the rulemaking will address the risk or hazard.

(B) IMMINENT HAZARD DEFINED.—In subparagraph (A), the term “imminent hazard” means the existence of a condition related to pipelines or pipeline operations that presents a substantial likelihood that death, serious illness, severe personal injury, or substantial endangerment to health, property, or the environment may occur.

(g) REPORT TO CONGRESS ON RISK-BASED PIPELINE REASSESSMENT INTERVALS.—Not later than 2 years after the date of enactment of this Act, the Comptroller General of the United States shall evaluate—

(1) whether risk-based reassessment intervals are a more effective alternative for managing risks to pipelines in high-consequence areas once baseline assessments are complete when compared to a 7-year reassessment interval;

(2) the number of anomalies found in baseline assessments required under section 60109(c)(3)(A) of title 49, United States Code, as compared to the number of anomalies found in reassessments required under section 60109(c)(3)(B) of such title; and

(3) the progress made in incorporating the recommendations in GAO Report 06-945 and the current relevance of recommendations not incorporated to date.

(h) HIGH CONSEQUENCE AREA DEFINED.—In this section, the term “high consequence area” means an area described in section 60109(a) of title 49, United States Code.

**SEC. 6. PUBLIC EDUCATION AND AWARENESS.**

(a) NATIONAL PIPELINE MAPPING SYSTEM.—

(1) MAP OF HIGH CONSEQUENCE AREAS.—The Secretary of Transportation shall—

(A) maintain, as part of the National Pipeline Mapping System, a map of all designated high consequence areas (as described in section 60109(a) of title 49, United States Code) in which pipelines are required to meet integrity management safety regulations, excluding any proprietary or sensitive security information; and

(B) update the map biennially.

(2) PROGRAM TO PROMOTE AWARENESS OF NATIONAL PIPELINE MAPPING SYSTEM.—Not later than 1 year after the date of enactment of this Act, the Secretary shall develop and implement a program promoting greater awareness of the existence of the National Pipeline Mapping System to State and local emergency responders and other interested parties. The program shall include guidance on how to use the National Pipeline Mapping System to locate pipelines in communities and local jurisdictions.

(b) INFORMATION TO EMERGENCY RESPONSE AGENCIES.—

(1) GUIDANCE.—Not later than 18 months after the date of enactment of this Act, the Secretary shall issue guidance to owners and operators of pipeline facilities on the importance of providing system-specific information about their pipeline facilities to emergency response agencies of the communities and jurisdictions in which those facilities are located.

(2) CONSULTATION.—Before issuing guidance under paragraph (1), the Secretary shall consult with owners and operators of pipeline facilities to determine the extent to which the owners and operators are already providing system-specific information about their pipeline facilities to emergency response agencies.

**SEC. 7. CAST IRON GAS PIPELINES.**

(a) FOLLOW-UP SURVEYS.—Section 60108(d) is amended by adding at the end the following:

“(4) Not later than December 31, 2012, and every 2 years thereafter, the Secretary shall conduct a follow-up survey to measure the progress that owners and operators of pipeline facilities have made in implementing their plans for the safe management and replacement of cast iron gas pipelines.”.

(b) STATUS REPORT.—Not later than December 31, 2013, the Secretary of Transportation shall transmit to the House of Representatives Committee on Transportation and Infrastructure and Committee on Energy and Commerce and the Senate Committee on Commerce, Science, and Transportation a report that—

(1) identifies the total mileage of cast iron gas pipelines in the United States; and

(2) evaluates the progress that owners and operators of pipeline facilities have made in implementing their plans for the safe management and replacement of cast iron gas pipelines.

**SEC. 8. LEAK DETECTION.**

(a) LEAK DETECTION REPORT.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary of Transportation shall submit to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure and Committee on Energy and Commerce a report on leak detection systems utilized by operators of hazardous liquid pipeline facilities and transportation-related flow lines.

(2) CONTENTS.—The report shall include—

(A) an analysis of the technical limitations of current leak detection systems, including the systems' ability to detect ruptures and small leaks that are ongoing or intermittent, and what can be done to foster development of better technologies; and

(B) an analysis of the feasibility of establishing technically, operationally, and economically feasible standards for the capability of such systems to detect leaks, and the safety benefits and adverse consequences of requiring operators to use leak detection systems.

(b) RULEMAKING REQUIREMENTS.—

(1) REVIEW PERIOD DEFINED.—In this subsection, the term “review period” means the period beginning on the date of enactment of this Act and ending on the earlier of—

(A) the date that is 1 year after the date of completion of the report under subsection (a); or

(B) the date that is 2 years after the date of enactment of this Act.

(2) CONGRESSIONAL AUTHORITY.—In order to provide Congress the necessary time to review the results of the report required by subsection (a) and implement appropriate recommendations, the Secretary shall not, during the review period, proceed with a rulemaking to prescribe regulations described in paragraph (3).

(3) STANDARDS.—Following the review period, the Secretary may, as appropriate, prescribe regulations that—



(A) require operators of hazardous liquid pipeline facilities to use leak detection systems; and  
(B) establish technically, operationally, and economically feasible standards for the capability of such systems to detect leaks.

**(4) SAVINGS CLAUSE.—**

(A) **IN GENERAL.**—Notwithstanding any other provision of this subsection, the Secretary, during the review period, may proceed to a rulemaking to prescribe regulations described in paragraph (3), and may prescribe the regulations, if the Secretary determines that a condition that poses a risk to public safety, property, or the environment is present or an imminent hazard exists and that the rulemaking will address the risk or hazard.

(B) **IMMINENT HAZARD DEFINED.**—In subparagraph (A), the term “imminent hazard” means the existence of a condition related to pipelines or pipeline operations that presents a substantial likelihood that death, serious illness, severe personal injury, or substantial endangerment to health, property, or the environment may occur.

**SEC. 9. ACCIDENT AND INCIDENT NOTIFICATION.**

(a) **REVISION OF REGULATIONS.**—Not later than 18 months after the date of enactment of this Act, the Secretary of Transportation shall revise regulations issued under sections 191.5 and 195.52 of title 49, Code of Federal Regulations, to establish specific time limits for telephonic or electronic notice of accidents and incidents involving pipeline facilities to the Secretary and the National Response Center.

(b) **MINIMUM REQUIREMENTS.**—In revising the regulations, the Secretary, at a minimum, shall—

(1) establish time limits for telephonic or electronic notification of an accident or incident to require such notification not less than 1 hour and not more than 2 hours after discovery of the accident or incident;

(2) review procedures for owners and operators of pipeline facilities and the National Response Center to provide thorough and coordinated notification to all relevant State and local emergency response officials, including 911 emergency call centers, for the jurisdictions in which those pipeline facilities are located in the event of an accident or incident, and revise such procedures as appropriate; and

(3) require such owners and operators to revise their initial telephonic or electronic notice to the Secretary and the National Response Center with an estimated amount of the product released, an estimated number of fatalities and injuries, if any, and any other information determined appropriate by the Secretary within 24 to 48 hours of the accident or incident, to the extent practicable.

(c) **UPDATING OF REPORTS.**—After receiving revisions described in subsection (b)(3), the National Response Center shall update the initial report on an accident or incident instead of generating a new report.

**SEC. 10. TRANSPORTATION-RELATED ONSHORE FACILITY RESPONSE PLAN COMPLIANCE.**

(a) **IN GENERAL.**—Subparagraphs (A) and (B) of section 311(m)(2) of the Federal Water Pollution Control Act (33 U.S.C. 1321(m)(2)) are each amended by striking “Administrator or” and inserting “Administrator, the Secretary of Transportation, or”.

(b) **CONFORMING AMENDMENT.**—Section 311(b)(6)(A) of the Federal Water Pollution Control Act (33 U.S.C. 1321(b)(6)(A)) is amended by striking “operating or” and inserting “operating, the Secretary of Transportation, or”.

**SEC. 11. TRANSPORTATION-RELATED OIL FLOW LINES.**

Section 60102, as amended by this Act, is further amended by adding at the end the following:

“(o) **TRANSPORTATION-RELATED OIL FLOW LINES.**—

“(1) **DATA COLLECTION.**—The Secretary may collect geospatial or technical data on transportation-related oil flow lines, including unregulated transportation-related oil flow lines.

“(2) **TRANSPORTATION-RELATED OIL FLOW LINE DEFINED.**—In this subsection, the term ‘transportation-related oil flow line’ means a pipeline transporting oil off of the grounds of the well where it originated across areas not owned by the producer, regardless of the extent to which the oil has been processed, if at all.

“(3) **LIMITATION.**—Nothing in this subsection authorizes the Secretary to prescribe standards for the movement of oil through production, refining, or manufacturing facilities, or through oil production flow lines located on the grounds of wells.”.

**SEC. 12. COST RECOVERY FOR DESIGN REVIEWS.**

(a) **IN GENERAL.**—Section 60117(n) is amended to read as follows:

“(n) **COST RECOVERY FOR DESIGN REVIEWS.**—

“(1) **IN GENERAL.**—

“(A) **REVIEW COSTS.**—For any project described in subparagraph (B), if the Secretary conducts facility design safety reviews in connection with a proposal to construct, expand, or operate a new gas or hazardous liquid pipeline facility or liquefied natural gas pipeline facility, the Secretary may require the person proposing the project to pay the costs incurred by the Secretary relating to such reviews. If the Secretary exercises the cost recovery authority described in this subsection, the Secretary shall prescribe a fee structure and assessment methodology that is based on the costs of providing these reviews and shall prescribe procedures to collect fees under this subsection. The Secretary shall not collect design safety review fees under this chapter and section 60301 for the same design safety review.

“(B) **PROJECTS TO WHICH APPLICABLE.**—Subparagraph (A) applies to any project that—

“(i) has design and construction costs totaling at least \$3,400,000,000, as adjusted for inflation, based on a good faith estimate developed by the person proposing the project; or

“(ii) uses new or novel technologies or design.

“(2) **NOTIFICATION.**—For any new pipeline facility construction project for which the Secretary will conduct design reviews, the person proposing the project shall notify the Secretary and provide the design specifications, construction plans and procedures, and related materials at least 120 days prior to the commencement of construction. If the Secretary determines that the proposed design of the project is inconsistent with pipeline safety, the Secretary shall provide written comments, feedback, and guidance on the project on or before the 60th day following the date of receipt of the design specifications, construction plans and procedures, and related materials for the project.

“(3) **PIPELINE SAFETY DESIGN REVIEW FUND.**—

“(A) **ESTABLISHMENT.**—There is established a Pipeline Safety Design Review Fund in the Treasury of the United States.

“(B) **DEPOSITS.**—The Secretary shall deposit funds paid under this subsection into the Fund.

“(C) **USE.**—Amounts in the Fund shall be available to the Secretary, in amounts specified in appropriations Acts, to offset the costs of conducting facility design safety reviews under this subsection.

“(4) **NO ADDITIONAL PERMITTING AUTHORITY.**—Nothing in this subsection shall be construed as authorizing the Secretary to require a person to obtain a permit before beginning design and construction in connection with a project described in paragraph (1)(B).”.

(b) **GUIDANCE.**—Not later than 1 year after the date of enactment of this Act, the Secretary of Transportation shall issue guidance to clarify the meaning of the term “new or novel technologies or design” as used in section 60117(n)

of title 49, United States Code, as amended by subsection (a) of this section.

**SEC. 13. BIOFUEL PIPELINES.**

Section 60101(a)(4) is amended—

(1) in subparagraph (A) by striking “and” after the semicolon;

(2) by redesignating subparagraph (B) as subparagraph (C); and

(3) by inserting after subparagraph (A) the following:

“(B) non-petroleum fuels, including biofuels, that are flammable, toxic, or corrosive or would be harmful to the environment if released in significant quantities; and”.

**SEC. 14. CARBON DIOXIDE PIPELINES.**

Section 60102(i) is amended to read as follows:

“(i) **PIPELINES TRANSPORTING CARBON DIOXIDE.**—

“(1) **MINIMUM SAFETY STANDARDS.**—The Secretary shall prescribe minimum safety standards for the transportation of carbon dioxide by pipeline in a gaseous state.

“(2) **STANDARDS APPLICABLE TO CERTAIN PIPELINES.**—For pipelines that transport carbon dioxide in both a liquid and gaseous state, the Secretary shall apply standards, in effect on the date of enactment of the Pipeline Safety, Regulatory Certainty, and Job Creation Act of 2011, for the transportation of carbon dioxide by pipeline in a liquid state to the transportation of carbon dioxide by pipeline in a gaseous state.”.

**SEC. 15. STUDY OF TRANSPORTATION OF DILUTED BITUMEN.**

Not later than 18 months after the date of enactment of this Act, the Secretary of Transportation shall complete a comprehensive review of hazardous liquid pipeline facility regulations to determine whether these regulations are sufficient to regulate pipeline facilities used for the transportation of diluted bitumen. In conducting this review, the Secretary shall conduct an analysis of whether any increase in risk of release exists for pipeline facilities transporting diluted bitumen. The Secretary shall report the results of this review to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure and Committee on Energy and Commerce.

**SEC. 16. STUDY OF NON-PETROLEUM HAZARDOUS LIQUIDS TRANSPORTED BY PIPELINE.**

The Secretary of Transportation may conduct an analysis of the transportation of non-petroleum hazardous liquids by pipeline facility for the purpose of identifying the extent to which pipeline facilities are currently being used to transport non-petroleum hazardous liquids, such as chlorine, from chemical production facilities across land areas not owned by the producer that are accessible to the public. The analysis should identify the extent to which the safety of the pipeline facilities is unregulated by the States and evaluate whether the transportation of such chemicals by pipeline facility across areas accessible to the public would present significant risks to public safety, property, or the environment in the absence of regulation. The results of the analysis shall be made available to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure and Committee on Energy and Commerce.

**SEC. 17. CLARIFICATIONS.**

(a) **AMENDMENT OF PROCEDURES CLARIFICATION.**—Section 60108(a)(1) is amended by striking “an intrastate” and inserting “a”.

(b) **OWNER AND OPERATOR CLARIFICATION.**—Section 60102(a)(2)(A) is amended by striking “owners and operators” and inserting “any or all of the owners or operators”.

**SEC. 18. MAINTENANCE OF EFFORT.**

Section 60107(b) is amended by adding at the end the following: “For each of fiscal years 2012



and 2013, the Secretary shall grant such a waiver to a State if the State can demonstrate an inability to maintain or increase the required funding share of its pipeline safety program at or above the level required by this subsection due to economic hardship in that State. For fiscal year 2014 and each fiscal year thereafter, the Secretary may grant such a waiver to a State if the State can make the demonstration described in the preceding sentence.”.

#### SEC. 19. ADMINISTRATIVE ENFORCEMENT PROCEEDINGS.

##### (a) ISSUANCE OF REGULATIONS.—

(1) *IN GENERAL.*—Not later than 2 years after the date of enactment of this Act, the Secretary shall prescribe regulations—

(A) requiring hearings under sections 60112, 60117, 60118, and 60122 to be convened before a presiding official;

(B) providing the opportunity for any person requesting a hearing under section 60112, 60117, 60118, or 60122 to arrange for a transcript of that hearing, at the expense of the requesting person;

(C) ensuring expedited review of any order issued pursuant to section 60112(e);

(D) implementing a separation of functions between personnel involved with investigative and prosecutorial activities and advising the Secretary on findings and determinations; and

(E) prohibiting ex-parte communication relevant to the question to be decided in the case by parties to an investigation or hearing.

(2) *PRESIDING OFFICIAL.*—The regulations prescribed under this subsection shall—

(A) define the term “presiding official” to mean the person who conducts any hearing relating to civil penalty assessments, compliance orders, safety orders, or corrective action orders; and

(B) require that the presiding official must be an attorney on the staff of the Deputy Chief Counsel that is not engaged in investigative or prosecutorial functions, including the preparation of notices of probable violations, notices relating to civil penalty assessments, notices relating to compliance, or notices of proposed corrective actions.

(3) *EXPEDITED REVIEW.*—The regulations prescribed under this subsection shall define the term “expedited review” for the purposes of paragraph (1)(C).

(b) *STANDARDS OF JUDICIAL REVIEW.*—Section 60119(a) is amended by adding at the end the following new paragraph:

“(3) A judicial review of agency action under this section shall apply the standards of review established in section 706 of title 5.”.

#### SEC. 20. GAS AND HAZARDOUS LIQUID GATHERING LINES.

(a) *REVIEW.*—The Secretary of Transportation shall complete a review of existing Federal and State regulations for gas and hazardous liquid gathering lines located onshore and offshore in the United States, including within the inlets of the Gulf of Mexico.

##### (b) REPORT TO CONGRESS.—

(1) *IN GENERAL.*—Not later than 2 years after the date of enactment of this Act, the Secretary shall submit to the House of Representatives Committee on Transportation and Infrastructure and Committee on Energy and Commerce and the Senate Committee on Commerce, Science, and Transportation a report on the results of the review.

(2) *RECOMMENDATIONS.*—The report shall include the Secretary’s recommendations with respect to—

(A) the sufficiency of existing Federal and State laws and regulations to ensure the safety of gas and hazardous liquid gathering lines;

(B) quantifying the economical and technical practicability and challenges of applying existing Federal regulations to gathering lines that

are currently not subject to Federal regulation when compared to the public safety benefits; and

(C) subject to a risk-based assessment, the need to modify or revoke existing exemptions from Federal regulation for gas and hazardous liquid gathering lines.

#### SEC. 21. AUTHORIZATION OF APPROPRIATIONS.

(a) *GAS AND HAZARDOUS LIQUID.*—Section 60125(a) is amended to read as follows:

“(a) *GAS AND HAZARDOUS LIQUID.*—

“(1) *IN GENERAL.*—To carry out the provisions of this chapter related to gas and hazardous liquid and section 12 of the Pipeline Safety Improvement Act of 2002 (49 U.S.C. 60101 note; Public Law 107-355), there is authorized to be appropriated to the Department of Transportation for each of fiscal years 2012 through 2015, from fees collected under section 60301, \$88,014,000, of which \$4,686,000 is for carrying out such section 12 and \$34,461,000 is for making grants.

“(2) *TRUST FUND AMOUNTS.*—In addition to the amounts authorized to be appropriated by paragraph (1), there is authorized to be appropriated for each of fiscal years 2012 through 2015 from the Oil Spill Liability Trust Fund to carry out the provisions of this chapter related to hazardous liquid and section 12 of the Pipeline Safety Improvement Act of 2002 (49 U.S.C. 60101 note; Public Law 107-355), \$18,905,000, of which \$2,185,000 is for carrying out such section 12 and \$4,985,000 is for making grants.”.

(b) *EMERGENCY RESPONSE GRANTS.*—Section 60125(b)(2) is amended by striking “2007 through 2010” and inserting “2012 through 2015”.

(c) *ONE-CALL NOTIFICATION PROGRAMS.*—Section 6107 is amended—

(1) in subsection (a) by striking “2007 through 2010.” and inserting “2012 through 2015.”;

(2) in subsection (b) by striking “2007 through 2010.” and inserting “2012 through 2015.”; and

(3) by striking subsection (c).

(d) *STATE DAMAGE PREVENTION PROGRAMS.*—Section 60134 is amended by adding at the end the following:

“(i) *AUTHORIZATION OF APPROPRIATIONS.*—There is authorized to be appropriated to the Secretary to provide grants under this section \$1,500,000 for each of fiscal years 2012 through 2015. Such funds shall remain available until expended.”.

(e) *COMMUNITY PIPELINE SAFETY INFORMATION GRANTS.*—Section 60130 is amended—

(1) in subsection (b)—

(A) by inserting “to grant recipients and their contractors” after “this section”; and

(B) by inserting “, for any type of advocacy activity for or against a pipeline construction or expansion project,” after “for lobbying”; and

(2) in subsection (d) by striking “2010” and inserting “2015”.

(f) *PIPELINE TRANSPORTATION RESEARCH AND DEVELOPMENT.*—Section 12 of the Pipeline Safety Improvement Act of 2002 (49 U.S.C. 60101 note) is amended—

(1) in subsection (d) by adding at the end the following:

“(3) *ONGOING PIPELINE TRANSPORTATION RESEARCH AND DEVELOPMENT.*—

“(A) *IN GENERAL.*—After the initial 5-year program plan has been carried out by the participating agencies, the Secretary of Transportation shall prepare a research and development program plan every 5 years thereafter and shall transmit a report to Congress on the status and results-to-date of implementation of the program every 2 years.

“(B) *CONSULTATION.*—The Secretary of Transportation shall comply with the consultation requirements of subsection (d)(2) when preparing the program plan and in the selection and prioritization of research and development projects.

“(C) *FUNDING FROM NON-FEDERAL SOURCES.*—When carrying out research and development activities, the Secretary, to the greatest extent practicable, shall obtain funding for research and development projects from non-Federal sources.”; and

(2) in subsection (f) by striking “2003 through 2006.” and inserting “2012 through 2015.”.

The SPEAKER pro tempore (Mr. DENHAM). Pursuant to the rule, the gentleman from Pennsylvania (Mr. SHUSTER) and the gentleman from Washington (Mr. LARSEN) each will control 20 minutes.

The Chair recognizes the gentleman from Pennsylvania.

#### GENERAL LEAVE

Mr. SHUSTER. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days in which to revise and extend their remarks and to include extraneous materials on H.R. 2845.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. SHUSTER. Mr. Speaker, I yield myself such time as I may consume.

This important legislation improves safety, enhances reliability, and provides the regulatory certainty necessary to create jobs.

I am very proud of the work that has gone into this bill, both across the aisle and between the committees. This legislation represents a bipartisan and bicameral agreement reached by the House Transportation Committee, the House Energy and Commerce Committee, and the Senate Commerce, Science, and Transportation Committee. I am also proud this legislation is supported by both the pipeline industry and key safety advocates.

The United States has the largest network of energy pipelines in the world, and pipelines are the energy lifelines that power nearly all of our daily activities. The hallmark of America’s 2.5 million-mile pipeline network continues to be that it delivers extraordinary volumes of product reliably, safely, efficiently, and economically. Pipelines are the safest and the most cost-effective means to transport the natural gas and hazardous liquid products that fuel our economy. Since 1986, the volume of energy products transported through pipelines has increased by one-third, yet the number of reportable incidents has decreased by 28 percent. While the data show that Federal pipeline safety programs have been on the right track, recent pipeline incidents suggest there continues to be room for improvement.

H.R. 2845 builds on our strong commitment to the improved safety and enhanced reliability of the transportation of our Nation’s energy products by pipeline.

Specifically, the legislation reauthorizes the Federal pipeline safety

programs of the Pipeline and Hazardous Materials Safety Administration through FY 2015. It improves pipeline transportation by strengthening the enforcement of our current laws and by filling gaps in existing laws where necessary. It provides the regulatory certainty necessary for pipeline owners and operators to plan infrastructure investments and create jobs. It ensures a sensible and practical regulatory approach to improving safety that applies cost-benefit principles. It protects and preserves congressional authority, keeping regulators on a tight leash by ensuring certain key rulemakings are not finalized until Congress has an opportunity to act. It addresses National Transportation Safety Board recommendations resulting from recent pipeline incidents with balanced and reasonable responses, including addressing the incidents in California, Michigan, Montana, and Pennsylvania.

There are a few key priority issues I want to highlight in this legislation.

During my time in Congress, I've been disappointed to see the executive branch and unelected bureaucrats attempt to take more and more control and decisionmaking authority from Congress. These actions harm Congress as an institution and make our government further and further removed from the American people.

In this bill, when we call for substantial changes to the Federal pipeline safety program, we ask the administration to consider specific factors, take into account costs and benefits, and provide Congress with recommendations on how the programs should be changed. Congress will then have an opportunity to act on those recommendations before key rulemakings are finalized. This approach preserves congressional authority and will keep regulators from overreaching.

Another issue I've highlighted on the floor in the past is damage prevention, which is the leading cause of pipeline incidents. Our legislation improves pipeline damage prevention and cracks down on third-party pipeline damage by eliminating unnecessary exemptions.

At this time I would also like to urge everybody to call before you dig and to dial 8-1-1, which is an extremely important part of this program in preventing third-party damage in this country.

In field hearings leading up to the drafting of this legislation, my colleague from Pennsylvania, JIM GERLACH, suggested ways in which we could use State and local government personnel as force multipliers to supplement Federal pipeline safety inspectors. We have built on this idea. In this bill, we have included a provision that will allow PHMSA to provide training to State and local government personnel and to potentially establish regional training centers paid for by the

pipeline industry at no cost to the Federal Government.

There is great interest in this unique and permissive approach in my home State of Pennsylvania, and I will closely be following the implementation of these provisions.

I was deeply disappointed that language I had included in our committee's version of this legislation regarding pipeline permitting issues was not included in the final bill. We have big issues with the Army Corps of Engineers in Pennsylvania in the permitting of pipes. The Corps is encroaching on the Pennsylvania Department of Environmental Protection, and it has led to significant increases in permitting timelines for projects with limited environmental impacts. My colleague from West Virginia, Mr. RAHALL, has experienced similar issues in his home State, all related to the Marcellus shale gas. In the interest of compromise and of moving this legislation forward, I was willing to withdraw my language and settle on a study on this critical issue, but I will continue to monitor this issue closely in Pennsylvania and across the United States.

I am proud of this bill and of the hard work that Chairman MICA, Ranking Member RAHALL, Subcommittee Ranking Member BROWN, and the staffs have put in on both sides of the aisle. I would especially like to point out Jim Tymon and Steve Martinko, who have logged countless hours in helping to move this bill forward. I also want to thank the Energy and Commerce Committee, Chairman FRED UPTON and Ranking Member WAXMAN, and their staffs for their efforts.

Our legislation makes a strong program even stronger by keeping in place regulatory measures that are working and by making adjustments to those that don't. I would urge all of my colleagues to support this important legislation that increases safety and creates jobs.

With that, I reserve the balance of my time.

HOUSE OF REPRESENTATIVES, COMMITTEE ON SCIENCE, SPACE, AND TECHNOLOGY,

Washington, DC, November 22, 2011.

Hon. JOHN L. MICA,  
Chairman, Committee on Transportation and Infrastructure, Washington, DC.

DEAR CHAIRMAN MICA: I am writing to you concerning the jurisdictional interest of the Committee on Science, Space, and Technology in H.R. 2845, the Pipeline Safety, Regulatory Certainty, and Job Creation Act of 2011. The bill contains provisions that fall within the jurisdiction of the Committee on Science, Space, and Technology, including those amending Section 12 of the Pipeline Safety Improvement Act of 2002 (49 U.S.C. 60101 Note; Public Law 107-355).

I recognize and appreciate your desire to bring this legislation before the House of Representatives in an expeditious manner, and accordingly, I will waive further consideration of this bill in Committee. This, of course, being conditional on our mutual understanding that language negotiated with

the Science, Space, and Technology Committee will be included in this or similar legislation considered on the House floor. However, agreeing to waive consideration of this bill should not be construed as waiving, reducing, or affecting the jurisdiction of the Committee on Science, Space, and Technology.

Additionally, the Committee on Science, Space, and Technology expressly reserves its authority to seek conferees on any provision within its jurisdiction during any House-Senate conference that may be convened on this, or any similar legislation. I ask for your commitment to support any request by the Committee for conferees on H.R. 2845 as well as any similar or related legislation.

I would also like to take this opportunity to thank you for the positive outcome of the negotiation between our Committees resulting in provisions that seek to ensure a continued positive role for the National Institute of Standards and Technology in the area of pipeline transportation research and development.

I ask that a copy of this letter and your response be included in the report on H.R. 2845 and also be placed in the Congressional Record during consideration of this bill on the House floor.

I look forward to working with you on matters of mutual concern.

Sincerely,

RALPH M. HALL,  
Chairman,  
Committee on Science, Space, and Technology.

Enclosure.

HOUSE OF REPRESENTATIVES, COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE,

Washington, DC, November 21, 2011.

Hon. RALPH M. HALL,  
Chairman, Committee on Science, Space, and Technology, Washington, DC.

DEAR MR. CHAIRMAN: Thank you for your letter regarding H.R. 2845, the "Pipeline Safety, Regulatory Certainty, and Job Creation Act of 2011." The Committee on Transportation and Infrastructure recognizes the Committee on Science, Space, and Technology has a jurisdictional interest H.R. 2845, and I appreciate your effort to facilitate consideration of this bill.

I concur with you that forgoing action on this bill does not in any way prejudice the Committee on Science, Space, and Technology with respect to its jurisdictional prerogatives on this bill or similar legislation in the future, and I would support your effort to seek appointment of an appropriate number of conferees to any House-Senate conference involving this legislation.

I will include our letters H.R. 2845 in the Congressional Record during House Floor consideration of the bill. Again, I appreciate your cooperation regarding this legislation and I look forward to working with the Committee on Science, Space, and Technology as the bill moves through the legislative process.

Sincerely,

JOHN L. MICA,  
Chairman.

HOUSE OF REPRESENTATIVES, COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE,

Washington, DC, June 24, 2011.

Hon. FRED UPTON,  
Chairman, Committee on Energy and Commerce, Washington, DC.

DEAR CHAIRMAN UPTON: I write concerning H.R. 1938, the North American-Made Energy

Security Act, which is expected to be scheduled for floor consideration the week of July 25, 2011.

As you know, the Committee on Transportation and Infrastructure was listed as the Committee of primary jurisdiction when H.R. 1938 was introduced on May 23, 2011. I recognize and appreciate your desire to bring this legislation before the House of Representatives in an expeditious manner, and accordingly, the Committee will forgo action on the bill.

The Committee on Transportation and Infrastructure takes this action with our mutual understanding that by foregoing consideration of H.R. 1938 at this time, we do not waive any jurisdiction over subject matter contained in this or similar legislation. Further, I request your support in the appointment of conferees from the Committee on Transportation and Infrastructure during any House-Senate conference convened on this legislation.

As you are aware, the Committee on Transportation and Infrastructure is the Committee of primary jurisdiction on any legislation to reauthorize federal pipeline safety programs. As such, our agreement to forego consideration of H.R. 1938 is also conditional on our mutual understanding that the Committee on Energy and Commerce will not take any Full Committee action on legislation related to the reauthorizing of the federal pipeline safety programs until the Committee on Transportation and Infrastructure has acted on such legislation.

I would appreciate your response to this letter, confirming this understanding, and would ask that a copy of our exchange of letters on this matter be included in the Congressional Record during Floor consideration.

Sincerely,

JOHN L. MICA,  
*Chairman.*

HOUSE OF REPRESENTATIVES,  
COMMITTEE ON ENERGY AND COMMERCE,  
Washington, DC, June 18, 2011.

Hon. JOHN L. MICA,  
*Chairman, Committee on Transportation and Infrastructure, Washington, DC.*

DEAR CHAIRMAN MICA: Thank you for your letter regarding H.R. 1938, the North American-Made Energy Security Act. The Committee on Energy and Commerce recognizes that the Committee on Transportation and Infrastructure has primary jurisdiction over H.R. 1938, and I appreciate your effort to facilitate consideration of this bill.

I concur with you that foregoing action on H.R. 1938 does not in any way prejudice the Committee on Transportation and Infrastructure with respect to its jurisdictional prerogatives on this bill or similar legislation in the future, and I will support your effort to seek appointment of an appropriate number of conferees to any House-Senate conference involving this or related legislation.

I also concur with you that the Committee on Transportation and Infrastructure is the Committee of primary jurisdiction on legislation to reauthorize the federal pipeline safety programs and agree to not take action before September 20, 2011 at full committee on such legislation, allowing the Committee on Transportation and Infrastructure to take action on such legislation.

I appreciate your cooperation regarding this legislation and I will include our letters on H.R. 1938 in the Congressional Record during House floor consideration of the bill.

Sincerely,

FRED UPTON,  
*Chairman.*

Mr. LARSEN of Washington. Mr. Speaker, I yield myself such time as I may consume.

I rise today in support of H.R. 2845, the Pipeline Safety, Regulatory Certainty, and Job Creation Act of 2011.

Pipelines have a critical place in our Nation's infrastructure. The national pipeline network of over 2.5 million miles efficiently delivers gasoline, natural gas, oil, and other essential energy products across the country each day. Pipelines play a vital role in our daily lives. Cooking and cleaning, the daily commute, air travel, and the heating of homes and businesses are all made possible by the readily available fuels delivered through pipelines daily. However, because of the volatile nature of the products they deliver, incidents involving gas and hazardous liquid pipeline can and have had serious consequences.

On June 10, 1999, a pipeline explosion caused the release of about 237,000 gallons of gasoline into a creek that flowed through Whatcom Falls Park in Bellingham, Washington, in my district. The gasoline ignited and tragically took the lives of two 10-year-old boys and an 18-year-old young man. Eight additional inhalation injuries occurred in a single-family residence, and the city of Bellingham's water treatment plant was severely damaged. The wildlife in Whatcom Creek was completely destroyed.

This tragedy inspired the 2002 Pipeline Safety Improvement Act. This act increased fines for negligent pipeline operators, improved pipeline testing timelines, provided protection for whistleblowers, and allowed for the State oversight of pipeline safety. In 2006, Congress reauthorized the 2002 law by passing the Pipeline Inspection, Protection, Enforcement, and Safety Act. These acts of Congress have made pipeline safety laws stronger, the construction of new pipelines better, and our existing infrastructure safer. While significant progress has been made in improving the safety of our Nation's pipelines, we must remain vigilant.

In July 2010, a 30-inch pipeline owned by Enbridge Energy Partners ruptured and released 819,000 gallons of oil into the Talmadge Creek, located near Marshall, Michigan. The oil flowed into the Kalamazoo River, a tributary to Lake Michigan. Heavy rains caused the river to overtop existing dams and carried oil 30 miles downstream on the Kalamazoo River toward a Superfund site. Almost a year and a half later, Enbridge is still cleaning up this spill along the riverbanks.

Just a few months after the Enbridge spill, in September 2010, an intrastate natural gas transmission pipeline owned by Pacific Gas and Electric Company ruptured in a residential area in San Bruno, California. The released natural gas ignited, resulting in a fire that destroyed 38 homes and damaged

70 others. As well, tragically, eight people were killed, many were injured, and many more were evacuated.

The legislation that we are considering today addresses many concerns that were raised as a result of these and other incidents. For example, following the incident in Bellingham, Washington, National Transportation Safety Board investigators found, among other things, that Olympic Pipeline had no remote-operated shut-off valves on the line, which could have helped prevent the release of hundreds of thousands of gallons of gasoline. Following the Bellingham incident, the Department of Transportation ordered the pipeline company to install an automatic shutoff valve just downstream of the rupture location so that the volume of product released would be limited in the event of a future pipeline rupture in that area.

□ 1720

H.R. 2845 addresses the issue of shut-off valves. It requires all gas and liquid pipeline operators to install automatic, remote-controlled shutoff valves on new and replaced pipelines.

The bill also doubles civil penalties for pipeline safety violations from \$100,000 to \$200,000 per violation and from \$1 million to \$2 million for maximum penalties.

It requires the Secretary of the Department of Transportation to evaluate and then issue regulations to expand integrity management beyond high-consequence areas, to establish performance standards for leak detection systems and require hazardous liquid pipeline operators to install leak protection systems that meet such performance standards.

It requires pipeline operators, in response to San Bruno, to report to DOT anytime their facilities exceed maximum allowable operating pressure and to conduct tests to confirm the material strength of previously untested gas transmission pipelines in high-consequence areas. And finally, it increases the level of pipeline safety inspectors at DOT by 10 and increases the amount of technical assistance grants that are awarded to local communities from \$1 million to \$1.5 million annually.

H.R. 2845 is a step in the right direction when it comes to pipeline safety. This bill is supported by industry, and it is supported by pipeline safety and community groups like the Pipeline Safety Trust.

I want to thank the chairman and all the committee members for working on this legislation. I want to thank Carl Weimer, who is the executive director of the Pipeline Safety Trust in Bellingham, which formed after the 1999 pipeline explosion, as well for his continued commitment to these issues.

I strongly urge Members to support this bill, and I reserve the balance of my time.

Mr. SHUSTER. Mr. Speaker, I yield 3 minutes to gentleman from Michigan (Mr. UPTON), the distinguished chairman of the Energy and Commerce Committee.

Mr. UPTON. Mr. Speaker, I rise in support of the amendment to H.R. 2845, the Pipeline Safety, Regulatory Certainty, and Job Creation Act of 2011.

Enacting pipeline safety this year has been a personal priority of mine and a top priority of the entire Energy and Commerce Committee on a very strong bipartisan basis. This legislation is the product of collaboration between our committee, Energy and Commerce members, the Committee on Transportation and Infrastructure, and the Senate Committee on Commerce; and it reflects consensus across party lines.

With it, we make great strides to ensure our Nation's energy supplies are transported in as safe a manner as possible. Over the last couple of years, several major pipeline accidents have occurred across the country that revealed specific gaps in pipeline safety laws and regulations. It is our duty in Congress to look at these events and determine what we can do to better protect the public and the environment.

Among these accidents was a 20,000-barrel oil pipeline spill in a tributary of the Kalamazoo River, just outside of my district. The spill forced dozens of families out of their homes—in many cases, permanently—and caused extensive environmental damage to a waterway many residents enjoyed for fishing and canoeing.

Unfortunately, this is not the only major accident in recent memory. The September 2010 gas pipeline explosion in San Bruno, California, killed eight people and destroyed 37 homes. Another gas line explosion last year in Allentown, Pennsylvania, killed five people as well. And this summer, an oil pipeline buried underneath the iconic Yellowstone River in Wyoming ruptured and sent over 1,000 barrels of crude oil downstream.

These incidents highlighted, certainly, shortcomings in our Nation's pipeline safety laws, and today we are here to correct that.

The legislation before us today offers historic improvements to the manner in which the Federal Government regulates energy pipelines. It accomplishes this by strengthening standards in several areas, while maintaining the continued economical delivery of vital energy supplies. For these reasons, this bill enjoys the support of a broad array of stakeholders, from the Pipeline Safety Trust to the American Gas Association, the Interstate Natural Gas Association of America, the Gas Processors Association, and the Association of Oil Pipe Lines.

The bill is several months in the making and could not have been accomplished without the hard work and

dedication of a bipartisan group of Members. This is a topic many of us take very seriously, as it affected us and our constituents on a personal level. And today we can say party affiliation and politics have taken a back seat to accomplishing the people's work, and for that, I must offer my heartfelt thanks.

Congratulations to the chairman emeritus of the Energy and Commerce Committee who is on the floor tonight, JOHN DINGELL; the ranking member of the committee who is, again, on the House floor, HENRY WAXMAN; the chairman of the Transportation Committee, JOHN MICA; and the chairman of the Subcommittee on Railroads, Pipelines, and Hazardous Materials, BILL SHUSTER.

I urge all Members to support this legislation.

Mr. LARSEN of Washington. I yield 3 minutes to the gentleman from California (Mr. WAXMAN).

Mr. WAXMAN. Mr. Speaker, during the last year and a half, a series of tragic failures have made it clear that we need stronger pipeline safety laws. Pipeline failures have occurred all across the country. From California and Montana to Michigan and Pennsylvania, we've seen natural gas pipeline explosions and ruptured oil pipelines spilling oil into rivers.

In July 2010, a crude oil pipeline ruptured near Marshall, Michigan. Over 800,000 gallons of oil spilled into the Talmadge Creek and then flowed into the Kalamazoo River. The river is still being cleaned up.

In September 2010, a natural gas pipeline ruptured and exploded in San Bruno, California. Eight people died; many more were injured. The gas-fed inferno spread from house to house, driven by the wind. Thirty-eight homes were destroyed and 70 more were damaged. The explosion left behind a suburban street with a massive crater and burned-out vehicles. The vice chairman of the National Transportation Safety Board described it as "an amazing scene of destruction."

This past summer, an ExxonMobil pipeline ruptured in Montana, spilling crude oil into the Yellowstone River.

Unfortunately, those are just a few of the major accidents we have seen during the past 18 months. This bill will update and strengthen our pipeline safety laws in the aftermath of these tragedies.

In response to the Michigan spill, this bill requires pipeline operators to notify the safety agency of spills more quickly and establishes a process for leak detection standards to be issued for oil pipelines.

In response to the San Bruno tragedy, this bill requires key natural gas pipelines to have their maximum safe operating pressure confirmed through records or testing. It also instructs the safety agency to require the use of

automatic or remote-controlled shutoff valves so that it doesn't take an hour and a half to stop the flow of gas like it did in San Bruno.

I want to acknowledge the work of my colleague from California, Representative JACKIE SPEIER, who fought for a strong response to San Bruno, and this bill has been made a better bill by her contributions.

In light of the Yellowstone River spill, the bill requires the agency to review its regulations governing the safety of pipelines buried under rivers to ensure they are adequate. The bill includes a number of additional improvements to strengthen our pipeline safety laws.

This is a good bipartisan bill that has the support of both industry and safety advocates. The Energy and Commerce Committee and the Transportation and Infrastructure Committee have worked hard to develop a combined bill that would have broad support.

I would like to thank Chairmen UPTON, MICA, and SHUSTER, as well as Mr. DINGELL, Mr. RUSH, Mr. RAHALL, and Ms. BROWN, for their work on this legislation. I encourage all of my colleagues to support this bipartisan legislation.

Mr. SHUSTER. Mr. Speaker, at this time I would like to just note in the legislation, section 6 of H.R. 2845 includes a requirement that the Secretary of Transportation provide a person, upon written request, a copy of a pipeline company's response plan.

I think it's important to note and point out to my colleagues that these plans often contain security-sensitive information about pipelines' operating characteristics. If this information fell into the wrong hands, it could be a real threat to public safety. In recognition of this threat, we've included a provision that directs the Secretary to redact security-sensitive information.

It is my hope that the Secretary ensures that no security-sensitive information is released to the public; and the Transportation and Infrastructure Committee will aggressively oversee the implementation of this provision to ensure that it is being implemented according to congressional intent.

With that, I reserve the balance of my time.

Mr. LARSEN of Washington. Mr. Speaker, I yield 3 minutes to the gentleman from Michigan (Mr. DINGELL), the dean of the House and chairman emeritus of the Energy and Commerce Committee.

□ 1730

Mr. DINGELL. I thank my good friend for yielding.

Mr. Speaker, I rise in support of H.R. 2845. This is a bipartisan bill, somewhat a rarity, and the more welcome for that reason. It's going to help instill public confidence in our Nation's pipeline safety system by increasing

safety standards without overly burdensome actions towards industry.

The legislation shows that bipartisanship is possible in this Congress, and that we can conduct the business of the American people if we will but sit down and work together. I first want to thank Chairman UPTON and Ranking Member WAXMAN and my friend, Mr. LARSEN of Washington, for their hard work. I also want to recognize and thank Jeff Baran and Garrett Golding of the committee staff for their hard work, as well as Greg Sundstrom of my personal staff, who worked with great diligence and skill on this matter. Chairman MICA, Chairman SHUSTER, Ranking Member RAHALL, and Mr. RUSH also deserve recognition for their hard work as the two committees have worked harmoniously together to forge an agreement on the final product we have before us today.

The inclusive process used in this case is an excellent model of how Congress should move forward on a host of other issues, and I hope that the instructive character of it is accepted by my colleagues. Recent accidents in California, Pennsylvania, Montana, and my home State of Michigan each highlighted serious deficiencies in our pipeline safety laws. H.R. 2845 incorporates the lessons learned in these incidents and strengthens laws in the areas of concern.

Specifically, the bill expands the integrity management program to improve inspections while phasing out our class location requirements, thereby putting stronger safety standards in place while taking steps to remove redundant regulations.

The leak detection, automatic or remote-controlled shut-off valve, and maximum allowable operating pressure provisions are a step in the right direction and will do much to improve safety. Pipeline safety is not a partisan issue but, rather, is something that impacts all Americans. We have an obligation to protect the American people and the environment from harm while maintaining a system that transports our energy resources efficiently.

It is my hope that the Senate will take up this legislation promptly and that the Obama administration will implement these changes in a meaningful way. We will all be watching to make sure that this happens.

Together, we have come up with a sound piece of legislation which has the support of both industry and safety advocates, and I urge my colleagues to support this legislation.

I would also like to observe, when one of these things lets go, it's quite an event. You will see something that looks a little bit like hell with the fire and flame and explosion and blasts and dead people and scorched automobiles, homes and the environment. I am delighted to see that we are doing this because we are protecting us both from

gas and oil spills, and the evil consequences of that.

Mr. SHUSTER. I continue to reserve the balance of my time.

Mr. LARSEN of Washington. Mr. Speaker, I yield 3 minutes to the gentleman from Illinois (Mr. RUSH).

Mr. RUSH. I thank the gentleman, Mr. LARSEN from Washington State, for recognizing me and sharing the time with me. I am here to express my full support for this bill, H.R. 2845, the Pipeline Safety, Regulatory Certainty, and Job Creation Act of 2011.

Mr. Speaker, this bill represents a bipartisan effort and a good-faith compromise by Members from both sides of the aisle, from multiple committees, and of course across both Chambers of Congress.

During negotiations on the final bill language, I was very fortunate to have Administrator Cynthia Quarterman of the Pipeline and Hazardous Materials Safety Agency accept my invitation to come out to my State and to discuss pipeline safety with representatives from the Illinois Commerce Commission, as well as with officials from Will County, which accounts for a larger percentage of pipelines than any other county in my home State.

Mr. Speaker, many of the same serious issues regarding pipeline safety that were discussed in these meetings are addressed in this piece of legislation. I am very pleased with the final product.

Mr. Speaker, I also would like to thank Members from both sides of the aisle, chairman emeritus of the full committee and dean of the House, JOHN DINGELL; Energy and Commerce Chairman UPTON; and Ranking Member WAXMAN, as well as Energy and Power Subcommittee Chairman WHITFIELD, for working with my office to include language that will require a comprehensive report examining the levels of engagement and participation of minority-owned, women-owned and disadvantaged business enterprises and contractors involved in the construction and the operations of pipelines in this country.

Additionally, this report will look at the methods for facilitating this type of involvement in order to increase the participation of minorities and women in the very lucrative pipeline industry. This study will be a first step in a process to make sure that the builders and contractors in charge of rebuilding America's aging and expanding pipeline system will represent the variety of groups and businesses that are here in our Nation, including those who are most desperate for jobs and economic opportunity.

I'm pleased to support this legislation, and I urge all of my colleagues to join with me in voting for it.

Mr. SHUSTER. Mr. Speaker, I yield 8 minutes to the gentleman from Florida (Mr. MICA), the distinguished chairman

of the Transportation and Infrastructure Subcommittee.

Mr. MICA. I thank the gentleman from Pennsylvania for his leadership in helping to guide this legislation and important measure through Congress. I want to take this opportunity to thank folks on both sides of the aisle: Mr. UPTON, who chairs the Energy and Commerce Committee; I particularly want to thank Ms. BROWN, Mr. RAHALL, Mr. WAXMAN; and of course others who have helped on the Senate side.

This legislation is being done really the way Congress is intended to work, to try to reach a bicameral, bipartisan consensus. We don't have to go to conference. We have worked out some of the issues, and this is not an easy piece of legislation to pass. This is a very important piece of legislation for the American people as far as our energy resources and transporting them safely across the land, as far as an industry that is so important to creating jobs and opportunity and keeping the cost of energy down for men and women, consumers and people hit by difficult times right now, looking for reasonable energy costs and keeping the U.S. competitive and providing reasonably costed energy and transporting it safely.

This is probably one of the four main jobs bills, too, that we will pass from our committee. We have today the pipeline safety legislation. Our committee has also passed the Coast Guard authorization, and we are hoping we can reach a consensus on that. We have finished and are preconferenceing with the Senate the FAA bill which is 4½ years overdue. We inherited that 4 years late, and we are basically finished. There are a few items that must be resolved by leadership. Then, finally, time did not allow us to finish a major transportation bill, sometimes referred to as the highway bill, but this will be more than a highway bill. We plan to have that up as soon as we return.

□ 1740

So those are our four major pieces of legislation, and this represents, again, a concerted effort by a number of key players in dual committees and in both the House and the Senate.

What's important about this legislation is it does make some changes, and you have heard from Members who have had horrendous pipeline incidents in their communities and their States, people have lost their lives, there's been extreme property damage, and we have also impacted in a negative fashion the environment.

And what we do here in this legislation are some simple things. First, we enhance the inspections. We set standards of better inspections for pipelines. We hold pipeline operators accountable, and that's important. People must be responsible for their actions,

and we double the fines if there is negligence. There will be a penalty to pay because the damage has been incurred. And, again, we have seen some of the bad results. What we hope for is good results from this, again, that we can keep energy flowing and provide it for consumers.

That's good news for consumers, that's good news for the industry at a time when we should be hiring and employing people in this important energy activity, and it's good news for, again, safe transport and safe jobs in an important industry in our country.

So I'm pleased that we've come together. We have, I think, achieved and set an example for the Congress when Congress's reputation is, oh, very low, and that's giving us high marks. And when people express their disappointment in the inability of Congress to act, we are acting. Because this is being resolved without conflict and without, again, huge disruption in the congressional process, it probably won't get much attention. But it is in fact, and it is indeed a very important seep forward.

I'm grateful for all of those who have come together and worked and made this an example of how Congress can and should work for the benefit of the American people.

Mr. LARSEN of Washington. Mr. Speaker, I yield 3 minutes to the gentlewoman from California (Ms. SPEIER).

Ms. SPEIER. I thank the gentleman from Washington State for yielding me time.

Fifteen months ago, in my district, a gas pipeline exploded and killed eight of my constituents. Thirty-eight homes were destroyed, many more were severely damaged, and many were victims that sat in burn centers for months; and I visited them. It was a horrific scene. It destroyed that community in so many respects; and yet like a phoenix, it has risen above it. This bill is really very personal to me because I lived with those experiences with all of those constituents.

There are a couple of things that must be said today. The chairwoman of the NTSB, the National Transportation Safety Board, said in their final report: Our investigation revealed that for years, the operator exploited weaknesses in a lax system of oversight. We also identified regulators that placed a blind trust in the companies that they were charged with overseeing to the detriment of public safety.

As a result of their report, they made 30 safety recommendations, many of them identified as urgent, to address issues in recordkeeping, information sharing, and pipeline testing. The NTSB report said it highlighted the fact that the problem has been under-regulation, not over-regulation, of the pipeline industry. For too long the pipeline operators have essentially written the rules for their industry.

Well, this bill takes a very important step forward in improving pipeline safety regulation, and I endorse it; but there is more that must be done. And ironically, now in California, because of this horrific accident, the residents in California will have better safeguards than any other State in this country because of actions taken by the State legislature and the California Public Utilities Commission that will require, moving forward, that automatic and remote shutoff valves be placed in high-consequence areas and in seismic areas, not just on new pipeline and not just on new pipeline that they find economically feasible to place these automatic and remote shutoff valves. This is a key component that was not included in the legislation.

And I must tell you, when you saw that ball of fire raging for 90 minutes, an hour and a half, before they were able to turn off the gas, that is something that has to be addressed on a national basis. It's been addressed now in California; and I urge us, as we move forward, to address it on a national level, as well.

The NTSB also recommended requiring all pipelines be configured to allow for inline inspection tools called "smart pigs." I didn't know what a smart pig was before this happened, but I do now. They are also recommending requiring that older pipeline, in particular, be subject to smart pigging. This is critical to make sure that they have not endured corrosion, that they have not been spiked and the like.

So moving forward I hope that we will take the steps necessary not just to support this measure and to have it signed into law but to make it clear that our work is still not done.

Mr. SHUSTER. I have no further speakers; so I will continue to reserve the balance of my time.

Mr. LARSEN of Washington. Mr. Speaker, in closing, just let me say a few words.

First off, I want to be sure I thank Ms. BROWN of Florida, the ranking member of the subcommittee, as well as Mr. RAHALL, the ranking member of the full Committee on Transportation and Infrastructure, as well as my colleagues on the majority side of the aisle on the committee, and, of course, on the Energy and Commerce Committee for the work that we all did to make this bill happen.

This is the third version of the pipeline safety bill that I personally have worked on going back to 2001. Each time Congress has reauthorized the pipeline safety bill, we have done so by learning lessons from the previous 4 years, incorporating those lessons into the legislation and taking forward steps to make the use of pipelines and the transportation of liquid fuel and gas safer.

The third thing I just want to point out is that each year—2002, 2006 and

2011—each year of the passage of the pipeline safety bill, the bills have been bipartisan and garnered much support both in the House and in the Senate. We are likely to see that in the House, and I certainly urge the Senate to take this bill up this week and pass it with bipartisan support, as well.

Finally, let me just say to this body that I would urge this body to support this bill and to pass H.R. 2845. I want to thank Mr. SHUSTER for his cooperation in this effort as well.

With that, I yield back the balance of my time.

Mr. SHUSTER. Mr. Speaker, I want to associate myself with the words of the gentleman from Washington. He is really one of the experts in Congress when it comes to pipeline safety, and it has been my pleasure to work with him on this bill.

As I said earlier, I'm very, very proud of the work that's gone into this bill on both sides of the aisle. This truly is a bipartisan agreement and a bicameral agreement, and I think we can all be proud of the product we've produced and look forward to it being passed into law, because pipelines are the safest way to move the gas and the hazardous products that this Nation needs to fuel the economy. And this important legislation does improve safety. It enhances the reliability and provides the regulatory certainty so that the owners and operators of pipelines will make the investments in their systems that will create jobs across America.

So I urge all my colleagues to support H.R. 2845; and with that, I yield back the balance of my time.

Mr. HALL. Mr. Speaker, I rise in support of H.R. 2845, the Pipeline Safety, Regulatory Certainty, and Job Creation Act of 2011.

This legislation, which enjoys broad bipartisan support in both Chambers of Congress, seeks to improve the safety of our nation's pipeline infrastructure, an issue that is important to all Americans.

I want to call attention to the pipeline safety research and development portions of this bill—specifically a small but important inter-agency program that I worked on in my capacity as longstanding Member of and current Chairman of the House Science, Space, and Technology Committee.

Focused R&D aimed at accident prevention and protecting the integrity of our pipeline infrastructure is critical to ensuring that our nation's energy supplies are transported safely.

As an original co-sponsor of the 2002 pipeline safety legislation, I led efforts to establish the existing R&D program. This program has been productive and efficient in carrying out pipeline safety R&D. In particular, the public-private partnership model that the Department of Transportation uses to administer the program has served to leverage both Federal agency and private sector resources and expertise.

I want to thank my colleagues for working with me on this legislation to make modest—but important—changes to the current program.



In particular, I want to thank Chairman MICA for working with me to ensure that the program maintains its historical public-private cost-sharing structure, and recognizes the important contributions of the National Institute of Standards and Technology in pipeline safety research, development, and standards.

With respect to cost-sharing, I was particularly concerned with a recent decision by the Secretary of Transportation that sought to eliminate non-Federal sources of funding toward pipeline safety R&D.

This decision threatened to undermine the program's ability to leverage taxpayer dollars to advance new pipeline safety technologies, and in doing so would have also prevented the government from taking advantage of the highly specialized pipeline expertise that is found only in industry.

I am pleased that H.R. 2845 requires a thirty percent, program-wide, cost share from non-Federal sources, which will help ensure that this program continues to achieve its purpose without placing an unnecessary burden on the taxpayer.

I thank my colleagues again for their efforts and urge passage of this valuable legislation.

Mr. RAHALL. Mr. Speaker, I rise today in support of H.R. 2845, the "Pipeline Safety, Regulatory Certainty, and Job Creation Act of 2011".

This legislation will make significant improvements to pipeline safety, and is a prime example of how good public policy is formed when all sides come together and work toward producing a strong package from day one.

Pipelines have a critical place in our nation's infrastructure; more than 2.5 million miles of pipelines deliver energy to homes and businesses across America. From the gasoline that fills the cars we drive to the diesel that fuels the trucks that deliver food to local grocery stores to the natural gas that heats our homes, pipelines make it possible.

Unfortunately, due to the volatile nature of the products that pipelines deliver, incidents involving gas and hazardous liquid pipelines can and have had disastrous consequences.

On July 26, 2010, a 30-inch pipeline owned by Enbridge Energy Partners LLP ruptured and released more than one million gallons of oil into Talmadge Creek and the Kalamazoo River just one mile south of Marshall, Michigan. The Kalamazoo River flows into Lake Michigan. The spill devastated the local environment and wildlife, uprooted homeowners that live near the creek and river, and exposed local communities to noxious and toxic substances before Enbridge even raised alarm. Nearly a year and one-half later, Enbridge is still excavating oil-contaminated soil and weathered oil from the river banks; submerged oil recovery work has been suspended for the winter but will resume in 2012.

A little over a month after the Enbridge spill, on September 9, 2010, an intrastate natural gas transmission pipeline owned by the Pacific Gas and Electric Company, ruptured in a residential area in San Bruno, California. The released natural gas ignited, resulting in a fire that destroyed 38 homes and damaged 70 others. Eight people were killed, many were injured, and many more were evacuated from the area.

The bill before us today addresses many of the recommendations that were issued by the

National Transportation Safety Board in accident reports that followed these and other pipeline incidents. For example, the bill holds pipeline operators accountable to a maximum of one hour to report a release of hazardous liquid or gas resulting in an incident. As the natural gas disaster in San Bruno, California underscores—every minute that passes following a release of hazardous liquid or gas from a pipeline is one less minute that responders have to protect the community and the surrounding environment. In fact, CNN was reporting the incident six hours before PG&E reported it to the National Response Center and Federal investigators.

Additionally, the bill raises civil penalties for each pipeline safety violation from \$100,000 to \$200,000 and the maximum civil penalty from \$1,000,000 to \$2,000,000. The maximum penalties for violations of pipeline safety regulations under current law have not been increased in almost a decade. Adequate levels of penalties are necessary to deter unsafe operating practices by the pipeline industry, particularly in serious cases involving injuries, fatalities, and significant environmental damage. The bill further clarifies that civil penalties are applicable to obstruction of an investigation.

The bill also:

- Requires pipeline operators to install automatic shut-off valves on all new and replaced pipeline so that the volume of product released as a result of a rupture would be limited;

- Requires the Secretary of Transportation to evaluate and then issue regulations to expand integrity management beyond high-consequence areas; establish performance standards for leak detection systems; and require hazardous liquid pipeline operators to install leak detection systems that meet those performance standards;

- Requires pipeline operators, in response to the San Bruno incident, to report to the Department of Transportation any time their facilities exceed maximum allowable operating pressure, and to conduct tests to confirm the material strength of previously untested gas transmission pipelines in high-consequence areas;

- Prevents States that receive one-call grants from exempting municipalities, State agencies, or their contractors from one-call (damage prevention) notification requirements;

- Requires the Secretary to ensure offshore hazardous liquid gathering lines and hazardous liquid gathering lines located within the inlets of the Gulf of Mexico are subject to the same safety standards and regulations as other hazardous liquid gathering lines;

- Beginning one year after the date of enactment, prohibits the Secretary from issuing guidance or a regulation that incorporates by reference any documents or portions thereof unless those documents or portions thereof are made available to the public, free of charge, on an Internet Web site;

- Requires the Department of Transportation, DOT, to develop and implement a protocol for consulting with Indian tribes to provide technical assistance for the regulation of pipelines; and

- Increases the level of pipeline safety inspectors at DOT.

In sum, H.R. 2845 is a step in the right direction when it comes to pipeline safety, and I urge its adoption.

Ms. BROWN of Florida. Mr. Speaker, I rise to express my strong support for H.R. 2845, the Pipeline Safety, Regulatory Certainty and Job Creation Act of 2011.

I want to thank Chairmen MICA and SHUSTER and Ranking Member RAHALL for their bipartisan effort in bringing a good bill to the Floor today that will truly improve the safety of our nation's pipeline systems and the communities they serve.

Bipartisan bills are not easy to come by these days in Washington, and I'm proud to say that we worked with both sides on the Energy & Commerce Committee and our counterparts in the Senate to develop a compromise bill. This legislation accomplishes our goal of improving safety and education without limiting the industry's ability to serve its customers.

Our Subcommittee held numerous hearings over the last two Congresses with all the stakeholders in the pipeline industry to see what we could be doing better to detect and prevent spills. Our strong oversight of PHMSA and the pipeline industry helped develop the bill we have on the floor today.

This legislation makes numerous positive changes to the regulation of the pipeline industry and addresses many of the problems we've discovered with recent devastating spills.

The Pipeline Safety, Regulatory Certainty and Job Creation Act of 2011 makes major improvements to pipeline safety by increasing penalties for safety violations, mandating new shut-off valve installation for all new and repaired pipes, limiting exemptions to call before you dig requirements, updating the national pipeline mapping system, evaluating current integrity management plans, providing important pipeline information to the public free of charge, training state and local government personnel, adding ten PHMSA inspectors, and studying pipeline permitting, transporting non-hazardous liquids, and the integrity of cast iron gas pipelines.

As we continue to debate the construction of the Keystone XL Pipeline, implementation of this legislation will help ensure that the construction and operation of this new pipeline will be held to the highest safety standards.

This legislation is government at its best. It was developed in a bipartisan manner through comprehensive committee hearings and oversight, and close collaboration with the industry and other stakeholders, including states and advocacy groups.

Mr. GENE GREEN of Texas. Mr. Speaker, I support the Pipeline Safety, Regulatory Certainty, and Job Creation Act. This bill has been improved since it was marked up by the Energy and Commerce and Transportation and Infrastructure Committees. I know that there are residual issues that some in the industry and some in the environmental community still have. No legislation will make everyone happy all the time, but I think my colleagues Representatives UPTON and DINGELL have worked hard to come as close as possible with the legislation before us today. I thank them for their leadership and I am pleased that they have set an example of bipartisan legislating that we should all follow.

Pipeline safety is one that is particularly important to me. I represent parts of Houston



and East Harris County, where virtually everyone either lives on, or in close proximity to, a natural gas or oil pipeline. I also have thousands of constituents who rely on this industry for employment and their livelihood. I understand the need to pass a bill that addresses the dual priorities of ensuring safety along these pipelines and providing regulatory certainty for the operators in the years ahead.

There are problems with the bill, for instance, this bill may lead to an attempt by this Pipeline and Hazardous Materials Safety Administration, PHMSA, or future PHMSAs to regulate offshore gathering lines in the same way that onshore lines are regulated. While not prescribed by this legislation, the door is left open. It is important that PHMSA carefully consider how to regulate these lines and not take a one-size fits all approach. There are other tweaks that would have been nice, but this is a good bill and represents a bipartisan compromise.

Failure to pass a bill, or one side or another pursuing a partisan agenda over good policy, would have been far worse than the small problems I have with this bill. I commend Representatives UPTON and DINGELL for this bill and I urge my colleagues to support it.

Mr. MEEHAN. Mr. Speaker, in Pennsylvania and across the country, we are moving forward to develop American sources of energy. This development will reduce energy prices for hardworking taxpayers, create jobs for Americans and lessen our dependence on foreign oil. As this important development moves forward, we must remain strongly committed to protecting our environment and ensuring these operations are safe and responsible.

The production of natural gas from the Marcellus Shale in Pennsylvania is an economic driver for our State but it also presents unique challenges. Thousands of wells have already been drilled in Pennsylvania, and many more and thousands of miles of Marcellus-related pipeline are planned in the Keystone State alone. Most of these facilities are unmanned and spread across rural areas, making monitoring and data communication difficult. Critical failures of these systems can cause untold environmental and economic damage, yet we may not know of these failures until far too much damage has been done. There is an urgent need for better systems to monitor wells and pipelines for leaks, damage and anomalies to protect the environment and the public.

The House has taken a step to address these deficiencies in passing H.R. 2845, the Pipeline Safety, Regulatory Certainty, and Job Creation Act of 2011. Among other provisions, the bill requires the Secretary of Energy to continue evaluating industry safety standards and readiness to respond to infrastructure failures. In performing these evaluations, I encourage the Secretary to investigate the utility of secured, meshed wireless networks. These meshed networks—multi-antenna, no-root meshed-radio systems—can provide continuous monitoring and then alert operations personnel and first responders to leaks and damage in real-time. They can be expanded as new operations are brought online and added to exploration vehicles like ships and trucks, improving communications potential in the critical first minutes after an incident.

As the Secretary moves forward with his safety review and evaluations pursuant to the bill, I encourage the consideration of secured, meshed wireless networks as a possible means of ensuring both real-time monitoring of remote energy infrastructure and swift, seamless response and communication in the event of leaks or other critical failures.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Pennsylvania (Mr. SHUSTER) that the House suspend the rules and pass the bill, H.R. 2845, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

#### RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until approximately 6:30 p.m. today.

Accordingly (at 5 o'clock and 49 minutes p.m.), the House stood in recess until approximately 6:30 p.m.

□ 1830

#### AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. PAULSEN) at 6 o'clock and 30 minutes p.m.

#### ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, proceedings will resume on questions previously postponed.

Votes will be taken in the following order: motion to suspend the rules and pass H.R. 3220; motion to suspend the rules and pass H.R. 2158; and approval of the Journal.

The first electronic vote will be conducted as a 15-minute vote. Remaining electronic votes will be conducted as 5-minute votes.

#### MASTER SERGEANT DANIEL L. FEDDER POST OFFICE

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the bill (H.R. 3220) to designate the facility of the United States Postal Service located at 170 Evergreen Square SW in Pine City, Minnesota, as the "Master Sergeant Daniel L. Fedder Post Office", on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. ISSA) that the House suspend the rules and pass the bill.

The vote was taken by electronic device, and there were—yeas 351, nays 0, not voting 82, as follows:

[Roll No. 913]

#### YEAS—351

Ackerman	Dold	Jackson Lee
Adams	Doyle	(TX)
Aderholt	Dreier	Jenkins
Akin	Duncan (SC)	Johnson (GA)
Alexander	Duncan (TN)	Johnson (OH)
Altmire	Edwards	Johnson, E. B.
Amash	Ellison	Johnson, Sam
Amodei	Ellmers	Jones
Andrews	Emerson	Keating
Baca	Eshoo	Kelly
Bachus	Farenthold	Kildee
Barletta	Farr	King (IA)
Barrow	Fattah	King (NY)
Bartlett	Fincher	Kingston
Barton (TX)	Fitzpatrick	Kinzing (IL)
Bass (NH)	Flake	Kissell
Benishek	Fleischmann	Kline
Berg	Fleming	Kucinich
Berkley	Flores	Labrador
Biggert	Forbes	Lance
Bilbray	Fortenberry	Landry
Bilirakis	Fox	Langevin
Bishop (GA)	Frank (MA)	Lankford
Bishop (UT)	Franks (AZ)	Larsen (WA)
Black	Frelinghuysen	Larson (CT)
Blackburn	Fudge	Latham
Blumenauer	Galleghy	LaTourette
Bonner	Gardner	Latta
Bono Mack	Garrett	Lee (CA)
Boren	Gibbs	Levin
Boswell	Gibson	Lewis (CA)
Boustany	Gohmert	LoBiondo
Brady (PA)	Gonzalez	Loebach
Brady (TX)	Goodlatte	Lofgren, Zoe
Brooks	Graves (GA)	Long
Buchanan	Green, Al	Lucas
Bucshon	Green, Gene	Luetkemeyer
Buerkle	Griffin (AR)	Lujan
Burgess	Grimm	Lummis
Calvert	Guinta	Lynch
Camp	Guthrie	Maloney
Campbell	Hahn	Manzullo
Canseco	Hall	Markley
Cantor	Hanabusa	Matheson
Capito	Harper	Matsui
Capps	Harris	McCarthy (CA)
Capuano	Hartzler	McCarthy (NY)
Carnahan	Hastings (FL)	McCaul
Carney	Hastings (WA)	McClintock
Carson (IN)	Hayworth	McCollum
Carter	Heck	McDermott
Cassidy	Hensarling	McGovern
Castor (FL)	Herger	McHenry
Chabot	Herrera Beutler	McIntyre
Chaffetz	Higgins	McKinley
Chu	Himes	McMorris
Clarke (MI)	Hinchey	Rodgers
Clay	Hinojosa	McNerney
Cleaver	Hirono	Meehan
Clyburn	Hochul	Meeks
Coffman (CO)	Holden	Mica
Cohen	Holt	Michaud
Cole	Honda	Miller (FL)
Conaway	Hoyer	Miller (NC)
Connolly (VA)	Huelskamp	Miller, Gary
Conyers	Huizenga (MI)	Mulvaney
Cooper	Hultgren	Murphy (CT)
Courtney	Hunter	Murphy (PA)
Cravaco	Hurt	Nadler
Crawford	Israel	Neal
Crenshaw	Issa	Neugebauer
Critz	Jackson (IL)	Noem
Crowley		Nugent
Cuellar		Nunes
Culberson		Oliver
Cummings		Owens
Davis (CA)		Palazzo
Davis (KY)		Pallone
DeFazio		Pascarelli
DeGette		Paulsen
DeLauro		Payne
Denham		Pearce
Dent		Perlmutter
DesJarlais		Peters
Deutch		Peterson
Dicks		Petri
Dingell		Pingree (ME)
Doggett		Pitts

Poe (TX)	Sánchez, Linda T.	Thompson (MS)
Pompeo	Sanchez, Loretta	Thompson (PA)
Posey	Sarbanes	Thornberry
Price (GA)	Scalise	Tipton
Price (NC)	Schakowsky	Tonko
Quayle	Schiff	Tsongas
Quigley	Schilling	Turner (NY)
Rahall	Schmidt	Turner (OH)
Rangel	Schrader	Upton
Reed	Schweikert	Van Hollen
Rehberg	Scott (SC)	Velázquez
Reichert	Scott (VA)	Visclosky
Reyes	Scott, Austin	Walberg
Ribble	Scott, David	Walden
Richardson	Sensenbrenner	Walz (MN)
Richmond	Serrano	Wasserman
Rigell	Sessions	Schultz
Rivera	Sherman	Waters
Roby	Shuster	Watt
Roe (TN)	Simpson	Waxman
Rogers (AL)	Sires	Welch
Rogers (KY)	Slaughter	West
Rogers (MI)	Smith (NE)	Westmoreland
Rooney	Smith (NJ)	Whitfield
Ros-Lehtinen	Smith (TX)	Wilson (FL)
Roskam	Smith (WA)	Wilson (SC)
Ross (AR)	Southerland	Wittman
Ross (FL)	Speier	Wolf
Rothman (NJ)	Stark	Womack
Roybal-Allard	Stivers	Woodall
Royce	Stutzman	Wooley
Runyan	Sullivan	Yarmuth
Ruppersberger	Sutton	Yoder
Rush	Terry	Young (AK)
Ryan (WI)	Thompson (CA)	Young (FL)
		Young (IN)

## NOT VOTING—82

Austria	Gingrey (GA)	Moore
Bachmann	Gosar	Moran
Baldwin	Gowdy	Myrick
Bass (CA)	Granger	Napolitano
Becerra	Graves (MO)	Nunnelee
Berman	Griffith (VA)	Olson
Bishop (NY)	Grijalva	Pastor (AZ)
Braley (IA)	Gutierrez	
Brown (GA)	Hanna	Paul
Brown (FL)	Heinrich	Pelosi
Burton (IN)	Inslee	Pence
Butterfield	Johnson (IL)	Platts
Cardoza	Jordan	Polis
Chandler	Kaptur	Renacci
Cicilline	Kind	Rohrabacher
Clarke (NY)	Lamborn	Rokita
Coble	Lewis (GA)	Schock
Costa	Lipinski	Schwartz
Costello	Lowey	Sewell
Davis (IL)	Lungren, Daniel E.	Shimkus
Diaz-Balart		Shuler
Donnelly (IN)	Mack	Stearns
Duffy	Marchant	Tiberi
Engel	Marino	Tierney
Filner	McCotter	Towns
Garamendi	McKeon	Walsh (IL)
Gerlach	Miller (MI)	Webster
Giffords	Miller, George	

□ 1856

Ms. ROS-LEHTINEN changed her vote from “nay” to “yea.”

So (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mrs. NAPOLITANO. Mr. Speaker, on Monday, December 12, 2011, I was absent during rollcall vote No. 913. Had I been present, I would have voted “yea” on agreeing to H.R. 3220—To designate the facility of the United States Postal Service located at 170 Evergreen Square SW in Pine City, Minnesota, as the “Master Sergeant Daniel L. Fedder Post Office.”

## WAYNE GRISHAM POST OFFICE

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the bill (H.R. 2158) to designate the facility of the United States Postal Service located at 14901 Adelfa Drive in La Mirada, California, as the “Wayne Grisham Post Office”, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. ISSA) that the House suspend the rules and pass the bill.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 353, nays 1, not voting 79, as follows:

[Roll No. 914]

YEAS—353

Ackerman	Cheney	Hanabusa
Adams	Cooper	Harper
Aderholt	Courtney	Harris
Akin	Cravaack	Hartzler
Alexander	Crawford	Hastings (FL)
Altmire	Crenshaw	Hastings (WA)
Amash	Critz	Hayworth
Amodei	Crowley	Heck
Andrews	Cuellar	Hensarling
Baca	Culberson	Herger
Bachus	Cummings	Herrera Beutler
Barletta	Davis (CA)	Higgins
Barrow	Davis (KY)	Himes
Bartlett	DeFazio	Hinchey
Barton (TX)	DeGette	Hinojosa
Bass (CA)	DeLauro	Hirono
Bass (NH)	Denham	Hochul
Benish	Dent	Holden
Berg	DesJarlais	Holt
Berkley	Deutch	Honda
Biggart	Dicks	Hoyer
Bilbray	Dingell	Huelskamp
Bilirakis	Doggett	Huizenga (MI)
Bishop (GA)	Dold	Hultgren
Bishop (UT)	Doyle	Hunter
Black	Dreier	Hurt
Blackburn	Duncan (SC)	Israel
Blumenauer	Duncan (TN)	Issa
Bonner	Edwards	Jackson (IL)
Bono Mack	Ellison	Jackson Lee
Boren	Ellmers	(TX)
Boswell	Emerson	Jenkins
Boustany	Eshoo	Johnson (GA)
Brady (PA)	Farenthold	Johnson (OH)
Brady (TX)	Farr	Johnson, E. B.
Brooks	Fattah	Johnson, Sam
Buchanan	Fincher	Jones
Bucshon	Fitzpatrick	Keating
Buerkle	Flake	Kelly
Burgess	Fleischmann	Kildee
Calvert	Fleming	King (IA)
Camp	Flores	King (NY)
Campbell	Forbes	Kingston
Canseco	Fortenberry	Kinzing (IL)
Capito	Fox	Kissell
Capps	Frank (MA)	Kline
Capuano	Franks (AZ)	Kucinich
Carnahan	Frelinghuysen	Labrador
Carney	Fudge	Lance
Carson (IN)	Gallegly	Landry
Carter	Gardner	Langevin
Cassidy	Garrett	Lankford
Castor (FL)	Gibbs	Larsen (WA)
Chabot	Gibson	Larson (CT)
Chaffetz	Gohmert	Latham
Chu	Gonzalez	LaTourette
Clarke (MI)	Goodlatte	Latta
Clarke (NY)	Graves (GA)	Lee (CA)
Clay	Green, Al	Levin
Cleaver	Green, Gene	Lewis (CA)
Clyburn	Griffin (AR)	LoBiondo
Coffman (CO)	Grimm	Loeb
Cohen	Guinta	Lofgren, Zoe
Cole	Guthrie	Long
Conaway	Hahn	Lucas
Connolly (VA)	Hall	Luetkemeyer

Luján	Poe (TX)	Sherman
Lummis	Pompeo	Shuster
Lynch	Posey	Simpson
Maloney	Price (GA)	Sires
Manzullo	Price (NC)	Slaughter
Markey	Quayle	Smith (NE)
Matheson	Quigley	Smith (NJ)
Matsui	Rahall	Smith (TX)
McCarthy (CA)	Rangel	Southerland
McCarthy (NY)	Reed	Speier
McCaul	Rehberg	Stark
McClintock	Reichert	Stivers
McCollum	Reyes	Stutzman
McDermott	Ribble	Sullivan
McGovern	Richardson	Sutton
McHenry	Richmond	Terry
McIntyre	Rivera	Thompson (CA)
McKinley	Roby	Thompson (MS)
McMorris	Roe (TN)	Thompson (PA)
Rodgers	Rogers (AL)	Thornberry
McNerney	Rogers (KY)	Tipton
Meehan	Rogers (MI)	Tonko
Meeks	Rooney	Tsongas
Mica	Ros-Lehtinen	Turner (NY)
Michaud	Roskam	Turner (OH)
Miller (FL)	Ross (AR)	Upton
Miller (NC)	Ross (FL)	Van Hollen
Miller, Gary	Rothman (NJ)	Velázquez
Mulvaney	Roybal-Allard	Visclosky
Murphy (CT)	Royce	Walberg
Murphy (PA)	Runyan	Walden
Nadler	Ruppersberger	Walz (MN)
Neal	Rush	Wasserman
Neugebauer	Ryan (OH)	Schultz
Noem	Ryan (WI)	Waters
Nugent	Sánchez, Linda T.	Watt
Nunes	Sanchez, Loretta	Waxman
Oliver	Sarbanes	Welch
Owens	Scalise	West
Palazzo	Schakowsky	Westmoreland
Pallone	Schiff	Whitfield
Pascarell	Schilling	Wilson (FL)
Paulsen	Schmidt	Wilson (SC)
Payne	Schrader	Wittman
Pearce	Schweikert	Wolf
Pelosi	Scott (SC)	Womack
Perlmutter	Scott (VA)	Woodall
Peters	Scott, Austin	Wooley
Peterson	Scott, David	Yarmuth
Petri	Sensenbrenner	Yoder
Pingree (ME)	Serrano	Young (AK)
Pitts	Sessions	Young (FL)
Platts		Young (IN)

NAYS—1

Rigell

NOT VOTING—79

Austria	Gingrey (GA)	Miller, George
Bachmann	Gosar	Moore
Baldwin	Gowdy	Moran
Becerra	Granger	Myrick
Berman	Graves (MO)	Napolitano
Bishop (NY)	Griffith (VA)	Nunnelee
Braley (IA)	Grijalva	Olson
Brown (GA)	Gutierrez	Pastor (AZ)
Brown (FL)	Hanna	Paul
Burton (IN)	Heinrich	Pence
Butterfield	Inslee	Polis
Cantor	Johnson (IL)	Renacci
Cardoza	Jordan	Rohrabacher
Chandler	Kaptur	Rokita
Cicilline	Kind	Schock
Coble	Lamborn	Schwartz
Costa	Lewis (GA)	Sewell
Costello	Lipinski	Shimkus
Davis (IL)	Lowey	Shuler
Diaz-Balart	Lungren, Daniel E.	Smith (WA)
Donnelly (IN)		Stearns
Duffy	Mack	Tiberi
Engel	Marchant	Tierney
Filner	Marino	Towns
Garamendi	McCotter	Walsh (IL)
Gerlach	McKeon	Webster
Giffords	Miller (MI)	

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 2 minutes remaining.

□ 1904

So the bill was passed.

Mrs. NAPOLITANO. Mr. Speaker, on Monday, December 12, 2011, I was absent during rollcall vote No. 914. Had I been present, I would have voted “yea” on agreeing to H.R. 2158—To designate the facility of the United States Postal Service located at 14901 Adelfa Drive in La Mirada, California, as the “Wayne Grisham Post Office”.

### THE JOURNAL

The SPEAKER pro tempore. The unfinished business is the question on agreeing to the Speaker's approval of the Journal, on which the yeas and nays were ordered.

The question is on the Speaker's approval of the Journal.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 277, nays 74, answered “present” 2, not voting 80, as follows:

[Roll No. 915]

YEAS—277

Ackerman	Davis (KY)	Huizenga (MI)
Aderholt	DeGette	Hultgren
Akin	DeLauro	Hurt
Alexander	Denham	Issa
Amodel	Dent	Jackson (IL)
Baca	DesJarlais	Jackson Lee
Bachus	Deutch	(TX)
Barletta	Dicks	Jenkins
Barrow	Dingell	Johnson (GA)
Bartlett	Doggett	Johnson, E. B.
Barton (TX)	Doyle	Johnson, Sam
Bass (NH)	Dreier	Jones
Berg	Duncan (SC)	Keating
Berkley	Duncan (TN)	Kelly
Biggert	Edwards	Kildee
Bilirakis	Ellison	King (IA)
Bishop (GA)	Ellmers	King (NY)
Bishop (UT)	Emerson	Kingston
Black	Eshoo	Kinzinger (IL)
Blackburn	Farenthold	Kissell
Blumenauer	Farr	Kline
Bonner	Fattah	Labrador
Bono Mack	Fincher	Landry
Boren	Flake	Langevin
Boustany	Fleischmann	Lankford
Brady (TX)	Fleming	Larsen (WA)
Brooks	Flores	Larson (CT)
Buchanan	Forbes	LaTourette
Bucshon	Fortenberry	Latta
Buerkle	Frank (MA)	Levin
Calvert	Franks (AZ)	Lewis (CA)
Camp	Frelinghuysen	Loebsack
Campbell	Fudge	Lofgren, Zoe
Canseco	Gallegly	Long
Capito	Garrett	Lucas
Capps	Gibbs	Luetkemeyer
Carnahan	Gonzalez	Lujan
Carney	Goodlatte	Lummis
Carson (IN)	Graves (GA)	Manzullo
Carter	Green, Al	Markley
Cassidy	Green, Gene	Matsui
Castor (FL)	Griffin (AR)	McCarthy (CA)
Chabot	Guinta	McCarthy (NY)
Chaffetz	Hahn	McCaul
Clarke (MI)	Hall	McClintock
Clarke (NY)	Hanabusa	McCollum
Clay	Harper	McGovern
Cleaver	Harris	McHenry
Clyburn	Hartzler	McIntyre
Cohen	Hastings (WA)	McKinley
Cole	Hayworth	McMorris
Conaway	Hensarling	Rodgers
Connolly (VA)	Herger	McNerney
Conyers	Higgins	Meeks
Cooper	Hinchee	Mica
Courtney	Hinojosa	Michaud
Crawford	Hirono	Miller (NC)
Critz	Hochul	Miller, Gary
Crowley	Holden	Murphy (CT)
Culberson	Holt	Murphy (PA)
Cummings	Honda	Nadler
Davis (CA)	Huelskamp	Neugebauer

Noem	Ross (FL)
Nunes	Rothman (NJ)
Palazzo	Roybal-Allard
Pascarell	Royce
Paulsen	Runyan
Payne	Ruppersberger
Pearce	Rush
Pelosi	Ryan (WI)
Perlmutter	Sánchez, Linda
Petri	T.
Pingree (ME)	Sanchez, Loretta
Pitts	Scalise
Platts	Schakowsky
Pompeo	Schiff
Posey	Schmidt
Price (GA)	Schrader
Price (NC)	Schweikert
Quigley	Scott (SC)
Rangel	Scott (VA)
Rehberg	Scott, Austin
Reichert	Scott, David
Reyes	Sensenbrenner
Richardson	Serrano
Richmond	Sessions
Rigell	Sherman
Rivera	Shuster
Roby	Simpson
Rogers (AL)	Smith (NE)
Rogers (KY)	Smith (NJ)
Rogers (MI)	Smith (TX)
Roskam	Southerland
Ross (AR)	Speier

NAYS—74

Adams	Herrera Beutler	Quayle
Altmire	Himes	Rahall
Andrews	Hoyer	Reed
Bass (CA)	Hunter	Ribble
Benishke	Israel	Roe (TN)
Bilbray	Johnson (OH)	Rooney
Boswell	Kucinich	Ros-Lehtinen
Brady (PA)	Lance	Ryan (OH)
Burgess	Latham	Sarbanes
Capuano	Lee (CA)	Schilling
Chu	LoBiondo	Sires
Coffman (CO)	Lynch	Slaughter
Cravaack	Maloney	Stivers
Crenshaw	Matheson	Sutton
Cuellar	McDermott	Terry
DeFazio	Meehan	Thompson (CA)
Dold	Miller (FL)	Thompson (MS)
Fitzpatrick	Mulvaney	Tipton
Fox	Neal	Turner (OH)
Gardner	Nugent	Visclosky
Gibson	Oliver	Walden
Grimm	Pallone	Woodall
Guthrie	Peters	Yoder
Hastings (FL)	Peterson	Young (AK)
Heck	Poe (TX)	

ANSWERED “PRESENT”—2

NOT VOTING—80

Amash	Owens	Gingrey (GA)	Miller (MI)
		Gohmert	Miller, George
		Gosar	Moore
		Govdy	Moran
		Granger	Myrick
		Graves (MO)	Napolitano
		Griffith (VA)	Nunnelee
		Grijalva	Olson
		Gutierrez	Pastor (AZ)
		Hanna	Paul
		Heinrich	Pence
		Inslee	Polis
		Johnson (IL)	Renacci
		Jordan	Rohrabacher
		Kaptur	Rokita
		Kind	Schock
		Lamborn	Schwartz
		Lewis (GA)	Sewell
		Lipinski	Shimkus
		Lowe	Shuler
		Lungren, Daniel	Smith (WA)
		E.	Stearns
		Mack	Tiberi
		Marchant	Tierney
		Marino	Towns
		McCotter	Walsh (IL)
		McKeon	Webster

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 2 minutes remaining.

□ 1910

So the Journal was approved.

The result of the vote was announced as above recorded.

### MOTION TO ADJOURN

Mr. JACKSON of Illinois. Mr. Speaker, I move that the House do now adjourn.

The SPEAKER pro tempore. The question is on the motion to adjourn.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Mr. JACKSON of Illinois. Mr. Speaker, until the House addresses unemployment insurance, I recommend that we vote on that adjournment.

The SPEAKER pro tempore. The gentleman is not recognized for debate.

Does the gentleman seek a recorded vote?

Mr. JACKSON of Illinois. I request a recorded vote, Mr. Speaker.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 0, noes 355, not voting 78, as follows:

[Roll No. 916]

NOES—355

Ackerman	Capuano	Edwards
Adams	Carnahan	Ellison
Aderholt	Carney	Ellmers
Akin	Carson (IN)	Emerson
Alexander	Carter	Eshoo
Altmire	Cassidy	Farenthold
Amash	Castor (FL)	Farr
Amodel	Chabot	Fattah
Andrews	Chaffetz	Fincher
Baca	Chu	Fitzpatrick
Bachus	Clarke (MI)	Flake
Barletta	Clarke (NY)	Fleischmann
Barrow	Clay	Fleming
Bartlett	Cleaver	Flores
Barton (TX)	Clyburn	Forbes
Bass (CA)	Coffman (CO)	Fortenberry
Bass (NH)	Cohen	Fox
Benishke	Cole	Frank (MA)
Berg	Conaway	Franks (AZ)
Berkley	Connolly (VA)	Frelinghuysen
Biggert	Cooper	Fudge
Bilbray	Courtney	Gallegly
Bilirakis	Cravaack	Gardner
Bishop (GA)	Crawford	Garrett
Bishop (UT)	Crenshaw	Gibbs
Black	Critz	Gibson
Blackburn	Crowley	Gohmert
Blumenauer	Cuellar	Gonzalez
Bonner	Culberson	Goodlatte
Bono Mack	Cummings	Graves (GA)
Boren	Davis (CA)	Green, Al
Boswell	Davis (KY)	Green, Gene
Boustany	DeFazio	Griffin (AR)
Brady (PA)	DeGette	Grimm
Brady (TX)	DeLauro	Guinta
Brooks	Denham	Guthrie
Buchanan	Dent	Hahn
Bucshon	DesJarlais	Hall
Buerkle	Deutch	Hanabusa
Burgess	Dicks	Harper
Calvert	Dingell	Harris
Camp	Doggett	Hartzler
Campbell	Dold	Hastings (FL)
Canseco	Doyle	Hastings (WA)
Cantor	Dreier	Hayworth
Capito	Duncan (SC)	Heck
Capps	Duncan (TN)	Hensarling

Herger  
Herrera Beutler  
Higgins  
Himes  
Hinchey  
Hinojosa  
Hirono  
Hochul  
Holden  
Holt  
Honda  
Hoyer  
Huelskamp  
Huizenga (MI)  
Hultgren  
Hunter  
Hurt  
Israel  
Issa  
Jackson (IL)  
Jackson Lee  
(TX)  
Jenkins  
Johnson (GA)  
Johnson (OH)  
Johnson, E. B.  
Johnson, Sam  
Jones  
Keating  
Kelly  
Kildee  
King (IA)  
King (NY)  
Kingston  
Kinzinger (IL)  
Kissell  
Kline  
Kucinich  
Labrador  
Lance  
Landry  
Langevin  
Lankford  
Larsen (WA)  
Larson (CT)  
Latham  
LaTourette  
Latta  
Lee (CA)  
Levin  
Lewis (CA)  
LoBiondo  
Loeb sack  
Lofgren, Zoe  
Long  
Lucas  
Luetkemeyer  
Lujan  
Lummis  
Lynch  
Maloney  
Manzullo  
Markey  
Matheson  
Matsui  
McCarthy (CA)  
McCarthy (NY)  
McCauley  
McClintock  
McCollum  
McDermott  
McGovern  
McHenry

McIntyre  
McKinley  
McMorris  
Rodgers  
McNerney  
Meehan  
Meeks  
Mica  
Michaud  
Miller (FL)  
Miller (NC)  
Miller, Gary  
Mulvaney  
Murphy (CT)  
Murphy (PA)  
Nadler  
Neal  
Neugebauer  
Noem  
Nugent  
Nunes  
Oliver  
Owens  
Palazzo  
Pallone  
Pascarell  
Paulsen  
Payne  
Pearce  
Pelosi  
Perlmutter  
Peters  
Peterson  
Petri  
Pingree (ME)  
Pitts  
Platts  
Poe (TX)  
Pompeo  
Posey  
Price (GA)  
Price (NC)  
Quayle  
Quigley  
Rahall  
Rangel  
Reed  
Rehberg  
Reichert  
Reyes  
Ribble  
Richardson  
Richmond  
Rigell  
Rivera  
Roby  
Roe (TN)  
Rogers (AL)  
Rogers (KY)  
Rogers (MI)  
Rooney  
Ros-Lehtinen  
Roskam  
Ross (AR)  
Ross (FL)  
Rothman (NJ)  
Roybal-Allard  
Royce  
Runyan  
Ruppersberger  
Rush  
Ryan (OH)  
Ryan (WI)

Sánchez, Linda  
T.  
Sanchez, Loretta  
Sarbanes  
Scalise  
Schakowsky  
Schiff  
Schilling  
Schmidt  
Schneider  
Schweikert  
Scott (SC)  
Scott (VA)  
Scott, Austin  
Scott, David  
Sensenbrenner  
Serrano  
Sessions  
Sherman  
Shuster  
Simpson  
Sires  
Slaughter  
Smith (NE)  
Smith (NJ)  
Smith (TX)  
Smith (WA)  
Southerland  
Speier  
Stark  
Stivers  
Stutzman  
Sullivan  
Sutton  
Terry  
Thompson (CA)  
Thompson (MS)  
Thompson (PA)  
Thornberry  
Tipton  
Tonko  
Tsongas  
Turner (NY)  
Turner (OH)  
Upton  
Van Hollen  
Velázquez  
Visclosky  
Walberg  
Walden  
Walz (MN)  
Wasserman  
Schultz  
Waters  
Watt  
Waxman  
Welch  
West  
Westmoreland  
Whitfield  
Wilson (FL)  
Wilson (SC)  
Wittman  
Wolf  
Womack  
Woodall  
Woolsey  
Yarmuth  
Yoder  
Young (AK)  
Young (FL)  
Young (IN)

Olson  
Pastor (AZ)  
Paul  
Pence  
Polis  
Renacci  
Rohrabacher

Rokita  
Schock  
Schwartz  
Sewell  
Shimkus  
Shuler  
Stearns

Tiberi  
Tierney  
Towns  
Walsh (IL)  
Webster

#### ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 2 minutes remaining.

□ 1927

So the motion to adjourn was rejected.

The result of the vote was announced as above recorded.

Stated against:

Mrs. NAPOLITANO. Mr. Speaker, on Monday, December 12, 2011, I was absent during rollcall vote No. 916. Had I been present, I would have voted "nay" on the motion to adjourn.

#### PERSONAL EXPLANATION

Mr. JOHNSON of Illinois. Mr. Speaker, on Monday, December 12, 2011, I was unable to attend votes due to a previously scheduled appointment. Monday evening I held a listening event with concerned citizens in the town of Savoy. I could not, in good conscience, cancel on a group that had been on my schedule for several months.

Had I been present, my votes would have been as follows:

For H.R. 3320 and H.R. 2158, I would have voted "yea." Master Sergeant Daniel L. Fedder honorably served the United States and I am proud he can be remembered through the naming of this post office. Wayne Grisham was a steadfast public servant who shares my passion for civility in politics.

For Approval of the Journal, I would have voted "yea."

Democrat Motion to Adjourn, I would have voted "nay."

#### PERSONAL EXPLANATION

Mr. STEARNS. Mr. Speaker, on December 12, 2011, I was unavoidably detained and missed rollcall votes numbered 913 through 916. For the record, had I been present, I would have voted as follows:

Rollcall 913—H.R. 3220, to designate the Master Sergeant Daniel L. Fedder Post Office—"aye"; rollcall 914—H.R. 2158, to designate the Wayne Grisham Post Office—"aye"; rollcall 915—Approval of the Journal—"aye"; rollcall 916—Motion to Adjourn—"nay."

#### M.D. ANDERSON PLAZA

Mr. FLEISCHMANN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1264) to designate the property between the United States Federal Courthouse and the Ed Jones Building located at 109 South Highland Avenue in Jackson, Tennessee, as the "M.D. Anderson Plaza" and to authorize the placement of a historical/identification marker on the grounds recognizing the achievements and philanthropy of M.D. Anderson, as amended.

The Clerk read the title of the bill.  
The text of the bill is as follows:

H.R. 1264

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. FINDINGS.

Congress finds as follows:

(1) The Government has the responsibility to honor and recognize Americans who have positively impacted the welfare of other Americans.

(2) Monroe Dunaway Anderson, born in Jackson, Tennessee, in 1873, was one of the United States' most successful agri-businessmen and respected philanthropists.

(3) Monroe Dunaway Anderson, also known as M.D. Anderson, attended public schools in Jackson, Tennessee.

(4) After attending college in Memphis, Tennessee, M.D. Anderson returned to Jackson, Tennessee, to work at the People's National Bank.

(5) In 1904, M.D. Anderson, his older brother Frank Anderson, along with Will Clayton, established a partnership, Anderson, Clayton, and Company, to buy and sell cotton in Jackson, Tennessee.

(6) In 1945, Anderson, Clayton, and Company was called the largest buyer, seller, storer, and shipper of raw cotton in the world by Fortune Magazine.

(7) In 1936, M.D. Anderson established the M.D. Anderson Foundation. This foundation funded the M.D. Anderson Cancer Center which grew into the largest medical complex in the world, the Texas Medical Center in Houston, Texas.

(8) M.D. Anderson's positive impact in the cotton trade is still being felt by the cotton businesses in and around Jackson, Tennessee, and throughout the world.

(9) M.D. Anderson and his foundation's imprint on medical research, education, and agri-business should be memorialized in the town of his birth, Jackson, Tennessee, and deems recognition.

#### SEC. 2. M.D. ANDERSON PLAZA.

(a) DESIGNATION.—The property in between the United States Courthouse and the Ed Jones Building located at 109 South Highland Avenue in Jackson, Tennessee, shall be known and designated as the "M.D. Anderson Plaza".

(b) MARKER AND STATUES AUTHORIZED.—West Tennessee Health Care Foundation is hereby authorized to install in a prominent location on that portion of the Plaza under the jurisdiction of the General Services Administration—

(1) a Tennessee State Historical Society marker recognizing the outstanding achievements in business and philanthropy on the grounds between the United States Courthouse and the Ed Jones Building; and

(2) a life-sized statue depicting M.D. Anderson, with information recognizing persons who donated funds for the manufacturing of the statues.

(c) DESIGN OF MARKER.—The marker authorized by subsection (b)(1) shall be at least 42 inches in height.

(d) PROHIBITION ON USE OF FEDERAL FUNDS.—No Federal funds may be expended to design the marker, to acquire the marker, to prepare the sight selected for the marker, to install the marker, or to maintain the marker or the statues authorized in subsection (b).

(e) APPROVAL.—

(1) SUBMISSION OF DESIGN.—The West Tennessee Health Care Foundation shall consult with the Administrator of General Services

#### NOT VOTING—78

Austria  
Bachmann  
Baldwin  
Becerra  
Berman  
Bishop (NY)  
Braley (IA)  
Broun (GA)  
Brown (FL)  
Burton (IN)  
Butterfield  
Cardoza  
Chandler  
Cicilline  
Coble  
Conyers  
Costa  
Costello  
Davis (IL)  
Diaz-Balart

Donnelly (IN)  
Duffy  
Engel  
Filner  
Garamendi  
Gerlach  
Giffords  
Gingrey (GA)  
Gosar  
Gowdy  
Granger  
Graves (MO)  
Griffith (VA)  
Grijalva  
Gutierrez  
Hanna  
Heinrich  
Inslee  
Johnson (IL)  
Jordan

Kaptur  
Kind  
Lamborn  
Lewis (GA)  
Lipinski  
Lowey  
Lungren, Daniel  
E.  
Mack  
Marchant  
Marino  
McCotter  
McKeon  
Miller (MI)  
Miller, George  
Moore  
Moran  
Myrick  
Napolitano  
Nunnelee

with the Administrator of General Services in the design of the marker and statue authorized under subsection (b) and shall submit a design for approval.

(2) **DESIGN APPROVAL.**—The design of a marker or statue as authorized under subsection (b) shall be subject to the approval of the Administrator.

(3) **TIMING OF REVIEW.**—The Administrator shall conduct a review of the design not later than 90 days after the submission of the design.

(4) **FAILURE TO APPROVE.**—In the event that the Administrator fails to approve the design, the Administrator shall submit a report to the Committee on Transportation and Infrastructure in the House of Representatives and the Committee on Environment and Public Works in the Senate detailing the reasons for failing to approve the design.

The **SPEAKER pro tempore** (Mr. LONG). Pursuant to the rule, the gentleman from Tennessee (Mr. FLEISCHMANN) and the gentleman from Tennessee (Mr. COHEN) each will control 20 minutes.

The Chair recognizes the gentleman from Tennessee (Mr. FLEISCHMANN).

#### GENERAL LEAVE

Mr. FLEISCHMANN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous materials on H.R. 1264.

The **SPEAKER pro tempore**. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

Mr. FLEISCHMANN. Mr. Speaker, I yield myself such time as I may consume.

H.R. 1264 would designate the property between the United States Courthouse and the Ed Jones Building located at 109 South Highland Avenue in Jackson, Tennessee, as the M.D. Anderson Plaza and authorize the placement of historical markers on the grounds recognizing the achievements and philanthropy of M.D. Anderson.

□ 1930

I want to thank the gentleman from Tennessee (Mr. FINCHER) for introducing this legislation. Monroe Dunaway Anderson, also known as M.D. Anderson, was one of the United States' most successful agribusinessmen and philanthropists of the early 20th century.

M.D. Anderson was born in 1873 in Jackson, Tennessee. He attended college in Memphis and came back to his hometown to work at the Peoples National Bank. In 1904 M.D. Anderson, his older brother Frank Anderson, and a businessman named Will Clayton established a partnership to buy and sell cotton in Jackson, Tennessee. By 1945 Fortune magazine called their company the largest buyer, seller, storer, and shipper of raw cotton in the world. Outside of his cotton business, M.D. Anderson contributed to numerous philanthropic causes, especially that of

medical research. In 1936 he established the M.D. Anderson Foundation, which funded cancer research and education at the M.D. Anderson Cancer Center, which grew into the Texas Medical Center in Houston, Texas, one of the largest medical complexes in the world.

I believe this legislation is appropriate in honoring M.D. Anderson's enduring legacy in his hometown as a successful American businessman and, more importantly, in honoring his contributions to vital medical research and philanthropy.

The subcommittee worked closely with the bill sponsor to make improvements to the legislation, which are reflected in the amendments to the bill. The amendments ensure the legislation is in line with the Commemorative Works Act by requiring that the design of the statue be approved by the General Services Administration prior to its installation.

I support the passage of this legislation, as amended, and I urge my colleagues to do the same.

I reserve the balance of my time.

Mr. COHEN. Mr. Speaker, I yield myself 3 minutes or such time as I may consume, whichever comes first.

I rise in support of H.R. 1264, which designates the property between the United States courthouse and the Ed Jones Federal Building in Jackson, Tennessee, as the M.D. Anderson Plaza. Ed Jones was the Congressman who preceded Mr. FINCHER in that district, who preceded Mr. Tanner. He had the slogan, "Ed Jones—the heart of the district with the district at his heart." Quite a fine man. This bill also authorizes the placement of a historical marker and a statue on the grounds recognizing the achievements and the philanthropic good deeds of M.D. Anderson.

Born in 1873 in Jackson, Mr. Anderson, who was known as M.D. Anderson, was a successful businessman, farmer, and philanthropist. He went to college in Memphis—smart man he was to go to Memphis. It was then called Southern Baptist, but I believe it became Union, then Jackson, Tennessee. After he was in Memphis and had that opportunity, he moved back to Jackson and went to work in his family-owned business—a good choice. He went into the cotton business with his older brother, Frank, and with Frank's brothers-in-law, and they became the largest cotton company in the world, according to Fortune magazine in 1945.

In 1936 M.D. Anderson created a charitable foundation that bore his name and funded it with an initial investment of \$300,000—a considerable amount of money at that time, not a bad amount of money today. After his death, the trustees of M.D. Anderson's estate directed an additional \$19 million towards his foundation, which helped create M.D. Anderson's lasting

legacy by providing seed funds for the University of Texas M.D. Anderson Cancer Center, which is one of the world's leaders in cancer research and treatments.

Thankfully, people I know have had the opportunity to be treated there. It's a great clinic, and it's the best place to go if you've got cancer and have that opportunity to be treated by the world's greatest professionals there in Houston.

M.D. Anderson is considered to be the father of the institution, and because the charitable foundation matched the initial State funds for a Texas-based cancer research and treatment center, he is given that appellation. His charitable foundation has also funded and supported libraries and college buildings, including ones at Lambuth College in Jackson, now known as the Lambuth University of Memphis. It has funded planetariums also in the city of Jackson and in his adopted hometown of Houston, Texas.

Given his lasting and significant contributions to his community and, really, to the world, with the M.D. Anderson Cancer Center, which is the finest cancer clinic, I suspect, in the world, it's fitting that we honor his commitment by giving the plaza between the two Federal buildings his name. Some might question our taking the time of this Congress, on this floor, to do this when we have so many things going on, but this is the type of activity that will, hopefully, inspire others to use their good fortune and/or good works to help others who are in situations as dire as having cancer. M.D. Anderson did that.

So it's a commendable piece of legislation, and I'm happy that Mr. FINCHER brought to it the floor. I'm happy to support it, and I urge my colleagues to support H.R. 1264 in memorializing this gentleman.

I yield back the balance of my time.

Mr. FLEISCHMANN. Mr. Speaker, I yield 4 minutes to the gentleman from Tennessee (Mr. FINCHER).

Mr. FINCHER. I thank the gentleman for yielding.

I thank my colleague from Tennessee (Mr. COHEN) for his support of this as well as my colleague from middle Tennessee for his support as well.

Mr. Speaker, my bill, H.R. 1264, will rename the plaza between the two Federal buildings in Jackson, Tennessee, located in the Eighth Congressional District, after Monroe Dunaway Anderson, a true hero to millions of people who have been diagnosed with cancer.

For those who don't know M.D. Anderson, he was born and raised in Jackson, Tennessee, during the late 19th century. In 1904, after completing college and spending a few years working as a banker in Memphis, M.D. Anderson joined a cotton trading venture started by his older brother, Frank Anderson, and Frank's brother-in-law Will Clayton.

Their corporation, Anderson, Clayton, and Company, flourished due to the rising demand for cotton during World War I. They eventually moved the business to Houston, Texas, to have better access to deepwater shipping. By the 1920s their operation had trading offices in Europe, Africa, and Asia. The company continued to succeed through the 1930s and 1940s, diversifying its capital into a marine insurance company, a barge line, cotton mills, an investment bank, machine works, and even a foods division. By 1950 Anderson, Clayton, and Company was a multimillion dollar corporation, and their international market sales reached 3.5 percent of all the world's cotton production.

But we're not standing here tonight to honor M.D. Anderson because of his incredible success and contributions to agribusiness. Many would keep the fruits of their labor for themselves, but M.D. Anderson had others in mind.

In 1936 he established a charitable foundation with \$300,000, and upon his death in 1939, the foundation received an additional \$19 million endowment. M.D. Anderson had a particular interest in health care, specifically in working to find a cure for cancer. Trustees of the foundation kept M.D. Anderson's interests and passions in mind as they decided how to use the foundation endowment after his death.

Funding for the foundation helped to start the Texas Medical Center in Houston, Texas, which is the largest medical complex in the world. Funding was also used to establish the M.D. Anderson Cancer Center at the Texas Medical Center, which is one of the world's most respected centers, devoted exclusively to cancer patient care, research, education, and prevention. Since 1944, nearly 900,000 patients have turned to M.D. Anderson for cancer care. In addition to the medical research, the M.D. Anderson Foundation has built libraries, auditoriums, college buildings, and a planetarium on the campus of Lambuth College in Jackson, Tennessee.

We honor M.D. Anderson today not because of his success in agribusiness but because of his generosity and interest in bettering the lives of others.

I want to take a moment to thank the ranking member of the subcommittee, Ms. NORTON, for her support and for working with me on the language in this bill. I also want to recognize the hard work of Mayor Jerry Gist of Jackson, the Jackson City Council, Madison County Mayor Jimmy Harris, and the Madison County Commission.

Finally, I want to specifically thank Mr. Dickie Day of Jackson, Tennessee, and Mr. Carter Edwards of Maury City, Tennessee, for their efforts to ensure that the life and achievements of M.D. Anderson are memorialized in his hometown of Jackson, Tennessee.

It is an honor to sponsor this bill, and I urge my colleagues to support this legislation.

Mr. FLEISCHMANN. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Tennessee (Mr. FLEISCHMANN) that the House suspend the rules and pass the bill, H.R. 1264, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. FLEISCHMANN. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

The point of no quorum is considered withdrawn.

□ 1940

#### GENE ROSSITCH LED A LIFE OF SERVICE TO HIS COMMUNITY AND LOVE FOR OTHERS

(Ms. FOXX asked and was given permission to address the House for 1 minute.)

Ms. FOXX. Mr. Speaker, today I want to speak of the remarkable life of my friend Gene Rossitch of Winston-Salem. Gene died last week at age 77 after a tenacious fight with cancer. One of the remarkable things about Gene is that he grew up in Cuba and fled to the U.S. with his family in 1962 in search of freedom. Despite being uprooted and transplanted into a new culture and Nation, he thrived in Winston-Salem, forging a successful 30-year career at Wachovia Bank.

But Gene was more than just a successful businessman. He was passionate about investing in the community, which he went about with gusto during the nearly 50 years he made his mark on the community of Winston-Salem. He leaves behind a shining example of helping others, from serving as a volunteer translator for the police and court system to serving with the Red Cross to volunteering on the board of a local Catholic high school. Gene also lived a vibrant life of faith, serving in numerous ways in his local church, Our Lady of Mercy, for decades. His life demonstrated to those who knew him that he was a man of conviction, steadfast faith, and unrivaled dedication to his community and those in need.

He will be greatly missed, and his passing is a terrible loss to his family and loved ones, as well as the entire Winston-Salem community. Mr. Speaker, my prayers are with his family and many friends who are mourning the loss of a man of kindness and remarkable character.

#### CAMERAS IN THE SUPREME COURT

(Mr. POE of Texas asked and was given permission to address the House for 1 minute.)

Mr. POE of Texas. Mr. Speaker, the Supreme Court is the most important court in the world. However, very few citizens have the chance to watch the Supreme Court in action when historic lawsuits come before it. This is because the seating in the courtroom is limited. The Supreme Court will soon take up the health care bill and rule on its constitutionality. This monumental case affects every single American; yet only a select group will be able to attend the hearing.

Representative GERRY CONNOLLY has introduced legislation that I support to allow cameras in the Supreme Court. A single nonintrusive-type camera, controlled by the Court staff would allow for greater access in the decisions made by the nine jurists in black robes. I know cameras can be placed in a courtroom without disruption because I was one of the first judges in Texas to allow cameras to film criminal cases.

A lack of seating capacity is no reason to deny the American people the right to see Supreme Court proceedings. The American people deserve an all-access pass to watch the High Court rule on the law of the land.

And that's just the way it is.

#### SHINING LIGHT ON THE HUMAN RIGHTS SITUATION IN BELARUS

(Mr. PAULSEN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PAULSEN. Mr. Speaker, I rise today to give voice to a concern that I have heard raised from numerous constituents who originally hail from Belarus. Since 1994, President Lukashenko has abused his power and has actively worked to undermine the freedom of the Belarusian people.

Recently, the State Department released a report on the human rights situation in Belarus. Under this authoritarian regime, Belarusians have been subject to manipulated elections and oppression on the basis of political affiliation, ethnicity, and religious beliefs. Following the most recent election, security forces arrested political activists, presidential candidates, and journalists.

Mr. Speaker, it is unacceptable that this kind of oppression exists today in Europe, and I hope that more Americans will be made aware of the tyranny in Belarus. I thank the Belarusian-American Youth Association for bringing this issue to my attention. And I stand with my constituents in support of freedom for the Belarusian people in opposition to this oppressive regime.

## ETERNAL VIGILANCE

The SPEAKER pro tempore. Under the Speaker's announced policy of January 5, 2011, the gentleman from Texas (Mr. GOHMERT) is recognized for 60 minutes as the designee of the majority leader.

Mr. GOHMERT. Thank you, Mr. Speaker.

There is so much going on these days, and we have to trust the United States, the Federal entities of the executive branch to keep us protected. That's why our hearing last week with the Attorney General of the United States, Eric Holder, before the Judiciary Committee of the House was very disturbing. We had Attorney General Holder before our committee back on May 3 of this year; and at that time, the Attorney General said, with regard to this horrible project, this undertaking called Fast and Furious, the Attorney General said he had only known about it "a few weeks." To most of us, "a few weeks" means about 3 weeks. However, in testifying under penalty of perjury last week, the Attorney General said in essence, Look, 3 weeks, 3 months—a few weeks is 3 months; there's not really any difference. When you have the highest-ranking person in the United States Department of Justice who plays so fast and loose while testifying under oath, who plays so fast and loose with the facts, it is quite disturbing, and it's time for a change.

Our Attorney General testified that there were a certain number of guns, 94,000 firearms, submitted for tracing and that 64,000 of those firearms were sourced to the United States. The further we get into that, the more inaccurate we find out those figures are; and of course we recall—and it's understandable that with a boss like the United States President who has previously said, 90, 95 percent of the guns seized at crime scenes in Mexico came from the United States, it's understandable that if the boss is making those kinds of glaring errors on numbers, then perhaps the head of the Department of Justice would make substantial mistakes in numbers.

But, fortunately, the Department of Justice is not the only source of information regarding those types of matters. The Congressional Research Service is a bipartisan group. They do an extraordinary job. I've gotten the impression that potentially the majority may be Democrat, but it doesn't matter to those folks. They do a very good job of researching thoroughly whatever project they're given.

And the information that we were able to get back from the Congressional Research Service indicates that there are maybe only 25 percent of the weapons that Mexico has seized that are capable of being traced back to their original source and that most of the weapons that Mexico seizes are never offered for the process of tracing

because they know there's no way to trace them. So if only 25 percent of those that are seized in Mexico are asked to have tracing done, then it is very clear that not 95, not 90, not even 70 percent of the weapons seized can be traced to an American owner first.

□ 1950

We also know from the testimony and the information about this Fast and Furious project of the ATF Department of Justice, because the ATF is a subsidiary of the Department of Justice, but we know that gun dealers were pushed into making sales to people they didn't believe should be sold the weapons; and our own Federal Government, our own Justice Department, urged them to go ahead and make the sales on behalf of their country anyway. Then some in this administration have the nerve to say this, too, was Bush's fault, and they point to programs in the Bush administration as being the source.

Andrew McCarthy, back November 8, had a great article in National Review Online, "Fast & Furious Was . . . Bush's Fault." He goes on to point out that Fast and Furious did not begin until 2009, months after the end of the Bush administration, and he also goes on to point out a number of things.

For example, Wide Receiver, which was a project under the Bush administration, involved what were considered controlled deliveries. As a former judge, we'd hear constantly about controlled deliveries where the government would have people—find out people were inquiring about making drug sales, and they would set up a delivery. There would be plenty of agents there to intervene as soon as the transaction had actually been made. The controlled delivery meant not only do you have people watching, you may even have some way to follow what is being transferred in that controlled delivery. That's what was anticipated with Wide Receiver, the project under the Bush administration.

Unfortunately, there was an incident where Wide Receiver, apparently that project had a controlled delivery setup of weapons, the intent never ever to allow them to actually leave this country or to actually have the individuals involved get away with those weapons, but actually to have them have an interdiction, have them arrested. And also, one other thing, they had homing devices on the weapons. Well, unfortunately, everything went wrong. The homing devices were detected, they were removed, the controlled delivery went bad, and folks got away.

That is a far sight different from this administration deciding we're going to see that massive number, at least a couple of thousand weapons, are put in the hands of criminals who will likely take them across the border. They will certainly end up in the deaths of Mexi-

cans, and there's a good chance will result in the deaths of Americans. Anyone in any administration who thinks such an idea is a good one needs to go from that administration. Anyone from any administration who allows something so insane to take place does not need to be in that administration. Anybody who has such lax control over his department that though those directly under him know about it, they leave him plausible deniability to come in and say: I didn't know anything about it. Maybe Lanny Breuer; yeah, apparently he knew all about. Yeah, I see Lanny quite a bit, but I didn't know anything about it. Anybody that sets up a structure to allow themselves that kind of plausible deniability—so-called plausible—and would allow something that results in a foreseen death, much less hundreds of deaths, does not need to be head of that department.

Now, this should not be a partisan issue. Back when President Bush, George W. Bush was President, we had been told in our Judiciary Committee in the House by the Attorney General at that time that there were no known abuses of the national security letters. The national security letter powers bother me greatly. I'm extremely concerned about them, and we had the report from the Attorney General, no, there are no known abuses. Well, that is an awfully powerful weapon, but we were assured under the PATRIOT Act it is only allowable that those letters be used to gain information about foreign nationals—not American citizens—or people who are associated with known foreign terrorist organizations. It would never be used against American citizens. We were assured of that.

So some of us wanted to make sure that there were no abuses, no American citizens were being pursued internationally or nationally. We were assured they weren't. The Attorney General in July had testified before—this was, I guess, 2007; I believe it was July—that there were no known abuses by Federal agents of the national security letter where they demand information, documentation, all that's in the possession of the person to whom the letter is sent. It turns out, three days before the Attorney General testified before the Senate Judiciary Committee, there had been a report that was placed on his desk. The Attorney General's defense was: I never read it before I testified before the Senate, so I was certainly testifying honestly; I just didn't know. That was enough, though, to have people on both sides of the aisle, Republican and Democrat, House and Senate, agree we need to change something, and we got it changed within about six weeks.

This administration is so used to obfuscating, hiding the ball, preventing documentation that is requested from



coming to light, this administration thinks that it can keep protecting people who need to go for the good of the country.

Then we find out there's emails in the documents that were provided by the Justice Department. There are emails indicating that, gee, maybe it would be a good idea if we could use Fast and Furious numbers to get more regulation. Sharyl Attkisson has an article—this was part of CBSnews.com—where she indicates:

ATF officials didn't intend to publicly disclose their own role in letting Mexican cartels obtain the weapons, but emails show they discussed using the sales, including sales encouraged by ATF, to justify a new gun regulation called "Demand Letter 3". That would require some U.S. gun shops to report the sale of multiple rifles or "long guns." Demand Letter 3 was so named because it would be the third ATF program demanding gun dealers report tracing information.

On July 14, 2010 after ATF headquarters in Washington D.C. received an update on Fast and Furious, ATF Field Ops Assistant Director Mark Chait emailed Bill Newell, ATF's Phoenix Special Agent in Charge of Fast and Furious:

"Bill—can you see if these guns were all purchased from the same (licensed gun dealer) and at one time. We are looking at anecdotal cases to support a demand letter on long gun multiple sales. Thanks."

□ 2000

Amazing. The ATF, the Justice Department, creates this horrible program that would get people killed and then wants to use that as a basis for further regulation and further elimination of our Second Amendment rights to the United States Constitution. Unbelievable. They have Senator FEINSTEIN down the Hall when questioning Lanny Breuer, who apparently indications are was not truthful with regard to Fast and Furious, and Senator FEINSTEIN says, "We have very lax laws when it comes to guns. I think this, to some extent, influences the ATF and how they approach the problem as to whether they have political support or not. But I think these numbers are shocking. And I think when you know the numbers of deaths these guns have caused used by cartels against victims, it's literally up in the tens of thousands. So the question comes as what we can do, and I would really rather concentrate on the constructive rather than other things. And so the question comes, do you believe that if there were some form of registration when you purchase these firearms that that would make a difference?"

Again, a deadly program that would kill innocent people is put in place by the Justice Department's ATF, people are killed, and then people around this town want to use this horrible program's results to justify taking away Second Amendment rights. It's staggering. Staggering. It's bad enough that anybody would think this type of

program, Fast and Furious, was a good idea, but then to turn around and use it to try to destroy Second Amendment rights under the Constitution is simply unconscionable.

Well, the Attorney General also, when asked about his testimony last week, he said, yes, he had ordered in February an Inspector General study, an inspection of the Fast and Furious program. It was pointed out to the Attorney General that in the big document dump that they had—and it was clearly a document dump intended to mask and hide anything therein. A good piece of evidence of that is the fact that 92 pages, at least, of the documents were Senator GRASSLEY's own request for information about Fast and Furious. Those were just duplicated dozens and dozens and dozens of times, and that was part of the document dump just to hide what little bit of information was in there.

And yet despite all those documents produced and despite information that was inquired about at the hearing, the Attorney General does use government email, he does use private email, he does sign things, not one email of the Attorney General, not one letter, not one order of any kind by this Attorney General was part of that record.

If we have an Attorney General who believes in playing so fast and loose with the laws that it really is more about who you know in this administration rather than what the law says, it's time for another Attorney General. Nothing was produced. When I asked about his testimony that an IG inspection was ordered, our Attorney General indicated basically that he had such a great relationship with the Inspector General he could just pick up the phone and ask her to do an inspection, a study.

If that's the way this Attorney General operates, which he testified under oath that it was, we need a new Attorney General. Those kinds of things are so serious they require something signed.

And as far as being so chummy with the Inspector General, it also makes clear this is no way to run a Justice Department, because it makes clear that the Justice Department is run by a man who is so chummy with the one person that may be able to do an independent study that there really is no independent study done.

That also became clear, and DARRELL ISSA who has been pursuing this—and I'm thankful for it. He has been relentless. But the information has not been forthcoming. But from what information has been gleaned, we find out that this Inspector General, the very, very, very close chum of our Attorney General, had found out that there was a gun dealer who became so concerned about this egregious thing being done where he was being forced to sell guns to people to whom he did not want to

sell guns, that he began recording conversations, things that were told him by Federal agents so that he would have some protection. When the Inspector General found out, she got the recorded conversations.

Now, a good Inspector General who is not extremely chummy with the person heading up the Department she is supposed to independently study and inspect would go forward, talk to witnesses and see if they said anything inconsistent in their statements to the Inspector General so that the Inspector General could determine if these people were being honest.

Instead, what this very close ally and chum of the person whose Department she is supposed to be inspecting, she apparently took the recorded statement, gave it to the Federal agent and said, hey, you better listen to this before you give any statements so you can make sure your statements are consistent.

Inspectors General aren't supposed to do that. They're supposed to conduct a thorough, independent investigation. All the indications are that this Inspector General is, just as Attorney General Holder testified, so chummy, so close, that she doesn't need a written order. It works out better if we can just say, we just talked about it over the phone. And, in fact, wouldn't that be great, too, if we could do that here in Congress? Do you know what? We passed a law, but we just talked about it, and you don't get to find out what it is, but we'll come after you if you violate it.

You can't run a government that way. There needs to be documentation for decisions that are made so we know who made them. And that brings us to one of the more egregious factors in the poor management of the Justice Department. When the Attorney General was asked who it was by my friend, Judge POE from Texas, now in Congress, who it was that made the decision to go forward with Fast and Furious after 10 these many, many months, the Attorney General said he just really didn't know, and he didn't know if he was going to be able to find out.

Since we have an Attorney General that has no way of knowing who is making the decisions in his Department that are getting innocent people in the United States and Mexico killed, it's time to have an Attorney General who does.

□ 2010

We cannot survive as a country when the Federal Government plays so fast and loose with orders that mean the difference between people being killed and not killed.

It's time for a change. America deserves better. Mexico deserves better. And you can't help but wonder what kind of pressure was put on Mexico's

government not to raise holy Cain about having all these illegal weapons forcibly sold that were going into Mexico. We had no intention—or this Justice Department had no intention of following them, no method of getting them back, no method of finding out where they were. And in fact, it appears the whole goal was to wait and see when they showed up at crime scenes—which normally meant somebody had been killed—then check the serial numbers against those the ATF had forcibly required the sale of. And if they matched, then we could blame American gun dealers. It's understandable a gun dealer in the U.S. could become concerned, that maybe he ought to start taping Federal agents giving him instructions. Things are not going well in this Justice Department.

One other area of concern—has been for some time—is the fact that there are organizations in the United States that are raising money and then funding terrorist organizations abroad. Hamas is one specifically. And since this government continues to send money to the Palestinian Authority, which has now got an agreement with Hamas, our own government is in cahoots in funding terrorism. At some point the insanity has got to stop.

We know that this kind of thing has gone on by organizations in the United States because in November of 2008 the Bush administration obtained five convictions, 105 counts of funding terrorism. Most people refer to the litigation as the Holy Land Foundation trial. And there were over 200 named coconspirators with the Holy Land Foundation and the individuals named, and those coconspirators, many of them were implicated through evidence that was introduced at trial in the Holy Land Foundation trial.

Now, they were named coconspirators, but the others were not actually indicted. My understanding is that the Bush administration intended to try to get those first convictions—the first time the case was tried to a hung jury, an 11-1 split, as I understood it, for guilt. The second time they got the 105 counts of conviction against the five individuals. And their intent was, if they could get those prosecutions, get those judgments, get those findings of guilt, then it would proceed on with others of the 200-plus named coconspirators. And in fact, some of the named coconspirators, like CAIR, ISNA, had filed a motion with the Federal court in Dallas that ended up at the Fifth Circuit Court of Appeals in New Orleans. They wanted their names struck from the pleadings, but the Fifth Circuit in essence said there is a prima facie case. There is sufficient evidence here to show that these named coconspirators were coconspirators and therefore, no, they're not going to have their names struck from the pleadings; they're part of the evi-

dence. It's clear, or there is evidence to support their being coconspirators with the Holy Land Foundation. Some folks have been trying to get documentation from the Holy Land Foundation trial. We've gotten some, but there were a massive amount of documents that were turned over to the five defendants, the Holy Land Foundation people. And since we know beyond a reasonable doubt they were funding terrorism, there is not really any doubt in most thinking peoples' minds that those documents all found their way back to Hamas, the terrorists.

But this administration, led by Attorney General Eric Holder, has decided they're not going to prosecute any of those people. Even after the Fifth Circuit said there is prima facie evidence, there is sufficient evidence to go forward and to keep their names because they are coconspirators, according to the evidence produced, this administration has chosen to protect those individuals by not prosecuting them, much like this administration did in failing to prosecute the individuals involved in the new Black Panther movement—who one African American involved in the civil rights movement of the sixties said was the worst case of voting rights abuses that he had ever seen. And yet this Attorney General, who could have gotten a judgment and prevented at least these two individuals from ever appearing at a voting place like this and intimidating voters, chose to water down the judgment with one so that he just didn't go back to that same voting place in the next election. And with the other, who was certainly, from the videotape, involved in violating people's civil rights, didn't even take the judgment against him. And then to turn around and refuse to prosecute people who there is sufficient evidence to show that they are funding terrorism is horrendous.

There is an article, December 7, "Holy Land Foundation Hamas Support Convictions Affirmed." And this is from Andrew McCarthy, who was the prosecutor in the first World Trade Center prosecution, 1993, when the attempt was made to blow up the World Trade Center the first time, successfully prosecuted. And at the time, America didn't realize we were in a war. We were in a war, but only one side knew that they were in a war, and that was the radical Islamists.

As Mr. McCarthy indicates, the U.S. Court of Appeals, Fifth Circuit, upheld the convictions of five jihadists behind the Holy Land Foundation, the piggybank set up by the Brotherhood in the U.S. under the guise of charity to fund Hamas to the tune of tens of millions of dollars during the deadly Intifada. The three-judge panel's unanimous 170-page opinion recounts that Hamas was created by Brotherhood operatives—that's Muslim Brotherhood—in 1987 as the Brotherhood's

"Palestinian branch." Thereafter, "the Muslim Brotherhood directed its worldwide chapters to establish so-called 'Palestinian committees' to support Hamas from abroad."

McCarthy continues:

In the U.S., the "Palestine Committee" was led by Mousa Abu Marzook (who for a time in the early nineties actually ran Hamas from his home in Virginia). The Palestine Committee created not only the Holy Land Foundation but a number of other Islamist entities in the U.S. The leaders of one of those entities, the Islamic Association for Palestine, subsequently created CAIR, the Council on American-Islamic Relations, which was cited as an unindicted coconspirator in the case.

Mr. McCarthy goes on to point out that documents recovered by the FBI at the home of a Brotherhood operative established the Brotherhood's overarching role in the Hamas support scheme, including bylaws showing the Brotherhood had directed the collection of donations for the Islamic Resistance Movement, which is Hamas.

□ 2020

Also recovered at the time was the internal memorandum in which the Brotherhood's American leadership asserted:

The Ikhwan [i.e., the Brotherhood] must understand that their work in America is a kind of grand jihad in eliminating and destroying the Western civilization from within and 'sabotaging' its miserable house by their hands and the hands of the believers, so that it is eliminated and God's religion is made victorious over all other religions.

And, in fact, you get a copy of the Fifth Circuit's opinion, there are a number of interesting things addressed by the Fifth Circuit with regard to the Holy Land Foundation. The Fifth Circuit said:

We are satisfied that independent evidence also established the existence of a joint venture or combination among the declarants and the defendants to support Hamas through the Holy Land Foundation and the zakat committees. For example, participants at the Philadelphia meeting discussed Hamas and its control of the zakat committees. The participants referenced the importance of the Holy Land Foundation in the Committee's goals, and they identified as "ours" various zakat committees to which Holy Land Foundation donated funds. The Government also introduced evidence of numerous financial transactions and personal contact between the defendants and Hamas leader Marzook, who was listed in the Elbarasse and Ashqar documents as chairman of the Palestine Committee. Marzook also had in his personal phone book the contact information for Baker, Elashi, El-Mezain and Elbarasse. Further, Hamas leader Mishal spoke at a meeting attended by Baker, Elashi, El-Mezain and Ashqar about supporting Hamas. According to Shorbagi, who was present, El-Mezain led a break-out group at that meeting to discuss the financial issue of raising money. Moreover, Shorbagi specifically testified from personal knowledge that the Holy Land Foundation was part of Hamas.

Well, the Fifth Circuit, talking about the Holy Land Foundation trial, said

the evidence at issue was offered to show the defendant's connection to terrorists and his predisposition to terrorist activities.

It goes on to cite much of the evidence. And the Court says:

The evidence in this case does show a relationship between the defendants and Elbarasse and Ashqar, as well as their connections to Hamas leaders.

It goes on to say:

The record here showed the defendants' joint participation in a shared undertaking involving the Committee—that's the Palestine Committee—and the documents were properly admitted.

The Court goes on, makes numerous findings, discusses the law, but also says:

The defendants here "are wrong to suggest that it is necessary to know the precise identity of" the declarants in the Elbarasse and Ashqar documents.

They go on to conclude:

It's "inescapable" that the declarants were joint venturers with the defendants in support of Hamas through the Palestine Committee.

It goes on to cite some examples there. The Fifth Circuit did an excellent job of going through reciting the evidence, and they said this:

They were also consistent with security "guidelines" found among Holy Land Foundation's materials stored at Infocom, which directed that there should be cover stories agreed upon to explain things like meetings and travel.

Now, if this group that worked through the Holy Land Foundation to send money to Hamas were perfectly innocent, then it seems interesting that the Foundation's policies and guidelines that were found in Virginia in a sub-basement which contained much of the Muslim Brotherhood's archives would say the following—and this is from a footnote on page 84 of the Fifth Circuit's decision. They said:

The document, which was labeled "The Foundation's Policies & Guidelines," included comprehensive policies for ensuring the secrecy of the organization's activity. For example, the policies directed that documents should be arranged at meetings so that they could be easily gotten rid of in an emergency; that measures should be taken before a meeting to be sure there is no hidden surveillance equipment; that an alert signal should be given if the location is monitored or if a member of the committee is followed; and that documents should be hidden when traveling and a pretext should be devised in case they are discovered in a search. The possession of such a document by a purportedly charitable organization was clearly suspicious.

And the Fifth Circuit there is a master of understatement.

It is amazing what was found in the documentation in Virginia, and that's after a couple were arrested as they went across the Chesapeake Bay Bridge, photographing construction columns of the bridge. And on further search of their home in Virginia, sub-basement, they found the Muslim

Brotherhood archives that gave us so much information.

The trouble is, there were massive numbers of boxes of information. And as we understand it, much of that was provided to the defendants in the Holy Land Foundation trial.

I made the request of the Attorney General last week that, since those documents were provided to defendants who were convicted of funding terrorism, funneling money to Hamas, that surely the Justice Department would now allow Congress to see those boxes of documents. The Attorney General, once again, didn't know what was furnished. He would look into it.

We need an Attorney General that knows what's going on when there are organizations in America who are financing, by millions and millions of dollars, people who are conducting terrorism efforts around the world. Well, the Attorney General said he'd look into it. An official request was made at the hearing. And yet, we're waiting to hear from the Justice Department.

It just seems to make sense to me that if this Justice Department will provide documentation to people who are part of a terrorist network, then surely they'll provide it to Congress. But then again, that remains to be seen.

We had an article here from Fox News on December 7. It reports that SUSAN COLLINS, Senator SUSAN COLLINS, on Wednesday blasted the Defense Department for classifying the Fort Hood massacre as workplace violence, and suggested political correctness is being placed above the security of the Nation's Armed Forces at home.

□ 2030

During a joint session of the Senate and House Homeland Security Committee on Wednesday, the main Republican referenced a letter from the Defense Department depicting the Fort Hood shootings as workplace violence. She criticized the Obama Administration for failing to identify the threat as radical Islam. Thirteen people were killed and dozens more were wounded at Fort Hood in 2009, and the number of alleged plots targeting the military has grown significantly since then.

Lawmakers said there have been 33 plots against the U.S. military since September 11, 2001, and 70 percent of those threats have been since mid-2009, during this administration.

Major Nidal Hasan, a former Army psychiatrist who is being held for the attacks, allegedly was inspired by radical U.S.-born cleric Anwar al-Awlaki, who was killed in a U.S. drone strike in Yemen in late September and who parenthetically was leading a prayer session of Capitol Hill Muslim staffers just years before here in our Capitol complex.

Continuing with the article, the two men exchanged as many as 20 emails,

according to U.S. officials, and Awlaki declared Hasan a hero. Chairman of the Senate Homeland Security Committee, Connecticut Independent Senator JOE LIEBERMAN, said the military has become a direct target of violent Islamic extremism within the United States. Senator LIEBERMAN's words: "The stark reality is that the American servicemember is increasingly in the terrorist scope and not just overseas in a traditional war setting," Lieberman told Fox News before the start of Wednesday hearings.

In June, two men allegedly plotted to attack a Seattle, Washington, military installation using guns and grenades. In July, Army Private Nasar Abdo was accused of planning a second attack at Fort Hood.

With regard to Private Nasar Abdo, it's worth noting that we have people who have been banned now from briefing our justice officials, intelligence officials, State Department officials on the threat of radical Islam. There was even a memo put together provided in this administration which by name pointed to Army Private Nasar Abdo and said this guy has been in uniform on Al-Jazeera basically saying he's going to do what Major Hasan did at Fort Hood. He's going to do it at Fort Hood.

This administration is so interested in protecting radical Islam and not offending radical Islam that that memo was trash-canned, never went anywhere. And the only way this private was stopped was not by our intelligence community, not by our Justice Department, not by our State Department, and not with all of the information they could have. It was stopped by a gun dealer who just believed something was wrong, and he notified law enforcement.

Now we know from the 9/11 Commission, I mean, we've known since the Commission came out with their report, there are hundreds of mentions of things like "jihad," "Islam," not that there is any war on Islam. There is not. Thank God that the vast majority of Muslims know that we're not at war with them and they are not at war with us. But it is insanity not to protect ourselves and educate ourselves on that small group, that small percentage—it's a large group—of radical Islamists who have declared war on us.

Now this administration, though originally after 9/11 the Bush administration, the independent 9/11 Commission that was appointed, came out saying this is a result of radical Islam. Now the Justice Department, the intelligence community, the new lexicon will not allow the usage in training of words like "Islam," "jihad," the very things that led to over 3,000 Americans being killed and brought about wars that killed thousands more.

The war goes on; but as one individual who is fighting for us said, this

administration is making us blind ourselves so we cannot see the people we are fighting.

There was a conference at Langley, CIA headquarters, that was canceled by this administration. Why? Because CAIR complained to the White House, and the report is that that's how the conference was stopped. CAIR complained to the administration, and they stopped it; and now the administration has gone through and come out with a new methodology of selecting people who will be allowed to brief our intelligence officials, will be allowed to brief our justice officials, will be allowed to brief our military; and they will not be allowed to use terms like "radical Islam," that those are, in this administration's mind, hateful terminology rather than helping us classify and figure out who it is that is on our side and who it is that is against us.

There's even a report out that this administration now in the last week is going to create a new category on the terrorist watch list which would be called "former military detainees." If that ended up being true, makes you wonder why they'd create a new category now. Are they about to release military detainees and so when they come into the country, or they're in our country trying to fly, we'll know who it is trying to kill us here?

This administration has blinded the people that are trying to fight the war against radical Islam, which is at war with us. We've seen to it that it looks like a procedure in both Libya and in Egypt are going to likely result in radical Islamists controlling those countries. The Middle East has become a powder keg far more so than it ever has. And if you go back and look at the President's speech, back I believe it was in May, recently looked at a transcript where our own President said Israel is going to have to defend itself by itself.

Now, thankfully, as we saw when Prime Minister Netanyahu spoke here in this body, we had both sides of the aisle repeatedly stand in support of the things Prime Minister Netanyahu was saying.

Israel has been our friend; they've been our ally. Muslims are allowed to worship Islam in Israel just as Muslims are allowed to do here in the U.S. It would be nice if Christians were allowed to worship in Muslim countries, but their definition of freedom does not allow people to freely worship whom they wish. It only allows them the freedom to worship under Islam.

Even in Afghanistan, the last Christian church has now closed. The kind of freedom that American lives and treasure brought to Afghanistan now means you can't have an open Christian church in Afghanistan.

Then we find out this administration was indirectly negotiating with terrorists, with the Taliban, with regard to

Afghanistan about a year and a half ago. There were a few of us that met with leaders of the Northern Alliance a year and a half or so ago, and they're the first ones that told us your administration is indirectly meeting and negotiating with terrorists, with the Taliban, the people we fought with you to defeat.

□ 2040

After we defeated them in 3 or 4 months, then we started putting in tens of thousands of soldiers—military—into Afghanistan. We went from being embedded to being occupiers, and we oversaw the creation of a constitution in Afghanistan that says sharia law will reign, which means there will be no Christian churches in Afghanistan when true sharia law is in charge.

One of the things that was found in the archives of the Muslim Brotherhood is a 10-year goal that began in 2005. For one thing, anybody who raises any issue about the small, tiny percentage of Muslims who are at war with us, the radical Islamists, is to be called an "Islamaphobe." That term originated with the Organization of the Islamic Conference, composed of 57 states. They're the ones who came up with that. They came up with the notion of branding anyone an Islamaphobe who says anything negative about radical Islam's trying to destroy America.

So any time people see the term Islamaphobe or Islamophobia, they should know exactly where it originated. It originated with the OIC, the 57 states of the OIC, which are also helping fund through other entities and individuals courses at some of our Nation's formerly best schools that have shown they're for sale, that their souls are for sale, in that if someone will give them enough money, then they will put on seminars and put on classes that will also call people Islamaphobes and talk about Islamophobia—about anyone who raises any issue about radical Islam's trying to destroy our way of life.

The goal mentioned from 2005 is part of a 10-year goal, by 2015, to have subverted our U.S. Constitution to sharia law; and the method for doing that—we've been seeing it take place—is to subvert America's First Amendment rights to sharia.

One of the ways that that is being effectuated is when some nut burns a Koran in Florida, then people get killed in some riot in Afghanistan. Then even fine, upstanding Americans say, See, we probably need a law that prohibits the burning of a Koran, that prohibits saying anything bad about the Koran or radical Islam because that's going to get Americans killed. So let's have a law banning people from saying anything negative or from burning a Koran.

Never mind the fact that, in our country's history, we find out it's not

against the Constitution to burn an American flag, that it's not against the Constitution to burn a Bible, that it's not against the Constitution to take a cross, symbolizing that thing on which Jesus was crucified, and put it in a beaker of urine. In fact, the Federal Government will even give money to have that done. But if anybody says anything negative about the Koran, let's make that a crime.

There are well-intentioned people in this Capitol who are thinking maybe we need a law like that; and when people push that kind of law, they are moving to subvert our United States First Amendment rights under the Constitution to sharia law. Once that happens, then that goal can be checked off of the goals that were established by the Muslim Brotherhood in 2005. They're hoping to get that done by 2015.

A great way to do that is to brand people like me or people in the Justice Department or trainers who would teach people about the ideas of radical Islam as Islamaphobes and continue to have courses they fund to encourage laws to prevent Islamophobia so that they have laws that prevent anybody from saying anything negative about sharia.

Never mind, even on a television program today, an atheist called Christianity a hate religion. He said it's hateful, basically, in effect, because Jesus, he said, created a hell and that that's why we shouldn't admire Christmas. Well, some of us know that Jesus was not likely born in December, but more likely in the springtime, when shepherds are on the hills.

But to declare what our Founders knew would be an important core building block of this country, when they knew that the best things that ever happened to this country would come as a result of the reliance on the teachings of Jesus and the teachings in the Bible, you had comments like George Washington in his resignation, saying—and I'll close with this:

He prayed that Americans would follow the teaching of the Divine Author of our blessed religion without a humble limitation of whose example in these things we can never hope to be a happy Nation.

He was right.

With that, I yield back the balance of my time.

#### REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 3630, MIDDLE CLASS TAX RELIEF AND JOB CREATION ACT OF 2011

Mr. DREIER, from the Committee on Rules (during the Special Order of Mr. GOHMERT), submitted a privileged report (Rept. No. 112-328) on the resolution (H. Res. 491) providing for consideration of the bill (H.R. 3630) to provide

incentives for the creation of jobs, and for other purposes, which was referred to the House Calendar and ordered to be printed.

CONGRESSIONAL BLACK CAUCUS  
HOUR: JOBS FOR AMERICA

The SPEAKER pro tempore (Mr. HULTGREN). Under the Speaker's announced policy of January 5, 2011, the gentlewoman from Texas (Ms. JACKSON LEE) is recognized for 60 minutes as the designee of the minority leader.

Ms. JACKSON LEE of Texas. Thank you very much, Mr. Speaker.

I almost don't know where to start. Let me, first of all, indicate my privilege to be yielded the hour as the representative of the minority leader and also to indicate my privilege to discuss some of the issues of the Congressional Black Caucus, which has been a leader, along with our chairman, EMANUEL CLEAVER, and our officers and those of us who have worked on these issues, on the question of jobs for America.

I almost don't know where to start. First of all, let me say happy holidays to my colleagues and, in this season of giving and joy, acknowledge how special a time it is for families to come together.

I do want to start on some of the comments of my friend and colleague from Texas. I am delighted to have him acknowledge that we cannot condemn one faith as it relates to the harm that terrorists desire to do against us. It's important to also note that there are some distortions in the comments about terrorism and in the President's position and the administration's position.

I think it is important to acknowledge that the war against those who will do us harm is not about points; it's not about partisanship; it's not about one-upmanship; it's not about what one administration has done better than the other.

I am very grateful to the men and women in our intelligence community and to the men and women in the United States military and to those who are engaged in homeland security that we have not had a terrorist act of the proportion of 9/11 on our soil since 9/11. There are no doubts of the many threats that have been interjected and stopped, and it's important for my colleagues to understand that.

I am a senior member on the Homeland Security Committee. Tragically, I was appointed to the select Committee on Homeland Security and traveled with one or two Senators, people in the other body, to Ground Zero. When I arrived, it was early enough that one of the rescue missions was continuing. One could see the smoke billowing out of the ashes; and as we visited the board that still had loved ones about whom people were asking, Have you seen my father or my son?, it was a po-

tent message for those of us who are committed to securing the homeland.

□ 2050

The chairperson for a period was a member of the Congressional Black Caucus, Chairman THOMPSON. He serves now as the ranking member of the committee. He has always chosen to be bipartisan. And over the last week, we joined in a bipartisan hearing with the Senate, Senator LIEBERMAN in the other body, Senator COLLINS, and the chairperson now, Chairman KING, on the question of the potential danger of our military and military bases. In that hearing, no one quarrelled with the responsibility to identify those who would go against our military on domestic soil or how we would address the question.

But it is important to note that I stand here and refuse and reject the labeling of one faith as a faith of terror. I have been in so many different mosques and among so many different groups of Muslims who practice Islam who have rejected those horrible acts.

One cannot challenge the pathway that President Obama has taken or not view it as a pathway that has saved lives. In particular, there is documentation that the last administration, after a period of time, indicated that they didn't know where Osama bin Laden was. It was not their focus. They knew that the country was safe, but they were not looking for Osama bin Laden. Frankly, in the period of time of President Obama's tenure, he has gotten the imam in Yemen, the American citizen imam that was in Yemen who was a part of the inspiration of Major Hasan, who perpetrated the terrorist acts in Fort Hood in my State, the State of Texas. We have intervened in several terrorist threats and attacks, the Times Square bomber. If my recollection serves me well, I think, also, the Christmas Day bombing; that might have been a little bit before that.

We have, in essence, taken out a number of high-target threats to America's security. We have, in fact, with the intellect and genius and with the order of the President of the United States, President Barack Obama, in a very dangerous mission, the Navy SEALs secured and brought to his end Osama bin Laden. A very dangerous mission, a very controversial mission, but there had to be a Commander in Chief that ordered it. So I take issue with the comment that this President has not been vigilant in protecting the homeland.

Any number of us who serve on Homeland Security know that we can always be better and can always work on issues to, in fact, secure—more than secure. But as a member of the Homeland Security Committee, I've watched as our Border Patrol has surged to 18,000. As we have utilized resources on

the border, the numbers of those coming across the border illegally have dropped. As we try to be constructive in arguing for comprehensive immigration reform, I have seen a number of responses that would cause me to disagree that this administration has not been vigilant.

And even today, as we are speaking to the President of Iraq, arguments are being made to ensure the evenhandedness of Iraq's behavior and their treatment of individuals in Iraq, dealing with those who are at Camp Ashraf, but, more importantly, our ongoing relationship with Iraq and our ongoing relationship with a very vital region where there are allies like the King of Jordan, allies that we've been friends with, that it is important that we maintain a certain type of demeanor. And, clearly, suggesting that a two-State solution is not viable or the Palestinian people are not real, they're made up, is an outrageous position to take for any public political person that would rise and ascend to leadership, whether it is in the Congress or in the Presidency of the United States. I could not, not just respond to charges of inadequacy by this administration.

I have served on the Foreign Affairs Committee, I was privileged to have served, and, likewise, being a member of the Homeland Security Committee and serving as the ranking member on Transportation Security and fighting to enhance security measures, more personnel, better training, responsiveness to those who are patted down and go through aviation security, making it fair but yet making it responsive to the nuances and new ideas of terrorists who want to do us harm. Mr. Speaker, it's important that we acknowledge fairness, balance, and that we continue to pray every day for our men and women who are on the front lines, for our intelligence community, for those who are thinking every moment, under this administration, successfully, on addressing that question.

I am here, however, to raise the question of our concerns of the American people that are outside the circle of homeland security and address the day-to-day needs of those who are fighting against poverty, losing their quality of life.

In a discussion that has been going on and on and on and has a simple answer: Just do it; just do it. But yet we are stuck here on December 12—I have no quarrel with that because it is our responsibility to be here until we get the job done, but I would encourage those who are listening and our colleagues to work in a bipartisan way. But I would also encourage you to call us at (202) 225-3121 and ask us to get the job done fairly, one that is rational and reasonable. Is it going to pass the other body? Is the President going to be able to sign it? Is it going to help the vast numbers of people?

As members of the Congressional Black Caucus, we knew that jobs had a devastating impact on this country, the lack thereof. We know that there are unemployment numbers throughout our communities in some pockets of the United States—in some States, there is double-digit unemployment amongst all population groups. In the African American population, it is a consistent double-digit unemployment. Those of us who participated in the Congressional Black Caucus Jobs Fair throughout the many cities, we saw thousands standing in line for jobs. At a recent jobs fair at the Fallbrook Church in Houston, Texas, hundreds were in line for jobs. In a city that has done fairly well, it is not good enough.

This is a crisis, Mr. Speaker, and the Congressional Black Caucus introduced legislation that would emphasize that jobs are a must—a crisis—and must be passed. We all joined in the resolution introduced in the summer months. We all got on that resolution, that we must do everything we can to create jobs, and we introduced a “for the people” job creation bill and worked on initiatives to deal with that.

Now, let me tell you where we are. Right now, we are addressing this question this week. Now, I have no qualms that this is about 2 weeks before Christmas, a holiday that many celebrate, and the holidays of other faiths are also celebrated around this time, where all families come together. Hanukkah. No matter what faith you may be, if you are in America, you come toward your family in America. Where our soldiers are—even though many are coming home, many of our soldiers are scattered around the world. I would almost suggest to you that somebody’s family member who happens to be related to a member of the United States military may even be unemployed or they may be a worker who is crying out for the payroll tax relief.

□ 2100

So I have soldiers up for my colleagues to see, and I have some happy faces for my colleagues to see.

And I have another poster for my colleagues to see. It is important that we connect not just to our neighbors but also to realize that our soldiers have family members that would benefit from the payroll tax. There’s a happy family right there. They would benefit from the payroll tax if their family members are here in the United States while they are abroad serving this country. That’s why I have these pictures here. Let’s make it real.

In addition to all those who are working, there are people who are related to these who have taken the oath to be able to say that we are fighting on behalf of this country, your freedom and your justice, justice and equality, and we are fighting, and we believe it is important that they are fighting for

us, they are positioned and posted around the world, and that we be serious about the needs of their family members; a payroll tax relief that put \$1,400, \$1,000 to \$1,400 to \$1,500 in the pockets of 160 million Americans, some of whom, as I’ve said—I don’t want to be redundant, but I want to say it over and over again—are related to the very men and women we admire, the very men and women that we admire: husbands, wives, aunts, uncles, grandparents, sons, and daughters of people here in the United States who are now on the front line in many places around the world. Some will be coming home for the holiday season, as the President has ordered troops out of Iraq.

What will they come home to?

And so here’s our answer. They will come home to legislation that I believe has passed the Rules Committee that unfortunately does not speak to the emergency and the crisis of what we are facing.

I don’t know whether or not my colleagues can see this, but here’s a picture of the unemployed. Unemployment is not a respecter of region, not a respecter of race. I’ve indicated there are high numbers in the African American community, but people are unemployed across America. It’s the highest unemployment we have had in long years.

Rather than calling it a crisis, of which it is, where 6 million people will lose their unemployment insurance, this House will now debate a bill that has already been acknowledged that it will have no legs in the other body. It won’t get anywhere near being heard or seen. This is a crisis. I think there’s about 19 days before December 31, if I’m calculating correctly. It is a crisis, and yet we bring to the floor the legislation that has already had the lights turned out on it, while people are suffering. Have you heard that? The fiddlers are fiddling while Rome is burning.

Here’s a picture of the unemployed.

And the bill has extra policy issues: drug test the unemployed, make them get a GED, job training. I’m all for all of the efforts of job training and GEDs. We should try to do a polling of the unemployed. I’d venture to say many a college graduate, many of them just graduated in 2011 and cannot get a job, I don’t think they want to go back to get a GED. I think that is behind where they are.

Drug testing will cost \$25,000. How often are we doing it? Every week when they pick up their check? Mothers and fathers who are trying to make sure that they pay their mortgage, maybe never taken a drug in their life, subjected to drug testing? Policy being done in the middle of a crisis?

So, Mr. LEVIN of the Ways and Means, our ranking member, had a commonsense approach. His commonsense approach was he declared unem-

ployment an emergency, 6 million people about to go over the dam, sinking the ship, burning their house. It’s an emergency. Six million people are, if you will, about to go under. It’s an emergency.

Why couldn’t we have a bipartisan agreement on that? Why do we have a bill with a long litany of to-dos for the unemployed? Has anybody done any research to find out whether or not these people are in need of GEDs or been out of work for however long because of their own fault?

The law clearly states that no unemployment insurance is denied that you are able to get unless you have been charged with misconduct or fraud or something else that pertains to you getting the unemployment insurance.

Friends, what is the definition of insurance? You pay for it while you work. You pay for insurance. You pay for unemployment insurance. You pay for car insurance, insurance on your house. It’s insurance. You had to pay for it to get it. If you are getting unemployment insurance, you had to work to get it.

Why are we all these burdens?

Let me put up this little picture, to add insult to injury.

This bill would cut 40 weeks from the duration of the Federal unemployment compensation and allow States to drug test. And we had some comment about—random comments about people applying for jobs and couldn’t pass a drug test or something thereof. Well, let the individual businesses test individuals who are applying for jobs. They can handle it. I’ve heard that businesses are not hiring people; they’re holding onto their cash. So these random comments that are being made are not legitimate. They are making comments that people couldn’t pass a drug test at a business. If that’s the case, let the business continue to drug test. It has nothing to do with individuals who worked and paid for insurance and now we want to deny them and add a burden to the State, the government, to drug test. It is perfectly well for an employer, which many employers do, to individually drug test on their own clock, their own bill, their own tab.

As I said, under present law, you cannot deny insurance for reasons other than on-the-job misconduct, fraud, or earning too much money from part-time work. That is it. How dare we suggest that we have deadbeats—who are looking for work every day. Where did this scheme come up from?

Here’s a man who lives in Minneapolis. His name is Dean. He’s watching Congress anxiously. He said he lost his job as a marketing director for a mutual fund company in July, meaning his 6 months of State benefits will expire at the beginning of January. If Congress doesn’t strike a deal, he will be ineligible for the additional weeks of Federal benefits given to long-term



joblessness since 2008. He said he would be willing to do anything to keep the money flowing if he hasn't found work by then.

It's a little bit ludicrous, but this man is so desperate he'll do anything. How do we insult the American public who paid for unemployment insurance, and we want this person to be insulted for no reason, no documentation whatsoever.

□ 2110

Here's what happens if we don't—two things, one, the payroll tax extension and the unemployment insurance. One, on the payroll tax, 400,000 jobs will be lost, and we will give in to 300,000 of the 1 percent for 160 million Americans who will not get the payroll tax relief of \$1,500. One million new jobs could be created thanks to the extension, versus losing 400,000 jobs. How easy is it? A surtax on 300,000 Americans starting in 2013 and finishing in terms of the payback in 10 years. We've heard over and over again by the 1 percent, many of them saying they don't mind the extra burden. That's a proposal that I offered and that the ranking member had as part of his proposal.

I met with doctors. They are concerned about their Medicare reimbursement. And in this instance, the proposal by the Democrats, which includes Mr. LEVIN, would have fixed the doctors' reimbursement with the war savings. A reasonable way to go. Payroll tax, quickly finished, surtax on 300,000 folks starting in 2013, we'd be able to put between \$1,000 and \$1,500 in your pocket. The relatives of all these folks that you've just seen, the relatives of all the folk that we love who have taken an oath to protect us, among many other Americans, would be able to benefit. You just heard the story of Dean. I would imagine that Dean is similar to many others.

The second thing we need to do is the unemployment insurance—3.2 million Americans were pulled out of poverty in 2010 thanks to unemployment benefits. Remember now, you have worked, that's how you get unemployment benefits. I don't know where this GED comes from, but I know they'd be glad to get a GED if they needed it. And we can do that in regular order. Let's pass a jobs bill with training, and I'll tell you about two amendments that I have introduced jointly with Mr. CLEAVER and Mr. TOWNS of the Congressional Black Caucus.

The number of job seekers who will lose benefits if Congress fails to extend emergency unemployment, 2.2 million; 700,000 newly created jobs will be lost. Can anybody explain to me why we have this bill that has already been cast aside as going nowhere? Absolutely nowhere. The Republican bill will come on the floor, and we will find that we are stuck with not an answer for the people like Dean, for the fami-

lies that you've seen in this photograph, or the thousands who came to the jobs fair that was held by the Congressional Black Caucus, or the jobs fair that I held in my district, where respectively 5,000 and 8,000 persons came in the middle of this jobs crisis about 2 years ago. There are States that are likewise in a deep pickle of not being able to continue the benefits of some who are suffering.

So as I said, let me repeat it again, Senator REID has already said, will not pass the Senate and will not be signed into law by the President. But let me go on to tell you why. A bill that I believe was passed out of the Rules Committee, solely a Republican bill, with opportunities for us to have come together on these two crises, show the American people in this spirit of giving that we are going to live to fight another day in 2012 and really work to get this done for people who are desperate, literally desperate. But here is what we're doing. The Republican bill requires millions of seniors to pay more for health care, Republicans who are refusing that surtax on the 300,000 wealthiest of Americans. I've already mentioned that it cuts the unemployment benefits for people who have lost work through no fault of their own.

Again, call this Congress at (202) 225-3121, and tell any Member of Congress whether or not you were fired because of your own fault—and still trying to get unemployment insurance. Let us hear from those voices who have lost a job or are not employed because of no fault of their own. What about an individual who said he was hired, he got laid off, he got hired again and got laid off again?

We know in this season of giving we have hired, got about 80,000 jobs that have come from some of the mail houses and retailers, but it still hasn't cut into some who are desperately unemployed.

And then it imposes new limits on unemployment compensation, as I indicated to you, restricting benefits. It violates the bipartisan debt limit agreement, statutory PAYGO and GOP's own CUTGO. We have not had any documentation from CBO that it meets any standards of whether or not it increases the deficit. We are hearing that it increases the deficit. If we could declare the unemployment insurance as an emergency, we would void that particular problem. Would you not think, reasoned colleagues, that the helping of 6 million people to literally keep a roof over their head and their children, is clearly, if you will, an emergency? Helping the families of our soldiers that are around the world? Some laying on their beds where they're injured, some now going through therapy, some now going through the treatment for post-traumatic stress disorder. If one of their family members is unemployed, isn't

that an emergency? I'm not sure what we are thinking here.

Increases taxes on working families by forcing large end-of-the-year health care payments. Let me just say, my friends, some of this no one even understands. That's why it should go through the regular order. What is regular order? Hearings, legislation, we debate it, and we vote on it. One of the major insults is it reduces preventative care. It takes billions of dollars out of preventative care. When we have encouraged Americans to get health care at the front end and not get treatment in the emergency rooms with skyrocketing health care, there is no doubt we have literally just cut it, and reduces Medicare and Medicaid. In some of my congressional districts, it will literally shut down physicians who are dealing with the poorest of the poor, close hospitals, close clinics, because these individuals have no other way. Shut the CHIPS program down, the Children's Health Insurance Program tied to Medicaid. It seems to me that we are not being rational.

It takes away EPA rules that deal with trying to clean the air on behalf of the American people. Unfortunately, can't seem to find common ground.

I want to repeat one point again. Forty weeks are being cut from the lifeline of those who need unemployment insurance. This is the deal that our Republican friends have crafted in order to allegedly put a bill on the floor of this House. Taking the lifeline, taking the rescue rope, taking the floor from the feet of unemployed. Just imagine a drowning man or woman, and a ship comes by, and it simply stares as they go down once, twice, they are screaming life raft, life raft, just a life raft. Just imagine, and the ship keeps sailing and shouts back, I don't think it's an emergency. Keep paddling. Are you sure you didn't get in this water at your own fault? Keep on paddling. That's what this bill does to millions of Americans by cutting eligibility from 99 weeks to 59 weeks and, in fact, suggesting that unemployment at this rate is not an emergency.

□ 2120

Let me tell you about Ohio. It is among other States with at least an 8.5 percent unemployment rate that will be hit the hardest by this proposal. These States would likely lose 40 weeks, as I indicated, of insurance. And the way this bill is written, the unemployment compensation provisions in total equate to an increase of Federal spending by \$34.2 billion over 10 years.

Let me say that again. The hawks, the fiscal hawks, the folk who've been joining in at the microphone and accusing this Administration of reckless spending when we literally stopped the bleeding in this economy and job creation surged in November into December, when we've seen the markets do a



little better, none of this we consider nirvana, but we see the movement. Now we have our friends committing themselves to spending \$34 billion rather than acknowledging that if you're unemployed and you can't even access a loaf of bread, that you have an emergency.

Forty-six million Americans on SNAP, on food stamps, many in parking lots in front of grocery stores waiting for that supplement to get into their account so they can go and buy food for their children.

What else does this bill have? Eleven riders. As I indicated, enroll in GED, and many other riders that have to do with regular order. It sounds complex, but what that means is letting the bill go through committee and having us discuss it, maybe putting together an omnibus bill. That could be bipartisan. But now we want to hold hostage the unemployment insurance benefits.

Medicare extensions, this bill averts the schedule 27.4 percent cuts to physician payments. By increasing the payment rate by 1 percent in 2012 and again in 2013, the two years of stable Medicare payment rates would be the most certainty physicians have had since 2004. However, the riders are unacceptable to hospitals. It is going to dramatically impact hospitals. It reduces payments to hospitals by drastically cutting payments from valuation and management services by \$6.8 billion. These services are among the most common outpatient services provided in hospitals.

It cuts Medicare bad debt payments; currently reimburses 70 percent to 65 percent; and 60 percent in 2014 and 55 percent in 2015. They are closing hospitals, literally closing hospitals in poor areas. Other health care-related riders include relaxed restrictions on many other issues that are not good.

This bill attempts to ensure that welfare funds cannot be accessed in a number of places. I might really agree with them, but it's a rider that has a serious problem.

And so, Mr. Speaker, it disturbs me, when we are making work. What does "make work" mean? Making work means that we are going through an exercise of 90 minutes of debate, which I believe may come shortly, and an eventual passage I believe of this legislation. Some have some points in it that might be relevant to some of us in different regions. However, I believe I can get to the same spot in regular order.

I am looking at legislation that can turn some of the profits that come from my region into coastal restoration and to provide for reduction of the debt. I hope there is a bipartisan response to that. Mr. Speaker, that is okay to do in regular order—meaning, having hearings, introduce the bill, let your colleagues debate it and understand it. But to throw this kitchen

sink on the floor of the House when people are asking for a life raft is just to see how long we can hang out here, just see how long we can hang out.

I am all about getting a GED. I'm all about improving graduation rates of our students all across America. It's too low as we speak. But that is not the issue for this legislation. The issue is the life raft. It is to note that personal and family savings for many are exhausted.

Let me tell you something that has not been diminished. Newspaper articles suggest that the purchase of luxury items—jewelry, et cetera—is booming. It means that there is a group of prosperous, wonderful Americans who are having a heck of a good time. And I am neither envious or in any way want to criticize those purchases, but that is why the surtax is reasonable because I believe those Americans are willing to experience the benefit of this great country, the opportunity to live in a safe and secure Nation that has democracy and equality which allows them to prosper and to be part of saving their fellow Americans.

Are we conscious of World War II when we were asked that very question? For those who could not serve, every American had a role—working in factories willingly, enthusiastically. They understood the burden, the benefit, and the sacrifice.

Why in the world, when luxury items are flying off the counters, would we be concerned. One of the issues is that we would be attacking small businesses. No, we would not. It is very difficult to, in essence, find small businesses that are at the \$1 million mark. And so that seems to be an argument that is taken to a new level of understanding. I believe it will be a fair response.

Amendments that we offered in the Rules Committee, which I did, also make sense. We talked about, again, the surtax. We talked about looking at some flexible ways of getting additional income on financial transactions. I talked about an urban job-training program—one of my amendments, as I indicated, Mr. TOWNS, Mr. CLEAVER and JACKSON LEE, that had to do with partnership with the Urban League. I work very closely with the Houston Area Urban League. They are excellent in job training, to be able to go into these hard-to-serve areas where unemployment is double digit and has been for a number of years.

If we're just going to have the kitchen sink, let's add a responsible provision that really addresses job training, that really talks to the needs of job training. Why not do that? We offered that amendment in a bipartisan spirit. Let us partnership with a proven entity, the National Urban League, that could in fact help us with job training around America. And so understanding how jobs are created seems to have aluded this legislation.

I'm reading from a report by the Urban Institute that found—IMPAQ International, IMPAQ International and the Urban Institute found that unemployment insurance benefits the economy, reduced the fall of the GDP by 18.3 percent.

□ 2130

This resulted in nominal GDP being \$175 billion higher in 2009 than it would have been without unemployment insurance benefits. This is documented. That's why we think it's a crisis and we should just pass it under emergency legislation, which is allowed.

Unemployment insurance kept the GDP \$315 billion higher from the start of the recession through the second quarter of 2010; and, as I said, it kept an average of 1.6 million Americans on the job in each quarter. And at the low point of the recession, 1.8 million job losses were averted by unemployment insurance, lowering the unemployment rate by 1.2 percentage points.

Stand in a line trying to find a job. Some people say it's like finding a needle in a haystack. Listen to the painful stories of people who've not been able to find work.

As I stand here on the floor of the House, Mr. Speaker, I would almost venture to say that a person who worked who may be presently unemployed and still eligible might be living in their car, might just be living in their car. And here we are, fiddling while Rome is burning. I can't imagine.

Two things we want to do—payroll tax and unemployment insurance—and we've got a whole litany of throw the kitchen sink on the floor of the United States House of Representatives, a bill that is 300 pages long, jeopardizing the lives of children. We've lost some jobs, 7 million since 2007. There are a number of other elements that we could be working on.

Mr. Speaker, I'd like to pass a Make It In America initiative. We have enough time. I'd like to pass a major manufacturing initiative so that America begins to make things again, that we begin to redevelop our steel industry so that we would never find a bridge built with steel from China and workers from China.

I believe that we should be collaborative. There is a worldwide economy. We're interrelated, but I believe in doing it from strength. So I think it is enormously important that we spend our time doing something that might draw bipartisan support, actually creating jobs, asking our banking friends why they have \$64 trillion on their books and what's happening to homeowners who are attempting to access these dollars for refinance or home builders who have turned this economy; or why are we allowing housing stock to just sit and not finding a way to provide more dollars for neighborhood stabilization so that occupiers

who have been driven to the wall don't have to do what some friends are doing out west—take up residence because they're unnecessarily being foreclosed on, some of whom probably are unemployed.

Do you consider that an emergency, that we have driven Americans to taking houses and taking their homes?

This is not the America that our ancestors sweated to build. This is not the America that the turn of the century caused an Industrial Revolution, making us the builder and producer of the world, that saw us turn out the necessary weapons of World War II. This is not that America, that we have people who are in the streets today asking why they have no relief, why they're unemployed, why they're a recent graduate from the Nation's colleges and yet cannot be employed.

That's why I'm here on the floor. That's why the Congressional Black Caucus put forward major legislation to help suggest that there is a way through. There's a way through. Our chairman sent a letter to President Barack Obama urging the administration to deliver targeted solutions to address job creation in American communities with the highest unemployment. We were broad based, including those that include African Americans, but target the highest numbers.

Does anybody remember Presidential candidate, former Attorney General Robert Francis Kennedy that went into Appalachia in 1968 and acknowledged some of these poor pockets of poverty?

Does anyone acknowledge the number of children that are impoverished in the United States? Has anyone done an overview of the pockets of poverty because manufacturing plants have closed in our Rust Belt?

Well, we initiated the effort to target those who are most in need. None of that is in this bill, the kitchen sink. We suggested nine job creation proposals that would target the most vulnerable communities. We want to give people a second chance.

Remember the lifeline, and the ship just passing by as a hand goes down once, twice, and, yes, a third time. You hear that voice shouting, Are you in the water, because it's your own fault?

We believe we should do something about it. There are more job fairs and town halls to come. Many Members are holding them on their own. And so we've focused on trying to help those vulnerable, the most vulnerable.

How did we get to where we are today? And why are we in the midst of a quarrelsome debate that will not get us anywhere?

Mr. Speaker, I would encourage the leadership to come together. Every time we travel home we hear the same thing, and I might venture to say from Democrats and Republicans. They egg us on. We know you can do it, because this body, this democratic body is the

oldest democracy. We've lived by a Constitution that says, among other things, that we deserve due process, that there should be no discrimination, that we have the right to vote, many privileges that other nations do not have.

Can we imagine ourselves now, the last waning hours, to have a kitchen sink bill that has no room for success in the other body, and it is hours, minutes, seconds before the person drowns? How do we throw away all these jobs?

Now, somebody would come back to me and say, We have this bill. And I've just answered why this bill is flawed: cutting 40 weeks off of someone who is drowning in unemployment insurance; refusing to discuss a reasoned way to do the payroll tax cut, which is, taking the top 1 percent in a reasoned surtax for 10 years only starting in 2013; cutting seniors' Medicare benefits in this bill, throwing them under the bus; making sure that the unemployment benefits are bogged down with provisions that should be put in a bill.

And it should be documented that we have a problem of drug addicts who are unemployed who have paid into the insurance. Answer the question whether private businesses cannot do their own drug testing, which they have done all along to weed out individuals who may be seeking jobs. Document that people are home who are unemployed just taking drugs that may not be prescription drugs and not looking for employment. I've not seen them. I just want to have somebody come to the floor of the House, submit a document, give me a report that States all around the country are seeing people drag themselves up getting their unemployment check that are undeserving because they're on drugs.

□ 2140

What did I say, Mr. Speaker, you are deserving because you worked. And the law says misconduct, fraud, or other reasons dealing with those issues is the only reason to deny an unemployment check.

So I think it is important that I leave with a call of reason and to, in essence, make sure that our friends can have a sense that this is the wrong direction to go. Families like those of these soldiers; Americans in hamlets across this Nation far and wide; young people that are 2011 college graduates that we've encouraged to finish their education loaded with debt, having secured loans; families loaded with debt, homes on the verge of foreclosure, people who every day of their life worked; children whose families counted on them for little jobs that they might have tried to get. Some did get them. Certainly these are not the children that the former Speaker of the House suggested are poor and have no record or history of seeing anybody going to work. Certainly that's untrue.

In fact, if they're poor right now, they may be of a parent that worked who's been unemployed for a long period of time. They watched that parent go to work. They probably are watching that parent cry in pain because of the plight that they're in right now.

So I want my friends to know that we should not be playing at this. We should be taking this seriously. We already know that we will have a degree of war savings, and I'm looking at these numbers now. We have spent \$802.3 billion for the Iraq war, \$472.6 billion ongoing on the Afghan war, a lot of money. We will have some savings from the Iraq war.

We could in a bipartisan way address the question of the pained family member, the person that might be living in their car because of the plight of unemployment for a long period of time and needs the 99 weeks. We could address the question of poverty. The largest number of children are impoverished. We could work on making sure that children are able to reach the highest level of education.

We could, in essence, try to be part of the solution by helping to create jobs by introducing a major legislative initiative on job creation such as manufacturing here at home: buy American; make it in America. We could ensure that the government continues to buy American, recognizing that we have many friends around the world. I don't think that there would be any problem with us doing that.

We could stop burdening seniors. We could pass this payroll tax. Let me remind you the unemployment could be done under an emergency, the payroll tax could be done simply by taxing the wealthiest of Americans for a 10-year period. Does that sound simple? And that it is.

We could not eliminate the child tax credit. We could not stop people from receiving benefits by a long list of to-do's. We could not jeopardize States that have an 8.5 percent unemployment rate like Ohio that are desperately running out. We could be the kind of America that Tom Brokaw spoke of in "The Greatest Generation." We could answer that with the idea that the young people that are here today are beginning to build their own story of greatness, and be empathetic and sympathetic to their plight with degrees and no jobs, or maybe they had jobs during the summer and maybe they're at home with parents who are unemployed, just piling on top of themselves, just one bad luck after another.

So I'm calling upon my colleagues to find a pathway of agreement to look at what we have done in the Congressional Black Caucus, to look at the amendments that were introduced, one finally including studying whether or not this bill that comes to the floor will impact the elderly and minorities in a disproportionate way. That

amendment I offered as well—Mr. CLEAVER, Mr. TOWNS and JACKSON LEE. Fair, simple amendments.

I can only call upon the good graces of this Nation, the good graces of Members of Congress, the recognition, my friends, that our job, our responsibility is to shed ourselves of the crisis of partisanship, the shackles of partisanship, and be more concerned with the pain of the American people, the fact that they don't have any time to wait, to going back and forth and going back and forth, send it to the House, fiddle around, then send it to the Senate, fiddle around, and then it comes back again. The President's suggested a veto, a one-upmanship.

Who will win while Rome burns?

While the people that we love, family members that some of us even know of, we face the same human conditions that all of America faces. I'm sure one Member of Congress will tell you of somebody in their family that is on hard times. This is not to benefit us but it is to bring about compassion and understanding for someone close to us.

So we can just get that compassion and understanding if we can just experience what a democracy is all about, a democracy that has lived and survived for 400 years, an economy that has thrived, that has given people an equal opportunity, that has said you can pull yourself up by the bootstraps, and then recognize that we're saying to America that we don't have that dream for you anymore. That we're just going to slash and burn. We're not going to be fair. We're going to throw States in a condition where they cannot overcome. We're not going to honor our commitment to our soldiers, providing for them and their families.

All we're going to do is to constantly be engaged in partisanship and disagreement.

Mr. Speaker, my time has ended. It is a clarion call for coming together in the American way. I know we can do it, and we can pass a fair, clean unemployment extension and payroll tax for the American people and my friends to my right that we all love and admire.

Mr. Speaker, I rise today to address the issue of extending unemployment insurance and the payroll tax cut. If there is a single federal program that is absolutely critical to people in communities all across this nation at this time, it would be unemployment compensation benefits. Unemployed Americans must have a means to subsist, while continuing to look for work that in many parts of the country is just not there. Families have to feed children.

The American people are relying upon Congress to stand up for them when they need us the most. Now is not the time to take a vacation, go home to our families, and watch as our unemployed constituents suffer through holidays.

The bill being brought to the Floor by my Republican Colleagues does not adequately address the needs of the unemployed.

The plan put forth by my Republican colleagues has provisions to slash the duration of

federal unemployment benefits by 40 weeks. Since 2008, federal programs expiring in January have provided up to 73 weeks of compensation for workers who use up 26 weeks of state benefits.

In addition, the version heading to the House Floor would slash an additional 20 weeks of federal Emergency Unemployment Compensation and it would let states reduce benefits even further. It would also impose a uniform federal work search requirement and disqualify high school dropouts not actively pursuing GEDs and millionaires from receiving benefits.

The unemployment reforms, sweeping as they are, may be lost amid other features of the Republican package.

A worker advocacy group recently described the drug testing element the "most disturbing" part of the Republican unemployment reforms. "Devising new ways to insult the unemployed only distracts from the current debate over how to best restore the nation's economy to strong footing and the discussion over how to best support the unemployed and get them back to work."

The requirement to insist that to qualify for benefits that a person has earned should require a GED or a high school diploma will have a negative impact on minorities.

The labor force participation rate for persons without a high school diploma is 20 percentage points lower than the labor force participation rate for high school graduates.

Nationally, approximately 70 percent of all students graduate from high school, but African-American and Hispanic students have a 55 percent or less chance of graduating from high school.

Only 52 percent of students in the 50 largest cities in the United States graduate from high school. That rate is below the national high school graduation rate of 70 percent, and also falls short of the 60 percent average for urban districts across the Nation.

What is needed is job training programs that are funded rather than penalties for those who for a multitude of reasons have not attained a high school diploma or GED.

Unemployed workers, many of whom rely on public transportation, need to be able to get to potential employers' places of work. Utility payments must be paid. Most people use their unemployment benefits to pay for the basics. No one is getting rich from unemployment benefits, because the weekly benefit checks are solely providing for basic food, medicine, gasoline and other necessary things many individuals with no other means of income are not able to afford.

Personal and family savings have been exhausted and 401(K)s have been tapped, leaving many individuals and families desperate for some type of assistance until the economy improves and additional jobs are created. The extension of unemployment benefits for the long-term unemployed is an emergency. You do not play with people's lives when there is an emergency. We are in a crisis. Just ask someone who has been unemployed and looking for work, and they will tell you the same.

With a national unemployment rate of 9.1 percent, preventing and prolonging people from receiving unemployment benefits is a na-

tional tragedy. In the City of Houston, the unemployment rate stands at 8.6 percent as almost 250,000 individuals remain unemployed.

Indeed, I cannot tell you how difficult it has been to explain to my constituents who are unemployed that there will be no further extension of unemployment benefits until the Congress acts. Whether the justification for inaction is the size of the debt or the need for deficit reduction, it is clear that it is more prudent to act immediately to give individuals and families looking for work a means to survive.

Currently, individuals who are seeking work find it to be like hunting for a needle in a haystack. For every job available today, there are four people who are currently unemployed. You can not fit a square peg in a round hole and point fingers at the three other people who when that job is filled is left unemployed. Let's be realistic, there are currently 7 million fewer jobs in the economy today compared to when this recession began.

Although according to the U.S. Bureau of Labor Statistics the state of Texas continues to have the largest year-over-year job increase in the country with a total of 253,200 jobs, there are still thousands of Texans like thousands of other Americans in dire need of a job.

#### UNEMPLOYMENT INSURANCE

A study conducted by the research firm IMPAQ International and the Urban Institute found Unemployment Insurance benefits:

Reduced the fall in GDP by 18.3%. This resulted in nominal GDP being \$175 billion higher in 2009 than it would have been without unemployment insurance benefits.

In total, unemployment insurance kept GDP \$315 billion higher from the start of the recession through the second quarter of 2010;

kept an average of 1.6 million Americans on the job in each quarter: at the low point of the recession, 1.8 million job losses were averted by UI benefits, lowering the unemployment rate by approximately 1.2 percentage points; made an even more positive impact than in previous recessions, thanks to the aggressive, bipartisan effort to expand unemployment insurance benefits and increase eligibility during both the Bush and Obama Administrations. "There is reason to believe," said the study, "that for this particular recession, the UI program provided stronger stabilization of real output than in many past recessions because extended benefits responded strongly."

For every dollar spent on unemployment insurance, this study found an increase in economic activity of two dollars.

According to the Economic Policy Institute, extending unemployment benefits could prevent the loss of over 500,000 jobs.

If Congress fails to act before the end of the year, Americans who have lost their jobs through no fault of their own will begin losing their unemployment benefits in January. By mid-February, 2.1 million will have their benefits cut off, and by the end of 2012 over 6 million will lose their unemployment benefits.

Congress has never allowed emergency unemployment benefits to expire when the unemployment rate is anywhere close to its current level of 9.1 percent.

Republicans seem to want to blame the unemployed for unemployment. But the truth is there are over four unemployed workers for

every available job, and there are nearly 7 million fewer jobs in the economy today compared to when the recession started in December 2007.

The legislation introduced today would continue the current Federal unemployment programs through next year.

This extension not only will help the unemployed, but it also will promote economic recovery. The Congressional Budget Office has declared that unemployment benefits are "both timely and cost-effective in spurring economic activity and employment." The Economic Policy Institute has estimated that preventing UI benefits from expiring could prevent the loss of over 500,000 jobs.

In addition to continuing the Federal unemployment insurance programs for one year, the bill would provide some immediate assistance to States grappling with insolvency problems within their own UI programs.

The legislation would relieve insolvent States from interest payments on Federal loans for one year and place a one-year moratorium on higher Federal unemployment taxes that are imposed on employers in States with outstanding loans.

#### PAYROLL TAX CUT

For 341 days, the GOP House majority has failed to offer a clear jobs agenda. Congress must not leave Washington for the holidays without extending the payroll tax cut and unemployment benefits that put money into the economy and promote jobs.

GOP is risking tax relief for 160 million Americans while protecting massive tax cuts for 300,000 people making more than a million dollars per year. That is not fair and balanced taxation.

Extending and expanding the payroll tax cut would put \$1,500 into the pockets of the typical middle class family. This may not seem like a lot to many, but to some, \$1,500 is make-or break money.

#### GOP JOBS BILL SLASHES BENEFITS, ALLOWS STATES TO DRUG-TEST THE UNEMPLOYED

WASHINGTON—Republican leaders in the House of Representatives unveiled legislation Friday would cut 40 weeks from the duration of federal unemployment compensation and allow states to require the unemployed to pass drug tests in order to receive benefits.

Republicans have not cited any data suggesting that drug use contributes to joblessness or that there is an elevated rate of drug abuse among the unemployed. Michael Steel, a spokesman for House Speaker John Boehner (R-Ohio), said the measure is inspired by lawmakers' conversations with businesses in their districts.

Rep. Jack Kingston (R-Ga.) cited a local business this week when he introduced a stand-alone drug testing proposal. "I had an employer tell me of an overwhelming response for job openings," said Kingston. "There was just one problem: Half the people who applied could not even pass a drug test."

But Kingston's office declined to name the employer or provide any information supporting the claim. When Gov. Nikki Haley (R-S.C.) made a nearly identical claim earlier this year, it turned out to be completely untrue.

Under current law, states are not allowed to deny workers unemployment insurance for reasons other than on-the-job misconduct, fraud or earning too much money

from part-time work. The new bills would expand that list to include failing a drug test. Kingston's proposal would require drug testing; the version that party leaders announced Friday would allow states to test if they chose to. The measures come at the end of a year in which dozens of state lawmakers across the country have proposed drug screening for the poor and jobless.

The House drug testing scheme is part of a much broader legislative package that would reauthorize a plethora of expiring programs, including a payroll tax cut and a portion of the existing regimen of federal unemployment insurance for the long-term jobless. Republicans would reduce the maximum duration of federal benefits from 73 to 33 weeks and permit states to cut benefits even further.

The broader bill, which also calls on the president to speed construction of the controversial Keystone XL oil pipeline, sets the stage for a showdown next week before members return to their districts for the holidays.

Dean Haehnel of the Minneapolis area is watching Congress anxiously. He said he lost his job as a marketing director for a mutual fund company in July, meaning his six months of state benefits will expire at the beginning of January. If Congress doesn't strike a deal, Haehnel will be ineligible for the additional weeks of federal benefits given the long-term jobless since 2008. He said he'd be willing to pee in a cup to keep the money flowing if he hasn't found work by then.

"It's a little bit ludicrous, but I have no problem doing it if that's what it takes," Haehnel said. "They think that's the issue?"

Haehnel, 50, said that each time he's landed an interview, it seems like 200 other people are fighting for the same job. And he said that whenever he's applied for jobs beneath the director level, he's been rejected as over-qualified. His wife is still working, but without his unemployment benefits or income from a new job, he said, his family would struggle to cover the mortgage and pay college tuition for two daughters.

In Minnesota, extending federal benefits under the current rules would make Haehnel eligible for another 60 weeks of help (the number of weeks available varies by state). The latest Republican plan would leave him with 33 weeks. Asked if he thinks he'll need the benefits for that long, Haehnel described a man at one of his weekly networking meetings with other unemployed people. That man was on the verge of leaving the workforce.

"He's right around 62 and he's been looking for almost two years, and he's going to file for Social Security," Haehnel said. "He was a normal guy. It wasn't like he was a drug addict. A normal, hardworking guy who just can't get a job."

Ms. LEE of California. Mr. Speaker, I ask unanimous consent to include extraneous materials and statements into the RECORD.

First let me thank Chairman CLEAVER for organizing this timely special order and for his leadership on these issues that are so critical for millions of Americans who are looking for work and living on the edge.

Mr. Speaker, I rise with my Congressional Black Caucus colleagues to call for an immediate extension of emergency unemployment benefits and to extend the vital payroll tax holiday for millions of Americans.

We must not fail to do the work of the American people and we must not fail to extend these critical benefits before they run out.

Republican politicians continue to play games with the American people and threaten the recovery of our entire economy just to score political points with their extreme Tea Party base.

If you believed, even for a moment, that Republican politicians truly cared about the plight of the millions of Americans who are struggling to find a job and did not care just about protecting their special interests and getting more tax breaks for the super rich, then this bill should end all doubt.

H.R. 3630 reveals their true colors.

This latest bill, the so called Middle Class Tax Relief and Job Creation Act of 2011, is another slap in the face to the millions of Americans who are struggling to find a job and are living in poverty or on the edge of falling into poverty.

Republicans are holding hostage critical unemployment benefits and threatening every working American with a tax hike so that they can advance the special interest agenda.

I call on Republicans to quickly bring a clean bill to the floor that extends emergency unemployment for the millions of jobseekers who continue to struggle to find a job in the middle of the economic disaster that the careless deregulation of the banks created.

Let's have an up or down vote on a clean bill that extends the temporary reduction of the payroll tax for millions of Americans that has been critical in boosting demand and lifting our economy.

Let's have an up or down vote on a clean bill that isn't bogged down with riders and special interest spending.

Let's have an up or down vote on a clean bill that keeps millions of families and 1 million children out of poverty.

Failing to extend these critical benefits would cripple our recovery and cost the economy over half a million jobs.

If you speak to nearly any business person, they will tell you that they are not hiring and not expanding, not because of "uncertainty about the tax code" or "burdensome regulation," but because they are certain that they don't have customers.

Failing to extend these critical benefits and cutting off unemployment benefits during the holidays would strip 2 million customers out of the economy by March and over 6 million customers out of the economy by the end of the year.

We could not make a worse decision than to cripple our recovery by failing to protect millions of families and children from poverty, because that is just what unemployment benefits does, it keeps 1 million children from falling into poverty.

Mr. Speaker, our economy is on the way to recovery, but much more must be done.

We may have seen a small drop in the national unemployment last month, but during that same month that saw a .4 percent drop in unemployment nationally, we saw a .4 percent rise in unemployment for African Americans.

There can be no clearer reminder of the ongoing racial and ethnic disparities that continue to plague our Nation and keep minority communities suffering disproportionately higher rates of unemployment, poverty, and tragic health disparities like the unconscionably higher rates of HIV infection.

100 million people—1 in 3 Americans—live in poverty or the zone just above poverty. The budget shortfalls caused by the Bush tax cuts for the wealthy and his two unfunded wars are causing massive lay-offs in States, counties and cities across the country and those lay-offs are again striking minority communities at disproportionate rates.

Not only must we immediately extend the emergency unemployment benefits, but we should also immediately pass legislation that I, along with my colleague Congressman BOBBY SCOTT introduced, H.R. 589. Our legislation would add an additional 14 weeks of tier I unemployment benefits for the millions of Americans who have already completely exhausted their benefits.

Mr. SCOTT and I have introduced an amendment which would replace the draconian cuts to unemployment benefits contained in the Republican bill with a clean extension of the existing Emergency Unemployment Compensation and H.R. 589 which would give some help to the 99ers who have completely run out of unemployment benefits.

We cannot ignore the needs of the millions of Americans who have run out of time and are now losing their homes, falling out of the middle class, and relying more and more on other forms of government assistance.

We should be taking strong action to implement targeted programs and policies that ensure that we are a Nation that truly does provide equal opportunity and equal access to the American Dream.

This is nothing short of a national emergency and more must be done immediately to put in place programs that directly address the on-going crisis of poverty and unemployment in America by creating millions of new jobs now.

#### LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. COBLE (at the request of Mr. CANTOR) for today on account of illness.

Mr. GRIFFITH of Virginia (at the request of Mr. CANTOR) for today on account of attending the funeral of Virginia Tech Police Officer Deriek W. Crouse.

Mr. MARINO (at the request of Mr. CANTOR) for today on account of a family medical emergency.

Mr. BERMAN (at the request of Ms. PELOSI) for today on account of official business in district office.

Mr. CICILLINE (at the request of Ms. PELOSI) for today.

Mr. DAVIS of Illinois (at the request of Ms. PELOSI) for today.

Mr. GUTIERREZ (at the request of Ms. PELOSI) for today and the balance of the week on account of a death in the family.

Mr. HEINRICH (at the request of Ms. PELOSI) for today.

Mrs. NAPOLITANO (at the request of Ms. PELOSI) for today and December 13 until 5 p.m.

Ms. SEWELL (at the request of Ms. PELOSI) for today.

#### ENROLLED BILLS SIGNED

Karen L. Haas, Clerk of the House, reported and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 470. An act to further allocate and expand the availability of hydroelectric power generated at Hoover Dam, and for other purposes.

H.R. 2061. An act to authorize the presentation of a United States flag on behalf of Federal civilian employees who die of injuries incurred in connection with their employment.

#### SENATE ENROLLED JOINT RESOLUTION SIGNED

The Speaker announced his signature to an enrolled joint resolution of the Senate of the following title:

S.J. Res. 22. To grant the consent of Congress to an amendment to the compact between the States of Missouri and Illinois providing that bonds issued by the Bi-State Development Agency may mature in not to exceed 40 years.

#### ADJOURNMENT

Ms. JACKSON LEE of Texas. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 9 o'clock and 49 minutes p.m.), under its previous order, the House adjourned until tomorrow, Tuesday, December 13, 2011, at 10 a.m. for morning-hour debate.

#### CONFERENCE REPORT ON H.R. 1540, NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2012

Mr. MCKEON submitted the following conference report and statement on the bill (H.R. 1540) to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

##### CONFERENCE REPORT (H. REPT. 112-329)

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 1540), to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the Senate amendment, insert the following:

##### SECTION 1. SHORT TITLE.

This Act may be cited as the "National Defense Authorization Act for Fiscal Year 2012".

#### SEC. 2. ORGANIZATION OF ACT INTO DIVISIONS; TABLE OF CONTENTS.

(a) DIVISIONS.—This Act is organized into five divisions as follows:

(1) Division A—Department of Defense Authorizations.

(2) Division B—Military Construction Authorizations.

(3) Division C—Department of Energy National Security Authorizations and Other Authorizations.

(4) Division D—Funding Tables.

(5) Division E—SBIR and STTR Reauthorization.

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title.

Sec. 2. Organization of Act into divisions; table of contents.

Sec. 3. Congressional defense committees.

DIVISION A—DEPARTMENT OF DEFENSE AUTHORIZATIONS

##### TITLE I—PROCUREMENT

Subtitle A—Authorization of Appropriations

Sec. 101. Authorization of appropriations.

##### Subtitle B—Army Programs

Sec. 111. Limitation on procurement of Stryker combat vehicles.

Sec. 112. Limitation on retirement of C-23 aircraft.

Sec. 113. Multiyear procurement authority for airframes for Army UH-60M/HH-60M helicopters and Navy MH-60R/MH-60S helicopters.

##### Subtitle C—Navy Programs

Sec. 121. Multiyear procurement authority for mission avionics and common cockpits for Navy MH-60R/S helicopters.

Sec. 122. Separate procurement line item for certain Littoral Combat Ship mission modules.

Sec. 123. Life-cycle cost-benefit analysis on alternative maintenance and sustainability plans for the Littoral Combat Ship program.

Sec. 124. Extension of Ford-class aircraft carrier construction authority.

##### Subtitle D—Air Force Programs

Sec. 131. Strategic airlift aircraft force structure.

Sec. 132. Limitations on use of funds to retire B-1 bomber aircraft.

Sec. 133. Limitation on retirement of U-2 aircraft.

Sec. 134. Availability of fiscal year 2011 funds for research and development relating to the B-2 bomber aircraft.

Sec. 135. Availability of fiscal year 2011 funds to support alternative options for extremely high frequency terminal Increment 1 program of record.

Sec. 136. Procurement of advanced extremely high frequency satellites.

##### Subtitle E—Joint and Multiservice Matters

Sec. 141. Limitation on availability of funds for acquisition of joint tactical radio system.

Sec. 142. Limitation on availability of funds for Aviation Foreign Internal Defense program.

Sec. 143. F-35 Joint Strike Fighter aircraft.

Sec. 144. Additional oversight requirements for the undersea mobility acquisition program of the United States Special Operations Command.

- Sec. 145. Inclusion of information on approved Combat Mission Requirements in quarterly reports on use of Combat Mission Requirement funds.
- Sec. 146. Joint Surveillance Target Attack Radar System aircraft re-engining program.
- Sec. 147. Authority for exchange with United Kingdom of specified F-35 Lightning II Joint Strike Fighter aircraft.
- Sec. 148. Report on probationary period in development of short take-off, vertical landing variant of the Joint Strike Fighter.
- Sec. 149. Report on plan to implement Weapon Systems Acquisition Reform Act of 2009 measures within the Joint Strike Fighter aircraft program.

#### TITLE II—RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

##### Subtitle A—Authorization of Appropriations

Sec. 201. Authorization of appropriations.

##### Subtitle B—Program Requirements, Restrictions, and Limitations

- Sec. 211. Limitation on availability of funds for the ground combat vehicle program.
- Sec. 212. Limitation on the individual carbine program.
- Sec. 213. Limitation on availability of funds for Future Unmanned Carrier-based Strike System.
- Sec. 214. Limitation on availability of funds for amphibious assault vehicles of the Marine Corps.
- Sec. 215. Limitation on obligation of funds for the F-35 Lightning II aircraft program.
- Sec. 216. Limitation on use of funds for Increment 2 of B-2 bomber aircraft extremely high frequency satellite communications program.
- Sec. 217. Limitation on availability of funds for the Joint Space Operations Center management system.
- Sec. 218. Limitation on availability of funds for wireless innovation fund.
- Sec. 219. Prohibition on delegation of budgeting authority for certain research and educational programs.
- Sec. 220. Designation of main propulsion turbomachinery of the next-generation long-range strike bomber aircraft as major subprogram.
- Sec. 221. Designation of electromagnetic aircraft launch system development and procurement program as major subprogram.
- Sec. 222. Advanced rotorcraft flight research and development.
- Sec. 223. Preservation and storage of certain property related to F136 propulsion system.

##### Subtitle C—Missile Defense Programs

- Sec. 231. Acquisition accountability reports on the ballistic missile defense system.
- Sec. 232. Comptroller General review and assessment of missile defense acquisition programs.
- Sec. 233. Homeland defense hedging policy and strategy.
- Sec. 234. Ground-based midcourse defense program.
- Sec. 235. Limitation on availability of funds for the medium extended air defense system.

- Sec. 236. Sense of Congress regarding ballistic missile defense training.

##### Subtitle D—Reports

- Sec. 241. Extension of requirements for biennial roadmap and annual review and certification on funding for development of hypersonics.
- Sec. 242. Report and cost assessment of options for Ohio-class replacement ballistic missile submarine.
- Sec. 243. Report on the electromagnetic rail gun system.
- Sec. 244. Annual comptroller general report on the KC-46A aircraft acquisition program.
- Sec. 245. Independent review and assessment of cryptographic modernization program.
- Sec. 246. Report on increased budget items.

##### Subtitle E—Other Matters

- Sec. 251. Repeal of requirement for Technology Transition Initiative.
- Sec. 252. Contractor cost-sharing in pilot program to include technology protection features during research and development of certain defense systems.
- Sec. 253. Extension of authority for mechanisms to provide funds for defense laboratories for research and development of technologies for military missions.
- Sec. 254. National defense education program.
- Sec. 255. Laboratory facilities, Hanover, New Hampshire.
- Sec. 256. Sense of Congress on active matrix organic light emitting diode technology.

#### TITLE III—OPERATION AND MAINTENANCE

##### Subtitle A—Authorization of Appropriations

- Sec. 301. Operation and maintenance funding.

##### Subtitle B—Energy and Environmental Provisions

- Sec. 311. Designation of senior official of Joint Chiefs of Staff for operational energy plans and programs and operational energy budget certification.
- Sec. 312. Improved Sikes Act coverage of State-owned facilities used for the national defense.
- Sec. 313. Discharge of wastes at sea generated by ships of the Armed Forces.
- Sec. 314. Modification to the responsibilities of the Assistant Secretary of Defense for Operational Energy, Plans, and Programs.
- Sec. 315. Energy-efficient technologies in contracts for logistics support of contingency operations.
- Sec. 316. Health assessment reports required when waste is disposed of in open-air burn pits.
- Sec. 317. Streamlined annual report on defense environmental programs.
- Sec. 318. Payment to Environmental Protection Agency of stipulated penalties in connection with Jackson Park Housing Complex, Washington.
- Sec. 319. Requirements relating to Agency for Toxic Substances and Disease Registry investigation of exposure to drinking water contamination at Camp Lejeune, North Carolina.
- Sec. 320. Fire suppression agents.

##### Subtitle C—Logistics and Sustainment

- Sec. 321. Definition of depot-level maintenance and repair.
- Sec. 322. Designation of military arsenal facilities as Centers of Industrial and Technical Excellence.
- Sec. 323. Permanent and expanded authority for Army industrial facilities to enter into certain cooperative arrangements with non-Army entities.
- Sec. 324. Implementation of corrective actions resulting from corrosion study of the F-22 and F-35 aircraft.
- Sec. 325. Modification of requirements relating to minimum capital investment for certain depots.
- Sec. 326. Reports on depot-related activities.
- Sec. 327. Core depot-level maintenance and repair capabilities.

##### Subtitle D—Readiness

- Sec. 331. Modification of Department of Defense authority to accept voluntary contributions of funds.
- Sec. 332. Review of proposed structures affecting navigable airspace.

##### Subtitle E—Reports

- Sec. 341. Annual certification and modifications of annual report on prepositioned materiel and equipment.
- Sec. 342. Additional matters for inclusion in and modified deadline for the annual report on operational energy.
- Sec. 343. Study on Air Force test and training range infrastructure.
- Sec. 344. Study on training range infrastructure for special operations forces.
- Sec. 345. Guidance to establish non-tactical wheeled vehicle and equipment service life extension programs to achieve cost savings.
- Sec. 346. Study on United States force posture in the United States Pacific Command area of responsibility.
- Sec. 347. Study on overseas basing presence of United States forces.
- Sec. 348. Inclusion of assessment of joint military training and force allocations in quadrennial defense review and national military strategy.
- Sec. 349. Modification of report on procurement of military working dogs.

##### Subtitle F—Limitations and Extension of Authority

- Sec. 351. Adoption of military working dog by family of deceased or seriously wounded member of the Armed Forces who was the dog's handler.
- Sec. 352. Prohibition on expansion of the Air Force food transformation initiative.
- Sec. 353. Designation and limitation on obligation and expenditure of funds for the migration of Army enterprise email services.
- Sec. 354. One-year extension of pilot program for availability of working-capital funds to Army for certain product improvements.

##### Subtitle G—Other Matters

- Sec. 361. Commercial sale of small arms ammunition and small arms ammunition components in excess of military requirements, and fired cartridge cases.

- Sec. 362. Comptroller General review of space-available travel on military aircraft.
- Sec. 363. Authority to provide information for maritime safety of forces and hydrographic support.
- Sec. 364. Deposit of reimbursed funds under reciprocal fire protection agreements.
- Sec. 365. Clarification of the airlift service definitions relative to the Civil Reserve Air Fleet.
- Sec. 366. Ratemaking procedures for Civil Reserve Air Fleet contracts.
- Sec. 367. Policy on Active Shooter Training for certain law enforcement personnel.
- Sec. 368. Procurement of tents or other temporary structures.

#### TITLE IV—MILITARY PERSONNEL AUTHORIZATIONS

##### Subtitle A—Active Forces

- Sec. 401. End strengths for active forces.
- Sec. 402. Revision in permanent active duty end strength minimum levels.

##### Subtitle B—Reserve Forces

- Sec. 411. End strengths for Selected Reserve.
- Sec. 412. End strengths for Reserves on active duty in support of the reserves.
- Sec. 413. End strengths for military technicians (dual status).
- Sec. 414. Fiscal year 2012 limitation on number of non-dual status technicians.
- Sec. 415. Maximum number of reserve personnel authorized to be on active duty for operational support.

##### Subtitle C—Authorization of Appropriations

- Sec. 421. Military personnel.

#### TITLE V—MILITARY PERSONNEL POLICY

##### Subtitle A—Officer Personnel Policy Generally

- Sec. 501. Increase in authorized strengths for Marine Corps officers on active duty in grades of major, lieutenant colonel, and colonel.
- Sec. 502. General officer and flag officer reform.
- Sec. 503. National Defense University outplacement waiver.
- Sec. 504. Voluntary retirement incentive matters.

##### Subtitle B—Reserve Component Management

- Sec. 511. Leadership of National Guard Bureau.
- Sec. 512. Membership of the Chief of the National Guard Bureau on the Joint Chiefs of Staff.
- Sec. 513. Modification of time in which preseparation counseling must be provided to reserve component members being demobilized.
- Sec. 514. Clarification of applicability of authority for deferral of mandatory separation of military technicians (dual status) until age 60.
- Sec. 515. Authority to order Army Reserve, Navy Reserve, Marine Corps Reserve, and Air Force Reserve to active duty to provide assistance in response to a major disaster or emergency.
- Sec. 516. Authority for order to active duty of units of the Selected Reserve for preplanned missions in support of the combatant commands.

- Sec. 517. Modification of eligibility for consideration for promotion for reserve officers employed as military technicians (dual status).
- Sec. 518. Consideration of reserve component officers for appointment to certain command positions.
- Sec. 519. Report on termination of military technician as a distinct personnel management category.

##### Subtitle C—General Service Authorities

- Sec. 521. Sense of Congress on the unique nature, demands, and hardships of military service.
- Sec. 522. Policy addressing dwell time and measurement and data collection regarding unit operating tempo and personnel tempo.
- Sec. 523. Protected communications by members of the Armed Forces and prohibition of retaliatory personnel actions.
- Sec. 524. Notification requirement for determination made in response to review of proposal for award of Medal of Honor not previously submitted in timely fashion.
- Sec. 525. Expansion of regular enlisted members covered by early discharge authority.
- Sec. 526. Extension of voluntary separation pay and benefits authority.
- Sec. 527. Prohibition on denial of reenlistment of members for unsuitability based on the same medical condition for which they were determined to be fit for duty.
- Sec. 528. Designation of persons authorized to direct disposition of remains of members of the Armed Forces.
- Sec. 529. Matters covered by preseparation counseling for members of the Armed Forces and their spouses.

- Sec. 530. Conversion of high-deployment allowance from mandatory to authorized.
- Sec. 531. Extension of authority to conduct programs on career flexibility to enhance retention of members of the Armed Forces.
- Sec. 532. Policy on military recruitment and enlistment of graduates of secondary schools.
- Sec. 533. Department of Defense suicide prevention program.

##### Subtitle D—Military Justice and Legal Matters

- Sec. 541. Reform of offenses relating to rape, sexual assault, and other sexual misconduct under the Uniform Code of Military Justice.
- Sec. 542. Authority to compel production of documentary evidence.
- Sec. 543. Clarification of application and extent of direct acceptance of gifts authority.
- Sec. 544. Freedom of conscience of military chaplains with respect to the performance of marriages.

##### Subtitle E—Member Education and Training Opportunities and Administration

- Sec. 551. Employment skills training for members of the Armed Forces on active duty who are transitioning to civilian life.
- Sec. 552. Enhancement of authorities on joint professional military education.
- Sec. 553. Temporary authority to waive maximum age limitation on admission to the military service academies.

- Sec. 554. Enhancement of administration of the United States Air Force Institute of Technology.

- Sec. 555. Enrollment of certain seriously wounded, ill, or injured former or retired enlisted members of the Armed Forces in associate degree programs of the Community College of the Air Force in order to complete degree program.

- Sec. 556. Reserve component mental health student stipend.

- Sec. 557. Fiscal year 2012 administration and report on the Troops-to-Teachers Program.

- Sec. 558. Pilot program on receipt of civilian credentialing for skills required for military occupational specialties.

- Sec. 559. Report on certain education assistance programs.

##### Subtitle F—Armed Forces Retirement Home

- Sec. 561. Control and administration by Secretary of Defense.

- Sec. 562. Senior Medical Advisor oversight of health care provided to residents of Armed Forces Retirement Home.

- Sec. 563. Establishment of Armed Forces Retirement Home Advisory Council and Resident Advisory Committees.

- Sec. 564. Administrators, Ombudsmen, and staff of facilities.

- Sec. 565. Revision of fee requirements.

- Sec. 566. Revision of inspection requirements.

- Sec. 567. Repeal of obsolete transitional provisions and technical, conforming, and clerical amendments.

##### Subtitle G—Defense Dependents' Education and Military Family Readiness Matters

- Sec. 571. Impact aid for children with severe disabilities.

- Sec. 572. Continuation of authority to assist local educational agencies that benefit dependents of members of the Armed Forces and Department of Defense civilian employees.

- Sec. 573. Three-year extension and enhancement of authorities on transition of military dependent students among local educational agencies.

- Sec. 574. Revision to membership of Department of Defense Military Family Readiness Council.

- Sec. 575. Reemployment rights following certain National Guard duty.

- Sec. 576. Expansion of Operation Hero Miles.

- Sec. 577. Report on Department of Defense autism pilot and demonstration projects.

- Sec. 578. Comptroller General of the United States report on Department of Defense military spouse employment programs.

##### Subtitle H—Improved Sexual Assault Prevention and Response in the Armed Forces

- Sec. 581. Access of sexual assault victims to legal assistance and services of Sexual Assault Response Coordinators and Sexual Assault Victim Advocates.

- Sec. 582. Consideration of application for permanent change of station or unit transfer based on humanitarian conditions for victim of sexual assault or related offense.



- Sec. 583. Director of Sexual Assault Prevention and Response Office.
- Sec. 584. Sexual Assault Response Coordinators and Sexual Assault Victim Advocates.
- Sec. 585. Training and education programs for sexual assault prevention and response program.
- Sec. 586. Department of Defense policy and procedures on retention and access to evidence and records relating to sexual assaults involving members of the Armed Forces.
- Subtitle I—Other Matters**
- Sec. 588. Department of Defense authority to carry out personnel recovery reintegration and post-isolation support activities.
- Sec. 589. Military adaptive sports program.
- Sec. 590. Enhancement and improvement of Yellow Ribbon Reintegration Program.
- Sec. 591. Army National Military Cemeteries.
- Sec. 592. Inspection of military cemeteries under jurisdiction of the military departments.
- Sec. 593. Authorization for award of the distinguished service cross for Captain Fredrick L. Spaulding for acts of valor during the Vietnam War.
- Sec. 594. Authorization and request for award of Medal of Honor to Emil Kapaun for acts of valor during the Korean War.
- Sec. 595. Review regarding award of Medal of Honor to Jewish American World War I veterans.
- Sec. 596. Report on process for expedited determination of disability of members of the Armed Forces with certain disabling conditions.
- Sec. 597. Comptroller General study of military necessity of Selective Service System and alternatives.
- Sec. 598. Evaluation of issues affecting disposition of remains of American sailors killed in the explosion of the ketch U.S.S. Intrepid in Tripoli Harbor on September 4, 1804.
- TITLE VI—COMPENSATION AND OTHER PERSONNEL BENEFITS**
- Subtitle A—Pay and Allowances**
- Sec. 601. Resumption of authority to provide temporary increase in rates of basic allowance for housing under certain circumstances.
- Sec. 602. Lodging accommodations for members assigned to duty in connection with commissioning or fitting out of a ship.
- Subtitle B—Bonuses and Special and Incentive Pays**
- Sec. 611. One-year extension of certain bonus and special pay authorities for reserve forces.
- Sec. 612. One-year extension of certain bonus and special pay authorities for health care professionals.
- Sec. 613. One-year extension of special pay and bonus authorities for nuclear officers.
- Sec. 614. One-year extension of authorities relating to title 37 consolidated special pay, incentive pay, and bonus authorities.
- Sec. 615. One-year extension of authorities relating to payment of other title 37 bonuses and special pays.
- Sec. 616. Modification of qualifying period for payment of hostile fire and imminent danger special pay and hazardous duty special pay.
- Subtitle C—Travel and Transportation Allowances Generally**
- Sec. 621. One-year extension of authority to reimburse travel expenses for inactive-duty training outside of normal commuting distance.
- Subtitle D—Consolidation and Reform of Travel and Transportation Authorities**
- Sec. 631. Consolidation and reform of travel and transportation authorities of the uniformed services.
- Sec. 632. Transition provisions.
- Subtitle E—Commissary and Non-appropriated Fund Instrumentality Benefits and Operations**
- Sec. 641. Discretion of the Secretary of the Navy to select categories of merchandise to be sold by ship stores afloat.
- Sec. 642. Access of military exchange stores system to credit available through Federal Financing Bank.
- Sec. 643. Designation of Fisher House for the Families of the Fallen and Meditation Pavilion, Dover Air Force Base, Delaware, as a Fisher House.
- Subtitle F—Disability, Retired Pay and Survivor Benefits**
- Sec. 651. Death gratuity and related benefits for Reserves who die during an authorized stay at their residence during or between successive days of inactive duty training.
- Subtitle G—Other Matters**
- Sec. 661. Report on basic allowance for housing for National Guard members transitioning between active duty and full-time National Guard duty.
- Sec. 662. Report on incentives for recruitment and retention of health care professionals.
- TITLE VII—HEALTH CARE PROVISIONS**
- Subtitle A—Improvements to Health Benefits**
- Sec. 701. Annual enrollment fees for certain retirees and dependents.
- Sec. 702. Mental health assessments for members of the Armed Forces deployed in support of a contingency operation.
- Sec. 703. Behavioral health support for members of the reserve components of the Armed Forces.
- Sec. 704. Provision of food to certain members and dependents not receiving inpatient care in military medical treatment facilities.
- Sec. 705. Travel for anesthesia services for childbirth for command-sponsored dependents of members assigned to remote locations outside the continental United States.
- Sec. 706. Transitional health benefits for certain members with extension of active duty following active duty in support of a contingency operation.
- Sec. 707. Provision of rehabilitative equipment under Wounded Warrior Act.
- Sec. 708. Transition enrollment of uniformed services family health plan medicare-eligible retirees to TRICARE for life.
- Subtitle B—Health Care Administration**
- Sec. 711. Codification and improvement of procedures for mental health evaluations for members of the Armed Forces.
- Sec. 712. Extension of time limit for submission of claims under the TRICARE program for care provided outside the United States.
- Sec. 713. Expansion of State licensure exception for certain health care professionals.
- Sec. 714. Clarification on confidentiality of medical quality assurance records.
- Sec. 715. Maintenance of the adequacy of provider networks under the TRICARE program.
- Sec. 716. Review of the administration of the military health system.
- Sec. 717. Limitation on availability of funds for the future electronic health records program.
- Subtitle C—Reports and Other Matters**
- Sec. 721. Modification of authorities on surveys on continued viability of TRICARE Standard and TRICARE Extra.
- Sec. 722. Treatment of wounded warriors.
- Sec. 723. Report on research and treatment of post-traumatic stress disorder.
- Sec. 724. Report on memorandum regarding traumatic brain injuries.
- Sec. 725. Comptroller General report on women-specific health services and treatment for female members of the Armed Forces.
- Sec. 726. Comptroller General report on contract health care staffing for military medical treatment facilities.
- TITLE VIII—ACQUISITION POLICY, ACQUISITION MANAGEMENT, AND RELATED MATTERS**
- Subtitle A—Acquisition Policy and Management**
- Sec. 801. Requirements relating to core depot-level maintenance and repair capabilities for Milestone A and Milestone B and elimination of references to Key Decision Points A and B.
- Sec. 802. Revision to law relating to disclosures to litigation support contractors.
- Sec. 803. Extension of applicability of the senior executive benchmark compensation amount for purposes of allowable cost limitations under defense contracts.
- Sec. 804. Extension of availability of funds in the Defense Acquisition Workforce Development Fund.
- Sec. 805. Defense Contract Audit Agency annual report.
- Sec. 806. Inclusion of data on contractor performance in past performance databases for source selection decisions.
- Sec. 807. Implementation of recommendations of Defense Science Board Task Force on Improvements to Service Contracting.
- Sec. 808. Temporary limitation on aggregate annual amount available for contract services.
- Sec. 809. Annual report on single-award task and delivery order contracts.

Subtitle B—Amendments to General Contracting Authorities, Procedures, and Limitations

- Sec. 811. Calculation of time period relating to report on critical changes in major automated information systems.
- Sec. 812. Change in deadline for submission of Selected Acquisition Reports from 60 to 45 days.
- Sec. 813. Extension of sunset date for certain protests of task and delivery order contracts.
- Sec. 814. Clarification of Department of Defense authority to purchase right-hand drive passenger sedan vehicles and adjustment of threshold for inflation.
- Sec. 815. Rights in technical data and validation of proprietary data restrictions.
- Sec. 816. Covered contracts for purposes of requirements on contractor business systems.
- Sec. 817. Compliance with defense procurement requirements for purposes of internal controls of non-defense agencies for procurements on behalf of the Department of Defense.
- Sec. 818. Detection and avoidance of counterfeit electronic parts.
- Sec. 819. Modification of certain requirements of the Weapon Systems Acquisition Reform Act of 2009.
- Sec. 820. Inclusion of contractor support requirements in Department of Defense planning documents.
- Sec. 821. Amendment relating to buying tents, tarpaulins, or covers from American sources.
- Sec. 822. Repeal of sunset of authority to procure fire resistant rayon fiber from foreign sources for the production of uniforms.
- Sec. 823. Prohibition on collection of political information.

Subtitle C—Provisions Relating to Major Defense Acquisition Programs

- Sec. 831. Waiver of requirements relating to new milestone approval for certain major defense acquisition programs experiencing critical cost growth due to change in quantity purchased.
- Sec. 832. Assessment, management, and control of operating and support costs for major weapon systems.
- Sec. 833. Clarification of responsibility for cost analyses and targets for contract negotiation purposes.
- Sec. 834. Modification of requirements for guidance on management of manufacturing risk in major defense acquisition programs.
- Sec. 835. Management of developmental test and evaluation for major defense acquisition programs.
- Sec. 836. Assessment of risk associated with development of major weapon systems to be procured under cooperative projects with friendly foreign countries.
- Sec. 837. Competition in maintenance and sustainment of subsystems of major weapon systems.
- Sec. 838. Oversight of and reporting requirements with respect to Evolved Expendable Launch Vehicle program.
- Sec. 839. Implementation of acquisition strategy for Evolved Expendable Launch Vehicle.

Subtitle D—Provisions Relating to Contracts in Support of Contingency Operations in Iraq or Afghanistan

- Sec. 841. Prohibition on contracting with the enemy in the United States Central Command theater of operations.
- Sec. 842. Additional access to contractor and subcontractor records in the United States Central Command theater of operations.
- Sec. 843. Reach-back contracting authority for Operation Enduring Freedom and Operation New Dawn.
- Sec. 844. Competition and review of contracts for property or services in support of a contingency operation.
- Sec. 845. Inclusion of associated support services in rapid acquisition and deployment procedures for supplies.
- Sec. 846. Joint Urgent Operational Needs Fund to rapidly meet urgent operational needs.

Subtitle E—Defense Industrial Base Matters

- Sec. 851. Assessment of the defense industrial base pilot program.
- Sec. 852. Strategy for securing the defense supply chain and industrial base.
- Sec. 853. Assessment of feasibility and advisability of establishment of rare earth material inventory.
- Sec. 854. Department of Defense assessment of industrial base for night vision image intensification sensors.
- Sec. 855. Technical amendment relating to responsibilities of Deputy Assistant Secretary of Defense for Manufacturing and Industrial Base Policy.

Subtitle F—Other Matters

- Sec. 861. Clarification of jurisdiction of the United States district courts to hear bid protest disputes involving maritime contracts.
- Sec. 862. Encouragement of contractor Science, Technology, Engineering, and Math (STEM) programs.
- Sec. 863. Sense of Congress and report on authorities available to the Department of Defense for multiyear contracts for the purchase of alternative fuels.
- Sec. 864. Acquisition workforce improvements.
- Sec. 865. Modification of delegation of authority to make determinations on entry into cooperative research and development agreements with NATO and other friendly organizations and countries.
- Sec. 866. Three-year extension of test program for negotiation of comprehensive small business subcontracting plans.
- Sec. 867. Five-year extension of Department of Defense Mentor-Protege Program.

TITLE IX—DEPARTMENT OF DEFENSE ORGANIZATION AND MANAGEMENT

Subtitle A—Department of Defense Management

- Sec. 901. Revision of defense business systems requirements.
- Sec. 902. Qualifications for appointments to the position of Deputy Secretary of Defense.

Sec. 903. Designation of Department of Defense senior official with principal responsibility for airship programs.

Sec. 904. Memoranda of agreement on identification and dedication of enabling capabilities of general purpose forces to fulfill certain requirements of special operations forces.

Sec. 905. Assessment of Department of Defense access to non-United States citizens with scientific and technical expertise vital to the national security interests.

Sec. 906. Sense of Congress on use of modeling and simulation in Department of Defense activities.

Sec. 907. Sense of Congress on ties between Joint Warfighting and Coalition Center and Allied Command Transformation of NATO.

Sec. 908. Report on effects of planned reductions of personnel at the Joint Warfare Analysis Center on personnel skills.

Subtitle B—Space Activities

Sec. 911. Harmful interference to Department of Defense Global Positioning System.

Sec. 912. Authority to designate increments or blocks of satellites as major subprograms subject to acquisition reporting requirements.

Subtitle C—Intelligence-Related Matters

Sec. 921. Report on implementation of recommendations by the Comptroller General on intelligence information sharing.

Sec. 922. Insider threat detection.

Sec. 923. Expansion of authority for exchanges of mapping, charting, and geodetic data to include nongovernmental organizations and academic institutions.

Sec. 924. Ozone Widget Framework.

Sec. 925. Plan for incorporation of enterprise query and correlation capability into the Defense Intelligence Information Enterprise.

Sec. 926. Facilities for intelligence collection or special operations activities abroad.

Subtitle D—Total Force Management

Sec. 931. General policy for total force management.

Sec. 932. Revisions to Department of Defense civilian personnel management constraints.

Sec. 933. Additional amendments relating to total force management.

Sec. 934. Modifications of annual defense manpower requirements report.

Sec. 935. Revisions to strategic workforce plan.

Sec. 936. Amendments to requirement for inventory of contracts for services.

Sec. 937. Preliminary planning and duration of public-private competitions.

Sec. 938. Conversion of certain functions from contractor performance to performance by Department of Defense civilian employees.

Subtitle E—Quadrennial Roles and Missions and Related Matters

Sec. 941. Chairman of the Joint Chiefs of Staff assessment of contingency plans.

Sec. 942. Quadrennial defense review.

Subtitle F—Other Matters

Sec. 951. Activities to improve multilateral, bilateral, and regional cooperation regarding cybersecurity.

Sec. 952. Report on United States Special Operations Command structure.  
 Sec. 953. Strategy to acquire capabilities to detect previously unknown cyber attacks.

Sec. 954. Military activities in cyberspace.

#### TITLE X—GENERAL PROVISIONS

##### Subtitle A—Financial Matters

Sec. 1001. General transfer authority.  
 Sec. 1002. Budgetary effects of this Act.  
 Sec. 1003. Additional requirements relating to the development of the Financial Improvement and Audit Readiness Plan.  
 Sec. 1003A. Display of procurement of equipment for the reserve components of the Armed Forces under estimated expenditures for procurement in future-years defense programs.

##### Subtitle B—Counter-Drug Activities

Sec. 1004. Extension of authority for joint task forces to provide support to law enforcement agencies conducting counter-terrorism activities.  
 Sec. 1005. Three-year extension and modification of authority of Department of Defense to provide additional support for counterdrug activities of other governmental agencies.  
 Sec. 1006. Two-year extension and expansion of authority to provide additional support for counter-drug activities of certain foreign governments.  
 Sec. 1007. Extension of authority to support unified counter-drug and counterterrorism campaign in Colombia.  
 Sec. 1008. Reporting requirement on expenditures to support foreign counter-drug activities.

##### Subtitle C—Naval Vessels and Shipyards

Sec. 1011. Budgeting for construction of naval vessels.  
 Sec. 1012. Sense of Congress on naming of Naval vessel after United States Marine Corps Sergeant Rafael Peralta.  
 Sec. 1013. Limitation on availability of funds for placing Maritime Prepositioning Ship squadrons on reduced operating status.  
 Sec. 1014. Report on policies and practices of the Navy for naming the vessels of the Navy.  
 Sec. 1015. Transfer of certain high-speed ferries to the Navy.  
 Sec. 1016. Modification of conditions on status of retired aircraft carrier ex-John F. Kennedy.  
 Sec. 1017. Assessment of stationing of additional DDG-51 class destroyers at Naval Station Mayport, Florida.

##### Subtitle D—Counterterrorism

Sec. 1021. Affirmation of authority of the Armed Forces of the United States to detain covered persons pursuant to the Authorization for Use of Military Force.  
 Sec. 1022. Military custody for foreign al-Qaeda terrorists.  
 Sec. 1023. Procedures for periodic detention review of individuals detained at United States Naval Station, Guantanamo Bay, Cuba.  
 Sec. 1024. Procedures for status determinations.  
 Sec. 1025. Requirement for national security protocols governing detainee communications.

Sec. 1026. Prohibition on use of funds to construct or modify facilities in the United States to house detainees transferred from United States Naval Station, Guantanamo Bay, Cuba.

Sec. 1027. Prohibition on the use of funds for the transfer or release of individuals detained at United States Naval Station, Guantanamo Bay, Cuba.

Sec. 1028. Requirements for certifications relating to the transfer of detainees at United States Naval Station, Guantanamo Bay, Cuba, to foreign countries and other foreign entities.

Sec. 1029. Requirement for consultation regarding prosecution of terrorists.

Sec. 1030. Clarification of right to plead guilty in trial of capital offense by military commission.

Sec. 1031. Counterterrorism operational briefing requirement.

Sec. 1032. National security planning guidance to deny safe havens to al-Qaeda and its violent extremist affiliates.

Sec. 1033. Extension of authority to make rewards for combating terrorism.

Sec. 1034. Amendments relating to the Military Commissions Act of 2009.

##### Subtitle E—Nuclear Forces

Sec. 1041. Biennial assessment and report on the delivery platforms for nuclear weapons and the nuclear command and control system.

Sec. 1042. Plan on implementation of the New START Treaty.

Sec. 1043. Annual report on the plan for the nuclear weapons stockpile, nuclear weapons complex, nuclear weapons delivery systems, and nuclear weapons command and control system.

Sec. 1044. Sense of Congress on nuclear force reductions.

Sec. 1045. Nuclear force reductions.

Sec. 1046. Nuclear employment strategy of the United States.

Sec. 1047. Comptroller General report on nuclear weapon capabilities and force structure requirements.

Sec. 1048. Report on feasibility of joint replacement fuze program.

##### Subtitle F—Financial Management

Sec. 1051. Modification of authorities on certification and credential standards for financial management positions in the Department of Defense.

Sec. 1052. Reliability of Department of Defense financial statements.

Sec. 1053. Inclusion of plan on the financial management workforce in the strategic workforce plan of the Department of Defense.

Sec. 1054. Tracking implementation of Department of Defense efficiencies.

##### Subtitle G—Repeal and Modification of Reporting Requirements

Sec. 1061. Repeal of reporting requirements under title 10, United States Code.

Sec. 1062. Repeal of reporting requirements under annual defense authorization acts.

Sec. 1063. Repeal of reporting requirements under other laws.

Sec. 1064. Modification of reporting requirements under title 10, United States Code.

Sec. 1065. Modification of reporting requirements under other titles of the United States Code.

Sec. 1066. Modification of reporting requirements under annual defense authorization acts.

Sec. 1067. Modification of reporting requirements under other laws.

##### Subtitle H—Studies and Reports

Sec. 1068. Transmission of reports in electronic format.

Sec. 1069. Modifications to annual aircraft procurement plan.

Sec. 1070. Change of deadline for annual report to Congress on National Guard and reserve component equipment.

Sec. 1071. Report on nuclear aspirations of non-state entities, nuclear weapons, and related programs in non-nuclear weapons states and countries not parties to the nuclear non-proliferation treaty, and certain foreign persons.

Sec. 1072. Implementation plan for whole-of-government vision prescribed in the National Security Strategy.

Sec. 1073. Reports on resolution restrictions on the commercial sale or dissemination of electro-optical imagery collected by satellites.

Sec. 1074. Report on integration of unmanned aerial systems into the national airspace system.

Sec. 1075. Report on feasibility of using unmanned aerial systems to perform airborne inspection of navigational aids in foreign airspace.

Sec. 1076. Comptroller General review of medical research and development relating to improved combat casualty care.

Sec. 1077. Reports to Congress on the modification of the force structure for the strategic nuclear weapons delivery systems of the United States.

Sec. 1078. Comptroller General of the United States reports on the major automated information system programs of the Department of Defense.

Sec. 1079. Report on Defense Department analytic capabilities regarding foreign ballistic missile threats.

Sec. 1080. Report on approval and implementation of Air Sea Battle Concept.

Sec. 1080A. Report on costs of units of the reserve components and the active components of the Armed Forces.

##### Subtitle I—Miscellaneous Authorities and Limitations

Sec. 1081. Authority for assignment of civilian employees of the Department of Defense as advisors to foreign ministries of defense.

Sec. 1082. Exemption from Freedom of Information Act for data files of the military flight operations quality assurance systems of the military departments.

Sec. 1083. Limitation on procurement and fielding of light attack armed reconnaissance aircraft.

Sec. 1084. Prohibition on the use of funds for manufacturing beyond low rate initial production at certain prototype integration facilities.

Sec. 1085. Use of State Partnership Program funds for certain purposes.

## Subtitle J—Other Matters

- Sec. 1086. Redesignation of psychological operations as military information support operations in title 10, United States Code, to conform to Department of Defense usage.
- Sec. 1087. Termination of requirement for appointment of civilian members of National Security Education Board by and with the advice and consent of the Senate.
- Sec. 1088. Sense of Congress on application of moratorium on earmarks to this Act.
- Sec. 1089. Technical amendment.
- Sec. 1090. Cybersecurity collaboration between the Department of Defense and the Department of Homeland Security.
- Sec. 1091. Treatment under Freedom of Information Act of certain Department of Defense critical infrastructure security information.
- Sec. 1092. Expansion of scope of humanitarian demining assistance program to include stockpiled conventional munitions assistance.
- Sec. 1093. Number of Navy carrier air wings and carrier air wing headquarters.
- Sec. 1094. Display of annual budget requirements for organizational clothing and individual equipment.
- Sec. 1095. National Rocket Propulsion Strategy.
- Sec. 1096. Grants to certain regulated companies for specified energy property not subject to normalization rules.
- Sec. 1097. Unmanned aerial systems and national airspace.
- Sec. 1098. Modification of dates of Comptroller General of the United States review of executive agreement on joint medical facility demonstration project, North Chicago and Great Lakes, Illinois.

## TITLE XI—CIVILIAN PERSONNEL MATTERS

## Subtitle A—Personnel

- Sec. 1101. Amendments to Department of Defense personnel authorities.
- Sec. 1102. Provisions relating to the Department of Defense performance management system.
- Sec. 1103. Repeal of sunset provision relating to direct hire authority at demonstration laboratories.
- Sec. 1104. One-year extension of authority to waive annual limitation on premium pay and aggregate limitation on pay for Federal civilian employees working overseas.
- Sec. 1105. Waiver of certain pay limitations.
- Sec. 1106. Services of post-combat case coordinators.
- Sec. 1107. Authority to waive maximum-age limit for certain appointments.
- Sec. 1108. Sense of Congress relating to pay parity for Federal employees serving at certain remote military installations.
- Sec. 1109. Federal internship programs.
- Sec. 1110. Extension and expansion of experimental personnel program for scientific and technical personnel.

- Sec. 1111. Authority of the Secretaries of the military departments to employ up to 10 persons without pay.

- Sec. 1112. Two-year extension of discretionary authority to grant allowances, benefits, and gratuities to personnel on official duty in a combat zone.

## Subtitle B—Other Matters

- Sec. 1121. Modification of beneficiary designation authorities for death gratuity payable upon death of a United States Government employee in service with the Armed Forces.
- Sec. 1122. Authority for waiver of recovery of certain payments previously made under civilian employees voluntary separation incentive program.
- Sec. 1123. Extension of continued health benefits.
- Sec. 1124. Disclosure of senior mentors.
- Sec. 1125. Termination of Joint Safety Climate Assessment System.

## TITLE XII—MATTERS RELATING TO FOREIGN NATIONS

## Subtitle A—Assistance and Training

- Sec. 1201. Commanders' Emergency Response Program in Afghanistan.
- Sec. 1202. Three-year extension of temporary authority to use acquisition and cross-servicing agreements to lend military equipment for personnel protection and survivability.
- Sec. 1203. Extension and expansion of authority for support of special operations to combat terrorism.
- Sec. 1204. Modification and extension of authorities relating to program to build the capacity of foreign military forces.
- Sec. 1205. Two-year extension of authorization for non-conventional assisted recovery capabilities.
- Sec. 1206. Support of foreign forces participating in operations to disarm the Lord's Resistance Army.
- Sec. 1207. Global Security Contingency Fund.

## Subtitle B—Matters Relating to Iraq, Afghanistan, and Pakistan

- Sec. 1211. Extension and modification of logistical support for coalition forces supporting operations in Iraq and Afghanistan.
- Sec. 1212. One-year extension of authority to transfer defense articles and provide defense services to the military and security forces of Iraq and Afghanistan.
- Sec. 1213. One-year extension of authority for reimbursement of certain coalition nations for support provided to United States military operations.
- Sec. 1214. Limitation on funds to establish permanent military installations or bases in Iraq and Afghanistan.
- Sec. 1215. Authority to support operations and activities of the Office of Security Cooperation in Iraq.
- Sec. 1216. One-year extension of authority to use funds for reintegration activities in Afghanistan.
- Sec. 1217. Authority to establish a program to develop and carry out infrastructure projects in Afghanistan.

- Sec. 1218. Two-year extension of certain reports on Afghanistan.

- Sec. 1219. Limitation on availability of amounts for reintegration activities in Afghanistan.

- Sec. 1220. Extension and modification of Pakistan Counterinsurgency Fund.

- Sec. 1221. Benchmarks to evaluate the progress being made toward the transition of security responsibilities for Afghanistan to the Government of Afghanistan.

## Subtitle C—Reports and Other Matters

- Sec. 1231. Report on Coalition Support Fund reimbursements to the Government of Pakistan for operations conducted in support of Operation Enduring Freedom.
- Sec. 1232. Review and report on Iran's and China's conventional and anti-access capabilities.
- Sec. 1233. Report on energy security of the NATO alliance.
- Sec. 1234. Comptroller General of the United States report on the National Guard State Partnership Program.
- Sec. 1235. Man-portable air-defense systems originating from Libya.
- Sec. 1236. Report on military and security developments involving the Democratic People's Republic of Korea.
- Sec. 1237. Sense of Congress on non-strategic nuclear weapons and extended deterrence policy.
- Sec. 1238. Annual report on military and security developments involving the People's Republic of China.
- Sec. 1239. Report on expansion of participation in Euro-NATO Joint Jet Pilot Training program.
- Sec. 1240. Report on Russian nuclear forces.
- Sec. 1241. Report on progress of the African Union in operationalizing the African Standby Force.
- Sec. 1242. Defense cooperation with Republic of Georgia.
- Sec. 1243. Prohibition on procurements from Communist Chinese military companies.
- Sec. 1244. Sharing of classified United States ballistic missile defense information with the Russian Federation.
- Sec. 1245. Imposition of sanctions with respect to the financial sector of Iran.

## TITLE XIII—COOPERATIVE THREAT REDUCTION

- Sec. 1301. Specification of cooperative threat reduction programs and funds.
- Sec. 1302. Funding allocations.
- Sec. 1303. Limitation on availability of funds for cooperative biological engagement program.
- Sec. 1304. Limitation on use of funds for establishment of centers of excellence in countries outside of the former Soviet Union.

## TITLE XIV—OTHER AUTHORIZATIONS

## Subtitle A—Military Programs

- Sec. 1401. Working capital funds.
- Sec. 1402. National Defense Sealift Fund.
- Sec. 1403. Chemical Agents and Munitions Destruction, Defense.
- Sec. 1404. Drug Interdiction and Counter-Drug Activities, Defense-wide.
- Sec. 1405. Defense Inspector General.
- Sec. 1406. Defense Health Program.

## Subtitle B—National Defense Stockpile

- Sec. 1411. Authorized uses of National Defense Stockpile funds.

Sec. 1412. Revision to required receipt objectives for previously authorized disposals from the National Defense Stockpile.

Subtitle C—Other Matters

Sec. 1421. Authorization of appropriations for Armed Forces Retirement Home.

Sec. 1422. Authority for transfer of funds to Joint Department of Defense—Department of Veterans Affairs Medical Facility Demonstration Fund for Captain James A. Lovell Health Care Center, Illinois.

**TITLE XV—AUTHORIZATION OF ADDITIONAL APPROPRIATIONS FOR OVERSEAS CONTINGENCY OPERATIONS**

Subtitle A—Authorization of Additional Appropriations

Sec. 1501. Purpose.

Sec. 1502. Procurement.

Sec. 1503. Research, development, test, and evaluation.

Sec. 1504. Operation and maintenance.

Sec. 1505. Military personnel.

Sec. 1506. Working capital funds.

Sec. 1507. Defense Health Program.

Sec. 1508. Drug Interdiction and Counter-Drug Activities, Defense-wide.

Sec. 1509. Defense Inspector General.

Subtitle B—Financial Matters

Sec. 1521. Treatment as additional authorizations.

Sec. 1522. Special transfer authority.

Subtitle C—Limitations and Other Matters

Sec. 1531. Joint Improvised Explosive Device Defeat Fund.

Sec. 1532. Continuation of prohibition on use of United States funds for certain facilities projects in Iraq.

Sec. 1533. Availability of funds in Afghanistan Security Forces Fund.

Sec. 1534. One-year extension of project authority and related requirements of Task Force for Business and Stability Operations in Afghanistan.

Sec. 1535. Limitation on availability of funds for Trans Regional Web Initiative.

Sec. 1536. Report on lessons learned from Department of Defense participation on interagency teams for counterterrorism operations in Afghanistan and Iraq.

**DIVISION B—MILITARY CONSTRUCTION AUTHORIZATIONS**

Sec. 2001. Short title.

Sec. 2002. Expiration of authorizations and amounts required to be specified by law.

**TITLE XXI—ARMY MILITARY CONSTRUCTION**

Sec. 2101. Authorized Army construction and land acquisition projects.

Sec. 2102. Family housing.

Sec. 2103. Improvements to military family housing units.

Sec. 2104. Authorization of appropriations, Army.

Sec. 2105. Modification of authority to carry out certain fiscal year 2009 project.

Sec. 2106. Modification of authority to carry out certain fiscal year 2010 project.

Sec. 2107. Modification of authority to carry out certain fiscal year 2011 projects.

Sec. 2108. Additional authority to carry out certain fiscal year 2012 project.

Sec. 2109. Extension of authorizations of certain fiscal year 2008 projects.

Sec. 2110. Extension of authorizations of certain fiscal year 2009 projects.

Sec. 2111. Tour normalization.

Sec. 2112. Technical amendments to correct certain project specifications.

Sec. 2113. Reduction of Army military construction authorization.

**TITLE XXII—NAVY MILITARY CONSTRUCTION**

Sec. 2201. Authorized Navy construction and land acquisition projects.

Sec. 2202. Family housing.

Sec. 2203. Improvements to military family housing units.

Sec. 2204. Authorization of appropriations, Navy.

Sec. 2205. Extension of authorization of certain fiscal year 2008 project.

Sec. 2206. Extension of authorizations of certain fiscal year 2009 projects.

Sec. 2207. Guam realignment.

Sec. 2208. Reduction of Navy military construction authorization.

**TITLE XXIII—AIR FORCE MILITARY CONSTRUCTION**

Sec. 2301. Authorized Air Force construction and land acquisition projects.

Sec. 2302. Family housing.

Sec. 2303. Improvements to military family housing units.

Sec. 2304. Authorization of appropriations, Air Force.

Sec. 2305. Modification of authorization to carry out certain fiscal year 2010 project.

Sec. 2306. Extension of authorization of certain fiscal year 2009 project.

Sec. 2307. Reduction of Air Force military construction authorization.

**TITLE XXIV—DEFENSE AGENCIES MILITARY CONSTRUCTION**

Subtitle A—Defense Agency Authorizations

Sec. 2401. Authorized defense agencies construction and land acquisition projects.

Sec. 2402. Authorized energy conservation projects.

Sec. 2403. Authorization of appropriations, Defense Agencies.

Subtitle B—Chemical Demilitarization Authorizations

Sec. 2411. Authorization of appropriations, chemical demilitarization construction, defense-wide.

Subtitle C—Other Matters

Sec. 2421. Reduction of Defense Agencies military construction authorization.

**TITLE XXV—NORTH ATLANTIC TREATY ORGANIZATION SECURITY INVESTMENT PROGRAM**

Sec. 2501. Authorized NATO construction and land acquisition projects.

Sec. 2502. Authorization of appropriations, NATO.

**TITLE XXVI—GUARD AND RESERVE FORCES FACILITIES**

Subtitle A—Project Authorizations and Authorization of Appropriations

Sec. 2601. Authorized Army National Guard construction and land acquisition projects.

Sec. 2602. Authorized Army Reserve construction and land acquisition projects.

Sec. 2603. Authorized Navy Reserve and Marine Corps Reserve construction and land acquisition projects.

Sec. 2604. Authorized Air National Guard construction and land acquisition projects.

Sec. 2605. Authorized Air Force Reserve construction and land acquisition projects.

Sec. 2606. Authorization of appropriations, National Guard and Reserve.

Subtitle B—Other Matters

Sec. 2611. Extension of authorization of certain fiscal year 2008 project.

Sec. 2612. Extension of authorizations of certain fiscal year 2009 projects.

Sec. 2613. Modification of authority to carry out certain fiscal year 2008 and 2009 projects.

**TITLE XXVII—BASE REALIGNMENT AND CLOSURE ACTIVITIES**

Sec. 2701. Authorization of appropriations for base realignment and closure activities funded through Department of Defense Base Closure Account 1990.

Sec. 2702. Authorized base realignment and closure activities funded through Department of Defense Base Closure Account 2005.

Sec. 2703. Authority to complete specific base closure and realignment recommendations.

Sec. 2704. Special considerations related to transportation infrastructure in consideration and selection of military installations for closure or realignment.

**TITLE XXVIII—MILITARY CONSTRUCTION GENERAL PROVISIONS**

Subtitle A—Military Construction Program and Military Family Housing Changes

Sec. 2801. Prohibition on use of any cost-plus system of contracting for military construction and military family housing projects.

Sec. 2802. Modification of authority to carry out unspecified minor military construction projects.

Sec. 2803. Protections for suppliers of labor and materials under contracts for military construction projects and military family housing projects.

Sec. 2804. Extension of temporary, limited authority to use operation and maintenance funds for construction projects outside the United States.

Sec. 2805. General military construction transfer authority.

Subtitle B—Real Property and Facilities Administration

Sec. 2811. Clarification of authority to use Pentagon Reservation Maintenance Revolving Fund for minor construction and alteration activities at Pentagon Reservation.

Sec. 2812. Reporting requirements related to the granting of easements.

Sec. 2813. Limitations on use or development of property in Clear Zone Areas and clarification of authority to limit encroachments.

Sec. 2814. Department of Defense conservation and cultural activities.

Sec. 2815. Exchange of property at military installations.

Sec. 2816. Defense access road program enhancements to address transportation infrastructure in vicinity of military installations.

Subtitle C—Energy Security

Sec. 2821. Consolidation of definitions used in energy security chapter.

Sec. 2822. Consideration of energy security in developing energy projects on military installations using renewable energy sources.

Sec. 2823. Establishment of interim objective for Department of Defense 2025 renewable energy goal.

Sec. 2824. Use of centralized purchasing agents for renewable energy certificates to reduce cost of facility energy projects using renewable energy sources and improve efficiencies.

Sec. 2825. Identification of energy-efficient products for use in construction, repair, or renovation of Department of Defense facilities.

Sec. 2826. Submission of annual Department of Defense energy management reports.

Sec. 2827. Requirement for Department of Defense to capture and track data generated in metering Department facilities.

Sec. 2828. Metering of Navy piers to accurately measure energy consumption.

Sec. 2829. Training policy for Department of Defense energy managers.

Sec. 2830. Report on energy-efficiency standards and prohibition on use of funds for Leadership in Energy and Environmental Design gold or platinum certification.

Subtitle D—Provisions Related to Guam Realignment

Sec. 2841. Certification of medical care coverage for H-2B temporary workforce on military construction projects on Guam.

Sec. 2842. Repeal of condition on use of specific utility conveyance authority regarding Guam integrated water and wastewater treatment system.

Subtitle E—Land Conveyances

Sec. 2851. Land conveyance and exchange, Joint Base Elmendorf Richardson, Alaska.

Sec. 2852. Release of reversionary interest, Camp Joseph T. Robinson, Arkansas.

Sec. 2853. Clarification of land conveyance authority, Camp Caitlin and Ohana Nui areas, Hawaii.

Sec. 2854. Land exchange, Fort Bliss Texas.

Sec. 2855. Land conveyance, former Defense Depot Ogden, Utah.

Subtitle F—Other Matters

Sec. 2861. Redesignation of Industrial College of the Armed Forces as the Dwight D. Eisenhower School for National Security and Resource Strategy.

Sec. 2862. Redesignation of Mike O'Callaghan Federal Hospital in Nevada as Mike O'Callaghan Federal Medical Center.

Sec. 2863. Prohibition on naming Department of Defense real property after a Member of Congress.

Sec. 2864. Notifications of reductions in number of members of the Armed Forces assigned to permanent duty at a military installation.

Sec. 2865. Investment plan for the modernization of public shipyards under jurisdiction of Department of the Navy.

Sec. 2866. Report on the Homeowners Assistance Program.

Sec. 2867. Data servers and centers.

# DIVISION C—DEPARTMENT OF ENERGY NATIONAL SECURITY AUTHORIZATIONS AND OTHER AUTHORIZATIONS

## TITLE XXXI—DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS

### Subtitle A—National Security Programs Authorizations

Sec. 3101. National Nuclear Security Administration.

Sec. 3102. Defense environmental cleanup.

Sec. 3103. Other defense activities.

### Subtitle B—Program Authorizations, Restrictions, and Limitations

Sec. 3111. Limitation on availability of funds for establishment of centers of excellence on nuclear security outside of the former Soviet Union.

Sec. 3112. Aircraft procurement.

Sec. 3113. Hanford waste tank cleanup program reforms.

Sec. 3114. Recognition and status of National Atomic Testing Museum.

### Subtitle C—Reports

Sec. 3121. Repeal of certain report requirements.

Sec. 3122. Progress on nuclear nonproliferation.

Sec. 3123. Reports on role of nuclear security complex sites and potential efficiencies.

Sec. 3124. Net assessment of high-performance computing capabilities of foreign countries.

Sec. 3125. Review and analysis of nuclear waste reprocessing and nuclear reactor technology.

### Subtitle D—Other Matters

Sec. 3131. Sense of Congress on the use of savings from excess amounts for certain pension plan contributions.

## TITLE XXXII—DEFENSE NUCLEAR FACILITIES SAFETY BOARD

Sec. 3201. Authorization.

## TITLE XXXIV—NAVAL PETROLEUM RESERVES

Sec. 3401. Authorization of appropriations.

## TITLE XXXV—MARITIME ADMINISTRATION

Sec. 3501. Authorization of appropriations for national security aspects of the merchant marine for fiscal year 2012.

Sec. 3502. Use of National Defense Reserve Fleet and Ready Reserve Force vessels.

Sec. 3503. Recruitment authority.

Sec. 3504. Ship scrapping reporting requirement.

## DIVISION D—FUNDING TABLES

Sec. 4001. Authorization of amounts in funding tables.

## TITLE XLI—PROCUREMENT

Sec. 4101. Procurement.

Sec. 4102. Procurement for overseas contingency operations.

## TITLE XLII—RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

Sec. 4201. Research, development, test, and evaluation.

Sec. 4202. Research, development, test, and evaluation for overseas contingency operations.

## TITLE XLIII—OPERATION AND MAINTENANCE

Sec. 4301. Operation and maintenance.

Sec. 4302. Operation and maintenance for overseas contingency operations.

## TITLE XLIV—MILITARY PERSONNEL

Sec. 4401. Military personnel.

Sec. 4402. Military personnel for overseas contingency operations.

## TITLE XLV—OTHER AUTHORIZATIONS

Sec. 4501. Other authorizations.

Sec. 4502. Other authorizations for overseas contingency operations.

## TITLE XLVI—MILITARY CONSTRUCTION

Sec. 4601. Military construction.

## TITLE XLVII—DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS

Sec. 4701. Department of Energy national security programs.

## DIVISION E—SBIR AND STTR REAUTHORIZATION

### TITLE L—SHORT TITLE; DEFINITIONS

Sec. 5001. Short title.

Sec. 5002. Definitions.

### TITLE LI—SBIR AND STTR REAUTHORIZATION

Subtitle A—Reauthorization of the SBIR and STTR Programs

Sec. 5101. Extension of termination dates.

Sec. 5102. SBIR and STTR allocation increase.

Sec. 5103. SBIR and STTR award levels.

Sec. 5104. Agency and program flexibility.

Sec. 5105. Elimination of Phase II invitations.

Sec. 5106. Pilot to allow phase flexibility.

Sec. 5107. Participation by firms with substantial investment from multiple venture capital operating companies, hedge funds, or private equity firms in a portion of the SBIR program.

Sec. 5108. SBIR and STTR special acquisition preference.

Sec. 5109. Collaborating with Federal laboratories and research and development centers.

Sec. 5110. Notice requirement.

Sec. 5111. Additional SBIR and STTR awards.

### Subtitle B—Outreach and Commercialization Initiatives

Sec. 5121. Technical assistance for awardees.

Sec. 5122. Commercialization Readiness Program at Department of Defense.

Sec. 5123. Commercialization Readiness Pilot Program for civilian agencies.

Sec. 5124. Interagency Policy Committee.

Sec. 5125. Clarifying the definition of "Phase III".

Sec. 5126. Shortened period for final decisions on proposals and applications.

Sec. 5127. Phase 0 Proof of Concept Partnership pilot program.

### Subtitle C—Oversight and Evaluation

Sec. 5131. Streamlining annual evaluation requirements.

Sec. 5132. Data collection from agencies for SBIR.

Sec. 5133. Data collection from agencies for STTR.

Sec. 5134. Public database.

Sec. 5135. Government database.

Sec. 5136. Accuracy in funding base calculations.

Sec. 5137. Continued evaluation by the National Academy of Sciences.

Sec. 5138. Technology insertion reporting requirements.

Sec. 5139. Intellectual property protections.

Sec. 5140. Obtaining consent from SBIR and STTR applicants to release contact information to economic development organizations.

- Sec. 5141. Pilot to allow funding for administrative, oversight, and contract processing costs.
- Sec. 5142. GAO study with respect to venture capital operating company, hedge fund, and private equity firm involvement.
- Sec. 5143. Reducing vulnerability of SBIR and STTR programs to fraud, waste, and abuse.
- Sec. 5144. Simplified paperwork requirements.

**Subtitle D—Policy Directives**

- Sec. 5151. Conforming amendments to the SBIR and the STTR Policy Directives.

**Subtitle E—Other Provisions**

- Sec. 5161. Report on SBIR and STTR program goals.
- Sec. 5162. Competitive selection procedures for SBIR and STTR programs.
- Sec. 5163. Loan restrictions.
- Sec. 5164. Limitation on pilot programs.
- Sec. 5165. Commercialization success.
- Sec. 5166. Publication of certain information.
- Sec. 5167. Report on enhancement of manufacturing activities.
- Sec. 5168. Coordination of the SBIR program and the Experimental Program to Stimulate Competitive Research.

**SEC. 3. CONGRESSIONAL DEFENSE COMMITTEES.**

For purposes of this Act, the term “congressional defense committees” has the meaning given that term in section 101(a)(16) of title 10, United States Code.

**DIVISION A—DEPARTMENT OF DEFENSE AUTHORIZATIONS**

**TITLE I—PROCUREMENT**

**Subtitle A—Authorization of Appropriations**

- Sec. 101. Authorization of appropriations.

**Subtitle B—Army Programs**

- Sec. 111. Limitation on procurement of Stryker combat vehicles.
- Sec. 112. Limitation on retirement of C-23 aircraft.
- Sec. 113. Multiyear procurement authority for airframes for Army UH-60M/HH-60M helicopters and Navy MH-60R/MH-60S helicopters.

**Subtitle C—Navy Programs**

- Sec. 121. Multiyear procurement authority for mission avionics and common cockpits for Navy MH-60R/S helicopters.
- Sec. 122. Separate procurement line item for certain Littoral Combat Ship mission modules.
- Sec. 123. Life-cycle cost-benefit analysis on alternative maintenance and sustainability plans for the Littoral Combat Ship program.
- Sec. 124. Extension of Ford-class aircraft carrier construction authority.

**Subtitle D—Air Force Programs**

- Sec. 131. Strategic airlift aircraft force structure.
- Sec. 132. Limitations on use of funds to retire B-1 bomber aircraft.
- Sec. 133. Limitation on retirement of U-2 aircraft.
- Sec. 134. Availability of fiscal year 2011 funds for research and development relating to the B-2 bomber aircraft.
- Sec. 135. Availability of fiscal year 2011 funds to support alternative options for extremely high frequency terminal Increment 1 program of record.

- Sec. 136. Procurement of advanced extremely high frequency satellites.

**Subtitle E—Joint and Multiservice Matters**

- Sec. 141. Limitation on availability of funds for acquisition of joint tactical radio system.
- Sec. 142. Limitation on availability of funds for Aviation Foreign Internal Defense program.
- Sec. 143. F-35 Joint Strike Fighter aircraft.
- Sec. 144. Additional oversight requirements for the undersea mobility acquisition program of the United States Special Operations Command.
- Sec. 145. Inclusion of information on approved Combat Mission Requirements in quarterly reports on use of Combat Mission Requirement funds.
- Sec. 146. Joint Surveillance Target Attack Radar System aircraft re-engineering program.
- Sec. 147. Authority for exchange with United Kingdom of specified F-35 Lightning II Joint Strike Fighter aircraft.
- Sec. 148. Report on probationary period in development of short take-off, vertical landing variant of the Joint Strike Fighter.
- Sec. 149. Report on plan to implement Weapon Systems Acquisition Reform Act of 2009 measures within the Joint Strike Fighter aircraft program.

**Subtitle A—Authorization of Appropriations**

**SEC. 101. AUTHORIZATION OF APPROPRIATIONS.**

Funds are hereby authorized to be appropriated for fiscal year 2012 for procurement for the Army, the Navy and the Marine Corps, the Air Force, and Defense-wide activities, as specified in the funding table in section 4101.

**Subtitle B—Army Programs**

**SEC. 111. LIMITATION ON PROCUREMENT OF STRYKER COMBAT VEHICLES.**

(a) **LIMITATION.**—Except as provided by subsection (b), of the funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2012 for weapons and tracked combat vehicles, Army, the Secretary of the Army may not procure more than 100 Stryker combat vehicles.

(b) **WAIVER.**—The Secretary of the Army may waive the limitation under subsection (a) if the Secretary submits to the congressional defense committees written certification by the Assistant Secretary of the Army for Acquisition, Technology, and Logistics that—

- (1) there are validated needs of the Army requiring the waiver;
- (2) all Stryker combat vehicles required to fully equip the nine Stryker brigades and to meet other validated requirements regarding the vehicle have been procured or placed on contract for procurement;
- (3) the size of the Stryker combat vehicle fleet not assigned directly to Stryker brigade combat teams is essential to maintaining the readiness of Stryker brigade combat teams; and
- (4) with respect to the Stryker combat vehicles planned to be procured pursuant to the waiver, cost estimates are complete for the long-term sustainment of the vehicles.

**SEC. 112. LIMITATION ON RETIREMENT OF C-23 AIRCRAFT.**

(a) **IN GENERAL.**—Upon determining to retire a C-23 aircraft for which there has been no previously agreed upon transfer of title

for such aircraft as of the date of the enactment of this Act, the Secretary of the Army shall first offer title to such aircraft to the chief executive officer of the State in which such aircraft is based.

(b) **TRANSFER UPON ACCEPTANCE OF OFFER.**—If the chief executive officer of a State accepts title of an aircraft under subsection (a), the Secretary shall transfer title of the aircraft to the State without charge to the State. The Secretary shall provide a reasonable amount of time for acceptance of the offer.

(c) **SUSTAINMENT.**—Immediately upon transfer of title to an aircraft to the State under this section, the State shall assume all costs associated with operating, maintaining, sustaining, and modernizing the aircraft.

(d) **AIRLIFT STUDY AND REPORT.**—

(1) **STUDY.**—Not later than one year after the date of the enactment of this Act, the Secretary of the Air Force, in consultation with the Secretary of the Army, the Director of the National Guard Bureau, each supported commander of a combatant command, and the Administrator of the Federal Emergency Management Agency, shall conduct a study to determine the number of fixed-wing and rotary-wing aircraft required to support the following titles 10 and 32, United States Code, missions at low, medium, moderate, high, and very-high levels of operational risk:

(A) Homeland defense.

(B) Time sensitive, direct support to forces consisting of the regular component of the Army and the National Guard.

(C) Disaster response.

(D) Humanitarian assistance.

(2) **REPORT.**—The Secretary shall submit to the congressional defense committees a report containing the study under paragraph (1).

(e) **GAO SUFFICIENCY REVIEW.**—

(1) **REVIEW.**—The Comptroller General of the United States shall conduct a sufficiency review of the study under subsection (d)(1).

(2) **REPORT.**—The Comptroller General shall submit to the congressional defense committees a report containing the review under paragraph (1).

**SEC. 113. MULTIYEAR PROCUREMENT AUTHORITY FOR AIRFRAMES FOR ARMY UH-60M/HH-60M HELICOPTERS AND NAVY MH-60R/MH-60S HELICOPTERS.**

(a) **AUTHORITY FOR MULTIYEAR PROCUREMENT.**—Subject to section 2306b of title 10, United States Code, the Secretary of the Army may enter into one or more multiyear contracts, beginning with the fiscal year 2012 program year, for the procurement of airframes for UH-60M/HH-60M helicopters and, acting as the executive agent for the Department of the Navy, for the procurement of airframes for MH-60R/S helicopters.

(b) **CONDITION FOR OUT-YEAR CONTRACT PAYMENTS.**—A contract entered into under subsection (a) shall provide that any obligation of the United States to make a payment under the contract for a fiscal year after fiscal year 2012 is subject to the availability of appropriations for that purpose for such later fiscal year.

**Subtitle C—Navy Programs**

**SEC. 121. MULTIYEAR PROCUREMENT AUTHORITY FOR MISSION AVIONICS AND COMMON COCKPITS FOR NAVY MH-60R/S HELICOPTERS.**

(a) **AUTHORITY FOR MULTIYEAR PROCUREMENT.**—Subject to section 2306b of title 10, United States Code, the Secretary of the Navy may enter into one or more multiyear contracts, beginning with the fiscal year 2012



program year, for the procurement of mission avionics and common cockpits for MH-60R/S helicopters.

(b) **CONDITION FOR OUT-YEAR CONTRACT PAYMENTS.**—A contract entered into under subsection (a) shall provide that any obligation of the United States to make a payment under the contract for a fiscal year after fiscal year 2012 is subject to the availability of appropriations for that purpose for such later fiscal year.

**SEC. 122. SEPARATE PROCUREMENT LINE ITEM FOR CERTAIN LITTORAL COMBAT SHIP MISSION MODULES.**

(a) **IN GENERAL.**—In the budget materials submitted to the President by the Secretary of Defense in connection with the submission to Congress, pursuant to section 1105 of title 31, United States Code, of the budget for fiscal year 2013, and each subsequent fiscal year, the Secretary shall ensure that a separate, dedicated procurement line item is designated for each covered module that includes the quantity and cost of each such module requested.

(b) **FORM.**—The Secretary shall ensure that any classified components of covered modules not included in a procurement line item under subsection (a) shall be included in a classified annex.

(c) **COVERED MODULE.**—In this section, the term “covered module” means, with respect to mission modules of the Littoral Combat Ship, the following modules:

- (1) Surface warfare.
- (2) Mine countermeasures.
- (3) Anti-submarine warfare.

**SEC. 123. LIFE-CYCLE COST-BENEFIT ANALYSIS ON ALTERNATIVE MAINTENANCE AND SUSTAINABILITY PLANS FOR THE LITTORAL COMBAT SHIP PROGRAM.**

(a) **COST-BENEFIT ANALYSIS.**—The Secretary of the Navy shall conduct a life-cycle cost-benefit analysis, in accordance with the Office of Management and Budget Circular A-94, comparing alternative maintenance and sustainability plans for the Littoral Combat Ship program.

(b) **REPORT.**—At the same time that the budget of the President is submitted to Congress under section 1105(a) of title 31, United States Code, for fiscal year 2013, the Secretary of the Navy shall submit to the congressional defense committees a report on the cost-benefit analysis conducted under subsection (a).

**SEC. 124. EXTENSION OF FORD-CLASS AIRCRAFT CARRIER CONSTRUCTION AUTHORITY.**

Section 121(a) of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109-364; 120 Stat. 2104) is amended by striking “three fiscal years” and inserting “four fiscal years”.

**Subtitle D—Air Force Programs**

**SEC. 131. STRATEGIC AIRLIFT AIRCRAFT FORCE STRUCTURE.**

Section 8062(g)(1) of title 10, United States Code, is amended—

(1) by striking “October 1, 2009” and inserting “October 1, 2011”; and

(2) by striking “316 aircraft” and inserting “301 aircraft”.

**SEC. 132. LIMITATIONS ON USE OF FUNDS TO RETIRE B-1 BOMBER AIRCRAFT.**

(a) **IN GENERAL.**—None of the funds authorized to be appropriated by this Act for fiscal year 2012 for the Department of Defense may be obligated or expended to retire any B-1 bomber aircraft on or before the date on which the Secretary of the Air Force submits to the congressional defense committees the plan described in subsection (b).

(b) **PLAN DESCRIBED.**—The plan described in this subsection is a plan for retiring B-1 bomber aircraft that includes the following:

(1) An identification of each B-1 bomber aircraft that will be retired and the disposition plan for such aircraft.

(2) An estimate of the savings that will result from the proposed retirement of B-1 bomber aircraft in each calendar year through calendar year 2022.

(3) An estimate of the amount of the savings described in paragraph (2) that will be reinvested in the modernization of B-1 bomber aircraft still in service in each calendar year through calendar year 2022.

(4) A modernization plan for sustaining the remaining B-1 bomber aircraft through at least calendar year 2022.

(5) An estimate of the amount of funding required to fully fund the modernization plan described in paragraph (4) for each calendar year through calendar year 2022.

(c) **POST-PLAN B-1 RETIREMENT.**—

(1) **IN GENERAL.**—During the period described by paragraph (4), the Secretary of the Air Force shall maintain in a common capability configuration not less than 36 B-1 aircraft as combat-coded aircraft.

(2) **FY 2014 AND THEREAFTER.**—After the period described in paragraph (4), the Secretary shall maintain not less than—

(A) 35 B-1 aircraft as combat-coded aircraft in a common capability configuration until September 30, 2014;

(B) 34 such aircraft as combat-coded aircraft in a common capability configuration until September 30, 2015; and

(C) 33 such aircraft as combat-coded aircraft in a common capability configuration until September 30, 2016.

(3) **TOTAL AMOUNT OF RETIRED B-1 AIRCRAFT.**—The Secretary may not retire more than a total of six B-1 aircraft, including the B-1 aircraft retired in accordance with this subsection.

(4) **PERIOD DESCRIBED.**—The period described in this paragraph is the period beginning on the date on which the plan described in subsection (b) is submitted to the congressional defense committees and ending on September 30, 2013.

(5) **COMBAT-CODED AIRCRAFT DEFINED.**—In this subsection, the term “combat-coded aircraft” means aircraft assigned to meet the primary aircraft authorization to a unit for the performance of its wartime mission.

**SEC. 133. LIMITATION ON RETIREMENT OF U-2 AIRCRAFT.**

(a) **LIMITATION.**—The Secretary of the Air Force may take no action that would prevent the Air Force from maintaining the U-2 aircraft fleet in its current configuration and capability beyond fiscal year 2016 until—

(1) the Under Secretary of Defense for Acquisition, Technology, and Logistics certifies in writing to the appropriate committees of Congress that the operating and sustainment (O&S) costs for the Global Hawk unmanned aerial vehicle (UAV) are less than the operating and sustainment costs for the U-2 aircraft on a comparable flight-hour cost basis; and

(2) the Chairman of the Joint Requirements Oversight Council certifies in writing to the appropriate committees of Congress that the capability to be fielded at the same time or before the U-2 aircraft retirement would result in equal or greater capability available to the commanders of the combatant commands.

(b) **APPROPRIATE COMMITTEES OF CONGRESS DEFINED.**—In this section, the term “appropriate committees of Congress” means—

(1) the Committee on Armed Services, the Committee on Appropriations, and the Se-

lect Committee on Intelligence of the Senate; and

(2) the Committee on Armed Services, the Committee on Appropriations, and the Permanent Select Committee on Intelligence of the House of Representatives.

**SEC. 134. AVAILABILITY OF FISCAL YEAR 2011 FUNDS FOR RESEARCH AND DEVELOPMENT RELATING TO THE B-2 BOMBER AIRCRAFT.**

Of the unobligated balance of amounts appropriated for fiscal year 2011 for the Air Force and available for procurement of B-2 bomber aircraft modifications, post-production support, and other charges, \$20,000,000 may be available for fiscal year 2012 for research, development, test, and evaluation with respect to a conventional mixed load capability for the B-2 bomber aircraft.

**SEC. 135. AVAILABILITY OF FISCAL YEAR 2011 FUNDS TO SUPPORT ALTERNATIVE OPTIONS FOR EXTREMELY HIGH FREQUENCY TERMINAL INCREMENT 1 PROGRAM OF RECORD.**

(a) **IN GENERAL.**—Of the unobligated balance of amounts appropriated for fiscal year 2011 for the Air Force and available for procurement of B-2 bomber aircraft modifications, post-production support, and other charges, \$15,000,000 may be available to support alternative options for the extremely high frequency terminal Increment 1 program of record.

(b) **PLAN TO SECURE PROTECTED COMMUNICATIONS.**—Not later than 90 days after the date of the enactment of this Act, the Secretary of the Air Force shall submit to the congressional defense committees a plan to provide an extremely high frequency terminal for secure protected communications for the B-2 bomber aircraft and other aircraft.

**SEC. 136. PROCUREMENT OF ADVANCED EXTREMELY HIGH FREQUENCY SATELLITES.**

(a) **CONTRACT AUTHORITY.**—

(1) **IN GENERAL.**—The Secretary of the Air Force may procure two advanced extremely high frequency satellites by entering into a fixed-price contract. Such procurement may also include—

(A) material and equipment in economic order quantities when cost savings are achievable; and

(B) cost reduction initiatives.

(2) **USE OF INCREMENTAL FUNDING.**—With respect to a contract entered into under paragraph (1) for the procurement of advanced extremely high frequency satellites, the Secretary may use incremental funding for a period not to exceed six fiscal years.

(3) **LIABILITY.**—A contract entered into under paragraph (1) shall provide that any obligation of the United States to make a payment under the contract is subject to the availability of appropriations for that purpose, and that the total liability to the Government for termination of any contract entered into shall be limited to the total amount of funding obligated at the time of termination.

(b) **LIMITATION OF COSTS.**—

(1) **LIMITATION.**—Except as provided by subsection (c), and excluding amounts described in paragraph (2), the total amount obligated or expended for the procurement of two advanced extremely high frequency satellites authorized by subsection (a) may not exceed \$3,100,000,000.

(2) **EXCLUSION.**—The amounts described in this paragraph are amounts associated with the following:

(A) Plans.

(B) Technical data packages.

(C) Post-delivery and program support costs.

(D) Technical support for obsolescence studies.

(C) WAIVER AND ADJUSTMENT TO LIMITATION AMOUNT.—

(1) WAIVER.—In accordance with paragraph (2), the Secretary may waive the limitation in subsection (b)(1) if the Secretary submits to the congressional defense committees written notification of the adjustment made to the amount set forth in such subsection.

(2) ADJUSTMENT.—Upon waiving the limitation under paragraph (1), the Secretary may adjust the amount set forth in subsection (b)(1) by the following:

(A) The amounts of increases or decreases in costs attributable to economic inflation after September 30, 2011.

(B) The amounts of increases or decreases in costs attributable to compliance with changes in Federal, State, or local laws enacted after September 30, 2011.

(C) The amounts of increases or decreases in costs of the satellites that are attributable to insertion of new technology into an advanced extremely high frequency satellite, as compared to the technology built into such a satellite procured prior to fiscal year 2012, if the Secretary determines, and certifies to the congressional defense committees, that insertion of the new technology is—

(i) expected to decrease the life-cycle cost of the satellite; or

(ii) required to meet an emerging threat that poses grave harm to national security.

(d) USE OF FUNDS AVAILABLE FOR SPACE VEHICLE NUMBER 5 FOR SPACE VEHICLE NUMBER 6.—The Secretary may obligate and expend amounts authorized to be appropriated for fiscal year 2012 by section 101 for procurement for the Air Force as specified in the funding table in section 4101 and available for the advanced procurement of long-lead parts and the replacement of obsolete parts for advanced extremely high frequency satellite space vehicle number 5 for the advanced procurement of long-lead parts and the replacement of obsolete parts for advanced extremely high frequency satellite space vehicle number 6.

(e) REPORT.—Not later than 30 days after the date on which the Secretary awards a contract under subsection (a), the Secretary shall submit to the congressional defense committees a report on such contract, including the following:

(1) The total cost savings resulting from the authority provided by subsection (a).

(2) The type and duration of the contract awarded.

(3) The total contract value.

(4) The funding profile by year.

(5) The terms of the contract regarding the treatment of changes by the Federal Government to the requirements of the contract, including how any such changes may affect the success of the contract.

(6) A plan for using cost savings described in paragraph (1) to improve the capability of military satellite communications, including a description of—

(A) the available funds, by year, resulting from such cost savings;

(B) the specific activities or subprograms to be funded by such cost savings and the funds, by year, allocated to each such activity or subprogram;

(C) the objectives for each such activity or subprogram and the criteria used by the Secretary to determine which such activity or subprogram to fund;

(D) the method in which such activities or subprograms will be awarded, including whether it will be on a competitive basis; and

(E) the process for determining how and when such activities and subprograms would transition to an existing program or be established as a new program of record.

(f) SENSE OF CONGRESS.—It is the sense of Congress that the Secretary should not enter into a fixed-price contract under subsection (a) for the procurement of two advanced extremely high frequency satellites unless the Secretary determines that entering into such a contract will save the Air Force not less than 20 percent over the cost of procuring two such satellites separately.

#### Subtitle E—Joint and Multiservice Matters

### SEC. 141. LIMITATION ON AVAILABILITY OF FUNDS FOR ACQUISITION OF JOINT TACTICAL RADIO SYSTEM.

(a) LIMITATION.—Of the funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2012 for other procurement, Army, for covered programs of the joint tactical radio system, not more than 70 percent may be obligated or expended until the date on which the Secretary of the Army submits to the congressional defense committees written certification that the acquisition strategy for the full-rate production of covered programs of such radio system includes full and open competition (as defined in section 2302(3)(D) of title 10, United States Code) that includes commercially developed systems that the Secretary determines are qualified with respect to successful testing by the Army and certification by the National Security Agency.

(b) LRIP.—The limitation under subsection (a) shall not apply to the low-rate initial production of covered programs.

(c) COVERED PROGRAMS.—In this section, the term “covered programs” means, with respect to the joint tactical radio system, the following:

(1) The ground mobile radio.

(2) The handheld, manpack, and small form fit.

### SEC. 142. LIMITATION ON AVAILABILITY OF FUNDS FOR AVIATION FOREIGN INTERNAL DEFENSE PROGRAM.

(a) LIMITATION.—Of the funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2012 for the procurement of fixed-wing non-standard aviation aircraft in support of the aviation foreign internal defense program, not more than 50 percent may be obligated or expended until the date that is 30 days after the date on which the Commander of the United States Special Operations Command submits the report under subsection (b)(1).

(b) REPORT REQUIRED.—

(1) REPORT.—Not later than March 15, 2012, the Commander of the United States Special Operations Command shall submit to the congressional defense committees a report on the aviation foreign internal defense program.

(2) MATTERS INCLUDED.—The report under paragraph (1) shall include the following:

(A) An overall description of the program, including its goals and proposed metrics of performance success.

(B) The results of any analysis of alternatives and efficiencies reviews for contracts awarded for the aviation foreign internal defense program.

(C) An assessment of the advantages and disadvantages of procuring new aircraft, procuring used aircraft, or leasing aircraft to meet mission requirements, including an explanation of any efficiencies and savings.

(D) A comprehensive strategy outlining and justifying the overall projected growth of the aviation foreign internal defense program to satisfy the increased requirements

of the commanders of the geographic combatant commands.

(E) An examination of efficiencies that could be gained by procuring platforms such as those being procured for light mobility aircraft.

(3) FORM.—The report under paragraph (1) shall be submitted in unclassified form, but may include a classified annex.

### SEC. 143. F-35 JOINT STRIKE FIGHTER AIRCRAFT.

In entering into a contract for the procurement of aircraft for the sixth and all subsequent low-rate initial production contract lots for the F-35 Lightning II Joint Strike Fighter aircraft, the Secretary of Defense shall ensure each of the following:

(1) That the contract is a fixed-price contract.

(2) That the contract requires the contractor to assume full responsibility for costs under the contract above the target cost specified in the contract.

### SEC. 144. ADDITIONAL OVERSIGHT REQUIREMENTS FOR THE UNDERSEA MOBILITY ACQUISITION PROGRAM OF THE UNITED STATES SPECIAL OPERATIONS COMMAND.

(a) LIMITATION ON MILESTONE B DECISION.—The Commander of the United States Special Operations Command may not make any milestone B acquisition decisions with respect to a covered element until a 30-day period has elapsed after the date on which the Under Secretary of Defense for Acquisition, Technology, and Logistics—

(1) conducts the assessment and determination under subsection (b) for the covered element; and

(2) submits to the congressional defense committees a report including—

(A) the determination of the Under Secretary with respect to the appropriate acquisition category for the covered element; and

(B) the validated requirements, independent cost estimate, test and evaluation master plan, and technology readiness assessment described in paragraphs (1) through (4) of subsection (b), respectively.

(b) ASSESSMENT AND DETERMINATION.—With respect to each covered element, the Under Secretary shall conduct an assessment and determination of whether to treat the covered element as a major defense acquisition program. Such assessment shall include—

(1) a requirements validation by the Joint Requirements Oversight Council;

(2) an independent cost estimate prepared by the Director of Cost Assessment and Program Evaluation;

(3) a test and evaluation master plan reviewed by the Director of Operational Test and Evaluation; and

(4) a technology readiness assessment reviewed by the Assistant Secretary of Defense for Research and Engineering.

(c) COVERED ELEMENT DEFINED.—In this section, the term “covered element” means any of the following elements of the undersea mobility acquisition program of the United States Special Operations Command:

(1) The dry combat submersible-light program.

(2) The dry combat submersible-medium program.

(3) The next-generation submarine shelter program.

(4) Any new dry combat submersible developed under the undersea mobility acquisition program of the United States Special Operations Command after the date of the enactment of this Act.

**SEC. 145. INCLUSION OF INFORMATION ON APPROVED COMBAT MISSION REQUIREMENTS IN QUARTERLY REPORTS ON USE OF COMBAT MISSION REQUIREMENT FUNDS.**

Section 123(b) of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (Public Law 111-383; 124 Stat. 4159; 10 U.S.C. 167 note) is amended by adding at the end the following new paragraphs:

“(6) A table setting forth the Combat Mission Requirements approved during the fiscal year in which such report is submitted and the two preceding fiscal years, including for each such Requirement—

“(A) the title of such Requirement;

“(B) the date of approval of such Requirement; and

“(C) the amount of funding approved for such Requirement, and the source of such approved funds.

“(7) A statement of the amount of any unspent Combat Mission Requirements funds from the fiscal year in which such report is submitted and the two preceding fiscal years.”.

**SEC. 146. JOINT SURVEILLANCE TARGET ATTACK RADAR SYSTEM AIRCRAFT RE-ENGINEING PROGRAM.**

(a) REPORT ON AUDIT OF FUNDS FOR PROGRAM.—

(1) IN GENERAL.—Not later than 60 days after the date of the enactment of this Act, the Air Force Audit Agency shall submit to the congressional defense committees the results of a financial audit of the funds previously authorized and appropriated for the Joint Surveillance Target Attack Radar System (JSTARS) aircraft re-engineing program.

(2) ELEMENTS.—The report on the audit required by paragraph (1) shall include the following:

(A) A description of how the funds described in that paragraph were expended, including—

(i) an assessment of the existence, completeness, and cost of the assets acquired with such funds; and

(ii) an assessment of the costs that were capitalized as military equipment and inventory and the cost characterized as operating expenses (including payroll, freight and shipment, inspection, and other operating costs).

(B) A statement of the amount of such funds that remain in the original budget lines.

(C) A statement of the amount of such funds that were reprogrammed or expired, and in which accounts.

(b) USE OF FUNDS.—The Secretary of the Air Force shall take appropriate actions to ensure that funds authorized to be appropriated by this Act for JSTARS aircraft, and any funds described by subsection (a)(2)(B), are obligated and expended for the purposes for which authorized and appropriated, including, but not limited to, the installation of one engine shipset on an operational JSTARS aircraft.

**SEC. 147. AUTHORITY FOR EXCHANGE WITH UNITED KINGDOM OF SPECIFIED F-35 LIGHTNING II JOINT STRIKE FIGHTER AIRCRAFT.**

(a) AUTHORITY.—

(1) EXCHANGE AUTHORITY.—In accordance with subsection (c), the Secretary of Defense may transfer to the United Kingdom of Great Britain and Northern Ireland (in this section referred to as the “United Kingdom”) all right, title, and interest of the United States in and to an aircraft described in paragraph (2) in exchange for the transfer by the United Kingdom to the United States of all right, title, and interest of the United Kingdom in and to an aircraft described in

paragraph (3). The Secretary may execute the exchange under this section on behalf of the United States only with the concurrence of the Secretary of State.

(2) AIRCRAFT TO BE EXCHANGED BY UNITED STATES.—The aircraft authorized to be transferred by the United States under this subsection is an F-35 Lightning II aircraft in the Carrier Variant configuration acquired by the United States for the Marine Corps under a future Joint Strike Fighter program contract referred to as the Low-Rate Initial Production 6 contract.

(3) AIRCRAFT TO BE EXCHANGED BY UNITED KINGDOM.—The aircraft for which the exchange under paragraph (1) may be made is an F-35 Lightning II aircraft in the Short-Take Off and Vertical Landing configuration that, as of November 19, 2010, is being acquired on behalf of the United Kingdom under an existing Joint Strike Fighter program contract referred to as the Low-Rate Initial Production 4 contract.

(b) FUNDING FOR PRODUCTION OF AIRCRAFT.—

(1) FUNDING SOURCES FOR AIRCRAFT TO BE EXCHANGED BY UNITED STATES.—

(A) IN GENERAL.—Except as provided in subparagraph (B), funds for production of the aircraft to be transferred by the United States (including the propulsion system, long lead-time materials, the production build, and deficiency corrections) may be derived from appropriations for Aircraft Procurement, Navy, for the aircraft under the contract referred to in subsection (a)(2).

(B) EXCEPTION.—Costs for flight test instrumentation of the aircraft to be transferred by the United States and any other non-recurring and recurring costs for that aircraft associated with unique requirements of the United Kingdom may not be borne by the United States.

(2) FUNDING SOURCES FOR AIRCRAFT TO BE EXCHANGED BY UNITED KINGDOM.—Costs for upgrades and modifications of the aircraft to be transferred to the United States that are necessary to bring that aircraft to the Low-Rate Initial Production 6 configuration under the contract referred to in subsection (a)(2) may not be borne by the United States.

(c) IMPLEMENTATION.—The exchange under this section shall be implemented pursuant to the memorandum of understanding titled “Joint Strike Fighter Production, Sustainment, and Follow-on Development Memorandum of Understanding”, which entered into effect among nine nations including the United States and the United Kingdom on December 31, 2006, consistent with section 27 of the Arms Export Control Act (22 U.S.C. 2767), and as supplemented as necessary by the United States and the United Kingdom.

**SEC. 148. REPORT ON PROBATIONARY PERIOD IN DEVELOPMENT OF SHORT TAKE-OFF, VERTICAL LANDING VARIANT OF THE JOINT STRIKE FIGHTER.**

Not later than 45 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report on the development of the short take-off, vertical landing variant of the Joint Strike Fighter (otherwise known as the F-35B Joint Strike Fighter) that includes the following:

(1) An identification of the criteria that the Secretary determines must be satisfied before the F-35B Joint Strike Fighter can be removed from the two-year probationary status imposed by the Secretary on or about January 6, 2011.

(2) A mid-probationary period assessment of—

(A) the performance of the F-35B Joint Strike Fighter based on the criteria described in paragraph (1); and

(B) the technical issues that remain in the development program for the F-35B Joint Strike Fighter.

(3) A plan for how the Secretary intends to resolve the issues described in paragraph (2)(B) before January 6, 2013.

**SEC. 149. REPORT ON PLAN TO IMPLEMENT WEAPON SYSTEMS ACQUISITION REFORM ACT OF 2009 MEASURES WITHIN THE JOINT STRIKE FIGHTER AIRCRAFT PROGRAM.**

At the same time the budget of the President for fiscal year 2013 is submitted to Congress pursuant to section 1105 of title 31, United States Code, the Under Secretary for Acquisition, Technology, and Logistics shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the plans of the Department of Defense to implement the requirements of the Weapon Systems Acquisition Reform Act of 2009 (Public Law 111-23), and the amendments made by that Act, within the Joint Strike Fighter (JSF) aircraft program. The report shall set forth the following:

(1) Specific goals for implementing the requirements of the Weapon Systems Acquisition Reform Act of 2009, and the amendments made by that Act, within the Joint Strike Fighter aircraft program.

(2) A schedule for achieving each goal set forth under paragraph (1) for the Joint Strike Fighter aircraft program.

**TITLE II—RESEARCH, DEVELOPMENT, TEST, AND EVALUATION**

Subtitle A—Authorization of Appropriations

Sec. 201. Authorization of appropriations.

Subtitle B—Program Requirements, Restrictions, and Limitations

Sec. 211. Limitation on availability of funds for the ground combat vehicle program.

Sec. 212. Limitation on the individual carbine program.

Sec. 213. Limitation on availability of funds for Future Unmanned Carrier-based Strike System.

Sec. 214. Limitation on availability of funds for amphibious assault vehicles of the Marine Corps.

Sec. 215. Limitation on obligation of funds for the F-35 Lightning II aircraft program.

Sec. 216. Limitation on use of funds for Increment 2 of B-2 bomber aircraft extremely high frequency satellite communications program.

Sec. 217. Limitation on availability of funds for the Joint Space Operations Center management system.

Sec. 218. Limitation on availability of funds for wireless innovation fund.

Sec. 219. Prohibition on delegation of budgeting authority for certain research and educational programs.

Sec. 220. Designation of main propulsion turbomachinery of the next-generation long-range strike bomber aircraft as major subprogram.

Sec. 221. Designation of electromagnetic aircraft launch system development and procurement program as major subprogram.

Sec. 222. Advanced rotorcraft flight research and development.

Sec. 223. Preservation and storage of certain property related to F136 propulsion system.

Subtitle C—Missile Defense Programs

- Sec. 231. Acquisition accountability reports on the ballistic missile defense system.
- Sec. 232. Comptroller General review and assessment of missile defense acquisition programs.
- Sec. 233. Homeland defense hedging policy and strategy.
- Sec. 234. Ground-based midcourse defense program.
- Sec. 235. Limitation on availability of funds for the medium extended air defense system.
- Sec. 236. Sense of Congress regarding ballistic missile defense training.
- Subtitle D—Reports

- Sec. 241. Extension of requirements for biennial roadmap and annual review and certification on funding for development of hypersonics.
- Sec. 242. Report and cost assessment of options for Ohio-class replacement ballistic missile submarine.
- Sec. 243. Report on the electromagnetic rail gun system.
- Sec. 244. Annual comptroller general report on the KC-46A aircraft acquisition program.
- Sec. 245. Independent review and assessment of cryptographic modernization program.
- Sec. 246. Report on increased budget items.

Subtitle E—Other Matters

- Sec. 251. Repeal of requirement for Technology Transition Initiative.
- Sec. 252. Contractor cost-sharing in pilot program to include technology protection features during research and development of certain defense systems.
- Sec. 253. Extension of authority for mechanisms to provide funds for defense laboratories for research and development of technologies for military missions.
- Sec. 254. National defense education program.
- Sec. 255. Laboratory facilities, Hanover, New Hampshire.
- Sec. 256. Sense of Congress on active matrix organic light emitting diode technology.

Subtitle A—Authorization of Appropriations

SEC. 201. AUTHORIZATION OF APPROPRIATIONS.

Funds are hereby authorized to be appropriated for fiscal year 2012 for the use of the Department of Defense for research, development, test, and evaluation as specified in the funding table in section 4201.

Subtitle B—Program Requirements, Restrictions, and Limitations

SEC. 211. LIMITATION ON AVAILABILITY OF FUNDS FOR THE GROUND COMBAT VEHICLE PROGRAM.

Of the funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2012 for research, development, test, and evaluation, Army, for the ground combat vehicle program, not more than 80 percent may be obligated or expended until the date on which the Secretary of the Army submits to the congressional defense committees a report containing—

- (1) the plans of the Secretary to carry out—
- (A) a dynamic analysis of alternatives update described in the acquisition decision memorandum issued by the Under Secretary of Defense for Acquisition, Technology, and Logistics on August 17, 2011; and

(B) a separate assessment of selected non-developmental vehicles described in such memorandum; and

(2) a description of the resources the Secretary considers necessary to carry out the plans under paragraph (1), including the amount of funding required in fiscal years 2012 and 2013.

SEC. 212. LIMITATION ON THE INDIVIDUAL CARBINE PROGRAM.

(a) LIMITATION.—Notwithstanding any other provision of law, and except as provided by subsection (b), the individual carbine program may not receive Milestone C approval (as defined in section 2366(e)(8) of title 10, United States Code) until the date on which the Secretary of the Army submits to the congressional defense committees a business case assessment of such program, including, at a minimum, comparisons of the capabilities and costs of—

(1) commercially available weapon systems as of the date of the assessment, including complete weapon systems and kits to apply to existing weapon systems; and

(2) weapon systems that are fielded as of the date of the assessment that include any required improvements.

(b) WAIVER AUTHORITY.—The Secretary of Defense may waive the limitation under subsection (a) if the Secretary submits to the congressional defense committees written certification that the waiver is in the national security interests of the United States.

SEC. 213. LIMITATION ON AVAILABILITY OF FUNDS FOR FUTURE UNMANNED CARRIER-BASED STRIKE SYSTEM.

(a) LIMITATION.—Of the funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2012 for research, development, test, and evaluation, Navy, for the Future Unmanned Carrier-based Strike System, not more than 75 percent may be obligated or expended until the date that is 60 days after the date on which—

(1) the Chairman of the Joint Requirements Oversight Council certifies to the congressional defense committees that—

(A) such system is required to fill a validated capability gap of the Department of Defense; and

(B) the Council has reviewed and approved the initial capability and development document relating to such system;

(2) the Assistant Secretary of the Navy for Research, Development, and Acquisition submits to the congressional defense committees a report containing—

(A) a delineation of threshold and objective key performance parameters;

(B) a certification that the threshold and objective key performance parameters for such system have been established and are achievable; and

(C) a description of the requirements of such system with respect to—

- (i) weapons payload;
- (ii) intelligence, reconnaissance, and surveillance equipment;
- (iii) electronic attack and electronic protection equipment;
- (iv) communications equipment;
- (v) range;
- (vi) mission endurance for un-refueled and aerial refueled operations;
- (vii) low-observability characteristics;
- (viii) affordability;
- (ix) survivability; and
- (x) interoperability with other Navy and joint-service unmanned aerial systems and mission control stations; and

(3) the Under Secretary of Defense for Acquisition, Technology, and Logistics cer-

tifies to the congressional defense committees that—

(A) the Secretary of the Navy has completed a comprehensive analysis of alternatives for such system;

(B) the acquisition strategy of the Secretary for the technology development and initial fielding phases of such system is achievable and presents medium, or less, risk with respect to cost, schedule, funding, and testing program;

(C) such acquisition strategy integrates a fair and open competitive acquisition strategy environment for all potential competitors;

(D) the data, information, and lessons learned from the Unmanned Carrier-based Aircraft System of the Navy are sufficiently integrated into the acquisition strategy of the Future Unmanned Carrier-based Strike System and that the level of concurrency between the programs is prudent and reasonable;

(E) the Secretary has sufficient fiscal resources budgeted in the future years defense plan and extended planning period that supports the acquisition strategy described in subparagraph (B); and

(F) the acquisition strategy—

(i) complies with the Weapon Systems Acquisition Reform Act of 2009 (Public Law 111-23), and the amendments made by that Act, and Department of Defense Instruction 5000.02; and

(ii) requires the implementation of open architecture standards.

(b) GAO BRIEFING.—Not later than 90 days after the date on which the certifications and report under subsection (a) are received by the congressional defense committees, the Comptroller General of the United States shall brief the congressional defense committees on an evaluation of the acquisition strategy of the Secretary of the Navy for the Future Unmanned Carrier-based Strike System.

(c) FORM.—The report required by subsection (a)(2) shall be submitted in unclassified form, but may include a classified annex.

SEC. 214. LIMITATION ON AVAILABILITY OF FUNDS FOR AMPHIBIOUS ASSAULT VEHICLES OF THE MARINE CORPS.

(a) LIMITATIONS.—

(1) LIMITATION ON FUNDING.—Except as provided by subsections (d) and (e), none of the funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2012 for procurement, Marine Corps, or research, development, test, and evaluation, Navy, may be obligated or expended for the amphibious programs described in subsection (c) until the date on which the Secretary of the Navy, in coordination with the Commandant of the Marine Corps, submits to the congressional defense committees a report containing—

(A) written certification of the requirements for amphibious assault vehicles of the Marine Corps, based on the needs of the commanders of the combatant commands, relating to—

(i) the distance from the shore needed to begin an amphibious assault;

(ii) the speed at which the vehicle must travel in order to reach the shore in the time required for such assault; and

(iii) the armor requirements for all potential combat environments, including the possible use of appliqué armor; and

(B) the analysis of alternatives conducted under subsection (b)(1).

(2) LIMITATION ON MPC MILESTONE B.—Milestone B approval may not be granted for the

Marine Personnel Carrier until 30 days after the date on which the report under paragraph (1) is submitted to the congressional defense committees.

(b) ANALYSIS OF ALTERNATIVES.—

(1) ANALYSIS.—The Secretary of the Navy, in coordination with the Commandant of the Marine Corps, shall conduct an analysis of alternatives of the amphibious assault vehicles described in paragraph (2). With respect to such vehicles, such analysis shall include—

(A) comparisons of the capabilities and total lifecycle ownership costs (including costs with respect to research, development, test, and evaluation, procurement, and operation and maintenance); and

(B) an independent review of the analysis of cost prepared by a federally funded research and development center.

(2) AMPHIBIOUS ASSAULT VEHICLES DESCRIBED.—The amphibious assault vehicles described in this paragraph are amphibious assault vehicles that—

(A) meet the requirements described in subsection (a)(1)(A), including—

(i) an upgraded assault amphibious vehicle 7A1;

(ii) the expeditionary fighting vehicle; and

(iii) a new amphibious combat vehicle; and

(B) include at least one vehicle that is capable of accelerating until the vehicle moves along the top of the water (commonly known as “getting up on plane”) and at least one vehicle that is not capable of such acceleration.

(c) AMPHIBIOUS PROGRAMS DESCRIBED.—The amphibious programs described in this subsection are the following:

(1) The assault amphibious vehicle 7A1, program element 206623M.

(2) The Marine Corps assault vehicle, program element 603611M.

(3) The termination of the expeditionary fighting vehicle program.

(d) AAV7A1 IMPROVEMENT PROGRAM.—The limitation in subsection (a)(1) shall not apply to funds made available for procurement, Marine Corps, for the procurement of—

(1) an assault amphibious vehicle 7A1 with—

(A) survivability upgrades under the survivability product improvement program; or

(B) other necessary survivability capabilities that are in response to urgent operational needs; or

(2) improvements to a previously procured assault amphibious vehicle 7A1 that address safety of use, environmental inhabitability, and operational availability.

(e) MARINE CORPS ASSAULT VEHICLE, PROGRAM ELEMENT 603611M.—The limitation in subsection (a)(1) shall not apply to funds made available for research, development, test, and evaluation, Navy, for the Marine Corps assault vehicle, program element 603611M, to—

(1) conduct an analysis of alternatives and supporting analytical activities; or

(2) conduct technology integration development and engineering to—

(A) refine and validate requirements; and

(B) reduce cost, schedule, and technical risk prior to the initiation of the amphibious combat vehicle program.

(f) ASSESSMENT ON HABITABILITY.—Not later than 60 days after the date of the enactment of this Act, the Secretary of the Navy shall submit to the congressional defense committees a habitability assessment with respect to the period of time a member of the Armed Forces can spend in the back of an amphibious assault vehicle that is not “up

on plane” while still remaining combat effective. Such assessment shall cover a set of operationally relevant speeds and ranges. The Secretary shall include the results and information from any recently performed tests related to such assessment.

**SEC. 215. LIMITATION ON OBLIGATION OF FUNDS FOR THE F-35 LIGHTNING II AIRCRAFT PROGRAM.**

Of the funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2012 for research and development for the F-35 Lightning II aircraft program, not more than 80 percent may be obligated or expended until the date on which the Secretary of Defense certifies to the congressional defense committees that the acquisition strategy for the F-35 Lightning II aircraft includes a plan for achieving competition throughout operation and sustainment, in accordance with section 202(d) of the Weapon Systems Acquisition Reform Act of 2009 (Public Law 111-23; 10 U.S.C. 2430 note).

**SEC. 216. LIMITATION ON USE OF FUNDS FOR INCREMENT 2 OF B-2 BOMBER AIRCRAFT EXTREMELY HIGH FREQUENCY SATELLITE COMMUNICATIONS PROGRAM.**

Of the funds authorized to be appropriated by section 201 for research, development, test, and evaluation for the Air Force as specified in the funding table in section 4201 and available for Increment 2 of the B-2 bomber aircraft extremely high frequency satellite communications program, not more than 40 percent may be obligated or expended until the date that is 15 days after the date on which the Secretary of the Air Force submits to the congressional defense committees the following:

(1) The certification of the Secretary that—

(A) the United States Government will own the data rights to any extremely high frequency active electronically steered array antenna developed for use as part of a system to support extremely high frequency protected satellite communications for the B-2 bomber aircraft; and

(B) the use of an extremely high frequency active electronically steered array antenna is the most cost effective and lowest risk option available to support extremely high frequency satellite communications for the B-2 bomber aircraft.

(2) A detailed plan setting forth the projected cost and schedule for research, development, and testing on the extremely high frequency active electronically steered array antenna.

**SEC. 217. LIMITATION ON AVAILABILITY OF FUNDS FOR THE JOINT SPACE OPERATIONS CENTER MANAGEMENT SYSTEM.**

(a) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) improvements to the space situational awareness and space command and control capabilities of the United States are necessary; and

(2) the traditional defense acquisition process is not optimal for developing the services-oriented architecture and net-centric environment planned for the Joint Space Operations Center management system.

(b) LIMITATION.—None of the funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2012 for research, development, test, and evaluation, Air Force, for release one of the Joint Space Operations Center management system may be obligated or expended until the date on which the Secretary of the Air Force and the Under Secretary of Defense for Acquisition, Technology, and Logistics jointly submit to

the congressional defense committees the acquisition strategy for such management system, including—

(1) a description of the acquisition policies and procedures applicable to such management system; and

(2) a description of any additional acquisition authorities necessary to ensure that such management system is able to implement a services-oriented architecture and net-centric environment for space situational awareness and space command and control.

**SEC. 218. LIMITATION ON AVAILABILITY OF FUNDS FOR WIRELESS INNOVATION FUND.**

Of the funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2012 for the wireless innovation fund within the Defense Advanced Research Projects Agency, not more than 10 percent may be obligated or expended until the date that is 30 days after the date on which the Under Secretary of Defense for Acquisition, Technology, and Logistics submits to the congressional defense committees a report on how such fund will be managed and executed, including—

(1) a concept of operation for how such fund will operate, particularly with regards to supporting the interagency community;

(2) a description of—

(A) the governance structure, including how decision-making with interagency partners will be conducted;

(B) the funding mechanism for interagency collaborators;

(C) the metrics for measuring the performance and effectiveness of the program; and

(D) the reporting mechanisms to provide oversight of the fund by the Department of Defense, the interagency partners, and Congress; and

(3) any other matters the Under Secretary considers appropriate.

**SEC. 219. PROHIBITION ON DELEGATION OF BUDGETING AUTHORITY FOR CERTAIN RESEARCH AND EDUCATIONAL PROGRAMS.**

(a) PROHIBITION ON DELEGATION.—Subsection (a) of section 2362 of title 10, United States Code, is amended—

(1) by striking “The Secretary of Defense” and inserting “(1) The Secretary of Defense”; and

(2) by adding at the end the following new paragraph:

“(2) The Secretary of Defense may not delegate or transfer to an individual outside the Office of the Secretary of Defense the authority regarding the programming or budgeting of the program established by this section that is carried out by the Assistant Secretary of Defense for Research and Engineering.”.

(b) CONFORMING AMENDMENTS.—Such section 2362 is amended further—

(1) in subsection (b), by striking “established under subsection (a)” and inserting “established by subsection (a)(1)”; and

(2) in subsection (c), by striking “subsection (a)” and inserting “subsection (a)(1)”.

**SEC. 220. DESIGNATION OF MAIN PROPULSION TURBOMACHINERY OF THE NEXT-GENERATION LONG-RANGE STRIKE BOMBER AIRCRAFT AS MAJOR SUBPROGRAM.**

(a) DESIGNATION AS MAJOR SUBPROGRAM.—Not later than 30 days after the date on which the next-generation long-range strike bomber aircraft receives Milestone A approval, the Secretary of Defense shall designate the development and procurement of the main propulsion turbomachinery of the

next-generation long-range strike bomber aircraft as a major subprogram of the next-generation long-range strike bomber aircraft major defense acquisition program, in accordance with section 2430a of title 10, United States Code.

(b) **COMPETITIVE ACQUISITION STRATEGY.**—The Secretary of the Air Force shall develop an acquisition strategy for the major subprogram designated in subsection (a) that is in accordance with subsections (a) and (b) of section 202 of the Weapon Systems Acquisition Reform Act of 2009 (Public Law 111-23; 123 Stat. 1720; 10 U.S.C. 2430 note).

**SEC. 221. DESIGNATION OF ELECTROMAGNETIC AIRCRAFT LAUNCH SYSTEM DEVELOPMENT AND PROCUREMENT PROGRAM AS MAJOR SUBPROGRAM.**

Not later than 30 days after the date of the enactment of this Act, the Secretary of Defense shall designate the electromagnetic aircraft launch development and procurement program as a major subprogram of the CVN-78 Ford-class aircraft carrier major defense acquisition program, in accordance with section 2430a of title 10, United States Code. The Secretary may cease such designation after the date on which the electromagnetic aircraft launch system is certified as operationally effective and suitable by the Director of Operational Test and Evaluation.

**SEC. 222. ADVANCED ROTORCRAFT FLIGHT RESEARCH AND DEVELOPMENT.**

(a) **PROGRAM AUTHORIZED.**—The Secretary of the Army may conduct a program for flight research and demonstration of advanced rotorcraft technology.

(b) **GOALS AND OBJECTIVES.**—The goals and objectives of the program authorized by subsection (a) are as follows:

(1) To flight demonstrate the ability of advanced rotorcraft technology to expand the flight envelope and improve the speed, range, payload, ceiling, survivability, reliability, and affordability of current and future rotorcraft of the Department of Defense.

(2) To mature advanced rotorcraft technology and obtain flight-test data to—

(A) support the assessment of such technology for future rotorcraft platform development programs of the Department; and

(B) have the ability to add such technology to the existing rotorcraft of the Department to extend the capability and life of such rotorcraft until next-generation platforms are fielded.

(c) **ELEMENTS OF PROGRAM.**—The program authorized by subsection (a) may include—

(1) integration and demonstration of advanced rotorcraft technology to meet the goals and objectives described in subsection (b); and

(2) flight demonstration of the advanced rotorcraft technology test bed under the experimental airworthiness process of the Federal Aviation Administration or other appropriate airworthiness process approved by the Secretary of Defense.

(d) **COMPETITION.**—In awarding a contract under this section, the Secretary shall use competitive procedures in accordance with the requirements of section 2304 of title 10, United States Code, and shall consider a timely offer submitted by a small business concern (as defined in section 2225(f)(3) of such title) in accordance with the specifications and evaluation factors specified in the solicitation.

**SEC. 223. PRESERVATION AND STORAGE OF CERTAIN PROPERTY RELATED TO F136 PROPULSION SYSTEM.**

(a) **PLAN.**—The Secretary of Defense shall develop a plan for the disposition of property owned by the Federal Government that was

acquired under the F136 propulsion system development contract. The plan shall—

(1) ensure that the Secretary preserves and stores, uses, or disposes of such property in a manner that—

(A) provides for the long-term sustainment and repair of such property pending the determination by the Department of Defense that such property—

(i) can be used within the F-35 Lightning II aircraft program, in other Government development programs, or in other contractor-funded development activities;

(ii) can be stored for use in future Government development programs; or

(iii) should be disposed; and

(B) allows for such preservation and storage of identified property to be conducted at either the facilities of the Federal Government or a contractor under such contract; and

(2) identify any contract modifications, additional facilities, or funding that the Secretary determines necessary to carry out the plan.

(b) **RESTRICTION ON THE USE OF FUNDS.**—None of the amounts authorized to be appropriated by this Act or otherwise made available for fiscal year 2012 for research, development, test, and evaluation, Navy, or research, development, test, and evaluation, Air Force, for the F-35 Lightning II aircraft program may be obligated or expended for activities related to destroying or disposing of the property described in subsection (a) until the date that is 30 days after the date on which the report under subsection (c) is submitted to the congressional defense committees.

(c) **REPORT.**—Not later than 120 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report on the plan under subsection (a). That report shall describe how the Secretary intends to obtain maximum benefit to the Federal Government from the investment already made in developing the F136.

**Subtitle C—Missile Defense Programs**

**SEC. 231. ACQUISITION ACCOUNTABILITY REPORTS ON THE BALLISTIC MISSILE DEFENSE SYSTEM.**

(a) **BASELINE REQUIRED.**—

(1) **IN GENERAL.**—Chapter 9 of title 10, United States Code, is amended by inserting after section 224 the following new section:

**“§ 225. Acquisition accountability reports on the ballistic missile defense system**

“(a) **BASELINES REQUIRED.**—(1) In accordance with paragraph (2), the Director of the Missile Defense Agency shall establish and maintain an acquisition baseline for—

“(A) each program element of the ballistic missile defense system, as specified in section 223 of this title; and

“(B) each designated major subprogram of such program elements.

“(2) The Director shall establish an acquisition baseline required by paragraph (1) before the date on which the program element or major subprogram enters—

“(A) engineering and manufacturing development (or its equivalent); and

“(B) production and deployment.

“(3) Except as provided by subsection (d), the Director may not adjust or revise an acquisition baseline established under this section.

“(b) **ELEMENTS OF BASELINES.**—Each acquisition baseline required by subsection (a) for a program element or major subprogram shall include the following:

“(1) A comprehensive schedule, including—

“(A) research and development milestones;

“(B) acquisition milestones, including design reviews and key decision points;

“(C) key test events, including ground and flight tests and ballistic missile defense system tests;

“(D) delivery and fielding schedules;

“(E) quantities of assets planned for acquisition and delivery in total and by fiscal year; and

“(F) planned contract award dates.

“(2) A detailed technical description of—

“(A) the capability to be developed, including hardware and software;

“(B) system requirements, including performance requirements;

“(C) how the proposed capability satisfies a capability identified by the commanders of the combatant commands on a prioritized capabilities list;

“(D) key knowledge points that must be achieved to permit continuation of the program and to inform production and deployment decisions; and

“(E) how the Director plans to improve the capability over time.

“(3) A cost estimate, including—

“(A) a life-cycle cost estimate that separately identifies the costs regarding research and development, procurement, military construction, operations and sustainment, and disposal;

“(B) program acquisition unit costs for the program element;

“(C) average procurement unit costs and program acquisition costs for the program element; and

“(D) an identification of when the document regarding the program joint cost analysis requirements description is scheduled to be approved.

“(4) A test baseline summarizing the comprehensive test program for the program element or major subprogram outlined in the integrated master test plan.

“(c) **ANNUAL REPORTS ON ACQUISITION BASELINES.**—(1) Not later than February 15 of each year, the Director shall submit to the congressional defense committees a report on the acquisition baselines required by subsection (a).

“(2)(A) The first report under paragraph (1) shall set forth each acquisition baseline required by subsection (a) for a program element or major subprogram.

“(B) Each subsequent report under paragraph (1) shall include—

“(i) any new acquisition baselines required by subsection (a) for a program element or major subprogram; and

“(ii) with respect to an acquisition baseline that was previously included in a report under paragraph (1), an identification of any changes or variances made to the elements described in subsection (b) for such acquisition baseline, as compared to—

“(I) the initial acquisition baseline for such program element or major subprogram; and

“(II) the acquisition baseline for such program element or major subprogram that was submitted in the report during the previous year.

“(3) Each report under this subsection shall be submitted in unclassified form, but may include a classified annex.

“(d) **EXCEPTION TO LIMITATION ON REVISION.**—The Director may adjust or revise an acquisition baseline established under this section if the Director submits to the congressional defense committees notification of—

“(1) a justification for such adjustment or revision;

“(2) the specific adjustments or revisions made to the acquisition baseline, including

to the elements described in subsection (b); and

“(3) the effective date of the adjusted or revised acquisition baseline.”.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

“225. Acquisition accountability reports on the ballistic missile defense system.”.

(b) CONFORMING AMENDMENTS.—

(1) FISCAL YEAR 2011 NDAA.—Section 225 of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (Public Law 111-383; 124 Stat. 4170; 10 U.S.C. 223 note) is repealed.

(2) FISCAL YEAR 2008 NDAA.—Section 223 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110-181; 122 Stat. 39; 10 U.S.C. 223 note) is amended by striking subsection (g).

(3) FISCAL YEAR 2003 NDAA.—Section 221 of the Bob Stump National Defense Authorization Act for Fiscal Year 2003 (Public Law 107-314; 116 Stat. 2484; 10 U.S.C. 2431 note) is repealed.

**SEC. 232. COMPTROLLER GENERAL REVIEW AND ASSESSMENT OF MISSILE DEFENSE ACQUISITION PROGRAMS.**

(a) COMPTROLLER GENERAL ASSESSMENT.—

(1) IN GENERAL.—The Comptroller General of the United States shall review the annual reports submitted under section 225(c) of title 10, United States Code, as added by section 231 of this Act, that cover any of fiscal years 2012 through 2015 and assess the extent to which the Missile Defense Agency has achieved its acquisition goals and objectives.

(2) REPORTS.—Not later than March 15, 2013, and each year thereafter through 2016, the Comptroller General shall submit to the congressional defense committees a report on the assessment under paragraph (1) with respect to the acquisition baselines for the preceding fiscal year. Each report shall include any findings and recommendations on missile defense acquisition programs and accountability therefore that the Comptroller General considers appropriate.

(b) ANNUAL REPORTS ON MISSILE DEFENSE EXECUTIVE BOARD ACTIVITIES.—In each of the first three reports submitted under section 225(c) of title 10, United States Code, as added by section 231 of this Act, the Director shall include a description of the activities of the Missile Defense Executive Board during the fiscal year preceding the date of the report, including the following:

(1) A list of each meeting of the Board during such year.

(2) The agenda and issues considered at each such meeting.

(3) A description of any decisions or recommendations made by the Board at each such meeting.

(c) REPEAL OF SUPERSEDED REPORTING AUTHORITY.—Section 232 of the National Defense Authorization Act for Fiscal Year 2002 (Public Law 107-107; 115 Stat. 1037; 10 U.S.C. 2431 note) is amended by striking subsection (g).

**SEC. 233. HOMELAND DEFENSE HEDGING POLICY AND STRATEGY.**

(a) REPORT REQUIRED.—In light of the homeland missile defense hedging policy and strategy framework described in the Ballistic Missile Defense Review of 2010, not later than 75 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report on the results of the missile defense hedging strategy review for the protection of the homeland of the United States.

(b) ELEMENTS.—The report under subsection (a) shall include the following:

(1) A description of the findings and conclusions of the strategy review.

(2) A description of the hedging alternatives and capabilities considered by the Secretary.

(3) A summary of the analyses conducted, including the criteria used to assess the alternatives and capabilities described in paragraph (2).

(4) A detailed description of the plans, programs, and the budget profile for implementing the strategy through the future years defense program submitted to Congress under section 221 of title 10, United States Code, with the budget of the President for fiscal year 2013.

(5) The criteria to be used in determining whether and when each item contained in the strategy should be implemented and the schedule and budget profile required to implement each item.

(6) A discussion of the feasibility and advisability of deploying a missile defense site on the East Coast of the United States.

(7) Any other information the Secretary considers necessary.

(c) FORM.—The report under subsection (a) shall be submitted in unclassified form, but may include a classified annex.

**SEC. 234. GROUND-BASED MIDCOURSE DEFENSE PROGRAM.**

(a) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) it is essential for the ground-based midcourse defense element of the ballistic missile defense system to achieve the levels of reliability, availability, sustainability, and operational performance that will allow it to continue providing protection of the United States homeland, throughout its operational service life, against limited ballistic missile attack (whether accidental, unauthorized, or deliberate);

(2) the Missile Defense Agency should, as its highest priority, determine the root cause of the December 2010 flight-test failure of the ground-based midcourse defense system, design a correction of the problem causing the flight-test failure, and verify through extensive testing that such correction is effective and will allow the ground-based midcourse defense system to reach levels described in paragraph (1);

(3) after the Missile Defense Agency has verified the correction of the problem causing the December 2010 flight-test failure, including through the two previously unplanned verification flight tests, the Agency should assess the need for any additional ground-based interceptors and any additional steps needed for the ground-based midcourse defense testing and sustainment program; and

(4) the Department of Defense should plan for and budget sufficient future funds for the ground-based midcourse defense program to ensure the ability to complete and verify an effective correction of the problem causing the December 2010 flight-test failure, to mitigate the effects of corrective actions on previously planned program work that is deferred as a result of such corrective actions, and to enhance the program over time.

(b) REPORTS.—

(1) REPORTS REQUIRED.—Not later than 90 days after the date of the enactment of this Act, and one year thereafter, the Secretary of Defense shall submit to the congressional defense committees a report describing the plan of the Department of Defense to correct the problem causing the December 2010 flight-test failure of the ground-based mid-

course defense system, and any progress toward the achievement of that plan.

(2) ELEMENTS.—Each report required by paragraph (1) shall include the following:

(A) A detailed discussion of the plan to correct the problem described in that paragraph, including plans for diagnostic, design, testing, and manufacturing actions.

(B) A detailed discussion of any results obtained from the plan described in subparagraph (A) as of the date of such report, including diagnostic, design, testing, or manufacturing results.

(C) A description of any cost or schedule impact of the plan on the ground-based midcourse defense program, including on testing, production, refurbishment, or deferred work.

(D) A description of any planned adjustments to the ground-based midcourse defense program as a result of the implementation of the plan, including future programmatic, schedule, testing, or funding adjustments.

(E) A description of any enhancements to the capability of the ground-based midcourse defense system achieved or planned since the submittal of the budget for fiscal year 2010 pursuant to section 1105 of title 31, United States Code.

(3) FORM.—Each report required by paragraph (1) shall be in unclassified form, but may include a classified annex.

**SEC. 235. LIMITATION ON AVAILABILITY OF FUNDS FOR THE MEDIUM EXTENDED AIR DEFENSE SYSTEM.**

(a) LIMITATION.—Of the funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2012 for the medium extended air defense system program, not more than 25 percent may be obligated or expended until the date on which the Secretary of Defense submits to the congressional defense committees a plan to use such funds as final obligations under such program for either—

(1) implementing a restructured program of reduced scope; or

(2) contract termination liability costs with respect to the contracts covering the program.

(b) ELEMENTS.—The plan under subsection (a) shall include the following:

(1) The plan of the Secretary for using funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2012 for the medium extended air defense system program for the purposes described in paragraph (1) or (2) of subsection (a).

(2) An explanation of the amount of the total cost for which the United States would be liable with respect to either—

(A) restructuring the program as described in such paragraph (1); or

(B) terminating the contracts covering the program, either unilaterally or multilaterally, as described in such paragraph (2).

(3) An explanation of the terms of any agreement with Germany or Italy (or both) with respect to program restructuring or contract termination.

(4) A description of the program schedule and specific elements of a restructured program to develop, test, and evaluate technologies for possible incorporation into future air and missile defense architectures of the United States.

(5) A description of the specific technologies identified by the Secretary for possible incorporation into future air and missile defense architectures of the United States.

(6) A description of how the Secretary plans to address the future air and missile



defense requirements of the Department of Defense in the absence of a fielded medium extended air defense system capability, including a summary of activities, the cost estimate, and the funding profile necessary to sustain and upgrade the Patriot air and missile defense system.

(c) **REPORT REQUIRED.**—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report providing a detailed description of the efforts the Secretary has made with Germany and Italy, including any involvement by the Secretary of State, to agree on ways to minimize the costs to each nation of implementing a restructured program or of unilateral or multilateral contract termination.

**SEC. 236. SENSE OF CONGRESS REGARDING BALLISTIC MISSILE DEFENSE TRAINING.**

It is the sense of Congress that—

(1) progress has been made in improving the integration of ballistic missile defense training across and between combatant commands and military services and identifying the training requirements, capabilities, and resources that the Department of Defense needs for this complex mission that is vital to the protection of the United States and its deployed forces and allies against ballistic missile attacks;

(2) it is important to continue effective and integrated missile defense training to improve the capabilities of the ballistic missile defense system and its elements; and

(3) the Department of Defense should continue to identify the capabilities and resources needed to effectively and adequately integrate training across and between the combatant commands and military services and should continue efforts to improve such training.

**Subtitle D—Reports**

**SEC. 241. EXTENSION OF REQUIREMENTS FOR BIENNIAL ROADMAP AND ANNUAL REVIEW AND CERTIFICATION ON FUNDING FOR DEVELOPMENT OF HYPERSONICS.**

Section 218(e)(3) of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109-364; 120 Stat. 2126; 10 U.S.C. 2358 note) is amended by striking “2012” and inserting “2016”.

**SEC. 242. REPORT AND COST ASSESSMENT OF OPTIONS FOR OHIO-CLASS REPLACEMENT BALLISTIC MISSILE SUBMARINE.**

(a) **REPORT REQUIRED.**—Not later than 180 days after the date of the enactment of this Act, the Secretary of the Navy and the Commander of the United States Strategic Command shall jointly submit to the congressional defense committees a report on each of the options described in subsection (b) to replace the Ohio-class ballistic submarine program. The report shall include the following:

(1) An assessment of the procurement cost and total life-cycle costs associated with each option.

(2) An assessment of the ability for each option to meet—

(A) the at-sea requirements of the Commander that are in place as of the date of the enactment of this Act; and

(B) any expected changes in such requirements.

(3) An assessment of the ability for each option to meet—

(A) the nuclear employment and planning guidance in place as of the date of the enactment of this Act; and

(B) any expected changes in such guidance.

(4) A description of the postulated threat and strategic environment used to inform

the selection of a final option and how each option provides flexibility for responding to changes in the threat and strategic environment.

(b) **OPTIONS CONSIDERED.**—The options described in this subsection to replace the Ohio-class ballistic submarine program are as follows:

(1) A fleet of 12 submarines with 16 missile tubes each.

(2) A fleet of 10 submarines with 20 missile tubes each.

(3) A fleet of 10 submarines with 16 missile tubes each.

(4) A fleet of eight submarines with 20 missile tubes each.

(5) Any other options the Secretary and the Commander consider appropriate.

(c) **FORM.**—The report required under subsection (a) shall be submitted in unclassified form, but may include a classified annex.

**SEC. 243. REPORT ON THE ELECTROMAGNETIC RAIL GUN SYSTEM.**

(a) **REPORT.**—Not later than 180 days after the date of the enactment of this Act, the Secretary of the Navy shall submit to the congressional defense committees a report on the development, future deployment, and operational challenges of the electromagnetic rail gun system of the Navy.

(b) **ELEMENTS.**—The report required by subsection (a) shall include the following:

(1) An assessment of the various operational problem sets the electromagnetic rail gun system might be used against, including—

(A) naval surface fire support;

(B) anti-surface warfare, including small-boat threats;

(C) cruise missile, ballistic missile, and anti-aircraft defense; and

(D) other missions as defined by the Secretary.

(2) An analysis of the technical challenges in developing the electromagnetic rail gun system, including—

(A) power generation and storage to achieve desired firing rates and ranges;

(B) projectile development;

(C) launcher/bore design and lifetime; and

(D) ship integration challenges.

(3) An identification of existing supporting research programs being executed outside of the Navy that support the development of the electromagnetic rail gun system, as well as opportunities where collaborative research between the Navy and other research components could accelerate development.

(4) An assessment of possible deployment configurations, including—

(A) for ship-based applications, an identification of candidate ships for initial integration;

(B) for land-based applications, an identification of possible mission sets and locations for early prototyping opportunities; and

(C) other alternative approaches for rapid prototyping.

(5) With respect to the information provided by the Secretary of the Navy under paragraphs (1) through (4), the opinions of the Secretary of the Army, the Commandant of the Marine Corps, the Assistant Secretary of Defense for Research and Engineering, the Director of the Missile Defense Agency, and the Director of the Defense Advanced Research Projects Agency.

(c) **INTERIM UPDATE.**—Not later than 90 days after the date of the enactment of this Act, the Chief of Naval Research shall provide an update briefing to the congressional defense committees.

(d) **FORM.**—The report required by paragraph (a) shall be submitted in unclassified form, but may include a classified annex.

**SEC. 244. ANNUAL COMPTROLLER GENERAL REPORT ON THE KC-46A AIRCRAFT ACQUISITION PROGRAM.**

(a) **ANNUAL GAO REVIEW.**—During the period beginning on the date of the enactment of this Act and ending on March 1, 2017, the Comptroller General of the United States shall conduct an annual review of the KC-46A aircraft acquisition program.

(b) **ANNUAL REPORTS.**—

(1) **IN GENERAL.**—Not later than March 1 of each year beginning in 2012 and ending in 2017, the Comptroller General shall submit to the congressional defense committees a report on the review of the KC-46A aircraft acquisition program conducted under subsection (a).

(2) **MATTERS TO BE INCLUDED.**—Each report on the review of the KC-46A aircraft acquisition program shall include the following:

(A) The extent to which the program is meeting engineering, manufacturing, development, and procurement cost, schedule, performance, and risk mitigation goals.

(B) With respect to meeting the desired initial operational capability and full operational capability dates for the KC-46A aircraft, the progress and results of—

(i) developmental and operational testing of the aircraft; and

(ii) plans for correcting deficiencies in aircraft performance, operational effectiveness, reliability, suitability, and safety.

(C) An assessment of KC-46A aircraft procurement plans, production results, and efforts to improve manufacturing efficiency and supplier performance.

(D) An assessment of the acquisition strategy of the KC-46A aircraft, including whether such strategy is in compliance with acquisition management best-practices and the acquisition policy and regulations of the Department of Defense.

(E) A risk assessment of the integrated master schedule and the test and evaluation master plan of the KC-46A aircraft as it relates to—

(i) the probability of success;

(ii) the funding required for such aircraft compared with the funding budgeted; and

(iii) development and production concurrency.

(3) **ADDITIONAL INFORMATION.**—In submitting to the congressional defense committees the first report under paragraph (1) and a report following any changes made by the Secretary of the Air Force to the baseline documentation of the KC-46A aircraft acquisition program, the Comptroller General shall include, with respect to such program, an assessment of the sufficiency and objectivity of—

(A) the integrated baseline review document;

(B) the initial capabilities document;

(C) the capabilities development document; and

(D) the systems requirement document.

**SEC. 245. INDEPENDENT REVIEW AND ASSESSMENT OF CRYPTOGRAPHIC MODERNIZATION PROGRAM.**

(a) **INDEPENDENT REVIEW AND ASSESSMENT.**—Not later than 30 days after the date of the enactment of this Act, the Secretary of Defense shall select an appropriate entity outside the Department of Defense to conduct an independent review and assessment of the cryptographic modernization program of the Department of Defense.

(b) **ELEMENTS.**—The review and assessment required by subsection (a) shall include the following:

(1) For each military department and appropriate defense agency, an analysis of the adequacy of the program management structure for executing the cryptographic modernization program, including resources, personnel, requirements generation, and business process metrics.

(2) A description of the acquisition model for each military department and appropriate defense agency, including how the acquisition strategies of programs of record are synchronized with the needs of the cryptographic modernization program.

(3) An analysis of the current funding mechanism, the Information System Security Program, to provide adequate and stable funding to meet cryptographic modernization needs.

(4) An analysis of the ability of the program to deliver capabilities to the user community while complying with the budget and schedule for the program, including the programmatic risks that negatively affect such compliance.

(c) **REPORT.**—

(1) **REPORT REQUIRED.**—Not later than 120 days after the date of the enactment of this Act, the entity conducting the review and assessment under subsection (a) shall submit to the Secretary and the congressional defense committees a report containing—

(A) the results of the review and assessment; and

(B) recommendations for improving the management of the cryptographic modernization program.

(2) **ADDITIONAL EVALUATION REQUIRED.**—Not later than 30 days after the date on which the congressional defense committees receive the report required by paragraph (1), the Secretary shall submit to such committees an evaluation by the Secretary of the findings and recommendations contained in such report.

(3) **FORM.**—The report required by paragraph (1) shall be submitted in unclassified form, but may include a classified annex.

**SEC. 246. REPORT ON INCREASED BUDGET ITEMS.**

(a) **REPORT.**—

(1) **IN GENERAL.**—The Secretary of Defense shall submit to the congressional defense committees a report describing the contract award process for each contract described in subsection (b) for which the Secretary will obligate funds authorized for a program element described in subsection (c). In the case of funds that are not yet obligated for any such contract by the end of fiscal year 2012, the Secretary shall describe the process planned for the award of such a contract.

(2) **SUBMISSION.**—The Secretary shall submit the report required by paragraph (1) not later than December 31, 2012.

(b) **CONTRACT DESCRIBED.**—For purposes of subsection (a), a contract described in this subsection is a contract awarded using procedures other than competitive procedures pursuant to the exceptions set forth in section 2304(c) of title 10, United States Code, or any other exceptions provided in law or regulation.

(c) **PROGRAM ELEMENT DESCRIBED.**—(1) For purposes of subsection (a), a program element described in this subsection is a program element funded—

(A) with amounts authorized to be appropriated by section 201; and

(B) in a total amount that is more than the amount requested for such program element by the President in the budget submitted to Congress under section 1105 of title 31, United States Code, for fiscal year 2012.

(2) For purposes of paragraph (1)(B), the total amount referred to in such paragraph

does not include funds transferred into such program element that were included elsewhere in the budget referred to in such paragraph.

**Subtitle E—Other Matters**

**SEC. 251. REPEAL OF REQUIREMENT FOR TECHNOLOGY TRANSITION INITIATIVE.**

(a) **IN GENERAL.**—

(1) **REPEAL.**—Section 2359a of title 10, United States Code, is repealed.

(2) **CLERICAL AMENDMENT.**—The table of sections at the beginning of chapter 139 of such title is amended by striking the item relating to section 2359a.

(b) **EFFECTIVE DATE.**—The amendments made by subsection (a) shall take effect on October 1, 2013.

**SEC. 252. CONTRACTOR COST-SHARING IN PILOT PROGRAM TO INCLUDE TECHNOLOGY PROTECTION FEATURES DURING RESEARCH AND DEVELOPMENT OF CERTAIN DEFENSE SYSTEMS.**

Section 243 of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (Public Law 111-383; 124 Stat. 4178; 10 U.S.C. 2358 note) is amended—

(1) by redesignating subsections (b), (c), and (d) as subsections (c), (d), and (e), respectively; and

(2) by inserting after subsection (a) the following new subsection (b):

“(b) **COST-SHARING.**—Any contract for the design or development of a system resulting from activities under subsection (a) for the purpose of enhancing or enabling the exportability of the system either—

“(1) for the development of program protection strategies for the system; or

“(2) for the design and incorporation of exportability features into the system,

shall include a cost-sharing provision that requires the contractor to bear at least one-half of the cost of such activities.”.

**SEC. 253. EXTENSION OF AUTHORITY FOR MECHANISMS TO PROVIDE FUNDS FOR DEFENSE LABORATORIES FOR RESEARCH AND DEVELOPMENT OF TECHNOLOGIES FOR MILITARY MIS- SIONS.**

Section 219(c) of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (10 U.S.C. 2358 note) is amended by striking “October 1, 2013” and inserting “September 30, 2016”.

**SEC. 254. NATIONAL DEFENSE EDUCATION PROGRAM.**

If the total amount authorized to be appropriated by this Act for the National Defense Education Program for fiscal year 2012 is less than the amount requested by the President for such program in the budget submitted to Congress under section 1105 of title 31, United States Code, for such fiscal year, the Secretary of Defense may not derive the difference between such amounts from the K-12 component of such program.

**SEC. 255. LABORATORY FACILITIES, HANOVER, NEW HAMPSHIRE.**

(a) **ACQUISITION.**—

(1) **IN GENERAL.**—Subject to paragraph (3), the Secretary of the Army (referred to in this section as the “Secretary”) may acquire any real property and associated real property interests in the vicinity of Hanover, New Hampshire, described in paragraph (2) as may be needed for the Engineer Research and Development Center laboratory facilities at the Cold Regions Research and Engineering Laboratory.

(2) **DESCRIPTION OF REAL PROPERTY.**—The real property described in this paragraph is the real property to be acquired under paragraph (1)—

(A) consisting of approximately 18.5 acres, identified as Tracts 101-1 and 101-2, together with all necessary easements located entirely within the Town of Hanover, New Hampshire; and

(B) generally bounded—

(i) to the east by state route 10-Lyme Road;

(ii) to the north by the vacant property of the Trustees of Dartmouth College;

(iii) to the south by Fletcher Circle graduate student housing owned by the Trustees of Dartmouth College; and

(iv) to the west by approximately 9 acres of real property acquired in fee through condemnation in 1981 by the Secretary.

(3) **AMOUNT PAID FOR PROPERTY.**—The Secretary shall pay not more than fair market value for any real property and associated real property interest acquired under this subsection.

(b) **REVOLVING FUND.**—The Secretary—

(1) through the Plant Replacement and Improvement Program of the Secretary, may use amounts in the revolving fund established by section 101 of the Civil Functions Appropriations Act, 1954 (33 U.S.C. 576) to acquire the real property and associated real property interests described in subsection (a); and

(2) shall ensure that the revolving fund is appropriately reimbursed from the benefiting appropriations.

(c) **RIGHT OF FIRST REFUSAL.**—

(1) **IN GENERAL.**—The Secretary may provide the seller of any real property and associated property interests identified in subsection (a) a right of first refusal—

(A) a right of first refusal to acquire the property, or any portion of the property, in the event the property or portion is no longer needed by the Department of the Army; and

(B) a right of first refusal to acquire any real property or associated real property interests acquired by condemnation in Civil Action No. 81-360-L, in the event the property, or any portion of the property, is no longer needed by the Department of the Army.

(2) **NATURE OF RIGHT.**—A right of first refusal provided to a seller under this subsection shall not inure to the benefit of any successor or assign of the seller.

(d) **CONSIDERATION; FAIR MARKET VALUE.**—The purchase of any property by a seller exercising a right of first refusal provided under subsection (c) shall be for—

(1) consideration acceptable to the Secretary; and

(2) not less than fair market value at the time at which the property becomes available for purchase.

(e) **DISPOSAL.**—The Secretary may dispose of any property or associated real property interests that are subject to the exercise of the right of first refusal under this section.

(f) **NO EFFECT ON COMPLIANCE WITH ENVIRONMENTAL LAWS.**—Nothing in this section affects or limits the application of or obligation to comply with any environmental law, including section 120(h) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9620(h)).

**SEC. 256. SENSE OF CONGRESS ON ACTIVE MATRIX ORGANIC LIGHT EMITTING DIODE TECHNOLOGY.**

It is the sense of Congress that—

(1) active matrix organic light emitting diode (in this section referred to as “OLED”) technology displays have the potential to reduce the size, weight, and energy consumption of both dismounted and mounted systems of the Armed Forces;

(2) the United States has a limited OLED manufacturing industry;

(3) to ensure a reliable domestic source of OLED displays, the Secretary of Defense can use existing programs, including the ManTech program, to support the reduction of the costs and risks related to OLED manufacturing technologies; and

(4) the reduction of such costs and risks of OLED manufacturing has the potential to enable the affordable production and sustainment of future weapon systems, as well as the affordable transition of new technologies that can enhance capabilities of current force systems.

### TITLE III—OPERATION AND MAINTENANCE

#### Subtitle A—Authorization of Appropriations

Sec. 301. Operation and maintenance funding.

#### Subtitle B—Energy and Environmental Provisions

Sec. 311. Designation of senior official of Joint Chiefs of Staff for operational energy plans and programs and operational energy budget certification.

Sec. 312. Improved Sikes Act coverage of State-owned facilities used for the national defense.

Sec. 313. Discharge of wastes at sea generated by ships of the Armed Forces.

Sec. 314. Modification to the responsibilities of the Assistant Secretary of Defense for Operational Energy, Plans, and Programs.

Sec. 315. Energy-efficient technologies in contracts for logistics support of contingency operations.

Sec. 316. Health assessment reports required when waste is disposed of in open-air burn pits.

Sec. 317. Streamlined annual report on defense environmental programs.

Sec. 318. Payment to Environmental Protection Agency of stipulated penalties in connection with Jackson Park Housing Complex, Washington.

Sec. 319. Requirements relating to Agency for Toxic Substances and Disease Registry investigation of exposure to drinking water contamination at Camp Lejeune, North Carolina.

Sec. 320. Fire suppression agents.

#### Subtitle C—Logistics and Sustainment

Sec. 321. Definition of depot-level maintenance and repair.

Sec. 322. Designation of military arsenal facilities as Centers of Industrial and Technical Excellence.

Sec. 323. Permanent and expanded authority for Army industrial facilities to enter into certain cooperative arrangements with non-Army entities.

Sec. 324. Implementation of corrective actions resulting from corrosion study of the F-22 and F-35 aircraft.

Sec. 325. Modification of requirements relating to minimum capital investment for certain depots.

Sec. 326. Reports on depot-related activities.

Sec. 327. Core depot-level maintenance and repair capabilities.

#### Subtitle D—Readiness

Sec. 331. Modification of Department of Defense authority to accept voluntary contributions of funds.

Sec. 332. Review of proposed structures affecting navigable airspace.

#### Subtitle E—Reports

Sec. 341. Annual certification and modifications of annual report on prepositioned materiel and equipment.

Sec. 342. Additional matters for inclusion in and modified deadline for the annual report on operational energy.

Sec. 343. Study on Air Force test and training range infrastructure.

Sec. 344. Study on training range infrastructure for special operations forces.

Sec. 345. Guidance to establish non-tactical wheeled vehicle and equipment service life extension programs to achieve cost savings.

Sec. 346. Study on United States force posture in the United States Pacific Command area of responsibility.

Sec. 347. Study on overseas basing presence of United States forces.

Sec. 348. Inclusion of assessment of joint military training and force allocations in quadrennial defense review and national military strategy.

Sec. 349. Modification of report on procurement of military working dogs.

#### Subtitle F—Limitations and Extension of Authority

Sec. 351. Adoption of military working dog by family of deceased or seriously wounded member of the Armed Forces who was the dog's handler.

Sec. 352. Prohibition on expansion of the Air Force food transformation initiative.

Sec. 353. Designation and limitation on obligation and expenditure of funds for the migration of Army enterprise email services.

Sec. 354. One-year extension of pilot program for availability of working-capital funds to Army for certain product improvements.

#### Subtitle G—Other Matters

Sec. 361. Commercial sale of small arms ammunition and small arms ammunition components in excess of military requirements, and fired cartridge cases.

Sec. 362. Comptroller General review of space-available travel on military aircraft.

Sec. 363. Authority to provide information for maritime safety of forces and hydrographic support.

Sec. 364. Deposit of reimbursed funds under reciprocal fire protection agreements.

Sec. 365. Clarification of the airlift service definitions relative to the Civil Reserve Air Fleet.

Sec. 366. Ratemaking procedures for Civil Reserve Air Fleet contracts.

Sec. 367. Policy on Active Shooter Training for certain law enforcement personnel.

Sec. 368. Procurement of tents or other temporary structures.

#### Subtitle A—Authorization of Appropriations

#### SEC. 301. OPERATION AND MAINTENANCE FUNDING.

Funds are hereby authorized to be appropriated for fiscal year 2012 for the use of the Armed Forces and other activities and agen-

cies of the Department of Defense for expenses, not otherwise provided for, for operation and maintenance, as specified in the funding table in section 4301.

#### Subtitle B—Energy and Environmental Provisions

#### SEC. 311. DESIGNATION OF SENIOR OFFICIAL OF JOINT CHIEFS OF STAFF FOR OPERATIONAL ENERGY PLANS AND PROGRAMS AND OPERATIONAL ENERGY BUDGET CERTIFICATION.

Section 138c of title 10, United States Code, is amended—

(1) in subsection (d)—

(A) by redesignating paragraphs (3) and (4) as paragraphs (4) and (5), respectively; and

(B) by inserting after paragraph (2) the following new paragraph (3):

“(3) The Chairman of the Joint Chiefs of Staff shall designate a senior official under the jurisdiction of the Chairman who shall be responsible for operational energy plans and programs for the Joint Chiefs of Staff and the Joint Staff. The official so designated shall be responsible for coordinating with the Assistant Secretary and implementing initiatives pursuant to the strategy with regard to the Joint Chiefs of Staff and the Joint Staff.”; and

(2) in subsection (e)(4), by striking “10 days” and inserting “30 days”.

#### SEC. 312. IMPROVED SIKES ACT COVERAGE OF STATE-OWNED FACILITIES USED FOR THE NATIONAL DEFENSE.

(a) IMPROVEMENTS TO ACT.—The Sikes Act (16 U.S.C. 670 et seq.) is amended as follows:

(1) DEFINITIONS.—Section 100 (16 U.S.C. 670) is amended—

(A) by redesignating paragraphs (2) and (3) as paragraphs (4) and (5), respectively; and

(B) by inserting after paragraph (1) the following new paragraphs:

“(2) STATE.—The term ‘State’ means any of the several States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, the Commonwealth of the Northern Mariana Islands, American Samoa, and the Virgin Islands.

“(3) STATE-OWNED NATIONAL GUARD INSTALLATION.—The term ‘State-owned National Guard installation’ means land owned and operated by a State when such land is used for training the National Guard pursuant to chapter 5 of title 32, United States Code, with funds provided by the Secretary of Defense or the Secretary of a military department, even though such land is not under the jurisdiction of the Department of Defense.”.

(2) FUNDING OF INTEGRATED NATURAL RESOURCES MANAGEMENT PLANS.—Section 101 (16 U.S.C. 670a) is amended—

(A) in subsection (a)(1)(B)—

(i) by inserting “(i)” before “To facilitate”; and

(ii) by adding at the end the following new clause:

“(ii) The Secretary of a military department may, subject to the availability of appropriations, develop and implement an integrated natural resources management plan for a State-owned National Guard installation. Such a plan shall be developed and implemented in coordination with the chief executive officer of the State in which the State-owned National Guard installation is located. Such a plan is deemed, for purposes of any other provision of law, to be for lands or other geographical areas owned or controlled by the Department of Defense, or designated for its use.”;

(B) in subsection (a)(2), by inserting “or State-owned National Guard installation” after “military installation” both places it appears;

(C) in subsection (a)(3)—

(i) by redesignating subparagraphs (A), (B), and (C) as clauses (i), (ii), and (iii), respectively;

(ii) by inserting “(A)” before “Consistent”;

(iii) in subparagraph (A), as designated by clause (ii) of this subparagraph, by inserting “and State-owned National Guard installations” after “military installations” the first place it appears;

(iv) in clause (i) of subparagraph (A), as redesignated by clause (i) of this subparagraph, by striking “military installations” and inserting “such installations”;

(v) in clause (ii) of subparagraph (A), as redesignated by clause (i) of this subparagraph, by inserting “on such installations” after “resources”; and

(vi) by adding at the end the following subparagraph:

“(B) In the case of a State-owned National Guard installation, such program shall be carried out in coordination with the chief executive officer of the State in which the installation is located.”;

(D) in subsection (b), by inserting “and State-owned National Guard installations” after “military installations” the first place it appears;

(E) in subparagraphs (G) and (I) of subsection (b)(1), by striking “military installation” each place it appears and inserting “installation”; and

(F) in subsection (b)(3), by inserting “, in the case of a military installation,” after “(3) may”.

(3) COOPERATIVE AGREEMENTS.—Section 103a(a) (16 U.S.C. 670c-1(a)) is amended—

(A) in paragraph (1), by striking “Department of Defense installations” and inserting “military installations and State-owned National Guard installations”; and

(B) in paragraph (2), by striking “Department of Defense installation” and inserting “military installation or State-owned National Guard installation”.

(b) SECTION AND SUBSECTION HEADINGS.—Such Act is further amended as follows:

(1) Section 101 (16 U.S.C. 670a) is amended—

(A) by inserting at the beginning the following:

**“SEC. 101. COOPERATIVE PLAN FOR CONSERVATION AND REHABILITATION.”;**

(B) by striking “SEC. 101.”;

(C) in subsection (c), by inserting “PROHIBITIONS ON SALE AND LEASE OF LANDS UNLESS EFFECTS COMPATIBLE WITH PLAN.—” after “(c)”;

(D) in subsection (d), by inserting “IMPLEMENTATION AND ENFORCEMENT OF INTEGRATED NATURAL RESOURCES MANAGEMENT PLANS.—” after “(d)”;

(E) in subsection (e)—

(i) by inserting “APPLICABILITY OF OTHER LAWS.—” after “(e)”;

(ii) by inserting a comma after “Code”.

(2) Section 102 (16 U.S.C. 670b) is amended—

(A) by inserting at the beginning the following:

**“SEC. 102. MIGRATORY GAME BIRDS; HUNTING PERMITS.”;**

(B) by striking “SEC. 102.” and inserting “(a) INTEGRATED NATURAL RESOURCES MANAGEMENT PLAN.—”; and

(C) by striking “agency.” and all that follows through “possession” and inserting “agency.”

“(b) APPLICABILITY OF OTHER LAWS.—Possession”.

(3) Section 103a (16 U.S.C. 670c-1) is further amended—

(A) by inserting at the beginning the following:

**“SEC. 103A. COOPERATIVE AND INTERAGENCY AGREEMENTS FOR LAND MANAGEMENT ON INSTALLATIONS.”;**

(B) by striking “SEC. 103A.”;

(C) in subsection (a), by inserting “AUTHORITY OF SECRETARY OF MILITARY DEPARTMENT.—” after “(a)”;

(D) in subsection (c), by inserting “AVAILABILITY OF FUNDS; AGREEMENTS UNDER OTHER LAWS.—” after “(c)”.

(4) Section 104 (16 U.S.C. 670d) is amended—

(A) by inserting at the beginning the following:

**“SEC. 104. LIABILITY FOR FUNDS; ACCOUNTING TO COMPTROLLER GENERAL.”; and**

(B) by striking “SEC. 104.”.

(5) Section 105 (16 U.S.C. 670e) is amended—

(A) by inserting at the beginning the following:

**“SEC. 105. APPLICABILITY TO OTHER LAWS; NATIONAL FOREST LANDS.”; and**

(B) by striking “SEC. 105.”.

(6) Section 108 (16 U.S.C. 670f) is amended—

(A) by inserting at the beginning the following:

**“SEC. 108. APPROPRIATIONS AND EXPENDITURES.”;**

(B) by striking “SEC. 108.”;

(C) in subsection (a), by inserting “EXPENDITURES OF COLLECTED FUNDS UNDER INTEGRATED NATURAL RESOURCES MANAGEMENT PLANS.—” after “(a)”;

(D) in subsection (b), by inserting “AUTHORIZATION OF APPROPRIATIONS TO SECRETARY OF DEFENSE.—” after “(b)”;

(E) in subsection (c), by inserting “AUTHORIZATION OF APPROPRIATIONS TO SECRETARY OF THE INTERIOR.—” after “(c)”;

(F) in subsection (d), by inserting “USE OF OTHER CONSERVATION OR REHABILITATION AUTHORITIES.—” after “(d)”.

(7) Section 201 (16 U.S.C. 670g) is amended—

(A) by inserting at the beginning the following:

**“SEC. 201. WILDLIFE, FISH, AND GAME CONSERVATION AND REHABILITATION PROGRAMS.”;**

(B) by striking “SEC. 201.”;

(C) in subsection (a), by inserting “PROGRAMS REQUIRED.—” after “(a)”;

(D) in subsection (b), by inserting “IMPLEMENTATION OF PROGRAMS.—” after “(b)”.

(8) Section 202 (16 U.S.C. 670h) is amended—

(A) by inserting at the beginning the following:

**“SEC. 202. COMPREHENSIVE PLANS FOR CONSERVATION AND REHABILITATION PROGRAMS.”;**

(B) by striking “SEC. 202.”;

(C) in subsection (a), by inserting “DEVELOPMENT OF PLANS.—” after “(a)”;

(D) in subsection (b), by inserting “CONSISTENCY WITH OVERALL LAND USE AND MANAGEMENT PLANS; HUNTING, TRAPPING, AND FISHING.—” after “(b)”;

(E) in subsection (c), by inserting “COOPERATIVE AGREEMENTS BY STATE AGENCIES FOR IMPLEMENTATION OF PROGRAMS.—” after “(c)”;

(F) in subsection (d), by inserting “STATE AGENCY AGREEMENTS NOT COOPERATIVE AGREEMENTS UNDER OTHER PROVISIONS.—” after “(d)”.

(9) Section 203 (16 U.S.C. 670i) is amended—

(A) by inserting at the beginning the following:

**“SEC. 203. PUBLIC LAND MANAGEMENT AREA STAMPS FOR HUNTING, TRAPPING, AND FISHING ON PUBLIC LANDS SUBJECT TO PROGRAMS.”;**

(B) by striking “SEC. 203.”;

(C) in subsection (a), by inserting “AGREEMENTS TO REQUIRE STAMPS.—” after “(a)”;

(D) in subsection (b)—

(i) by inserting “CONDITIONS FOR AGREEMENTS.—” after “(b)”;

(ii) by moving paragraph (3) 2 ems to the right, so that the left-hand margin aligns with that of paragraph (2).

(10) Section 204 (16 U.S.C. 670j) is amended—

(A) by inserting at the beginning the following:

**“SEC. 204. ENFORCEMENT PROVISIONS.”;**

(B) by striking “SEC. 204.”;

(C) in subsection (a), by inserting “VIOLATIONS AND PENALTIES.—” after “(a)”;

(D) in subsection (b), by inserting “ENFORCEMENT POWERS AND PROCEEDINGS.—” after “(b)”;

(E) in subsection (c), by inserting “SEIZURE AND FORFEITURE.—” after “(c)”;

(F) in subsection (d), by inserting “APPLICABILITY OF CUSTOMS LAWS.—” after “(d)”.

(11) Section 205 (16 U.S.C. 670k) is amended—

(A) by inserting at the beginning the following:

**“SEC. 205. DEFINITIONS.”; and**

(B) by striking “SEC. 205.”.

(12) Section 206 (16 U.S.C. 670l) is amended—

(A) by inserting at the beginning the following:

**“SEC. 206. STAMP REQUIREMENTS NOT APPLICABLE TO FOREST SERVICE AND BUREAU OF LAND MANAGEMENT LANDS; AUTHORIZED FEES.”; and**

(B) by striking “SEC. 206.”.

(13) Section 207 (16 U.S.C. 670m) is amended—

(A) by inserting at the beginning the following:

**“SEC. 207. INDIAN RIGHTS; STATE OR FEDERAL JURISDICTION REGULATING INDIAN RIGHTS.”; and**

(B) by striking “SEC. 207.”.

(14) Section 209 (16 U.S.C. 670o) is amended—

(A) by inserting at the beginning the following:

**“SEC. 209. AUTHORIZATION OF APPROPRIATIONS.”;**

(B) by striking “SEC. 209.”;

(C) in subsection (a), by inserting “FUNCTIONS AND RESPONSIBILITIES OF SECRETARY OF THE INTERIOR.—” after “(a)”;

(D) in subsection (b), by inserting “FUNCTIONS AND RESPONSIBILITIES OF SECRETARY OF AGRICULTURE.—” after “(b)”;

(E) in subsection (c), by inserting “USE OF OTHER CONSERVATION OR REHABILITATION AUTHORITIES.—” after “(c)”;

(F) in subsection (d), by inserting “CONTRACT AUTHORITY.—” after “(d)”.

(c) CODIFICATION OF CHANGE OF NAME.—Section 204(b) of such Act (16 U.S.C. 670j) is amended by striking “magistrate” both places it appears and inserting “magistrate judge”.

(d) REPEAL OF OBSOLETE SECTION.—Section 208 of such Act is repealed, and section 209 of such Act (16 U.S.C. 670o) is redesignated as section 208.

**SEC. 313. DISCHARGE OF WASTES AT SEA GENERATED BY SHIPS OF THE ARMED FORCES.**

(a) DISCHARGE RESTRICTIONS FOR SHIPS OF THE ARMED FORCES.—Subsection (b) of section 3 of the Act to Prevent Pollution from Ships (33 U.S.C. 1902(b)) is amended to read as follows:

“(b)(1) Except as provided in paragraph (3), this Act shall not apply to—

“(A) a ship of the Armed Forces described in paragraph (2); or

“(B) any other ship specifically excluded by the MARPOL Protocol or the Antarctic Protocol.

“(2) A ship described in this paragraph is a ship that is owned or operated by the Secretary, with respect to the Coast Guard, or by the Secretary of a military department, and that, as determined by the Secretary concerned—

“(A) has unique military design, construction, manning, or operating requirements; and

“(B) cannot fully comply with the discharge requirements of Annex V to the Convention because compliance is not technologically feasible or would impair the operations or operational capability of the ship.

“(3)(A) Notwithstanding any provision of the MARPOL Protocol, the requirements of Annex V to the Convention shall apply to all ships referred to in subsection (a) other than those described in paragraph (2).

“(B) A ship that is described in paragraph (2) shall limit the discharge into the sea of garbage as follows:

“(i) The discharge into the sea of plastics, including synthetic ropes, synthetic fishing nets, plastic garbage bags, and incinerator ashes from plastic products that may contain toxic chemicals or heavy metals, or the residues thereof, is prohibited.

“(ii) Garbage consisting of the following material may be discharged into the sea, subject to subparagraph (C):

“(I) A non-floating slurry of seawater, paper, cardboard, or food waste that is capable of passing through a screen with openings no larger than 12 millimeters in diameter.

“(II) Metal and glass that have been shredded and bagged (in compliance with clause (i)) so as to ensure negative buoyancy.

“(III) With regard to a submersible, non-plastic garbage that has been compacted and weighted to ensure negative buoyancy.

“(IV) Ash from incinerators or other thermal destruction systems not containing toxic chemicals, heavy metals, or incompletely burned plastics.

“(C)(i) Garbage described in subparagraph (B)(ii)(I) may not be discharged within 3 nautical miles of land.

“(ii) Garbage described in subclauses (II), (III), and (IV) of subparagraph (B)(ii) may not be discharged within 12 nautical miles of land.

“(D) Notwithstanding subparagraph (C), a ship described in paragraph (2) that is not equipped with garbage-processing equipment sufficient to meet the requirements of subparagraph (B)(ii) may discharge garbage that has not been processed in accordance with subparagraph (B)(ii) if such discharge occurs as far as practicable from the nearest land, but in any case not less than—

“(i) 12 nautical miles from the nearest land, in the case of food wastes and non-floating garbage, including paper products, cloth, glass, metal, bottles, crockery, and similar refuse; and

“(ii) 25 nautical miles from the nearest land, in the case of all other garbage.

“(E) This paragraph shall not apply when discharge of any garbage is necessary for the purpose of securing the safety of the ship, the health of the ship's personnel, or saving life at sea. In the event that there is such a discharge, the discharge shall be reported to the Secretary, with respect to the Coast Guard, or the Secretary concerned.

“(F) This paragraph shall not apply during time of war or a national emergency declared by the President or Congress.”

(b) CONFORMING AMENDMENTS.—Section 3(f) of the Act to Prevent Pollution from Ships (33 U.S.C. 1902(f)) is amended—

(1) in paragraph (1), by striking “Annex V to the Convention on or before the dates referred to in subsections (b)(2)(A) and (c)(1)” and inserting “subsection (b)”;

(2) in paragraph (2), by inserting “and subsection (b)(3)(B)(i) of this section” after “Annex V to the Convention”.

**SEC. 314. MODIFICATION TO THE RESPONSIBILITIES OF THE ASSISTANT SECRETARY OF DEFENSE FOR OPERATIONAL ENERGY, PLANS, AND PROGRAMS.**

(a) MODIFICATION OF RESPONSIBILITIES.—Section 138(c) of title 10, United States Code, is amended by adding at the end the following new paragraph:

“(3) The Assistant Secretary, in consultation with the heads of the military departments and the Assistant Secretary of Defense for Research and Engineering, shall—

“(A) lead the alternative fuel activities of the Department of Defense and oversee the investments of the Department in such activities;

“(B) make recommendations to the Secretary regarding the development of alternative fuels by the military departments and the Office of the Secretary of Defense;

“(C) establish guidelines and prescribe policy to streamline the investments in alternative fuel activities across the Department of Defense;

“(D) encourage collaboration with and leveraging of investments made by the Department of Energy, the Department of Agriculture, and other relevant Federal agencies to advance alternative fuel development to the benefit of the Department of Defense; and

“(E) certify the budget associated with the investment of the Department of Defense in alternative fuel activities in accordance with subsection (e)(4).”

(b) REPORTING REQUIREMENT.—Section 2925(b)(2) of title 10, United States Code, is amended—

(1) by redesignating subparagraph (E) as subparagraph (F); and

(2) by inserting after subparagraph (D) the following new subparagraph (E):

“(E) A description of the alternative fuel initiatives of the Department of Defense, including funding and expenditures by account and activity for the preceding fiscal year, including funding made available in regular defense appropriations Acts and any supplemental appropriation Acts.”

**SEC. 315. ENERGY-EFFICIENT TECHNOLOGIES IN CONTRACTS FOR LOGISTICS SUPPORT OF CONTINGENCY OPERATIONS.**

(a) ENERGY PERFORMANCE MASTER PLAN.—The energy performance master plan for the Department of Defense developed under section 2911 of title 10, United States Code, shall specifically address the application of energy-efficient or energy reduction technologies or processes meeting the requirements of subsection (b) in logistics support contracts for contingency operations. In accordance with the requirements of such section, the plan shall include goals, metrics, and incentives for achieving energy efficiency in such contracts.

(b) REQUIREMENTS FOR ENERGY TECHNOLOGIES AND PROCESSES.—Energy-efficient and energy reduction technologies or processes described in subsection (a) are technologies or processes that meet the following criteria:

(1) The technology or process achieves long-term savings for the Government by reducing overall demand for fuel and other sources of energy in contingency operations.

(2) The technology or process does not disrupt the mission, the logistics, or the core

requirements in the contingency operation concerned.

(3) The technology or process is able to integrate seamlessly into the existing infrastructure in the contingency operation concerned.

(d) REGULATIONS AND GUIDANCE.—The Under Secretary of Defense for Acquisition, Technology, and Logistics shall issue such regulations and guidance as may be needed to implement the requirements of this section and ensure that goals established pursuant to subsection (a) are met. Such regulations or guidance shall consider the lifecycle cost savings associated with the energy technology or process being offered by a vendor for defense logistics support and oblige the offeror to demonstrate the savings achieved over traditional technologies.

(e) REPORT.—The annual report required by section 2925(b) of title 10, United States Code, shall include information on the progress in the implementation of this section, including savings achieved by the Department resulting from such implementation.

(f) DEFINITIONS.—In this section:

(1) The term “defense logistics support contract” means a contract for services, or a task order under such a contract, awarded by the Department of Defense to provide logistics support during times of military mobilizations, including contingency operations, in any amount greater than the simplified acquisition threshold.

(2) The term “contingency operation” has the meaning provided in section 101(a)(13) of title 10, United States Code.

**SEC. 316. HEALTH ASSESSMENT REPORTS REQUIRED WHEN WASTE IS DISPOSED OF IN OPEN-AIR BURN PITS.**

Section 317 of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84; 123 Stat. 2250; 10 U.S.C. 2701 note) is amended—

(1) by redesignating subsection (c) as subsection (d); and

(2) by inserting after subsection (b) the following new subsection (c):

“(c) HEALTH ASSESSMENT REPORTS.—Not later than 180 days after notice is due under subsection (a)(2), the Secretary shall submit to the Committees on Armed Services of the Senate and House of Representatives a health assessment report on each open-air burn pit at a location where at least 100 personnel have been employed for 90 consecutive days or more. Each such report shall include each of the following:

“(1) An epidemiological description of the short-term and long-term health risks posed to personnel in the area where the burn pit is located because of exposure to the open-air burn pit.

“(2) A copy of the methodology used to determine the health risks described in paragraph (1).

“(3) A copy of the assessment of the operational risks and health risks when making the determination pursuant to subsection (a) that no alternative disposal method is feasible for the open-air burn pit.”

**SEC. 317. STREAMLINED ANNUAL REPORT ON DEFENSE ENVIRONMENTAL PROGRAMS.**

(a) IN GENERAL.—Chapter 160 of title 10, United States Code, is amended by adding at the end the following new section:

**“§2711. Annual report on defense environmental programs**

“(a) REPORT REQUIRED.—The Secretary of Defense shall submit to Congress each year, not later than 45 days after the date on which the President submits to Congress the

budget for a fiscal year, a report on defense environmental programs. Each report shall include:

“(1) With respect to environmental restoration activities of the Department of Defense, and for each of the military departments, the following elements:

“(A) Information on the Environmental Restoration Program, including the following:

“(i) The total number of sites in the Environmental Restoration Program.

“(ii) The number of sites in the Environmental Restoration Program that have reached the Remedy in Place Stage and the Response Complete Stage, and the change in such numbers in the preceding fiscal year.

“(iii) A statement of the amount of funds allocated by the Secretary for, and the anticipated progress in implementing, the Environmental Restoration Program during the fiscal year for which the budget is submitted.

“(iv) The Secretary’s assessment of the overall progress of the Environmental Restoration Program.

“(B) Information on the Military Munitions Restoration Program (MMRP), including the following:

“(i) The total number of sites in the MMRP.

“(ii) The number of sites that have reached the Remedy in Place Stage and the Response Complete Stage, and the change in such numbers in the preceding fiscal year.

“(iii) A statement of the amount of funds allocated by the Secretary for, and the anticipated progress in implementing, the MMRP during the fiscal year for which the budget is submitted.

“(iv) The Secretary’s assessment of the overall progress of the MMRP.

“(2) With respect to each of the major activities under the environmental quality program of the Department of Defense and for each of the military departments—

“(A) a statement of the amount expended, or proposed to be expended, during the period consisting of the four fiscal years preceding the fiscal year in which the report is submitted, the current fiscal year, the fiscal year for which the budget is submitted, and the fiscal year following the fiscal year for which the budget is submitted; and

“(B) an explanation for any significant change in such amounts during the period covered.

“(3) With respect to the environmental technology program of the Department of Defense—

“(A) a report on the progress made in achieving the objectives and goals of its environmental technology program during the preceding fiscal year and an overall trend analysis for the program covering the previous four fiscal years; and

“(B) a statement of the amount expended, or proposed to be expended, during the period consisting of the four fiscal years preceding the fiscal year in which the report is submitted, the fiscal year for which the budget is submitted, and the fiscal year following the fiscal year for which the budget is submitted.

“(b) DEFINITIONS.—For purposes of this section—

“(1) the term ‘environmental quality program’ means a program of activities relating to environmental compliance, conservation, pollution prevention, and other activities relating to environmental quality as the Secretary may designate; and

“(2) the term ‘major activities’ with respect to an environmental program means—

“(A) environmental compliance activities;

“(B) conservation activities; and

“(C) pollution prevention activities.”.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 2710 the following new item:

“2711. Annual report on defense environmental programs.”.

**SEC. 318. PAYMENT TO ENVIRONMENTAL PROTECTION AGENCY OF STIPULATED PENALTIES IN CONNECTION WITH JACKSON PARK HOUSING COMPLEX, WASHINGTON.**

(a) AUTHORITY TO TRANSFER FUNDS.—

(1) TRANSFER AMOUNT.—Using funds described in subsection (b) and notwithstanding section 2215 of title 10, United States Code, the Secretary of the Navy may transfer not more than \$45,000 to the Hazardous Substance Superfund Jackson Park Housing Complex, Washington, special account.

(2) PURPOSE OF TRANSFER.—The payment under paragraph (1) is to pay a stipulated penalty assessed by the Environmental Protection Agency on October 7, 2009, against the Jackson Park Housing Complex, Washington, for the failure by the Navy to submit a draft Final Remedial Investigation/Feasibility Study for the Jackson Park Housing Complex Operable Unit (OU-3T-JPHC) in accordance with the requirements of the Interagency Agreement (Administrative Docket No. CERCLA-10-2005-0023).

(b) SOURCE OF FUNDS.—Any payment under subsection (a) shall be made using funds authorized to be appropriated by section 301 for operation and maintenance for Environmental Restoration, Navy.

(c) USE OF FUNDS.—The amount transferred under subsection (a) shall be used by the Environmental Protection Agency to pay the penalty described under paragraph (2) of such subsection.

**SEC. 319. REQUIREMENTS RELATING TO AGENCY FOR TOXIC SUBSTANCES AND DISEASE REGISTRY INVESTIGATION OF EXPOSURE TO DRINKING WATER CONTAMINATION AT CAMP LEJEUNE, NORTH CAROLINA.**

(a) LIMITATION ON USE OF FUNDS.—None of the funds authorized to be appropriated by this Act may be used to make a final decision on or final adjudication of any claim filed regarding water contamination at Marine Corps Base Camp Lejeune unless the Agency for Toxic Substances and Disease Registry completes all epidemiological and water modeling studies relevant to such contamination that are ongoing as of June 1, 2011, and certifies the completion of all such studies in writing to the Committees on Armed Services for the Senate and the House of Representatives. This provision does not prevent the use of funds for routine administrative tasks required to maintain such claims nor does it prohibit the use of funds for matters pending in Federal court.

(b) RESOLUTION OF CERTAIN DISPUTES.—The Secretary of the Navy shall make every effort to resolve any dispute arising between the Department of the Navy and the Agency for Toxic Substances and Disease Registry that is covered by the Interagency Agreement between the Department of Health and Human Services Agency for Toxic Substances and Disease Registry and the Department of the Navy or any successor memorandum of understanding and signed agreements not later than 60 days after the date on which the dispute first arises. In the event the Secretary is unable to resolve such a dispute within 60 days, the Secretary shall submit to the congressional defense commit-

tees a report on the reasons why an agreement has not yet been reached, the actions that the Secretary plans to take to reach agreement, and the schedule for taking such actions.

(c) COORDINATION PRIOR TO RELEASING INFORMATION TO THE PUBLIC.—The Secretary of the Navy shall make every effort to coordinate with the Agency for Toxic Substances and Disease Registry on all issues pertaining to water contamination at Marine Corps Base Camp Lejeune, and other exposed pathways before releasing anything to the public.

**SEC. 320. FIRE SUPPRESSION AGENTS.**

Section 605(a) of the Clean Air Act (42 U.S.C. 7671d(a)) is amended—

(1) in paragraph (2), by striking “or” at the end;

(2) in paragraph (3), by striking the period at the end and inserting “; or”; and

(3) by adding at the end the following:

“(4) is listed as acceptable for use as a fire suppression agent for nonresidential applications in accordance with section 612(c).”.

**Subtitle C—Logistics and Sustainment**

**SEC. 321. DEFINITION OF DEPOT-LEVEL MAINTENANCE AND REPAIR.**

Section 2460 of title 10, United States Code, is amended to read as follows:

**“§ 2460. Definition of depot-level maintenance and repair**

“In this chapter, the term “depot-level maintenance and repair”—

“(1) means any action performed on material or software in the conduct of inspection, repair, overhaul, or the modification or rebuild of end-items, assemblies, subassemblies, and parts, that—

“(A) requires extensive industrial facilities, specialized tools and equipment, or uniquely experienced and trained personnel that are not available in lower echelon-level maintenance activities; and

“(B) is a function and, as such, is independent of any location or funding source and may be performed in the public or private sectors (including the performance of interim contract support or contract logistic support arrangements); and

“(2) includes—

“(A) the fabrication of parts, testing, and reclamation, as necessary;

“(B) the repair, adaptive modifications or upgrades, change events made to operational software, integration and testing; and

“(C) in the case of either hardware or software modifications or upgrades, the labor associated with the application of the modification.”.

**SEC. 322. DESIGNATION OF MILITARY ARSENAL FACILITIES AS CENTERS OF INDUSTRIAL AND TECHNICAL EXCELLENCE.**

Section 2474(a)(1) of title 10, United States Code, is amended by inserting “or military arsenal facility” after “depot-level activity”.

**SEC. 323. PERMANENT AND EXPANDED AUTHORITY FOR ARMY INDUSTRIAL FACILITIES TO ENTER INTO CERTAIN COOPERATIVE ARRANGEMENTS WITH NON-ARMY ENTITIES.**

(a) IN GENERAL.—Section 4544 of title 10, United States Code, is amended—

(1) in subsection (a), by striking the second sentence; and

(2) by striking subsection (k).

(b) REPORT.—Section 328(b)(A) of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110-181; 122 Stat. 66; 10 U.S.C. 4544 note) is amended by striking “the advisability” and all that follows through the end and inserting “the effect of the use of such authority on the rates charged by

each Army industrial facility when bidding on contracts for the Army or for a Defense agency and providing recommendations to improve the ability of each category of Army industrial facility (as defined in section 4544(j) of title 10, United States Code) to compete for such contracts.”.

**SEC. 324. IMPLEMENTATION OF CORRECTIVE ACTIONS RESULTING FROM CORROSION STUDY OF THE F-22 AND F-35 AIRCRAFT.**

(a) **IMPLEMENTATION; CONGRESSIONAL BRIEFING.**—Not later than January 31, 2012, the Under Secretary of Defense for Acquisition, Technology, and Logistics shall implement the recommended actions described in subsection (b) and provide to the congressional defense committees a briefing on the actions taken by the Under Secretary to implement such recommended actions.

(b) **RECOMMENDED ACTIONS.**—The recommended actions described in this subsection are the following four recommended actions included in the report of the Government Accountability Office report numbered GAO-11-117R and titled “Defense Management: DOD Needs to Monitor and Assess Corrective Actions Resulting from Its Corrosion Study of the F-35 Joint Strike Fighter”:

(1) The documentation of program-specific recommendations made as a result of the corrosion study described in subsection (d) with regard to the F-35 and F-22 aircraft and the establishment of a process for monitoring and assessing the effectiveness of the corrective actions taken with respect to such aircraft in response to such recommendations.

(2) The documentation of program-specific recommendations made as a result of such corrosion study with regard to the other weapon systems identified in the study, specifically the CH-53K helicopter, the Joint High Speed Vessel, the Broad Area Maritime Surveillance Unmanned Aircraft System, and the Joint Light Tactical Vehicle, and the establishment of a process for monitoring and assessing the effectiveness of the corrosion prevention and control programs implemented for such weapons systems in response to such recommendations.

(3) The documentation of Air Force-specific and Navy-specific recommendations made as a result of such corrosion study and the establishment of a process for monitoring and assessing the effectiveness of the corrective actions taken by the Air Force and the Navy in response to such recommendations.

(4) The documentation of Department of Defense-wide recommendations made as a result of such corrosion study, the implementation of any needed changes in policies and practices to improve corrosion prevention and control in new systems acquired by the Department, and the establishment of a process for monitoring and assessing the effectiveness of the corrective actions taken by the Department in response to such recommendations.

(c) **DEADLINE FOR COMPLIANCE.**—Not later than December 31, 2012, the Under Secretary of Defense for Acquisition, Technology, and Logistics, in conjunction with the directors of the F-35 and F-22 program offices, the directors of the program offices for the weapons systems referred to in subsection (b)(2), the Secretary of the Army, the Secretary of the Air Force, and the Secretary of the Navy, shall—

(1) take whatever steps necessary to comply with the recommendations documented pursuant to the required implementation under subsection (a) of the recommended actions described in subsection (b); or

(2) submit to the congressional defense committees written justification of why compliance was not feasible or achieved.

(d) **CORROSION STUDY.**—The corrosion study described in this subsection is the study required in House Report 111-166 accompanying H.R. 2647 of the 111th Congress conducted by the Office of the Director of Corrosion Policy and Oversight of the Office of the Secretary of Defense and titled “Corrosion Evaluation of the F-22 Raptor and F-35 Lightning II Joint Strike Fighter”.

**SEC. 325. MODIFICATION OF REQUIREMENTS RELATING TO MINIMUM CAPITAL INVESTMENT FOR CERTAIN DEPOTS.**

Section 2476 of title 10, United States Code, is amended—

(1) in subsection (a), by inserting “maintenance, repair, and overhaul” after “combined”;

(2) in subsection (b)—

(A) by striking “includes investment funds spent on depot infrastructure, equipment, and process improvement in direct support” and inserting “includes investment funds spent to modernize or improve the efficiency of depot facilities, equipment, work environment, or processes in direct support”; and

(B) by inserting before the period at the end the following: “, but does not include funds spent for sustainment of existing facilities, infrastructure, or equipment”.

(3) in subsection (d), by adding at the end the following new subparagraph:

“(E) A table showing the funded workload performed by each covered depot for the preceding three fiscal years and actual investment funds allocated to each depot for the period covered by the report.”; and

(4) in subsection (e)(1), by adding at the end the following new subparagraph:

“(I) Tooele Army Depot, Utah.”.

**SEC. 326. REPORTS ON DEPOT-RELATED ACTIVITIES.**

(a) **REPORT ON DEPOT-LEVEL MAINTENANCE AND RECAPITALIZATION OF CERTAIN PARTS AND EQUIPMENT.**—

(1) **IN GENERAL.**—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense in consultation with the military departments, shall submit to the congressional defense committees a report on the status of the Drawdown, Retrograde, and Reset Program for the equipment used in support of Operations New Dawn and Enduring Freedom and the status of the overall supply chain management for depot-level activities.

(2) **ELEMENTS.**—The report required under paragraph (1) shall include the following elements:

(A) An assessment of the number of backlogged parts for critical warfighter needs, an explanation of why those parts became backlogged, and an estimate of when the backlog is likely to be fully addressed.

(B) A review of critical warfighter requirements that are being impacted by a lack of supplies and parts and an explanation of steps that the Secretary plans to take to meet the demand requirements of the military departments.

(C) An assessment of the feasibility and advisability of working with outside commercial partners and Department of Defense arsenals to utilize flexible and efficient turn-key rapid production systems to meet rapidly emerging warfighter requirements.

(D) A review of plans to further consolidate the ordering and stocking of parts and supplies from the military departments at depots under the control of the Defense Logistics Agency.

(3) **FLEXIBLE AND EFFICIENT TURN-KEY RAPID PRODUCTION SYSTEMS DEFINED.**—For the pur-

poses of this subsection, flexible and efficient turn-key rapid production systems are systems that have demonstrated the capability to reduce the costs of parts, improve manufacturing efficiency, and have the following unique features:

(A) **VIRTUAL AND FLEXIBLE.**—Systems that provide for flexibility to rapidly respond to requests for low-volume or high-volume machined parts and surge demand by accessing the full capacity of small- and medium-sized manufacturing communities in the United States.

(B) **SPEED TO MARKET.**—Systems that provide for flexibility that allows rapid introduction of subassemblies for new parts and weapons systems to the warfighter.

(C) **RISK MANAGEMENT.**—Systems that provide for the electronic archiving and updating of turn-key rapid production packages to provide insurance to the Department of Defense that parts will be available if there is a supply chain disruption.

(b) **REPORT ON THE ALIGNMENT, ORGANIZATIONAL REPORTING, MILITARY COMMAND STRUCTURE, AND PERFORMANCE RATING OF AIR FORCE SYSTEM PROGRAM MANAGERS, SUSTAINMENT PROGRAM MANAGERS, AND PRODUCT SUPPORT MANAGERS AT AIR LOGISTICS CENTERS OR AIR LOGISTICS COMPLEXES.**—

(1) **REPORT REQUIRED.**—The Secretary of the Air Force shall enter into an agreement with a federally funded research and development center to submit to the congressional defense committees, not later than 180 days after the date of the enactment of this Act, a report on the alignment, organizational reporting, military command structure, and performance rating of Air Force system program managers, sustainment program managers, and product support managers at Air Logistics Centers or Air Logistics Complexes.

(2) **ELEMENTS.**—The report required under paragraph (1) shall include the following elements:

(A) Consideration of the proposed reorganization of Air Force Materiel Command announced on November 2, 2011.

(B) An assessment of how various alternatives for aligning the managers described in subsection (a) within Air Force Materiel Command would likely support and impact life cycle management, weapon system sustainment, and overall support to the warfighter.

(C) With respect to the alignment of the managers described in subsection (A), an examination of how the Air Force should be organized to best conduct life cycle management and weapon system sustainment, with any analysis of cost and savings factors subject to the consideration of overall readiness.

(D) Recommended alternatives for meeting these objectives.

(3) **COOPERATION OF SECRETARY OF AIR FORCE.**—The Secretary of the Air Force shall provide any necessary information and background materials necessary for completion of the report required under paragraph (1).

**SEC. 327. CORE DEPOT-LEVEL MAINTENANCE AND REPAIR CAPABILITIES.**

(a) **IN GENERAL.**—Section 2464 of title 10, United States Code, is amended to read as follows:

**“§ 2464. Core depot-level maintenance and repair capabilities**

“(a) **NECESSITY FOR CORE DEPOT-LEVEL MAINTENANCE AND REPAIR CAPABILITIES.**—(1) It is essential for national security that the Department of Defense maintain a core depot-level maintenance and repair capability, as defined by this title, in support of



mission-essential weapon systems or items of military equipment needed to directly support combatant command operational requirements and enable the armed forces to execute the strategic, contingency, and emergency plans prepared by the Department of Defense, as required under section 153(a) of this title.

“(2) This core depot-level maintenance and repair capability shall be Government-owned and Government-operated, including the use of Government personnel and Government-owned and Government-operated equipment and facilities, throughout the lifecycle of the weapon system or item of military equipment involved to ensure a ready and controlled source of technical competence and resources necessary to ensure effective and timely response to a mobilization, national defense contingency situations, and other emergency requirements.

“(3)(A) Except as provided in subsection (c), the Secretary of Defense shall identify and establish the core depot-level maintenance and repair capabilities and capacity required in paragraph (1).

“(B) Core depot-level maintenance and repair capabilities and capacity, including the facilities, equipment, associated logistics capabilities, technical data, and trained personnel, shall be established not later than four years after a weapon system or item of military equipment achieves initial operational capability or is fielded in support of operations.

“(4) The Secretary of Defense shall assign Government-owned and Government-operated depot-level maintenance and repair facilities of the Department of Defense sufficient workload to ensure cost efficiency and technical competence in peacetime, while preserving the ability to provide an effective and timely response to a mobilization, national defense contingency situations, and other emergency requirements.

“(b) WAIVER AUTHORITY.—(1) The Secretary of Defense may waive the requirement in subsection (a)(3) if the Secretary determines that—

“(A) the weapon system or item of military equipment is not an enduring element of the national defense strategy;

“(B) in the case of nuclear aircraft carrier refueling, fulfilling the requirement is not economically feasible; or

“(C) it is in the best interest of national security.

“(2) The Secretary of a military department may waive the requirement in subsection (a)(3) for special access programs if such a waiver is determined to be in the best interest of the United States.

“(3) The determination to waive requirements in accordance with paragraph (1) or (2) shall be documented and notification submitted to Congress with justification for the waiver within 30 days of issuance.

“(c) APPLICABILITY TO COMMERCIAL ITEMS.—(1) The requirement in subsection (a)(3) shall not apply to items determined to be commercial items.

“(2) The first time a weapon system or other item of military equipment described in subsection (a) is determined to be a commercial item for the purposes of the exception under subsection (c), the Secretary of Defense shall submit to Congress a notification of the determination, together with the justification for the determination. The justification for the determination shall include, at a minimum, the following:

“(A) The estimated percentage of commonality of parts of the version of the item that is sold or leased in the commercial mar-

ketplace and the version of the item to be purchased by the Department of Defense.

“(B) The value of any unique support and test equipment and tools needed to support the military requirements if the item were maintained by the Department of Defense.

“(C) A comparison of the estimated lifecycle depot-level maintenance and repair support costs that would be incurred by the Government if the item were maintained by the private sector with the estimated lifecycle depot-level maintenance support costs that would be incurred by the Government if the item were maintained by the Department of Defense.

“(3) In this subsection, the term ‘commercial item’ means an end-item, assembly, subassembly, or part sold or leased in substantial quantities to the general public and purchased by the Department of Defense without modification in the same form that they are sold in the commercial marketplace, or with minor modifications to meet Federal Government requirements.

“(d) LIMITATION ON CONTRACTING.—(1) Except as provided in paragraph (2), performance of workload needed to maintain a core depot-level maintenance and repair capability identified by the Secretary under subsection (a)(3) may not be contracted for performance by non-Government personnel under the procedures and requirements of Office of Management and Budget Circular A-76 or any successor administrative regulation or policy (hereinafter in this section referred to as ‘OMB Circular A-76’).

“(2) The Secretary of Defense may waive paragraph (1) in the case of any such depot-level maintenance and repair capability and provide that performance of the workload needed to maintain that capability shall be considered for conversion to contractor performance in accordance with OMB Circular A-76. Any such waiver shall be made under regulations prescribed by the Secretary and shall be based on a determination by the Secretary that Government performance of the workload is no longer required for national defense reasons. Such regulations shall include criteria for determining whether Government performance of any such workload is no longer required for national defense reasons.

“(3)(A) A waiver under paragraph (2) may not take effect until the expiration of the first period of 30 days of continuous session of Congress that begins on or after the date on which the Secretary submits a report on the waiver to the Committee on Armed Services and the Committee on Appropriations of the Senate and the Committee on Armed Services and the Committee on Appropriations of the House of Representatives.

“(B) For the purposes of subparagraph (A)—

“(i) continuity of session is broken only by an adjournment of Congress sine die; and

“(ii) the days on which either House is not in session because of an adjournment of more than three days to a day certain are excluded in the computation of any period of time in which Congress is in continuous session.

“(e) BIENNIAL CORE REPORT.—Not later than April 1 on each even-numbered year, the Secretary of Defense shall submit to Congress a report identifying, for each of the armed forces (except for the Coast Guard), for the subsequent fiscal year the following:

“(1) The core depot-level maintenance and repair capability requirements and sustaining workloads, organized by work breakdown structure, expressed in direct labor hours.

“(2) The corresponding workloads necessary to sustain core depot-level maintenance

and repair capability requirements, expressed in direct labor hours and cost.

“(3) In any case where core depot-level maintenance and repair capability requirements exceed or are expected to exceed sustaining workloads, a detailed rationale for the shortfall and a plan either to correct, or mitigate, the effects of the shortfall.

“(f) ANNUAL CORE REPORT.—In 2013 and each year thereafter, not later than 60 days after the date on which the budget of the President for a fiscal year is submitted to Congress pursuant to section 1105 of title 31, the Secretary of Defense shall submit to Congress a report identifying, for each of the armed forces (other than the Coast Guard), for the fiscal year preceding the fiscal year during which the report is submitted, each of the following:

“(1) The core depot-level maintenance and repair capability requirements identified in subsection (a)(3).

“(2) The workload required to cost-effectively support such requirements.

“(3) To the maximum extent practicable, the additional workload beyond the workloads identified under subsection (a)(4) needed to ensure that not more than 50 percent of the non-exempt depot maintenance funding is expended for performance by non-Federal governmental personnel in accordance with section 2466 of this title.

“(4) The allocation of workload for each Center of Industrial and Technical Excellence as designated in accordance with section 2474 of this title.

“(5) The depot-level maintenance and repair capital investments required to be made in order to ensure compliance with subsection (a)(3) by not later than four years after achieving initial operational capacity.

“(6) The outcome of a reassessment of continuation of a waiver granted under subsection (b).

“(g) COMPTROLLER GENERAL REVIEW.—The Comptroller General shall review each report required under subsections (e) and (f) for completeness and compliance and provide findings and recommendations to the congressional defense committees not later than 60 days after the report is submitted to Congress.”

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 146 of such title is amended by striking the item relating to section 2464 and inserting the following new item:

“2464. Core depot-level maintenance and repair capabilities.”

#### Subtitle D—Readiness

### SEC. 331. MODIFICATION OF DEPARTMENT OF DEFENSE AUTHORITY TO ACCEPT VOLUNTARY CONTRIBUTIONS OF FUNDS.

The second sentence of subsection (g) of section 358 of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (Public Law 111-383; 124 Stat. 4201; 49 U.S.C. 44718 note) is amended—

(1) by striking “shall be available” and inserting “shall remain available until expended”; and

(2) by inserting before the period at the end the following: “or to conduct studies of potential measures to mitigate such impacts”.

### SEC. 332. REVIEW OF PROPOSED STRUCTURES AFFECTING NAVIGABLE AIRSPACE.

Section 44718 of title 49, United States Code, is amended by adding at the end the following new subsection:

“(e) REVIEW OF AERONAUTICAL STUDIES.—The Administrator of the Federal Aviation Administration shall develop procedures to allow the Department of Defense and the Department of Homeland Security to review

and comment on an aeronautical study conducted pursuant to subsection (b) prior to the completion of the study.”.

#### Subtitle E—Reports

#### SEC. 341. ANNUAL CERTIFICATION AND MODIFICATIONS OF ANNUAL REPORT ON PREPOSITIONED MATERIEL AND EQUIPMENT.

(a) ANNUAL CERTIFICATION.—Section 2229 of title 10, United States Code, is amended by adding at the end the following new subsection:

“(d) ANNUAL CERTIFICATION.—(1) Not later than the date of the submission of the President’s budget request for a fiscal year under section 1105 of title 31, the Secretary of Defense shall submit to the congressional defense committees certification in writing that the prepositioned stocks of each of the military departments meet all operations plans, in both fill and readiness, that are in effect as of the date of the submission of the certification.

“(2) If, for any year, the Secretary cannot certify that any of the prepositioned stocks meet such operations plans, the Secretary shall include with the certification for that year a list of the operations plans affected, a description of any measures that have been taken to mitigate any risk associated with prepositioned stock shortfalls, and an anticipated timeframe for the replenishment of the stocks.

“(3) A certification under this subsection shall be in an unclassified form but may have a classified annex.”.

(b) ANNUAL REPORT.—Section 2229a(a) of title 10, United States Code, is amended by adding at the end the following new paragraphs:

“(7) A list of any non-standard items slated for inclusion in the prepositioned stocks and a plan for funding the inclusion and sustainment of such items.

“(8) A list of any equipment used in support of Operation Iraqi Freedom, Operation New Dawn, or Operation Enduring Freedom slated for retrograde and subsequent inclusion in the prepositioned stocks.

“(9) An efficiency strategy for limited shelf-life medical stock replacement.

“(10) The status of efforts to develop a joint strategy, integrate service requirements, and eliminate redundancies.

“(11) The operational planning assumptions used in the formulation of prepositioned stock levels and composition.

“(12) A list of any strategic plans affected by changes to the levels, composition, or locations of the prepositioned stocks and a description of any action taken to mitigate any risk that such changes may create.”.

#### SEC. 342. ADDITIONAL MATTERS FOR INCLUSION IN AND MODIFIED DEADLINE FOR THE ANNUAL REPORT ON OPERATIONAL ENERGY.

Section 2925(b)(2) of title 10, United States Code, is amended—

(1) by redesignating subparagraph (F), as redesignated by section 314, as subparagraph (G); and

(2) by inserting after subparagraph (E), as added by such section, the following new subparagraph (F):

“(F) An evaluation of practices used in contingency operations during the previous fiscal year and potential improvements to such practices to reduce vulnerabilities associated with fuel convoys, including improvements in tent and structure efficiency, improvements in generator efficiency, and displacement of liquid fuels with on-site renewable energy generation. Such evaluation should identify challenges associated with

the deployment of more efficient structures and equipment and renewable energy generation, and recommendations for overcoming such challenges.”.

#### SEC. 343. STUDY ON AIR FORCE TEST AND TRAINING RANGE INFRASTRUCTURE.

(a) STUDY.—

(1) IN GENERAL.—The Secretary of the Air Force shall conduct a study on the ability of the major air test and training range infrastructure, including major military operating area airspace and special use airspace, to support the full spectrum of Air Force operations. The Secretary shall incorporate the results of the study into a master plan for requirements and proposed investments to meet Air Force training and test needs through 2025. The study and the master plan shall be known as the “2025 Air Test and Training Range Enhancement Plan”.

(2) CONSULTATION.—The Secretary of the Air Force shall, in conducting the study required under paragraph (1), consult with the Secretaries of the other military departments to determine opportunities for joint use and training of the ranges, and to assess the requirements needed to support combined arms training on the ranges. The Secretary shall also consult with the Department of the Interior, the Department of Agriculture, the Federal Aviation Administration, the Federal Energy Regulation Commission, and the Department of Energy to assess the need for transfers of administrative control of certain parcels of airspace and land to the Department of Defense to protect the missions and control of the ranges.

(3) CONTINUATION OF RANGE INFRASTRUCTURE IMPROVEMENTS.—The Secretary of the Air Force may proceed with all ongoing and scheduled range infrastructure improvements while conducting the study required under paragraph (1).

(b) REPORTS.—

(1) IN GENERAL.—The Secretary of the Air Force shall submit to the congressional defense committees an interim report and a final report on the plan to meet the requirements under subsection (a) not later than one year and two years, respectively, after the date of the enactment of this Act.

(2) CONTENT.—The plan submitted under paragraph (1) shall—

(A) document the current condition and adequacy of the major Air Force test and training range infrastructure in the United States to meet test and training requirements;

(B) identify potential areas of concern for maintaining the physical safety, security, and current operating environment of such infrastructure;

(C) identify potential issues and threats related to the sustainability of the test and training infrastructure, including electromagnetic spectrum encroachment, overall bandwidth availability, and protection of classified information;

(D) assess coordination among ranges and local, state, regional, and Federal entities involved in land use planning, and develop recommendations on how to improve communication and coordination of such entities;

(E) propose remedies and actions to manage economic development on private lands on or surrounding the test and training infrastructure to preserve current capabilities;

(F) identify critical parcels of land not currently under the control of the Air Force for acquisition of deed or restrictive easements in order to protect current operations, access and egress corridors, and range boundaries,

or to expand the capability of the air test and training ranges;

(G) identify which parcels identified pursuant to subparagraph (F) could, through the acquisition of conservation easements, serve military interests while also preserving recreational access to public and private lands, protecting wildlife habitat, or preserving opportunities for energy development and energy transmission;

(H) prioritize improvements and modernization of the facilities, equipment, and technology supporting the infrastructure in order to provide a test and training environment that accurately simulates and or portrays the full spectrum of threats and targets of likely United States adversaries in 2025;

(I) incorporate emerging requirements generated by requirements for virtual training and new weapon systems, including the F-22, the F-35, space and cyber systems, and Remotely Piloted Aircraft;

(J) assess the value of State and local legislative initiatives to protect Air Force test and training range infrastructure;

(K) identify parcels with no value to future military operations;

(L) propose a list of prioritized projects, easements, acquisitions, or other actions, including estimated costs required to upgrade the test and training range infrastructure, taking into consideration the criteria set forth in this paragraph; and

(M) explore opportunities to increase foreign military training with United States allies at test and training ranges in the continental United States.

(3) FORM.—Each report required under this subsection shall be submitted in unclassified form, but may include a classified annex as necessary.

(4) RULE OF CONSTRUCTION.—The reports submitted under this section shall not be construed as meeting the requirements of section 2815(d) of the Military Construction Authorization Act for Fiscal Year 2000 (Public Law 106-65; 113 Stat. 852).

#### SEC. 344. STUDY ON TRAINING RANGE INFRASTRUCTURE FOR SPECIAL OPERATIONS FORCES.

(a) STUDY.—

(1) IN GENERAL.—The Commander of the United States Special Operations Command shall conduct a study on the ability of existing training ranges used by special operations forces, including military operating area airspace and special use airspace, to support the full spectrum of missions and operations assigned to special operations forces.

(2) CONSULTATION.—The Commander shall, in conducting the study required under paragraph (1), consult with the Secretaries of the military departments, the Office of the Secretary of Defense, and the Joint Staff on—

(A) procedures and priorities for joint use and training on ranges operated by the military services, and to assess the requirements needed to support combined arms training on the ranges; and

(B) requirements and proposed investments to meet special operations training requirements through 2025.

(b) REPORTS.—

(1) IN GENERAL.—Not later than one year after the date of the enactment of this Act, the Commander shall submit to the congressional defense committees a report on the plan to meet the requirements under subsection (a).

(2) CONTENT.—The study submitted under paragraph (1) shall—

(A) assess the current condition and adequacy of, and access to, all existing training

ranges in the United States used by special operations forces;

(B) identify potential areas of concern for maintaining the physical safety, security, and current operating environment of ranges used by special operations forces;

(C) identify issues and challenges related to the availability and sustainability of the existing training ranges used by special operations forces, including support of a full spectrum of operations and protection of classified missions and tactics;

(D) assess coordination among ranges and local, State, regional, and Federal entities involved in land use planning and the protection of ranges from encroachment;

(E) propose remedies and actions to ensure consistent and prioritized access to existing ranges;

(F) prioritize improvements and modernization of the facilities, equipment, and technology supporting the ranges in order to adequately simulate the full spectrum of threats and contingencies for special operations forces; and

(G) propose a list of prioritized projects, easements, acquisitions, or other actions, including estimated costs required to upgrade training range infrastructure.

(3) FORM.—Each report required under this subsection shall be submitted in unclassified form, but may include a classified annex as necessary.

**SEC. 345. GUIDANCE TO ESTABLISH NON-TACTICAL WHEELED VEHICLE AND EQUIPMENT SERVICE LIFE EXTENSION PROGRAMS TO ACHIEVE COST SAVINGS.**

Not later than 270 days after the date of the enactment of this Act, the Secretary of Defense shall conduct a survey of the quantity and condition of each class of non-tactical wheeled vehicles and base-level commercial equipment in the fleets of the military departments and report to the congressional defense committees on the advisability of establishing service life extension programs for such classes of vehicles.

**SEC. 346. STUDY ON UNITED STATES FORCE POSTURE IN THE UNITED STATES PACIFIC COMMAND AREA OF RESPONSIBILITY.**

(a) INDEPENDENT ASSESSMENT.—

(1) IN GENERAL.—The Secretary of Defense, in consultation with the Chairmen and Ranking Members of the Committees on Armed Services of the Senate and the House of Representatives, shall commission an independent assessment of United States security interests in the United States Pacific Command area of responsibility. The assessment shall be conducted by an independent, non-governmental institute which is described in section 501(c)(3) of the Internal Revenue Code of 1986 and exempt from tax under section 501(a) of such Code, and has recognized credentials and expertise in national security and military affairs with ready access to policy experts throughout the country and from the region.

(2) ELEMENTS.—The assessment conducted pursuant to paragraph (1) shall include the following elements:

(A) A review of current and emerging United States national security interests in the United States Pacific Command area of responsibility.

(B) A review of current United States military force posture and deployment plans of the United States Pacific Command.

(C) Options for the realignment of United States forces in the region to respond to new opportunities presented by allies and partners.

(D) The views of noted policy leaders and regional experts, including military commanders in the region.

(b) REPORT.—Not later than 90 days after the date of the enactment of this Act, the designated private entity shall provide an unclassified report, with a classified annex, containing its findings to the Secretary of Defense. Not later than 90 days after the date of receipt of the report, the Secretary of Defense shall transmit the report to the congressional defense committees, together with such comments on the report as the Secretary considers appropriate.

(c) AUTHORIZATION OF APPROPRIATIONS.—Of the amounts authorized to be appropriated under section 301 for operation and maintenance for Defense-wide activities, up to \$1,000,000, shall be made available for the completion of the study required under this section.

**SEC. 347. STUDY ON OVERSEAS BASING PRESENCE OF UNITED STATES FORCES.**

(a) INDEPENDENT ASSESSMENT.—The Secretary of Defense shall commission an independent assessment of the overseas basing presence of United States forces.

(b) CONDUCT OF ASSESSMENT.—The assessment required by subsection (a) may, at the election of the Secretary, be conducted by—

(1) a Federally-funded research and development center (FFRDC); or

(2) an independent, non-governmental institute which is described in section 501(c)(3) of the Internal Revenue Code of 1986 and exempt from tax under section 501(a) of such Code, and has recognized credentials and expertise in national security and military affairs appropriate for the assessment.

(c) ELEMENTS.—The assessment required by subsection (a) should include, but not be limited to, the following:

(1) An assessment of the location and number of United States forces required to be forward based outside the United States in order to meet the National Military Strategy, 2010, the quadrennial defense review, and the engagement strategies and operational plans of the combatant commands.

(2) An assessment of—

(A) the current condition and capacity of the available military facilities and training ranges of the United States overseas for all permanent stations and deployed locations, including land and improvements at such facilities and ranges and the availability of additional land, if required, for such facilities and ranges; and

(B) the cost of maintaining such infrastructure.

(3) A determination of the amounts received by the United States, whether in direct payments, in-kind contributions, or otherwise, from foreign countries by reason of military facilities of the United States overseas.

(4) A determination of the amounts paid by the United States in direct payments to foreign countries for the use of facilities, ranges, and lands.

(5) An assessment of the advisability of the retention, closure, or realignment of military facilities of the United States overseas, or of the establishment of new military facilities of the United States overseas, in light of potential fiscal constraints on the Department of Defense and emerging national security requirements in coming years.

(d) REPORT.—Not later than one year after the date of the enactment of this Act, the entity selected for the conduct of the assessment required by subsection (a) shall provide to the Secretary an unclassified report, with

a classified annex (if appropriate), containing its findings as a result of the assessment. Not later than 90 days after the date of receipt of the report, the Secretary shall transmit the report to the congressional defense committees, together with such comments on the report as the Secretary considers appropriate.

(e) FUNDING.—Of the amounts authorized to be appropriated by section 301 and available for operation and maintenance for Defense-wide activities as specified in the funding table in section 4301, up to \$2,000,000 shall be made available for the completion of the assessment required by subsection (a).

**SEC. 348. INCLUSION OF ASSESSMENT OF JOINT MILITARY TRAINING AND FORCE ALLOCATIONS IN QUADRENNIAL DEFENSE REVIEW AND NATIONAL MILITARY STRATEGY.**

The assessments of the National Military Strategy conducted by the Chairman of the Joint Chiefs of Staff under section 153(b) of this title, and the quadrennial roles and missions review pursuant to section 118b of this title, shall include an assessment of joint military training and force allocations to determine—

(1) the compliance of the military departments with the joint training, doctrine, and resource allocation recommendations promulgated by the Joint Chiefs of Staff; and

(2) the effectiveness of the Joint Staff in carrying out the missions of planning and experimentation formerly accomplished by Joint Forces Command.

**SEC. 349. MODIFICATION OF REPORT ON PROCUREMENT OF MILITARY WORKING DOGS.**

Subsection (c) of section 358 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110-417; 122 Stat. 4427; 10 U.S.C. 2302 note) is amended—

(1) in the subsection heading by striking “ANNUAL REPORT” and inserting “BIENNIAL REPORT”; and

(2) by striking “annually thereafter for each of the following five years” and inserting “biennially thereafter”; and

(3) by striking “for the fiscal year preceding” and inserting “for the two fiscal years preceding”; and

(4) by striking the second sentence; and

(5) by striking “for the fiscal year covered by the report” and inserting “for the period covered by the report”.

**Subtitle F—Limitations and Extension of Authority**

**SEC. 351. ADOPTION OF MILITARY WORKING DOG BY FAMILY OF DECEASED OR SERIOUSLY WOUNDED MEMBER OF THE ARMED FORCES WHO WAS THE DOG'S HANDLER.**

Section 2583 of title 10, United States Code, is amended—

(1) in subsection (a)(2) by inserting after “extraordinary circumstances” the following: “, including circumstances under which the handler of a military working dog is killed in action, dies of wounds received in action, or is medically retired as a result of injuries received in action,”; and

(2) in subsection (c), by adding at the end the following: “If the Secretary of the military department concerned determines that an adoption is justified under subsection (a)(2) under circumstances under which the handler of a military working dog is wounded in action, the dog may be made available for adoption only by the handler. If the Secretary of the military department concerned determines that such an adoption is justified under circumstances under which the handler of a military working dog is killed in action or dies of wounds received in action, the

military working dog shall be made available for adoption only by a parent, child, spouse, or sibling of the deceased handler.”.

**SEC. 352. PROHIBITION ON EXPANSION OF THE AIR FORCE FOOD TRANSFORMATION INITIATIVE.**

The Secretary of the Air Force may not expand the Air Force food transformation initiative (hereinafter referred to as the “initiative”) to include any base other than the six bases initially included in the pilot program until the Secretary of the Air Force submits to the Committees on Armed Services of the Senate and House of Representatives a report on the initiative. Such report shall include the following:

(1) A description of the effects of the initiative on all employees who are paid through nonappropriated funds.

(2) A description of the training programs being developed to assist the transition for all employees affected by the initiative.

(3) An explanation of how appropriated and non-appropriated funds used in the initiative are being tracked to ensure that such funds remain segregated.

(4) An estimate of the cost savings and efficiencies associated with the initiative, and an explanation of how such savings are achieved.

(5) An assessment of increases in food prices at both the appropriated facilities on the military bases participating in the initiative as of the date of the enactment of this Act and the non-appropriated funded facilities on such bases.

(6) A plan for addressing any recommendations made by the Comptroller General of the United States following the Comptroller General’s review of the initiative.

**SEC. 353. DESIGNATION AND LIMITATION ON OBLIGATION AND EXPENDITURE OF FUNDS FOR THE MIGRATION OF ARMY ENTERPRISE EMAIL SERVICES.**

(a) **DESIGNATION.**—The Secretary of the Army shall designate the effort to consolidate its enterprise email services a formal acquisition program with the Army acquisition executive as the milestone decision authority. The Secretary of the Army may not delegate the authority under this subsection.

(b) **LIMITATION.**—None of the funds authorized to be appropriated by this Act or otherwise made available to the Department of Defense for fiscal year 2012 for procurement or operation and maintenance for the migration to enterprise email services by the Department of the Army may be obligated or expended until the date that is 30 days after the date on which the Secretary of Army submits to the congressional defense committees a report on the acquisition strategy for the acquisition program designated under subsection (a), including certification that existing and planned efforts for the program comply with all existing regulations pertaining to competition. The report shall include each of the following:

(1) A description of the formal acquisition oversight body established.

(2) An assessment by the acquisition oversight body of the sufficiency and completeness of the current validated requirements and analysis of alternatives.

(3) In any instances where the validated requirements or analysis of alternatives has been determined to be insufficient, a plan for remediation.

(4) An assessment by the Army Audit Agency to determine the cost savings and cost avoidance expected from each of the alternatives to be considered.

(5) An assessment of the technical challenges to implementing the selected approach, including a security assessment.

(6) A certification by the Secretary of the Army that the selected approach for moving forward is in the best technical and financial interests of the Army and provides for the maximum amount of competition possible in accordance with section 2302(3)(D) of title 10, United States Code.

(7) A detailed accounting of the funding expended by the program as of the date of the enactment of this Act, as well as an estimate of the funding needed to complete the selected approach.

(c) **REPORT BY CHIEF INFORMATION OFFICER OF THE DEPARTMENT OF DEFENSE.**—Not later than 180 days after the date of the enactment of this Act, the Chief Information Officer of the Department of Defense shall submit to the congressional defense committees a report on Department of Defense plans for enterprise email. Such report shall include—

(1) an assessment of how the migration of the Army’s email system to the Defense Information Services Agency fits within the Department’s strategic information technology plans;

(2) a description of how the Chief Information Officer is addressing the email capabilities of the other military departments, including plans for consolidating the email services of the other military departments; and

(3) a description of the degree to which fair and open competition will be or has been used to modernize the existing infrastructure to which the Army is migrating its email services, including a roadmap detailing when elements of the architecture will be upgraded over time.

**SEC. 354. ONE-YEAR EXTENSION OF PILOT PROGRAM FOR AVAILABILITY OF WORKING-CAPITAL FUNDS TO ARMY FOR CERTAIN PRODUCT IMPROVEMENTS.**

Section 330(f) of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110-181; 122 Stat. 68) is amended by striking “October 1, 2013” and inserting “October 1, 2014”.

**Subtitle G—Other Matters**

**SEC. 361. COMMERCIAL SALE OF SMALL ARMS AMMUNITION AND SMALL ARMS AMMUNITION COMPONENTS IN EXCESS OF MILITARY REQUIREMENTS, AND FIRED CARTRIDGE CASES.**

Section 346 of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (Public Law 111-383; 124 Stat. 4191; 10 U.S.C. 2576 note) is amended to read as follows:

**“SEC. 346. COMMERCIAL SALE OF SMALL ARMS AMMUNITION AND SMALL ARMS AMMUNITION COMPONENTS IN EXCESS OF MILITARY REQUIREMENTS, AND FIRED CARTRIDGE CASES.**

“(a) **COMMERCIAL SALE OF SMALL ARMS AMMUNITION, SMALL AMMUNITION COMPONENTS, AND FIRED CARTRIDGE CASES.**—Small arms ammunition and small arms ammunition components which are in excess of military requirements, and intact fired small arms cartridge cases shall be made available for commercial sale. Such small arms ammunition, small arms ammunition components, and intact fired cartridge cases shall not be demilitarized, destroyed, or disposed of, unless in excess of commercial demands or certified by the Secretary of Defense as unserviceable or unsafe. This provision shall not apply to ammunition, ammunition components, or fired cartridge cases stored or expended outside the continental United States (OCONUS).

“(b) **DEADLINE FOR GUIDANCE.**—Not later than 90 days after the date of the enactment of the National Defense Authorization Act for Fiscal Year 2012, the Secretary of Defense shall issue guidance to ensure compliance with subsection (a). Not later than 15 days

after issuing such guidance, the Secretary shall submit to the congressional defense committees a letter of compliance providing notice of such guidance.

“(c) **PREFERENCE.**—No small arms ammunition or small arms ammunition components in excess of military requirements, or fired small arms cartridge cases may be made available for commercial sale under this section before such ammunition and ammunition components are offered for transfer or purchase, as authorized by law, to another Federal department or agency or for sale to State and local law enforcement, firefighting, homeland security, and emergency management agencies pursuant to section 2576 of title 10, United States Code, as amended by this Act.

“(d) **SALES CONTROLS.**—All small arms ammunition and small arms ammunition components, and fired small arms cartridge cases made available for commercial sale under this section shall be subject to all explosives safety and trade security controls in effect at the time of sale.

“(e) **DEFINITIONS.**—In this section:

“(1) **SMALL ARMS AMMUNITION.**—The term ‘small arms ammunition’ means ammunition or ordnance for firearms up to and including .50 caliber and for shotguns.

“(2) **SMALL ARMS AMMUNITION COMPONENTS.**—The term ‘small arms ammunition components’ means components, parts, accessories, and attachments associated with small arms ammunition.

“(3) **FIRED CARTRIDGE CASES.**—The term ‘fired cartridge cases’ means expended small arms cartridge cases (ESACC).”.

**SEC. 362. COMPTROLLER GENERAL REVIEW OF SPACE-AVAILABLE TRAVEL ON MILITARY AIRCRAFT.**

(a) **REVIEW REQUIRED.**—The Comptroller General of the United States shall conduct a review of the Department of Defense system for space-available travel. The review shall determine the capacity of the system presently and as projected in the future and shall examine the efficiency and usage of space-available travel.

(b) **ELEMENTS.**—The review required under subsection (a) shall include the following elements:

(1) A discussion of the efficiency of the system and data regarding usage of available space by category of passengers under existing regulations.

(2) Estimates of the effect on availability based on future projections.

(3) A discussion of the logistical and management problems, including congestion at terminals, waiting times, lodging availability, and personal hardships currently experienced by travelers.

(4) An evaluation of the cost of the system and whether space-available travel is and can remain cost-neutral.

(5) An evaluation of the feasibility of expanding the categories of passengers eligible for space-available travel to include—

(A) in the case of overseas travel, retired members of an active or reserve component, including retired members of reserve components, who, but for being under the eligibility age applicable to the member under section 12731 title 10, United States Code, would be eligible for retired pay under chapter 1223 of such title; and

(B) unmarried widows and widowers of active or reserve component members of the Armed Forces.

(6) Other factors relating to the efficiency and cost effectiveness of space-available travel.

**SEC. 363. AUTHORITY TO PROVIDE INFORMATION FOR MARITIME SAFETY OF FORCES AND HYDROGRAPHIC SUPPORT.**

(a) **AUTHORITY.**—Part IV of subtitle C of title 10, United States Code, is amended by adding at the end the following new chapter:

**“CHAPTER 669—MARITIME SAFETY OF FORCES**

“Sec.

“7921. Safety and effectiveness information; hydrographic information.

**“§ 7921. Safety and effectiveness information; hydrographic information**

“(a) **SAFETY AND EFFECTIVENESS INFORMATION.**—(1) The Secretary of the Navy shall maximize the safety and effectiveness of all maritime vessels, aircraft, and forces of the armed forces by means of—

“(A) marine data collection;

“(B) numerical weather and ocean prediction; and

“(C) forecasting of hazardous weather and ocean conditions.

“(2) The Secretary may extend similar support to forces of the North Atlantic Treaty Organization, and to coalition forces, that are operating with the armed forces.

“(b) **HYDROGRAPHIC INFORMATION.**—The Secretary of the Navy shall collect, process, and provide to the Director of the National Geospatial-Intelligence Agency hydrographic information to support preparation of maps, charts, books, and geodetic products by that Agency.”.

(b) **CLERICAL AMENDMENT.**—The table of chapters at the beginning of subtitle C of such title, and the table of chapters at the beginning of part IV of such subtitle, are each amended by inserting after the item relating to chapter 667 the following new item: **“669. Maritime Safety of Forces ..... 7921”.**

**SEC. 364. DEPOSIT OF REIMBURSED FUNDS UNDER RECIPROCAL FIRE PROTECTION AGREEMENTS.**

(a) **IN GENERAL.**—Subsection (b) of section 5 of the Act of May 27, 1955 (42 U.S.C. 1856d(b)) is amended to read as follows:

“(b) Notwithstanding subsection (a), all sums received as reimbursements for costs incurred by any Department of Defense activity for fire protection rendered pursuant to this Act shall be credited to the same appropriation or fund from which the expenses were paid or, if the period of availability for obligation for that appropriation has expired, to the appropriation or fund that is currently available to the activity for the same purpose. Amounts so credited shall be subject to the same provisions and restrictions as the appropriation or account to which credited.”.

(b) **APPLICABILITY.**—The amendment made by subsection (a) shall apply with respect to reimbursements for expenditures of funds appropriated after the date of the enactment of this Act.

**SEC. 365. CLARIFICATION OF THE AIRLIFT SERVICE DEFINITIONS RELATIVE TO THE CIVIL RESERVE AIR FLEET.**

(a) **CLARIFICATION.**—Section 41106 of title 49, United States Code, is amended—

(1) in subsections (a)(1), (b), and (c), by striking “transport category aircraft” each place it appears and inserting “CRAF-eligible aircraft”; and

(2) in subsection (c), by striking “that has aircraft in the civil reserve air fleet” and inserting “referred to in subsection (a)”.

(b) **CRAF-ELIGIBLE AIRCRAFT DEFINED.**—Such section is further amended by adding at the end the following new subsection:

“(e) **CRAF-ELIGIBLE AIRCRAFT DEFINED.**—In this section, ‘CRAF-eligible aircraft’ means

aircraft of a type the Secretary of Defense has determined to be eligible to participate in the civil reserve air fleet.”.

**SEC. 366. RATEMAKING PROCEDURES FOR CIVIL RESERVE AIR FLEET CONTRACTS.**

(a) **IN GENERAL.**—Chapter 931 of title 10, United States Code, is amended by inserting after section 9511 the following new section:

**“§ 9511a. Civil Reserve Air Fleet contracts: payment rate**

“(a) **AUTHORITY.**—The Secretary of Defense shall determine a fair and reasonable rate of payment for airlift services provided to the Department of Defense by air carriers who are participants in the Civil Reserve Air Fleet program.

“(b) **REGULATIONS.**—The Secretary of Defense shall prescribe regulations for purposes of subsection (a). The Secretary may exclude from the applicability of those regulations any airlift services contract made through the use of competitive procedures.

“(c) **COMMITMENT OF AIRCRAFT AS A BUSINESS FACTOR.**—The Secretary may, in determining the quantity of business to be received under an airlift services contract for which the rate of payment is determined in accordance with subsection (a), use as a factor the relative amount of airlift capability committed by each air carrier to the Civil Reserve Air Fleet.

“(d) **INAPPLICABLE PROVISIONS OF LAW.**—An airlift services contract for which the rate of payment is determined in accordance with subsection (a) shall not be subject to the provisions of section 2306a of this title or to the provisions of subsections (a) and (b) of section 1502 of title 41.”.

(b) **CLERICAL AMENDMENT.**—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 9511 the following new item:

“9511a. Civil Reserve Air Fleet contracts: payment rate.”.

(c) **INITIAL REGULATIONS.**—Regulations shall be prescribed under section 9511a(b) of title 10, United States Code, as added by subsection (a), not later than 180 days after the date of the enactment of this Act.

**SEC. 367. POLICY ON ACTIVE SHOOTER TRAINING FOR CERTAIN LAW ENFORCEMENT PERSONNEL.**

The Secretary of Defense shall establish policy and promulgate guidelines to ensure civilian and military law enforcement personnel charged with security functions on military installations shall receive Active Shooter Training as described in finding 4.3 of the document entitled “Protecting the Force: Lessons From Fort Hood”.

**SEC. 368. PROCUREMENT OF TENTS OR OTHER TEMPORARY STRUCTURES.**

(a) **IN GENERAL.**—In procuring tents or other temporary structures for use by the Armed Forces, and in establishing or maintaining an alternative source for such tents and structures, the Secretary of Defense shall award contracts that provide the best value to the United States. In determining the best value to the United States under this section, the Secretary shall consider the total life-cycle costs of such tents or structures, including the costs associated with any equipment or fuel needed to heat or cool such tents or structures.

(b) **INTERAGENCY PROCUREMENT.**—The requirements of this section shall apply to any agency or department of the United States that procures tents or other temporary structures on behalf of the Department of Defense.

**TITLE IV—MILITARY PERSONNEL AUTHORIZATIONS**

**Subtitle A—Active Forces**

Sec. 401. End strengths for active forces.

Sec. 402. Revision in permanent active duty end strength minimum levels.

**Subtitle B—Reserve Forces**

Sec. 411. End strengths for Selected Reserve.

Sec. 412. End strengths for Reserves on active duty in support of the reserves.

Sec. 413. End strengths for military technicians (dual status).

Sec. 414. Fiscal year 2012 limitation on number of non-dual status technicians.

Sec. 415. Maximum number of reserve personnel authorized to be on active duty for operational support.

Subtitle C—Authorization of Appropriations

Sec. 421. Military personnel.

**Subtitle A—Active Forces**

**SEC. 401. END STRENGTHS FOR ACTIVE FORCES.**

The Armed Forces are authorized strengths for active duty personnel as of September 30, 2012, as follows:

- (1) The Army, 562,000.
- (2) The Navy, 325,700.
- (3) The Marine Corps, 202,100.
- (4) The Air Force, 332,800.

**SEC. 402. REVISION IN PERMANENT ACTIVE DUTY END STRENGTH MINIMUM LEVELS.**

Section 691(b) of title 10, United States Code, is amended by striking paragraphs (1) through (4) and inserting the following new paragraphs:

- “(1) For the Army, 547,400.
- “(2) For the Navy, 325,700.
- “(3) For the Marine Corps, 202,100.
- “(4) For the Air Force, 332,800.”.

**Subtitle B—Reserve Forces**

**SEC. 411. END STRENGTHS FOR SELECTED RESERVE.**

(a) **IN GENERAL.**—The Armed Forces are authorized strengths for Selected Reserve personnel of the reserve components as of September 30, 2012, as follows:

- (1) The Army National Guard of the United States, 358,200.
- (2) The Army Reserve, 205,000.
- (3) The Navy Reserve, 66,200.
- (4) The Marine Corps Reserve, 39,600.
- (5) The Air National Guard of the United States, 106,700.
- (6) The Air Force Reserve, 71,400.
- (7) The Coast Guard Reserve, 10,000.

(b) **END STRENGTH REDUCTIONS.**—The end strengths prescribed by subsection (a) for the Selected Reserve of any reserve component shall be proportionately reduced by—

- (1) the total authorized strength of units organized to serve as units of the Selected Reserve of such component which are on active duty (other than for training) at the end of the fiscal year; and
- (2) the total number of individual members not in units organized to serve as units of the Selected Reserve of such component who are on active duty (other than for training or for unsatisfactory participation in training) without their consent at the end of the fiscal year.

(c) **END STRENGTH INCREASES.**—Whenever units or individual members of the Selected Reserve of any reserve component are released from active duty during any fiscal year, the end strength prescribed for such fiscal year for the Selected Reserve of such reserve component shall be increased proportionately by the total authorized strengths of such units and by the total number of such individual members.

**SEC. 412. END STRENGTHS FOR RESERVES ON ACTIVE DUTY IN SUPPORT OF THE RESERVES.**

Within the end strengths prescribed in section 411(a), the reserve components of the

Armed Forces are authorized, as of September 30, 2012, the following number of Reserves to be serving on full-time active duty or full-time duty, in the case of members of the National Guard, for the purpose of organizing, administering, recruiting, instructing, or training the reserve components:

- (1) The Army National Guard of the United States, 32,060.
- (2) The Army Reserve, 16,261.
- (3) The Navy Reserve, 10,337.
- (4) The Marine Corps Reserve, 2,261.
- (5) The Air National Guard of the United States, 14,833.
- (6) The Air Force Reserve, 2,662.

**SEC. 413. END STRENGTHS FOR MILITARY TECHNICIANS (DUAL STATUS).**

The minimum number of military technicians (dual status) as of the last day of fiscal year 2012 for the reserve components of the Army and the Air Force (notwithstanding section 129 of title 10, United States Code) shall be the following:

- (1) For the Army Reserve, 8,395.
- (2) For the Army National Guard of the United States, 27,210.
- (3) For the Air Force Reserve, 10,777.
- (4) For the Air National Guard of the United States, 22,509.

**SEC. 414. FISCAL YEAR 2012 LIMITATION ON NUMBER OF NON-DUAL STATUS TECHNICIANS.**

(a) LIMITATIONS.—

(1) NATIONAL GUARD.—Within the limitation provided in section 10217(c)(2) of title 10, United States Code, the number of non-dual status technicians employed by the National Guard as of September 30, 2012, may not exceed the following:

- (A) For the Army National Guard of the United States, 1,600.
- (B) For the Air National Guard of the United States, 350.

(2) ARMY RESERVE.—The number of non-dual status technicians employed by the Army Reserve as of September 30, 2012, may not exceed 595.

(3) AIR FORCE RESERVE.—The number of non-dual status technicians employed by the Air Force Reserve as of September 30, 2012, may not exceed 90.

(b) NON-DUAL STATUS TECHNICIANS DEFINED.—In this section, the term “non-dual status technician” has the meaning given that term in section 10217(a) of title 10, United States Code.

**SEC. 415. MAXIMUM NUMBER OF RESERVE PERSONNEL AUTHORIZED TO BE ON ACTIVE DUTY FOR OPERATIONAL SUPPORT.**

During fiscal year 2012, the maximum number of members of the reserve components of the Armed Forces who may be serving at any time on full-time operational support duty under section 115(b) of title 10, United States Code, is the following:

- (1) The Army National Guard of the United States, 17,000.
- (2) The Army Reserve, 13,000.
- (3) The Navy Reserve, 6,200.
- (4) The Marine Corps Reserve, 3,000.
- (5) The Air National Guard of the United States, 16,000.
- (6) The Air Force Reserve, 14,000.

**Subtitle C—Authorization of Appropriations**  
**SEC. 421. MILITARY PERSONNEL.**

(a) AUTHORIZATION OF APPROPRIATIONS.—Funds are hereby authorized to be appropriated for fiscal year 2012 for the use of the Armed Forces and other activities and agencies of the Department of Defense for expenses, not otherwise provided for, for military personnel, as specified in the funding table in section 4401.

(b) CONSTRUCTION OF AUTHORIZATION.—The authorization of appropriations in subsection (a) supersedes any other authorization of appropriations (definite or indefinite) for such purpose for fiscal year 2012.

**TITLE V—MILITARY PERSONNEL POLICY**

**Subtitle A—Officer Personnel Policy**  
**Generally**

- Sec. 501. Increase in authorized strengths for Marine Corps officers on active duty in grades of major, lieutenant colonel, and colonel.
- Sec. 502. General officer and flag officer reform.
- Sec. 503. National Defense University outplacement waiver.
- Sec. 504. Voluntary retirement incentive matters.

**Subtitle B—Reserve Component**  
**Management**

- Sec. 511. Leadership of National Guard Bureau.
- Sec. 512. Membership of the Chief of the National Guard Bureau on the Joint Chiefs of Staff.
- Sec. 513. Modification of time in which preseparation counseling must be provided to reserve component members being demobilized.
- Sec. 514. Clarification of applicability of authority for deferral of mandatory separation of military technicians (dual status) until age 60.
- Sec. 515. Authority to order Army Reserve, Navy Reserve, Marine Corps Reserve, and Air Force Reserve to active duty to provide assistance in response to a major disaster or emergency.
- Sec. 516. Authority for order to active duty of units of the Selected Reserve for preplanned missions in support of the combatant commands.
- Sec. 517. Modification of eligibility for consideration for promotion for reserve officers employed as military technicians (dual status).
- Sec. 518. Consideration of reserve component officers for appointment to certain command positions.
- Sec. 519. Report on termination of military technician as a distinct personnel management category.

**Subtitle C—General Service Authorities**

- Sec. 521. Sense of Congress on the unique nature, demands, and hardships of military service.
- Sec. 522. Policy addressing dwell time and measurement and data collection regarding unit operating tempo and personnel tempo.
- Sec. 523. Protected communications by members of the Armed Forces and prohibition of retaliatory personnel actions.
- Sec. 524. Notification requirement for determination made in response to review of proposal for award of Medal of Honor not previously submitted in timely fashion.
- Sec. 525. Expansion of regular enlisted members covered by early discharge authority.
- Sec. 526. Extension of voluntary separation pay and benefits authority.
- Sec. 527. Prohibition on denial of reenlistment of members for unsuitability based on the same medical condition for which they were determined to be fit for duty.

Sec. 528. Designation of persons authorized to direct disposition of remains of members of the Armed Forces.

Sec. 529. Matters covered by preseparation counseling for members of the Armed Forces and their spouses.

Sec. 530. Conversion of high-deployment allowance from mandatory to authorized.

Sec. 531. Extension of authority to conduct programs on career flexibility to enhance retention of members of the Armed Forces.

Sec. 532. Policy on military recruitment and enlistment of graduates of secondary schools.

Sec. 533. Department of Defense suicide prevention program.

**Subtitle D—Military Justice and Legal**  
**Matters**

- Sec. 541. Reform of offenses relating to rape, sexual assault, and other sexual misconduct under the Uniform Code of Military Justice.
- Sec. 542. Authority to compel production of documentary evidence.
- Sec. 543. Clarification of application and extent of direct acceptance of gifts authority.
- Sec. 544. Freedom of conscience of military chaplains with respect to the performance of marriages.

**Subtitle E—Member Education and Training**  
**Opportunities and Administration**

- Sec. 551. Employment skills training for members of the Armed Forces on active duty who are transitioning to civilian life.
- Sec. 552. Enhancement of authorities on joint professional military education.
- Sec. 553. Temporary authority to waive maximum age limitation on admission to the military service academies.
- Sec. 554. Enhancement of administration of the United States Air Force Institute of Technology.
- Sec. 555. Enrollment of certain seriously wounded, ill, or injured former or retired enlisted members of the Armed Forces in associate degree programs of the Community College of the Air Force in order to complete degree program.

Sec. 556. Reserve component mental health student stipend.

Sec. 557. Fiscal year 2012 administration and report on the Troops-to-Teachers Program.

Sec. 558. Pilot program on receipt of civilian credentialing for skills required for military occupational specialties.

Sec. 559. Report on certain education assistance programs.

**Subtitle F—Armed Forces Retirement Home**  
Sec. 561. Control and administration by Secretary of Defense.

Sec. 562. Senior Medical Advisor oversight of health care provided to residents of Armed Forces Retirement Home.

Sec. 563. Establishment of Armed Forces Retirement Home Advisory Council and Resident Advisory Committees.

Sec. 564. Administrators, Ombudsmen, and staff of facilities.

Sec. 565. Revision of fee requirements.

Sec. 566. Revision of inspection requirements.

Sec. 567. Repeal of obsolete transitional provisions and technical, conforming, and clerical amendments.

Subtitle G—Defense Dependents' Education and Military Family Readiness Matters

Sec. 571. Impact aid for children with severe disabilities.

Sec. 572. Continuation of authority to assist local educational agencies that benefit dependents of members of the Armed Forces and Department of Defense civilian employees.

Sec. 573. Three-year extension and enhancement of authorities on transition of military dependent students among local educational agencies.

Sec. 574. Revision to membership of Department of Defense Military Family Readiness Council.

Sec. 575. Reemployment rights following certain National Guard duty.

Sec. 576. Expansion of Operation Hero Miles.

Sec. 577. Report on Department of Defense autism pilot and demonstration projects.

Sec. 578. Comptroller General of the United States report on Department of Defense military spouse employment programs.

Subtitle H—Improved Sexual Assault Prevention and Response in the Armed Forces

Sec. 581. Access of sexual assault victims to legal assistance and services of Sexual Assault Response Coordinators and Sexual Assault Victim Advocates.

Sec. 582. Consideration of application for permanent change of station or unit transfer based on humanitarian conditions for victim of sexual assault or related offense.

Sec. 583. Director of Sexual Assault Prevention and Response Office.

Sec. 584. Sexual Assault Response Coordinators and Sexual Assault Victim Advocates.

Sec. 585. Training and education programs for sexual assault prevention and response program.

Sec. 586. Department of Defense policy and procedures on retention and access to evidence and records relating to sexual assaults involving members of the Armed Forces.

#### Subtitle I—Other Matters

Sec. 588. Department of Defense authority to carry out personnel recovery reintegration and post-isolation support activities.

Sec. 589. Military adaptive sports program.

Sec. 590. Enhancement and improvement of Yellow Ribbon Reintegration Program.

Sec. 591. Army National Military Cemeteries.

Sec. 592. Inspection of military cemeteries under jurisdiction of the military departments.

Sec. 593. Authorization for award of the distinguished service cross for Captain Fredrick L. Spaulding for acts of valor during the Vietnam War.

Sec. 594. Authorization and request for award of Medal of Honor to Emil Kapaun for acts of valor during the Korean War.

Sec. 595. Review regarding award of Medal of Honor to Jewish American World War I veterans.

Sec. 596. Report on process for expedited determination of disability of members of the Armed Forces with certain disabling conditions.

Sec. 597. Comptroller General study of military necessity of Selective Service System and alternatives.

Sec. 598. Evaluation of issues affecting disposition of remains of American sailors killed in the explosion of the ketch U.S.S. Intrepid in Tripoli Harbor on September 4, 1804.

#### Subtitle A—Officer Personnel Policy Generally

#### SEC. 501. INCREASE IN AUTHORIZED STRENGTHS FOR MARINE CORPS OFFICERS ON ACTIVE DUTY IN GRADES OF MAJOR, LIEUTENANT COLONEL, AND COLONEL.

The table in subsection (a)(1) of section 523 of title 10, United States Code, is amended by striking the items relating to the total number of commissioned officers (excluding officers in categories specified in subsection (b) of such section) serving on active duty in the Marine Corps in the grades of major, lieutenant colonel, and colonel, respectively, and inserting the following new items:

"10,000	2,802	1,615	633
12,500	3,247	1,768	658
15,000	3,691	1,922	684
17,500	4,135	2,076	710
20,000	4,579	2,230	736
22,500	5,024	2,383	762
25,000	5,468	2,537	787".

#### SEC. 502. GENERAL OFFICER AND FLAG OFFICER REFORM.

(a) REMOVAL OF CERTAIN POSITIONS FROM EXCEPTION TO DISTRIBUTION LIMITS.—

(1) REMOVAL OF POSITIONS.—Subsection (b) of section 525 of title 10, United States Code, is amended to read as follows:

"(b) The limitations of subsection (a) do not include the following:

"(1) An officer released from a joint duty assignment, but only during the 60-day period beginning on the date the officer departs the joint duty assignment, except that the Secretary of Defense may authorize the Secretary of a military department to extend the 60-day period by an additional 120 days, but no more than three officers from each armed forces may be on active duty who are excluded under this paragraph.

"(2) The number of officers required to serve in joint duty assignments as authorized by the Secretary of Defense under section 526(b) for each military service."

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall take effect on January 1, 2012.

(b) LIMITATION ON NUMBER OF GENERAL AND FLAG OFFICERS ON ACTIVE DUTY.—

(1) LIMITATION; EXCLUSION FOR JOINT DUTY REQUIREMENTS.—Section 526 of such title is amended—

(A) in subsection (a)—

(i) in paragraph (1), by striking "230" and inserting "231";

(ii) in paragraph (2), by striking "160" and inserting "161";

(iii) in paragraph (3), by striking "208" and inserting "198"; and

(iv) in paragraph (4), by striking "60" and inserting "61"; and

(B) in subsection (b)(2)(C), by striking "76" and inserting "73".

(2) DISTRIBUTION LIMITATION.—Section 525(a) of such title is amended—

(A) in paragraph (1)(B), by striking "45" and inserting "46";

(B) in paragraph (2)(B), by striking "43" and inserting "44";

(C) in paragraph (3)(B), by striking "32" and inserting "33"; and

(D) in paragraph (4)(C), by striking "22" and inserting "23".

(3) EFFECTIVE DATE.—The amendments made by this subsection shall take effect on October 1, 2013.

(c) LIMITED EXCLUSION FOR JOINT DUTY ASSIGNMENTS FROM AUTHORIZED STRENGTH LIMITATION.—

(1) EXCLUSION.—Subsection (b) of section 526 of such title is amended by striking "324" and inserting "310".

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall take effect on January 1, 2012.

(d) ELIMINATION OF COMPLETE EXCLUSION FOR OFFICERS SERVING IN CERTAIN INTELLIGENCE POSITIONS.—

(1) ELIMINATION OF CURRENT BROAD EXCLUSION.—Section 528 of such title is amended by striking subsections (b), (c), and (d) and inserting the following new subsections:

"(b) DIRECTOR AND DEPUTY DIRECTOR OF CIA.—When the position of Director or Deputy Director of the Central Intelligence Agency is held by an officer of the armed forces, the position, so long as the officer serves in the position, shall be designated, pursuant to subsection (b) of section 526 of this title, as one of the general officer and flag officer positions to be excluded from the limitations in subsection (a) of such section.

"(c) ASSOCIATE DIRECTOR OF MILITARY AFFAIRS, CIA.—When the position of Associate Director of Military Affairs, Central Intelligence Agency, or any successor position, is held by an officer of the armed forces, the position, so long as the officer serves in the position, shall be designated, pursuant to subsection (b) of section 526 of this title, as one of the general officer and flag officer positions to be excluded from the limitations in subsection (a) of such section.

"(d) OFFICERS SERVING IN OFFICE OF DNI.—When a position in the Office of the Director of National Intelligence designated by agreement between the Secretary of Defense and the Director of National Intelligence is held by a general officer or flag officer of the armed forces, the position, so long as the officer serves in the position, shall be designated, pursuant to subsection (b) of section 526 of this title, as one of the general officer



and flag officer positions to be excluded from the limitations in subsection (a) of such section. However, not more than five of such positions may be included among the excluded positions at any time.”

(2) CLERICAL AMENDMENTS.—

(A) SECTION HEADING.—The heading of such section is amended to read as follows:

**“§ 528. Officers serving in certain intelligence positions: military status; application of distribution and strength limitations; pay and allowances”.**

(B) TABLE OF SECTIONS.—The table of sections at the beginning of chapter 32 of such title is amended by striking the item relating to section 528 and inserting the following new item:

“528. Officers serving in certain intelligence positions: military status; application of distribution and strength limitations; pay and allowances.”

**SEC. 503. NATIONAL DEFENSE UNIVERSITY OUTPLACEMENT WAIVER.**

(a) WAIVER AUTHORITY FOR OFFICERS NOT DESIGNATED AS JOINT QUALIFIED OFFICERS.—Subsection (b) of section 663 of title 10, United States Code, is amended—

(1) in paragraph (1), by inserting after “to a joint duty assignment” the following: “(or, as authorized by the Secretary in an individual case, to a joint assignment other than a joint duty assignment)”; and

(2) in paragraph (2)—

(A) by striking “the joint duty assignment” and inserting “the assignment”; and

(B) by striking “a joint duty assignment” and inserting “such an assignment”.

(b) EXCEPTION.—Such section is further amended by adding at the end the following new subsection:

“(d) EXCEPTION FOR OFFICERS GRADUATING FROM OTHER-THAN-IN-RESIDENCE PROGRAMS.—(1) Subsection (a) does not apply to an officer graduating from a school within the National Defense University specified in subsection (c) following pursuit of a program on an other-than-in-residence basis.

“(2) Subsection (b) does not apply with respect to any group of officers graduating from a school within the National Defense University specified in subsection (c) following pursuit of a program on an other-than-in-residence basis.”

**SEC. 504. VOLUNTARY RETIREMENT INCENTIVE MATTERS.**

(a) ADDITIONAL VOLUNTARY RETIREMENT INCENTIVE AUTHORITY.—

(1) IN GENERAL.—Chapter 36 of title 10, United States Code, is amended by inserting after section 638a the following new section:

**“§ 638b. Voluntary retirement incentive**

“(a) INCENTIVE FOR VOLUNTARY RETIREMENT FOR CERTAIN OFFICERS.—The Secretary of Defense may authorize the Secretary of a military department to provide a voluntary retirement incentive payment in accordance with this section to an officer of the armed forces under that Secretary’s jurisdiction who is specified in subsection (c) as being eligible for such a payment.

“(b) LIMITATIONS.—(1) Any authority provided the Secretary of a military department under this section shall expire as specified by the Secretary of Defense, but not later than December 31, 2018.

“(2) The total number of officers who may be provided a voluntary retirement incentive payment under this section may not exceed 675 officers.

“(c) ELIGIBLE OFFICERS.—(1) Except as provided in paragraph (2), an officer of the armed forces is eligible for a voluntary re-

tirement incentive payment under this section if the officer—

“(A) has served on active duty for more than 20 years, but not more than 29 years, on the approved date of retirement;

“(B) meets the minimum length of commissioned service requirement for voluntary retirement as a commissioned officer in accordance with section 3911, 6323, or 8911 of this title, as applicable to that officer;

“(C) on the approved date of retirement, has 12 months or more remaining on active-duty service before reaching the maximum retirement years of active service for the member’s grade as specified in section 633 or 634 of this title;

“(D) on the approved date of retirement, has 12 months or more remaining on active-duty service before reaching the maximum retirement age under any other provision of law; and

“(E) meets any additional requirements for such eligibility as is specified by the Secretary concerned, including any requirement relating to years of service, skill rating, military specialty or competitive category, grade, any remaining period of obligated service, or any combination thereof.

“(2) The following officers are not eligible for a voluntary retirement incentive payment under this section:

“(A) An officer being evaluated for disability under chapter 61 of this title.

“(B) An officer projected to be retired under section 1201 or 1204 of this title.

“(C) An officer projected to be discharged with disability severance pay under section 1212 of this title.

“(D) A member transferred to the temporary disability retired list under section 1202 or 1205 of this title.

“(E) An officer subject to pending disciplinary action or subject to administrative separation or mandatory discharge under any other provision of law or regulation.

“(d) AMOUNT OF PAYMENT.—The amount of the voluntary retirement incentive payment paid an officer under this section shall be an amount determined by the Secretary concerned, but not to exceed an amount equal to 12 times the amount of the officer’s monthly basic pay at the time of the officer’s retirement. The amount may be paid in a lump sum at the time of retirement.

“(e) REPAYMENT FOR MEMBERS WHO RETURN TO ACTIVE DUTY.—(1) Except as provided in paragraph (2), a member of the armed forces who, after having received all or part of a voluntary retirement incentive under this section, returns to active duty shall have deducted from each payment of basic pay, in such schedule of monthly installments as the Secretary concerned shall specify, until the total amount deducted from such basic pay equals the total amount of voluntary retirement incentive received.

“(2) Members who are involuntarily recalled to active duty or full-time National Guard duty under any provision of law shall not be subject to this subsection.

“(3) The Secretary of Defense may waive, in whole or in part, repayment required under paragraph (1) if the Secretary determines that recovery would be against equity and good conscience or would be contrary to the best interest of the United States. The authority in this paragraph may be delegated only to the Under Secretary of Defense for Personnel and Readiness and the Principal Deputy Under Secretary of Defense of Personnel and Readiness.”

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of subchapter IV of chapter 36 of such title is amended by insert-

ing after the item relating to section 638a the following new item:

“638b. Voluntary retirement incentive.”

(b) REINSTATEMENT OF CERTAIN TEMPORARY EARLY RETIREMENT AUTHORITY.—

(1) REINSTATEMENT.—Subsection (i) of section 4403 of the National Defense Authorization Act for Fiscal Year 1993 (10 U.S.C. 1293 note) is amended—

(A) by inserting “(1)” before “the period”; and

(B) by inserting before the period at the end the following: “, and (2) the period beginning on the date of the enactment of the National Defense Authorization Act for Fiscal Year 2012 and ending on December 31, 2018”.

(2) INAPPLICABILITY OF CERTAIN PROVISIONS.—Such section is further amended by striking subsection (c) and inserting the following new subsection (c):

“(c) INAPPLICABILITY OF CERTAIN PROVISIONS.—

“(1) INCREASED RETIRED PAY FOR PUBLIC OR COMMUNITY SERVICE.—The provisions of section 4464 of this Act (10 U.S.C. 1143a note) shall not apply with respect to a member or former member retired by reason of eligibility under this section during the active force drawdown period specified in subsection (i)(2).

“(2) COAST GUARD AND NOAA.—During the period specified in subsection (i)(2), this section does not apply as follows:

“(A) To members of the Coast Guard, notwithstanding section 542(d) of the National Defense Authorization Act for Fiscal Year 1995 (10 U.S.C. 1293 note).

“(B) To members of the commissioned corps of the National Oceanic and Atmospheric Administration, notwithstanding section 566(c) of the National Defense Authorization Act for Fiscal Year 1995 (Public Law 104-106; 10 U.S.C. 1293 note).”

(3) COORDINATION WITH OTHER SEPARATION PROVISIONS.—Such section is further amended—

(A) in subsection (g), by striking “, 1174a, or 1175” and inserting “or 1175a”; and

(B) in subsection (h)—

(i) in the subsection heading, by striking “SSB or VSI” and inserting “SSB, VSI, or VSP”; and

(ii) by inserting before the period at the end of the first sentence the following: “or who before the date of the enactment of the National Defense Authorization Act for Fiscal Year 2012 was separated from active duty pursuant to an agreement entered into under section 1175a of such title”; and

(iii) in the second sentence, by striking “under section 1174a or 1175 of title 10, United States Code”.

**Subtitle B—Reserve Component Management**  
**SEC. 511. LEADERSHIP OF NATIONAL GUARD BUREAU.**

(a) CHIEF OF THE NATIONAL GUARD BUREAU.—

(1) GRADE AND EXCLUSION FROM GENERAL AND FLAG OFFICER AUTHORIZED STRENGTH.—Subsection (d) of section 10502 of title 10, United States Code, is amended to read as follows:

“(d) GRADE AND EXCLUSION FROM GENERAL AND FLAG OFFICER AUTHORIZED STRENGTH.—(1) The Chief of the National Guard Bureau shall be appointed to serve in the grade of general.

“(2) The Secretary of Defense shall designate, pursuant to subsection (b) of section 526 of this title, the position of Chief of the National Guard Bureau as one of the general officer and flag officer positions to be excluded from the limitations in subsection (a) of such section.”

(2) SUCCESSION.—Subsection (e) of such section is amended to read as follows:

“(e) SUCCESSION.—(1) When there is a vacancy in the office of the Chief of the National Guard Bureau or in the absence or disability of the Chief, the Vice Chief of the National Guard Bureau acts as Chief and performs the duties of the Chief until a successor is appointed or the absence or disability ceases.

“(2) When there is a vacancy in the offices of both the Chief and the Vice Chief of the National Guard Bureau or in the absence or disability of both the Chief and the Vice Chief of the National Guard Bureau, or when there is a vacancy in one such office and in the absence or disability of the officer holding the other, the senior officer of the Army National Guard of the United States or the Air National Guard of the United States on duty with the National Guard Bureau shall perform the duties of the Chief until a successor to the Chief or Vice Chief is appointed or the absence or disability of the Chief or Vice Chief ceases, as the case may be.”.

(3) EXCLUSION FOR CHIEF OF NATIONAL GUARD BUREAU FROM GENERAL OFFICER DISTRIBUTION LIMITATIONS.—Section 525 of such title is amended—

(A) in subsection (b)(1), by striking subparagraph (D); and

(B) in subsection (g)—

(i) by striking paragraph (2); and

(ii) by redesignating paragraph (3) as paragraph (2).

(b) VICE CHIEF OF THE NATIONAL GUARD BUREAU.—

(1) REDESIGNATION OF DIRECTOR OF THE JOINT STAFF OF THE NATIONAL GUARD BUREAU.—Subsection (a)(1) of section 10505 of such title is amended by striking “Director of the Joint Staff of the National Guard Bureau, selected by the Secretary of Defense from” and inserting “Vice Chief of the National Guard Bureau, appointed by the President, by and with the advice and consent of the Senate. The appointment shall be made from”.

(2) ELIGIBILITY REQUIREMENTS.—Subsection (a)(1) of such section is further amended—

(A) by redesignating subparagraphs (B) and (C) as subparagraphs (D) and (E), respectively;

(B) in subparagraph (E), as so redesignated, by striking “colonel” and inserting “brigadier general”; and

(C) by inserting after subparagraph (A) the following new subparagraphs:

“(B) are recommended by the Secretary of the Army, in the case of officers of the Army National Guard of the United States, or by the Secretary of the Air Force, in the case of officers of the Air National Guard of the United States, and by the Secretary of Defense;

“(C) are determined by the Chairman of the Joint Chiefs of Staff, in accordance with criteria and as a result of a process established by the Chairman, to have significant joint duty experience;”.

(3) GRADE AND EXCLUSION FROM GENERAL AND FLAG OFFICER AUTHORIZED STRENGTH.—Subsection (c) of such section is amended to read as follows:

“(c) GRADE AND EXCLUSION FROM GENERAL AND FLAG OFFICER AUTHORIZED STRENGTH.—

(1) The Vice Chief of the National Guard Bureau shall be appointed to serve in the grade of lieutenant general.

“(2) The Secretary of Defense shall designate, pursuant to subsection (b) of section 526 of this title, the position of Vice Chief of the National Guard Bureau as one of the general officer and flag officer positions to be

excluded from the limitations in subsection (a) of such section.”.

(c) CONFORMING AMENDMENTS REGARDING REFERENCES TO DIRECTOR.—

(1) CROSS REFERENCES IN SECTION 10505.—Section 10505 of such title is further amended—

(A) in subsection (a)—

(i) in paragraphs (2), (3), and (4), by striking “Director of the Joint Staff” each place in appears and inserting “Vice Chief”; and

(ii) in paragraph (3)(B), by striking “as the Director” and inserting “as the Vice Chief”; and

(B) in subsection (b), by striking “Director of the Joint Staff” and inserting “Vice Chief”.

(2) CROSS REFERENCES IN SECTION 10506.—Section 10506(a)(1) of such title is amended by striking “Chief of the National Guard Bureau and the Director of the Joint Staff” and inserting “Chief and Vice Chief”.

(3) OTHER REFERENCES.—Any reference in any law, regulation, document, paper, or other record of the United States to the Director of the Joint Staff of the National Guard Bureau shall be deemed to be a reference to the Vice Chief of the National Guard Bureau.

(d) CLERICAL AMENDMENTS.—

(1) SECTION HEADING.—The heading for section 10505 of such title is amended to read as follows:

“§ 10505. Vice Chief of the National Guard Bureau”.

(2) TABLE OF SECTIONS.—The item relating to such section in the table of sections at the beginning of chapter 1011 of such title is amended to read as follows:

“10505. Vice Chief of the National Guard Bureau”.

(e) TREATMENT OF CURRENT DIRECTOR OF THE JOINT STAFF OF THE NATIONAL GUARD BUREAU.—The officer who is serving as Director of the Joint Staff of the National Guard Bureau on the date of the enactment of this Act shall serve, in the grade of major general, as acting Vice Chief of the National Guard Bureau until the appointment of a Vice Chief of the National Guard Bureau in accordance with subsection (a) of section 10505 of title 10, United States Code, as amended by subsection (b). Notwithstanding the amendment made by subsection (b)(3), the acting Vice Chief of the National Guard Bureau shall not be excluded from the limitations in section 526(a) of such title.

**SEC. 512. MEMBERSHIP OF THE CHIEF OF THE NATIONAL GUARD BUREAU ON THE JOINT CHIEFS OF STAFF.**

(a) MEMBERSHIP ON JOINT CHIEFS OF STAFF.—Section 151(a) of title 10, United States Code, is amended by adding at the end the following new paragraph:

“(7) The Chief of the National Guard Bureau”.

(b) DUTIES AS MEMBER OF JOINT CHIEFS OF STAFF.—Section 10502 of such title is amended—

(1) by redesignating subsections (d) and (e), as amended by section 511(a), as subsections (e) and (f), respectively; and

(2) by inserting after subsection (c) the following new subsection (d):

“(d) MEMBER OF JOINT CHIEFS OF STAFF.—As a member of the Joint Chiefs of Staff, the Chief of the National Guard Bureau has the specific responsibility of addressing matters involving non-Federalized National Guard forces in support of homeland defense and civil support missions.”.

**SEC. 513. MODIFICATION OF TIME IN WHICH PRESEPARATION COUNSELING MUST BE PROVIDED TO RESERVE COMPONENT MEMBERS BEING DEMOBILIZED.**

Section 1142(a)(3)(B) of title 10, United States Code, is amended by inserting “or in the event a member of a reserve component is being demobilized under circumstances in which (as determined by the Secretary concerned) operational requirements make the 90-day requirement under subparagraph (A) unfeasible,” after “or separation date.”.

**SEC. 514. CLARIFICATION OF APPLICABILITY OF AUTHORITY FOR DEFERRAL OF MANDATORY SEPARATION OF MILITARY TECHNICIANS (DUAL STATUS) UNTIL AGE 60.**

(a) DISCRETIONARY DEFERRAL OF MANDATORY SEPARATION.—Section 10216(f) of title 10, United States Code, is amended—

(1) in the subsection heading, by inserting “AUTHORITY FOR” before “DEFERRAL OF MANDATORY SEPARATION”; and

(2) by striking “shall implement” and inserting “may each implement”; and

(3) by inserting “, at the discretion of the Secretary concerned,” after “so as to allow”; and

(4) by striking “for officers”.

(b) CONFORMING AMENDMENT.—Section 10218(a)(3)(A)(i) of such title is amended by striking “if qualified be appointed” and inserting “if qualified may be appointed”.

**SEC. 515. AUTHORITY TO ORDER ARMY RESERVE, NAVY RESERVE, MARINE CORPS RESERVE, AND AIR FORCE RESERVE TO ACTIVE DUTY TO PROVIDE ASSISTANCE IN RESPONSE TO A MAJOR DISASTER OR EMERGENCY.**

(a) AUTHORITY.—

(1) IN GENERAL.—Chapter 1209 of title 10, United States Code, is amended by inserting after section 12304 the following new section:

“§ 12304a. Army Reserve, Navy Reserve, Marine Corps Reserve, and Air Force Reserve: order to active duty to provide assistance in response to a major disaster or emergency

“(a) AUTHORITY.—When a Governor requests Federal assistance in responding to a major disaster or emergency (as those terms are defined in section 102 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122)), the Secretary of Defense may, without the consent of the member affected, order any unit, and any member not assigned to a unit organized to serve as a unit, of the Army Reserve, Navy Reserve, Marine Corps Reserve, and Air Force Reserve to active duty for a continuous period of not more than 120 days to respond to the Governor’s request.

“(b) EXCLUSION FROM STRENGTH LIMITATIONS.—Members ordered to active duty under this section shall not be counted in computing authorized strength of members on active duty or members in grade under this title or any other law.

“(c) TERMINATION OF DUTY.—Whenever any unit or member of the reserve components is ordered to active duty under this section, the service of all units or members so ordered to active duty may be terminated by order of the Secretary of Defense or law.”.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 1209 of such title is amended by inserting after the item relating to section 12304 the following new item:

“12304a. Army Reserve, Navy Reserve, Marine Corps Reserve, Air Force Reserve: order to active duty to provide assistance in response to a major disaster or emergency.”.

(b) TREATMENT OF OPERATIONS AS CONTINGENCY OPERATIONS.—Section 101(a)(13)(B) of such title is amended by inserting “12304a,” after “12304.”

(c) USUAL AND CUSTOMARY ARRANGEMENT.—(1) DUAL-STATUS COMMANDER.—When the Armed Forces and the National Guard are employed simultaneously in support of civil authorities in the United States, appointment of a commissioned officer as a dual-status commander serving on active duty and duty in, or with, the National Guard of a State under sections 315 or 325 of title 32, United States Code, as commander of Federal forces by Federal authorities and as commander of State National Guard forces by State authorities, should be the usual and customary command and control arrangement, including for missions involving a major disaster or emergency as those terms are defined in section 102 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122). The chain of command for the Armed Forces shall remain in accordance with sections 162(b) and 164(c) of title 10, United States Code.

(2) STATE AUTHORITIES SUPPORTED.—When a major disaster or emergency occurs in any area subject to the laws of any State, Territory, or the District of Columbia, the Governor of the State affected normally should be the principal civil authority supported by the primary Federal agency and its supporting Federal entities, and the Adjutant General of the State or his or her subordinate designee normally should be the principal military authority supported by the dual-status commander when acting in his or her State capacity.

(3) RULE OF CONSTRUCTION.—Nothing in paragraphs (1) or (2) shall be construed to preclude or limit, in any way, the authorities of the President, the Secretary of Defense, or the Governor of any State to direct, control, and prescribe command and control arrangements for forces under their command.

**SEC. 516. AUTHORITY FOR ORDER TO ACTIVE DUTY OF UNITS OF THE SELECTED RESERVE FOR PREPLANNED MISSIONS IN SUPPORT OF THE COMBATANT COMMANDS.**

(a) AUTHORITY.—

(1) IN GENERAL.—Chapter 1209 of title 10, United States Code, as amended by section 515, is further amended by inserting after section 12304a the following new section:

**“§ 12304b. Selected Reserve: order to active duty for preplanned missions in support of the combatant commands**

“(a) AUTHORITY.—When the Secretary of a military department determines that it is necessary to augment the active forces for a preplanned mission in support of a combatant command, the Secretary may, subject to subsection (b), order any unit of the Selected Reserve (as defined in section 10143(a) of this title), without the consent of the members, to active duty for not more than 365 consecutive days.

“(b) LIMITATIONS.—(1) Units may be ordered to active duty under this section only if—

“(A) the manpower and associated costs of such active duty are specifically included and identified in the defense budget materials for the fiscal year or years in which such units are anticipated to be ordered to active duty; and

“(B) the budget information on such costs includes a description of the mission for which such units are anticipated to be ordered to active duty and the anticipated length of time of the order of such units to active duty on an involuntary basis.

“(2) Not more than 60,000 members of the reserve components of the armed forces may be on active duty under this section at any one time.

“(c) EXCLUSION FROM STRENGTH LIMITATIONS.—Members ordered to active duty under this section shall not be counted in computing authorized strength in members on active duty or total number of members in grade under this title or any other law.

“(d) NOTICE TO CONGRESS.—Whenever the Secretary of a military department orders any unit of the Selected Reserve to active duty under subsection (a), such Secretary shall submit to Congress a report, in writing, setting forth the circumstances necessitating the action taken under this section and describing the anticipated use of such unit.

“(e) TERMINATION OF DUTY.—Whenever any unit of the Selected Reserve is ordered to active duty under subsection (a), the service of all units so ordered to active duty may be terminated—

“(1) by order of the Secretary of the military department concerned; or

“(2) by law.

“(f) RELATIONSHIP TO WAR POWERS RESOLUTION.—Nothing contained in this section shall be construed as amending or limiting the application of the provisions of the War Powers Resolution (50 U.S.C. 1541 et seq.).

“(g) CONSIDERATIONS FOR INVOLUNTARY ORDER TO ACTIVE DUTY.—In determining which units of the Selected Reserve will be ordered to duty without their consent under this section, appropriate consideration shall be given to—

“(1) the length and nature of previous service, to assure such sharing of exposure to hazards as national security and military requirements will reasonably allow;

“(2) the frequency of assignments during service career;

“(3) family responsibilities; and

“(4) employment necessary to maintain the national health, safety, or interest.

“(h) POLICIES AND PROCEDURES.—The Secretaries of the military departments shall prescribe policies and procedures to carry out this section, including on determinations with respect to orders to active duty under subsection (g). Such policies and procedures shall not go into effect until approved by the Secretary of Defense.

“(i) DEFENSE BUDGET MATERIALS DEFINED.—In this section, the term ‘defense budget materials’ has the meaning given that term in section 231(g)(2) of this title.”.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 1209 of such title, as so amended, is further amended by inserting after the item relating to section 12304a the following new item:

“12304b. Selected Reserve: order to active duty for preplanned missions in support of the combatant commands.”.

(b) CLARIFYING AMENDMENTS RELATING TO AUTHORITY TO ORDER TO ACTIVE DUTY OTHER THAN DURING WAR OR NATIONAL EMERGENCY.—Section 12304(a) of such title is amended—

(1) by inserting “named” before “operational mission”; and

(2) by striking “365 days” and inserting “365 consecutive days”.

**SEC. 517. MODIFICATION OF ELIGIBILITY FOR CONSIDERATION FOR PROMOTION FOR RESERVE OFFICERS EMPLOYED AS MILITARY TECHNICIANS (DUAL STATUS).**

Section 14301 of title 10, United States Code, is amended by adding at the end the following new subsection:

“(i) RESERVE OFFICERS EMPLOYED AS MILITARY TECHNICIAN (DUAL STATUS).—A reserve officer of the Army or Air Force employed as a military technician (dual status) under section 10216 of this title who has been retained beyond the mandatory removal date for years of service pursuant to subsection (f) of such section or section 14702(a)(2) of this title is not eligible for consideration for promotion by a mandatory promotion board convened under section 14101(a) of this title.”.

**SEC. 518. CONSIDERATION OF RESERVE COMPONENT OFFICERS FOR APPOINTMENT TO CERTAIN COMMAND POSITIONS.**

Whenever officers of the Armed Forces are considered for appointment to the position of Commander, Army North Command or Commander, Air Force North Command, fully qualified officers of the National Guard and the Reserves shall be considered for appointment to such position.

**SEC. 519. REPORT ON TERMINATION OF MILITARY TECHNICIAN AS A DISTINCT PERSONNEL MANAGEMENT CATEGORY.**

(a) INDEPENDENT STUDY REQUIRED.—The Secretary of Defense shall conduct an independent study of the feasibility and advisability of terminating the military technician as a distinct personnel management category of the Department of Defense.

(b) ELEMENTS.—In conducting the study required by subsection (a), the Secretary shall—

(1) identify various options for deploying units of the Selected Reserve of the Ready Reserve that otherwise use military technicians through use of a combination of active duty personnel, reserve component personnel, State civilian employees, and Federal civilian employees in a manner that meets mission requirements without harming unit readiness;

(2) identify various means for the management by the Department of the transition of military technicians to a system that relies on traditional personnel categories of active duty personnel, reserve component personnel, and civilian personnel, and for the management of any effects of that transition on the pay and benefits of current military technicians (including means for mitigating or avoiding such effects in the course of such transition);

(3) determine whether military technicians who are employed at the commencement of the transition described in paragraph (2) should remain as technicians, whether with or without a military status, until separation or retirement, rather than transitioned to such a traditional personnel category;

(4) identify and take into account the unique needs of the National Guard in the management and use of military technicians;

(5) determine potential cost savings, if any, to be achieved as a result of the transition described in paragraph (2), including savings in long-term mandatory entitlement costs associated with military and civil service retirement obligations;

(6) develop a recommendation on the feasibility and advisability of terminating the military technician as a distinct personnel management category, and, if the termination is determined to be feasible and advisable, develop recommendations for appropriate legislative and administrative action to implement the termination;

(7) address any other matter relating to the management and long-term viability of

the military technician as a distinct personnel management category that the Secretary shall specify for purposes of the study; and

(8) ensure the involvement and input of military technicians (dual status).

(c) REPORT.—Not later than one year after the date of the enactment of this Act, the Secretary shall submit to the congressional defense committees a report on the study required by subsection (a). The report shall set forth the results of the study, including the matters specified in subsection (b), and include such comments and recommendations on the results of the study as the Secretary considers appropriate.

#### Subtitle C—General Service Authorities

### SEC. 521. SENSE OF CONGRESS ON THE UNIQUE NATURE, DEMANDS, AND HARD-SHIPS OF MILITARY SERVICE.

It is the sense of Congress that—

(1) section 8 (clauses 12, 13, and 14) of Article I of the Constitution of the United States commits exclusively to Congress the powers to raise and support armies, provide and maintain a Navy, and make rules for the government and regulation of the land and naval forces;

(2) there is no constitutional right to serve in the Armed Forces;

(3) pursuant to the powers conferred by section 8 of article I of the Constitution of the United States, it lies within the discretion of the Congress to establish qualifications for and conditions of service in the Armed Forces;

(4) the primary purpose of the Armed Forces is to prepare for and to prevail in combat should the need arise;

(5) the conduct of military operations requires members of the Armed Forces to make extraordinary sacrifices, including the ultimate sacrifice, in order to provide for the common defense;

(6) success in combat requires military units that are characterized by high morale, good order and discipline, and unit cohesion;

(7) one of the most critical elements in combat capability is unit cohesion, that is, the bonds of trust among individual members of the Armed Forces that make the combat effectiveness of a military unit greater than the sum of the combat effectiveness of individual unit members;

(8) military life is fundamentally different from civilian life in that—

(A) the extraordinary responsibilities of the Armed Forces, the unique conditions of military service, and the critical role of unit cohesion require that the military community, while subject to civilian control, exist as a specialized society; and

(B) the military society is characterized by its own laws, rules, customs, and traditions, including numerous restrictions on personal behavior, that would not be acceptable in civilian society;

(9) the standards of conduct for members of the Armed Forces regulate a member's life for 24 hours each day beginning at the moment the member enters military status and not ending until that person is discharged or otherwise separated from the Armed Forces;

(10) those standards of conduct, including the Uniform Code of Military Justice, apply to a member of the Armed Forces at all times that the member has a military status, whether the member is on base or off base, and whether the member is on duty or off duty;

(11) the pervasive application of the standards of conduct is necessary because members of the Armed Forces must be ready at all times for worldwide deployment to a combat environment;

(12) the worldwide deployment of United States military forces, the international responsibilities of the United States, and the potential for involvement of the Armed Forces in actual combat routinely make it necessary for members of the Armed Forces involuntarily to accept living conditions and working conditions that are often spartan, primitive, and characterized by forced intimacy with little or no privacy; and

(13) the Armed Forces must maintain personnel policies that are intended to recruit and retain only those persons whose presence in the Armed Forces serves the needs of the Armed Forces, contributes to the accomplishment of the missions of the Armed Forces, and maintains the high standards of the Armed Forces for morale, good order and discipline, and unit cohesion that are the essence of military capability.

### SEC. 522. POLICY ADDRESSING DWELL TIME AND MEASUREMENT AND DATA COLLECTION REGARDING UNIT OPERATING TEMPO AND PERSONNEL TEMPO.

(a) POLICY ADDRESSING DWELL TIME.—Subsection (a) of section 991 of title 10, United States Code, is amended by adding at the end the following new paragraph:

“(4) The Secretary of Defense shall prescribe a policy that addresses the amount of dwell time a member of the armed forces or unit remains at the member's or unit's permanent duty station or home port, as the case may be, between deployments.”.

(b) UNIT OPERATING TEMPO AND PERSONNEL TEMPO RECORDKEEPING.—Subsection (c) of such section is amended to read as follows:

“(c) RECORDKEEPING.—(1) The Secretary of Defense shall—

“(A) establish a system for tracking and recording the number of days that each member of the armed forces is deployed;

“(B) prescribe policies and procedures for measuring operating tempo and personnel tempo; and

“(C) maintain a central data collection repository to provide information for research, actuarial analysis, interagency reporting, and evaluation of Department of Defense programs and policies.

“(2) The data collection repository shall be able to identify—

“(A) the active and reserve component units of the armed forces that are participating at the battalion, squadron, or an equivalent level (or a higher level) in contingency operations, major training events, and other exercises and contingencies of such a scale that the exercises and contingencies receive an official designation; and

“(B) the duration of their participation.

“(3) For each of the armed forces, the data collection repository shall be able to indicate, for a fiscal year—

“(A) the number of members who received the high-deployment allowance under section 436 of title 37 (or who would have been eligible to receive the allowance if the duty assignment was not excluded by the Secretary of Defense);

“(B) the number of members who received each rate of allowance paid (estimated in the case of members described in the parenthetical phrase in subparagraph (A));

“(C) the number of months each member received the allowance (or would have received it in the case of members described in the parenthetical phrase in subparagraph (A)); and

“(D) the total amount expended on the allowance.

“(4) For each of the armed forces, the data collection repository shall be able to indicate, for a fiscal year, the number of days that high demand, low density units (as de-

fined by the Chairman of the Joint Chiefs of Staff) were deployed, and whether these units met the force goals for limiting deployments, as described in the personnel tempo policies applicable to that armed force.”.

(c) DEFINITIONS.—Such section is further amended by adding at the end the following new subsection:

“(f) OTHER DEFINITIONS.—In this section:

“(1)(A) Subject to subparagraph (B), the term ‘dwell time’ means the time a member of the armed forces or a unit spends at the permanent duty station or home port after returning from a deployment.

“(B) The Secretary of Defense may modify the definition of dwell time specified in subparagraph (A). If the Secretary establishes a different definition of such term, the Secretary shall transmit the new definition to Congress.

“(2) The term ‘operating tempo’ means the rate at which units of the armed forces are involved in all military activities, including contingency operations, exercises, and training deployments.

“(3) The term ‘personnel tempo’ means the amount of time members of the armed forces are engaged in their official duties at a location or under circumstances that make it infeasible for a member to spend off-duty time in the housing in which the member resides.”.

(d) CLERICAL AMENDMENTS.—

(1) SECTION HEADING.—The heading of section 991 of such title is amended to read as follows:

“§991. Management of deployments of members and measurement and data collection of unit operating and personnel tempo”.

(2) TABLE OF SECTIONS.—The table of sections at the beginning of chapter 50 of such title is amended by striking the item relating to section 991 and inserting the following new item:

“991. Management of deployments of members and measurement and data collection of unit operating and personnel tempo.”.

### SEC. 523. PROTECTED COMMUNICATIONS BY MEMBERS OF THE ARMED FORCES AND PROHIBITION OF RETALIATORY PERSONNEL ACTIONS.

Section 1034(c)(2) of title 10, United States Code, is amended by adding at the end the following new subparagraph:

“(C) A threat by another member of the armed forces or employee of the Federal Government that indicates a determination or intent to kill or cause serious bodily injury to members of the armed forces or civilians or damage to military, Federal, or civilian property.”.

### SEC. 524. NOTIFICATION REQUIREMENT FOR DETERMINATION MADE IN RESPONSE TO REVIEW OF PROPOSAL FOR AWARD OF MEDAL OF HONOR NOT PREVIOUSLY SUBMITTED IN TIMELY FASHION.

Section 1130(b) of title 10, United States Code, is amended by adding at the end the following new sentence: “If the determination includes a favorable recommendation for the award of the Medal of Honor, the Secretary of Defense, instead of the Secretary concerned, shall make the submission under this subsection.”.

### SEC. 525. EXPANSION OF REGULAR ENLISTED MEMBERS COVERED BY EARLY DISCHARGE AUTHORITY.

Section 1171 of title 10, United States Code, is amended by striking “within three months” and inserting “within one year”.

**SEC. 526. EXTENSION OF VOLUNTARY SEPARATION PAY AND BENEFITS AUTHORITY.**

Section 1175a(k)(1) of title 10, United States Code, is amended by striking “December 31, 2012” and inserting “December 31, 2018”.

**SEC. 527. PROHIBITION ON DENIAL OF REENLISTMENT OF MEMBERS FOR UNSUITABILITY BASED ON THE SAME MEDICAL CONDITION FOR WHICH THEY WERE DETERMINED TO BE FIT FOR DUTY.**

(a) **PROHIBITION.**—Subsection (a) of section 1214a of title 10, United States Code, is amended by inserting “, or deny reenlistment of the member,” after “a member described in subsection (b)”.

(b) **CONFORMING AMENDMENT.**—Subsection (c)(3) of such section is amended by inserting “or denial of reenlistment” after “to warrant administrative separation”.

(c) **CLERICAL AMENDMENTS.**—

(1) **HEADING AMENDMENT.**—The heading of such section is amended to read as follows:

**“§ 1214a. Members determined fit for duty in Physical Evaluation Board: prohibition on involuntary administrative separation or denial of reenlistment due to unsuitability based on medical conditions considered in evaluation”.**

(2) **TABLE OF SECTIONS.**—The table of sections at the beginning of chapter 61 of such title is amended by striking the item relating to section 1214a and inserting the following new item:

“1214a. Members determined fit for duty in Physical Evaluation Board: prohibition on involuntary administrative separation or denial of reenlistment due to unsuitability based on medical conditions considered in evaluation.”.

**SEC. 528. DESIGNATION OF PERSONS AUTHORIZED TO DIRECT DISPOSITION OF REMAINS OF MEMBERS OF THE ARMED FORCES.**

Section 1482(c) of title 10, United States Code, is amended—

(1) by striking “Only the” in the matter preceding paragraph (1) and inserting “The”;

(2) by redesignating paragraphs (1) through (4) as paragraphs (2) through (5), respectively;

(3) in paragraph (5), as so redesignated, by striking “clauses (1)-(3)” and inserting “paragraphs (1) through (4)”;

(4) by inserting before paragraph (2), as so redesignated, the following new paragraph:

“(1) The person identified by the decedent on the record of emergency data maintained by the Secretary concerned (DD Form 93 or any successor to that form), as the Person Authorized to Direct Disposition (PADDD), regardless of the relationship of the designee to the decedent.”.

**SEC. 529. MATTERS COVERED BY PRESEPARATION COUNSELING FOR MEMBERS OF THE ARMED FORCES AND THEIR SPOUSES.**

Section 1142(b) of title 10, United States Code, is amended—

(1) in paragraph (5), by striking “job placement counseling for the spouse” and inserting “inclusion of the spouse, at the discretion of the member and the spouse, when counseling regarding the matters covered by paragraphs (9), (10), and (16) is provided, job placement counseling for the spouse, and the provision of information on survivor benefits available under the laws administered by the Secretary of Defense or the Secretary of Veterans Affairs”;

(2) in paragraph (9), by inserting before the period the following: “, including information on budgeting, saving, credit, loans, and taxes”;

(3) in paragraph (10), by striking “and employment” and inserting “, employment, and financial”;

(4) by striking paragraph (16) and inserting the following new paragraph:

“(16) Information on home loan services and housing assistance benefits available under the laws administered by the Secretary of Veterans Affairs and counseling on responsible borrowing practices.”; and

(5) in paragraph (17), by inserting before the period the following: “, and information regarding the means by which the member can receive additional counseling regarding the member’s actual entitlement to such benefits and apply for such benefits”.

**SEC. 530. CONVERSION OF HIGH-DEPLOYMENT ALLOWANCE FROM MANDATORY TO AUTHORIZED.**

(a) **CONVERSION.**—Section 436(a) of title 37, United States Code, is amended by striking “shall pay” and inserting “may pay”.

(b) **EFFECTIVE DATE.**—The amendment made by subsection (a) shall take effect on the first day of the first month beginning on or after the date of the enactment of this Act.

**SEC. 531. EXTENSION OF AUTHORITY TO CONDUCT PROGRAMS ON CAREER FLEXIBILITY TO ENHANCE RETENTION OF MEMBERS OF THE ARMED FORCES.**

(a) **DURATION OF PROGRAM AUTHORITY.**—Subsection (l) of section 533 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110-417; 10 U.S.C. 701 note) is amended to read as follows:

“(1) **DURATION OF PROGRAM AUTHORITY.**—No member of the Armed Forces may be released from active duty under a pilot program conducted under this section after December 31, 2015.”.

(b) **CONTINUATION OF ANNUAL LIMITATION ON SELECTION OF PARTICIPANTS.**—Subsection (c) of such section is amended by striking “each of calendar years 2009 through 2012” and inserting “a calendar year”.

(c) **ADDITIONAL REPORTS REQUIRED.**—Subsection (k) of such section is amended—

(1) in paragraph (1), by striking “June 1, 2011, and June 1, 2013” and inserting “June 1 of 2011, 2013, 2015, and 2017”;

(2) in paragraph (2), by striking “March 1, 2016” and inserting “March 1, 2019”.

**SEC. 532. POLICY ON MILITARY RECRUITMENT AND ENLISTMENT OF GRADUATES OF SECONDARY SCHOOLS.**

(a) **EQUAL TREATMENT FOR SECONDARY SCHOOL GRADUATES.**—

(1) **EQUAL TREATMENT.**—For the purposes of recruitment and enlistment in the Armed Forces, the Secretary of a military department shall treat a graduate described in paragraph (2) in the same manner as a graduate of a secondary school (as defined in section 9101(38) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801(38))).

(2) **COVERED GRADUATES.**—Paragraph (1) applies with respect to person who—

(A) receives a diploma from a secondary school that is legally operating; or

(B) otherwise completes a program of secondary education in compliance with the education laws of the State in which the person resides.

(b) **POLICY ON RECRUITMENT AND ENLISTMENT.**—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall prescribe a policy on recruitment and enlistment that incorporates the following:

(1) Means for identifying persons described in subsection (a)(2) who are qualified for recruitment and enlistment in the Armed Forces, which may include the use of a non-cognitive aptitude test, adaptive personality assessment, or other operational attrition screening tool to predict performance, behaviors, and attitudes of potential recruits that influence attrition and the ability to adapt to a regimented life in the Armed Forces.

(2) Means for assessing how qualified persons fulfill their enlistment obligation.

(3) Means for maintaining data, by each diploma source, which can be used to analyze attrition rates among qualified persons.

(c) **RECRUITMENT PLAN.**—As part of the policy required by subsection (b), the Secretary of each of the military departments shall develop a recruitment plan that includes a marketing strategy for targeting various segments of potential recruits with all types of secondary education credentials.

(d) **COMMUNICATION PLAN.**—The Secretary of each of the military departments shall develop a communication plan to ensure that the policy and recruitment plan are understood by military recruiters.

**SEC. 533. DEPARTMENT OF DEFENSE SUICIDE PREVENTION PROGRAM.**

(a) **PROGRAM ENHANCEMENT.**—The Secretary of Defense shall take appropriate actions to enhance the suicide prevention program of the Department of Defense through the provision of suicide prevention information and resources to members of the Armed Forces from their initial enlistment or appointment through their final retirement or separation.

(b) **COOPERATIVE EFFORT.**—The Secretary of Defense shall develop suicide prevention information and resources in consultation with—

(1) the Secretary of Veterans Affairs, the National Institute of Mental Health, and the Substance Abuse and Mental Health Services Administration of the Department of Health and Human Services; and

(2) to the extent appropriate, institutions of higher education and other public and private entities, including international entities, with expertise regarding suicide prevention.

(c) **PRESEPARATION COUNSELING REGARDING SUICIDE PREVENTION RESOURCES.**—Section 1142(b)(8) of title 10, United States Code, is amended by inserting before the period the following: “and the availability to the member and dependents of suicide prevention resources following separation from the armed forces”.

**Subtitle D—Military Justice and Legal Matters**

**SEC. 541. REFORM OF OFFENSES RELATING TO RAPE, SEXUAL ASSAULT, AND OTHER SEXUAL MISCONDUCT UNDER THE UNIFORM CODE OF MILITARY JUSTICE.**

(a) **RAPE AND SEXUAL ASSAULT GENERALLY.**—Section 920 of title 10, United States Code (article 120 of the Uniform Code of Military Justice), is amended as follows:

(1) **REVISED OFFENSE OF RAPE.**—Subsection (a) is amended to read as follows:

“(a) **RAPE.**—Any person subject to this chapter who commits a sexual act upon another person by—

“(1) using unlawful force against that other person;

“(2) using force causing or likely to cause death or grievous bodily harm to any person;

“(3) threatening or placing that other person in fear that any person will be subjected to death, grievous bodily harm, or kidnapping;

“(4) first rendering that other person unconscious; or

“(5) administering to that other person by force or threat of force, or without the knowledge or consent of that person, a drug, intoxicant, or other similar substance and thereby substantially impairing the ability of that other person to appraise or control conduct;

is guilty of rape and shall be punished as a court-martial may direct.”.

(2) REPEAL OF PROVISIONS RELATING TO OFFENSES REPLACED BY NEW ARTICLE 120b.—Subsections (b), (d), (f), (g), (i), (j), and (o) are repealed.

(3) REVISED OFFENSE OF SEXUAL ASSAULT.—Subsection (c) is redesignated as subsection (b) and is amended to read as follows:

“(b) SEXUAL ASSAULT.—Any person subject to this chapter who—

“(1) commits a sexual act upon another person by—

“(A) threatening or placing that other person in fear;

“(B) causing bodily harm to that other person;

“(C) making a fraudulent representation that the sexual act serves a professional purpose; or

“(D) inducing a belief by any artifice, pretense, or concealment that the person is another person;

“(2) commits a sexual act upon another person when the person knows or reasonably should know that the other person is asleep, unconscious, or otherwise unaware that the sexual act is occurring; or

“(3) commits a sexual act upon another person when the other person is incapable of consenting to the sexual act due to—

“(A) impairment by any drug, intoxicant, or other similar substance, and that condition is known or reasonably should be known by the person; or

“(B) a mental disease or defect, or physical disability, and that condition is known or reasonably should be known by the person; is guilty of sexual assault and shall be punished as a court-martial may direct.”.

(4) AGGRAVATED SEXUAL CONTACT.—Subsection (e) is redesignated as subsection (c) and is amended—

(A) by striking “engages in” and inserting “commits”; and

(B) by striking “with” and inserting “upon”.

(5) ABUSIVE SEXUAL CONTACT.—Subsection (h) is redesignated as subsection (d) and is amended—

(A) by striking “engages in” and inserting “commits”; and

(B) by striking “with” and inserting “upon”; and

(C) by striking “subsection (c) (aggravated sexual assault)” and inserting “subsection (b) (sexual assault)”.

(6) REPEAL OF PROVISIONS RELATING TO OFFENSES REPLACED BY NEW ARTICLE 120c.—Subsections (k), (l), (m), and (n) are repealed.

(7) PROOF OF THREAT.—Subsection (p) is redesignated as subsection (e) and is amended—

(A) by striking “the accused made” and inserting “a person made”; and

(B) by striking “the accused actually” and inserting “the person actually”; and

(C) by inserting before the period at the end the following: “or had the ability to carry out the threat”.

(8) DEFENSES.—Subsection (q) is redesignated as subsection (f) and is amended to read as follows:

“(f) DEFENSES.—An accused may raise any applicable defenses available under this

chapter or the Rules for Court-Martial. Marriage is not a defense for any conduct in issue in any prosecution under this section.”.

(9) PROVISIONS RELATING TO AFFIRMATIVE DEFENSES.—Subsections (r) and (s) are repealed.

(10) DEFINITIONS.—Subsection (t) is redesignated as subsection (g) and is amended—

(A) in paragraph (1)—

(i) in subparagraph (A), by inserting “or anus or mouth” after “vulva”; and

(ii) in subparagraph (B)—

(I) by striking “genital opening” and inserting “vulva or anus or mouth.”; and

(II) by striking “a hand or finger” and inserting “any part of the body”;

(B) by striking paragraph (2) and inserting the following:

“(2) SEXUAL CONTACT.—The term ‘sexual contact’ means—

“(A) touching, or causing another person to touch, either directly or through the clothing, the genitalia, anus, groin, breast, inner thigh, or buttocks of any person, with an intent to abuse, humiliate, or degrade any person; or

“(B) any touching, or causing another person to touch, either directly or through the clothing, any body part of any person, if done with an intent to arouse or gratify the sexual desire of any person.

Touching may be accomplished by any part of the body.”.

(C) by striking paragraph (4) and redesignating paragraph (3) as paragraph (4);

(D) by redesignating paragraph (8) as paragraph (3), transferring that paragraph so as to appear after paragraph (2), and amending that paragraph by inserting before the period at the end the following: “, including any nonconsensual sexual act or nonconsensual sexual contact”;

(E) in paragraph (4), as redesignated by subparagraph (C), by striking the last sentence;

(F) by striking paragraphs (5) and (7);

(G) by redesignating paragraph (6) as paragraph (7);

(H) by inserting after paragraph (4), as redesignated by subparagraph (C), the following new paragraphs (5) and (6):

“(5) FORCE.—The term ‘force’ means—

“(A) the use of a weapon;

“(B) the use of such physical strength or violence as is sufficient to overcome, restrain, or injure a person; or

“(C) inflicting physical harm sufficient to coerce or compel submission by the victim.

“(6) UNLAWFUL FORCE.—The term ‘unlawful force’ means an act of force done without legal justification or excuse.”;

(I) in paragraph (7), as redesignated by subparagraph (G)—

(i) by striking “under paragraph (3)” and all that follows through “contact.”; and

(ii) by striking “death, grievous bodily harm, or kidnapping” and inserting “the wrongful action contemplated by the communication or action.”;

(J) by striking paragraphs (9) through (13);

(K) by redesignating paragraph (14) as paragraph (8) and in that paragraph—

(i) by inserting “(A)” before “The term”;

(ii) by striking “words or overt acts indicating” and “sexual” in the first sentence;

(iii) by striking “accused’s” in the third sentence;

(iv) by inserting “or social or sexual” before “relationship” in the fourth sentence;

(v) by striking “sexual” before “conduct” in the fourth sentence;

(vi) by striking “A person cannot consent” and all that follows through the period; and

(vii) by adding at the end the following new subparagraphs:

“(B) A sleeping, unconscious, or incompetent person cannot consent. A person cannot consent to force causing or likely to cause death or grievous bodily harm or to being rendered unconscious. A person cannot consent while under threat or in fear or under the circumstances described in subparagraph (C) or (D) of subsection (b)(1).

“(C) Lack of consent may be inferred based on the circumstances of the offense. All the surrounding circumstances are to be considered in determining whether a person gave consent, or whether a person did not resist or ceased to resist only because of another person’s actions.”; and

(L) by striking paragraphs (15) and (16).

(11) SECTION HEADING.—The heading of such section (article) is amended to read as follows:

**“§ 920. Art. 120. Rape and sexual assault generally”.**

(b) RAPE AND SEXUAL ASSAULT OF A CHILD.—Chapter 47 of such title (the Uniform Code of Military Justice) is amended by inserting after section 920a (article 120a), as amended by subsection (a), the following new section (article):

**“§ 920b. Art. 120b. Rape and sexual assault of a child**

“(a) RAPE OF A CHILD.—Any person subject to this chapter who—

“(1) commits a sexual act upon a child who has not attained the age of 12 years; or

“(2) commits a sexual act upon a child who has attained the age of 12 years by—

“(A) using force against any person;

“(B) threatening or placing that child in fear;

“(C) rendering that child unconscious; or

“(D) administering to that child a drug, intoxicant, or other similar substance; is guilty of rape of a child and shall be punished as a court-martial may direct.

“(b) SEXUAL ASSAULT OF A CHILD.—Any person subject to this chapter who commits a sexual act upon a child who has attained the age of 12 years is guilty of sexual assault of a child and shall be punished as a court-martial may direct.

“(c) SEXUAL ABUSE OF A CHILD.—Any person subject to this chapter who commits a lewd act upon a child is guilty of sexual abuse of a child and shall be punished as a court-martial may direct.

“(d) AGE OF CHILD.—

“(1) UNDER 12 YEARS.—In a prosecution under this section, it need not be proven that the accused knew the age of the other person engaging in the sexual act or lewd act. It is not a defense that the accused reasonably believed that the child had attained the age of 12 years.

“(2) UNDER 16 YEARS.—In a prosecution under this section, it need not be proven that the accused knew that the other person engaging in the sexual act or lewd act had not attained the age of 16 years, but it is a defense in a prosecution under subsection (b) (sexual assault of a child) or subsection (c) (sexual abuse of a child), which the accused must prove by a preponderance of the evidence, that the accused reasonably believed that the child had attained the age of 16 years, if the child had in fact attained at least the age of 12 years.

“(e) PROOF OF THREAT.—In a prosecution under this section, in proving that a person made a threat, it need not be proven that the person actually intended to carry out the threat or had the ability to carry out the threat.

“(f) MARRIAGE.—In a prosecution under subsection (b) (sexual assault of a child) or subsection (c) (sexual abuse of a child), it is a defense, which the accused must prove by a preponderance of the evidence, that the persons engaging in the sexual act or lewd act were at that time married to each other, except where the accused commits a sexual act upon the person when the accused knows or reasonably should know that the other person is asleep, unconscious, or otherwise unaware that the sexual act is occurring or when the other person is incapable of consenting to the sexual act due to impairment by any drug, intoxicant, or other similar substance, and that condition was known or reasonably should have been known by the accused.

“(g) CONSENT.—Lack of consent is not an element and need not be proven in any prosecution under this section. A child not legally married to the person committing the sexual act, lewd act, or use of force cannot consent to any sexual act, lewd act, or use of force.

“(h) DEFINITIONS.—In this section:

“(1) SEXUAL ACT AND SEXUAL CONTACT.—The terms ‘sexual act’ and ‘sexual contact’ have the meanings given those terms in section 920(g) of this title (article 120(g)).

“(2) FORCE.—The term ‘force’ means—

“(A) the use of a weapon;

“(B) the use of such physical strength or violence as is sufficient to overcome, restrain, or injure a child; or

“(C) inflicting physical harm.

In the case of a parent-child or similar relationship, the use or abuse of parental or similar authority is sufficient to constitute the use of force.

“(3) THREATENING OR PLACING THAT CHILD IN FEAR.—The term ‘threatening or placing that child in fear’ means a communication or action that is of sufficient consequence to cause the child to fear that non-compliance will result in the child or another person being subjected to the action contemplated by the communication or action.

“(4) CHILD.—The term ‘child’ means any person who has not attained the age of 16 years.

“(5) LEWD ACT.—The term ‘lewd act’ means—

“(A) any sexual contact with a child;

“(B) intentionally exposing one’s genitalia, anus, buttocks, or female areola or nipple to a child by any means, including via any communication technology, with an intent to abuse, humiliate, or degrade any person, or to arouse or gratify the sexual desire of any person;

“(C) intentionally communicating indecent language to a child by any means, including via any communication technology, with an intent to abuse, humiliate, or degrade any person, or to arouse or gratify the sexual desire of any person; or

“(D) any indecent conduct, intentionally done with or in the presence of a child, including via any communication technology, that amounts to a form of immorality relating to sexual impurity which is grossly vulgar, obscene, and repugnant to common propriety, and tends to excite sexual desire or deprave morals with respect to sexual relations.”

(c) OTHER SEXUAL MISCONDUCT.—Such chapter (the Uniform Code of Military Justice) is further amended by inserting after section 920b (article 120b), as added by subsection (b), the following new section:

**“§ 920c. Art. 120c. Other sexual misconduct**

“(a) INDECENT VIEWING, VISUAL RECORDING, OR BROADCASTING.—Any person subject to

this chapter who, without legal justification or lawful authorization—

“(1) knowingly and wrongfully views the private area of another person, without that other person’s consent and under circumstances in which that other person has a reasonable expectation of privacy;

“(2) knowingly photographs, videotapes, films, or records by any means the private area of another person, without that other person’s consent and under circumstances in which that other person has a reasonable expectation of privacy; or

“(3) knowingly broadcasts or distributes any such recording that the person knew or reasonably should have known was made under the circumstances proscribed in paragraphs (1) and (2);

is guilty of an offense under this section and shall be punished as a court-martial may direct.

“(b) FORCIBLE PANDERING.—Any person subject to this chapter who compels another person to engage in an act of prostitution with any person is guilty of forcible pandering and shall be punished as a court-martial may direct.

“(c) INDECENT EXPOSURE.—Any person subject to this chapter who intentionally exposes, in an indecent manner, the genitalia, anus, buttocks, or female areola or nipple is guilty of indecent exposure and shall be punished as a court-martial may direct.

“(d) DEFINITIONS.—In this section:

“(1) ACT OF PROSTITUTION.—The term ‘act of prostitution’ means a sexual act or sexual contact (as defined in section 920(g) of this title (article 120(g))) on account of which anything of value is given to, or received by, any person.

“(2) PRIVATE AREA.—The term ‘private area’ means the naked or underwear-clad genitalia, anus, buttocks, or female areola or nipple.

“(3) REASONABLE EXPECTATION OF PRIVACY.—The term ‘under circumstances in which that other person has a reasonable expectation of privacy’ means—

“(A) circumstances in which a reasonable person would believe that he or she could disrobe in privacy, without being concerned that an image of a private area of the person was being captured; or

“(B) circumstances in which a reasonable person would believe that a private area of the person would not be visible to the public.

“(4) BROADCAST.—The term ‘broadcast’ means to electronically transmit a visual image with the intent that it be viewed by a person or persons.

“(5) DISTRIBUTE.—The term ‘distribute’ means delivering to the actual or constructive possession of another, including transmission by electronic means.

“(6) INDECENT MANNER.—The term ‘indecent manner’ means conduct that amounts to a form of immorality relating to sexual impurity which is grossly vulgar, obscene, and repugnant to common propriety, and tends to excite sexual desire or deprave morals with respect to sexual relations.”

(d) CONFORMING AMENDMENTS.—Chapter 47 of such title (the Uniform Code of Military Justice) is further amended as follows:

(1) STATUTE OF LIMITATIONS.—Subparagraph (B) of section 843(b)(2) (article 43(b)(2)) is amended—

(A) in clause (i), by striking “section 920 of this title (article 120)” and inserting “section 920, 920a, 920b, or 920c of this title (article 120, 120a, 120b, or 120c)”; and

(B) in clause (v)—

(i) by striking “indecent assault”; and

(ii) by striking “or liberties with a child”.

(2) MURDER.—Paragraph (4) of section 918 (article 118) is amended by striking “aggravated sexual assault,” and all that follows through “with a child,” and inserting “sexual assault, sexual assault of a child, aggravated sexual contact, sexual abuse of a child.”

(e) CLERICAL AMENDMENTS.—The table of sections at the beginning of subchapter X of such chapter (the Uniform Code of Military Justice) is amended by striking the items relating to sections 920 and 920a (articles 120 and 120a) and inserting the following new items:

“920. 120. Rape and sexual assault generally.  
“920a. 120a. Stalking.

“920b. 120b. Rape and sexual assault of a child.

“920c. 120c. Other sexual misconduct.”.

(f) EFFECTIVE DATE.—The amendments made by this section shall take effect 180 days after the date of the enactment of this Act and shall apply with respect to offenses committed on or after such effective date.

**SEC. 542. AUTHORITY TO COMPEL PRODUCTION OF DOCUMENTARY EVIDENCE.**

(a) EFFECT OF REFUSAL TO APPEAR OR TESTIFY.—Section 847 of title 10, United States Code (article 47 of the Uniform Code of Military Justice), is amended—

(1) in subsection (a)—

(A) in paragraph (1), by striking “board;” and inserting “board, or has been duly issued a subpoena duces tecum for an investigation pursuant to section 832(b) of this title (article 32(b));”; and

(B) in paragraph (2)—

(i) by striking “duly paid or tendered the fees and mileage of a witness” and inserting “provided a means for reimbursement from the Government for fees and mileage”; and

(ii) by inserting before the semicolon the following: “or, in the case of extraordinary hardship, is advanced such fees and mileage”; and

(2) in subsection (c), by striking “or board” and inserting “board, or convening authority”.

(b) TECHNICAL AMENDMENTS.—Subsection (a) of such section is further amended by striking “subpoenaed” both places it appears and inserting “subpoenaed”.

(c) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply with respect to subpoenas issued after the date of the enactment of this Act.

**SEC. 543. CLARIFICATION OF APPLICATION AND EXTENT OF DIRECT ACCEPTANCE OF GIFTS AUTHORITY.**

Section 2601a of title 10, United States Code, is amended—

(1) in subsection (b)—

(A) by striking “or” at the end of paragraph (1);

(B) by redesignating paragraph (2) as paragraph (3); and

(C) by inserting after paragraph (1) the following new paragraph:

“(2) in an operation or area designated as a combat operation or a combat zone, respectively, by the Secretary of Defense in accordance with the regulations prescribed under subsection (a); or”;

(2) in subsection (c), by striking “paragraph (1) or (2) of subsection (c)” and inserting “paragraph (1), (2) or (3) of subsection (b)”; and

(3) by adding at the end the following new subsection:

“(e) APPLICATION OF CERTAIN REGULATIONS.—To the extent provided in the regulations issued under subsection (a) to implement subsection (b)(2), the regulations shall apply to the acceptance of gifts received



after the date of the enactment of the National Defense Authorization Act for Fiscal Year 2012 for injuries or illnesses incurred on or after September 11, 2001.”.

**SEC. 544. FREEDOM OF CONSCIENCE OF MILITARY CHAPLAINS WITH RESPECT TO THE PERFORMANCE OF MARRIAGES.**

A military chaplain who, as a matter of conscience or moral principle, does not wish to perform a marriage may not be required to do so.

**Subtitle E—Member Education and Training Opportunities and Administration**

**SEC. 551. EMPLOYMENT SKILLS TRAINING FOR MEMBERS OF THE ARMED FORCES ON ACTIVE DUTY WHO ARE TRANSITIONING TO CIVILIAN LIFE.**

Section 1143 of title 10, United States Code, is amended by adding at the end the following new subsection:

“(e) **EMPLOYMENT SKILLS TRAINING.**—(1) The Secretary of a military department may carry out one or more programs to provide eligible members of the armed forces under the jurisdiction of the Secretary with job training and employment skills training, including apprenticeship programs, to help prepare such members for employment in the civilian sector.

“(2) A member of the armed forces is an eligible member for purposes of a program under this subsection if the member—

“(A) has completed at least 180 days on active duty in the armed forces; and

“(B) is expected to be discharged or released from active duty in the armed forces within 180 days of the date of commencement of participation in such a program.

“(3) Any program under this subsection shall be carried out in accordance with regulations prescribed by the Secretary of Defense.”.

**SEC. 552. ENHANCEMENT OF AUTHORITIES ON JOINT PROFESSIONAL MILITARY EDUCATION.**

(a) **AUTHORITY TO CREDIT MILITARY GRADUATES OF THE NATIONAL DEFENSE INTELLIGENCE COLLEGE WITH COMPLETION OF JPME PHASE I.**—

(1) **JOINT PROFESSIONAL MILITARY EDUCATION PHASE I.**—Section 2154(a)(1) of title 10, United States Code, is amended by inserting “or at a joint intermediate level school” before the period at the end.

(2) **JOINT INTERMEDIATE LEVEL SCHOOL DEFINED.**—Section 2151(b) of such title is amended by adding at the end the following new paragraph:

“(3) The term ‘joint intermediate level school’ includes the National Defense Intelligence College.”.

(b) **PILOT PROGRAM ON JPME PHASE II ON OTHER-THAN-IN RESIDENCE BASIS.**—

(1) **PILOT PROGRAM AUTHORIZED.**—The Secretary of Defense may carry out a pilot program to assess the feasibility and advisability of offering a program of instruction for Phase II joint professional military education (JPME II) on an other than in-residence basis.

(2) **LOCATION.**—The pilot program authorized by this subsection shall be carried out at the headquarters of not more than two combatant commands selected by the Secretary for purposes of the pilot program.

(3) **PROGRAM OF INSTRUCTION.**—The program of instruction offered under the pilot program authorized by this subsection shall meet the requirements of section 2155 of title 10, United States Code.

(4) **REPORT.**—Not later than one year before completion of the pilot program authorized by this subsection, the Secretary shall submit to the Committees on Armed Services of

the Senate and the House of Representatives a report on the pilot program. The report shall include the following:

(A) The number of students enrolled at each location under the pilot program.

(B) The number of students who successfully completed the program of instruction under the pilot program and were awarded credit for Phase II joint professional military education.

(C) The assessment of the Secretary regarding the feasibility and advisability of expanding the pilot program to the headquarters of additional combatant commands, or of making the pilot program permanent, and a statement of the legislative or administrative actions required to implement such assessment.

(5) **SUNSET.**—The authority in this subsection to carry out the pilot program shall expire on the date that is five years after the date of the enactment of this Act.

**SEC. 553. TEMPORARY AUTHORITY TO WAIVE MAXIMUM AGE LIMITATION ON ADMISSION TO THE MILITARY SERVICE ACADEMIES.**

(a) **WAIVER FOR CERTAIN ENLISTED MEMBERS.**—The Secretary of the military department concerned may waive the maximum age limitation specified in section 4346(a), 6958(a)(1), or 9346(a) of title 10, United States Code, for the admission of an enlisted member of the Armed Forces to the United States Military Academy, the United States Naval Academy, or the United States Air Force Academy if the member—

(1) satisfies the eligibility requirements for admission to that academy (other than the maximum age limitation); and

(2) was or is prevented from being admitted to a military service academy before the member reached the maximum age specified in such sections as a result of service on active duty in a theater of operations for Operation Iraqi Freedom, Operation Enduring Freedom, or Operation New Dawn.

(b) **MAXIMUM AGE FOR RECEIPT OF WAIVER.**—A waiver may not be granted under this section if the candidate would pass the candidate’s twenty-sixth birthday by July 1 of the year in which the candidate would enter the military service academy pursuant to the waiver.

(c) **LIMITATION ON NUMBER ADMITTED USING WAIVER.**—Not more than five candidates may be admitted to each of the military service academies for an academic year pursuant to a waiver granted under this section.

(d) **RECORD KEEPING REQUIREMENT.**—The Secretary of each military department shall maintain records on the number of graduates of the military service academy under the jurisdiction of the Secretary who are admitted pursuant to a waiver granted under this section and who remain in the Armed Forces beyond the active duty service obligation assumed upon graduation. The Secretary shall compare their retention rate to the retention rate of graduates of that academy generally.

(e) **REPORTS.**—Not later than April 1, 2016, the Secretary of each military department shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report specifying—

(1) the number of applications for waivers received by the Secretary under this section;

(2) the number of waivers granted by the Secretary under this section;

(3) the number of candidates actually admitted to the military service academy under the jurisdiction of the Secretary pursuant to a waiver granted by the Secretary under this section; and

(4) beginning with the class of 2009, the number of graduates of the military service

academy under the jurisdiction of the Secretary who, before admission to that academy, were enlisted members of the Armed Forces and who remain in the Armed Forces beyond the active duty service obligation assumed upon graduation.

(f) **DURATION OF WAIVER AUTHORITY.**—The authority to grant a waiver under this section expires on September 30, 2016.

**SEC. 554. ENHANCEMENT OF ADMINISTRATION OF THE UNITED STATES AIR FORCE INSTITUTE OF TECHNOLOGY.**

(a) **IN GENERAL.**—Chapter 901 of title 10, United States Code, is amended by inserting after section 9314a the following new section:

**“§ 9314b. United States Air Force Institute of Technology: administration**

“(a) **COMMANDANT.**—

“(1) **SELECTION.**—The Commandant of the United States Air Force Institute of Technology shall be selected by the Secretary of the Air Force.

“(2) **ELIGIBILITY.**—The Commandant shall be one of the following:

“(A) An officer of the Air Force on active duty in a grade not below the grade of colonel who possesses such qualifications as the Secretary considers appropriate and is assigned or detailed to such position.

“(B) A member of the Senior Executive Service or a civilian individual, including an individual who was retired from the Air Force in a grade not below brigadier general, who has the qualifications appropriate for the position of Commandant and is selected by the Secretary as the best qualified from among candidates for the position in accordance with a process and criteria determined by the Secretary.

“(3) **TERM FOR CIVILIAN COMMANDANT.**—An individual selected for the position of Commandant under paragraph (2)(B) shall serve in that position for a term of not more than five years and may be continued in that position for an additional term of up to five years.

“(b) **PROVOST AND ACADEMIC DEAN.**—

“(1) **IN GENERAL.**—There is established at the United States Air Force Institute of Technology the civilian position of Provost and Academic Dean who shall be appointed by the Secretary.

“(2) **TERM.**—An individual appointed to the position of Provost and Academic Dean shall serve in that position for a term of five years.

“(3) **COMPENSATION.**—The individual serving as Provost and Academic Dean is entitled to such compensation for such service as the Secretary shall prescribe for purposes of this section, but not more than the rate of compensation authorized for level IV of the Executive Schedule.”.

(b) **CLERICAL AMENDMENT.**—The table of sections at the beginning of chapter 901 of such title is amended by inserting after the item relating to section 9314a the following new item:

“9314b. United States Air Force Institute of Technology: administration.”.

**SEC. 555. ENROLLMENT OF CERTAIN SERIOUSLY WOUNDED, ILL, OR INJURED FORMER OR RETIRED ENLISTED MEMBERS OF THE ARMED FORCES IN ASSOCIATE DEGREE PROGRAMS OF THE COMMUNITY COLLEGE OF THE AIR FORCE IN ORDER TO COMPLETE DEGREE PROGRAM.**

(a) **IN GENERAL.**—Section 9315 of title 10, United States Code, is amended—

(1) by redesignating subsection (c) as subsection (d); and

(2) by inserting after subsection (b) the following new subsection (c):

“(c) SERIOUSLY WOUNDED, ILL, OR INJURED FORMER AND RETIRED ENLISTED MEMBERS.—(1) The Secretary of the Air Force may authorize participation in a program of higher education under subsection (a)(1) by a person who is a former or retired enlisted member of the armed forces who at the time of the person's separation from active duty—

“(A) had commenced but had not completed a program of higher education under subsection (a)(1); and

“(B) is categorized by the Secretary concerned as seriously wounded, ill, or injured.

“(2) For purposes of this subsection, a person who may be categorized as seriously wounded, ill, or injured is a person with a serious injury or illness (as that term is defined in section 1602(8) of the Wounded Warrior Act (title XVI of Public Law 110–181; 10 U.S.C. 1071 note)).

“(3) A person may not be authorized under paragraph (1) to participate in a program of higher education after the end of the 10-year period beginning on the date of the person's separation from active duty.

“(4) The Secretary may not pay the tuition for participation in a program of higher education under subsection (a)(1) of a person participating in such program pursuant to an authorization under paragraph (1).”.

(b) CONFORMING AMENDMENTS.—Subsection (d) of such section, as redesignated by subsection (a)(1), is amended by striking “enlisted member” both places it appears and inserting “person”.

(c) EFFECTIVE DATE.—Subsection (c) of section 9315 of title 10, United States Code (as added by subsection (a)(2)), shall apply to persons covered by paragraph (1) of such subsection who are categorized by the Secretary concerned as seriously wounded, ill, or injured after September 11, 2001. With respect to any such person who is separated from active duty during the period beginning on September 12, 2001, and ending on the date of the enactment of this Act, the 10-year period specified in paragraph (3) of such subsection shall be deemed to commence on the date of the enactment of this Act.

#### SEC. 556. RESERVE COMPONENT MENTAL HEALTH STUDENT STIPEND.

(a) RESERVE COMPONENT MENTAL HEALTH STUDENT STIPEND.—Section 16201 of title 10, United States Code, is amended—

(1) by redesignating subsection (f) as subsection (g); and

(2) by inserting after subsection (e) the following new subsection (f):

“(f) MENTAL HEALTH PROFESSIONALS IN CRITICAL WARTIME SPECIALTIES.—(1) Under the stipend program under this chapter, the Secretary of the military department concerned may enter into an agreement with a person who—

“(A) is eligible to be appointed as an officer in a reserve component;

“(B) is enrolled or has been accepted for enrollment in an institution in a course of study that results in a degree in clinical psychology or social work;

“(C) signs an agreement that, unless soon separated, the person will—

“(i) complete the educational phase of the program;

“(ii) accept a reappointment or redesignation within the person's reserve component, if tendered, based upon the person's health profession, following satisfactory completion of the educational and intern programs; and

“(iii) participate in a residency program if required for clinical licensure in a mental health profession skill; and

“(D) if required by regulations prescribed by the Secretary of Defense, agrees to apply

for, if eligible, and accept, if offered, residency training in a mental health profession skill that has been designated by the Secretary as a critically needed wartime skill.

“(2) Under the agreement—

“(A) the Secretary of the military department concerned shall agree to pay the participant a stipend, in the amount determined under subsection (g), for the period or the remainder of the period that the student is satisfactorily progressing toward a degree in clinical psychology or social work while enrolled in a school accredited in the designated mental health discipline;

“(B) the participant shall not be eligible to receive such stipend before appointment, designation, or assignment as an officer for service in the Selected Reserve;

“(C) the participant shall be subject to such active duty requirements as may be specified in the agreement and to active duty in time of war or national emergency as provided by law for members of the Selected Reserve; and

“(D) the participant shall agree to serve, upon successful completion of the program, one year in the Selected Reserve for each six months, or part thereof, for which the stipend is provided.”.

(b) CONFORMING AMENDMENTS.—Such section is further amended—

(1) in subsections (b)(2)(A), (c)(2)(A), and (d)(2)(A), by striking “subsection (f)” and inserting “subsection (g)”; and

(2) in subsection (g), as redesignated by subsection (a)(1) of this section, by striking “subsection (b) or (c)” and inserting “subsection (b), (c), or (f)”.

#### SEC. 557. FISCAL YEAR 2012 ADMINISTRATION AND REPORT ON THE TROOPS-TO-TEACHERS PROGRAM.

(a) FISCAL YEAR 2012 ADMINISTRATION.—Notwithstanding section 2302(c) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6672(c)), the Secretary of Defense may administer the Troops-to-Teachers Program during fiscal year 2012. Amounts authorized to be appropriated for the Department of Defense by this Act shall be available to the Secretary of Defense for that purpose.

(b) REPORT.—Not later than April 1, 2012, the Secretary of Defense and the Secretary of Education shall jointly submit to the appropriate committees of Congress a report on the Troops-to-Teachers Program. The report shall include the following:

(1) A summary of the funding of the Troops-to-Teachers Program since its inception and projected funding of the program during the period covered by the future-years defense program submitted to Congress during 2011.

(2) The number of past participants in the Troops-to-Teachers Program by year, the number of past participants who have fulfilled, and have not fulfilled, their service obligation under the program, and the number of waivers of such obligations (and the reasons for such waivers).

(3) A discussion and assessment of the current and anticipated effects of recent economic circumstances in the United States, and cuts nationwide in State and local budgets, on the ability of participants in the Troops-to-Teachers Program to obtain teaching positions.

(4) A discussion of the youth education goals in the Troops-to-Teachers Program and the record of the program to date in producing teachers in high-need and other eligible schools.

(5) An assessment of the extent to which the Troops-to-Teachers Program achieves its

purpose as a military transition assistance program and, in particular, as transition assistance program for members of the Armed Forces who are nearing retirement or who are voluntarily or involuntarily separating from military service.

(6) An assessment of the performance of the Troops-to-Teachers Program in providing qualified teachers to high-need public schools, and reasons for expanding the program to additional school districts.

(7) A discussion and assessment of the advisability of the administration of the Troops-to-Teachers Program by the Department of Education in consultation with the Department of Defense.

(c) DEFINITIONS.—In this section:

(1) APPROPRIATE COMMITTEES OF CONGRESS.—The term “appropriate committees of Congress” means—

(A) the Committees on Armed Services and Health, Education, Labor, and Pensions of the Senate; and

(B) the Committees on Armed Services and Education and the Workforce of the House of Representatives.

(2) TROOPS-TO-TEACHERS PROGRAM.—The term “Troops-to-Teachers Program” means the Troops-to-Teachers Program authorized by chapter A of subpart 1 of part C of title II of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6671 et seq.).

#### SEC. 558. PILOT PROGRAM ON RECEIPT OF CIVILIAN CREDENTIALING FOR SKILLS REQUIRED FOR MILITARY OCCUPATIONAL SPECIALTIES.

(a) PILOT PROGRAM REQUIRED.—Commencing not later than nine months after the date of the enactment of this Act, the Secretary of Defense shall carry out a pilot program to assess the feasibility and advisability of permitting enlisted members of the Armed Forces to obtain civilian credentialing or licensing for skills required for military occupational specialties (MOS) or qualification for duty specialty codes.

(b) ELEMENTS.—In carrying out the pilot program, the Secretary shall—

(1) designate not less than three or more than five military occupational specialties or duty specialty codes for coverage under the pilot program; and

(2) permit enlisted members of the Armed Forces to obtain the credentials or licenses required for the specialties or codes so designated through civilian credentialing or licensing entities, institutions, or bodies selected by the Secretary for purposes of the pilot program, whether concurrently with military training, at the completion of military training, or both.

(c) DURATION.—The Secretary shall complete the pilot program by not later than five years after the date of the commencement of the pilot program.

(d) REPORT.—Not later than one year after commencement of the pilot program, the Secretary shall submit to Congress a report on the pilot program. The report shall set forth the following:

(1) The number of enlisted members who participated in the pilot program.

(2) A description of the costs incurred by the Department of Defense in connection with the receipt by members of credentialing or licensing under the pilot program.

(3) A comparison of the cost associated with receipt by members of credentialing or licensing under the pilot program with the cost of receipt of similar credentialing or licensing by recently-discharged veterans of the Armed Forces under programs currently operated by the Department of Veterans Affairs and the Department of Labor.

(4) The recommendation of the Secretary as to the feasibility and advisability of expanding the pilot program to additional military occupational specialties or duty specialty codes, and, if such expansion is considered feasible and advisable, a list of the military occupational specialties and duty specialty codes recommended for inclusion in the expansion.

**SEC. 559. REPORT ON CERTAIN EDUCATION ASSISTANCE PROGRAMS.**

(a) **REPORT REQUIRED.**—Not later than 180 days after the date of enactment of this Act, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives a report on methods to increase the efficiency of the education assistance programs under sections 1784a and 2007 of title 10, United States Code.

(b) **ELEMENTS.**—The report required by subsection (a) shall include the following:

(1) A description of the effect of the programs on recruiting and retention within the Armed Forces.

(2) An analysis of other programs that provide benefits similar to those provided through the programs, including the use of education assistance programs under chapters 30 and 33 of title 38, United States Code, for education and training pursued by members of the Armed Forces serving on active duty while they are off-duty.

(3) A description of the effects of modifying the programs to require members of the Armed Forces and dependents participating in the programs to pay an appropriate percentage of their education expenses with the Secretary of the military department concerned paying the remaining percentage of such expenses, with the intent of ensuring that members and their dependents give due consideration to their educational needs before enrolling in the programs.

(4) A description of the costs of the programs to the Department of Defense, including the following elements for each institution of higher education that received funds under the programs during any of fiscal years 2009, 2010, 2011:

(A) The name and location of the institution of higher education.

(B) Whether the institution is a public, non-profit, or for-profit institution.

(C) The amount of funds received by the institution in each such fiscal year.

(D) The number of members of the Armed Forces and dependents who received education at the institution during each such fiscal year.

(E) The average amount of funds members and dependents received under the programs.

(5) A description of the education outcomes for members of the Armed Forces and dependents participating in the program during fiscal years, 2009, 2010, 2011, including the following:

(A) Credit accumulation.

(B) Completion of education on-time or within 150 percent of on-time.

(C) Completion of a degree.

(D) Loan defaults, if applicable.

(6) A description of the feasibility and desirability of requiring institutions of higher learning, as a requirement for participation in the programs, to report to the Secretary of Defense, as well as disclose, provide, and make publicly available through electronic or other means to members of the Armed Forces participating in the programs, the following information about their programs prior to enrollment:

(A) When applicable, qualifications for examination, certification, or licensure re-

quired as a precondition for employment in the occupation or skill for which the program is represented to prepare the student, and whether the program meets those requirements.

(B) The normal and average time to completion of the program. Normal time to completion means the amount of time it would take a full-time student to complete the program.

(C) The completion, graduation, and drop-out rates of students for the institution.

(D) Information concerning average student indebtedness for each program resulting from Federal, private, and institutional loans.

(E) Whether the institution participates, or is eligible to participate, under in financial aid programs under title IV of the Higher Education Act of 1965.

**Subtitle F—Armed Forces Retirement Home**  
**SEC. 561. CONTROL AND ADMINISTRATION BY SECRETARY OF DEFENSE.**

Section 1511(d) of the Armed Forces Retirement Home Act of 1991 (24 U.S.C. 411(d)) is amended by adding at the end the following new paragraph:

“(3) The administration of the Retirement Home, including administration for the provision of health care and medical care for residents, shall remain under the control and administration of the Secretary of Defense.”.

**SEC. 562. SENIOR MEDICAL ADVISOR OVERSIGHT OF HEALTH CARE PROVIDED TO RESIDENTS OF ARMED FORCES RETIREMENT HOME.**

(a) **ADVISORY RESPONSIBILITIES OF SENIOR MEDICAL ADVISOR.**—Subsection (b) of section 1513A of the Armed Forces Retirement Home Act of 1991 (24 U.S.C. 413a) is amended—

(1) by striking “(1) The”; and inserting “The”;

(2) by striking paragraph (2); and

(3) by striking “and the Chief Operating Officer” and all that follows through the period at the end and inserting the following: “the Chief Operating Officer, and the Advisory Council regarding the direction and oversight of—

“(1) medical administrative matters at each facility of the Retirement Home; and

“(2) the provision of medical care, preventive mental health, and dental care services at each facility of the Retirement Home.”.

(b) **RELATED DUTIES.**—Subsection (c) of such section is amended by striking paragraphs (3), (4), and (5) and inserting the following new paragraphs:

“(3) Periodically visit each facility of the Retirement Home to review—

“(A) the medical facilities, medical operations, medical records and reports, and the quality of care provided to residents; and

“(B) inspections and audits to ensure that appropriate follow-up regarding issues and recommendations raised by such inspections and audits has occurred.

“(4) Report on the findings and recommendations developed as a result of each review conducted under paragraph (3) to the Chief Operating Officer, the Advisory Council, and the Under Secretary of Defense for Personnel and Readiness.”.

**SEC. 563. ESTABLISHMENT OF ARMED FORCES RETIREMENT HOME ADVISORY COUNCIL AND RESIDENT ADVISORY COMMITTEES.**

(a) **REPLACEMENT OF LOCAL BOARDS OF TRUSTEES.**—The Armed Forces Retirement Home Act of 1991 (24 U.S.C. 416) is amended by striking section 1516 and inserting the following new sections:

**“SEC. 1516. ADVISORY COUNCIL.**

“(a) **ESTABLISHMENT.**—The Retirement Home shall have an Advisory Council, to be

known as the ‘Armed Forces Retirement Home Advisory Council’. The Advisory Council shall serve the interests of both facilities of the Retirement Home.

“(b) **DUTIES.**—(1) The Advisory Council shall provide to the Chief Operating Officer and the Administrator of each facility such guidance and recommendations on the administration of the Retirement Home and the quality of care provided to residents as the Advisory Council considers appropriate.

“(2) Not less often than annually, the Advisory Council shall submit to the Secretary of Defense a report summarizing its activities during the preceding year and providing such observations and recommendations with respect to the Retirement Home as the Advisory Council considers appropriate.

“(3) In carrying out its functions, the Advisory Council shall—

“(A) provide for participation in its activities by a representative of the Resident Advisory Committee of each facility of the Retirement Home; and

“(B) make recommendations to the Inspector General of the Department of Defense regarding issues that the Inspector General should investigate.

“(c) **COMPOSITION.**—(1) The Advisory Council shall consist of at least 15 members, each of whom shall be a full or part-time Federal employee or a member of the Armed Forces.

“(2) Members of the Advisory Council shall be designated by the Secretary of Defense, except that an individual who is not an employee of the Department of Defense shall be designated, in consultation with the Secretary of Defense, by the head of the Federal department or agency that employs the individual.

“(3) The Advisory Council shall include the following members:

“(A) One member who is an expert in nursing home or retirement home administration and financing.

“(B) One member who is an expert in gerontology.

“(C) One member who is an expert in financial management.

“(D) Two representatives of the Department of Veterans Affairs, one to be designated from each of the regional offices nearest in proximity to the facilities of the Retirement Home.

“(E) The Chairpersons of the Resident Advisory Committees.

“(F) One enlisted representative of the Services’ Retiree Advisory Council.

“(G) The senior noncommissioned officer of one of the Armed Forces.

“(H) Two senior representatives of military medical treatment facilities, one to be designated from each of the military hospitals nearest in proximity to the facilities of the Retirement Home.

“(I) One senior judge advocate from one of the Armed Forces.

“(J) One senior representative of one of the chief personnel officers of the Armed Forces.

“(K) Such other members as the Secretary of Defense may designate.

“(4) The Administrator of the each facility of the Retirement Home shall be a nonvoting member of the Advisory Council.

“(5) The Secretary of Defense shall designate one member of the Advisory Council to serve as the Chairperson of the Advisory Council. The Chairperson shall conduct the meetings of the Advisory Council.

“(d) **TERM OF SERVICE.**—(1) Except as provided in paragraphs (2), (3), and (4), the term of service of a member of the Advisory Council shall be two years. The Secretary of Defense may designate a member to serve one additional term.

“(2) Unless earlier terminated by the Secretary of Defense, a person may continue to serve as a member of the Advisory Council after the expiration of the member's term until a successor is designated.

“(3) The Secretary of Defense may terminate the term of service of a member of the Advisory Council before the expiration of the member's term.

“(4) A member of the Advisory Council serves as a member of the Advisory Council only for as long as the member is assigned to or serving in a position for which the duties include the duty to serve as a member of the Advisory Council.

“(e) VACANCIES.—A vacancy in the Advisory Council shall be filled in the manner in which the original designation was made. A member designated to fill a vacancy occurring before the end of the term of the predecessor shall be designated for the remainder of the term of the predecessor. A vacancy in the Advisory Council shall not affect its authority to perform its duties.

“(f) COMPENSATION.—(1) Except as provided in paragraph (2), a member of the Advisory Council shall—

“(A) be provided a stipend consistent with the daily government consultant fee for each day on which the member is engaged in the performance of services for the Advisory Council; and

“(B) while away from home or regular place of business in the performance of services for the Advisory Council, be allowed travel expenses (including per diem in lieu of subsistence) in the same manner as a person employed intermittently in Government under sections 5701 through 5707 of title 5, United States Code.

“(2) A member of the Advisory Council who is a member of the Armed Forces on active duty or a full-time officer or employee of the United States shall receive no additional pay by reason of serving as a member of the Advisory Council.

#### “SEC. 1516A. RESIDENT ADVISORY COMMITTEES.

“(a) ESTABLISHMENT AND PURPOSE.—(1) A Resident Advisory Committee is an elected body of residents at each facility of the Retirement Home established to provide a forum for all residents to express their needs, ideas, and interests through elected representatives of their respective floor or area.

“(2) A Resident Advisory Committee—

“(A) serves as a forum for ideas, recommendations, and representation to management of that facility of the Retirement Home to enhance the morale, safety, health, and well-being of residents; and

“(B) provides a means to communicate policy and general information between residents and management.

“(b) ELECTION PROCESS.—The election process for the Resident Advisory Committee at a facility of the Retirement Home shall be coordinated by the facility Ombudsman.

“(c) CHAIRPERSON.—(1) The Chairperson of a Resident Advisory Committee shall be elected at large and serve a two-year term.

“(2) Chairpersons serve as a liaison to the Administrator and are voting members of the Advisory Council. Chairpersons shall create meeting agendas, conduct the meetings, and provide a copy of the minutes to the Administrator, who will forward the copy to the Chief Operating Officer for approval.

“(d) MEETINGS.—At a minimum, meetings of a Resident Advisory Committee shall be conducted quarterly.”.

(b) CONFORMING AMENDMENTS.—

(1) DEFINITIONS.—Section 1502 of such Act (24 U.S.C. 401) is amended—

(A) by striking paragraph (2);

(B) by redesignating paragraph (3) as paragraph (2); and

(C) by inserting after paragraph (2) (as so redesignated) the following new paragraphs:

“(3) The term ‘Advisory Council’ means the Armed Forces Retirement Home Advisory Council established under section 1516.

“(4) The term ‘Resident Advisory Committee’ means an elected body of residents at a facility of the Retirement Home established under section 1516A.”.

(2) RESPONSIBILITIES OF CHIEF OPERATING OFFICER.—Section 1515(c)(2) of such Act (24 U.S.C. 415(c)(2)) is amended by striking “, including the Local Boards of those facilities”.

(3) INSPECTION OF RETIREMENT HOME.—Section 1518 of such Act (24 U.S.C. 418) is amended—

(A) in subsection (b)—

(i) in paragraph (1), by striking “Local Board for the facility or the resident advisory committee or council” and inserting “Advisory Council or the Resident Advisory Committee”; and

(ii) in paragraph (3), by striking “Local Board for the facility, the resident advisory committee or council” and inserting “Advisory Council, the Resident Advisory Committee”;

(B) in subsection (c)(1), by striking “Local Board for the facility” and inserting “Advisory Council”; and

(C) in subsection (e)(1), by striking “Local Board for the facility” and inserting “Advisory Council”.

#### SEC. 564. ADMINISTRATORS, OMBUDSMEN, AND STAFF OF FACILITIES.

(a) LEADERSHIP OF FACILITIES OF THE RETIREMENT HOME.—Section 1517 of the Armed Forces Retirement Home Act of 1991 (24 U.S.C. 417) is amended—

(1) in subsection (a), by striking “a Director, a Deputy Director, and an Associate Director” and inserting “an Administrator and an Ombudsman”;

(2) in subsections (b) and (c)—

(A) by striking “DIRECTOR” in each subsection heading and inserting “ADMINISTRATOR”; and

(B) by striking “Director” each place it appears and inserting “Administrator”;

(3) by striking subsections (d) and (e) and redesignating subsections (f), (g), (h), and (i) as subsections (d), (e), (f), and (g), respectively;

(4) in subsection (d), as so redesignated—

(A) by striking “ASSOCIATE DIRECTOR” in the subsection heading and inserting “OMBUDSMAN”; and

(B) by striking “Associate Director” in paragraphs (1) and (2) and inserting “Ombudsman”;

(5) in subsection (e), as so redesignated—

(A) by striking “ASSOCIATE DIRECTOR.” in the subsection heading and inserting “OMBUDSMAN.—(1)”;

(B) by striking “Associate Director” and inserting “Ombudsman”;

(C) by striking “Director and Deputy Director” and inserting “Administrator”;

(D) by striking “Director may” and inserting “Administrator may”; and

(E) by adding at the end the following new paragraph:

“(2) The Ombudsman may provide information to the Administrator, the Chief Operating Officer, the Senior Medical Advisor, the Inspector General of the Department of Defense, and the Under Secretary of Defense for Personnel and Readiness.”;

(6) in subsection (f), as so redesignated, by striking “Director” each place it appears and inserting “Administrator”; and

(7) in subsection (g), as so redesignated—

(A) by striking “DIRECTORS” in the subsection heading and inserting “ADMINISTRATORS”;

(B) in paragraph (1), by striking “Directors” and inserting “Administrators”; and

(C) in paragraph (2), by striking “a Director” and inserting “an Administrator”.

(b) CONFORMING AMENDMENTS.—

(1) REFERENCES TO DIRECTOR.—Sections 1511(d)(2), 1512(c), 1514(a), 1518(b)(4), 1518(c), 1518(d)(2), 1520, 1522, and 1523(b) of such Act are amended by striking “Director” each place it appears and inserting “Administrator”.

(2) REFERENCES TO DIRECTORS.—Sections 1514(b) and 1520(c) of such Act (24 U.S.C. 414(b), 420(c)) are amended by striking “Directors” and inserting “Administrators”.

#### SEC. 565. REVISION OF FEE REQUIREMENTS.

(a) LIMITATION ON MAXIMUM MONTHLY AMOUNT OF FEES.—Subsection (c)(3) of section 1514 of the Armed Forces Retirement Home Act of 1991 (24 U.S.C. 414) is amended by striking the last sentence.

(b) REPEAL OF FORMER TRANSITIONAL FEE STRUCTURES.—Such section is further amended by striking subsection (d).

#### SEC. 566. REVISION OF INSPECTION REQUIREMENTS.

Section 1518 of the Armed Forces Retirement Home Act of 1991 (24 U.S.C. 418) is amended—

(1) in subsection (b)(1)—

(A) by striking “In any year in which a facility of the Retirement Home is not inspected by a nationally recognized civilian accrediting organization,” and inserting “Not less often than once every three years.”;

(B) by striking “of that facility” and inserting “of each facility of the Retirement Home”; and

(C) by inserting “long-term care,” after “assisted living.”;

(2) in subsection (c)—

(A) in paragraph (1), by striking “45 days” and inserting “90 days”; and

(B) by striking paragraph (2) and inserting the following new paragraph:

“(2) A report submitted under paragraph (1) shall include a plan by the Chief Operating Officer to address the recommendations and other matters contained in the report.”; and

(3) in subsection (e)(1)—

(A) by striking “45 days” and inserting “60 days”; and

(B) by striking “Director of the facility concerned shall submit to the Under Secretary of Defense for Personnel and Readiness, the Chief Operating Officer” and inserting “Chief Operating Officer shall submit to the Under Secretary of Defense for Personnel and Readiness, the Senior Medical Advisor”.

#### SEC. 567. REPEAL OF OBSOLETE TRANSITIONAL PROVISIONS AND TECHNICAL, CONFORMING, AND CLERICAL AMENDMENTS.

(a) REPEAL OF TRANSITIONAL PROVISIONS.—Part B of the Armed Forces Retirement Home Act of 1991, consisting of sections 1531, 1532, and 1533 relating to transitional provisions for the Armed Forces Retirement Home Board and the Directors and Deputy Directors of the facilities of the Armed Forces Retirement Home (24 U.S.C. 431, 432, 433), is repealed.

(b) CORRECTION OF OBSOLETE REFERENCES TO RETIREMENT HOME BOARD.—

(1) ARMED FORCES RETIREMENT HOME ACT.—Section 1519(a)(2) of the Armed Forces Retirement Home Act of 1991 (24 U.S.C.

419(a)(2)) is amended by striking "Retirement Home Board" and inserting "Chief Operating Officer".

(2) TITLE 10.—

(A) DEFENSE OF CERTAIN SUITS.—Section 1089(g)(3) of title 10, United States Code, is amended by striking "Armed Forces Retirement Home Board" and inserting "Chief Operating Officer of the Armed Forces Retirement Home".

(B) FINES AND FORFEITURES.—Section 2772(b) of title 10, United States Code, is amended by striking "Armed Forces Retirement Home Board" and inserting "Chief Operating Officer of the Armed Forces Retirement Home".

(C) SECTION HEADINGS.—

(1) SECTION 1501.—The heading of section 1501 of the Armed Forces Retirement Home Act of 1991 (24 U.S.C. 401 note) is amended to read as follows:

**"SEC. 1501. SHORT TITLE; TABLE OF CONTENTS."**

(2) SECTION 1513.—The heading of section 1513 of such Act (24 U.S.C. 413) is amended to read as follows:

**"SEC. 1513. SERVICES PROVIDED TO RESIDENTS."**

(3) SECTION 1513A.—The heading of section 1513A of such Act (24 U.S.C. 413a) is amended to read as follows:

**"SEC. 1513A. OVERSIGHT OF HEALTH CARE PROVIDED TO RESIDENTS."**

(4) SECTION 1517.—The heading of section 1517 of such Act (24 U.S.C. 417) is amended to read as follows:

**"SEC. 1517. ADMINISTRATORS, OMBUDSMEN, AND STAFF OF FACILITIES."**

(5) SECTION 1518.—The heading of section 1518 of such Act (24 U.S.C. 418) is amended to read as follows:

**"SEC. 1518. PERIODIC INSPECTION OF RETIREMENT HOME FACILITIES BY DEPARTMENT OF DEFENSE INSPECTOR GENERAL AND OUTSIDE INSPECTORS."**

(6) PUNCTUATION.—The headings of sections 1512 and 1520 of such Act (24 U.S.C. 412, 420) are amended by adding a period at the end.

(d) PART A HEADER.—The heading for part A is repealed.

(e) TABLE OF CONTENTS.—The table of contents in section 1501(b) of such Act is amended—

(1) by striking the item relating to the heading for part A;

(2) by striking the items relating to sections 1513 and 1513A and inserting the following new items:

"Sec. 1513. Services provided to residents.  
"Sec. 1513A. Oversight of health care provided to residents.";

(3) by striking the items relating to sections 1516, 1517, and 1518 and inserting the following:

"Sec. 1516. Advisory Council.  
"Sec. 1516A. Resident Advisory Committees.  
"Sec. 1517. Administrators, Ombudsmen, and staff of facilities.  
"Sec. 1518. Periodic inspection of Retirement Home facilities by Department of Defense Inspector General and outside inspectors."; and

(4) by striking the items relating to part B (including the items relating to sections 1531, 1532, and 1533).

**Subtitle G—Defense Dependents' Education and Military Family Readiness Matters**

**SEC. 571. IMPACT AID FOR CHILDREN WITH SEVERE DISABILITIES.**

Of the amount authorized to be appropriated for fiscal year 2012 pursuant to section 301 and available for operation and maintenance for Defense-wide activities as

specified in the funding table in section 4301, \$5,000,000 shall be available for payments under section 363 of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted into law by Public Law 106-398; 114 Stat. 1654A-77; 20 U.S.C. 7703a).

**SEC. 572. CONTINUATION OF AUTHORITY TO ASSIST LOCAL EDUCATIONAL AGENCIES THAT BENEFIT DEPENDENTS OF MEMBERS OF THE ARMED FORCES AND DEPARTMENT OF DEFENSE CIVILIAN EMPLOYEES.**

(a) ASSISTANCE TO SCHOOLS WITH SIGNIFICANT NUMBERS OF MILITARY DEPENDENT STUDENTS.—Of the amount authorized to be appropriated for fiscal year 2012 by section 301 and available for operation and maintenance for Defense-wide activities as specified in the funding table in section 4301, \$30,000,000 shall be available only for the purpose of providing assistance to local educational agencies under subsection (a) of section 572 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109-163; 20 U.S.C. 7703b).

(b) ASSISTANCE TO SCHOOLS WITH ENROLLMENT CHANGES DUE TO BASE CLOSURES, FORCE STRUCTURE CHANGES, OR FORCE RELOCATIONS.—Of the amount authorized to be appropriated for fiscal year 2012 by section 301 and available for operation and maintenance for Defense-wide activities as specified in the funding table in section 4301, \$10,000,000 shall be available only for the purpose of providing assistance to local educational agencies under subsection (b) of section 572 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109-163; 20 U.S.C. 7703b).

(c) LOCAL EDUCATIONAL AGENCY DEFINED.—In this section, the term "local educational agency" has the meaning given that term in section 8013(9) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7713(9)).

**SEC. 573. THREE-YEAR EXTENSION AND ENHANCEMENT OF AUTHORITIES ON TRANSITION OF MILITARY DEPENDENT STUDENTS AMONG LOCAL EDUCATIONAL AGENCIES.**

(a) ADDITIONAL AUTHORITIES.—Paragraph (2)(B) of section 574(d) of the John Warner National Defense Authorization Act for Fiscal Year 2007 (20 U.S.C. 7703b note) is amended—

(1) by inserting "grant assistance" after "To provide"; and

(2) by striking "including—" and all that follows and inserting "including programs on the following:

"(i) Access to virtual and distance learning capabilities and related applications.

"(ii) Training for teachers.

"(iii) Academic strategies to increase academic achievement.

"(iv) Curriculum development.

"(v) Support for practices that minimize the impact of transition and deployment.

"(vi) Other appropriate services to improve the academic achievement of such students."

(b) THREE-YEAR EXTENSION.—Paragraph (3) of such section is amended by striking "September 30, 2013" and inserting "September 30, 2016".

**SEC. 574. REVISION TO MEMBERSHIP OF DEPARTMENT OF DEFENSE MILITARY FAMILY READINESS COUNCIL.**

Subsection (b) of section 1781a of title 10, United States Code, is amended to read as follows:

"(b) MEMBERS.—(1) The Council shall consist of the following members:

"(A) The Under Secretary of Defense for Personnel and Readiness, who shall serve as

chair of the Council and who may designate a representative to chair the council in the Under Secretary's absence.

"(B) The following persons, who shall be appointed or designated by the Secretary of Defense:

"(i) One representative of each of the Army, Navy, Marine Corps, and Air Force, each of whom shall be a member of the armed force to be represented.

"(ii) One representative of the Army National Guard or the Air National Guard, who may be a member of the National Guard.

"(iii) One spouse or parent of a member of each of the Army, Navy, Marine Corps, and Air Force, two of whom shall be the spouse or parent of an active component member and two of whom shall be the spouse or parent of a reserve component member.

"(C) Three individuals appointed by the Secretary of Defense from among representatives of military family organizations, including military family organizations of families of members of the regular components and of families of members of the reserve components.

"(D) The senior enlisted advisor from each of the Army, Navy, Marine Corps, and Air Force, except that two of these members may instead be selected from among the spouses of the senior enlisted advisors.

"(E) The Director of the Office of Community Support for Military Families with Special Needs.

"(2)(A) The term on the Council of the members appointed or designated under clauses (i) and (iii) of subparagraph (B) of paragraph (1) shall be two years and may be renewed by the Secretary of Defense. Representation on the Council under clause (ii) of that subparagraph shall rotate between the Army National Guard and Air National Guard every two years on a calendar year basis.

"(B) The term on the Council of the members appointed under subparagraph (C) of paragraph (1) shall be three years."

**SEC. 575. REEMPLOYMENT RIGHTS FOLLOWING CERTAIN NATIONAL GUARD DUTY.**

Section 4312(c)(4) of title 38, United States Code, is amended—

(1) in subparagraph (D), by striking "or" at the end;

(2) in subparagraph (E), by striking the period at the end and inserting "; or"; and

(3) by adding at the end the following new subparagraph:

"(F) ordered to full-time National Guard duty (other than for training) under section 502(f)(2)(A) of title 32 when authorized by the President or the Secretary of Defense for the purpose of responding to a national emergency declared by the President and supported by Federal funds, as determined by the Secretary concerned."

**SEC. 576. EXPANSION OF OPERATION HERO MILES.**

(a) EXPANDED DEFINITION OF TRAVEL BENEFIT.—Subsection (b) of section 2613 of title 10, United States Code, is amended to read as follows:

"(b) TRAVEL BENEFIT DEFINED.—In this section, the term 'travel benefit' means—

"(1) frequent traveler miles, credits for tickets, or tickets for air or surface transportation issued by an air carrier or a surface carrier, respectively, that serves the public; and

"(2) points or awards for free or reduced-cost accommodations issued by an inn, hotel, or other commercial establishment that provides lodging to transient guests."

(b) CONDITION ON AUTHORITY TO ACCEPT DONATION.—Subsection (c) of such section is amended—

(1) by striking “the air or surface carrier” and inserting “the business entity referred to in subsection (b)”;

(2) by striking “the surface carrier” and inserting “the business entity”; and

(3) by striking “the carrier” and inserting “the business entity”.

(c) ADMINISTRATION.—Subsection (e)(3) of such section is amended by striking “the air carrier or surface carrier” and inserting “the business entity referred to in subsection (b)”.

(d) STYLISTIC AMENDMENTS.—

(1) SECTION HEADING.—The heading of such section is amended to read as follows:

**“§2613. Acceptance of frequent traveler miles, credits, points, and tickets: use to facilitate rest and recuperation travel of deployed members and their families”.**

(2) TABLE OF SECTIONS.—The table of sections at the beginning of chapter 155 of such title is amended by striking the item relating to section 2613 and inserting the following new item:

“2613. Acceptance of frequent traveler miles, credits, points, and tickets: use to facilitate rest and recuperation travel of deployed members and their families.”.

**SEC. 577. REPORT ON DEPARTMENT OF DEFENSE AUTISM PILOT AND DEMONSTRATION PROJECTS.**

(a) REPORT REQUIRED.—Not later than March 14, 2013, the Secretary of Defense shall submit to the Committees on Armed Services of the House of Representatives and the Senate a report on all pilot and demonstration projects and all other efforts being conducted by the Department of Defense on autism services.

(b) MATTERS COVERED.—At a minimum, the report under subsection (a) shall include an assessment of the demand for autism treatment services by military families, including the intensity and volumes of use across specific diagnoses and age groups and the availability of qualified providers of such treatment services.

**SEC. 578. COMPTROLLER GENERAL OF THE UNITED STATES REPORT ON DEPARTMENT OF DEFENSE MILITARY SPOUSE EMPLOYMENT PROGRAMS.**

(a) IN GENERAL.—The Comptroller General of the United States shall carry out a review of all current Department of Defense military spouse employment programs.

(b) ELEMENTS.—The review required by subsection (a) shall, address, at a minimum, the following:

(1) All current Department of Defense military spouse employment programs, and the efficacy and effectiveness of each such program.

(2) The types of military spouse employment programs that have been considered or used in the past by the Department.

(3) The ways in which military spouse employment programs have changed in recent years.

(4) The benefits or programs that are specifically available to provide employment assistance to spouses of members of the Armed Forces serving in Operation Iraqi Freedom, Operation Enduring Freedom, or Operation New Dawn, or any other contingency operation being conducted by the Armed Forces as of the date of such review.

(5) Existing mechanisms available to military spouses to express their views on the effectiveness and future direction of Department programs and policies on employment assistance for military spouses.

(6) The oversight provided by the Office of Personnel and Management regarding pref-

erences for military spouses in Federal employment.

(7) The total funding available to the Department for each military spouse employment program and the amount obligated by the Department for each such program.

(8) The number (or a reasonable estimate if a precise number is not available) of military spouses who have obtained employment following participation in a Department military spouse employment program, as a whole and for each military spouse employment program.

(c) COMPTROLLER GENERAL REPORT.—Not later than 180 days after the date of the enactment of this Act, the Comptroller General shall submit to the congressional defense committees a report on the review carried out under subsection (a). The report shall set forth the following:

(1) The results of the review concerned.

(2) Such clear and concrete metrics as the Comptroller General considers appropriate for the current and future evaluation and assessment of the efficacy and effectiveness of Department of Defense military spouse employment programs.

(3) A description of the assumptions utilized in the review, and an assessment of the validity and completeness of such assumptions.

(4) Such recommendations as the Comptroller General considers appropriate for improving Department military spouse employment programs.

**Subtitle H—Improved Sexual Assault Prevention and Response in the Armed Forces**

**SEC. 581. ACCESS OF SEXUAL ASSAULT VICTIMS TO LEGAL ASSISTANCE AND SERVICES OF SEXUAL ASSAULT RESPONSE COORDINATORS AND SEXUAL ASSAULT VICTIM ADVOCATES.**

(a) LEGAL ASSISTANCE FOR VICTIMS OF SEXUAL ASSAULT.—Not later than 180 days after the date of the enactment of this Act, the Secretaries of the military departments shall prescribe regulations on the provision of legal assistance to victims of sexual assault. Such regulations shall require that legal assistance be provided by military or civilian legal assistance counsel pursuant to section 1044 of title 10, United States Code.

(b) ASSISTANCE AND REPORTING.—

(1) IN GENERAL.—Chapter 80 of title 10, United States Code, is amended by inserting after section 1565a the following new section:

**“§1565b. Victims of sexual assault: access to legal assistance and services of Sexual Assault Response Coordinators and Sexual Assault Victim Advocates**

**“(a) AVAILABILITY OF LEGAL ASSISTANCE AND VICTIM ADVOCATE SERVICES.—(1) A member of the armed forces, or a dependent of a member, who is the victim of a sexual assault may be provided the following:**

**“(A) Legal assistance provided by military or civilian legal assistance counsel pursuant to section 1044 of this title.**

**“(B) Assistance provided by a Sexual Assault Response Coordinator.**

**“(C) Assistance provided by a Sexual Assault Victim Advocate.**

**“(2) A member of the armed forces or dependent who is the victim of sexual assault shall be informed of the availability of assistance under paragraph (1) as soon as the member or dependent seeks assistance from a Sexual Assault Response Coordinator, a Sexual Assault Victim Advocate, a military criminal investigator, a victim/witness liaison, or a trial counsel. The member or dependent shall also be informed that the legal assistance and the services of a Sexual Assault Response Coordinator or a Sexual As-**

**sault Victim Advocate under paragraph (1) are optional and may be declined, in whole or in part, at any time.**

**“(3) Legal assistance and the services of Sexual Assault Response Coordinators and Sexual Assault Victim Advocates under paragraph (1) shall be available to a member or dependent regardless of whether the member or dependent elects unrestricted or restricted (confidential) reporting of the sexual assault.**

**“(b) RESTRICTED REPORTING.—(1) Under regulations prescribed by the Secretary of Defense, a member of the armed forces, or a dependent of a member, who is the victim of a sexual assault may elect to confidentially disclose the details of the assault to an individual specified in paragraph (2) and receive medical treatment, legal assistance under section 1044 of this title, or counseling, without initiating an official investigation of the allegations.**

**“(2) The individuals specified in this paragraph are the following:**

**“(A) A Sexual Assault Response Coordinator.**

**“(B) A Sexual Assault Victim Advocate.**

**“(C) Healthcare personnel specifically identified in the regulations required by paragraph (1).”.**

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 80 of such title is amended by inserting after the item relating to section 1565a the following new item:

“1565b. Victims of sexual assault: access to legal assistance and services of Sexual Assault Response Coordinators and Sexual Assault Victim Advocates.”.

**SEC. 582. CONSIDERATION OF APPLICATION FOR PERMANENT CHANGE OF STATION OR UNIT TRANSFER BASED ON HUMANITARIAN CONDITIONS FOR VICTIM OF SEXUAL ASSAULT OR RELATED OFFENSE.**

(a) IN GENERAL.—Chapter 39 of title 10, United States Code, is amended by inserting after section 672 the following new section:

**“§673. Consideration of application for permanent change of station or unit transfer for members on active duty who are the victim of a sexual assault or related offense**

**“(a) TIMELY CONSIDERATION AND ACTION.—The Secretary concerned shall provide for timely determination and action on an application for consideration of a change of station or unit transfer submitted by a member of the armed forces serving on active duty who was a victim of a sexual assault or other offense covered by section 920, 920a, or 920c of this title (article 120, 120a, or 120c) so as to reduce the possibility of retaliation against the member for reporting the sexual assault or other offense.**

**“(b) REGULATIONS.—The Secretaries of the military departments shall issue regulations to carry out this section, within guidelines provided by the Secretary of Defense. These guidelines shall provide that the application submitted by a member described in subsection (a) for a change of station or unit transfer must be approved or disapproved by the member's commanding officer within 72 hours of the submission of the application. Additionally, if the application is disapproved by the commanding officer, the member shall be given the opportunity to request review by the first general officer or flag officer in the chain of command of the member, and that decision must be made within 72 hours of submission of the request for review.”.**

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is



amended by inserting after the item relating to section 672 the following new item:

“673. Consideration of application for permanent change of station or unit transfer for members on active duty who are the victim of a sexual assault or related offense.”.

**SEC. 583. DIRECTOR OF SEXUAL ASSAULT PREVENTION AND RESPONSE OFFICE.**

Section 1611(a) of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (Public Law 111-383; 10 U.S.C. 1561 note) is amended by adding before the period at the end of the first sentence the following: “, who shall be appointed from among general or flag officers of the Armed Forces or employees of the Department of Defense in a comparable Senior Executive Service position”.

**SEC. 584. SEXUAL ASSAULT RESPONSE COORDINATORS AND SEXUAL ASSAULT VICTIM ADVOCATES.**

(a) ASSIGNMENT OF COORDINATORS.—

(1) ASSIGNMENT REQUIREMENTS.—At least one full-time Sexual Assault Response Coordinator shall be assigned to each brigade or equivalent unit level of the armed forces. The Secretary of the military department concerned may assign additional Sexual Assault Response Coordinators as necessary based on the demographics or needs of the unit. An additional Sexual Assault Response Coordinator may serve on a full-time or part-time basis at the discretion of the Secretary.

(2) ELIGIBLE PERSONS.—On and after October 1, 2013, only members of the armed forces and civilian employees of the Department of Defense may be assigned to duty as a Sexual Assault Response Coordinator.

(b) ASSIGNMENT OF VICTIM ADVOCATES.—

(1) ASSIGNMENT REQUIREMENTS.—At least one full-time Sexual Assault Victim Advocate shall be assigned to each brigade or equivalent unit level of the armed forces. The Secretary of the military department concerned may assign additional Victim Advocates as necessary based on the demographics or needs of the unit. An additional Victim Advocate may serve on a full-time or part-time basis at the discretion of the Secretary.

(2) ELIGIBLE PERSONS.—On and after October 1, 2013, only members of the armed forces and civilian employees of the Department of Defense may be assigned to duty as a Victim Advocate.

(c) TRAINING AND CERTIFICATION.—

(1) TRAINING AND CERTIFICATION PROGRAM.—As part of the sexual assault prevention and response program, the Secretary of Defense shall establish a professional and uniform training and certification program for Sexual Assault Response Coordinators assigned under subsection (a) and Sexual Assault Victim Advocates assigned under subsection (b). The program shall be structured and administered in a manner similar to the professional training available for Equal Opportunity Advisors through the Defense Equal Opportunity Management Institute.

(2) CONSULTATION.—In developing the curriculum and other components of the program, the Secretary of Defense shall work with experts outside of the Department of Defense who are experts in victim advocacy and sexual assault prevention and response training.

(3) EFFECTIVE DATE.—On and after October 1, 2013, before a member or civilian employee may be assigned to duty as a Sexual Assault Response Coordinator under subsection (a) or Victim Advocate under subsection (b), the

member or employee must have completed the training program required by paragraph (1) and obtained the certification.

(d) DEFINITIONS.—In this section:

(1) The term “armed forces” means the Army, Navy, Air Force, and Marine Corps.

(2) The term “sexual assault prevention and response program” has the meaning given such term in section 1601(a) of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (Public Law 111-383; 10 U.S.C. 1561 note).

**SEC. 585. TRAINING AND EDUCATION PROGRAMS FOR SEXUAL ASSAULT PREVENTION AND RESPONSE PROGRAM.**

(a) SEXUAL ASSAULT PREVENTION AND RESPONSE TRAINING AND EDUCATION.—

(1) DEVELOPMENT OF CURRICULUM.—Not later than one year after the date of the enactment of this Act, the Secretary of each military department shall develop a curriculum to provide sexual assault prevention and response training and education for members of the Armed Forces under the jurisdiction of the Secretary and civilian employees of the military department to strengthen individual knowledge, skills, and capacity to prevent and respond to sexual assault. In developing the curriculum, the Secretary shall work with experts outside of the Department of Defense who are experts sexual assault prevention and response training.

(2) SCOPE OF TRAINING AND EDUCATION.—The sexual assault prevention and response training and education shall encompass initial entry and accession programs, annual refresher training, professional military education, peer education, and specialized leadership training. Training shall be tailored for specific leadership levels and local area requirements.

(3) CONSISTENT TRAINING.—The Secretary of Defense shall ensure that the sexual assault prevention and response training provided to members of the Armed Forces and Department of Defense civilian employees is consistent throughout the military departments.

(b) INCLUSION IN PROFESSIONAL MILITARY EDUCATION.—The Secretary of Defense shall provide for the inclusion of a sexual assault prevention and response training module at each level of professional military education. The training shall be tailored to the new responsibilities and leadership requirements of members of the Armed Forces as they are promoted.

(c) INCLUSION IN FIRST RESPONDER TRAINING.—

(1) IN GENERAL.—The Secretary of Defense shall direct that managers of specialty skills associated with first responders described in paragraph (2) integrate sexual assault response training in initial and recurring training courses.

(2) COVERED FIRST RESPONDERS.—First responders referred to in paragraph (1) include firefighters, emergency medical technicians, law enforcement officers, military criminal investigators, healthcare personnel, judge advocates, and chaplains.

**SEC. 586. DEPARTMENT OF DEFENSE POLICY AND PROCEDURES ON RETENTION AND ACCESS TO EVIDENCE AND RECORDS RELATING TO SEXUAL ASSAULTS INVOLVING MEMBERS OF THE ARMED FORCES.**

(a) COMPREHENSIVE POLICY ON RETENTION AND ACCESS TO RECORDS.—Not later than October 1, 2012, the Secretary of Defense shall, in consultation with the Secretary of Veterans Affairs, develop a comprehensive policy for the Department of Defense on the retention of and access to evidence and records relating to sexual assaults involving members of the Armed Forces.

(b) OBJECTIVES.—The comprehensive policy required by subsection (a) shall include policies and procedures (including systems of records) necessary to ensure preservation of records and evidence for periods of time that ensure that members of the Armed Forces and veterans of military service who were the victims of sexual assault during military service are able to substantiate claims for veterans benefits, to support criminal or civil prosecutions by military or civil authorities, and for such purposes relating to the documentation of the incidence of sexual assault in the Armed Forces as the Secretary of Defense considers appropriate.

(c) ELEMENTS.—In developing the comprehensive policy required by subsection (a), the Secretary of Defense shall consider, at a minimum, the following matters:

(1) Identification of records, including non-Department of Defense records, relating to an incident of sexual assault, that must be retained.

(2) Criteria for collection and retention of records.

(3) Identification of physical evidence and non-documentary forms of evidence relating to sexual assaults that must be retained.

(4) Length of time records, including Department of Defense Forms 2910 and 2911, and evidence must be retained, except that—

(A) the length of time physical evidence and forensic evidence must be retained shall be not less than five years; and

(B) the length of time documentary evidence relating to sexual assaults must be retained shall be not less than the length of time investigative records relating to reports of sexual assaults of that type (restricted or unrestricted reports) must be retained.

(5) Locations where records must be stored.

(6) Media which may be used to preserve records and assure access, including an electronic systems of records.

(7) Protection of privacy of individuals named in records and status of records under section 552 of title 5, United States Code (commonly referred to as the “Freedom of Information Act”), section 552a of title 5, United States Code (commonly referred to as the “Privacy Act”), restricted reporting cases, and laws related to privilege.

(8) Access to records by victims of sexual assault, the Department of Veterans Affairs, and others, including alleged assailants and law enforcement authorities.

(9) Responsibilities for record retention by the military departments.

(10) Education and training on record retention requirements.

(11) Uniform collection of data on the incidence of sexual assaults and on disciplinary actions taken in substantiated cases of sexual assault.

(d) UNIFORM APPLICATION TO MILITARY DEPARTMENTS.—The Secretary of Defense shall ensure that, to the maximum extent practicable, the policy developed under subsection (a) is implemented uniformly by the military departments.

(e) COPY OF RECORDS OF COURT-MARTIAL TO VICTIM OF SEXUAL ASSAULT.—Section 854 of title 10, United States Code (article 54 of the Uniform Code of Military Justice), is amended by adding at the end the following new subsection:

“(e) In the case of a general or special court-martial involving a sexual assault or other offense covered by section 920 of this title (article 120), a copy of all prepared records of the proceedings of the court-martial shall be given to the victim of the offense if the victim testified during the proceedings. The records of the proceedings



shall be provided without charge and as soon as the records are authenticated. The victim shall be notified of the opportunity to receive the records of the proceedings.”.

#### Subtitle I—Other Matters

#### SEC. 588. DEPARTMENT OF DEFENSE AUTHORITY TO CARRY OUT PERSONNEL RECOVERY REINTEGRATION AND POST-ISOLATION SUPPORT ACTIVITIES.

(a) IN GENERAL.—Chapter 53 of title 10, United States Code, is amended by inserting after section 1056 the following new section:

##### “§ 1056a. Reintegration of recovered Department of Defense personnel; post-isolation support activities for other recovered personnel

“(a) REINTEGRATION AND SUPPORT AUTHORIZED.—The Secretary of Defense may carry out the following:

“(1) Reintegration activities for recovered persons who are Department of Defense personnel.

“(2) Post-isolation support activities for or on behalf of other recovered persons who are officers or employees of the United States Government, military or civilian officers or employees of an allied or coalition partner of the United States, or other United States or foreign nationals.

“(b) ACTIVITIES AUTHORIZED.—(1) The activities authorized by subsection (a) for or on behalf of a recovered person may include the following:

“(A) The provision of food, clothing, necessary medical support, and essential sundry items for the recovered person.

“(B) In accordance with regulations prescribed by the Secretary of Defense, travel and transportation allowances for not more than three family members, or other designated individuals, determined by the commander or head of a military medical treatment facility to be beneficial for the reintegration of the recovered person and whose presence may contribute to improving the physical and mental health of the recovered person.

“(C) Transportation or reimbursement for transportation in connection with the attendance of the recovered person at events or functions determined by the commander or head of a military medical treatment facility to contribute to the physical and mental health of the recovered person.

“(2) Medical support may be provided under paragraph (1)(A) to a recovered person who is not a member of the armed forces for not more than 20 days.

“(c) DEFINITIONS.—In this section:

“(1) The term ‘post-isolation support’, in the case of a recovered person, means—

“(A) the debriefing of the recovered person following a separation as described in paragraph (2);

“(B) activities to promote or support the physical and mental health of the recovered person following such a separation; and

“(C) other activities to facilitate return of the recovered person to military or civilian life as expeditiously as possible following such a separation.

“(2) The term ‘recovered person’ means an individual who is returned alive from separation (whether as an individual or a group) while participating in or in association with a United States-sponsored military activity or mission in which the individual was detained in isolation or held in captivity by a hostile entity.

“(3) The term ‘reintegration’, in the case of a recovered person, means—

“(A) the debriefing of the recovered person following a separation as described in paragraph (2);

“(B) activities to promote or support for the physical and mental health of the recovered person following such a separation; and

“(C) other activities to facilitate return of the recovered person to military duty or employment with the Department of Defense as expeditiously as possible following such a separation.”.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 53 of such title is amended by inserting after the item relating to section 1056 the following new item:

“1056a. Reintegration of recovered Department of Defense personnel; post-isolation support activities for other recovered personnel.”.

#### SEC. 589. MILITARY ADAPTIVE SPORTS PROGRAM.

(a) PROGRAM AUTHORIZED.—Chapter 152 of title 10, United States Code, is amended by inserting after section 2564 the following new section:

##### “§ 2564a. Provision of assistance for adaptive sports programs for members of the armed forces

“(a) PROGRAM AUTHORIZED.—(1) The Secretary of Defense may establish a military adaptive sports program to support the provision of adaptive sports programming for members of the armed forces who are eligible to participate in adaptive sports because of an injury or wound incurred in the line of duty in the armed forces.

“(2) In establishing the military adaptive sports program, the Secretary of Defense shall—

“(A) consult with the Secretary of Veterans Affairs; and

“(B) avoid duplicating programs conducted by the Secretary of Veterans Affairs under section 521A of title 38.

“(b) PROVISION OF ASSISTANCE; PURPOSE.—(1) Under such criteria as the Secretary of Defense may establish under the military adaptive sports program, the Secretary may award grants to, or enter into contracts and cooperative agreements with, entities for the purpose of planning, developing, managing, and implementing adaptive sports programming for members described in subsection (a).

“(2) The Secretary of Defense shall use competitive procedures to award any grant or to enter into any contract or cooperative agreement under this subsection.

“(c) USE OF ASSISTANCE.—Assistance provided under the military adaptive sports program shall be used—

“(1) for the purposes specified in subsection (b); and

“(2) for such related activities and expenses as the Secretary of Defense may authorize.”.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 717 the following new item:

“2564a. Provision of assistance for adaptive sports programs for members of the armed forces.”.

#### SEC. 590. ENHANCEMENT AND IMPROVEMENT OF YELLOW RIBBON REINTEGRATION PROGRAM.

(a) INCLUSION OF PROGRAMS OF OUTREACH IN PROGRAM.—Subsection (b) of section 582 of the National Defense Authorization Act for Fiscal Year 2008 (10 U.S.C. 10101 note) is amended by inserting “(including programs of outreach)” after “informational events and activities”.

(b) RESTATEMENT OF FUNCTIONS OF CENTER FOR EXCELLENCE IN REINTEGRATION AND IN-

CLUSION IN FUNCTIONS OF IDENTIFICATION OF BEST PRACTICES IN PROGRAMS OF OUTREACH.—Subsection (d)(2) of such section is amended by striking the second, third, and fourth sentences and inserting the following: “The Center shall have the following functions:

“(A) To collect and analyze ‘lessons learned’ and suggestions from State National Guard and Reserve organizations with existing or developing reintegration programs.

“(B) To assist in developing training aids and briefing materials and training representatives from State National Guard and Reserve organizations.

“(C) To develop and implement a process for evaluating the effectiveness of the Yellow Ribbon Reintegration Program in supporting the health and well-being of members of the Armed Forces and their families throughout the deployment cycle described in subsection (g).

“(D) To develop and implement a process for identifying best practices in the delivery of information and services in programs of outreach as described in subsection (j).”.

(c) STATE-LED PROGRAMS OF OUTREACH.—Such section is further amended by adding at the end the following new subsection:

“(j) STATE-LED PROGRAMS OF OUTREACH.—The Office for Reintegration Programs may work with the States, whether acting through or in coordination with their National Guard and Reserve organizations, to assist the States and such organizations in developing and carrying out programs of outreach for members of the Armed Forces and their families to inform and educate them on the assistance and services available to them under the Yellow Ribbon Reintegration Program, including the assistance and services described in subsection (h).”.

(d) SCOPE OF ACTIVITIES UNDER PROGRAMS OF OUTREACH.—Such section is further amended by adding at the end the following new subsection:

“(k) SCOPE OF ACTIVITIES UNDER PROGRAMS OF OUTREACH.—For purposes of this section, the activities and services provided under programs of outreach may include personalized and substantive care coordination services targeted specifically to individual members of the Armed Forces and their families.”.

#### SEC. 591. ARMY NATIONAL MILITARY CEMETERIES.

(a) MANAGEMENT RESPONSIBILITIES AND OVERSIGHT.—

(1) IN GENERAL.—Title 10, United States Code, is amended by inserting after chapter 445 the following new chapter:

##### “CHAPTER 446—ARMY NATIONAL MILITARY CEMETERIES

“Sec.

“4721. Authority and responsibilities of the Secretary of the Army.

“4722. Interment and inurnment policy.

“4723. Advisory committee on Arlington National Cemetery.

“4724. Executive Director.

“4725. Superintendents.

“4726. Oversight and inspections.

##### “§ 4721. Authority and responsibilities of the Secretary of the Army

“(a) GENERAL AUTHORITY.—The Secretary of the Army shall develop, operate, manage, administer, oversee, and fund the Army National Military Cemeteries specified in subsection (b) in a manner and to standards that fully honor the service and sacrifices of the deceased members of the armed forces buried or inurned in the Cemeteries.

“(b) ARMY NATIONAL MILITARY CEMETERIES.—The Army National Military Cemeteries (in this chapter referred to as the ‘Cemeteries’) consist of the following:

“(1) Arlington National Cemetery in Arlington, Virginia.

“(2) The United States Soldiers’ and Airmen’s Home National Cemetery in the District of Columbia.

“(c) ADMINISTRATIVE JURISDICTION.—The Cemeteries shall be under the jurisdiction of Headquarters, Department of the Army.

“(d) REGULATIONS AND OTHER POLICIES.—The Secretary of the Army shall prescribe such regulations and policies as may be necessary to administer the Cemeteries.

“(e) BUDGETARY AND REPORTING REQUIREMENTS.—The Secretary of the Army shall submit to the congressional defense committees and the Committees on Veterans’ Affairs of the Senate and House of Representatives an annual budget request (and detailed justifications for the amount of the request) to fund administration, operation and maintenance, and construction related to the Cemeteries. The Secretary may include, as necessary, proposals for new or amended statutory authority related to the Cemeteries.

#### “§ 4722. Interment and inurnment policy

“(a) ELIGIBILITY DETERMINATIONS GENERALLY.—(1) The Secretary of the Army, with the approval of the Secretary of Defense, shall determine eligibility for interment or inurnment in the Cemeteries.

“(2) The Secretary of the Army, with the approval of the Secretary of Defense, shall establish policy and procedures for reviewing and determining requests for exceptions to interment and inurnment eligibility policy, which shall include a requirement, before granting the request for an exception, for notification of the Committees on Armed Services and the Committees on Veterans Affairs of the Senate and the House of Representatives.

“(b) REMOVAL OF REMAINS.—Under such regulations as the Secretary of the Army may prescribe under section 4721(d) of this title, the Secretary of the Army may authorize the removal of the remains of a person described in subsection (c) from one of the Cemeteries for re-interment or re-inurnment if, upon the death of the primary person eligible for interment or inurnment in the Cemeteries, the deceased primary eligible person will not be buried in the same or an adjoining grave.

“(c) COVERED PERSONS.—Except as provided in subsection (d), the persons whose remains may be removed pursuant to subsection (b) are the deceased spouse, a minor child, and, in the discretion of the Secretary of the Army, an unmarried adult child of a member eligible for interment or inurnment in the Cemeteries.

“(d) EXCEPTIONS.—The remains of a person described in subsection (c) may not be removed from one of the Cemeteries under subsection (b) if the primary person eligible for burial in the Cemeteries is a person—

“(1) who is missing in action;

“(2) whose remains have not been recovered or identified;

“(3) whose remains were buried at sea, whether by the choice of the person or otherwise;

“(4) whose remains were donated to science; or

“(5) whose remains were cremated and whose ashes were scattered without interment of any portion of the ashes.

#### “§ 4723. Advisory committee on Arlington National Cemetery

“(a) APPOINTMENT.—The Secretary of the Army shall appoint an advisory committee on Arlington National Cemetery.

“(b) ROLE.—The Secretary of the Army shall advise and consult with the advisory committee with respect to the administration of Arlington National Cemetery, the erection of memorials at the cemetery, and master planning for the cemetery.

“(c) REPORTS AND RECOMMENDATIONS.—The advisory committee shall make periodic reports and recommendations to the Secretary of the Army.

“(d) SUBMISSION TO CONGRESS.—Not later than 90 days after receiving a report or recommendations from the advisory committee under subsection (c), the Secretary of the Army shall submit the report or recommendations to the congressional defense committees and the Committees on Veterans’ Affairs of the Senate and House of Representatives and include such comments and recommendations of the Secretary as the Secretary considers appropriate.

#### “§ 4724. Executive Director

“(a) APPOINTMENT AND QUALIFICATIONS.—(1) There shall be an Executive Director of the Army National Military Cemeteries who shall meet such professional qualifications as may be established by the Secretary of the Army.

“(2) The Executive Director reports directly to the Secretary.

“(b) RESPONSIBILITIES.—The Executive Director is responsible for the following:

“(1) Exercising authority, direction and control over all aspects of the Cemeteries.

“(2) Establishing and maintaining full accountability for all gravesites and inurnment niches in the Cemeteries.

“(3) Oversight of the construction, operation and maintenance, and repair of the buildings, structures, and utilities of the Cemeteries.

“(4) Acquisition and maintenance of real property and interests in real property for the Cemeteries.

“(5) Planning and conducting private ceremonies at the Cemeteries, including funeral and memorial services for interment and inurnment, and planning and conducting public ceremonies, as directed by the Secretary of the Army.

“(6) Formulating, promulgating, administering, and overseeing policies and addressing proposals for the placement of memorials and monuments in the Cemeteries.

“(7) Formulating and implementing a master plan for Arlington National Cemetery that, at a minimum, addresses interment and inurnment capacity, visitor accommodation, operation and maintenance, capital requirements, preservation of the cemetery’s special features, and other matters the Executive Director considers appropriate.

“(8) Overseeing the programming, planning, budgeting, and execution of funds authorized and appropriated for the Cemeteries.

“(9) Providing recommendations regarding any request for an exception to interment and inurnment eligibility policy.

“(10) Supervising the superintendents of the Cemeteries.

#### “§ 4725. Superintendents

“(a) APPOINTMENT AND QUALIFICATIONS.—An individual serving as the superintendent of one of the Cemeteries should have, as determined by the Secretary of the Army—

“(1) experience in the administration, management, and operation of cemeteries

under the jurisdiction of the National Cemeteries System administered by the Department of Veterans Affairs; or

“(2) experience in the administration, management, and operation of large civilian cemeteries equivalent to the experience described in paragraph (1).

“(b) DUTIES.—The superintendents of the Cemeteries report directly to the Executive Director and performs such duties and responsibilities as the Executive Director prescribes.

#### “§ 4726. Oversight and inspections

“(a) INSPECTIONS REQUIRED.—The Secretary of the Army shall provide for the oversight of the Cemeteries to ensure the highest quality standards are maintained by providing for the periodic inspection of the administration, operation and maintenance, and construction elements applicable to the Cemeteries. The inspections shall be conducted by personnel of the Department of the Army with the assistance, as the Secretary considers appropriate, of personnel from other Federal agencies and civilian experts.

“(b) SUBMISSION OF RESULTS.—Not later than 120 days after the completion of an inspection conducted under subsection (a), the Secretary of the Army shall submit to the congressional defense committees a report containing the results of the inspection and recommendations and a plan for corrective actions to be taken in response to the inspection.”

(2) TABLE OF CHAPTERS.—The table of chapters at the beginning of subtitle B of such title and at the beginning of part IV of such subtitle are amended by inserting after the item relating to chapter 445 the following new item:

“446. Army National Military Cemeteries ..... 4721”.

(b) DIGITIZATION OF ARLINGTON NATIONAL CEMETERY INTERMENT AND INURNMENT RECORDS.—

(1) DEADLINE FOR CONVERSION AND USE.—Not later than June 1, 2012, all records related to interments and inurnments at Arlington National Cemetery shall be converted to a digitized format. Thereafter, use of the digitized format shall be the method by which all subsequent records related to interments and inurnments at Arlington National Cemetery are preserved and utilized.

(2) DIGITIZED FORMAT DEFINED.—In this subsection, the term “digitized format” refers to the use of an electronic database for recordkeeping and includes the full accounting of all records of each specific gravesite and niche location at Arlington National Cemetery and the identification of the individual interred or inurned at each specific gravesite and niche location.

(c) ADDITIONAL INSPECTION REQUIREMENT.—During fiscal years 2013 and 2015, the Inspector General of the Department of Defense shall conduct an inspection of—

(1) Arlington National Cemetery in Arlington, Virginia; and

(2) the United States Soldiers’ and Airmen’s Home National Cemetery in the District of Columbia.

#### SEC. 592. INSPECTION OF MILITARY CEMETERIES UNDER JURISDICTION OF THE MILITARY DEPARTMENTS.

(a) INSPECTION AND RECOMMENDATIONS REQUIRED.—The Inspector General of each military department shall conduct an inspection of each military cemetery under the jurisdiction of that military department and, based on the findings of those inspections, make recommendations for the regulation, management, oversight, and operation of the military cemeteries.

(b) **ELEMENTS OF INSPECTION.**—The inspection of military cemeteries conducted by the Inspector General of a military department under subsection (a) shall include an assessment of the following:

(1) The adequacy of the statutes, policies, and regulations governing the management, oversight, operations, and interments or inurnments (or both) by the military cemeteries under the jurisdiction of that military department and the adherence of such military cemeteries to such statutes, policies, and regulations.

(2) The system employed to fully account for and accurately identify the remains interred or inurned in such military cemeteries.

(3) The contracts and contracting processes and oversight of those contracts and processes with regard to compliance with Department of Defense and military department guidelines.

(4) The history and adequacy of the oversight conducted by the Secretary of the military department over such military cemeteries and the adequacy of corrective actions taken as a result of that oversight.

(5) The statutory and policy guidance governing the authorization for the Secretary of the military department to operate such military cemeteries and an assessment of the budget and appropriations structure and history of such military cemeteries.

(6) Such other matters as the Inspector General considers to be appropriate.

(c) **INSPECTION OF ADDITIONAL CEMETERIES.**—

(1) **INSPECTION REQUIRED.**—In addition to the inspections required by subsection (a), the Inspector General of the Department of Defense shall conduct an inspection of a statistically valid sample of cemeteries located at current or former military installations inside and outside the United States that are under the jurisdiction of the military departments for the purpose of obtaining an assessment of the adequacy of and adherence to the statutes, policies, and regulations governing the management, oversight, operations, and interments or inurnments (or both) by those cemeteries.

(2) **EXCLUSION.**—Paragraph (1) does not apply to the cemeteries maintained by the American Battle Monuments Commission and the military cemeteries identified in subsection (e).

(d) **SUBMISSION OF INSPECTION RESULTS AND CORRECTIVE ACTION PLANS.**—

(1) **MILITARY CEMETERY INSPECTIONS.**—Not later than May 15, 2012, the Secretaries of the military departments shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report containing—

(A) the findings of the inspections of the military cemeteries conducted under subsection (a);

(B) the recommendations of the Inspectors General of the military departments based on such inspections; and

(C) a plan for corrective action.

(2) **INSPECTION OF ADDITIONAL CEMETERIES.**—Not later than December 31, 2012, the Inspector General of the Department of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report containing the findings of the inspections conducted under subsection (c) and the recommendations of the Inspector General based on such inspections. Not later than April 1, 2013, the Secretaries of the military departments shall submit to such committees a plan for corrective action.

(e) **MILITARY CEMETERY DEFINED.**—In subsections (a) and (b), the term “military cemetery” means the cemeteries that are under the jurisdiction of a Secretary of a military department at the following locations:

(1) The United States Military Academy.

(2) The United States Naval Academy.

(3) The United States Air Force Academy.

**SEC. 593. AUTHORIZATION FOR AWARD OF THE DISTINGUISHED SERVICE CROSS FOR CAPTAIN FREDRICK L. SPAULDING FOR ACTS OF VALOR DURING THE VIETNAM WAR.**

(a) **AUTHORIZATION.**—Notwithstanding the time limitations specified in section 3744 of title 10, United States Code, or any other time limitation with respect to the awarding of certain medals to persons who served in the Armed Forces, the Secretary of the Army is authorized to award the Distinguished Service Cross under section 3742 of such title to Captain Fredrick L. Spaulding for acts of valor during the Vietnam War described in subsection (b).

(b) **ACTS OF VALOR DESCRIBED.**—The acts of valor referred to in subsection (a) are the actions of Fredrick L. Spaulding, on July 23, 1970, as a member of the United States Army serving in the grade of Captain in the Republic of Vietnam while assigned with Headquarters and Headquarters Company, 3d Brigade, 101st Airborne Division.

**SEC. 594. AUTHORIZATION AND REQUEST FOR AWARD OF MEDAL OF HONOR TO EMIL KAPAUN FOR ACTS OF VALOR DURING THE KOREAN WAR.**

(a) **AUTHORIZATION.**—Notwithstanding the time limitations specified in section 3744 of title 10, United States Code, or any other time limitation with respect to the awarding of certain medals to persons who served in the Armed Forces, the President is authorized and requested to award the Medal of Honor posthumously under section 3741 of such title to Emil Kapaun for the acts of valor during the Korean War described in subsection (b).

(b) **ACTS OF VALOR DESCRIBED.**—The acts of valor referred to in subsection (a) are the actions of then Captain Emil Kapaun as a member of the 8th Cavalry Regiment during the Battle of Unsan on November 1 and 2, 1950, and while a prisoner of war until his death on May 23, 1951, during the Korean War.

**SEC. 595. REVIEW REGARDING AWARD OF MEDAL OF HONOR TO JEWISH AMERICAN WORLD WAR I VETERANS.**

(a) **REVIEW REQUIRED.**—The Secretary of the Army and the Secretary of the Navy shall review the service of each Jewish American World War I veteran described in subsection (b) to determine whether such veteran should be posthumously awarded the Medal of Honor.

(b) **COVERED JEWISH AMERICAN WAR VETERANS.**—The Jewish American World War I veterans whose service is to be reviewed under subsection (a) are any Jewish American World War I veterans awarded the Distinguished Service Cross or the Navy Cross for heroism during World War I and whose name and supporting material for upgrade of the award are submitted to the Secretary concerned for such purpose before the end of the one-year period beginning on the date of the enactment of this Act.

(c) **RECOMMENDATION BASED ON REVIEW.**—If the Secretary concerned determines, based upon the review under subsection (a) that the award of the Medal of Honor to a veteran is warranted, the Secretary shall submit to the Secretary of Defense a recommendation that the Medal of Honor be awarded posthumously to the veteran.

(d) **WORLD WAR I DEFINED.**—In this section, the term “World War I” means the period beginning on April 6, 1917, and ending on November 11, 1918.

**SEC. 596. REPORT ON PROCESS FOR EXPEDITED DETERMINATION OF DISABILITY OF MEMBERS OF THE ARMED FORCES WITH CERTAIN DISABLING CONDITIONS.**

(a) **IN GENERAL.**—Not later than September 1, 2012, the Secretary of Defense shall submit to the congressional defense committees a report setting forth an assessment of the feasibility and advisability of the establishment by the military departments of a process to expedite the determination of disability with respect to members of the Armed Forces, including regular members and members of the reserve components, who suffer from certain disabling diseases or conditions. If the establishment of such a process is considered feasible and advisable, the report shall set forth such recommendations for legislative and administrative action as the Secretary considers appropriate for the establishment of such process.

(b) **REQUIREMENTS FOR REPORT.**—

(1) **EVALUATION OF APPROPRIATE ELEMENTS OF SIMILAR FEDERAL PROGRAMS.**—In preparing the report required by subsection (a), the Secretary of Defense shall evaluate elements of programs for expedited determinations of disability that are currently carried out by other departments and agencies of the Federal Government, including the Quick Disability Determination program and the Compassionate Allowances program of the Social Security Administration.

(2) **CONSULTATION.**—The Secretary of Defense shall conduct the study in consultation with the Secretary of Veterans Affairs.

**SEC. 597. COMPTROLLER GENERAL STUDY OF MILITARY NECESSITY OF SELECTIVE SERVICE SYSTEM AND ALTERNATIVES.**

(a) **STUDY REQUIRED.**—The Comptroller General of the United States shall conduct a study—

(1) to assess the necessity of the Selective Service System to the Department of Defense in meeting future military manpower requirements that are in excess of the ability of the all-volunteer force; and

(2) to determine the fiscal and national security impacts of—

(A) disestablishing the Selective Service System;

(B) putting the Selective Service System into a deep standby mode, defined as retaining only personnel sufficient to conduct necessary functions, to include maintaining the registration database; and

(C) requiring the Department of Defense, or other Federal department, upon disestablishment of the Selective Service System and repeal of registration requirements, to assume responsibility for securing the Selective Service System registration data bases, and keeping them updated.

(b) **ADDITIONAL CONSIDERATIONS FOR EACH OPTION.**—As part of considering the impacts of disestablishment of the Selective Service System, putting it into a deep standby mode, or transferring responsibilities as described in subsection (a)(2)(C), the Comptroller General shall provide for each option—

(1) an estimate of the annual cost or savings of each option to the Federal government; and

(2) the feasibility, cost, and time required for each option—

(A) to reestablish the capability to meet the Selective Service System mission, as it existed before disestablishment; and

(B) to provide the Department of Defense the required number of conscripts for training, should conscription be authorized by Congress.

(c) SPECIAL CONSIDERATIONS REGARDING REGISTRATION.—The study shall also include an assessment of the feasibility, cost, and time required to meet registration requirements by—

(1) using existing Federal and State government institutions as an alternative to Selective Service registration to maintain an accurate, comprehensive database of Americans who, according to existing Selective Service System registration requirements, would be subject to conscription should conscription be authorized; and

(2) integrating various alternative registration databases for use in connection with conscription and provide a means to keep updated and accurate the Selective Service System database under each of the options described in subsection (a)(2).

(d) SUBMISSION OF RESULTS.—Not later than May 1, 2012, the Comptroller General shall submit the Committees on Armed Services of the Senate and House of Representatives a report containing the results of the study.

**SEC. 598. EVALUATION OF ISSUES AFFECTING DISPOSITION OF REMAINS OF AMERICAN SAILORS KILLED IN THE EXPLOSION OF THE KETCH U.S.S. INTREPID IN TRIPOLI HARBOR ON SEPTEMBER 4, 1804.**

(a) EVALUATION REQUIRED.—Not later than 270 days after the date of the enactment of this Act, the Secretary of Defense and the Secretary of the Navy shall conduct an evaluation of the following issues with respect to the disposition of the remains of American sailors killed in the explosion of the ketch U.S.S. Intrepid in Tripoli Harbor on September 4, 1804:

(1) The feasibility of recovery of the remains based on historical information, factual considerations, costs, and precedential effect.

(2) The ability to make identifications of the remains within a two-year period based on conditions and facts that would have to exist for positive scientific identification of the remains.

(3) The diplomatic and inter-governmental issues that would have to be addressed in order to provide for exhuming and removing the remains consistent with the sovereignty of the Libyan government.

(b) PARTICIPATION AND CONSULTATION.—The Secretary of Defense and the Secretary of the Navy shall conduct the evaluation under subsection (a) with the participation of the Defense POW/Missing Personnel Office and the Joint POW/MIA Accounting Command and in consultation with the Secretary of State.

(c) SUBMISSION OF RECOMMENDATION.—Upon completion of the evaluation as required by subsection (a), the Secretary of Defense and the Secretary of State shall submit to the Committees on Armed Services of the Senate and the House of Representatives their recommendation regarding the proposal to exhume, identify, and relocate the remains of the American sailors referred to in such subsection and the reasons supporting their recommendation.

**TITLE VI—COMPENSATION AND OTHER PERSONNEL BENEFITS**

**Subtitle A—Pay and Allowances**

Sec. 601. Resumption of authority to provide temporary increase in rates of basic allowance for housing under certain circumstances.

Sec. 602. Lodging accommodations for members assigned to duty in connection with commissioning or fitting out of a ship.

**Subtitle B—Bonuses and Special and Incentive Pays**

Sec. 611. One-year extension of certain bonus and special pay authorities for reserve forces.

Sec. 612. One-year extension of certain bonus and special pay authorities for health care professionals.

Sec. 613. One-year extension of special pay and bonus authorities for nuclear officers.

Sec. 614. One-year extension of authorities relating to title 37 consolidated special pay, incentive pay, and bonus authorities.

Sec. 615. One-year extension of authorities relating to payment of other title 37 bonuses and special pays.

Sec. 616. Modification of qualifying period for payment of hostile fire and imminent danger special pay and hazardous duty special pay.

**Subtitle C—Travel and Transportation Allowances Generally**

Sec. 621. One-year extension of authority to reimburse travel expenses for inactive-duty training outside of normal commuting distance.

**Subtitle D—Consolidation and Reform of Travel and Transportation Authorities**

Sec. 631. Consolidation and reform of travel and transportation authorities of the uniformed services.

Sec. 632. Transition provisions.

**Subtitle E—Commissary and Non-appropriated Fund Instrumentality Benefits and Operations**

Sec. 641. Discretion of the Secretary of the Navy to select categories of merchandise to be sold by ship stores afloat.

Sec. 642. Access of military exchange stores system to credit available through Federal Financing Bank.

Sec. 643. Designation of Fisher House for the Families of the Fallen and Meditation Pavilion, Dover Air Force Base, Delaware, as a Fisher House.

**Subtitle F—Disability, Retired Pay and Survivor Benefits**

Sec. 651. Death gratuity and related benefits for Reserves who die during an authorized stay at their residence during or between successive days of inactive duty training.

**Subtitle G—Other Matters**

Sec. 661. Report on basic allowance for housing for National Guard members transitioning between active duty and full-time National Guard duty.

Sec. 662. Report on incentives for recruitment and retention of health care professionals.

**Subtitle A—Pay and Allowances**

**SEC. 601. RESUMPTION OF AUTHORITY TO PROVIDE TEMPORARY INCREASE IN RATES OF BASIC ALLOWANCE FOR HOUSING UNDER CERTAIN CIRCUMSTANCES.**

Section 403(b)(7)(E) of title 37, United States Code, is amended by striking “Decem-

ber 31, 2009” and inserting “December 31, 2012”.

**SEC. 602. LODGING ACCOMMODATIONS FOR MEMBERS ASSIGNED TO DUTY IN CONNECTION WITH COMMISSIONING OR FITTING OUT OF A SHIP.**

(a) EXTENSION TO PRECOMMISSIONING UNIT SAILORS.—Subsection (a) of section 7572 of title 10, United States Code, is amended—

(1) by inserting “or assigned to duty in connection with commissioning or fitting out of a ship” after “sea duty”; and

(2) by inserting “, because the ship is under construction and is not yet habitable,” after “because of repairs.”.

(b) EXTENSION TO ENLISTED MEMBERS.—Subsection (d) of such section is amended—

(1) in paragraph (1)—

(A) by striking “After the expiration of the authority provided in subsection (b), an officer” and inserting “A member”;

(B) by striking “officer’s quarters” and inserting “member’s quarters”;

(C) by striking “obtaining quarters” and inserting “obtaining housing”; and

(D) by striking “the officer” and inserting “the member”;

(2) in paragraph (2)—

(A) by striking “an officer” both places it appears and inserting “a member”;

(B) by striking “quarters” and inserting “housing”; and

(C) by striking “officer’s grade” and inserting “member’s grade”; and

(3) in paragraph (3)—

(A) by striking “an officer” and inserting “a member”; and

(B) by striking “quarters” and inserting “housing”.

(c) SHIPYARDS AFFECTED BY BRAC 2005.—Such section is further amended by adding at the end the following new subsection:

“(e)(1) The Secretary may reimburse a member of the naval service assigned to duty in connection with commissioning or fitting out of a ship in Pascagoula, Mississippi, or Bath, Maine, who is deprived of quarters on board a ship because the ship is under construction and is not yet habitable, or because of other conditions that make the member’s quarters uninhabitable, for expenses incurred in obtaining housing, but only when the Navy is unable to furnish the member with lodging accommodations under subsection (a).

“(2) The total amount that a member may be reimbursed under this subsection may not exceed an amount equal to the basic allowance for housing of a member without dependents of that member’s grade.

“(3) A member without dependents, or a member who resides with dependents while assigned to duty in connection with commissioning or fitting out of a ship at one of the locations specified in paragraph (1), may not be reimbursed under this subsection.

“(4) The Secretary may prescribe regulations to carry out this subsection.”.

(d) CONFORMING AMENDMENTS.—

(1) SECTION HEADING.—The heading of such section is amended to read as follows:

**“§7572. Quarters: accommodations in place for members on sea duty or assigned to duty in connection with commissioning or fitting out of a ship”.**

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 649 of such title is amended by striking the item relating to section 7572 and inserting the following new item:

“7572. Quarters: accommodations in place for members on sea duty or assigned to duty in connection with commissioning or fitting out of a ship.”.

**Subtitle B—Bonuses and Special and Incentive Pays**

**SEC. 611. ONE-YEAR EXTENSION OF CERTAIN BONUS AND SPECIAL PAY AUTHORITIES FOR RESERVE FORCES.**

The following sections of title 37, United States Code, are amended by striking “December 31, 2011” and inserting “December 31, 2012”:

- (1) Section 308b(g), relating to Selected Reserve reenlistment bonus.
- (2) Section 308c(i), relating to Selected Reserve affiliation or enlistment bonus.
- (3) Section 308d(c), relating to special pay for enlisted members assigned to certain high-priority units.
- (4) Section 308g(f)(2), relating to Ready Reserve enlistment bonus for persons without prior service.
- (5) Section 308h(e), relating to Ready Reserve enlistment and reenlistment bonus for persons with prior service.
- (6) Section 308i(f), relating to Selected Reserve enlistment and reenlistment bonus for persons with prior service.
- (7) Section 910(g), relating to income replacement payments for reserve component members experiencing extended and frequent mobilization for active duty service.

**SEC. 612. ONE-YEAR EXTENSION OF CERTAIN BONUS AND SPECIAL PAY AUTHORITIES FOR HEALTH CARE PROFESSIONALS.**

(a) **TITLE 10 AUTHORITIES.**—The following sections of title 10, United States Code, are amended by striking “December 31, 2011” and inserting “December 31, 2012”:

- (1) Section 2130a(a)(1), relating to nurse officer candidate accession program.
- (2) Section 16302(d), relating to repayment of education loans for certain health professionals who serve in the Selected Reserve.

(b) **TITLE 37 AUTHORITIES.**—The following sections of title 37, United States Code, are amended by striking “December 31, 2011” and inserting “December 31, 2012”:

- (1) Section 302c-1(f), relating to accession and retention bonuses for psychologists.
- (2) Section 302d(a)(1), relating to accession bonus for registered nurses.
- (3) Section 302e(a)(1), relating to incentive special pay for nurse anesthetists.
- (4) Section 302g(e), relating to special pay for Selected Reserve health professionals in critically short wartime specialties.
- (5) Section 302h(a)(1), relating to accession bonus for dental officers.
- (6) Section 302j(a), relating to accession bonus for pharmacy officers.
- (7) Section 302k(f), relating to accession bonus for medical officers in critically short wartime specialties.
- (8) Section 302l(g), relating to accession bonus for dental specialist officers in critically short wartime specialties.

**SEC. 613. ONE-YEAR EXTENSION OF SPECIAL PAY AND BONUS AUTHORITIES FOR NUCLEAR OFFICERS.**

The following sections of title 37, United States Code, are amended by striking “December 31, 2011” and inserting “December 31, 2012”:

- (1) Section 312(f), relating to special pay for nuclear-qualified officers extending period of active service.
- (2) Section 312b(c), relating to nuclear career accession bonus.
- (3) Section 312c(d), relating to nuclear career annual incentive bonus.

**SEC. 614. ONE-YEAR EXTENSION OF AUTHORITIES RELATING TO TITLE 37 CONSOLIDATED SPECIAL PAY, INCENTIVE PAY, AND BONUS AUTHORITIES.**

The following sections of title 37, United States Code, are amended by striking “De-

cember 31, 2011” and inserting “December 31, 2012”:

- (1) Section 331(h), relating to general bonus authority for enlisted members.
- (2) Section 332(g), relating to general bonus authority for officers.
- (3) Section 333(i), relating to special bonus and incentive pay authorities for nuclear officers.
- (4) Section 334(i), relating to special aviation incentive pay and bonus authorities for officers.
- (5) Section 335(k), relating to special bonus and incentive pay authorities for officers in health professions.
- (6) Section 351(h), relating to hazardous duty pay.
- (7) Section 352(g), relating to assignment pay or special duty pay.
- (8) Section 353(i), relating to skill incentive pay or proficiency bonus.
- (9) Section 355(h), relating to retention incentives for members qualified in critical military skills or assigned to high priority units.

**SEC. 615. ONE-YEAR EXTENSION OF AUTHORITIES RELATING TO PAYMENT OF OTHER TITLE 37 BONUSES AND SPECIAL PAYS.**

The following sections of title 37, United States Code, are amended by striking “December 31, 2011” and inserting “December 31, 2012”:

- (1) Section 301b(a), relating to aviation officer retention bonus.
- (2) Section 307a(g), relating to assignment incentive pay.
- (3) Section 308(g), relating to reenlistment bonus for active members.
- (4) Section 309(e), relating to enlistment bonus.
- (5) Section 324(g), relating to accession bonus for new officers in critical skills.
- (6) Section 326(g), relating to incentive bonus for conversion to military occupational specialty to ease personnel shortage.
- (7) Section 327(h), relating to incentive bonus for transfer between armed forces.
- (8) Section 330(f), relating to accession bonus for officer candidates.

**SEC. 616. MODIFICATION OF QUALIFYING PERIOD FOR PAYMENT OF HOSTILE FIRE AND IMMINENT DANGER SPECIAL PAY AND HAZARDOUS DUTY SPECIAL PAY.**

(a) **HOSTILE FIRE AND IMMINENT DANGER PAY.**—Section 310 of title 37, United States Code, is amended—

- (1) in subsection (a), by striking “for any month or portion of a month” and inserting “for any day or portion of a day”;
- (2) by striking subsection (b) and inserting the following new subsection (b):

“(b) **SPECIAL PAY AMOUNT.**—(1) Except as provided in paragraph (2), the amount of special pay authorized by subsection (a) for a day or portion of a day shall be the amount equal to 1/30th of the monthly amount of basic pay or compensation payable to the member for the month in which the exposure occurs.

“(2) In the case of a member who is exposed to hostile fire or a hostile mine explosion event in or for a day or portion of a day, the Secretary concerned may, at the election of the Secretary, pay the member special pay under subsection (a) in an amount not to exceed the amount that would be payable to the member under paragraph (1) for 30 days of exposure. The total amount paid a member under this paragraph in any month may not exceed the amount that would be payable under paragraph (1) for 30 days of exposure.”;

(3) in subsection (c)(1), by inserting “for any day (or portion of a day) of” before “not more than three additional months”; and

(4) in subsection (d)(2), by striking “any month” and inserting “any day”.

(b) **HAZARDOUS DUTY PAY.**—Section 351(c)(2) of such title is amended by striking “receipt of hazardous duty pay,” and all that follows and inserting “receipt of hazardous duty pay—

“(A) in the case of hazardous duty pay payable under paragraph (1) of subsection (a), the Secretary concerned—

“(i) shall prorate the payment amount to reflect the duration of the member’s actual qualifying service during the month; or

“(ii) in the case of a member who is exposed to hostile fire or an explosion of a hostile explosive device in or for a day or portion of a day, may, at the election of the Secretary, pay the member hazardous duty pay in an amount not to exceed the entire amount of hazardous duty pay that would be payable to the member under such paragraph (1) for the month in which the duty concerned occurs (with the total amount of hazardous duty pay paid the member under this clause in any given month not to exceed such entire amount); and

“(B) in the case of hazardous duty pay payable under paragraph (2) or (3) of subsection (a), the Secretary concerned may prorate the payment amount to reflect the duration of the member’s actual qualifying service during the month.”.

**Subtitle C—Travel and Transportation Allowances Generally**

**SEC. 621. ONE-YEAR EXTENSION OF AUTHORITY TO REIMBURSE TRAVEL EXPENSES FOR INACTIVE-DUTY TRAINING OUTSIDE OF NORMAL COMMUTING DISTANCE.**

Section 408a(e) of title 37, United States Code, is amended by striking “December 31, 2011” and inserting “December 31, 2012”.

**Subtitle D—Consolidation and Reform of Travel and Transportation Authorities**

**SEC. 631. CONSOLIDATION AND REFORM OF TRAVEL AND TRANSPORTATION AUTHORITIES OF THE UNIFORMED SERVICES.**

(a) **PURPOSE.**—This section establishes general travel and transportation provisions for members of the uniformed services and other travelers authorized to travel under official conditions. Recognizing the complexities and the changing nature of travel, the amendments made by this section provide the Secretary of Defense and the other administering Secretaries with the authority to prescribe and implement travel and transportation policy that is simple, clear, efficient, and flexible, and that meets mission and servicemember needs, while realizing cost savings that should come with a more efficient and less cumbersome system for travel and transportation.

(b) **CONSOLIDATED AUTHORITIES.**—Title 37, United States Code, is amended by inserting after chapter 7 the following new chapter:

**“CHAPTER 8—TRAVEL AND TRANSPORTATION ALLOWANCES**

“Sec.

“SUBCHAPTER I—TRAVEL AND TRANSPORTATION AUTHORITIES—NEW LAW

“451. Definitions.

“452. Allowable travel and transportation: general authorities.

“453. Allowable travel and transportation: specific authorities.

“454. Travel and transportation: pilot programs.

“455. Appropriations for travel: may not be used for attendance at certain meetings.

“SUBCHAPTER II—ADMINISTRATIVE PROVISIONS

- “461. Relationship to other travel and transportation authorities.
  - “462. Travel and transportation allowances paid to members that are unauthorized or in excess of authorized amounts: requirement for repayment.
  - “463. Program of compliance; electronic processing of travel claims.
  - “464. Regulations.
- “SUBCHAPTER III—TRAVEL AND TRANSPORTATION AUTHORITIES—OLD LAW
- “471. Travel authorities transition expiration date.
  - “472. Definitions and other incorporated provisions of chapter 7.
  - “474. Travel and transportation allowances: general.
  - “474a. Travel and transportation allowances: temporary lodging expenses.
  - “474b. Travel and transportation allowances: payment of lodging expenses at temporary duty location during authorized absence of member.
  - “475. Travel and transportation allowances: per diem while on duty outside the continental United States.
  - “475a. Travel and transportation allowances: departure allowances.
  - “476. Travel and transportation allowances: dependents; baggage and household effects.
  - “476a. Travel and transportation allowances: authorized for travel performed under orders that are canceled, revoked, or modified.
  - “476b. Travel and transportation allowances: members of the uniformed services attached to a ship overhauling or inactivating.
  - “476c. Travel and transportation allowances: members assigned to a vessel under construction.
  - “477. Travel and transportation allowances: dislocation allowance.
  - “478. Travel and transportation allowances: travel within limits of duty station.
  - “478a. Travel and transportation allowances: inactive duty training outside of the normal commuting distances.
  - “479. Travel and transportation allowances: house trailers and mobile homes.
  - “480. Travel and transportation allowances: miscellaneous categories.
  - “481. Travel and transportation allowances: administrative provisions.
  - “481a. Travel and transportation allowances: travel performed in connection with convalescent leave.
  - “481b. Travel and transportation allowances: travel performed in connection with leave between consecutive overseas tours.
  - “481c. Travel and transportation allowances: travel performed in connection with rest and recuperative leave from certain stations in foreign countries.
  - “481d. Travel and transportation allowances: transportation incident to personal emergencies for certain members and dependents.
  - “481e. Travel and transportation allowances: transportation incident to certain emergencies for members performing temporary duty.
  - “481f. Travel and transportation allowances: transportation for survivors of deceased member to attend the member’s burial ceremonies.

“481h. Travel and transportation allowances: transportation of designated individuals incident to hospitalization of members for treatment of wounds, illness, or injury.

“481i. Travel and transportation allowances: parking expenses.

“481j. Travel and transportation allowances: transportation of family members incident to the repatriation of members held captive.

“481k. Travel and transportation allowances: non-medical attendants for members determined to be very seriously or seriously wounded, ill, or injured.

“481l. Travel and transportation allowances: attendance of members and others at Yellow Ribbon Reintegration Program events.

“484. Travel and transportation: dependents of members in a missing status; household and personal effects; trailers; additional movements; motor vehicles; sale of bulky items; claims for proceeds; appropriation chargeable.

“488. Allowance for recruiting expenses.

“489. Travel and transportation allowances: minor dependent schooling.

“490. Travel and transportation: dependent children of members stationed overseas.

“491. Benefits for certain members assigned to the Defense Intelligence Agency.

“492. Travel and transportation: members escorting certain dependents.

“494. Subsistence reimbursement relating to escorts of foreign arms control inspection teams.

“495. Funeral honors duty: allowance.

“SUBCHAPTER I—TRAVEL AND TRANSPORTATION AUTHORITIES—NEW LAW

“§ 451. Definitions

“(a) DEFINITIONS RELATING TO PERSONS.—In this subchapter and subchapter II:

“(1) The term ‘administering Secretary’ or ‘administering Secretaries’ means the following:

“(A) The Secretary of Defense, with respect to the armed forces (including the Coast Guard when it is operating as a service in the Navy).

“(B) The Secretary of Homeland Security, with respect to the Coast Guard when it is not operating as a service in the Navy.

“(C) The Secretary of Commerce, with respect to the National Oceanic and Atmospheric Administration.

“(D) The Secretary of Health and Human Services, with respect to the Public Health Service.

“(2) The term ‘authorized traveler’ means a person who is authorized travel and transportation allowances when performing official travel ordered or authorized by the administering Secretary. Such term includes the following:

“(A) A member of the uniformed services.

“(B) A family member of a member of the uniformed services.

“(C) A person acting as an escort or attendant for a member or family member who is traveling on official travel or is traveling with the remains of a deceased member.

“(D) A person who participates in a military funeral honors detail.

“(E) A Senior Reserve Officers’ Training Corps cadet or midshipman.

“(F) An applicant or rejected applicant for enlistment.

“(G) Any person whose employment or service is considered directly related to a Government official activity or function under regulations prescribed under section 464 of this title.

“(H) Any other person not covered by subparagraphs (A) through (G) who is determined by the administering Secretary pursuant to regulations prescribed under section 464 of this title as warranting the provision of travel benefits for purposes of the following:

“(i) Transportation of survivors to attend burial services or transfer of deceased members after death overseas as provided in section 481f of this title.

“(ii) Transportation of designated individuals incident to the hospitalization of members as provided in section 481h of this title.

“(iii) Transportation of designated individuals incident to the repatriation of members as provided in section 481j of this title.

“(iv) Transportation of non-medical attendants as provided in section 481k of this title.

“(v) Transportation of designated individuals to attend Yellow Ribbon Reintegration Program events as provided in section 481l of this title.

“(vi) Transportation of a person with regard to a single event when the administering Secretary determines that the travel is necessary to ensure fairness and equity, respond to emergency or humanitarian circumstances, or serve the best interests of the Government.

“(3) The term ‘family member’, with respect to a member of the uniformed services, means the following:

“(A) A dependent, as defined in section 401(a) of this title.

“(B) A child, as defined in section 401(b)(1) of this title.

“(C) A parent, as defined in section 401(b)(2) of this title.

“(D) A sibling of the member.

“(E) A former spouse of the member.

“(b) DEFINITIONS RELATING TO TRAVEL AND TRANSPORTATION ALLOWANCES.—In this subchapter and subchapter II:

“(1) The term ‘official travel’ means the following:

“(A) Military duty or official business performed by an authorized traveler away from a duty assignment location or other authorized location.

“(B) Travel performed by an authorized traveler ordered to relocate from a permanent duty station to another permanent duty station.

“(C) Travel performed by an authorized traveler ordered to the first permanent duty station, or separated or retired from uniformed service.

“(D) Local travel in or around the temporary duty or permanent duty station.

“(E) Other travel as authorized or ordered by the administering Secretary.

“(2) The term ‘actual and necessary expenses’ means expenses incurred in fact by an authorized traveler as a reasonable consequence of official travel.

“(3) The term ‘travel allowances’ means the daily lodging, meals, and other related expenses, including relocation expenses, incurred by an authorized traveler while on official travel.

“(4) The term ‘transportation allowances’ means the costs of temporarily or permanently moving an authorized traveler, the personal property of an authorized traveler, or a combination thereof.

“(5) The term ‘transportation-, lodging-, or meals-in-kind’ means transportation, lodging-, or meals provided by the Government without cost to an authorized traveler.

“(6) The term ‘miscellaneous expenses’ means authorized expenses incurred in addition to authorized allowances during the performance of official travel by an authorized traveler.

“(7) The term ‘personal property’, with respect to transportation allowances, includes baggage, furniture, and other household items, clothing, privately owned vehicles, house trailers, mobile homes, and any other personal items that would not otherwise be prohibited by any other provision of law or regulation prescribed under section 464 of this title.

“(8) The term ‘relocation allowances’ means the costs associated with relocating a member of the uniformed services and the member’s dependents between an old and new temporary or permanent duty assignment location or other authorized location.

“(9) The term ‘dislocation allowances’ means the costs associated with relocation of the household of a member of the uniformed services and the member’s dependents in relation to a change in the member’s permanent duty assignment location ordered for the convenience of the Government or incident to an evacuation.

**“§ 452. Allowable travel and transportation: general authorities**

“(a) IN GENERAL.—Except as otherwise prohibited by law, a member of the uniformed services or other authorized traveler may be provided transportation-, lodging-, or meals-in-kind, or actual and necessary expenses of travel and transportation, for, or in connection with, official travel under circumstances as specified in regulations prescribed under section 464 of this title.

“(b) SPECIFIC CIRCUMSTANCES.—The authority under subsection (a) includes travel under or in connection with, but not limited to, the following circumstances, to the extent specified in regulations prescribed under section 464 of this title:

“(1) Temporary duty that requires travel between a permanent duty assignment location and another authorized temporary duty location, and travel in or around the temporary duty location.

“(2) Permanent change of station that requires travel between an old and new temporary or permanent duty assignment location or other authorized location.

“(3) Temporary duty or assignment relocation related to consecutive overseas tours or in-place-consecutive overseas tours.

“(4) Recruiting duties for the armed forces.

“(5) Assignment or detail to another Government department or agency.

“(6) Rest and recuperative leave.

“(7) Convalescent leave.

“(8) Reenlistment leave.

“(9) Reserve component inactive-duty training performed outside the normal commuting distance of the member’s permanent residence.

“(10) Ready Reserve muster duty.

“(11) Unusual, extraordinary, hardship, or emergency circumstances.

“(12) Presence of family members at a military medical facility incident to the illness or injury of members.

“(13) Presence of family members at the repatriation of members held captive.

“(14) Presence of non-medical attendants for very seriously or seriously wounded, ill, or injured members.

“(15) Attendance at Yellow Ribbon Reintegration Program events.

“(16) Missing status, as determined by the Secretary concerned under chapter 10 of this title.

“(17) Attendance at or participation in international sports competitions described under section 717 of title 10.

“(c) MATTERS INCLUDED.—Travel and transportation allowances which may be provided under subsection (a) include the following:

“(1) Allowances for transportation, lodging, and meals.

“(2) Dislocation or relocation allowances paid in connection with a change in a member’s temporary or permanent duty assignment location.

“(3) Other related miscellaneous expenses.

“(d) MODE OF PROVIDING TRAVEL AND TRANSPORTATION ALLOWANCES.—Any authorized travel and transportation may be provided—

“(1) as an actual expense;

“(2) as an authorized allowance;

“(3) in-kind; or

“(4) using a combination of the authorities under paragraphs (1), (2), and (3).

“(e) TRAVEL AND TRANSPORTATION ALLOWANCES WHEN TRAVEL ORDERS ARE MODIFIED, ETC.—An authorized traveler whose travel and transportation order or authorization is canceled, revoked, or modified may be allowed actual and necessary expenses or travel and transportation allowances in connection with travel performed pursuant to such order or authorization.

“(f) ADVANCE PAYMENTS.—An authorized traveler may be allowed advance payments for authorized travel and transportation allowances.

“(g) RESPONSIBILITY FOR UNAUTHORIZED EXPENSES.—Any unauthorized travel or transportation expense is not the responsibility of the United States.

“(h) RELATIONSHIP TO OTHER AUTHORITIES.—The administering Secretary may not provide payment under this section for an expense for which payment may be provided from any other appropriate Government or non-Government entity.

**“§ 453. Allowable travel and transportation: specific authorities**

“(a) IN GENERAL.—In addition to any other authority for the provision of travel and transportation allowances, the administering Secretaries may provide travel and transportation allowances under this subchapter in accordance with this section.

“(b) AUTHORIZED ABSENCE FROM TEMPORARY DUTY LOCATION.—An authorized traveler may be paid travel and transportation allowances, or reimbursed for actual and necessary expenses of travel, incurred at a temporary duty location during an authorized absence from that location.

“(c) MOVEMENT OF PERSONAL PROPERTY.—

(1) A member of a uniformed service may be allowed moving expenses and transportation allowances for self and dependents associated with the movement of personal property and household goods, including such expenses when associated with a self-move.

“(2) The authority in paragraph (1) includes the movement and temporary and non-temporary storage of personal property, household goods, and privately owned vehicles (but not to exceed one privately owned vehicle per member household) in connection with the temporary or permanent move between authorized locations.

“(3) For movement of household goods, the administering Secretaries shall prescribe weight allowances in regulations under section 464 of this title. The prescribed weight allowances may not exceed 18,000 pounds (including packing, crating, and household

goods in temporary storage), except that the administering Secretary may, on a case-by-case basis, authorize additional weight allowances as necessary.

“(4) The administering Secretary may prescribe the terms, rates, and conditions that authorize a member of the uniformed services to ship or store a privately owned vehicle.

“(5) No carrier, port agent, warehouseman, freight forwarder, or other person involved in the transportation of property may have any lien on, or hold, impound, or otherwise interfere with, the movement of baggage and household goods being transported under this section.

“(d) UNUSUAL OR EMERGENCY CIRCUMSTANCES.—An authorized traveler may be provided travel and transportation allowances under this section for unusual, extraordinary, hardship, or emergency circumstances, including circumstances warranting evacuation from a permanent duty assignment location.

“(e) PARTICULAR SEPARATION PROVISIONS.—The administering Secretary may provide travel-in-kind and transportation-in-kind for the following persons in accordance with regulations prescribed under section 464 of this title:

“(1) A member who is retired, or is placed on the temporary disability retired list, under chapter 61 of title 10.

“(2) A member who is retired with pay under any other law or who, immediately following at least eight years of continuous active duty with no single break therein of more than 90 days, is discharged with separation pay or is involuntarily released from active duty with separation pay or readjustment pay.

“(3) A member who is discharged under section 1173 of title 10.

“(f) ATTENDANCE AT MEMORIAL CEREMONIES AND SERVICES.—A family member or member of the uniformed services who attends a deceased member’s repatriation, burial, or memorial ceremony or service may be provided travel and transportation allowances to the extent provided in regulations prescribed under section 464 of this title.

**“§ 454. Travel and transportation: pilot programs**

“(a) PILOT PROGRAMS.—Except as otherwise prohibited by law, the Secretary of Defense may conduct pilot programs to evaluate alternative travel and transportation programs, policies, and processes for Department of Defense authorized travelers. Any such pilot program shall be designed to enhance cost savings or other efficiencies that accrue to the Government and be conducted so as to evaluate one or more of the following:

“(1) Alternative methods for performing and reimbursing travel.

“(2) Means for limiting the need for travel.

“(3) Means for reducing the environmental impact of travel.

“(b) LIMITATIONS.—(1) Not more than three pilot programs may be carried out under subsection (a) at any one time.

“(2) The duration of a pilot program may not exceed four years.

“(3) The authority to carry out a pilot program is subject to the availability of appropriated funds.

“(c) REPORTS.—(1) Not later than 30 days before the commencement of a pilot program under subsection (a), the Secretary shall submit to the congressional defense committees a report on the pilot program. The report on a pilot program under this paragraph shall set forth a description of the pilot program, including the following:



“(A) The purpose of the pilot program.

“(B) The duration of the pilot program.

“(C) The cost savings or other efficiencies anticipated to accrue to the Government under the pilot program.

“(2) Not later than 60 days after the completion of a pilot program, the Secretary shall submit to the congressional defense committees a report on the pilot program. The report on a pilot program under this paragraph shall set forth the following:

“(A) A description of results of the pilot program.

“(B) Such recommendations for legislative or administrative action as the Secretary considers appropriate in light of the pilot program.

“(d) CONGRESSIONAL DEFENSE COMMITTEES DEFINED.—In this section, the term ‘congressional defense committees’ has the meaning given that term in section 101(a)(16) of title 10.

#### “SUBCHAPTER II—ADMINISTRATIVE PROVISIONS

##### “§ 461. Relationship to other travel and transportation authorities

“An authorized traveler may not be paid travel and transportation allowances or receive travel-in-kind and transportation-in-kind, or a combination thereof, under both subchapter I and subchapter III for official travel performed under a single or related travel and transportation order or authorization by the administering Secretary.

##### “§ 462. Travel and transportation allowances paid to members that are unauthorized or in excess of authorized amounts: requirement for repayment

“(a) REPAYMENT REQUIRED.—Except as provided in subsection (b), a member of the uniformed services or other person who is paid travel and transportation allowances under subchapter I shall repay to the United States any amount of such payment that is determined to be unauthorized or in excess of the applicable authorized amount.

“(b) EXCEPTION.—The regulations prescribed under section 464 of this title shall specify procedures for determining the circumstances under which an exception to repayment otherwise required by subsection (a) may be granted.

“(c) EFFECT OF BANKRUPTCY.—An obligation to repay the United States under this section is, for all purposes, a debt owed the United States. A discharge in bankruptcy under title 11 does not discharge a person from such debt if the discharge order is entered less than five years after the date on which the debt was incurred.

##### “§ 463. Programs of compliance; electronic processing of travel claims

“(a) PROGRAMS OF COMPLIANCE.—The administering Secretaries shall provide for compliance with the requirements of this chapter through programs of compliance established and maintained for that purpose.

“(b) ELEMENTS.—The programs of compliance under subsection (a) shall—

“(1) minimize the provision of benefits under this chapter based on inaccurate claims, unauthorized claims, overstated or inflated claims, and multiple claims for the same benefits through the electronic verification of travel claims on a near-time basis and such other means as the administering Secretaries may establish for purposes of the programs of compliance; and

“(2) ensure that benefits provided under this chapter do not exceed reasonable or actual and necessary expenses of travel claimed or reasonable allowances based on commercial travel rates.

“(c) ELECTRONIC PROCESSING OF TRAVEL CLAIMS.—(1) By not later than the date that is five years after the date of the enactment of the National Defense Authorization Act for Fiscal Year 2012, any travel claim under this chapter shall be processed electronically.

“(2) The administering Secretary, or the Secretary’s designee, may waive the requirement in paragraph (1) with respect to a particular claim in the interests of the department concerned.

“(3) The electronic processing of claims under this subsection shall be subject to the regulations prescribed by the Secretary of Defense under section 464 of this title which shall apply uniformly to all members of the uniformed services and, to the extent practicable, to all other authorized travelers.

##### “§ 464. Regulations

“This subchapter and subchapter I shall be administered under terms, rates, conditions, and regulations prescribed by the Secretary of Defense in consultation with the other administering Secretaries for members of the uniformed services. Such regulations shall be uniform for the Department of Defense and shall apply as uniformly as practicable to the uniformed services under the jurisdiction of the other administering Secretaries.

#### “SUBCHAPTER III—TRAVEL AND TRANSPORTATION AUTHORITIES—OLD LAW

##### “§ 471. Travel authorities transition expiration date

“In this subchapter, the term ‘travel authorities transition expiration date’ means the last day of the 10-year period beginning on the first day of the first month beginning after the date of the enactment of the National Defense Authorization Act for Fiscal Year 2012.

##### “§ 472. Definitions and other incorporated provisions of chapter 7

“(a) DEFINITIONS.—The provisions of section 401 of this title apply to this subchapter.

“(b) OTHER PROVISIONS.—The provisions of sections 421 and 423 of this title apply to this subchapter.”

(c) REPEAL OF OBSOLETE AUTHORITY.—Section 411g of title 37, United States Code, is repealed.

(d) TRANSFER OF SECTIONS.—

(1) TRANSFER TO SUBCHAPTER I.—Section 412 of title 37, United States Code, is transferred to chapter 8 of such title, as added by subsection (b), inserted after section 454, and redesignated as section 455.

(2) TRANSFER OF CURRENT CHAPTER 7 AUTHORITIES TO SUBCHAPTER III.—Sections 404, 404a, 404b, 405, 405a, 406, 406a, 406b, 406c, 407, 408, 408a, 409, 410, 411, 411a through 411f, 411h through 411i, 428 through 432, 434, and 435 of such title are transferred (in that order) to chapter 8 of such title, as added by subsection (b), inserted after section 472, and redesignated as follows:

Section:	Redesignated Section:
404	474
404a	474a
404b	474b
405	475
405a	475a
406	476
406a	476a
406b	476b
406c	476c
407	477
408	478
408a	478a
409	479
410	480
411	481

411a	481a
411b	481b
411c	481c
411d	481d
411e	481e
411f	481f
411h	481h
411i	481i
411j	481j
411k	481k
411l	481l
428	488
429	489
430	490
432	492
434	494
435	495

(3) TRANSFER OF SECTION 554.—Section 554 of such title is transferred to chapter 8 of such title, as added by subsection (b), inserted after section 481l (as transferred and redesignated by paragraph (2)), and redesignated as section 484.

(e) SUNSET OF OLD-LAW AUTHORITIES.—Provisions of subchapter III of chapter 8 of title 37, United States Code, as transferred and redesignated by paragraphs (2) and (3) of subsection (c), are amended as follows:

(1) Section 474 is amended by adding at the end the following new subsection:

“(k) No travel and transportation allowance or reimbursement may be provided under this section for travel that begins after the travel authorities transition expiration date.”

(2) Section 474a is amended by adding at the end the following new subsection:

“(f) TERMINATION.—No payment or reimbursement may be provided under this section with respect to a change of permanent station for which orders are issued after the travel authorities transition expiration date.”

(3) Section 474b is amended by adding at the end the following new subsection:

“(e) TERMINATION.—No payment or reimbursement may be provided under this section with respect to an authorized absence that begins after the travel authorities transition expiration date.”

(4) Section 475 is amended by adding at the end the following new subsection:

“(f) TERMINATION.—During and after the travel authorities expiration date, no per diem may be paid under this section for any period.”

(5) Section 475a is amended by adding at the end the following new subsection:

“(c) During and after the travel authorities expiration date, no allowance under subsection (a) or transportation or reimbursement under subsection (b) may be provided with respect to an authority or order to depart.”

(6) Section 476 is amended by adding at the end the following new subsection:

“(n) No transportation, reimbursement, allowance, or per diem may be provided under this section—

“(1) with respect to a change of temporary or permanent station for which orders are issued after the travel authorities transition expiration date; or

“(2) in a case covered by this section when such orders are not issued, with respect to a movement of baggage or household effects that begins after such date.”

(7) Section 476a is amended—

(A) by inserting “(a) AUTHORITY.—” before “Under uniform regulations”; and

(B) by adding at the end the following new subsection:

“(b) TERMINATION.—No transportation or travel or transportation allowance may be

provided under this section for travel that begins after the travel authorities transition expiration date.”.

(8) Section 476b is amended by adding at the end the following new subsection:

“(e) No transportation or allowance may be provided under this section for travel that begins after the travel authorities transition expiration date.”.

(9) Section 476c is amended by adding at the end the following new subsection:

“(e) TERMINATION.—No transportation or allowance may be provided under this section for travel that begins after the travel authorities transition expiration date.”.

(10) Section 477 is amended by adding at the end the following new subsection:

“(i) TERMINATION.—No dislocation allowance may be paid under this section for a move that begins after the travel authorities transition expiration date.”.

(11) Section 478 is amended by adding at the end the following new subsection:

“(c) No travel or transportation allowance, payment, or reimbursement may be provided under this section for travel that begins after the travel authorities transition expiration date.”.

(12) Section 479 is amended by adding at the end the following new subsection:

“(e) No transportation of a house trailer or mobile home, or storage or payment in connection therewith, may be provided under this section for transportation that begins after the travel authorities transition expiration date.”.

(13) Section 480 is amended by adding at the end the following new subsection:

“(c) No travel or transportation allowance may be provided under this section for travel that begins after the travel authorities transition expiration date.”.

(14) Section 481 is amended by adding at the end the following new subsection:

“(e) The regulations prescribed under this section shall cease to be in effect as of the travel authorities transition expiration date.”.

(15) Section 481a is amended by adding at the end the following new subsection:

“(c) No travel and transportation allowance may be provided under this section for travel that is authorized after the travel authorities transition expiration date.”.

(16) Section 481b is amended by adding at the end the following new subsection:

“(d) TERMINATION.—No travel and transportation allowance may be provided under this section for travel that is authorized after the travel authorities transition expiration date.”.

(17) Section 481c is amended by adding at the end the following new subsection:

“(c) No transportation may be provided under this section after the travel authorities transition expiration date, and no payment may be made under this section for transportation that begins after that date.”.

(18) Section 481d is amended by adding at the end the following new subsection:

“(d) No transportation may be provided under this section after the travel authorities transition expiration date.”.

(19) Section 481e is amended by adding at the end the following new subsection:

“(c) No travel and transportation allowance or reimbursement may be provided under this section for travel that begins after the travel authorities transition expiration date.”.

(20) Section 481f is amended by adding at the end the following new subsection:

“(h) TERMINATION.—No travel and transportation allowance or reimbursement may

be provided under this section for travel that begins after the travel authorities transition expiration date.”.

(21) Section 481h is amended by adding at the end the following new subsection:

“(e) TERMINATION.—No transportation, allowance, reimbursement, or per diem may be provided under this section for travel that begins after the travel authorities transition expiration date.”.

(22) Section 481i is amended by adding at the end the following new subsection:

“(c) TERMINATION.—No reimbursement may be provided under this section for expenses incurred after the travel authorities transition expiration date.”.

(23) Section 481j is amended by adding at the end the following new subsection:

“(e) TERMINATION.—No transportation, allowance, reimbursement, or per diem may be provided under this section for travel that begins after the travel authorities transition expiration date.”.

(24) Section 481k is amended by adding at the end the following new subsection:

“(e) TERMINATION.—No transportation, allowance, reimbursement, or per diem may be provided under this section for travel that begins after the travel authorities transition expiration date.”.

(25) Section 481l is amended by adding at the end the following new subsection:

“(e) TERMINATION.—No transportation, allowance, reimbursement, or per diem may be provided under this section for travel that begins after the travel authorities transition expiration date.”.

(26) Section 484 is amended by adding at the end the following new subsection:

“(k) No transportation, allowance, or reimbursement may be provided under this section for a move that begins after the travel authorities transition expiration date.”.

(27) Section 488 is amended—

(A) by inserting “(a) AUTHORITY.—” before “In addition”; and

(B) by adding at the end the following new subsection:

“(b) TERMINATION.—No reimbursement may be provided under this section for expenses incurred after the travel authorities transition expiration date.”.

(28) Section 489 is amended—

(A) by inserting “(a) AUTHORITY.—” before “In addition”; and

(B) by adding at the end the following new subsection:

“(b) TERMINATION.—No transportation or allowance may be provided under this section for travel that begins after the travel authorities transition expiration date.”.

(29) Section 490 is amended by adding at the end the following new subsection:

“(g) TERMINATION.—No transportation, allowance, reimbursement, or per diem may be provided under this section for travel that begins after the travel authorities transition expiration date.”.

(30) Section 492 is amended by adding at the end the following new subsection:

“(c) No transportation or allowance may be provided under this section for travel that begins after the travel authorities transition expiration date.”.

(31) Section 494 is amended by adding at the end the following new subsection:

“(d) TERMINATION.—No reimbursement may be provided under this section for expenses incurred after the travel authorities transition expiration date.”.

(32) Section 495 is amended by adding at the end the following new subsection:

“(c) TERMINATION.—No allowance may be paid under this section for any day after the

travel authorities transition expiration date.”.

(f) TECHNICAL AND CLERICAL AMENDMENTS.—

(1) CHAPTER HEADING.—The heading of chapter 7 of such title is amended to read as follows: “**CHAPTER 7—ALLOWANCES OTHER THAN TRAVEL AND TRANSPORTATION ALLOWANCES**”.

(2) TABLE OF CHAPTERS.—The table of chapter preceding chapter 1 of such title is amended by striking the item relating to chapter 7 and inserting the following:

“7. Allowances Other Than Travel and Transportation Allowances... 401  
“8. Travel and Transportation Allowances ..... 451”.

(3) TABLES OF SECTIONS.—

(A) The table of sections at the beginning of chapter 7 of such title is amended by striking the items relating to sections 404 through 412, 428 through 432, 434, and 435.

(B) The table of sections at the beginning of chapter 9 of such title is amended by striking the item relating to section 554.

(4) CROSS-REFERENCES.—

(A) Any section of title 10, 32, or 37, United States Code, that includes a reference to a section of title 37 that is transferred and redesignated by subsection (c) is amended so as to conform the reference to the section number of the section as so redesignated.

(B) Any reference in a provision of law other than a section of title 10, 32, or 37, United States Code, to a section of title 37 that is transferred and redesignated by subsection (c) is deemed to refer to the section as so redesignated.

#### SEC. 632. TRANSITION PROVISIONS.

(a) IMPLEMENTATION PLAN.—The Secretary of Defense shall develop a plan to implement subchapters I and II of chapter 8 of title 37, United States Code (as added by section 631(b) of this Act), and to transition all of the travel and transportation programs for members of the uniformed services under chapter 7 of title 37, United States Code, solely to provisions of those subchapters by the end of the transition period.

(b) AUTHORITY FOR MODIFICATIONS TO OLD-LAW AUTHORITIES DURING TRANSITION PERIOD.—During the transition period, the Secretary of Defense and the Secretaries concerned, in using the authorities under subchapter III of chapter 8 of title 37, United States Code (as so added), may apply those authorities subject to the terms of such provisions and such modifications as the Secretary of Defense may include in the implementation plan required under subsection (a) or in any subsequent modification to that implementation plan.

(c) COORDINATION.—The Secretary of Defense shall prepare the implementation plan under subsection (a) and any modification to that plan under subsection (b) in coordination with—

(1) the Secretary of Homeland Security, with respect to the Coast Guard;

(2) the Secretary of Health and Human Services, with respect to the commissioned corps of the Public Health Service; and

(3) the Secretary of Commerce, with respect to the National Oceanic and Atmospheric Administration.

(d) PROGRAM OF COMPLIANCE.—The Secretary of Defense and the other administering Secretaries shall commence the operation of the programs of compliance required by section 463 of title 37, United States Code (as so added), by not later than one year after the date of the enactment of this Act.

(e) TRANSITION PERIOD.—In this section, the term “transition period” means the 10-

year period beginning on the first day of the first month beginning after the date of the enactment of this Act.

**Subtitle E—Commissary and Non-appropriated Fund Instrumentality Benefits and Operations**

**SEC. 641. DISCRETION OF THE SECRETARY OF THE NAVY TO SELECT CATEGORIES OF MERCHANDISE TO BE SOLD BY SHIP STORES AFLOAT.**

Section 7604(c) of title 10, United States Code, is amended by striking “shall” and inserting “may”.

**SEC. 642. ACCESS OF MILITARY EXCHANGE STORES SYSTEM TO CREDIT AVAILABLE THROUGH FEDERAL FINANCING BANK.**

Section 2487 of title 10, United States Code, is amended by adding at the end the following new subsection:

“(c) ACCESS OF EXCHANGE STORES SYSTEM TO FEDERAL FINANCING BANK.—To facilitate the provision of in-store credit to patrons of the exchange stores system while reducing the costs of providing such credit, the Army and Air Force Exchange Service, Navy Exchange Service Command, and Marine Corps exchanges may issue and sell their obligations to the Federal Financing Bank as provided in section 6 of the Federal Financing Bank Act of 1973 (12 U.S.C. 2285).”.

**SEC. 643. DESIGNATION OF FISHER HOUSE FOR THE FAMILIES OF THE FALLEN AND MEDITATION PAVILION, DOVER AIR FORCE BASE, DELAWARE, AS A FISHER HOUSE.**

The Fisher House for the Families of the Fallen and Meditation Pavilion at Dover Air Force Base, Delaware, is hereby designated as a Fisher House for purposes of section 2493 of title 10, United States Code.

**Subtitle F—Disability, Retired Pay and Survivor Benefits**

**SEC. 651. DEATH GRATUITY AND RELATED BENEFITS FOR RESERVES WHO DIE DURING AN AUTHORIZED STAY AT THEIR RESIDENCE DURING OR BETWEEN SUCCESSIVE DAYS OF INACTIVE DUTY TRAINING.**

**(a) DEATH GRATUITY.—**

(1) PAYMENT AUTHORIZED.—Section 1475(a)(3) of title 10, United States Code, is amended by inserting before the semicolon the following: “or while staying at the Reserve’s residence, when so authorized by proper authority, during the period of such inactive duty training or between successive days of inactive duty training”.

(2) TREATMENT AS DEATH DURING INACTIVE DUTY TRAINING.—Section 1478(a) of such title is amended—

(A) by redesignating paragraphs (4) through (8) as paragraphs (5) through (9), respectively; and

(B) by inserting after paragraph (3) the following new paragraph (4):

“(4) A person covered by subsection (a)(3) of section 1475 of this title who died while on authorized stay at the person’s residence during a period of inactive duty training or between successive days of inactive duty training is considered to have been on inactive duty training on the date of his death.”.

(b) RECOVERY, CARE, AND DISPOSITION OF REMAINS AND RELATED BENEFITS.—Section 1481(a)(2) of such title is amended—

(1) by redesignating subparagraph (E) and (F) as subparagraphs (F) and (G), respectively; and

(2) by inserting after subparagraph (D) the following new subparagraph (E):

“(E) staying at the member’s residence, when so authorized by proper authority, during a period of inactive duty training or between successive days of inactive duty training;”.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act, and shall apply with respect to deaths that occur on or after that date.

**Subtitle G—Other Matters**

**SEC. 661. REPORT ON BASIC ALLOWANCE FOR HOUSING FOR NATIONAL GUARD MEMBERS TRANSITIONING BETWEEN ACTIVE DUTY AND FULL-TIME NATIONAL GUARD DUTY.**

(a) STUDY.—The Secretary of Defense shall conduct a study on the implications for the monthly amount of basic allowance for housing of the transitions of members of the Army National Guard of the United States and Air National Guard of the United States as follows:

(1) From active duty under title 10, United States Code, to full-time National Guard duty under title 32, United States Code.

(2) From full-time National Guard duty under title 32, United States Code, to active duty under title 10, United States Code.

(b) REQUIREMENTS FOR STUDY.—In conducting the study required by subsection (a), the Secretary shall—

(1) take into account all potential variations of circumstance involving housing location, basic allowance for housing rates, duration of service, duration of break in service, and duty status;

(2) take into account all current applicable policies, practices, and regulations;

(3) assess potential modifications of policy and law, and develop recommendations for modifications of policy and law if determined appropriate; and

(4) take into account the welfare of members of the Armed Forces and their families when developing recommendations, if any, under paragraph (3).

(c) REPORT.—Not later than five months after the date of the enactment of this Act, the Secretary shall submit to the congressional defense committees a report on the study required by subsection (a). The report shall set forth the results of the study, including a description of the manner in which each matter specified in subsection (b) was met, and include such comments and recommendations on the results of the study as the Secretary considers appropriate.

**SEC. 662. REPORT ON INCENTIVES FOR RECRUITMENT AND RETENTION OF HEALTH CARE PROFESSIONALS.**

Not later than 90 days after the date of the enactment of this Act, the Surgeons General of the Army, Navy, and Air Force shall submit to Congress a report on their staffing needs for health care professionals in the active and reserve components of the Armed Forces. Such report shall—

(1) identify the positions in most critical need for additional health care professionals, including—

(A) the number of physicians needed; and

(B) whether additional behavioral health professionals are needed to treat members of the Armed Forces for post traumatic stress disorder and traumatic brain injury; and

(2) recommend incentives for healthcare professionals with more than 20 years of clinical experience to join the active or reserve components, including changes in age or length of service requirements to qualify for partial retired pay for non-regular service.

**TITLE VII—HEALTH CARE PROVISIONS**

**Subtitle A—Improvements to Health Benefits**

Sec. 701. Annual enrollment fees for certain retirees and dependents.

Sec. 702. Mental health assessments for members of the Armed Forces deployed in support of a contingency operation.

Sec. 703. Behavioral health support for members of the reserve components of the Armed Forces.

Sec. 704. Provision of food to certain members and dependents not receiving inpatient care in military medical treatment facilities.

Sec. 705. Travel for anesthesia services for childbirth for command-sponsored dependents of members assigned to remote locations outside the continental United States.

Sec. 706. Transitional health benefits for certain members with extension of active duty following active duty in support of a contingency operation.

Sec. 707. Provision of rehabilitative equipment under Wounded Warrior Act.

Sec. 708. Transition enrollment of uniformed services family health plan medicare-eligible retirees to TRICARE for life.

**Subtitle B—Health Care Administration**

Sec. 711. Codification and improvement of procedures for mental health evaluations for members of the Armed Forces.

Sec. 712. Extension of time limit for submittal of claims under the TRICARE program for care provided outside the United States.

Sec. 713. Expansion of State licensure exception for certain health care professionals.

Sec. 714. Clarification on confidentiality of medical quality assurance records.

Sec. 715. Maintenance of the adequacy of provider networks under the TRICARE program.

Sec. 716. Review of the administration of the military health system.

Sec. 717. Limitation on availability of funds for the future electronic health records program.

**Subtitle C—Reports and Other Matters**

Sec. 721. Modification of authorities on surveys on continued viability of TRICARE Standard and TRICARE Extra.

Sec. 722. Treatment of wounded warriors.

Sec. 723. Report on research and treatment of post-traumatic stress disorder.

Sec. 724. Report on memorandum regarding traumatic brain injuries.

Sec. 725. Comptroller General report on women-specific health services and treatment for female members of the Armed Forces.

Sec. 726. Comptroller General report on contract health care staffing for military medical treatment facilities.

**Subtitle A—Improvements to Health Benefits**  
**SEC. 701. ANNUAL ENROLLMENT FEES FOR CERTAIN RETIREES AND DEPENDENTS.**

(a) ANNUAL ENROLLMENT FEES.—Section 1097(e) of title 10, United States Code, is amended—

(1) by striking “The Secretary of Defense” and inserting “(1) The Secretary of Defense”;

(2) by striking “A premium,” and inserting “Except as provided by paragraph (2), a premium,”; and

(3) by adding at the end the following new paragraph:

“(2) Beginning October 1, 2012, the Secretary of Defense may only increase in any year the annual enrollment fees described in paragraph (1) by an amount equal to the percentage by which retired pay is increased under section 1401a of this title.”.

(b) CLARIFICATION OF APPLICATION FOR FISCAL YEAR 2013.—The Secretary of Defense shall determine the maximum enrollment fees for TRICARE Prime under section 1097(e)(2) of title 10, United States Code, as added by subsection (a), for fiscal year 2013 and thereafter as if the enrollment fee for each enrollee during fiscal year 2012 was the amount charged to an enrollee who enrolled for the first time during such fiscal year.

**SEC. 702. MENTAL HEALTH ASSESSMENTS FOR MEMBERS OF THE ARMED FORCES DEPLOYED IN SUPPORT OF A CONTINGENCY OPERATION.**

(a) MENTAL HEALTH EXAMINATIONS DURING A DEPLOYMENT.—

(1) IN GENERAL.—Chapter 55 of title 10, United States Code, is amended by inserting after section 1074l the following new section:

**“§ 1074m. Mental health assessments for members of the armed forces deployed in support of a contingency operation**

“(a) MENTAL HEALTH ASSESSMENTS.—(1) The Secretary of Defense shall provide a person-to-person mental health assessment for each member of the armed forces who is deployed in support of a contingency operation as follows:

“(A) Once during the period beginning 120 days before the date of the deployment.

“(B) Once during the period beginning 90 days after the date of redeployment from the contingency operation and ending 180 days after such redeployment date.

“(C) Subject to subsection (d), not later than once during each of—

“(i) the period beginning 180 days after the date of redeployment from the contingency operation and ending one year after such redeployment date; and

“(ii) the period beginning 18 months after such redeployment date and ending 30 months after such redeployment date.

“(2) A mental health assessment is not required for a member of the armed forces under subparagraph (B) and (C) of paragraph (1) if the Secretary determines that—

“(A) the member was not subjected or exposed to operational risk factors during deployment in the contingency operation concerned; or

“(B) providing such assessment to the member during the time periods under such subparagraphs would remove the member from forward deployment or put members or operational objectives at risk.

“(b) PURPOSE.—The purpose of the mental health assessments provided pursuant to this section shall be to identify post-traumatic stress disorder, suicidal tendencies, and other behavioral health conditions identified among members described in subsection (a) in order to determine which such members are in need of additional care and treatment for such health conditions.

“(c) ELEMENTS.—(1) The mental health assessments provided pursuant to this section shall—

“(A) be performed by personnel trained and certified to perform such assessments and may be performed—

“(i) by licensed mental health professionals if such professionals are available and the use of such professionals for the assessments would not impair the capacity of such professionals to perform higher priority tasks; and

“(ii) by personnel at private facilities in accordance with section 1074(c) of this title;

“(B) include a person-to-person dialogue between members described in subsection (a) and the professionals or personnel described by subparagraph (A), as applicable, on such matters as the Secretary shall specify in order that the assessments achieve the purpose specified in subsection (b) for such assessments;

“(C) be conducted in a private setting to foster trust and openness in discussing sensitive health concerns;

“(D) be provided in a consistent manner across the military departments; and

“(E) include a review of the health records of the member that are related to each previous deployment of the member or other relevant activities of the member while serving in the armed forces, as determined by the Secretary.

“(2) The Secretary may treat periodic health assessments and other person-to-person assessments that are provided to members of the armed forces, including examinations under section 1074f of this title, as meeting the requirements for mental health assessments required under this section if the Secretary determines that such assessments and person-to-person assessments meet the requirements for mental health assessments established by this section.

“(d) CESSATION OF ASSESSMENTS.—No mental health assessment is required to be provided to an individual under subsection (a)(1)(C) after the individual's discharge or release from the armed forces.

“(e) SHARING OF INFORMATION.—(1) The Secretary of Defense shall share with the Secretary of Veterans Affairs such information on members of the armed forces that is derived from confidential mental health assessments, including mental health assessments provided pursuant to this section and health assessments and other person-to-person assessments provided before the date of the enactment of this section, as the Secretary of Defense and the Secretary of Veterans Affairs jointly consider appropriate to ensure continuity of mental health care and treatment of members of the armed forces during the transition from health care and treatment provided by the Department of Defense to health care and treatment provided by the Department of Veterans Affairs.

“(2) Any sharing of information under paragraph (1) shall occur pursuant to a protocol jointly established by the Secretary of Defense and the Secretary of Veterans Affairs for purposes of this subsection. Any such protocol shall be consistent with the following:

“(A) Applicable provisions of the Wounded Warrior Act (title XVI of Public Law 110-181; 10 U.S.C. 1071 note), including section 1614 of such Act (122 Stat. 443; 10 U.S.C. 1071 note).

“(B) Section 1720F of title 38.

“(3) Before each mental health assessment is conducted under subsection (a), the Secretary of Defense shall ensure that the member is notified of the sharing of information with the Secretary of Veterans Affairs under this subsection.

“(f) REGULATIONS.—(1) The Secretary of Defense, in consultation with the other administering Secretaries, shall prescribe regulations for the administration of this section.

“(2) Not later than 270 days after the date of the issuance of the regulations prescribed under paragraph (1), the Secretary shall notify the congressional defense committees of the implementation of the regulations by the military departments.”.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 55 of such title is amended by inserting after the item relating to section 1074l the following new item:

“1074m. Mental health assessments for members of the armed forces deployed in support of a contingency operation.”.

(3) REGULATIONS.—The Secretary of Defense shall prescribe an interim final rule with respect to the amendment made by paragraph (1), effective not later than 90 days after the date of the enactment of this Act.

(b) CONFORMING REPEAL.—Section 708 of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111-84; 123 Stat. 2376; 10 U.S.C. 1074f note) is repealed.

**SEC. 703. BEHAVIORAL HEALTH SUPPORT FOR MEMBERS OF THE RESERVE COMPONENTS OF THE ARMED FORCES.**

(a) MENTAL HEALTH ASSESSMENTS.—Section 1074a of title 10, United States Code, is amended—

(1) by redesignating subsection (h) as subsection (i);

(2) by inserting after subsection (g) the following new subsection (h):

“(h)(1) The Secretary of Defense may provide to any member of the reserve components performing inactive-duty training during scheduled unit training assemblies access to mental health assessments with a licensed mental health professional who shall be available for referrals during duty hours on the premises of the principal duty location of the member's unit.

“(2) Mental health services provided to a member under this subsection shall be at no cost to the member.”; and

(3) in subsection (i), as redesignated by paragraph (1), by striking “medical and dental readiness” and inserting “medical, dental, and behavioral health readiness”.

(b) BEHAVIORAL HEALTH SUPPORT.—

(1) IN GENERAL.—Each member of a reserve component of the Armed Forces participating in annual training or individual duty training shall have access, while so participating, to the behavioral health support programs for members of the reserve components described in paragraph (2).

(2) BEHAVIORAL HEALTH SUPPORT PROGRAMS.—The behavioral health support programs for members of the reserve components described in this paragraph shall include one or any combination of the following:

(A) Programs providing access to licensed mental health providers in armories, reserve centers, or other places for scheduled unit training assemblies.

(B) Programs providing training on suicide prevention and post-suicide response.

(C) Psychological health programs.

(D) Such other programs as the Secretary of Defense, in consultation with the Surgeon General for the National Guard of the State in which the members concerned reside, the Director of Psychological Health of the State in which the members concerned reside, the Department of Mental Health or the equivalent agency of the State in which the members concerned reside, or the Director of the Psychological Health Program of the National Guard Bureau, considers appropriate.

(3) FUNDING.—Behavioral health support programs provided to members of the reserve components under this subsection shall be provided using amounts made available for operation and maintenance for the reserve components.

(4) STATE DEFINED.—In this subsection, the term “State” has the meaning given that

term in section 10001 of title 10, United States Code.

**SEC. 704. PROVISION OF FOOD TO CERTAIN MEMBERS AND DEPENDENTS NOT RECEIVING INPATIENT CARE IN MILITARY MEDICAL TREATMENT FACILITIES.**

(a) IN GENERAL.—Chapter 55 of title 10, United States Code, is amended by inserting after section 1078a the following new section:

**“§ 1078b. Provision of food to certain members and dependents not receiving inpatient care in military medical treatment facilities**

“(a) IN GENERAL.—(1) Under regulations prescribed by the Secretary of Defense, the Secretary may provide food and beverages to an individual described in paragraph (2) at no cost to the individual.

“(2) An individual described in this paragraph is the following:

“(A) A member of the uniformed services or dependent—

“(i) who is receiving outpatient medical care at a military medical treatment facility; and

“(ii) whom the Secretary determines is unable to purchase food and beverages while at such facility by virtue of receiving such care.

“(B) A member of the uniformed services or dependent—

“(i) who is a family member of an infant receiving inpatient medical care at a military medical treatment facility;

“(ii) who provides care to the infant while the infant receives such inpatient medical care; and

“(iii) whom the Secretary determines is unable to purchase food and beverages while at such facility by virtue of providing such care to the infant.

“(C) A member of the uniformed services or dependent whom the Secretary determines is under similar circumstances as a member or dependent described in subparagraph (A) or (B).

“(b) REGULATIONS.—The Secretary shall ensure that regulations prescribed under this section are consistent with generally accepted practices in private medical treatment facilities.”.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 1078a the following new item:

“1078b. Provision of food to certain members and dependents not receiving inpatient care in military medical treatment facilities.”.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date that is 90 days after the date of the enactment of this Act.

**SEC. 705. TRAVEL FOR ANESTHESIA SERVICES FOR CHILDBIRTH FOR COMMAND-SPONSORED DEPENDENTS OF MEMBERS ASSIGNED TO REMOTE LOCATIONS OUTSIDE THE CONTINENTAL UNITED STATES.**

Section 1040(a) of title 10, United States Code, is amended—

(1) by inserting “(1)” after “(a)”; and

(2) by adding at the end the following new paragraph:

“(2)(A) Except as provided by subparagraph (E), for purposes of paragraph (1), required medical attention of a dependent includes, in the case of a dependent authorized to accompany a member at a location described in that paragraph, obstetrical anesthesia services for childbirth equivalent to the obstetrical anesthesia services for childbirth available in a military treatment facility in the United States.

“(B) In the case of a dependent at a remote location outside the continental United States who elects services described in subparagraph (A) and for whom air transportation would be needed to travel under paragraph (1) to the nearest appropriate medical facility in which adequate medical care is available, the Secretary may authorize the dependent to receive transportation under that paragraph to the continental United States and be treated at the military treatment facility that can provide appropriate obstetrical services that is nearest to the closest port of entry into the continental United States from such remote location.

“(C) The second through sixth sentences of paragraph (1) shall apply to a dependent provided transportation by reason of this paragraph.

“(D) The total cost incurred by the United States for the provision of transportation and expenses (including per diem) with respect to a dependent by reason of this paragraph may not exceed the cost the United States would otherwise incur for the provision of transportation and expenses with respect to that dependent under paragraph (1) if the transportation and expenses were provided to that dependent without regard to this paragraph.

“(E) The Secretary may not provide transportation to a dependent under this paragraph if the Secretary determines that—

“(i) the dependent would otherwise receive obstetrical anesthesia services at a military treatment facility; and

“(ii) such facility, in carrying out the required number of necessary obstetric cases, would not maintain competency of its obstetrical staff unless the facility provides such services to such dependent.

“(F) The authority under this paragraph shall expire on September 30, 2016.”.

**SEC. 706. TRANSITIONAL HEALTH BENEFITS FOR CERTAIN MEMBERS WITH EXTENSION OF ACTIVE DUTY FOLLOWING ACTIVE DUTY IN SUPPORT OF A CONTINGENCY OPERATION.**

Section 1145(a)(4) of title 10, United States Code, is amended by adding at the end the following new sentence: “For purposes of the preceding sentence, in the case of a member on active duty as described in subparagraph (B), (C), or (D) of paragraph (2) who, without a break in service, is extended on active duty for any reason, the 180-day period shall begin on the date on which the member is separated from such extended active duty.”.

**SEC. 707. PROVISION OF REHABILITATIVE EQUIPMENT UNDER WOUNDED WARRIOR ACT.**

Section 1631 of the Wounded Warrior Act (title XVI of Public Law 110-181; 10 U.S.C. 1071 note) is amended by adding at the end the following:

“(c) REHABILITATIVE EQUIPMENT FOR MEMBERS OF THE ARMED FORCES.—

“(1) IN GENERAL.—Subject to the availability of appropriations for such purpose, the Secretary of Defense may provide an active duty member of the Armed Forces with a severe injury or illness with rehabilitative equipment, including recreational sports equipment that provide an adaption or accommodation for the member, regardless of whether such equipment is intentionally designed to be adaptive equipment.

“(2) CONSULTATION.—In carrying out this subsection, the Secretary of Defense shall consult with the Secretary of Veterans Affairs regarding similar programs carried out by the Secretary of Veterans Affairs.”.

**SEC. 708. TRANSITION ENROLLMENT OF UNIFORMED SERVICES FAMILY HEALTH PLAN MEDICARE-ELIGIBLE RETIREES TO TRICARE FOR LIFE.**

Section 724(e) of the National Defense Authorization Act for Fiscal Year 1997 (Public Law 104-201; 10 U.S.C. 1073 note) is amended—

(1) by striking “If a covered beneficiary” and inserting “(1) Except as provided in paragraph (2), if a covered beneficiary”; and

(2) by adding at the end the following new paragraph:

“(2) After September 30, 2012, a covered beneficiary (other than a beneficiary under section 1079 of title 10, United States Code) who is also entitled to hospital insurance benefits under part A of title XVIII of the Social Security Act due to age may not enroll in the managed care program of a designated provider unless the beneficiary was enrolled in that program on September 30, 2012.”.

**Subtitle B—Health Care Administration**

**SEC. 711. CODIFICATION AND IMPROVEMENT OF PROCEDURES FOR MENTAL HEALTH EVALUATIONS FOR MEMBERS OF THE ARMED FORCES.**

(a) CODIFICATION AND IMPROVEMENT OF PROCEDURES.—

(1) IN GENERAL.—Chapter 55 of title 10, United States Code, is amended by inserting after section 1090 the following new section:

**“§ 1090a. Commanding officer and supervisor referrals of members for mental health evaluations**

“(a) REGULATIONS.—The Secretary of Defense shall prescribe and maintain regulations relating to commanding officer and supervisor referrals of members of the armed forces for mental health evaluations. The regulations shall incorporate the requirements set forth in subsections (b), (c), and (d) and such other matters as the Secretary considers appropriate.

“(b) REDUCTION OF PERCEIVED STIGMA.—The regulations required by subsection (a) shall, to the greatest extent possible—

“(1) seek to eliminate perceived stigma associated with seeking and receiving mental health services, promoting the use of mental health services on a basis comparable to the use of other medical and health services; and

“(2) clarify the appropriate action to be taken by commanders or supervisory personnel who, in good faith, believe that a subordinate may require a mental health evaluation.

“(c) PROCEDURES FOR INPATIENT EVALUATIONS.—The regulations required by subsection (a) shall provide that, when a commander or supervisor determines that it is necessary to refer a member of the armed forces for a mental health evaluation—

“(1) the health evaluation shall only be conducted in the most appropriate clinical setting, in accordance with the least restrictive alternative principle; and

“(2) only a psychiatrist, or, in cases in which a psychiatrist is not available, another mental health professional or a physician, may admit the member pursuant to the referral for a mental health evaluation to be conducted on an inpatient basis.

“(d) PROHIBITION ON USE OF REFERRALS FOR MENTAL HEALTH EVALUATIONS TO RETALIATE AGAINST WHISTLEBLOWERS.—The regulations required by subsection (a) shall provide that no person may refer a member of the armed forces for a mental health evaluation as a reprisal for making or preparing a lawful communication of the type described in section 1034(c)(2) of this title, and applicable regulations. For purposes of this subsection, such communication shall also include a communication to any appropriate authority in the chain of command of the member.

“(e) DEFINITIONS.—In this section:

“(1) The term ‘mental health professional’ means a psychiatrist or clinical psychologist, a person with a doctorate in clinical social work, or a psychiatric clinical nurse specialist.

“(2) The term ‘mental health evaluation’ means a psychiatric examination or evaluation, a psychological examination or evaluation, an examination for psychiatric or psychological fitness for duty, or any other means of assessing the state of mental health of a member of the armed forces.

“(3) The term ‘least restrictive alternative principle’ means a principle under which a member of the armed forces committed for hospitalization and treatment shall be placed in the most appropriate and therapeutic available setting—

“(A) that is no more restrictive than is conducive to the most effective form of treatment; and

“(B) in which treatment is available and the risks of physical injury or property damage posed by such placement are warranted by the proposed plan of treatment.”.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 55 of such title is amended by inserting after the item relating to section 1090 the following new item:

“1090a. Commanding officer and supervisor referrals of members for mental health evaluations.”.

(b) CONFORMING REPEAL.—Section 546 of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102-484; 106 Stat. 2416; 10 U.S.C. 1074 note) is repealed.

**SEC. 712. EXTENSION OF TIME LIMIT FOR SUBMITTAL OF CLAIMS UNDER THE TRICARE PROGRAM FOR CARE PROVIDED OUTSIDE THE UNITED STATES.**

Section 1106(b) of title 10, United States Code, is amended by striking “not later than” and all that follows and inserting the following: “as follows:

“(1) In the case of services provided outside the United States, the Commonwealth of Puerto Rico, or the possessions of the United States, by not later than three years after the services are provided.

“(2) In the case of any other services, by not later than one year after the services are provided.”.

**SEC. 713. EXPANSION OF STATE LICENSURE EXCEPTION FOR CERTAIN HEALTH CARE PROFESSIONALS.**

(a) EXPANSION.—Section 1094(d) of title 10, United States Code, is amended—

(1) in paragraph (1)—

(A) by inserting “at any location” before “in any State”; and

(B) by striking “regardless” and all that follows through the period at the end and inserting “regardless of where such health-care professional or the patient are located, so long as the practice is within the scope of the authorized Federal duties.”; and

(2) in paragraph (2), by striking “member of the armed forces” and inserting “member of the armed forces, civilian employee of the Department of Defense, personal services contractor under section 1091 of this title, or other health-care professional credentialed and privileged at a Federal health care institution or location specially designated by the Secretary for this purpose”.

(b) REGULATIONS.—The Secretary of Defense shall prescribe regulations to carry out the amendments made by this section.

**SEC. 714. CLARIFICATION ON CONFIDENTIALITY OF MEDICAL QUALITY ASSURANCE RECORDS.**

(a) IN GENERAL.—Section 1102(j) of title 10, United States Code, is amended—

(1) in paragraph (1), by striking “any activity carried out” and inserting “any peer review activity carried out”; and

(2) by adding at the end the following new paragraph:

“(4) The term ‘peer review’ means any assessment of the quality of medical care carried out by a health care professional, including any such assessment of professional performance, any patient safety program root cause analysis or report, or any similar activity described in regulations prescribed by the Secretary under subsection (i).”.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on January 1, 2012.

**SEC. 715. MAINTENANCE OF THE ADEQUACY OF PROVIDER NETWORKS UNDER THE TRICARE PROGRAM.**

Section 1097b(a) of title 10, United States Code, is amended by adding at the end the following new paragraph:

“(3) In establishing rates and procedures for reimbursement of providers and other administrative requirements, including those contained in provider network agreements, the Secretary shall, to the extent practicable, maintain adequate networks of providers, including institutional, professional, and pharmacy. For the purpose of determining whether network providers under such provider network agreements are subcontractors for purposes of the Federal Acquisition Regulation or any other law, a TRICARE managed care support contract that includes the requirement to establish, manage, or maintain a network of providers may not be considered to be a contract for the performance of health care services or supplies on the basis of such requirement.”.

**SEC. 716. REVIEW OF THE ADMINISTRATION OF THE MILITARY HEALTH SYSTEM.**

(a) PROHIBITION ON RESTRUCTURE OR REORGANIZATION.—

(1) IN GENERAL.—The Secretary of Defense may not restructure or reorganize the military health system until a 120-day period has elapsed following the date on which the report under subsection (b)(3) is submitted by the Comptroller General of the United States to the congressional defense committees.

(2) REPORT.—The Secretary shall submit to the congressional defense committees a report that includes the following:

(A) A description of each of the options developed and considered by the task force established by the Deputy Secretary of Defense to review the governance model options for the military health system (in this section referred to as the “task force”).

(B) The goals to be achieved by restructure or reorganization and the principles upon which they are based.

(C) A description of how each option would affect readiness, quality of care, and beneficiary satisfaction.

(D) An explanation of the costs of each option so considered.

(E) An analysis of the strengths and weaknesses of each option.

(F) An estimate of the cost savings, if any, to be achieved by each option compared to the military health system in place on the date of the enactment of this Act.

(b) COMPTROLLER GENERAL REVIEW.—

(1) REVIEW REQUIRED.—The Comptroller General of the United States shall carry out a review of the options described under subsection (a)(2)(A) and the recommendations made by the task force.

(2) ELEMENTS.—The review under paragraph (1) shall include the following:

(A) An analysis of the strengths and weaknesses of each option.

(B) A comparison of each option to each of the governance models for the military health system adopted as of October 1, 1991.

(C) An estimate of the costs to implement each option.

(D) An estimate of the cost savings, if any, to be achieved by each option compared to the military health system in place on the date of the enactment of this Act.

(3) REPORT.—Not later than 180 days after the date on which the Secretary submits the report under subsection (a)(2), the Comptroller General shall submit to the congressional defense committees a report on the review.

**SEC. 717. LIMITATION ON AVAILABILITY OF FUNDS FOR THE FUTURE ELECTRONIC HEALTH RECORDS PROGRAM.**

(a) LIMITATION.—Of the funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2012 for the procurement, research, development, test, and evaluation, or operation and maintenance of the future electronic health records program, not more than 10 percent may be obligated or expended until the date that is 30 days after the date on which the Secretary of Defense submits to the congressional defense committees a report addressing—

(1) an architecture to guide the transition of the electronic health records of the Department of Defense to a future state that is cost-effective and interoperable;

(2) the process for selecting investments in information technology that support the architecture described in paragraph (1);

(3) the report required by section 715 of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (Public Law 111-383; 124 Stat. 4249);

(4) the role of the Interagency Program Office to manage or oversee efforts with respect to the future electronic health records program; and

(5) any other matters the Secretary considers appropriate.

(b) FUTURE ELECTRONIC HEALTH RECORDS PROGRAM DEFINED.—In this section, the term “future electronic health records program” means the programs of the Department of Defense referred to as the “EHR way ahead” and the “virtual lifetime electronic record”.

**Subtitle C—Reports and Other Matters**

**SEC. 721. MODIFICATION OF AUTHORITIES ON SURVEYS ON CONTINUED VIABILITY OF TRICARE STANDARD AND TRICARE EXTRA.**

(a) SCOPE OF CERTAIN SURVEYS.—Subsection (a)(3)(A) of section 711 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110-181; 122 Stat. 190; 10 U.S.C. 1073 note) is amended by striking “2011” and inserting “2015”.

(b) FREQUENCY OF SUBMITTAL OF GAO REVIEWS.—Subsection (b)(2) of such section is amended by striking “bi-annual basis” and inserting “biennial basis”.

**SEC. 722. TREATMENT OF WOUNDED WARRIORS.**

The Secretary of Defense may establish a program to enter into partnerships to enable coordinated, rapid clinical evaluation and the application of evidence-based treatment strategies for wounded service members, with an emphasis on the most common musculoskeletal injuries, that will address the priorities of the Armed Forces with respect to retention and readiness.

**SEC. 723. REPORT ON RESEARCH AND TREATMENT OF POST-TRAUMATIC STRESS DISORDER.**

Not later than one year after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report assessing the benefits of neuroimaging research in an effort to identify, and improve the diagnosis of, post-traumatic stress disorder.

**SEC. 724. REPORT ON MEMORANDUM REGARDING TRAUMATIC BRAIN INJURIES.**

Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report on—

- (1) the implementation of the policy of the Department of Defense related to the management of concussion and mild traumatic brain injury in the deployed setting;
- (2) the effectiveness of such policy with respect to identifying and treating blast-related concussive injuries; and
- (3) the effect of such policy on operational effectiveness in theater.

**SEC. 725. COMPTROLLER GENERAL REPORT ON WOMEN-SPECIFIC HEALTH SERVICES AND TREATMENT FOR FEMALE MEMBERS OF THE ARMED FORCES.**

(a) **IN GENERAL.**—The Comptroller General of the United States shall carry out a review of women-specific health services and treatment for female members of the Armed Forces.

(b) **ELEMENTS.**—The review required by subsection (a) shall address, at a minimum, the following:

- (1) The need for women-specific health outreach, prevention, and treatment services for female members of the Armed Forces.
- (2) The access to and efficacy of existing women-specific mental health outreach, prevention, and treatment services and programs (including substance abuse programs).
- (3) The availability of women-specific services and treatment for female members of the Armed Forces who experience sexual assault or sexual abuse.
- (4) The access to and need for military medical treatment facilities to provide for the women-specific health care needs of female members of the Armed Forces.
- (5) The access to and efficacy of women-specific breast cancer services and programs with respect to outreach, prevention, and treatment.
- (6) The need for further clinical research on the women-specific health care needs of female members of the Armed Forces who served in a combat zone.

(7) An assessment of the policies, procedures, and programs of the Department of Defense that include specific force health protection and access to care for female members of the Armed Forces as an element of readiness.

(c) **REPORT.**—Not later than December 31, 2012, the Comptroller General shall submit to the congressional defense committees a report on the review required by subsection (a).

**SEC. 726. COMPTROLLER GENERAL REPORT ON CONTRACT HEALTH CARE STAFFING FOR MILITARY MEDICAL TREATMENT FACILITIES.**

(a) **REPORT.**—Not later than March 31, 2012, the Comptroller General of the United States shall submit to the Committee on Armed Services of the House of Representatives and the Committee on Armed Services of the Senate a report on the contracting activities of the military departments with respect to providing health care professional services to members of the Armed Forces, dependents, and retirees.

(b) **MATTERS INCLUDED.**—The report under subsection (a) shall include the following:

(1) A review of the contracting practices used by the military departments to provide health care professional services by civilian providers.

(2) An assessment of whether the contracting practices described in paragraph (1) are the most cost effective means to provide necessary care.

(3) A determination of—

(A) the percentage of contract health care professionals who provide services to members of the Armed Forces, dependents, or retirees in military medical treatment facilities or other on-base facilities; and

(B) the percentage of contract health care professionals who provide services to members of the Armed Forces, dependents, or retirees in off-base private facilities.

(4) A comparison of the cost associated with the provision of care by contract health care professionals described in subparagraphs (A) and (B) of paragraph (3).

(5) An assessment of whether or not consolidating health care staffing requirements for military medical treatment facilities and other on-base clinics in defined geographic areas (including regions or catchment areas) would achieve economies of scale and cost savings or avoidance with respect to contracting for health care professionals.

(6) An assessment of whether private sector entities that provide health care professional staff on a contract basis to military medical treatment facilities and other on-base clinics meet certain basic standards of professionalism, including those described in section 732(c)(2)(A) of the National Defense Authorization Act for Fiscal Year 2007 (Public Law 109-364; 120 Stat. 2297).

(7) An assessment of the acquisition training and experience of the contracting officers or other personnel within military medical treatment facilities that award or administer contracts regarding the services of health care professionals.

(8) Any recommendations the Comptroller General considers appropriate regarding improving the contracting activities of the military departments with respect to providing health care professional services.

**TITLE VIII—ACQUISITION POLICY, ACQUISITION MANAGEMENT, AND RELATED MATTERS**

**Subtitle A—Acquisition Policy and Management**

Sec. 801. Requirements relating to core depot-level maintenance and repair capabilities for Milestone A and Milestone B and elimination of references to Key Decision Points A and B.

Sec. 802. Revision to law relating to disclosures to litigation support contractors.

Sec. 803. Extension of applicability of the senior executive benchmark compensation amount for purposes of allowable cost limitations under defense contracts.

Sec. 804. Extension of availability of funds in the Defense Acquisition Workforce Development Fund.

Sec. 805. Defense Contract Audit Agency annual report.

Sec. 806. Inclusion of data on contractor performance in past performance databases for source selection decisions.

Sec. 807. Implementation of recommendations of Defense Science Board Task Force on Improvements to Service Contracting.

Sec. 808. Temporary limitation on aggregate annual amount available for contract services.

Sec. 809. Annual report on single-award task and delivery order contracts.

**Subtitle B—Amendments to General Contracting Authorities, Procedures, and Limitations**

Sec. 811. Calculation of time period relating to report on critical changes in major automated information systems.

Sec. 812. Change in deadline for submission of Selected Acquisition Reports from 60 to 45 days.

Sec. 813. Extension of sunset date for certain protests of task and delivery order contracts.

Sec. 814. Clarification of Department of Defense authority to purchase right-hand drive passenger sedan vehicles and adjustment of threshold for inflation.

Sec. 815. Rights in technical data and validation of proprietary data restrictions.

Sec. 816. Covered contracts for purposes of requirements on contractor business systems.

Sec. 817. Compliance with defense procurement requirements for purposes of internal controls of non-defense agencies for procurements on behalf of the Department of Defense.

Sec. 818. Detection and avoidance of counterfeit electronic parts.

Sec. 819. Modification of certain requirements of the Weapon Systems Acquisition Reform Act of 2009.

Sec. 820. Inclusion of contractor support requirements in Department of Defense planning documents.

Sec. 821. Amendment relating to buying tents, tarpaulins, or covers from American sources.

Sec. 822. Repeal of sunset of authority to procure fire resistant rayon fiber from foreign sources for the production of uniforms.

Sec. 823. Prohibition on collection of political information.

**Subtitle C—Provisions Relating to Major Defense Acquisition Programs**

Sec. 831. Waiver of requirements relating to new milestone approval for certain major defense acquisition programs experiencing critical cost growth due to change in quantity purchased.

Sec. 832. Assessment, management, and control of operating and support costs for major weapon systems.

Sec. 833. Clarification of responsibility for cost analyses and targets for contract negotiation purposes.

Sec. 834. Modification of requirements for guidance on management of manufacturing risk in major defense acquisition programs.

Sec. 835. Management of developmental test and evaluation for major defense acquisition programs.

Sec. 836. Assessment of risk associated with development of major weapon systems to be procured under cooperative projects with friendly foreign countries.

Sec. 837. Competition in maintenance and sustainment of subsystems of major weapon systems.



Sec. 838. Oversight of and reporting requirements with respect to Evolved Expendable Launch Vehicle program.

Sec. 839. Implementation of acquisition strategy for Evolved Expendable Launch Vehicle.

Subtitle D—Provisions Relating to Contracts in Support of Contingency Operations in Iraq or Afghanistan

Sec. 841. Prohibition on contracting with the enemy in the United States Central Command theater of operations.

Sec. 842. Additional access to contractor and subcontractor records in the United States Central Command theater of operations.

Sec. 843. Reach-back contracting authority for Operation Enduring Freedom and Operation New Dawn.

Sec. 844. Competition and review of contracts for property or services in support of a contingency operation.

Sec. 845. Inclusion of associated support services in rapid acquisition and deployment procedures for supplies.

Sec. 846. Joint Urgent Operational Needs Fund to rapidly meet urgent operational needs.

Subtitle E—Defense Industrial Base Matters

Sec. 851. Assessment of the defense industrial base pilot program.

Sec. 852. Strategy for securing the defense supply chain and industrial base.

Sec. 853. Assessment of feasibility and advisability of establishment of rare earth material inventory.

Sec. 854. Department of Defense assessment of industrial base for night vision image intensification sensors.

Sec. 855. Technical amendment relating to responsibilities of Deputy Assistant Secretary of Defense for Manufacturing and Industrial Base Policy.

Subtitle F—Other Matters

Sec. 861. Clarification of jurisdiction of the United States district courts to hear bid protest disputes involving maritime contracts.

Sec. 862. Encouragement of contractor Science, Technology, Engineering, and Math (STEM) programs.

Sec. 863. Sense of Congress and report on authorities available to the Department of Defense for multiyear contracts for the purchase of alternative fuels.

Sec. 864. Acquisition workforce improvements.

Sec. 865. Modification of delegation of authority to make determinations on entry into cooperative research and development agreements with NATO and other friendly organizations and countries.

Sec. 866. Three-year extension of test program for negotiation of comprehensive small business subcontracting plans.

Sec. 867. Five-year extension of Department of Defense Mentor-Protege Program.

### Subtitle A—Acquisition Policy and Management

#### SEC. 801. REQUIREMENTS RELATING TO CORE DEPOT-LEVEL MAINTENANCE AND REPAIR CAPABILITIES FOR MILESTONE A AND MILESTONE B AND ELIMINATION OF REFERENCES TO KEY DECISION POINTS A AND B.

(a) ADDITIONAL MILESTONE A REQUIREMENTS.—

(1) ADDITIONAL ITEMS OF CERTIFICATION.—Subsection (a) of section 2366a of title 10, United States Code, is amended—

(A) in paragraph (2), by striking “core competency” and inserting “function”;

(B) by redesignating paragraphs (4) and (5) as paragraphs (6) and (7), respectively;

(C) by inserting after paragraph (3) the following new paragraph (4):

“(4) that a determination of applicability of core depot-level maintenance and repair capabilities requirements has been made;”;

and

(D) in paragraph (6) (as so redesignated), by striking “develop and procure” and inserting “develop, procure, and sustain”.

(2) DEFINITION.—Subsection (c) of such section is amended by adding at the end the following new paragraph:

“(7) The term ‘core depot-level maintenance and repair capabilities’ means the core depot-level maintenance and repair capabilities identified under section 2464(a) of this title.”

(b) ADDITIONAL MILESTONE B REQUIREMENTS.—

(1) ADDITIONAL ITEM OF CERTIFICATION.—Subsection (a)(3) of section 2366b of title 10, United States Code, is amended—

(A) by redesignating subparagraph (E) as subparagraph (G);

(B) by striking “and” at the end of subparagraph (D); and

(C) by inserting after subparagraph (D) the following new subparagraphs:

“(E) life-cycle sustainment planning, including corrosion prevention and mitigation planning, has identified and evaluated relevant sustainment costs throughout development, production, operation, sustainment, and disposal of the program, and any alternatives, and that such costs are reasonable and have been accurately estimated;

“(F) an estimate has been made of the requirements for core depot-level maintenance and repair capabilities, as well as the associated logistics capabilities and the associated sustaining workloads required to support such requirements; and”.

(2) DEFINITION.—Subsection (g) of such section is amended by striking paragraph (5) (relating to Key Decision Point B) and inserting the following new paragraph (5):

“(5) The term ‘core logistics capabilities’ means the core logistics capabilities identified under section 2464(a) of this title.”

(c) REQUIREMENTS PRIOR TO LOW-RATE INITIAL PRODUCTION.—Prior to entering into a contract for low-rate initial production of a major defense acquisition program, the Secretary of Defense shall ensure that the detailed requirements for core depot-level maintenance and repair capabilities, as well as the associated logistics capabilities and the associated sustaining workloads required to support such requirements, have been defined.

(d) GUIDANCE.—Not later than 120 days after the date of the enactment of this Act, the Secretary of Defense shall issue guidance implementing the amendments made by subsections (a) and (b), and subsection (c), in a manner that is consistent across the Department of Defense.

(e) ELIMINATION OF REFERENCES TO KEY DECISION POINTS A AND B.—

(1) AMENDMENTS TO SECTION 2366a.—Section 2366a of title 10, United States Code, is amended—

(A) in the section heading, by striking “**or Key Decision Point**”;

(B) in subsection (a), in the matter preceding paragraph (1), by striking “, or Key Decision Point A approval in the case of a space program,” and by striking “, or Key Decision Point B approval in the case of a space program,”; and

(C) in subsection (b)—

(i) in paragraph (1), by striking “(or Key Decision Point A approval in the case of a space program)”;

(ii) in paragraph (2)(C)(ii), by striking “, or Key Decision Point A approval in the case of a space program,”.

(2) AMENDMENTS TO SECTION 2366b.—Section 2366b of such title is amended—

(A) in the section heading, by striking “**or Key Decision Point B**”;

(B) in subsection (a), in the matter preceding paragraph (1), by striking “, or Key Decision Point B approval in the case of a space program,”; and

(C) in subsections (b)(2) and (d)(1), by striking “(or Key Decision Point B approval in the case of a space program)” each place it appears.

(3) AMENDMENTS TO TABLE OF SECTIONS.—The items relating to sections 2366a and 2366b in the table of sections at the beginning of chapter 139 of such title are amended to read as follows:

“2366a. Major defense acquisition programs: certification required before Milestone A approval.

“2366b. Major defense acquisition programs: certification required before Milestone B approval.”

(4) ADDITIONAL CONFORMING AMENDMENTS.—Section 2433a(c)(1) of such title is amended by striking “, or Key Decision Point approval in the case of a space program,” each place it appears in subparagraphs (B) and (C).

#### SEC. 802. REVISION TO LAW RELATING TO DISCLOSURES TO LITIGATION SUPPORT CONTRACTORS.

(a) IN GENERAL.—

(1) REVISED AUTHORITY TO COVER DISCLOSURES UNDER LITIGATION SUPPORT CONTRACTS.—Chapter 3 of title 10, United States Code, is amended by inserting after section 129c the following new section:

##### “§ 129d. Disclosure to litigation support contractors

“(a) DISCLOSURE AUTHORITY.—An officer or employee of the Department of Defense may disclose sensitive information to a litigation support contractor if—

“(1) the disclosure is for the sole purpose of providing litigation support to the Government in the form of administrative, technical, or professional services during or in anticipation of litigation; and

“(2) under a contract with the Government, the litigation support contractor agrees to and acknowledges—

“(A) that sensitive information furnished will be accessed and used only for the purposes stated in the relevant contract;

“(B) that the contractor will take all precautions necessary to prevent disclosure of the sensitive information provided to the contractor;

“(C) that such sensitive information provided to the contractor under the authority of this section shall not be used by the contractor to compete against a third party for Government or non-Government contracts; and

“(D) that the violation of subparagraph (A), (B), or (C) is a basis for the Government

to terminate the litigation support contract of the contractor.

“(b) DEFINITIONS.—In this section:

“(1) The term ‘litigation support contractor’ means a contractor (including an expert or technical consultant) under contract with the Department of Defense to provide litigation support.

“(2) The term ‘sensitive information’ means confidential commercial, financial, or proprietary information, technical data, or other privileged information.”.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 129c the following new item:

“129d. Disclosure to litigation support contractors.”.

(b) REPEAL OF SUPERSEDED PROVISIONS ENACTED IN PUBLIC LAW 111-383.—Section 2320 of such title is amended—

(1) in subsection (c)(2)—

(A) by striking “subsection (a)” and all that follows through “a covered Government” and inserting “subsection (a), allowing a covered Government”; and

(B) by striking subparagraph (B); and

(2) by striking subsection (g).

**SEC. 803. EXTENSION OF APPLICABILITY OF THE SENIOR EXECUTIVE BENCHMARK COMPENSATION AMOUNT FOR PURPOSES OF ALLOWABLE COST LIMITATIONS UNDER DEFENSE CONTRACTS.**

(a) CERTAIN COMPENSATION NOT ALLOWABLE UNDER DEFENSE CONTRACTS.—Subsection (e)(1)(P) of section 2324 of title 10, United States Code, is amended—

(1) by striking “senior executives of contractors” and inserting “any contractor employee”; and

(2) by adding before the period at the end the following: “, except that the Secretary of Defense may establish one or more narrowly targeted exceptions for scientists and engineers upon a determination that such exceptions are needed to ensure that the Department of Defense has continued access to needed skills and capabilities”.

(b) CONFORMING AMENDMENT.—Subsection (l) of such section is amended by striking paragraph (5).

(c) EFFECTIVE DATE.—The amendments made by this section—

(1) shall be implemented in the Federal Acquisition Regulation within 180 days after the date of the enactment of this Act; and

(2) shall apply with respect to costs of compensation incurred after January 1, 2012, under contracts entered into before, on, or after the date of the enactment of this Act.

**SEC. 804. EXTENSION OF AVAILABILITY OF FUNDS IN THE DEFENSE ACQUISITION WORKFORCE DEVELOPMENT FUND.**

(a) AVAILABILITY.—Paragraph (6) of section 1705(e) of title 10, United States Code, is amended to read as follows:

“(6) DURATION OF AVAILABILITY.—Amounts credited to the Fund in accordance with subsection (d)(2), transferred to the Fund pursuant to subsection (d)(3), appropriated to the Fund, or deposited to the Fund shall remain available for obligation in the fiscal year for which credited, transferred, appropriated, or deposited and the two succeeding fiscal years.”.

(b) EFFECTIVE DATE.—Paragraph (6) of such section, as amended by subsection (a), shall not apply to funds directly appropriated to the Fund before the date of the enactment of this Act.

**SEC. 805. DEFENSE CONTRACT AUDIT AGENCY ANNUAL REPORT.**

(a) DEFENSE CONTRACT AUDIT AGENCY ANNUAL REPORT.—Chapter 137 of title 10, United

States Code, is amended by inserting after section 2313 the following new section:

**“§ 2313a. Defense Contract Audit Agency: annual report**

“(a) REQUIRED REPORT.—The Director of the Defense Contract Audit Agency shall prepare an annual report of the activities of the Agency during the previous fiscal year. The report shall include, at a minimum—

“(1) a description of significant problems, abuses, and deficiencies encountered during the conduct of contractor audits;

“(2) statistical tables showing—

“(A) the total number of audit reports completed and pending;

“(B) the priority given to each type of audit;

“(C) the length of time taken for each type of audit;

“(D) the total dollar value of questioned costs (including a separate category for the dollar value of unsupported costs); and

“(E) an assessment of the number and types of audits pending for a period longer than allowed pursuant to guidance of the Defense Contract Audit Agency;

“(3) a summary of any recommendations of actions or resources needed to improve the audit process; and

“(4) any other matters the Director considers appropriate.

“(b) SUBMISSION OF ANNUAL REPORT.—Not later than March 30 of each year, the Director shall submit to the congressional defense committees the report required by subsection (a).

“(c) PUBLIC AVAILABILITY.—Not later than 60 days after the submission of an annual report to the congressional defense committees under subsection (b), the Director shall make the report available on the publicly available website of the Agency or such other publicly available website as the Director considers appropriate.”.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 2313 the following new item:

“2313a. Defense Contract Audit Agency: annual report.”.

**SEC. 806. INCLUSION OF DATA ON CONTRACTOR PERFORMANCE IN PAST PERFORMANCE DATABASES FOR SOURCE SELECTION DECISIONS.**

(a) STRATEGY ON INCLUSION REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Under Secretary of Defense for Acquisition, Technology, and Logistics shall develop a strategy for ensuring that timely, accurate, and complete information on contractor performance is included in past performance databases used for making source selection decisions.

(b) ELEMENTS.—The strategy required by subsection (a) shall, at a minimum—

(1) establish standards for the timeliness and completeness of past performance submissions for purposes of databases described in subsection (a);

(2) assign responsibility and management accountability for the completeness of past performance submissions for such purposes; and

(3) ensure that past performance submissions for such purposes are consistent with award fee evaluations in cases where such evaluations have been conducted.

(c) CONTRACTOR COMMENTS.—Not later than 180 days after the date of the enactment of this Act, the Under Secretary of Defense for Acquisition, Technology, and Logistics shall revise the Defense Supplement to the Federal Acquisition Regulation to require the following:

(1) That affected contractors are provided, in a timely manner, information on contractor performance to be included in past performance databases in accordance with subsection (a).

(2) That such contractors are afforded up to 14 calendar days, from the date of delivery of the information provided in accordance with paragraph (1), to submit comments, rebuttals, or additional information pertaining to past performance for inclusion in such databases.

(3) That agency evaluations of contractor past performance, including any information submitted under paragraph (2), are included in the relevant past performance database not later than the date that is 14 days after the date of delivery of the information provided in accordance with paragraph (1).

(d) CONSTRUCTION.—Nothing in this section shall be construed to prohibit a contractor from submitting comments, rebuttals, or additional information pertaining to past performance after the period described in paragraph (2) has elapsed or to prohibit a contractor from challenging a past performance evaluation in accordance with applicable laws, regulations, or procedures.

(e) COMPTROLLER GENERAL REPORT.—Not later than 18 months after the date of the enactment of this Act, the Comptroller General of the United States shall submit to the congressional defense committees a report on the actions taken by the Under Secretary of Defense for Acquisition, Technology, and Logistics pursuant to this section, including an assessment of the extent to which such actions have achieved the objectives of this section.

**SEC. 807. IMPLEMENTATION OF RECOMMENDATIONS OF DEFENSE SCIENCE BOARD TASK FORCE ON IMPROVEMENTS TO SERVICE CONTRACTING.**

(a) PLAN FOR IMPLEMENTATION.—Not later than 180 days after the date of the enactment of this Act, the Under Secretary of Defense for Acquisition, Technology, and Logistics shall, acting pursuant to the Under Secretary's responsibility under section 2330 of title 10, United States Code, develop a plan for implementing the recommendations of the Defense Science Board Task Force on Improvements to Service Contracting.

(b) ELEMENTS.—The plan developed pursuant to subsection (a) shall include, to the extent determined appropriate by the Under Secretary for Acquisition, Technology, and Logistics, the following:

(1) Meaningful incentives to services contractors for high performance at low cost, consistent with the objectives of the Better Buying Power Initiative established by the Under Secretary.

(2) Improved means of communication between the Government and the services contracting industry in the process of developing requirements for services contracts.

(3) Clear guidance for defense acquisition personnel on the use of appropriate contract types for particular categories of services contracts.

(4) Formal certification and training requirements for services acquisition personnel, consistent with the requirements of sections 1723 and 1724 of title 10, United States Code.

(5) Appropriate emphasis on the recruiting and training of services acquisition personnel, consistent with the strategic workforce plan developed pursuant to section 115b of title 10, United States Code, and the funds available through the Department of Defense Acquisition Workforce Development Fund established pursuant to section 1705 of title 10, United States Code.

(6) Policies and guidance on career development for services acquisition personnel, consistent with the requirements of sections 1722a and 1722b of title 10, United States Code.

(7) Actions to ensure that the military departments dedicate portfolio-specific commodity managers to coordinate the procurement of key categories of contract services, as required by section 2330(b)(3)(C) of title 10, United States Code.

(8) Actions to ensure that the Department of Defense conducts realistic exercises and training that account for services contracting during contingency operations, as required by section 2333(e) of title 10, United States Code.

(c) **COMPTROLLER GENERAL REPORT.**—Not later than 18 months after the date of the enactment of this Act, the Comptroller General of the United States shall submit to the congressional defense committees a report on the following:

(1) The actions taken by the Under Secretary of Defense for Acquisition, Technology, and Logistics to carry out the requirements of this section.

(2) The actions taken by the Under Secretary to carry out the requirements of section 2330 of title 10, United States Code.

(3) The actions taken by the military departments to carry out the requirements of section 2330 of title 10, United States Code.

(4) The extent to which the actions described in paragraphs (1), (2), and (3) have resulted in the improved acquisition and management of contract services.

**SEC. 808. TEMPORARY LIMITATION ON AGGREGATE ANNUAL AMOUNT AVAILABLE FOR CONTRACT SERVICES.**

(a) **LIMITATION.**—Except as provided in subsection (b), the total amount obligated by the Department of Defense for contract services in fiscal year 2012 or 2013 may not exceed the total amount requested for the Department for contract services in the budget of the President for fiscal year 2010 (as submitted to Congress pursuant to section 1105(b) of title 31, United States Code) adjusted for net transfers from funding for overseas contingency operations.

(b) **EXCEPTION.**—Notwithstanding the limitation in subsection (a), the total amount obligated by the Department for contract services in fiscal year 2012 or 2013 may exceed the amount otherwise provided pursuant to subsection (a) by an amount elected by the Secretary of Defense that is not greater than the cost of any increase in such fiscal year in the number of civilian billets at the Department that has been approved by the Secretary over the number of such billets at the Department in fiscal year 2010.

(c) **GUIDANCE.**—Not later than 60 days after the date of the enactment of this Act, the Secretary shall issue guidance to the military departments and the Defense Agencies on implementation of this section during fiscal years 2012 and 2013. The guidance shall, at a minimum—

(1) establish a negotiation objective that labor rates and overhead rates in any contract or task order for contract services with an estimated value in excess of \$10,000,000 awarded to a contractor in fiscal year 2012 or 2013 shall not exceed labor rates and overhead rates paid to the contractor for contract services in fiscal year 2010;

(2) require the Secretaries of the military departments and the heads of the Defense Agencies to approve in writing any contract or task order for contract services with an estimated value in excess of \$10,000,000 awarded to a contractor in fiscal year 2012 or

2013 that provides for continuing services at an annual cost that exceeds the annual cost paid by the military department or Defense Agency concerned for the same or similar services in fiscal year 2010;

(3) require the Secretaries of the military departments and the heads of the Defense Agencies to eliminate any contractor positions identified by the military department or Defense Agency concerned as being responsible for the performance of inherently governmental functions;

(4) require the Secretaries of the military departments and the heads of the Defense Agencies to reduce by 10 percent per fiscal year in each of fiscal years 2012 and 2013 the funding of the military department or Defense Agency concerned for—

(A) staff augmentation contracts; and

(B) contracts for the performance of functions closely associated with inherently governmental functions; and

(5) assign responsibility to the management officials designated pursuant to section 2330 of title 10, United States Code, and section 812(b) of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109-163; 119 Stat. 3378; 10 U.S.C. 2330 note) to provide oversight and ensure the implementation of the requirements of this section during fiscal years 2012 and 2013.

(d) **DEFINITIONS.**—In this section:

(1) The term “contract services” has the meaning given that term in section 235 of title 10, United States Code, except that the term does not include services that are funded out of amounts available for overseas contingency operations.

(2) The term “function closely associated with inherently governmental functions” has the meaning given that term in section 2383(b)(3) of title 10, United States Code.

(3) The term “staff augmentation contracts” means contracts for personnel who are subject to the direction of a government official other than the contracting officer for the contract, including, but not limited to, contractor personnel who perform personal services contracts (as that term is defined in section 2330a(g)(5) of title 10, United States Code).

(4) The term “transfers from funding for overseas contingency operations” means amounts funded out of amounts available for overseas contingency operations in fiscal year 2010 that are funded out of amounts other than amounts so available in fiscal year 2012 or 2013.

**SEC. 809. ANNUAL REPORT ON SINGLE-AWARD TASK AND DELIVERY ORDER CONTRACTS.**

(a) **ANNUAL REPORT.**—

(1) **IN GENERAL.**—Paragraph (2) of section 817(d) of the Bob Stump National Defense Authorization Act for Fiscal Year 2003 (Public Law 107-314; 116 Stat. 2611; 10 U.S.C. 2306a note) is amended—

(A) in subparagraph (A), by striking “and” at the end;

(B) in subparagraph (B), by striking the period at the end and inserting “; and”; and

(C) by adding at the end the following new subparagraph:

“(C) with respect to any determination pursuant to section 2304a(d)(3)(D) of title 10, United States Code, that because of exceptional circumstances it is necessary in the public interest to award a task or delivery order contract with an estimated value in excess of \$100,000,000 to a single source, an explanation of the basis for the determination.”

(2) **CONFORMING AMENDMENT.**—The heading of such section is amended by striking “WITH PRICE OR VALUE GREATER THAN \$15,000,000”.

(b) **REPEAL OF CASE-BY-CASE REPORTING REQUIREMENT.**—Section 2304a(d)(3) of title 10, United States Code, is amended—

(1) by striking subparagraph (B);

(2) by striking “(A)”;

(3) by redesignating clauses (i), (ii), (iii), and (iv) as subparagraphs (A), (B), (C), and (D), respectively; and

(4) in subparagraph (B), as redesignated by paragraph (3), by redesignating subclauses (I) and (II) as clauses (i) and (ii), respectively.

**Subtitle B—Amendments to General Contracting Authorities, Procedures, and Limitations**

**SEC. 811. CALCULATION OF TIME PERIOD RELATING TO REPORT ON CRITICAL CHANGES IN MAJOR AUTOMATED INFORMATION SYSTEMS.**

Section 2445c(d)(2)(A) of title 10, United States Code, is amended to read as follows:

“(A) the automated information system or information technology investment failed to achieve a full deployment decision within five years after the Milestone A decision for the program or, if there was no Milestone A decision, the date when the preferred alternative is selected for the program (excluding any time during which program activity is delayed as a result of a bid protest);”

**SEC. 812. CHANGE IN DEADLINE FOR SUBMISSION OF SELECTED ACQUISITION REPORTS FROM 60 TO 45 DAYS.**

Section 2432(f) of title 10, United States Code, is amended by striking “60” and inserting “45”.

**SEC. 813. EXTENSION OF SUNSET DATE FOR CERTAIN PROTESTS OF TASK AND DELIVERY ORDER CONTRACTS.**

Paragraph (3) of section 4106(f) of title 41, United States Code, is amended to read as follows:

“(3) **EFFECTIVE PERIOD.**—Paragraph (1)(B) and paragraph (2) of this subsection shall not be in effect after September 30, 2016.”

**SEC. 814. CLARIFICATION OF DEPARTMENT OF DEFENSE AUTHORITY TO PURCHASE RIGHT-HAND DRIVE PASSENGER SEDAN VEHICLES AND ADJUSTMENT OF THRESHOLD FOR INFLATION.**

(a) **CLARIFICATION OF AUTHORITY.**—Section 2253(a)(2) of title 10, United States Code, is amended by striking “vehicles” and inserting “passenger sedans”.

(b) **ADJUSTMENT FOR INFLATION.**—The Department of Defense representative to the Federal Acquisition Regulatory Council established under section 1302 of title 41, United States Code, shall ensure that the threshold established in section 2253 of title 10, United States Code, for the acquisition of right-hand drive passenger sedans is included on the list of dollar thresholds that are subject to adjustment for inflation in accordance with the requirements of section 1908 of title 41, United States Code, and is adjusted pursuant to such provision, as appropriate.

**SEC. 815. RIGHTS IN TECHNICAL DATA AND VALIDATION OF PROPRIETARY DATA RESTRICTIONS.**

(a) **RIGHTS IN TECHNICAL DATA.**—Section 2320 of title 10, United States Code, is amended—

(1) in subsection (a)—

(A) in paragraph (2)(D)(i)—

(i) in subclause (I), by striking “or” at the end;

(ii) by redesignating subclause (II) as subclause (III); and

(iii) by inserting after subclause (I) the following new subclause (II):

“(II) is necessary for the segregation of an item or process from, or the reintegration of that item or process (or a physically or functionally equivalent item or process) with, other items or processes; or”;

(B) in paragraph (2)(E), by striking “and shall be based” and all that follows through “such rights shall” and inserting “The United States shall have government purpose rights in such technical data, except in any case in which the Secretary of Defense determines, on the basis of criteria established in such regulations, that negotiation of different rights in such technical data would be in the best interest of the United States. The establishment of any such negotiated rights shall”; and

(C) in paragraph (3), by striking “for the purposes of paragraph (2)(B), but shall be considered to be Federal funds for the purposes of paragraph (2)(A)” and inserting “for the purposes of the definitions under this paragraph”; and

(2) in subsection (b)—

(A) in paragraph (7), by striking “and” at the end;

(B) in paragraph (8), by striking the period and inserting a semicolon; and

(C) by adding at the end the following new paragraphs:

“(9) providing that, in addition to technical data that is already subject to a contract delivery requirement, the United States may require at any time the delivery of technical data that has been generated or utilized in the performance of a contract, and compensate the contractor only for reasonable costs incurred for having converted and delivered the data in the required form, upon a determination that—

“(A) the technical data is needed for the purpose of reprourement, sustainment, modification, or upgrade (including through competitive means) of a major system or subsystem thereof, a weapon system or subsystem thereof, or any noncommercial item or process; and

“(B) the technical data—

“(i) pertains to an item or process developed in whole or in part with Federal funds; or

“(ii) is necessary for the segregation of an item or process from, or the reintegration of that item or process (or a physically or functionally equivalent item or process) with, other items or processes; and

“(10) providing that the United States is not foreclosed from requiring the delivery of the technical data by a failure to challenge, in accordance with the requirements of section 2321(d) of this title, the contractor’s assertion of a use or release restriction on the technical data.”.

(b) VALIDATION OF PROPRIETARY DATA RESTRICTIONS.—Section 2321(d)(2) of such title is amended—

(1) in subparagraph (A)—

(A) in the matter preceding clause (i), by striking “Except as provided in subparagraph (C)” and all that follows through “three-year period” and inserting “A challenge to a use or release restriction asserted by the contractor in accordance with applicable regulations may not be made under paragraph (1) after the end of the six-year period”;

(B) in clause (ii), by striking “or” at the end;

(C) in clause (iii) by striking the period and inserting “; or”; and

(D) by adding at the end the following new clause:

“(iv) are the subject of a fraudulently asserted use or release restriction.”;

(2) in subparagraph (B), by striking “three-year period” each place it appears and inserting “six-year period”; and

(3) by striking subparagraph (C).

(c) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section shall take effect on the date of the enactment of this Act.

(2) EXCEPTION.—The amendment made by subsection (a)(1)(C) shall take effect on January 7, 2011, immediately after the enactment of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (Public Law 111-383), to which such amendment relates.

#### **SEC. 816. COVERED CONTRACTS FOR PURPOSES OF REQUIREMENTS ON CONTRACTOR BUSINESS SYSTEMS.**

Paragraph (3) of section 893(f) of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (Public Law 111-383; 124 Stat. 4312; 10 U.S.C. 2302 note) is amended to read as follows:

“(3) The term ‘covered contract’ means a contract that is subject to the cost accounting standards promulgated pursuant to section 1502 of title 41, United States Code, that could be affected if the data produced by a contractor business system has a significant deficiency.”.

#### **SEC. 817. COMPLIANCE WITH DEFENSE PROCUREMENT REQUIREMENTS FOR PURPOSES OF INTERNAL CONTROLS OF NON-DEFENSE AGENCIES FOR PROCUREMENTS ON BEHALF OF THE DEPARTMENT OF DEFENSE.**

Section 801(d) of the National Defense Authorization Act for Fiscal Year 2008 (10 U.S.C. 2304 note) is amended by striking “with the requirements” and all that follows

and inserting “with the following:

“(1) The Federal Acquisition Regulation and other laws and regulations that apply to procurements of property and services by Federal agencies.

“(2) Laws and regulations (including applicable Department of Defense financial management regulations) that apply to procurements of property and services made by the Department of Defense through other Federal agencies.”.

#### **SEC. 818. DETECTION AND AVOIDANCE OF COUNTERFEIT ELECTRONIC PARTS.**

(a) ASSESSMENT OF DEPARTMENT OF DEFENSE POLICIES AND SYSTEMS.—The Secretary of Defense shall conduct an assessment of Department of Defense acquisition policies and systems for the detection and avoidance of counterfeit electronic parts.

(b) ACTIONS FOLLOWING ASSESSMENT.—Not later than 180 days after the date of the enactment of the Act, the Secretary shall, based on the results of the assessment required by subsection (a)—

(1) establish Department-wide definitions of the terms “counterfeit electronic part” and “suspect counterfeit electronic part”, which definitions shall include previously used parts represented as new;

(2) issue or revise guidance applicable to Department components engaged in the purchase of electronic parts to implement a risk-based approach to minimize the impact of counterfeit electronic parts or suspect counterfeit electronic parts on the Department, which guidance shall address requirements for training personnel, making sourcing decisions, ensuring traceability of parts, inspecting and testing parts, reporting and quarantining counterfeit electronic parts and suspect counterfeit electronic parts, and taking corrective actions (including actions to recover costs as described in subsection (c)(2));

(3) issue or revise guidance applicable to the Department on remedial actions to be taken in the case of a supplier who has repeatedly failed to detect and avoid counterfeit electronic parts or otherwise failed to

exercise due diligence in the detection and avoidance of such parts, including consideration of whether to suspend or debar a supplier until such time as the supplier has effectively addressed the issues that led to such failures;

(4) establish processes for ensuring that Department personnel who become aware of, or have reason to suspect, that any end item, component, part, or material contained in supplies purchased by or for the Department contains counterfeit electronic parts or suspect counterfeit electronic parts provide a report in writing within 60 days to appropriate Government authorities and to the Government-Industry Data Exchange Program (or a similar program designated by the Secretary); and

(5) establish a process for analyzing, assessing, and acting on reports of counterfeit electronic parts and suspect counterfeit electronic parts that are submitted in accordance with the processes under paragraph (4).

(c) REGULATIONS.—

(1) IN GENERAL.—Not later than 270 days after the date of the enactment of this Act, the Secretary shall revise the Department of Defense Supplement to the Federal Acquisition Regulation to address the detection and avoidance of counterfeit electronic parts.

(2) CONTRACTOR RESPONSIBILITIES.—The revised regulations issued pursuant to paragraph (1) shall provide that—

(A) covered contractors who supply electronic parts or products that include electronic parts are responsible for detecting and avoiding the use or inclusion of counterfeit electronic parts or suspect counterfeit electronic parts in such products and for any rework or corrective action that may be required to remedy the use or inclusion of such parts; and

(B) the cost of counterfeit electronic parts and suspect counterfeit electronic parts and the cost of rework or corrective action that may be required to remedy the use or inclusion of such parts are not allowable costs under Department contracts.

(3) TRUSTED SUPPLIERS.—The revised regulations issued pursuant to paragraph (1) shall—

(A) require that, whenever possible, the Department and Department contractors and subcontractors at all tiers—

(i) obtain electronic parts that are in production or currently available in stock from the original manufacturers of the parts or their authorized dealers, or from trusted suppliers who obtain such parts exclusively from the original manufacturers of the parts or their authorized dealers; and

(ii) obtain electronic parts that are not in production or currently available in stock from trusted suppliers;

(B) establish requirements for notification of the Department, and inspection, testing, and authentication of electronic parts that the Department or a Department contractor or subcontractor obtains from any source other than a source described in subparagraph (A);

(C) establish qualification requirements, consistent with the requirements of section 2319 of title 10, United States Code, pursuant to which the Department may identify trusted suppliers that have appropriate policies and procedures in place to detect and avoid counterfeit electronic parts and suspect counterfeit electronic parts; and

(D) authorize Department contractors and subcontractors to identify and use additional trusted suppliers, provided that—

(i) the standards and processes for identifying such trusted suppliers comply with established industry standards;

(ii) the contractor or subcontractor assumes responsibility for the authenticity of parts provided by such suppliers as provided in paragraph (2); and

(iii) the selection of such trusted suppliers is subject to review and audit by appropriate Department officials.

(4) **REPORTING REQUIREMENT.**—The revised regulations issued pursuant to paragraph (1) shall require that any Department contractor or subcontractor who becomes aware, or has reason to suspect, that any end item, component, part, or material contained in supplies purchased by the Department, or purchased by a contractor or subcontractor for delivery to, or on behalf of, the Department, contains counterfeit electronic parts or suspect counterfeit electronic parts report in writing within 60 days to appropriate Government authorities and the Government-Industry Data Exchange Program (or a similar program designated by the Secretary).

(5) **CONSTRUCTION OF COMPLIANCE WITH REPORTING REQUIREMENT.**—A Department contractor or subcontractor that provides a written report required under this subsection shall not be subject to civil liability on the basis of such reporting, provided the contractor or subcontractor made a reasonable effort to determine that the end item, component, part, or material concerned contained counterfeit electronic parts or suspect counterfeit electronic parts.

(d) **INSPECTION PROGRAM.**—The Secretary of Homeland Security shall establish and implement a risk-based methodology for the enhanced targeting of electronic parts imported from any country, after consultation with the Secretary of Defense as to sources of counterfeit electronic parts and suspect counterfeit electronic parts in the supply chain for products purchased by the Department of Defense.

(e) **IMPROVEMENT OF CONTRACTOR SYSTEMS FOR DETECTION AND AVOIDANCE OF COUNTERFEIT ELECTRONIC PARTS.**—

(1) **IN GENERAL.**—Not later than 270 days after the date of the enactment of this Act, the Secretary of Defense shall implement a program to enhance contractor detection and avoidance of counterfeit electronic parts.

(2) **ELEMENTS.**—The program implemented pursuant to paragraph (1) shall—

(A) require covered contractors that supply electronic parts or systems that contain electronic parts to establish policies and procedures to eliminate counterfeit electronic parts from the defense supply chain, which policies and procedures shall address—

- (i) the training of personnel;
- (ii) the inspection and testing of electronic parts;
- (iii) processes to abolish counterfeit parts proliferation;
- (iv) mechanisms to enable traceability of parts;
- (v) use of trusted suppliers;
- (vi) the reporting and quarantining of counterfeit electronic parts and suspect counterfeit electronic parts;
- (vii) methodologies to identify suspect counterfeit parts and to rapidly determine if a suspect counterfeit part is, in fact, counterfeit;
- (viii) the design, operation, and maintenance of systems to detect and avoid counterfeit electronic parts and suspect counterfeit electronic parts; and

(ix) the flow down of counterfeit avoidance and detection requirements to subcontractors; and

(B) establish processes for the review and approval of contractor systems for the detec-

tion and avoidance of counterfeit electronic parts and suspect counterfeit electronic parts, which processes shall be comparable to the processes established for contractor business systems under section 893 of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (Public Law 111-383; 124 Stat. 4311; 10 U.S.C. 2302 note).

(f) **DEFINITIONS.**—In subsections (a) through (e) of this section:

(1) The term “covered contractor” has the meaning given that term in section 893(f)(2) of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011.

(2) The term “electronic part” means an integrated circuit, a discrete electronic component (including, but not limited to, a transistor, capacitor, resistor, or diode), or a circuit assembly.

(g) **INFORMATION SHARING.**—

(1) **IN GENERAL.**—If United States Customs and Border Protection suspects a product of being imported in violation of section 42 of the Lanham Act, and subject to any applicable bonding requirements, the Secretary of the Treasury may share information appearing on, and unredacted samples of, products and their packaging and labels, or photographs of such products, packaging, and labels, with the rightholders of the trademarks suspected of being copied or simulated for purposes of determining whether the products are prohibited from importation pursuant to such section.

(2) **SUNSET.**—This subsection shall expire on the date of the enactment of the Customs Facilitation and Trade Enforcement Reauthorization Act of 2012.

(3) **LANHAM ACT DEFINED.**—In this subsection, the term “Lanham Act” means the Act entitled “An Act to provide for the registration and protection of trademarks used in commerce, to carry out the provisions of certain international conventions, and for other purposes”, approved July 5, 1946 (commonly referred to as the “Trademark Act of 1946” or the “Lanham Act”).

(h) **TRAFFICKING IN INHERENTLY DANGEROUS GOODS OR SERVICES.**—Section 2320 of title 18, United States Code, is amended to read as follows:

**“§ 2320. Trafficking in counterfeit goods or services**

“(a) **OFFENSES.**—Whoever intentionally—

“(1) traffics in goods or services and knowingly uses a counterfeit mark on or in connection with such goods or services,

“(2) traffics in labels, patches, stickers, wrappers, badges, emblems, medallions, charms, boxes, containers, cans, cases, hangtags, documentation, or packaging of any type or nature, knowing that a counterfeit mark has been applied thereto, the use of which is likely to cause confusion, to cause mistake, or to deceive, or

“(3) traffics in goods or services knowing that such good or service is a counterfeit military good or service the use, malfunction, or failure of which is likely to cause serious bodily injury or death, the disclosure of classified information, impairment of combat operations, or other significant harm to a combat operation, a member of the Armed Forces, or to national security, or attempts or conspires to violate any of paragraphs (1) through (3) shall be punished as provided in subsection (b).

“(b) **PENALTIES.**—

“(1) **IN GENERAL.**—Whoever commits an offense under subsection (a)—

“(A) if an individual, shall be fined not more than \$2,000,000 or imprisoned not more than 10 years, or both, and, if a person other than an individual, shall be fined not more than \$5,000,000; and

“(B) for a second or subsequent offense under subsection (a), if an individual, shall be fined not more than \$5,000,000 or imprisoned not more than 20 years, or both, and if other than an individual, shall be fined not more than \$15,000,000.

“(2) **SERIOUS BODILY INJURY OR DEATH.**—

“(A) **SERIOUS BODILY INJURY.**—Whoever knowingly or recklessly causes or attempts to cause serious bodily injury from conduct in violation of subsection (a), if an individual, shall be fined not more than \$5,000,000 or imprisoned for not more than 20 years, or both, and if other than an individual, shall be fined not more than \$15,000,000.

“(B) **DEATH.**—Whoever knowingly or recklessly causes or attempts to cause death from conduct in violation of subsection (a), if an individual, shall be fined not more than \$5,000,000 or imprisoned for any term of years or for life, or both, and if other than an individual, shall be fined not more than \$15,000,000.

“(3) **COUNTERFEIT MILITARY GOODS OR SERVICES.**—Whoever commits an offense under subsection (a) involving a counterfeit military good or service—

“(A) if an individual, shall be fined not more than \$5,000,000, imprisoned not more than 20 years, or both, and if other than an individual, be fined not more than \$15,000,000; and

“(B) for a second or subsequent offense, if an individual, shall be fined not more than \$15,000,000, imprisoned not more than 30 years, or both, and if other than an individual, shall be fined not more than \$30,000,000.

“(c) **FORFEITURE AND DESTRUCTION OF PROPERTY; RESTITUTION.**—Forfeiture, destruction, and restitution relating to this section shall be subject to section 2322, to the extent provided in that section, in addition to any other similar remedies provided by law.

“(d) **DEFENSES.**—All defenses, affirmative defenses, and limitations on remedies that would be applicable in an action under the Lanham Act shall be applicable in a prosecution under this section. In a prosecution under this section, the defendant shall have the burden of proof, by a preponderance of the evidence, of any such affirmative defense.

“(e) **PRESENTENCE REPORT.**—(1) During preparation of the presentence report pursuant to Rule 32(c) of the Federal Rules of Criminal Procedure, victims of the offense shall be permitted to submit, and the probation officer shall receive, a victim impact statement that identifies the victim of the offense and the extent and scope of the injury and loss suffered by the victim, including the estimated economic impact of the offense on that victim.

“(2) Persons permitted to submit victim impact statements shall include—

“(A) producers and sellers of legitimate goods or services affected by conduct involved in the offense;

“(B) holders of intellectual property rights in such goods or services; and

“(C) the legal representatives of such producers, sellers, and holders.

“(f) **DEFINITIONS.**—For the purposes of this section—

“(1) the term ‘counterfeit mark’ means—

“(A) a spurious mark—

“(i) that is used in connection with trafficking in any goods, services, labels, patches, stickers, wrappers, badges, emblems, medallions, charms, boxes, containers, cans, cases, hangtags, documentation, or packaging of any type or nature;

“(ii) that is identical with, or substantially indistinguishable from, a mark registered on the principal register in the United States Patent and Trademark Office and in use, whether or not the defendant knew such mark was so registered;

“(iii) that is applied to or used in connection with the goods or services for which the mark is registered with the United States Patent and Trademark Office, or is applied to or consists of a label, patch, sticker, wrapper, badge, emblem, medallion, charm, box, container, can, case, hangtag, documentation, or packaging of any type or nature that is designed, marketed, or otherwise intended to be used on or in connection with the goods or services for which the mark is registered in the United States Patent and Trademark Office; and

“(iv) the use of which is likely to cause confusion, to cause mistake, or to deceive; or

“(B) a spurious designation that is identical with, or substantially indistinguishable from, a designation as to which the remedies of the Lanham Act are made available by reason of section 220506 of title 36;

but such term does not include any mark or designation used in connection with goods or services, or a mark or designation applied to labels, patches, stickers, wrappers, badges, emblems, medallions, charms, boxes, containers, cans, cases, hangtags, documentation, or packaging of any type or nature used in connection with such goods or services, of which the manufacturer or producer was, at the time of the manufacture or production in question, authorized to use the mark or designation for the type of goods or services so manufactured or produced, by the holder of the right to use such mark or designation;

“(2) the term ‘financial gain’ includes the receipt, or expected receipt, of anything of value;

“(3) the term ‘Lanham Act’ means the Act entitled ‘An Act to provide for the registration and protection of trademarks used in commerce, to carry out the provisions of certain international conventions, and for other purposes’, approved July 5, 1946 (15 U.S.C. 1051 et seq.);

“(4) the term ‘counterfeit military good or service’ means a good or service that uses a counterfeit mark on or in connection with such good or service and that—

“(A) is falsely identified or labeled as meeting military specifications; or

“(B) is intended for use in a military or national security application; and

“(5) the term ‘traffic’ means to transport, transfer, or otherwise dispose of, to another, for purposes of commercial advantage or private financial gain, or to make, import, export, obtain control of, or possess, with intent to so transport, transfer, or otherwise dispose of.

“(g) LIMITATION ON CAUSE OF ACTION.—Nothing in this section shall entitle the United States to bring a criminal cause of action under this section for the repackaging of genuine goods or services not intended to deceive or confuse.

“(h) REPORT TO CONGRESS.—(1) Beginning with the first year after the date of enactment of this subsection, the Attorney General shall include in the report of the Attorney General to Congress on the business of the Department of Justice prepared pursuant to section 522 of title 28, an accounting, on a district by district basis, of the following with respect to all actions taken by the Department of Justice that involve trafficking in counterfeit labels for phonorecords, copies of computer programs or computer program documentation or packaging, copies of mo-

tion pictures or other audiovisual works (as defined in section 2318 of this title), criminal infringement of copyrights (as defined in section 2319 of this title), unauthorized fixation of and trafficking in sound recordings and music videos of live musical performances (as defined in section 2319A of this title), or trafficking in goods or services bearing counterfeit marks (as defined in section 2320 of this title):

“(A) The number of open investigations.

“(B) The number of cases referred by the United States Customs Service.

“(C) The number of cases referred by other agencies or sources.

“(D) The number and outcome, including settlements, sentences, recoveries, and penalties, of all prosecutions brought under sections 2318, 2319, 2319A, and 2320 of title 18.

“(2)(A) The report under paragraph (1), with respect to criminal infringement of copyright, shall include the following:

“(i) The number of infringement cases in these categories: audiovisual (videos and films); audio (sound recordings); literary works (books and musical compositions); computer programs; video games; and, others.

“(ii) The number of online infringement cases.

“(iii) The number and dollar amounts of fines assessed in specific categories of dollar amounts. These categories shall be: no fines ordered; fines under \$500; fines from \$500 to \$1,000; fines from \$1,000 to \$5,000; fines from \$5,000 to \$10,000; and fines over \$10,000.

“(iv) The total amount of restitution ordered in all copyright infringement cases.

“(B) In this paragraph, the term ‘online infringement cases’ as used in paragraph (2) means those cases where the infringer—

“(i) advertised or publicized the infringing work on the Internet; or

“(ii) made the infringing work available on the Internet for download, reproduction, performance, or distribution by other persons.

“(C) The information required under subparagraph (A) shall be submitted in the report required in fiscal year 2005 and thereafter.

“(i) TRANSSHIPMENT AND EXPORTATION.—No goods or services, the trafficking in of which is prohibited by this section, shall be transshipped through or exported from the United States. Any such transshipment or exportation shall be deemed a violation of section 42 of an Act to provide for the registration of trademarks used in commerce, to carry out the provisions of certain international conventions, and for other purposes, approved July 5, 1946 (commonly referred to as the ‘Trademark Act of 1946’ or the ‘Lanham Act’).”

#### SEC. 819. MODIFICATION OF CERTAIN REQUIREMENTS OF THE WEAPON SYSTEMS ACQUISITION REFORM ACT OF 2009.

(a) REPEAL OF CERTIFICATION OF COMPLIANCE OF CERTAIN MAJOR DEFENSE ACQUISITION PROGRAMS WITH ACTIONS ON TREATMENT OF SYSTEMIC PROBLEMS BEFORE MILESTONE APPROVAL.—Subsection (c) of section 204 of the Weapon Systems Acquisition Reform Act of 2009 (Public Law 111-23; 123 Stat. 1723; 10 U.S.C. 2366a note) is repealed.

(b) WAIVER OF REQUIREMENT TO REVIEW PROGRAMS RECEIVING WAIVER OF CERTAIN CERTIFICATION REQUIREMENTS.—Section 2366b(d) of title 10, United States Code, is amended by adding the following new paragraph:

“(3) The requirement in paragraph (2)(B) shall not apply to a program for which a certification was required pursuant to section 2433a(c) of this title if the milestone decision authority—

“(A) determines in writing that—

“(i) the program has reached a stage in the acquisition process at which it would not be practicable to meet the certification component that was waived; and

“(ii) the milestone decision authority has taken appropriate alternative actions to address the underlying purposes of such certification component; and

“(B) submits the written determination, and an explanation of the basis for the determination, to the congressional defense committees.”

#### SEC. 820. INCLUSION OF CONTRACTOR SUPPORT REQUIREMENTS IN DEPARTMENT OF DEFENSE PLANNING DOCUMENTS.

(a) ELEMENTS IN QDR REPORTS TO CONGRESS.—Section 118(d) of title 10, United States Code, is amended—

(1) in paragraph (4)—

(A) in subparagraph (D), by striking “and” at the end;

(B) in subparagraph (E), by striking the period at the end and inserting “; and”; and

(C) by adding at the end the following new subparagraph:

“(F) the roles and responsibilities that would be discharged by contractors.”;

(2) in paragraph (6), by striking “manpower and sustainment” and inserting “manpower, sustainment, and contractor support”; and

(3) in paragraph (8), by inserting “; and the scope of contractor support,” after “Defense Agencies”.

(b) CHAIRMAN OF JOINT CHIEFS OF STAFF ASSESSMENTS OF CONTRACTOR SUPPORT OF ARMED FORCES.—

(1) ASSESSMENTS UNDER CONTINGENCY PLANNING.—Paragraph (3) of subsection (a) of section 153 of such title is amended—

(A) by redesignating subparagraphs (C) and (D) as subparagraphs (D) and (E), respectively; and

(B) by inserting after subparagraph (B) the following new subparagraph (C):

“(C) Identifying the support functions that are likely to require contractor performance under those contingency plans, and the risks associated with the assignment of such functions to contractors.”.

(2) ASSESSMENTS UNDER ADVICE ON REQUIREMENTS, PROGRAMS, AND BUDGET.—Paragraph (4)(E) of such subsection is amended by inserting “and contractor support” after “area of manpower”.

(3) ASSESSMENTS FOR BIENNIAL REVIEW OF NATIONAL MILITARY STRATEGY.—Subsection (d) of such section is amended—

(A) in paragraph (2), by adding at the end the following new subparagraph:

“(I) Assessment of the requirements for contractor support of the armed forces in conducting peacetime training, peacekeeping, overseas contingency operations, and major combat operations, and the risks associated with such support.”; and

(B) in paragraph (3)(B), by striking “and the levels of support from allies and other friendly nations” and inserting “the levels of support from allies and other friendly nations, and the levels of contractor support”.

#### SEC. 821. AMENDMENT RELATING TO BUYING TENTS, TARPAULINS, OR COVERS FROM AMERICAN SOURCES.

Section 2533a(b)(1)(C) of title 10, United States Code, is amended by inserting “(and the structural components thereof)” after “tents”.

#### SEC. 822. REPEAL OF SUNSET OF AUTHORITY TO PROCURE FIRE RESISTANT RAYON FIBER FROM FOREIGN SOURCES FOR THE PRODUCTION OF UNIFORMS.

Subsection (f) of section 829 of the National Defense Authorization Act for Fiscal Year

2008 (Public Law 110-181; 122 Stat. 229; 10 U.S.C. 2533a note) is repealed.

**SEC. 823. PROHIBITION ON COLLECTION OF POLITICAL INFORMATION.**

(a) IN GENERAL.—Chapter 137 of title 10, United States Code, is amended by adding at the end the following new section:

**“§ 2335. Prohibition on collection of political information**

“(a) PROHIBITION ON REQUIRING SUBMISSION OF POLITICAL INFORMATION.—The head of an agency may not require a contractor to submit political information related to the contractor or a subcontractor at any tier, or any partner, officer, director, or employee of the contractor or subcontractor—

“(1) as part of a solicitation, request for bid, request for proposal, or any other form of communication designed to solicit offers in connection with the award of a contract for procurement of property or services; or

“(2) during the course of contract performance as part of the process associated with modifying a contract or exercising a contract option.

“(b) SCOPE.—The prohibition under this section applies to the procurement of commercial items, the procurement of commercial-off-the-shelf-items, and the non-commercial procurement of supplies, property, services, and manufactured items, irrespective of contract vehicle, including contracts, purchase orders, task or deliver orders under indefinite delivery/indefinite quantity contracts, blanket purchase agreements, and basic ordering agreements.

“(c) RULE OF CONSTRUCTION.—Nothing in this section shall be construed as—

“(1) waiving, superseding, restricting, or limiting the application of the Federal Election Campaign Act of 1971 (2 U.S.C. 431 et seq.) or preventing Federal regulatory or law enforcement agencies from collecting or receiving information authorized by law; or

“(2) precluding the Defense Contract Audit Agency from accessing and reviewing certain information, including political information, for the purpose of identifying unallowable costs and administering cost principles established pursuant to section 2324 of this title.

“(d) DEFINITIONS.—In this section:

“(1) CONTRACTOR.—The term ‘contractor’ includes contractors, bidders, and offerors, and individuals and legal entities who would reasonably be expected to submit offers or bids for Federal Government contracts.

“(2) POLITICAL INFORMATION.—The term ‘political information’ means information relating to political spending, including any payment consisting of a contribution, expenditure, independent expenditure, or disbursement for an electioneering communication that is made by the contractor, any of its partners, officers, directors or employees, or any of its affiliates or subsidiaries to a candidate or on behalf of a candidate for election for Federal office, to a political committee, to a political party, to a third party entity with the intention or reasonable expectation that it would use the payment to make independent expenditures or electioneering communications, or that is otherwise made with respect to any election for Federal office, party affiliation, and voting history. Each of the terms ‘contribution’, ‘expenditure’, ‘independent expenditure’, ‘candidate’, ‘election’, ‘electioneering communication’, and ‘Federal office’ has the meaning given the term in the Federal Campaign Act of 1971 (2 U.S.C. 431 et seq.).”

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 137 of such title is amended by inserting after the

item relating to section 2334 the following new item:

“2335. Prohibition on collection of political information.”.

**Subtitle C—Provisions Relating to Major Defense Acquisition Programs**

**SEC. 831. WAIVER OF REQUIREMENTS RELATING TO NEW MILESTONE APPROVAL FOR CERTAIN MAJOR DEFENSE ACQUISITION PROGRAMS EXPERIENCING CRITICAL COST GROWTH DUE TO CHANGE IN QUANTITY PURCHASED.**

Section 2433a(c) of title 10, United States Code, is amended by adding at the end the following new paragraph:

“(3)(A) The requirements of subparagraphs (B) and (C) of paragraph (1) shall not apply to a program or subprogram if—

“(i) the Milestone Decision Authority determines in writing, on the basis of a cost assessment and root cause analysis conducted pursuant to subsection (a), that—

“(I) but for a change in the quantity of items to be purchased under the program or subprogram, the program acquisition unit cost or procurement unit cost for the program or subprogram would not have increased by a percentage equal to or greater than the cost growth thresholds for the program or subprogram set forth in subparagraph (B); and

“(II) the change in quantity of items described in subclause (I) was not made as a result of an increase in program cost, a delay in the program, or a problem meeting program requirements;

“(ii) the Secretary determines in writing that the cost to the Department of Defense of complying with such requirements is likely to exceed the benefits to the Department of complying with such requirements; and

“(iii) the Secretary submits to Congress, before the end of the 60-day period beginning on the day the Selected Acquisition Report containing the information described in section 2433(g) of this title is required to be submitted under section 2432(f) of this title—

“(I) a copy of the written determination under clause (i) and an explanation of the basis for the determination; and

“(II) a copy of the written determination under clause (ii) and an explanation of the basis for the determination.

“(B) The cost growth thresholds specified in this subparagraph are as follows:

“(i) In the case of a major defense acquisition program or designated major defense subprogram, a percentage increase in the program acquisition unit cost for the program or subprogram of—

“(I) 5 percent over the program acquisition unit cost for the program or subprogram as shown in the current Baseline Estimate for the program or subprogram; and

“(II) 10 percent over the program acquisition unit cost for the program or subprogram as shown in the original Baseline Estimate for the program or subprogram.

“(ii) In the case of a major defense acquisition program or designated major defense subprogram that is a procurement program, a percentage increase in the procurement unit cost for the program or subprogram of—

“(I) 5 percent over the procurement unit cost for the program or subprogram as shown in the current Baseline Estimate for the program or subprogram; and

“(II) 10 percent over the procurement unit cost for the program or subprogram as shown in the original Baseline Estimate for the program or subprogram.”.

**SEC. 832. ASSESSMENT, MANAGEMENT, AND CONTROL OF OPERATING AND SUPPORT COSTS FOR MAJOR WEAPON SYSTEMS.**

(a) GUIDANCE REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall issue guidance on actions to be taken to assess, manage, and control Department of Defense costs for the operation and support of major weapon systems.

(b) ELEMENTS.—The guidance required by subsection (a) shall, at a minimum—

(1) be issued in conjunction with the comprehensive guidance on life-cycle management and the development and implementation of product support strategies for major weapon systems required by section 805 of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111-84; 123 Stat. 2403; 10 U.S.C. 2301 note);

(2) require the military departments to retain each estimate of operating and support costs that is developed at any time during the life cycle of a major weapon system, together with supporting documentation used to develop the estimate;

(3) require the military departments to update estimates of operating and support costs periodically throughout the life cycle of a major weapon system, to determine whether preliminary information and assumptions remain relevant and accurate, and identify and record reasons for variances;

(4) establish standard requirements for the collection of data on operating and support costs for major weapon systems and require the military departments to revise their Visibility and Management of Operating and Support Costs (VAMOSOC) systems to ensure that they collect complete and accurate data in compliance with such requirements and make such data available in a timely manner;

(5) establish standard requirements for the collection and reporting of data on operating and support costs for major weapon systems by contractors performing weapon system sustainment functions in an appropriate format, and develop contract clauses to ensure that contractors comply with such requirements;

(6) require the military departments—

(A) to collect and retain data from operational and developmental testing and evaluation on the reliability and maintainability of major weapon systems; and

(B) to use such data to inform system design decisions, provide insight into sustainment costs, and inform estimates of operating and support costs for such systems;

(7) require the military departments to ensure that sustainment factors are fully considered at key life cycle management decision points and that appropriate measures are taken to reduce operating and support costs by influencing system design early in development, developing sound sustainment strategies, and addressing key drivers of costs;

(8) require the military departments to conduct an independent logistics assessment of each major weapon system prior to key acquisition decision points (including milestone decisions) to identify features that are likely to drive future operating and support costs, changes to system design that could reduce such costs, and effective strategies for managing such costs;

(9) include—

(A) reliability metrics for major weapon systems; and

(B) requirements on the use of metrics under subparagraph (A) as triggers—



(i) to conduct further investigation and analysis into drivers of those metrics; and

(ii) to develop strategies for improving reliability, availability, and maintainability of such systems at an affordable cost; and

(10) require the military departments to conduct periodic reviews of operating and support costs of major weapon systems after such systems achieve initial operational capability to identify and address factors resulting in growth in operating and support costs and adapt support strategies to reduce such costs.

(c) **RETENTION OF DATA ON OPERATING AND SUPPORT COSTS.**—

(1) **IN GENERAL.**—The Director of Cost Assessment and Program Evaluation shall be responsible for developing and maintaining a database on operating and support estimates, supporting documentation, and actual operating and support costs for major weapon systems.

(2) **SUPPORT.**—The Secretary of Defense shall ensure that the Director, in carrying out such responsibility—

(A) promptly receives the results of all cost estimates and cost analyses conducted by the military departments with regard to operating and support costs of major weapon systems;

(B) has timely access to any records and data of the military departments (including classified and proprietary information) that the Director considers necessary to carry out such responsibility; and

(C) with the concurrence of the Under Secretary of Defense for Acquisition, Technology, and Logistics, may direct the military departments to collect and retain information necessary to support the database.

(d) **MAJOR WEAPON SYSTEM DEFINED.**—In this section, the term “major weapon system” has the meaning given that term in section 2379(f) of title 10, United States Code.

**SEC. 833. CLARIFICATION OF RESPONSIBILITY FOR COST ANALYSES AND TARGETS FOR CONTRACT NEGOTIATION PURPOSES.**

Section 2334(e) of title 10, United States Code, is amended—

(1) by redesignating paragraphs (2), (3), and (4) as paragraphs (3), (4), and (5), respectively;

(2) in paragraph (1)—

(A) by striking “shall provide that—” and all that follows through “cost estimates” and inserting “shall provide that cost estimates”;

(B) by striking “; and” and inserting a period; and

(C) by redesignating subparagraph (B) as paragraph (2) and moving such paragraph two ems to the left;

(3) in paragraph (2), as redesignated by paragraph (2) of this section, by striking “cost analyses and targets” and inserting “The Under Secretary of Defense for Acquisition, Technology, and Logistics shall, in consultation with the Director of Cost Assessment and Program Evaluation, develop policies, procedures, and guidance to ensure that cost analyses and targets”;

(4) in paragraph (3), as redesignated by paragraph (1) of this section, by striking “issued by the Director of Cost Assessment and Program Evaluation” and inserting “issued by the Under Secretary of Defense for Acquisition, Technology, and Logistics under paragraph (2)”;

(5) in paragraph (5), as redesignated by paragraph (1) of this section, by striking “paragraph (3)” and inserting “paragraph (4)”.

**SEC. 834. MODIFICATION OF REQUIREMENTS FOR GUIDANCE ON MANAGEMENT OF MANUFACTURING RISK IN MAJOR DEFENSE ACQUISITION PROGRAMS.**

Section 812(b) of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (Public Law 111-383; 124 Stat. 4264; 10 U.S.C. 2430 note) is amended—

(1) by striking “manufacturing readiness levels” each place it appears and inserting “manufacturing readiness levels or other manufacturing readiness standards”;

(2) by redesignating paragraphs (4) and (5) as paragraphs (5) and (6), respectively; and

(3) by inserting after paragraph (3) the following new paragraph (4):

“(4) provide for the tailoring of manufacturing readiness levels or other manufacturing readiness standards to address the unique characteristics of specific industry sectors or weapon system portfolios.”

**SEC. 835. MANAGEMENT OF DEVELOPMENTAL TEST AND EVALUATION FOR MAJOR DEFENSE ACQUISITION PROGRAMS.**

(a) **CHIEF DEVELOPMENTAL TESTER.**—Section 820(a) of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109-364; 120 Stat. 2330), as amended by section 805(c) of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 110-181; 123 Stat. 2403), is further amended—

(1) by redesignating paragraph (6) as paragraph (7); and

(2) by inserting after paragraph (5) the following new paragraph (6):

“(6) Chief developmental tester.”

(b) **RESPONSIBILITIES OF CHIEF DEVELOPMENTAL TESTER AND LEAD DEVELOPMENTAL TEST AND EVALUATION ORGANIZATION.**—Section 139b of title 10, United States Code, is amended—

(1) by redesignating subsections (c), (d), and (e) as subsections (d), (e), and (f), respectively; and

(2) by inserting after subsection (b) the following new subsection (c):

“(c) **SUPPORT OF MDAPS BY CHIEF DEVELOPMENTAL TESTER AND LEAD DEVELOPMENTAL TEST AND EVALUATION ORGANIZATION.**—

“(1) **SUPPORT.**—The Secretary of Defense shall require that each major defense acquisition program be supported by—

“(A) a chief developmental tester; and

“(B) a governmental test agency, serving as lead developmental test and evaluation organization for the program.

“(2) **RESPONSIBILITIES OF CHIEF DEVELOPMENTAL TESTER.**—The chief developmental tester for a major defense acquisition program shall be responsible for—

“(A) coordinating the planning, management, and oversight of all developmental test and evaluation activities for the program;

“(B) maintaining insight into contractor activities under the program and overseeing the test and evaluation activities of other participating government activities under the program; and

“(C) helping program managers make technically informed, objective judgments about contractor developmental test and evaluation results under the program.

“(3) **RESPONSIBILITIES OF LEAD DEVELOPMENTAL TEST AND EVALUATION ORGANIZATION.**—The lead developmental test and evaluation organization for a major defense acquisition program shall be responsible for—

“(A) providing technical expertise on testing and evaluation issues to the chief developmental tester for the program;

“(B) conducting developmental testing and evaluation activities for the program, as directed by the chief developmental tester; and

“(C) assisting the chief developmental tester in providing oversight of contractors under the program and in reaching technically informed, objective judgments about contractor developmental test and evaluation results under the program.”

**SEC. 836. ASSESSMENT OF RISK ASSOCIATED WITH DEVELOPMENT OF MAJOR WEAPON SYSTEMS TO BE PROCURED UNDER COOPERATIVE PROJECTS WITH FRIENDLY FOREIGN COUNTRIES.**

(a) **ASSESSMENT OF RISK REQUIRED.**—

(1) **IN GENERAL.**—Not later than two days after the President transmits a certification to Congress pursuant to section 27(f) of the Arms Export Control Act (22 U.S.C. 2767(f)) regarding a proposed cooperative project agreement that is expected to result in the award of a Department of Defense contract for the engineering and manufacturing development of a major weapon system, the Secretary of Defense shall submit to the Chairmen of the Committees on Armed Services of the Senate and the House of Representatives a report setting forth a risk assessment of the proposed cooperative project.

(2) **PREPARATION.**—The Secretary shall prepare each report required by paragraph (1) in consultation with the Under Secretary of Defense for Acquisition, Technology, and Logistics, the Assistant Secretary of Defense for Research and Engineering, and the Director of Cost Assessment and Program Evaluation of the Department of Defense.

(b) **ELEMENTS.**—The risk assessment on a cooperative project under subsection (a) shall include the following:

(1) An assessment of the design, technical, manufacturing, and integration risks associated with developing and procuring the weapon system to be procured under the cooperative project.

(2) A statement identifying any termination liability that would be incurred under the development contract to be entered into under subsection (a)(1), and a statement of the extent to which such termination liability would not be fully funded by appropriations available or sought in the fiscal year in which the agreement for the cooperative project is signed on behalf of the United States.

(3) An assessment of the advisability of incurring any unfunded termination liability identified under paragraph (2) given the risks identified in the assessment under paragraph (1).

(4) A listing of which, if any, requirements associated with the oversight and management of a major defense acquisition program (as prescribed under Department of Defense Instruction 5000.02 or related authorities) will be waived, or in any way modified, in carrying out the development contract to be entered into under (a)(1), and a full explanation why such requirements need to be waived or modified.

(c) **DEFINITIONS.**—In this section:

(1) The term “engineering and manufacturing development” has the meaning given that term in Department of Defense Instruction 5000.02.

(2) The term “major weapon system” has the meaning given that term in section 2379(f) of title 10, United States Code.

**SEC. 837. COMPETITION IN MAINTENANCE AND SUSTAINMENT OF SUBSYSTEMS OF MAJOR WEAPON SYSTEMS.**

Section 202(d) of the Weapon Systems Acquisition Reform Act of 2009 (Public Law 111-23; 123 Stat. 1721; 10 U.S.C. 2430 note) is amended—

(1) in the subsection heading, by striking “OPERATION AND SUSTAINMENT OF MAJOR

WEAPON SYSTEMS” and inserting “MAINTENANCE AND SUSTAINMENT OF MAJOR WEAPON SYSTEMS AND SUBSYSTEMS”;

(2) by inserting “or subsystem of a major weapon system” after “a major weapon system”; and

(3) by inserting “, or for components needed for such maintenance and sustainment,” after “such maintenance and sustainment”.

**SEC. 838. OVERSIGHT OF AND REPORTING REQUIREMENTS WITH RESPECT TO EVOLVED EXPENDABLE LAUNCH VEHICLE PROGRAM.**

The Secretary of Defense shall—

(1) redesignate the Evolved Expendable Launch Vehicle program as a major defense acquisition program not in the sustainment phase under section 2430 of title 10, United States Code; or

(2) require the Evolved Expendable Launch Vehicle program—

(A) to provide to the congressional defense committees all information with respect to the cost, schedule, and performance of the program that would be required to be provided under sections 2431 (relating to weapons development and procurement schedules), 2432 (relating to Select Acquisition Reports, including updated program life-cycle cost estimates), and 2433 (relating to unit cost reports) of title 10, United States Code, with respect to the program if the program were designated as a major defense acquisition program not in the sustainment phase; and

(B) to provide to the Under Secretary of Defense for Acquisition, Technology, and Logistics—

(i) a quarterly cost and status report, commonly known as a Defense Acquisition Executive Summary, which serves as an early warning of actual and potential problems with a program and provides for possible mitigation plans; and

(ii) earned value management data that contains measurements of contractor technical, schedule, and cost performance.

**SEC. 839. IMPLEMENTATION OF ACQUISITION STRATEGY FOR EVOLVED EXPENDABLE LAUNCH VEHICLE.**

(a) IN GENERAL.—Not later than March 31, 2012, the Secretary of Defense shall submit to the congressional committees specified in subsection (c) the following information:

(1) A description of how the strategy of the Department of Defense to acquire space launch capability under the Evolved Expendable Launch Vehicle program implements each of the recommendations included in the Report of the Government Accountability Office on the Evolved Expendable Launch Vehicle, dated September 15, 2011 (GAO-11-641).

(2) With respect to any such recommendation that the Department does not implement, an explanation of how the Department is otherwise addressing the deficiencies identified in that report.

(b) ASSESSMENT BY COMPTROLLER GENERAL OF THE UNITED STATES.—Not later than 60 days after the submission of the information required by subsection (a), the Comptroller General of the United States shall submit to the congressional committees specified in subsection (c) an assessment of that information and any additional findings or recommendations the Comptroller General considers appropriate.

(c) CONGRESSIONAL COMMITTEES.—The congressional committees specified in this subsection are the following:

(1) The Committees on Armed Services of the Senate and the House of Representatives.

(2) The Committees on Appropriations of the Senate and the House of Representatives.

(3) The Select Committee on Intelligence of the Senate and the Permanent Select Committee on Intelligence of the House of Representatives.

**Subtitle D—Provisions Relating to Contracts in Support of Contingency Operations in Iraq or Afghanistan**

**SEC. 841. PROHIBITION ON CONTRACTING WITH THE ENEMY IN THE UNITED STATES CENTRAL COMMAND THEATER OF OPERATIONS.**

(a) PROHIBITION.—

(1) IN GENERAL.—Not later than 30 days after the date of the enactment of this Act, the Secretary of Defense shall revise the Department of Defense Supplement to the Federal Acquisition Regulation to authorize the head of a contracting activity, pursuant to a request from the Commander of the United States Central Command under subsection (c)(2)—

(A) to restrict the award of Department of Defense contracts, grants, or cooperative agreements that the head of the contracting activity determines in writing would provide funding directly or indirectly to a person or entity that has been identified by the Commander of the United States Central Command as actively supporting an insurgency or otherwise actively opposing United States or coalition forces in a contingency operation in the United States Central Command theater of operations;

(B) to terminate for default any Department contract, grant, or cooperative agreement upon a written determination by the head of the contracting activity that the contractor, or the recipient of the grant or cooperative agreement, has failed to exercise due diligence to ensure that none of the funds received under the contract, grant, or cooperative agreement are provided directly or indirectly to a person or entity who is actively supporting an insurgency or otherwise actively opposing United States or coalition forces in a contingency operation in the United States Central Command theater of operations; or

(C) to void in whole or in part any Department contract, grant, or cooperative agreement upon a written determination by the head of the contracting activity that the contract, grant, or cooperative agreement provides funding directly or indirectly to a person or entity that has been identified by the Commander of the United States Central Command as actively supporting an insurgency or otherwise actively opposing United States or coalition forces in a contingency operation in the United States Central Command theater of operations.

(2) TREATMENT AS VOID.—For purposes of this section:

(A) A contract, grant, or cooperative agreement that is void is unenforceable as contrary to public policy.

(B) A contract, grant, or cooperative agreement that is void in part is unenforceable as contrary to public policy with regard to a segregable task or effort under the contract, grant, or cooperative agreement.

(b) CONTRACT CLAUSE.—

(1) IN GENERAL.—Not later than 30 days after the date of the enactment of this Act, the Secretary shall revise the Department of Defense Supplement to the Federal Acquisition Regulation to require that—

(A) the clause described in paragraph (2) shall be included in each covered contract, grant, and cooperative agreement of the Department that is awarded on or after the date of the enactment of this Act; and

(B) to the maximum extent practicable, each covered contract, grant, and coopera-

tive agreement of the Department that is awarded before the date of the enactment of this Act shall be modified to include the clause described in paragraph (2).

(2) CLAUSE DESCRIBED.—The clause described in this paragraph is a clause that—

(A) requires the contractor, or the recipient of the grant or cooperative agreement, to exercise due diligence to ensure that none of the funds received under the contract, grant, or cooperative agreement are provided directly or indirectly to a person or entity who is actively supporting an insurgency or otherwise actively opposing United States or coalition forces in a contingency operation; and

(B) notifies the contractor, or the recipient of the grant or cooperative agreement, of the authority of the head of the contracting activity to terminate or void the contract, grant, or cooperative agreement, in whole or in part, as provided in subsection (a).

(3) COVERED CONTRACT, GRANT, OR COOPERATIVE AGREEMENT.—In this subsection, the term “covered contract, grant, or cooperative agreement” means a contract, grant, or cooperative agreement with an estimated value in excess of \$100,000 that will be performed in the United States Central Command theater of operations.

(c) IDENTIFICATION OF CONTRACTS WITH SUPPORTERS OF THE ENEMY.—

(1) IN GENERAL.—Not later than 30 days after the date of the enactment of this Act, the Secretary, acting through the Commander of the United States Central Command, shall establish a program to use available intelligence to review persons and entities who receive United States funds through contracts, grants, and cooperative agreements performed in the United States Central Command theater of operations and identify any such persons and entities who are actively supporting an insurgency or otherwise actively opposing United States or coalition forces in a contingency operation.

(2) NOTICE TO CONTRACTING ACTIVITIES.—If the Commander of the United States Central Command, acting pursuant to the program required by paragraph (1), identifies a person or entity as actively supporting an insurgency or otherwise actively opposing United States or coalition forces in a contingency operation, the Commander may notify the head of a contracting activity in writing of such identification and request that the head of the contracting activity exercise the authority provided in subsection (a) with regard to any contracts, grants, or cooperative agreements that provide funding directly or indirectly to the person or entity.

(3) PROTECTION OF CLASSIFIED INFORMATION.—Classified information relied upon by the Commander of the United States Central Command to make an identification in accordance with this subsection may not be disclosed to a contractor or a recipient of a grant or cooperative agreement with respect to which an action is taken pursuant to the authority provided in subsection (a), or to their representatives, in the absence of a protective order issued by a court of competent jurisdiction established under Article III of the Constitution of the United States that specifically addresses the conditions upon which such classified information may be so disclosed.

(d) NONDELEGATION OF RESPONSIBILITIES.—

(1) CONTRACT ACTIONS.—The authority provided by subsection (a) to restrict, terminate, or void contracts, grants, and cooperative agreements may not be delegated below the level of the head of a contracting activity.

(2) IDENTIFICATION OF SUPPORT OF ENEMY.—The authority to make an identification under subsection (c)(1) may not be delegated below the level of the Commander of the United States Central Command.

(e) REPORTS.—Not later than March 1 of each of 2013, 2014, and 2015, the Secretary shall submit to the congressional defense committees a report on the use of the authority provided by this section in the preceding calendar year. Each report shall identify, for the calendar year covered by such report, each instance in which the Department of Defense exercised the authority to restrict, terminate, or void contracts, grants, and cooperative agreements pursuant to subsection (a) and explain the basis for the action taken. Any report under this subsection may be submitted in classified form.

(f) OTHER DEFINITION.—In this section, the term “contingency operation” has the meaning given that term in section 101(a)(13) of title 10, United States Code.

(g) SUNSET.—The authority to restrict, terminate, or void contracts, grants, and cooperative agreements pursuant to subsection (a) shall cease to be effective on the date that is three years after the date of the enactment of this Act.

**SEC. 842. ADDITIONAL ACCESS TO CONTRACTOR AND SUBCONTRACTOR RECORDS IN THE UNITED STATES CENTRAL COMMAND THEATER OF OPERATIONS.**

(a) DEPARTMENT OF DEFENSE CONTRACTS, GRANTS, AND COOPERATIVE AGREEMENTS.—

(1) IN GENERAL.—Not later than 30 days after the date of the enactment of this Act, the Secretary of Defense shall revise the Department of Defense Supplement to the Federal Acquisition Regulation to require that—

(A) the clause described in paragraph (2) shall be included in each covered contract, grant, and cooperative agreement of the Department of Defense that is awarded on or after the date of the enactment of this Act; and

(B) to the maximum extent practicable, each covered contract, grant, and cooperative agreement of the Department that is awarded before the date of the enactment of this Act shall be modified to include the clause described in paragraph (2).

(2) CLAUSE.—The clause described in this paragraph is a clause authorizing the Secretary, upon a written determination pursuant to paragraph (3), to examine any records of the contractor, the recipient of a grant or cooperative agreement, or any subcontractor or subgrantee under such contract, grant, or cooperative agreement to the extent necessary to ensure that funds available under the contract, grant, or cooperative agreement—

(A) are not subject to extortion or corruption; and

(B) are not provided directly or indirectly to persons or entities that are actively supporting an insurgency or otherwise actively opposing United States or coalition forces in a contingency operation.

(3) WRITTEN DETERMINATION.—The authority to examine records pursuant to the contract clause described in paragraph (2) may be exercised only upon a written determination by the contracting officer or comparable official responsible for a grant or cooperative agreement, upon a finding by the Commander of the United States Central Command, that there is reason to believe that funds available under the contract, grant, or cooperative agreement concerned may have been subject to extortion or corruption or may have been provided directly or indirectly to persons or entities that are actively supporting an insurgency or other-

wise actively opposing United States or coalition forces in a contingency operation.

(4) FLOWDOWN.—A clause described in paragraph (2) shall also be required in any subcontract or subgrant under a covered contract, grant, or cooperative agreement if the subcontract or subgrant has an estimated value in excess of \$100,000.

(b) REPORTS.—Not later than March 1 of each of 2013, 2014, and 2015, the Secretary shall submit to the congressional defense committees a report on the use of the authority provided by this section in the preceding calendar year. Each report shall identify, for the calendar year covered by such report, each instance in which the Department of Defense exercised the authority provided under this section to examine records, explain the basis for the action taken, and summarize the results of any examination of records so undertaken. Any report under this subsection may be submitted in classified form.

(c) DEFINITIONS.—In this section:

(1) The term “contingency operation” has the meaning given that term in section 101(a)(13) of title 10, United States Code.

(2) The term “covered contract, grant, or cooperative agreement” means a contract, grant, or cooperative agreement with an estimated value in excess of \$100,000 that will be performed in the United States Central Command theater of operations in support of a contingency operation.

(d) SUNSET.—

(1) IN GENERAL.—The clause described by subsection (a)(2) shall not be required in any contract, grant, or cooperative agreement that is awarded after the date that is three years after the date of the enactment of this Act.

(2) CONTINUING EFFECT OF CLAUSES INCLUDED BEFORE SUNSET.—Any clause described by subsection (a)(2) that is included in a contract, grant, or cooperative agreement pursuant to this section before the date specified in paragraph (1) shall remain in effect in accordance with its terms.

**SEC. 843. REACH-BACK CONTRACTING AUTHORITY FOR OPERATION ENDURING FREEDOM AND OPERATION NEW DAWN.**

(a) AUTHORITY TO DESIGNATE LEAD CONTRACTING ACTIVITY.—The Under Secretary of Defense for Acquisition, Technology, and Logistics may designate a single contracting activity inside the United States to act as the lead contracting activity with authority for use of domestic capabilities in support of overseas contracting for Operation Enduring Freedom and Operation New Dawn. The contracting activity so designated shall be known as the “lead reach-back contracting authority” for such operations.

(b) LIMITED AUTHORITY FOR USE OF OUTSIDE-THE-UNITED-STATES-THRESHOLDS.—The head of the contracting authority designated pursuant to subsection (a) may, when awarding a contract inside the United States for performance in the theater of operations for Operation Enduring Freedom or Operation New Dawn, use the overseas increased micro-purchase threshold and the overseas increased simplified acquisition threshold in the same manner and to the same extent as if the contract were to be awarded and performed outside the United States.

(c) DEFINITIONS.—In this section:

(1) The term “overseas increased micro-purchase threshold” means the amount specified in paragraph (1)(B) of section 1903(b) of title 41, United States Code.

(2) The term “overseas increased simplified acquisition threshold” means the amount specified in paragraph (2)(B) of section 1903(b) of title 41, United States Code.

**SEC. 844. COMPETITION AND REVIEW OF CONTRACTS FOR PROPERTY OR SERVICES IN SUPPORT OF A CONTINGENCY OPERATION.**

(a) CONTRACTING GOALS.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall—

(1) establish goals for competition in contracts awarded by the Secretary of Defense for the procurement of property or services to be used outside the United States in support of a contingency operation; and

(2) develop processes by which to measure and monitor such competition, including in task-order categories for services, construction, and supplies.

(b) ANNUAL REVIEW OF CERTAIN CONTRACTS.—For each year the Logistics Civil Augmentation Program contract, or other similar omnibus contract awarded by the Secretary of Defense for the procurement of property or services to be used outside the United States in support of a contingency operation, is in force, the Secretary shall require a competition advocate of the Department of Defense to conduct an annual review of each such contract.

(c) ANNUAL REPORT ON CONTRACTING IN IRAQ AND AFGHANISTAN.—Section 863(a)(2) of the National Defense Authorization Act for Fiscal Year 2008 (110-181; 10 U.S.C. 2302 note) is amended—

(1) by redesignating subparagraphs (F) through (H) as subparagraphs (G) through (I), respectively; and

(2) by inserting after subparagraph (E) the following new subparagraph:

“(F) Percentage of contracts awarded on a competitive basis as compared to established goals for competition in contingency contracting actions.”.

**SEC. 845. INCLUSION OF ASSOCIATED SUPPORT SERVICES IN RAPID ACQUISITION AND DEPLOYMENT PROCEDURES FOR SUPPLIES.**

(a) INCLUSION.—Section 806 of the Bob Stump National Defense Authorization Act for Fiscal Year 2003 (10 U.S.C. 2302 note) is amended by striking “supplies” each place it appears (other than subsections (a)(1)(B) and (f)) and inserting “supplies and associated support services”.

(b) DEFINITION.—Such section is further amended by adding at the end the following new subsection:

“(g) ASSOCIATED SUPPORT SERVICES DEFINED.—In this section, the term ‘associated support services’ means training, operation, maintenance, and support services needed in connection with the deployment of supplies to be acquired pursuant to the authority of this section. The term does not include functions that are inherently governmental or otherwise exempted from private sector performance.”.

(c) LIMITATION ON AVAILABILITY OF AUTHORITY.—The authority to acquire associated support services pursuant to section 806 of the Bob Stump National Defense Authorization Act for Fiscal Year 2003, as amended by this section, shall not take effect until the Secretary of Defense certifies to the congressional defense committees that the Secretary has developed and implemented an expedited review process in compliance with the requirements of section 804 of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (Public Law 111-383; 124 Stat. 4256; 10 U.S.C. 2302 note).

**SEC. 846. JOINT URGENT OPERATIONAL NEEDS FUND TO RAPIDLY MEET URGENT OPERATIONAL NEEDS.**

(a) ESTABLISHMENT OF FUND.—

(1) IN GENERAL.—Chapter 131 of title 10, United States Code, is amended by inserting after section 2216 the following new section:

**“§ 2216a. Rapidly meeting urgent needs: Joint Urgent Operational Needs Fund**

“(a) ESTABLISHMENT.—There is established in the Treasury an account to be known as the ‘Joint Urgent Operational Needs Fund’ (in this section referred to as the ‘Fund’).

“(b) ELEMENTS.—The Fund shall consist of the following:

“(1) Amounts appropriated to the Fund.

“(2) Amounts transferred to the Fund.

“(3) Any other amounts made available to the Fund by law.

“(c) USE OF FUNDS.—(1) Amounts in the Fund shall be available to the Secretary of Defense for capabilities that are determined by the Secretary, pursuant to the review process required by section 804(b) of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (10 U.S.C. 2302 note), to be suitable for rapid fielding in response to urgent operational needs.

“(2) The Secretary shall establish a merit-based process for identifying equipment, supplies, services, training, and facilities suitable for funding through the Fund.

“(3) Nothing in this section shall be interpreted to require or enable any official of the Department of Defense to provide funding under this section pursuant to a congressional earmark, as defined in clause 9 of Rule XXI of the Rules of the House of Representatives, or a congressionally directed spending item, as defined in paragraph 5 of Rule XLIV of the Standing Rules of the Senate.

“(d) TRANSFER AUTHORITY.—(1) Amounts in the Fund may be transferred by the Secretary of Defense from the Fund to any of the following accounts of the Department of Defense to accomplish the purpose stated in subsection (c):

“(A) Operation and maintenance accounts.

“(B) Procurement accounts.

“(C) Research, development, test, and evaluation accounts.

“(2) Upon determination by the Secretary that all or part of the amounts transferred from the Fund under paragraph (1) are not necessary for the purpose for which transferred, such amounts may be transferred back to the Fund.

“(3) The transfer of an amount to an account under the authority in paragraph (1) shall be deemed to increase the amount authorized for such account by an amount equal to the amount so transferred.

“(4) The transfer authority provided by paragraphs (1) and (2) is in addition to any other transfer authority available to the Department of Defense by law.

“(e) SUNSET.—The authority to make expenditures or transfers from the Fund shall expire on the last day of the third fiscal year that begins after the date of the enactment of the National Defense Authorization Act for Fiscal Year 2012.”

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 131 of such title is amended by inserting after the item relating to section 2216 the following new item:

“2216a. Rapidly meeting urgent needs: Joint Urgent Operational Needs Fund.”

(b) LIMITATION ON COMMENCEMENT OF EXPENDITURES FROM FUND.—No expenditure may be made from the Joint Urgent Operational Needs Fund established by section 2216a of title 10, United States Code (as added by subsection (a)), until the Secretary of Defense certifies to the congressional defense committees that the Secretary has developed and implemented an expedited review process in compliance with the requirements of section 804 of the Ike Skelton National

Defense Authorization Act for Fiscal Year 2011 (Public Law 111-383; 124 Stat. 4256; 10 U.S.C. 2302 note).

**Subtitle E—Defense Industrial Base Matters**

**SEC. 851. ASSESSMENT OF THE DEFENSE INDUSTRIAL BASE PILOT PROGRAM.**

(a) REPORT.—Not later than March 1, 2012, the Secretary of Defense shall submit to the congressional defense committees a report on the defense industrial base pilot program of the Department of Defense.

(b) ELEMENTS.—The report required by subsection (a) shall include each of the following:

(1) A quantitative and qualitative analysis of the effectiveness of the defense industrial base pilot program.

(2) An assessment of the legal, policy, or regulatory challenges associated with effectively executing the pilot program.

(3) Recommendations for changes to the legal, policy, or regulatory framework for the pilot program to make it more effective.

(4) A description of any plans to expand the pilot program, including to other sectors beyond the defense industrial base.

(5) An assessment of the potential legal, policy, or regulatory challenges associated with expanding the pilot program.

(6) Any other matters the Secretary considers appropriate.

(c) FORM.—The report required under this section shall be submitted in unclassified form, but may include a classified annex.

**SEC. 852. STRATEGY FOR SECURING THE DEFENSE SUPPLY CHAIN AND INDUSTRIAL BASE.**

(a) REPORT REQUIRED.—The Secretary of Defense shall ensure that the annual report to Congress on the defense industrial base submitted for fiscal year 2012 pursuant to section 2504 of title 10, United States Code, includes a description of, and a status report on, the sector-by-sector, tier-by-tier assessment of the industrial base undertaken by the Department of Defense.

(b) CONTENTS OF REPORT.—The report required by subsection (a) shall include, at a minimum, a description of the steps taken and planned to be taken—

(1) to identify current and emerging sectors of the defense industrial base that are critical to the national security of the United States;

(2) in each sector, to identify items that are critical to military readiness, including key components, subcomponents, and materials;

(3) to examine the structure of the industrial base, including the competitive landscape, relationships, risks, and opportunities within that structure;

(4) to map the supply chain for critical items identified under paragraph (2) in a manner that provides the Department of Defense visibility from raw material to final products;

(5) to perform a risk assessment of the supply chain for such critical items and conduct an evaluation of the extent to which—

(A) the supply chain for such items is subject to disruption by factors outside the control of the Department of Defense; and

(B) such disruption would adversely affect the ability of the Department of Defense to fill its national security mission.

(c) STRATEGY REQUIRED.—Based on the findings from the sector-by-sector, tier-by-tier assessment, as described in the report required by subsection (a), the Secretary of Defense shall develop a defense supply chain and industrial base strategy to ensure the continued availability of items that are determined by the Secretary to be critical to

military readiness and to be subject to significant supply chain risk. The strategy shall be based on a prioritized assessment of risks and challenges to the defense supply chain and industrial base and shall, at a minimum, address—

(1) mitigation strategies needed to address any gaps or vulnerabilities in the relevant sectors of the defense industrial base;

(2) the need for timely mobilization and capacity in such sectors of the defense industrial base; and

(2) any other steps needed to foster and safeguard such sectors of the defense industrial base.

(d) FOLLOW-UP REVIEW.—The Secretary of Defense shall ensure that the annual report to Congress on the defense industrial base submitted for each of fiscal years 2013, 2014, and 2015 includes an update on the steps taken by the Department of Defense to act on the findings of the sector-by-sector, tier-by-tier assessment of the industrial base and implement the strategy required by subsection (c). Such updates shall, at a minimum—

(1) be conducted based on current mapping of the supply chain and industrial base structure, including an analysis of the competitive landscape, relationships, risks, and opportunities within that structure; and

(2) take into account any changes or updates to the National Defense Strategy, National Military Strategy, national counterterrorism policy, homeland security policy, and applicable operational or contingency plans.

**SEC. 853. ASSESSMENT OF FEASIBILITY AND AVAILABILITY OF ESTABLISHMENT OF RARE EARTH MATERIAL INVENTORY.**

(a) REQUIREMENT.—Not later than 180 days after the date of the enactment of this Act, the Administrator of the Defense Logistics Agency Strategic Materials shall submit to the Secretary of Defense an assessment of the feasibility and advisability of establishing an inventory of rare earth materials necessary to ensure the long-term availability of such rare earth materials. The assessment shall—

(1) identify and describe the steps necessary to create an inventory of rare earth materials, including oxides, metals, alloys, and magnets, to support national defense requirements and ensure reliable sources of such materials for defense purposes;

(2) provide a detailed cost-benefit analysis of creating such an inventory in accordance with Office of Management and Budget Circular A-94;

(3) provide an analysis of the potential market effects, including effects on the pricing and commercial availability of such rare earth materials, associated with creating such an inventory;

(4) identify and describe the mechanisms available to the Administrator to make such an inventory accessible, including by purchase, to entities requiring such rare earth materials to support national defense requirements, including producers of end items containing rare earth materials;

(5) provide a detailed explanation of the ability of the Administrator to authorize the sale of excess materials to support a Rare Earth Material Stockpile Inventory Program;

(6) analyze any potential requirements to amend or revise the Defense Logistics Agency Strategic Materials Annual Material Plan for Fiscal Year 2012 and subsequent years to reflect an inventory of rare earth materials to support national defense requirements;

(7) identify and describe the steps necessary to develop or maintain a competitive, multi-source supply-chain to avoid reliance on a single source of supply;

(8) identify and describe supply sources considered by the Administrator to be reliable, including an analysis of the capabilities of such sources to produce such materials in forms required for military applications in the next five years, as well as the security of upstream supply for these sources of material; and

(9) include such other considerations and recommendations as necessary to support the establishment of such inventory.

(b) FINDINGS AND RECOMMENDATIONS.—

(1) IN GENERAL.—Not later than 90 days after the date on which the assessment is submitted under subsection (a), the Secretary of Defense shall submit to the congressional defense committees—

(A) the findings and recommendations from the assessment required under subsection (a);

(B) a description of any actions the Secretary intends to take regarding the plans, strategies, policies, regulations, or resourcing of the Department of Defense as a result of the findings and recommendations from such assessment; and

(C) any recommendations for legislative or regulatory changes needed to ensure the long-term availability of such rare earth materials.

(c) DEFINITIONS.—In this section:

(1) The term “rare earth” means any of the following chemical elements in any of their physical forms or chemical combinations and alloys:

- (A) Scandium.
- (B) Yttrium.
- (C) Lanthanum.
- (D) Cerium.
- (E) Praseodymium.
- (F) Neodymium.
- (G) Promethium.
- (H) Samarium.
- (I) Europium.
- (J) Gadolinium.
- (K) Terbium.
- (L) Dysprosium.
- (M) Holmium.
- (N) Erbium.
- (O) Thulium.
- (P) Ytterbium.
- (Q) Lutetium.

(2) The term “capability” means the required facilities, manpower, technological knowledge, and intellectual property necessary for the efficient and effective production of rare earth materials.

**SEC. 854. DEPARTMENT OF DEFENSE ASSESSMENT OF INDUSTRIAL BASE FOR NIGHT VISION IMAGE INTENSIFICATION SENSORS.**

(a) ASSESSMENT REQUIRED.—The Under Secretary of Defense for Acquisition, Technology, and Logistics shall undertake an assessment of the current and long-term availability within the United States and international industrial base of critical equipment, components, subcomponents, and materials (including, but not limited to, lenses, tubes, and electronics) needed to support current and future United States military requirements for night vision image intensification sensors. In carrying out the assessment, the Secretary shall—

(1) identify items in connection with night vision image intensification sensors that the Secretary determines are critical to military readiness, including key components, subcomponents, and materials;

(2) describe and perform a risk assessment of the supply chain for items identified under

paragraph (1) and evaluate the extent to which—

(A) the supply chain for such items could be disrupted by a loss of industrial capability in the United States; and

(B) the industrial base obtains such items from foreign sources;

(3) describe and assess current and future investment, gaps, and vulnerabilities in the ability of the Department to respond to the potential loss of domestic or international sources that provide items identified under paragraph (1); and

(4) identify and assess current strategies to leverage innovative night vision image intensification technologies being pursued in both Department of Defense laboratories and the private sector for the next generation of night vision capabilities, including an assessment of the competitiveness and technological advantages of the United States night vision image intensification industrial base.

(b) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a report containing the results of the assessment required under subsection (a).

**SEC. 855. TECHNICAL AMENDMENT RELATING TO RESPONSIBILITIES OF DEPUTY ASSISTANT SECRETARY OF DEFENSE FOR MANUFACTURING AND INDUSTRIAL BASE POLICY.**

Section 139e(b)(12) of title 10, United States Code, is amended by striking “titles I and II” and inserting “titles I and III”.

**Subtitle F—Other Matters**

**SEC. 861. CLARIFICATION OF JURISDICTION OF THE UNITED STATES DISTRICT COURTS TO HEAR BID PROTEST DISPUTES INVOLVING MARITIME CONTRACTS.**

(a) EXCLUSIVE JURISDICTION.—Section 1491(b) of title 28, United States Code, is amended by adding at the end the following new paragraph:

“(6) Jurisdiction over any action described in paragraph (1) arising out of a maritime contract, or a solicitation for a proposed maritime contract, shall be governed by this section and shall not be subject to the jurisdiction of the district courts of the United States under the Suits in Admiralty Act (chapter 309 of title 46) or the Public Vessels Act (chapter 311 of title 46).”

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to any cause of action filed on or after the first day of the first month beginning more than 30 days after the date of the enactment of this Act.

**SEC. 862. ENCOURAGEMENT OF CONTRACTOR SCIENCE, TECHNOLOGY, ENGINEERING, AND MATH (STEM) PROGRAMS.**

(a) IN GENERAL.—The Under Secretary of Defense for Acquisition, Technology, and Logistics shall develop programs and incentives to ensure that Department of Defense contractors take appropriate steps to—

(1) enhance undergraduate, graduate, and doctoral programs in science, technology, engineering and math (in this section referred to as “STEM” disciplines);

(2) make investments, such as programming and curriculum development, in STEM programs within elementary and secondary schools;

(3) encourage employees to volunteer in Title I schools in order to enhance STEM education and programs;

(4) make personnel available to advise and assist faculty at such colleges and universities in the performance of STEM research and disciplines critical to the functions of the Department of Defense;

(5) establish partnerships between the offeror and historically Black colleges and universities and minority institutions for the purpose of training students in scientific disciplines;

(6) award scholarships and fellowships, and establish cooperative work-education programs in scientific disciplines; or

(7) conduct recruitment activities at historically black colleges and universities and other minority-serving institutions or offer internships or apprenticeships.

(b) IMPLEMENTATION.—Not later than 270 days after the date of the enactment of this Act, the Under Secretary shall submit to the congressional defense committees a report on the steps taken to implement the requirements of this section.

**SEC. 863. SENSE OF CONGRESS AND REPORT ON AUTHORITIES AVAILABLE TO THE DEPARTMENT OF DEFENSE FOR MULTIYEAR CONTRACTS FOR THE PURCHASE OF ALTERNATIVE FUELS.**

(a) FINDINGS.—Congress makes the following findings:

(1) The procurement of alternative fuels by the Department of Defense through the use of long-term contracts can provide stability for industry, which could attract investment needed to develop alternative fuel sources.

(2) In appropriate circumstances, and with appropriate protections, the use of long-term contracts for alternative fuels can be in the best interest of the Department if the costs of these contracts are competitive with other fuel contracts.

(3) The Department has asked for the authority to enter into long-term contracts for alternative fuels.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the Department of Defense should continue to pursue long-term contracting authority for alternative fuels, as well as traditional fuels, if the contracts will satisfy military requirements and result in equal or less cost to the Department over their duration.

(c) REPORT.—Not later than 120 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report on the authorities currently available to the Department of Defense for multiyear contracts for the purchase of alternative fuels, including advanced biofuels. The report shall include a description of such additional authorities, if any, as the Secretary considers appropriate to authorize the Department to enter into contracts for the purchase of alternative fuels, including advanced biofuels, of sufficient length to reduce the impact to the Department of future price or supply shocks in the petroleum market, to benefit taxpayers, and to reduce United States dependence on foreign oil.

**SEC. 864. ACQUISITION WORKFORCE IMPROVEMENTS.**

(a) WORKFORCE IMPROVEMENTS.—Section 1704(b) of title 41, United States Code, is amended—

(1) by inserting after the first sentence the following: “The Associate Administrator shall be chosen on the basis of demonstrated knowledge and expertise in acquisition, human capital, and management.”;

(2) by striking “The Associate Administrator for Acquisition Workforce Programs shall be located in the Federal Acquisition Institute (or its successor).” and inserting “The Associate Administrator shall be located in the Office of Federal Procurement Policy.”;

(3) in paragraph (4), by striking “; and” and inserting a semicolon;

(4) by redesignating paragraph (5) as paragraph (6); and

(5) by inserting after paragraph (4) the following new paragraph:

“(5) implementing workforce programs under subsections (f) through (l) of section 1703 of this title; and”.

(b) **FEDERAL ACQUISITION INSTITUTE.**—

(1) **IN GENERAL.**—Division B of subtitle I of title 41, United States Code, is amended by inserting after chapter 11 the following new chapter:

**“CHAPTER 12—FEDERAL ACQUISITION INSTITUTE**

“Sec.

“1201. Federal Acquisition Institute.

**“§ 1201. Federal Acquisition Institute**

“(a) **IN GENERAL.**—There is established a Federal Acquisition Institute (FAI) in order to—

“(1) foster and promote the development of a professional acquisition workforce Government-wide;

“(2) promote and coordinate Government-wide research and studies to improve the procurement process and the laws, policies, methods, regulations, procedures, and forms relating to acquisition by the executive agencies;

“(3) collect data and analyze acquisition workforce data from the Office of Personnel Management, the heads of executive agencies, and, through periodic surveys, from individual employees;

“(4) periodically analyze acquisition career fields to identify critical competencies, duties, tasks, and related academic prerequisites, skills, and knowledge;

“(5) coordinate and assist agencies in identifying and recruiting highly qualified candidates for acquisition fields;

“(6) develop instructional materials for acquisition personnel in coordination with private and public acquisition colleges and training facilities;

“(7) evaluate the effectiveness of training and career development programs for acquisition personnel;

“(8) promote the establishment and utilization of academic programs by colleges and universities in acquisition fields;

“(9) facilitate, to the extent requested by agencies, interagency intern and training programs;

“(10) collaborate with other civilian agency acquisition training programs to leverage training supporting all members of the civilian agency acquisition workforce;

“(11) assist civilian agencies with their acquisition and capital planning efforts; and

“(12) perform other career management or research functions as directed by the Administrator.

“(b) **BUDGET RESOURCES AND AUTHORITY.**—

“(1) **IN GENERAL.**—The Administrator shall recommend to the Administrator of General Services sufficient budget resources and authority for the Federal Acquisition Institute to support Government-wide training standards and certification requirements necessary to enhance the mobility and career opportunities of the Federal acquisition workforce.

“(2) **ACQUISITION WORKFORCE TRAINING FUND.**—Subject to the availability of funds, the Administrator of General Services shall provide the Federal Acquisition Institute with amounts from the acquisition workforce training fund established under section 1703(i) of this title sufficient to meet the annual budget for the Federal Acquisition Institute requested by the Administrator under paragraph (1).

“(c) **FEDERAL ACQUISITION INSTITUTE BOARD OF DIRECTORS.**—

“(1) **REPORTING TO ADMINISTRATOR.**—The Federal Acquisition Institute shall report through its Board of Directors directly to the Administrator.

“(2) **COMPOSITION.**—The Board shall be composed of not more than 8 individuals from the Federal Government representing a mix of acquisition functional areas, all of whom shall be appointed by the Administrator.

“(3) **DUTIES.**—The Board shall provide general direction to the Federal Acquisition Institute to ensure that the Institute—

“(A) meets its statutory requirements;

“(B) meets the needs of the Federal acquisition workforce;

“(C) implements appropriate programs;

“(D) coordinates with appropriate organizations and groups that have an impact on the Federal acquisition workforce;

“(E) develops and implements plans to meet future challenges of the Federal acquisition workforce; and

“(F) works closely with the Defense Acquisition University.

“(4) **RECOMMENDATIONS.**—The Board shall make recommendations to the Administrator regarding the development and execution of the annual budget of the Federal Acquisition Institute.

“(d) **DIRECTOR.**—The Director of the Federal Acquisition Institute shall be appointed by, be subject to the direction and control of, and report directly to the Administrator.

“(e) **ANNUAL REPORT.**—The Administrator shall submit to the Committee on Homeland Security and Governmental Affairs and the Committee on Appropriations of the Senate and the Committee on Oversight and Government Reform and the Committee on Appropriations of the House of Representatives an annual report on the projected budget needs and expense plans of the Federal Acquisition Institute to fulfill its mandate.”.

(2) **CLERICAL AMENDMENT.**—The table of contents at the beginning of subtitle I of such title is amended by inserting after the item relating to chapter 11 the following new item:

**“12. Federal Acquisition Institute ..... 1201.”**

(3) **CONFORMING AMENDMENT.**—Paragraph (5) of section 1122(a) of such title is amended to read as follows:

“(5) providing for and directing the activities of the Federal Acquisition Institute established under section 1201 of this title, including recommending to the Administrator of General Services a sufficient budget for such activities.”.

(c) **GOVERNMENT-WIDE TRAINING STANDARDS AND CERTIFICATION.**—Section 1703 of such title is amended—

(1) in subsection (c)(2)—

(A) by striking “The Administrator shall” and inserting the following:

“(A) **IN GENERAL.**—The Administrator shall”; and

(B) by adding at the end the following:

“(B) **GOVERNMENT-WIDE TRAINING STANDARDS AND CERTIFICATION.**—The Administrator, acting through the Federal Acquisition Institute, shall provide and update government-wide training standards and certification requirements, including—

“(i) developing and modifying acquisition certification programs;

“(ii) ensuring quality assurance for agency implementation of government-wide training and certification standards;

“(iii) analyzing the acquisition training curriculum to ascertain if all certification competencies are covered or if adjustments are necessary;

“(iv) developing career path information for certified professionals to encourage retention in government positions;

“(v) coordinating with the Office of Personnel Management for human capital efforts; and

“(vi) managing rotation assignments to support opportunities to apply skills included in certification.”; and

(2) by adding at the end the following new subsection:

“(1) **ACQUISITION INTERNSHIP AND TRAINING PROGRAMS.**—All Federal civilian agency acquisition internship or acquisition training programs shall follow guidelines provided by the Office of Federal Procurement Policy to ensure consistent training standards necessary to develop uniform core competencies throughout the Federal Government.”.

(d) **EXPANDED SCOPE OF ACQUISITION WORKFORCE TRAINING FUND.**—Section 1703(i) of such title is amended—

(1) in paragraph (2), by striking “to support the training of the acquisition workforce of the executive agencies” and inserting “to support the activities set forth in section 1201(a) of this title”; and

(2) in paragraph (6), by striking “ensure that amounts collected for training under this subsection are not used for a purpose other than the purpose specified in paragraph (2)” and inserting “ensure that amounts collected under this section are not used for a purpose other than the activities set forth in section 1201(a) of this title”.

(e) **RULE OF CONSTRUCTION.**—Nothing in this section, or the amendments made by this section, shall be construed to preclude the Secretary of Defense from establishing acquisition workforce policies, procedures, training standards, and certification requirements for acquisition positions in the Department of Defense, as provided in chapter 87 of title 10, United States Code.

**SEC. 865. MODIFICATION OF DELEGATION OF AUTHORITY TO MAKE DETERMINATIONS ON ENTRY INTO COOPERATIVE RESEARCH AND DEVELOPMENT AGREEMENTS WITH NATO AND OTHER FRIENDLY ORGANIZATIONS AND COUNTRIES.**

Section 2350a(b)(2) of title 10, United States Code, is amended by striking “and to one other official of the Department of Defense” and inserting “, the Under Secretary of Defense for Acquisition, Technology, and Logistics, and the Assistant Secretary of Defense for Research and Engineering”.

**SEC. 866. THREE-YEAR EXTENSION OF TEST PROGRAM FOR NEGOTIATION OF COMPREHENSIVE SMALL BUSINESS SUBCONTRACTING PLANS.**

(a) **THREE-YEAR EXTENSION.**—Subsection (e) of section 834 of the National Defense Authorization Act for Fiscal Years 1990 and 1991 (15 U.S.C. 637 note) is amended by striking “September 30, 2011” and inserting “December 31, 2014”.

(b) **ADDITIONAL REPORT.**—Subsection (f) of such section is amended by inserting “and March 1, 2012,” after “March 1, 1994,”.

**SEC. 867. FIVE-YEAR EXTENSION OF DEPARTMENT OF DEFENSE MENTOR-PROTEGE PROGRAM.**

Section 831(j) of the National Defense Authorization Act for Fiscal Year 1991 (10 U.S.C. 2302 note) is amended—

(1) in paragraph (1), by striking “September 30, 2010” and inserting “September 30, 2015”; and

(2) in paragraph (2), by striking “September 30, 2013” and inserting “September 30, 2018”.

# **TITLE IX—DEPARTMENT OF DEFENSE ORGANIZATION AND MANAGEMENT**

## **Subtitle A—Department of Defense Management**

- Sec. 901. Revision of defense business systems requirements.
- Sec. 902. Qualifications for appointments to the position of Deputy Secretary of Defense.
- Sec. 903. Designation of Department of Defense senior official with principal responsibility for airship programs.
- Sec. 904. Memoranda of agreement on identification and dedication of enabling capabilities of general purpose forces to fulfill certain requirements of special operations forces.
- Sec. 905. Assessment of Department of Defense access to non-United States citizens with scientific and technical expertise vital to the national security interests.
- Sec. 906. Sense of Congress on use of modeling and simulation in Department of Defense activities.
- Sec. 907. Sense of Congress on ties between Joint Warfighting and Coalition Center and Allied Command Transformation of NATO.
- Sec. 908. Report on effects of planned reductions of personnel at the Joint Warfare Analysis Center on personnel skills.

## **Subtitle B—Space Activities**

- Sec. 911. Harmful interference to Department of Defense Global Positioning System.
- Sec. 912. Authority to designate increments or blocks of satellites as major subprograms subject to acquisition reporting requirements.

## **Subtitle C—Intelligence-Related Matters**

- Sec. 921. Report on implementation of recommendations by the Comptroller General on intelligence information sharing.
- Sec. 922. Insider threat detection.
- Sec. 923. Expansion of authority for exchanges of mapping, charting, and geodetic data to include nongovernmental organizations and academic institutions.
- Sec. 924. Ozone Widget Framework.
- Sec. 925. Plan for incorporation of enterprise query and correlation capability into the Defense Intelligence Information Enterprise.
- Sec. 926. Facilities for intelligence collection or special operations activities abroad.

## **Subtitle D—Total Force Management**

- Sec. 931. General policy for total force management.
- Sec. 932. Revisions to Department of Defense civilian personnel management constraints.
- Sec. 933. Additional amendments relating to total force management.
- Sec. 934. Modifications of annual defense manpower requirements report.
- Sec. 935. Revisions to strategic workforce plan.
- Sec. 936. Amendments to requirement for inventory of contracts for services.
- Sec. 937. Preliminary planning and duration of public-private competitions.
- Sec. 938. Conversion of certain functions from contractor performance to performance by Department of Defense civilian employees.

## **Subtitle E—Quadrennial Roles and Missions and Related Matters**

- Sec. 941. Chairman of the Joint Chiefs of Staff assessment of contingency plans.
- Sec. 942. Quadrennial defense review.

## **Subtitle F—Other Matters**

- Sec. 951. Activities to improve multilateral, bilateral, and regional cooperation regarding cybersecurity.
- Sec. 952. Report on United States Special Operations Command structure.
- Sec. 953. Strategy to acquire capabilities to detect previously unknown cyber attacks.
- Sec. 954. Military activities in cyberspace.

## **Subtitle A—Department of Defense Management**

### **SEC. 901. REVISION OF DEFENSE BUSINESS SYSTEMS REQUIREMENTS.**

Section 2222 of title 10, United States Code, is amended to read as follows:

#### **“§ 2222. Defense business systems: architecture, accountability, and modernization**

“(a) CONDITIONS FOR OBLIGATION OF FUNDS FOR COVERED DEFENSE BUSINESS SYSTEM PROGRAMS.—Funds available to the Department of Defense, whether appropriated or non-appropriated, may not be obligated for a defense business system program that will have a total cost in excess of \$1,000,000 over the period of the current future-years defense program submitted to Congress under section 221 of this title unless—

“(1) the appropriate pre-certification authority for the covered defense business system program has determined that—

“(A) the defense business system program is in compliance with the enterprise architecture developed under subsection (c) and appropriate business process re-engineering efforts have been undertaken to ensure that—

“(i) the business process supported by the defense business system program is or will be as streamlined and efficient as practicable; and

“(ii) the need to tailor commercial-off-the-shelf systems to meet unique requirements or incorporate unique requirements or incorporate unique interfaces has been eliminated or reduced to the maximum extent practicable;

“(B) the defense business system program is necessary to achieve a critical national security capability or address a critical requirement in an area such as safety or security; or

“(C) the defense business system program is necessary to prevent a significant adverse effect on a project that is needed to achieve an essential capability, taking into consideration the alternative solutions for preventing such adverse effect;

“(2) the covered defense business system program has been reviewed and certified by the investment review board established under subsection (g); and

“(3) the certification of the investment review board under paragraph (2) has been approved by the Defense Business Systems Management Committee established by section 186 of this title.

“(b) OBLIGATION OF FUNDS IN VIOLATION OF REQUIREMENTS.—The obligation of Department of Defense funds for a covered defense business system program that has not been certified and approved in accordance with subsection (a) is a violation of section 1341(a)(1)(A) of title 31.

“(c) ENTERPRISE ARCHITECTURE FOR DEFENSE BUSINESS SYSTEMS.—(1) The Secretary of Defense, acting through the Defense Busi-

ness Systems Management Committee, shall develop—

“(A) an enterprise architecture, known as the defense business enterprise architecture, to cover all defense business systems, and the functions and activities supported by defense business systems, which shall be sufficiently defined to effectively guide, constrain, and permit implementation of interoperable defense business system solutions and consistent with the policies and procedures established by the Director of the Office of Management and Budget; and

“(B) a transition plan for implementing the defense business enterprise architecture.

“(2) The Secretary of Defense shall delegate responsibility and accountability for the defense business enterprise architecture content, including unambiguous definitions of functional processes, business rules, and standards, as follows:

“(A) The Under Secretary of Defense for Acquisition, Technology, and Logistics shall be responsible and accountable for the content of those portions of the defense business enterprise architecture that support acquisition, logistics, installations, environment, or safety and occupational health activities of the Department of Defense.

“(B) The Under Secretary of Defense (Comptroller) shall be responsible and accountable for the content of those portions of the defense business enterprise architecture that support financial management activities or strategic planning and budgeting activities of the Department of Defense.

“(C) The Under Secretary of Defense for Personnel and Readiness shall be responsible and accountable for the content of those portions of the defense business enterprise architecture that support human resource management activities of the Department of Defense.

“(D) The Chief Information Officer of the Department of Defense shall be responsible and accountable for the content of those portions of the defense business enterprise architecture that support information technology infrastructure or information assurance activities of the Department of Defense.

“(E) The Deputy Chief Management Officer of the Department of Defense shall be responsible and accountable for developing and maintaining the defense business enterprise architecture as well as integrating business operations covered by subparagraphs (A) through (D).

“(d) COMPOSITION OF ENTERPRISE ARCHITECTURE.—The defense business enterprise architecture developed under subsection (c)(1)(A) shall include the following:

“(1) An information infrastructure that, at a minimum, would enable the Department of Defense to—

“(A) comply with all applicable law, including Federal accounting, financial management, and reporting requirements;

“(B) routinely produce timely, accurate, and reliable business and financial information for management purposes;

“(C) integrate budget, accounting, and program information and systems; and

“(D) provide for the systematic measurement of performance, including the ability to produce timely, relevant, and reliable cost information.

“(2) Policies, procedures, data standards, performance measures, and system interface requirements that are to apply uniformly throughout the Department of Defense.

“(3) A target defense business systems computing environment, compliant with the defense business enterprise architecture, for



each of the major business processes conducted by the Department of Defense, as determined by the Chief Management Officer of the Department of Defense.

“(e) COMPOSITION OF TRANSITION PLAN.—The transition plan developed under subsection (c)(1)(B) shall include the following:

“(1) A listing of the new systems that are expected to be needed to complete the defense business enterprise architecture, along with each system’s time-phased milestones, performance measures, financial resource needs, and risks or challenges to integration into the business enterprise architecture.

“(2) A listing of the defense business systems existing as of September 30, 2011 (known as ‘legacy systems’) that will not be part of the defense business enterprise architecture, together with the schedule for terminating those legacy systems that provides for reducing the use of those legacy systems in phases.

“(3) A listing of the legacy systems (referred to in subparagraph (B)) that will be a part of the target defense business systems computing environment described in subsection (d)(3), together with a strategy for making the modifications to those systems that will be needed to ensure that such systems comply with the defense business enterprise architecture, including time-phased milestones, performance measures, and financial resource needs.

“(f) DESIGNATION OF APPROPRIATE PRE-CERTIFICATION AUTHORITIES AND SENIOR OFFICIALS.—(1) For purposes of subsections (a) and (g), the appropriate pre-certification authority for a defense business system program is as follows:

“(A) In the case of an Army program, the Chief Management Officer of the Army.

“(B) In the case of a Navy program, the Chief Management Officer of the Navy.

“(C) In the case of an Air Force program, the Chief Management Officer of the Air Force.

“(D) In the case of a program of a Defense Agency, the Director, or equivalent, of such Defense Agency, unless otherwise approved by the Deputy Chief Management Officer of the Department of Defense.

“(E) In the case of a program that will support the business processes of more than one military department or Defense Agency, an appropriate pre-certification authority designated by the Deputy Chief Management Officer of the Department of Defense.

“(2) For purposes of subsection (g), the appropriate senior official of the Department of Defense for the functions and activities supported by a covered defense business system is as follows:

“(A) The Under Secretary of Defense for Acquisition, Technology, and Logistics, in the case of any defense business system the primary purpose of which is to support acquisition, logistics, installations, environment, or safety and occupational health activities of the Department of Defense.

“(B) The Under Secretary of Defense (Comptroller), in the case of any defense business system the primary purpose of which is to support financial management activities or strategic planning and budgeting activities of the Department of Defense.

“(C) The Under Secretary of Defense for Personnel and Readiness, in the case of any defense business system the primary purpose of which is to support human resource management activities of the Department of Defense.

“(D) The Chief Information Officer of the Department of Defense, in the case of any de-

fense business system the primary purpose of which is to support information technology infrastructure or information assurance activities of the Department of Defense.

“(E) The Deputy Chief Management Officer of the Department of Defense, in the case of any defense business system the primary purpose of which is to support any activity of the Department of Defense not covered by subparagraphs (A) through (D).

“(g) DEFENSE BUSINESS SYSTEM INVESTMENT REVIEW.—(1) The Secretary of Defense shall require the Deputy Chief Management Officer of the Department of Defense, not later than March 15, 2012, to establish an investment review board and investment management process, consistent with section 1132 of title 40, to review and certify the planning, design, acquisition, development, deployment, operation, maintenance, modernization, and project cost benefits and risks of covered defense business systems programs. The investment review board and investment management process so established shall specifically address the requirements of subsection (a).

“(2) The review of defense business systems programs under the investment management process shall include the following:

“(A) Review and approval by an investment review board of each covered defense business system program before the obligation of funds on the system in accordance with the requirements of subsection (a).

“(B) Periodic review, but not less than annually, of all covered defense business system programs, grouped in portfolios of defense business systems.

“(C) Representation on each investment review board by appropriate officials from among the Office of the Secretary of Defense, the armed forces, the combatant commands, the Joint Chiefs of Staff, and the Defense Agencies, including representation from each of the following:

“(i) The appropriate pre-certification authority for the defense business system under review.

“(ii) The appropriate senior official of the Department of Defense for the functions and activities supported by the defense business system under review.

“(iii) The Chief Information Officer of the Department of Defense.

“(D) Use of threshold criteria to ensure an appropriate level of review within the Department of Defense of, and accountability for, defense business system programs depending on scope, complexity, and cost.

“(E) Use of procedures for making certifications in accordance with the requirements of subsection (a).

“(F) Use of procedures for ensuring consistency with the guidance issued by the Secretary of Defense and the Defense Business Systems Management Committee, as required by section 186(c) of this title, and incorporation of common decision criteria, including standards, requirements, and priorities that result in the integration of defense business systems.

“(h) BUDGET INFORMATION.—In the materials that the Secretary submits to Congress in support of the budget submitted to Congress under section 1105 of title 31 for fiscal year 2006 and fiscal years thereafter, the Secretary of Defense shall include the following information:

“(1) Identification of each defense business system program for which funding is proposed in that budget.

“(2) Identification of all funds, by appropriation, proposed in that budget for each such program, including—

“(A) funds for current services (to operate and maintain the system covered by such program); and

“(B) funds for business systems modernization, identified for each specific appropriation.

“(3) For each such program, identification of the appropriate pre-certification authority and senior official of the Department of Defense designated under subsection (f).

“(4) For each such program, a description of each approval made under subsection (a)(3) with regard to such program.

“(i) CONGRESSIONAL REPORTS.—Not later than March 15 of each year from 2012 through 2016, the Secretary of Defense shall submit to the congressional defense committees a report on Department of Defense compliance with the requirements of this section. Each report shall—

“(1) describe actions taken and planned for meeting the requirements of subsection (a), including—

“(A) specific milestones and actual performance against specified performance measures, and any revision of such milestones and performance measures; and

“(B) specific actions on the defense business system programs submitted for certification under such subsection;

“(2) identify the number of defense business system programs so certified;

“(3) identify any covered defense business system program during the preceding fiscal year that was not approved under subsection (a), and the reasons for the lack of approval;

“(4) discuss specific improvements in business operations and cost savings resulting from successful defense business systems programs; and

“(5) include a copy of the most recent report of the Chief Management Officer of each military department on implementation of business transformation initiatives by such department in accordance with section 908 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110-417; 122 Stat. 4569; 10 U.S.C. 2222 note).

“(j) DEFINITIONS.—In this section:

“(1) The term ‘defense business system’ means an information system, other than a national security system, operated by, for, or on behalf of the Department of Defense, including financial systems, mixed systems, financial data feeder systems, and information technology and information assurance infrastructure, used to support business activities, such as acquisition, financial management, logistics, strategic planning and budgeting, installations and environment, and human resource management.

“(2) The term ‘covered defense business system program’ means any defense business system program that is expected to have a total cost in excess of \$1,000,000 over the period of the current future-years defense program submitted to Congress under section 221 of this title.

“(3) The term ‘enterprise architecture’ has the meaning given that term in section 3601(4) of title 44.

“(4) The terms ‘information system’ and ‘information technology’ have the meanings given those terms in section 11101 of title 40.

“(5) The term ‘national security system’ has the meaning given that term in section 3542(b)(2) of title 44.”

#### SEC. 902. QUALIFICATIONS FOR APPOINTMENTS TO THE POSITION OF DEPUTY SECRETARY OF DEFENSE.

Section 132(a) of title 10, United States Code, is amended by inserting after the first sentence the following new sentence: “The

Deputy Secretary shall be appointed from among persons most highly qualified for the position by reason of background and experience, including persons with appropriate management experience.”.

**SEC. 903. DESIGNATION OF DEPARTMENT OF DEFENSE SENIOR OFFICIAL WITH PRINCIPAL RESPONSIBILITY FOR AIRSHIP PROGRAMS.**

Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall—

(1) designate a senior official of the Department of Defense as the official with principal responsibility for the airship programs of the Department; and

(2) set forth the responsibilities of that senior official with respect to such programs.

**SEC. 904. MEMORANDA OF AGREEMENT ON IDENTIFICATION AND DEDICATION OF ENABLING CAPABILITIES OF GENERAL PURPOSE FORCES TO FULFILL CERTAIN REQUIREMENTS OF SPECIAL OPERATIONS FORCES.**

(a) **REQUIREMENT.**—By not later than 180 days after the date of the enactment of this Act and annually thereafter, each Secretary of a military department shall enter into a memorandum of agreement with the Commander of the United States Special Operations Command that identifies or establishes processes and associated milestones by which numbers and types of enabling capabilities of the general purpose forces of the Armed Forces under the jurisdiction of such Secretary can be identified and dedicated to fulfill the training and operational requirements of special operations forces under the United States Special Operations Command.

(b) **FORMAT.**—Such agreements may be accomplished in an annex to existing memoranda of agreement or through separate memoranda of agreement.

**SEC. 905. ASSESSMENT OF DEPARTMENT OF DEFENSE ACCESS TO NON-UNITED STATES CITIZENS WITH SCIENTIFIC AND TECHNICAL EXPERTISE VITAL TO THE NATIONAL SECURITY INTERESTS.**

(a) **ASSESSMENT REQUIRED.**—The Secretary of Defense shall conduct an assessment of current and potential mechanisms to permit the Department of Defense to employ non-United States citizens with critical scientific and technical skills that are vital to the national security interests of the United States.

(b) **ELEMENTS.**—The assessment required by subsection (a) shall include the following:

(1) An identification of the critical scientific and technical skills that are vital to the national security interests of the United States and are anticipated to be in short supply over the next 10 years, and an identification of the military positions and civilian positions of the Department of Defense that require such skills.

(2) An identification of mechanisms and incentives for attracting persons who are non-United States citizens with such skills to such positions, including the expedited extension of United States citizenship.

(3) An identification and assessment of any concerns associated with the provision of security clearances to such persons.

(4) An identification and assessment of any concerns associated with the employment of such persons in civilian positions in the United States defense industrial base, including in positions in which United States citizenship, a security clearance, or both are a condition of employment.

(c) **REPORTS.**—

(1) **STATUS REPORT.**—Not later than 180 days after the date of the enactment of this

Act, the Secretary shall submit to the congressional defense committees a report describing the current status of the assessment required by subsection (a).

(2) **FINAL REPORT.**—Not later than one year after the date of the enactment of this Act, the Secretary shall submit to the congressional defense committees a report on the assessment. The report shall set forth the following:

(A) The results of the assessment.

(B) Such recommendations for legislative or administrative action as the Secretary considers appropriate in light of the results of the assessment.

**SEC. 906. SENSE OF CONGRESS ON USE OF MODELING AND SIMULATION IN DEPARTMENT OF DEFENSE ACTIVITIES.**

It is the sense of Congress to encourage the Department of Defense to continue the use and enhancement of modeling and simulation (M&S) across the spectrum of defense activities, including acquisition, analysis, experimentation, intelligence, planning, medical, test and evaluation, and training.

**SEC. 907. SENSE OF CONGRESS ON TIES BETWEEN JOINT WARFIGHTING AND COALITION CENTER AND ALLIED COMMAND TRANSFORMATION OF NATO.**

It is the sense of Congress that the successor organization to the United States Joint Forces Command (USJFCOM), the Joint Warfighting and Coalition Center, should establish close ties with the Allied Command Transformation (ACT) command of the North Atlantic Treaty Organization (NATO).

**SEC. 908. REPORT ON EFFECTS OF PLANNED REDUCTIONS OF PERSONNEL AT THE JOINT WARFARE ANALYSIS CENTER ON PERSONNEL SKILLS.**

Not later than 120 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report setting forth a description and assessment of the effects of planned reductions of personnel at the Joint Warfare Analysis Center (JWAC) on the personnel skills to be available at the Center after the reductions. The report shall be in unclassified form, but may contain a classified annex.

**Subtitle B—Space Activities**

**SEC. 911. HARMFUL INTERFERENCE TO DEPARTMENT OF DEFENSE GLOBAL POSITIONING SYSTEM.**

(a) **FEDERAL COMMUNICATIONS COMMISSION CONDITIONS ON COMMERCIAL TERRESTRIAL OPERATIONS.**—

(1) **CONTINUATION OF CONDITIONS UNTIL INTERFERENCE ADDRESSED.**—The Federal Communications Commission shall not lift the conditions imposed on commercial terrestrial operations in the Order and Authorization adopted on January 26, 2011 (DA 11-133), or otherwise permit such operations, until the Commission has resolved concerns of widespread harmful interference by such commercial terrestrial operations to covered GPS devices.

(2) **NOTICE AND COMMENT ON WORKING GROUP REPORT.**—Prior to permitting such commercial terrestrial operations, the Federal Communications Commission shall make available the final working group report mandated by such Order and Authorization and provide all interested parties an opportunity to comment on such report.

(3) **NOTICE TO CONGRESS.**—

(A) **IN GENERAL.**—At the conclusion of the proceeding on such commercial terrestrial operations, the Federal Communications Commission shall submit to the congress-

sional committees described in subparagraph (B) official copies of the documents containing the final decision of the Commission regarding whether to permit such commercial terrestrial operations. If the decision is to permit such commercial terrestrial operations, such documents shall contain or be accompanied by an explanation of how the concerns described in paragraph (1) have been resolved.

(B) **CONGRESSIONAL COMMITTEES DESCRIBED.**—The congressional committees described in this paragraph are the following:

(i) The Committee on Energy and Commerce and the Committee on Armed Services of the House of Representatives.

(ii) The Committee on Commerce, Science, and Transportation and the Committee on Armed Services of the Senate.

(b) **SECRETARY OF DEFENSE REVIEW OF HARMFUL INTERFERENCE.**—

(1) **REVIEW.**—Not later than 90 days after the date of the enactment of this Act, and every 90 days thereafter until the date referred to in paragraph (3), the Secretary of Defense shall conduct a review to—

(A) assess the ability of covered GPS devices to receive signals from Global Positioning System satellites without widespread harmful interference; and

(B) determine if commercial communications services are causing or will cause widespread harmful interference with covered GPS devices.

(2) **NOTICE TO CONGRESS.**—

(A) **NOTICE.**—If the Secretary of Defense determines during a review under paragraph (1) that commercial communications services are causing or will cause widespread harmful interference with covered GPS devices, the Secretary shall promptly submit to the congressional defense committees notice of such interference.

(B) **CONTENTS.**—The notice required under subparagraph (A) shall include—

(i) a list and description of the covered GPS devices that are being or expected to be interfered with by commercial communications services;

(ii) a description of the source of, and the entity causing or expect to cause, the interference with such receivers;

(iii) a description of the manner in which such source or such entity is causing or expected to cause such interference;

(iv) a description of the magnitude of harm caused or expected to be caused by such interference;

(v) a description of the duration of and the conditions and circumstances under which such interference is occurring or expected to occur;

(vi) a description of the impact of such interference on the national security interests of the United States; and

(vii) a description of the plans of the Secretary to address, alleviate, or mitigate such interference, including the cost of such plans.

(C) **FORM.**—The notice required under subparagraph (A) shall be submitted in unclassified form, but may include a classified annex.

(3) **TERMINATION DATE.**—The date referred to in this paragraph is the earlier of—

(A) the date that is two years after the date of the enactment of this Act; or

(B) the date on which the Secretary—

(i) determines that commercial communications services are not causing any widespread harmful interference with covered GPS devices; and

(ii) the Secretary submits to the congressional defense committees notice of the termination made under clause (i).

(c) COVERED GPS DEVICE DEFINED.—In this section, the term “covered GPS device” means a Global Position System device of the Department of Defense.

**SEC. 912. AUTHORITY TO DESIGNATE INCREMENTS OR BLOCKS OF SATELLITES AS MAJOR SUBPROGRAMS SUBJECT TO ACQUISITION REPORTING REQUIREMENTS.**

Section 2430a(a)(1) of title 10, United States Code, is amended—

(1) by inserting “(A)” before “If the Secretary of Defense determines”; and

(2) by adding at the end the following new subparagraph:

“(B) If the Secretary of Defense determines that a major defense acquisition program to purchase satellites requires the delivery of satellites in two or more increments or blocks, the Secretary may designate each such increment or block as a major subprogram for the purposes of acquisition reporting under this chapter.”.

**Subtitle C—Intelligence-Related Matters**

**SEC. 921. REPORT ON IMPLEMENTATION OF RECOMMENDATIONS BY THE COMPTROLLER GENERAL ON INTELLIGENCE INFORMATION SHARING.**

(a) REPORT.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the appropriate congressional committees and the Comptroller General a report on actions taken by the Secretary in response to the recommendations of the Comptroller General in the report issued on January 22, 2010, titled “Intelligence, Surveillance, and Reconnaissance: Establishing Guidance, Timelines, and Accountability for Integrating Intelligence Data Would Improve Information Sharing” (GAO-10-265NI), regarding the need to develop guidance, such as a concept of operations, to provide overarching direction and priorities for sharing intelligence information across the defense elements of the intelligence community.

(b) REVIEW OF REPORT.—The Comptroller General shall submit to the appropriate congressional committees a review of the report submitted under subsection (a), including a determination by the Comptroller General as to whether the actions taken by the Secretary of Defense in response to the recommendations referred to in such subsection are consistent with and adequately address such recommendations.

(c) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term “appropriate congressional committees” means—

- (1) the congressional defense committees;
- (2) the Permanent Select Committee on Intelligence of the House of Representatives; and
- (3) the Select Committee on Intelligence of the Senate.

**SEC. 922. INSIDER THREAT DETECTION.**

(a) PROGRAM REQUIRED.—The Secretary of Defense shall establish a program for information sharing protection and insider threat mitigation for the information systems of the Department of Defense to detect unauthorized access to, use of, or transmission of classified or controlled unclassified information.

(b) ELEMENTS.—The program established under subsection (a) shall include the following:

(1) Technology solutions for deployment within the Department of Defense that allow for centralized monitoring and detection of unauthorized activities, including—

(A) monitoring the use of external ports and read and write capability controls;

(B) disabling the removable media ports of computers physically or electronically;

(C) electronic auditing and reporting of unusual and unauthorized user activities;

(D) using data-loss prevention and data-rights management technology to prevent the unauthorized export of information from a network or to render such information unusable in the event of the unauthorized export of such information;

(E) a roles-based access certification system;

(F) cross-domain guards for transfers of information between different networks; and

(G) patch management for software and security updates.

(2) Policies and procedures to support such program, including special consideration for policies and procedures related to international and interagency partners and activities in support of ongoing operations in areas of hostilities.

(3) A governance structure and process that integrates information security and sharing technologies with the policies and procedures referred to in paragraph (2). Such structure and process shall include—

(A) coordination with the existing security clearance and suitability review process;

(B) coordination of existing anomaly detection techniques, including those used in counterintelligence investigation or personnel screening activities; and

(C) updating and expediting of the classification review and marking process.

(4) A continuing analysis of—

(A) gaps in security measures under the program; and

(B) technology, policies, and processes needed to increase the capability of the program beyond the initially established full operating capability to address such gaps.

(5) A baseline analysis framework that includes measures of performance and effectiveness.

(6) A plan for how to ensure related security measures are put in place for other departments or agencies with access to Department of Defense networks.

(7) A plan for enforcement to ensure that the program is being applied and implemented on a uniform and consistent basis.

(c) OPERATING CAPABILITY.—The Secretary shall ensure the program established under subsection (a)—

(1) achieves initial operating capability not later than October 1, 2012; and

(2) achieves full operating capability not later than October 1, 2013.

(d) REPORT.—Not later than 90 days after the date of the enactment of this Act, the Secretary shall submit to the congressional defense committees a report that includes—

(1) the implementation plan for the program established under subsection (a);

(2) the resources required to implement the program;

(3) specific efforts to ensure that implementation does not negatively impact activities in support of ongoing operations in areas of hostilities;

(4) a definition of the capabilities that will be achieved at initial operating capability and full operating capability, respectively; and

(5) a description of any other issues related to such implementation that the Secretary considers appropriate.

(e) BRIEFING REQUIREMENT.—The Secretary shall provide briefings to the Committees on Armed Services of the House of Representatives and the Senate as follows:

(1) Not later than 90 days after the date of the enactment of this Act, a briefing describ-

ing the governance structure referred to in subsection (b)(3).

(2) Not later than 120 days after the date of the enactment of this Act, a briefing detailing the inventory and status of technology solutions deployment referred to in subsection (b)(1), including an identification of the total number of host platforms planned for such deployment, the current number of host platforms that provide appropriate security, and the funding and timeline for remaining deployment.

(3) Not later than 180 days after the date of the enactment of this Act, a briefing detailing the policies and procedures referred to in subsection (b)(2), including an assessment of the effectiveness of such policies and procedures and an assessment of the potential impact of such policies and procedures on information sharing within the Department of Defense and with interagency and international partners.

(f) BUDGET SUBMISSION.—On the date on which the President submits to Congress the budget under section 1105 of title 31, United States Code, for each of fiscal years 2014 through 2019, the Secretary of Defense shall submit to the congressional defense committees an identification of the resources requested in such budget to carry out the program established under subsection (a).

**SEC. 923. EXPANSION OF AUTHORITY FOR EXCHANGES OF MAPPING, CHARTING, AND GEODETIC DATA TO INCLUDE NONGOVERNMENTAL ORGANIZATIONS AND ACADEMIC INSTITUTIONS.**

(a) BROADENING OF AUTHORITY.—Section 454 of title 10, United States Code, is amended—

(1) by inserting “(a) FOREIGN COUNTRIES AND INTERNATIONAL ORGANIZATIONS.” before “The Secretary of Defense”; and

(2) by adding at the end the following new subsection:

“(b) NONGOVERNMENTAL ORGANIZATIONS AND ACADEMIC INSTITUTIONS.—The Secretary may authorize the National Geospatial-Intelligence Agency to exchange or furnish mapping, charting, and geodetic data, supplies, and services relating to areas outside of the United States to a nongovernmental organization or an academic institution engaged in geospatial information research or production of such areas pursuant to an agreement for the production or exchange of such data.”.

(b) CONFORMING AMENDMENTS.—

(1) SECTION HEADING.—The heading of such section is amended to read as follows:

**“§ 454. Exchange of mapping, charting, and geodetic data with foreign countries, international organizations, nongovernmental organizations, and academic institutions”.**

(2) TABLE OF SECTIONS.—The table of sections at the beginning of subchapter II of chapter 22 of such title is amended by striking the item relating to section 454 and inserting the following new item:

“454. Exchange of mapping, charting, and geodetic data with foreign countries, international organizations, nongovernmental organizations, and academic institutions.”.

**SEC. 924. OZONE WIDGET FRAMEWORK.**

(a) MECHANISM FOR INTERNET PUBLICATION OF INFORMATION FOR DEVELOPMENT OF ANALYSIS TOOLS AND APPLICATIONS.—The Chief Information Officer of the Department of Defense, acting through the Director of the Defense Information Systems Agency, shall implement a mechanism to publish and maintain on the public Internet the application programming interface specifications, a developer’s toolkit, source code, and such other

information on, and resources for, the Ozone Widget Framework (OWF) as the Chief Information Officer considers necessary to permit individuals and companies to develop, integrate, and test analysis tools and applications for use by the Department of Defense and the elements of the intelligence community.

(b) **PROCESS FOR VOLUNTARY CONTRIBUTION OF IMPROVEMENTS BY PRIVATE SECTOR.**—In addition to the requirement under subsection (a), the Chief Information Officer shall also establish a process by which private individuals and companies may voluntarily contribute the following:

(1) Improvements to the source code and documentation for the Ozone Widget Framework.

(2) Alternative or compatible implementations of the published application programming interface specifications for the Framework.

(c) **ENCOURAGEMENT OF USE AND DEVELOPMENT.**—The Chief Information Officer shall, whenever practicable, encourage and foster the use, support, development, and enhancement of the Ozone Widget Framework by the computer industry and commercial information technology vendors, including the development of tools that are compatible with the Framework.

**SEC. 925. PLAN FOR INCORPORATION OF ENTERPRISE QUERY AND CORRELATION CAPABILITY INTO THE DEFENSE INTELLIGENCE INFORMATION ENTERPRISE.**

(a) **PLAN REQUIRED.**—

(1) **IN GENERAL.**—The Under Secretary of Defense for Intelligence shall develop a plan for the incorporation of an enterprise query and correlation capability into the Defense Intelligence Information Enterprise (DI2E).

(2) **ELEMENTS.**—The plan required by paragraph (1) shall—

(A) include an assessment of all the current and planned advanced query and correlation systems which operate on large centralized databases that are deployed or to be deployed in elements of the Defense Intelligence Information Enterprise; and

(B) determine where duplication can be eliminated, how use of these systems can be expanded, whether these systems can be operated collaboratively, and whether they can and should be integrated with the enterprise-wide query and correlation capability required pursuant to paragraph (1).

(b) **PILOT PROGRAM.**—

(1) **IN GENERAL.**—The Under Secretary shall conduct a pilot program to demonstrate an enterprisewide query and correlation capability through the Defense Intelligence Information Enterprise program.

(2) **PURPOSE.**—The purpose of the pilot program shall be to demonstrate the capability of an enterprisewide query and correlation system to achieve the following:

(A) To conduct complex, simultaneous queries by a large number of users and analysts across numerous, large distributed data stores with response times measured in seconds.

(B) To be scaled up to operate effectively on all the data holdings of the Defense Intelligence Information Enterprise.

(C) To operate across multiple levels of security with data guards.

(D) To operate effectively on both unstructured data and structured data.

(E) To extract entities, resolve them, and (as appropriate) mask them to protect sources and methods, privacy, or both.

(F) To control access to data by means of on-line electronic user credentials, profiles, and authentication.

(3) **TERMINATION.**—The pilot program conducted under this subsection shall terminate on September 30, 2014.

(c) **REPORT.**—Not later than November 1, 2012, the Under Secretary shall submit to the appropriate committees of Congress a report on the actions undertaken by the Under Secretary to carry out this section. The report shall set forth the plan developed under subsection (a) and a description and assessment of the pilot program conducted under subsection (b).

(d) **APPROPRIATE COMMITTEES OF CONGRESS DEFINED.**—In this section, the term “appropriate committees of Congress” means—

(1) the Committee on Armed Services, the Committee on Appropriations, and the Select Committee on Intelligence of the Senate; and

(2) the Committee on Armed Services, the Committee on Appropriations, and the Permanent Select Committee on Intelligence of the House of Representatives.

**SEC. 926. FACILITIES FOR INTELLIGENCE COLLECTION OR SPECIAL OPERATIONS ACTIVITIES ABROAD.**

(a) **IN GENERAL.**—Section 2682 of title 10, United States Code, is amended—

(1) by striking “The maintenance and repair” and inserting “(a) MAINTENANCE AND REPAIR.—Subject to subsection (c), the maintenance and repair”;

(2) by designating the second sentence as subsection (b), realigning such subsection so as to be indented two ems from the left margin, and inserting “JURISDICTION.—” before “A real property facility”;

(3) in subsection (b), as designated by paragraph (2) of this subsection, by striking “A real property” and inserting “Subject to subsection (c), a real property”; and

(4) by adding at the end the following new subsection:

“(c) **FACILITIES FOR INTELLIGENCE COLLECTION OR FOR SPECIAL OPERATIONS ABROAD.**—The Secretary of Defense may waive the requirements of subsections (a) and (b) if necessary to provide security for authorized intelligence collection or special operations activities abroad undertaken by the Department of Defense.”

(b) **SUNSET.**—Effective on September 30, 2015, or the date of the enactment of an Act authorizing funds for military construction for fiscal year 2016, whichever is later—

(1) subsection (a) of section 2682 of title 10, United States Code, as designated and amended by subsection (a)(1) of this section, is amended by striking “Subject to subsection (c), the maintenance and repair” and inserting “The maintenance and repair”;

(2) subsection (b) of section 2682 of title 10, United States Code, as designated by subsection (a)(2) and amended by subsection (a)(3) of this section, is amended by striking “Subject to subsection (c), a real property” and inserting “A real property”; and

(3) subsection (c) of section 2682 of title 10, United States Code, as added by subsection (a)(4) of this section, is repealed.

**Subtitle D—Total Force Management**

**SEC. 931. GENERAL POLICY FOR TOTAL FORCE MANAGEMENT.**

(a) **REVISION OF GENERAL PERSONNEL POLICY SECTION.**—Section 129a of title 10, United States Code, is amended to read as follows:

**“§ 129a. General policy for total force management**

“(a) **POLICIES AND PROCEDURES.**—The Secretary of Defense shall establish policies and procedures for determining the most appropriate and cost efficient mix of military, civilian, and contractor personnel to perform the mission of the Department of Defense.

“(b) **RISK MITIGATION OVER COST.**— In establishing the policies and procedures under subsection (a), the Secretary shall clearly provide that attainment of a Department of Defense workforce sufficiently sized and comprised of the appropriate mix of personnel necessary to carry out the mission of the Department and the core mission areas of the armed forces (as identified pursuant to section 118b of this title) takes precedence over cost.

“(c) **DELEGATION OF RESPONSIBILITIES.**—The Secretary shall delegate responsibility for implementation of the policies and procedures established under subsection (a) as follows:

“(1) The Under Secretary of Defense for Personnel and Readiness shall have overall responsibility for guidance to implement such policies and procedures.

“(2) The Secretaries of the military departments and the heads of the Defense Agencies shall have overall responsibility for the requirements determination, planning, programming, and budgeting for such policies and procedures.

“(3) The Under Secretary of Defense for Acquisition, Technology, and Logistics shall be responsible for ensuring that the defense acquisition system, as defined in section 2545 of this title, is consistent with such policies and procedures and with implementation pursuant to paragraph (1).

“(4) The Under Secretary of Defense (Comptroller) shall be responsible for ensuring that the budget for the Department of Defense is consistent with such policies and procedures. The Under Secretary shall notify the congressional defense committees of any deviations from such policies and procedures that are recommended in the budget.

“(d) **USE OF PLAN, INVENTORY, AND LIST.**—The policies and procedures established by the Secretary under subsection (a) shall specifically require the Department of Defense to use the following when making determinations regarding the appropriate workforce mix necessary to perform its mission:

“(1) The civilian strategic workforce plan (required by section 115b of this title).

“(2) The civilian positions master plan (required by section 1597(c) of this title).

“(3) The inventory of contracts for services required by section 2330a(c) of this title.

“(4) The list of activities required by the Federal Activities Inventory Reform Act of 1998 (Public Law 105-270; 31 U.S.C. 501 note).

“(e) **CONSIDERATIONS IN CONVERTING PERFORMANCE OF FUNCTIONS.**— If conversion of functions to performance by either Department of Defense civilian personnel or contractor personnel is considered, the Under Secretary of Defense for Personnel and Readiness shall ensure compliance with—

“(1) section 2463 of this title (relating to guidelines and procedures for use of civilian employees to perform Department of Defense functions); and

“(2) section 2461 of this title (relating to public-private competition required before conversion to contractor performance).

“(f) **CONSTRUCTION WITH OTHER REQUIREMENTS.**—Nothing in this title may be construed as authorizing—

“(1) a military department or Defense Agency to directly convert a function to contractor performance without complying with section 2461 of this title;

“(2) the use of contractor personnel for functions that are inherently governmental even if there is a military or civilian personnel shortfall in the Department of Defense;

“(3) restrictions on the use by a military department or Defense Agency of contractor

personnel to perform functions closely associated with inherently governmental functions, provided that—

“(A) there are adequate resources to maintain sufficient capabilities within the Department in the functional area being considered for performance by contractor personnel; and

“(B) there is adequate Government oversight of contractor personnel performing such functions;

“(4) the establishment of numerical goals or budgetary savings targets for the conversion of functions to performance by either Department of Defense civilian personnel or for conversion to performance by contractor personnel; or

“(5) the imposition of a civilian hiring freeze that may inhibit the implementation of the policies and procedures established under subsection (a).”.

(b) CLERICAL AMENDMENT.—The item relating to section 129a in the table of sections at the beginning of chapter 3 of such title is amended to read as follows:

“129a. General policy for total force management.”.

#### SEC. 932. REVISIONS TO DEPARTMENT OF DEFENSE CIVILIAN PERSONNEL MANAGEMENT CONSTRAINTS.

Section 129 of title 10, United States Code, is amended—

(1) in subsection (a)—

(A) by inserting after “(1)” the following: “the total force management policies and procedures established under section 129a of this title, (2)”;

(B) by striking “department and (2)” and inserting “department, and (3)”;

(2) in subsection (d), by striking “within that budget activity for which funds are provided for that fiscal year.” and inserting “within that budget activity as determined under the total force management policies and procedures established under section 129a of this title.”; and

(3) in subsection (e), by striking the sentence beginning with “With respect to”.

#### SEC. 933. ADDITIONAL AMENDMENTS RELATING TO TOTAL FORCE MANAGEMENT.

(a) AMENDMENTS TO SECRETARY OF DEFENSE REPORT.—Section 113(l) of title 10, United States Code, is amended to read as follows:

“(1)(1) The Secretary shall include in the annual report to Congress under subsection (c) the following:

“(A) A comparison of the amounts provided in the defense budget for support and for mission activities for each of the preceding five fiscal years.

“(B) A comparison of the following for each of the preceding five fiscal years:

“(i) The number of military personnel, shown by major occupational category, assigned to support positions or to mission positions.

“(ii) The number of civilian personnel, shown by major occupational category, assigned to support positions or to mission positions.

“(iii) The number of contractor personnel performing support functions.

“(C) An accounting for each of the preceding five fiscal years of the following:

“(i) The number of military and civilian personnel, shown by armed force and by major occupational category, assigned to support positions.

“(ii) The number of contractor personnel performing support functions.

“(D) An identification, for each of the three workforce sectors (military, civilian, and contractor) of the percentage of the total number of personnel in that workforce

sector that is providing support to headquarters and headquarters support activities for each of the preceding five fiscal years.

“(2) Contractor personnel shall be determined for purposes of paragraph (1) by using contractor full-time equivalents, based on the inventory required under section 2330a of this title.”.

(b) AMENDMENTS RELATING TO CERTAIN GUIDELINES.—Section 1597(b) of title 10, United States Code, is amended by inserting after the first sentence the following: “In establishing the guidelines, the Secretary shall ensure that nothing in the guidelines conflicts with the requirements of section 129 of this title or the policies and procedures established under section 129a of this title.”.

(c) AMENDMENT TO REQUIREMENTS FOR ACQUISITION OF SERVICES.—Section 863 of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (Public Law 111–383; 124 Stat. 4293; 10 U.S.C. 2330 note) is amended by adding at the end of subsection (d) the following new paragraph:

“(9) Considerations relating to total force management policies and procedures established under section 129a of this title.”.

#### SEC. 934. MODIFICATIONS OF ANNUAL DEFENSE MANPOWER REQUIREMENTS REPORT.

Section 115a(a) of title 10, United States Code, is amended—

(1) by striking “and” at the end of paragraph (1); and

(2) by striking paragraph (2) and inserting the following new paragraphs (2) and (3):

“(2) the annual civilian personnel requirements level for each component of the Department of Defense for the next fiscal year and the civilian end-strength level for the prior fiscal year; and

“(3) the projected number of contractor personnel full-time equivalents required to provide contract services (as that term is defined in section 235 of this title) for each component of the Department of Defense for the next fiscal year and the contractor personnel full-time equivalents that provided contract services for each component of the Department of Defense for the prior fiscal year as reported in the inventory of contracts for services required by section 2330a(c) of this title.”.

#### SEC. 935. REVISIONS TO STRATEGIC WORKFORCE PLAN.

(a) REVISION IN REPORTING PERIOD.—

(1) IN GENERAL.—Section 115b of title 10, United States Code, is amended—

(A) in the section heading, by striking “Annual strategic” and inserting “Biennial strategic”;

(B) in the heading of subsection (a), by striking “ANNUAL” and inserting “BIENNIAL”; and

(C) in subsection (a)(1), by striking “on an annual basis” and inserting “in every even-numbered year”.

(2) CLERICAL AMENDMENT.—The table of sections for chapter 2 of such title is amended by striking the item relating to section 115b and inserting the following:

“115b. Biennial strategic workforce plan.”.

(b) REVISION IN ASSESSMENT CONTENTS AND PERIOD.—Section 115b(b)(1) of such title is amended—

(1) in subparagraph (A), by striking “seven-year period following the year in which the plan is submitted” and inserting “five-year period corresponding to the current future-years defense program under section 221 of this title”; and

(2) in subparagraph (B), by inserting before the semicolon at the end the following: “, as determined under the total force manage-

ment policies and procedures established under section 129a of this title”.

(c) REFERENCE TO SECTION 129a.—Section 115b(c)(2)(D) of such title is amended by inserting before the period at the end the following: “and the policies and procedures established under section 129a of this title”.

#### SEC. 936. AMENDMENTS TO REQUIREMENT FOR INVENTORY OF CONTRACTS FOR SERVICES.

(a) AMENDMENTS RELATING TO INVENTORY.—Section 2330a(c)(1) of title 10, United States Code, is amended—

(1) by inserting after “pursuant to contracts for services” the following: “(and pursuant to contracts for goods to the extent services are a significant component of performance as identified in a separate line item of a contract)”;

(2) in subparagraph (A)—

(A) by striking “and” at the end of clause (i); and

(B) by striking clause (ii) and inserting the following:

“(ii) the calculation of contractor full-time equivalents for direct labor, using direct labor hours in a manner that is comparable to the calculation of Department of Defense civilian full-time employees; and

“(iii) the conduct and completion of the annual review required under subsection (e)(1).”; and

(3) in subparagraph (B), by inserting “for requirements relating to acquisition” before the period.

(b) AMENDMENTS RELATING TO REVIEW AND PLANNING REQUIREMENTS.—Section 2330a(e) of such title is amended—

(1) by inserting “and” at the end of paragraph (2);

(2) by striking “; and” at the end of paragraph (3) and inserting a period; and

(3) by striking paragraph (4).

(c) DEVELOPMENT OF PLAN AND ENFORCEMENT AND APPROVAL MECHANISMS.—Section 2330a of such title is further amended—

(1) by redesignating subsections (f) and (g) as subsections (g) and (h), respectively; and

(2) by inserting after subsection (e) the following new subsection (f):

“(f) DEVELOPMENT OF PLAN AND ENFORCEMENT AND APPROVAL MECHANISMS.—The Secretary of the military department or head of the Defense Agency responsible for activities in the inventory shall develop a plan, including an enforcement mechanism and approval process, to—

“(1) provide for the use of the inventory by the military department or Defense Agency to implement the requirements of section 129a of this title;

“(2) ensure the inventory is used to inform strategic workforce planning;

“(3) facilitate use of the inventory for compliance with section 235 of this title; and

“(4) provide for appropriate consideration of the conversion of activities identified under subsection (e)(3) within a reasonable period of time.”.

#### SEC. 937. PRELIMINARY PLANNING AND DURATION OF PUBLIC-PRIVATE COMPETITIONS.

Section 2461(a)(5) of title 10, United States Code, is amended—

(1) in subparagraph (E)—

(A) by striking “, begins” and inserting “shall be conducted in accordance with guidance and procedures that shall be issued and maintained by the Under Secretary of Defense for Personnel and Readiness and shall begin”;

(B) by inserting after “the date on which” the following: “a component of”;

(C) by inserting “first” before “obligates”;

(D) by inserting “specifically” after “funds”;

(E) by inserting “for the preliminary planning effort” after “support”; and

(F) in clause (1), by inserting “a public-private” before “competition”; and

(2) in subparagraph (F)—

(A) by inserting “or Defense Agency” after “military department”;

(B) by striking “of such date” and inserting “of the actions intended to be taken during the preliminary planning process”;

(C) by inserting “of such actions” after “public notice”;

(D) by inserting after “website” the following: “and through other means as determined necessary”; and

(E) by striking “Such date is the first day of preliminary planning for a public-private competition for” and inserting “The date of such announcement shall be used for”.

**SEC. 938. CONVERSION OF CERTAIN FUNCTIONS FROM CONTRACTOR PERFORMANCE TO PERFORMANCE BY DEPARTMENT OF DEFENSE CIVILIAN EMPLOYEES.**

Section 2463 of title 10, United States Code, is amended—

(1) in subsection (b)(1)—

(A) by redesignating subparagraphs (B), (C), and (D) as subparagraphs (C), (E), and (F), respectively;

(B) by striking subparagraph (A) and inserting the following new subparagraphs (A) and (B):

“(A) is a critical function that—

“(i) is necessary to maintain sufficient Government expertise and technical capabilities; or

“(ii) entails operational risk associated with contractor performance;

“(B) is an acquisition workforce function;”; and

(C) by inserting after subparagraph (C), as redesignated by subparagraph (A), the following new subparagraph (D):

“(D) has been performed by Department of Defense civilian employees at any time during the previous 10-year period;”; and

(2) by redesignating subsection (e) as subsection (g);

(3) by inserting after subsection (d) the following new subsections (e) and (f):

“(e) DETERMINATIONS RELATING TO THE CONVERSION OF CERTAIN FUNCTIONS.—(1) Except as provided in paragraph (2), in determining whether a function should be converted to performance by Department of Defense civilian employees, the Secretary of Defense shall—

“(A) develop methodology for determining costs based on the guidance outlined in the Directive-Type Memorandum 09-007 entitled ‘Estimating and Comparing the Full Costs of Civilian and Military Manpower and Contractor Support’ or any successor guidance for the determination of costs when costs are the sole basis for the determination;

“(B) take into consideration any supplemental guidance issued by the Secretary of a military department for determinations affecting functions of that military department; and

“(C) ensure that the difference in the cost of performing the function by a contractor compared to the cost of performing the function by Department of Defense civilian employees would be equal to or exceed the lesser of—

“(i) 10 percent of the personnel-related costs for performance of that function; or

“(ii) \$10,000,000.

“(2) Paragraph (1) shall not apply to any function that is inherently governmental or any function described in subparagraph (A), (B), or (C) of subsection (b)(1).

“(f) NOTIFICATION RELATING TO THE CONVERSION OF CERTAIN FUNCTIONS.—The Secretary of Defense shall establish procedures for the timely notification of any contractor who performs a function that the Secretary plans to convert to performance by Department of Defense civilian employees pursuant to subsection (a). The Secretary shall provide a copy of any such notification to the congressional defense committees.”; and

(4) in subsection (g), as redesignated by paragraph (2)—

(A) by striking “this section” and all that follows and inserting “this section.”; and

(B) by adding at the end the following new paragraphs:

“(1) The term ‘functions closely associated with inherently governmental functions’ has the meaning given that term in section 2383(b)(3) of this title.

“(2) The term ‘acquisition function’ has the meaning given that term under section 1721(a) of this title.

“(3) The term ‘inherently governmental function’ has the meaning given that term in the Federal Activities Inventory Reform Act of 1998 (Public Law 105-270; 31 U.S.C. 501 note).”.

**Subtitle E—Quadrennial Roles and Missions and Related Matters**

**SEC. 941. CHAIRMAN OF THE JOINT CHIEFS OF STAFF ASSESSMENT OF CONTINGENCY PLANS.**

Section 153(b) of title 10, United States Code, is amended—

(1) in paragraph (1), by striking “assessment of” and all that follows through the period and inserting: “assessment of—

“(A) the nature and magnitude of the strategic and military risks associated with executing the missions called for under the current National Military Strategy; and

“(B) the critical deficiencies and strengths in force capabilities (including manpower, logistics, intelligence, and mobility support) identified during the preparation and review of contingency plans of each geographic combatant commander, and the effect of such deficiencies and strengths on strategic plans and on meeting national security objectives and policy.”; and

(2) in paragraph (2)—

(A) by inserting after “National Military Strategy is significant,” the following: “or that critical deficiencies in force capabilities exist for a contingency plan.”; and

(B) by inserting “or deficiency” before the period at the end.

**SEC. 942. QUADRENNIAL DEFENSE REVIEW.**

Paragraph (4) of section 118(b) of title 10, United States Code, is amended to read as follows:

“(4) to make recommendations that are not constrained to comply with and are fully independent of the budget submitted to Congress by the President pursuant to section 1105 of title 31.”.

**Subtitle F—Other Matters**

**SEC. 951. ACTIVITIES TO IMPROVE MULTILATERAL, BILATERAL, AND REGIONAL COOPERATION REGARDING CYBERSECURITY.**

(a) ESTABLISHMENT OF CYBERSECURITY PROGRAM.—

(1) IN GENERAL.—Chapter 53 of title 10, United States Code, is amended by inserting after section 1051b the following new section:

“§ 1051c. Multilateral, bilateral, or regional cooperation programs: assignments to improve education and training in information security

“(a) ASSIGNMENTS AUTHORIZED; PURPOSE.—The Secretary of Defense may authorize the

temporary assignment of a member of the military forces of a foreign country to a Department of Defense organization for the purpose of assisting the member to obtain education and training to improve the member's ability to understand and respond to information security threats, vulnerabilities of information security systems, and the consequences of information security incidents.

“(b) PAYMENT OF CERTAIN EXPENSES.—To facilitate the assignment of a member of a foreign military force to a Department of Defense organization under subsection (a), the Secretary of Defense may pay such expenses in connection with the assignment as the Secretary considers in the national security interests of the United States.

“(c) PROTECTION OF DEPARTMENT CYBERSECURITY.—In authorizing the temporary assignment of members of foreign military forces to Department of Defense organizations under subsection (a), the Secretary of Defense shall require the inclusion of adequate safeguards to prevent any compromising of Department information security.

“(d) MULTI-YEAR AVAILABILITY OF FUNDS.—Funds available to carry out this section shall be available, to the extent provided in appropriations Acts, for programs and activities under this section that begin in a fiscal year and end in the following fiscal year.

“(e) INFORMATION SECURITY DEFINED.—In this section, the term ‘information security’ refers to—

“(1) the confidentiality, integrity, or availability of an information system or the information such system processes, stores, or transmits; and

“(2) the security policies, security procedures, or acceptable use policies with respect to an information system.”.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 1051b the following new item:

“1051c. Multilateral, bilateral, or regional cooperation programs: assignments to improve education and training in information security.”.

(b) REPORT ON EXPANSION OF FELLOWSHIP OPPORTUNITIES.—Not later one year after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a report evaluating the feasibility and benefits of expanding the fellowship program authorized by section 1051c of title 10, United States Code, as added by subsection (a), to include ministry of defense officials, security officials, or other civilian officials of foreign countries.

**SEC. 952. REPORT ON UNITED STATES SPECIAL OPERATIONS COMMAND STRUCTURE.**

(a) REPORT.—Not later than March 1, 2012, the Secretary of Defense shall submit to the congressional defense committees a study of the United States Special Operations Command sub-unified structure.

(b) ELEMENTS.—The report required under this section shall include, at a minimum, the following:

(1) Recommendations to revise as necessary the present command structure to better support development and deployment of joint special operations forces and capabilities.

(2) Any other matters the Secretary considers appropriate.

(c) FORM.—The report required under this section shall be submitted in unclassified form, but may include a classified annex.

**SEC. 953. STRATEGY TO ACQUIRE CAPABILITIES TO DETECT PREVIOUSLY UNKNOWN CYBER ATTACKS.**

(a) IN GENERAL.—The Secretary of Defense shall develop and implement a plan to augment the cybersecurity strategy of the Department of Defense through the acquisition of advanced capabilities to discover and isolate penetrations and attacks that were previously unknown and for which signatures have not been developed for incorporation into computer intrusion detection and prevention systems and anti-virus software systems.

(b) CAPABILITIES.—

(1) NATURE OF CAPABILITIES.—The capabilities to be acquired under the plan required by subsection (a) shall—

(A) be adequate to enable well-trained analysts to discover the sophisticated attacks conducted by nation-state adversaries that are categorized as “advanced persistent threats”;

(B) be appropriate for—

(i) endpoints or hosts;

(ii) network-level gateways operated by the Defense Information Systems Agency where the Department of Defense network connects to the public Internet; and

(iii) global networks owned and operated by private sector Tier 1 Internet Service Providers;

(C) at the endpoints or hosts, add new discovery capabilities to the Host-Based Security System of the Department, including capabilities such as—

(i) automatic blocking of unauthorized software programs and accepting approved and vetted programs;

(ii) constant monitoring of all key computer attributes, settings, and operations (such as registry keys, operations running in memory, security settings, memory tables, event logs, and files); and

(iii) automatic baselining and remediation of altered computer settings and files;

(D) at the network-level gateways and internal network peering points, include the sustainment and enhancement of a system that is based on full-packet capture, session reconstruction, extended storage, and advanced analytic tools, by—

(i) increasing the number and skill level of the analysts assigned to query stored data, whether by contracting for security services, hiring and training Government personnel, or both; and

(ii) increasing the capacity of the system to handle the rates for data flow through the gateways and the storage requirements specified by the United States Cyber Command; and

(E) include the behavior-based threat detection capabilities of Tier 1 Internet Service Providers and other companies that operate on the global Internet.

(2) SOURCE OF CAPABILITIES.—The capabilities to be acquired shall, to the maximum extent practicable, be acquired from commercial sources. In making decisions on the procurement of such capabilities from among competing commercial and Government providers, the Secretary shall take into consideration the needs of other departments and agencies of the Federal Government, State and local governments, and critical infrastructure owned and operated by the private sector for unclassified, affordable, and sustainable commercial solutions.

(c) INTEGRATION AND MANAGEMENT OF DISCOVERY CAPABILITIES.—The plan required by subsection (a) shall include mechanisms for improving the standardization, organization, and management of the security information and event management systems that are

widely deployed across the Department of Defense to improve the ability of United States Cyber Command to understand and control the status and condition of Department networks, including mechanisms to ensure that the security information and event management systems of the Department receive and correlate data collected and analyses conducted at the host or endpoint, at the network gateways, and by Internet Service Providers in order to discover new attacks reliably and rapidly.

(d) PROVISION FOR CAPABILITY DEMONSTRATIONS.—The plan required by subsection (a) shall provide for the conduct of demonstrations, pilot projects, and other tests on cyber test ranges and operational networks in order to determine and verify that the capabilities to be acquired pursuant to the plan are effective, practical, and affordable.

(e) REPORT.—Not later than April 1, 2012, the Secretary shall submit to the congressional defense committees a report on the plan required by subsection (a). The report shall set forth the plan and include a comprehensive description of the actions being undertaken by the Department to implement the plan.

**SEC. 954. MILITARY ACTIVITIES IN CYBERSPACE.**

Congress affirms that the Department of Defense has the capability, and upon direction by the President may conduct offensive operations in cyberspace to defend our Nation, Allies and interests, subject to—

(1) the policy principles and legal regimes that the Department follows for kinetic capabilities, including the law of armed conflict; and

(2) the War Powers Resolution (50 U.S.C. 1541 et seq.).

**TITLE X—GENERAL PROVISIONS**

**Subtitle A—Financial Matters**

Sec. 1001. General transfer authority.

Sec. 1002. Budgetary effects of this Act.

Sec. 1003. Additional requirements relating to the development of the Financial Improvement and Audit Readiness Plan.

Sec. 1003A. Display of procurement of equipment for the reserve components of the Armed Forces under estimated expenditures for procurement in future-years defense programs.

**Subtitle B—Counter-Drug Activities**

Sec. 1004. Extension of authority for joint task forces to provide support to law enforcement agencies conducting counter-terrorism activities.

Sec. 1005. Three-year extension and modification of authority of Department of Defense to provide additional support for counterdrug activities of other governmental agencies.

Sec. 1006. Two-year extension and expansion of authority to provide additional support for counter-drug activities of certain foreign governments.

Sec. 1007. Extension of authority to support unified counter-drug and counterterrorism campaign in Colombia.

Sec. 1008. Reporting requirement on expenditures to support foreign counter-drug activities.

**Subtitle C—Naval Vessels and Shipyards**

Sec. 1011. Budgeting for construction of naval vessels.

Sec. 1012. Sense of Congress on naming of Naval vessel after United States Marine Corps Sergeant Rafael Peralta.

Sec. 1013. Limitation on availability of funds for placing Maritime Prepositioning Ship squadrons on reduced operating status.

Sec. 1014. Report on policies and practices of the Navy for naming the vessels of the Navy.

Sec. 1015. Transfer of certain high-speed ferries to the Navy.

Sec. 1016. Modification of conditions on status of retired aircraft carrier ex-John F. Kennedy.

Sec. 1017. Assessment of stationing of additional DDG-51 class destroyers at Naval Station Mayport, Florida.

**Subtitle D—Counterterrorism**

Sec. 1021. Affirmation of authority of the Armed Forces of the United States to detain covered persons pursuant to the Authorization for Use of Military Force.

Sec. 1022. Military custody for foreign al-Qaeda terrorists.

Sec. 1023. Procedures for periodic detention review of individuals detained at United States Naval Station, Guantanamo Bay, Cuba.

Sec. 1024. Procedures for status determinations.

Sec. 1025. Requirement for national security protocols governing detainee communications.

Sec. 1026. Prohibition on use of funds to construct or modify facilities in the United States to house detainees transferred from United States Naval Station, Guantanamo Bay, Cuba.

Sec. 1027. Prohibition on the use of funds for the transfer or release of individuals detained at United States Naval Station, Guantanamo Bay, Cuba.

Sec. 1028. Requirements for certifications relating to the transfer of detainees at United States Naval Station, Guantanamo Bay, Cuba, to foreign countries and other foreign entities.

Sec. 1029. Requirement for consultation regarding prosecution of terrorists.

Sec. 1030. Clarification of right to plead guilty in trial of capital offense by military commission.

Sec. 1031. Counterterrorism operational briefing requirement.

Sec. 1032. National security planning guidance to deny safe havens to al-Qaeda and its violent extremist affiliates.

Sec. 1033. Extension of authority to make rewards for combating terrorism.

Sec. 1034. Amendments relating to the Military Commissions Act of 2009.

**Subtitle E—Nuclear Forces**

Sec. 1041. Biennial assessment and report on the delivery platforms for nuclear weapons and the nuclear command and control system.

Sec. 1042. Plan on implementation of the New START Treaty.

Sec. 1043. Annual report on the plan for the nuclear weapons stockpile, nuclear weapons complex, nuclear weapons delivery systems, and nuclear weapons command and control system.



- Sec. 1044. Sense of Congress on nuclear force reductions.
- Sec. 1045. Nuclear force reductions.
- Sec. 1046. Nuclear employment strategy of the United States.
- Sec. 1047. Comptroller General report on nuclear weapon capabilities and force structure requirements.
- Sec. 1048. Report on feasibility of joint replacement fuze program.

#### Subtitle F—Financial Management

- Sec. 1051. Modification of authorities on certification and credential standards for financial management positions in the Department of Defense.
- Sec. 1052. Reliability of Department of Defense financial statements.
- Sec. 1053. Inclusion of plan on the financial management workforce in the strategic workforce plan of the Department of Defense.
- Sec. 1054. Tracking implementation of Department of Defense efficiencies.

#### Subtitle G—Repeal and Modification of Reporting Requirements

- Sec. 1061. Repeal of reporting requirements under title 10, United States Code.
- Sec. 1062. Repeal of reporting requirements under annual defense authorization acts.
- Sec. 1063. Repeal of reporting requirements under other laws.
- Sec. 1064. Modification of reporting requirements under title 10, United States Code.
- Sec. 1065. Modification of reporting requirements under other titles of the United States Code.
- Sec. 1066. Modification of reporting requirements under annual defense authorization acts.
- Sec. 1067. Modification of reporting requirements under other laws.

#### Subtitle H—Studies and Reports

- Sec. 1068. Transmission of reports in electronic format.
- Sec. 1069. Modifications to annual aircraft procurement plan.
- Sec. 1070. Change of deadline for annual report to Congress on National Guard and reserve component equipment.
- Sec. 1071. Report on nuclear aspirations of non-state entities, nuclear weapons, and related programs in non-nuclear weapons states and countries not parties to the nuclear non-proliferation treaty, and certain foreign persons.
- Sec. 1072. Implementation plan for whole-of-government vision prescribed in the National Security Strategy.
- Sec. 1073. Reports on resolution restrictions on the commercial sale or dissemination of electro-optical imagery collected by satellites.
- Sec. 1074. Report on integration of unmanned aerial systems into the national airspace system.
- Sec. 1075. Report on feasibility of using unmanned aerial systems to perform airborne inspection of navigational aids in foreign airspace.
- Sec. 1076. Comptroller General review of medical research and development relating to improved combat casualty care.

- Sec. 1077. Reports to Congress on the modification of the force structure for the strategic nuclear weapons delivery systems of the United States.

- Sec. 1078. Comptroller General of the United States reports on the major automated information system programs of the Department of Defense.

- Sec. 1079. Report on Defense Department analytic capabilities regarding foreign ballistic missile threats.

- Sec. 1080. Report on approval and implementation of Air Sea Battle Concept.

- Sec. 1080A. Report on costs of units of the reserve components and the active components of the Armed Forces.

#### Subtitle I—Miscellaneous Authorities and Limitations

- Sec. 1081. Authority for assignment of civilian employees of the Department of Defense as advisors to foreign ministries of defense.

- Sec. 1082. Exemption from Freedom of Information Act for data files of the military flight operations quality assurance systems of the military departments.

- Sec. 1083. Limitation on procurement and fielding of light attack armed reconnaissance aircraft.

- Sec. 1084. Prohibition on the use of funds for manufacturing beyond low rate initial production at certain prototype integration facilities.

- Sec. 1085. Use of State Partnership Program funds for certain purposes.

#### Subtitle J—Other Matters

- Sec. 1086. Redesignation of psychological operations as military information support operations in title 10, United States Code, to conform to Department of Defense usage.

- Sec. 1087. Termination of requirement for appointment of civilian members of National Security Education Board by and with the advice and consent of the Senate.

- Sec. 1088. Sense of Congress on application of moratorium on earmarks to this Act.

- Sec. 1089. Technical amendment.

- Sec. 1090. Cybersecurity collaboration between the Department of Defense and the Department of Homeland Security.

- Sec. 1091. Treatment under Freedom of Information Act of certain Department of Defense critical infrastructure security information.

- Sec. 1092. Expansion of scope of humanitarian demining assistance program to include stockpiled conventional munitions assistance.

- Sec. 1093. Number of Navy carrier air wings and carrier air wing headquarters.

- Sec. 1094. Display of annual budget requirements for organizational clothing and individual equipment.

- Sec. 1095. National Rocket Propulsion Strategy.

- Sec. 1096. Grants to certain regulated companies for specified energy property not subject to normalization rules.

- Sec. 1097. Unmanned aerial systems and national airspace.

- Sec. 1098. Modification of dates of Comptroller General of the United States review of executive agreement on joint medical facility demonstration project, North Chicago and Great Lakes, Illinois.

#### Subtitle A—Financial Matters

##### SEC. 1001. GENERAL TRANSFER AUTHORITY.

(a) AUTHORITY TO TRANSFER AUTHORIZATIONS.—

(1) AUTHORITY.—Upon determination by the Secretary of Defense that such action is necessary in the national interest, the Secretary may transfer amounts of authorizations made available to the Department of Defense in this division for fiscal year 2012 between any such authorizations for that fiscal year (or any subdivisions thereof). Amounts of authorizations so transferred shall be merged with and be available for the same purposes as the authorization to which transferred.

(2) LIMITATION.—Except as provided in paragraph (3), the total amount of authorizations that the Secretary may transfer under the authority of this section may not exceed \$4,000,000,000.

(3) EXCEPTION FOR TRANSFERS BETWEEN MILITARY PERSONNEL AUTHORIZATIONS.—A transfer of funds between military personnel authorizations under title IV shall not be counted toward the dollar limitation in paragraph (2).

(b) LIMITATIONS.—The authority provided by subsection (a) to transfer authorizations—

(1) may only be used to provide authority for items that have a higher priority than the items from which authority is transferred; and

(2) may not be used to provide authority for an item that has been denied authorization by Congress.

(c) EFFECT ON AUTHORIZATION AMOUNTS.—A transfer made from one account to another under the authority of this section shall be deemed to increase the amount authorized for the account to which the amount is transferred by an amount equal to the amount transferred.

(d) NOTICE TO CONGRESS.—The Secretary shall promptly notify Congress of each transfer made under subsection (a).

(e) NATIONAL NUCLEAR SECURITY ADMINISTRATION.—

(1) TRANSFER AUTHORIZED.—If the amount authorized to be appropriated for the weapons activities of the National Nuclear Security Administration for fiscal year 2012 is less than the \$7,629,716,000 requested for such activities in the President's budget request for that fiscal year, the Secretary of Defense may transfer, from amounts made available for the Department of Defense for fiscal year 2012 pursuant to an authorization of appropriations under this Act, to the Secretary of Energy an amount up to \$125,000,000 to be available only for the weapons activities of the National Nuclear Security Administration.

(2) NOTICE TO CONGRESS.—In the event of a transfer under paragraph (1), the Secretary of Defense shall promptly notify Congress of the transfer and shall include in such notice the Department of Defense account or accounts from which the funds are transferred.

(3) TRANSFER AUTHORITY.—The transfer authority provided under this subsection is in addition to any other transfer authority provided under this Act.

**SEC. 1002. BUDGETARY EFFECTS OF THIS ACT.**

The budgetary effects of this Act, for the purposes of complying with the Statutory Pay-As-You-Go Act of 2010, shall be determined by reference to the latest statement titled "Budgetary Effects of PAYGO Legislation" for this Act, jointly submitted for printing in the Congressional Record by the Chairmen of the House and Senate Budget Committees, provided that such statement has been submitted prior to the vote on passage in the House acting first on the conference report or amendment between the Houses.

**SEC. 1003. ADDITIONAL REQUIREMENTS RELATING TO THE DEVELOPMENT OF THE FINANCIAL IMPROVEMENT AND AUDIT READINESS PLAN.****(a) PLANNING REQUIREMENT.—**

(1) IN GENERAL.—The report to be issued pursuant to section 1003(b) of the National Defense Authorization Act for 2010 (Public Law 111-84; 123 Stat. 2440; 10 U.S.C. 2222 note) and provided by not later than May 15, 2012, shall include a plan, including interim objectives and a schedule of milestones for each military department and for the defense agencies, to support the goal established by the Secretary of Defense that the statement of budgetary resources is validated for audit by not later than September 30, 2014. Consistent with the requirements of such section, the plan shall include process and control improvements and business systems modernization efforts necessary for the Department of Defense to consistently prepare timely, reliable, and complete financial management information.

(2) SEMIANNUAL UPDATES.—The reports to be issued pursuant to such section after the report described in paragraph (1) shall update the plan required by such paragraph and explain how the Department has progressed toward meeting the milestones established in the plan.

(b) INCLUSION OF SUBORDINATE ACTIVITIES FOR INTERIM MILESTONES.—For each interim milestone established pursuant to section 881 of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (Public Law 111-383; 124 Stat. 4306; 10 U.S.C. 2222 note), the Under Secretary of Defense (Comptroller), in consultation with the Deputy Chief Management Officer of the Department of Defense, the Secretaries of the military departments, and the heads of the defense agencies and defense field activities, shall include a detailed description of the subordinate activities necessary to accomplish each interim milestone, including—

(1) a justification of the time required for each activity;

(2) metrics identifying the progress made within each activity; and

(3) mitigating strategies for milestone timeframe slippages.

**(c) REPORT REQUIRED.—**

(1) IN GENERAL.—The Secretary of Defense shall submit to Congress a report relating to the Financial Improvement and Audit Readiness Plan of the Department of Defense submitted in accordance with section 1003 of the National Defense Authorization Act for 2010 (Public Law 111-84; 123 Stat. 2440; 10 U.S.C. 2222 note) and section 881 of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (Public Law 111-383; 121 Stat. 4306; 10 U.S.C. 2222 note).

(2) MATTERS COVERED.—The report shall include a corrective action plan for any identified weaknesses or deficiencies in the execution of the Financial Improvement and Audit Readiness Plan. The corrective action plan shall—

(A) identify near- and long-term measures for resolving any such weaknesses or deficiencies;

(B) assign responsibilities within the Department of Defense to implement such measures;

(C) specify implementation steps for such measures; and

(D) provide timeframes for implementation of such measures.

**SEC. 1003A. DISPLAY OF PROCUREMENT OF EQUIPMENT FOR THE RESERVE COMPONENTS OF THE ARMED FORCES UNDER ESTIMATED EXPENDITURES FOR PROCUREMENT IN FUTURE-YEARS DEFENSE PROGRAMS.**

Each future-years defense program submitted to Congress under section 221 of title 10, United States Code, shall, in setting forth estimated expenditures and item quantities for procurement for the Armed Forces for the fiscal years covered by such program, display separately under such estimated expenditures and item quantities the estimated expenditures for each such fiscal year for equipment for each reserve component of the Armed Forces that will receive items in any fiscal year covered by such program.

**Subtitle B—Counter-Drug Activities****SEC. 1004. EXTENSION OF AUTHORITY FOR JOINT TASK FORCES TO PROVIDE SUPPORT TO LAW ENFORCEMENT AGENCIES CONDUCTING COUNTER-TERRORISM ACTIVITIES.**

(a) EXTENSION.—Section 1022(b) of the National Defense Authorization Act for Fiscal Year 2004 (10 U.S.C. 371 note) is amended by striking "2011" and inserting "2012".

(b) LIMITATION ON EXERCISE OF AUTHORITY.—The authority in section 1022 of the National Defense Authorization Act for Fiscal Year 2004, as amended by subsection (a), may not be exercised unless the Secretary of Defense certifies to Congress, in writing, that the Department of Defense is in compliance with the provisions of paragraph (2) of subsection (d) of such section, as added by section 1012(b) of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (Public Law 111-383; 124 Stat. 4346).

**SEC. 1005. THREE-YEAR EXTENSION AND MODIFICATION OF AUTHORITY OF DEPARTMENT OF DEFENSE TO PROVIDE ADDITIONAL SUPPORT FOR COUNTERDRUG ACTIVITIES OF OTHER GOVERNMENTAL AGENCIES.**

(a) THREE-YEAR EXTENSION.—Subsection (a) of section 1004 of the National Defense Authorization Act for Fiscal Year 1991 (10 U.S.C. 374 note) is amended by striking "During fiscal years 2002 through 2011" and inserting "During fiscal years 2012 through 2014".

(b) COVERAGE OF TRIBAL LAW ENFORCEMENT AGENCIES.—

(1) IN GENERAL.—Such section is further amended—

(A) in subsection (a)—

(i) in the matter preceding paragraph (1), by inserting "tribal," after "local,"; and

(ii) in paragraph (2), by striking "State or local" both places it appears and insert "State, local, or tribal"; and

(B) in subsection (b)—

(i) in paragraph (1), by striking "State or local" and inserting "State, local, or tribal";

(ii) in paragraph (4), by striking "State, or local" and inserting "State, local, or tribal"; and

(iii) in paragraph (5), by striking "State and local" and inserting "State, local, and tribal".

(2) TRIBAL GOVERNMENT DEFINED.—Such section is further amended by adding at the end the following new subsection:

"(i) DEFINITIONS RELATING TO TRIBAL GOVERNMENTS.—In this section:

"(1) The term 'Indian tribe' means a federally recognized Indian tribe.

"(2) The term 'tribal government' means the governing body of an Indian tribe, the status of whose land is 'Indian country' as defined in section 1151 of title 18, United States Code, or held in trust by the United States for the benefit of the Indian tribe.

"(3) The term 'tribal law enforcement agency' means the law enforcement agency of a tribal government."

**SEC. 1006. TWO-YEAR EXTENSION AND EXPANSION OF AUTHORITY TO PROVIDE ADDITIONAL SUPPORT FOR COUNTER-DRUG ACTIVITIES OF CERTAIN FOREIGN GOVERNMENTS.**

(a) IN GENERAL.—Subsection (a)(2) of section 1033 of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105-85; 111 Stat. 1881), as most recently amended by section 1014(a) of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (Public Law 111-383; 124 Stat. 4337), is further amended by striking "2012" and inserting "2013".

(b) MAXIMUM AMOUNT OF SUPPORT.—Section (e)(2) of such section, as so amended, is further amended—

(1) by striking "\$75,000,000" and inserting "\$100,000,000"; and

(2) by striking "2012" and inserting "2013".

(c) ADDITIONAL GOVERNMENTS ELIGIBLE TO RECEIVE SUPPORT.—Subsection (b) of such section, as most recently amended by section 1024(b) of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110-417; 122 Stat. 4587), is further amended by adding at the end the following new paragraphs:

"(23) Government of Benin.

"(24) Government of Cape Verde.

"(25) Government of The Gambia.

"(26) Government of Ghana.

"(27) Government of Guinea.

"(28) Government of Ivory Coast.

"(29) Government of Jamaica.

"(30) Government of Liberia.

"(31) Government of Mauritania.

"(32) Government of Nicaragua.

"(33) Government of Nigeria.

"(34) Government of Sierra Leone.

"(35) Government of Togo."

**SEC. 1007. EXTENSION OF AUTHORITY TO SUPPORT UNIFIED COUNTER-DRUG AND COUNTERTERRORISM CAMPAIGN IN COLOMBIA.**

Section 1021 of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 (Public Law 108-375; 118 Stat. 2042), as most recently amended by section 1011 of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (Public Law 111-383; 124 Stat. 4346), is amended—

(1) in subsection (a), by striking "2011" and inserting "2012"; and

(2) in subsection (c), by striking "2011" and inserting "2012".

**SEC. 1008. REPORTING REQUIREMENT ON EXPENDITURES TO SUPPORT FOREIGN COUNTER-DRUG ACTIVITIES.**

Section 1022(a) of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted into law by Public Law 106-398; 114 Stat. 1654A-255), as most recently amended by the section 1013 of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (Public Law 111-383; 124 Stat. 4347), is further amended by striking "February 15, 2011" and inserting "February 15, 2012".

**Subtitle C—Naval Vessels and Shipyards****SEC. 1011. BUDGETING FOR CONSTRUCTION OF NAVAL VESSELS.**

(a) ANNUAL PLAN.—Section 231 of title 10, United States Code, is amended to read as follows:

**“§ 231. Budgeting for construction of naval vessels: annual plan and certification**

“(a) ANNUAL NAVAL VESSEL CONSTRUCTION PLAN AND CERTIFICATION.—The Secretary of Defense shall include with the defense budget materials for a fiscal year—

“(1) a plan for the construction of combatant and support vessels for the Navy developed in accordance with this section; and

“(2) a certification by the Secretary that both the budget for that fiscal year and the future-years defense program submitted to Congress in relation to such budget under section 221 of this title provide for funding of the construction of naval vessels at a level that is sufficient for the procurement of the vessels provided for in the plan under paragraph (1) on the schedule provided in that plan.

“(b) ANNUAL NAVAL VESSEL CONSTRUCTION PLAN.—(1) The annual naval vessel construction plan developed for a fiscal year for purposes of subsection (a)(1) should be designed so that the naval vessel force provided for under that plan is capable of supporting the national security strategy of the United States as set forth in the most recent national security strategy report of the President under section 108 of the National Security Act of 1947 (50 U.S.C. 404a), except that, if at the time such plan is submitted with the defense budget materials for that fiscal year, a national security strategy report required under such section 108 has not been submitted to Congress as required by paragraph (2) or paragraph (3), if applicable, of subsection (a) of such section, then such annual plan should be designed so that the naval vessel force provided for under that plan is capable of supporting the ship force structure recommended in the report of the most recent quadrennial defense review.

“(2) Each such naval vessel construction plan shall include the following:

“(A) A detailed program for the construction of combatant and support vessels for the Navy over the next 30 fiscal years.

“(B) A description of the necessary naval vessel force structure to meet the requirements of the national security strategy of the United States or the most recent quadrennial defense review, whichever is applicable under paragraph (1).

“(C) The estimated levels of annual funding necessary to carry out the program, together with a discussion of the procurement strategies on which such estimated levels of annual funding are based.

“(c) ASSESSMENT WHEN VESSEL CONSTRUCTION BUDGET IS INSUFFICIENT TO MEET APPLICABLE REQUIREMENTS.—If the budget for a fiscal year provides for funding of the construction of naval vessels at a level that is not sufficient to sustain the naval vessel force structure specified in the naval vessel construction plan for that fiscal year under subsection (a), the Secretary shall include with the defense budget materials for that fiscal year an assessment that describes and discusses the risks associated with the reduced force structure of naval vessels that will result from funding naval vessel construction at such level. Such assessment shall be coordinated in advance with the commanders of the combatant commands.

“(d) CBO EVALUATION.—Not later than 60 days after the date on which the congressional defense committees receive the plan

under subsection (a)(1), the Director of the Congressional Budget Office shall submit to such committees a report assessing the sufficiency of the estimated levels of annual funding included in such plan with respect to the budget submitted during the year in which the plan is submitted and the future-years defense program submitted under section 221 of this title.

“(e) DEFINITIONS.—In this section:

“(1) The term ‘budget’, with respect to a fiscal year, means the budget for that fiscal year that is submitted to Congress by the President under section 1105(a) of title 31.

“(2) The term ‘defense budget materials’, with respect to a fiscal year, means the materials submitted to Congress by the Secretary of Defense in support of the budget for that fiscal year.

“(3) The term ‘quadrennial defense review’ means the review of the defense programs and policies of the United States that is carried out every four years under section 118 of this title.”

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 9 of such title is amended by striking the item relating to section 231 and inserting the following new item:

“231. Budgeting for construction of naval vessels: annual plan and certification”.

**SEC. 1012. SENSE OF CONGRESS ON NAMING OF NAVAL VESSEL AFTER UNITED STATES MARINE CORPS SERGEANT RAFAEL PERALTA.**

It is the sense of Congress that the Secretary of the Navy is encouraged to name the next available Naval vessel after United States Marine Corps Sergeant Rafael Peralta.

**SEC. 1013. LIMITATION ON AVAILABILITY OF FUNDS FOR PLACING MARITIME PREPOSITIONING SHIP SQUADRONS ON REDUCED OPERATING STATUS.**

No amounts authorized to be appropriated by this Act may be obligated or expended to place a Maritime Prepositioning Ship squadron, or any component thereof, on reduced operating status until the later of the following:

(1) The date on which the Commandant of the Marine Corps submits to the congressional defense committees a report setting forth an assessment of the impact on military readiness of the plans of the Navy for placing such Maritime Prepositioning Ship squadron, or component thereof, on reduced operating status.

(2) The date on which the Chief of Naval Operations submits to the congressional defense committees a report that—

(A) describes the plans of the Navy for placing such Maritime Prepositioning Ship squadron, or component thereof, on reduced operating status; and

(B) sets forth comments of the Chief of Naval Operations on the assessment described in paragraph (1).

(3) The date on which the Secretary of Defense certifies to the congressional defense committees that the risks to readiness of placing such Maritime Prepositioning squadron, or component thereof, on reduced operating status are acceptable.

**SEC. 1014. REPORT ON POLICIES AND PRACTICES OF THE NAVY FOR NAMING THE VESSELS OF THE NAVY.**

(a) REPORT REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a report on the policies and practices of the Navy for naming vessels of the Navy.

(b) ELEMENTS.—The report required by subsection (a) shall set forth the following:

(1) A description of the current policies and practices of the Navy for naming vessels of the Navy.

(2) A description of the extent to which the policies and practices described under paragraph (1) vary from historical policies and practices of the Navy for naming vessels of the Navy, and an explanation for such variances (if any).

(3) An assessment of the feasibility and advisability of establishing fixed policies for the naming of one or more classes of vessels of the Navy, and a statement of the policies recommended to apply to each class of vessels recommended to be covered by such fixed policies if the establishment of such fixed policies is considered feasible and advisable.

(4) Any other matters relating to the policies and practices of the Navy for naming vessels of the Navy that the Secretary of Defense considers appropriate.

**SEC. 1015. TRANSFER OF CERTAIN HIGH-SPEED FERRIES TO THE NAVY.**

(a) TRANSFER FROM MARAD AUTHORIZED.—The Secretary of the Navy may, subject to appropriations, from funds available for the Department of Defense for fiscal year 2012, provide to the Maritime Administration of the Department of Transportation an amount not to exceed \$35,000,000 for the transfer by the Maritime Administration to the Department of the Navy of jurisdiction and control over the vessels as follows:

(1) M/V HUAKAI.

(2) M/V ALAKAI.

(b) USE AS DEPARTMENT OF DEFENSE SEALIFT VESSELS.—Each vessel transferred to the Department of the Navy under subsection (a) shall be administered as a Department of Defense sealift vessel (as such term is defined in section 2218(k)(2) of title 10, United States Code).

**SEC. 1016. MODIFICATION OF CONDITIONS ON STATUS OF RETIRED AIRCRAFT CARRIER EX-JOHN F. KENNEDY.**

Section 1011(c)(2) of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109-364; 120 Stat. 2374) is amended by striking “shall require” and all that follows and inserting “may, notwithstanding paragraph (1), demilitarize the vessel in preparation for the transfer.”

**SEC. 1017. ASSESSMENT OF STATIONING OF ADDITIONAL DDG-51 CLASS DESTROYERS AT NAVAL STATION MAYPORT, FLORIDA.**

(a) NAVY ASSESSMENT REQUIRED.—

(1) IN GENERAL.—Not later than one year after the date of the enactment of this Act, the Secretary of the Navy shall conduct an analysis of the costs and benefits of stationing additional DDG-51 class destroyers at Naval Station Mayport, Florida.

(2) ELEMENTS.—The analysis required by paragraph (1) shall include, at a minimum, the following:

(A) Consideration of the negative effects on the ship repair industrial base at Naval Station Mayport caused by the retirement of FFG-7 class frigates and the procurement delays of the Littoral Combat Ship, including, in particular, the increase in costs (which would be passed on to the taxpayer) of reconstituting the ship repair industrial base at Naval Station Mayport following the projected drastic decrease in workload.

(B) Updated consideration of life extensions of FFG-7 class frigates in light of continued delays in deliveries of the Littoral Combat Ship deliveries.

(C) Consideration of the possibility of bringing additional surface warships to

Naval Station Mayport for maintenance with the consequence of spreading the ship repair workload appropriately amongst the various public and private shipyards and ensuring the long-term health of the shipyard in Mayport.

(b) **COMPTROLLER GENERAL OF THE UNITED STATES ASSESSMENT.**—Not later than 120 days after the submittal of the report required by subsection (a), the Comptroller General of the United States shall submit to Congress an assessment by the Comptroller General of the report, including a determination whether or not the report complies with applicable best practices.

#### Subtitle D—Counterterrorism

#### SEC. 1021. AFFIRMATION OF AUTHORITY OF THE ARMED FORCES OF THE UNITED STATES TO DETAIN COVERED PERSONS PURSUANT TO THE AUTHORIZATION FOR USE OF MILITARY FORCE.

(a) **IN GENERAL.**—Congress affirms that the authority of the President to use all necessary and appropriate force pursuant to the Authorization for Use of Military Force (Public Law 107-40; 50 U.S.C. 1541 note) includes the authority for the Armed Forces of the United States to detain covered persons (as defined in subsection (b)) pending disposition under the law of war.

(b) **COVERED PERSONS.**—A covered person under this section is any person as follows:

(1) A person who planned, authorized, committed, or aided the terrorist attacks that occurred on September 11, 2001, or harbored those responsible for those attacks.

(2) A person who was a part of or substantially supported al-Qaeda, the Taliban, or associated forces that are engaged in hostilities against the United States or its coalition partners, including any person who has committed a belligerent act or has directly supported such hostilities in aid of such enemy forces.

(c) **DISPOSITION UNDER LAW OF WAR.**—The disposition of a person under the law of war as described in subsection (a) may include the following:

(1) Detention under the law of war without trial until the end of the hostilities authorized by the Authorization for Use of Military Force.

(2) Trial under chapter 47A of title 10, United States Code (as amended by the Military Commissions Act of 2009 (title XVIII of Public Law 111-84)).

(3) Transfer for trial by an alternative court or competent tribunal having lawful jurisdiction.

(4) Transfer to the custody or control of the person's country of origin, any other foreign country, or any other foreign entity.

(d) **CONSTRUCTION.**—Nothing in this section is intended to limit or expand the authority of the President or the scope of the Authorization for Use of Military Force.

(e) **AUTHORITIES.**—Nothing in this section shall be construed to affect existing law or authorities relating to the detention of United States citizens, lawful resident aliens of the United States, or any other persons who are captured or arrested in the United States.

(f) **REQUIREMENT FOR BRIEFINGS OF CONGRESS.**—The Secretary of Defense shall regularly brief Congress regarding the application of the authority described in this section, including the organizations, entities, and individuals considered to be “covered persons” for purposes of subsection (b)(2).

#### SEC. 1022. MILITARY CUSTODY FOR FOREIGN AL-QAEDA TERRORISTS.

(a) **CUSTODY PENDING DISPOSITION UNDER LAW OF WAR.**—

(1) **IN GENERAL.**—Except as provided in paragraph (4), the Armed Forces of the United States shall hold a person described in paragraph (2) who is captured in the course of hostilities authorized by the Authorization for Use of Military Force (Public Law 107-40) in military custody pending disposition under the law of war.

(2) **COVERED PERSONS.**—The requirement in paragraph (1) shall apply to any person whose detention is authorized under section 1021 who is determined—

(A) to be a member of, or part of, al-Qaeda or an associated force that acts in coordination with or pursuant to the direction of al-Qaeda; and

(B) to have participated in the course of planning or carrying out an attack or attempted attack against the United States or its coalition partners.

(3) **DISPOSITION UNDER LAW OF WAR.**—For purposes of this subsection, the disposition of a person under the law of war has the meaning given in section 1021(c), except that no transfer otherwise described in paragraph (4) of that section shall be made unless consistent with the requirements of section 1028.

(4) **WAIVER FOR NATIONAL SECURITY.**—The President may waive the requirement of paragraph (1) if the President submits to Congress a certification in writing that such a waiver is in the national security interests of the United States.

(b) **APPLICABILITY TO UNITED STATES CITIZENS AND LAWFUL RESIDENT ALIENS.**—

(1) **UNITED STATES CITIZENS.**—The requirement to detain a person in military custody under this section does not extend to citizens of the United States.

(2) **LAWFUL RESIDENT ALIENS.**—The requirement to detain a person in military custody under this section does not extend to a lawful resident alien of the United States on the basis of conduct taking place within the United States, except to the extent permitted by the Constitution of the United States.

(c) **IMPLEMENTATION PROCEDURES.**—

(1) **IN GENERAL.**—Not later than 60 days after the date of the enactment of this Act, the President shall issue, and submit to Congress, procedures for implementing this section.

(2) **ELEMENTS.**—The procedures for implementing this section shall include, but not be limited to, procedures as follows:

(A) Procedures designating the persons authorized to make determinations under subsection (a)(2) and the process by which such determinations are to be made.

(B) Procedures providing that the requirement for military custody under subsection (a)(1) does not require the interruption of ongoing surveillance or intelligence gathering with regard to persons not already in the custody or control of the United States.

(C) Procedures providing that a determination under subsection (a)(2) is not required to be implemented until after the conclusion of an interrogation which is ongoing at the time the determination is made and does not require the interruption of any such ongoing interrogation.

(D) Procedures providing that the requirement for military custody under subsection (a)(1) does not apply when intelligence, law enforcement, or other Government officials of the United States are granted access to an individual who remains in the custody of a third country.

(E) Procedures providing that a certification of national security interests under subsection (a)(4) may be granted for the purpose of transferring a covered person from a

third country if such a transfer is in the interest of the United States and could not otherwise be accomplished.

(d) **AUTHORITIES.**—Nothing in this section shall be construed to affect the existing criminal enforcement and national security authorities of the Federal Bureau of Investigation or any other domestic law enforcement agency with regard to a covered person, regardless whether such covered person is held in military custody.

(e) **EFFECTIVE DATE.**—This section shall take effect on the date that is 60 days after the date of the enactment of this Act, and shall apply with respect to persons described in subsection (a)(2) who are taken into the custody or brought under the control of the United States on or after that effective date.

#### SEC. 1023. PROCEDURES FOR PERIODIC DETENTION REVIEW OF INDIVIDUALS DETAINED AT UNITED STATES NAVAL STATION, GUANTANAMO BAY, CUBA.

(a) **PROCEDURES REQUIRED.**—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the appropriate committees of Congress a report setting forth procedures for implementing the periodic review process required by Executive Order No. 13567 for individuals detained at United States Naval Station, Guantanamo Bay, Cuba, pursuant to the Authorization for Use of Military Force (Public Law 107-40; 50 U.S.C. 1541 note).

(b) **COVERED MATTERS.**—The procedures submitted under subsection (a) shall, at a minimum—

(1) clarify that the purpose of the periodic review process is not to determine the legality of any detainee's law of war detention, but to make discretionary determinations whether or not a detainee represents a continuing threat to the security of the United States;

(2) clarify that the Secretary of Defense is responsible for any final decision to release or transfer an individual detained in military custody at United States Naval Station, Guantanamo Bay, Cuba, pursuant to the Executive Order referred to in subsection (a), and that in making such a final decision, the Secretary shall consider the recommendation of a periodic review board or review committee established pursuant to such Executive Order, but shall not be bound by any such recommendation;

(3) clarify that the periodic review process applies to any individual who is detained as an unprivileged enemy belligerent at United States Naval Station, Guantanamo Bay, Cuba, at any time; and

(4) ensure that appropriate consideration is given to factors addressing the need for continued detention of the detainee, including—

(A) the likelihood the detainee will resume terrorist activity if transferred or released;

(B) the likelihood the detainee will reestablish ties with al-Qaeda, the Taliban, or associated forces that are engaged in hostilities against the United States or its coalition partners if transferred or released;

(C) the likelihood of family, tribal, or government rehabilitation or support for the detainee if transferred or released;

(D) the likelihood the detainee may be subject to trial by military commission; and

(E) any law enforcement interest in the detainee.

(c) **APPROPRIATE COMMITTEES OF CONGRESS DEFINED.**—In this section, the term “appropriate committees of Congress” means—

(1) the Committee on Armed Services and the Select Committee on Intelligence of the Senate; and

(2) the Committee on Armed Services and the Permanent Select Committee on Intelligence of the House of Representatives.

**SEC. 1024. PROCEDURES FOR STATUS DETERMINATIONS.**

(a) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the appropriate committees of Congress a report setting forth the procedures for determining the status of persons detained pursuant to the Authorization for Use of Military Force (Public Law 107-40; 50 U.S.C. 1541 note) for purposes of section 1021.

(b) ELEMENTS OF PROCEDURES.—The procedures required by this section shall provide for the following in the case of any unprivileged enemy belligerent who will be held in long-term detention under the law of war pursuant to the Authorization for Use of Military Force:

(1) A military judge shall preside at proceedings for the determination of status of an unprivileged enemy belligerent.

(2) An unprivileged enemy belligerent may, at the election of the belligerent, be represented by military counsel at proceedings for the determination of status of the belligerent.

(c) APPLICABILITY.—The Secretary of Defense is not required to apply the procedures required by this section in the case of a person for whom habeas corpus review is available in a Federal court.

(d) REPORT ON MODIFICATION OF PROCEDURES.—The Secretary of Defense shall submit to the appropriate committees of Congress a report on any modification of the procedures submitted under this section. The report on any such modification shall be so submitted not later than 60 days before the date on which such modification goes into effect.

(e) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this section, the term “appropriate committees of Congress” means—

(1) the Committee on Armed Services and the Select Committee on Intelligence of the Senate; and

(2) the Committee on Armed Services and the Permanent Select Committee on Intelligence of the House of Representatives.

**SEC. 1025. REQUIREMENT FOR NATIONAL SECURITY PROTOCOLS GOVERNING DETAINEE COMMUNICATIONS.**

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall develop and submit to the congressional defense committees a national security protocol governing communications to and from individuals detained at United States Naval Station, Guantanamo Bay, Cuba, pursuant to the Authorization for Use of Military Force (Public Law 107-40; 50 U.S.C. 1541 note), and related issues.

(b) CONTENTS.—The protocol developed pursuant to subsection (a) shall include Department of Defense policies and procedures regarding each of the following:

(1) Detainee access to military or civilian legal representation, or both, including any limitations on such access and the manner in which any applicable legal privileges will be balanced with national security considerations.

(2) Detainee communications with persons other than Federal Government personnel and members of the Armed Forces, including meetings, mail, phone calls, and video teleconferences, including—

(A) any limitations on categories of information that may be discussed or materials that may be shared; and

(B) the process by which such communications or materials are to be monitored or reviewed.

(3) The extent to which detainees may receive visits by persons other than military or civilian representatives.

(4) The measures planned to be taken to implement and enforce the provisions of the protocol.

(c) UPDATES.—The Secretary of Defense shall notify the congressional defense committees of any significant change to the policies and procedures described in the protocol submitted pursuant to subsection (a) not later than 30 days after such change is made.

(d) FORM OF PROTOCOL.—The protocol submitted pursuant to subsection (a) may be submitted in classified form.

**SEC. 1026. PROHIBITION ON USE OF FUNDS TO CONSTRUCT OR MODIFY FACILITIES IN THE UNITED STATES TO HOUSE DETAINEES TRANSFERRED FROM UNITED STATES NAVAL STATION, GUANTANAMO BAY, CUBA.**

(a) IN GENERAL.—No amounts authorized to be appropriated or otherwise made available to the Department of Defense for fiscal year 2012 may be used to construct or modify any facility in the United States, its territories, or possessions to house any individual detained at Guantanamo for the purposes of detention or imprisonment in the custody or under the control of the Department of Defense unless authorized by Congress.

(b) EXCEPTION.—The prohibition in subsection (a) shall not apply to any modification of facilities at United States Naval Station, Guantanamo Bay, Cuba.

(c) INDIVIDUAL DETAINED AT GUANTANAMO DEFINED.—In this section, the term “individual detained at Guantanamo” has the meaning given that term in section 1028(e)(2).

(d) REPEAL OF SUPERSEDED AUTHORITY.—Section 1034 of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (Public Law 111-383; 124 Stat. 4353) is amended by striking subsections (a), (b), and (c).

**SEC. 1027. PROHIBITION ON THE USE OF FUNDS FOR THE TRANSFER OR RELEASE OF INDIVIDUALS DETAINED AT UNITED STATES NAVAL STATION, GUANTANAMO BAY, CUBA.**

None of the funds authorized to be appropriated by this Act for fiscal year 2012 may be used to transfer, release, or assist in the transfer or release to or within the United States, its territories, or possessions of Khalid Sheikh Mohammed or any other detainee who—

(1) is not a United States citizen or a member of the Armed Forces of the United States; and

(2) is or was held on or after January 20, 2009, at United States Naval Station, Guantanamo Bay, Cuba, by the Department of Defense.

**SEC. 1028. REQUIREMENTS FOR CERTIFICATIONS RELATING TO THE TRANSFER OF DETAINEES AT UNITED STATES NAVAL STATION, GUANTANAMO BAY, CUBA, TO FOREIGN COUNTRIES AND OTHER FOREIGN ENTITIES.**

(a) CERTIFICATION REQUIRED PRIOR TO TRANSFER.—

(1) IN GENERAL.—Except as provided in paragraph (2) and subsection (d), the Secretary of Defense may not use any amounts authorized to be appropriated or otherwise made available to the Department of Defense for fiscal year 2012 to transfer any individual detained at Guantanamo to the custody or control of the individual’s country of origin, any other foreign country, or any other foreign entity unless the Secretary submits to Congress the certification described in subsection (b) not later than 30 days before the transfer of the individual.

(2) EXCEPTION.—Paragraph (1) shall not apply to any action taken by the Secretary to transfer any individual detained at Guantanamo to effectuate—

(A) an order affecting the disposition of the individual that is issued by a court or competent tribunal of the United States having lawful jurisdiction (which the Secretary shall notify Congress of promptly after issuance); or

(B) a pre-trial agreement entered in a military commission case prior to the date of the enactment of this Act.

(b) CERTIFICATION.—A certification described in this subsection is a written certification made by the Secretary of Defense, with the concurrence of the Secretary of State and in consultation with the Director of National Intelligence, that—

(1) the government of the foreign country or the recognized leadership of the foreign entity to which the individual detained at Guantanamo is to be transferred—

(A) is not a designated state sponsor of terrorism or a designated foreign terrorist organization;

(B) maintains control over each detention facility in which the individual is to be detained if the individual is to be housed in a detention facility;

(C) is not, as of the date of the certification, facing a threat that is likely to substantially affect its ability to exercise control over the individual;

(D) has taken or agreed to take effective actions to ensure that the individual cannot take action to threaten the United States, its citizens, or its allies in the future;

(E) has taken or agreed to take such actions as the Secretary of Defense determines are necessary to ensure that the individual cannot engage or reengage in any terrorist activity; and

(F) has agreed to share with the United States any information that—

(i) is related to the individual or any associates of the individual; and

(ii) could affect the security of the United States, its citizens, or its allies; and

(2) includes an assessment, in classified or unclassified form, of the capacity, willingness, and past practices (if applicable) of the foreign country or entity in relation to the Secretary’s certifications.

(c) PROHIBITION IN CASES OF PRIOR CONFIRMED RECIDIVISM.—

(1) PROHIBITION.—Except as provided in paragraph (2) and subsection (d), the Secretary of Defense may not use any amounts authorized to be appropriated or otherwise made available to the Department of Defense to transfer any individual detained at Guantanamo to the custody or control of the individual’s country of origin, any other foreign country, or any other foreign entity if there is a confirmed case of any individual who was detained at United States Naval Station, Guantanamo Bay, Cuba, at any time after September 11, 2001, who was transferred to such foreign country or entity and subsequently engaged in any terrorist activity.

(2) EXCEPTION.—Paragraph (1) shall not apply to any action taken by the Secretary to transfer any individual detained at Guantanamo to effectuate—

(A) an order affecting the disposition of the individual that is issued by a court or competent tribunal of the United States having lawful jurisdiction (which the Secretary shall notify Congress of promptly after issuance); or

(B) a pre-trial agreement entered in a military commission case prior to the date of the enactment of this Act.

(d) NATIONAL SECURITY WAIVER.—

(1) IN GENERAL.—The Secretary of Defense may waive the applicability to a detainee transfer of a certification requirement specified in subparagraph (D) or (E) of subsection (b)(1) or the prohibition in subsection (c), if the Secretary certifies the rest of the criteria required by subsection (b) for transfers prohibited by subsection (c) and, with the concurrence of the Secretary of State and in consultation with the Director of National Intelligence, determines that—

(A) alternative actions will be taken to address the underlying purpose of the requirement or requirements to be waived;

(B) in the case of a waiver of subparagraph (D) or (E) of subsection (b)(1), it is not possible to certify that the risks addressed in the paragraph to be waived have been completely eliminated, but the actions to be taken under subparagraph (A) will substantially mitigate such risks with regard to the individual to be transferred;

(C) in the case of a waiver of subsection (c), the Secretary has considered any confirmed case in which an individual who was transferred to the country subsequently engaged in terrorist activity, and the actions to be taken under subparagraph (A) will substantially mitigate the risk of recidivism with regard to the individual to be transferred; and

(D) the transfer is in the national security interests of the United States.

(2) REPORTS.—Whenever the Secretary makes a determination under paragraph (1), the Secretary shall submit to the appropriate committees of Congress, not later than 30 days before the transfer of the individual concerned, the following:

(A) A copy of the determination and the waiver concerned.

(B) A statement of the basis for the determination, including—

(i) an explanation why the transfer is in the national security interests of the United States; and

(ii) in the case of a waiver of subparagraph (D) or (E) of subsection (b)(1), an explanation why it is not possible to certify that the risks addressed in the subparagraph to be waived have been completely eliminated.

(C) A summary of the alternative actions to be taken to address the underlying purpose of, and to mitigate the risks addressed in, the subparagraph or subsection to be waived.

(D) The assessment required by subsection (b)(2).

(e) DEFINITIONS.—In this section:

(1) The term “appropriate committees of Congress” means—

(A) the Committee on Armed Services, the Committee on Appropriations, and the Select Committee on Intelligence of the Senate; and

(B) the Committee on Armed Services, the Committee on Appropriations, and the Permanent Select Committee on Intelligence of the House of Representatives.

(2) The term “individual detained at Guantanamo” means any individual located at United States Naval Station, Guantanamo Bay, Cuba, as of October 1, 2009, who—

(A) is not a citizen of the United States or a member of the Armed Forces of the United States; and

(B) is—

(i) in the custody or under the control of the Department of Defense; or

(ii) otherwise under detention at United States Naval Station, Guantanamo Bay, Cuba.

(3) The term “foreign terrorist organization” means any organization so designated

by the Secretary of State under section 219 of the Immigration and Nationality Act (8 U.S.C. 1189).

(f) REPEAL OF SUPERSEDED AUTHORITY.—Section 1033 of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (Public Law 111-383; 124 Stat. 4351) is repealed.

**SEC. 1029. REQUIREMENT FOR CONSULTATION REGARDING PROSECUTION OF TERRORISTS.**

(a) IN GENERAL.—Before seeking an indictment of, or otherwise charging, an individual described in subsection (b) in a Federal court, the Attorney General shall consult with the Director of National Intelligence and the Secretary of Defense about—

(1) whether the more appropriate forum for prosecution would be a Federal court or a military commission; and

(2) whether the individual should be held in civilian custody or military custody pending prosecution.

(b) APPLICABILITY.—The consultation requirement in subsection (a) applies to—

(1) a person who is subject to the requirements of section 1022, in accordance with a determination made pursuant to subsection (a)(2) of such section; and

(2) any other person who is held in military detention outside of the United States pursuant to the authority affirmed by section 1021.

**SEC. 1030. CLARIFICATION OF RIGHT TO PLEAD GUILTY IN TRIAL OF CAPITAL OFFENSE BY MILITARY COMMISSION.**

(a) CLARIFICATION OF RIGHT.—Section 949m(b)(2) of title 10, United States Code, is amended—

(1) in subparagraph (C), by inserting before the semicolon the following: “, or a guilty plea was accepted and not withdrawn prior to announcement of the sentence in accordance with section 949i(b) of this title”; and

(2) in subparagraph (D), by inserting “on the sentence” after “vote was taken”.

(b) PRE-TRIAL AGREEMENTS.—Section 949i of such title is amended—

(1) in the first sentence of subsection (b)—

(A) by inserting after “military judge” the following: “, including a charge or specification that has been referred capital.”;

(B) by inserting “by the military judge” after “may be entered”; and

(C) by inserting “by the members” after “vote”; and

(2) by adding at the end the following new subsection:

“(c) PRE-TRIAL AGREEMENTS.—(1) A plea of guilty made by the accused that is accepted by a military judge under subsection (b) and not withdrawn prior to announcement of the sentence may form the basis for an agreement reducing the maximum sentence approved by the convening authority, including the reduction of a sentence of death to a lesser punishment, or that the case will be referred to a military commission under this chapter without seeking the penalty of death. Such an agreement may provide for terms and conditions in addition to a guilty plea by the accused in order to be effective. “(2) A plea agreement under this subsection may not provide for a sentence of death imposed by a military judge alone. A sentence of death may only be imposed by the unanimous vote of all members of a military commission concurring in the sentence of death as provided in section 949m(b)(2)(D) of this title.”.

“(2) A plea agreement under this subsection may not provide for a sentence of death imposed by a military judge alone. A sentence of death may only be imposed by the unanimous vote of all members of a military commission concurring in the sentence of death as provided in section 949m(b)(2)(D) of this title.”.

“(2) A plea agreement under this subsection may not provide for a sentence of death imposed by a military judge alone. A sentence of death may only be imposed by the unanimous vote of all members of a military commission concurring in the sentence of death as provided in section 949m(b)(2)(D) of this title.”.

**SEC. 1031. COUNTERTERRORISM OPERATIONAL BRIEFING REQUIREMENT.**

(a) BRIEFINGS REQUIRED.—Beginning not later than March 1, 2012, the Secretary of Defense shall provide to the congressional de-

fense committees quarterly briefings outlining Department of Defense counterterrorism operations and related activities involving special operations forces.

(b) ELEMENTS.—Each briefing under subsection (a) shall include each of the following:

(1) A global update on activity within each geographic combatant command.

(2) An overview of authorities and legal issues including limitations.

(3) An outline of interagency activities and initiatives.

(4) Any other matters the Secretary considers appropriate.

**SEC. 1032. NATIONAL SECURITY PLANNING GUIDANCE TO DENY SAFE HAVENS TO AL-QAEDA AND ITS VIOLENT EXTREMIST AFFILIATES.**

(a) PURPOSE.—The purpose of this section is to improve interagency strategic planning and execution to more effectively integrate efforts to deny safe havens and strengthen at-risk states to further the goals of the National Security Strategy related to the disruption, dismantlement, and defeat of al-Qaeda and its violent extremist affiliates.

(b) NATIONAL SECURITY PLANNING GUIDANCE.—

(1) GUIDANCE REQUIRED.—The President shall issue classified or unclassified national security planning guidance in support of objectives stated in the national security strategy report submitted to Congress by the President pursuant to section 108 of the National Security Act of 1947 (50 U.S.C. 404a) to deny safe havens to al-Qaeda and its violent extremist affiliates and to strengthen at-risk states. Such guidance shall serve as the strategic plan that governs United States and coordinated international efforts to enhance the capacity of governmental and non-governmental entities to work toward the goal of eliminating the ability of al-Qaeda and its violent extremist affiliates to establish or maintain safe havens.

(2) CONTENTS OF GUIDANCE.—The guidance required under paragraph (1) shall include each of the following:

(A) A prioritized list of specified geographic areas that the President determines are necessary to address and an explicit discussion and list of the criteria or rationale used to prioritize the areas on the list, including a discussion of the conditions that would hamper the ability of the United States to strengthen at-risk states or other entities in such areas.

(B) For each specified geographic area, a description, analysis, and discussion of the core problems and contributing issues that allow or could allow al-Qaeda and its violent extremist affiliates to use the area as a safe haven from which to plan and launch attacks, engage in propaganda, or raise funds and other support, including any ongoing or potential radicalization of the population, or to use the area as a key transit route for personnel, weapons, funding, or other support.

(C) A list of short-term, mid-term, and long-term goals for each specified geographic area, prioritized by importance.

(D) A description of the role and mission of each Federal department and agency involved in executing the guidance, including the Departments of Defense, Justice, Treasury, and State and the Agency for International Development.

(E) A description of gaps in United States capabilities to meet the goals listed pursuant to subparagraph (C), and the extent to which those gaps can be met through coordination with nongovernmental, international, or private sector organizations, entities, or companies.

(3) REVIEW AND UPDATE OF GUIDANCE.—The President shall review and update the guidance required under paragraph (1) as necessary. Any such review shall address each of the following:

(A) The overall progress made toward achieving the goals listed pursuant to paragraph (2)(C), including an overall assessment of the progress in denying a safe haven to al-Qaeda and its violent extremist affiliates.

(B) The performance of each Federal department and agency involved in executing the guidance.

(C) The performance of the unified country team and appropriate combatant command, or in the case of a cross-border effort, country teams in the area and the appropriate combatant command.

(D) Any addition to, deletion from, or change in the order of the prioritized list maintained pursuant to paragraph (2)(A).

(4) SPECIFIED GEOGRAPHIC AREA DEFINED.—In this subsection, the term “specified geographic area” means any country, subnational territory, or region—

(A) that serves or may potentially serve as a safe haven for al-Qaeda or a violent extremist affiliate of al-Qaeda—

(i) from which to plan and launch attacks, engage in propaganda, or raise funds and other support; or

(ii) for use as a key transit route for personnel, weapons, funding, or other support; and

(B) over which one or more governments or entities exert insufficient governmental or security control to deny al-Qaeda and its violent extremist affiliates the ability to establish a large scale presence.

#### SEC. 1033. EXTENSION OF AUTHORITY TO MAKE REWARDS FOR COMBATING TERRORISM.

Section 127b of title 10, United States Code, is amended—

(1) in subsection (c)(3)(C), by striking “September 30, 2011” and inserting “September 30, 2013”; and

(2) in subsection (f)—

(A) in paragraph (1), by striking “December” and inserting “February”; and

(B) in paragraph (2)—

(i) in subparagraph (C)(ii), by inserting “and the recipient’s geographic location” after “reward”; and

(ii) by adding at the end the following new subparagraphs:

“(E) A description of the status of program implementation in each geographic combatant command.

“(F) A description of efforts to coordinate and de-conflict the authority under subsection (a) with similar rewards programs administered by the United States Government.

“(G) An assessment of the effectiveness of the program in meeting its objectives.”.

#### SEC. 1034. AMENDMENTS RELATING TO THE MILITARY COMMISSIONS ACT OF 2009.

(a) REFERENCE TO HOW CHARGES ARE MADE.—Section 949a(b)(2)(C) of title 10, United States Code, is amended by striking “preferred” in clauses (i) and (ii) and inserting “sworn”.

(b) JUDGES OF UNITED STATES COURT OF MILITARY COMMISSION REVIEW.—Section 949b(b) of such title is amended—

(1) in paragraph (1)(A), by striking “a military appellate judge or other duly appointed judge under this chapter on” and inserting “a judge on”;

(2) in paragraph (2), by striking “a military appellate judge on” and inserting “a judge on”; and

(3) in paragraph (3)(B), by striking “an appellate military judge or a duly appointed

appellate judge on” and inserting “a judge on”.

(c) PANELS OF UNITED STATES COURT OF MILITARY COMMISSION REVIEW.—Section 950f(a) of such title is amended by striking “appellate military judges” in the second sentence and inserting “judges on the Court”.

(d) REVIEW OF FINAL JUDGMENTS BY UNITED STATES COURT OF APPEALS FOR THE D.C. CIRCUIT.—

(1) CLARIFICATION OF MATTER SUBJECT TO REVIEW.—Subsection (a) of section 950g of such title is amended by inserting “as affirmed or set aside as incorrect in law by” after “where applicable.”.

(2) CLARIFICATION ON TIME FOR SEEKING REVIEW.—Subsection (c) of such section is amended—

(A) in the matter preceding paragraph (1), by striking “by the accused” and all that follows through “which—” and inserting “in the Court of Appeals—”;

(B) in paragraph (1)—

(i) by inserting “not later than 20 days after the date on which” after “(1)”; and

(ii) by striking “on the accused or on defense counsel” and inserting “on the parties”; and

(C) in paragraph (2)—

(i) by inserting “if” after “(2)”; and

(ii) by inserting before the period the following: “, not later than 20 days after the date on which such notice is submitted”.

#### Subtitle E—Nuclear Forces

#### SEC. 1041. BIENNIAL ASSESSMENT AND REPORT ON THE DELIVERY PLATFORMS FOR NUCLEAR WEAPONS AND THE NUCLEAR COMMAND AND CONTROL SYSTEM.

(a) IN GENERAL.—Chapter 23 of title 10, United States Code, is amended by adding after section 490 the following new section:

#### “§ 490a. Biennial assessment and report on the delivery platforms for nuclear weapons and the nuclear command and control system

“(a) BIENNIAL ASSESSMENTS.—(1) For each even-numbered year, each covered official shall assess the safety, security, reliability, sustainability, performance, and military effectiveness of the systems described in paragraph (2) for which such official has responsibility.

“(2) The systems described in this paragraph are the following:

“(A) Each type of delivery platform for nuclear weapons.

“(B) The nuclear command and control system.

“(b) BIENNIAL REPORT.—(1) Not later than December 1 of each even-numbered year, each covered official shall submit to the Secretary of Defense and the Nuclear Weapons Council established by section 179 of this title a report on the assessments conducted under subsection (a).

“(2) Each report under paragraph (1) shall include the following:

“(A) The results of the assessment.

“(B) An identification and discussion of any capability gaps or shortfalls with respect to the systems described in subsection (a)(2) covered under the assessment.

“(C) An identification and discussion of any risks with respect to meeting mission or capability requirements.

“(D) In the case of an assessment by the Commander of the United States Strategic Command, if the Commander identifies any deficiency with respect to a nuclear weapons delivery platform covered under the assessment, a discussion of the relative merits of any other nuclear weapons delivery platform

type or compensatory measure that would accomplish the mission of such nuclear weapons delivery platform.

“(E) An identification and discussion of any matter having an adverse effect on the capability of the covered official to accurately determine the matters covered by the assessment.

“(c) REPORT TO PRESIDENT AND CONGRESS.—

(1) Not later than March 1 of each year following a year for which a report under subsection (b) is submitted, the Secretary of Defense shall submit to the President a report containing—

“(A) each report under subsection (b) submitted during the previous year, as originally submitted to the Secretary;

“(B) any comments that the Secretary considers appropriate with respect to each such report;

“(C) any conclusions that the Secretary considers appropriate with respect to the safety, security, reliability, sustainability, performance, or military effectiveness of the systems described in subsection (a)(2); and

“(D) any other information that the Secretary considers appropriate.

“(2) Not later than March 15 of each year during which a report under paragraph (1) is submitted, the President shall transmit to the congressional defense committees the report submitted to the President under paragraph (1), including any comments the President considers appropriate.

“(3) Each report under this subsection may be in classified form if the Secretary of Defense determines it necessary.

“(d) COVERED OFFICIAL DEFINED.—In this section, the term ‘covered official’ means—

“(1) the Commander of the United States Strategic Command;

“(2) the Director of the Strategic Systems Program of the Navy; and

“(3) the Commander of the Global Strike Command of the Air Force.”.

(b) INITIAL ASSESSMENT AND REPORTS.—Not later than 30 days after the date of enactment of this Act, each covered official, as such term is defined in subsection (d) of section 490a of title 10, United States Code, as added by subsection (a), shall conduct an initial assessment as described by subsection (a) of such section and submit an initial report as described by subsection (b) of such section. The requirements of subsection (c) of such section shall apply with respect to the report submitted under this subsection.

(c) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item related to section 490 the following new item:

“490a. Biennial assessment and report on the delivery platforms for nuclear weapons and the nuclear command and control system.”.

#### SEC. 1042. PLAN ON IMPLEMENTATION OF THE NEW START TREATY.

(a) PLAN REQUIRED.—Not later than 30 days after the date of the enactment of this Act, the Secretary of Defense, in consultation with the Secretary of the Navy, the Secretary of the Air Force, and the Commander of the United States Strategic Command, shall submit to the congressional defense committees and to the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate a plan for the Department of Defense to implement the nuclear force reductions, limitations, and verification and transparency measures contained in the New START Treaty.

(b) MATTERS INCLUDED.—The plan under subsection (a) shall include the following:



(1) A description of the nuclear force structure of the United States under the New START Treaty, including—

(A) the composition of intercontinental ballistic missiles, submarine launched ballistic missiles, and bombers;

(B) the planned composition of the types and quantity of warheads for each delivery vehicle described in subparagraph (A);

(C) the number of nondeployed and retired warheads; and

(D) the plans for maintaining the flexibility of the nuclear force structure within the limits of the New START Treaty.

(2) A description of changes necessary to implement the reductions, limitations, and verification and transparency measures contained in the New START Treaty, including—

(A) how each military department plans to implement such changes; and

(B) an identification of any programmatic, operational, or policy effects resulting from such changes.

(3) The total costs associated with the reductions, limitations, and verification and transparency measures contained in the New START Treaty, and the funding profile by year and program element.

(4) An implementation schedule and associated key decision points.

(5) A description of options for and feasibility of accelerating the implementation of the New START Treaty, including a description of any potential cost savings, benefits, or risks resulting from such acceleration.

(6) Any other information the Secretary considers necessary.

(c) **COMPTROLLER GENERAL REVIEW.**—Not later than 180 days after the date on which the plan is submitted under subsection (a), the Comptroller General of the United States shall submit to the congressional defense committees a review of the plan.

(d) **FORM.**—The plan under subsection (a) and the review under subsection (c) shall be submitted in unclassified form, but may include a classified annex.

(e) **NEW START TREATY DEFINED.**—In this section, the term “New START Treaty” means the Treaty between the United States of America and the Russian Federation on Measures for the Further Reduction and Limitation of Strategic Offensive Arms, signed on April 8, 2010, and entered into force on February 5, 2011.

**SEC. 1043. ANNUAL REPORT ON THE PLAN FOR THE NUCLEAR WEAPONS STOCKPILE, NUCLEAR WEAPONS COMPLEX, NUCLEAR WEAPONS DELIVERY SYSTEMS, AND NUCLEAR WEAPONS COMMAND AND CONTROL SYSTEM.**

(a) **REPORT ON THE PLAN FOR THE NUCLEAR WEAPONS STOCKPILE, NUCLEAR WEAPONS COMPLEX, NUCLEAR WEAPONS DELIVERY SYSTEMS, AND NUCLEAR WEAPONS COMMAND AND CONTROL SYSTEM.**—

(1) **IN GENERAL.**—Together with the budget of the President submitted to Congress under section 1105(a) of title 31, United States Code, for each of fiscal years 2013 through 2019, the President, in consultation with the Secretary of Defense and the Secretary of Energy, shall transmit to the congressional defense committees, the Committee on Foreign Relations of the Senate, and the Committee on Foreign Affairs of the House of Representatives a detailed report on the plan for the nuclear weapons stockpile, nuclear weapons complex, nuclear weapons delivery systems, and nuclear weapons command and control system.

(2) **ELEMENTS.**—Each report required under paragraph (1) shall include the following:

(A) A detailed description of the plan to enhance the safety, security, and reliability

of the nuclear weapons stockpile of the United States.

(B) A detailed description of the plan to sustain and modernize the nuclear weapons complex, including improving the safety of facilities, modernizing the infrastructure, and maintaining the key capabilities and competencies of the nuclear weapons workforce, including designers and technicians.

(C) A detailed description of the plan to maintain, modernize, and replace delivery systems for nuclear weapons.

(D) A detailed description of the plan to sustain and modernize the nuclear weapons command and control system.

(E) A detailed description of any plans to retire, dismantle, or eliminate any nuclear warheads or bombs, nuclear weapons delivery systems, or any platforms (including silos and submarines) which carry such nuclear warheads, bombs, or delivery systems.

(F) A detailed estimate of budget requirements, including the costs associated with the plans outlined under subparagraphs (A) through (E), over the 10-year period following the date of the report.

(G) A detailed description of the steps taken to implement the plan submitted in the previous year, including difficulties encountered in implementing the plan in the previous year.

(b) **FORM.**—The reports under subsection (a) shall be submitted in unclassified form (including as much detail as possible), but may include a classified annex.

**SEC. 1044. SENSE OF CONGRESS ON NUCLEAR FORCE REDUCTIONS.**

It is the sense of Congress that—

(1) any reductions in the nuclear forces of the United States should be supported by a thorough assessment of the strategic environment, threat, and policy and the technical and operational implications of such reductions; and

(2) specific criteria are necessary to guide future decisions regarding further reductions in the nuclear forces of the United States.

**SEC. 1045. NUCLEAR FORCE REDUCTIONS.**

(a) **IMPLEMENTATION OF NEW START TREATY.**—

(1) **SENSE OF CONGRESS.**—It is the Sense of Congress that—

(A) the United States is committed to maintaining a safe, secure, reliable, and credible nuclear deterrent;

(B) the United States should undertake and support an enduring stockpile stewardship program and maintain and modernize nuclear weapons production capabilities and capacities to ensure the safety, security, reliability, and credibility of the United States nuclear deterrent and to meet requirements for hedging against possible international developments or technical problems;

(C) the United States should maintain nuclear weapons laboratories and plants and preserve the intellectual infrastructure, including competencies and skill sets; and

(D) the United States should provide the necessary resources to achieve these goals, using as a starting point the levels set forth in the President's 10-year plan provided to Congress pursuant to section 1251 of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111-84; 123 Stat. 2549).

(2) **REPORT.**—If the President determines that an appropriations Act is enacted that fails to meet the resource requirements set forth in the plan referred to in section 1251 of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111-84; 123 Stat. 2549), or, if at any time, determines that more resources are required to carry out such plan than were estimated, the President

shall submit to Congress, within 60 days of making such a determination, a report detailing—

(A) a plan to address the resource shortfall;

(B) if more resources are required to carry out the plan than were estimated, the level of funding needed, and a detailed explanation of the purpose or purposes for which the additional resources will be used;

(C) any effects on the safety, security, reliability, or credibility of United States nuclear forces due to the shortfall or the identified additional resources required; and

(D) an explanation of whether any planned reductions in United States nuclear forces are still in the national interest of the United States in view of the resource shortfall or the identification of additional required resources.

(b) **ANNUAL REPORT ON THE NUCLEAR WEAPONS STOCKPILE OF THE UNITED STATES.**—

(1) **SENSE OF CONGRESS.**—It is the sense of Congress that—

(A) sustained investments in the nuclear weapons stockpile and the nuclear security complex are needed to ensure a safe, secure, reliable, and credible nuclear deterrent; and

(B) such investments could enable additional future reductions in the hedge stockpile.

(2) **REPORT REQUIRED.**—Not later than March 1, 2012, and annually thereafter, the Secretary of Defense shall submit to the congressional defense committees a report on the nuclear weapons stockpile of the United States that includes the following:

(A) An accounting of the weapons in the stockpile as of the end of the fiscal year preceding the submission of the report that includes all weapons in the active and inactive stockpiles, both deployed and non-deployed, and all categories and readiness states of such weapons.

(B) The planned force levels for each category of nuclear weapon over the course of the future-years defense program submitted to Congress under section 221 of title 10, United States Code, for the fiscal year following the fiscal year in which the report is submitted.

(c) **NET ASSESSMENT OF NUCLEAR FORCE LEVELS REQUIRED WITH RESPECT TO CERTAIN PROPOSALS TO REDUCE THE NUCLEAR WEAPONS STOCKPILE OF THE UNITED STATES.**—

(1) **IN GENERAL.**—If, during any year beginning after the date of the enactment of this Act, the President makes a proposal described in subsection (b)—

(A) the Commander of United States Strategic Command shall conduct a net assessment of the current and proposed nuclear forces of the United States and of other countries that possess nuclear weapons to determine whether the nuclear forces of the United States are anticipated to be capable of meeting the objectives of the United States with respect to nuclear deterrence, extended deterrence, assurance of allies, and defense;

(B) the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives the assessment described in subparagraph (A), unchanged, together with the explanatory views of the Secretary, as the Secretary deems appropriate; and

(C) the Administrator of the National Nuclear Security Administration shall submit to the Committees on Armed Services of the Senate and House of Representatives a report describing the current capacities of the United States nuclear weapons infrastructure to respond to a strategic development or technical problem in the United States nuclear weapons stockpile.

## (2) PROPOSAL DESCRIBED.—

(A) IN GENERAL.—Except as provided in subparagraph (B), a proposal described in this paragraph is a proposal to reduce the number of nuclear weapons in the active or inactive stockpiles of the United States to a level that is lower than the level on the date of the enactment of this Act.

(B) EXCEPTIONS.—A proposal described in this paragraph does not include—

(i) reductions that are a direct result of activities associated with routine stockpile stewardship, including stockpile surveillance, logistics, or maintenance; or

(ii) nuclear weapons retired or awaiting dismantlement on the date of the enactment of this Act.

(3) TERMINATION.—The requirement in paragraph (1) shall terminate on December 31, 2017.

**SEC. 1046. NUCLEAR EMPLOYMENT STRATEGY OF THE UNITED STATES.**

(a) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) any future modification to the nuclear employment strategy of the United States should maintain or enhance the ability of the nuclear forces of the United States to support the goals of the United States with respect to nuclear deterrence, extended deterrence, and assurances for allies, and the defense of the United States; and

(2) the oversight responsibility of Congress includes oversight of the nuclear employment strategy of the United States and that therefore the Chairmen and Ranking Members of the Committees on Armed Services of the Senate and House of Representatives, and such professional staff as they designate, should have access to the nuclear employment strategy of the United States.

(b) REPORTS ON MODIFICATION OF STRATEGY.—

(1) IN GENERAL.—Chapter 23 title 10, United States Code, is amended by adding at the end the following new section:

**“§491. Nuclear employment strategy of the United States: reports on modification of strategy**

“On the date on which the President issues a nuclear employment strategy of the United States that differs from the nuclear employment strategy of the United States then in force, the President shall submit to Congress a report setting forth the following:

“(1) A description of the modifications to nuclear employment strategy of the United States made by the strategy so issued.

“(2) An assessment of effects of such modification for the nuclear posture of the United States.

“(3) The implication of such changes on the flexibility and resilience of the strategic forces of the United States and the ability of such forces to support the goals of the United States with respect to nuclear deterrence, extended deterrence, assurance, and defense.”.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 23 of such title is amended by adding at the end the following new item:

“491. Nuclear employment strategy of the United States: reports on modification of strategy.”.

**SEC. 1047. COMPTROLLER GENERAL REPORT ON NUCLEAR WEAPON CAPABILITIES AND FORCE STRUCTURE REQUIREMENTS.**

(a) COMPTROLLER GENERAL STUDY REQUIRED.—The Comptroller General of the United States shall conduct a study on the strategic nuclear weapons capabilities, force

structure, employment policy, and targeting requirements of the Department of Defense.

(b) MATTERS COVERED.—The study conducted under subsection (a) shall, at minimum, cover the following:

(1) An update to the September 1991 report of the Comptroller General (GAO/NSIAD-91-319FS) titled “Strategic Weapons: Nuclear Weapons Targeting Process” that addresses—

(A) the relationship between the strategic nuclear targeting process and the determination of requirements for nuclear weapons and related delivery systems;

(B) the level of civilian oversight;

(C) the categories and types of targets; and

(D) any other matters addressed in such report or are otherwise considered appropriate by the Comptroller General.

(2) The process and rigor used to determine the effectiveness of nuclear weapons capabilities, force structures, employment policies, and targeting requirements in achieving the goals of deterrence, extended deterrence, assurance, and defense.

(3) An assessment of the requirements of the Department of Defense for strategic nuclear bomber aircraft and intercontinental ballistic missiles, including assessments of the extent to which the Secretary of Defense has—

(A) determined the force structure and capability requirements for nuclear-capable strategic bomber aircraft, bomber-delivered nuclear weapons, and intercontinental ballistic missiles;

(B) synchronized the requirements described in subparagraph (A) with plans to extend the service life of nuclear gravity bombs, nuclear-armed cruise missiles, and intercontinental ballistic missile warheads; and

(C) evaluated long-term intercontinental ballistic missile alert posture requirements and basing options.

(c) REPORTS.—

(1) IN GENERAL.—The Comptroller General shall submit to the congressional defense committees one or more reports on the study conducted under subsection (a).

(2) FORM.—Any report submitted under this subsection may be submitted in classified form, but if so submitted, an unclassified version shall also be submitted with such submission or at a later date.

(d) COOPERATION.—The Secretary of Defense and Secretary of Energy shall provide the Comptroller General full cooperation and access to appropriate officials and information for the purposes of conducting this study under subsection (a).

**SEC. 1048. REPORT ON FEASIBILITY OF JOINT REPLACEMENT FUZE PROGRAM.**

Not later than December 31, 2012, the Secretary of the Navy and the Secretary of the Air Force shall jointly submit to the congressional defense committees a report on the feasibility of the joint replacement fuze program for nuclear warheads of the Navy and the Air Force. The report shall include an assessment of the feasibility of including various options in the joint fuze and how the inclusion of such options will affect safety, security, reliability, and adaptability, as well as the program schedule and budget.

**Subtitle F—Financial Management****SEC. 1051. MODIFICATION OF AUTHORITIES ON CERTIFICATION AND CREDENTIAL STANDARDS FOR FINANCIAL MANAGEMENT POSITIONS IN THE DEPARTMENT OF DEFENSE.**

(a) IN GENERAL.—Section 1599d of title 10, United States Code, is amended to read as follows:

**“§1599d. Financial management positions: authority to prescribe professional certification and credential standards**

“(a) AUTHORITY TO PRESCRIBE PROFESSIONAL CERTIFICATION AND CREDENTIAL STANDARDS.—The Secretary of Defense may prescribe professional certification and credential standards for financial management positions within the Department of Defense, including requirements for formal education and requirements for certifications that individuals have met predetermined qualifications set by an agency of Government or by an industry or professional group. Any such professional certification or credential standard shall be prescribed as a Department regulation.

“(b) WAIVER.—The Secretary may waive any standard prescribed under subsection (a) whenever the Secretary determines such a waiver to be appropriate.

“(c) APPLICABILITY.—(1) Except as provided in paragraph (2), the Secretary may, in the Secretary’s discretion—

“(A) require that a standard prescribed under subsection (a) apply immediately to all personnel holding financial management positions designated by the Secretary; or

“(B) delay the imposition of such a standard for a reasonable period to permit persons holding financial management positions so designated time to comply.

“(2) A formal education requirement prescribed under subsection (a) shall not apply to any person employed by the Department in a financial management position before the standard is prescribed.

“(d) DISCHARGE OF AUTHORITY.—The Secretary shall prescribe any professional certification or credential standards under subsection (a) through the Under Secretary of Defense (Comptroller), in consultation with the Under Secretary of Defense for Personnel and Readiness.

“(e) REPORTS.—Not later than one year after the effective date of any regulations prescribed under subsection (a), or any significant modification of such regulations, the Secretary shall, in conjunction with the Director of the Office of Personnel Management, submit to Congress a report setting forth the plans of the Secretary to provide training to appropriate Department personnel to meet any new professional certification or credential standard under such regulations or modification.

“(f) FINANCIAL MANAGEMENT POSITION DEFINED.—In this section, the term ‘financial management position’ means a position or group of positions (including civilian and military positions), as designated by the Secretary for purposes of this section, that perform, supervise, or manage work of a fiscal, financial management, accounting, auditing, cost, or budgetary nature, or that require the performance of financial management-related work.”.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 81 of such title is amended by striking the item relating to section 1599d and inserting the following new item:

“1599d. Financial management positions: authority to prescribe professional certification and credential standards.”.

**SEC. 1052. RELIABILITY OF DEPARTMENT OF DEFENSE FINANCIAL STATEMENTS.**

Section 1008(c) of the National Defense Authorization Act for Fiscal Year 2002 (Public Law 107-107; 115 Stat. 1206; 10 U.S.C. 113 note) is amended by striking “Not later than October 31” and inserting “Not later than the date that is 180 days prior to the date set by

the Office of Management and Budget for the submission of financial statements”.

**SEC. 1053. INCLUSION OF PLAN ON THE FINANCIAL MANAGEMENT WORKFORCE IN THE STRATEGIC WORKFORCE PLAN OF THE DEPARTMENT OF DEFENSE.**

Section 115b of title 10, United States Code, is amended—

(1) by redesignating subsections (e) and (f) as subsections (f) and (g), respectively; and

(2) by inserting after subsection (d) the following new subsection (e):

“(e) **FINANCIAL MANAGEMENT WORKFORCE.**—(1) Each strategic workforce plan under subsection (a) shall include a separate chapter to specifically address the shaping and improvement of the financial management workforce of the Department of Defense, including both military and civilian personnel of that workforce.

“(2) For purposes of paragraph (1), each plan shall include, with respect to the financial management workforce of the Department—

“(A) an assessment of the matters set forth in subparagraphs (A) through (D) of subsection (b)(1);

“(B) a plan of action meeting the requirements set forth in subparagraphs (A) through (F) of subsection (b)(2);

“(C) specific steps that the Department has taken or plans to take to develop appropriate career paths for civilian employees in the financial management field and to implement the requirements of section 1599d of this title; and

“(D) a plan for funding needed improvements in the financial management workforce of the Department through the period of the current future-years defense program under section 221 of this title, including a description of any continuing shortfalls in funding available for that workforce.”.

**SEC. 1054. TRACKING IMPLEMENTATION OF DEPARTMENT OF DEFENSE EFFICIENCIES.**

(a) **ANNUAL ASSESSMENTS.**—For each of fiscal years 2012 through 2016, the Comptroller General of the United States shall carry out an assessment of the extent to which the Department of Defense has tracked and realized the savings proposed pursuant to the initiative led by the Secretary of Defense to identify at least \$100,000,000,000 in efficiencies during fiscal years 2012 through 2016.

(b) **ANNUAL REPORT.**—Not later than October 30 of each of 2012 through 2016, the Comptroller General shall submit to the congressional defense committees a report on the assessment carried out under subsection (a) for the fiscal year ending on September 30 of that year. Each such report shall include the recommendations of the Comptroller General with respect to the matter covered by the assessment.

**Subtitle G—Repeal and Modification of Reporting Requirements**

**SEC. 1061. REPEAL OF REPORTING REQUIREMENTS UNDER TITLE 10, UNITED STATES CODE.**

Title 10, United States Code, is amended as follows:

(1) Section 127a(a) is amended—

(A) by striking paragraph (3); and

(B) by redesignating paragraph (4) as paragraph (3).

(2) Section 184 is amended by striking subsection (h).

(3)(A) Section 226 is repealed.

(B) The table of sections at the beginning of chapter 9 is amended by striking the item relating to section 226.

(4)(A) Section 427 is repealed.

(B) The table of sections at the beginning of subchapter I of chapter 21 is amended by striking the item relating to section 427.

(5) Section 437 is amended by striking subsection (c).

(6)(A) Section 484 is repealed.

(B) The table of sections at the beginning of chapter 23 is amended by striking the item relating to section 484.

(7)(A) Section 485 is repealed.

(B) The table of sections at the beginning of chapter 23 is amended by striking the item relating to section 485.

(8)(A) Section 486 is repealed.

(B) The table of sections at the beginning of chapter 23 is amended by striking the item relating to section 486.

(9)(A) Section 487 is repealed.

(B) The table of sections at the beginning of chapter 23 is amended by striking the item relating to section 487.

(10)(A) Section 490 is repealed.

(B) The table of sections at the beginning of chapter 23 is amended by striking the item relating to section 490.

(11) Section 983(e)(1) is amended—

(A) by striking the comma after “Secretary of Education” and inserting “and”; and

(B) by striking “, and to Congress”.

(12) Section 2010 is amended—

(A) by striking subsection (b); and

(B) by redesignating subsections (c), (d), and (e) as subsections (b), (c), and (d), respectively.

(13)(A) Section 2282 is repealed.

(B) The table of sections at the beginning of chapter 136 is amended by striking the item relating to section 2282.

(14) Section 2350a(g) is amended by striking paragraph (3).

(15) Section 2410m is amended by striking subsection (c).

(16) Section 2485(a) is amended—

(A) by striking “(1)”; and

(B) by striking paragraph (2).

(17) Section 2493 is amended by striking subsection (g).

(18) Section 2515 is amended by striking subsection (d).

(19)(A) Section 2582 is repealed.

(B) The table of sections at the beginning of chapter 153 is amended by striking the item relating to section 2582.

(20) Section 2583 is amended—

(A) by striking subsection (f); and

(B) by redesignating subsection (g) as subsection (f).

(21) Section 2688 is amended—

(A) in subsection (a)—

(i) by striking “(1)” before “The Secretary of a military department”; and

(ii) by striking paragraphs (2) and (3);

(B) in subsection (d)(2), by striking the second sentence;

(C) by striking subsection (f); and

(D) in subsection (h), by striking the last sentence.

(22)(A) Section 2706 is repealed.

(B) The table of sections at the beginning of chapter 160 is amended by striking the item relating to section 2706.

(23)(A) Section 2815 is repealed.

(B) The table of sections at the beginning of subchapter I of chapter 169 is amended by striking the item relating to section 2815.

(24) Section 2825(c)(1) is amended—

(A) by inserting “and” at the end of subparagraph (A);

(B) by striking the semicolon at the end of subparagraph (B) and inserting a period; and

(C) by striking subparagraphs (C) and (D).

(25) Section 2836 is amended—

(A) in subsection (b)—

(i) by striking “(1)” before “The Secretary of a military department”; and

(ii) by striking paragraph (2);

(B) by striking subsection (f); and

(C) by redesignating subsection (g) as subsection (f).

(26) Section 5143 is amended by striking subsection (e).

(27)(A) Section 7296 is repealed.

(B) The table of sections at the beginning of chapter 633 is amended by striking the item relating to section 7296.

(28) Section 12302(b) is amended by striking the last sentence.

(29)(A) Section 16137 is repealed.

(B) The table of sections at the beginning of chapter 1606 is amended by striking the item relating to section 16137.

(30) Section 12302(b) is amended by striking the last sentence.

**SEC. 1062. REPEAL OF REPORTING REQUIREMENTS UNDER ANNUAL DEFENSE AUTHORIZATION ACTS.**

(a) **FISCAL YEAR 2010.**—Section 219 (123 Stat. 2228) of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84) is amended by striking subsection (c).

(b) **FISCAL YEAR 2009.**—Section 1504 of The Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (10 U.S.C. 2358 note) is amended by striking subsection (c).

(c) **FISCAL YEAR 2008.**—Section 885(a)(2) (10 U.S.C. 2304 note) of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181) is amended by striking the last sentence.

(d) **FISCAL YEAR 2007.**—The John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109–364) is amended as follows:

(1) Section 347 (10 U.S.C. 221 note) is repealed.

(2) Section 731 (10 U.S.C. 1095c note) is amended—

(A) by striking subsection (d); and

(B) by redesignating subsection (e) as subsection (d).

(3) Section 732 (10 U.S.C. 1073 note) is amended by striking subsection (d).

(4) Section 1231 (22 U.S.C. 2776a) is repealed.

(5) Section 1402 (10 U.S.C. 113 note) is repealed.

(e) **FISCAL YEAR 2006.**—Section 716 of the National Defense Authorization Act for Fiscal Year 2006 (10 U.S.C. 1073 note) is amended—

(1) by striking subsection (b); and

(2) by redesignating subsection (c) as subsection (b).

(f) **FISCAL YEAR 2005.**—The Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 (Public Law 108–375) is amended as follows:

(1) Section 731 (10 U.S.C. 1074 note) is amended by striking subsection (c).

(2) Section 1041 (10 U.S.C. 229 note) is repealed.

(g) **FISCAL YEAR 2004.**—The National Defense Authorization Act for Fiscal Year 2004 (Public Law 108–136) is amended as follows:

(1) Section 586 (117 Stat. 1493) is repealed.

(2) Section 812 (117 Stat. 1542) is amended by striking subsection (c).

(3) Section 1601(d) (10 U.S.C. 2358 note) is amended—

(A) by striking paragraph (5); and

(B) by redesignating paragraphs (6) and (7) as paragraphs (5) and (6), respectively.

(h) **FISCAL YEAR 2002.**—Section 232 of the National Defense Authorization Act for Fiscal Year 2002 (10 U.S.C. 2431 note) is amended by striking subsections (c) and (d).

(i) **FISCAL YEAR 2001.**—The Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted into law by Public Law 106–398) is amended as follows:

(1) Section 374 (10 U.S.C. 2851 note) is repealed.

(2) Section 1212 (114 Stat. 1654A-326) is amended by striking subsections (c) and (d).

(3) Section 1213 (114 Stat. 1654A-327) is repealed.

(j) FISCAL YEAR 2000.—The National Defense Authorization Act for Fiscal Year 2000 (Public Law 106-65) is amended as follows:

(1) Section 723 (10 U.S.C. 1071 note) is amended—

(A) in subsection (d)—

(i) by striking paragraph (5); and

(ii) by redesignating paragraphs (6) and (7) as paragraphs (5) and (6), respectively; and

(B) by striking subsection (e).

(2) Section 1025 (10 U.S.C. 113 note) is repealed.

(3) Section 1035 (113 Stat. 753), as amended by section 1211 of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted into law by Public Law 106-398; 114 Stat. 1654A-325), is repealed.

(k) FISCAL YEAR 1998.—The National Defense Authorization Act for Fiscal Year 1998 (Public Law 105-85) is amended as follows:

(1) Section 349 (10 U.S.C. 2702 note) is amended by striking subsection (e).

(2) Section 743 (111 Stat. 1817) is amended by striking subsection (f).

(l) FISCAL YEAR 1997.—Section 218 of the National Defense Authorization Act for Fiscal Year 1997 (Public Law 104-201; 110 Stat. 2455) is repealed.

(m) FISCAL YEARS 1992 AND 1993.—Section 2868 of the National Defense Authorization Act for Fiscal Years 1992 and 1993 (10 U.S.C. 2802 note) is repealed.

(n) FISCAL YEAR 1991.—Section 831 of the National Defense Authorization Act for Fiscal Year 1991 (10 U.S.C. 2302 note) is amended—

(1) by striking subsection (l); and

(2) by redesignating subsection (m) as subsection (l).

#### SEC. 1063. REPEAL OF REPORTING REQUIREMENTS UNDER OTHER LAWS.

(a) TITLE 37.—Section 402a of title 37, United States Code, is amended—

(1) by striking subsection (f); and

(2) by redesignating subsections (g) and (h) as subsections (f) and (g), respectively.

(b) TITLE 38.—Section 3020 of title 38, United States Code, is amended—

(1) by striking subsection (l); and

(2) by redesignating subsection (m) as subsection (l).

(c) NATIONAL AND COMMUNITY SERVICE ACT OF 1990.—Section 172 of the National and Community Service Act of 1990 (42 U.S.C. 12632) is amended by striking subsection (c).

#### SEC. 1064. MODIFICATION OF REPORTING REQUIREMENTS UNDER TITLE 10, UNITED STATES CODE.

Title 10, United States Code, is amended as follows:

(1) Section 113(j) is amended—

(A) in paragraph (1)—

(i) by striking subparagraphs (A) and (C);

(ii) by redesignating subparagraph (B) as subparagraph (A); and

(iii) by inserting after subparagraph (A), as redesignated by clause (ii), the following new subparagraph (B):

“(B) The amount of direct and indirect support for the stationing of United States forces provided by each host nation.”;

(B) by striking paragraph (2); and

(C) by redesignating paragraph (3) as paragraph (2).

(2) Section 116 is amended—

(A) by redesignating subsection (b) as subsection (c); and

(B) by inserting after subsection (a) the following new subsection (b):

“(b) The Secretary may submit the report required by subsection (a) by including the

materials required in the report as an exhibit to the defense authorization request submitted pursuant to section 113a of this title in the fiscal year concerned.”.

(3) Section 127b(f) is amended by striking “December 1” and inserting “February 1”.

(4)(A) Section 228 is amended—

(i) in subsection (a)—

(I) by striking “QUARTERLY REPORT.” and inserting “BIANNUAL REPORT.”;

(II) by striking “a quarterly report” and inserting “a biannual report”; and

(III) by striking “fiscal-year quarter” and inserting “two fiscal-year quarters”; and

(ii) in subsection (c)—

(I) by striking “(1)”;

(II) by striking “a quarter of a fiscal year after the first quarter of that fiscal year” and inserting “the second two fiscal-year quarters of a fiscal year”;

(III) by striking “the first quarter of that fiscal year” and inserting “the first two fiscal-year quarters of that fiscal year”; and

(IV) by striking paragraph (2).

(B)(i) The heading of such section is amended to read as follows:

#### “§228. Biannual reports on allocation of funds within operation and maintenance budget subactivities”.

(ii) The table of sections at the beginning of chapter 9 is amended by striking the item relating to section 228 and inserting the following new item:

“228. Biannual reports on allocation of funds within operation and maintenance budget subactivities.”.

(5) Subsection (f) of section 408 is amended to read as follows:

“(f) CONGRESSIONAL OVERSIGHT.—Whenever the Secretary of Defense provides assistance to a foreign nation under this section, the Secretary shall submit to the congressional defense committees a report on the assistance provided. Each such report shall identify the nation to which the assistance was provided and include a description of the type and amount of the assistance provided.”.

(6) Section 2482(d)(1) is amended by inserting “in the United States” after “commissary store”.

(7) Section 2608(e)(1) is amended—

(A) by striking “each quarter” and inserting “the second quarter and the fourth quarter”; and

(B) by striking “the preceding quarter” and inserting “the preceding two quarters”.

(8) Section 2645(d) is amended by striking “\$1,000,000” and inserting “\$10,000,000”.

(9) Section 2803(b) is amended by striking “21-day period” and inserting “seven-day period”.

(10) Section 9514(c) is amended by striking “\$1,000,000” and inserting “\$10,000,000”.

(11) Section 10543(c)(3) is amended by striking “15 days” and inserting “90 days”.

#### SEC. 1065. MODIFICATION OF REPORTING REQUIREMENTS UNDER OTHER TITLES OF THE UNITED STATES CODE.

(a) TITLE 32.—Section 908(a) of title 32, United States Code, is amended by striking “After the end of each fiscal year,” and inserting “After the end of any fiscal year during which any assistance was provided or activities were carried out under this chapter.”.

(b) TITLE 37.—Section 316a(f) of title 37, United States Code, is amended by striking “January 1, 2010” and inserting “April 1, 2012”.

#### SEC. 1066. MODIFICATION OF REPORTING REQUIREMENTS UNDER ANNUAL DEFENSE AUTHORIZATION ACTS.

(a) FISCAL YEAR 2010.—Section 121(e) of the National Defense Authorization Act for Fis-

cal Year 2010 (Public Law 111-84; 123 Stat. 2212) is amended by striking paragraph (5).

(b) FISCAL YEAR 2008.—The National Defense Authorization Act for Fiscal Year 2008 (Public Law 110-181) is amended as follows:

(1) Section 958 (122 Stat. 297) is amended—

(A) in subsection (a), by striking “annually thereafter” and inserting “by June 30 each year thereafter”; and

(B) in subsection (d), by striking “December 31, 2013” and inserting “June 30, 2014”.

(2) Section 1107 (10 U.S.C. 2358 note) is amended—

(A) in subsection (d)—

(i) by striking “beginning with March 1, 2008,”; and

(ii) by inserting “a report containing” after “to Congress”; and

(B) in subsection (e)—

(i) in paragraph (1), by striking “Not later than” and all that follows through “the information” and inserting “The Secretary shall include in each report under subsection (d) the information”; and

(ii) in paragraph (2), by striking “under this subsection” and inserting “under subsection (d)”.

(3) Section 1674(c) (122 Stat. 483) is amended—

(A) by striking “After submission” and all that follows through “that patients,” and inserting “Patients,”; and

(B) by striking “have not been moved or disestablished until” and inserting “may not be moved or disestablished until the Secretary of Defense has certified to the congressional defense committees that”.

(c) FISCAL YEAR 2007.—Subsection (a) of section 1104 of the John Warner National Defense Authorization Act for Fiscal Year 2007 (10 U.S.C. note prec. 711) is amended to read as follows:

“(a) REPORTS ON DETAILS AND FELLOWSHIPS OF LONG DURATION.—Whenever a member of the Armed Forces or a civilian employee of the Department of Defense serves continuously in the Legislative Branch for more than 12 consecutive months in one or a combination of covered legislative details or fellowships, the Secretary of Defense shall submit to the congressional defense committees, within 90 days, and quarterly thereafter for as long as the service continues, a report on the service of the member or employee.”.

(d) FISCAL YEAR 2001.—Section 1308(c) of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (22 U.S.C. 5959(c)) is amended—

(1) by striking paragraph (7); and

(2) by redesignating paragraph (8) as paragraph (7).

(e) FISCAL YEAR 2000.—The National Defense Authorization Act for Fiscal Year 2000 (Public Law 106-65) is amended as follows:

(1) Section 1202(b)(11) (10 U.S.C. 113 note) is amended by adding at the end the following new subparagraph:

“(G) The Secretary’s certification whether or not any military-to-military exchange or contact was conducted during the period covered by the report in violation of section 1201(a).”.

(2) Section 1201 (10 U.S.C. 168 note) is amended by striking subsection (d).

#### SEC. 1067. MODIFICATION OF REPORTING REQUIREMENTS UNDER OTHER LAWS.

(a) SMALL BUSINESS ACT.—Section 9 of the Small Business Act (15 U.S.C. 638) is amended—

(1) in subsection (b)(7), by inserting “and including an accounting of funds, initiatives, and outcomes under the Commercialization Pilot Program” after “and (o)(15),”; and

(2) in subsection (y), by striking paragraph (5).

(b) IMPLEMENTING RECOMMENDATIONS OF THE 9/11 COMMISSION ACT OF 2007.—Section 1821(b)(2) of the Implementing Recommendations of the 9/11 Commission Act of 2007 (50 U.S.C. 2911(b)(2)) is amended in the first sentence by striking “of each year” and inserting “of each even-numbered year”.

#### Subtitle H—Studies and Reports

##### SEC. 1068. TRANSMISSION OF REPORTS IN ELECTRONIC FORMAT.

Section 122a(a) of title 10, United States Code, is amended by striking “made available” and all that follows through the period and inserting the following new paragraphs:

“(1) made available to the public, upon request submitted on or after the date on which such report is submitted to Congress, through the Office of the Assistant Secretary of Defense for Public Affairs; and

“(2) to the maximum extent practicable, transmitted in an electronic format.”.

##### SEC. 1069. MODIFICATIONS TO ANNUAL AIRCRAFT PROCUREMENT PLAN.

(a) IN GENERAL.—Section 231a of title 10, United States Code, is amended—

(1) in subsection (a)—

(A) in the matter preceding paragraph (1)—

(i) by striking “The Secretary” and inserting “Not later than 45 days after the date on which the President submits to Congress the budget for a fiscal year”; and

(ii) by striking “include with the defense budget materials for each fiscal year” and insert “submit to the congressional defense committees”; and

(B) in paragraph (1), by inserting “, the Department of the Army,” after “Navy”;

(2) in subsection (b)—

(A) in paragraph (4), by striking “Strategic” and inserting “Intertheater”;

(B) by redesignating paragraph (8) as paragraph (11); and

(C) by inserting after paragraph (7) the following new paragraphs:

“(8) Remotely piloted aircraft.

“(9) Rotary-wing aircraft.

“(10) Operational support and executive lift aircraft.”;

(3) in subsection (c)—

(A) in paragraph (1), by striking “national security strategy of the United States” and inserting “national military strategy of the United States”; and

(B) in paragraph (2)—

(i) in subparagraph (A), by inserting “, the Department of the Army,” after “Navy”;

(ii) in subparagraph (B), by striking “national security strategy of the United States” and inserting “national military strategy of the United States”;

(iii) in subparagraph (C)—

(I) by inserting “investment” before “funding”;

(II) by striking “the program” and inserting “each aircraft program”;

(III) by inserting before the period at the end the following: “, set forth in aggregate for the Department of Defense and in aggregate for each military department”;

(iv) by redesignating subparagraph (D) as subparagraph (F);

(v) by inserting after subparagraph (C) the following new subparagraphs:

“(D) The estimated level of annual funding necessary to operate, maintain, sustain, and support each aircraft program throughout the life-cycle of the program, set forth in aggregate for the Department of Defense and in aggregate for each military department.

“(E) For each of the cost estimates required by subparagraphs (C) and (D)—

“(i) a description of whether the cost estimate is derived from the cost estimate position of the military department or derived

from the cost estimate position of the Cost Analysis and Program Evaluation office of the Secretary of Defense;

“(ii) if the cost estimate position of the military department and the cost estimate position of the Cost Analysis and Program Evaluation office differ by more than .5 percent for any aircraft program, an annotated cost estimate difference and sufficient rationale to explain the difference; and

“(iii) the confidence or certainty level associated with the cost estimate for each aircraft program.”.

(vi) in subparagraph (F), as redesignated by clause (iv), by inserting “, the Department of the Army,” after “Navy”;

(C) by adding at the end the following new paragraphs:

“(3) For any cost estimate required by paragraph (2)(C) or (D), for any aircraft program for which the Secretary is required to include in a report under section 2432 of this title, the source of the cost information used to prepare the annual aircraft plan, shall be sourced from the Selected Acquisition Report data that the Secretary plans to submit to the congressional defense committees in accordance with subsection (f) of that section for the year for which the annual aircraft plan is prepared.

“(4) The annual aircraft procurement plan shall be submitted in unclassified form and shall contain a classified annex.”;

(4) in subsection (d), by inserting “, the Department of the Army,” after “Navy”;

(5) by redesignating subsection (e) as subsection (f);

(6) by inserting after subsection (d) the following new subsection (e):

“(e) ANNUAL REPORT ON AIRCRAFT INVENTORY.—(1) As part of the annual plan and certification required to be submitted under this section, the Secretary shall include a report on the aircraft in the inventory of the Department of Defense. Each such report shall include the following, for the year covered by the report:

“(A) The total number of aircraft in the inventory.

“(B) The total number of the aircraft in the inventory that are active, stated in the following categories (with appropriate subcategories for mission aircraft, training aircraft, dedicated test aircraft, and other aircraft):

“(i) Primary aircraft.

“(ii) Backup aircraft.

“(iii) Attrition and reconstitution reserve aircraft.

“(C) The total number of the aircraft in the inventory that are inactive, stated in the following categories:

“(i) Bailment aircraft.

“(ii) Drone aircraft.

“(iii) Aircraft for sale or other transfer to foreign governments.

“(iv) Leased or loaned aircraft.

“(v) Aircraft for maintenance training.

“(vi) Aircraft for reclamation.

“(vii) Aircraft in storage.

“(D) The aircraft inventory requirements approved by the Joint Chiefs of Staff.

“(2) Each report submitted under this subsection shall set forth each item described in paragraph (1) separately for the regular component of each armed force and for each reserve component of each armed force and, for each such component, shall set forth each type, model, and series of aircraft provided for in the future-years defense program that covers the fiscal year for which the budget accompanying the plan, certification and report is submitted.”; and

(7) in subsection (f), as redesignated by paragraph 5, by striking paragraph (2) and redesignating paragraph (3) as paragraph (2).

(b) SECTION HEADING.—The heading for such section is amended to read as follows:

“§ 231a. Budgeting for life-cycle cost of aircraft for the Navy, Army, and Air Force: annual plan and certification”.

(c) CLERICAL AMENDMENT.—The item relating to section 231a in the table of sections at the beginning of chapter 9 of title 10, United States Code, is amended to read as follows:

“231a. Budgeting for life-cycle cost of aircraft for the Navy, Army, and Air Force: annual plan and certification.”.

##### SEC. 1070. CHANGE OF DEADLINE FOR ANNUAL REPORT TO CONGRESS ON NATIONAL GUARD AND RESERVE COMPONENT EQUIPMENT.

Section 10541(a) of title 10, United States Code, is amended by striking “February 15” and inserting “March 15”.

##### SEC. 1071. REPORT ON NUCLEAR ASPIRATIONS OF NON-STATE ENTITIES, NUCLEAR WEAPONS, AND RELATED PROGRAMS IN NON-NUCLEAR WEAPONS STATES AND COUNTRIES NOT PARTIES TO THE NUCLEAR NON-PROLIFERATION TREATY, AND CERTAIN FOREIGN PERSONS.

Section 1055(a) of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111-84; 50 U.S.C. 2371(a)) is amended, in the matter preceding paragraph (1)—

(1) by striking “and the Permanent” and inserting “the Permanent”; and

(2) by inserting before “a report” the following: “, the Committee on Foreign Relations of the Senate, and the Committee on Foreign Affairs of the House of Representatives”.

##### SEC. 1072. IMPLEMENTATION PLAN FOR WHOLE-OF-GOVERNMENT VISION PRESCRIBED IN THE NATIONAL SECURITY STRATEGY.

(a) IMPLEMENTATION PLAN.—Not later than 270 days after the date of the enactment of this Act, the President shall submit to the appropriate congressional committees an implementation plan for achieving the whole-of-government integration vision prescribed in the President’s National Security Strategy of May 2010. The implementation plan shall include—

(1) a description of ongoing and future actions planned to be taken by the President and the Executive agencies to implement organizational changes, programs, and any other efforts to achieve each component of the whole-of-government vision prescribed in the National Security Strategy;

(2) a timeline for specific actions taken and planned to be taken by the President and the Executive agencies to implement each component of the whole-of-government vision prescribed in the National Security Strategy;

(3) an outline of specific actions desired or required to be taken by Congress to achieve each component of the whole-of-government vision prescribed in the National Security Strategy, including suggested timing and sequencing of actions proposed for Congress and the Executive agencies;

(4) any progress made and challenges or obstacles encountered since May 2010 in implementing each component of the whole-of-government vision prescribed in the National Security Strategy; and

(5) such other information as the President determines is necessary to understand progress in implementing each component of the whole-of-government vision prescribed in the National Security Strategy.

(b) ANNUAL UPDATES.—Not later than December 1 of each subsequent year that the National Security Strategy of May 2010 remains the policy of the President, the President shall submit to the appropriate congressional committees an update of the implementation plan required under subsection (a). Each such update shall include an explanation of—

(1) any progress made and challenges or obstacles encountered in implementing each component of the whole-of-government vision prescribed in the National Security Strategy since the submission of the implementation plan or most recent update; and

(2) any modifications to the implementation plan.

(c) DEFINITIONS.—In this section:

(1) The term “appropriate congressional committees” means—

(A) the congressional defense committees;

(B) the Committee on Foreign Relations, Select Committee on Intelligence, Committee on Homeland Security and Government Affairs, Committee on the Budget, Committee on the Judiciary, and Committee on Appropriations in the Senate; and

(C) the Committee on Foreign Affairs, Permanent Select Committee on Intelligence, Committee on Homeland Security, Committee on the Budget, Committee on the Judiciary, Committee on Oversight and Government Reform, and Committee on Appropriations in the House of Representatives.

(2) The term “Executive agency” has the meaning given that term by section 105 of title 5, United States Code.

**SEC. 1073. REPORTS ON RESOLUTION RESTRICTIONS ON THE COMMERCIAL SALE OR DISSEMINATION OF ELECTRO-OPTICAL IMAGERY COLLECTED BY SATELLITES.**

(a) SECRETARY OF COMMERCE REPORT.—

(1) REPORT REQUIRED.—Not later than April 15, 2012, the Secretary of Commerce shall submit to Congress a report setting forth the results of a comprehensive review of current restrictions on the resolution of electro-optical (EO) imagery collected from satellites that commercial companies may sell or disseminate. The report shall include such recommendations for legislative or administrative action as the Secretary considers appropriate in light of the results of the review.

(2) CONSIDERATIONS.—In conducting the review required for purposes of the report under paragraph (1), the Secretary shall take into consideration the following:

(A) Increases in sales of commercial satellite imagery that would result from a relaxation of resolution restrictions, and the ensuing benefit to the United States Government, commerce, and academia from an expanding market in satellite imagery.

(B) Current and anticipated deployments of satellites built in foreign countries that can or will be able to collect imagery at a resolution greater than .5 meter resolution, and the sale or dissemination of such imagery.

(C) The lead-time involved in securing financing, designing, building, and launching the new satellite imagery collection capabilities that would be required to enable United States commercial satellite companies to match current and anticipated foreign satellite imagery collection capabilities.

(D) Inconsistencies between the current resolution restrictions on the sale or dissemination of imagery collected by United States commercial companies, the availability of higher resolution imagery from foreign sources, and the National Space Policy of the United States, released by the President on June 28, 2010.

(E) The lack of restrictions on the sale or dissemination of high-resolution imagery collected by aircraft.

(b) INTELLIGENCE ASSESSMENT.—

(1) ASSESSMENT REQUIRED.—Not later than 60 days after the date of the enactment of this Act, the Director of National Intelligence and the Under Secretary of Defense for Intelligence shall jointly submit to the appropriate committees of Congress a report setting forth an assessment of the benefits and risks of relaxing current resolution restrictions on the electro-optical imagery from satellites that commercial United States companies may sell or disseminate, together with recommendations for means of protecting national security related information in the event of the relaxation of such resolution restrictions.

(2) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this subsection, the term “appropriate committees of Congress” means—

(A) the Committee on Armed Services, the Committee on Appropriations, and the Select Committee on Intelligence of the Senate; and

(B) the Committee on Armed Services, the Committee on Appropriations, and the Permanent Select Committee on Intelligence of the House of Representatives.

**SEC. 1074. REPORT ON INTEGRATION OF UNMANNED AERIAL SYSTEMS INTO THE NATIONAL AIRSPACE SYSTEM.**

(a) REPORT REQUIRED.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall, in consultation with the Administrator of the Federal Aviation Administration and on behalf of the UAS Executive Committee, submit to the appropriate committees of Congress a report setting forth the following:

(1) A description and assessment of the rate of progress in integrating unmanned aircraft systems into the national airspace system.

(2) An assessment of the potential for one or more pilot program or programs on such integration at certain test ranges to increase that rate of progress.

(b) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this section, the term “appropriate committees of Congress” means—

(1) the Committee on Armed Services, the Committee on Commerce, Science, and Transportation, and the Committee on Appropriations of the Senate; and

(2) the Committee on Armed Services, the Committee on Transportation and Infrastructure, the Committee on Science, Space, and Technology, and the Committee on Appropriations of the House of Representatives.

**SEC. 1075. REPORT ON FEASIBILITY OF USING UNMANNED AERIAL SYSTEMS TO PERFORM AIRBORNE INSPECTION OF NAVIGATIONAL AIDS IN FOREIGN AIRSPACE.**

Not later than 90 days after the date of the enactment of this Act, the Secretary of the Air Force shall submit to the congressional defense committees a report on the feasibility of using unmanned aerial systems to perform airborne flight inspection of electronic signals-in-space from ground-based navigational aids that support aircraft departure, en route, and arrival flight procedures in foreign airspace in support of United States military operations.

**SEC. 1076. COMPTROLLER GENERAL REVIEW OF MEDICAL RESEARCH AND DEVELOPMENT RELATING TO IMPROVED COMBAT CASUALTY CARE.**

(a) STUDY REQUIRED.—The Comptroller General of the United States shall conduct a review of Department of Defense programs and organizations related to, and resourcing

of, medical research and development in support of improved combat casualty care designed to save lives on the battlefield.

(b) REPORT.—Not later than January 1, 2013, the Comptroller General shall submit to the congressional defense committees a report on the review conducted under subsection (a), including the following elements:

(1) A description of current medical combat casualty care research and development programs throughout the Department of Defense, including basic and applied medical research, technology development, and clinical research.

(2) An identification of organizational elements within the Department that have responsibility for planning and oversight of combat casualty care research and development.

(3) A description of the means by which the Department applies combat casualty care research findings, including development of new medical devices, to improve battlefield care.

(4) An assessment of the adequacy of the coordination by the Department of planning for combat casualty care medical research and development and whether or not the Department has a coordinated combat casualty care research and development strategy.

(5) An assessment of the adequacy of resources provided for combat casualty care research and development across the Department.

(6) An assessment of the programmatic, organizational, and resource challenges and gaps faced by the Department in optimizing investments in combat casualty care medical research and development in order to save lives on the battlefield.

(7) The extent to which the Department utilizes expertise from experts and entities outside the Department with expertise in combat casualty care medical research and development.

(8) An assessment of the challenges faced in rapidly applying research findings and technology developments to improved battlefield care.

(9) Recommendations regarding—

(A) the need for a coordinated combat casualty care medical research and development strategy;

(B) organizational obstacles or realignments to improve effectiveness of combat casualty care medical research and development; and

(C) adequacy of resource support.

**SEC. 1077. REPORTS TO CONGRESS ON THE MODIFICATION OF THE FORCE STRUCTURE FOR THE STRATEGIC NUCLEAR WEAPONS DELIVERY SYSTEMS OF THE UNITED STATES.**

Whenever after the date of the enactment of this Act the President proposes a modification of the force structure for the strategic nuclear weapons delivery systems of the United States, the President shall submit to Congress a report on the modification. The report shall include a description of the manner in which such modification will maintain for the United States a range of strategic nuclear weapons delivery systems appropriate for the current and anticipated threats faced by the United States when compared with the current force structure of strategic nuclear weapons delivery systems.

**SEC. 1078. COMPTROLLER GENERAL OF THE UNITED STATES REPORTS ON THE MAJOR AUTOMATED INFORMATION SYSTEM PROGRAMS OF THE DEPARTMENT OF DEFENSE.**

(a) ASSESSMENT REPORTS REQUIRED.—



(1) IN GENERAL.—Not later than March 30 of each year from 2013 through 2018, the Comptroller General of the United States shall submit to the appropriate committees of Congress a report setting forth an assessment of the performance of the major automated information system programs of the Department of Defense.

(2) ELEMENTS.—Each report under subsection (a) shall include the following:

(A) An assessment by the Comptroller General of the cost, schedule, and performance of a representative variety of major automated information system programs selected by the Comptroller General for purposes of such report.

(B) An assessment by the Comptroller General of the level of risk associated with the programs selected under subparagraph (A) for purposes of such report, and a description of the actions taken by the Department to manage or reduce such risk.

(C) An assessment by the Comptroller General of the extent to which the programs selected under subparagraph (A) for purposes of such report employ best practices for the acquisition of information technology systems, as identified by the Comptroller General, the Defense Science Board, and the Department.

(b) PRELIMINARY REPORT.—

(1) IN GENERAL.—Not later than September 30, 2012, the Comptroller General shall submit to the appropriate committees of Congress a report setting forth the following:

(A) The metrics to be used by the Comptroller General for the reports submitted under subsection (a).

(B) A preliminary assessment on the matters set forth under subsection (a)(2).

(2) BRIEFINGS.—In developing metrics for purposes of the report required by paragraph (1)(A), the Comptroller General shall provide the appropriate committees of Congress with periodic briefings on the development of such metrics.

(c) DEFINITIONS.—In this section:

(1) The term “appropriate committees of Congress” means—

(A) the Committee on Armed Services, the Committee on Homeland Security and Governmental Affairs, and the Committee on Appropriations of the Senate; and

(B) the Committee on Armed Services, the Committee on Oversight and Government Reform, and the Committee on Appropriations of the House of Representatives.

(2) The term “major automated information system program” has the meaning given that term in section 2445a of title 10, United States Code.

#### **SEC. 1079. REPORT ON DEFENSE DEPARTMENT ANALYTIC CAPABILITIES REGARDING FOREIGN BALLISTIC MISSILE THREATS.**

(a) REPORT REQUIRED.—Not later than 180 days after the date of enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report on the analytic capabilities of the Department of Defense regarding threats from foreign ballistic missiles of all ranges.

(b) ELEMENTS.—The report required by subsection (a) shall include the following:

(1) A description of the current capabilities of the Department of Defense to analyze threats from foreign ballistic missiles of all ranges, including the degree of coordination among the relevant analytic elements of the Department.

(2) A description of any current or foreseeable gaps in the analytic capabilities of the Department regarding threats from foreign ballistic missiles of all ranges.

(3) A plan to address any gaps identified pursuant to paragraph (2) during the 5-year period beginning on the date of the report.

(c) FORM.—The report required by subsection (a) shall be submitted in unclassified form, but may include a classified annex.

#### **SEC. 1080. REPORT ON APPROVAL AND IMPLEMENTATION OF AIR SEA BATTLE CONCEPT.**

(a) REPORT REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a report on the approved Air Sea Battle Concept, as required by the 2010 Quadrennial Defense Review Report, and a plan for the implementation of the concept.

(b) ELEMENTS.—The report required by subsection (a) shall include, at a minimum, the following:

(1) A description of the approved Air Sea Battle Concept.

(2) An identification and assessment of—  
(A) the materiel solutions required to employ the concept in support of approved operational plans and contingency plans; and

(B) the risks to approved operational plans and contingency plans resulting from unfulfilled materiel solutions identified pursuant to subparagraph (A).

(3) A summary of the implementation plan, including—

(A) an assessment of the risks to implementation of the approved concept within the current and programmed force structure, capabilities, and capacity;

(B) a description of the criteria that will be used to measure progress toward full implementation of the concept; and

(C) a timeline for implementation of the concept.

(4) A description and assessment of how current research, development, and acquisition priorities in the program of record deliver or fail to deliver the materiel solutions identified pursuant to paragraph (2)(A).

(5) An identification, in order of priority, of the five most critical materiel solutions identified pursuant to paragraph (2)(A) requiring increased or sustained investment for the implementation of the Air Sea Battle Concept.

(6) An identification, in order of priority, of how the Department will offset the increased costs required by implementation of the Air Sea Battle Concept, including an explanation of what force structure, capabilities, and programs will be reduced and how potentially increased risks based on those reductions will be managed relative to other strategic requirements.

(7) A list of any new organization required to implement the concept, including an explanation of the function of each organization and why such functions cannot be assigned to existing organizations.

(8) A description and assessment of the estimated incremental increases in costs, including the cost of any new organization identified pursuant to paragraph (7), and savings from implementing the Air Sea Battle Concept, including the most significant reasons for those increased costs and savings.

(9) A description and assessment of the contributions required from allies and other international partners, including the identification and plans for management of related risks, in order to implement the Air Sea Battle Concept.

(10) Such other matters relating to the development and implementation of the Air Sea Battle Concept as the Secretary considers appropriate.

(c) FORM.—The report required by subsection (a) shall be submitted in both unclassified and classified form.

#### **SEC. 1080A. REPORT ON COSTS OF UNITS OF THE RESERVE COMPONENTS AND THE ACTIVE COMPONENTS OF THE ARMED FORCES.**

(a) REPORT REQUIRED.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report setting forth an analysis of the costs of a sample of deployable units of the active components of the Armed Forces and the costs of a sample of similar deployable units of the reserve components of the Armed Forces.

(2) SIMILAR UNITS.—For purposes of this subsection, units of the active components and reserve components shall be treated as similar if such units have the same table of organization and equipment or, as applicable, the same size, structure, personnel, or deployed mission.

(b) ASSESSMENT OF RESERVE COMPONENT FORCE STRUCTURE AND END STRENGTHS IN TOTAL FORCE STRUCTURE.—The Secretary shall include in the report required by subsection (a) the following:

(1) An assessment of the advisability of retaining, decreasing, or increasing the number and capability mix of units and end strengths of the reserve components of the Armed Forces within the total force structure of the Armed Forces.

(2) The current and most likely anticipated demands for military capabilities in support of the National Military Strategy, including the capability and deployment timeline requirements of the contingency plans of the combatant commands.

(3) Authorities available to access the reserve components of the Armed Forces for Federal missions.

(4) Personnel, equipment, and training readiness, and the cost to sustain, mobilize, achieve required pre-deployment readiness levels, and deploy active component units and reserve component units.

(5) Such other matters as the Secretary considers appropriate.

(c) COMPTROLLER GENERAL REPORT.—Not later than 180 days after the date of the submittal of the report required by subsection (a), the Comptroller General of the United States shall submit to the congressional defense committees the Comptroller General's evaluation of the report of the Secretary under subsection (a).

#### **Subtitle I—Miscellaneous Authorities and Limitations**

#### **SEC. 1081. AUTHORITY FOR ASSIGNMENT OF CIVILIAN EMPLOYEES OF THE DEPARTMENT OF DEFENSE AS ADVISORS TO FOREIGN MINISTRIES OF DEFENSE.**

(a) AUTHORITY.—The Secretary of Defense may, with the concurrence of the Secretary of State, carry out a program to assign civilian employees of the Department of Defense as advisors to the ministries of defense (or security agencies serving a similar defense function) of foreign countries in order to—

(1) provide institutional, ministerial-level advice, and other training to personnel of the ministry to which assigned in support of stabilization or post-conflict activities; or

(2) assist such ministry in building core institutional capacity, competencies, and capabilities to manage defense-related processes.

(b) TERMINATION OF AUTHORITY.—

(1) IN GENERAL.—The authority of the Secretary of Defense to assign civilian employees under the program under subsection (a) terminates at the close of September 30, 2014.



(2) CONTINUATION OF ASSIGNMENTS.—Any assignment of a civilian employee under subsection (a) before the date specified in paragraph (1) may continue after that date, but only using funds available for fiscal year 2012, 2013, or 2014.

(c) ANNUAL REPORT.—Not later than December 30 each year through 2014, the Secretary of Defense shall submit to the Committees on Armed Services and Foreign Relations of the Senate and the Committees on Armed Services and Foreign Affairs of the House of Representatives a report on activities under the program under subsection (a) during the preceding fiscal year. Each report shall include, for the fiscal year covered by such report, the following:

(1) A list of the defense ministries to which civilian employees were assigned under the program.

(2) A statement of the number of such employees so assigned.

(3) A statement of the duration of the various assignments of such employees.

(4) A brief description of the activities carried out such by such employees pursuant to such assignments.

(5) A description of the criteria used to select the defense ministries identified in paragraph (1) and the civilian employees so assigned.

(6) A statement of the cost of each such assignment.

(7) Recommendations, if any, about changes to the authority, including an assessment of whether expanding the program authority to include assignments to bilateral, regional, or multilateral international security organizations would advance the national security interests of the United States.

(d) COMPTROLLER GENERAL REPORT.—Not later than December 30, 2013, the Comptroller General of the United States shall submit to the committees of Congress specified in subsection (c) a report setting forth an assessment of the effectiveness of the advisory services provided by civilian employees assigned under the program under subsection (a) as of the date of the report in meeting the purposes of the program.

**SEC. 1082. EXEMPTION FROM FREEDOM OF INFORMATION ACT FOR DATA FILES OF THE MILITARY FLIGHT OPERATIONS QUALITY ASSURANCE SYSTEMS OF THE MILITARY DEPARTMENTS.**

(a) EXEMPTION.—

(1) IN GENERAL.—Chapter 134 of title 10, United States Code, is amended by inserting after section 2254 the following new section:

**“§ 2254a. Data files of military flight operations quality assurance systems: exemption from disclosure under Freedom of Information Act**

“(a) AUTHORITY TO EXEMPT CERTAIN DATA FILES FROM DISCLOSURE UNDER FOIA.—

“(1) The Secretary of Defense may exempt information contained in any data file of the military flight operations quality assurance system of a military department from disclosure under section 552(b)(3) of title 5, upon a written determination that—

“(A) the information is sensitive information concerning military aircraft, units, or aircrew; and

“(B) the public interest consideration in the disclosure of such information does not outweigh preventing the disclosure of such information.

“(2) In this section, the term ‘data file’ means a file of the military flight operations quality assurance (in this section referred to as ‘MFOQA’) system that contains informa-

tion acquired or generated by the MFOQA system, including—

“(A) any data base containing raw MFOQA data; and

“(B) any analysis or report generated by the MFOQA system or which is derived from MFOQA data.

“(3) Information that is exempt under paragraph (1) from disclosure under section 552(b)(3) of title 5 shall be exempt from such disclosure even if such information is contained in a data file that is not exempt in its entirety from such disclosure.

“(4) The provisions of paragraph (1) may not be superseded except by a provision of law which is enacted after the date of the enactment of this section and which specifically cites and repeals or modifies those provisions.

“(b) REGULATIONS.—The Secretary of Defense shall prescribe regulations for the administration of this section. Such regulations shall ensure consistent application of the authority in subsection (a) across the military departments.

“(c) DELEGATION.—The Secretary of Defense may delegate the authority to make a determination under subsection (a) to the Director of Administration and Management of the Department.

“(d) TRANSPARENCY.—Each determination of the Secretary, or the Secretary’s designee, under subsection (a) shall be made in writing and accompanied by a statement of the basis for the determination. All such determinations and statements of basis shall be available to the public, upon request, through the Office of the Director of Administration and Management.”.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of subchapter II of such chapter is amended by inserting after the item relating to section 2254 the following new item:

“2254a. Data files of military flight operations quality assurance systems: exemption from disclosure under Freedom of Information Act.”.

(b) APPLICABILITY.—Section 2254a of title 10, United States Code, as added by subsection (a), shall apply to any information entered into any data file of the military flight operations quality assurance system before, on, or after the date of the enactment of this Act.

**SEC. 1083. LIMITATION ON PROCUREMENT AND FIELDING OF LIGHT ATTACK ARMED RECONNAISSANCE AIRCRAFT.**

(a) REPORT ON LIGHT ATTACK AND ARMED RECONNAISSANCE MISSIONS.—

(1) REPORT REQUIRED.—The Secretary of Defense shall submit to the congressional defense committees a report containing the findings of a review carried out by the Secretary of the capability of the elements of the Department of Defense (including any office, agency, activity, or command described in section 111(b) of title 10, United States Code) that are responsible for conducting light attack and armed reconnaissance missions or fulfilling requests of partner nations for training in the conduct of such missions.

(2) MATTERS INCLUDED.—In conducting the review under paragraph (1), the Secretary shall—

(A) identify any gaps in the ability of the Department to conduct light attack and armed reconnaissance missions or to fulfill requests of partner nations for training in the conduct of such missions;

(B) identify any unnecessary duplication of efforts between the elements of the Department to procure or field aircraft to conduct

light attack and armed reconnaissance missions or to fulfill requests of partner nations to train in the conduct of such missions, including any planned—

(i) developmental efforts;

(ii) operational evaluations; or

(iii) acquisition of such aircraft through procurement or lease; and

(C) include findings and recommendations the Secretary considers appropriate to address any gaps identified under subparagraph (A) or unnecessary duplication of efforts identified under subparagraph (B).

(b) LIMITATION.—None of the funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2012 may be obligated or expended for the procurement or fielding of light attack armed reconnaissance aircraft until the date that is 30 days after the date on which the Secretary submits the report required by subsection (a).

**SEC. 1084. PROHIBITION ON THE USE OF FUNDS FOR MANUFACTURING BEYOND LOW RATE INITIAL PRODUCTION AT CERTAIN PROTOTYPE INTEGRATION FACILITIES.**

(a) PROHIBITION.—None of the funds authorized to be appropriated by this Act may be used for manufacturing beyond low rate initial production at a prototype integration facility of any of the following components of the Army Research, Development, and Engineering Command:

(1) The Armament Research, Development, and Engineering Center.

(2) The Aviation and Missile Research, Development, and Engineering Center.

(3) The Communications-Electronics Research, Development, and Engineering Center.

(4) The Tank Automotive Research, Development, and Engineering Center.

(b) WAIVER.—The Assistant Secretary of the Army for Acquisition, Logistics, and Technology may waive the prohibition under subsection (a) for a fiscal year if—

(1) the Assistant Secretary determines that the waiver is necessary—

(A) for reasons of national security; or

(B) to rapidly acquire equipment to respond to combat emergencies; and

(2) the Assistant Secretary submits to Congress a notification of the waiver together with the reasons for the waiver.

(c) LOW-RATE INITIAL PRODUCTION.—For purposes of this section, the term ‘low-rate initial production’ shall be determined in accordance with section 2400 of title 10, United States Code.

**SEC. 1085. USE OF STATE PARTNERSHIP PROGRAM FUNDS FOR CERTAIN PURPOSES.**

Subject to section 1210 of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84; 123 Stat. 2517; 32 U.S.C. 107 note), of the funds made available to the National Guard, the Secretary of Defense may use up to \$3,000,000 to pay for travel and per diem costs associated with the participation of United States and foreign civilian and non-defense agency personnel in conducting activities under the State Partnership Program of the National Guard.

**Subtitle J—Other Matters**

**SEC. 1086. REDESIGNATION OF PSYCHOLOGICAL OPERATIONS AS MILITARY INFORMATION SUPPORT OPERATIONS IN TITLE 10, UNITED STATES CODE, TO CONFORM TO DEPARTMENT OF DEFENSE USAGE.**

Title 10, United States Code, is amended as follows:

(1) In section 167(j), by striking paragraph (6) and inserting the following new paragraph:

“(6) Military information support operations.”

(2) Section 2011(d)(1) is amended by striking “psychological operations” and inserting “military information support operations”.

**SEC. 1087. TERMINATION OF REQUIREMENT FOR APPOINTMENT OF CIVILIAN MEMBERS OF NATIONAL SECURITY EDUCATION BOARD BY AND WITH THE ADVICE AND CONSENT OF THE SENATE.**

(a) **TERMINATION.**—Subsection (b)(7) of section 803 of the David L. Boren National Security Education Act of 1991 (50 U.S.C. 1903) is amended by striking “by and with the advice and consent of the Senate.”

(b) **TECHNICAL AMENDMENT.**—Subsection (c) of such section is amended by striking “subsection (b)(6)” and inserting “subsection (b)(7)”.

**SEC. 1088. SENSE OF CONGRESS ON APPLICATION OF MORATORIUM ON EARMARKS TO THIS ACT.**

It is the sense of Congress that the moratorium on congressionally-directed spending items in the Senate, and on congressional earmarks in the House of Representatives, should be fully enforced in this Act.

**SEC. 1089. TECHNICAL AMENDMENT.**

Section 382 of title 10, United States Code, is amended by striking “biological or chemical” each place it appears in subsections (a) and (b).

**SEC. 1090. CYBERSECURITY COLLABORATION BETWEEN THE DEPARTMENT OF DEFENSE AND THE DEPARTMENT OF HOMELAND SECURITY.**

(a) **INTERDEPARTMENTAL COLLABORATION.**—

(1) **IN GENERAL.**—The Secretary of Defense and the Secretary of Homeland Security shall provide personnel, equipment, and facilities in order to increase interdepartmental collaboration with respect to—

(A) strategic planning for the cybersecurity of the United States;

(B) mutual support for cybersecurity capabilities development; and

(C) synchronization of current operational cybersecurity mission activities.

(2) **EFFICIENCIES.**—The collaboration provided for under paragraph (1) shall be designed—

(A) to improve the efficiency and effectiveness of requirements formulation and requests for products, services, and technical assistance for, and coordination and performance assessment of, cybersecurity missions executed across a variety of Department of Defense and Department of Homeland Security elements; and

(B) to leverage the expertise of each individual Department and to avoid duplicating, replicating, or aggregating unnecessarily the diverse line organizations across technology developments, operations, and customer support that collectively execute the cybersecurity mission of each Department.

(b) **RESPONSIBILITIES.**—

(1) **DEPARTMENT OF HOMELAND SECURITY.**—The Secretary of Homeland Security shall identify and assign, in coordination with the Department of Defense, a Director of Cybersecurity Coordination within the Department of Homeland Security to undertake collaborative activities with the Department of Defense.

(2) **DEPARTMENT OF DEFENSE.**—The Secretary of Defense shall identify and assign, in coordination with the Department of Homeland Security, one or more officials within the Department of Defense to coordinate, oversee, and execute collaborative activities and the provision of cybersecurity support to the Department of Homeland Security.

**SEC. 1091. TREATMENT UNDER FREEDOM OF INFORMATION ACT OF CERTAIN DEPARTMENT OF DEFENSE CRITICAL INFRASTRUCTURE SECURITY INFORMATION.**

(a) **IN GENERAL.**—Chapter 3 of title 10, United States Code, is amended by inserting after section 130d the following new section:

**“§ 130e. Treatment under Freedom of Information Act of critical infrastructure security information**

“(a) **EXEMPTION.**—The Secretary of Defense may exempt Department of Defense critical infrastructure security information from disclosure pursuant to section 552(b)(3) of title 5, upon a written determination that—

“(1) the information is Department of Defense critical infrastructure security information; and

“(2) the public interest consideration in the disclosure of such information does not outweigh preventing the disclosure of such information.

“(b) **INFORMATION PROVIDED TO STATE AND LOCAL GOVERNMENTS.**—Department of Defense critical infrastructure security information covered by a written determination under subsection (a) that is provided to a State or local government shall remain under the control of the Department of Defense.

“(c) **DEFINITION.**—In this section, the term ‘Department of Defense critical infrastructure security information’ means sensitive but unclassified information that, if disclosed, would reveal vulnerabilities in Department of Defense critical infrastructure that, if exploited, would likely result in the significant disruption, destruction, or damage of or to Department of Defense operations, property, or facilities, including information regarding the securing and safeguarding of explosives, hazardous chemicals, or pipelines, related to critical infrastructure or protected systems owned or operated by or on behalf of the Department of Defense, including vulnerability assessments prepared by or on behalf of the Department of Defense, explosives safety information (including storage and handling), and other site-specific information on or relating to installation security.

“(d) **DELEGATION.**—The Secretary of Defense may delegate the authority to make a determination under subsection (a) to the Director of Administration and Management.

“(e) **TRANSPARENCY.**—Each determination of the Secretary, or the Secretary’s designee, under subsection (a) shall be made in writing and accompanied by a statement of the basis for the determination. All such determinations and statements of basis shall be available to the public, upon request, through the Office of the Director of Administration and Management.”

(b) **CLERICAL AMENDMENT.**—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

“130e. Treatment under Freedom of Information Act of certain critical infrastructure security information.”

**SEC. 1092. EXPANSION OF SCOPE OF HUMANITARIAN DEMINING ASSISTANCE PROGRAM TO INCLUDE STOCKPILED CONVENTIONAL MUNITIONS ASSISTANCE.**

(a) **IN GENERAL.**—Section 407 of title 10, United States Code, is amended—

(1) in subsection (a)—

(A) in paragraph (1), by inserting “and stockpiled conventional munitions assist-

ance” after “humanitarian demining assistance”;

(B) in paragraph (2), by inserting “and stockpiled conventional munitions assistance” after “Humanitarian demining assistance”; and

(C) in paragraph (3)—

(i) in the matter preceding subparagraph (A), by inserting “or stockpiled conventional munitions assistance” after “humanitarian demining assistance”; and

(ii) in subparagraph (A), by inserting “, or stockpiled conventional munitions, as applicable,” after “explosive remnants of war”;

(2) in subsection (b)—

(A) in paragraph (1), by inserting “and stockpiled conventional munitions assistance” after “humanitarian demining assistance”; and

(B) in paragraph (2), by inserting “or stockpiled conventional munitions assistance” after “humanitarian demining assistance”;

(3) in subsection (c)—

(A) in paragraph (1), by inserting “or stockpiled conventional munitions assistance” after “humanitarian demining assistance”; and

(B) in paragraph (2)(B)—

(i) by inserting “or stockpiled conventional munitions activities” after “humanitarian demining activities”; and

(ii) by inserting “, or stockpiled conventional munitions, as applicable,” after “explosive remnants of war”;

(4) in subsection (d)—

(A) by inserting “or stockpiled conventional munitions assistance” after “humanitarian demining assistance” each place it appears; and

(B) in paragraph (2), by inserting “, and whether such assistance was primarily related to the humanitarian demining efforts or stockpiled conventional munitions assistance” after “paragraph (1)”;

(5) by striking subsection (e) and inserting the following new subsection (e):

“(e) **DEFINITIONS.**—In this section:

“(1) The term ‘humanitarian demining assistance’, as it relates to training and support, means detection and clearance of landmines and other explosive remnants of war, and includes activities related to the furnishing of education, training, and technical assistance with respect to explosive safety, the detection and clearance of landmines and other explosive remnants of war, and the disposal, demilitarization, physical security, and stockpile management of potentially dangerous stockpiles of explosive ordnance.

“(2) The term ‘stockpiled conventional munitions assistance’, as it relates to the support of humanitarian assistance efforts, means training and support in the disposal, demilitarization, physical security, and stockpile management of potentially dangerous stockpiles of explosive ordnance, and includes activities related to the furnishing of education, training, and technical assistance with respect to explosive safety, the detection and clearance of landmines and other explosive remnants of war, and the disposal, demilitarization, physical security, and stockpile management of potentially dangerous stockpiles of explosive ordnance.”

(b) **CLERICAL AMENDMENTS.**—

(1) **SECTION HEADING.**—The heading of such section is amended to read as follows:

**“§ 407. Humanitarian demining assistance and stockpiled conventional munitions assistance: authority; limitations”.**

(2) **TABLE OF SECTIONS.**—The table of sections at the beginning of chapter 20 of such

title is amended by striking the item relating to section 407 and inserting the following new item:

“407. Humanitarian demining assistance and stockpiled conventional munitions assistance: authority; limitations.”.

**SEC. 1093. NUMBER OF NAVY CARRIER AIR WINGS AND CARRIER AIR WING HEAD-QUARTERS.**

The Secretary of the Navy shall ensure that the Navy maintains—

- (1) a minimum of 10 carrier air wings; and
- (2) for each such carrier air wing, a dedicated and fully staffed headquarters.

**SEC. 1094. DISPLAY OF ANNUAL BUDGET REQUIREMENTS FOR ORGANIZATIONAL CLOTHING AND INDIVIDUAL EQUIPMENT.**

(a) **SUBMISSION WITH ANNUAL BUDGET JUSTIFICATION DOCUMENTS.**—For fiscal year 2013 and each subsequent fiscal year, the Secretary of Defense shall submit to the President, for inclusion with the budget materials submitted to Congress under section 1105(a) of title 31, United States Code, a budget justification display that covers all programs and activities associated with the procurement of organizational clothing and individual equipment.

(b) **REQUIREMENTS FOR BUDGET DISPLAY.**—The budget justification display under subsection (a) for a fiscal year shall include the following:

(1) The funding requirements in each budget activity and for each Armed Force for organizational clothing and individual equipment.

(2) The amount in the budget for each of the Armed Forces for organizational clothing and equipment for that fiscal year.

(c) **DEFINITION.**—In this section, the term “organizational clothing and individual equipment” means an item of organizational clothing or equipment prescribed for wear or use with the uniform.

**SEC. 1095. NATIONAL ROCKET PROPULSION STRATEGY.**

(a) **SENSE OF THE CONGRESS.**—It is the sense of Congress that the sustenance of the solid rocket motor and liquid rocket engine industrial base is a national challenge that spans multiple departments and agencies of the Federal Government and requires the attention of the President.

(b) **STRATEGY REQUIRED.**—

(1) **IN GENERAL.**—Not later than 180 days after the date of the enactment of this Act, the President shall transmit to the appropriate congressional committees a national rocket propulsion strategy for the United States, including—

(A) a description and assessment of the effects to programs of the Department of Defense and intelligence community that rely on the solid rocket motor and liquid rocket engine industrial base caused by the end of the Space Shuttle program and termination of the Constellation program;

(B) a description of the plans of the President, the Secretary of Defense, the intelligence community, and the Administrator of the National Aeronautics and Space Administration to mitigate the impact of the end of the Space Shuttle program and termination of the Constellation program on the solid rocket motor and liquid rocket engine propulsion industrial base of the United States;

(C) a consolidated plan that outlines key decision points for the current and next-generation mission requirements of the United States with respect to tactical and strategic missiles, missile defense interceptors, tar-

gets, and satellite and human spaceflight launch vehicles;

(D) options and recommendations for synchronizing plans, programs, and budgets for research and development, procurement, operations, and workforce among the appropriate departments and agencies of the Federal Government to strengthen the solid rocket motor and liquid rocket engine propulsion industrial base of the United States; and

(E) any other relevant information the President considers necessary.

(2) **LONG-TERM ICBM PLAN.**—On the date on which the President submits to Congress the budget for fiscal year 2013 under section 1105 of title 31, United States Code, the President shall transmit to the appropriate congressional committees a long-term plan for maintaining a minimal capacity to produce intercontinental ballistic missile solid rocket motors.

(c) **APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.**—In this section, the term “appropriate congressional committees” means the following:

(1) The Committees on Armed Services, Science, Space, and Technology, Appropriations, and the Permanent Select Committee on Intelligence of the House of Representatives.

(2) The Committees on Armed Services, Commerce, Science, and Transportation, Appropriations, and the Select Committee on Intelligence of the Senate.

**SEC. 1096. GRANTS TO CERTAIN REGULATED COMPANIES FOR SPECIFIED ENERGY PROPERTY NOT SUBJECT TO NORMALIZATION RULES.**

(a) **IN GENERAL.**—The first sentence of section 1603(f) of the American Recovery and Reinvestment Tax Act of 2009 is amended by inserting “(other than subsection (d)(2) thereof)” after “section 50 of the Internal Revenue Code of 1986”.

(b) **EFFECTIVE DATE.**—The amendment made by this section shall take effect as if included in section 1603 of the American Recovery and Reinvestment Tax Act of 2009.

**SEC. 1097. UNMANNED AERIAL SYSTEMS AND NATIONAL AIRSPACE.**

(a) **ESTABLISHMENT.**—Not later than 180 days after the date of the enactment of this Act, the Administrator of the Federal Aviation Administration shall establish a program to integrate unmanned aircraft systems into the national airspace system at six test ranges.

(b) **PROGRAM REQUIREMENTS.**—In establishing the program under subsection (a), the Administrator shall—

(1) safely designate nonexclusionary airspace for integrated manned and unmanned flight operations in the national airspace system;

(2) develop certification standards and air traffic requirements for unmanned flight operations at test ranges;

(3) coordinate with and leverage the resources of the Department of Defense and the National Aeronautics and Space Administration;

(4) address both civil and public unmanned aircraft systems;

(5) ensure that the program is coordinated with the Next Generation Air Transportation System; and

(6) provide for verification of the safety of unmanned aircraft systems and related navigation procedures before integration into the national airspace system.

(c) **LOCATIONS.**—In determining the location of a test range for the program under subsection (a), the Administrator shall—

(1) take into consideration geographic and climatic diversity;

(2) take into consideration the location of ground infrastructure and research needs; and

(3) consult with the Department of Defense and the National Aeronautics and Space Administration.

(d) **TEST RANGE OPERATION.**—A project at a test range shall be operational not later than 180 days after the date on which the project is established.

(e) **REPORT.**—Not later than 90 days after the date of completing each of the pilot projects, the Administrator shall submit to the appropriate congressional committees a report setting forth the Administrator’s findings and conclusions concerning the projects that includes a description and assessment of the progress being made in establishing special use airspace to fill the immediate need of the Department of Defense to develop detection techniques for small unmanned aircraft systems and to validate sensor integration and operation of unmanned aircraft systems.

(f) **DURATION.**—The program under subsection (a) shall terminate on the date that is five years after the date of the enactment of this Act.

(g) **DEFINITION.**—In this section:

(1) The term “appropriate congressional committees” means—

(A) the Committee on Armed Services, the Committee on Transportation and Infrastructure, and the Committee on Science, Space, and Technology of the House of Representatives; and

(B) the Committee on Armed Services and the Committee on Commerce, Science, and Transportation of the Senate.

(2) The term “test range” means a defined geographic area where research and development are conducted.

**SEC. 1098. MODIFICATION OF DATES OF COMP-TROLLER GENERAL OF THE UNITED STATES REVIEW OF EXECUTIVE AGREEMENT ON JOINT MEDICAL FACILITY DEMONSTRATION PROJECT, NORTH CHICAGO AND GREAT LAKES, ILLINOIS.**

Section 1701(e)(1) of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111-84; 123 Stat. 2568) is amended by striking “and annually thereafter” and inserting “not later than two years after the execution of the executive agreement, and not later than September 30, 2015”.

**TITLE XI—CIVILIAN PERSONNEL MATTERS**

**Subtitle A—Personnel**

Sec. 1101. Amendments to Department of Defense personnel authorities.

Sec. 1102. Provisions relating to the Department of Defense performance management system.

Sec. 1103. Repeal of sunset provision relating to direct hire authority at demonstration laboratories.

Sec. 1104. One-year extension of authority to waive annual limitation on premium pay and aggregate limitation on pay for Federal civilian employees working overseas.

Sec. 1105. Waiver of certain pay limitations.

Sec. 1106. Services of post-combat case coordinators.

Sec. 1107. Authority to waive maximum-age limit for certain appointments.

Sec. 1108. Sense of Congress relating to pay parity for Federal employees serving at certain remote military installations.

Sec. 1109. Federal internship programs.

Sec. 1110. Extension and expansion of experimental personnel program for scientific and technical personnel.

Sec. 1111. Authority of the Secretaries of the military departments to employ up to 10 persons without pay.

Sec. 1112. Two-year extension of discretionary authority to grant allowances, benefits, and gratuities to personnel on official duty in a combat zone.

#### Subtitle B—Other Matters

Sec. 1121. Modification of beneficiary designation authorities for death gratuity payable upon death of a United States Government employee in service with the Armed Forces.

Sec. 1122. Authority for waiver of recovery of certain payments previously made under civilian employees voluntary separation incentive program.

Sec. 1123. Extension of continued health benefits.

Sec. 1124. Disclosure of senior mentors.

Sec. 1125. Termination of Joint Safety Climate Assessment System.

#### Subtitle A—Personnel

### SEC. 1101. AMENDMENTS TO DEPARTMENT OF DEFENSE PERSONNEL AUTHORITIES.

(a) CAREER PATHS.—Section 9902(a)(1) of title 5, United States Code, is amended—

(1) by redesignating subparagraph (D) as subparagraph (E); and

(2) by inserting after subparagraph (C) the following:

“(D) Development of attractive career paths.”.

(b) APPOINTMENT FLEXIBILITIES.—Section 9902(b) of title 5, United States Code, is amended by adding at the end the following:

“(5) The Secretary shall develop a training program for Department of Defense human resource professionals to implement the requirements of this subsection.

“(6) The Secretary shall develop indicators of effectiveness to determine whether appointment flexibilities under this subsection have achieved the objectives set forth in paragraph (1).”.

(c) ADDITIONAL REQUIREMENTS.—Section 9902(c) of title 5, United States Code, is amended—

(1) by redesignating paragraphs (6) and (7) as paragraphs (8) and (9), respectively; and

(2) by inserting after paragraph (5) the following:

“(6) provide mentors to advise individuals on their career paths and opportunities to advance and excel within their fields;

“(7) develop appropriate procedures for warnings during performance evaluations for employees who fail to meet performance standards;”.

(d) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) TECHNICAL AMENDMENT.—The heading for chapter 99 of title 5, United States Code, is amended to read as follows:

#### “CHAPTER 99—DEPARTMENT OF DEFENSE PERSONNEL AUTHORITIES”.

(2) CONFORMING AMENDMENT.—The table of chapters for part III of title 5, United States Code, is amended by striking the item relating to chapter 99 and inserting the following:

“99. Department of Defense Personnel Authorities ..... 9901”.

### SEC. 1102. PROVISIONS RELATING TO THE DEPARTMENT OF DEFENSE PERFORMANCE MANAGEMENT SYSTEM.

(a) IN GENERAL.—Section 9902 of title 5, United States Code, is amended by adding at the end the following:

“(h) REPORTS.—

“(1) IN GENERAL.—Not later than 1 year after the implementation of any performance management and workforce incentive system under subsection (a) or any procedures relating to personnel appointment flexibilities under subsection (b) (whichever is earlier), and whenever any significant action is taken under any of the preceding provisions of this section (but at least biennially) thereafter, the Secretary shall—

“(A) conduct appropriately designed and statistically valid internal assessments or employee surveys to assess employee perceptions of any program, system, procedures, or other aspect of personnel management, as established or modified under authority of this section; and

“(B) submit to the appropriate committees of Congress and the Comptroller General, a report describing the results of the assessments or surveys conducted under subparagraph (A) (including the methodology used), together with any other information which the Secretary considers appropriate.

“(2) REVIEW.—After receiving any report under paragraph (1), the Comptroller General—

“(A) shall review the assessments or surveys described in such report to determine if they were appropriately designed and statistically valid;

“(B) shall conduct a review of the extent to which the program, system, procedures, or other aspect of program management concerned (as described in paragraph (1)(A)) is fair, credible, transparent, and otherwise in conformance with the requirements of this section; and

“(C) within 6 months after receiving such report, shall submit to the appropriate committees of Congress—

“(i) an independent evaluation of the results of the assessments or surveys reviewed under subparagraph (A), and

“(ii) the findings of the Comptroller General based on the review under subparagraph (B), together with any recommendations the Comptroller General considers appropriate.

“(3) DEFINITION.—For purposes of this subsection, the term ‘appropriate committees of Congress’ means—

“(A) the Committees on Armed Services of the Senate and the House of Representatives;

“(B) the Committee on Homeland Security and Governmental Affairs of the Senate; and

“(C) the Committee on Oversight and Government Reform of the House of Representatives.”.

(b) REPORTS.—(1) The Secretary of Defense shall submit to the covered committees—

(A) no later than 12 months after the date of enactment of this Act and semiannually thereafter until fully implemented—

(i) a plan for the personnel management system, as authorized by section 9902(a) of title 5, United States Code (as amended by section 1101(a)); and

(ii) progress reports on the design and implementation of the personnel management system (as described in subparagraph (A)); and

(B) no later than 12 months after the date of enactment of this Act and semiannually thereafter until fully implemented—

(i) a plan for the appointment procedures, as authorized by section 9902(b) of such title 5 (as amended by section 1101(b)); and

(ii) progress reports on the design and implementation of the appointment procedures (as described in subparagraph (A)).

(2) Implementation of a plan described in paragraph (1)(B) may not commence before the 90th day after the date on which such plan is submitted under this subsection to the covered committees.

(3) For the purposes of this subsection, the term “covered committees” means—

(A) the Committees on Armed Services of the Senate and the House of Representatives;

(B) the Committee on Homeland Security and Governmental Affairs of the Senate; and

(C) the Committee on Oversight and Government Reform of the House of Representatives.

(c) REPEAL OF SUPERSEDED PROVISIONS.—The following sections are repealed:

(1) Section 1106(b) of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110-181; 122 Stat. 357), as amended by section 1113(h) of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111-84; 123 Stat. 2503).

(2) Section 1113(e) of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111-84; 123 Stat. 2502).

### SEC. 1103. REPEAL OF SUNSET PROVISION RELATING TO DIRECT HIRE AUTHORITY AT DEMONSTRATION LABORATORIES.

Section 1108 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110-417; 10 U.S.C. chapter 81 note) is amended by striking subsection (e).

### SEC. 1104. ONE-YEAR EXTENSION OF AUTHORITY TO WAIVE ANNUAL LIMITATION ON PREMIUM PAY AND AGGREGATE LIMITATION ON PAY FOR FEDERAL CIVILIAN EMPLOYEES WORKING OVERSEAS.

Effective January 1, 2012, section 1101(a) of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110-417; 122 Stat. 4615), as most recently amended by section 1103 of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (Public Law 111-383; 124 Stat. 4382), is further amended by striking “through 2011” and inserting “through 2012”.

### SEC. 1105. WAIVER OF CERTAIN PAY LIMITATIONS.

Section 9903(d) of title 5, United States Code, is amended—

(1) by amending paragraph (2) to read as follows:

“(2) An employee appointed under this section is not eligible for any bonus, monetary award, or other monetary incentive for service, except for—

“(A) payments authorized under this section; and

“(B) in the case of an employee who is assigned in support of a contingency operation (as defined in section 101(a)(13) of title 10), allowances and any other payments authorized under chapter 59.”; and

(2) in paragraph (3), by adding at the end the following: “In computing an employee’s total annual compensation for purposes of the preceding sentence, any payment referred to in paragraph (2)(B) shall be excluded.”.

### SEC. 1106. SERVICES OF POST-COMBAT CASE COORDINATORS.

(a) IN GENERAL.—Chapter 79 of title 5, United States Code, is amended by adding at the end the following:

#### “§ 7906. Services of post-combat case coordinators

“(a) DEFINITIONS.—For purposes of this section—

“(1) the terms ‘employee’, ‘agency’, ‘injury’, ‘war-risk hazard’, and ‘hostile force or individual’ have the meanings given those terms in section 8101; and

“(2) the term ‘qualified employee’ means an employee as described in subsection (b).

“(b) REQUIREMENT.—The head of each agency shall, in a manner consistent with the guidelines prescribed under subsection (c), provide for the assignment of a post-combat case coordinator in the case of any employee of such agency who suffers an injury or disability incurred, or an illness contracted, while in the performance of such employee’s duties, as a result of a war-risk hazard or during or as a result of capture, detention, or other restraint by a hostile force or individual.

“(c) GUIDELINES.—The Office of Personnel Management shall, after such consultation as the Office considers appropriate, prescribe guidelines for the operation of this section. Under the guidelines, the responsibilities of a post-combat case coordinator shall include—

“(1) acting as the main point of contact for qualified employees seeking administrative guidance or assistance relating to benefits under chapter 81 or 89;

“(2) assisting qualified employees in the collection of documentation or other supporting evidence for the expeditious processing of claims under chapter 81 or 89;

“(3) assisting qualified employees in connection with the receipt of prescribed medical care and the coordination of benefits under chapter 81 or 89;

“(4) resolving problems relating to the receipt of benefits under chapter 81 or 89; and

“(5) ensuring that qualified employees are properly screened and receive appropriate treatment—

“(A) for post-traumatic stress disorder or other similar disorder stemming from combat trauma; or

“(B) for suicidal or homicidal thoughts or behaviors.

“(d) DURATION.—The services of a post-combat case coordinator shall remain available to a qualified employee until—

“(1) such employee accepts or declines a reasonable offer of employment in a position in the employee’s agency for which the employee is qualified, which is not lower than 2 grades (or pay levels) below the employee’s grade (or pay level) before the occurrence or onset of the injury, disability, or illness (as referred to in subsection (a)), and which is within the employee’s commuting area; or

“(2) such employee gives written notice, in such manner as the employing agency prescribes, that those services are no longer desired or necessary.”.

(b) CLERICAL AMENDMENT.—The table of sections for chapter 79 of title 5, United States Code, is amended by adding after the item relating to section 7905 the following:

“7906. Services of post-combat case coordinators.”.

#### SEC. 1107. AUTHORITY TO WAIVE MAXIMUM-AGE LIMIT FOR CERTAIN APPOINTMENTS.

Section 3307(e) of title 5, United States Code, is amended—

(1) by striking “(e) The” and inserting “(e)(1) Except as provided in paragraph (2), the”; and

(2) by adding at the end the following:

“(2)(A) In the case of the conversion of an agency function from performance by a contractor to performance by an employee of the agency, the head of the agency, in consultation with the Director of the Office of Personnel Management, may waive any maximum limit of age, determined or fixed for positions within such agency under paragraph (1), if necessary in order to promote the recruitment or appointment of experienced personnel.

“(B) For purposes of this paragraph—

“(i) the term ‘agency’ means the Department of Defense or a military department; and

“(ii) the term ‘head of the agency’ means—

“(I) in the case of the Department of Defense, the Secretary of Defense; and

“(II) in the case of a military department, the Secretary of such military department.”.

#### SEC. 1108. SENSE OF CONGRESS RELATING TO PAY PARITY FOR FEDERAL EMPLOYEES SERVING AT CERTAIN REMOTE MILITARY INSTALLATIONS.

It is the sense of Congress that the Secretary of Defense and the Director of the Office of Personnel Management should develop procedures for determining locality pay for employees of the Department of Defense in circumstances that may be unique to such employees, such as the assignment of employees to a military installation so remote from the nearest established communities or suitable places of residence as to handicap significantly the recruitment or retention of well qualified individuals, due to the difference between the cost of living at the post of assignment and the cost of living in the locality or localities where such employees generally reside.

#### SEC. 1109. FEDERAL INTERNSHIP PROGRAMS.

(a) IN GENERAL.—Subchapter I of chapter 31 of title 5, United States Code, is amended by inserting after section 3111 the following:

##### “§3111a. Federal internship programs

“(a) INTERNSHIP COORDINATOR.—The head of each agency operating an internship program shall appoint an individual within such agency to serve as an internship coordinator.

“(b) ONLINE INFORMATION.—

“(1) AGENCIES.—The Office of Personnel Management shall make publicly available on the Internet—

“(A) the name and contact information of the internship coordinator for each agency; and

“(B) information regarding application procedures and deadlines for each internship program.

“(2) OFFICE OF PERSONNEL MANAGEMENT.—The Office of Personnel Management shall make publicly available on the Internet links to the websites where the information described in paragraph (1) is displayed.

“(c) DEFINITIONS.—For purposes of this section—

“(1) the term ‘internship program’ means—

“(A) a volunteer service program under section 3111(b);

“(B) an internship program established under Executive Order 13562, dated December 27, 2010 (75 Federal Register 82585);

“(C) a program operated by a nongovernment organization for the purpose of providing paid internships in agencies under a written agreement that is similar to an internship program established under Executive Order 13562, dated December 27, 2010 (75 Federal Register 82585); or

“(D) a program that—

“(i) is similar to an internship program established under Executive Order 13562, dated December 27, 2010 (75 Federal Register 82585); and

“(ii) is authorized under another statutory provision of law;

“(2) the term ‘intern’ means an individual participating in an internship program; and

“(3) the term ‘agency’ means an Executive agency.”.

(b) CLERICAL AMENDMENT.—The table of sections for chapter 31 of title 5, United States Code, is amended by inserting after the item relating to section 3111 the following:

“3111a. Federal internship programs.”.

(c) REGULATIONS.—The Office of Personnel Management may prescribe regulations to carry out the amendment made by subsection (a).

#### SEC. 1110. EXTENSION AND EXPANSION OF EXPERIMENTAL PERSONNEL PROGRAM FOR SCIENTIFIC AND TECHNICAL PERSONNEL.

(a) EXTENSION.—Section 1101 of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (5 U.S.C. 3104 note) is amended in subsection (e)(1) by striking “2014” and inserting “2016”.

(b) EXPANSION OF AVAILABILITY OF PERSONNEL MANAGEMENT AUTHORITY.—Subsection (b)(1) of such section is amended—

(1) in subparagraph (C), by striking “and” at the end;

(2) in subparagraph (D), by inserting “and” at the end; and

(3) by adding at the end the following new subparagraph:

“(E) not more than a total of 10 scientific and engineering positions in the Office of the Director of Operational Test and Evaluation;”.

#### SEC. 1111. AUTHORITY OF THE SECRETARIES OF THE MILITARY DEPARTMENTS TO EMPLOY UP TO 10 PERSONS WITHOUT PAY.

Section 1583 of title 10, United States Code, is amended in the first sentence—

(1) by inserting “and the Secretaries of the military departments” after “the Secretary of Defense”; and

(2) by inserting “each” after “may”.

#### SEC. 1112. TWO-YEAR EXTENSION OF DISCRETIONARY AUTHORITY TO GRANT ALLOWANCES, BENEFITS, AND GRATUITIES TO PERSONNEL ON OFFICIAL DUTY IN A COMBAT ZONE.

Paragraph (2) of section 1603(a) of the Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Hurricane Recovery, 2006 (Public Law 109-234; 120 Stat. 443), as added by section 1102 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110-417; 122 Stat. 4616), is amended by striking “fiscal years 2009, 2010, and 2011” and inserting “fiscal years 2009 through 2013”.

#### Subtitle B—Other Matters

#### SEC. 1121. MODIFICATION OF BENEFICIARY DESIGNATION AUTHORITIES FOR DEATH GRATUITY PAYABLE UPON DEATH OF A UNITED STATES GOVERNMENT EMPLOYEE IN SERVICE WITH THE ARMED FORCES.

(a) AUTHORITY TO DESIGNATE MORE THAN 50 PERCENT OF DEATH GRATUITY TO UNRELATED PERSONS.—

(1) IN GENERAL.—Paragraph (4) of section 8102a(d) of title 5, United States Code, is amended—

(A) by striking the first sentence and inserting “A person covered by this section may designate another person to receive an amount payable under this section.”; and

(B) in the second sentence, by striking “up to the maximum of 50 percent”.

(2) EFFECTIVE DATE.—The amendments made by this subsection shall take effect on the date of enactment of this Act and apply to the payment of a death gratuity based on any death occurring on or after that date.

(b) NOTICE TO SPOUSE OF DESIGNATION OF ANOTHER PERSON TO RECEIVE PORTION OF

DEATH GRATUITY.—Section 8102a(d) of such title is further amended by adding at the end the following:

“(6) If a person covered by this section has a spouse, but designates a person other than the spouse to receive all or a portion of the amount payable under this section, the head of the agency, or other entity, in which that person is employed shall provide notice of the designation to the spouse.”.

**SEC. 1122. AUTHORITY FOR WAIVER OF RECOVERY OF CERTAIN PAYMENTS PREVIOUSLY MADE UNDER CIVILIAN EMPLOYEES VOLUNTARY SEPARATION INCENTIVE PROGRAM.**

(a) **AUTHORITY FOR WAIVER.**—Subject to subsection (c), the Secretary of Defense may waive the requirement under subsection (f)(6)(B) of section 9902 of title 5, United States Code, for repayment to the Department of Defense of a voluntary separation incentive payment made under subsection (f)(1) of that section in the case of an employee or former employee of the Department of Defense described in subsection (b).

(b) **PERSONS COVERED.**—Subsection (a) applies to any employee or former employee of the Department of Defense—

(1) who during the period beginning on April 1, 2004, and ending on March 1, 2008, received a voluntary separation incentive payment under subsection (f)(1) of section 9902 of title 5, United States Code;

(2) who was reappointed to a position in the Department of Defense to support a declared national emergency related to terrorism or a natural disaster during the period beginning on June 1, 2004, and ending on March 1, 2008; and

(3) with respect to whom the Secretary determines—

(A) that the employee or former employee, before accepting the reappointment referred to in paragraph (2), received a representation from an officer or employee of the Department of Defense that recovery of the amount of the payment referred to in paragraph (1) would not be required or would be waived; and

(B) that the employee or former employee reasonably relied on that representation when accepting reappointment.

(c) **REQUIRED DETERMINATION.**—The Secretary of Defense may grant a waiver under subsection (a) in the case of any individual only if the Secretary determines that recovery of the amount of the payment otherwise required would be against equity and good conscience because of the circumstances of that individual's reemployment after receiving a voluntary separation incentive payment.

(d) **TREATMENT OF PRIOR REPAYMENTS.**—The Secretary of Defense may, pursuant to a determination under subsection (c) specific to an individual, provide for reimbursement to that individual for any amount the individual has previously repaid to the United States for a voluntary separation incentive payment covered by this section. The reimbursement shall be paid either from the appropriations into which the repayment was deposited, if such appropriations remain available, or from appropriations currently available for the purposes of the appropriation into which the repayment was deposited.

(e) **EXPIRATION OF AUTHORITY.**—The authority to grant a waiver under this section shall expire on December 31, 2012.

**SEC. 1123. EXTENSION OF CONTINUED HEALTH BENEFITS.**

Section 8905a(d)(4)(B) of title 5, United States Code, is amended—

(1) by striking “December 31, 2011” each place it appears and inserting “December 31, 2016”; and

(2) in clause (ii), by striking “February 1, 2012” and inserting “February 1, 2017”.

**SEC. 1124. DISCLOSURE OF SENIOR MENTORS.**

(a) **REQUIREMENT TO DISCLOSE NAMES OF SENIOR MENTORS.**—The Secretary of Defense shall disclose the names of senior mentors serving in the Department of Defense by publishing a list of the names on the publicly available website of the Department of Defense. The list shall be updated at least quarterly.

(b) **SENIOR MENTOR DEFINED.**—In this section, the term “senior mentor” has the meaning provided in the memorandum from the Secretary of Defense relating to policy on senior mentors, dated April 1, 2010.

**SEC. 1125. TERMINATION OF JOINT SAFETY CLIMATE ASSESSMENT SYSTEM.**

Effective as of October 1, 2011, or the date of the enactment of this Act, whichever is later, the Joint Safety Climate Assessment System of the Department of Defense is terminated.

**TITLE XII—MATTERS RELATING TO FOREIGN NATIONS**

**Subtitle A—Assistance and Training**

Sec. 1201. Commanders' Emergency Response Program in Afghanistan.

Sec. 1202. Three-year extension of temporary authority to use acquisition and cross-servicing agreements to lend military equipment for personnel protection and survivability.

Sec. 1203. Extension and expansion of authority for support of special operations to combat terrorism.

Sec. 1204. Modification and extension of authorities relating to program to build the capacity of foreign military forces.

Sec. 1205. Two-year extension of authorization for non-conventional assisted recovery capabilities.

Sec. 1206. Support of foreign forces participating in operations to disarm the Lord's Resistance Army.

Sec. 1207. Global Security Contingency Fund.

**Subtitle B—Matters Relating to Iraq, Afghanistan, and Pakistan**

Sec. 1211. Extension and modification of logistical support for coalition forces supporting operations in Iraq and Afghanistan.

Sec. 1212. One-year extension of authority to transfer defense articles and provide defense services to the military and security forces of Iraq and Afghanistan.

Sec. 1213. One-year extension of authority for reimbursement of certain coalition nations for support provided to United States military operations.

Sec. 1214. Limitation on funds to establish permanent military installations or bases in Iraq and Afghanistan.

Sec. 1215. Authority to support operations and activities of the Office of Security Cooperation in Iraq.

Sec. 1216. One-year extension of authority to use funds for reintegration activities in Afghanistan.

Sec. 1217. Authority to establish a program to develop and carry out infrastructure projects in Afghanistan.

Sec. 1218. Two-year extension of certain reports on Afghanistan.

Sec. 1219. Limitation on availability of amounts for reintegration activities in Afghanistan.

Sec. 1220. Extension and modification of Pakistan Counterinsurgency Fund.

Sec. 1221. Benchmarks to evaluate the progress being made toward the transition of security responsibilities for Afghanistan to the Government of Afghanistan.

**Subtitle C—Reports and Other Matters**

Sec. 1231. Report on Coalition Support Fund reimbursements to the Government of Pakistan for operations conducted in support of Operation Enduring Freedom.

Sec. 1232. Review and report on Iran's and China's conventional and anti-access capabilities.

Sec. 1233. Report on energy security of the NATO alliance.

Sec. 1234. Comptroller General of the United States report on the National Guard State Partnership Program.

Sec. 1235. Man-portable air-defense systems originating from Libya.

Sec. 1236. Report on military and security developments involving the Democratic People's Republic of Korea.

Sec. 1237. Sense of Congress on non-strategic nuclear weapons and extended deterrence policy.

Sec. 1238. Annual report on military and security developments involving the People's Republic of China.

Sec. 1239. Report on expansion of participation in Euro-NATO Joint Jet Pilot Training program.

Sec. 1240. Report on Russian nuclear forces.

Sec. 1241. Report on progress of the African Union in operationalizing the African Standby Force.

Sec. 1242. Defense cooperation with Republic of Georgia.

Sec. 1243. Prohibition on procurements from Communist Chinese military companies.

Sec. 1244. Sharing of classified United States ballistic missile defense information with the Russian Federation.

Sec. 1245. Imposition of sanctions with respect to the financial sector of Iran.

**Subtitle A—Assistance and Training**

**SEC. 1201. COMMANDERS' EMERGENCY RESPONSE PROGRAM IN AFGHANISTAN.**

(a) **AUTHORITY FOR FISCAL YEAR 2012.**—During fiscal year 2012, from funds made available to the Department of Defense for operation and maintenance, not to exceed \$400,000,000 may be used by the Secretary of Defense in such fiscal year to provide funds for the Commanders' Emergency Response Program in Afghanistan.

(b) **QUARTERLY REPORTS AND BRIEFINGS.**—

(1) **QUARTERLY REPORTS.**—Not later than 45 days after the end of each fiscal year quarter of fiscal year 2012, the Secretary of Defense shall submit to the congressional defense committees a report regarding the source of funds and the allocation and use of funds during that quarter that were made available pursuant to the authority provided in this section or under any other provision of law for the purposes of the program under subsection (a).

(2) **FORM.**—Each report required under paragraph (1) shall be submitted, at a minimum, in a searchable electronic format that enables the congressional defense committees to sort the report by amount expended, location of each project, type of project, or any other field of data that is included in the report.

(3) **BRIEFINGS.**—Not later than 15 days after the submission of each report required under paragraph (1), appropriate officials of the Department of Defense shall meet with the congressional defense committees to brief such committees on the matters contained in the report.

(c) **SUBMISSION OF GUIDANCE.**—

(1) **INITIAL SUBMISSION.**—Not later than 30 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a copy of the guidance issued by the Secretary to the Armed Forces concerning the allocation of funds through the Commanders' Emergency Response Program in Afghanistan.

(2) **MODIFICATIONS.**—If the guidance in effect for the purpose stated in paragraph (1) is modified, the Secretary shall submit to the congressional defense committees a copy of the modification not later than 15 days after the date on which the Secretary makes the modification.

(d) **WAIVER AUTHORITY.**—For purposes of exercising the authority provided by this section or any other provision of law making funding available for the Commanders' Emergency Response Program in Afghanistan, the Secretary of Defense may waive any provision of law not contained in this section that would (but for the waiver) prohibit, restrict, limit, or otherwise constrain the exercise of that authority.

(e) **RESTRICTION ON AMOUNT OF PAYMENTS.**—Funds made available under this section for the Commanders' Emergency Response Program in Afghanistan may not be obligated or expended to carry out any project if the total amount of funds made available for the purpose of carrying out the project, including any ancillary or related elements of the project, exceeds \$20,000,000.

(f) **AUTHORITY TO ACCEPT CONTRIBUTIONS.**—The Secretary of Defense may accept cash contributions from any person, foreign government, or international organization to provide funds for the Commanders' Emergency Response Program in Afghanistan in fiscal year 2012. Funds received by the Secretary may be credited to the operation and maintenance account from which funds are made available to provide such funds, and may be used for such purpose until expended in addition to the funds specified in subsection (a).

(g) **NOTIFICATION.**—Not less than 15 days before obligating or expending funds made available under this section for the Commanders' Emergency Response Program in Afghanistan for a project in Afghanistan with a total anticipated cost of \$5,000,000 or more, the Secretary of Defense shall submit to the congressional defense committees a written notice containing the following information:

(1) The location, nature, and purpose of the proposed project, including how the project is intended to advance the military campaign plan for Afghanistan.

(2) The budget and implementation timeline for the proposed project, including any other funding under the Commanders' Emergency Response Program in Afghanistan that has been or is anticipated to be contributed to the completion of the project.

(3) A plan for the sustainment of the proposed project, including any agreement with

either the Government of Afghanistan, a department or agency of the United States Government other than the Department of Defense, or a third party contributor to finance the sustainment of the activities and maintenance of any equipment or facilities to be provided through the proposed project.

(h) **COMMANDERS' EMERGENCY RESPONSE PROGRAM IN AFGHANISTAN DEFINED.**—In this section, the term "Commanders' Emergency Response Program in Afghanistan" means the program that—

(1) authorizes United States military commanders in Afghanistan to carry out small-scale projects designed to meet urgent humanitarian relief requirements or urgent reconstruction requirements within their areas of responsibility; and

(2) provides an immediate and direct benefit to the people of Afghanistan.

(i) **CONFORMING AMENDMENT.**—Section 1202 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109-163; 119 Stat. 3455), as most recently amended by section 1212 of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (Public Law 111-383; 124 Stat. 4389), is hereby repealed.

**SEC. 1202. THREE-YEAR EXTENSION OF TEMPORARY AUTHORITY TO USE ACQUISITION AND CROSS-SERVICING AGREEMENTS TO LEND MILITARY EQUIPMENT FOR PERSONNEL PROTECTION AND SURVIVABILITY.**

(a) **AUTHORITY.**—Subsection (a) of section 1202 of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109-364; 120 Stat. 2412), as amended by section 1203(a) of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (Public Law 111-383; 124 Stat. 4386), is further amended—

(1) in paragraph (1), by striking "Iraq or"; and

(2) in paragraph (3)—

(A) in subparagraph (A), by striking "Iraq or"; and

(B) in subparagraph (C), by striking "Iraq, Afghanistan, or" and inserting "Afghanistan or".

(b) **EXPIRATION.**—Subsection (e) of such section, as amended by section 1204(b) of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110-417; 122 Stat. 4623), is further amended by striking "September 30, 2011" and inserting "September 30, 2014".

**SEC. 1203. EXTENSION AND EXPANSION OF AUTHORITY FOR SUPPORT OF SPECIAL OPERATIONS TO COMBAT TERRORISM.**

(a) **AUTHORITY.**—Subsection (a) of section 1208 of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 (Public Law 108-375; 118 Stat. 2086), as most recently amended by section 1201 of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (Public Law 111-383; 124 Stat. 4385), is further amended by striking "\$45,000,000" and inserting "\$50,000,000".

(b) **CLARIFICATION OF LIMITATION ON FUNDING.**—Subsection (g) of such section, as amended by section 1202(b) of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110-181; 122 Stat. 364), is further amended—

(1) by striking "each fiscal year" and inserting "any fiscal year"; and

(2) by striking "pursuant to title XV of this Act" and inserting "for that fiscal year".

(c) **EXTENSION.**—Subsection (h) of such section, as most recently amended by section 1208(c) of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009

(Public Law 110-417; 122 Stat. 4626), is further amended by striking "2013" and inserting "2015".

(d) **BRIEFING AND REPORT.**—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall provide to the Committees on Armed Services of the Senate and House of Representatives a briefing and a report that outlines future authorities the Secretary of Defense determines may be necessary to adequately conduct counterterrorism, unconventional warfare, and irregular warfare missions by special operations forces.

**SEC. 1204. MODIFICATION AND EXTENSION OF AUTHORITIES RELATING TO PROGRAM TO BUILD THE CAPACITY OF FOREIGN MILITARY FORCES.**

(a) **LIMITATION.**—

(1) **IN GENERAL.**—Subsection (c) of section 1206 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109-163; 119 Stat. 3456), as most recently amended by section 1207(a) of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (Public Law 111-383; 124 Stat. 4389), is further amended in paragraph (5) by striking "fiscal year 2012" and inserting "each of fiscal years 2012 and 2013".

(2) **EFFECTIVE DATE.**—The amendment made by paragraph (1) shall take effect on the date of the enactment of this Act and shall apply with respect to programs under subsection (a) of such section that begin on or after that date.

(b) **REPORT.**—Subsection (f) of such section is amended to read as follows:

"(f) **REPORT.**—

"(1) **IN GENERAL.**—Not later than 90 days after the end of each fiscal year, the Secretary of Defense shall, with the concurrence of the Secretary of State, transmit to the congressional committees specified in subsection (e)(3) a report on the implementation of this section for such fiscal year.

"(2) **MATTERS TO BE INCLUDED.**—Each report under paragraph (1) shall include the following:

"(A) For each program to build the capacity of a foreign country's national military forces or maritime security forces to conduct counterterrorism operations that was carried out during the fiscal year covered by such report the following:

"(i) A description of the nature and the extent of the potential or actual terrorist threat that the program is intended to address.

"(ii) A description of the program, including the objectives of the program and the types of recipient nation units receiving assistance under the program.

"(iii) A description of the extent to which the program is implemented by United States Government personnel or contractors.

"(iv) A description of the participation, if any, of the foreign country in the formulation of the program.

"(v) A description of the arrangements, if any, for the sustainment of the program and of the source of funds to support sustainment of the program.

"(vi) An assessment of the effectiveness of the program in building the capacity of the foreign country to conduct counterterrorism operations during the fiscal year covered by such report, and a description of the metrics used to evaluate the effectiveness of the program.

"(B) A description of the procedures and guidance for monitoring and evaluating the results of programs under this section."

(c) **ONE-YEAR EXTENSION OF AUTHORITY.**—Subsection (g) of such section, as most recently amended by section 1207(b) of the Ike



Skelton National Defense Authorization Act for Fiscal Year 2011 (124 Stat. 4389), is further amended—

(1) by striking “September 30, 2012” and inserting “September 30, 2013”; and

(2) by striking “fiscal years 2006 through 2012” and inserting “fiscal years 2006 through 2013”.

**SEC. 1205. TWO-YEAR EXTENSION OF AUTHORIZATION FOR NON-CONVENTIONAL ASSISTED RECOVERY CAPABILITIES.**

(a) **NON-CONVENTIONAL ASSISTED RECOVERY CAPABILITIES.**—Subsection (a) of section 943 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 13 110-417; 122 Stat. 4578) is amended by striking “Operation and Maintenance, Navy” and inserting “Operation and Maintenance, Defense-wide”.

(b) **AUTHORIZED ACTIVITIES.**—Subsection (c) of such section is amended—

(1) by inserting “entities conducting activities relating to operational preparation of the environment, including” after “include the provision of support to”; and

(2) by striking “or individuals” and inserting “or individuals”.

(c) **NOTICE TO CONGRESS ON USE OF AUTHORITY.**—Subsection (d) of such section is amended—

(1) by striking “Upon” and inserting the following:

“(1) **NOTICE.**—The Secretary of Defense shall notify the congressional defense committees not later than 30 days prior to”;

(2) by striking “, the Secretary of Defense shall notify the congressional defense committees within 72 hours of the use of such authority with respect to support of such activities” and inserting a period; and

(3) by adding at the end the following:

“(2) **CONTENT.**—Each notification required under paragraph (1) shall include the following information:

“(A) The amount of funds made available for support of non-conventional assisted recovery activities.

“(B) A description of the non-conventional assisted recovery activities.

“(C) An identification of the type of recipients to receive support for non-conventional assisted recovery activities, including foreign forces, irregular forces, groups, or individuals, as appropriate.”.

(d) **QUARTERLY REPORT.**—Subsection (e) of such section is amended to read as follows:

“(e) **QUARTERLY REPORT.**—

“(1) **REPORT.**—The Secretary of Defense shall submit to the relevant congressional defense committees a report on support for non-conventional assisted recovery activities under subsection (a) of this section. Such report shall be included as a part of the classified quarterly report on similar activities.

“(2) **CONTENTS.**—The report shall, with respect to the covered period, include the following information:

“(A) The amount of funds obligated for support of non-conventional assisted recovery activities.

“(B) A description of the non-conventional assisted recovery activities.

“(C) An identification of the type of recipients to receive support for non-conventional assisted recovery activities, including foreign forces, irregular forces, groups, or individuals, as appropriate.

“(D) The total amount of funds obligated for support of non-conventional assisted recovery activities, including budget details.

“(E) The total amount of funds obligated for support of non-conventional assisted recovery activities in prior fiscal years.

“(F) The intended duration of support for support of non-conventional assisted recovery activities.

“(G) A description of support or training provided to the recipients of support.

“(H) A value assessment of the support provided.

“(3) **COVERED PERIOD.**—In this subsection, the term ‘covered period’ means the period with respect to which the classified quarterly report on similar activities applies.”.

(e) **LIMITATION ON INTELLIGENCE ACTIVITIES.**—Subsection (f) of such section is amended by inserting “or support” after “conduct”.

(f) **LIMITATION ON FOREIGN ASSISTANCE ACTIVITIES.**—Subsection (g)(2) of such section is amended by striking “defense articles or defense services” and inserting “defense articles, defense services, or defense technologies”.

(g) **PERIOD OF AUTHORITY.**—Subsection (h) of such section is amended by striking “2011” and inserting “2013”.

**SEC. 1206. SUPPORT OF FOREIGN FORCES PARTICIPATING IN OPERATIONS TO DISARM THE LORD'S RESISTANCE ARMY.**

(a) **AUTHORITY.**—Pursuant to the policy established by the Lord's Resistance Army Disarmament and Northern Uganda Recovery Act of 2009 (Public Law 111-172; 124 Stat. 1209), the Secretary of Defense may, with the concurrence of Secretary of State, provide logistic support, supplies, and services for foreign forces participating in operations to mitigate and eliminate the threat posed by the Lord's Resistance Army as follows:

(1) The national military forces of Uganda.

(2) The national military forces of any other country determined by the Secretary of Defense, with the concurrence of the Secretary of State, to be participating in such operations.

(b) **PARTICIPATION OF UNITED STATES PERSONNEL.**—No United States Armed Forces personnel, United States civilian employees, or United States civilian contractor personnel may participate in combat operations in connection with the provision of support under subsection (a), except for the purpose of acting in self-defense or of rescuing any United States citizen (including any member of the United States Armed Forces, any United States civilian employee, or any United States civilian contractor).

(c) **FUNDING.**—

(1) **IN GENERAL.**—Of the amount authorized to be appropriated for the Department of Defense for each of fiscal years 2012 and 2013 for operation and maintenance, not more than \$35,000,000 may be utilized in each such fiscal year to provide support under subsection (a).

(2) **AVAILABILITY OF FUNDS ACROSS FISCAL YEARS.**—Amounts available under this subsection for a fiscal year for support under the authority in subsection (a) may be used for support under that authority that begins in such fiscal year but ends in the next fiscal year.

(d) **LIMITATIONS.**—

(1) **IN GENERAL.**—The Secretary of Defense may not use the authority in subsection (a) to provide any type of support that is otherwise prohibited by any provision of law.

(2) **ELIGIBLE COUNTRIES.**—The Secretary of Defense may not use the authority in subsection (a) to provide support to any foreign country that is otherwise prohibited from receiving such type of support under any other provision of law.

(e) **NOTICE TO CONGRESS ON ELIGIBLE COUNTRIES.**—The Secretary of Defense may not provide support under subsection (a) for the national military forces of a country deter-

mined to be eligible for such support under that subsection until the Secretary notifies the appropriate committees of Congress of the eligibility of the country for such support.

(f) **NOTICE TO CONGRESS ON SUPPORT TO BE PROVIDED.**—Not less than 15 days before the date on which funds are obligated to provide support under subsection (a), the Secretary of Defense shall submit to the appropriate committees of Congress a notice setting forth the following:

(1) The type of support to be provided.

(2) The national military forces to be supported.

(3) The objectives of such support.

(4) The estimated cost of such support.

(5) The intended duration of such support.

(g) **DEFINITIONS.**—In this section:

(1) The term “appropriate committees of Congress” means—

(A) the Committee on Armed Services, the Committee on Foreign Relations, and the Committee on Appropriations of the Senate; and

(B) the Committee on Armed Services, the Committee on Foreign Affairs, and the Committee on Appropriations of the House of Representatives.

(2) The term “logistic support, supplies, and services” has the meaning given that term in section 2350(1) of title 10, United States Code.

(h) **EXPIRATION.**—The authority provided under this section may not be exercised after September 30, 2013.

**SEC. 1207. GLOBAL SECURITY CONTINGENCY FUND.**

(a) **ESTABLISHMENT.**—There is established on the books of the Treasury of the United States an account to be known as the “Global Security Contingency Fund” (in this section referred to as the “Fund”).

(b) **AUTHORITY.**—Notwithstanding any other provision of law (other than the provisions of section 620A of the Foreign Assistance Act of 1961 (22 U.S.C. 2371) and the section 620J of such Act relating to limitations on assistance to security forces (22 U.S.C. 2378d)), amounts in the Fund shall be available to either the Secretary of State or the Secretary of Defense to provide assistance to countries designated by the Secretary of State, with the concurrence of the Secretary of Defense, for purposes of this section, as follows:

(1) To enhance the capabilities of a country's national military forces, and other national security forces that conduct border and maritime security, internal defense, and counterterrorism operations, as well as the government agencies responsible for such forces, to—

(A) conduct border and maritime security, internal defense, and counterterrorism operations; and

(B) participate in or support military, stability, or peace support operations consistent with United States foreign policy and national security interests.

(2) For the justice sector (including law enforcement and prisons), rule of law programs, and stabilization efforts in a country in cases in which the Secretary of State, in consultation with the Secretary of Defense, determines that conflict or instability in a country or region challenges the existing capability of civilian providers to deliver such assistance.

(c) **TYPES OF ASSISTANCE.**—

(1) **AUTHORIZED ELEMENTS.**—A program to provide the assistance under subsection (b)(1) may include the provision of equipment, supplies, and training.

(2) **REQUIRED ELEMENTS.**—A program to provide the assistance under subsection (b)(1) shall include elements that promote—

(A) observance of and respect for human rights and fundamental freedoms; and

(B) respect for legitimate civilian authority within the country concerned.

(d) **FORMULATION AND APPROVAL OF ASSISTANCE PROGRAMS.**—

(1) **SECURITY PROGRAMS.**—The Secretary of State and the Secretary of Defense shall jointly formulate assistance programs under subsection (b)(1). Assistance programs to be carried out pursuant to subsection (b)(1) shall be approved by the Secretary of State, with the concurrence of the Secretary of Defense, before implementation.

(2) **JUSTICE SECTOR AND STABILIZATION PROGRAMS.**—The Secretary of State, in consultation with the Secretary of Defense, shall formulate assistance programs under subsection (b)(2). Assistance programs to be carried out under the authority in subsection (b)(2) shall be approved by the Secretary of State, with the concurrence of the Secretary of Defense, before implementation.

(e) **RELATION TO OTHER AUTHORITIES.**—The authority to provide assistance under this section is in addition to any other authority to provide assistance to foreign nations. The administrative authorities of the Foreign Assistance Act of 1961 (22 U.S.C. 2151 et seq.) shall be available to the Secretary of State with respect to funds available to carry out this section.

(f) **TRANSFER AUTHORITY.**—

(1) **DEPARTMENT OF DEFENSE FUNDS.**—Funds authorized to be appropriated to the Department of Defense for operation and maintenance for Defense-wide activities may be transferred to the Fund by the Secretary of Defense in accordance with established procedures for reprogramming under section 1001 of this Act and successor provisions of law. Amounts transferred under this paragraph shall be merged with funds otherwise made available under this section and remain available until expended as provided in subsection (i) for the purposes specified in subsection (b).

(2) **LIMITATION.**—The total amount of funds transferred to the Fund in any fiscal year from the Department of Defense may not exceed \$200,000,000.

(3) **TRANSFERS TO OTHER ACCOUNTS.**—Funds available to carry out assistance authorized by this section may be transferred to an agency or account determined most appropriate to facilitate the provision of assistance authorized by this section.

(4) **RELATION TO OTHER TRANSFER AUTHORITIES.**—The transfer authorities in paragraphs (1) and (3) are in addition to any other transfer authority available to the Department of Defense.

(g) **ALLOCATION OF CONTRIBUTIONS TO ASSISTANCE.**—The contribution of the Secretary of State to an activity under the authority in subsection (b) shall be not less than 20 percent of the total amount required for such activity. The contribution of the Secretary of Defense to such activity shall be not more than 80 percent of the total amount required.

(h) **AUTHORITY TO ACCEPT GIFTS.**—The Secretary of State may use money, funds, property, and services accepted pursuant to the authority of section 635(d) of the Foreign Assistance Act of 1961 (22 U.S.C. 2395(d)) to fulfill the purposes of subsection (b).

(i) **AVAILABILITY OF FUNDS.**—Amounts in the Fund shall remain available until September 30, 2015, except that amounts appropriated or transferred to the Fund before

that date shall remain available for obligation and expenditure after that date for activities under programs commenced under subsection (b) before that date.

(j) **ADMINISTRATIVE EXPENSES.**—Amounts in the Fund may be used for necessary administrative expenses in connection with the provision of assistance under this section.

(k) **DETAIL OF PERSONNEL.**—The head of an agency of the United States Government may detail personnel to the Department of State to carry out the purposes of this section, with or without reimbursement for all or part of the costs of salaries and other expenses associated with such personnel.

(l) **NOTICES TO CONGRESS.**—

(1) **IN GENERAL.**—Not less than 15 days before initiating an activity under a program of assistance under subsection (b), the Secretary of State, with the concurrence of the Secretary of Defense, shall submit to the specified congressional committees a notification that includes the following:

(A) A detailed justification for the program.

(B) The budget, execution plan and timeline, and anticipated completion date for the activity.

(C) A list of other security-related assistance or justice sector and stabilization assistance that the United States is currently providing the country concerned and that is related to or supported by the activity.

(D) Such other information relating to the program or activity as the Secretary of State or Secretary of Defense considers appropriate.

(2) **EXERCISE OF TRANSFER AUTHORITY.**—No transfer of funds into the Fund under subsection (f) or any other authority may occur until 15 days after the specified congressional committees are notified of the transfer.

(3) **GUIDANCE AND PROCESSES FOR EXERCISE OF AUTHORITY.**—The Secretary of State, with the concurrence of the Secretary of Defense, shall notify the specified congressional committees 15 days after the date on which all necessary guidance has been issued and processes for implementation of the authority in subsection (b) are established and fully operational.

(m) **ANNUAL REPORTS.**—Not later than October 30, 2012, and annually thereafter until the expiration of the authority in subsection (b) pursuant to subsection (q), the Secretary of State and the Secretary of Defense jointly shall submit to the specified congressional committees a report on the following:

(1) The obligation of funds from, and transfer of funds into, the Fund during the preceding fiscal year.

(2) The status of programs and activities authorized under this section during the preceding fiscal year.

(n) **TRANSITIONAL AUTHORITIES.**—

(1) **IN GENERAL.**—The Secretary of Defense may, with the concurrence of the Secretary of State, provide the types of assistance described in subsection (c), and assistance for minor military construction, during fiscal year 2012 as follows:

(A) To enhance the capacity of the national military forces, security agencies serving a similar defense function, and border security forces of Djibouti, Ethiopia, and Kenya to conduct counterterrorism operations against al-Qaeda, al-Qaeda affiliates, and al-Shabaab.

(B) To enhance the capacity of national military forces participating in the African Union Mission in Somalia to conduct counterterrorism operations described in subparagraph (A).

(C) To enhance the ability of the Yemen Ministry of Interior Counter Terrorism Forces to conduct counterterrorism operations against al-Qaeda in the Arabian Peninsula and its affiliates.

(2) **LIMITATIONS.**—

(A) **ASSISTANCE OTHERWISE PROHIBITED BY LAW.**—The Secretary of Defense may not use the authority in this subsection to provide any type of assistance that is otherwise prohibited by any provision of law.

(B) **ELIGIBLE COUNTRIES.**—The Secretary of Defense may not use the authority in this subsection to provide a type of assistance to a foreign country that is otherwise prohibited from receiving such type of assistance under any other provision of law.

(C) **YEMEN.**—The authority specified in paragraph (1)(C), and the authority to provide assistance pursuant to section 1206 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109-163; 119 Stat. 2456), may not be used for Yemen until 30 days after the date on which the Secretary of Defense and the Secretary of State jointly certify in writing to the specified congressional committees that the use of such authority is important to the national security interests of the United States. The certification shall include the following:

(i) The reasons for the certification.

(ii) A justification for the provision of assistance.

(iii) An acknowledgment by the Secretary of Defense and the Secretary of State that they have received assurance from the Government of Yemen that any assistance so provided will be utilized in manner consistent with subsection (c)(2).

(3) **NOTICE TO CONGRESS.**—Not less than 15 days before funds are obligated to provide assistance under this subsection, the Secretary of Defense shall submit to the specified congressional committees a notice setting forth the following:

(A) The type of assistance to be provided.

(B) The national military forces to be supported.

(C) The objectives of such assistance.

(D) The estimated cost of such assistance.

(E) The intended duration of such assistance.

(4) **TERMINATION.**—

(A) **IN GENERAL.**—Assistance authorized by this subsection may be provided until the earlier of—

(i) the date on which the Secretary of State determines that all necessary guidance has been issued and processes for implementation of the authority in subsection (b) are established and fully operational; or

(ii) September 30, 2012.

(B) **COMPLETION OF ONGOING ACTIVITIES AFTER TERMINATION.**—An assistance activity authorized by this subsection that begins before the date of termination provided in subparagraph (A) may be completed after that date, but only using funds available before that date.

(c) **FUNDING.**—

(1) **FISCAL YEAR 2012.**—The total amount available to the Department of Defense and the Department of State to provide assistance under this section during fiscal year 2012 may not exceed \$350,000,000, of which—

(A) \$75,000,000 may be used for assistance authorized by subparagraphs (A) and (B) of subsection (n)(1); and

(B) \$75,000,000 may be used for assistance authorized by subparagraph (C) of subsection (n)(1).

(2) **FISCAL YEARS 2013 AND AFTER.**—The total amount available to the Department of Defense and the Department of State to provide

assistance under this section during a fiscal year after fiscal year 2012 may not exceed \$300,000,000.

(p) **SPECIFIED CONGRESSIONAL COMMITTEES.**—In this section, the term “specified congressional committees” means—

(1) the Committee on Armed Services, the Committee on Foreign Affairs, and the Committee on Appropriations of the House of Representatives; and

(2) the Committee on Armed Services, the Committee on Foreign Relations, and the Committee on Appropriations of the Senate.

(q) **EXPIRATION.**—The authority under this section may not be exercised after September 30, 2015. An activity under a program authorized by subsection (b) commenced before that date may be completed after that date, but only using funds available for fiscal years 2012 through 2015.

#### **Subtitle B—Matters Relating to Iraq, Afghanistan, and Pakistan**

##### **SEC. 1211. EXTENSION AND MODIFICATION OF LOGISTICAL SUPPORT FOR COALITION FORCES SUPPORTING OPERATIONS IN IRAQ AND AFGHANISTAN.**

(a) **EXTENSION.**—Section 1234 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110-181; 122 Stat. 394), as amended by section 1218 of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (Public Law 111-383; 124 Stat. 4394), is further amended by striking “fiscal year 2011” each place it appears and inserting “fiscal year 2012”.

(b) **AMOUNT OF FUNDS AVAILABLE.**—Subsection (d) of such section is amended by striking “\$400,000,000” and inserting “\$450,000,000”.

##### **SEC. 1212. ONE-YEAR EXTENSION OF AUTHORITY TO TRANSFER DEFENSE ARTICLES AND PROVIDE DEFENSE SERVICES TO THE MILITARY AND SECURITY FORCES OF IRAQ AND AFGHANISTAN.**

(a) **EXTENSION OF AUTHORITY.**—Subsection (h) of section 1234 of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111-84; 123 Stat. 2532), as amended by section 1214 of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (Public Law 111-383; 124 Stat. 4391), is further amended by striking “December 31, 2011” and inserting “December 31, 2012”.

(b) **QUARTERLY REPORTS.**—Subsection (f)(1) of such section, as so amended, is further amended by striking “and every 90 days thereafter through March 31, 2012” and inserting “every 90 days thereafter through March 31, 2012, and at the end of each calendar quarter, if any, thereafter through March 31, 2013, in which the authority in subsection (a) is implemented”.

##### **SEC. 1213. ONE-YEAR EXTENSION OF AUTHORITY FOR REIMBURSEMENT OF CERTAIN COALITION NATIONS FOR SUPPORT PROVIDED TO UNITED STATES MILITARY OPERATIONS.**

(a) **EXTENSION.**—Subsection (a) of section 1233 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110-181; 122 Stat. 393), as amended by section 1223 of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111-84; 123 Stat. 2519) and section 1213 of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (Public Law 111-383; 124 Stat. 4391), is further amended by striking “by section 1510 of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011” and inserting “for fiscal year 2012 for overseas contingency operations”.

(b) **LIMITATION ON AMOUNT AVAILABLE.**—Subsection (d)(1) of such section, as so amended, is further amended—

(1) by striking “fiscal year 2010 or 2011” and inserting “fiscal year 2012”; and

(2) by striking “\$1,600,000,000” and inserting “\$1,690,000,000”.

(c) **TECHNICAL AMENDMENT.**—Subsection (c)(2) of such section, as so amended, is further amended by inserting a comma after “Budget”.

(d) **EXTENSION OF NOTICE REQUIREMENT RELATING TO REIMBURSEMENT OF PAKISTAN FOR SUPPORT PROVIDED BY PAKISTAN.**—Section 1232(b)(6) of the National Defense Authorization Act for Fiscal Year 2008 (122 Stat. 393), as most recently amended by section 1213(d) of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011, is further amended by striking “September 30, 2012” and inserting “September 30, 2013”.

##### **SEC. 1214. LIMITATION ON FUNDS TO ESTABLISH PERMANENT MILITARY INSTALLATIONS OR BASES IN IRAQ AND AFGHANISTAN.**

(a) **NO PERMANENT MILITARY BASES IN IRAQ.**—None of the funds authorized to be appropriated by this Act may be obligated or expended by the United States Government to establish any military installation or base for the purpose of providing for the permanent stationing of United States Armed Forces in Iraq.

(b) **NO PERMANENT MILITARY BASES IN AFGHANISTAN.**—None of the funds authorized to be appropriated by this Act may be obligated or expended by the United States Government to establish any military installation or base for the purpose of providing for the permanent stationing of United States Armed Forces in Afghanistan.

##### **SEC. 1215. AUTHORITY TO SUPPORT OPERATIONS AND ACTIVITIES OF THE OFFICE OF SECURITY COOPERATION IN IRAQ.**

(a) **AUTHORITY.**—The Secretary of Defense may support United States Government transition activities in Iraq by providing funds for the following:

(1) Operations and activities of the Office of Security Cooperation in Iraq.

(2) Operations and activities of security assistance teams in Iraq.

(b) **TYPES OF SUPPORT.**—The operations and activities for which the Secretary may provide funds under the authority in subsection (a) may include life support, transportation and personal security, and construction and renovation of facilities.

(c) **LIMITATION ON AMOUNT.**—The total amount of funds provided under the authority in subsection (a) in fiscal year 2012 may not exceed \$524,000,000.

(d) **SOURCE OF FUNDS.**—Funds for purposes of subsection (a) for fiscal year 2012 shall be derived from amounts available for that fiscal year for operation and maintenance for the Air Force.

(e) **COVERAGE OF COSTS OF OSCI IN CONNECTION WITH SALES OF DEFENSE ARTICLES OR DEFENSE SERVICES TO IRAQ.**—The President shall ensure that any letter of offer for the sale to Iraq of any defense articles or defense services issued after the date of the enactment of this Act includes, consistent with the provisions of the Arms Export Control Act (22 U.S.C. 2751 et seq.), charges sufficient to recover the costs of operations and activities of security assistance teams in Iraq in connection with such sale.

(f) **REPORT.**—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall, in consultation with the Secretary of State, submit to the congressional defense committees, the Committee on Foreign Relations of the Senate, and the Committee on Foreign Affairs of the House of Representatives a report on the activities of the Office of Security Cooperation

in Iraq. The report shall include the following:

(1) A description, in unclassified form (but with a classified annex if appropriate), of any capability gaps in the security forces of Iraq, including capability gaps relating to intelligence matters, protection of Iraq airspace, and logistics and maintenance.

(2) A description of the manner in which the programs of the Office of Security Cooperation in Iraq, in conjunction with other United States programs such as the Foreign Military Financing program, the Foreign Military Sales program, and joint training exercises, will address the capability gaps described in paragraph (1) if the Government of Iraq requests assistance in addressing such capability gaps.

##### **SEC. 1216. ONE-YEAR EXTENSION OF AUTHORITY TO USE FUNDS FOR REINTEGRATION ACTIVITIES IN AFGHANISTAN.**

Section 1216 of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (Public Law 111-383; 124 Stat. 4392) is amended—

(1) in subsection (a), by striking “for fiscal year 2011” and inserting “in each of fiscal years 2011 and 2012”; and

(2) in subsection (e), by striking “December 31, 2011” and inserting “December 31, 2012”.

##### **SEC. 1217. AUTHORITY TO ESTABLISH A PROGRAM TO DEVELOP AND CARRY OUT INFRASTRUCTURE PROJECTS IN AFGHANISTAN.**

(a) **FUNDING.**—Subsection (f) of section 1217 of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (Public Law 111-383; 124 Stat. 4393; 22 U.S.C. 7513 note) is amended—

(1) in paragraph (1)—  
(A) by striking “The” and inserting “Subject to paragraph (2), the”; and

(B) by striking “fiscal year 2011” and inserting “fiscal year 2012”;

(2) by redesignating paragraph (2) as paragraph (3);

(3) by inserting after paragraph (1) the following new paragraph:

“(2) **LIMITATION.**—The Secretary of Defense may use not more than 85 percent of the amount specified in paragraph (1) to carry out the program authorized under subsection (a) until the Secretary of Defense, in consultation with the Secretary of State, submits to the appropriate congressional committees a plan for the allocation and use of funds under the program for fiscal year 2012.”; and

(4) in paragraph (3), as redesignated by paragraph (2) of this subsection, by striking “until September 30, 2012.” and inserting “as follows:

“(A) In the case of funds for fiscal year 2011, until September 30, 2012.

“(B) In the case of funds for fiscal year 2012, until September 30, 2013.”.

(b) **NOTICE TO CONGRESS.**—Subsection (g) of such section is amended by striking “30 days” and inserting “15 days”.

##### **SEC. 1218. TWO-YEAR EXTENSION OF CERTAIN REPORTS ON AFGHANISTAN.**

(a) **REPORT ON PROGRESS TOWARD SECURITY AND STABILITY IN AFGHANISTAN.**—Section 1230(a) of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110-181; 122 Stat. 385), as most recently amended by section 1231 of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (Public Law 111-383; 124 Stat. 4395), is further amended by striking “2012” and inserting “2014”.

(b) **REPORT ON UNITED STATES PLAN FOR SUSTAINING AFGHANISTAN NATIONAL SECURITY**

FORCES.—Section 1231(a) of the National Defense Authorization Act for Fiscal Year 2008 (122 Stat. 390), as amended by section 1232 of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (124 Stat. 4395), is further amended by striking “2012” and inserting “2014”.

**SEC. 1219. LIMITATION ON AVAILABILITY OF AMOUNTS FOR REINTEGRATION ACTIVITIES IN AFGHANISTAN.**

Not more than 50 percent of the amount available for fiscal year 2012 for reintegration activities in Afghanistan under the authority of section 1216 of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (Public Law 111-383; 124 Stat. 4392), as amended by section 1216 of this Act, may be used to provide assistance to the Government of Afghanistan until the Secretary of Defense, in consultation with the Secretary of State, determines and certifies to Congress that women in Afghanistan are an integral part of the reconciliation process between the Government of Afghanistan and the Taliban.

**SEC. 1220. EXTENSION AND MODIFICATION OF PAKISTAN COUNTERINSURGENCY FUND.**

(a) IN GENERAL.—Section 1224(h) of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111-84; 123 Stat. 2521), as amended by section 1220 of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (Public Law 111-383; 124 Stat. 4395), is further amended by striking “September 30, 2011” both places it appears and inserting “September 30, 2012”.

(b) LIMITATION ON FUNDS SUBJECT TO REPORT AND UPDATES.—

(1) LIMITATION ON FUNDS; REPORT REQUIRED.—

(A) IN GENERAL.—Of the amounts appropriated or transferred to the Pakistan Counterinsurgency Fund (hereafter in this subsection referred to as the “Fund”) for fiscal year 2012, not more than 40 percent of such amounts may be obligated or expended until such time as the Secretary of Defense, with the concurrence of the Secretary of State, submits to the appropriate congressional committees a report on—

(i) a strategy to utilize the Fund and the metrics used to determine progress with respect to the Fund; and

(ii) a strategy to enhance Pakistani efforts to counter improvised explosive devices (IEDs).

(B) MATTER TO BE INCLUDED.—Such report shall include, at a minimum, the following:

(i) A discussion of United States strategic objectives in Pakistan.

(ii) A listing of the terrorist or extremist organizations in Pakistan opposing United States goals in the region and against which the United States encourages Pakistan to take action.

(iii) A discussion of the gaps in capabilities of Pakistani security units that hamper the ability of the Government of Pakistan to take action against the organizations listed in clause (ii).

(iv) A discussion of how assistance provided utilizing the Fund will address the gaps in capabilities listed in clause (iii).

(v) A discussion of other efforts undertaken by other United States Government departments and agencies to address the gaps in capabilities listed in clause (iii) or complementary activities of the Department of Defense and how those efforts are coordinated with the activities undertaken to utilize the Fund.

(vi) A discussion of whether the Government of Pakistan is demonstrating a con-

tinuing commitment to and is making significant efforts toward the implementation of a strategy to counter IEDs, including efforts to attack IED networks, monitor known precursors used in IEDs, and develop a strict protocol for the manufacture of explosive materials, including calcium ammonium nitrate, and accessories and their supply to legitimate end users.

(vii) Metrics that will be used to track progress in achieving the United States strategic objectives in Pakistan, to track progress of the Government of Pakistan in combating the organizations listed in clause (ii), to address the gaps in capabilities listed in clause (iii), and to track the progress of the Government of Pakistan in implementing the strategy to counter IEDs described in clause (vi).

(2) ANNUAL UPDATE REQUIRED.—For any fiscal year in which amounts in the Fund are requested to be made available to the Secretary of Defense, the Secretary of Defense, with the concurrence of the Secretary of State, shall submit to the appropriate congressional committees, at the same time that the President's budget is submitted pursuant to section 1105(a) of title 31, United States Code, an update of the report required under paragraph (1).

(3) FORM.—The report required under paragraph (1) and the update required under paragraph (2) shall be submitted in unclassified form, but may contain a classified annex as necessary.

(4) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this subsection, the term “appropriate congressional committees” means—

(A) the congressional defense committees; and

(B) the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives.

(c) QUARTERLY REPORTS.—

(1) IN GENERAL.—Section 1224(f) of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111-84; 123 Stat. 2522) is amended—

(A) by striking “Not later” and inserting the following:

“(1) IN GENERAL.—Not later”; and

(B) by adding at the end the following:

“(2) MATTERS TO BE INCLUDED.—The Secretary of Defense, with the concurrence with the Secretary of State, shall include in the report required under paragraph (1) the following:

“(A) A discussion of progress in achieving United States strategic objectives in Pakistan during such fiscal quarter, utilizing metrics used to track progress in achieving such strategic objectives.

“(B) A discussion of progress made by programs supported from amounts in the Fund during such fiscal quarter.”.

(2) EFFECTIVE DATE.—The amendments made by paragraph (1) take effect on the date of the enactment of this Act and apply with respect to each report required to be submitted under section 1224(f) of the National Defense Authorization Act for Fiscal Year 2010 for any fiscal year after fiscal year 2011.

**SEC. 1221. BENCHMARKS TO EVALUATE THE PROGRESS BEING MADE TOWARD THE TRANSITION OF SECURITY RESPONSIBILITIES FOR AFGHANISTAN TO THE GOVERNMENT OF AFGHANISTAN.**

(a) OPTIONS FOR EXPANSION OF CAPACITY OF AFGHAN NATIONAL SECURITY FORCES.—The President shall, acting through the Secretary of Defense, establish and update as appropriate, and submit to Congress, options

to accelerate the expansion of the capacity of Afghan National Security Forces with the goal of—

(1) enabling the Government of the Islamic Republic of Afghanistan, consistent with the Framework for Inteqal, to assume lead responsibility for security in all areas of Afghanistan, to maintain security in those areas, and to sustain the Afghan National Security Forces;

(2) achieving United States national security objectives to disrupt, dismantle, and defeat al-Qaeda and its extremist allies in Afghanistan, and preventing the establishment of safe havens for those entities; and

(3) enabling the United States to move to an enduring partnership with the Government of the Islamic Republic of Afghanistan, fully consistent with the *Declaration by the North Atlantic Treaty Organization and the Government of the Islamic Republic of Afghanistan on an Enduring Partnership* as issued at the Lisbon conference on November 20, 2010.

(b) BENCHMARKS.—The President shall establish, and may update from time to time, a comprehensive set of benchmarks to evaluate progress being made toward meeting the goals set forth in paragraphs (1) through (3) of subsection (a).

(c) SUBMITTAL TO CONGRESS.—The President shall include the most current set of benchmarks established pursuant to subsection (b) with each report on progress toward security and stability in Afghanistan that is submitted to Congress under sections 1230 and 1231 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110-181; 122 Stat. 385, 390).

**Subtitle C—Reports and Other Matters**

**SEC. 1231. REPORT ON COALITION SUPPORT FUND REIMBURSEMENTS TO THE GOVERNMENT OF PAKISTAN FOR OPERATIONS CONDUCTED IN SUPPORT OF OPERATION ENDURING FREEDOM.**

(a) IN GENERAL.—Not later than 120 days after the date of the enactment of this Act, the Secretary of Defense shall submit a report to the congressional defense committees and the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives assessing the effectiveness of the Coalition Support Fund reimbursements to the Government of Pakistan for operations conducted in support of Operation Enduring Freedom.

(b) ELEMENTS.—The report required under subsection (a) shall include the following elements:

(1) A description of the types of reimbursements requested by the Government of Pakistan.

(2) The total amount reimbursed to the Government of Pakistan since the beginning of Operation Enduring Freedom, in the aggregate and by fiscal year.

(3) The percentage and types of reimbursement requests made by the Government of Pakistan for which the United States Government has deferred or not provided payment.

(4) An assessment of the outcomes of operations conducted by the Government of Pakistan in support of Operation Enduring Freedom for which reimbursement was requested during the 24-month period ending on the date of the enactment of this Act, and of the impact of those operations in containing the ability of terrorist organizations to threaten the stability of Afghanistan and Pakistan and to impede the operations of the United States in Afghanistan.

(5) Recommendations, if any, relative to potential alternatives to or termination of

reimbursements from the Coalition Support Fund to the Government of Pakistan taking into account the transition plan for Afghanistan.

(c) **FORM.**—The report required under subsection (a) shall be submitted in unclassified form, but may contain a classified annex.

**SEC. 1232. REVIEW AND REPORT ON IRAN'S AND CHINA'S CONVENTIONAL AND ANTI-ACCESS CAPABILITIES.**

(a) **REVIEW.**—The Comptroller General of the United States shall conduct an independent review of the following:

(1) Any gaps between Iran's conventional and anti-access capabilities and United States' capabilities to overcome them.

(2) Any gaps between China's anti-access capabilities and United States' capabilities to overcome them.

(b) **REPORT.**—Not later than January 31, 2013, the Comptroller General shall submit to the congressional defense committees a report that contains the review conducted under subsection (a).

(c) **ADDITIONAL TO OTHER REPORTS, ETC.**—The review conducted under subsection (a) and the report required under subsection (b) are in addition to the report required under section 1238 of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (Public Law 111-383; 124 Stat. 4402) and the strategy and briefings required under section 1243 of such Act (Public Law 111-383; 124 Stat. 4405).

(d) **DEFINITION.**—In this section, the term “anti-access” has the meaning given the term in section 1238(f) of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (Public Law 111-383; 124 Stat. 4403).

**SEC. 1233. REPORT ON ENERGY SECURITY OF THE NATO ALLIANCE.**

(a) **FINDINGS.**—Congress makes the following findings:

(1) Adopted in Lisbon in November 2010, the new North Atlantic Treaty Organization (NATO) Strategic Concept declares that “[a]ll countries are increasingly reliant on the vital communication, transport and transit routes on which international trade, energy security and prosperity depend. They require greater international efforts to ensure their resilience against attack or disruption. Some NATO countries will become more dependent on foreign energy suppliers and in some cases, on foreign energy supply and distribution networks for their energy needs. As a larger share of world consumption is transported across the globe, energy supplies are increasingly exposed to disruption.”.

(2) The new NATO Strategic Concept further declares that, “to deter and defend against any threat to the safety and security of our populations”, the NATO alliance will, “develop the capacity to contribute to energy security, including protection of critical energy infrastructure and transit areas and lines, cooperation with partners, and consultations among Allies on the basis of strategic assessments and contingency planning.”.

(b) **REPORT.**—

(1) **REPORT.**—Not later than 270 days after the date of the enactment of this Act, the Secretary of Defense shall, in consultation with the Secretary of State and the Secretary of Energy, submit to the appropriate committees of Congress a detailed report on efforts by the Department of Defense, including within NATO, to address the energy security of the NATO alliance.

(2) **ELEMENTS.**—The report required by paragraph (1) shall include the following:

(A) An assessment of the dependence of NATO members on a single oil or natural gas supplier or distribution network.

(B) A description of the threats to the energy security of the NATO alliance, including from each of the following:

(i) Shortages of supply of oil or natural gas or spikes in prices of oil or natural gas.

(ii) Disruptions within the energy distribution infrastructure or transit lines supplying NATO member countries.

(C) A description of options for responding to or mitigating the energy security risks to NATO member countries and to United States Armed Forces based in Europe posed by the threats described under subparagraph (B).

(D) Recommendations, if any, for actions to be undertaken to improve the energy security of the NATO alliance.

(c) **FORM.**—The report required under subsection (b) shall be submitted in unclassified form, but may contain a classified annex.

(d) **APPROPRIATE COMMITTEES OF CONGRESS DEFINED.**—In this section the term “appropriate committees of Congress” means—

(1) the Committee on Armed Services and the Committee on Foreign Relations of the Senate; and

(2) the Committee on Armed Services and the Committee on Foreign Affairs of the House of Representatives.

**SEC. 1234. COMPTROLLER GENERAL OF THE UNITED STATES REPORT ON THE NATIONAL GUARD STATE PARTNERSHIP PROGRAM.**

(a) **REPORT REQUIRED.**—Not later than March 31, 2012, the Comptroller General of the United States shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a report on the National Guard State Partnership Program.

(b) **ELEMENTS.**—The report required by subsection (a) shall include the following:

(1) A summary of the sources of funds for the State Partnership Program over the last five years.

(2) An analysis of the types and frequency of activities performed by participants in the State Partnership Program.

(3) A description of the objectives of the State Partnership Program and the manner in which objectives under the program are established and coordinated with the Office of the Secretary of Defense, the geographic combatant commands, United States Country Teams, and other departments and agencies of the United States Government.

(4) A description of the manner in which the Department of Defense selects and designates particular State and foreign country partnerships under the State Partnership Program.

(5) A description of the manner in which the Department measures the effectiveness of the activities under the State Partnership Program in meeting the objectives of the program.

(6) An assessment by the Comptroller General of the United States of the effectiveness of the activities under the State Partnership Program in meeting the objectives of the program.

**SEC. 1235. MAN-PORTABLE AIR-DEFENSE SYSTEMS ORIGINATING FROM LIBYA.**

(a) **STATEMENT OF POLICY.**—Pursuant to section 11 of the Department of State Authorities Act of 2006 (22 U.S.C. 2349bb-6), the following is the policy of the United States:

(1) To reduce and mitigate, to the greatest extent feasible, the threat posed to United States citizens and citizens of allies of the United States by man-portable air-defense systems (MANPADS) that were in Libya as of March 19, 2011.

(2) To seek the cooperation of, and to assist, the Government of Libya and govern-

ments of neighboring countries and other countries (as determined by the President) to secure, remove, or eliminate stocks of man-portable air-defense systems described in paragraph (1) that pose a threat to United States citizens and citizens of allies of the United States.

(3) To pursue, as a matter of priority, an agreement with the Government of Libya and governments of neighboring countries and other countries (as determined by the Secretary of State) to formalize cooperation with the United States to limit the availability, transfer, and proliferation of man-portable air-defense systems described in paragraph (1).

(b) **INTELLIGENCE COMMUNITY ASSESSMENT ON MANPADS IN LIBYA.**—

(1) **IN GENERAL.**—The Director of National Intelligence shall submit to the appropriate committees of Congress an assessment by the intelligence community that accounts for the disposition of, and the threat to United States citizens and citizens of allies of the United States posed by man-portable air-defense systems that were in Libya as of March 19, 2011. The assessment shall be submitted as soon as practicable, but not later than the end of the 45-day period beginning on the date of the enactment of this Act.

(2) **ELEMENTS.**—The assessment submitted under this subsection shall include the following:

(A) An estimate of the number of man-portable air-defense systems that were in Libya as of March 19, 2011.

(B) An estimate of the number of man-portable air-defense systems in Libya as of March 19, 2011, that are currently in the secure custody of the Government of Libya, the United States, an ally of the United States, a member of the North Atlantic Treaty Organization (NATO), or the United Nations.

(C) An estimate of the number of man-portable air-defense systems in Libya as of March 19, 2011, that were destroyed, disabled, or otherwise rendered unusable during Operation Unified Protector and since the end of Operation Unified Protector.

(D) An assessment of the number of man-portable air-defense systems that is the difference between the number of man-portable air-defense systems in Libya as of March 19, 2011, and the cumulative number of man-portable air-defense systems accounted for under subparagraphs (B) and (C), and the current disposition and locations of such man-portable air-defense systems.

(E) An assessment of the number of man-portable air-defense systems that are currently in the custody of militias in Libya.

(F) A list of any organizations designated as terrorist organizations by the Department of State, or affiliate organizations or members of such organizations, that are known or believed to have custody of any man-portable air-defense systems that were in the custody of the Government of Libya as of March 19, 2011.

(G) An assessment of the threat posed to United States citizens and citizens of allies of the United States from unsecured man-portable air-defense systems (as defined in section 11 of the Department of State Authorities Act of 2006) originating from Libya.

(H) An assessment of the effect of the proliferation of man-portable air-defense systems that were in Libya as of March 19, 2011, on the price and availability of man-portable air-defense systems that are on the global arms market.

(3) **NOTICE REGARDING DELAY IN SUBMITTAL.**—If, before the end of the 45-day period specified in paragraph (1), the Director

determines that the assessment required by that paragraph cannot be submitted by the end of that period as required by that paragraph, the Director shall (before the end of that period) submit to the appropriate committees of Congress a report setting forth—

(A) the reasons why the assessment cannot be submitted by the end of that period; and  
(B) an estimated date for the submittal of the assessment.

(C) COMPREHENSIVE STRATEGY ON THREAT OF MANPADS ORIGINATING FROM LIBYA.—

(1) STRATEGY REQUIRED.—The President shall develop and implement, and from time to time update, a comprehensive strategy, pursuant to section 11 of the Department of State Authorities Act of 2006, to reduce and mitigate the threat posed to United States citizens and citizens of allies of the United States from man-portable air-defense systems that were in Libya as of March 19, 2011.

(2) REPORT REQUIRED.—

(A) IN GENERAL.—Not later than 45 days after the assessment required by subsection (b) is submitted to the appropriate committees of Congress, the President shall submit to the appropriate committees of Congress a report setting forth the strategy required by paragraph (1).

(B) ELEMENTS.—The report required by this paragraph shall include the following:

(i) An assessment of the effectiveness of efforts undertaken to date by the United States, Libya, Mauritania, Egypt, Algeria, Tunisia, Mali, Morocco, Niger, Chad, the United Nations, the North Atlantic Treaty Organization, and any other country or entity (as determined by the President) to reduce the threat posed to United States citizens and citizens of allies of the United States from man-portable air-defense systems that were in Libya as of March 19, 2011.

(ii) A timeline for future efforts by the United States, Libya, and neighboring countries to—

(I) secure, remove, or disable any man-portable air-defense systems that remain in Libya;

(II) counter proliferation of man-portable air-defense systems originating from Libya that are in the region; and

(III) disrupt the ability of terrorists, non-state actors, and state sponsors of terrorism to acquire such man-portable air-defense systems.

(iii) A description of any additional funding required to address the threat of man-portable air-defense systems originating from Libya.

(iv) A description of technologies currently available to reduce the susceptibility and vulnerability of civilian aircraft to man-portable air-defense systems, including an assessment of the feasibility of using aircraft-based anti-missile systems to protect United States passenger jets.

(v) Recommendations for the most effective policy measures that can be taken to reduce and mitigate the threat posed to United States citizens and citizens of allies of the United States from man-portable air-defense systems that were in Libya as of March 19, 2011.

(vi) Such recommendations for legislative or administrative action as the President considers appropriate to implement the strategy required by paragraph (1).

(C) FORM.—The report required by this paragraph shall be submitted in unclassified form, but may include a classified annex.

(D) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this section, the term “appropriate committees of Congress” means—

(1) the Committee on Armed Services, the Committee on Foreign Relations, and the Se-

lect Committee on Intelligence of the Senate; and

(2) the Committee on Armed Services, the Committee on Foreign Affairs, and the Permanent Select Committee on Intelligence of the House of Representatives.

**SEC. 1236. REPORT ON MILITARY AND SECURITY DEVELOPMENTS INVOLVING THE DEMOCRATIC PEOPLE'S REPUBLIC OF KOREA.**

(A) REPORT.—Not later than November 1, 2012, the Secretary of Defense shall submit to the specified congressional committees a report, in both classified and unclassified form, on the current and future military power of the Democratic People's Republic of Korea (in this section referred to as “North Korea”). The report shall address the current and probable future course of military-technological development of the North Korean military, the tenets and probable development of North Korean security strategy and military strategy, and military organizations and operational concepts, through the next 20 years.

(B) MATTERS TO BE INCLUDED.—A report required under subsection (a) shall include at least the following elements:

(1) An assessment of the security situation on the Korean peninsula.

(2) The goals and factors shaping North Korean security strategy and military strategy.

(3) Trends in North Korean security and military behavior that would be designed to achieve, or that are inconsistent with, the goals described in paragraph (2).

(4) An assessment of North Korea's regional security objectives, including those that would affect South Korea, Japan, the People's Republic of China, and Russia.

(5) A detailed assessment of the sizes, locations, and capabilities of North Korean strategic, special operations, land, sea, and air forces.

(6) Developments in North Korean military doctrine and training.

(7) An assessment of the proliferation activities of North Korea, as either a supplier or a consumer of materials or technologies relating to nuclear weapons or other weapons of mass destruction or missile systems.

(8) Other military and security developments involving North Korea that the Secretary of Defense considers relevant to United States national security.

(C) DEFINITION.—In this section the term “specified congressional committees” means—

(1) the Committee on Armed Services and the Committee on Foreign Relations of the Senate; and

(2) the Committee on Armed Services and the Committee on Foreign Affairs of the House of Representatives.

**SEC. 1237. SENSE OF CONGRESS ON NON-STRATEGIC NUCLEAR WEAPONS AND EXTENDED DETERRENCE POLICY.**

(A) REGARDING NON-STRATEGIC NUCLEAR WEAPONS.—It is the sense of Congress that—

(1) if the United States pursues arms control negotiations with the Russian Federation, such negotiations should be aimed at the reduction of Russian deployed and non-deployed non-strategic nuclear weapons and increased transparency of such weapons; and  
(2) for purposes of such negotiations—

(A) non-strategic nuclear weapons should be considered when weighing the balance of the nuclear forces of the United States and Russia; and

(B) geographical relocation and consolidated or centralized storage of non-strategic nuclear weapons by Russia should not be considered a reduction or elimination of such weapons.

(b) REGARDING EXTENDED DETERRENCE COMMITMENT TO EUROPE.—It is the sense of Congress that—

(1) the commitment of the United States to extended deterrence in Europe and the nuclear alliance of the North Atlantic Treaty Organization (NATO) is an important component of ensuring and linking the national security of the United States and its European allies;

(2) nuclear forces of the United States are a key component of the NATO nuclear alliance; and

(3) the presence of United States nuclear weapons in Europe—combined with NATO's unique nuclear sharing arrangements under which non-nuclear members participate in nuclear planning and possess specially configured aircraft capable of delivering nuclear weapons—provides reassurance to NATO allies who feel exposed to regional threats.

**SEC. 1238. ANNUAL REPORT ON MILITARY AND SECURITY DEVELOPMENTS INVOLVING THE PEOPLE'S REPUBLIC OF CHINA.**

(A) MATTERS TO BE INCLUDED.—Subsection (b) of section 1202 of the National Defense Authorization Act for Fiscal Year 2000 (Public Law 106-65; 113 Stat. 781; 10 U.S.C. 113 note), as most recently amended by section 1246(b) of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111-84; 123 Stat. 2544), is further amended—

(1) in paragraph (7)—

(A) by adding at the end before the period the following: “or otherwise undermine the Department of Defense's capability to conduct information assurance”; and

(B) by adding at the end the following: “Such analyses shall include an assessment of the damage inflicted on the Department of Defense by reason thereof.”; and

(2) in paragraph (9), by adding at the end the following: “Such analyses shall include an assessment of the nature of China's cyber activities directed against the Department of Defense and an assessment of the damage inflicted on the Department of Defense by reason thereof. Such cyber activities shall include activities originating or suspected of originating from China and shall include government and non-government activities believed to be sanctioned or supported by the Government of China.”.

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act, and shall apply with respect to reports required to be submitted under subsection (a) of section 1202 of the National Defense Authorization Act for Fiscal Year 2000, as so amended, on or after that date.

**SEC. 1239. REPORT ON EXPANSION OF PARTICIPATION IN EURO-NATO JOINT JET PILOT TRAINING PROGRAM.**

(A) REPORT REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense, in consultation with the Secretary of State, shall submit to the congressional defense committees and the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives a report on the desirability and feasibility of expanding participation in the Euro-NATO Joint Jet Pilot Training (ENJJPT) program to include additional countries.

(B) MATTERS TO BE INCLUDED.—The report required under subsection (a) shall include the following:

(1) An assessment of the ENJJPT program as it relates to United States national security.

(2) An assessment of the current participation in the ENJJPT program and whether it



fully meets the needs of the program and United States and NATO objectives.

(3) An analysis of whether participation of additional countries in the ENJJPT program would benefit the program and United States national security.

(4) A recommendation of additional countries, if any, that could participate in the ENJJPT program, including NATO member nations not currently participating in the program, major non-NATO allies, Partnership for Peace nations, and other countries.

(5) The restrictions or limitations that currently prevent additional countries from participating in the ENJJPT program.

(6) An assessment of the costs and benefits to the United States, including potential benefits to United States security interests of improved training opportunities for other countries, of a United States-sponsored scholarship program to assist certain countries to meet the cost-sharing obligations of participation in the ENJJPT program, and whether authorities currently exist to institute such a scholarship program.

#### **SEC. 1240. REPORT ON RUSSIAN NUCLEAR FORCES.**

(a) **REPORT.**—Not later than March 1, 2012, the Secretary of Defense, in coordination with the Director of National Intelligence, shall submit to the appropriate congressional committees a report on the nuclear forces of the Russian Federation and the New START Treaty.

(b) **MATTERS INCLUDED.**—The report under section (a) shall include an assessment of the following:

(1) The assessed number of nuclear forces by category of nuclear warheads and delivery vehicles relative to New START levels by 2017 and by 2022, including potential shifts of such numbers during such periods.

(2) Options with respect to the size and composition of Russian nuclear forces that Russia is considering, including decreases below the New START levels and plans for maintaining New START levels, including options related to developing and deploying a new heavy intercontinental ballistic missile and multiple independently targetable reentry vehicle capability.

(3) Factors that are likely to influence the number and composition of Russian nuclear forces.

(4) Effects of shifts in the number and composition of Russian nuclear forces on strategic stability.

(c) **FORM.**—The report required by subsection (a) shall be submitted in unclassified form, but may include classified annex.

(d) **APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.**—In this section:

(1) **APPROPRIATE CONGRESSIONAL COMMITTEES.**—The term “appropriate congressional committees” means—

(A) the congressional defense committees;

(B) the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate; and

(C) the Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate.

(2) **NEW START TREATY.**—The term “New START Treaty” means the Treaty between the United States of America and the Russian Federation on Measures for the Further Reduction and Limitation of Strategic Offensive Arms, signed on April 8, 2010.

#### **SEC. 1241. REPORT ON PROGRESS OF THE AFRICAN UNION IN OPERATIONALIZING THE AFRICAN STANDBY FORCE.**

(a) **REPORT REQUIRED.**—Not later than 180 days after the date of the enactment of this

Act, the Under Secretary of Defense for Policy shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the progress of the African Union in operationalizing the African Standby Force.

(b) **ELEMENTS.**—The report required by subsection (a) shall include the following:

(1) An assessment of the existing personnel strengths and capabilities of each of the five regional brigades of the African Standby Force and their brigade-level headquarters.

(2) An assessment of the specific capacity-building needs of the African Standby Force, including with respect to supply management, information management, strategic planning, and other critical components.

(3) A description of the functionality of the supply depots of each brigade referred to in paragraph (1), and current information on existing stocks of each such brigade.

(4) An assessment of the capacity of the African Union to manage the African Standby Force.

(5) An assessment of inter-organizational coordination on assistance to the African Union and the African Standby Force between multilateral donors, including the United Nations, the European Union, and the North Atlantic Treaty Organization.

(6) An assessment of the capacity of the African Union to absorb additional international assistance toward the development of a fully functional African Standby Force.

#### **SEC. 1242. DEFENSE COOPERATION WITH REPUBLIC OF GEORGIA.**

(a) **PLAN FOR NORMALIZATION.**—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall, with the concurrence of the Secretary of State, develop and submit to the congressional defense committees and the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives a plan for the normalization of United States defense cooperation with the Republic of Georgia, including the sale of defensive arms.

(b) **OBJECTIVES.**—The plan required under subsection (a) shall address the following objectives:

(1) To establish a normalized defense cooperation relationship between the United States and the Republic of Georgia, taking into consideration the progress of the Government of the Republic of Georgia on democratic and economic reforms and the capacity of the Georgian armed forces.

(2) To support the Government of the Republic of Georgia in providing for the defense of its government, people, and sovereign territory, consistent with the continuing commitment of the Government of the Republic of Georgia to its non-use-of-force pledge and consistent with Article 51 of the Charter of the United Nations.

(3) To provide for the sale by the United States of defense articles and services in support of the efforts of the Government of the Republic of Georgia to provide for its own self-defense consistent with paragraphs (1) and (2).

(4) To continue to enhance the ability of the Government of the Republic of Georgia to participate in coalition operations and meet NATO partnership goals.

(5) To encourage NATO member and candidate countries to restore and enhance their sales of defensive articles and services to the Republic of Georgia as part of a broader NATO effort to deepen its defense relationship and cooperation with the Republic of Georgia.

(6) To ensure maximum transparency in the United States-Georgia defense relationship.

(c) **INCLUDED INFORMATION.**—The plan required under subsection (a) shall include the following information:

(1) A needs-based assessment, or an update to an existing needs-based assessment, of the defense requirements of the Republic of Georgia, which shall be prepared by the Department of Defense.

(2) A description of each of the letters of offer and acceptance by the Government of the Republic of Georgia for purchase of defense articles and services during the two-year period ending on the date of the report.

(3) A summary of the defense needs asserted by the Government of the Republic of Georgia as justification for its requests for defensive arms purchases.

(4) A description of the action taken on any defensive arms sale request by the Government of the Republic of Georgia and an explanation for such action.

(d) **FORM.**—The plan required under subsection (a) shall be submitted in unclassified form, but may contain a classified annex.

#### **SEC. 1243. PROHIBITION ON PROCUREMENTS FROM COMMUNIST CHINESE MILITARY COMPANIES.**

(a) **WAIVER AUTHORIZED.**—Subsection (c) of section 1211 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109-163; 119 Stat. 3461; 10 U.S.C. 2302 note) is amended to read as follows:

“(c) **WAIVER AUTHORIZED.**—The Secretary of Defense may waive the prohibition in subsection (a) if the Secretary determines that such a waiver is necessary for national security purposes and the Secretary submits to the congressional defense committees a report described in subsection (d) not less than 15 days before issuing the waiver under this subsection.”.

(b) **REPORT.**—Such section is amended—

(1) by redesignating subsection (d) as subsection (e); and

(2) by inserting after subsection (c) the following:

“(d) **REPORT.**—The report referred to in subsection (c) is a report that identifies the specific reasons for the waiver issued under subsection (c) and includes recommendations as to what actions may be taken to develop alternative sourcing capabilities in the future.”.

(c) **EFFECTIVE DATE.**—The amendments made by this section take effect on the date of the enactment of this Act and apply with respect to contracts and subcontracts of the Department of Defense entered into on or after the date of the enactment of this Act.

#### **SEC. 1244. SHARING OF CLASSIFIED UNITED STATES BALLISTIC MISSILE DEFENSE INFORMATION WITH THE RUSSIAN FEDERATION.**

(a) **NOTIFICATION.**—No classified United States ballistic missile defense information may be made available to the Russian Federation unless, 60 days prior to any instance in which the United States Government plans to provide such information to the Russian Federation, the President provides notification thereof to the appropriate congressional committees.

(b) **ELEMENTS OF NOTIFICATION.**—Each notification provided pursuant to subsection (a) shall include the following:

(1) A detailed description of the classified United States ballistic missile defense information to be provided.

(2) An explanation of the national security interest in providing the information to the Russian Federation and any provisions for reciprocal sharing by the Russian Federation



with the United States on its defensive systems.

(3) A certification that providing the information is consistent with United States national disclosure policy as of the date of enactment of this Act and that the decision to provide the information was made pursuant to a national disclosure policy review.

(4) If applicable, a detailed explanation of whether any exceptions to national disclosure policy were required in order to provide the information to the Russian Federation and why such exceptions were required.

(5) A certification that adequate measures are in place to protect the information from unauthorized disclosure. The certification shall include a description of the manner in which the information will be protected from unauthorized sharing or transfer to third parties as well as an analysis of the risks to the capabilities of the United States ballistic missile defense system if the information is shared or transferred to an unauthorized third party.

(c) FORM.—Each notification provided pursuant to subsection (a) shall be submitted in unclassified form, but may include a classified annex.

(d) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—For the purposes of this section, the term “appropriate congressional committees” means—

(1) the Committee on Armed Services and the Committee on Foreign Relations of the Senate; and

(2) the Committee on Armed Services and the Committee on Foreign Affairs of the House of Representatives.

(e) CLASSIFIED UNITED STATES BALLISTIC MISSILE DEFENSE INFORMATION DEFINED.—For the purposes of this section, the term “classified United States ballistic missile defense information” means information related to United States ballistic missile defenses that is classified as of, or after, the date of enactment of this Act.

#### SEC. 1245. IMPOSITION OF SANCTIONS WITH RESPECT TO THE FINANCIAL SECTOR OF IRAN.

(a) FINDINGS.—Congress makes the following findings:

(1) On November 21, 2011, the Secretary of the Treasury issued a finding under section 5318A of title 31, United States Code, that identified Iran as a jurisdiction of primary money laundering concern.

(2) In that finding, the Financial Crimes Enforcement Network of the Department of the Treasury wrote, “The Central Bank of Iran, which regulates Iranian banks, has assisted designated Iranian banks by transferring billions of dollars to these banks in 2011. In mid-2011, the CBI transferred several billion dollars to designated banks, including Saderat, Mellat, EDBI and Melli, through a variety of payment schemes. In making these transfers, the CBI attempted to evade sanctions by minimizing the direct involvement of large international banks with both CBI and designated Iranian banks.”.

(3) On November 22, 2011, the Under Secretary of the Treasury for Terrorism and Financial Intelligence, David Cohen, wrote, “Treasury is calling out the entire Iranian banking sector, including the Central Bank of Iran, as posing terrorist financing, proliferation financing, and money laundering risks for the global financial system.”.

(b) DESIGNATION OF FINANCIAL SECTOR OF IRAN AS OF PRIMARY MONEY LAUNDERING CONCERN.—The financial sector of Iran, including the Central Bank of Iran, is designated as a primary money laundering concern for purposes of section 5318A of title 31, United

States Code, because of the threat to government and financial institutions resulting from the illicit activities of the Government of Iran, including its pursuit of nuclear weapons, support for international terrorism, and efforts to deceive responsible financial institutions and evade sanctions.

(c) FREEZING OF ASSETS OF IRANIAN FINANCIAL INSTITUTIONS.—The President shall, pursuant to the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.), block and prohibit all transactions in all property and interests in property of an Iranian financial institution if such property and interests in property are in the United States, come within the United States, or are or come within the possession or control of a United States person.

(d) IMPOSITION OF SANCTIONS WITH RESPECT TO THE CENTRAL BANK OF IRAN AND OTHER IRANIAN FINANCIAL INSTITUTIONS.—

(1) IN GENERAL.—Except as specifically provided in this subsection, beginning on the date that is 60 days after the date of the enactment of this Act, the President—

(A) shall prohibit the opening, and prohibit or impose strict conditions on the maintaining, in the United States of a correspondent account or a payable-through account by a foreign financial institution that the President determines has knowingly conducted or facilitated any significant financial transaction with the Central Bank of Iran or another Iranian financial institution designated by the Secretary of the Treasury for the imposition of sanctions pursuant to the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.); and

(B) may impose sanctions pursuant to the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.) with respect to the Central Bank of Iran.

(2) EXCEPTION FOR SALES OF FOOD, MEDICINE, AND MEDICAL DEVICES.—The President may not impose sanctions under paragraph (1) with respect to any person for conducting or facilitating a transaction for the sale of food, medicine, or medical devices to Iran.

(3) APPLICABILITY OF SANCTIONS WITH RESPECT TO FOREIGN CENTRAL BANKS.—Except as provided in paragraph (4), sanctions imposed under paragraph (1)(A) shall apply with respect to a foreign financial institution owned or controlled by the government of a foreign country, including a central bank of a foreign country, only insofar as it engages in a financial transaction for the sale or purchase of petroleum or petroleum products to or from Iran conducted or facilitated on or after that date that is 180 days after the date of the enactment of this Act.

(4) APPLICABILITY OF SANCTIONS WITH RESPECT TO PETROLEUM TRANSACTIONS.—

(A) REPORT REQUIRED.—Not later than 60 days after the date of the enactment of this Act, and every 60 days thereafter, the Administrator of the Energy Information Administration, in consultation with the Secretary of the Treasury, the Secretary of State, and the Director of National Intelligence, shall submit to Congress a report on the availability and price of petroleum and petroleum products produced in countries other than Iran in the 60-day period preceding the submission of the report.

(B) DETERMINATION REQUIRED.—Not later than 90 days after the date of the enactment of this Act, and every 180 days thereafter, the President shall make a determination, based on the reports required by subparagraph (A), of whether the price and supply of petroleum and petroleum products produced in countries other than Iran is sufficient to permit purchasers of petroleum and petro-

leum products from Iran to reduce significantly in volume their purchases from Iran.

(C) APPLICATION OF SANCTIONS.—Except as provided in subparagraph (D), sanctions imposed under paragraph (1)(A) shall apply with respect to a financial transaction conducted or facilitated by a foreign financial institution on or after the date that is 180 days after the date of the enactment of this Act for the purchase of petroleum or petroleum products from Iran if the President determines pursuant to subparagraph (B) that there is a sufficient supply of petroleum and petroleum products from countries other than Iran to permit a significant reduction in the volume of petroleum and petroleum products purchased from Iran by or through foreign financial institutions.

(D) EXCEPTION.—Sanctions imposed pursuant to paragraph (1) shall not apply with respect to a foreign financial institution if the President determines and reports to Congress, not later than 90 days after the date on which the President makes the determination required by subparagraph (B), and every 180 days thereafter, that the country with primary jurisdiction over the foreign financial institution has significantly reduced its volume of crude oil purchases from Iran during the period beginning on the date on which the President submitted the last report with respect to the country under this subparagraph.

(5) WAIVER.—The President may waive the imposition of sanctions under paragraph (1) for a period of not more than 120 days, and may renew that waiver for additional periods of not more than 120 days, if the President—

(A) determines that such a waiver is in the national security interest of the United States; and

(B) submits to Congress a report—

(i) providing a justification for the waiver; and

(ii) that includes any concrete cooperation the President has received or expects to receive as a result of the waiver.

(e) MULTILATERAL DIPLOMACY INITIATIVE.—

(1) IN GENERAL.—The President shall—

(A) carry out an initiative of multilateral diplomacy to persuade countries purchasing oil from Iran—

(i) to limit the use by Iran of revenue from purchases of oil to purchases of non-luxury consumers goods from the country purchasing the oil; and

(ii) to prohibit purchases by Iran of—

(I) military or dual-use technology, including items—

(aa) in the Annex to the Missile Technology Control Regime Guidelines;

(bb) in the Annex on Chemicals to the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on their Destruction, done at Paris January 13, 1993, and entered into force April 29, 1997 (commonly known as the “Chemical Weapons Convention”);

(cc) in Part 1 or 2 of the Nuclear Suppliers Group Guidelines; or

(dd) on a control list of the Wassenaar Arrangement on Export Controls for Conventional Arms and Dual-Use Goods and Technologies; or

(II) any other item that could contribute to Iran’s conventional, nuclear, chemical, or biological weapons program; and

(B) conduct outreach to petroleum-producing countries to encourage those countries to increase their output of crude oil to ensure there is a sufficient supply of crude oil from countries other than Iran and to minimize any impact on the price of oil resulting from the imposition of sanctions under this section.

(2) **REPORT REQUIRED.**—Not later than 180 days after the date of the enactment of this Act, and every 180 days thereafter, the President shall submit to Congress a report on the efforts of the President to carry out the initiative described in paragraph (1)(A) and conduct the outreach described in paragraph (1)(B) and the results of those efforts.

(f) **FORM OF REPORTS.**—Each report submitted under this section shall be submitted in unclassified form, but may contain a classified annex.

(g) **IMPLEMENTATION; PENALTIES.**—

(1) **IMPLEMENTATION.**—The President may exercise all authorities provided under sections 203 and 205 of the International Emergency Economic Powers Act (50 U.S.C. 1702 and 1704) to carry out this section.

(2) **PENALTIES.**—The penalties provided for in subsections (b) and (c) of section 206 of the International Emergency Economic Powers Act (50 U.S.C. 1705) shall apply to a person that violates, attempts to violate, conspires to violate, or causes a violation of this section or regulations prescribed under this section to the same extent that such penalties apply to a person that commits an unlawful act described in section 206(a) of that Act.

(h) **DEFINITIONS.**—In this section:

(1) **ACCOUNT; CORRESPONDENT ACCOUNT; PAYABLE-THROUGH ACCOUNT.**—The terms “account”, “correspondent account”, and “payable-through account” have the meanings given those terms in section 5318A of title 31, United States Code.

(2) **FOREIGN FINANCIAL INSTITUTION.**—The term “foreign financial institution” has the meaning of that term as determined by the Secretary of the Treasury pursuant to section 104(i) of the Comprehensive Iran Sanctions, Accountability, and Divestment Act of 2010 (22 U.S.C. 8513(i)).

(3) **UNITED STATES PERSON.**—The term “United States person” means—

(A) a natural person who is a citizen or resident of the United States or a national of the United States (as defined in section 101(a) of the Immigration and Nationality Act (8 U.S.C. 1101(a))); and

(B) an entity that is organized under the laws of the United States or a jurisdiction within the United States.

### **TITLE XIII—COOPERATIVE THREAT REDUCTION**

Sec. 1301. Specification of cooperative threat reduction programs and funds.

Sec. 1302. Funding allocations.

Sec. 1303. Limitation on availability of funds for cooperative biological engagement program.

Sec. 1304. Limitation on use of funds for establishment of centers of excellence in countries outside of the former Soviet Union.

### **SEC. 1301. SPECIFICATION OF COOPERATIVE THREAT REDUCTION PROGRAMS AND FUNDS.**

(a) **SPECIFICATION OF COOPERATIVE THREAT REDUCTION PROGRAMS.**—For purposes of section 301 and other provisions of this Act, Cooperative Threat Reduction programs are the programs specified in section 1501 of the National Defense Authorization Act for Fiscal Year 1997 (50 U.S.C. 2362 note).

(b) **FISCAL YEAR 2012 COOPERATIVE THREAT REDUCTION FUNDS DEFINED.**—As used in this title, the term “fiscal year 2012 Cooperative Threat Reduction funds” means the funds appropriated pursuant to the authorization of appropriations in section 301 and made available by the funding table in section 4301 for Cooperative Threat Reduction programs.

(c) **AVAILABILITY OF FUNDS.**—Funds appropriated pursuant to the authorization of ap-

propriations in section 301 and made available by the funding table in section 4301 for Cooperative Threat Reduction programs shall be available for obligation for fiscal years 2012, 2013, and 2014.

### **SEC. 1302. FUNDING ALLOCATIONS.**

(a) **FUNDING FOR SPECIFIC PURPOSES.**—Of the \$508,219,000 authorized to be appropriated to the Department of Defense for fiscal year 2012 in section 301 and made available by the funding table in section 4301 for Cooperative Threat Reduction programs, the following amounts may be obligated for the purposes specified:

(1) For strategic offensive arms elimination, \$63,221,000.

(2) For chemical weapons destruction, \$9,804,000.

(3) For global nuclear security, \$121,143,000.

(4) For cooperative biological engagement, \$259,470,000.

(5) For proliferation prevention, \$28,080,000.

(6) For threat reduction engagement, \$2,500,000.

(7) For activities designated as Other Assessments/Administrative Costs, \$24,001,000.

(b) **REPORT ON OBLIGATION OR EXPENDITURE OF FUNDS FOR OTHER PURPOSES.**—No fiscal year 2012 Cooperative Threat Reduction funds may be obligated or expended for a purpose other than a purpose listed in paragraphs (1) through (7) of subsection (a) until 15 days after the date that the Secretary of Defense submits to Congress a report on the purpose for which the funds will be obligated or expended and the amount of funds to be obligated or expended. Nothing in the preceding sentence shall be construed as authorizing the obligation or expenditure of fiscal year 2012 Cooperative Threat Reduction funds for a purpose for which the obligation or expenditure of such funds is specifically prohibited under this title or any other provision of law.

(c) **LIMITED AUTHORITY TO VARY INDIVIDUAL AMOUNTS.**—

(1) **IN GENERAL.**—Subject to paragraph (2), in any case in which the Secretary of Defense determines that it is necessary to do so in the national interest, the Secretary may obligate amounts appropriated for fiscal year 2012 for a purpose listed in paragraphs (1) through (7) of subsection (a) in excess of the specific amount authorized for that purpose.

(2) **NOTICE-AND-WAIT REQUIRED.**—An obligation of funds for a purpose stated in paragraphs (1) through (7) of subsection (a) in excess of the specific amount authorized for such purpose may be made using the authority provided in paragraph (1) only after—

(A) the Secretary submits to Congress notification of the intent to do so together with a complete discussion of the justification for doing so; and

(B) 15 days have elapsed following the date of the notification.

### **SEC. 1303. LIMITATION ON AVAILABILITY OF FUNDS FOR COOPERATIVE BIOLOGICAL ENGAGEMENT PROGRAM.**

(a) **LIMITATION.**—Of the funds authorized to be appropriated by section 1302(a)(4) or otherwise made available for fiscal year 2012 for cooperative biological engagement, not more than 80 percent may be obligated or expended until the date on which the Secretary of Defense submits to the appropriate congressional committees the following:

(1) A detailed analysis of the effect of the cooperative biological engagement program.

(2) Either—

(A) written certification that the efforts of the cooperative biological engagement program—

(i) result in changed practices or are otherwise effective; and

(ii) lead to threat reduction; or

(B) a detailed list of policy and program recommendations considered necessary by the Secretary to modify, expand, or curtail the cooperative biological engagement program in order to achieve the objectives described by subparagraph (A).

(b) **APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.**—In this section, the term “appropriate congressional committees” means the following:

(1) The Committee on Armed Services and the Committee on Foreign Affairs of the House of Representatives.

(2) The Committee on Armed Services and the Committee on Foreign Relations of the Senate.

### **SEC. 1304. LIMITATION ON USE OF FUNDS FOR ESTABLISHMENT OF CENTERS OF EXCELLENCE IN COUNTRIES OUTSIDE OF THE FORMER SOVIET UNION.**

Not more than \$500,000 of the fiscal year 2012 Cooperative Threat Reduction funds may be obligated or expended to establish a center of excellence in a country that is not a state of the former Soviet Union until the date that is 15 days after the date on which the Secretary of Defense submits to the congressional defense committees a report that includes the following:

(1) An identification of the country in which the center will be located.

(2) A description of the purpose for which the center will be established.

(3) The agreement under which the center will operate.

(4) A funding plan for the center, including—

(A) the amount of funds to be provided by the government of the country in which the center will be located; and

(B) the percentage of the total cost of establishing and operating the center the funds described in subparagraph (A) will cover.

### **TITLE XIV—OTHER AUTHORIZATIONS**

#### **Subtitle A—Military Programs**

Sec. 1401. Working capital funds.

Sec. 1402. National Defense Sealift Fund.

Sec. 1403. Chemical Agents and Munitions Destruction, Defense.

Sec. 1404. Drug Interdiction and Counter-Drug Activities, Defense-wide.

Sec. 1405. Defense Inspector General.

Sec. 1406. Defense Health Program.

#### **Subtitle B—National Defense Stockpile**

Sec. 1411. Authorized uses of National Defense Stockpile funds.

Sec. 1412. Revision to required receipt objectives for previously authorized disposals from the National Defense Stockpile.

#### **Subtitle C—Other Matters**

Sec. 1421. Authorization of appropriations for Armed Forces Retirement Home.

Sec. 1422. Authority for transfer of funds to Joint Department of Defense-Department of Veterans Affairs Medical Facility Demonstration Fund for Captain James A. Lovell Health Care Center, Illinois.

#### **Subtitle A—Military Programs**

### **SEC. 1401. WORKING CAPITAL FUNDS.**

Funds are hereby authorized to be appropriated for fiscal year 2012 for the use of the Armed Forces and other activities and agencies of the Department of Defense for providing capital for working capital and revolving funds, as specified in the funding table in section 4501.

**SEC. 1402. NATIONAL DEFENSE SEALIFT FUND.**

(a) **AUTHORIZATION OF APPROPRIATIONS.**—Funds are hereby authorized to be appropriated for the fiscal year 2012 for the National Defense Sealift Fund, as specified in the funding table in section 4501.

(b) **AUTHORIZED PROCUREMENT.**—Funds appropriated pursuant to the authorization of appropriations in subsection (a) may be used to purchase an offshore petroleum distribution system, and the associated tender for that system, that are under charter by the Military Sealift Command as of January 1, 2011.

**SEC. 1403. CHEMICAL AGENTS AND MUNITIONS DESTRUCTION, DEFENSE.**

(a) **AUTHORIZATION OF APPROPRIATIONS.**—Funds are hereby authorized to be appropriated for the Department of Defense for fiscal year 2012 for expenses, not otherwise provided for, for Chemical Agents and Munitions Destruction, Defense, as specified in the funding table in section 4501.

(b) **USE.**—Amounts authorized to be appropriated under subsection (a) are authorized for—

(1) the destruction of lethal chemical agents and munitions in accordance with section 1412 of the Department of Defense Authorization Act, 1986 (50 U.S.C. 1521); and

(2) the destruction of chemical warfare materiel of the United States that is not covered by section 1412 of such Act.

**SEC. 1404. DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES, DEFENSE-WIDE.**

Funds are hereby authorized to be appropriated for the Department of Defense for fiscal year 2012 for expenses, not otherwise provided for, for Drug Interdiction and Counter-Drug Activities, Defense-wide, as specified in the funding table in section 4501.

**SEC. 1405. DEFENSE INSPECTOR GENERAL.**

Funds are hereby authorized to be appropriated for the Department of Defense for fiscal year 2012 for expenses, not otherwise provided for, for the Office of the Inspector General of the Department of Defense, as specified in the funding table in section 4501.

**SEC. 1406. DEFENSE HEALTH PROGRAM.**

Funds are hereby authorized to be appropriated for fiscal year 2012 for the Defense Health Program, as specified in the funding table in section 4501, for use of the Armed Forces and other activities and agencies of the Department of Defense in providing for the health of eligible beneficiaries.

**Subtitle B—National Defense Stockpile****SEC. 1411. AUTHORIZED USES OF NATIONAL DEFENSE STOCKPILE FUNDS.**

(a) **OBLIGATION OF STOCKPILE FUNDS.**—During fiscal year 2012, the National Defense Stockpile Manager may obligate up to \$50,107,320 of the funds in the National Defense Stockpile Transaction Fund established under subsection (a) of section 9 of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98h) for the authorized uses of such funds under subsection (b)(2) of such section, including the disposal of hazardous materials that are environmentally sensitive.

(b) **ADDITIONAL OBLIGATIONS.**—The National Defense Stockpile Manager may obligate amounts in excess of the amount specified in subsection (a) if the National Defense Stockpile Manager notifies Congress that extraordinary or emergency conditions necessitate the additional obligations. The National Defense Stockpile Manager may make the additional obligations described in the notification after the end of the 45-day period beginning on the date on which Congress receives the notification.

(c) **LIMITATIONS.**—The authorities provided by this section shall be subject to such limitations as may be provided in appropriations Acts.

**SEC. 1412. REVISION TO REQUIRED RECEIPT OBJECTIVES FOR PREVIOUSLY AUTHORIZED DISPOSALS FROM THE NATIONAL DEFENSE STOCKPILE.**

Section 3402(b) of the National Defense Authorization Act for Fiscal Year 2000 (Public Law 106-65; 50 U.S.C. 98d note), as most recently amended by section 1412 of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (Public Law 111-383; 124 Stat. 4412), is further amended by striking “\$730,000,000 by the end of fiscal year 2013” in paragraph (5) and inserting “\$830,000,000 by the end of fiscal year 2016”.

**Subtitle C—Other Matters****SEC. 1421. AUTHORIZATION OF APPROPRIATIONS FOR ARMED FORCES RETIREMENT HOME.**

There is hereby authorized to be appropriated for fiscal year 2012 from the Armed Forces Retirement Home Trust Fund the sum of \$67,700,000 for the operation of the Armed Forces Retirement Home.

**SEC. 1422. AUTHORITY FOR TRANSFER OF FUNDS TO JOINT DEPARTMENT OF DEFENSE-DEPARTMENT OF VETERANS AFFAIRS MEDICAL FACILITY DEMONSTRATION FUND FOR CAPTAIN JAMES A. LOVELL HEALTH CARE CENTER, ILLINOIS.**

(a) **AUTHORITY FOR TRANSFER OF FUNDS.**—Of the funds authorized to be appropriated by section 1406 and available for the Defense Health Program for operation and maintenance, \$135,600,000 may be transferred by the Secretary of Defense to the Joint Department of Defense-Department of Veterans Affairs Medical Facility Demonstration Fund established by subsection (a)(1) of section 1704 of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111-84; 123 Stat. 2571). For purposes of subsection (a)(2) of such section 1704, any funds so transferred shall be treated as amounts authorized and appropriated specifically for the purpose of such a transfer.

(b) **USE OF TRANSFERRED FUNDS.**—For purposes of subsection (b) of such section 1704, facility operations for which funds transferred under subsection (a) may be used are operations of the Captain James A. Lovell Federal Health Care Center, consisting of the North Chicago Veterans Affairs Medical Center, the Navy Ambulatory Care Center, and supporting facilities designated as a combined Federal medical facility under an operational agreement covered by section 706 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110-417; 122 Stat. 4500).

**TITLE XV—AUTHORIZATION OF ADDITIONAL APPROPRIATIONS FOR OVERSEAS CONTINGENCY OPERATIONS****Subtitle A—Authorization of Additional Appropriations**

Sec. 1501. Purpose.

Sec. 1502. Procurement.

Sec. 1503. Research, development, test, and evaluation.

Sec. 1504. Operation and maintenance.

Sec. 1505. Military personnel.

Sec. 1506. Working capital funds.

Sec. 1507. Defense Health Program.

Sec. 1508. Drug Interdiction and Counter-Drug Activities, Defense-wide.

Sec. 1509. Defense Inspector General.

**Subtitle B—Financial Matters**

Sec. 1521. Treatment as additional authorizations.

Sec. 1522. Special transfer authority.

**Subtitle C—Limitations and Other Matters**

Sec. 1531. Joint Improvised Explosive Device Defeat Fund.

Sec. 1532. Continuation of prohibition on use of United States funds for certain facilities projects in Iraq.

Sec. 1533. Availability of funds in Afghanistan Security Forces Fund.

Sec. 1534. One-year extension of project authority and related requirements of Task Force for Business and Stability Operations in Afghanistan.

Sec. 1535. Limitation on availability of funds for Trans Regional Web Initiative.

Sec. 1536. Report on lessons learned from Department of Defense participation on interagency teams for counterterrorism operations in Afghanistan and Iraq.

**Subtitle A—Authorization of Additional Appropriations****SEC. 1501. PURPOSE.**

The purpose of this subtitle is to authorize appropriations for the Department of Defense for fiscal year 2012 to provide additional funds for overseas contingency operations being carried out by the Armed Forces.

**SEC. 1502. PROCUREMENT.**

Funds are hereby authorized to be appropriated for fiscal year 2012 for procurement accounts for the Army, the Navy and the Marine Corps, the Air Force, and Defense-wide activities, as specified in the funding table in section 4102.

**SEC. 1503. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION.**

Funds are hereby authorized to be appropriated for fiscal year 2012 for the use of the Department of Defense for research, development, test, and evaluation, as specified in the funding table in section 4202.

**SEC. 1504. OPERATION AND MAINTENANCE.**

Funds are hereby authorized to be appropriated for fiscal year 2012 for the use of the Armed Forces and other activities and agencies of the Department of Defense for expenses, not otherwise provided for, for operation and maintenance, as specified in the funding table in section 4302.

**SEC. 1505. MILITARY PERSONNEL.**

Funds are hereby authorized to be appropriated for fiscal year 2012 for the use of the Armed Forces and other activities and agencies of the Department of Defense for expenses, not otherwise provided for, for military personnel, as specified in the funding table in section 4402.

**SEC. 1506. WORKING CAPITAL FUNDS.**

Funds are hereby authorized to be appropriated for fiscal year 2012 for the use of the Armed Forces and other activities and agencies of the Department of Defense for providing capital for working capital and revolving funds, as specified in the funding table in section 4502.

**SEC. 1507. DEFENSE HEALTH PROGRAM.**

Funds are hereby authorized to be appropriated for the Department of Defense for fiscal year 2012 for expenses, not otherwise provided for, for the Defense Health Program, as specified in the funding table in section 4502.

**SEC. 1508. DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES, DEFENSE-WIDE.**

Funds are hereby authorized to be appropriated for the Department of Defense for fiscal year 2012 for expenses, not otherwise provided for, for Drug Interdiction and Counter-Drug Activities, Defense-wide, as specified in the funding table in section 4502.

**SEC. 1509. DEFENSE INSPECTOR GENERAL.**

Funds are hereby authorized to be appropriated for the Department of Defense for fiscal year 2012 for expenses, not otherwise provided for, for the Office of the Inspector General of the Department of Defense, as specified in the funding table in section 4502.

**Subtitle B—Financial Matters****SEC. 1521. TREATMENT AS ADDITIONAL AUTHORIZATIONS.**

The amounts authorized to be appropriated by this title are in addition to amounts otherwise authorized to be appropriated by this Act.

**SEC. 1522. SPECIAL TRANSFER AUTHORITY.**

(a) **AUTHORITY TO TRANSFER AUTHORIZATIONS.**—

(1) **AUTHORITY.**—Upon determination by the Secretary of Defense that such action is necessary in the national interest, the Secretary may transfer amounts of authorizations made available to the Department of Defense in this title for fiscal year 2012 between any such authorizations for that fiscal year (or any subdivisions thereof). Amounts of authorizations so transferred shall be merged with and be available for the same purposes as the authorization to which transferred.

(2) **LIMITATION.**—The total amount of authorizations that the Secretary may transfer under the authority of this subsection may not exceed \$4,000,000,000.

(b) **TERMS AND CONDITIONS.**—Transfers under this section shall be subject to the same terms and conditions as transfers under section 1001.

(c) **ADDITIONAL AUTHORITY.**—The transfer authority provided by this section is in addition to the transfer authority provided under section 1001.

**Subtitle C—Limitations and Other Matters****SEC. 1531. JOINT IMPROVISED EXPLOSIVE DEVICE DEFEAT FUND.**

(a) **USE AND TRANSFER OF FUNDS.**—Subsections (b) and (c) of section 1514 of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109-364; 120 Stat. 2439), as in effect before the amendments made by section 1503 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110-417; 122 Stat. 4649), shall apply to the funds made available to the Department of Defense for the Joint Improvised Explosive Device Defeat Fund for fiscal year 2012.

(b) **MONTHLY OBLIGATIONS AND EXPENDITURE REPORTS.**—Not later than 15 days after the end of each month of fiscal year 2012, the Secretary of Defense shall provide to the congressional defense committees a report on the Joint Improvised Explosive Device Defeat Fund explaining monthly commitments, obligations, and expenditures by line of action.

**SEC. 1532. CONTINUATION OF PROHIBITION ON USE OF UNITED STATES FUNDS FOR CERTAIN FACILITIES PROJECTS IN IRAQ.**

Section 1508(a) of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110-417; 122 Stat. 4651) shall apply to funds authorized to be appropriated by this title.

**SEC. 1533. AVAILABILITY OF FUNDS IN AFGHANISTAN SECURITY FORCES FUND.**

(a) **CONTINUATION OF EXISTING LIMITATIONS.**—Funds available to the Department of Defense for the Afghanistan Security Forces Fund for fiscal year 2012 shall be subject to the conditions contained in subsections (b) through (g) of section 1513 of the National Defense Authorization Act for Fis-

cal Year 2008 (Public Law 110-181; 122 Stat. 428), as amended by section 1531(b) of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (Public Law 111-383; 124 Stat. 4424).

(b) **AVAILABILITY FOR LITERACY INSTRUCTION AND TRAINING.**—Assistance provided utilizing funds in the Afghanistan Security Forces Fund may include literacy instruction and training to build the logistical, management, and administrative capacity of military and civilian personnel of the Ministry of Defense and Ministry of Interior, including through instruction at training facilities of the North Atlantic Treaty Organization Training Mission in Afghanistan.

(c) **MANAGEMENT AND OVERSIGHT OF CONTRACTS.**—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report containing the Secretary's determination regarding whether the Department of Defense has sufficient management and oversight mechanisms in place with respect to contracts to be entered into during fiscal year 2012 using funds in the Afghanistan Security Forces Fund. If the Secretary determines that sufficient management and oversight mechanisms are not already in place, the Secretary shall include in the report a plan for improving such management and oversight mechanisms.

**SEC. 1534. ONE-YEAR EXTENSION OF PROJECT AUTHORITY AND RELATED REQUIREMENTS OF TASK FORCE FOR BUSINESS AND STABILITY OPERATIONS IN AFGHANISTAN.**

(a) **EXTENSION.**—Subsection (a) of section 1535 of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (Public Law 111-383; 124 Stat. 4426) is amended—

(1) in paragraph (6)—

(A) by striking “October 31, 2011,” and inserting “October 31, 2011, and October 31, 2012”; and

(B) by striking “fiscal year 2011” and inserting “the preceding fiscal year”; and

(2) in paragraph (7), by striking “September 30, 2011” and inserting “September 30, 2012”.

(b) **AUTHORIZED PROJECTS.**—Paragraph (3) of such subsection is amended to read as follows:

“(3) **SCOPE OF PROJECTS.**—The projects carried out under paragraph (1) may include projects that facilitate private investment, mining sector development, industrial development, and other projects determined by the Secretary of Defense, with the concurrence of the Secretary of State, as strengthening stability or providing strategic support to the counterinsurgency campaign in Afghanistan. To the maximum extent possible, the activities of the Task Force for Business and Stability Operations in Afghanistan should focus on improving the commercial viability of other reconstruction or development activities in Afghanistan conducted by the United States.”.

(c) **FUNDING LIMITATION.**—Paragraph (4) of such subsection is amended—

(1) by inserting before the period at the end of the second sentence the following: “for fiscal year 2012, except that not more than 50 percent of such amount may be obligated until the plan required by subsection (b) is submitted to the appropriate congressional committees”; and

(2) by adding at the end the following new sentence: “The funds shall be available for projects under paragraph (1) that begin in one fiscal year and end in the following fiscal year.”.

**SEC. 1535. LIMITATION ON AVAILABILITY OF FUNDS FOR TRANS REGIONAL WEB INITIATIVE.**

None of the amounts authorized to be appropriated by this Act may be obligated or expended on any program under the Trans Regional Web Initiative of the Department of Defense, or any similar initiative, until the Secretary of Defense certifies, in writing, to the Committees on Armed Services of the Senate and the House of Representatives that such program—

(1) appropriately defines its target audience;

(2) is determined to be the most effective method to reach such target audience;

(3) is the most cost-effective means of reaching such target audience; and

(4) includes measurement mechanisms to ensure such target audience is being reached.

**SEC. 1536. REPORT ON LESSONS LEARNED FROM DEPARTMENT OF DEFENSE PARTICIPATION ON INTERAGENCY TEAMS FOR COUNTERTERRORISM OPERATIONS IN AFGHANISTAN AND IRAQ.**

(a) **ASSESSMENT AND REPORT REQUIRED.**—The Secretary of Defense shall direct a federally funded research and development center to conduct an assessment on lessons learned from the use of interagency teams for counterterrorism operations in Afghanistan and Iraq. Not later than one year after the date of the enactment of this Act, the Secretary shall submit to the congressional defense committees a report containing the results of the assessment, together with the comments of the Secretary regarding the assessment and each of the elements of the assessment specified in subsection (b).

(b) **ELEMENTS.**—The assessment and report required by subsection (a) shall include the following:

(1) An assessment of the value of interagency teams in counterterrorism operations.

(2) An explanation of how and why the requirements for effective interagency teams differ from teams composed entirely of Department of Defense personnel.

(3) A description of the best practices of such interagency teams and efforts to codify such best practices.

(4) A description of the challenges in forming and operating effective interagency teams.

(5) An assessment whether the lessons learned through Department of Defense participation on such interagency teams is applicable to other interagency teams in which Department personnel participate.

(6) An assessment of the feasibility and advisability of adding a skill identifier to track Department civilian and military personnel who have successfully supported, participated on, or led an interagency team.

(7) A description of the additional authorities, if any, needed to permit Department personnel to more effectively support, participate on, or lead an interagency team.

(c) **FORM OF REPORT.**—The report required by subsection (a) shall be submitted in unclassified form to the extent possible, but may include a classified annex.

**DIVISION B—MILITARY CONSTRUCTION AUTHORIZATIONS****SEC. 2001. SHORT TITLE.**

This division may be cited as the “Military Construction Authorization Act for Fiscal Year 2012”.

**SEC. 2002. EXPIRATION OF AUTHORIZATIONS AND AMOUNTS REQUIRED TO BE SPECIFIED BY LAW.**

(a) **EXPIRATION OF AUTHORIZATIONS AFTER THREE YEARS.**—Except as provided in subsection (b), all authorizations contained in

titles XXI through XXVII for military construction projects, land acquisition, family housing projects and facilities, and contributions to the North Atlantic Treaty Organization Security Investment Program (and authorizations of appropriations therefor) shall expire on the later of—

(1) October 1, 2014; or

(2) the date of the enactment of an Act authorizing funds for military construction for fiscal year 2015.

(b) EXCEPTION.—Subsection (a) shall not apply to authorizations for military construction projects, land acquisition, family housing projects and facilities, and contributions to the North Atlantic Treaty Organization Security Investment Program (and authorizations of appropriations therefor), for which appropriated funds have been obligated before the later of—

(1) October 1, 2014; or

(2) the date of the enactment of an Act authorizing funds for fiscal year 2015 for military construction projects, land acquisition, family housing projects and facilities, or contributions to the North Atlantic Treaty Organization Security Investment Program.

#### TITLE XXI—ARMY MILITARY CONSTRUCTION

Sec. 2101. Authorized Army construction and land acquisition projects.

Sec. 2102. Family housing.

Sec. 2103. Improvements to military family housing units.

Sec. 2104. Authorization of appropriations, Army.

Sec. 2105. Modification of authority to carry out certain fiscal year 2009 project.

Sec. 2106. Modification of authority to carry out certain fiscal year 2010 project.

Sec. 2107. Modification of authority to carry out certain fiscal year 2011 projects.

Sec. 2108. Additional authority to carry out certain fiscal year 2012 project.

Sec. 2109. Extension of authorizations of certain fiscal year 2008 projects.

Sec. 2110. Extension of authorizations of certain fiscal year 2009 projects.

Sec. 2111. Tour normalization.

Sec. 2112. Technical amendments to correct certain project specifications.

Sec. 2113. Reduction of Army military construction authorization.

#### SEC. 2101. AUTHORIZED ARMY CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) INSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2104 and available for military construction projects inside the United States as specified in the funding table in section 4601, the Secretary of the Army may acquire real property and carry out military construction projects for the installations or locations inside the United States, and in the amounts, set forth in the following table:

Army: Inside the United States

State	Installation or Location	Amount
Alaska .....	Fort Wainwright .....	\$114,000,000
	JB Elmendorf-Richardson .....	\$103,600,000
Alabama ...	Fort Rucker .....	\$11,600,000
California ..	Fort Irwin .....	\$23,000,000
	Presidio Monterey .....	\$3,000,000
Colorado ...	Fort Carson .....	\$238,600,000
Georgia .....	Fort Benning .....	\$66,700,000
	Fort Gordon .....	\$1,450,000
	Fort Stewart .....	\$2,600,000
Hawaii .....	Fort Shafter .....	\$17,500,000
	Schofield Barracks .....	\$105,000,000
Kansas .....	Forbes Air Field .....	\$5,300,000
	Fort Riley .....	\$83,400,000
Kentucky ..	Fort Campbell .....	\$247,500,000
	Fort Knox .....	\$55,000,000
Louisiana ..	Fort Polk .....	\$70,100,000
Maryland ..	Aberdeen Proving Ground .....	\$78,500,000
	Fort Meade .....	\$79,000,000
Missouri ...	Fort Leonard Wood ...	\$49,000,000
North Carolina.	Fort Bragg .....	\$186,000,000
New York ..	Fort Drum .....	\$13,300,000
Oklahoma ..	Fort Sill .....	\$184,600,000
	McAlester .....	\$8,000,000
South Carolina.	Fort Jackson .....	\$63,900,000
Texas .....	Fort Bliss .....	\$122,500,000
	Fort Hood .....	\$132,000,000
	JB San Antonio .....	\$10,400,000

Army: Family Housing

Country	Installation or Location	Units	Amount
Germany .....	Grafenwoehr .....	Family Housing New Construction (26 units) .....	\$13,000,000
	Illesheim .....	Family Housing Replacement Construction (80 units) .....	\$41,000,000
	Vilseck .....	Family Housing New Construction (22 units) .....	\$12,000,000

(b) PLANNING AND DESIGN.—Using amounts appropriated pursuant to the authorization of appropriations in section 2104 and available for military family housing functions as specified in the funding table in section 4601, the Secretary of the Army may carry out architectural and engineering services and construction design activities with respect to the construction or improvement of family housing units in an amount not to exceed \$7,897,000.

#### SEC. 2103. IMPROVEMENTS TO MILITARY FAMILY HOUSING UNITS.

Subject to section 2825 of title 10, United States Code, and using amounts appropriated pursuant to the authorization of appropriations in section 2104 and available for military family housing functions as specified in the funding table in section 4601, the Secretary of the Army may improve existing military family housing units in an amount not to exceed \$103,000,000.

#### SEC. 2104. AUTHORIZATION OF APPROPRIATIONS, ARMY.

(a) IN GENERAL.—Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2011, for military construction, land acquisition, and military family housing functions of the Department of the Army, as specified in the funding table in section 4601.

(b) LIMITATION.—The Secretary of the Army shall not enter into an award for a Road and Infrastructure Improvements project at Fort Belvoir, Virginia, until the Secretary certifies to the congressional defense committees that sufficient private funding has been raised and a construction award has been made to concurrently construct the “Baseline Museum” phase of the National Museum of the United States Army.

#### Army: Inside the United States—Continued

State	Installation or Location	Amount
Utah .....	Red River Army Depot .....	\$44,000,000
	Dugway Proving Ground .....	\$32,000,000
Virginia ....	Fort Belvoir .....	\$77,000,000
	JB Langley Eustis .....	\$26,000,000
Washington.	JB Lewis McCord .....	\$296,300,000

(b) OUTSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2104 and available for military construction projects outside the United States as specified in the funding table in section 4601, the Secretary of the Army may acquire real property and carry out military construction projects for the installations or locations outside the United States, and in the amounts, set forth in the following table:

Army: Outside the United States

Country	Installation or Location	Amount
Afghanistan.	Bagram Air Base .....	\$80,000,000
Germany ..	Grafenwoehr .....	\$38,000,000
	Landstuhl .....	\$63,000,000
	Oberdachstetten .....	\$12,200,000
	Stuttgart .....	\$12,200,000
	Vilseck .....	\$20,000,000
Korea, Republic of.	Camp Carroll .....	\$41,000,000
	Camp Henry .....	\$48,000,000

#### SEC. 2102. FAMILY HOUSING.

(a) CONSTRUCTION AND ACQUISITION.—Using amounts appropriated pursuant to the authorization of appropriations in section 2104 and available for military family housing functions as specified in the funding table in section 4601, the Secretary of the Army may construct or acquire family housing units (including land acquisition and supporting facilities) at the installations or locations, in the number of units, and in the amounts set forth in the following table:

#### SEC. 2105. MODIFICATION OF AUTHORITY TO CARRY OUT CERTAIN FISCAL YEAR 2009 PROJECT.

In the case of the authorization contained in the table in section 2101(a) of the Military Construction Authorization Act for Fiscal Year 2009 (division B of Public Law 110-417; 122 Stat. 4658) for Fort Benning, Georgia, for construction of a Multipurpose Training Range at the installation, the Secretary of the Army may construct up to 1,802 square feet of loading dock consistent with the Army's construction guidelines for Multipurpose Training Ranges.

#### SEC. 2106. MODIFICATION OF AUTHORITY TO CARRY OUT CERTAIN FISCAL YEAR 2010 PROJECT.

In the case of the authorization contained in the table in section 2101(a) of the Military Construction Authorization Act for Fiscal Year 2010 (division B of Public Law 111-84; 123 Stat. 2629) for Joint Base Lewis-McChord, Washington, for construction of an access

road adjoining McChord Air Force Base and Fort Lewis, the Secretary of the Army may construct a secure elevated roadway over the existing railroad and public road in lieu of an on-grade road and access control point.

**SEC. 2107. MODIFICATION OF AUTHORITY TO CARRY OUT CERTAIN FISCAL YEAR 2011 PROJECTS.**

(a) HAWAII.—In the case of the authorization contained in the table in section 2101(a) of the Military Construction Authorization Act for Fiscal Year 2011 (division B of Public Law 111-383; 124 Stat. 4437) for Schofield Barracks, Hawaii, for renovations of buildings 450 and 452, the Secretary of the Army may renovate building 451 in lieu of building 452.

(b) NEW YORK.—In the case of the authorization contained in the table in section 2101(a) of the Military Construction Authorization Act for Fiscal Year 2011 (division B of Public Law 111-383; 124 Stat. 4437) for Fort Drum, New York, for construction of an Aircraft Maintenance Hangar at the installation, the Secretary of the Army may construct up to 39,049 square yards of parking apron consistent with the Army's construc-

tion guidelines for Aircraft Maintenance Hangars and associated parking aprons.

(c) GERMANY.—In the case of the authorization contained in the table in section 2101(b) of the Military Construction Authorization Act for Fiscal Year 2011 (division B of Public Law 111-383; 124 Stat. 4438) for Wiesbaden Air Base, Germany, for construction of an Information Processing Center at the installation, the Secretary of the Army may construct up to 9,400 square yards of vehicle parking garage consistent with the Army's construction guidelines for parking garages, in lieu of renovating 9,400 square yards of parking area.

**SEC. 2108. ADDITIONAL AUTHORITY TO CARRY OUT CERTAIN FISCAL YEAR 2012 PROJECT.**

(a) PROJECT AUTHORIZATION.—The Secretary of the Army may carry out a military construction project to construct a water treatment facility for Fort Irwin, California, in the amount of \$115,000,000.

(b) USE OF UNOBLIGATED PRIOR-YEAR ARMY MILITARY CONSTRUCTION FUNDS.—The Secretary may use available, unobligated Army military construction funds appropriated for

a fiscal year before fiscal year 2012 for the project described in subsection (a).

(c) CONGRESSIONAL NOTIFICATION.—The Secretary of the Army shall provide information in accordance with section 2851(c) of title 10, United States Code, regarding the project described in subsection (a). If it becomes necessary to exceed the estimated project cost, the Secretary shall utilize the authority provided by section 2853 of such title regarding authorized cost and scope of work variations.

**SEC. 2109. EXTENSION OF AUTHORIZATIONS OF CERTAIN FISCAL YEAR 2008 PROJECTS.**

(a) EXTENSION.—Notwithstanding section 2002 of the Military Construction Authorization Act for Fiscal Year 2008 (division B of Public Law 110-181; 122 Stat. 503), authorizations set forth in the table in subsection (b), as provided in section 2101 of that Act (122 Stat. 504), shall remain in effect until October 1, 2012, or the date of the enactment of an Act authorizing funds for military construction for fiscal year 2013, whichever is later.

(b) TABLE.—The table referred to in subsection (a) is as follows:

**Army: Extension of 2008 Project Authorizations**

State	Installation or Location	Project	Amount
Louisiana .....	Fort Polk .....	Child Care Facility .....	\$6,100,000
Missouri .....	Fort Leonard Wood .....	Multipurpose Machine Gun Range .....	\$4,150,000

**SEC. 2110. EXTENSION OF AUTHORIZATIONS OF CERTAIN FISCAL YEAR 2009 PROJECTS.**

(a) EXTENSION.—Notwithstanding section 2002 of the Military Construction Authoriza-

tion Act for Fiscal Year 2009 (division B of Public Law 110-417; 122 Stat. 4658), authorizations set forth in the table in subsection (b), as provided in section 2101 of that Act (122 Stat. 4659), shall remain in effect until Octo-

ber 1, 2012, or the date of the enactment of an Act authorizing funds for military construction for fiscal year 2013, whichever is later.

(b) TABLE.—The table referred to in subsection (a) is as follows:

**Army: Extension of 2009 Project Authorizations**

State/Country	Installation or Location	Project	Amount
Alabama .....	Anniston Army Depot .....	Lake Yard Interchange .....	\$1,400,000
Hawaii .....	Schofield Barracks .....	Brigade Complex .....	\$65,000,000
	Schofield Barracks .....	Battalion Complex .....	\$69,000,000
	Schofield Barracks .....	Battalion Complex .....	\$27,000,000
	Schofield Barracks .....	Infrastructure Expansion .....	\$76,000,000
New Jersey .....	Picatinny Arsenal .....	Ballistic Evaluation Facility Phase I .....	\$9,900,000
Virginia .....	Fort Eustis .....	Vehicle Paint Facility .....	\$3,900,000

**SEC. 2111. TOUR NORMALIZATION.**

None of the funds authorized to be appropriated under this Act may be obligated or expended for additional tour normalization until—

(1) the Director of Cost Assessment and Program Evaluation conducts an analysis of alternatives to tour normalization that identifies alternative courses of action and their associated life cycle costs, potential benefits, advantages, and disadvantages;

(2) the Secretary of Defense submits to the congressional defense committees a master plan for completing all phases of tour normalization that includes a detailed description of all costs and a schedule for the construction of necessary facilities and infrastructure; and

(3) legislation enacted after the date of the enactment of this Act authorizes the obligation of funds for such purpose.

**SEC. 2112. TECHNICAL AMENDMENTS TO CORRECT CERTAIN PROJECT SPECIFICATIONS.**

The table in section 3002 of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (Public Law 111-383; 124 Stat. 4503) is amended—

(1) in the item for the Army relating to "Entry Control Point and Access Roads" that appears immediately below the item relating to "Vet Clinic & Kennel" at Bagram Air Force Base, by striking "Delaram II" in the State/Country and Installation column and inserting "Delaram II"; and

(2) in the item for the Army that appears immediately below the item relating to "Electrical Utility Systems, Ph.2" at the Shank installation, by striking "Expand Extended Cooperation Programme I and Extended Cooperation Programme 2" in the Project Title column and inserting "Expand Entry Control Point 1 and Entry Control Point 2".

**SEC. 2113. REDUCTION OF ARMY MILITARY CONSTRUCTION AUTHORIZATION.**

Amounts previously authorized for military construction, land acquisition, and military family housing functions of the Department of the Army for fiscal years prior to fiscal year 2012 are hereby reduced by \$100,000,000.

**TITLE XXII—NAVY MILITARY CONSTRUCTION**

Sec. 2201. Authorized Navy construction and land acquisition projects.

Sec. 2202. Family housing.

Sec. 2203. Improvements to military family housing units.

Sec. 2204. Authorization of appropriations, Navy.

Sec. 2205. Extension of authorization of certain fiscal year 2008 project.

Sec. 2206. Extension of authorizations of certain fiscal year 2009 projects.

Sec. 2207. Guam realignment.

Sec. 2208. Reduction of Navy military construction authorization.

**SEC. 2201. AUTHORIZED NAVY CONSTRUCTION AND LAND ACQUISITION PROJECTS.**

(a) INSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2204 and available for military construction projects inside the United States as specified in the funding table in section 4601, the Secretary of the Navy may acquire real property and carry out military construction projects for the installations or locations inside the United States, and in the amounts, set forth in the following table:

## Navy: Inside the United States

State	Installation or Location	Amount
Arizona .....	Yuma .....	\$162,785,000
California .....	Barstow .....	\$8,590,000
	Bridgeport .....	\$16,138,000
	Camp Pendleton .....	\$335,080,000
	Coronado .....	\$108,435,000
	Point Mugu .....	\$15,377,000
	Twentynine Palms .....	\$67,109,000
Florida .....	Jacksonville .....	\$36,552,000
	Mayport .....	\$14,998,000
	Whiting Field .....	\$20,620,000
Georgia .....	Kings Bay .....	\$86,063,000
Hawaii .....	Barking Sands .....	\$9,679,000
	Joint Base Pearl Harbor-Hickam .....	\$7,492,000
	Kaneohe Bay .....	\$57,704,000
Illinois .....	Great Lakes .....	\$91,042,000
Maryland .....	Indian Head .....	\$67,779,000
	Patuxent River .....	\$45,844,000
North Carolina .....	Camp Lejeune .....	\$200,482,000
	Cherry Point Marine Corps Air Station .....	\$17,760,000
South Carolina .....	New River .....	\$78,930,000
Virginia .....	Beaufort .....	\$21,096,000
	Norfolk .....	\$108,228,000
	Portsmouth .....	\$74,864,000
	Quantico .....	\$183,690,000
Washington .....	Bremerton .....	\$13,341,000
	Kitsap .....	\$758,842,000

(b) OUTSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2204 and available for military construction projects outside the United States as specified in the funding table in section 4601, the Secretary of the Navy may acquire real property and carry out military construction projects for the installation or location outside the United States, and in the amounts, set forth in the following table:

## Navy: Outside the United States

Country	Installation or Location	Amount
Bahrain ...	SW Asia .....	\$55,010,000
Diego Garcia .....	Diego Garcia .....	\$35,444,000
Djibouti ...	Camp Lemonier .....	\$89,499,000

## SEC. 2202. FAMILY HOUSING.

Using amounts appropriated pursuant to the authorization of appropriations in sec-

tion 2204 and available for military family housing functions as specified in the funding table in section 4601, the Secretary of the Navy may carry out architectural and engineering services and construction design activities with respect to the construction or improvement of family housing units in an amount not to exceed \$3,199,000.

## SEC. 2203. IMPROVEMENTS TO MILITARY FAMILY HOUSING UNITS.

Subject to section 2825 of title 10, United States Code, and using amounts appropriated pursuant to the authorization of appropriations in section 2204 and available for military family housing functions as specified in the funding table in section 4601, the Secretary of the Navy may improve existing military family housing units in an amount not to exceed \$97,773,000.

## SEC. 2204. AUTHORIZATION OF APPROPRIATIONS, NAVY.

Funds are hereby authorized to be appropriated for fiscal years beginning after Sep-

tember 30, 2011, for military construction, land acquisition, and military family housing functions of the Department of the Navy, as specified in the funding table in section 4601.

## SEC. 2205. EXTENSION OF AUTHORIZATION OF CERTAIN FISCAL YEAR 2008 PROJECT.

(a) EXTENSION.—Notwithstanding section 2002 of the Military Construction Authorization Act for Fiscal Year 2008 (division B of Public Law 110-181; 122 Stat. 503), the authorization set forth in the table in subsection (b), as provided in section 2201(c) of that Act (122 Stat. 511) and extended by section 2206 of the Military Construction Authorization Act for Fiscal Year 2011 (division B of Public Law 111-383; 124 Stat. 4443), shall remain in effect until October 1, 2012, or the date of an Act authorizing funds for military construction for fiscal year 2013, whichever is later.

(b) TABLE.—The table referred to in subsection (a) is as follows:

## Navy: Extension of 2008 Project Authorization

State/Country	Installation or Location	Project	Amount
Worldwide Unspecified .....	Various .....	Host Nation Infrastructure .....	\$2,700,000

(c) TECHNICAL AMENDMENT FOR CONSISTENCY IN PROJECT AUTHORIZATION DISPLAY.—

The table in section 2201(c) of the Military Construction Authorization Act for Fiscal

Year 2008 (division B of Public Law 110-181; 122 Stat. 511) is amended to read as follows:

## Navy: Worldwide Unspecified

State/Country	Installation or Location	Project	Amount
Worldwide Unspecified .....	Various .....	Wharf Utilities Upgrade .....	\$8,900,000
Worldwide Unspecified .....	Various .....	Host Nation Infrastructure .....	\$2,700,000

## SEC. 2206. EXTENSION OF AUTHORIZATIONS OF CERTAIN FISCAL YEAR 2009 PROJECTS.

(a) EXTENSION.—Notwithstanding section 2002 of the Military Construction Authoriza-

tion Act for Fiscal Year 2009 (division B of Public Law 110-417; 122 Stat. 4658), the authorization set forth in the table in subsection (b), as provided in section 2201 of that Act (122 Stat. 4670), shall remain in effect

until October 1, 2012, or the date of an Act authorizing funds for military construction for fiscal year 2013, whichever is later.

(b) TABLE.—The table referred to in subsection (a) is as follows:

## Navy: Extension of 2009 Project Authorizations

State/Country	Installation or Location	Project	Amount
California .....	Marine Corps Base, Camp Pendleton .....	Operations Access Points, Red Beach .....	\$11,970,000
	Marine Corps Air Station, Miramar .....	Emergency Response Station .....	\$6,530,000
District of Columbia .....	Washington Navy Yard .....	Child Development Center .....	\$9,340,000



**SEC. 2207. GUAM REALIGNMENT.**

(a) **RESTRICTION ON USE OF FUNDS.**—Except as provided in subsection (c), notwithstanding any other provision of law, none of the funds authorized to be appropriated under this Act, and none of the amounts provided by the Government of Japan for military construction activities on land under the jurisdiction of the Department of Defense, may be obligated to implement the realignment of United States Marine Corps forces from Okinawa to Guam as envisioned in the United States–Japan Roadmap for Realignment Implementation issued May 1, 2006, until—

(1) the Commandant of the Marine Corps, in consultation with the Commander of the United States Pacific Command, provides the congressional defense committees the Commandant's preferred force lay-down for the United States Pacific Command Area of Responsibility;

(2) the Secretary of Defense submits to the congressional defense committees a master plan for the construction of facilities and infrastructure to execute the Commandant's preferred force lay-down on Guam, including a detailed description of costs and a schedule for such construction;

(3) the Secretary of Defense certifies to the congressional defense committees that tangible progress has been made regarding the relocation of Marine Corps Air Station Futenma;

(4) a plan coordinated by all pertinent Federal agencies is provided to the congressional defense committees detailing descriptions of work, costs, and a schedule for completion of construction, improvements, and repairs to the non-military utilities, facilities, and infrastructure on Guam affected by the realignment of forces; and

(5) the Secretary of Defense—

(A) submits to the congressional defense committees the report on the assessment of the United States force posture in East Asia and the Pacific region required under section 346 of this Act; or

(B) certifies to the congressional defense committees that the deadline established under such section for the submission of such report has not been met.

(b) **DEVELOPMENT OF PUBLIC INFRASTRUCTURE.**—

(1) **AUTHORIZATION REQUIRED.**—Notwithstanding any other provision of law, if the Secretary of Defense determines that any grant, cooperative agreement, transfer of funds to another Federal agency, or supplement of funds available in fiscal year 2012 under Federal programs administered by agencies other than the Department of Defense will result in the development (including repair, replacement, renovation, conversion, improvement, expansion, acquisition, or construction) of public infrastructure on Guam, such grant, transfer cooperative agreement, or supplemental funding shall be specifically authorized by law.

(2) **PUBLIC INFRASTRUCTURE DEFINED.**—In this section, the term “public infrastructure” means any utility, method of transportation, item of equipment, or facility under the control of a public entity or State or local government that is used by, or constructed for the benefit of, the general public.

(c) **EXCEPTION TO RESTRICTION ON USE OF FUNDS.**—The Secretary of Defense may use funds described in subsection (a) to carry out additional analysis under the National Environmental Policy Act of 1969 to include the following actions:

(1) A re-evaluation of live-fire training range complex alternatives, based upon the application of probabilistic modeling; and

(2) The ongoing analysis on the impacts of the realignment and build-up on Guam as described in subsection (a) on coral reefs in Apra Harbor, Guam.

**SEC. 2208. REDUCTION OF NAVY MILITARY CONSTRUCTION AUTHORIZATION.**

Amounts previously authorized for military construction, land acquisition, and military family housing functions of the Department of the Navy for fiscal years prior to fiscal year 2012 are hereby reduced by \$25,000,000.

**TITLE XXIII—AIR FORCE MILITARY CONSTRUCTION**

Sec. 2301. Authorized Air Force construction and land acquisition projects.

Sec. 2302. Family housing.

Sec. 2303. Improvements to military family housing units.

Sec. 2304. Authorization of appropriations, Air Force.

Sec. 2305. Modification of authorization to carry out certain fiscal year 2010 project.

Sec. 2306. Extension of authorization of certain fiscal year 2009 project.

Sec. 2307. Reduction of Air Force military construction authorization.

**SEC. 2301. AUTHORIZED AIR FORCE CONSTRUCTION AND LAND ACQUISITION PROJECTS.**

(a) **INSIDE THE UNITED STATES.**—Using amounts appropriated pursuant to the authorization of appropriations in section 2304 and available for military construction projects inside the United States as specified in the funding table in section 4601, the Secretary of the Air Force may acquire real property and carry out military construction projects for the installations or locations inside the United States, and in the amounts, set forth in the following table:

**Air Force: Inside the United States**

State	Installation or Location	Amount
Alaska .....	Eielson AFB .....	\$45,000,000
	JB Elmendorf-Richardson .....	\$97,000,000
Arizona ....	Davis-Monthan AFB ..	\$33,000,000
	Luke AFB .....	\$24,000,000
California ..	Travis AFB .....	\$22,000,000
	Vandenberg AFB .....	\$14,200,000
Colorado ..	U.S. Air Force Academy ..	\$13,400,000
Delaware .....	Dover AFB .....	\$2,800,000
Kansas .....	Fort Riley .....	\$7,600,000
Louisiana ..	Barksdale AFB .....	\$23,500,000
Missouri ..	Whiteman AFB .....	\$4,800,000
North Carolina ..	Pope AFB .....	\$6,000,000
Nebraska ..	Minot AFB .....	\$67,800,000
New Mexico ..	Offutt AFB .....	\$564,000,000
	Cannon AFB .....	\$22,598,000
	Holloman AFB .....	\$29,200,000
	Kirtland AFB .....	\$25,000,000
Nevada ....	Nellis AFB .....	\$35,850,000
Texas .....	Joint Base San Antonio ..	\$110,000,000
Utah .....	Hill AFB .....	\$16,500,000
Virginia ...	JB Langley Eustis .....	\$50,000,000
Washington ..	Fairchild AFB .....	\$27,600,000

(b) **OUTSIDE THE UNITED STATES.**—Using amounts appropriated pursuant to the authorization of appropriations in section 2304 and available for military construction projects outside the United States as speci-

fied in the funding table in section 4601, the Secretary of the Air Force may acquire real property and carry out military construction projects for the installations or locations outside the United States, and in the amounts, set forth in the following table:

**Air Force: Outside the United States**

Country	Installation or Location	Amount
Greenland .....	Thule AB .....	\$28,000,000
Guam .....	Joint Region Marianas ..	\$83,600,000
Germany .....	Ramstein AB .....	\$34,697,000
Italy .....	Sigonella .....	\$15,000,000
Korea, Republic Of ..	Osan AB .....	\$23,000,000

**SEC. 2302. FAMILY HOUSING.**

Using amounts appropriated pursuant to the authorization of appropriations in section 2304 and available for military family housing functions as specified in the funding table in section 4601, the Secretary of the Air Force may carry out architectural and engineering services and construction design activities with respect to the construction or improvement of family housing units in an amount not to exceed \$4,208,000.

**SEC. 2303. IMPROVEMENTS TO MILITARY FAMILY HOUSING UNITS.**

Subject to section 2825 of title 10, United States Code, and using amounts appropriated pursuant to the authorization of appropriations in section 2304 and available for military family housing functions as specified in the funding table in section 4601, the Secretary of the Air Force may improve existing military family housing units in an amount not to exceed \$80,546,000.

**SEC. 2304. AUTHORIZATION OF APPROPRIATIONS, AIR FORCE.**

Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2011, for military construction, land acquisition, and military family housing functions of the Department of the Air Force, as specified in the funding table in section 4601.

**SEC. 2305. MODIFICATION OF AUTHORIZATION TO CARRY OUT CERTAIN FISCAL YEAR 2010 PROJECT.**

In the case of the authorization contained in the table in section 2301(a) of the Military Construction Authorization Act for Fiscal Year 2010 (division B of Public Law 111–84; 123 Stat. 2636) for Hickam Air Force Base, Hawaii, for construction of a Ground Control Tower at the installation, the Secretary of the Air Force may construct 43 vertical meters (141 vertical feet) in lieu of 111 square meters (1,195 square feet), consistent with the Air Force's construction guidelines for control towers, using amounts appropriated pursuant to authorizations of appropriations in prior years.

**SEC. 2306. EXTENSION OF AUTHORIZATION OF CERTAIN FISCAL YEAR 2009 PROJECT.**

(a) **EXTENSION.**—The authorization set forth in the table in subsection (b), as provided by title X of the Supplemental Appropriations Act, 2009 (Public Law 111–32; 123 Stat. 1888) under the heading “MILITARY CONSTRUCTION, AIR FORCE”, shall remain in effect until October 1, 2012, or the date of the enactment of an Act authorizing funds for military construction for fiscal year 2013, whichever is later.

(b) **TABLE.**—The table referred to in subsection (a) is as follows:

## Air Force: Extension of 2009 Project Authorization

Location	Installation or Location	Project	Amount
Germany .....	Spangdahlem Air Base .....	Child Development Center .....	\$11,400,000

**SEC. 2307. REDUCTION OF AIR FORCE MILITARY CONSTRUCTION AUTHORIZATION.**

Amounts previously authorized for military construction, land acquisition, and military family housing functions of the Department of the Air Force for fiscal years prior to fiscal year 2012 are hereby reduced by \$32,000,000.

**TITLE XXIV—DEFENSE AGENCIES MILITARY CONSTRUCTION**

Subtitle A—Defense Agency Authorizations

Sec. 2401. Authorized Defense Agencies construction and land acquisition projects.

Sec. 2402. Authorized energy conservation projects.

Sec. 2403. Authorization of appropriations, Defense Agencies.

Subtitle B—Chemical Demilitarization Authorizations

Sec. 2411. Authorization of appropriations, chemical demilitarization construction, defense-wide.

Subtitle C—Other Matters

Sec. 2421. Reduction of Defense Agencies military construction authorization.

**Subtitle A—Defense Agency Authorizations****SEC. 2401. AUTHORIZED DEFENSE AGENCIES CONSTRUCTION AND LAND ACQUISITION PROJECTS.**

(a) INSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2403 and available for military construction projects inside the United States as specified in the funding table in section 4601, the Secretary of Defense may acquire real property and carry out military construction projects for the installations or locations inside the United States, and in the amounts, set forth in the following table:

**Defense Agencies: Inside the United States**

State	Installation or Location	Amount
Alaska .....	Anchorage .....	\$18,400,000
Alaska .....	Eielson AFB .....	\$14,800,000
Alabama ..	Redstone Arsenal .....	\$58,800,000
Arizona ....	Davis-Monthan AFB ..	\$23,000,000
California ..	Camp Pendleton .....	\$12,141,000
California ..	Coronado .....	\$42,000,000

**Defense Agencies: Inside the United States—Continued**

State	Installation or Location	Amount
Colorado ..	Defense Distribution Depot-Tracy .....	\$15,500,000
Colorado ..	San Clemente .....	\$21,800,000
District of Columbia ..	Buckley AFB .....	\$140,932,000
Florida ....	Bolling AFB .....	\$16,736,000
Florida ....	Eglin AFB .....	\$51,600,000
Florida ....	Eglin AUX 9 .....	\$9,500,000
Georgia ....	MacDill AFB .....	\$15,200,000
Georgia ....	Whiting Field .....	\$3,800,000
Georgia ....	Fort Benning .....	\$37,205,000
Georgia ....	Fort Gordon .....	\$17,705,000
Georgia ....	Fort Stewart .....	\$72,300,000
Hawaii .....	Joint Base Pearl Harbor-Hickam .....	\$14,400,000
Illinois ....	Great Lakes .....	\$16,900,000
Kentucky ..	Fort Campbell .....	\$138,500,000
Kentucky ..	Fort Knox .....	\$38,845,000
Louisiana ..	Barksdale AFB .....	\$6,200,000
Massachusetts ..	Hanscom AFB .....	\$34,040,000
Maryland ..	Westover ARB .....	\$23,300,000
Maryland ..	Bethesda Naval Hospital .....	\$18,000,000
Missouri ..	Fort Meade .....	\$29,640,000
Mississippi ..	Joint Base Andrews ...	\$265,700,000
Mississippi ..	Arnold .....	\$9,253,000
Mississippi ..	Columbus AFB .....	\$2,600,000
North Carolina ..	Gulftort .....	\$34,700,000
North Carolina ..	Camp Lejeune .....	\$6,670,000
New Mexico ..	Fort Bragg .....	\$206,274,000
New Mexico ..	New River .....	\$22,687,000
New Mexico ..	Pope AFB .....	\$5,400,000
New York ..	Cannon AFB .....	\$132,997,000
Ohio .....	Fort Drum .....	\$20,400,000
Oklahoma ..	Columbus .....	\$10,000,000
Pennsylvania ..	Altus AFB .....	\$8,200,000
Pennsylvania ..	DEF Distribution Depot New Cumberland .....	\$43,000,000
Pennsylvania ..	Philadelphia .....	\$8,000,000
South Carolina ..	Joint Base Charleston .....	\$24,868,000
Texas .....	Joint Base San Antonio .....	\$194,300,000
Virginia ...	Charlottesville .....	\$10,805,000
Virginia ...	Dahlgren .....	\$1,988,000
Virginia ...	Dam Neck .....	\$23,116,000
Virginia ...	Fort Belvoir .....	\$54,625,000
Virginia ...	Joint Expeditionary Base Little Creek - Story .....	\$37,000,000
Virginia ...	Pentagon .....	\$8,742,000
Virginia ...	Quantico .....	\$46,727,000

**Energy Conservation Projects: Inside the United States**

Country	Installation or Location	Amount
Alabama .....	Maxwell AFB .....	\$2,482,000
Alabama .....	Davis-Monthan AFB .....	\$4,650,000
Arizona .....	Presidio of Monterey .....	\$5,000,000
California ..	San Joaquin/Tracy Site .....	\$2,860,000
California ..	Fort Carson .....	\$4,277,000
Colorado .....	Tyndall AFB .....	\$3,255,000
Florida .....	MCLB Albany .....	\$3,504,000
Georgia .....	Fort Knox .....	\$2,750,000
Kentucky ..	Hanscom AFB .....	\$3,609,000
Massachusetts ..	Fort Drum .....	\$3,500,000
New York .....	Fort Bragg .....	\$13,400,000
North Carolina ..	Camp Lejeune .....	\$6,925,000
North Carolina ..	Altus AFB .....	\$5,700,000
Oklahoma ..	Arnold AFB .....	\$3,300,000
Tennessee ..	Tooele Army Depot .....	\$8,200,000
Utah .....	NRO/ADF-E .....	\$2,000,000
Virginia .....	FE Warren AFB .....	\$12,600,000
Wyoming .....		

**Defense Agencies: Inside the United States—Continued**

State	Installation or Location	Amount
Washington ..	JB Lewis McChord .....	\$35,000,000
West Virginia ..	Whidbey Island .....	\$25,000,000
West Virginia ..	Camp Dawson .....	\$2,200,000

(b) OUTSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2403 and available for military construction projects outside the United States as specified in the funding table in section 4601, the Secretary of Defense may acquire real property and carry out military construction projects for the installations or locations outside the United States, and in the amounts, set forth in the following table:

**Defense Agencies: Outside the United States**

Country	Installation or Location	Amount
Germany .....	Ansbach .....	\$11,672,000
Germany .....	Baumholder .....	\$59,419,000
Germany .....	Grafenwoehr .....	\$6,529,000
Germany .....	Rhine Ordnance Barracks .....	\$750,000,000
Germany .....	Spangdahlem Air Base .....	\$129,043,000
Germany .....	Stuttgart-Patch Barracks .....	\$2,434,000
Italy .....	Vicenza .....	\$41,864,000
Japan .....	Yokota Air Base .....	\$61,842,000
United Kingdom ..	Menwith Hill Station .....	\$68,601,000
United Kingdom ..	Royal Air Force Alconbury .....	\$35,030,000

**SEC. 2402. AUTHORIZED ENERGY CONSERVATION PROJECTS.**

(a) INSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2403 and available for energy conservation projects inside the United States as specified in the funding table in section 4601, the Secretary of Defense may carry out energy conservation projects under chapter 173 of title 10, United States Code, for the installations or locations inside the United States, and in the amounts, set forth in the following table:

(b) OUTSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2403 and available for energy conservation projects outside the United States as specified in the funding table in section 4601, the

Secretary of Defense may carry out energy conservation projects under chapter 173 of

title 10, United States Code, for the installations or locations outside the United States,

and in the amounts, set forth in the following table:

**Energy Conservation Projects: Outside the United States**

Country	Installation or Location	Amount
Guam .....	NB Guam .....	\$17,377,000
Italy .....	NAS Naples .....	\$2,867,000
Marshall Islands .....	Kwajalein Atoll .....	\$6,300,000
Various Locations .....	Various Locations .....	\$20,444,000

**SEC. 2403. AUTHORIZATION OF APPROPRIATIONS, DEFENSE AGENCIES.**

(a) IN GENERAL.—Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2011, for military construction, land acquisition, and military family housing functions of the Department of Defense (other than the military departments), as specified in the funding table in section 4601.

(b) LIMITATION.—The Secretary of Defense shall not enter into an award for a Replacement of the Wetzel-Smith Elementary School project at Baumholder, Germany, until the Secretary completes an assessment of United States military force structure in the European theater and certifies to the congressional defense committees that Baumholder, Germany is an enduring location.

**Subtitle B—Chemical Demilitarization Authorizations**

**SEC. 2411. AUTHORIZATION OF APPROPRIATIONS, CHEMICAL DEMILITARIZATION CONSTRUCTION, DEFENSE-WIDE.**

Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2011, for military construction and land acquisition for chemical demilitarization, as specified in the funding table in section 4601.

**Subtitle C—Other Matters**

**SEC. 2421. REDUCTION OF DEFENSE AGENCIES MILITARY CONSTRUCTION AUTHORIZATION.**

Amounts previously authorized for military construction, land acquisition, and military family housing functions of the Department of Defense (other than the military departments) for fiscal years prior to fiscal year 2012 are hereby reduced by \$131,400,000.

**TITLE XXV—NORTH ATLANTIC TREATY ORGANIZATION SECURITY INVESTMENT PROGRAM**

Sec. 2501. Authorized NATO construction and land acquisition projects.

Sec. 2502. Authorization of appropriations, NATO.

**SEC. 2501. AUTHORIZED NATO CONSTRUCTION AND LAND ACQUISITION PROJECTS.**

The Secretary of Defense may make contributions for the North Atlantic Treaty Organization Security Investment Program as provided in section 2806 of title 10, United States Code, in an amount not to exceed the sum of the amount authorized to be appropriated for this purpose in section 2502 and the amount collected from the North Atlantic Treaty Organization as a result of construction previously financed by the United States.

**SEC. 2502. AUTHORIZATION OF APPROPRIATIONS, NATO.**

Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2011, for contributions by the Secretary of Defense under section 2806 of title 10, United States Code, for the share of the United States of the cost of projects for the North Atlantic Treaty Organization Security Investment Program authorized by section 2501, as specified in the funding table in section 4601.

**TITLE XXVI—GUARD AND RESERVE FORCES FACILITIES**

**Subtitle A—Project Authorizations and Authorization of Appropriations**

Sec. 2601. Authorized Army National Guard construction and land acquisition projects.

Sec. 2602. Authorized Army Reserve construction and land acquisition projects.

Sec. 2603. Authorized Navy Reserve and Marine Corps Reserve construction and land acquisition projects.

Sec. 2604. Authorized Air National Guard construction and land acquisition projects.

Sec. 2605. Authorized Air Force Reserve construction and land acquisition projects.

Sec. 2606. Authorization of appropriations, National Guard and Reserve.

**Subtitle B—Other Matters**

Sec. 2611. Extension of authorization of certain fiscal year 2008 project.

Sec. 2612. Extension of authorizations of certain fiscal year 2009 projects.

Sec. 2613. Modification of authority to carry out certain fiscal year 2008 and 2009 projects.

**Subtitle A—Project Authorizations and Authorization of Appropriations**

**SEC. 2601. AUTHORIZED ARMY NATIONAL GUARD CONSTRUCTION AND LAND ACQUISITION PROJECTS.**

(a) INSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2606 and available for the National Guard and Reserve as specified in the funding table in section 4601, the Secretary of the Army may acquire real property and carry out military construction projects for the Army National Guard locations inside the United States, and in the amounts, set forth in the following table:

**Army National Guard: Inside the United States**

State	Location	Amount
Alabama .....	Fort McClellan .....	\$16,500,000
Arkansas .....	Fort Chaffee .....	\$3,500,000
Arizona .....	Papago Military Reservation .....	\$17,800,000
California .....	Camp Roberts .....	\$38,160,000
Colorado .....	Camp San Luis Obispo .....	\$8,000,000
.....	Alamosa .....	\$6,400,000
.....	Aurora .....	\$3,600,000
.....	Fort Carson .....	\$43,000,000
District of Columbia .....	Anacostia .....	\$5,300,000
Florida .....	Camp Blanding .....	\$5,500,000
Georgia .....	Atlanta .....	\$11,000,000
.....	Hinesville .....	\$17,500,000
.....	Macon .....	\$14,500,000
Hawaii .....	Kalaheo .....	\$33,000,000
Illinois .....	Normal .....	\$10,000,000
Indiana .....	Camp Atterbury .....	\$81,900,000
.....	Indianapolis .....	\$25,700,000
Massachusetts .....	Natick .....	\$9,000,000
Maryland .....	Dundalk .....	\$16,000,000
.....	La Plata .....	\$9,000,000
Maine .....	Westminster .....	\$10,400,000
.....	Bangor .....	\$15,600,000
.....	Brunswick .....	\$23,000,000
Minnesota .....	Camp Ripley .....	\$8,400,000
Mississippi .....	Camp Shelby .....	\$64,600,000
North Carolina .....	Greensboro .....	\$3,700,000
Nebraska .....	Grand Island .....	\$22,000,000
.....	Mead .....	\$9,100,000
New Jersey .....	Lakehurst .....	\$49,000,000
New Mexico .....	Santa Fe .....	\$5,200,000
Nevada .....	Las Vegas .....	\$23,000,000
Oklahoma .....	Camp Gruber .....	\$13,361,000

**Army National Guard: Inside the United States—Continued**

State	Location	Amount
Oregon .....	The Dalles .....	\$13,800,000
South Carolina .....	Allendale .....	\$4,300,000
Utah .....	Camp Williams .....	\$6,500,000
Virginia .....	Fort Pickett .....	\$11,000,000
Wisconsin .....	Camp Williams .....	\$7,000,000
West Virginia .....	Buckhannon .....	\$10,000,000
Wyoming .....	Cheyenne .....	\$8,900,000

(b) OUTSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2606 and available for the National Guard and Re-

serve as specified in the funding table in section 4601, the Secretary of the Army may acquire real property and carry out military construction projects for the Army National

Guard locations outside the United States, and in the amounts, set forth in the following table:

**Army National Guard: Outside the United States**

Country	Location	Amount
Puerto Rico .....	Fort Buchanan .....	\$57,000,000

**SEC. 2602. AUTHORIZED ARMY RESERVE CONSTRUCTION AND LAND ACQUISITION PROJECTS.**

Using amounts appropriated pursuant to the authorization of appropriations in sec-

tion 2606 and available for the National Guard and Reserve as specified in the funding table in section 4601, the Secretary of the Army may acquire real property and carry

out military construction projects for the Army Reserve locations inside the United States, and in the amounts, set forth in the following table:

**Army Reserve**

Country	Location	Amount
California .....	Fort Hunter Liggett .....	\$5,200,000
Colorado .....	Fort Collins .....	\$13,600,000
Illinois .....	Homewood .....	\$16,000,000
Indiana .....	Rockford .....	\$12,800,000
Kansas .....	Fort Benjamin Harrison .....	\$57,000,000
Massachusetts .....	Kansas City .....	\$13,000,000
Minnesota .....	Attleboro .....	\$22,000,000
Missouri .....	Saint Joseph .....	\$11,800,000
North Carolina .....	Weldon Springs .....	\$19,000,000
New York .....	Greensboro .....	\$19,000,000
South Carolina .....	Schenectady .....	\$20,000,000
Wisconsin .....	Orangeburg .....	\$12,000,000
	Fort McCoy .....	\$27,300,000

**SEC. 2603. AUTHORIZED NAVY RESERVE AND MARINE CORPS RESERVE CONSTRUCTION AND LAND ACQUISITION PROJECTS.**

Using amounts appropriated pursuant to the authorization of appropriations in sec-

tion 2606 and available for the National Guard and Reserve as specified in the funding table in section 4601, the Secretary of the Navy may acquire real property and carry out military construction projects for the

Navy Reserve and Marine Corps Reserve locations inside the United States, and in the amounts, set forth in the following table:

**Navy Reserve and Marine Corps Reserve**

State	Location	Amount
Pennsylvania .....	Pittsburgh .....	\$13,759,000
Tennessee .....	Memphis .....	\$7,949,000

**SEC. 2604. AUTHORIZED AIR NATIONAL GUARD CONSTRUCTION AND LAND ACQUISITION PROJECTS.**

Using amounts appropriated pursuant to the authorization of appropriations in sec-

tion 2606 and available for the National Guard and Reserve as specified in the funding table in section 4601, the Secretary of the Air Force may acquire real property and

carry out military construction projects for the Air National Guard locations inside the United States, and in the amounts, set forth in the following table:

**Air National Guard**

State	Location	Amount
California .....	Beale AFB .....	\$6,100,000
Hawaii .....	Moffett Field .....	\$26,000,000
Indiana .....	Joint Base Pearl Harbor-Hickam .....	\$39,521,000
Massachusetts .....	Fort Wayne IAP .....	\$4,000,000
Maryland .....	Otis ANGB .....	\$7,800,000
Ohio .....	Martin State Airport .....	\$4,900,000
	Springfield Beckley-MAP .....	\$6,700,000

**SEC. 2605. AUTHORIZED AIR FORCE RESERVE CONSTRUCTION AND LAND ACQUISITION PROJECTS.**

Using amounts appropriated pursuant to the authorization of appropriations in sec-

tion 2606 and available for the National Guard and Reserve as specified in the funding table in section 4601, the Secretary of the Air Force may acquire real property and

carry out military construction projects for the Air Force Reserve locations inside the United States, and in the amounts, set forth in the following table:

## Air Force Reserve

State	Location	Amount
California .....	March AFB .....	\$16,393,000
South Carolina .....	Charleston AFB .....	\$9,593,000

**SEC. 2606. AUTHORIZATION OF APPROPRIATIONS, NATIONAL GUARD AND RESERVE.**

Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2011, for the costs of acquisition, architectural and engineering services, and construction of facilities for the Guard and Reserve Forces, and for contributions therefor, under chapter 1803 of title 10, United States Code (including the cost of acquisition of land for those facilities), as specified in the funding table in section 4601.

**Subtitle B—Other Matters****SEC. 2611. EXTENSION OF AUTHORIZATION OF CERTAIN FISCAL YEAR 2008 PROJECT.**

(a) EXTENSION.—Notwithstanding section 2002 of the Military Construction Authorization Act for Fiscal Year 2008 (division B of Public Law 110-181; 122 Stat. 503), the authorization set forth in the table in subsection

(b), as provided in section 2601 of that Act (122 Stat. 527) and extended by section 2607 of the Military Construction Authorization Act for Fiscal Year 2011 (division B of Public Law 111-383; 124 Stat. 4454), shall remain in effect until October 1, 2012, or the date of the enactment of an Act authorizing funds for military construction for fiscal year 2013, whichever is later.

(b) TABLE.—The table referred to in subsection (a) is as follows:

**Army National Guard: Extension of 2008 Project Authorization**

State	Installation or Location	Project	Amount
Pennsylvania .....	East Fallowfield Township .....	Readiness Center (SBCT) .....	\$ 8,300,000

**SEC. 2612. EXTENSION OF AUTHORIZATIONS OF CERTAIN FISCAL YEAR 2009 PROJECTS.**

(a) EXTENSION.—Notwithstanding section 2002 of the Military Construction Authorization Act for Fiscal Year 2009 (division B of

Public Law 110-417; 122 Stat. 4658), the authorizations set forth in the tables in subsection (b), as provided in sections 2601, 2602, and 2603 of that Act (122 Stat. 4699), shall remain in effect until October 1, 2012, or the

date of the enactment of an Act authorizing funds for military construction for fiscal year 2013, whichever is later.

(b) TABLE.—The tables referred to in subsection (a) are as follows:

**Army National Guard: Extension of 2009 Project Authorizations**

State	Installation or Location	Project	Amount
Indiana .....	Camp Atterbury .....	Machine Gun Range .....	\$ 5,800,000
Nevada .....	Elko .....	Readiness Center .....	\$11,375,000

**Army Reserve: Extension of 2009 Project Authorization**

State	Installation or Location	Project	Amount
New York .....	Staten Island .....	Reserve Center .....	\$18,550,000

**Navy and Marine Corps Reserve: Extension of 2009 Project Authorization**

State	Installation or Location	Project	Amount
Delaware .....	Wilmington .....	Reserve Center .....	\$11,530,000

**Air National Guard: Extension of 2009 Project Authorization**

State	Installation or Location	Project	Amount
Mississippi .....	Gulfport-Biloxi International Airport .....	Relocate munitions storage complex .....	\$3,400,000

**SEC. 2613. MODIFICATION OF AUTHORITY TO CARRY OUT CERTAIN FISCAL YEAR 2008 AND 2009 PROJECTS.**

(a) AUTHORITY TO CARRY OUT ARMY RESERVE CENTER PROJECT, CARLIN, NEVADA.—In the case of the authorization contained in the table in section 2601 of the Military Construction Authorization Act for Fiscal Year 2009 (division B of Public Law 110-417; 122 Stat. 4701) for Elko, Nevada, for construction of an Army Reserve Center, the Secretary of the Army may instead construct a Readiness Center at Carlin, Nevada.

(b) AUTHORITY TO CARRY OUT ARMY RESERVE CENTER PROJECT, FORT WADSWORTH, NEW YORK.—In the case of the authorization contained in the table in section 2602 of the Military Construction Authorization Act for Fiscal Year 2009 (division B of Public Law 110-417; 122 Stat. 4703) for Staten Island, New York, for construction of an Army Reserve Center, the Secretary of the Army may instead construct an addition/alteration at the Army Reserve Center at Fort Wadsworth, New York.

(c) AUTHORITY TO CARRY OUT READINESS CENTER PROJECT, COATESVILLE, PENNSYLVANIA.—In the case of the authorization contained in the table in section 2601 of the Military Construction Authorization Act for Fiscal Year 2008 (division B of Public Law 110-181, 122 Stat. 527) for Fallowfield Township, Pennsylvania, for construction of a Readiness Center, the Secretary of the Army may instead construct the Readiness Center at Coatesville, Pennsylvania.

**TITLE XXVII—BASE REALIGNMENT AND CLOSURE ACTIVITIES**

Sec. 2701. Authorization of appropriations for base realignment and closure activities funded through Department of Defense Base Closure Account 1990.

Sec. 2702. Authorized base realignment and closure activities funded through Department of Defense Base Closure Account 2005.

Sec. 2703. Authority to complete specific base closure and realignment recommendations.

Sec. 2704. Special considerations related to transportation infrastructure in consideration and selection of military installations for closure or realignment.

**SEC. 2701. AUTHORIZATION OF APPROPRIATIONS FOR BASE REALIGNMENT AND CLOSURE ACTIVITIES FUNDED THROUGH DEPARTMENT OF DEFENSE BASE CLOSURE ACCOUNT 1990.**

Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2011, for base closure and realignment activities, including real property acquisition and military construction projects, as authorized by the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101-510; 10 U.S.C. 2687 note) and funded through the Department of Defense Base Closure Account 1990 established by section 2906 of such Act, as specified in the funding table in section 4601.

**SEC. 2702. AUTHORIZED BASE REALIGNMENT AND CLOSURE ACTIVITIES FUNDED THROUGH DEPARTMENT OF DEFENSE BASE CLOSURE ACCOUNT 2005.**

Using amounts appropriated pursuant to the authorization of appropriations in section 2703 and available for base realignment and closure activities as specified in the funding table in section 4601, the Secretary of Defense may carry out base closure and realignment activities, including real property acquisition and military construction projects, as authorized by the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101-510; 10 U.S.C. 2687 note) and funded through the Department of Defense Base Closure Account 2005 established by section 2906A of such Act, as specified in the funding table in section 4601.

**SEC. 2703. AUTHORITY TO COMPLETE SPECIFIC BASE CLOSURE AND REALIGNMENT RECOMMENDATIONS.**

(a) **LIMITED AUTHORITY TO EXTEND IMPLEMENTATION PERIOD.**—The Secretary of Defense shall—

(1) complete all closures and realignments recommended in the report of the Base Closure and Realignment Commission transmitted by the President to Congress in accordance with section 2914(e) of the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101-510; 10 U.S.C. 2687 note), as expeditiously as possible; and

(2) complete the closure of the Umatilla Chemical Depot, Oregon, as recommended in the report of the Base Closure and Realignment Commission transmitted by the President to Congress in accordance with section 2914(e) of the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101-510; 10 U.S.C. 2687 note)—

(A) without regard to any condition contained in that recommendation; and

(B) not later than one year after the completion of the chemical demilitarization mission in accordance with the Chemical Weapons Convention Treaty.

(b) **IMPLEMENTATION.**—Notwithstanding any other provision of law, the Secretary of Defense shall carry out the authority provided under subsection (a), and any related property management and disposal activities, in accordance with the procedures and authorities under the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101-510; 10 U.S.C. 2687 note).

**SEC. 2704. SPECIAL CONSIDERATIONS RELATED TO TRANSPORTATION INFRASTRUCTURE IN CONSIDERATION AND SELECTION OF MILITARY INSTALLATIONS FOR CLOSURE OR REALIGNMENT.**

(a) **MODIFICATION OF SELECTION CRITERIA.**—Subsection (b)(1) of section 2687 of title 10, United States Code, is amended—

(1) by striking “notification an evaluation” and inserting “notification—

“(A) an evaluation”; and

(2) by adding at the end the following new subparagraph:

“(B) the criteria used to consider and recommend military installations for such closure or realignment, which shall include at a minimum consideration of—

“(i) the ability of the infrastructure (including transportation infrastructure) of both the existing and receiving communities to support forces, missions, and personnel as a result of such closure or realignment; and

“(ii) the costs associated with community transportation infrastructure improvements as part of the evaluation of cost savings or

return on investment of such closure or realignment; and”.

(b) **EFFECT OF SIGNIFICANT IMPACTS.**—Such section is further amended by adding at the end the following new subsection:

“(f) If the Secretary of Defense or the Secretary of the military department concerned determines, pursuant to the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), that a significant transportation impact will occur at a result of an action described in subsection (a), the action may not be taken unless and until the Secretary of Defense or the Secretary of the military department concerned—

“(1) analyzes the adequacy of transportation infrastructure at and in the vicinity of each military installation that would be impacted by the action;

“(2) concludes consultation with the Secretary of Transportation with regard to such impact;

“(3) analyzes the impact of the action on local businesses, neighborhoods, and local governments; and

“(4) includes in the notification required by subsection (b)(1) a description of how the Secretary intends to remediate the significant transportation impact.”.

**TITLE XXVIII—MILITARY CONSTRUCTION GENERAL PROVISIONS**

**Subtitle A—Military Construction Program and Military Family Housing Changes**

Sec. 2801. Prohibition on use of any cost-plus system of contracting for military construction and military family housing projects.

Sec. 2802. Modification of authority to carry out unspecified minor military construction projects.

Sec. 2803. Protections for suppliers of labor and materials under contracts for military construction projects and military family housing projects.

Sec. 2804. Extension of temporary, limited authority to use operation and maintenance funds for construction projects outside the United States.

Sec. 2805. General military construction transfer authority.

**Subtitle B—Real Property and Facilities Administration**

Sec. 2811. Clarification of authority to use Pentagon Reservation Maintenance Revolving Fund for minor construction and alteration activities at Pentagon Reservation.

Sec. 2812. Reporting requirements related to the granting of easements.

Sec. 2813. Limitations on use or development of property in Clear Zone Areas and clarification of authority to limit encroachments.

Sec. 2814. Department of Defense conservation and cultural activities.

Sec. 2815. Exchange of property at military installations.

Sec. 2816. Defense access road program enhancements to address transportation infrastructure in vicinity of military installations.

**Subtitle C—Energy Security**

Sec. 2821. Consolidation of definitions used in energy security chapter.

Sec. 2822. Consideration of energy security in developing energy projects on military installations using renewable energy sources.

Sec. 2823. Establishment of interim objective for Department of Defense 2025 renewable energy goal.

Sec. 2824. Use of centralized purchasing agents for renewable energy certificates to reduce cost of facility energy projects using renewable energy sources and improve efficiencies.

Sec. 2825. Identification of energy-efficient products for use in construction, repair, or renovation of Department of Defense facilities.

Sec. 2826. Submission of annual Department of Defense energy management reports.

Sec. 2827. Requirement for Department of Defense to capture and track data generated in metering Department facilities.

Sec. 2828. Metering of Navy piers to accurately measure energy consumption.

Sec. 2829. Training policy for Department of Defense energy managers.

Sec. 2830. Report on energy-efficiency standards and prohibition on use of funds for Leadership in Energy and Environmental Design gold or platinum certification.

**Subtitle D—Provisions Related to Guam Realignment**

Sec. 2841. Certification of medical care coverage for H-2B temporary workforce on military construction projects on Guam.

Sec. 2842. Repeal of condition on use of specific utility conveyance authority regarding Guam integrated water and wastewater treatment system.

**Subtitle E—Land Conveyances**

Sec. 2851. Land conveyance and exchange, Joint Base Elmendorf Richardson, Alaska.

Sec. 2852. Release of reversionary interest, Camp Joseph T. Robinson, Arkansas.

Sec. 2853. Clarification of land conveyance authority, Camp Caitlin and Ohana Nui areas, Hawaii.

Sec. 2854. Land exchange, Fort Bliss Texas.

Sec. 2855. Land conveyance, former Defense Depot Ogden, Utah.

**Subtitle F—Other Matters**

Sec. 2861. Redesignation of Industrial College of the Armed Forces as the Dwight D. Eisenhower School for National Security and Resource Strategy.

Sec. 2862. Redesignation of Mike O'Callaghan Federal Hospital in Nevada as Mike O'Callaghan Federal Medical Center.

Sec. 2863. Prohibition on naming Department of Defense real property after a Member of Congress.

Sec. 2864. Notifications of reductions in number of members of the Armed Forces assigned to permanent duty at a military installation.

Sec. 2865. Investment plan for the modernization of public shipyards under jurisdiction of Department of the Navy.

Sec. 2866. Report on the Homeowners Assistance Program.

Sec. 2867. Data servers and centers.

**Subtitle A—Military Construction Program  
and Military Family Housing Changes**

**SEC. 2801. PROHIBITION ON USE OF ANY COST-PLUS SYSTEM OF CONTRACTING FOR MILITARY CONSTRUCTION AND MILITARY FAMILY HOUSING PROJECTS.**

(a) PROHIBITION.—Section 2306 of title 10, United States Code, is amended by inserting after subsection (b) the following new subsection:

“(c) A contract entered into by the United States in connection with a military construction project or a military family housing project may not use any form of cost-plus contracting. This prohibition is in addition to the prohibition specified in subsection (a) on the use of the cost-plus-a-percentage-of-cost system of contracting and applies notwithstanding a declaration of war or the declaration by the President of a national emergency under section 201 of the National Emergencies Act (50 U.S.C. 1621) that includes the use of the armed forces.”.

(b) APPLICATION OF AMENDMENT.—Subsection (c) of section 2306 of title 10, United States Code, as added by subsection (a), shall apply with respect to any contract entered into by the United States in connection with a military construction project or a military family housing project after the date of the enactment of this Act.

**SEC. 2802. MODIFICATION OF AUTHORITY TO CARRY OUT UNSPECIFIED MINOR MILITARY CONSTRUCTION PROJECTS.**

(a) SINGLE THRESHOLD FOR USE OF OPERATION AND MAINTENANCE FUNDS.—Subsection (c) of section 2805 of title 10, United States Code, is amended—

(1) by striking “(1) Except as provided in paragraph (2), the” and inserting “The”; and

(2) by striking “not more than” and all that follows through the end of the subsection and inserting “not more than \$750,000.”.

(b) EXTENSION OF SPECIAL LABORATORY REVITALIZATION AUTHORITY.—Subsection (d) of such section is amended—

(1) in paragraph (3), by striking “February 1, 2010” and inserting “February 1, 2014”; and

(2) in paragraph (5), by striking “September 30, 2012” and inserting “September 30, 2016”.

(c) CONFORMING AMENDMENTS.—

(1) CROSS REFERENCES REGARDING WORKING-CAPITAL FUNDS.—Section 2208 of such title is amended—

(A) in subsection (k)(2)(A), by striking “section 2805(c)(1)” and inserting “section 2805(c)”; and

(B) in subsection (o)(2)(A), by striking “section 2805(c)(1)” and inserting “section 2805(c)”.

(2) CROSS REFERENCE REGARDING COST AND SCOPE OF WORK VARIATIONS.—Section 2853(a) of such title is amended by striking “section 2805(a)(1)” and inserting “section 2805(a)”.

(3) CROSS REFERENCE REGARDING NOTICE AND WAIT REQUIREMENTS FOR RESERVE PROJECTS.—Section 18233a(b)(2)(B)(ii) of such title is amended by striking “section 2805(a)(2)” and inserting “section 2805(a)”.

(4) CROSS REFERENCE REGARDING USING OPERATION AND MAINTENANCE FUNDS FOR SMALL RESERVE PROJECTS.—Section 18233b of such title is amended by striking “not more than” and all that follows through the end of the section and inserting “not more than the amount specified in section 2805(c) of this title.”.

**SEC. 2803. PROTECTIONS FOR SUPPLIERS OF LABOR AND MATERIALS UNDER CONTRACTS FOR MILITARY CONSTRUCTION PROJECTS AND MILITARY FAMILY HOUSING PROJECTS.**

Section 2852 of title 10, United States Code, is amended by adding at the end the following new subsection:

“(c) In the case of a military construction project or a military family housing project, the contract amount thresholds specified in subchapter III of chapter 31 of title 40 (commonly referred to as the Miller Act) shall be applied by substituting ‘\$150,000’ for ‘\$100,000’ for purposes of determining when a performance bond and payment bond are required under section 3131 of such title and when alternatives to payment bonds as payment protections for suppliers of labor and materials are required under section 3132 of such title.”.

**SEC. 2804. EXTENSION OF TEMPORARY, LIMITED AUTHORITY TO USE OPERATION AND MAINTENANCE FUNDS FOR CONSTRUCTION PROJECTS OUTSIDE THE UNITED STATES.**

(a) ONE-YEAR EXTENSION OF AUTHORITY.—Section 2808 of the Military Construction Authorization Act for Fiscal Year 2004 (division B of Public Law 108-136; 117 Stat. 1723), as most recently amended by section 2804 of the Military Construction Authorization Act for Fiscal Year 2011 (division B of Public Law 111-383; 124 Stat. 4459), is amended—

(1) in subsection (c)(2), by striking “fiscal year 2011” and inserting “fiscal year 2012”; and

(2) in subsection (h)—

(A) in paragraph (1), by striking “September 30, 2011” and inserting “September 30, 2012”; and

(B) in paragraph (2), by striking “fiscal year 2012” and inserting “fiscal year 2013”.

(b) MODIFICATION OF QUARTERLY REPORTING REQUIREMENT.—Subsection (g) of such section is amended—

(1) by striking “QUARTERLY REPORTS OR” in the subsection heading;

(2) by striking “the report for a fiscal-year quarter under subsection (d) or”; and

(3) by striking “report or”.

(c) TECHNICAL AMENDMENTS.—Subsections (a) and (i) of such section are amended by striking “Combined Task Force-Horn of Africa” each place it appears and inserting “Combined Joint Task Force-Horn of Africa”.

**SEC. 2805. GENERAL MILITARY CONSTRUCTION TRANSFER AUTHORITY.**

(a) AUTHORITY TO TRANSFER AUTHORIZATION OF APPROPRIATIONS.—

(1) AUTHORITY.—Upon a determination by the Secretary of a military department, or with respect to the Defense Agencies, the Secretary of Defense, that such action is necessary in the national interest, the Secretary concerned may transfer amounts of authorization of appropriations made available to that military department or Defense Agency in this division for fiscal year 2012 between any such authorization of appropriations for that military department or Defense Agency for that fiscal year. Amounts of authorization of appropriations so transferred shall be merged with and be available for the same purposes as the authorization of appropriations to which transferred.

(2) AGGREGATE LIMIT.—The aggregate amount of authorizations that the Secretaries concerned may transfer under the authority of this section may not exceed \$400,000,000.

(b) LIMITATION.—The authority provided by this section to transfer authorizations may

only be used to fund increases in the cost of military construction projects or activities authorized by this division.

(c) EFFECT ON AUTHORIZATION AMOUNTS.—A transfer made from one account to another under the authority of this section shall be deemed to increase the amount authorized for appropriation for the account to which the amount is transferred by an amount equal to the amount transferred.

(d) NOTICE TO CONGRESS.—The Secretary concerned shall promptly notify the congressional defense committees of each transfer made by that Secretary under subsection (a) that exceeds the limitations on cost variations provided in section 2853 of title 10, United States Code.

**Subtitle B—Real Property and Facilities Administration**

**SEC. 2811. CLARIFICATION OF AUTHORITY TO USE PENTAGON RESERVATION MAINTENANCE REVOLVING FUND FOR MINOR CONSTRUCTION AND ALTERATION ACTIVITIES AT PENTAGON RESERVATION.**

Section 2674(e)(4) of title 10, United States Code, is amended—

(1) by striking “The authority” and inserting “(A) Except as provided in subparagraph (B), the authority”; and

(2) by adding at the end the following new subparagraph:

“(B) Notwithstanding the date specified in subparagraph (A), the Secretary may use monies from the Fund after that date to support construction or alteration activities at the Pentagon Reservation within the limits specified in section 2805 of this title.”.

**SEC. 2812. REPORTING REQUIREMENTS RELATED TO THE GRANTING OF EASEMENTS.**

Section 2662 of title 10, United States Code, is amended—

(1) in subsection (a)(1)(C), by striking “lease or license” and inserting “lease, license, or easement”; and

(2) in subsection (b)—

(A) in paragraph (1), by striking “lease or license” and inserting “lease, license, or easement”; and

(B) in paragraph (2)(A), by striking “lease or license” and inserting “lease, license, or easement”; and

(C) in paragraph (3)—

(i) in subparagraph (C), by striking “lease or license” and inserting “lease, license, or easement”; and

(ii) in subparagraph (D), by striking “lease or license” and inserting “lease, license, or easement”.

**SEC. 2813. LIMITATIONS ON USE OR DEVELOPMENT OF PROPERTY IN CLEAR ZONE AREAS AND CLARIFICATION OF AUTHORITY TO LIMIT ENCROACHMENTS.**

Section 2684a of title 10, United States Code, is amended—

(1) in subsection (a)—

(A) in paragraph (1), by striking “or” at the end;

(B) in paragraph (2), by striking the period and inserting “; or”; and

(C) by inserting after paragraph (2) the following new paragraph:

“(3) protecting Clear Zone Areas from use or encroachment that is incompatible with the mission of the installation.”;

(2) by amending subsection (c) to read as follows:

“(c) INAPPLICABILITY OF CERTAIN CONTRACT REQUIREMENTS.—Notwithstanding chapter 63 of title 31, an agreement under this section that is a cooperative agreement or a grant may be used to acquire property or services for the direct benefit or use of the United States Government.”;



(3) in subsection (d)—

(A) in paragraph (3)—

(i) by inserting “, and the monitoring and enforcement of any right, title, or interest in,” after “resources on”; and

(ii) by inserting “and monitoring and enforcement” after “natural resource management”; and

(iii) by adding at the end the following: “Any such payment by the United States—

“(A) may be paid in a lump sum and include an amount intended to cover the future costs of natural resource management and monitoring and enforcement; and

“(B) may be placed by the eligible entity in an interest-bearing account, and any interest shall be applied for the same purposes as the principal.”; and

(B) in paragraph (5)—

(i) inserting “(A)” after “(5)”; and

(ii) by inserting after the first sentence the following: “No such requirement need be included in the agreement if the property or interest is being transferred to a State, or the agreement requires it to be subsequently transferred to a State, and the Secretary concerned determines that the laws and regulations applicable to the future use of such property or interest provide adequate assurance that the property concerned will be developed and used in a manner appropriate for purposes of this section.”; and

(iii) by adding at the end the following new subparagraph:

“(B) Notwithstanding subparagraph (A), if all or a portion of the property or interest acquired under the agreement is subsequently transferred to the United States and administrative jurisdiction over the property is under a Federal official other than a Secretary concerned, the Secretary concerned and that Federal official shall enter into a memorandum of agreement providing, to the satisfaction of the Secretary concerned, for the management of the property or interest concerned in a manner appropriate for purposes of this section. Such memorandum of agreement shall also provide that, should it be proposed that the property or interest concerned be developed or used in a manner not appropriate for purposes of this section, including declaring the property to be excess to the agency’s needs or proposing to exchange the property for other property, the Secretary concerned may request that administrative jurisdiction over the property be transferred to the Secretary concerned at no cost, and, upon such a request being made, the administrative jurisdiction over the property shall be transferred accordingly.”; and

(4) in subsection (i), by inserting after paragraph (2) the following new paragraph:

“(3) The term ‘Clear Zone Area’ means an area immediately beyond the end of the runway of an airfield that is needed to ensure the safe and unrestricted passage of aircraft in and over the area.”.

#### **SEC. 2814. DEPARTMENT OF DEFENSE CONSERVATION AND CULTURAL ACTIVITIES.**

Section 2694(b)(2) of title 10, United States Code, is amended—

(1) in subparagraph (B), by inserting “and sustainability” after “safety”; and

(2) by adding at the end the following new subparagraph:

“(F) The implementation of ecosystem-wide land management plans—

“(i) for a single ecosystem that encompasses at least two non-contiguous military installations, if those military installations are not all under the administrative jurisdiction of the same Secretary of a military department; and

“(ii) providing synergistic benefits unavailable if the installations acted separately.”.

#### **SEC. 2815. EXCHANGE OF PROPERTY AT MILITARY INSTALLATIONS.**

(a) EXCHANGE AUTHORITY.—Section 2869 of title 10, United States Code, is amended—

(1) in the section heading, by striking “**Conveyance of property at military installations to limit encroachment**” and inserting “**Exchange of property at military installations**”; and

(2) in subsection (a)—

(A) in the subsection heading, by striking “CONVEYANCE AUTHORIZED; CONSIDERATION” and inserting “EXCHANGE AUTHORIZED”; and

(B) in paragraph (1), by striking “to any person who agrees, in exchange for the real property, to carry out a land acquisition” and inserting “to any eligible entity who agrees, in exchange for the real property, to transfer to the United States all right, title, and interest of the entity in and to a parcel of real property, including any improvements thereon under their control, or to carry out a land acquisition”.

(b) EXTENSION OF AUTHORITY.—Such section is further amended—

(1) by striking subsection (f); and

(2) by redesignating subsections (g) and (h) as subsections (f) and (g), respectively.

(c) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 169 of such title is amended by striking the item relating to section 2869 and inserting the following new item:

“2869. Exchange of property at military installations.”.

#### **SEC. 2816. DEFENSE ACCESS ROAD PROGRAM ENHANCEMENTS TO ADDRESS TRANSPORTATION INFRASTRUCTURE IN VICINITY OF MILITARY INSTALLATIONS.**

(a) AVAILABILITY OF DEFENSE ACCESS ROADS FUNDS FOR BRAC-RELATED TRANSPORTATION IMPROVEMENTS.—Section 210(a)(2) of title 23, United States Code, is amended by adding at the end the following new sentence: “The Secretary of Defense shall determine the magnitude of the required improvements without regard to the extent to which traffic generated by the reservation is greater than other traffic in the vicinity of the reservation.”.

(b) ECONOMIC ADJUSTMENT COMMITTEE CONSIDERATION OF ADDITIONAL DEFENSE ACCESS ROADS FUNDING SOURCES.—

(1) CONVENING OF COMMITTEE.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense, as the chairperson of the Economic Adjustment Committee established in Executive Order No. 127887 (10 U.S.C. 2391 note), shall convene the Economic Adjustment Committee to consider additional sources of funding for the defense access roads program under section 210 of title 23, United States Code.

(2) REPORT.—Not later than one year after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a report describing the results of the Economic Adjustment Committee deliberations and containing an implementation plan to expand funding sources for the mitigation of significant transportation impacts to access to military reservations pursuant to subsection (b) of section 210 of title 23, United States Code, as amended by subsection (a).

(c) SEPARATE BUDGET REQUEST FOR PROGRAM.—Amounts requested for a fiscal year for the defense access roads program under section 210 of title 23, United States Code, shall be set forth as a separate budget re-

quest in the budget transmitted by the President to Congress for that fiscal year under section 1105 of title 31, United States.

#### **Subtitle C—Energy Security**

#### **SEC. 2821. CONSOLIDATION OF DEFINITIONS USED IN ENERGY SECURITY CHAPTER.**

(a) CONSOLIDATION OF DEFINITIONS.—

(1) IN GENERAL.—Subchapter III of chapter 173 of title 10, United States Code, is amended by inserting before section 2925 the following new section:

##### **“§ 2924. Definitions**

“In this chapter:

“(1) The term ‘defined fuel source’ means any of the following:

“(A) Petroleum.

“(B) Natural gas.

“(C) Coal.

“(D) Coke.

“(2) The term ‘energy-efficient maintenance’ includes—

“(A) the repair of military vehicles, equipment, or facility and infrastructure systems, such as lighting, heating, or cooling equipment or systems, or industrial processes, by replacement with technology that—

“(i) will achieve energy savings over the life-cycle of the equipment or system being repaired; and

“(ii) will meet the same end needs as the equipment or system being repaired; and

“(B) improvements in an operation or maintenance process, such as improved training or improved controls, that result in energy savings.

“(3)(A) The term ‘energy security’ means having assured access to reliable supplies of energy and the ability to protect and deliver sufficient energy to meet mission essential requirements.

“(B) In selecting facility energy projects that will use renewable energy sources, pursuit of energy security means the installation will give favorable consideration to projects that provide power directly to a military facility or into the installation electrical distribution network. In such cases, projects should be prioritized to provide power for assets critical to mission essential requirements on the installation in the event of a disruption in the commercial grid.

“(4) The term ‘hybrid’, with respect to a motor vehicle, means a motor vehicle that draws propulsion energy from onboard sources of stored energy that are both—

“(A) an internal combustion or heat engine using combustible fuel; and

“(B) a rechargeable energy storage system.

“(5) The term ‘operational energy’ means the energy required for training, moving, and sustaining military forces and weapons platforms for military operations. The term includes energy used by tactical power systems and generators and weapons platforms.

“(6) The term ‘petroleum’ means natural or synthetic crude, blends of natural or synthetic crude, and products refined or derived from natural or synthetic crude or from such blends.

“(7) The term ‘renewable energy source’ means energy generated from renewable sources, including the following:

“(A) Solar, including electricity.

“(B) Wind.

“(C) Biomass.

“(D) Landfill gas.

“(E) Ocean, including tidal, wave, current, and thermal.

“(F) Geothermal, including electricity and heat pumps.

“(G) Municipal solid waste.

“(H) New hydroelectric generation capacity achieved from increased efficiency or additions of new capacity at an existing hydroelectric project. For purposes of this subparagraph, hydroelectric generation capacity is ‘new’ if it was placed in service on or after January 1, 1999.

“(I) Thermal energy generated by any of the preceding sources.”.

(2) CLERICAL AMENDMENTS.—Such chapter is further amended—

(A) in the table of subchapters at the beginning of such chapter, by striking “2925” and inserting “2924”; and

(B) in the table of sections at the beginning of subchapter III of such chapter, by inserting before the item relating to section 2925 the following new item:

“2924. Definitions.”.

(b) CONFORMING AMENDMENTS STRIKING SEPARATE DEFINITIONS.—Such chapter is further amended—

(1) in section 2911—

(A) in subsection (d)—

(i) by striking “(1)” before “For the purpose”;

(ii) by striking paragraph (2); and

(iii) by redesignating subparagraphs (A), (B), (C), and (D) as paragraphs (1), (2), (3), and (4), respectively; and

(B) in subsection (e), by striking paragraph (2);

(2) in section 2922e, by striking subsections (e) and (f);

(3) in section 2922g, by striking subsection (d); and

(4) in section 2925(b), by striking paragraph (4).

**SEC. 2822. CONSIDERATION OF ENERGY SECURITY IN DEVELOPING ENERGY PROJECTS ON MILITARY INSTALLATIONS USING RENEWABLE ENERGY SOURCES.**

(a) POLICY OF PURSUING ENERGY SECURITY.—

(1) POLICY REQUIRED.—Not later than 180 days after the date of enactment of this Act, the Secretary of Defense shall establish a policy for military installations that includes the following:

(A) Favorable consideration for energy security in the design and development of energy projects on the military installation that will use renewable energy sources.

(B) Guidance for commanders of military installations inside the United States on planning measures to minimize the effects of a disruption of services by a utility that sells natural gas, water, or electric energy to those installations in the event that a disruption occurs.

(2) NOTIFICATION.—The Secretary of Defense shall provide notification to the congressional defense committees within 30 days after entering into any agreement for a facility energy project described in paragraph (1)(A) that excludes pursuit of energy security on the grounds that inclusion of energy security is cost prohibitive. The Secretary shall also provide a cost-benefit-analysis of the decision.

(3) ENERGY SECURITY DEFINED.—In this subsection, the term “energy security” has the meaning given that term in paragraph (3) of section 2924 of title 10, United States Code, as added by section 2821(a).

(b) ADDITIONAL CONSIDERATION FOR DEVELOPING AND IMPLEMENTING ENERGY PERFORMANCE GOALS AND ENERGY PERFORMANCE MASTER PLAN.—Section 2911(c) of title 10, United States Code, is amended by adding at the end the following new paragraph:

“(12) Opportunities for improving energy security for facility energy projects that will use renewable energy sources.”.

(c) DEVELOPMENT OF GEOTHERMAL ENERGY ON MILITARY LANDS.—Section 2917 of such title is amended—

(1) by striking “The Secretary” and inserting “(a) DEVELOPMENT AUTHORIZED.—The Secretary”; and

(2) by adding at the end the following new subsection:

“(b) CONSIDERATION OF ENERGY SECURITY.—The development of a geothermal energy project under subsection (a) should include consideration of energy security in the design and development of the project.”.

(d) REPORTING REQUIREMENT.—Section 2925(a) of such title is amended—

(1) in paragraph (3), by inserting “whether the project incorporates energy security into its design,” after “through the duration of each such mechanism,”;

(2) by redesignating paragraph (10) as paragraph (11); and

(3) by inserting after paragraph (9) the following new paragraph:

“(10) Details of utility outages at military installations including the total number and locations of outages, the financial impact of the outage, and measures taken to mitigate outages in the future at the affected location and across the Department of Defense.”.

**SEC. 2823. ESTABLISHMENT OF INTERIM OBJECTIVE FOR DEPARTMENT OF DEFENSE 2025 RENEWABLE ENERGY GOAL.**

(a) INTERIM OBJECTIVE.—Section 2911(e) of title 10, United States Code, as amended by section 2821(b)(1)(B), is further amended by inserting after paragraph (1) the following new paragraph:

“(2) To help ensure that the goal specified in paragraph (1)(A) regarding the use of renewable energy by the Department of Defense is achieved, the Secretary of Defense shall establish an interim goal for fiscal year 2018 for the production or procurement of facility energy from renewable energy sources.”.

(b) DEADLINE; CONGRESSIONAL NOTIFICATION.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall notify the congressional defense committees of the interim renewable energy goal established pursuant to the amendment made by subsection (a).

**SEC. 2824. USE OF CENTRALIZED PURCHASING AGENTS FOR RENEWABLE ENERGY CERTIFICATES TO REDUCE COST OF FACILITY ENERGY PROJECTS USING RENEWABLE ENERGY SOURCES AND IMPROVE EFFICIENCIES.**

(a) PURCHASE AND USE OF RENEWABLE ENERGY CERTIFICATES.—Section 2911(e) of title 10, United States Code, as amended by sections 2821(b)(1)(B) and 2823(a), is further amended by adding at the end the following new paragraph:

“(3)(A) The Secretary of Defense shall establish a policy to maximize savings for the bulk purchase of replacement renewable energy certificates in connection with the development of facility energy projects using renewable energy sources.

“(B) Under the policy required by subparagraph (A), the Secretary of a military department shall submit requests for the purchase of replacement renewable energy certificates to a centralized purchasing authority maintained by such department or the Defense Logistics Agency with expertise regarding—

“(i) the market for renewable energy certificates;

“(ii) the procurement of renewable energy certificates; and

“(iii) obtaining the best value for the military department by maximizing the purchase

of renewable energy certificates from projects placed into service before January 1, 1999.

“(C) The centralized purchasing authority shall solicit industry for the most competitive offer for replacement renewable energy certificates, to include a combination of renewable energy certificates from new projects and projects placed into service before January 1, 1999.

“(D) Subparagraph (B) does not prohibit the Secretary of a military department from entering into an agreement outside of the centralized purchasing authority if the Secretary will obtain the best value by bundling the renewable energy certificates with the facility energy project through a power purchase agreement or other contractual mechanism at the installation.

“(E) Nothing in this paragraph shall be construed to authorize the purchase of renewable energy certificates to meet Federal goals or mandates in the absence of the development of a facility energy project using renewable energy sources.

“(F) This policy does not make the purchase of renewable energy certificates mandatory, but the policy shall apply whenever original renewable energy certificates are proposed to be swapped for replacement renewable energy certificates.”.

(b) REPORTING REQUIREMENTS.—Section 2925(a) of title 10, United States Code, as amended by section 2822(d), is further amended—

(1) by redesignating paragraphs (4) through (11) as paragraphs (5) through (12), respectively; and

(2) by inserting after paragraph (3) the following new paragraph:

“(4) In addition to the information contained in the table listing energy projects financed through third party financing mechanisms, as required by paragraph (3), the table also shall list any renewable energy certificates associated with each project, including information regarding whether the renewable energy certificates were bundled or unbundled, the purchasing authority for the renewable energy certificates, and the price of the associated renewable energy certificates.”.

**SEC. 2825. IDENTIFICATION OF ENERGY-EFFICIENT PRODUCTS FOR USE IN CONSTRUCTION, REPAIR, OR RENOVATION OF DEPARTMENT OF DEFENSE FACILITIES.**

(a) RESPONSIBILITY OF SECRETARY OF DEFENSE.—Section 2915(e) of title 10, United States Code, is amended by striking paragraph (2) and inserting the following new paragraph:

“(2)(A) The Secretary of Defense shall prescribe a definition of the term ‘energy-efficient product’ for purposes of this subsection and establish and maintain a list of products satisfying the definition. The definition and list shall be developed in consultation with the Secretary of Energy to ensure, to the maximum extent practicable, consistency with definitions of the term used by other Federal agencies.

“(B) The Secretary shall modify the definition and list of energy-efficient products as necessary to account for emerging or changing technologies.

“(C) The list of energy-efficient products shall be included as part of the energy performance master plan developed pursuant to section 2911(b)(2) of this title.”.

(b) CONFORMING AMENDMENT TO ENERGY PERFORMANCE MASTER PLAN.—Section 2911(b)(2) of such title is amended by adding at the end the following new subparagraph:

“(F) The up-to date list of energy-efficient products maintained under section 2915(e)(2) of this title.”.

**SEC. 2826. SUBMISSION OF ANNUAL DEPARTMENT OF DEFENSE ENERGY MANAGEMENT REPORTS.**

Section 2925(a) of title 10, United States Code, is amended by striking “As part of the annual submission of the energy performance goals for the Department of Defense under section 2911 of this title, the Secretary of Defense shall submit a report containing the following:” and inserting “Not later than 120 days after the end of each fiscal year, the Secretary of Defense shall submit to the congressional defense committees an installation energy report detailing the fulfillment during that fiscal year of the energy performance goals for the Department of Defense under section 2911 of this title. Each report shall contain the following:”.

**SEC. 2827. REQUIREMENT FOR DEPARTMENT OF DEFENSE TO CAPTURE AND TRACK DATA GENERATED IN METERING DEPARTMENT FACILITIES.**

The Secretary of Defense shall require that the information generated by the installation energy meters be captured and tracked to determine baseline energy consumption and facilitate efforts to reduce energy consumption.

**SEC. 2828. METERING OF NAVY PIERS TO ACCURATELY MEASURE ENERGY CONSUMPTION.**

(a) **METERING REQUIRED.**—The Secretary of the Navy shall meter Navy piers so that the energy consumption of naval vessels while in port can be accurately measured and captured and steps taken to improve the efficient use of energy by naval vessels while in port.

(b) **PROGRESS REPORTS.**—In each of the Department of Defense energy management reports submitted to Congress during fiscal years 2012 through 2017 under section 2925(a) of title 10, United States Code, the Secretary of the Navy shall include information on the progress being made to implement the metering of Navy piers, including information on any reductions in energy consumption achieved through the use of such metering.

**SEC. 2829. TRAINING POLICY FOR DEPARTMENT OF DEFENSE ENERGY MANAGERS.**

(a) **ESTABLISHMENT OF TRAINING POLICY.**—The Secretary of Defense shall establish a training policy for Department of Defense energy managers designated for military installations in order to—

(1) improve the knowledge, skills, and abilities of energy managers by ensuring understanding of existing energy laws, regulations, mandates, contracting options, local renewable portfolio standards, current renewable energy technology options, energy auditing, and options to reduce energy consumption;

(2) improve consistency among energy managers throughout the Department in the performance of their responsibilities;

(3) create opportunities and forums for energy managers to exchange ideas and lessons learned within each military department, as well as across the Department of Defense; and

(4) collaborate with the Department of Energy regarding energy manager training.

(b) **ISSUANCE OF POLICY.**—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall issue the training policy for Department of Defense energy managers. In creating the policy, the Secretary shall consider the best practices and certifications available in either the military services or in the private sector.

(c) **BRIEFING REQUIREMENT.**—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense, or designated representatives of the Secretary, shall brief the Committees on Armed Services of the Senate and House of Representatives regarding the details of the energy manager policy.

**SEC. 2830. REPORT ON ENERGY-EFFICIENCY STANDARDS AND PROHIBITION ON USE OF FUNDS FOR LEADERSHIP IN ENERGY AND ENVIRONMENTAL DESIGN GOLD OR PLATINUM CERTIFICATION.**

(a) **REPORT REQUIRED.**—

(1) **IN GENERAL.**—Not later than June 30, 2012, the Secretary of Defense shall submit to the congressional defense committees a report on the energy-efficiency and sustainability standards utilized by the Department of Defense for military construction and repair.

(2) **CONTENTS OF REPORT.**—The report shall include a cost-benefit analysis, return on investment, and long-term payback for the following design standards:

(A) American Society of Heating, Refrigerating and Air-Conditioning Engineers (ASHRAE) building standard 189.1-2011.

(B) ASHRAE building standard 90.1-2010.

(C) Leadership in Energy and Environmental Design (LEED) silver, gold, and platinum certification, as well as the LEED volume certification.

(D) Other American National Standards Institute accredited standards.

(3) **ADDITIONAL CONTENTS OF REPORT.**—The report shall also include a copy of Department of Defense policy prescribing a comprehensive strategy for the pursuit of design and building standards across the Department that include specific energy-efficient standards and sustainable design attributes for military construction based on the cost-benefit analysis, return on investment, and demonstrated payback required by subparagraphs (A), (B), (C), and (D) of paragraph (2).

(b) **PROHIBITION ON USE OF FUNDS FOR LEED GOLD OR PLATINUM CERTIFICATION.**—

(1) **PROHIBITION.**—No funds authorized to be appropriated by this Act or otherwise made available for the Department of Defense for fiscal year 2012 may be obligated or expended for achieving any LEED gold or platinum certification.

(2) **WAIVER AND NOTIFICATION.**—The Secretary of Defense may waive the limitation in paragraph (1) if the Secretary submits a notification to the congressional defense committees at least 30 days before the obligation of funds toward achieving the LEED gold or platinum certification.

(3) **CONTENTS OF NOTIFICATION.**—A notification shall include the following:

(A) A cost-benefit analysis of the decision to obligate funds toward achieving the LEED gold or platinum certification.

(B) Demonstrated payback for the energy improvements or sustainable design features.

(4) **EXCEPTION.**—LEED gold and platinum certifications shall be permitted, and not require a waiver and notification under this subsection, if achieving such certification imposes no additional cost to the Department of Defense.

**Subtitle D—Provisions Related to Guam Realignment**

**SEC. 2841. CERTIFICATION OF MEDICAL CARE COVERAGE FOR H-2B TEMPORARY WORKFORCE ON MILITARY CONSTRUCTION PROJECTS ON GUAM.**

(a) **MANAGEMENT OF WORKFORCE HEALTH CARE.**—Subject to subsection (b), the Secretary of the Navy may not award any additional Navy or Marine Corps construction

project or associated task order on Guam associated with the Record of Decision for the Guam and CNMI Military Relocation dated September 2010 if the aggregate of the number of employees holding a visa described in section 101(a)(15)(H)(ii)(b) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(H)(ii)(b); known as “H-2B workers”) to support such relocation exceeds 2,000 until the Secretary of the Navy certifies to the congressional defense committees that a system of health care for the H-2B workers is available.

(b) **SYSTEM OF HEALTH CARE.**—The health care system required to be certified in subsection (a) shall—

(1) include a comprehensive medical plan for the H-2B workers;

(2) include comprehensive planning and coordination with contractor-provided healthcare services and with Guam’s civilian and military healthcare community; and

(3) access local healthcare assets to help meet the health care needs of the H-2B workers.

(c) **ELEMENTS OF MEDICAL PLAN.**—The comprehensive medical plan referred to in subsection (b)(1) shall—

(1) address significant health issues, injury, or series of injuries in addition to basic first responder medical services for H-2B workers;

(2) provide pre-deployment health screening at the country of origin of H-2B workers, ensuring—

(A) all major or chronic disease conditions of concern are identified;

(B) proper immunizations are administered;

(C) screening for tuberculosis and communicable diseases are conducted; and

(D) all H-2B workers are fit and healthy for work prior to deployment;

(3) provide that an arrival health screening process is developed to ensure the H-2B workers are fit to work and that the risk of spreading communicable diseases to the resident population is minimized; and

(4) provide comprehensive on-site medical services, including emergency medical care for the H-2B workers, primary health care to include care for chronic diseases, preventive services and acute care delivery, and accessible prescription services maintaining oversight, authorization access, and delivery of prescription medications to the workforce.

(d) **SAVINGS CLAUSE.**—Nothing in this section shall be construed as requiring the Secretary of the Navy to establish a United States Government-sponsored or funded health care system required to be certified in subsection (a) or to be responsible in any way for the administration of a health care system or plan or the provision of health care services for the H-2B workers identified in subsection (a).

**SEC. 2842. REPEAL OF CONDITION ON USE OF SPECIFIC UTILITY CONVEYANCE AUTHORITY REGARDING GUAM INTEGRATED WATER AND WASTEWATER TREATMENT SYSTEM.**

Section 2822 of the Military Construction Authorization Act for Fiscal Year 2011 (division B of Public Law 111-383; 124 Stat. 4465) is amended by striking subsection (c).

**Subtitle E—Land Conveyances**

**SEC. 2851. LAND CONVEYANCE AND EXCHANGE, JOINT BASE ELMENDORF RICHARDSON, ALASKA.**

(a) **CONVEYANCES AUTHORIZED.**—

(1) **MUNICIPALITY OF ANCHORAGE.**—The Secretary of the Air Force may, in consultation with the Secretary of the Interior, convey to the Municipality of Anchorage (in this section referred to as the “Municipality”) all

right, title, and interest of the United States in and to all or any part of a parcel of real property, including any improvements thereon, consisting of approximately 220 acres at JBER situated to the west of and adjacent to the Anchorage Regional Landfill in Anchorage, Alaska, for solid waste management purposes, including reclamation thereof, and for alternative energy production, and other related activities. This authority may not be exercised unless and until the March 15, 1982, North Anchorage Land Agreement is amended by the parties thereto to specifically permit the conveyance under this paragraph.

(2) **EKLUTNA, INC.**—The Secretary of the Air Force may, in consultation with the Secretary of the Interior, upon terms mutually agreeable to the Secretary of the Air Force and Eklutna, Inc., an Alaska Native village corporation organized pursuant to the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.) (in this section referred to as “Eklutna”), convey to Eklutna all right, title, and interest of the United States in and to all or any part of a parcel of real property, including any improvements thereon, consisting of approximately 130 acres situated on the northeast corner of the Glenn Highway and Boniface Parkway in Anchorage, Alaska, or such other property as may be identified in consultation with the Secretary of the Interior, for any use compatible with JBER’s current and reasonably foreseeable mission as determined by the Secretary of the Air Force.

(3) **RIGHT TO WITHHOLD TRANSFER.**—The Secretary may withhold transfer of any portion of the real property described in paragraphs (1) and (2) based on public interest or military mission requirements.

(b) **CONSIDERATION.**—

(1) **MUNICIPALITY PROPERTY.**—As consideration for the conveyance under subsection (a)(1), the Secretary of the Air Force shall receive in-kind solid waste management services at the Anchorage Regional Landfill or such other consideration as determined satisfactory by the Secretary equal to at least fair market value of the property conveyed.

(2) **EKLUTNA PROPERTY.**—As consideration for the conveyance under subsection (a)(2), the Secretary of the Air Force is authorized to receive, upon terms mutually agreeable to the Secretary and Eklutna, such interests in the surface estate of real property owned by Eklutna and situated at the northeast boundary of JBER and other consideration as considered satisfactory by the Secretary equal to at least fair market value of the property conveyed.

(c) **PAYMENT OF COSTS OF CONVEYANCE.**—

(1) **PAYMENT REQUIRED.**—The Secretary of the Air Force shall require the Municipality and Eklutna to reimburse the Secretary to cover costs (except costs for environmental remediation of the property) to be incurred by the Secretary, or to reimburse the Secretary for costs incurred by the Secretary, to carry out the conveyances under subsection (a), including survey costs, costs for environmental documentation, and any other administrative costs related to the conveyance.

(2) **TREATMENT OF AMOUNTS RECEIVED.**—Amounts received as reimbursement under paragraph (1) shall be credited to the fund or account that was used to cover those costs incurred by the Secretary in carrying out the conveyance. Amounts so credited shall be merged with amounts in such fund or account, and shall be available for the same purposes, and subject to the same conditions and limitations, as amounts in such fund or account.

(d) **TREATMENT OF CASH CONSIDERATION RECEIVED.**—Any cash payment received by the United States as consideration for the conveyances under subsection (a) shall be deposited in the special account in the Treasury established under subsection (b) of section 572 of title 40, United States Code, and shall be available in accordance with paragraph (5)(B) of such subsection.

(e) **DESCRIPTION OF PROPERTY.**—The exact acreage and legal description of the real property to be conveyed under subsection (a) shall be determined by surveys satisfactory to the Secretary.

(f) **OTHER OR ADDITIONAL TERMS AND CONDITIONS.**—The Secretary may require such additional terms and conditions in connection with the conveyances under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

**SEC. 2852. RELEASE OF REVERSIONARY INTEREST, CAMP JOSEPH T. ROBINSON, ARKANSAS.**

Section 2852 of the Military Construction Authorization Act for Fiscal Year 2010 (division B of Public Law 111–84; 123 Stat. 2685) is amended by striking “to be acquired by the United States of America” and inserting “to be acquired by the Military Department of Arkansas”.

**SEC. 2853. CLARIFICATION OF LAND CONVEYANCE AUTHORITY, CAMP CAITLIN AND OHANA NUI AREAS, HAWAII.**

Section 2856(a) of the Military Construction Authorization Act for Fiscal Year 2010 (division B of Public Law 111–84; 123 Stat. 2689) is amended by inserting before the period at the end the following: “, before the property or portion thereof is made available for transfer pursuant to the Hawaiian Home Lands Recovery Act (title II of Public Law 104–42; 109 Stat. 357), for use by any other Federal agency, or for disposal under applicable laws”.

**SEC. 2854. LAND EXCHANGE, FORT BLISS TEXAS.**

(a) **CONVEYANCE AUTHORIZED.**—In exchange for the receipt of the real property described in subsection (b), the Secretary of the Army may convey to the Texas General Land Office (in this section referred to as the “TGLO”) all right, title, and interest of the United States in and to a parcel of undeveloped real property consisting of approximately 694 acres at Fort Bliss, Texas, for the purpose of facilitating commercial development of the parcel.

(b) **CONSIDERATION.**—As consideration for the conveyance under subsection (a), TGLO shall convey to the Secretary of the Army all right, title, and interest of TGLO in and to a parcel of real property, including any improvements thereon, consisting of approximately 2,880 acres adjacent to Fort Bliss training areas to facilitate tactical vehicle ingress and egress between the installation and the training areas and mitigate encroachment issues. If the fair market value of the real property to be acquired by the Secretary is less than the fair market value of the real property to be conveyed under subsection (a), the Secretary may require a cash equalization payment in an amount equal to the difference in value.

(c) **PAYMENT OF COSTS OF CONVEYANCES.**—

(1) **PAYMENT REQUIRED.**—The Secretary of the Army shall require TGLO to cover costs to be incurred by the Secretary, or to reimburse the Secretary for costs incurred by the Secretary, to carry out the land exchange under this section, including survey costs, costs related to environmental documentation, and other administrative costs related to the conveyance. If amounts are collected from TGLO in advance of the Secretary in-

curring the actual costs, and the amount collected exceeds the costs actually incurred by the Secretary to carry out the land exchange, the Secretary shall refund the excess amount to TGLO.

(2) **TREATMENT OF AMOUNTS RECEIVED.**—Amounts received as reimbursements under paragraph (1) shall be credited to the fund or account that was used to cover the costs incurred by the Secretary in carrying out the land exchange. Amounts so credited shall be merged with amounts in such fund or account and shall be available for the same purposes, and subject to the same conditions and limitations, as amounts in such fund or account.

(d) **DESCRIPTION OF PROPERTY.**—The exact acreage and legal description of the real property to be exchanged under this section shall be determined by a survey satisfactory to the Secretary of the Army.

(e) **ADDITIONAL TERMS AND CONDITIONS.**—The Secretary of the Army may require such additional terms and conditions in connection with the land exchange under this section as the Secretary considers appropriate to protect the interests of the United States.

**SEC. 2855. LAND CONVEYANCE, FORMER DEFENSE DEPOT OGDEN, UTAH.**

(a) **CONVEYANCE OF RESIDUAL INTERESTS.**—To facilitate the conveyance of a parcel of real property consisting of approximately 2.73 acres at the former Defense Depot Ogden, Utah (in this subsection referred to as the “Property”), from the Weber Basin Disabled Corporation to the Ogden City Redevelopment Authority (in this section referred to as the “Redevelopment Authority”), the Secretary of the Army may accept a request to revert the Property from the Secretary of Health and Human Services. The Secretary of the Army may further convey, by quit claim deed, all residual right, title, and interest of the United States (including reversionary interests) in and to the Property for the purpose of permitting the Redevelopment Authority to take immediate steps to prevent the further deterioration of the building on the parcel and subsequently redevelop the parcel.

(b) **CONSIDERATION.**—As consideration for the conveyance of residual United States interests in the property described in subsection (a), the Redevelopment Authority shall pay an amount equal to the fair market value of the conveyed interests, as determined by the Secretary of the Army. Amounts received under this subsection shall be deposited in the Department of Defense Base Closure Account 2005. The amounts deposited shall be merged with other amounts in such fund and be available for the same purposes, and subject to the same conditions and limitations, as amounts in such fund.

(c) **PAYMENT OR COSTS OF CONVEYANCE.**—

(1) **IN GENERAL.**—The Secretary of the Army shall require the Redevelopment Authority to cover costs to be incurred by the Secretary, or to reimburse the Secretary for costs incurred by the Secretary, to carry out the conveyance under subsection (a), including costs related to environmental documentation and other administrative costs. If amounts are collected from the Redevelopment Authority in advance of the Secretary of the Army incurring the actual costs, and the amount collected exceeds the costs actually incurred by the Secretary to carry out the conveyance, the Secretary shall refund the excess amount to the Redevelopment Authority.

(2) **TREATMENT OF AMOUNTS RECEIVED.**—Amounts received as reimbursements under

paragraph (1) shall be credited to the fund or account that was used to cover the costs incurred in carrying out the conveyance. Amounts so credited shall be merged with amounts in such fund or account and shall be available for the same purposes, and subject to the same conditions and limitations, as amounts in such fund or account.

(d) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the real property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary of the Army.

(e) ADDITIONAL TERMS AND CONDITIONS.—The Secretary of the Army may require such additional terms and conditions in connection with the conveyance under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

#### Subtitle F—Other Matters

#### SEC. 2861. REDESIGNATION OF INDUSTRIAL COLLEGE OF THE ARMED FORCES AS THE DWIGHT D. EISENHOWER SCHOOL FOR NATIONAL SECURITY AND RESOURCE STRATEGY.

(a) REDESIGNATION.—The Industrial College of the Armed Forces is hereby renamed the “Dwight D. Eisenhower School for National Security and Resource Strategy”.

(b) CONFORMING AMENDMENT.—Paragraph (2) of section 2165(b) of title 10, United States Code, is amended to read as follows:

“(2) The Dwight D. Eisenhower School for National Security and Resource Strategy.”.

(c) REFERENCES.—Any reference to the Industrial College of the Armed Forces in any law, regulation, map, document, record, or other paper of the United States shall be deemed to be a reference to the Dwight D. Eisenhower School for National Security and Resource Strategy.

#### SEC. 2862. REDESIGNATION OF MIKE O'CALLAGHAN FEDERAL HOSPITAL IN NEVADA AS MIKE O'CALLAGHAN FEDERAL MEDICAL CENTER.

(a) REDESIGNATION.—Section 2867 of the Military Construction Authorization Act for Fiscal Year 1997 (division B of Public Law 104-201; 110 Stat. 2806), as amended by section 8135(a) of the Department of Defense Appropriations Act, 1997 (section 101(b) of division A of the Omnibus Consolidated Appropriations Act, 1997 (Public Law 104-208; 110 Stat. 3009-118)), is further amended by striking “Mike O'Callaghan Federal Hospital” each place it appears and inserting “Mike O'Callaghan Federal Medical Center”.

#### SEC. 2863. PROHIBITION ON NAMING DEPARTMENT OF DEFENSE REAL PROPERTY AFTER A MEMBER OF CONGRESS.

(a) PROHIBITION.—Section 2661 of title 10, United States Code, is amended by inserting after subsection (b) the following new subsection:

“(c) PROHIBITION ON NAMING DEPARTMENT OF DEFENSE REAL PROPERTY AFTER MEMBER OF CONGRESS.—(1) Real property under the jurisdiction of the Secretary of Defense or the Secretary of a military department may not be named after, or otherwise officially identified by the name of, any individual who is a Member of Congress at the time the property is so named or identified.

“(2) In this subsection:

“(A) The term ‘Member of Congress’ includes a Delegate or Resident Commissioner to the Congress.

“(B) The term ‘real property’ includes structures, buildings, or other infrastructure of a military installation, roadways and defense access roads, and any other area on the grounds of a military installation.”.

(b) APPLICATION OF AMENDMENT.—The prohibition in subsection (c) of section 2661 of

title 10, United States Code, as added by subsection (a), shall apply only with respect to real property of the Department of Defense named after the date of the enactment of this Act.

#### SEC. 2864. NOTIFICATIONS OF REDUCTIONS IN NUMBER OF MEMBERS OF THE ARMED FORCES ASSIGNED TO PERMANENT DUTY AT A MILITARY INSTALLATION.

(a) NOTICE AND WAIT LIMITATION.—Chapter 50 of title 10, United States Code, is amended by inserting after section 992 the following new section:

#### “§ 993. Notification of permanent reduction of sizable numbers of members of the armed forces

“(a) NOTIFICATION.—The Secretary of Defense or the Secretary of the military department concerned shall notify Congress under subsection (b) of a plan to reduce more than 1,000 members of the armed forces assigned at a military installation.

“(b) NOTICE REQUIREMENTS.—No irrevocable action may be taken to effect or implement a reduction described under subsection (a) until—

“(1) the Secretary of Defense or the Secretary of the military department concerned notifies the Committees on Armed Services of the Senate and the House of Representatives of the proposed reduction and the number of personnel assignments affected;

“(2) submits a justification for the reduction and an evaluation of the local strategic and operational impact of such reduction; and

“(3) a period of 21 days has expired following submission of the notice and evaluation required under this subsection, or if sooner, a period of 14 days has expired following the date on which an electronic version of the notice and justification has been submitted to such committees.

“(c) EXCEPTIONS.—

“(1) BASE CLOSURE PROCESS.—Subsections (a) and (b) do not apply in the case of the realignment of a military installation pursuant to a base closure law.

“(2) NATIONAL SECURITY OR EMERGENCY.—Subsections (a) and (b) do not apply if the President certifies to Congress that the reduction in military personnel at a military installation must be implemented for reasons of national security or a military emergency.”.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

“993. Notification of permanent reduction of sizable numbers of members of the armed forces.”.

#### SEC. 2865. INVESTMENT PLAN FOR THE MODERNIZATION OF PUBLIC SHIPYARDS UNDER JURISDICTION OF DEPARTMENT OF THE NAVY.

(a) PLAN REQUIRED.—Not later than September 1, 2012, the Secretary of the Navy shall submit to the congressional defense committees a plan to address the facilities and infrastructure requirements at each public shipyard under the jurisdiction of the Department of the Navy.

(b) CONTENT.—The report required under subsection (a) shall include the following elements:

(1) A description of the operations and support required at each public shipyard under the control of the Secretary, including the location, year constructed, the classes of ships serviced, number of personnel assigned, and the average age of facilities at each location.

(2) A review of all workload requirements in the past 5 years, an assessment of the efficiency in the use of existing facilities to meet the workload, and an estimate of the workload planned for each public shipyard through the current future-years defense program under section 221 of title 10, United States Code.

(3) An assessment of the adequacy of each facility—

(A) to carry out efficient depot-level ship maintenance with modern technology and equipment;

(B) to ensure workplace safety;

(C) to support nuclear-related activities (where applicable);

(D) to maintain the quality of life of the workforce; and

(E) to meet the energy savings goals of the Secretary of the Navy for military installations.

(4) An assessment of the existing condition of each facility at each public shipyard to include a review of existing and projected deficiencies or inadequate conditions at each facility, and whether any of the facilities listed are temporary structures.

(5) A description and cost estimate for each project to improve, repair, renovate, or modernize facilities or infrastructure.

(6) A description of the facility improvements or new construction projects at each public shipyard that would improve the efficiency of the facility's operations or generate energy savings based upon a business case analysis.

(7) An investment strategy planned for each public shipyard to correct deficiencies identified in paragraph (4), including timelines to complete each project and cost estimates and timelines necessary to complete the projects identified in paragraph (6).

(8) A list of projects, costs, and timelines through the future-years defense program to meet the requirements of the minimum capital investment percentage required under section 2476 of title 10, United States Code.

#### SEC. 2866. REPORT ON THE HOMEOWNERS ASSISTANCE PROGRAM.

Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a report on the Homeowners Assistance Program under the Demonstration Cities and Metropolitan Development Act of 1966 (42 U.S.C. 3374). The report shall include the following:

(1) The estimated cost if eligibility were expanded to include permanent change of station applicants who purchased a home after July 1, 2006, and before July 1, 2008.

(2) The estimated cost if eligibility were expanded to include members of the Armed Forces under paragraph (1) and permanent change of station applicants who received permanent change of station orders after September 30, 2010, and before September 30, 2011.

(3) The estimated number of members of the Armed Forces who received permanent change of station orders after September 30, 2010, and before September 30, 2011, and who suffered a decline of at least a 10 percent in home value from the date of purchase to the date of sale.

#### SEC. 2867. DATA SERVERS AND CENTERS.

(a) LIMITATIONS ON OBLIGATION OF FUNDS.—

(1) LIMITATIONS.—

(A) BEFORE PERFORMANCE PLAN.—During the period beginning on the date of the enactment of this Act and ending on May 1, 2012, a department, agency, or component of the Department of Defense may not obligate funds for a data server farm or data center unless approved by the Chief Information Officer of the Department of Defense or the

Chief Information Officer of a component of the Department to whom the Chief Information Officer of the Department has specifically delegated such approval authority.

(B) **UNDER PERFORMANCE PLAN.**—After May 1, 2012, a department, agency, or component of the Department may not obligate funds for a data center, or any information systems technology used therein, unless that obligation is in accordance with the performance plan required by subsection (b) and is approved as described in subparagraph (A).

(2) **REQUIREMENTS FOR APPROVALS.**—

(A) **BEFORE PERFORMANCE PLAN.**—An approval of the obligation of funds may not be granted under paragraph (1)(A) unless the official granting the approval determines, in writing, that existing resources of the agency, component, or element concerned cannot affordably or practically be used or modified to meet the requirements to be met through the obligation of funds.

(B) **UNDER PERFORMANCE PLAN.**—An approval of the obligation of funds may not be granted under paragraph (1)(B) unless the official granting the approval determines that—

(i) existing resources of the Department do not meet the operation requirements to be met through the obligation of funds; and

(ii) the proposed obligation is in accordance with the performance standards and measures established by the Chief Information Officer of the Department under subsection (b).

(3) **REPORTS.**—Not later than 30 days after the end of each calendar quarter, each Chief Information Officer of a component of the Department who grants an approval under paragraph (1) during such calendar quarter shall submit to the Chief Information Officer of the Department a report on the approval or approvals so granted during such calendar quarter.

(b) **PERFORMANCE PLAN FOR REDUCTION OF RESOURCES REQUIRED FOR DATA SERVERS AND CENTERS.**—

(1) **COMPONENT PLANS.**—

(A) **IN GENERAL.**—Not later than January 15, 2012, the Secretaries of the military departments and the heads of the Defense Agencies shall each submit to the Chief Information Officer of the Department a plan for the department or agency concerned to achieve the following:

(i) A reduction in the square feet of floor space devoted to information systems technologies, attendant support technologies, and operations within data centers.

(ii) A reduction in the use of all utilities necessary to power and cool information systems technologies and data centers.

(iii) An increase in multi-organizational utilization of data centers, information systems technologies, and associated resources.

(iv) A reduction in the investment for capital infrastructure or equipment required to support data centers as measured in cost per megawatt of data storage.

(v) A reduction in the number of commercial and government developed applications running on data servers and within data centers.

(vi) A reduction in the number of government and vendor provided full-time equivalent personnel, and in the cost of labor, associated with the operation of data servers and data centers.

(B) **SPECIFICATION OF REQUIRED ELEMENTS.**—The Chief Information Officer of the Department shall specify the particular performance standards and measures and implementation elements to be included in the plans submitted under this paragraph, including

specific goals and schedules for achieving the matters specified in subparagraph (A).

(2) **DEFENSE-WIDE PLAN.**—

(A) **IN GENERAL.**—Not later than April 1, 2012, the Chief Information Officer of the Department shall submit to the congressional defense committees a performance plan for a reduction in the resources required for data centers and information systems technologies Department-wide. The plan shall be based upon and incorporate appropriate elements of the plans submitted under paragraph (1).

(B) **ELEMENTS.**—The performance plan required under this paragraph shall include the following:

(i) A Department-wide performance plan for achieving the matters specified in paragraph (1)(A), including performance standards and measures for data centers and information systems technologies, goals and schedules for achieving such matters, and an estimate of cost savings anticipated through implementation of the plan.

(ii) A Department-wide strategy for each of the following:

(I) Desktop, laptop, and mobile device virtualization.

(II) Transitioning to cloud computing.

(III) Migration of Defense data and government-provided services from Department-owned and operated data centers to cloud computing services generally available within the private sector that provide a better capability at a lower cost with the same or greater degree of security.

(IV) Utilization of private sector-managed security services for data centers and cloud computing services.

(V) A finite set of metrics to accurately and transparently report on data center infrastructure (space, power and cooling): age, cost, capacity, usage, energy efficiency and utilization, accompanied with the aggregate data for each data center site in use by the Department in excess of 100 kilowatts of information technology power demand.

(VI) Transitioning to just-in-time delivery of Department-owned data center infrastructure (space, power and cooling) through use of modular data center technology and integrated data center infrastructure management software.

(3) **RESPONSIBILITY.**—The Chief Information Officer of the Department shall discharge the responsibility for establishing performance standards and measures for data centers and information systems technologies for purposes of this subsection. Such responsibility may not be delegated.

(c) **EXCEPTION.**—The Chief Information Officer of the Department and the Chief Information Officer of the Intelligence Community may jointly exempt from the applicability of this section such intelligence components of the Department of Defense (and the programs and activities thereof) that are funded through the National Intelligence Program (NIP) as the Chief Information Officers consider appropriate.

(d) **REPORTS ON COST SAVINGS.**—

(1) **IN GENERAL.**—Not later than March 1 of each fiscal year, and ending in fiscal year 2016, the Chief Information Officer of the Department shall submit to the appropriate committees of Congress a report on the cost savings, cost reductions, cost avoidances, and performance gains achieved, and anticipated to be achieved, as of the date of such report as a result of activities undertaken under this section.

(2) **APPROPRIATE COMMITTEES OF CONGRESS DEFINED.**—In this subsection, the term “appropriate committees of Congress” means—

(A) the Committee on Armed Services, the Committee on Appropriations, and the Select Committee on Intelligence of the Senate; and

(B) the Committee on Armed Services, the Committee on Appropriations, and the Permanent Select Committee on Intelligence of the House of Representatives.

## **DIVISION C—DEPARTMENT OF ENERGY NATIONAL SECURITY AUTHORIZATIONS AND OTHER AUTHORIZATIONS**

### **TITLE XXXI—DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS**

#### **Subtitle A—National Security Programs Authorizations**

Sec. 3101. National Nuclear Security Administration.

Sec. 3102. Defense environmental cleanup.

Sec. 3103. Other defense activities.

#### **Subtitle B—Program Authorizations, Restrictions, and Limitations**

Sec. 3111. Limitation on availability of funds for establishment of centers of excellence on nuclear security outside of the former Soviet Union.

Sec. 3112. Aircraft procurement.

Sec. 3113. Hanford waste tank cleanup program reforms.

Sec. 3114. Recognition and status of National Atomic Testing Museum.

#### **Subtitle C—Reports**

Sec. 3121. Repeal of certain report requirements.

Sec. 3122. Progress on nuclear nonproliferation.

Sec. 3123. Reports on role of nuclear security complex sites and potential efficiencies.

Sec. 3124. Net assessment of high-performance computing capabilities of foreign countries.

Sec. 3125. Review and analysis of nuclear waste reprocessing and nuclear reactor technology.

#### **Subtitle D—Other Matters**

Sec. 3131. Sense of Congress on the use of savings from excess amounts for certain pension plan contributions.

#### **Subtitle A—National Security Programs Authorizations**

### **SEC. 3101. NATIONAL NUCLEAR SECURITY ADMINISTRATION.**

(a) **AUTHORIZATION OF APPROPRIATIONS.**—Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 2012 for the activities of the National Nuclear Security Administration in carrying out programs as specified in the funding table in section 4701.

(b) **AUTHORIZATION OF NEW PLANT PROJECT.**—From funds referred to in subsection (a) that are available for carrying out plant projects, the Secretary of Energy may carry out the following new plant project for the National Nuclear Security Administration:

Project 12-D-301, Transuranic (TRU) Waste Facilities, Los Alamos National Laboratory, Los Alamos, New Mexico, \$9,881,000.

### **SEC. 3102. DEFENSE ENVIRONMENTAL CLEANUP.**

Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 2012 for defense environmental cleanup activities in carrying out programs as specified in the funding table in section 4701.

### **SEC. 3103. OTHER DEFENSE ACTIVITIES.**

Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 2012 for other defense activities in



carrying out programs as specified in the funding table in section 4701.

**Subtitle B—Program Authorizations, Restrictions, and Limitations**

**SEC. 3111. LIMITATION ON AVAILABILITY OF FUNDS FOR ESTABLISHMENT OF CENTERS OF EXCELLENCE ON NUCLEAR SECURITY OUTSIDE OF THE FORMER SOVIET UNION.**

(a) **LIMITATION.**—Of the funds authorized to be appropriated by section 3101 or otherwise made available for fiscal year 2012 for the National Nuclear Security Administration, not more than 25 percent may be obligated or expended to establish a center of excellence on nuclear security in a country that is not a state of the former Soviet Union until the date on which the Secretary of Energy submits to the appropriate congressional committees the report under subsection (b).

(b) **REPORT REQUIRED.**—Not later than 90 days after the date of the enactment of this Act, the Secretary of Energy shall, in consultation with the Secretary of Defense, submit to the appropriate congressional committees a report that includes the following:

(1) An identification of the country in which a center of excellence established under subsection (a) will be located.

(2) A description of the purpose for which the center will be established and the existing capacity of the country in which the center will be located to develop and implement best practices for training for nuclear security.

(3) The extent to which the training and relationship-building activities planned for the center could contribute to improving the historic pattern of the country in which the center will be located with respect to the proliferation of weapons of mass destruction and missiles.

(4) The agreement under which the center will operate.

(5) A funding plan for the center, including—

(A) the amount of funds to be provided by the government of the country in which the center will be located; and

(B) the percentage of the total cost of establishing and operating the center the funds described in subparagraph (A) will cover.

(c) **APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.**—In this section, the term “appropriate congressional committees” means—

(1) the Committee on Armed Services and the Committee on Foreign Affairs of the House of Representatives; and

(2) the Committee on Armed Services and the Committee on Foreign Relations of the Senate.

**SEC. 3112. AIRCRAFT PROCUREMENT.**

Using amounts authorized to be appropriated and made available for obligation under section 3101 for weapons activities for any fiscal year before fiscal year 2013, the Secretary of Energy may procure not more than one aircraft.

**SEC. 3113. HANFORD WASTE TANK CLEANUP PROGRAM REFORMS.**

Section 4442 of the Atomic Energy Defense Act (50 U.S.C. 2622) is amended—

(1) in subsection (b)(2), by striking “, consistent with the policy direction established by the Department, all aspects of the River Protection Project, Richland, Washington” and inserting “all aspects of the River Protection Project, Richland, Washington, including Hanford Tank Farm operations and the Waste Treatment Plant”;

(2) by amending subsection (d) to read as follows:

“(d) **NOTIFICATION.**—The Assistant Secretary of Energy for Environmental Management shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives written notification detailing any changes in the roles, responsibilities, and reporting relationships that involve the Office.”; and

(3) by striking subsections (e) and (f) and inserting the following new subsection:

“(e) **TERMINATION.**—The Office shall terminate on September 30, 2019. The Office may be extended beyond that date if the Assistant Secretary of Energy for Environmental Management determines in writing that termination would disrupt effective management of the Hanford Tank Farm operations.”.

**SEC. 3114. RECOGNITION AND STATUS OF NATIONAL ATOMIC TESTING MUSEUM.**

Section 3137 of the National Defense Authorization Act for Fiscal Years 1992 and 1993 (42 U.S.C. 7142) is amended—

(1) in the section heading, by inserting “**AND NATIONAL ATOMIC TESTING MUSEUM**” after “**ATOMIC MUSEUM**”; and

(2) by adding at the end the following new subsection:

“(d) **RECOGNITION AND STATUS OF NATIONAL ATOMIC TESTING MUSEUM.**—The museum operated by the Nevada Test Site Historical Foundation and located in Las Vegas, Nevada—

“(1) is recognized as the official atomic testing museum of the United States; and

“(2) shall be known as the ‘National Atomic Testing Museum’.”.

**Subtitle C—Reports**

**SEC. 3121. REPEAL OF CERTAIN REPORT REQUIREMENTS.**

(a) **REPEAL OF REPORT REQUIREMENT FOR NUCLEAR CITIES INITIATIVE PROGRAM.**—Section 3132 of the National Defense Authorization Act for Fiscal Year 2002 (Public Law 107–107; 115 Stat. 1366) is repealed.

(b) **REMOVAL OF REPORT REQUIREMENT FOR NONPROLIFERATION INITIATIVE PROGRAM.**—Paragraph (6) of section 4302(a) of the Atomic Energy Defense Act (50 U.S.C. 2562(a)) is amended to read as follows:

“(6) Funds appropriated for the Initiatives for Proliferation Prevention program may not be used to pay any tax or customs duty levied by the government of the Russian Federation. In the event payment of such a tax or customs duty with such funds is unavoidable, the Secretary of Energy shall ensure that sufficient additional funds are provided to the Initiatives for Proliferation Prevention Program to offset the amount of such payment.”.

**SEC. 3122. PROGRESS ON NUCLEAR NON-PROLIFERATION.**

(a) **SENSE OF CONGRESS.**—It is the sense of Congress that—

(1) the spread of nuclear and radiological weapons, or weapons-usable material, technology, equipment, information, and expertise, poses a short- and long-term threat to the security of the United States; and

(2) the nonproliferation efforts of the United States should prioritize the programs which most directly address such threat.

(b) **ANNUAL REPORT.**—

(1) **REPORT.**—Not later than 180 days after the date of the enactment of this Act, and annually thereafter by not later than March 1 of each year through 2016, the Secretary of Energy shall submit to the appropriate congressional committees a report on the strategic plans of the Department of Energy and the National Nuclear Security Administration to prevent the proliferation of mate-

rials, technology, equipment, and expertise related to nuclear and radiological weapons in order to minimize the risk of nuclear terrorism and the proliferation of such weapons.

(2) **MATTERS INCLUDED.**—Each report under paragraph (1) shall include the following:

(A) Progress and challenges in implementing the strategic plans described in paragraph (1), including—

(i) preventing nuclear terrorism by securing and removing highly-enriched uranium and plutonium worldwide;

(ii) converting reactors from highly-enriched uranium to low-enriched uranium in the Russian Federation and other countries;

(iii) providing radiation detection capability at ports and borders;

(iv) securing and removing radiological materials worldwide;

(v) developing and improving technology to—

(I) detect the proliferation and detonation of nuclear weapons;

(II) verify foreign commitments to treaties and agreements with respect to nuclear weapons; and

(III) detect the diversion of nuclear materials, including safeguard technology;

(vi) preventing and countering the proliferation and use of nuclear weapons (including materials, technology, and expertise related to such weapons), including through safeguards, export controls, international regimes, treaties, and agreements;

(vii) disposing of surplus material of both the United States and Russia; and

(viii) preventing the proliferation of nuclear weapons expertise.

(B) An estimate of the budget requirements of the National Nuclear Security Administration, including the costs associated with the implementation of the strategic plans described in paragraph (1) over the 5-year period following the date of the report.

(C) A discussion of the coordination of the programs of the National Nuclear Security Administration with other offices of the Department of Energy and with other agencies and offices of the Federal Government with respect to implementing the strategic plans described in paragraph (1).

(c) **ANNUAL ASSESSMENT.**—Not later than 180 days after the date of the enactment of this Act, and annually thereafter by not later than March 1 of each year through 2016, the Secretary of Energy, in coordination with the Office of Intelligence and Counterintelligence of the Department of Energy, shall submit to the appropriate congressional committees an assessment containing the following:

(1) An assessment of the risk that non-nuclear weapons states may acquire nuclear enrichment or reprocessing technology.

(2) A list, by country and site, reflecting the total amount of known highly-enriched uranium around the world, and an assessment of the vulnerability of such uranium to theft or diversion.

(d) **FORM.**—

(1) **IN GENERAL.**—Except as provided by paragraph (2), each report and assessment under this section shall be submitted in unclassified form, but may include a classified annex.

(2) **LIST.**—Each list under subsection (c)(2) may be in classified form if the Secretary determines it necessary.

(e) **APPROPRIATE CONGRESSIONAL COMMITTEES.**—In this section, the term “appropriate congressional committees” means—



(1) the Committee on Armed Services, the Committee on Appropriations, and the Committee on Foreign Affairs of the House of Representatives; and

(2) the Committee on Armed Services, the Committee on Appropriations, and the Committee on Foreign Relations of the Senate.

**SEC. 3123. REPORTS ON ROLE OF NUCLEAR SECURITY COMPLEX SITES AND POTENTIAL EFFICIENCIES.**

(a) NATIONAL NUCLEAR SECURITY ADMINISTRATION REPORT.—

(1) REPORT REQUIRED.—Not later than March 1, 2013, the Administrator for Nuclear Security shall submit to the congressional defense committees a report—

(A) assessing the role of the nuclear security complex sites in supporting—

(i) a safe, secure, and reliable nuclear deterrent;

(ii) reductions in the nuclear stockpile; and

(iii) the nuclear nonproliferation efforts of the United States; and

(B) identifying any opportunities for efficiencies and cost savings within the nuclear security complex.

(2) MATTERS INCLUDED.—The report under paragraph (1) shall include the following:

(A) An assessment of the role of the nuclear security complex sites, including the national security laboratories, in—

(i) maintaining a safe, secure, and reliable nuclear deterrent;

(ii) supporting reductions in the nuclear stockpile; and

(iii) supporting the nuclear nonproliferation efforts of the United States, including improving verification and detection technology.

(B) An identification of any opportunities for efficiencies within the nuclear security complex and an assessment of how those efficiencies could contribute to cost savings and strengthening safety and security.

(C) An assessment of duplicative functions within the nuclear security complex and a description of which duplicative functions remain necessary and why.

(D) If the Administrator determines it appropriate, an analysis of the potential for shared use or development of high explosives research and development capacity, supercomputing platforms, and infrastructure maintained for Work for Others programs.

(E) A description of the long-term strategic plan for the nuclear security complex.

(b) COMPTROLLER GENERAL REPORT.—Not later than 180 days after the report under subsection (a)(1) is submitted, the Comptroller General of the United States shall submit to the congressional defense committees a report assessing the report submitted by the Administrator for Nuclear Security under subsection (a).

(c) FORM.—The reports required by subsections (a) and (b) shall be submitted in unclassified form, but may include a classified annex.

(d) NUCLEAR SECURITY COMPLEX DEFINED.—In this section, the term “nuclear security complex” means the facilities and laboratories specified in section 4102(g) of the Atomic Energy Defense Act (50 U.S.C. 2512(g)).

**SEC. 3124. NET ASSESSMENT OF HIGH-PERFORMANCE COMPUTING CAPABILITIES OF FOREIGN COUNTRIES.**

(a) ASSESSMENT REQUIRED.—The Director of National Intelligence, in consultation with the Secretary of Defense, the Secretary of Energy, the Administrator for Nuclear Security, and the Secretary of Commerce, shall conduct a net assessment of the high-per-

formance computing capability possessed by foreign countries.

(b) MATTERS COVERED.—The assessment required by subsection (a) shall include—

(1) an analysis of current and expected future capabilities and trends with respect to high-performance computing in the United States and in other countries;

(2) a description of how high-performance computing technology is being used by various countries as compared to the United States;

(3) an evaluation of the similarities and differences in approaches to the innovation, development, and use of high-performance computing among the United States and countries with the most experience, capabilities, or skill with respect to high-performance computing;

(4) estimates of the current and expected future effects of high-performance computing technology on the national security and economic growth of various countries;

(5) recommendations on actions to take to ensure the continued leadership by the United States in high-performance computing and ways to better leverage such technology for innovation, economic growth, and national security; and

(6) such other matters as the Director of National Intelligence considers appropriate.

(c) COORDINATION WITH OTHER AGENCIES.—The Director of National Intelligence shall coordinate the assessment required by subsection (a) with other departments or agencies of the Federal Government as the Director considers appropriate.

(d) REPORT.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Director of National Intelligence shall submit to the appropriate congressional committees a report on the results of the assessment required by subsection (a).

(2) FORM.—The report required under this section shall be submitted in unclassified form, but may include a classified annex.

(3) APPROPRIATE CONGRESSIONAL COMMITTEES.—In this subsection, the term “appropriate congressional committees” means—

(A) the Committee on Armed Services, the Committee on Appropriations, the Committee on Foreign Affairs, the Committee on Energy and Commerce, and the Permanent Select Committee on Intelligence of the House of Representatives; and

(B) the Committee on Armed Services, the Committee on Appropriations, the Committee on Foreign Relations, the Committee on Energy and Natural Resources, the Committee on Banking, Housing, and Urban Affairs, and the Select Committee on Intelligence of the Senate.

**SEC. 3125. REVIEW AND ANALYSIS OF NUCLEAR WASTE REPROCESSING AND NUCLEAR REACTOR TECHNOLOGY.**

(a) STUDY REQUIRED.—The Secretary of Energy, in consultation with the Administrator for Nuclear Security and the Secretary of Defense, as needed, shall conduct a study on waste reprocessing and Generation IV nuclear reactor technology.

(b) ELEMENTS.—The study required under subsection (a) shall include—

(1) a review of previous studies conducted by the Department of Energy and the National Academy of Sciences related to the subject of nuclear waste reprocessing and the use of mixed oxide fuel in nuclear reactors, including Generation IV reactors, as a point of reference;

(2) a determination of the waste streams resulting from reprocessing and the use of mixed oxide fuel;

(3) an analysis of the nuclear proliferation risks of reprocessing and using mixed oxide fuel in nuclear reactors, including effects on the nuclear nonproliferation efforts of the United States;

(4) a comparison of the costs and proliferation risks of nuclear waste reprocessing technologies used in other countries and a comparison to the costs and risks of direct disposal of nuclear waste; and

(5) an analysis, in coordination with the Secretary of Defense, of the feasibility of deploying proven Generation IV reactors or other nuclear technology that could use mixed oxide fuel at military installations.

(c) REPORT REQUIRED.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Energy shall submit to the appropriate congressional committees a report on the study required under subsection (a).

(2) FORM.—The report under paragraph (1) shall be submitted in unclassified form, but may include a classified annex.

(3) APPROPRIATE CONGRESSIONAL COMMITTEES.—In this subsection, the term “appropriate congressional committees” means—

(A) the Committee on Armed Services, the Committee on Energy and Commerce, and the Committee on Foreign Affairs of the House of Representatives; and

(B) the Committee on Armed Services, the Committee on Energy and Natural Resources, and the Committee on Foreign Relations of the Senate.

**Subtitle D—Other Matters**

**SEC. 3131. SENSE OF CONGRESS ON THE USE OF SAVINGS FROM EXCESS AMOUNTS FOR CERTAIN PENSION PLAN CONTRIBUTIONS.**

It is the sense of Congress that—

(1) the employee pension plans maintained by the management and operating contractors managing the national laboratories, plants, and other facilities of the National Nuclear Security Administration and the Office of Environmental Management of the Department of Energy should be fully funded to ensure that pension commitments made to the highly skilled scientists, engineers, and other employees of the nuclear enterprise are kept; and

(2) if economic conditions improve, or efficiencies are identified, so that amounts appropriated for contributions to those pension plans exceed the amounts required by law for those contributions, the Administrator for Nuclear Security or the Assistant Secretary of Energy for Environmental Management should promptly obligate or expend the excess amounts on high priority mission activities of the National Nuclear Security Administration or the Office of Environmental Management, as the case may be.

**TITLE XXXII—DEFENSE NUCLEAR FACILITIES SAFETY BOARD**

Sec. 3201. Authorization.

**SEC. 3201. AUTHORIZATION.**

There are authorized to be appropriated for fiscal year 2012, \$29,130,000 for the operation of the Defense Nuclear Facilities Safety Board under chapter 21 of the Atomic Energy Act of 1954 (42 U.S.C. 2286 et seq.).

**TITLE XXXIV—NAVAL PETROLEUM RESERVES**

Sec. 3401. Authorization of appropriations.

**SEC. 3401. AUTHORIZATION OF APPROPRIATIONS.**

(a) AMOUNT.—There are hereby authorized to be appropriated to the Secretary of Energy \$14,909,000 for fiscal year 2012 for the purpose of carrying out activities under chapter 641 of title 10, United States Code, relating to the naval petroleum reserves.

(b) PERIOD OF AVAILABILITY.—Funds appropriated pursuant to the authorization of appropriations in subsection (a) shall remain available until expended.

#### **TITLE XXXV—MARITIME ADMINISTRATION**

Sec. 3501. Authorization of appropriations for national security aspects of the merchant marine for fiscal year 2012.

Sec. 3502. Use of National Defense Reserve Fleet and Ready Reserve Force vessels.

Sec. 3503. Recruitment authority.

Sec. 3504. Ship scrapping reporting requirement.

#### **SEC. 3501. AUTHORIZATION OF APPROPRIATIONS FOR NATIONAL SECURITY ASPECTS OF THE MERCHANT MARINE FOR FISCAL YEAR 2012.**

Funds are hereby authorized to be appropriated for fiscal year 2012, to be available without fiscal year limitation if so provided in the appropriations Acts, for the use of the Department of Transportation for Maritime Administration programs associated with maintaining national security aspects of the merchant marine, as follows:

(1) For expenses necessary for operations of the United States Merchant Marine Academy, \$93,068,000, of which—

(A) \$64,183,000 shall remain available until expended for Academy operations; and

(B) \$28,885,000 shall remain available until expended for capital asset management at the Academy.

(2) For expenses necessary to support the State maritime academies, \$17,100,000, of which—

(A) \$2,400,000 shall remain available until expended for student incentive payments;

(B) \$3,600,000 shall remain available until expended for direct payments to such academies; and

(C) \$11,100,000 shall remain available until expended for maintenance and repair of State maritime academy training vessels.

(3) For expenses necessary to dispose of vessels in the National Defense Reserve Fleet, \$18,500,000, to remain available until expended.

(4) For expenses to maintain and preserve a United States-flag merchant marine to serve the national security needs of the United States under chapter 531 of title 46, United States Code, \$186,000,000.

(5) For the cost (as defined in section 502(5) of the Federal Credit Reform Act of 1990 (2 U.S.C. 6661a(5)) of loan guarantees under the program authorized by chapter 537 of title 46, United States Code, \$14,260,000, of which \$3,740,000 shall remain available until expended for administrative expenses of the program.

#### **SEC. 3502. USE OF NATIONAL DEFENSE RESERVE FLEET AND READY RESERVE FORCE VESSELS.**

Section 11 of the Merchant Ship Sales Act of 1946 (50 U.S.C. App. 1744(b)) is amended—

(1) in subsection (b), by striking “or” after the semicolon at the end of paragraph (4), striking the period at the end of paragraph (5) and inserting “; or”, and adding at the end the following new paragraph:

“(6) for civil contingency operations and Maritime Administration promotional and media events, in accordance with subsection (f).”; and

(2) by adding at the end the following new subsection:

“(f) USE OF NDRF VESSELS FOR CIVIL CONTINGENCY OPERATIONS AND PROMOTIONAL AND MEDIA EVENTS.—With the concurrence of the Secretary of Defense, the Secretary of Transportation may allow the use of vessels in the National Defense Reserve Fleet (NDRF) for civil contingency operations requested by another Federal agency, and for Maritime Administration promotional and media events relating to demonstration projects and research and development supporting the Administration’s mission, if the Secretary of Transportation determines such use is in the best interest of the Government after considering the following factors:

“(1) AVAILABILITY.—The availability of NDRF or Ready Reserve Force (RRF) resources and the impact of such use on NDRF and RRF mission support to the defense and homeland security requirements of the Government.

“(2) INTERFERENCE.—Whether the such use of vessels will support the mission of the Maritime Administration and not significantly interfere with NDRF vessel maintenance, repair, safety, readiness, and resource availability.

“(3) SAFETY.—Whether safety precautions will be taken, including indemnification of liability when applicable.

“(4) COST.—Whether any costs incurred by such use will be funded as a reimbursable transaction between Federal agencies, as applicable.

“(5) OTHER MATTERS.—Any other matters the Maritime Administrator considers appropriate.”.

#### **SEC. 3503. RECRUITMENT AUTHORITY.**

Section 51301 of title 46, United States Code, is amended—

(1) by inserting “(a) IN GENERAL.—” before the first sentence; and

(2) by adding at the end the following new subsection:

“(b) RECRUITMENT.—The Secretary of Transportation may, subject to the availability of appropriations, expend funds available for United States Merchant Marine Academy operating expenses for recruiting activities, including advertising, in order to obtain recruits for the Academy and cadet applicants.”.

#### **SEC. 3504. SHIP SCRAPPING REPORTING REQUIREMENT.**

Section 3502(f) of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001, as amended by section 3505(a) of the National Defense Authorization Act for Fiscal Year 2006 (119 Stat. 3551), is amended to read as follows:

“(f) BRIEFINGS.—The Maritime Administrator shall, upon request, provide briefings to the Committee on Transportation and Infrastructure, the Committee on Natural Resources, and the Committee on Armed Services of the House of Representatives, and the Committee on Commerce, Science, and Transportation and the Committee on Armed Services of the Senate, on the progress made in recycling vessels, problems encountered with recycling vessels, issues relating to vessel recycling, and other issues relating to vessel recycling and disposal.”.

#### **DIVISION D—FUNDING TABLES**

Sec. 4001. Authorization of amounts in funding tables.

#### **TITLE XLI—PROCUREMENT**

Sec. 4101. Procurement.

Sec. 4102. Procurement for overseas contingency operations.

#### **TITLE XLII—RESEARCH, DEVELOPMENT, TEST, AND EVALUATION**

Sec. 4201. Research, development, test, and evaluation.

Sec. 4202. Research, development, test, and evaluation for overseas contingency operations.

#### **TITLE XLIII—OPERATION AND MAINTENANCE**

Sec. 4301. Operation and maintenance.

Sec. 4302. Operation and maintenance for overseas contingency operations.

#### **TITLE XLIV—MILITARY PERSONNEL**

Sec. 4401. Military personnel.

Sec. 4402. Military personnel for overseas contingency operations.

#### **TITLE XLV—OTHER AUTHORIZATIONS**

Sec. 4501. Other authorizations.

Sec. 4502. Other authorizations for overseas contingency operations.

#### **TITLE XLVI—MILITARY CONSTRUCTION**

Sec. 4601. Military construction.

#### **TITLE XLVII—DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS**

Sec. 4701. Department of Energy national security programs.

#### **SEC. 4001. AUTHORIZATION OF AMOUNTS IN FUNDING TABLES.**

(a) IN GENERAL.—Whenever a funding table in this division specifies a dollar amount authorized for a project, program, or activity, the obligation and expenditure of the specified dollar amount for the project, program, or activity is hereby authorized, subject to the availability of appropriations.

(b) MERIT-BASED DECISIONS.—A decision to commit, obligate, or expend funds with or to a specific entity on the basis of a dollar amount authorized pursuant to subsection (a) shall—

(1) be based on merit-based selection procedures in accordance with the requirements of sections 2304(k) and 2374 of title 10, United States Code, or on competitive procedures; and

(2) comply with other applicable provisions of law.

(c) RELATIONSHIP TO TRANSFER AND PROGRAMMING AUTHORITY.—An amount specified in the funding tables in this division may be transferred or reprogrammed under a transfer or reprogramming authority provided by another provision of this Act or by other law. The transfer or reprogramming of an amount specified in such funding tables shall not count against a ceiling on such transfers or reprogrammings under section 1001 or section 1522 of this Act or any other provision of law, unless such transfer or reprogramming would move funds between appropriation accounts.

(d) APPLICABILITY TO CLASSIFIED ANNEX.—This section applies to any classified annex that accompanies this Act.

(e) ORAL AND WRITTEN COMMUNICATIONS.—No oral or written communication concerning any amount specified in the funding tables in this division shall supersede the requirements of this section.

## TITLE XLI—PROCUREMENT

## SEC. 4101. PROCUREMENT.

SEC. 4101. PROCUREMENT  
(In Thousands of Dollars)

Line	Item	FY 2012 Request	Conference Agreement
<b>AIRCRAFT PROCUREMENT, ARMY</b>			
<b>FIXED WING</b>			
001	UTILITY F/W AIRCRAFT .....	14,572	14,572
003	AERIAL COMMON SENSOR (ACS) (MIP) .....	539,574	0
	Early to Need .....		[-433,574]
	Program Decrease .....		[-106,000]
004	MQ-1 UAV .....	658,798	0
	Transfer to OCO .....		[-550,798]
	Unjustified production ramp .....		[-108,000]
005	RQ-11 (RAVEN) .....	70,762	70,762
<b>ROTARY</b>			
007	HELICOPTER, LIGHT UTILITY (LUH) .....	250,415	250,415
009	AH-64 APACHE BLOCK IIIA REMAN .....	411,005	368,505
	Army offered program reduction .....		[-42,500]
010	Advance Procurement (CY) .....	192,764	192,764
011	Advance Procurement (CY) .....	104,263	104,263
012	UH-60 BLACKHAWK M MODEL (MYP) .....	1,325,666	1,317,666
	Unjustified program management growth .....		[-8,000]
013	Advance Procurement (CY) .....	199,781	199,781
014	CH-47 HELICOPTER .....	1,305,360	1,239,360
	Army requested transfer to APA Line 15 for correct execution .....		[-66,000]
015	Advance Procurement (CY) .....	54,956	120,956
	Army requested transfer from APA Line 14 for correct execution .....		[66,000]
<b>MODIFICATION OF AIRCRAFT</b>			
019	MQ-1 PAYLOAD—UAS .....	136,183	0
	Transfer to OCO .....		[-136,183]
021	GUARDRAIL MODS (MIP) .....	27,575	27,575
022	MULTI SENSOR ABN RECON (MIP) .....	8,362	8,362
023	AH-64 MODS .....	331,230	331,230
024	CH-47 CARGO HELICOPTER MODS (MYP) .....	79,712	57,012
	Cargo and ballistic protection contract delays .....		[-22,700]
025	UTILITY/CARGO AIRPLANE MODS .....	22,107	12,107
	Contract delays .....		[-10,000]
027	UTILITY HELICOPTER MODS .....	80,745	74,745
	Contract delays .....		[-6,000]
028	KIOWA WARRIOR .....	162,052	92,552
	Cockpit and Sensor Upgrade Program ahead of need .....		[-69,500]
030	NETWORK AND MISSION PLAN .....	138,832	136,432
	Aviation Data Exploitation Capability ahead of need .....		[-2,400]
031	COMMS, NAV SURVEILLANCE .....	132,855	117,855
	JTRS Integration ahead of need .....		[-15,000]
032	GATM ROLLUP .....	105,519	105,519
033	RQ-7 UAV MODS .....	126,239	76,239
	Administration recommendation .....		[-50,000]
<b>GROUND SUPPORT AVIONICS</b>			
035	AIRCRAFT SURVIVABILITY EQUIPMENT .....	35,993	35,993
037	CMWS .....	162,811	104,251
	Production and installation contract delays .....		[-58,560]
<b>OTHER SUPPORT</b>			
038	AVIONICS SUPPORT EQUIPMENT .....	4,840	4,840
039	COMMON GROUND EQUIPMENT .....	176,212	114,517
	Aviation Light Utility Mobile Maintenance (ALUMMC) no longer required .....		[-3,287]
	Aviation Sets, Kits, Outfits, Tools contract delay .....		[-58,408]
040	AIRCREW INTEGRATED SYSTEMS .....	82,883	62,746
	Air Soldier System early to need .....		[-20,137]
041	AIR TRAFFIC CONTROL .....	114,844	114,844
042	INDUSTRIAL FACILITIES .....	1,593	1,593
043	LAUNCHER, 2.75 ROCKET .....	2,878	2,878
	<b>TOTAL AIRCRAFT PROCUREMENT, ARMY</b> .....	<b>7,061,381</b>	<b>5,360,334</b>
<b>MISSILE PROCUREMENT, ARMY</b>			
<b>SURFACE-TO-AIR MISSILE SYSTEM</b>			
001	PATRIOT SYSTEM SUMMARY .....	662,231	662,231
002	MSE MISSILE/PAC-3 .....	74,953	74,953
<b>AIR-TO-SURFACE MISSILE SYSTEM</b>			
004	HELLFIRE SYS SUMMARY .....	1,410	1,410
<b>ANTI-TANK/ASSAULT MISSILE SYS</b>			
005	JAVELIN (AAWS-M) SYSTEM SUMMARY .....	160,767	160,767
006	TOW 2 SYSTEM SUMMARY .....	61,676	58,676
	Unit cost efficiencies .....		[-3,000]
007	Advance Procurement (CY) .....	19,886	19,886
009	GUIDED MLRS ROCKET (GMLRS) .....	314,167	314,167
010	MLRS REDUCED RANGE PRACTICE ROCKETS (RRPR) .....	18,175	18,175
011	HIGH MOBILITY ARTILLERY ROCKET SYSTEM (HIMARS) .....	31,674	31,674

**SEC. 4101. PROCUREMENT**  
**(In Thousands of Dollars)**

<b>Line</b>	<b>Item</b>	<b>FY 2012 Request</b>	<b>Conference Agreement</b>
<b>MODIFICATIONS</b>			
012	PATRIOT MODS .....	66,925	66,925
013	STINGER MODS .....	14,495	0
	Procurement early to need .....		[-4,495]
	Transfer at Army request to RDTE Army PE 23801A .....		[-10,000]
014	ITAS/TOW MODS .....	13,577	13,577
015	MLRS MODS .....	8,236	8,236
016	HIMARS MODIFICATIONS .....	11,670	11,670
<b>SPARES AND REPAIR PARTS</b>			
018	SPARES AND REPAIR PARTS .....	8,700	8,700
<b>SUPPORT EQUIPMENT &amp; FACILITIES</b>			
019	AIR DEFENSE TARGETS .....	3,674	3,674
020	ITEMS LESS THAN \$5.0M (MISSILES) .....	1,459	1,459
021	PRODUCTION BASE SUPPORT .....	5,043	5,043
	<b>TOTAL MISSILE PROCUREMENT, ARMY</b> .....	<b>1,478,718</b>	<b>1,461,223</b>
<b>PROCUREMENT OF W&amp;TCV, ARMY</b>			
<b>TRACKED COMBAT VEHICLES</b>			
001	STRYKER VEHICLE .....	632,994	606,894
	Prior year unobligated funds available .....		[-26,100]
<b>MODIFICATION OF TRACKED COMBAT VEHICLES</b>			
005	STRYKER (MOD) .....	52,797	51,497
	Excess program management .....		[-1,300]
006	FIST VEHICLE (MOD) .....	43,962	35,082
	Funding ahead of need .....		[-8,880]
007	BRADLEY PROGRAM (MOD) .....	250,710	250,710
008	HOWITZER, MED SP FT 155MM M109A6 (MOD) .....	46,876	46,876
009	IMPROVED RECOVERY VEHICLE (M88A2 HERCULES) .....	10,452	7,452
	Excess contractor engineering .....		[-3,000]
010	ASSAULT BREACHER VEHICLE .....	99,904	97,004
	Unjustified growth in matrix support and engineering change proposals .....		[-2,900]
011	M88 FOV MODS .....	32,483	32,483
013	M1 ABRAMS TANK (MOD) .....	160,578	131,178
	Unjustified technical support costs .....		[-29,400]
014	ABRAMS UPGRADE PROGRAM .....	181,329	436,329
	Program increase to add 49 tanks to bridge production gap .....		[255,000]
<b>SUPPORT EQUIPMENT &amp; FACILITIES</b>			
015	PRODUCTION BASE SUPPORT (TCV-WTCV) .....	1,073	1,073
<b>WEAPONS &amp; OTHER COMBAT VEHICLES</b>			
017	INTEGRATED AIR BURST WEAPON SYSTEM FAMILY .....	16,046	0
	Transfer at Army's request to RDTE, Army PE 64601A .....		[-16,046]
019	MACHINE GUN, CAL .50 M2 ROLL .....	65,102	0
	Transfer at Army request to WTCV line 34 .....		[-34,000]
	Transfer to OCO .....		[-31,102]
020	LIGHTWEIGHT .50 CALIBER MACHINE GUN .....	28,796	13,930
	Army revised lower quantity .....		[-13,166]
	Transfer at Army request to RDTE Army PE 64601A .....		[-1,700]
023	MORTAR SYSTEMS .....	12,477	10,177
	Excess production engineering .....		[-2,300]
025	XM320 GRENADE LAUNCHER MODULE (GLM) .....	12,055	12,055
027	M4 CARBINE .....	35,015	35,015
028	SHOTGUN, MODULAR ACCESSORY SYSTEM (MASS) .....	6,707	6,707
031	HOWITZER LT WT 155MM (T) .....	13,066	13,066
<b>MOD OF WEAPONS AND OTHER COMBAT VEH</b>			
033	M4 CARBINE MODS .....	25,092	25,092
034	M2 50 CAL MACHINE GUN MODS .....	14,856	48,856
	Transfer at Army request from WTCV line 19 .....		[34,000]
035	M249 SAW MACHINE GUN MODS .....	8,480	8,480
036	M240 MEDIUM MACHINE GUN MODS .....	15,718	15,718
037	SNIPER RIFLES MODIFICATIONS .....	1,994	1,994
038	M119 MODIFICATIONS .....	38,701	38,701
039	M16 RIFLE MODS .....	3,476	3,476
041	MODIFICATIONS LESS THAN \$5.0M (WOCV-WTCV) .....	2,973	2,973
<b>SUPPORT EQUIPMENT &amp; FACILITIES</b>			
043	PRODUCTION BASE SUPPORT (WOCV-WTCV) .....	10,080	10,080
044	INDUSTRIAL PREPAREDNESS .....	424	424
045	SMALL ARMS EQUIPMENT (SOLDIER ENH PROG) .....	2,453	2,453
<b>SPARES</b>			
046	SPARES AND REPAIR PARTS (WTCV) .....	106,843	106,843
	<b>TOTAL PROCUREMENT OF W&amp;TCV, ARMY</b> .....	<b>1,933,512</b>	<b>2,052,618</b>
<b>PROCUREMENT OF AMMUNITION, ARMY</b>			
<b>SMALL/MEDIUM CAL AMMUNITION</b>			
001	CTG, 5.56MM, ALL TYPES .....	210,758	210,758
002	CTG, 7.62MM, ALL TYPES .....	83,730	83,730
004	CTG, HANDGUN, ALL TYPES .....	9,064	7,064
	Funding ahead of need .....		[-2,000]
005	CTG, .50 CAL, ALL TYPES .....	131,775	131,775
007	CTG, 25MM, ALL TYPES .....	14,894	13,694

**SEC. 4101. PROCUREMENT**  
**(In Thousands of Dollars)**

<b>Line</b>	<b>Item</b>	<b>FY 2012 Request</b>	<b>Conference Agreement</b>
	Prior year funds available .....		[-1,200]
008	OBJECTIVE FAMILY OF WEAPONS AMMUNITION, ALL T .....	3,399	0
	Funding ahead of need .....		[-3,399]
009	CTG, 30MM, ALL TYPES .....	118,966	105,966
	Program growth adjustment .....		[-13,000]
010	CTG, 40MM, ALL TYPES .....	84,799	82,599
	Excess production engineering .....		[-2,200]
	<b>MORTAR AMMUNITION</b>		
012	60MM MORTAR, ALL TYPES .....	31,287	31,287
013	81MM MORTAR, ALL TYPES .....	12,187	12,187
014	120MM MORTAR, ALL TYPES .....	108,416	106,916
	Excess production engineering .....		[-1,500]
	<b>TANK AMMUNITION</b>		
015	CARTRIDGES, TANK, 105MM AND 120MM, ALL TYPES .....	105,704	65,205
	Pricing adjustment .....		[-40,000]
	Unjustified request .....		[-499]
	<b>ARTILLERY AMMUNITION</b>		
017	ARTILLERY CARTRIDGES, 75MM AND 105MM, ALL TYP .....	103,227	103,227
019	ARTILLERY PROJECTILE, 155MM, ALL TYPES .....	32,887	32,887
020	PROJ 155MM EXTENDED RANGE XM982 .....	69,074	58,074
	Program restructure .....		[-11,000]
021	ARTILLERY PROPELLANTS, FUZES AND PRIMERS, ALL .....	48,205	46,705
	Pricing adjustment .....		[-1,500]
	<b>MINES</b>		
023	MINES & CLEARING CHARGES, ALL TYPES .....	2,518	2,518
	<b>NETWORKED MUNITIONS</b>		
025	SPIDER NETWORK MUNITIONS, ALL TYPES .....	43,123	43,123
	<b>ROCKETS</b>		
027	SHOULDER LAUNCHED MUNITIONS, ALL TYPES .....	19,254	17,854
	Excess production engineering .....		[-1,400]
028	ROCKET, HYDRA 70, ALL TYPES .....	127,265	123,865
	Excess production engineering .....		[-3,400]
	<b>OTHER AMMUNITION</b>		
029	DEMOLITION MUNITIONS, ALL TYPES .....	53,685	38,685
	Program growth adjustment .....		[-15,000]
030	GRENADES, ALL TYPES .....	42,558	42,558
031	SIGNALS, ALL TYPES .....	26,173	26,173
032	SIMULATORS, ALL TYPES .....	14,108	14,108
033	ALL OTHER (AMMO) .....	50	50
	<b>MISCELLANEOUS</b>		
034	AMMO COMPONENTS, ALL TYPES .....	18,296	18,296
035	NON-LETHAL AMMUNITION, ALL TYPES .....	14,864	14,864
036	CAD/PAD ALL TYPES .....	5,449	5,449
037	ITEMS LESS THAN \$5 MILLION .....	11,009	11,009
038	AMMUNITION PECULIAR EQUIPMENT .....	24,200	24,200
039	FIRST DESTINATION TRANSPORTATION (AMMO) .....	13,711	13,711
040	CLOSEOUT LIABILITIES .....	103	0
	Prior year funds available .....		[-103]
	<b>PRODUCTION BASE SUPPORT</b>		
041	PROVISION OF INDUSTRIAL FACILITIES .....	199,841	199,841
042	LAYAWAY OF INDUSTRIAL FACILITIES .....	9,451	9,451
043	MAINTENANCE OF INACTIVE FACILITIES .....	5,533	5,533
044	CONVENTIONAL MUNITIONS DEMILITARIZATION, ALL .....	189,789	177,789
	Contract award delay .....		[-12,000]
045	ARMS INITIATIVE .....	3,273	3,273
	<b>TOTAL PROCUREMENT OF AMMUNITION, ARMY</b> .....	<b>1,992,625</b>	<b>1,884,424</b>
	<b>OTHER PROCUREMENT, ARMY</b>		
	<b>TACTICAL VEHICLES</b>		
002	SEMITRAILERS, FLATBED: .....	13,496	596
	Early to need .....		[-12,900]
005	FAMILY OF MEDIUM TACTICAL VEH (FMTV) .....	432,936	422,936
	Unjustified program management cost growth .....		[-10,000]
006	FIRETRUCKS & ASSOCIATED FIREFIGHTING EQUIP .....	21,930	21,930
007	FAMILY OF HEAVY TACTICAL VEHICLES (FHTV) .....	627,294	597,794
	Exceeds annual manufacturing capability .....		[-27,000]
	Excessive program management and engineering change orders .....		[-2,500]
008	PLS ESP .....	251,667	251,667
010	MINE PROTECTION VEHICLE FAMILY .....	56,671	56,671
012	TRUCK, TRACTOR, LINE HAUL, M915/M916 .....	1,461	0
	Prior year unobligated funds available .....		[-1,461]
013	HVY EZPANDED MOBILE TACTICAL TRUCK EXT SERV .....	156,747	156,747
014	HMMWV RECAPITALIZATION PROGRAM .....	161,631	4,313
	Funding provided in approved prior year reprogramming action .....		[-157,318]
015	TACTICAL WHEELED VEHICLE PROTECTION KITS .....	39,908	39,908
016	MODIFICATION OF IN SVC EQUIP .....	362,672	344,772
	Excessive program support costs .....		[-14,000]
	HMMWV installation early to need .....		[-3,900]
017	MINE-RESISTANT AMBUSH-PROTECTED (MRAP) MODS .....	142,862	127,862

**SEC. 4101. PROCUREMENT**  
**(In Thousands of Dollars)**

<b>Line</b>	<b>Item</b>	<b>FY 2012 Request</b>	<b>Conference Agreement</b>
	Excessive program support costs .....		[-15,000]
020	AMC CRITICAL ITEMS, OPA1 .....	20,156	0
	Unjustified request .....		[-20,156]
	<b>NON-TACTICAL VEHICLES</b>		
021	HEAVY ARMORED SEDAN .....	1,161	1,161
022	PASSENGER CARRYING VEHICLES .....	3,222	3,222
023	NONTACTICAL VEHICLES, OTHER .....	19,869	19,869
	<b>COMM—JOINT COMMUNICATIONS</b>		
024	JOINT COMBAT IDENTIFICATION MARKING SYSTEM .....	9,984	9,984
025	WIN-T—GROUND FORCES TACTICAL NETWORK .....	974,186	865,186
	Increment 2 contract delay .....		[-109,000]
026	JCSE EQUIPMENT (USREDCOM) .....	4,826	4,826
	<b>COMM—SATELLITE COMMUNICATIONS</b>		
028	DEFENSE ENTERPRISE WIDEBAND SATCOM SYSTEMS .....	123,859	123,859
029	SHF TERM .....	8,910	8,249
	Full funding for engineering change proposals in prior years .....		[-661]
031	NAVSTAR GLOBAL POSITIONING SYSTEM (SPACE) .....	29,568	26,368
	Fielding cost growth .....		[-3,200]
032	SMART-T (SPACE) .....	49,704	49,704
033	SCAMP (SPACE) .....	2,415	2,415
034	GLOBAL BRDCST SVC—GBS .....	73,374	64,774
	Excessive unit cost growth .....		[-8,600]
035	MOD OF IN-SVC EQUIP (TAC SAT) .....	31,799	31,799
	<b>COMM—COMBAT SUPPORT COMM</b>		
036	MOD-IN-SERVICE PROFILER .....	969	969
	<b>COMM—C3 SYSTEM</b>		
037	ARMY GLOBAL CMD & CONTROL SYS (AGCCS) .....	18,788	18,788
	<b>COMM—COMBAT COMMUNICATIONS</b>		
038	ARMY DATA DISTRIBUTION SYSTEM (DATA RADIO) .....	3,994	3,994
039	JOINT TACTICAL RADIO SYSTEM .....	775,832	427,099
	Airborne, Maritime, Fixed Station program delay .....		[-106,000]
	Army requested transfer to RDTE Navy line 100 .....		[-51,000]
	Ground Mobile Radio program restructure .....		[-153,833]
	Program Decrease - Maritime/Fixed Station .....		[-37,900]
040	RADIO TERMINAL SET, MIDS LVT(2) .....	8,336	8,336
041	SINCGARS FAMILY .....	4,992	500
	Prior year unobligated funds available .....		[-4,492]
043	TRACTOR DESK .....	10,827	10,827
045	SPIDER APLA REMOTE CONTROL UNIT .....	36,224	36,224
047	SOLDIER ENHANCEMENT PROGRAM COMM/ELECTRONICS .....	1,843	1,843
049	GUNSHOT DETECTION SYSTEM (GDS) .....	3,939	1,000
	Early to need .....		[-2,939]
050	RADIO, IMPROVED HF (COTS) FAMILY .....	38,535	38,535
051	MEDICAL COMM FOR CBT CASUALTY CARE (MC4) .....	26,232	26,232
	<b>COMM—INTELLIGENCE COMM</b>		
053	CI AUTOMATION ARCHITECTURE .....	1,547	1,547
054	CIVIL AFFAIRS/INFO OPS .....	28,266	28,266
	<b>INFORMATION SECURITY</b>		
055	TSEC—ARMY KEY MGT SYS (AKMS) .....	12,541	12,541
056	INFORMATION SYSTEM SECURITY PROGRAM-ISSP .....	39,349	37,022
	Army requested transfer to line 56a .....		[-2,327]
056A	FAMILY OF BIOMETRICS .....		2,327
	Army requested transfer from line 56 .....		[2,327]
	<b>COMM—LONG HAUL COMMUNICATIONS</b>		
057	TERRESTRIAL TRANSMISSION .....	2,232	2,232
058	BASE SUPPORT COMMUNICATIONS .....	37,780	37,780
059	WW TECH CON IMP PROG (WWTCIP) .....	12,805	12,805
	<b>COMM—BASE COMMUNICATIONS</b>		
060	INFORMATION SYSTEMS .....	187,227	131,227
	Prior year unobligated funds available .....		[-56,000]
061	DEFENSE MESSAGE SYSTEM (DMS) .....	4,393	4,393
062	INSTALLATION INFO INFRASTRUCTURE MOD PROGRAM( .....	310,761	310,761
063	PENTAGON INFORMATION MGT AND TELECOM .....	4,992	4,992
	<b>ELECT EQUIP—TACT INT REL ACT (TIARA)</b>		
066	JTT/CIBS-M .....	4,657	4,657
067	PROPHET GROUND .....	72,041	72,041
070	DCGS-A (MIP) .....	144,548	124,548
	Unjustified growth .....		[-20,000]
071	JOINT TACTICAL GROUND STATION (JTAGS) .....	1,199	1,199
072	TROJAN (MIP) .....	32,707	32,707
073	MOD OF IN-SVC EQUIP (INTEL SPT) (MIP) .....	9,163	9,163
074	CI HUMINT AUTO REPRING AND COLL(CHARCS) (MIP) .....	3,493	3,493
075	ITEMS LESS THAN \$5.0M (MIP) .....	802	802
	<b>ELECT EQUIP—ELECTRONIC WARFARE (EW)</b>		
076	LIGHTWEIGHT COUNTER MORTAR RADAR .....	33,810	33,810
077	CREW .....	24,104	0
	Requirement met with prior year funds .....		[-24,104]
080	COUNTERINTELLIGENCE/SECURITY COUNTERMEASURES .....	1,252	1,252
081	CI MODERNIZATION .....	1,332	1,332

**SEC. 4101. PROCUREMENT**  
**(In Thousands of Dollars)**

<b>Line</b>	<b>Item</b>	<b>FY 2012 Request</b>	<b>Conference Agreement</b>
<b>ELECT EQUIP—TACTICAL SURV. (TAC SURV)</b>			
082	FAAD GBS .....	7,958	3,958
	Violates full funding .....		[-4,000]
083	SENTINEL MODS .....	41,657	41,657
084	SENSE THROUGH THE WALL (STTW) .....	47,498	47,498
085	NIGHT VISION DEVICES .....	156,204	156,204
086	LONG RANGE ADVANCED SCOUT SURVEILLANCE SYSTEM .....	102,334	102,334
087	NIGHT VISION, THERMAL WPN SIGHT .....	186,859	186,859
088	SMALL TACTICAL OPTICAL RIFLE MOUNTED MLRF .....	10,227	10,227
090	COUNTER-ROCKET, ARTILLERY & MORTAR (C-RAM) .....	15,774	15,774
092	GREEN LASER INTERDICTION SYSTEM .....	25,356	25,356
095	PROFILER .....	3,312	3,312
096	MOD OF IN-SVC EQUIP (FIREFINDER RADARS) .....	3,005	3,005
098	JOINT BATTLE COMMAND—PLATFORM (JBC-P) .....	69,514	69,514
099	LIGHTWEIGHT LASER DESIGNATOR/RANGEFINDER .....	58,042	58,042
101	MORTAR FIRE CONTROL SYSTEM .....	21,022	17,022
	Unjustified request .....		[-4,000]
102	COUNTERFIRE RADARS .....	227,629	227,629
103	ARMS CONTROL ENHANCED SENSOR & MONITORING SYSTEM .....	2,226	2,226
<b>ELECT EQUIP—TACTICAL C2 SYSTEMS</b>			
104	TACTICAL OPERATIONS CENTERS .....	54,907	54,907
105	FIRE SUPPORT C2 FAMILY .....	54,223	54,223
106	BATTLE COMMAND SUSTAINMENT SUPPORT SYSTEM (BC) .....	12,454	12,454
107	FAAD C2 .....	5,030	5,030
108	AIR & MSL DEFENSE PLANNING & CONTROL SYS .....	62,710	62,710
109	KNIGHT FAMILY .....	51,488	46,488
	Program growth adjustment .....		[-5,000]
110	LIFE CYCLE SOFTWARE SUPPORT (LCSS) .....	1,807	1,807
111	AUTOMATIC IDENTIFICATION TECHNOLOGY .....	28,924	27,324
	Unjustified request .....		[-1,600]
115	MANEUVER CONTROL SYSTEM (MCS) .....	34,031	34,031
116	SINGLE ARMY LOGISTICS ENTERPRISE (SALE) .....	210,312	124,026
	Army identified excess .....		[-15,000]
	Army requested transfer to OMA Budget Activity 04 .....		[-9,251]
	Army requested transfer to OPA line 119 .....		[-1,795]
	Army requested transfer to RDTE Army line 177 .....		[-60,240]
117	RECONNAISSANCE AND SURVEYING INSTRUMENT SET .....	19,113	19,113
<b>ELECT EQUIP—AUTOMATION</b>			
119	GENERAL FUND ENTERPRISE BUSINESS SYSTEM .....	23,664	25,459
	Army requested transfer from OPA line 116 .....		[1,795]
120	ARMY TRAINING MODERNIZATION .....	11,192	11,192
121	AUTOMATED DATA PROCESSING EQUIP .....	220,250	174,772
	Army identified excess .....		[-10,478]
	Prior year unobligated funds available .....		[-35,000]
122	CSS COMMUNICATIONS .....	39,310	39,310
123	RESERVE COMPONENT AUTOMATION SYS (RCAS) .....	41,248	41,248
<b>ELECT EQUIP—AUDIO VISUAL SYS (A/V)</b>			
124	ITEMS LESS THAN \$5.0M (A/V) .....	10,437	10,437
125	ITEMS LESS THAN \$5M (SURVEYING EQUIPMENT) .....	7,480	4,395
	Excessive design engineering costs .....		[-3,085]
<b>ELECT EQUIP—SUPPORT</b>			
126	PRODUCTION BASE SUPPORT (C-E) .....	571	571
127	BCT NETWORK .....		0
<b>CLASSIFIED PROGRAMS</b>			
<b>UNDISTRIBUTED</b>			
127A	CLASSIFIED PROGRAMS .....	4,273	4,273
127U	UNDISTRIBUTED OPA2 .....		0
<b>CHEMICAL DEFENSIVE EQUIPMENT</b>			
129	FAMILY OF NON-LETHAL EQUIPMENT (FNLE) .....	8,636	5,213
	Acoustic hailing device contract delay .....		[-3,423]
130	BASE DEFENSE SYSTEMS (BDS) .....	41,204	41,204
131	CBRN SOLDIER PROTECTION .....	10,700	10,700
132	SMOKE & OBSCURANT FAMILY: SOF (NON AAO ITEM) .....	362	362
<b>BRIDGING EQUIPMENT</b>			
133	TACTICAL BRIDGING .....	77,428	77,428
134	TACTICAL BRIDGE, FLOAT-RIBBON .....	49,154	45,454
	Excessive program support cost growth .....		[-3,700]
<b>ENGINEER (NON-CONSTRUCTION) EQUIPMENT</b>			
135	HANDHELD STANDOFF MINEFIELD DETECTION SYS-HST .....	39,263	39,263
136	GRND STANDOFF MINE DETECTN SYSM (GSTAMIDS) .....	20,678	20,678
137	ROBOTIC COMBAT SUPPORT SYSTEM (RCSS) .....	30,297	22,297
	M160 incremental funding .....		[-8,000]
138	EXPLOSIVE ORDNANCE DISPOSAL EQPMT (EOD EQPMT) .....	17,626	17,626
139	REMOTE DEMOLITION SYSTEMS .....	14,672	14,672
140	< \$5M, COUNTERMINE EQUIPMENT .....	7,352	7,352
<b>COMBAT SERVICE SUPPORT EQUIPMENT</b>			
142	HEATERS AND ECU'S .....	10,109	10,109
144	SOLDIER ENHANCEMENT .....	9,591	9,591
146	PERSONNEL RECOVERY SUPPORT SYSTEM (PRSS) .....	8,509	8,509



**SEC. 4101. PROCUREMENT**  
*(In Thousands of Dollars)*

<b>Line</b>	<b>Item</b>	<b>FY 2012 Request</b>	<b>Conference Agreement</b>
147	GROUND SOLDIER SYSTEM .....	184,072	63,500
	Army requested transfer to RDTE Army line 119 .....		[-13,100]
	Program delay .....		[-107,472]
148	MOUNTED SOLDIER SYSTEM .....	43,419	5,000
	Army offered program reduction .....		[-38,419]
150	FIELD FEEDING EQUIPMENT .....	26,860	26,860
151	CARGO AERIAL DEL & PERSONNEL PARACHUTE SYSTEM .....	68,392	68,392
152	MOBILE INTEGRATED REMAINS COLLECTION SYSTEM: .....	7,384	7,384
153	FAMILY OF ENGR COMBAT AND CONSTRUCTION SETS .....	54,190	54,190
154	ITEMS LESS THAN \$5M (ENG SPT) .....	12,482	12,482
	<b>PETROLEUM EQUIPMENT</b>		
156	DISTRIBUTION SYSTEMS, PETROLEUM & WATER .....	75,457	75,457
	<b>MEDICAL EQUIPMENT</b>		
158	COMBAT SUPPORT MEDICAL .....	53,450	53,450
	<b>MAINTENANCE EQUIPMENT</b>		
159	MOBILE MAINTENANCE EQUIPMENT SYSTEMS .....	16,572	16,572
160	ITEMS LESS THAN \$5.0M (MAINT EQ) .....	3,852	3,852
	<b>CONSTRUCTION EQUIPMENT</b>		
161	GRADER, ROAD MTZD, HVY, 6X4 (CCE) .....	2,201	2,201
162	SKID STEER LOADER (SSL) FAMILY OF SYSTEM .....	8,584	3,984
	Excessive unit cost and program support cost growth .....		[-4,600]
163	SCRAPERS, EARTHMOVING .....	21,031	21,031
164	MISSION MODULES - ENGINEERING .....	43,432	43,432
165	COMPACTOR .....	2,859	2,859
168	TRACTOR, FULL TRACKED .....	59,534	50,434
	Unjustified program support cost growth .....		[-9,100]
169	PLANT, ASPHALT MIXING .....	8,314	614
	Prior year unobligated funds available .....		[-7,700]
170	HIGH MOBILITY ENGINEER EXCAVATOR TYPE - FOS .....	18,974	18,974
171	ENHANCED RAPID AIRFIELD CONSTRUCTION CAPA .....	15,833	0
	Unexecutable acquisition strategy .....		[-15,833]
172	CONST EQUIP ESP .....	9,771	9,771
173	ITEMS LESS THAN \$5.0M (CONST EQUIP) .....	12,654	12,654
	<b>RAIL FLOAT CONTAINERIZATION EQUIPMENT</b>		
174	JOINT HIGH SPEED VESSEL (JHSV) .....	223,845	0
	Army requested transfer to SC,N line 17 .....		[-187,226]
	Excess to need .....		[-36,619]
176	ITEMS LESS THAN \$5.0M (FLOAT/RAIL) .....	10,175	10,175
	<b>GENERATORS</b>		
177	GENERATORS AND ASSOCIATED EQUIP .....	31,897	31,897
	<b>MATERIAL HANDLING EQUIPMENT</b>		
179	FAMILY OF FORKLIFTS .....	10,944	10,944
180	ALL TERRAIN LIFTING ARMY SYSTEM .....	21,859	21,859
	<b>TRAINING EQUIPMENT</b>		
181	COMBAT TRAINING CENTERS SUPPORT .....	133,178	46,117
	Army offered program reduction .....		[-87,061]
182	TRAINING DEVICES, NONSYSTEM .....	168,392	168,392
183	CLOSE COMBAT TACTICAL TRAINER .....	17,760	13,290
	Prior year unobligated funds available .....		[-4,470]
184	AVIATION COMBINED ARMS TACTICAL TRAINER .....	9,413	9,413
	<b>TEST MEASURE AND DIG EQUIPMENT (TMD)</b>		
186	CALIBRATION SETS EQUIPMENT .....	13,618	13,618
187	INTEGRATED FAMILY OF TEST EQUIPMENT (IFTE) .....	49,437	36,937
	Prior year unobligated funds available .....		[-12,500]
188	TEST EQUIPMENT MODERNIZATION (TEMOD) .....	30,451	30,451
	<b>OTHER SUPPORT EQUIPMENT</b>		
189	RAPID EQUIPPING SOLDIER SUPPORT EQUIPMENT .....	4,923	4,923
190	PHYSICAL SECURITY SYSTEMS (OPA3) .....	69,316	19,606
	Prior year unobligated funds available .....		[-49,710]
191	BASE LEVEL COMMON EQUIPMENT .....	1,591	1,591
192	MODIFICATION OF IN-SVC EQUIPMENT (OPA-3) .....	72,271	72,271
193	PRODUCTION BASE SUPPORT (OTH) .....	2,325	2,325
194	SPECIAL EQUIPMENT FOR USER TESTING .....	17,411	17,411
195	AMC CRITICAL ITEMS OPA3 .....	34,500	34,500
196	TRACTOR YARD .....	3,740	3,740
197	BCT UNMANNED GROUND VEHICLE .....	24,805	24,805
198	BCT TRAINING/LOGISTICS/MANAGEMENT .....	149,308	26,008
	Program cancellation .....		[-123,300]
199	BCT TRAINING/LOGISTICS/MANAGEMENT INC 2 .....	57,103	0
	Program cancellation .....		[-57,103]
200	BCT UNMANNED GROUND VEHICLE INC 2 .....	11,924	0
	Program cancellation .....		[-11,924]
	<b>OPA2</b>		
201	INITIAL SPARES - C&E .....	21,647	21,647
	<b>TOTAL OTHER PROCUREMENT, ARMY</b> .....	<b>9,682,592</b>	<b>7,911,714</b>
	<b>JOINT IMPR EXPLOSIVE DEV DEFEAT FUND</b>		
	<b>STAFF AND INFRASTRUCTURE</b>		
004	OPERATIONS .....	220,634	0

**SEC. 4101. PROCUREMENT**  
(In Thousands of Dollars)

<i>Line</i>	<i>Item</i>	<i>FY 2012 Request</i>	<i>Conference Agreement</i>
	Transfer to OCO: JIEDDO Operations .....		[-220,634]
	<b>TOTAL JOINT IMPR EXPLOSIVE DEV DEFEAT FUND .....</b>	<b>220,634</b>	<b>0</b>
	<b>AIRCRAFT PROCUREMENT, NAVY</b>		
	<b>COMBAT AIRCRAFT</b>		
001	EA-18G .....	1,079,364	994,596
	Avionics PGSE cost growth .....		[-36,000]
	CFE Electronics cost growth .....		[-26,600]
	Engine cost growth .....		[-9,168]
	Other ILS cost growth .....		[-6,000]
	Reduce Engineering Change Orders (ECO) to fiscal year 2010 levels .....		[-7,000]
002	Advance Procurement (CY) .....	28,119	28,119
003	F/A-18E/F (FIGHTER) HORNET .....	2,366,752	2,240,184
	Armament cost growth .....		[-2,548]
	CFE Electronics cost growth .....		[-15,540]
	ECO excess .....		[-21,000]
	Engine cost growth .....		[-15,000]
	Government furnished equipment engine cost growth .....		[-4,480]
	Multi-year procurement savings .....		[-68,000]
004	Advance Procurement (CY) .....	64,962	63,262
	Airframe termination liability growth .....		[-1,700]
005	JOINT STRIKE FIGHTER CV .....	1,503,096	1,448,096
	Engineering change order carryover .....		[-20,000]
	Logistic support growth .....		[-5,000]
	Peculiar ground support equipment growth .....		[-30,000]
006	Advance Procurement (CY) .....	217,666	109,066
	Reduce advance procurement .....		[-108,600]
007	JSF STOVL .....	1,141,933	1,141,933
008	Advance Procurement (CY) .....	117,229	117,229
009	V-22 (MEDIUM LIFT) .....	2,224,817	2,199,317
	Reduce ECO .....		[-10,500]
	Support funding carryover .....		[-15,000]
010	Advance Procurement (CY) .....	84,008	63,768
	Advance procurement equipment cost growth .....		[-20,240]
011	UH-1Y/AH-1Z .....	700,306	652,561
	AH-1Z (new build) GFE Electronics cost growth .....		[-2,345]
	AH-1Z (remanufacture) airframe cost growth .....		[-9,400]
	Reduce ECO .....		[-6,000]
	Unjustified support increase .....		[-30,000]
012	Advance Procurement (CY) .....	68,310	56,750
	Excess advance procurement .....		[-11,560]
013	MH-60S (MYP) .....	408,921	400,621
	Support funding carryover .....		[-8,300]
014	Advance Procurement (CY) .....	74,040	74,040
015	MH-60R .....	791,025	775,525
	Reduce ECO .....		[-4,200]
	Support funding carryover .....		[-11,300]
016	Advance Procurement (CY) .....	209,431	209,431
017	P-8A POSEIDON .....	2,018,851	2,008,851
	Support funding increase .....		[-10,000]
018	Advance Procurement (CY) .....	256,594	244,894
	Excess advance procurement .....		[-11,700]
019	E-2D ADV HAWKEYE .....	914,892	886,892
	Excess funding reserve .....		[-20,000]
	Support funding carryover .....		[-8,000]
020	Advance Procurement (CY) .....	157,942	157,942
	<b>TRAINER AIRCRAFT</b>		
022	JPATS .....	266,906	256,906
	Excess ECO .....		[-10,000]
	<b>OTHER AIRCRAFT</b>		
024	KC-130J .....	87,288	87,288
026	MQ-8 UAV .....	191,986	191,986
027	STUASLO UAV .....	12,772	0
	Low rate initial production contract award slip .....		[-12,772]
	<b>MODIFICATION OF AIRCRAFT</b>		
029	EA-6 SERIES .....	27,734	27,734
030	AEA SYSTEMS .....	34,065	31,765
	Air launched decoy jammer .....		[-2,300]
031	AV-8 SERIES .....	30,762	29,162
	Non-recurring installation funding unjustified increase .....		[-1,600]
032	F-18 SERIES .....	499,597	425,167
	ECP 904 Part 1 cost growth .....		[-6,930]
	ECP 904 Part 1 procurement ahead of need .....		[-16,500]
	Integrated Logistics Support excess to need .....		[-20,900]
	OSIP 001-10 ANAV installation kits cost growth .....		[-1,000]
	OSIP 011-84 installation funds savings .....		[-9,300]
	OSIP 11-99 installation funding ahead of need .....		[-7,000]
	Other support growth .....		[-12,800]
033	H-46 SERIES .....	27,112	24,612

**SEC. 4101. PROCUREMENT**  
(In Thousands of Dollars)

<b>Line</b>	<b>Item</b>	<b>FY 2012 Request</b>	<b>Conference Agreement</b>
	Unjustified Request .....		[-2,500]
034	AH-1W SERIES .....	15,828	15,828
035	H-53 SERIES .....	62,820	60,320
	DIRCM Other support excess .....		[-1,000]
	Kapton wiring installation kit cost growth .....		[-1,500]
036	SH-60 SERIES .....	83,394	83,394
037	H-1 SERIES .....	11,012	8,412
	Obsolescence install unjustified growth .....		[-2,600]
038	EP-3 SERIES .....	83,181	73,681
	Obsolescence ECP installation funding growth .....		[-2,700]
	OSIP 11-01 JMOD obsolescence carryover .....		[-5,100]
	Other support growth .....		[-1,700]
039	P-3 SERIES .....	171,466	170,466
	HFIP modification kit procurement ahead of need .....		[-1,000]
040	E-2 SERIES .....	29,215	29,215
041	TRAINER A/C SERIES .....	22,090	18,790
	Training equipment growth .....		[-3,300]
042	C-2A .....	16,302	16,302
043	C-130 SERIES .....	27,139	27,139
044	FLEET EW .....	2,773	1,773
	Other support growth .....		[-1,000]
045	CARGO/TRANSPORT A/C SERIES .....	16,463	16,463
046	E-6 SERIES .....	165,253	148,053
	Block I install cost savings .....		[-1,200]
	Block II FAB-T non-recurring engineering early to need .....		[-5,200]
	OSIP 008-10 support funding growth .....		[-2,000]
	OSIP 013-10 support funding growth .....		[-1,000]
	Service life extension program install early to need .....		[-7,800]
047	EXECUTIVE HELICOPTERS SERIES .....	58,011	77,511
	Navy requested transfer from RDT&E, Navy line 98, for VH-3/VH-60 sustainment .....		[24,000]
	OSIP 009-02 excess installation funding .....		[-4,500]
048	SPECIAL PROJECT AIRCRAFT .....	12,248	11,048
	Install equipment nonrecurring unjustified growth .....		[-1,200]
049	T-45 SERIES .....	57,779	45,779
	Avionics Obsolescence contract support growth .....		[-6,000]
	Correction of Deficiencies contract support growth .....		[-6,000]
050	AIRCRAFT POWER PLANT CHANGES .....	21,847	21,847
051	JPATS SERIES .....	1,524	524
	Unobligated balances .....		[-1,000]
052	AVIATION LIFE SUPPORT MODS .....	1,069	1,069
053	COMMON ECM EQUIPMENT .....	92,072	63,772
	DIRCM A kit savings .....		[-2,800]
	IDECM Block IV concurrency .....		[-25,500]
054	COMMON AVIONICS CHANGES .....	147,093	136,293
	CNS/ATM Other support growth .....		[-8,800]
	OSIP 01-02 other support growth .....		[-2,000]
056	ID SYSTEMS .....	37,330	32,030
	Other support growth .....		[-5,300]
057	P-8 SERIES .....	2,930	0
	P-8 modifications ahead of need .....		[-2,930]
058	MAGTF EW FOR AVIATION .....	489	489
059	RQ-7 SERIES .....	11,419	0
	TCDL contract delay .....		[-11,419]
060	V-22 (TILT/ROTOR ACFT) OSPREY .....	60,264	55,764
	Deficiencies modifications other support growth .....		[-2,500]
	Reliability modifications other support growth .....		[-2,000]
	<b>AIRCRAFT SPARES AND REPAIR PARTS</b>		
061	SPARES AND REPAIR PARTS .....	1,331,961	1,163,294
	E-2D initial spares cost growth .....		[-8,700]
	F/A-18E/F initial spares cost growth .....		[-23,967]
	F-35 initial spares execution .....		[-100,000]
	P-8A initial spares execution .....		[-36,000]
	<b>AIRCRAFT SUPPORT EQUIP &amp; FACILITIES</b>		
062	COMMON GROUND EQUIPMENT .....	351,685	363,685
	Transfer from PE 64273N (RDN 98) for VH-60 trainer .....		[12,000]
063	AIRCRAFT INDUSTRIAL FACILITIES .....	22,358	22,358
064	WAR CONSUMABLES .....	27,300	27,300
065	OTHER PRODUCTION CHARGES .....	10,124	10,124
066	SPECIAL SUPPORT EQUIPMENT .....	24,395	21,395
	Unjustified support increase .....		[-3,000]
067	FIRST DESTINATION TRANSPORTATION .....	1,719	1,719
	<b>TOTAL AIRCRAFT PROCUREMENT, NAVY</b> .....	<b>18,587,033</b>	<b>17,673,534</b>
	<b>WEAPONS PROCUREMENT, NAVY</b>		
	<b>MODIFICATION OF MISSILES</b>		
001	TRIDENT II MODS .....	1,309,102	1,299,102
	Support funding carryover .....		[-10,000]
	<b>SUPPORT EQUIPMENT &amp; FACILITIES</b>		
002	MISSILE INDUSTRIAL FACILITIES .....	3,492	3,492

**SEC. 4101. PROCUREMENT**  
**(In Thousands of Dollars)**

<i>Line</i>	<i>Item</i>	<i>FY 2012 Request</i>	<i>Conference Agreement</i>
	<b>STRATEGIC MISSILES</b>		
003	TOMAHAWK .....	303,306	297,606
	Submarine capsules cost growth .....		[-5,700]
	<b>TACTICAL MISSILES</b>		
004	AMRAAM .....	188,494	105,119
	All Up Round Missile contract delay .....		[-83,375]
005	SIDEWINDER .....	47,098	42,198
	Excess Block II support .....		[-4,900]
006	JSOW .....	137,722	131,722
	All Up Round Missile cost growth .....		[-6,000]
007	STANDARD MISSILE .....	420,324	356,878
	Installation and check out funding growth .....		[-1,900]
	Support funding growth .....		[-3,500]
	Unit Cost efficiencies .....		[-58,046]
008	RAM .....	66,197	66,197
009	HELLFIRE .....	22,703	22,703
011	AERIAL TARGETS .....	46,359	46,359
012	OTHER MISSILE SUPPORT .....	3,561	3,561
	<b>MODIFICATION OF MISSILES</b>		
013	ESSM .....	48,486	48,486
014	HARM MODS .....	73,061	71,561
	Production support growth .....		[-1,500]
	<b>SUPPORT EQUIPMENT &amp; FACILITIES</b>		
016	WEAPONS INDUSTRIAL FACILITIES .....	1,979	1,979
017	FLEET SATELLITE COMM FOLLOW-ON .....	238,215	238,215
	<b>ORDNANCE SUPPORT EQUIPMENT</b>		
019	ORDNANCE SUPPORT EQUIPMENT .....	52,255	52,255
	<b>TORPEDOES AND RELATED EQUIP</b>		
020	ASW TARGETS .....	31,803	31,803
	<b>MOD OF TORPEDOES AND RELATED EQUIP</b>		
021	MK-54 TORPEDO MODS .....	78,045	76,605
	MK-54 array cost growth .....		[-1,440]
022	MK-48 TORPEDO ADCAP MODS .....	42,493	42,493
023	QUICKSTRIKE MINE .....	5,770	5,770
023A	UNDISTRIBUTED .....		0
	<b>SUPPORT EQUIPMENT</b>		
024	TORPEDO SUPPORT EQUIPMENT .....	43,003	43,003
025	ASW RANGE SUPPORT .....	9,219	9,219
	<b>DESTINATION TRANSPORTATION</b>		
026	FIRST DESTINATION TRANSPORTATION .....	3,553	3,553
	<b>GUNS AND GUN MOUNTS</b>		
027	SMALL ARMS AND WEAPONS .....	15,037	15,037
	<b>MODIFICATION OF GUNS AND GUN MOUNTS</b>		
028	CIWS MODS .....	37,550	37,550
029	COAST GUARD WEAPONS .....	17,525	9,179
	MK-110 57MM contract delay .....		[-8,346]
030	GUN MOUNT MODS .....	43,957	43,957
032	CRUISER MODERNIZATION WEAPONS .....	50,013	50,013
033	AIRBORNE MINE NEUTRALIZATION SYSTEMS .....	12,203	12,203
	<b>SPARES AND REPAIR PARTS</b>		
035	SPARES AND REPAIR PARTS .....	55,953	49,614
	CIWS replenishment spares execution .....		[-6,339]
	<b>TOTAL WEAPONS PROCUREMENT, NAVY</b> .....	<b>3,408,478</b>	<b>3,217,432</b>
	<b>SHIPBUILDING &amp; CONVERSION, NAVY</b>		
	<b>OTHER WARSHIPS</b>		
002	CARRIER REPLACEMENT PROGRAM .....	554,798	554,798
003	VIRGINIA CLASS SUBMARINE .....	3,232,215	3,221,314
	Exterior Communications System other cost unjustified growth .....		[-1,000]
	Propulsor cost growth .....		[-5,538]
	Sonar hardware pricing cost growth .....		[-4,363]
004	VIRGINIA CLASS SUBMARINE .....	1,524,761	1,461,361
	Nuclear long lead CFE advance procurement cost growth .....		[-63,400]
006	CVN REFUELING OVERHAULS .....	529,652	529,652
008	DDG 1000 .....	453,727	453,727
009	DDG-51 .....	1,980,709	1,980,709
010	Advance Procurement (CY) .....	100,723	100,723
011	LITTORAL COMBAT SHIP .....	1,802,093	1,755,093
	Basic construction cost growth .....		[-47,000]
	<b>AMPHIBIOUS SHIPS</b>		
013	LPD-17 .....	1,847,444	1,837,444
	Excess ECO funding .....		[-10,000]
015	LHA REPLACEMENT .....	2,018,691	1,999,191
	MK-12 IFF pricing .....		[-1,000]
	RAM logistics pricing .....		[-5,500]
	SLQ-32(V)2 pricing .....		[-5,000]
	SPQ-9B radar pricing .....		[-1,000]
	SPS-48 radar pricing .....		[-2,000]
	SSDS support pricing .....		[-5,000]

**SEC. 4101. PROCUREMENT**  
**(In Thousands of Dollars)**

<b>Line</b>	<b>Item</b>	<b>FY 2012 Request</b>	<b>Conference Agreement</b>
017	JOINT HIGH SPEED VESSEL .....	185,106	372,332
	Transfer from OP,A line 174 per Army and Navy Memorandum of Agreement .....		[187,226]
	<b>AUXILIARIES, CRAFT AND PRIOR YR PROGRAM COST</b>		
018	OCEANOGRAPHIC SHIPS .....	89,000	89,000
019	MOORED TRAINING SHIP .....	155,200	131,200
	Excess advance procurement .....		[-24,000]
020	OUTFITTING .....	292,871	270,639
	CVN-71 outfitting phasing .....		[-5,000]
	DDG-1001 and 1002 outfitting phasing .....		[-1,750]
	LCS-5 outfitting phasing .....		[-2,000]
	LCS-6 outfitting phasing .....		[-2,000]
	LCS-7 outfitting phasing .....		[-782]
	SSN-782 post delivery phasing .....		[-4,700]
	SSN-785 outfitting phasing .....		[-6,000]
021	SERVICE CRAFT .....	3,863	3,863
022	LCAC SLEP .....	84,076	84,076
023	COMPLETION OF PY SHIPBUILDING PROGRAMS .....	73,992	73,992
	<b>TOTAL SHIPBUILDING &amp; CONVERSION, NAVY</b> .....	<b>14,928,921</b>	<b>14,919,114</b>
	<b>PROCUREMENT OF AMMO, NAVY &amp; MC</b>		
	<b>NAVY AMMUNITION</b>		
001	GENERAL PURPOSE BOMBS .....	64,766	63,666
	BLU-109 cost growth .....		[-1,100]
003	AIRBORNE ROCKETS, ALL TYPES .....	38,264	23,264
	MK-182 warhead exceeds production rate .....		[-3,500]
	MK-66 rocket motor cost growth .....		[-10,500]
	Support funding carryover .....		[-1,000]
004	MACHINE GUN AMMUNITION .....	17,788	17,788
005	PRACTICE BOMBS .....	35,289	35,289
006	CARTRIDGES & CART ACTUATED DEVICES .....	49,416	46,716
	Initiator and Impulse cartridge unit cost growth .....		[-2,700]
007	AIR EXPENDABLE COUNTERMEASURES .....	60,677	60,677
008	JATOS .....	2,766	2,766
09	5 INCH/54 GUN AMMUNITION .....	19,006	10,901
	Excess prior year multi-option fuze support funding .....		[-7,105]
	Support funding carryover .....		[-1,000]
010	INTERMEDIATE CALIBER GUN AMMUNITION .....	19,320	1,112
	MK295 cartridge contract delay .....		[-18,208]
011	OTHER SHIP GUN AMMUNITION .....	21,938	19,018
	Production engineering growth .....		[-2,920]
012	SMALL ARMS & LANDING PARTY AMMO .....	51,819	46,039
	A131 complete rounds cost growth .....		[-2,500]
	A576 LAP kit cost growth .....		[-2,080]
	Production engineering growth .....		[-1,200]
013	PYROTECHNIC AND DEMOLITION .....	10,199	10,199
014	AMMUNITION LESS THAN \$5 MILLION .....	4,107	4,107
	<b>MARINE CORPS AMMUNITION</b>		
015	SMALL ARMS AMMUNITION .....	58,812	58,812
016	LINEAR CHARGES, ALL TYPES .....	21,434	17,660
	M913 LAP kit contract delay .....		[-3,774]
017	40 MM, ALL TYPES .....	84,864	80,664
	B542 LAP kit cost growth .....		[-4,200]
018	60MM, ALL TYPES .....	937	937
019	81MM, ALL TYPES .....	26,324	18,100
	M913 LAP kit contract delay .....		[-8,224]
020	120MM, ALL TYPES .....	9,387	9,387
021	CTG 25MM, ALL TYPES .....	3,889	3,889
022	GRENADES, ALL TYPES .....	13,452	13,452
023	ROCKETS, ALL TYPES .....	15,556	12,463
	C995 late contract award .....		[-3,093]
024	ARTILLERY, ALL TYPES .....	42,526	22,526
	TNT flake cost growth .....		[-20,000]
025	DEMOLITION MUNITIONS, ALL TYPES .....	22,786	22,786
026	FUZE, ALL TYPES .....	9,266	9,266
027	NON LETHALS .....	2,927	2,927
028	AMMO MODERNIZATION .....	8,557	8,557
029	ITEMS LESS THAN \$5 MILLION .....	3,880	3,880
	<b>TOTAL PROCUREMENT OF AMMO, NAVY &amp; MC</b> .....	<b>719,952</b>	<b>626,848</b>
	<b>OTHER PROCUREMENT, NAVY</b>		
	<b>SHIP PROPULSION EQUIPMENT</b>		
001	LM-2500 GAS TURBINE .....	13,794	13,794
002	ALLISON 501K GAS TURBINE .....	8,643	8,643
	<b>NAVIGATION EQUIPMENT</b>		
003	OTHER NAVIGATION EQUIPMENT .....	22,982	20,582
	ECDIS-N installation funding carryover .....		[-1,000]
	Support funding carryover .....		[-1,400]
	<b>PERISCOPES</b>		
004	SUB PERISCOPES & IMAGING EQUIP .....	60,860	57,033

**SEC. 4101. PROCUREMENT**  
*(In Thousands of Dollars)*

<i>Line</i>	<i>Item</i>	<i>FY 2012 Request</i>	<i>Conference Agreement</i>
	ISIS capability insertion procurement ahead of need .....		[-3,827]
	<b>OTHER SHIPBOARD EQUIPMENT</b>		
005	DDG MOD .....	119,522	117,522
	Engineering services carryover .....		[-2,000]
006	FIREFIGHTING EQUIPMENT .....	17,637	17,637
007	COMMAND AND CONTROL SWITCHBOARD .....	3,049	3,049
008	POLLUTION CONTROL EQUIPMENT .....	22,266	22,266
009	SUBMARINE SUPPORT EQUIPMENT .....	15,892	14,122
	SSTG governor procurement ahead of need .....		[-1,770]
010	VIRGINIA CLASS SUPPORT EQUIPMENT .....	100,693	93,487
	ISEA labs growth .....		[-2,100]
	SCS modernization backfit funding ahead of need .....		[-2,106]
	Technology insertion/technology refresh growth .....		[-3,000]
011	SUBMARINE BATTERIES .....	42,296	42,296
012	STRATEGIC PLATFORM SUPPORT EQUIP .....	25,228	25,228
013	DEEP SUBMERGENCE SYSTEMS .....	2,600	2,600
014	CG MODERNIZATION .....	590,349	573,349
	Engineering services carryover .....		[-6,000]
	Shore Site Upgrades--Excessive Growth .....		[-11,000]
016	UNDERWATER EOD PROGRAMS .....	18,499	17,499
	Support funding carryover .....		[-1,000]
017	ITEMS LESS THAN \$5 MILLION .....	113,809	93,401
	AS-39 modernization traveling crane funding previously appropriated .....		[-3,369]
	Auto Voltage Regulators--Ahead of Need .....		[-3,480]
	LCS Waterjet Impellers--No Longer Required .....		[-10,859]
	Machalts growth .....		[-2,700]
018	CHEMICAL WARFARE DETECTORS .....	5,508	5,508
019	SUBMARINE LIFE SUPPORT SYSTEM .....	13,397	13,397
	<b>REACTOR PLANT EQUIPMENT</b>		
020	REACTOR POWER UNITS .....	436,838	436,838
021	REACTOR COMPONENTS .....	271,600	271,600
	<b>OCEAN ENGINEERING</b>		
022	DIVING AND SALVAGE EQUIPMENT .....	11,244	9,644
	Outfitting equipment package cost growth .....		[-1,600]
	<b>SMALL BOATS</b>		
023	STANDARD BOATS .....	39,793	33,653
	7M RIB contract delay .....		[-4,140]
	Medium sized force protection boats cost growth .....		[-2,000]
	<b>TRAINING EQUIPMENT</b>		
024	OTHER SHIPS TRAINING EQUIPMENT .....	29,913	29,913
	<b>PRODUCTION FACILITIES EQUIPMENT</b>		
025	OPERATING FORCES IPE .....	54,642	54,642
	<b>OTHER SHIP SUPPORT</b>		
026	NUCLEAR ALTERATIONS .....	144,175	144,175
027	LCS MODULES .....	79,583	63,448
	AN/AQS-20A--Contract Delay .....		[-8,920]
	Engineering change proposal growth .....		[-4,715]
	Production Support--Excess to Need .....		[-2,500]
	<b>LOGISTIC SUPPORT</b>		
028	LSD MIDLIFE .....	143,483	132,733
	Air conditioner plant upgrades installation ahead of need .....		[-2,000]
	RO desalinator units installation funding ahead of need .....		[-6,750]
	Steering control upgrade installation funding ahead of need .....		[-2,000]
	<b>SHIP RADARS</b>		
029	RADAR SUPPORT .....	18,818	10,618
	Excess ECO funding .....		[-1,800]
	Radar procurement ahead of need .....		[-6,400]
	<b>SHIP SONARS</b>		
030	SPQ-9B RADAR .....	24,613	18,236
	Radar procurement ahead of need .....		[-6,377]
031	AN/SQQ-89 SURF ASW COMBAT SYSTEM .....	73,829	71,771
	Sonar upgrade cost growth .....		[-2,058]
032	SSN ACOUSTICS .....	212,913	212,913
033	UNDERSEA WARFARE SUPPORT EQUIPMENT .....	29,686	25,686
	Mission integration installation funding ahead of need .....		[-4,000]
034	SONAR SWITCHES AND TRANSDUCERS .....	13,537	13,537
035	ELECTRONIC WARFARE MILDEC .....	18,141	16,841
	ICADS cost growth .....		[-1,300]
	<b>ASW ELECTRONIC EQUIPMENT</b>		
036	SUBMARINE ACOUSTIC WARFARE SYSTEM .....	20,554	20,554
037	SSTD .....	2,257	1,257
	Excess support funding .....		[-1,000]
038	FIXED SURVEILLANCE SYSTEM .....	60,141	60,141
039	SURTASS .....	29,247	25,547
	ICP installation funding ahead of need .....		[-1,500]
	Integrated Common Processor [ICP] Procurement--Ahead of Need .....		[-2,200]
040	MARITIME PATROL AND RECONNAISSANCE FORCE .....	13,453	13,453
040A	UNDISTRIBUTED .....		0
	<b>ELECTRONIC WARFARE EQUIPMENT</b>		

**SEC. 4101. PROCUREMENT**  
**(In Thousands of Dollars)**

<b>Line</b>	<b>Item</b>	<b>FY 2012 Request</b>	<b>Conference Agreement</b>
041	AN/SLQ-32 .....	43,096	39,902
	Block 1B3 Units--No Longer Required .....		[-3,194]
	<b>RECONNAISSANCE EQUIPMENT</b>		
042	SHIPBOARD IW EXPLOIT .....	103,645	100,745
	Paragon Systems--Change to Procurement Strategy .....		[-2,900]
043	AUTOMATED IDENTIFICATION SYSTEM (AIS) .....	1,364	1,364
	<b>SUBMARINE SURVEILLANCE EQUIPMENT</b>		
044	SUBMARINE SUPPORT EQUIPMENT PROG .....	100,793	89,241
	ICADF antenna installation delay .....		[-7,286]
	Support funding carryover .....		[-2,000]
	Tech and capability insertion procurement ahead of need .....		[-2,266]
	<b>OTHER SHIP ELECTRONIC EQUIPMENT</b>		
045	COOPERATIVE ENGAGEMENT CAPABILITY .....	23,332	19,332
	PAAA Backfit Installation Funding--No Longer Required .....		[-2,000]
	Signal Data Processors Backfits--Ahead of Need .....		[-2,000]
046	TRUSTED INFORMATION SYSTEM (TIS) .....	426	426
047	NAVAL TACTICAL COMMAND SUPPORT SYSTEM (NTCSS) .....	33,017	33,017
048	ATDLS .....	942	942
049	NAVY COMMAND AND CONTROL SYSTEM (NCCS) .....	7,896	7,896
050	MINESWEEPING SYSTEM REPLACEMENT .....	27,868	27,868
051	SHALLOW WATER MCM .....	1,048	1,048
052	NAVSTAR GPS RECEIVERS (SPACE) .....	9,926	9,926
053	AMERICAN FORCES RADIO AND TV SERVICE .....	4,370	4,370
054	STRATEGIC PLATFORM SUPPORT EQUIP .....	4,143	4,143
	<b>TRAINING EQUIPMENT</b>		
055	OTHER TRAINING EQUIPMENT .....	45,989	35,189
	COTS obsolescence excessive growth .....		[-10,800]
	<b>AVIATION ELECTRONIC EQUIPMENT</b>		
056	MATCALS .....	8,136	13,368
	Radar upgrade transfer from Title XV .....		[7,232]
	Support funding carryover .....		[-2,000]
057	SHIPBOARD AIR TRAFFIC CONTROL .....	7,394	7,394
058	AUTOMATIC CARRIER LANDING SYSTEM .....	18,518	17,018
	ECO growth .....		[-1,500]
059	NATIONAL AIR SPACE SYSTEM .....	26,054	24,581
	Digital Airport Surveillance Radar cost growth .....		[-1,473]
060	FLEET AIR TRAFFIC CONTROL SYSTEMS .....	7,213	7,213
061	LANDING SYSTEMS .....	7,138	7,138
062	ID SYSTEMS .....	33,170	31,470
	Mark XII Mode 5--Ahead of Need .....		[-1,700]
063	NAVAL MISSION PLANNING SYSTEMS .....	8,941	8,941
	<b>OTHER SHORE ELECTRONIC EQUIPMENT</b>		
064	DEPLOYABLE JOINT COMMAND AND CONT .....	8,994	8,994
065	MARITIME INTERGRATED BROADCAST SYSTEM .....	13,529	13,529
066	TACTICAL/MOBILE C4I SYSTEMS .....	12,776	10,876
	Tactical/Mobile C4I Systems Increment 2.1 Ahead of Need .....		[-1,900]
067	DCGS-N .....	11,201	11,201
068	CANES .....	195,141	96,088
	Installation ahead of need .....		[-7,153]
	Support funding carryover .....		[-2,300]
	Transfer to PE 33138N (RDN 201) per USN request .....		[-12,000]
	Transfer to Ship Communications Automation (OPN 76) per USN request .....		[-77,600]
069	RADIAC .....	6,201	6,201
070	CANES-INTELL .....	75,084	72,313
	Installation ahead of need .....		[-2,771]
071	ELECTRONIC TEST EQUIPMENT .....	6,010	6,010
072	INTEG COMBAT SYSTEM TEST FACILITY .....	4,441	4,441
073	EMI CONTROL INSTRUMENTATION .....	4,741	4,741
074	ITEMS LESS THAN \$5 MILLION .....	51,716	42,416
	SPS-48 radar cost growth .....		[-2,500]
	SPS-48 radar upgrade procurement ahead of need .....		[-6,800]
	<b>SHIPBOARD COMMUNICATIONS</b>		
075	SHIPBOARD TACTICAL COMMUNICATIONS .....	26,197	1,494
	JTRS AMF--Program Delay .....		[-24,703]
076	SHIP COMMUNICATIONS AUTOMATION .....	177,510	255,110
	Transfer from CANES (OPN 68) per USN request .....		[77,600]
077	MARITIME DOMAIN AWARENESS (MDA) .....	24,022	24,022
078	COMMUNICATIONS ITEMS UNDER \$5M .....	33,644	27,544
	BFTN--Installations Ahead of Need .....		[-2,800]
	HMS Radios--Contract Delays .....		[-3,300]
	<b>SUBMARINE COMMUNICATIONS</b>		
079	SUBMARINE BROADCAST SUPPORT .....	10,357	10,357
080	SUBMARINE COMMUNICATION EQUIPMENT .....	75,447	74,047
	Support funding carryover .....		[-1,400]
	<b>SATELLITE COMMUNICATIONS</b>		
081	SATELLITE COMMUNICATIONS SYSTEMS .....	25,522	25,522
082	NAVY MULTIBAND TERMINAL (NMT) .....	109,022	107,242
	Submarine terminal cost growth .....		[-1,780]
	<b>SHORE COMMUNICATIONS</b>		



**SEC. 4101. PROCUREMENT**  
**(In Thousands of Dollars)**

<i>Line</i>	<i>Item</i>	<i>FY 2012 Request</i>	<i>Conference Agreement</i>
083	JCS COMMUNICATIONS EQUIPMENT .....	2,186	2,186
084	ELECTRICAL POWER SYSTEMS .....	1,329	1,329
085	NAVAL SHORE COMMUNICATIONS .....	2,418	2,418
	<b>CRYPTOGRAPHIC EQUIPMENT</b>		
086	INFO SYSTEMS SECURITY PROGRAM (ISSP) .....	119,857	109,394
	EKMS Afloat—KMI Ahead of Need .....		[–2,074]
	Excess installation funding .....		[–3,789]
	VACM Program Delay .....		[–4,600]
	<b>CRYPTOLOGIC EQUIPMENT</b>		
087	CRYPTOLOGIC COMMUNICATIONS EQUIP .....	14,820	14,820
	<b>OTHER ELECTRONIC SUPPORT</b>		
088	COAST GUARD EQUIPMENT .....	6,848	6,848
	<b>DRUG INTERDICTION SUPPORT</b>		
089	OTHER DRUG INTERDICTION SUPPORT .....	2,290	2,290
	<b>SONOBUOYS</b>		
090	SONOBUOYS—ALL TYPES .....	96,314	94,814
	AN/SSQ–110 cost growth .....		[–1,500]
	<b>AIRCRAFT SUPPORT EQUIPMENT</b>		
091	WEAPONS RANGE SUPPORT EQUIPMENT .....	40,697	37,697
	Threat presentation program growth .....		[–3,000]
092	EXPEDITIONARY AIRFIELDS .....	8,561	8,561
093	AIRCRAFT REARMING EQUIPMENT .....	8,941	5,587
	Munitions trailer contract delay .....		[–2,354]
	Ordnance trailer contract delay .....		[–1,000]
094	AIRCRAFT LAUNCH & RECOVERY EQUIPMENT .....	19,777	19,777
095	METEOROLOGICAL EQUIPMENT .....	22,003	19,478
	Meteorological Mobile Facility (Replacement) Next Generation contract delay .....		[–2,525]
096	DIGITAL CAMERA RECEIVING STATION .....	1,595	1,595
097	AVIATION LIFE SUPPORT .....	66,031	60,919
	Flight deck cranial cost growth .....		[–5,112]
098	AIRBORNE MINE COUNTERMEASURES .....	49,668	33,515
	AN/AQS–20A—Contract Delay .....		[–6,903]
	Production line set up excess funding .....		[–9,250]
099	LAMPS MK III SHIPBOARD EQUIPMENT .....	18,471	12,908
	Modification kit procurement ahead of need .....		[–5,563]
100	PORTABLE ELECTRONIC MAINTENANCE AIDS .....	7,875	7,875
101	OTHER AVIATION SUPPORT EQUIPMENT .....	12,553	12,553
	<b>SHIP GUN SYSTEM EQUIPMENT</b>		
102	NAVAL FIRES CONTROL SYSTEM .....	2,049	2,049
103	GUN FIRE CONTROL EQUIPMENT .....	4,488	4,488
	<b>SHIP MISSILE SYSTEMS EQUIPMENT</b>		
104	NATO SEASPARROW .....	8,926	8,926
105	RAM GMLS .....	4,321	3,128
	Installation funding ahead of need .....		[–1,193]
106	SHIP SELF DEFENSE SYSTEM .....	60,700	54,324
	SSDS COTS Conversion Kits Ahead of Need .....		[–6,376]
107	AEGIS SUPPORT EQUIPMENT .....	43,148	43,148
108	TOMAHAWK SUPPORT EQUIPMENT .....	72,861	70,261
	Support funding carryover .....		[–2,600]
109	VERTICAL LAUNCH SYSTEMS .....	732	732
110	MARITIME INTEGRATED PLANNING SYSTEM-MIPS .....	4,823	4,823
	<b>FBM SUPPORT EQUIPMENT</b>		
111	STRATEGIC MISSILE SYSTEMS EQUIP .....	187,807	187,807
	<b>ASW SUPPORT EQUIPMENT</b>		
112	SSN COMBAT CONTROL SYSTEMS .....	81,596	89,096
	Naval Intelligence Fusion Tool transfer from Title XV .....		[7,500]
113	SUBMARINE ASW SUPPORT EQUIPMENT .....	5,241	5,241
114	SURFACE ASW SUPPORT EQUIPMENT .....	5,816	5,816
115	ASW RANGE SUPPORT EQUIPMENT .....	7,842	7,842
	<b>OTHER ORDNANCE SUPPORT EQUIPMENT</b>		
116	EXPLOSIVE ORDNANCE DISPOSAL EQUIP .....	98,847	96,947
	Product improvement funding growth .....		[–1,900]
117	ITEMS LESS THAN \$5 MILLION .....	4,073	4,073
	<b>OTHER EXPENDABLE ORDNANCE</b>		
118	ANTI-SHIP MISSILE DECOY SYSTEM .....	32,716	32,716
119	SURFACE TRAINING DEVICE MODS .....	5,814	5,814
120	SUBMARINE TRAINING DEVICE MODS .....	36,777	36,777
	<b>CIVIL ENGINEERING SUPPORT EQUIPMENT</b>		
121	PASSENGER CARRYING VEHICLES .....	6,271	4,771
	Non-SOCOM related contract delays .....		[–1,500]
122	GENERAL PURPOSE TRUCKS .....	3,202	3,202
123	CONSTRUCTION & MAINTENANCE EQUIP .....	9,850	9,850
124	FIRE FIGHTING EQUIPMENT .....	14,315	14,315
125	TACTICAL VEHICLES .....	16,502	16,502
126	AMPHIBIOUS EQUIPMENT .....	3,235	3,235
127	POLLUTION CONTROL EQUIPMENT .....	7,175	7,175
128	ITEMS UNDER \$5 MILLION .....	20,727	10,727
	Contract Delays .....		[–10,000]
129	PHYSICAL SECURITY VEHICLES .....	1,142	1,142

**SEC. 4101. PROCUREMENT**  
**(In Thousands of Dollars)**

<b>Line</b>	<b>Item</b>	<b>FY 2012 Request</b>	<b>Conference Agreement</b>
	<b>SUPPLY SUPPORT EQUIPMENT</b>		
130	MATERIALS HANDLING EQUIPMENT .....	14,972	9,972
	Contract Delays .....		[-5,000]
131	OTHER SUPPLY SUPPORT EQUIPMENT .....	4,453	4,453
132	FIRST DESTINATION TRANSPORTATION .....	6,416	6,416
133	SPECIAL PURPOSE SUPPLY SYSTEMS (IT) .....	51,894	51,894
	<b>TRAINING DEVICES</b>		
134	TRAINING SUPPORT EQUIPMENT .....	16,353	16,353
	<b>COMMAND SUPPORT EQUIPMENT</b>		
135	COMMAND SUPPORT EQUIPMENT .....	28,693	26,321
	SPAWAR—Excess to Need .....		[-1,000]
	US Fleet Forces equipment growth .....		[-1,372]
136	EDUCATION SUPPORT EQUIPMENT .....	2,197	2,197
137	MEDICAL SUPPORT EQUIPMENT .....	7,175	4,175
	Medical and dental outfitting kit cost growth .....		[-3,000]
138	NAVAL MIP SUPPORT EQUIPMENT .....	1,457	1,457
140	OPERATING FORCES SUPPORT EQUIPMENT .....	15,330	15,330
141	C4ISR EQUIPMENT .....	136	136
142	ENVIRONMENTAL SUPPORT EQUIPMENT .....	18,639	18,639
143	PHYSICAL SECURITY EQUIPMENT .....	177,240	177,240
144	ENTERPRISE INFORMATION TECHNOLOGY .....	143,022	143,022
	<b>CLASSIFIED PROGRAMS</b>		
148A	CLASSIFIED PROGRAMS .....	14,402	14,402
	<b>SPARES AND REPAIR PARTS</b>		
149	SPARES AND REPAIR PARTS .....	208,384	208,384
	<b>TOTAL OTHER PROCUREMENT, NAVY</b> .....	<b>6,285,451</b>	<b>5,993,175</b>
	<b>PROCUREMENT, MARINE CORPS</b>		
	<b>TRACKED COMBAT VEHICLES</b>		
001	AAV7A1 PIP .....	9,894	9,894
002	LAV PIP .....	147,051	147,051
	<b>ARTILLERY AND OTHER WEAPONS</b>		
003	EXPEDITIONARY FIRE SUPPORT SYSTEM .....	11,961	11,961
004	155MM LIGHTWEIGHT TOWED HOWITZER .....	5,552	5,552
005	HIGH MOBILITY ARTILLERY ROCKET SYSTEM .....	14,695	14,695
006	WEAPONS AND COMBAT VEHICLES UNDER \$5 MILLION .....	14,868	14,868
	<b>OTHER SUPPORT</b>		
007	MODIFICATION KITS .....	53,932	53,932
008	WEAPONS ENHANCEMENT PROGRAM .....	13,795	13,795
	<b>GUIDED MISSILES</b>		
009	GROUND BASED AIR DEFENSE .....	12,287	12,287
011	FOLLOW ON TO SMAW .....	46,563	46,563
012	ANTI-ARMOR WEAPONS SYSTEM-HEAVY (AAWS-H) .....	19,606	19,606
	<b>OTHER SUPPORT</b>		
013	MODIFICATION KITS .....	4,140	4,140
	<b>COMMAND AND CONTROL SYSTEMS</b>		
014	UNIT OPERATIONS CENTER .....	16,755	16,755
	<b>REPAIR AND TEST EQUIPMENT</b>		
015	REPAIR AND TEST EQUIPMENT .....	24,071	24,071
	<b>OTHER SUPPORT (TEL)</b>		
016	COMBAT SUPPORT SYSTEM .....	25,461	25,461
	<b>COMMAND AND CONTROL SYSTEM (NON-TEL)</b>		
018	ITEMS UNDER \$5 MILLION (COMM & ELEC) .....	5,926	5,926
019	AIR OPERATIONS C2 SYSTEMS .....	44,152	44,152
	<b>RADAR + EQUIPMENT (NON-TEL)</b>		
020	RADAR SYSTEMS .....	40,352	40,352
	<b>INTELL/COMM EQUIPMENT (NON-TEL)</b>		
021	FIRE SUPPORT SYSTEM .....	8,793	4,470
	Excess to need .....		[-4,323]
022	INTELLIGENCE SUPPORT EQUIPMENT .....	64,276	64,276
024	RQ-11 UAV .....	2,104	2,104
025	DCGS-MC .....	10,789	10,789
	<b>OTHER COMMELEC EQUIPMENT (NON-TEL)</b>		
028	NIGHT VISION EQUIPMENT .....	6,847	6,847
	<b>OTHER SUPPORT (NON-TEL)</b>		
029	COMMON COMPUTER RESOURCES .....	218,869	218,869
030	COMMAND POST SYSTEMS .....	84,856	84,856
031	RADIO SYSTEMS .....	89,479	79,770
	Equipment upgrade for CBNIRF (UFR) .....		[1,000]
	Marine Corps recommendation .....		[-10,709]
032	COMM SWITCHING & CONTROL SYSTEMS .....	16,598	16,598
033	COMM & ELEC INFRASTRUCTURE SUPPORT .....	47,505	47,505
	<b>CLASSIFIED PROGRAMS</b>		
033A	CLASSIFIED PROGRAMS .....	1,606	1,606
	<b>ADMINISTRATIVE VEHICLES</b>		
034	COMMERCIAL PASSENGER VEHICLES .....	894	894
035	COMMERCIAL CARGO VEHICLES .....	14,231	14,231
	<b>TACTICAL VEHICLES</b>		
037	MOTOR TRANSPORT MODIFICATIONS .....	8,389	8,389

**SEC. 4101. PROCUREMENT**  
*(In Thousands of Dollars)*

<i>Line</i>	<i>Item</i>	<i>FY 2012 Request</i>	<i>Conference Agreement</i>
038	MEDIUM TACTICAL VEHICLE REPLACEMENT .....	5,833	5,833
039	LOGISTICS VEHICLE SYSTEM REP .....	972	972
040	FAMILY OF TACTICAL TRAILERS .....	21,848	21,848
	<b>OTHER SUPPORT</b>		
042	ITEMS LESS THAN \$5 MILLION .....	4,503	4,503
	<b>ENGINEER AND OTHER EQUIPMENT</b>		
043	ENVIRONMENTAL CONTROL EQUIP ASSORT .....	2,599	2,599
044	BULK LIQUID EQUIPMENT .....	16,255	16,255
045	TACTICAL FUEL SYSTEMS .....	26,853	26,853
046	POWER EQUIPMENT ASSORTED .....	27,247	27,247
047	AMPHIBIOUS SUPPORT EQUIPMENT .....	5,533	5,533
048	EOD SYSTEMS .....	61,753	61,753
	<b>MATERIALS HANDLING EQUIPMENT</b>		
049	PHYSICAL SECURITY EQUIPMENT .....	16,627	16,627
050	GARRISON MOBILE ENGINEER EQUIPMENT (GMEE) .....	10,827	10,827
051	MATERIAL HANDLING EQUIP .....	37,055	37,055
052	FIRST DESTINATION TRANSPORTATION .....	1,462	1,462
	<b>GENERAL PROPERTY</b>		
053	FIELD MEDICAL EQUIPMENT .....	24,079	24,079
054	TRAINING DEVICES .....	10,277	10,277
055	CONTAINER FAMILY .....	3,123	3,123
056	FAMILY OF CONSTRUCTION EQUIPMENT .....	18,137	18,137
059	RAPID DEPLOYABLE KITCHEN .....	5,026	5,026
	<b>OTHER SUPPORT</b>		
060	ITEMS LESS THAN \$5 MILLION .....	5,206	5,206
	<b>SPARES AND REPAIR PARTS</b>		
061	SPARES AND REPAIR PARTS .....	90	90
	<b>TOTAL PROCUREMENT, MARINE CORPS</b> .....	<b>1,391,602</b>	<b>1,377,570</b>
	<b>AIRCRAFT PROCUREMENT, AIR FORCE</b>		
	<b>TACTICAL FORCES</b>		
001	F-35 .....	3,340,615	3,189,615
	Reduce by one aircraft .....		[-151,000]
002	Advance Procurement (CY) .....	323,477	228,977
	Reduce advance procurement .....		[-94,500]
003	F-22A .....	104,118	104,118
	<b>OTHER AIRLIFT</b>		
005	C-130J .....	72,879	72,879
007	HC-130J .....	332,899	332,899
009	MC-130J .....	582,466	582,466
013	C-27J .....	479,896	479,896
	<b>UPT TRAINERS</b>		
015	USAF POWERED FLIGHT PROGRAM .....	1,060	1,060
	<b>HELICOPTERS</b>		
017	COMMON VERTICAL LIFT SUPPORT .....	52,800	52,800
019	V22 OSPREY .....	339,865	339,865
020	Advance Procurement (CY) .....	20,000	20,000
	<b>MISSION SUPPORT AIRCRAFT</b>		
023	CIVIL AIR PATROL A/C .....	2,190	2,190
024	HH-60M .....	104,711	104,711
025	LIGHT ATTACK ARMED RECON ACFT .....	158,549	115,049
	Reduction of three aircraft .....		[-43,500]
	<b>OTHER AIRCRAFT</b>		
029	TARGET DRONES .....	64,268	59,268
	Slow execution .....		[-5,000]
030	C-37A .....	77,842	77,842
031	RQ-4 .....	323,964	323,964
032	Advance Procurement (CY) .....	71,500	71,500
033	MC 130 .....	108,470	108,470
034	MQ-9 .....	813,092	0
	ASIP 2C early to need .....		[-29,500]
	Block 5 to Block 1 adjustment .....		[-64,000]
	Transfer to OCO .....		[-719,592]
	<b>STRATEGIC AIRCRAFT</b>		
035	B-2A .....	41,315	31,015
	Excess to need .....		[-10,300]
036	B-1B .....	198,007	198,007
037	B-52 .....	93,897	93,897
	<b>TACTICAL AIRCRAFT</b>		
038	A-10 .....	153,128	12,528
	Program reduction--Wing replacement program .....		[-140,600]
039	F-15 .....	222,386	208,386
	Early to need--Mode 5 IFF .....		[-14,000]
040	F-16 .....	73,346	56,746
	Mode 5 procurement ahead of need .....		[-16,600]
041	F-22A .....	232,032	232,032
	<b>AIRLIFT AIRCRAFT</b>		
043	C-5 .....	11,741	11,741
045	C-5M .....	851,859	851,859

**SEC. 4101. PROCUREMENT**  
(In Thousands of Dollars)

<b>Line</b>	<b>Item</b>	<b>FY 2012 Request</b>	<b>Conference Agreement</b>
046	Advance Procurement (CY) .....	112,200	112,200
047	C-9C .....	9	9
048	C-17A .....	202,179	202,179
049	C-21 .....	328	328
050	C-32A .....	12,157	1,757
	Program reduction--SLC3S--A .....		[-10,400]
051	C-37A .....	21,986	486
	Program reduction--SLC3S--A .....		[-21,500]
052	C-130 AMP .....	235,635	208,135
	Early to need--kit installs .....		[-27,500]
	<b>TRAINER AIRCRAFT</b>		
053	GLIDER MODS .....	123	123
054	T-6 .....	15,086	15,086
055	T-1 .....	238	238
056	T-38 .....	31,032	31,032
	<b>OTHER AIRCRAFT</b>		
057	KC-10A (ATCA) .....	27,220	9,820
	Early to need--CNS/ATM .....		[-17,400]
058	C-12 .....	1,777	1,777
059	MC-12W .....	16,767	16,767
060	C-20 MODS .....	241	241
061	VC-25A MOD .....	387	387
062	C-40 .....	206	206
063	C-130 .....	45,876	56,276
	Transfer per Air Force Request from RDAF-81 .....		[10,400]
064	C-130 INTEL .....	3,593	3,593
065	C-130J MODS .....	38,174	38,174
066	C-135 .....	62,210	62,210
067	COMPASS CALL MODS .....	256,624	256,624
068	RC-135 .....	162,211	162,211
069	E-3 .....	135,031	135,031
070	E-4 .....	57,829	57,829
071	E-8 .....	29,058	29,058
072	H-1 .....	5,280	5,280
073	H-60 .....	34,371	34,371
074	RQ-4 MODS .....	89,177	89,177
075	HC/MC-130 MODIFICATIONS .....	431	10,831
	Transfer from PE 65299F (RDAF 81) per USAF request .....		[10,400]
076	OTHER MODIFICATIONS .....	115,338	68,238
	Early to need in FAB-T .....		[-47,100]
077	MQ-1 MODS .....	158,446	158,446
078	MQ-9 MODS .....	181,302	149,744
	Block 5 fielding early to need .....		[-31,558]
079	MQ-9 UAS PAYLOADS .....	74,866	74,866
080	CV-22 MODS .....	14,715	14,715
	<b>AIRCRAFT SPARES + REPAIR PARTS</b>		
081	FIGHTER/UAV INITIAL SPARES/REPAIR PARTS .....	1,030,364	927,364
	Program reduction--poor execution .....		[-103,000]
	<b>COMMON SUPPORT EQUIPMENT</b>		
082	AIRCRAFT REPLACEMENT SUPPORT EQUIP .....	92,394	90,318
	F-15 ESTS contract delay .....		[-2,076]
	<b>POST PRODUCTION SUPPORT</b>		
083	B-1 .....	4,743	4,743
084	B-2A .....	101	101
085	B-2A .....	49,319	49,319
087	C-5 .....	521	521
089	KC-10A (ATCA) .....	5,691	5,691
090	C-17A .....	183,696	75,115
	Transition to post production .....		[-108,581]
091	C-130 .....	25,646	25,646
093	C-135 .....	2,434	2,434
094	F-15 .....	2,076	2,076
095	F-16 .....	4,537	4,537
097	OTHER AIRCRAFT .....	40,025	23,225
	F-16 Block 40/50 MTC .....		[-16,800]
	<b>INDUSTRIAL PREPAREDNESS</b>		
098	INDUSTRIAL RESPONSIVENESS .....	21,050	21,050
	<b>WAR CONSUMABLES</b>		
099	WAR CONSUMABLES .....	87,220	0
	Transfer to OCO .....		[-87,220]
	<b>OTHER PRODUCTION CHARGES</b>		
100	OTHER PRODUCTION CHARGES .....	1,072,858	1,072,858
	<b>DARP</b>		
104	U-2 .....	48,875	48,875
	<b>CLASSIFIED PROGRAMS</b>		
104A	CLASSIFIED PROGRAMS .....	16,502	16,502
	<b>UNDISTRIBUTED</b>		
105	UNDISTRIBUTED .....		0
	<b>TOTAL AIRCRAFT PROCUREMENT, AIR FORCE</b>	<b>14,082,527</b>	<b>12,341,600</b>

**SEC. 4101. PROCUREMENT**  
**(In Thousands of Dollars)**

<i>Line</i>	<i>Item</i>	<i>FY 2012 Request</i>	<i>Conference Agreement</i>
<b>PROCUREMENT OF AMMUNITION, AIR FORCE</b>			
<b>ROCKETS</b>			
001	ROCKETS .....	23,919	23,919
<b>CARTRIDGES</b>			
002	CARTRIDGES .....	89,771	89,771
<b>BOMBS</b>			
003	PRACTICE BOMBS .....	38,756	33,876
	BDU-56 C/B—Unjustified cost growth .....		[−4,880]
004	GENERAL PURPOSE BOMBS .....	168,557	133,557
	BDU-109—Incorrect cost estimate .....		[−35,000]
005	JOINT DIRECT ATTACK MUNITION .....	76,649	76,649
<b>FLARE, IR MJU-7B</b>			
006	CAD/PAD .....	42,410	42,410
007	EXPLOSIVE ORDNANCE DISPOSAL (EOD) .....	3,119	3,119
008	SPARES AND REPAIR PARTS .....	998	998
009	MODIFICATIONS .....	1,132	1,132
010	ITEMS LESS THAN \$5,000,000 .....	5,075	5,075
<b>FUZES</b>			
011	FLARES .....	46,749	46,749
012	FUZES .....	34,735	34,735
<b>SMALL ARMS</b>			
013	SMALL ARMS .....	7,195	7,195
	<b>TOTAL PROCUREMENT OF AMMUNITION, AIR FORCE</b> .....	<b>539,065</b>	<b>499,185</b>
<b>MISSILE PROCUREMENT, AIR FORCE</b>			
<b>MISSILE REPLACEMENT EQUIPMENT - BALLISTIC</b>			
001	MISSILE REPLACEMENT EQ-BALLISTIC .....	67,745	67,745
<b>TACTICAL</b>			
002	JASSM .....	236,193	236,193
003	SIDEWINDER (AIM-9X) .....	88,769	88,769
004	AMRAAM .....	309,561	202,176
	Production Backlog .....		[−107,385]
005	PREDATOR HELLFIRE MISSILE .....	46,830	46,830
006	SMALL DIAMETER BOMB .....	7,523	7,523
<b>INDUSTRIAL FACILITIES</b>			
007	INDUSTRIAL PREPAREDNESS/POL PREVENTION .....	726	726
<b>CLASS IV</b>			
008	ADVANCED CRUISE MISSILE .....	39	39
009	MM III MODIFICATIONS .....	125,953	125,953
010	AGM-65D MAVERICK .....	266	266
011	AGM-88A HARM .....	25,642	25,642
012	AIR LAUNCH CRUISE MISSILE (ALCM) .....	14,987	14,987
<b>MISSILE SPARES + REPAIR PARTS</b>			
013	INITIAL SPARES/REPAIR PARTS .....	43,241	43,241
<b>SPACE PROGRAMS</b>			
014	ADVANCED EHF .....	552,833	552,833
016	WIDEBAND GAPFILLER SATELLITES(SPACE) .....	468,745	875,745
	Reduction to Support Funding Growth .....		[−9,000]
	Transfer from PDW-20 .....		[416,000]
018	GPS III SPACE SEGMENT .....	433,526	433,526
019	Advance Procurement (CY) .....	81,811	81,811
020	SPACEBORNE EQUIP (COMSEC) .....	21,568	21,568
021	GLOBAL POSITIONING (SPACE) .....	67,689	67,689
022	DEF METEOROLOGICAL SAT PROG(SPACE) .....	101,397	101,397
023	EVOLVED EXPENDABLE LAUNCH VEH(SPACE) .....	1,740,222	1,708,222
	Excess to need due to efficiencies .....		[−32,000]
024	SBIR HIGH (SPACE) .....	81,389	81,389
025	Advance Procurement (CY) .....	243,500	243,500
<b>SPECIAL PROGRAMS</b>			
031	SPECIAL UPDATE PROGRAMS .....	154,727	154,727
<b>CLASSIFIED PROGRAMS</b>			
031A	CLASSIFIED PROGRAMS .....	1,159,135	746,980
	Classified Adjustment .....		[−412,155]
	<b>TOTAL MISSILE PROCUREMENT, AIR FORCE</b> .....	<b>6,074,017</b>	<b>5,929,477</b>
<b>OTHER PROCUREMENT, AIR FORCE</b>			
<b>PASSENGER CARRYING VEHICLES</b>			
001	PASSENGER CARRYING VEHICLES .....	5,621	5,621
<b>CARGO + UTILITY VEHICLES</b>			
002	MEDIUM TACTICAL VEHICLE .....	18,411	18,411
003	CAP VEHICLES .....	917	917
004	ITEMS LESS THAN \$5,000,000 (CARGO) .....	18,694	18,694
<b>SPECIAL PURPOSE VEHICLES</b>			
005	SECURITY AND TACTICAL VEHICLES .....	5,982	85
	Guardian Angel Contract Delay .....		[−2,941]
	HMMWV—In Excess of Need .....		[−2,956]
006	ITEMS LESS THAN \$5,000,000 (SPECIA) .....	20,677	20,677
<b>FIRE FIGHTING EQUIPMENT</b>			

**SEC. 4101. PROCUREMENT**  
(In Thousands of Dollars)

<b>Line</b>	<b>Item</b>	<b>FY 2012 Request</b>	<b>Conference Agreement</b>
007	FIRE FIGHTING/CRASH RESCUE VEHICLES .....	22,881	22,881
	<b>MATERIALS HANDLING EQUIPMENT</b>		
008	ITEMS LESS THAN \$5,000,000 .....	14,978	14,978
	<b>BASE MAINTENANCE SUPPORT</b>		
009	RUNWAY SNOW REMOV AND CLEANING EQU .....	16,556	16,556
010	ITEMS LESS THAN \$5M BASE MAINT/CONST .....	30,225	30,225
	<b>COMM SECURITY EQUIPMENT(COMSEC)</b>		
011	COMSEC EQUIPMENT .....	135,169	135,169
012	MODIFICATIONS (COMSEC) .....	1,263	1,263
	<b>INTELLIGENCE PROGRAMS</b>		
014	INTELLIGENCE TRAINING EQUIPMENT .....	2,645	2,645
015	INTELLIGENCE COMM EQUIPMENT .....	21,762	21,762
016	ADVANCE TECH SENSORS .....	899	899
017	MISSION PLANNING SYSTEMS .....	18,529	18,529
	<b>ELECTRONICS PROGRAMS</b>		
018	AIR TRAFFIC CONTROL & LANDING SYS .....	32,473	32,473
019	NATIONAL AIRSPACE SYSTEM .....	51,426	51,426
020	BATTLE CONTROL SYSTEM - FIXED .....	32,468	32,468
021	THEATER AIR CONTROL SYS IMPROVEMEN .....	22,813	22,813
022	WEATHER OBSERVATION FORECAST .....	14,619	14,619
023	STRATEGIC COMMAND AND CONTROL .....	39,144	38,144
	JFHQ equipment .....		[-1,000]
024	CHEYENNE MOUNTAIN COMPLEX .....	25,992	25,992
025	TAC SIGNIT SPT .....	217	217
	<b>SPCL COMM-ELECTRONICS PROJECTS</b>		
027	GENERAL INFORMATION TECHNOLOGY .....	52,263	52,263
028	AF GLOBAL COMMAND & CONTROL SYS .....	16,951	16,951
029	MOBILITY COMMAND AND CONTROL .....	26,433	17,033
	SLICC/Viper II Excess of Need .....		[-7,400]
	Wing LAN infrastructure—slow execution .....		[-2,000]
030	AIR FORCE PHYSICAL SECURITY SYSTEM .....	90,015	90,015
031	COMBAT TRAINING RANGES .....	23,955	23,955
032	C3 COUNTERMEASURES .....	7,518	7,518
033	GCSS-AF FOS .....	72,641	72,641
034	THEATER BATTLE MGT C2 SYSTEM .....	22,301	22,301
035	AIR & SPACE OPERATIONS CTR-WPN SYS .....	15,525	15,525
	<b>AIR FORCE COMMUNICATIONS</b>		
036	INFORMATION TRANSPORT SYSTEMS .....	49,377	49,377
037	BASE INFO INFRASTRUCTURE .....	41,239	41,239
038	AFNET .....	228,978	128,978
	Reduce Program Growth .....		[-100,000]
039	VOICE SYSTEMS .....	43,603	23,603
	Reduce Program Growth .....		[-20,000]
040	USCENTCOM- JCSE .....	30,983	30,983
	<b>DISA PROGRAMS</b>		
041	SPACE BASED IR SENSOR PGM SPACE .....	49,570	49,570
042	NAVSTAR GPS SPACE .....	2,008	2,008
043	NUDET DETECTION SYS SPACE .....	4,863	4,863
044	AF SATELLITE CONTROL NETWORK SPACE .....	61,386	61,386
045	SPACELIFT RANGE SYSTEM SPACE .....	125,947	125,947
046	MILSATCOM SPACE .....	104,720	36,570
	Early to need in FAB-T .....		[-68,150]
047	SPACE MODS SPACE .....	28,075	28,075
048	COUNTERSPACE SYSTEM .....	20,718	20,718
	<b>ORGANIZATION AND BASE</b>		
049	TACTICAL C-E EQUIPMENT .....	227,866	153,626
	JTC Training and Rehearsal Schedule Ahead of Need .....		[-17,140]
	JTRS AMF Milestone C Delay .....		[-12,600]
	JTRS Handheld / Manpack Cost Increases .....		[-44,500]
050	COMBAT SURVIVOR EVADER LOCATER .....	22,184	7,184
	CSEL Contract Delay .....		[-15,000]
051	RADIO EQUIPMENT .....	11,408	11,408
052	CCTV/AUDIOVISUAL EQUIPMENT .....	11,559	11,559
053	BASE COMM INFRASTRUCTURE .....	105,977	80,977
	Slow Execution .....		[-25,000]
	<b>MODIFICATIONS</b>		
054	COMM ELECT MODS .....	76,810	76,810
	<b>PERSONAL SAFETY &amp; RESCUE EQUIP</b>		
055	NIGHT VISION GOGGLES .....	20,008	1,008
	Night Vision Cueing and Display Contract Delay .....		[-19,000]
056	ITEMS LESS THAN \$5,000,000 (SAFETY) .....	25,499	12,598
	Laser Eye Protection Contract Delay .....		[-5,800]
	MACH Early to Need .....		[-7,101]
	<b>DEPOT PLANT+MTRLS HANDLING EQ</b>		
057	MECHANIZED MATERIAL HANDLING EQUIP .....	37,829	37,829
	<b>BASE SUPPORT EQUIPMENT</b>		
058	BASE PROCURED EQUIPMENT .....	16,483	16,483
059	CONTINGENCY OPERATIONS .....	16,754	16,754
060	PRODUCTIVITY CAPITAL INVESTMENT .....	3,653	903

**SEC. 4101. PROCUREMENT**  
**(In Thousands of Dollars)**

<b>Line</b>	<b>Item</b>	<b>FY 2012 Request</b>	<b>Conference Agreement</b>
	Unjustified Program Growth .....		[-2,750]
061	MOBILITY EQUIPMENT .....	30,345	20,345
	Power Generation--Reduce Growth .....		[-10,000]
062	ITEMS LESS THAN \$5,000,000 (BASE S) .....	2,819	2,819
	<b>SPECIAL SUPPORT PROJECTS</b>		
064	DARP RC135 .....	23,341	23,341
065	DCGS-AF .....	212,146	212,146
067	SPECIAL UPDATE PROGRAM .....	410,069	410,069
068	DEFENSE SPACE RECONNAISSANCE PROG. ....	41,066	41,066
	<b>CLASSIFIED PROGRAMS</b>		
068A	CLASSIFIED PROGRAMS .....	14,618,160	14,788,852
	Classified Adjustment .....		[170,692]
	<b>SPARES AND REPAIR PARTS</b>		
069	SPARES AND REPAIR PARTS .....	14,630	14,630
	<b>TOTAL OTHER PROCUREMENT, AIR FORCE</b> .....	<b>17,602,036</b>	<b>17,409,390</b>
	<b>PROCUREMENT, DEFENSE-WIDE</b>		
	<b>MAJOR EQUIPMENT, DCAA</b>		
002	ITEMS LESS THAN \$5 MILLION .....	1,473	1,473
	<b>MAJOR EQUIPMENT, DCMA</b>		
003	MAJOR EQUIPMENT .....	2,076	2,076
	<b>MAJOR EQUIPMENT, DHRA</b>		
004	PERSONNEL ADMINISTRATION .....	11,019	11,019
	<b>MAJOR EQUIPMENT, DISA</b>		
014	INFORMATION SYSTEMS SECURITY .....	19,952	19,952
015	GLOBAL COMMAND AND CONTROL SYSTEM .....	5,324	5,324
016	GLOBAL COMBAT SUPPORT SYSTEM .....	2,955	2,955
017	TELEPORT PROGRAM .....	54,743	54,743
018	ITEMS LESS THAN \$5 MILLION .....	174,805	174,805
019	NET CENTRIC ENTERPRISE SERVICES (NCES) .....	3,429	3,429
020	DEFENSE INFORMATION SYSTEM NETWORK .....	500,932	84,932
	Transfer to MPAF-16 .....		[-416,000]
021	PUBLIC KEY INFRASTRUCTURE .....	1,788	1,788
022	CYBER SECURITY INITIATIVE .....	24,085	24,085
	<b>MAJOR EQUIPMENT, DLA</b>		
023	MAJOR EQUIPMENT .....	11,537	11,537
	<b>MAJOR EQUIPMENT, DMACT</b>		
024	MAJOR EQUIPMENT .....	14,542	14,542
	<b>MAJOR EQUIPMENT, DODEA</b>		
025	AUTOMATION/EDUCATIONAL SUPPORT & LOGISTICS .....	1,444	1,444
	<b>MAJOR EQUIPMENT, DEFENSE SECURITY COOPERATION AGENCY</b>		
026	EQUIPMENT .....	971	971
	<b>MAJOR EQUIPMENT, DSS</b>		
027	OTHER CAPITAL EQUIPMENT .....	974	974
	<b>MAJOR EQUIPMENT, DEFENSE THREAT REDUCTION AGENCY</b>		
028	VEHICLES .....	200	200
029	OTHER MAJOR EQUIPMENT .....	12,806	12,806
	<b>MAJOR EQUIPMENT, DTSA</b>		
030	MAJOR EQUIPMENT .....	447	447
	<b>MAJOR EQUIPMENT, MISSILE DEFENSE AGENCY</b>		
033	THAAD .....	833,150	709,150
	Excess to production capacity .....		[-124,000]
034	AEGIS BMD .....	565,393	565,393
035	BMDS AN/TPY-2 RADARS .....	380,195	380,195
	<b>MAJOR EQUIPMENT, NSA</b>		
043	INFORMATION SYSTEMS SECURITY PROGRAM (ISSP) .....	5,787	5,787
	<b>MAJOR EQUIPMENT, OSD</b>		
045	MAJOR EQUIPMENT, OSD .....	47,123	47,123
046	MAJOR EQUIPMENT, INTELLIGENCE .....	20,176	20,176
	<b>MAJOR EQUIPMENT, TJS</b>		
047	MAJOR EQUIPMENT, TJS .....	29,729	29,729
	<b>MAJOR EQUIPMENT, WHS</b>		
048	MAJOR EQUIPMENT, WHS .....	31,974	31,974
	<b>CLASSIFIED PROGRAMS</b>		
048A	CLASSIFIED PROGRAMS .....	554,408	541,088
	Classified adjustment .....		[-13,320]
	<b>AVIATION PROGRAMS</b>		
049	ROTARY WING UPGRADES AND SUSTAINMENT .....	41,411	41,411
051	MH-60 MODERNIZATION PROGRAM .....	171,456	145,456
	Maintain fiscal year 2011 production rate due to extended modification periods .....		[-26,000]
052	NON-STANDARD AVIATION .....	272,623	217,623
	AvFID Funding ahead of need .....		[-45,000]
	AvFID rotary-wing simulator .....		[-10,000]
054	U-28 .....	5,100	5,100
055	MH-47 CHINOOK .....	142,783	142,783
056	RQ-11 UNMANNED AERIAL VEHICLE .....	486	486
057	CV-22 MODIFICATION .....	118,002	118,002
058	MQ-1 UNMANNED AERIAL VEHICLE .....	3,025	3,025
059	MQ-9 UNMANNED AERIAL VEHICLE .....	3,024	3,024



**SEC. 4101. PROCUREMENT**  
(In Thousands of Dollars)

<i>Line</i>	<i>Item</i>	<i>FY 2012 Request</i>	<i>Conference Agreement</i>
060	RQ-7 UNMANNED AERIAL VEHICLE .....	450	450
061	STUASLO .....	12,276	12,276
062	AC/MC-130J .....	74,891	74,891
063	C-130 MODIFICATIONS .....	19,665	19,665
064	AIRCRAFT SUPPORT .....	6,207	6,207
	<b>SHIPBUILDING</b>		
065	UNDERWATER SYSTEMS .....	6,999	6,999
	<b>AMMUNITION PROGRAMS</b>		
067	ORDNANCE REPLENISHMENT .....	116,009	106,009
	Prior year funding carryover .....		[-10,000]
068	ORDNANCE ACQUISITION .....	28,281	18,281
	Aviation ammunition—prior year funding carryover .....		[-10,000]
	<b>OTHER PROCUREMENT PROGRAMS</b>		
069	COMMUNICATIONS EQUIPMENT AND ELECTRONICS .....	87,489	150,289
	Program Growth .....		[62,800]
070	INTELLIGENCE SYSTEMS .....	74,702	74,702
071	SMALL ARMS AND WEAPONS .....	9,196	9,196
072	DISTRIBUTED COMMON GROUND/SURFACE SYSTEMS .....	15,621	15,621
076	COMBATANT CRAFT SYSTEMS .....	6,899	66,899
	Program Growth .....		[60,000]
077	SPARES AND REPAIR PARTS .....	594	594
078	TACTICAL VEHICLES .....	33,915	33,915
080	MISSION TRAINING AND PREPARATION SYSTEMS .....	46,242	46,242
081	COMBAT MISSION REQUIREMENTS .....	50,000	20,000
	Reduction to growth .....		[-30,000]
082	MILCON COLLATERAL EQUIPMENT .....	18,723	18,723
085	AUTOMATION SYSTEMS .....	51,232	51,232
086	GLOBAL VIDEO SURVEILLANCE ACTIVITIES .....	7,782	7,782
087	OPERATIONAL ENHANCEMENTS INTELLIGENCE .....	22,960	22,960
088	SOLDIER PROTECTION AND SURVIVAL SYSTEMS .....	362	362
089	VISUAL AUGMENTATION LASERS AND SENSOR SYSTEMS .....	15,758	15,758
090	TACTICAL RADIO SYSTEMS .....	76,459	101,459
	Program Increase .....		[25,000]
093	MISCELLANEOUS EQUIPMENT .....	1,895	1,895
094	OPERATIONAL ENHANCEMENTS .....	246,893	246,893
095	MILITARY INFORMATION SUPPORT OPERATIONS .....	4,142	4,142
	<b>CLASSIFIED PROGRAMS</b>		
095A	CLASSIFIED PROGRAMS .....	4,012	4,012
	<b>CBDP</b>		
096	INSTALLATION FORCE PROTECTION .....	15,900	15,900
097	INDIVIDUAL PROTECTION .....	71,376	71,376
098	DECONTAMINATION .....	6,466	6,466
099	JOINT BIO DEFENSE PROGRAM (MEDICAL) .....	11,143	4,143
	Next Generation Diagnostic System ahead of need .....		[-7,000]
100	COLLECTIVE PROTECTION .....	9,414	9,414
101	CONTAMINATION AVOIDANCE .....	139,948	139,948
	<b>TOTAL PROCUREMENT, DEFENSE-WIDE</b> .....	<b>5,365,248</b>	<b>4,821,728</b>
	<b>JOINT URGENT OPERATIONAL NEEDS FUND</b>		
	<b>JOINT URGENT OPERATIONAL NEEDS FUND</b>		
001	JOINT URGENT OPERATIONAL NEEDS FUND .....	100,000	0
	Unjustified Requirement .....		[-100,000]
	<b>TOTAL JOINT URGENT OPERATIONAL NEEDS FUND</b> .....	<b>100,000</b>	<b>0</b>
	<b>NATIONAL GUARD &amp; RESERVE EQUIPMENT</b>		
	<b>UNDISTRIBUTED</b>		
007	UNDISTRIBUTED .....		100,000
	Program Increase .....		[100,000]
	<b>TOTAL NATIONAL GUARD &amp; RESERVE EQUIPMENT</b> .....		<b>100,000</b>
	<b>TOTAL PROCUREMENT</b> .....	<b>111,453,792</b>	<b>103,579,366</b>

**SEC. 4102. PROCUREMENT FOR OVERSEAS CONTINGENCY OPERATIONS.**

**SEC. 4102. PROCUREMENT FOR OVERSEAS CONTINGENCY OPERATIONS**  
(In Thousands of Dollars)

<i>Line</i>	<i>Item</i>	<i>FY 2012 Request</i>	<i>Conference Agreement</i>
	<b>AIRCRAFT PROCUREMENT, ARMY</b>		
	<b>FIXED WING</b>		
002	C-12 CARGO AIRPLANE .....	10,500	0
	No justified requirement .....		[-10,500]
004	MQ-1 UAV .....		550,798
	Transfer from Base .....		[550,798]
	<b>ROTARY</b>		
008	AH-64 BLOCK II/WRA .....	35,500	0
	Program reduction .....		[-35,500]

**SEC. 4102. PROCUREMENT FOR OVERSEAS CONTINGENCY OPERATIONS**  
(In Thousands of Dollars)

<i>Line</i>	<i>Item</i>	<i>FY 2012 Request</i>	<i>Conference Agreement</i>
012	UH-60 BLACKHAWK M MODEL (MYP) .....	72,000	72,000
017	KIOWA WARRIOR UPGRADE (OH-58 D)/WRA .....	145,500	100,800
	Limit ramp rate on replacement aircraft by reducing four aircraft .....		[-44,700]
	<b>MODIFICATION OF AIRCRAFT</b>		
019	MQ-1 PAYLOAD—UAS .....	10,800	146,983
	Transfer from Base .....		[136,183]
022	MULTI SENSOR ABN RECON (MIP) .....	54,500	54,500
033	RQ-7 UAV MODS .....	94,600	14,800
	Vader - Incompatible with Host Platform .....		[-79,800]
	<b>SPARES AND REPAIR PARTS</b>		
034	SPARE PARTS (AIR) .....		0
	<b>TOTAL AIRCRAFT PROCUREMENT, ARMY</b> .....	<b>423,400</b>	<b>939,881</b>
	<b>MISSILE PROCUREMENT, ARMY</b>		
	<b>AIR-TO-SURFACE MISSILE SYSTEM</b>		
004	HELLFIRE SYS SUMMARY .....	107,556	107,556
	<b>ANTI-TANK/ASSAULT MISSILE SYS</b>		
009	GUIDED MLRS ROCKET (GMLRS) .....	19,000	19,000
	<b>TOTAL MISSILE PROCUREMENT, ARMY</b> .....	<b>126,556</b>	<b>126,556</b>
	<b>PROCUREMENT OF W&amp;TCV, ARMY</b>		
	<b>WEAPONS &amp; OTHER COMBAT VEHICLES</b>		
019	MACHINE GUN, CAL .50 M2 ROLL .....		31,102
	Transfer from Base .....		[31,102]
020	LIGHTWEIGHT .50 CALIBER MACHINE GUN .....	5,427	5,427
029	COMMON REMOTELY OPERATED WEAPONS STATION (CRO) .....	14,890	14,890
031	HOWITZER LT WT 155MM (T) .....		13,066
	Transfer from Base .....		[13,066]
	<b>MOD OF WEAPONS AND OTHER COMBAT VEH</b>		
033	M4 CARBINE MODS .....	16,800	16,800
034	M2 50 CAL MACHINE GUN MODS .....		0
	<b>TOTAL PROCUREMENT OF W&amp;TCV, ARMY</b> .....	<b>37,117</b>	<b>81,285</b>
	<b>PROCUREMENT OF AMMUNITION, ARMY</b>		
	<b>SMALL/MEDIUM CAL AMMUNITION</b>		
004	CTG, HANDGUN, ALL TYPES .....	1,200	1,200
009	CTG, 30MM, ALL TYPES .....	4,800	4,800
010	CTG, 40MM, ALL TYPES .....	38,000	38,000
	<b>MORTAR AMMUNITION</b>		
3	81MM MORTAR, ALL TYPES .....	8,000	8,000
014	120MM MORTAR, ALL TYPES .....	49,140	49,140
	<b>ARTILLERY AMMUNITION</b>		
019	ARTILLERY PROJECTILE, 155MM, ALL TYPES .....	10,000	10,000
	<b>ARTILLERY FUZES</b>		
022	ARTILLERY FUZES, ALL TYPES .....	5,000	5,000
	<b>ROCKETS</b>		
027	SHOULDER LAUNCHED MUNITIONS, ALL TYPES .....	5,000	5,000
028	ROCKET, HYDRA 70, ALL TYPES .....	53,841	53,841
	<b>OTHER AMMUNITION</b>		
029	DEMOLITION MUNITIONS, ALL TYPES .....	16,000	16,000
031	SIGNALS, ALL TYPES .....	7,000	7,000
032	SIMULATORS, ALL TYPES .....	8,000	8,000
	<b>MISCELLANEOUS</b>		
036	CAD/PAD ALL TYPES .....	2,000	2,000
037	ITEMS LESS THAN \$5 MILLION .....	400	400
	<b>TOTAL PROCUREMENT OF AMMUNITION, ARMY</b> .....	<b>208,381</b>	<b>208,381</b>
	<b>OTHER PROCUREMENT, ARMY</b>		
	<b>TACTICAL VEHICLES</b>		
005	FAMILY OF MEDIUM TACTICAL VEH (FMTV) .....	11,094	11,094
007	FAMILY OF HEAVY TACTICAL VEHICLES (FHTV) .....	47,214	47,214
010	MINE PROTECTION VEHICLE FAMILY .....		0
015	TACTICAL WHEELED VEHICLE PROTECTION KITS .....		0
017	MINE-RESISTANT AMBUSH-PROTECTED (MRAP) MODS .....		0
	<b>NON-TACTICAL VEHICLES</b>		
023	NONTACTICAL VEHICLES, OTHER .....	3,600	3,600
	<b>COMM—JOINT COMMUNICATIONS</b>		
025	WIN-T—GROUND FORCES TACTICAL NETWORK .....	547	547
	<b>COMM—COMBAT COMMUNICATIONS</b>		
039	JOINT TACTICAL RADIO SYSTEM .....	450	0
	Handheld, Manpack, Small Form-fit radios for LEMV#2 early to need .....		[-450]
042	AMC CRITICAL ITEMS - OPA2 .....	8,141	8,141
049	GUNSHOT DETECTION SYSTEM (GDS) .....	44,100	10,100
	Concurrent development and procurement .....		[-34,000]
051	MEDICAL COMM FOR CBT CASUALTY CARE (MC4) .....	6,443	6,443
	<b>INFORMATION SECURITY</b>		
056	INFORMATION SYSTEM SECURITY PROGRAM-ISSP .....	54,730	0
	Army requested transfer to line 56a, Family of Biometrics .....		[-54,730]
056A	FAMILY OF BIOMETRICS .....		54,730

**SEC. 4102. PROCUREMENT FOR OVERSEAS CONTINGENCY OPERATIONS**  
(In Thousands of Dollars)

<b>Line</b>	<b>Item</b>	<b>FY 2012 Request</b>	<b>Conference Agreement</b>
	Transfer from line 56 .....		[54,730]
	<b>COMM—LONG HAUL COMMUNICATIONS</b>		
058	BASE SUPPORT COMMUNICATIONS .....	5,000	5,000
	<b>COMM—BASE COMMUNICATIONS</b>		
062	INSTALLATION INFO INFRASTRUCTURE MOD PROGRAM( .....	169,500	169,500
	<b>ELECT EQUIP—TACT INT REL ACT (TIARA)</b>		
070	DCGS-A (MIP) .....	83,000	83,000
072	TROJAN (MIP) .....	61,100	61,100
	<b>ELECT EQUIP—ELECTRONIC WARFARE (EW)</b>		
076	LIGHTWEIGHT COUNTER MORTAR RADAR .....	54,100	54,100
079	FAMILY OF PERSISTENT SURVEILLANCE CAPABILITIES .....	53,000	53,000
080	COUNTERINTELLIGENCE/SECURITY COUNTERMEASURES .....	48,600	24,200
	ISR Task Force identified excess .....		[-20,000]
	Platforms unavailable .....		[-4,400]
	<b>ELECT EQUIP—TACTICAL SURV. (TAC SURV)</b>		
084	SENSE THROUGH THE WALL (STTW) .....	10,000	10,000
090	COUNTER-ROCKET, ARTILLERY & MORTAR (C-RAM) .....		0
092	GREEN LASER INTERDICTION SYSTEM .....		0
095	PROFILER .....	2,000	2,000
096	MOD OF IN-SVC EQUIP (FIREFINDER RADARS) .....	30,400	30,400
098	JOINT BATTLE COMMAND—PLATFORM (JBC-P) .....	148,335	148,335
102	COUNTERFIRE RADARS .....	110,548	110,548
	<b>ELECT EQUIP—TACTICAL C2 SYSTEMS</b>		
105	FIRE SUPPORT C2 FAMILY .....	15,081	15,081
106	BATTLE COMMAND SUSTAINMENT SUPPORT SYSTEM (BC .....	10,000	10,000
108	AIR & MSL DEFENSE PLANNING & CONTROL SYS .....	28,000	28,000
109	KNIGHT FAMILY .....	42,000	42,000
114	NETWORK MANAGEMENT INITIALIZATION AND SERVICE .....	32,800	32,800
115	MANEUVER CONTROL SYSTEM (MCS) .....	44,000	44,000
116	SINGLE ARMY LOGISTICS ENTERPRISE (SALE) .....	18,000	18,000
	<b>ELECT EQUIP—AUTOMATION</b>		
121	AUTOMATED DATA PROCESSING EQUIP .....	10,000	10,000
	<b>CLASSIFIED PROGRAMS</b>		
	<b>UNDISTRIBUTED</b>		
127A	CLASSIFIED PROGRAMS .....	795	795
	<b>CHEMICAL DEFENSIVE EQUIPMENT</b>		
128	PROTECTIVE SYSTEMS .....	11,472	11,472
129	FAMILY OF NON-LETHAL EQUIPMENT (FNLE) .....	30,000	10,000
	Acoustic Hailing Device contract delay .....		[-20,000]
130	BASE DEFENSE SYSTEMS (BDS) .....		0
131	CBRN SOLDIER PROTECTION .....	1,200	1,200
	<b>BRIDGING EQUIPMENT</b>		
133	TACTICAL BRIDGING .....	15,000	15,000
134	TACTICAL BRIDGE, FLOAT-RIBBON .....	26,900	26,900
	<b>ENGINEER (NON-CONSTRUCTION) EQUIPMENT</b>		
137	ROBOTIC COMBAT SUPPORT SYSTEM (RCSS) .....		0
138	EXPLOSIVE ORDNANCE DISPOSAL EQPMT (EOD EQPMT) .....	3,205	3,205
	<b>COMBAT SERVICE SUPPORT EQUIPMENT</b>		
149	FORCE PROVIDER .....	68,000	68,000
	<b>MEDICAL EQUIPMENT</b>		
158	COMBAT SUPPORT MEDICAL .....	15,011	15,011
	<b>MAINTENANCE EQUIPMENT</b>		
159	MOBILE MAINTENANCE EQUIPMENT SYSTEMS .....	25,129	25,129
	<b>MATERIAL HANDLING EQUIPMENT</b>		
180	ALL TERRAIN LIFTING ARMY SYSTEM .....	1,800	1,800
	<b>OTHER SUPPORT EQUIPMENT</b>		
189	RAPID EQUIPPING SOLDIER SUPPORT EQUIPMENT .....	43,000	22,000
	Prior year unobligated funds available .....		[-21,000]
190	PHYSICAL SECURITY SYSTEMS (OPA3) .....	4,900	4,900
	<b>TOTAL OTHER PROCUREMENT, ARMY</b> .....	<b>1,398,195</b>	<b>1,298,345</b>
	<b>JOINT IMPR EXPLOSIVE DEV DEFEAT FUND</b>		
	<b>NETWORK ATTACK</b>		
001	ATTACK THE NETWORK .....	1,368,800	1,275,800
	BAA S&T Response—unjustified request .....		[-76,000]
	Information Fusion—unjustified program growth .....		[-17,000]
	<b>JIEDDO DEVICE DEFEAT</b>		
002	DEFEAT THE DEVICE .....	961,200	811,200
	Undistributed efficiencies reduction .....		[-150,000]
	<b>FORCE TRAINING</b>		
003	TRAIN THE FORCE .....	247,500	224,450
	Train the Force Response—unjustified program growth .....		[-18,050]
	Undistributed efficiencies reduction .....		[-5,000]
	<b>STAFF AND INFRASTRUCTURE</b>		
004	OPERATIONS .....		199,134
	Civilian Pay Freeze .....		[-1,500]
	Transfer from Base: Operations .....		[220,634]
	Undistributed efficiencies reduction .....		[-20,000]
	<b>TOTAL JOINT IMPR EXPLOSIVE DEV DEFEAT FUND</b> .....	<b>2,577,500</b>	<b>2,510,584</b>

**SEC. 4102. PROCUREMENT FOR OVERSEAS CONTINGENCY OPERATIONS**  
(In Thousands of Dollars)

<i>Line</i>	<i>Item</i>	<i>FY 2012 Request</i>	<i>Conference Agreement</i>
<b>AIRCRAFT PROCUREMENT, NAVY</b>			
<b>COMBAT AIRCRAFT</b>			
011	UH-1Y/AH-1Z .....	30,000	24,875
	Excessive unit cost growth .....		[-5,125]
019	E-2D ADV HAWKEYE .....	163,500	0
	Combat loss funded in fiscal year 2011 .....		[-163,500]
<b>OTHER AIRCRAFT</b>			
028	OTHER SUPPORT AIRCRAFT .....	21,882	0
	Aircraft excess to requirement .....		[-21,882]
<b>MODIFICATION OF AIRCRAFT</b>			
030	AEA SYSTEMS .....	53,100	45,600
	Intrepid Tiger .....		[-7,500]
031	AV-8 SERIES .....	53,485	53,485
032	F-18 SERIES .....	46,992	46,992
034	AH-1W SERIES .....	39,418	37,918
	ANVIS HUD install kit pricing .....		[-1,500]
035	H-53 SERIES .....	70,747	63,747
	Excess hardware support .....		[-2,000]
	Excess NRE for Blue Force Tracker modifications .....		[-5,000]
037	H-1 SERIES .....	6,420	0
	Top-owl modification funding .....		[-6,420]
038	EP-3 SERIES .....	20,800	20,800
043	C-130 SERIES .....	59,625	44,225
	LAIRCM install unit cost .....		[-5,200]
	Targeting Sight Systems exceed requirement .....		[-10,200]
045	CARGO/TRANSPORT A/C SERIES .....	25,880	18,280
	Excess C-20G installation NRE .....		[-4,000]
	UC-12W excess to need .....		[-3,600]
048	SPECIAL PROJECT AIRCRAFT .....	11,184	11,184
053	COMMON ECM EQUIPMENT .....	27,200	24,200
	Other support excess .....		[-3,000]
054	COMMON AVIONICS CHANGES .....	13,467	11,467
	OSIP 10-11 other support growth .....		[-2,000]
055	COMMON DEFENSIVE WEAPON SYSTEM .....	3,300	3,300
060	V-22 (TILT/ROTOR ACFT) OSPREY .....	30,000	25,500
	Deficiencies modifications other support growth .....		[-2,500]
	Reliability modifications other support growth .....		[-2,000]
<b>AIRCRAFT SPARES AND REPAIR PARTS</b>			
061	SPARES AND REPAIR PARTS .....	39,060	34,462
	MQ-8 spares excess to requirement .....		[-3,631]
	Other Support Aircraft spares .....		[-967]
<b>AIRCRAFT SUPPORT EQUIP &amp; FACILITIES</b>			
062	COMMON GROUND EQUIPMENT .....	10,800	10,800
064	WAR CONSUMABLES .....		0
065	OTHER PRODUCTION CHARGES .....	4,100	4,100
	<b>TOTAL AIRCRAFT PROCUREMENT, NAVY</b> .....	<b>730,960</b>	<b>480,935</b>
<b>WEAPONS PROCUREMENT, NAVY</b>			
<b>TACTICAL MISSILES</b>			
009	HELLFIRE .....	14,000	14,000
010	STAND OFF PRECISION GUIDED MUNITIONS (SOPGM) .....	20,000	20,000
<b>GUNS AND GUN MOUNTS</b>			
027	SMALL ARMS AND WEAPONS .....	7,070	7,070
	<b>TOTAL WEAPONS PROCUREMENT, NAVY</b> .....	<b>41,070</b>	<b>41,070</b>
<b>PROCUREMENT OF AMMO, NAVY &amp; MC</b>			
<b>NAVY AMMUNITION</b>			
003	AIRBORNE ROCKETS, ALL TYPES .....	80,200	80,200
004	MACHINE GUN AMMUNITION .....	22,400	22,400
007	AIR EXPENDABLE COUNTERMEASURES .....	20,000	20,000
011	OTHER SHIP GUN AMMUNITION .....	182	182
012	SMALL ARMS & LANDING PARTY AMMO .....	4,545	4,545
013	PYROTECHNIC AND DEMOLITION .....	1,656	1,656
014	AMMUNITION LESS THAN \$5 MILLION .....	6,000	6,000
<b>MARINE CORPS AMMUNITION</b>			
015	SMALL ARMS AMMUNITION .....	19,575	19,575
016	LINEAR CHARGES, ALL TYPES .....	6,691	6,691
017	40 MM, ALL TYPES .....	12,184	12,184
018	60MM, ALL TYPES .....	10,988	10,988
019	81MM, ALL TYPES .....	24,515	24,515
020	120MM, ALL TYPES .....	11,227	11,227
021	CTG 25MM, ALL TYPES .....	802	802
022	GRENADES, ALL TYPES .....	5,911	5,911
023	ROCKETS, ALL TYPES .....	18,871	18,871
024	ARTILLERY, ALL TYPES .....	57,003	57,003
025	DEMOLITION MUNITIONS, ALL TYPES .....	7,831	7,831
026	FUZE, ALL TYPES .....	5,177	5,177
027	NON LETHALS .....	712	712

**SEC. 4102. PROCUREMENT FOR OVERSEAS CONTINGENCY OPERATIONS**  
(In Thousands of Dollars)

<b>Line</b>	<b>Item</b>	<b>FY 2012 Request</b>	<b>Conference Agreement</b>
029	ITEMS LESS THAN \$5 MILLION .....	630	630
	<b>TOTAL PROCUREMENT OF AMMO, NAVY &amp; MC</b> .....	<b>317,100</b>	<b>317,100</b>
	<b>OTHER PROCUREMENT, NAVY</b>		
	<b>SMALL BOATS</b>		
023	STANDARD BOATS .....	13,729	0
	Coastal force protection boats contract delay .....		[-13,729]
	<b>AVIATION ELECTRONIC EQUIPMENT</b>		
056	MATCALS .....	7,232	0
	Radar upgrade - Transfer to Title I .....		[-7,232]
	<b>OTHER SHORE ELECTRONIC EQUIPMENT</b>		
066	TACTICAL/MOBILE C4I SYSTEMS .....	4,000	0
	Unjustified request for tech refresh upgrades .....		[-4,000]
	<b>AIRCRAFT SUPPORT EQUIPMENT</b>		
092	EXPEDITIONARY AIRFIELDS .....	47,000	47,000
095	METEOROLOGICAL EQUIPMENT .....	10,800	10,800
097	AVIATION LIFE SUPPORT .....	14,000	14,000
101	OTHER AVIATION SUPPORT EQUIPMENT .....	18,226	18,226
	<b>ASW SUPPORT EQUIPMENT</b>		
112	SSN COMBAT CONTROL SYSTEMS .....	7,500	0
	Naval Intelligence Fusion Tool—Transfer to Title I .....		[-7,500]
	<b>OTHER ORDNANCE SUPPORT EQUIPMENT</b>		
116	EXPLOSIVE ORDNANCE DISPOSAL EQUIP .....	15,700	15,700
	<b>CIVIL ENGINEERING SUPPORT EQUIPMENT</b>		
121	PASSENGER CARRYING VEHICLES .....	2,628	2,628
123	CONSTRUCTION & MAINTENANCE EQUIP .....	13,290	13,290
124	FIRE FIGHTING EQUIPMENT .....	3,672	3,672
128	ITEMS UNDER \$5 MILLION .....	1,002	1,002
	<b>SUPPLY SUPPORT EQUIPMENT</b>		
130	MATERIALS HANDLING EQUIPMENT .....	3,644	3,644
	<b>TRAINING DEVICES</b>		
134	TRAINING SUPPORT EQUIPMENT .....	5,789	0
	Funding No Longer Required .....		[-5,789]
	<b>COMMAND SUPPORT EQUIPMENT</b>		
135	COMMAND SUPPORT EQUIPMENT .....	3,310	3,310
140	OPERATING FORCES SUPPORT EQUIPMENT .....	6,977	6,977
141	C4ISR EQUIPMENT .....	24,762	24,762
143	PHYSICAL SECURITY EQUIPMENT .....	78,241	70,641
	Intelligence Kits - Funding No Longer Required Due to Force Structure Reductions .....		[-7,600]
	<b>SPARES AND REPAIR PARTS</b>		
149	SPARES AND REPAIR PARTS .....	473	473
	<b>TOTAL OTHER PROCUREMENT, NAVY</b> .....	<b>281,975</b>	<b>236,125</b>
	<b>PROCUREMENT, MARINE CORPS</b>		
	<b>TRACKED COMBAT VEHICLES</b>		
002	LAV PIP .....	23,962	23,962
	<b>ARTILLERY AND OTHER WEAPONS</b>		
004	155MM LIGHTWEIGHT TOWED HOWITZER .....	16,000	16,000
005	HIGH MOBILITY ARTILLERY ROCKET SYSTEM .....	10,488	10,488
006	WEAPONS AND COMBAT VEHICLES UNDER \$5 MILLION .....	27,373	27,373
	<b>GUIDED MISSILES</b>		
010	JAVELIN .....	2,527	2,527
	<b>OTHER SUPPORT</b>		
013	MODIFICATION KITS .....	59,730	59,730
	<b>REPAIR AND TEST EQUIPMENT</b>		
015	REPAIR AND TEST EQUIPMENT .....	19,040	19,040
	<b>OTHER SUPPORT (TEL)</b>		
017	MODIFICATION KITS .....	2,331	2,331
	<b>COMMAND AND CONTROL SYSTEM (NON-TEL)</b>		
018	ITEMS UNDER \$5 MILLION (COMM & ELEC) .....	3,090	3,090
019	AIR OPERATIONS C2 SYSTEMS .....	5,236	5,236
	<b>RADAR + EQUIPMENT (NON-TEL)</b>		
020	RADAR SYSTEMS .....	26,506	26,506
	<b>INTELL/COMM EQUIPMENT (NON-TEL)</b>		
021	FIRE SUPPORT SYSTEM .....	35	35
022	INTELLIGENCE SUPPORT EQUIPMENT .....	47,132	47,132
	<b>OTHER COMM/ELEC EQUIPMENT (NON-TEL)</b>		
028	NIGHT VISION EQUIPMENT .....	9,850	9,850
	<b>OTHER SUPPORT (NON-TEL)</b>		
029	COMMON COMPUTER RESOURCES .....	18,629	18,629
030	COMMAND POST SYSTEMS .....	31,491	31,491
031	RADIO SYSTEMS .....	87,027	87,027
032	COMM SWITCHING & CONTROL SYSTEMS .....	54,177	124,177
	Data distribution system modules .....		[50,000]
	Digital technical control shelters .....		[20,000]
033	COMM & ELEC INFRASTRUCTURE SUPPORT .....	2,200	2,200
	<b>TACTICAL VEHICLES</b>		
037	MOTOR TRANSPORT MODIFICATIONS .....	95,800	95,800
038	MEDIUM TACTICAL VEHICLE REPLACEMENT .....	392,391	174,391

**SEC. 4102. PROCUREMENT FOR OVERSEAS CONTINGENCY OPERATIONS**  
*(In Thousands of Dollars)*

<b>Line</b>	<b>Item</b>	<b>FY 2012 Request</b>	<b>Conference Agreement</b>
	Marine Corps requested transfer to line 32 for Data Distribution System .....		[-50,000]
	Marine Corps requested transfer to line 32 for Digital Technical Control System .....		[-20,000]
	Marine Corps requested transfer to line 39 for LVSR .....		[-148,000]
039	LOGISTICS VEHICLE SYSTEM REP .....	38,382	38,382
040	FAMILY OF TACTICAL TRAILERS .....	24,826	24,826
	<b>ENGINEER AND OTHER EQUIPMENT</b>		
043	ENVIRONMENTAL CONTROL EQUIP ASSORT .....	18,775	18,775
044	BULK LIQUID EQUIPMENT .....	7,361	7,361
046	POWER EQUIPMENT ASSORTED .....	51,895	106,895
	Advanced power sources .....		[20,000]
	Mobile power equipment .....		[35,000]
048	EOD SYSTEMS .....	57,237	57,237
	<b>MATERIALS HANDLING EQUIPMENT</b>		
049	PHYSICAL SECURITY EQUIPMENT .....	42,900	42,900
051	MATERIAL HANDLING EQUIP .....	42,553	42,553
	<b>GENERAL PROPERTY</b>		
053	FIELD MEDICAL EQUIPMENT .....	8,307	8,307
054	TRAINING DEVICES .....	5,200	5,200
055	CONTAINER FAMILY .....	12	12
056	FAMILY OF CONSTRUCTION EQUIPMENT .....	28,533	28,533
	<b>TOTAL PROCUREMENT, MARINE CORPS</b> .....	<b>1,260,996</b>	<b>1,167,996</b>
	<b>AIRCRAFT PROCUREMENT, AIR FORCE</b>		
	<b>HELICOPTERS</b>		
019	V22 OSPREY .....	70,000	0
	Combat Loss funded in FY11 .....		[-70,000]
	<b>MISSION SUPPORT AIRCRAFT</b>		
024	HH-60M .....	39,300	39,300
027	STUASLO .....	2,472	2,472
	<b>OTHER AIRCRAFT</b>		
034	MQ-9 .....		719,592
	Transfer from Base .....		[719,592]
	<b>AIRLIFT AIRCRAFT</b>		
043	C-5 .....	59,299	59,299
	<b>OTHER AIRCRAFT</b>		
059	MC-12W .....	17,300	17,300
063	C-130 .....	164,041	164,041
064	C-130 INTEL .....	4,600	4,600
065	C-130J MODS .....	27,983	27,983
067	COMPASS CALL MODS .....	12,000	12,000
075	HC/MC-130 MODIFICATIONS .....	34,000	34,000
076	OTHER MODIFICATIONS .....	15,000	15,000
077	MQ-1 MODS .....	2,800	2,800
	<b>AIRCRAFT SPARES + REPAIR PARTS</b>		
081	FIGHTER/UAV INITIAL SPARES/REPAIR PARTS .....	2,800	2,800
	<b>POST PRODUCTION SUPPORT</b>		
090	C-17A .....	10,970	10,970
	<b>WAR CONSUMABLES</b>		
099	WAR CONSUMABLES .....		87,220
	Transfer from Base .....		[87,220]
	<b>OTHER PRODUCTION CHARGES</b>		
100	OTHER PRODUCTION CHARGES .....	23,000	23,000
	<b>DARP</b>		
104	U-2 .....	42,300	13,400
	Sensors .....		[-28,900]
	<b>TOTAL AIRCRAFT PROCUREMENT, AIR FORCE</b> .....	<b>527,865</b>	<b>1,235,777</b>
	<b>PROCUREMENT OF AMMUNITION, AIR FORCE</b>		
	<b>ROCKETS</b>		
001	ROCKETS .....	329	329
	<b>CARTRIDGES</b>		
002	CARTRIDGES .....	8,014	8,014
	<b>BOMBS</b>		
004	GENERAL PURPOSE BOMBS .....	17,385	17,385
005	JOINT DIRECT ATTACK MUNITION .....	34,100	34,100
	<b>FLARE, IR M-JU-7B</b>		
007	EXPLOSIVE ORDNANCE DISPOSAL (EOD) .....	1,200	1,200
	<b>FUZES</b>		
011	FLARES .....	11,217	11,217
012	FUZES .....	8,765	8,765
	<b>SMALL ARMS</b>		
013	SMALL ARMS .....	11,500	11,500
	<b>TOTAL PROCUREMENT OF AMMUNITION, AIR FORCE</b> .....	<b>92,510</b>	<b>92,510</b>
	<b>MISSILE PROCUREMENT, AIR FORCE</b>		
	<b>TACTICAL</b>		
005	PREDATOR HELLFIRE MISSILE .....	16,120	16,120
006	SMALL DIAMETER BOMB .....	12,300	12,300
	<b>TOTAL MISSILE PROCUREMENT, AIR FORCE</b> .....	<b>28,420</b>	<b>28,420</b>

**SEC. 4102. PROCUREMENT FOR OVERSEAS CONTINGENCY OPERATIONS**  
(In Thousands of Dollars)

<i>Line</i>	<i>Item</i>	<i>FY 2012 Request</i>	<i>Conference Agreement</i>
	<b>OTHER PROCUREMENT, AIR FORCE</b>		
	<b>PASSENGER CARRYING VEHICLES</b>		
001	PASSENGER CARRYING VEHICLES .....	2,658	0
	Unjustified request .....		[-2,658]
	<b>CARGO + UTILITY VEHICLES</b>		
004	ITEMS LESS THAN \$5,000,000 (CARGO) .....	32,824	0
	Unjustified request .....		[-32,824]
	<b>SPECIAL PURPOSE VEHICLES</b>		
006	ITEMS LESS THAN \$5,000,000 (SPECIA) .....	110	110
	<b>FIRE FIGHTING EQUIPMENT</b>		
007	FIRE FIGHTING/CRASH RESCUE VEHICLES .....	1,662	1,662
	<b>MATERIALS HANDLING EQUIPMENT</b>		
008	ITEMS LESS THAN \$5,000,000 .....	772	772
	<b>BASE MAINTENANCE SUPPORT</b>		
010	ITEMS LESS THAN \$5M BASE MAINT/CONST .....	13,983	13,983
	<b>COMM SECURITY EQUIPMENT (COMSEC)</b>		
013	AIR FORCE PHYSICAL SECURITY .....	500	500
	<b>ELECTRONICS PROGRAMS</b>		
022	WEATHER OBSERVATION FORECAST .....	1,800	1,800
025	TAC SIGNIT SPT .....	7,020	7,020
	<b>SPCL COMM-ELECTRONICS PROJECTS</b>		
030	AIR FORCE PHYSICAL SECURITY SYSTEM .....	25,920	25,920
	<b>ORGANIZATION AND BASE</b>		
049	TACTICAL C-E EQUIPMENT .....	9,445	9,445
	<b>PERSONAL SAFETY &amp; RESCUE EQUIP</b>		
055	NIGHT VISION GOGGLES .....	12,900	12,900
	<b>BASE SUPPORT EQUIPMENT</b>		
059	CONTINGENCY OPERATIONS .....	18,100	18,100
061	MOBILITY EQUIPMENT .....	9,800	9,800
062	ITEMS LESS THAN \$5,000,000 (BASE S) .....	8,400	8,400
	<b>SPECIAL SUPPORT PROJECTS</b>		
065	DCGS-AF .....	3,000	3,000
068	DEFENSE SPACE RECONNAISSANCE PROG. ....	64,400	64,400
	<b>CLASSIFIED PROGRAMS</b>		
068A	CLASSIFIED PROGRAMS .....	2,991,347	2,910,698
	Classified Adjustment .....		[-80,649]
	<b>TOTAL OTHER PROCUREMENT, AIR FORCE</b> .....	<b>3,204,641</b>	<b>3,088,510</b>
	<b>PROCUREMENT, DEFENSE-WIDE</b>		
	<b>MAJOR EQUIPMENT, DISA</b>		
017	TELEPORT PROGRAM .....	3,307	3,307
	<b>MAJOR EQUIPMENT, NSA</b>		
043	INFORMATION SYSTEMS SECURITY PROGRAM (ISSP) .....	3,000	3,000
	<b>MAJOR EQUIPMENT, OSD</b>		
046	MAJOR EQUIPMENT, INTELLIGENCE .....	8,300	8,300
	<b>CLASSIFIED PROGRAMS</b>		
048A	CLASSIFIED PROGRAMS .....	101,548	96,548
	Program adjustment .....		[-5,000]
	<b>AVIATION PROGRAMS</b>		
050	MH-47 SERVICE LIFE EXTENSION PROGRAM .....	40,500	0
	Combat Loss funded in FY11 .....		[-40,500]
051	MH-60 MODERNIZATION PROGRAM .....	7,800	0
	Combat Loss funded in FY11 .....		[-7,800]
052	NON-STANDARD AVIATION .....	8,500	8,500
057	CV-22 MODIFICATION .....	15,000	0
	Combat Loss funded in FY11 .....		[-15,000]
063	C-130 MODIFICATIONS .....	4,800	4,800
	<b>AMMUNITION PROGRAMS</b>		
067	ORDNANCE REPLENISHMENT .....	71,659	71,659
068	ORDNANCE ACQUISITION .....	25,400	15,400
	Prior year funding carryover .....		[-10,000]
	<b>OTHER PROCUREMENT PROGRAMS</b>		
069	COMMUNICATIONS EQUIPMENT AND ELECTRONICS .....	2,325	2,325
070	INTELLIGENCE SYSTEMS .....	43,558	49,058
	Village Stability Operations [VSO] unfunded requirement .....		[5,500]
071	SMALL ARMS AND WEAPONS .....	6,488	8,488
	VSO unfunded requirement .....		[2,000]
072	DISTRIBUTED COMMON GROUND/SURFACE SYSTEMS .....	2,601	2,601
078	TACTICAL VEHICLES .....	15,818	19,818
	VSO unfunded requirement .....		[4,000]
085	AUTOMATION SYSTEMS .....	13,387	13,387
087	OPERATIONAL ENHANCEMENTS INTELLIGENCE .....	5,800	5,800
088	SOLDIER PROTECTION AND SURVIVAL SYSTEMS .....	34,900	37,500
	VSO unfunded requirement .....		[2,600]
089	VISUAL AUGMENTATION LASERS AND SENSOR SYSTEMS .....	3,531	3,531
090	TACTICAL RADIO SYSTEMS .....	2,894	2,894
093	MISCELLANEOUS EQUIPMENT .....	7,220	7,220
094	OPERATIONAL ENHANCEMENTS .....	41,632	41,632



**SEC. 4102. PROCUREMENT FOR OVERSEAS CONTINGENCY OPERATIONS**  
(In Thousands of Dollars)

<i>Line</i>	<i>Item</i>	<i>FY 2012 Request</i>	<i>Conference Agreement</i>
	<b>TOTAL PROCUREMENT, DEFENSE-WIDE .....</b>	<b>469,968</b>	<b>405,768</b>
	<b>JOINT URGENT OPERATIONAL NEEDS FUND</b>		
	<b>JOINT URGENT OPERATIONAL NEEDS FUND</b>		
001	JOINT URGENT OPERATIONAL NEEDS FUND .....	100,000	0
	Unjustified Requirement .....		[-100,000]
	<b>TOTAL JOINT URGENT OPERATIONAL NEEDS FUND .....</b>	<b>100,000</b>	<b>0</b>
	<b>MINE RESISTANT AMBUSH PROT VEH FUND</b>		
	<b>MINE RESISTANT AMBUSH PROT VEH FUND</b>		
001	MINE RESISTANT AMBUSH PROT VEH FUND .....	3,195,170	2,600,170
	Funds previously provided by Department of Army in FY11 .....		[-595,000]
	<b>TOTAL MINE RESISTANT AMBUSH PROT VEH FUND .....</b>	<b>3,195,170</b>	<b>2,600,170</b>
	<b>NATIONAL GUARD &amp; RESERVE EQUIPMENT</b>		
	<b>UNDISTRIBUTED</b>		
007	UNDISTRIBUTED .....		225,000
	Program Increase .....		[225,000]
	<b>TOTAL NATIONAL GUARD &amp; RESERVE EQUIPMENT .....</b>		<b>225,000</b>
	<b>TOTAL PROCUREMENT .....</b>	<b>15,021,824</b>	<b>15,084,413</b>

**TITLE XLII—RESEARCH, DEVELOPMENT, TEST, AND EVALUATION**

**SEC. 4201. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION.**

**SEC. 4201. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION**  
(In Thousands of Dollars)

<i>Line</i>	<i>Program Element</i>	<i>Item</i>	<i>FY 2012 Request</i>	<i>Con- ference Author- ized</i>
		<b>RESEARCH, DEVELOPMENT, TEST &amp; EVAL, ARMY</b>		
		<b>BASIC RESEARCH</b>		
001	0601101A	IN-HOUSE LABORATORY INDEPENDENT RESEARCH .....	21,064	21,064
002	0601102A	DEFENSE RESEARCH SCIENCES .....	213,942	213,942
003	0601103A	UNIVERSITY RESEARCH INITIATIVES .....	80,977	80,977
004	0601104A	UNIVERSITY AND INDUSTRY RESEARCH CENTERS .....	120,937	120,937
		<b>SUBTOTAL BASIC RESEARCH .....</b>	<b>436,920</b>	<b>436,920</b>
		<b>APPLIED RESEARCH</b>		
005	0602105A	MATERIALS TECHNOLOGY .....	30,258	30,258
006	0602120A	SENSORS AND ELECTRONIC SURVIVABILITY .....	43,521	43,521
007	0602122A	TRACTOR HIP .....	14,230	14,230
008	0602211A	AVIATION TECHNOLOGY .....	44,610	44,610
009	0602270A	ELECTRONIC WARFARE TECHNOLOGY .....	15,790	15,790
010	0602303A	MISSILE TECHNOLOGY .....	50,685	50,685
011	0602307A	ADVANCED WEAPONS TECHNOLOGY .....	20,034	20,034
012	0602308A	ADVANCED CONCEPTS AND SIMULATION .....	20,933	20,933
013	0602601A	COMBAT VEHICLE AND AUTOMOTIVE TECHNOLOGY .....	64,306	64,306
014	0602618A	BALLISTICS TECHNOLOGY .....	59,214	59,214
015	0602622A	CHEMICAL, SMOKE AND EQUIPMENT DEFEATING TECHNOLOGY .....	4,877	4,877
016	0602623A	JOINT SERVICE SMALL ARMS PROGRAM .....	8,244	8,244
017	0602624A	WEAPONS AND MUNITIONS TECHNOLOGY .....	39,813	39,813
018	0602705A	ELECTRONICS AND ELECTRONIC DEVICES .....	62,962	62,962
019	0602709A	NIGHT VISION TECHNOLOGY .....	57,203	55,203
		Program growth adjustment .....		[-2,000]
020	0602712A	COUNTERMINE SYSTEMS .....	20,280	20,280
021	0602716A	HUMAN FACTORS ENGINEERING TECHNOLOGY .....	21,801	21,801
022	0602720A	ENVIRONMENTAL QUALITY TECHNOLOGY .....	20,837	20,837
023	0602782A	COMMAND, CONTROL, COMMUNICATIONS TECHNOLOGY .....	26,116	26,116
024	0602783A	COMPUTER AND SOFTWARE TECHNOLOGY .....	8,591	8,591
025	0602784A	MILITARY ENGINEERING TECHNOLOGY .....	80,317	80,317
026	0602785A	MANPOWER/PERSONNEL/TRAINING TECHNOLOGY .....	18,946	18,946
027	0602786A	WARFIGHTER TECHNOLOGY .....	29,835	29,835
028	0602787A	MEDICAL TECHNOLOGY .....	105,929	105,929
		<b>SUBTOTAL APPLIED RESEARCH .....</b>	<b>869,332</b>	<b>867,332</b>
		<b>ADVANCED TECHNOLOGY DEVELOPMENT</b>		
029	0603001A	WARFIGHTER ADVANCED TECHNOLOGY .....	52,979	52,979
030	0603002A	MEDICAL ADVANCED TECHNOLOGY .....	68,171	68,171
031	0603003A	AVIATION ADVANCED TECHNOLOGY .....	62,193	62,193
032	0603004A	WEAPONS AND MUNITIONS ADVANCED TECHNOLOGY .....	77,077	77,077
033	0603005A	COMBAT VEHICLE AND AUTOMOTIVE ADVANCED TECHNOLOGY .....	106,145	106,145
034	0603006A	COMMAND, CONTROL, COMMUNICATIONS ADVANCED TECHNOLOGY .....	5,312	5,312
035	0603007A	MANPOWER, PERSONNEL AND TRAINING ADVANCED TECHNOLOGY .....	10,298	10,298
036	0603008A	ELECTRONIC WARFARE ADVANCED TECHNOLOGY .....	57,963	57,963
037	0603009A	TRACTOR HIKE .....	8,155	8,155

**SEC. 4201. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION**  
(In Thousands of Dollars)

<b>Line</b>	<b>Program Element</b>	<b>Item</b>	<b>FY 2012 Request</b>	<b>Conference Authorized</b>
038	0603015A	NEXT GENERATION TRAINING & SIMULATION SYSTEMS .....	17,936	17,936
039	0603020A	TRACTOR ROSE .....	12,597	12,597
040	0603105A	MILITARY HIV RESEARCH .....	6,796	6,796
041	0603125A	COMBATING TERRORISM, TECHNOLOGY DEVELOPMENT .....	12,191	12,191
042	0603130A	TRACTOR NAIL .....	4,278	4,278
043	0603131A	TRACTOR EGGS .....	2,261	2,261
044	0603270A	ELECTRONIC WARFARE TECHNOLOGY .....	23,677	23,677
045	0603313A	MISSILE AND ROCKET ADVANCED TECHNOLOGY .....	90,602	90,602
046	0603322A	TRACTOR CAGE .....	10,315	10,315
047	0603461A	HIGH PERFORMANCE COMPUTING MODERNIZATION PROGRAM .....	183,150	183,150
048	0603606A	LANDMINE WARFARE AND BARRIER ADVANCED TECHNOLOGY .....	31,541	31,541
049	0603607A	JOINT SERVICE SMALL ARMS PROGRAM .....	7,686	7,686
050	0603710A	NIGHT VISION ADVANCED TECHNOLOGY .....	42,414	42,414
051	0603728A	ENVIRONMENTAL QUALITY TECHNOLOGY DEMONSTRATIONS .....	15,959	15,959
052	0603734A	MILITARY ENGINEERING ADVANCED TECHNOLOGY .....	36,516	36,516
053	0603772A	ADVANCED TACTICAL COMPUTER SCIENCE AND SENSOR TECHNOLOGY .....	30,600	30,600
		<b>SUBTOTAL ADVANCED TECHNOLOGY DEVELOPMENT .....</b>	<b>976,812</b>	<b>976,812</b>
		<b>ADVANCED COMPONENT DEVELOPMENT &amp; PROTOTYPES</b>		
055	0603305A	ARMY MISSILE DEFENSE SYSTEMS INTEGRATION(NON SPACE) .....	21,126	9,126
		Excess growth and delays .....		[-12,000]
055A	0603XXXA	INDIRECT FIRE PROTECTION .....	14,883	14,883
056	0603308A	ARMY MISSILE DEFENSE SYSTEMS INTEGRATION (SPACE) .....	9,612	9,612
058	0603619A	LANDMINE WARFARE AND BARRIER—ADV DEV .....	35,383	19,293
		Excess to Army requirement .....		[-16,090]
059	0603627A	SMOKE, OBSCURANT AND TARGET DEFEATING SYS-ADV DEV .....	9,501	4,501
		Program growth adjustment .....		[-5,000]
060	0603639A	TANK AND MEDIUM CALIBER AMMUNITION .....	39,693	39,693
061	0603653A	ADVANCED TANK ARMAMENT SYSTEM (ATAS) .....	101,408	64,408
		Program growth adjustment .....		[-37,000]
062	0603747A	SOLDIER SUPPORT AND SURVIVABILITY .....	9,747	3,843
		Rapid Equipping Force- Lack of baseline requirement .....		[-5,904]
063	0603766A	TACTICAL ELECTRONIC SURVEILLANCE SYSTEM—ADV DEV .....	5,766	5,766
065	0603779A	ENVIRONMENTAL QUALITY TECHNOLOGY .....	4,946	4,946
066	0603782A	WARFIGHTER INFORMATION NETWORK-TACTICAL .....	297,955	182,955
		Program reduction Increment III .....		[-115,000]
067	0603790A	NATO RESEARCH AND DEVELOPMENT .....	4,765	4,765
068	0603801A	AVIATION—ADV DEV .....	7,107	7,107
069	0603804A	LOGISTICS AND ENGINEER EQUIPMENT—ADV DEV .....	19,509	12,509
		Army requested transfer LAMPS to RDTE Army line 109 .....		[-7,000]
070	0603805A	COMBAT SERVICE SUPPORT CONTROL SYSTEM EVALUATION AND ANALYSIS .....	5,258	5,258
071	0603807A	MEDICAL SYSTEMS—ADV DEV .....	34,997	34,997
072	0603827A	SOLDIER SYSTEMS—ADVANCED DEVELOPMENT .....	19,598	19,598
073	0603850A	INTEGRATED BROADCAST SERVICE .....	1,496	1,496
074	0604115A	TECHNOLOGY MATURATION INITIATIVES .....	10,181	10,181
075	0604131A	TRACTOR JUTE .....	15,609	15,609
076	0604284A	JOINT COOPERATIVE TARGET IDENTIFICATION—GROUND (JCTI-G) / TECHNOLOGY DEVELOPME .....	41,652	15,052
		Army offered program reduction .....		[-26,600]
077	0305205A	ENDURANCE UAVS .....	42,892	42,892
		<b>SUBTOTAL ADVANCED COMPONENT DEVELOPMENT &amp; PROTOTYPES .....</b>	<b>753,084</b>	<b>528,490</b>
		<b>SYSTEM DEVELOPMENT &amp; DEMONSTRATION</b>		
078	0604201A	AIRCRAFT AVIONICS .....	144,687	119,687
		JTRS AMF delays and JPALS excessive growth .....		[-25,000]
079	0604220A	ARMED, DEPLOYABLE HELOS .....	166,132	82,442
		Army offered program reduction .....		[-83,690]
080	0604270A	ELECTRONIC WARFARE DEVELOPMENT .....	101,265	34,265
		Army offered program reduction .....		[-67,000]
082	0604321A	ALL SOURCE ANALYSIS SYSTEM .....	17,412	7,412
		Machine—Foreign Language Translation System contract delay .....		[-10,000]
083	0604328A	TRACTOR CAGE .....	26,577	26,577
084	0604601A	INFANTRY SUPPORT WEAPONS .....	73,728	83,474
		S61—High concurrency of incremental efforts .....		[-8,000]
		Transfer at Army request from WTCV line 17 .....		[16,046]
		Transfer at Army request from WTCV line 20 .....		[1,700]
085	0604604A	MEDIUM TACTICAL VEHICLES .....	3,961	3,961
087	0604611A	JAVELIN .....	17,340	9,940
		Excess to requirement .....		[-7,400]
088	0604622A	FAMILY OF HEAVY TACTICAL VEHICLES .....	5,478	5,478
089	0604633A	AIR TRAFFIC CONTROL .....	22,922	22,922
090	0604642A	LIGHT TACTICAL WHEELED VEHICLES .....		20,000
		Army requested transfer from RDTE line 109 .....		[20,000]
093	0604661A	FCS SYSTEMS OF SYSTEMS ENGR & PROGRAM MGMT .....	383,872	298,872
		Unjustified requirement .....		[-85,000]
095	0604663A	FCS UNMANNED GROUND VEHICLES .....	143,840	36,000
		Program adjustment .....		[-107,840]
096	0604664A	FCS UNATTENDED GROUND SENSORS .....	499	0

**SEC. 4201. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION**  
(In Thousands of Dollars)

Line	Program Element	Item	FY 2012 Request	Conference Authorized
		Program termination .....		[-499]
098	0604710.A	NIGHT VISION SYSTEMS—SDD .....	59,265	59,265
099	0604713.A	COMBAT FEEDING, CLOTHING, AND EQUIPMENT .....	2,075	2,075
100	0604715.A	NON-SYSTEM TRAINING DEVICES—SDD .....	30,021	30,021
101	0604716.A	TERRAIN INFORMATION—SDD .....	1,596	1,596
102	0604741.A	AIR DEFENSE COMMAND, CONTROL AND INTELLIGENCE—SDD .....	83,010	83,010
103	0604742.A	CONSTRUCTIVE SIMULATION SYSTEMS DEVELOPMENT .....	28,305	28,305
104	0604746.A	AUTOMATIC TEST EQUIPMENT DEVELOPMENT .....	14,375	14,375
105	0604760.A	DISTRIBUTIVE INTERACTIVE SIMULATIONS (DIS)—SDD .....	15,803	15,803
107	0604780.A	COMBINED ARMS TACTICAL TRAINER (CATT) CORE .....	22,226	22,226
108	0604802.A	WEAPONS AND MUNITIONS—SDD .....	13,828	13,828
109	0604804.A	LOGISTICS AND ENGINEER EQUIPMENT—SDD .....	251,104	173,311
		Army request transfer from RDTE line 69 .....		[7,000]
		Army requested transfer to RDTE Army line 90 .....		[-20,000]
		Joint Light Tactical Vehicle Schedule Slip .....		[-64,793]
110	0604805.A	COMMAND, CONTROL, COMMUNICATIONS SYSTEMS—SDD .....	137,811	81,811
		Excessive growth Joint Battle Command-Platform .....		[-56,000]
111	0604807.A	MEDICAL MATERIEL/MEDICAL BIOLOGICAL DEFENSE EQUIPMENT—SDD .....	27,160	27,160
112	0604808.A	LANDMINE WARFARE/BARRIER—SDD .....	87,426	76,326
		Explosive Hazard Pre-Detonation (EHP) Roller contract delay .....		[-11,100]
113	0604814.A	ARTILLERY MUNITIONS .....	42,627	37,627
		Program growth adjustment .....		[-5,000]
115	0604818.A	ARMY TACTICAL COMMAND & CONTROL HARDWARE & SOFTWARE .....	123,935	93,935
		Excessive Growth .....		[-30,000]
116	0604820.A	RADAR DEVELOPMENT .....	2,890	2,890
117	0604822.A	GENERAL FUND ENTERPRISE BUSINESS SYSTEM (GFEBS) .....	794	794
118	0604823.A	FIREFINDER .....	10,358	10,358
119	0604827.A	SOLDIER SYSTEMS—WARRIOR DEM/VAL .....	48,309	61,409
		Transfer at Army request from OPA line 147 .....		[13,100]
120	0604854.A	ARTILLERY SYSTEMS .....	120,146	120,146
121	0604869.A	PATRIOT/MEADS COMBINED AGGREGATE PROGRAM (CAP) .....	406,605	390,000
		Program Decrease .....		[-16,605]
122	0604870.A	NUCLEAR ARMS CONTROL MONITORING SENSOR NETWORK .....	7,398	7,398
123	0605013.A	INFORMATION TECHNOLOGY DEVELOPMENT .....	37,098	32,098
		Unjustified cost growth .....		[-5,000]
124	0605018.A	ARMY INTEGRATED MILITARY HUMAN RESOURCES SYSTEM (A-IMHRS) .....	68,693	68,693
125	0605450.A	JOINT AIR-TO-GROUND MISSILE (JAGM) .....	127,095	127,095
126	0605455.A	SLAMRAAM .....	19,931	1,531
		Excess to program termination requirements .....		[-18,400]
127	0605456.A	PAC-3/MSE MISSILE .....	88,993	88,993
128	0605457.A	ARMY INTEGRATED AIR AND MISSILE DEFENSE (AIAMD) .....	270,607	270,607
129	0605625.A	MANNED GROUND VEHICLE .....	884,387	449,387
		Excessive Technology Ramp-up prior to completion of Analysis of Alternatives .....		[-435,000]
130	0605626.A	AERIAL COMMON SENSOR .....	31,465	31,465
131	0303032.A	TROJAN—RH12 .....	3,920	3,920
132	0304270.A	ELECTRONIC WARFARE DEVELOPMENT .....	13,819	13,819
		<b>SUBTOTAL SYSTEM DEVELOPMENT &amp; DEMONSTRATION .....</b>	<b>4,190,788</b>	<b>3,192,307</b>
		<b>RDT&amp;E MANAGEMENT SUPPORT</b>		
133	0604256.A	THREAT SIMULATOR DEVELOPMENT .....	16,992	16,992
134	0604258.A	TARGET SYSTEMS DEVELOPMENT .....	11,247	11,247
135	0604759.A	MAJOR T&E INVESTMENT .....	49,437	49,437
136	0605103.A	RAND ARROYO CENTER .....	20,384	20,384
137	0605301.A	ARMY KWAJALEIN ATOLL .....	145,606	145,606
138	0605326.A	CONCEPTS EXPERIMENTATION PROGRAM .....	28,800	28,800
139	0605502.A	SMALL BUSINESS INNOVATIVE RESEARCH .....		0
140	0605601.A	ARMY TEST RANGES AND FACILITIES .....	262,456	312,456
		Program Increase .....		[50,000]
141	0605602.A	ARMY TECHNICAL TEST INSTRUMENTATION AND TARGETS .....	70,227	70,227
142	0605604.A	SURVIVABILITY/LETHALITY ANALYSIS .....	43,483	43,483
143	0605605.A	DOD HIGH ENERGY LASER TEST FACILITY .....	18	18
144	0605606.A	AIRCRAFT CERTIFICATION .....	5,630	5,630
145	0605702.A	METEOROLOGICAL SUPPORT TO RDT&E ACTIVITIES .....	7,182	7,182
146	0605706.A	MATERIEL SYSTEMS ANALYSIS .....	19,669	19,669
147	0605709.A	EXPLOITATION OF FOREIGN ITEMS .....	5,445	5,445
148	0605712.A	SUPPORT OF OPERATIONAL TESTING .....	68,786	68,786
149	0605716.A	ARMY EVALUATION CENTER .....	63,302	63,302
150	0605718.A	ARMY MODELING & SIM X-CMD COLLABORATION & INTEG .....	3,420	3,420
151	0605801.A	PROGRAMWIDE ACTIVITIES .....	83,054	83,054
152	0605803.A	TECHNICAL INFORMATION ACTIVITIES .....	63,872	58,872
		Program Reduction .....		[-5,000]
153	0605805.A	MUNITIONS STANDARDIZATION, EFFECTIVENESS AND SAFETY .....	57,142	57,142
154	0605857.A	ENVIRONMENTAL QUALITY TECHNOLOGY MGMT SUPPORT .....	4,961	4,961
155	0605898.A	MANAGEMENT HQ—R&D .....	17,558	17,558
		<b>SUBTOTAL RDT&amp;E MANAGEMENT SUPPORT .....</b>	<b>1,048,671</b>	<b>1,093,671</b>

**OPERATIONAL SYSTEMS DEVELOPMENT**

**SEC. 4201. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION**  
(In Thousands of Dollars)

<b>Line</b>	<b>Program Element</b>	<b>Item</b>	<b>FY 2012 Request</b>	<b>Conference Authorized</b>
158	0603778A	MLRS PRODUCT IMPROVEMENT PROGRAM .....	66,641	66,641
159	0603820A	WEAPONS CAPABILITY MODIFICATIONS UAV .....	24,142	7,500
		Excess funds only to the analysis of alternatives .....		[-16,642]
160	0102419A	AEROSTAT JOINT PROJECT OFFICE .....	344,655	327,855
		Excess program growth .....		[-16,800]
162	0203726A	ADV FIELD ARTILLERY TACTICAL DATA SYSTEM .....	29,546	29,546
163	0203735A	COMBAT VEHICLE IMPROVEMENT PROGRAMS .....	53,307	36,207
		AMPV .....		[-17,100]
164	0203740A	MANEUVER CONTROL SYSTEM .....	65,002	42,414
		Unjustified program growth .....		[-22,588]
165	0203744A	AIRCRAFT MODIFICATIONS/PRODUCT IMPROVEMENT PROGRAMS .....	163,205	149,705
		Excess funds to Black Hawk Recapitalization/Modernization for analysis of alternatives .....		[-13,500]
166	0203752A	AIRCRAFT ENGINE COMPONENT IMPROVEMENT PROGRAM .....	823	823
167	0203758A	DIGITIZATION .....	8,029	8,029
169	0203801A	MISSILE/AIR DEFENSE PRODUCT IMPROVEMENT PROGRAM .....	44,560	54,560
		Transfer at Army Request from MPA line 13 .....		[10,000]
171	0203808A	TRACTOR CARD .....	42,554	42,554
172	0208053A	JOINT TACTICAL GROUND SYSTEM .....	27,630	27,630
173	0208058A	JOINT HIGH SPEED VESSEL (JHSV) .....	3,044	3,044
175	0303028A	SECURITY AND INTELLIGENCE ACTIVITIES .....	2,854	2,854
176	0303140A	INFORMATION SYSTEMS SECURITY PROGRAM .....	61,220	61,220
177	0303141A	GLOBAL COMBAT SUPPORT SYSTEM .....	100,505	160,745
		Army requested transfer for AESIP from OPA line 116 .....		[13,000]
		Army requested transfer for GCSS-Army from OPA line 116 .....		[47,240]
178	0303142A	SATCOM GROUND ENVIRONMENT (SPACE) .....	12,104	12,104
179	0303150A	WWMCCS/GLOBAL COMMAND AND CONTROL SYSTEM .....	23,937	23,937
181	0305204A	TACTICAL UNMANNED AERIAL VEHICLES .....	40,650	26,550
		Contract award delays .....		[-14,100]
182	0305208A	DISTRIBUTED COMMON GROUND/SURFACE SYSTEMS .....	44,198	31,699
		Unjustified requirements growth .....		[-12,499]
183	0305219A	MQ-1 SKY WARRIOR A UAV .....	137,038	122,038
		Excessive growth .....		[-15,000]
184	0305232A	RQ-11 UAV .....	1,938	1,938
185	0305233A	RQ-7 UAV .....	31,940	31,940
187	0307665A	BIOMETRICS ENABLED INTELLIGENCE .....	15,018	15,018
188	0708045A	END ITEM INDUSTRIAL PREPAREDNESS ACTIVITIES .....	59,297	59,297
188A	9999999999	CLASSIFIED PROGRAMS .....	4,536	4,536
		<b>SUBTOTAL OPERATIONAL SYSTEMS DEVELOPMENT .....</b>	<b>1,408,373</b>	<b>1,350,384</b>
		<b>TOTAL RESEARCH, DEVELOPMENT, TEST &amp; EVAL, ARMY .....</b>	<b>9,683,980</b>	<b>8,445,916</b>
		<b>RESEARCH, DEVELOPMENT, TEST &amp; EVAL, NAVY</b>		
		<b>BASIC RESEARCH</b>		
001	0601103N	UNIVERSITY RESEARCH INITIATIVES .....	113,157	113,157
002	0601152N	IN-HOUSE LABORATORY INDEPENDENT RESEARCH .....	18,092	18,092
003	0601153N	DEFENSE RESEARCH SCIENCES .....	446,123	446,123
		<b>SUBTOTAL BASIC RESEARCH .....</b>	<b>577,372</b>	<b>577,372</b>
		<b>APPLIED RESEARCH</b>		
004	0602114N	POWER PROJECTION APPLIED RESEARCH .....	104,804	104,804
005	0602123N	FORCE PROTECTION APPLIED RESEARCH .....	156,901	156,901
006	0602131M	MARINE CORPS LANDING FORCE TECHNOLOGY .....	44,845	44,845
008	0602235N	COMMON PICTURE APPLIED RESEARCH .....	65,448	65,448
009	0602236N	WARFIGHTER SUSTAINMENT APPLIED RESEARCH .....	101,205	101,205
010	0602271N	ELECTROMAGNETIC SYSTEMS APPLIED RESEARCH .....	108,329	108,329
011	0602435N	OCEAN WARFIGHTING ENVIRONMENT APPLIED RESEARCH .....	50,076	50,076
012	0602651M	JOINT NON-LETHAL WEAPONS APPLIED RESEARCH .....	5,937	5,937
013	0602747N	UNDERSEA WARFARE APPLIED RESEARCH .....	108,666	108,666
014	0602782N	MINE AND EXPEDITIONARY WARFARE APPLIED RESEARCH .....	37,583	37,583
		<b>SUBTOTAL APPLIED RESEARCH .....</b>	<b>783,794</b>	<b>783,794</b>
		<b>ADVANCED TECHNOLOGY DEVELOPMENT</b>		
015	0603114N	POWER PROJECTION ADVANCED TECHNOLOGY .....	114,270	114,270
016	0603123N	FORCE PROTECTION ADVANCED TECHNOLOGY .....	64,057	45,234
		Excess MRMUAS funding .....		[-18,823]
017	0603235N	COMMON PICTURE ADVANCED TECHNOLOGY .....	49,068	49,068
018	0603236N	WARFIGHTER SUSTAINMENT ADVANCED TECHNOLOGY .....	71,232	71,232
019	0603271N	ELECTROMAGNETIC SYSTEMS ADVANCED TECHNOLOGY .....	102,535	102,535
020	0603640M	USMC ADVANCED TECHNOLOGY DEMONSTRATION (ATD) .....	124,324	124,324
021	0603651M	JOINT NON-LETHAL WEAPONS TECHNOLOGY DEVELOPMENT .....	11,286	11,286
022	0603729N	WARFIGHTER PROTECTION ADVANCED TECHNOLOGY .....	18,119	18,119
023	0603747N	UNDERSEA WARFARE ADVANCED TECHNOLOGY .....	37,121	37,121
024	0603758N	NAVY WARFIGHTING EXPERIMENTS AND DEMONSTRATIONS .....	50,157	50,157
025	0603782N	MINE AND EXPEDITIONARY WARFARE ADVANCED TECHNOLOGY .....	6,048	6,048
		<b>SUBTOTAL ADVANCED TECHNOLOGY DEVELOPMENT .....</b>	<b>648,217</b>	<b>629,394</b>
		<b>ADVANCED COMPONENT DEVELOPMENT &amp; PROTOTYPES</b>		

**SEC. 4201. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION**  
(In Thousands of Dollars)

<b>Line</b>	<b>Program Element</b>	<b>Item</b>	<b>FY 2012 Request</b>	<b>Conference Authorized</b>
026	0603207N	AIR/OCEAN TACTICAL APPLICATIONS .....	94,972	84,972
		JMAPS unjustified request .....		[-10,000]
027	0603216N	AVIATION SURVIVABILITY .....	10,893	10,893
028	0603237N	DEPLOYABLE JOINT COMMAND AND CONTROL .....	3,702	3,702
029	0603251N	AIRCRAFT SYSTEMS .....	10,497	10,497
030	0603254N	ASW SYSTEMS DEVELOPMENT .....	7,915	7,915
031	0603261N	TACTICAL AIRBORNE RECONNAISSANCE .....	5,978	5,978
032	0603382N	ADVANCED COMBAT SYSTEMS TECHNOLOGY .....	1,418	1,418
033	0603502N	SURFACE AND SHALLOW WATER MINE COUNTERMEASURES .....	142,657	127,757
		Program execution .....		[-8,900]
		UUV program delay .....		[-6,000]
034	0603506N	SURFACE SHIP TORPEDO DEFENSE .....	118,764	118,764
035	0603512N	CARRIER SYSTEMS DEVELOPMENT .....	54,072	54,072
037	0603525N	PILOT FISH .....	96,012	96,012
038	0603527N	RETRACT LARCH .....	73,421	73,421
039	0603536N	RETRACT JUNIPER .....	130,267	130,267
040	0603542N	RADIOLOGICAL CONTROL .....	1,338	1,338
041	0603553N	SURFACE ASW .....	29,797	29,797
042	0603561N	ADVANCED SUBMARINE SYSTEM DEVELOPMENT .....	856,326	856,326
043	0603562N	SUBMARINE TACTICAL WARFARE SYSTEMS .....	9,253	9,253
044	0603563N	SHIP CONCEPT ADVANCED DESIGN .....	14,308	14,308
045	0603564N	SHIP PRELIMINARY DESIGN & FEASIBILITY STUDIES .....	22,213	22,213
046	0603570N	ADVANCED NUCLEAR POWER SYSTEMS .....	463,683	463,683
047	0603573N	ADVANCED SURFACE MACHINERY SYSTEMS .....	18,249	18,249
048	0603576N	CHALK EAGLE .....	584,159	584,159
049	0603581N	LITTORAL COMBAT SHIP (LCS) .....	286,784	282,784
		Defer development of Irregular Warfare mission package .....		[-4,000]
050	0603582N	COMBAT SYSTEM INTEGRATION .....	34,157	34,157
051	0603609N	CONVENTIONAL MUNITIONS .....	4,753	4,753
052	0603611M	MARINE CORPS ASSAULT VEHICLES .....	12,000	12,000
053	0603635M	MARINE CORPS GROUND COMBAT/SUPPORT SYSTEM .....	79,858	54,981
		Joint Light Tactical Vehicle Schedule Slip .....		[-24,877]
054	0603654N	JOINT SERVICE EXPLOSIVE ORDNANCE DEVELOPMENT .....	33,654	33,654
055	0603658N	COOPERATIVE ENGAGEMENT .....	54,783	54,783
056	0603713N	OCEAN ENGINEERING TECHNOLOGY DEVELOPMENT .....	9,996	9,996
057	0603721N	ENVIRONMENTAL PROTECTION .....	21,714	21,714
058	0603724N	NAVY ENERGY PROGRAM .....	70,538	70,538
059	0603725N	FACILITIES IMPROVEMENT .....	3,754	3,754
060	0603734N	CHALK CORAL .....	79,415	79,415
061	0603739N	NAVY LOGISTIC PRODUCTIVITY .....	4,137	4,137
062	0603746N	RETRACT MAPLE .....	276,383	276,383
063	0603748N	LINK PLUMERIA .....	52,721	52,721
064	0603751N	RETRACT ELM .....	160,964	150,964
		Classified adjustment .....		[-10,000]
066	0603764N	LINK EVERGREEN .....	144,985	144,985
067	0603787N	SPECIAL PROCESSES .....	43,704	43,704
068	0603790N	NATO RESEARCH AND DEVELOPMENT .....	9,140	9,140
069	0603795N	LAND ATTACK TECHNOLOGY .....	421	421
070	0603851M	NONLETHAL WEAPONS .....	40,992	40,992
071	0603860N	JOINT PRECISION APPROACH AND LANDING SYSTEMS .....	121,455	118,255
		Excess management services funding .....		[-3,200]
075	0604272N	TACTICAL AIR DIRECTIONAL INFRARED COUNTERMEASURES (TADIRCM) .....	64,107	64,107
076	0604279N	ASE SELF-PROTECTION OPTIMIZATION .....	711	711
077	0604653N	JOINT COUNTER RADIO CONTROLLED IED ELECTRONIC WARFARE (JCREW) .....	62,044	62,044
078	0604659N	PRECISION STRIKE WEAPONS DEVELOPMENT PROGRAM .....	22,665	3,450
		Excess support funding .....		[-1,000]
		FMU-164 fuze program termination .....		[-18,215]
079	0604707N	SPACE AND ELECTRONIC WARFARE (SEW) ARCHITECTURE/ENGINEERING SUPPORT .....	33,621	33,621
080	0303354N	ASW SYSTEMS DEVELOPMENT—MIP .....	1,078	1,078
082	0304270N	ELECTRONIC WARFARE DEVELOPMENT—MIP .....	625	625
		<b>SUBTOTAL ADVANCED COMPONENT DEVELOPMENT &amp; PROTOTYPES .....</b>	<b>4,481,053</b>	<b>4,394,861</b>
		<b>SYSTEM DEVELOPMENT &amp; DEMONSTRATION</b>		
083	0604212N	OTHER HELO DEVELOPMENT .....	35,651	42,651
		Navy requested transfer from line 98 for VH-3/VH-60 sustainment .....		[7,000]
084	0604214N	AV-8B AIRCRAFT—ENG DEV .....	30,676	30,676
085	0604215N	STANDARDS DEVELOPMENT .....	51,191	49,491
		Collision avoidance safety program delay .....		[-1,700]
086	0604216N	MULTI-MISSION HELICOPTER UPGRADE DEVELOPMENT .....	17,673	17,673
087	0604218N	AIR/OCEAN EQUIPMENT ENGINEERING .....	5,922	5,922
088	0604221N	P-3 MODERNIZATION PROGRAM .....	3,417	3,417
089	0604230N	WARFARE SUPPORT SYSTEM .....	9,944	9,944
090	0604231N	TACTICAL COMMAND SYSTEM .....	81,257	77,257
		NTCSS—reduce program growth .....		[-4,000]
091	0604234N	ADVANCED HAWKEYE .....	110,994	110,994
092	0604245N	H-1 UPGRADES .....	72,569	67,569
		Development support funding growth .....		[-5,000]

**SEC. 4201. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION**  
(In Thousands of Dollars)

<b>Line</b>	<b>Program Element</b>	<b>Item</b>	<b>FY 2012 Request</b>	<b>Conference Authorized</b>
093	0604261N	ACOUSTIC SEARCH SENSORS .....	56,509	48,898
		High Altitude ASW program delay .....		[-1,611]
		Management services funding growth .....		[-6,000]
094	0604262N	V-22A .....	84,477	84,477
095	0604264N	AIR CREW SYSTEMS DEVELOPMENT .....	3,249	3,249
096	0604269N	EA-18 .....	17,100	17,100
097	0604270N	ELECTRONIC WARFARE DEVELOPMENT .....	89,418	89,418
098	0604273N	VH-71A EXECUTIVE HELO DEVELOPMENT .....	180,070	60,770
		Early to need .....		[-76,300]
		Navy requested transfer to APN line 47 .....		[-24,000]
		Navy requested transfer to APN line 62 .....		[-12,000]
		Navy requested transfer to line 83 .....		[-7,000]
099	0604274N	NEXT GENERATION JAMMER (NGJ) .....	189,919	170,919
		Technology Development late contract award .....		[-19,000]
100	0604280N	JOINT TACTICAL RADIO SYSTEM—NAVY (JTRS-NAVY) .....	688,146	676,146
		HMS capability enhancements unjustified request .....		[-60,000]
		Management services funding growth .....		[-3,000]
		Transfer from OP,A line 39 for GMR correction of deficiencies .....		[51,000]
101	0604307N	SURFACE COMBATANT COMBAT SYSTEM ENGINEERING .....	223,283	223,283
102	0604311N	LPD-17 CLASS SYSTEMS INTEGRATION .....	884	884
103	0604329N	SMALL DIAMETER BOMB (SDB) .....	47,635	29,635
		Defer Integration on Joint Strike Fighter .....		[-18,000]
104	0604366N	STANDARD MISSILE IMPROVEMENTS .....	46,705	46,705
105	0604373N	AIRBORNE MCM .....	41,142	41,142
106	0604378N	NAVAL INTEGRATED FIRE CONTROL—COUNTER AIR SYSTEMS ENGINEERING .....	24,898	24,898
107	0604404N	FUTURE UNMANNED CARRIER-BASED STRIKE SYSTEM .....	121,150	75,700
		Delay to Technology Development contract award .....		[-45,450]
108	0604501N	ADVANCED ABOVE WATER SENSORS .....	60,790	60,790
108A	0604XXXN	AIR AND MISSILE DEFENSE RADAR .....	166,568	166,568
109	0604503N	SSN-688 AND TRIDENT MODERNIZATION .....	100,591	95,671
		TB-33 program cancellation .....		[-4,920]
110	0604504N	AIR CONTROL .....	5,521	5,521
111	0604512N	SHIPBOARD AVIATION SYSTEMS .....	45,445	45,445
112	0604518N	COMBAT INFORMATION CENTER CONVERSION .....	3,400	3,400
113	0604558N	NEW DESIGN SSN .....	97,235	97,235
114	0604562N	SUBMARINE TACTICAL WARFARE SYSTEM .....	48,466	48,466
115	0604567N	SHIP CONTRACT DESIGN/ LIVE FIRE T&E .....	161,099	121,099
		Ship-to-Shore Connector—contract award delay .....		[-40,000]
116	0604574N	NAVY TACTICAL COMPUTER RESOURCES .....	3,848	3,848
117	0604601N	MINE DEVELOPMENT .....	3,933	3,933
118	0604610N	LIGHTWEIGHT TORPEDO DEVELOPMENT .....	32,592	32,592
119	0604654N	JOINT SERVICE EXPLOSIVE ORDNANCE DEVELOPMENT .....	9,960	9,960
120	0604703N	PERSONNEL, TRAINING, SIMULATION, AND HUMAN FACTORS .....	12,992	12,992
121	0604727N	JOINT STANDOFF WEAPON SYSTEMS .....	7,506	7,506
122	0604755N	SHIP SELF DEFENSE (DETECT & CONTROL) .....	71,222	71,222
123	0604756N	SHIP SELF DEFENSE (ENGAGE: HARD KILL) .....	6,631	6,631
124	0604757N	SHIP SELF DEFENSE (ENGAGE: SOFT KILL/EW) .....	184,095	184,095
125	0604761N	INTELLIGENCE ENGINEERING .....	2,217	2,217
126	0604771N	MEDICAL DEVELOPMENT .....	12,984	12,984
127	0604777N	NAVIGATION/ID SYSTEM .....	50,178	39,378
		Mode 5 program delay .....		[-10,800]
128	0604800M	JOINT STRIKE FIGHTER (JSF)—EMD .....	670,723	651,786
		Block IV development ahead of need .....		[-18,937]
129	0604800N	JOINT STRIKE FIGHTER (JSF) .....	677,486	658,549
		Block IV development ahead of need .....		[-18,937]
130	0605013M	INFORMATION TECHNOLOGY DEVELOPMENT .....	27,461	19,461
		Prgram underexecution .....		[-8,000]
131	0605013N	INFORMATION TECHNOLOGY DEVELOPMENT .....	58,764	29,764
		Reduction to fourth quarter contract awards .....		[-29,000]
132	0605018N	NAVY INTEGRATED MILITARY HUMAN RESOURCES SYSTEM (N-IMHRS) .....	55,050	55,050
133	0605212N	CH-53K RDTE .....	629,461	624,461
		Management services funding growth .....		[-5,000]
135	0605450N	JOINT AIR-TO-GROUND MISSILE (JAGM) .....	118,395	108,395
		Program delay .....		[-10,000]
136	0605500N	MULTI-MISSION MARITIME AIRCRAFT (MMA) .....	622,713	608,713
		Increment 3—development ahead of need .....		[-14,000]
138	0204202N	DDG-1000 .....	261,604	257,604
		Government technical services growth .....		[-4,000]
139	0304231N	TACTICAL COMMAND SYSTEM—MIP .....	979	979
141	0304785N	TACTICAL CRYPTOLOGIC SYSTEMS .....	31,740	31,740
		<b>SUBTOTAL SYSTEM DEVELOPMENT &amp; DEMONSTRATION .....</b>	<b>6,475,528</b>	<b>6,086,873</b>
		<b>RDT&amp;E MANAGEMENT SUPPORT</b>		
142	0604256N	THREAT SIMULATOR DEVELOPMENT .....	28,318	28,318
143	0604258N	TARGET SYSTEMS DEVELOPMENT .....	44,700	44,700
144	0604759N	MAJOR T&E INVESTMENT .....	37,957	37,957
145	0605126N	JOINT THEATER AIR AND MISSILE DEFENSE ORGANIZATION .....	2,970	2,970

**SEC. 4201. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION**  
(In Thousands of Dollars)

<b>Line</b>	<b>Program Element</b>	<b>Item</b>	<b>FY 2012 Request</b>	<b>Conference Authorized</b>
146	0605152N	STUDIES AND ANALYSIS SUPPORT—NAVY .....	23,454	17,454
		Reduction to growth .....		[-6,000]
147	0605154N	CENTER FOR NAVAL ANALYSES .....	47,127	47,127
148	0605502N	SMALL BUSINESS INNOVATIVE RESEARCH .....	10	10
149	0605804N	TECHNICAL INFORMATION SERVICES .....	571	571
150	0605853N	MANAGEMENT, TECHNICAL & INTERNATIONAL SUPPORT .....	68,301	58,301
		OASUW—defer new start .....		[-10,000]
151	0605856N	STRATEGIC TECHNICAL SUPPORT .....	3,277	3,277
152	0605861N	RDT&E SCIENCE AND TECHNOLOGY MANAGEMENT .....	73,917	73,917
153	0605863N	RDT&E SHIP AND AIRCRAFT SUPPORT .....	136,531	136,531
154	0605864N	TEST AND EVALUATION SUPPORT .....	335,367	335,367
155	0605865N	OPERATIONAL TEST AND EVALUATION CAPABILITY .....	16,634	16,634
156	0605866N	NAVY SPACE AND ELECTRONIC WARFARE (SEW) SUPPORT .....	4,228	4,228
157	0605867N	SEW SURVEILLANCE/RECONNAISSANCE SUPPORT .....	7,642	7,642
158	0605873M	MARINE CORPS PROGRAM WIDE SUPPORT .....	25,655	25,655
159	0305885N	TACTICAL CRYPTOLOGIC ACTIVITIES .....	2,764	2,764
		<b>SUBTOTAL RDT&amp;E MANAGEMENT SUPPORT .....</b>	<b>859,423</b>	<b>843,423</b>
		<b>OPERATIONAL SYSTEMS DEVELOPMENT</b>		
164	0604402N	UNMANNED COMBAT AIR VEHICLE (UCAV) ADVANCED COMPONENT AND PROTOTYPE DEVELOPMENT .....	198,298	198,298
165	0604717M	MARINE CORPS COMBAT SERVICES SUPPORT .....	400	400
166	0604766M	MARINE CORPS DATA SYSTEMS .....	1,650	1,650
167	0101221N	STRATEGIC SUB & WEAPONS SYSTEM SUPPORT .....	88,873	88,873
168	0101224N	SSBN SECURITY TECHNOLOGY PROGRAM .....	33,553	33,553
169	0101226N	SUBMARINE ACOUSTIC WARFARE DEVELOPMENT .....	6,360	6,360
170	0101402N	NAVY STRATEGIC COMMUNICATIONS .....	23,208	23,208
171	0203761N	RAPID TECHNOLOGY TRANSITION (RTT) .....	30,021	30,021
172	0204136N	F/A-18 SQUADRONS .....	151,030	145,161
		Radar upgrade program delay .....		[-5,869]
173	0204152N	E-2 SQUADRONS .....	6,696	6,696
174	0204163N	FLEET TELECOMMUNICATIONS (TACTICAL) .....	1,739	1,739
175	0204228N	SURFACE SUPPORT .....	3,377	3,377
176	0204229N	TOMAHAWK AND TOMAHAWK MISSION PLANNING CENTER (TMPC) .....	8,819	8,819
177	0204311N	INTEGRATED SURVEILLANCE SYSTEM .....	21,259	21,259
178	0204413N	AMPHIBIOUS TACTICAL SUPPORT UNITS (DISPLACEMENT CRAFT) .....	5,214	5,214
179	0204571N	CONSOLIDATED TRAINING SYSTEMS DEVELOPMENT .....	42,244	42,244
180	0204574N	CRYPTOLOGIC DIRECT SUPPORT .....	1,447	1,447
181	0204575N	ELECTRONIC WARFARE (EW) READINESS SUPPORT .....	18,142	18,142
182	0205601N	HARM IMPROVEMENT .....	11,147	11,147
183	0205604N	TACTICAL DATA LINKS .....	69,224	69,224
184	0205620N	SURFACE ASW COMBAT SYSTEM INTEGRATION .....	22,010	22,010
185	0205632N	MK-48 ADCAP .....	39,288	39,288
186	0205633N	AVIATION IMPROVEMENTS .....	123,012	100,423
		Cancellation of Multi-Purpose Bomb Racks Program .....		[-22,589]
187	0205658N	NAVY SCIENCE ASSISTANCE PROGRAM .....	1,957	1,957
188	0205675N	OPERATIONAL NUCLEAR POWER SYSTEMS .....	82,705	82,705
189	0206313M	MARINE CORPS COMMUNICATIONS SYSTEMS .....	320,864	320,864
190	0206623M	MARINE CORPS GROUND COMBAT/SUPPORTING ARMS SYSTEMS .....	209,396	184,396
		<b>Amphibious Combat Vehicle (non-add)</b>		
		Excess funds for Marine Personnel Carrier & AAV Upgrade .....		[-25,000]
191	0206624M	MARINE CORPS COMBAT SERVICES SUPPORT .....	45,172	27,072
		Program execution .....		[-18,100]
192	0206625M	USMC INTELLIGENCE/ELECTRONIC WARFARE SYSTEMS (MIP) .....	14,101	14,101
193	0207161N	TACTICAL AIM MISSILES .....	8,765	8,765
194	0207163N	ADVANCED MEDIUM RANGE AIR-TO-AIR MISSILE (AMRAAM) .....	2,913	2,913
195	0208058N	JOINT HIGH SPEED VESSEL (JHSV) .....	4,108	4,108
200	0303109N	SATELLITE COMMUNICATIONS (SPACE) .....	263,712	263,712
201	0303138N	CONSOLIDATED AFLOAT NETWORK ENTERPRISE SERVICES (CANES) .....	12,906	24,906
		Transfer from CANES (OPN 68) per USN request .....		[12,000]
202	0303140N	INFORMATION SYSTEMS SECURITY PROGRAM .....	25,229	25,229
203	0303150M	WWMCCS/GLOBAL COMMAND AND CONTROL SYSTEM .....	1,250	1,250
204	0303238N	CONSOLIDATED AFLOAT NETWORK ENTERPRISE SERVICES (CANES)—MIP .....	6,602	6,602
206	0305149N	COBRA JUDY .....	40,605	40,605
207	0305160N	NAVY METEOROLOGICAL AND OCEAN SENSORS-SPACE (METOC) .....	904	904
208	0305192N	MILITARY INTELLIGENCE PROGRAM (MIP) ACTIVITIES .....	4,099	4,099
209	0305204N	TACTICAL UNMANNED AERIAL VEHICLES .....	9,353	9,353
210	0305206N	AIRBORNE RECONNAISSANCE SYSTEMS .....		0
212	0305208M	DISTRIBUTED COMMON GROUND/SURFACE SYSTEMS .....	23,785	23,785
213	0305208N	DISTRIBUTED COMMON GROUND/SURFACE SYSTEMS .....	25,487	25,487
214	0305220N	RQ-4 UAV .....	548,482	548,482
215	0305231N	MQ-8 UAV .....	108,248	108,248
216	0305232M	RQ-11 UAV .....	979	979
217	0305233N	RQ-7 UAV .....	872	872
219	0305234N	SMALL (LEVEL 0) TACTICAL UAS (STUASLO) .....	22,698	21,398
		Excess support funding .....		[-1,300]
220	0305237N	MEDIUM RANGE MARITIME UAS .....	15,000	15,000
221	0305239M	RQ-21A .....	26,301	24,201



**SEC. 4201. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION**  
(In Thousands of Dollars)

<b>Line</b>	<b>Program Element</b>	<b>Item</b>	<b>FY 2012 Request</b>	<b>Conference Authorized</b>
		<i>Program delays</i> .....		[-2,100]
223	0308601N	MODELING AND SIMULATION SUPPORT .....	8,292	8,292
224	0702207N	DEPOT MAINTENANCE (NON-IF) .....	21,609	21,609
226	0708011N	INDUSTRIAL PREPAREDNESS .....	54,031	54,031
227	0708730N	MARITIME TECHNOLOGY (MARITECH) .....	5,000	5,000
227A	9999999999	CLASSIFIED PROGRAMS .....	1,308,608	1,306,945
		<i>Classified Adjustment</i> .....		[-1,663]
		<b>SUBTOTAL OPERATIONAL SYSTEMS DEVELOPMENT</b> .....	<b>4,131,044</b>	<b>4,066,423</b>
		<b>TOTAL RESEARCH, DEVELOPMENT, TEST &amp; EVAL, NAVY</b> .....	<b>17,956,431</b>	<b>17,382,140</b>
		<b>RESEARCH, DEVELOPMENT, TEST &amp; EVAL, AF</b>		
		<b>BASIC RESEARCH</b>		
001	0601102F	DEFENSE RESEARCH SCIENCES .....	364,328	364,328
002	0601103F	UNIVERSITY RESEARCH INITIATIVES .....	140,273	140,273
003	0601108F	HIGH ENERGY LASER RESEARCH INITIATIVES .....	14,258	14,258
		<b>SUBTOTAL BASIC RESEARCH</b> .....	<b>518,859</b>	<b>518,859</b>
		<b>APPLIED RESEARCH</b>		
004	0602102F	MATERIALS .....	136,230	136,230
005	0602201F	AEROSPACE VEHICLE TECHNOLOGIES .....	147,628	147,628
006	0602202F	HUMAN EFFECTIVENESS APPLIED RESEARCH .....	86,663	86,663
007	0602203F	AEROSPACE PROPULSION .....	207,508	207,508
008	0602204F	AEROSPACE SENSORS .....	134,787	134,787
009	0602601F	SPACE TECHNOLOGY .....	115,285	115,285
010	0602602F	CONVENTIONAL MUNITIONS .....	60,692	60,692
011	0602605F	DIRECTED ENERGY TECHNOLOGY .....	111,156	111,156
012	0602788F	DOMINANT INFORMATION SCIENCES AND METHODS .....	127,866	127,866
013	0602890F	HIGH ENERGY LASER RESEARCH .....	54,059	54,059
		<b>SUBTOTAL APPLIED RESEARCH</b> .....	<b>1,181,874</b>	<b>1,181,874</b>
		<b>ADVANCED TECHNOLOGY DEVELOPMENT</b>		
014	0603112F	ADVANCED MATERIALS FOR WEAPON SYSTEMS .....	39,738	48,238
		<i>Program Increase—Metals Affordability Initiative</i> .....		[8,500]
015	0603199F	SUSTAINMENT SCIENCE AND TECHNOLOGY (S&T) .....	5,780	5,780
016	0603203F	ADVANCED AEROSPACE SENSORS .....	53,075	53,075
017	0603211F	AEROSPACE TECHNOLOGY DEV/DEMO .....	67,474	67,474
018A	0603XXXXF	FUELS .....	6,770	6,770
018B	0603XXXXF	POWER TECHNOLOGY .....	5,747	5,747
018C	0603XXXXF	PROPULSION .....	80,833	80,833
018D	0603XXXXF	ROCKET PROPULSION .....	27,603	27,603
019	0603270F	ELECTRONIC COMBAT TECHNOLOGY .....	22,268	22,268
020	0603401F	ADVANCED SPACECRAFT TECHNOLOGY .....	74,636	74,636
021	0603444F	MAUI SPACE SURVEILLANCE SYSTEM (MSSS) .....	13,555	13,555
022	0603456F	HUMAN EFFECTIVENESS ADVANCED TECHNOLOGY DEVELOPMENT .....	25,319	25,319
023	0603601F	CONVENTIONAL WEAPONS TECHNOLOGY .....	54,042	45,542
		<i>High Velocity Penetrating Weapon—ahead of need</i> .....		[-8,500]
024	0603605F	ADVANCED WEAPONS TECHNOLOGY .....	28,683	28,683
025	0603680F	MANUFACTURING TECHNOLOGY PROGRAM .....	40,103	40,103
026	0603788F	BATTLESPACE KNOWLEDGE DEVELOPMENT AND DEMONSTRATION .....	38,656	38,656
027	0603924F	HIGH ENERGY LASER ADVANCED TECHNOLOGY PROGRAM .....	1,122	1,122
		<b>SUBTOTAL ADVANCED TECHNOLOGY DEVELOPMENT</b> .....	<b>585,404</b>	<b>585,404</b>
		<b>ADVANCED COMPONENT DEVELOPMENT &amp; PROTOTYPES</b>		
028	0603260F	INTELLIGENCE ADVANCED DEVELOPMENT .....	4,013	4,013
029	0603287F	PHYSICAL SECURITY EQUIPMENT .....	3,586	3,586
031	0603430F	ADVANCED EHF MILSATCOM (SPACE) .....	421,687	401,687
		<i>Excess to need—poor justification</i> .....		[-20,000]
032	0603432F	POLAR MILSATCOM (SPACE) .....	122,991	102,991
		<i>Development schedule delay</i> .....		[-20,000]
033	0603438F	SPACE CONTROL TECHNOLOGY .....	45,755	45,755
034	0603742F	COMBAT IDENTIFICATION TECHNOLOGY .....	38,496	38,496
035	0603790F	NATO RESEARCH AND DEVELOPMENT .....	4,424	4,424
036	0603791F	INTERNATIONAL SPACE COOPERATIVE R&D .....	642	642
037	0603830F	SPACE PROTECTION PROGRAM (SPP) .....	9,819	7,319
		<i>Excess to need</i> .....		[-2,500]
038	0603850F	INTEGRATED BROADCAST SERVICE .....	20,046	20,046
039	0603851F	INTERCONTINENTAL BALLISTIC MISSILE .....	67,202	69,702
		<i>Program increase</i> .....		[2,500]
040	0603854F	WIDEBAND GLOBAL SATCOM RDT&E (SPACE) .....	12,804	12,804
041	0603859F	POLLUTION PREVENTION .....	2,075	2,075
042	0603860F	JOINT PRECISION APPROACH AND LANDING SYSTEMS .....	20,112	20,112
043	0604015F	NEXT GENERATION BOMBER .....	197,023	197,023
044	0604283F	BATTLE MGMT COM & CTRL SENSOR DEVELOPMENT .....	60,250	31,250
		<i>3DELRR Contract Delays</i> .....		[-29,000]
045	0604317F	TECHNOLOGY TRANSFER .....	2,553	2,553
046	0604327F	HARD AND DEEPLY BURIED TARGET DEFEAT SYSTEM (HDBTDS) PROGRAM .....	38,248	33,248

**SEC. 4201. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION**  
(In Thousands of Dollars)

<i>Line</i>	<i>Program Element</i>	<i>Item</i>	<i>FY 2012 Request</i>	<i>Conference Authorized</i>
		Program reduction .....		[-5,000]
047	0604330F	JOINT DUAL ROLE AIR DOMINANCE MISSILE .....	29,759	29,759
048	0604337F	REQUIREMENTS ANALYSIS AND MATURATION .....	24,217	24,217
049	0604436F	NEXT-GENERATION MILSATCOM TECHNOLOGY DEVELOPMENT .....		0
050	0604635F	GROUND ATTACK WEAPONS FUZE DEVELOPMENT .....	24,467	24,467
053	0604857F	OPERATIONALLY RESPONSIVE SPACE .....	86,543	86,543
054	0604858F	TECH TRANSITION PROGRAM .....	2,773	2,773
055	0305178F	NATIONAL POLAR-ORBITING OPERATIONAL SATELLITE SYSTEM (NPOESS) .....	444,900	43,000
		DWSS program termination .....		[-444,900]
		Termination liability .....		[43,000]
		<b>SUBTOTAL ADVANCED COMPONENT DEVELOPMENT &amp; PROTOTYPES .....</b>	<b>1,684,385</b>	<b>1,208,485</b>
		<b>SYSTEM DEVELOPMENT &amp; DEMONSTRATION</b>		
056	0603840F	GLOBAL BROADCAST SERVICE (GBS) .....	5,680	5,680
057	0604222F	NUCLEAR WEAPONS SUPPORT .....	18,538	18,538
058	0604233F	SPECIALIZED UNDERGRADUATE FLIGHT TRAINING .....	21,780	21,780
059	0604270F	ELECTRONIC WARFARE DEVELOPMENT .....	26,880	16,880
		MALD-J Increment 2—Technology Development Contract Delay .....		[-10,000]
061	0604281F	TACTICAL DATA NETWORKS ENTERPRISE .....	52,355	48,105
		CLIP--Contract Delays .....		[-1,250]
		STRATCOM DNC2 Contract Delays .....		[-3,000]
062	0604287F	PHYSICAL SECURITY EQUIPMENT .....	51	51
063	0604329F	SMALL DIAMETER BOMB (SDB) .....	132,891	132,891
064	0604421F	COUNTERSPACE SYSTEMS .....	31,913	31,913
065	0604425F	SPACE SITUATION AWARENESS SYSTEMS .....	273,689	241,089
		Space Based Space Surveillance excess to need .....		[-12,600]
		Space Fence—poor justification .....		[-20,000]
066	0604429F	AIRBORNE ELECTRONIC ATTACK .....	47,100	41,000
		AEA SoS--Contract Delays .....		[-2,600]
		Electronic Attack Pod--Delayed Start .....		[-3,500]
067	0604441F	SPACE BASED INFRARED SYSTEM (SBIRS) HIGH EMD .....	621,629	621,629
069	0604602F	ARMAMENT/ORDNANCE DEVELOPMENT .....	10,055	7,755
		Universal Armament Interface Contract Delay .....		[-2,300]
070	0604604F	SUBMUNITIONS .....	2,427	2,427
071	0604617F	AGILE COMBAT SUPPORT .....	11,878	7,978
		BEAR--Ahead of Need .....		[-3,900]
073	0604706F	LIFE SUPPORT SYSTEMS .....	11,280	9,280
		Integrated Aircrew Ensemble--Contract Award Delays .....		[-2,000]
074	0604735F	COMBAT TRAINING RANGES .....	28,106	8,106
		Air Combat Training Systems (P5) Upgrades--Contract Delay .....		[-8,000]
		Joint Threat Emitter Increment 2--Rephased Program .....		[-12,000]
075	0604740F	INTEGRATED COMMAND & CONTROL APPLICATIONS (IC2A) .....	10	10
076	0604750F	INTELLIGENCE EQUIPMENT .....	995	995
077	0604800F	JOINT STRIKE FIGHTER (JSF) .....	1,387,926	1,387,926
078	0604851F	INTERCONTINENTAL BALLISTIC MISSILE .....	158,477	148,477
		Support Equipment--contract savings .....		[-10,000]
079	0604853F	EVOLVED EXPENDABLE LAUNCH VEHICLE PROGRAM (SPACE) .....	20,028	15,028
		Program underexecution due to schedule delay .....		[-5,000]
080	0605221F	NEXT GENERATION AERIAL REFUELING AIRCRAFT .....	877,084	877,084
081	0605229F	CSAR HH-60 RECAPITALIZATION .....	94,113	11,000
		Budget Adjustment per Air Force Request to APAF-63 .....		[-10,400]
		Budget Adjustment per Air Force Request to APAF-73 .....		[-54,600]
		Program Reduction .....		[-18,113]
083	0605278F	HC/MC-130 RECAP RDT&E .....	27,071	22,071
		Contract Savings .....		[-5,000]
085	0101125F	NUCLEAR WEAPONS MODERNIZATION .....	93,867	93,867
086	0207100F	LIGHT ATTACK ARMED RECONNAISSANCE (LAAR) SQUADRONS .....	23,721	13,721
		Program reduction .....		[-10,000]
088	0207701F	FULL COMBAT MISSION TRAINING .....	39,826	29,826
		Block 40/50 Mission Training Center--Excess to need .....		[-10,000]
089	0401138F	JOINT CARGO AIRCRAFT (JCA) .....	27,089	27,089
090	0401318F	CV-22 .....	20,723	13,223
		Contract Delay .....		[-7,500]
091	0401845F	AIRBORNE SENIOR LEADER C3 (SLC3S) .....	12,535	0
		Program Termination .....		[-12,535]
		<b>SUBTOTAL SYSTEM DEVELOPMENT &amp; DEMONSTRATION .....</b>	<b>4,079,717</b>	<b>3,855,419</b>
		<b>RDT&amp;E MANAGEMENT SUPPORT</b>		
092	0604256F	THREAT SIMULATOR DEVELOPMENT .....	22,420	22,420
093	0604759F	MAJOR T&E INVESTMENT .....	62,206	62,206
094	0605101F	RAND PROJECT AIR FORCE .....	27,579	27,579
096	0605712F	INITIAL OPERATIONAL TEST & EVALUATION .....	17,767	17,767
097	0605807F	TEST AND EVALUATION SUPPORT .....	654,475	704,475
		Program Increase .....		[50,000]
098	0605860F	ROCKET SYSTEMS LAUNCH PROGRAM (SPACE) .....	158,096	158,096
099	0605864F	SPACE TEST PROGRAM (STP) .....	47,926	47,926
100	0605976F	FACILITIES RESTORATION AND MODERNIZATION--TEST AND EVALUATION SUPPORT .....	44,547	44,547

**SEC. 4201. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION**  
(In Thousands of Dollars)

Line	Program Element	Item	FY 2012 Request	Conference Authorized
101	0605978F	FACILITIES SUSTAINMENT—TEST AND EVALUATION SUPPORT .....	27,953	27,953
102	0606323F	MULTI-SERVICE SYSTEMS ENGINEERING INITIATIVE .....	13,953	13,953
103	0702806F	ACQUISITION AND MANAGEMENT SUPPORT .....	31,966	31,966
104	0804731F	GENERAL SKILL TRAINING .....	1,510	1,510
106	1001004F	INTERNATIONAL ACTIVITIES .....	3,798	3,798
		<b>SUBTOTAL RDT&amp;E MANAGEMENT SUPPORT .....</b>	<b>1,114,196</b>	<b>1,164,196</b>
		<b>OPERATIONAL SYSTEMS DEVELOPMENT</b>		
107	0603423F	GLOBAL POSITIONING SYSTEM III—OPERATIONAL CONTROL SEGMENT .....	390,889	366,889
		Slow execution .....		[–24,000]
108	0604263F	COMMON VERTICAL LIFT SUPPORT PLATFORM .....	5,365	5,365
109	0605018F	AF INTEGRATED PERSONNEL AND PAY SYSTEM (AF-IPPS) .....	91,866	91,866
110	0605024F	ANTI-TAMPER TECHNOLOGY EXECUTIVE AGENCY .....	35,467	35,467
112	0101113F	B-52 SQUADRONS .....	133,261	93,996
		1760 IWBU contract delays .....		[–10,000]
		EHF contract delays .....		[–13,000]
		IFF Mode S/5 Development contract delays .....		[–5,000]
		SR2 excess to requirement .....		[–11,265]
113	0101122F	AIR-LAUNCHED CRUISE MISSILE (ALCM) .....	803	803
114	0101126F	B-1B SQUADRONS .....	33,011	33,011
115	0101127F	B-2 SQUADRONS .....	340,819	280,319
		Delay in EHF communications development due to FAB-T delay .....		[–60,500]
116	0101313F	STRAT WAR PLANNING SYSTEM—USSTRATCOM .....	23,072	23,072
117	0101314F	NIGHT FIST—USSTRATCOM .....	5,421	2,000
		Program Termination .....		[–3,421]
119	0102325F	ATMOSPHERIC EARLY WARNING SYSTEM .....	4,485	0
		Unjustified request .....		[–4,485]
120	0102326F	REGION/SECTOR OPERATION CONTROL CENTER MODERNIZATION PROGRAM .....	12,672	6,672
		BCS-F excess to requirement .....		[–6,000]
121	0102823F	STRATEGIC AEROSPACE INTELLIGENCE SYSTEM ACTIVITIES .....	14	14
122	0203761F	WARFIGHTER RAPID ACQUISITION PROCESS (WRAP) RAPID TRANSITION FUND .....	19,934	19,934
123	0205219F	MQ-9 UAV .....	146,824	126,824
		Contract Delays .....		[–20,000]
125	0207131F	A-10 SQUADRONS .....	11,051	11,051
126	0207133F	F-16 SQUADRONS .....	143,869	131,069
		SLEP Contract Delay .....		[–12,800]
127	0207134F	F-15E SQUADRONS .....	207,531	194,831
		ADCP—Excess to Requirement .....		[–12,700]
128	0207136F	MANNED DESTRUCTIVE SUPPRESSION .....	13,253	13,253
129	0207138F	F-22A SQUADRONS .....	718,432	571,432
		Program Growth .....		[–147,000]
130	0207142F	F-35 SQUADRONS .....	47,841	9,967
		Block IV Development—Ahead of need .....		[–37,874]
131	0207161F	TACTICAL AIM MISSILES .....	8,023	8,023
132	0207163F	ADVANCED MEDIUM RANGE AIR-TO-AIR MISSILE (AMRAAM) .....	77,830	77,830
133	0207170F	JOINT HELMET MOUNTED CUEING SYSTEM (JHMCS) .....	1,436	1,436
134	0207224F	COMBAT RESCUE AND RECOVERY .....	2,292	2,292
135	0207227F	COMBAT RESCUE—PARARESCUE .....	927	927
136	0207247F	AF TENCAP .....	20,727	20,727
137	0207249F	PRECISION ATTACK SYSTEMS PROCUREMENT .....	3,128	3,128
138	0207253F	COMPASS CALL .....	18,509	18,509
139	0207268F	AIRCRAFT ENGINE COMPONENT IMPROVEMENT PROGRAM .....	182,967	172,967
		Excess to Requirement .....		[–10,000]
141	0207325F	JOINT AIR-TO-SURFACE STANDOFF MISSILE (JASSM) .....	5,796	5,796
142	0207410F	AIR & SPACE OPERATIONS CENTER (AOC) .....	121,880	121,880
143	0207412F	CONTROL AND REPORTING CENTER (CRC) .....	3,954	3,954
144	0207417F	AIRBORNE WARNING AND CONTROL SYSTEM (AWACS) .....	135,961	118,661
		Poor program execution .....		[–17,300]
145	0207418F	TACTICAL AIRBORNE CONTROL SYSTEMS .....	8,309	8,309
146	0207423F	ADVANCED COMMUNICATIONS SYSTEMS .....	90,083	44,883
		Common Processing Environment—Schedule Delays .....		[–40,000]
		JTRS Integration and Engineering Support—Schedule Delays .....		[–5,200]
148	0207431F	COMBAT AIR INTELLIGENCE SYSTEM ACTIVITIES .....	5,428	5,428
149	0207438F	THEATER BATTLE MANAGEMENT (TBM) C4I .....	15,528	15,528
150	0207444F	TACTICAL AIR CONTROL PARTY-MOD .....	15,978	9,678
		JETS Contract Delays .....		[–2,000]
		VCS—Program Termination and Restructure .....		[–4,300]
152	0207448F	C2ISR TACTICAL DATA LINK .....	1,536	1,536
153	0207449F	COMMAND AND CONTROL (C2) CONSTELLATION .....	18,102	18,102
154	0207581F	JOINT SURVEILLANCE/TARGET ATTACK RADAR SYSTEM (JSTARS) .....	121,610	121,610
155	0207590F	SEEK EAGLE .....	18,599	18,599
156	0207601F	USAF MODELING AND SIMULATION .....	23,091	23,091
157	0207605F	WARGAMING AND SIMULATION CENTERS .....	5,779	5,779
158	0207697F	DISTRIBUTED TRAINING AND EXERCISES .....	5,264	3,264
		Unjustified growth .....		[–2,000]
159	0208006F	MISSION PLANNING SYSTEMS .....	69,918	63,418
		CAF Increment IV—Critical Change Delay .....		[–6,500]

**SEC. 4201. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION**  
(In Thousands of Dollars)

<b>Line</b>	<b>Program Element</b>	<b>Item</b>	<b>FY 2012 Request</b>	<b>Conference Authorized</b>
160	0208021F	INFORMATION WARFARE SUPPORT .....	2,322	2,322
161	0208059F	CYBER COMMAND ACTIVITIES .....	702	702
168	0301400F	SPACE SUPERIORITY INTELLIGENCE .....	11,866	8,866
		Program underexecution due to schedule delays .....		[-3,000]
169	0302015F	E-4B NATIONAL AIRBORNE OPERATIONS CENTER (NAOC) .....	5,845	4,845
		Secure, Survivable Communications delayed program start .....		[-1,000]
170	0303131F	MINIMUM ESSENTIAL EMERGENCY COMMUNICATIONS NETWORK (MEECN) .....	43,811	43,811
171	0303140F	INFORMATION SYSTEMS SECURITY PROGRAM .....	101,788	92,788
		Delay due to protest .....		[-9,000]
172	0303141F	GLOBAL COMBAT SUPPORT SYSTEM .....	449	449
173	0303150F	GLOBAL COMMAND AND CONTROL SYSTEM .....	3,854	3,854
175	0303601F	MILSATCOM TERMINALS .....	238,729	196,729
		Transfer to FAB-T alternative line 175a .....		[-42,000]
175A	0303XXXF	FAB-T ALTERNATIVE .....		42,000
		Transfer from FAB-T line 175 .....		[42,000]
177	0304260F	AIRBORNE SIGINT ENTERPRISE .....		-13,500
		Contract/Program Delays .....		[-13,500]
177A	0304XXXF	RC-135 .....	34,744	34,744
177B	0304XXXF	COMMON DEVELOPMENT .....	87,004	87,004
180	0305099F	GLOBAL AIR TRAFFIC MANAGEMENT (GATM) .....	4,604	4,604
181	0305103F	CYBER SECURITY INITIATIVE .....	2,026	2,026
182	0305105F	DOD CYBER CRIME CENTER .....	282	282
183	0305110F	SATELLITE CONTROL NETWORK (SPACE) .....	18,337	18,337
184	0305111F	WEATHER SERVICE .....	31,084	31,084
185	0305114F	AIR TRAFFIC CONTROL, APPROACH, AND LANDING SYSTEM (ATCALS) .....	63,367	21,367
		D--RAPCON Contract Delay .....		[-42,000]
186	0305116F	AERIAL TARGETS .....	50,620	45,620
		QF-16--Excess to Need .....		[-5,000]
189	0305128F	SECURITY AND INVESTIGATIVE ACTIVITIES .....	366	366
190	0305146F	DEFENSE JOINT COUNTERINTELLIGENCE ACTIVITIES .....	39	39
191	0305159F	ENTERPRISE QUERY & CORRELATION .....		0
192	0305164F	NAVSTAR GLOBAL POSITIONING SYSTEM (USER EQUIPMENT) (SPACE) .....	133,601	133,601
193	0305165F	NAVSTAR GLOBAL POSITIONING SYSTEM (SPACE AND CONTROL SEGMENTS) .....	17,893	17,893
195	0305173F	SPACE AND MISSILE TEST AND EVALUATION CENTER .....	196,254	188,754
		Excess to need .....		[-7,500]
196	0305174F	SPACE INNOVATION AND DEVELOPMENT CENTER .....	2,961	2,961
197	0305182F	SPACELIFT RANGE SYSTEM (SPACE) .....	9,940	9,940
198	0305193F	INTELLIGENCE SUPPORT TO INFORMATION OPERATIONS (IO) .....	1,271	1,271
200	0305205F	ENDURANCE UNMANNED AERIAL VEHICLES .....	52,425	45,925
		Funded via reprogramming action .....		[-6,500]
201	0305206F	AIRBORNE RECONNAISSANCE SYSTEMS .....	106,877	99,677
		Unjustified request .....		[-7,200]
202	0305207F	MANNED RECONNAISSANCE SYSTEMS .....	13,049	13,049
203	0305208F	DISTRIBUTED COMMON GROUND/SURFACE SYSTEMS .....	90,724	85,724
		Contract delays .....		[-5,000]
204	0305219F	MQ-1 PREDATOR A UAV .....	14,112	11,642
		Common Sensor Payload--Ahead of Need .....		[-2,470]
205	0305220F	RQ-4 UAV .....	423,462	423,462
206	0305221F	NETWORK-CENTRIC COLLABORATIVE TARGETING .....	7,348	7,348
207	0305265F	GPS III SPACE SEGMENT .....	463,081	458,081
		GPS III CIP--poor justification .....		[-5,000]
208	0305614F	JSPOC MISSION SYSTEM .....	118,950	81,450
		JMS program restructure .....		[-37,500]
209	0305887F	INTELLIGENCE SUPPORT TO INFORMATION WARFARE .....	14,736	14,736
210	0305913F	NUDET DETECTION SYSTEM (SPACE) .....	81,989	81,989
212	0305940F	SPACE SITUATION AWARENESS OPERATIONS .....	31,956	31,956
213	0307141F	INFORMATION OPERATIONS TECHNOLOGY INTEGRATION & TOOL DEVELOPMENT .....	23,931	23,931
214	0308699F	SHARED EARLY WARNING (SEW) .....	1,663	1,663
215	0401115F	C-130 AIRLIFT SQUADRON .....	24,509	6,509
		Contract Delays .....		[-18,000]
216	0401119F	C-5 AIRLIFT SQUADRONS (IF) .....	24,941	12,941
		RERP Program Rephased .....		[-12,000]
217	0401130F	C-17 AIRCRAFT (IF) .....	128,169	94,269
		Contract Delays .....		[-33,900]
218	0401132F	C-130J PROGRAM .....	39,537	39,537
219	0401134F	LARGE AIRCRAFT IR COUNTERMEASURES (LAIRCM) .....	7,438	7,438
220	0401139F	LIGHT MOBILITY AIRCRAFT (LIMA) .....	1,308	0
		Funded in Fiscal Year 2011 .....		[-1,308]
221	0401218F	KC-135S .....	6,161	6,161
222	0401219F	KC-10S .....	30,868	30,868
223	0401314F	OPERATIONAL SUPPORT AIRLIFT .....	82,591	42,591
		VC-25A--Funding Ahead of Need .....		[-40,000]
225	0408011F	SPECIAL TACTICS / COMBAT CONTROL .....	7,118	5,218
		Line of Sight--Contract Delay .....		[-1,900]
226	0702207F	DEPOT MAINTENANCE (NON-IF) .....	1,531	1,531
228	0708012F	LOGISTICS SUPPORT ACTIVITIES .....	944	944
229	0708610F	LOGISTICS INFORMATION TECHNOLOGY (LOGIT) .....	140,284	140,284

**SEC. 4201. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION**  
(In Thousands of Dollars)

<b>Line</b>	<b>Program Element</b>	<b>Item</b>	<b>FY 2012 Request</b>	<b>Conference Authorized</b>
230	0708611F	SUPPORT SYSTEMS DEVELOPMENT .....	10,990	10,990
232	0804743F	OTHER FLIGHT TRAINING .....	322	322
233	0804757F	JOINT NATIONAL TRAINING CENTER .....	11	11
235	0808716F	OTHER PERSONNEL ACTIVITIES .....	113	113
236	0901202F	JOINT PERSONNEL RECOVERY AGENCY .....	2,483	2,483
237	0901218F	CIVILIAN COMPENSATION PROGRAM .....	1,508	1,508
238	0901220F	PERSONNEL ADMINISTRATION .....	8,041	1,041
		Contract Delays .....		[-7,000]
239	0901226F	AIR FORCE STUDIES AND ANALYSIS AGENCY .....	928	928
240	0901279F	FACILITIES OPERATION—ADMINISTRATIVE .....	12,118	12,118
241	0901538F	FINANCIAL MANAGEMENT INFORMATION SYSTEMS DEVELOPMENT .....	101,317	76,317
		DEAMS—Excess to Requirement .....		[-25,000]
242	0902998F	MANAGEMENT HQ—ADP SUPPORT (AF) .....	299	299
242A	9999999999	CLASSIFIED PROGRAMS .....	12,063,140	11,829,329
		Classified Adjustment .....		[-233,811]
		<b>SUBTOTAL OPERATIONAL SYSTEMS DEVELOPMENT .....</b>	<b>18,573,266</b>	<b>17,600,332</b>
		<b>TOTAL RESEARCH, DEVELOPMENT, TEST &amp; EVAL, AF .....</b>	<b>27,737,701</b>	<b>26,114,569</b>
		<b>RESEARCH, DEVELOPMENT, TEST &amp; EVAL, DW</b>		
		<b>BASIC RESEARCH</b>		
001	0601000BR	DTRA BASIC RESEARCH INITIATIVE .....	47,737	47,737
002	0601101E	DEFENSE RESEARCH SCIENCES .....	290,773	290,773
003	0601110D8Z	BASIC RESEARCH INITIATIVES .....	14,731	7,731
		Reduction to new starts .....		[-7,000]
005	0601117E	BASIC OPERATIONAL MEDICAL RESEARCH SCIENCE .....	37,870	37,870
006	0601120D8Z	NATIONAL DEFENSE EDUCATION PROGRAM .....	101,591	86,591
		Program Decrease .....		[-15,000]
007	0601384BP	CHEMICAL AND BIOLOGICAL DEFENSE PROGRAM .....	52,617	52,617
		<b>SUBTOTAL BASIC RESEARCH .....</b>	<b>545,319</b>	<b>523,319</b>
		<b>APPLIED RESEARCH</b>		
008	0602000D8Z	JOINT MUNITIONS TECHNOLOGY .....	21,592	20,592
		Excessive growth .....		[-1,000]
009	0602115E	BIOMEDICAL TECHNOLOGY .....	110,000	95,000
		Unsustained funding .....		[-15,000]
010	0602228D8Z	HISTORICALLY BLACK COLLEGES AND UNIVERSITIES (HBCU) SCIENCE .....		15,245
		Realignment of Funds for Proper Oversight and Execution .....		[15,245]
011	0602234D8Z	LINCOLN LABORATORY RESEARCH PROGRAM .....	37,916	37,916
012	0602250D8Z	SYSTEMS 2020 APPLIED RESEARCH .....	4,381	0
		Duplication of effort .....		[-4,381]
013	0602303E	INFORMATION & COMMUNICATIONS TECHNOLOGY .....	400,499	354,125
		Program Reduction .....		[-46,374]
014	0602304E	COGNITIVE COMPUTING SYSTEMS .....	49,365	49,365
015	0602305E	MACHINE INTELLIGENCE .....	61,351	52,276
		Unsustained growth .....		[-9,075]
016	0602383E	BIOLOGICAL WARFARE DEFENSE .....	30,421	30,421
017	0602384BP	CHEMICAL AND BIOLOGICAL DEFENSE PROGRAM .....	219,873	219,873
018	0602663D8Z	DATA TO DECISIONS APPLIED RESEARCH .....	9,235	4,235
		Program Decrease .....		[-5,000]
019	0602668D8Z	CYBER SECURITY RESEARCH .....	9,735	4,735
		Program Decrease .....		[-5,000]
020	0602670D8Z	HUMAN, SOCIAL AND CULTURE BEHAVIOR MODELING (HSCB) APPLIED RESEARCH .....	14,923	8,923
		Excessive growth .....		[-6,000]
021	0602702E	TACTICAL TECHNOLOGY .....	206,422	202,422
		Reduction to new starts .....		[-4,000]
022	0602715E	MATERIALS AND BIOLOGICAL TECHNOLOGY .....	237,837	222,837
		Excessive growth .....		[-15,000]
023	0602716E	ELECTRONICS TECHNOLOGY .....	215,178	215,178
024	0602718BR	WEAPONS OF MASS DESTRUCTION DEFEAT TECHNOLOGIES .....	196,954	196,954
025	1160401BB	SPECIAL OPERATIONS TECHNOLOGY DEVELOPMENT .....	26,591	26,591
		<b>SUBTOTAL APPLIED RESEARCH .....</b>	<b>1,852,273</b>	<b>1,756,688</b>
		<b>ADVANCED TECHNOLOGY DEVELOPMENT (ATD)</b>		
027	0603000D8Z	JOINT MUNITIONS ADVANCED TECHNOLOGY .....	24,771	15,771
		Excessive growth .....		[-9,000]
028	0603121D8Z	SO/LIC ADVANCED DEVELOPMENT .....	45,028	45,028
029	0603122D8Z	COMBATING TERRORISM TECHNOLOGY SUPPORT .....	77,019	77,019
030	0603160BR	COUNTERPROLIFERATION INITIATIVES—PROLIFERATION PREVENTION AND DEFEAT .....	283,073	283,073
031	0603175C	BALLISTIC MISSILE DEFENSE TECHNOLOGY .....	75,003	75,003
032	0603200D8Z	JOINT ADVANCED CONCEPTS .....	7,903	6,803
		Unsustained growth .....		[-1,100]
033	0603225D8Z	JOINT DOD-DOE MUNITIONS TECHNOLOGY DEVELOPMENT .....	20,372	20,372
034	0603250D8Z	SYSTEMS 2020 ADVANCED TECHNOLOGY DEVELOPMENT .....	4,381	0
		Lack of transition plan .....		[-4,381]
035	0603264S	AGILE TRANSPORTATION FOR THE 21ST CENTURY (AT21)—THEATER CAPABILITY .....	998	998
036	0603274C	SPECIAL PROGRAM—MDA TECHNOLOGY .....	61,458	61,458

**SEC. 4201. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION**  
*(In Thousands of Dollars)*

<b>Line</b>	<b>Program Element</b>	<b>Item</b>	<b>FY 2012 Request</b>	<b>Conference Authorized</b>
037	0603286E	ADVANCED AEROSPACE SYSTEMS .....	98,878	98,878
038	0603287E	SPACE PROGRAMS AND TECHNOLOGY .....	97,541	97,541
039	0603384BP	CHEMICAL AND BIOLOGICAL DEFENSE PROGRAM—ADVANCED DEVELOPMENT .....	229,235	229,235
040	0603618D8Z	JOINT ELECTRONIC ADVANCED TECHNOLOGY .....	7,287	7,287
041	0603648D8Z	JOINT CAPABILITY TECHNOLOGY DEMONSTRATIONS .....	187,707	176,707
		Unjustified Growth .....		[–11,000]
042	0603662D8Z	NETWORKED COMMUNICATIONS CAPABILITIES .....	23,890	23,890
043	0603663D8Z	DATA TO DECISIONS ADVANCED TECHNOLOGY DEVELOPMENT .....	9,235	4,235
		Program Decrease .....		[–5,000]
044	0603665D8Z	BIOMETRICS SCIENCE AND TECHNOLOGY .....	10,762	10,762
045	0603668D8Z	CYBER SECURITY ADVANCED RESEARCH .....	10,709	5,709
		Program Decrease .....		[–5,000]
046	0603670D8Z	HUMAN, SOCIAL AND CULTURE BEHAVIOR MODELING (HSCB) ADVANCED DEVELOPMENT .....	18,179	13,179
		Excessive growth .....		[–5,000]
047	0603680D8Z	DEFENSE-WIDE MANUFACTURING SCIENCE AND TECHNOLOGY PROGRAM .....	17,888	47,888
		Program Increase- Industrial Base Innovation Fund program .....		[30,000]
048	0603699D8Z	EMERGING CAPABILITIES TECHNOLOGY DEVELOPMENT .....	26,972	26,972
049	0603711D8Z	JOINT ROBOTICS PROGRAM/AUTONOMOUS SYSTEMS .....	9,756	9,756
050	0603712S	GENERIC LOGISTICS R&D TECHNOLOGY DEMONSTRATIONS .....	23,887	23,887
051	0603713S	DEPLOYMENT AND DISTRIBUTION ENTERPRISE TECHNOLOGY .....	41,976	29,976
		Excessive growth .....		[–12,000]
052	0603716D8Z	STRATEGIC ENVIRONMENTAL RESEARCH PROGRAM .....	66,409	66,409
053	0603720S	MICROELECTRONICS TECHNOLOGY DEVELOPMENT AND SUPPORT .....	91,132	61,132
		90nm Next Generation Foundry .....		[–30,000]
054	0603727D8Z	JOINT WARFIGHTING PROGRAM .....	10,547	10,547
055	0603739E	ADVANCED ELECTRONICS TECHNOLOGIES .....	160,286	150,286
		Reduction to new starts .....		[–10,000]
058	0603760E	COMMAND, CONTROL AND COMMUNICATIONS SYSTEMS .....	296,537	261,606
		CCC-01 unsustained growth .....		[–7,490]
		CCC-02 unsustained growth .....		[–3,850]
		CCC-CLS unsustained growth .....		[–10,591]
		Reduction to new starts .....		[–13,000]
059	0603765E	CLASSIFIED DARPA PROGRAMS .....	107,226	107,226
060	0603766E	NETWORK-CENTRIC WARFARE TECHNOLOGY .....	235,245	208,503
		NET-01 unsustained growth .....		[–11,742]
		Reduction to new starts .....		[–15,000]
061	0603767E	SENSOR TECHNOLOGY .....	271,802	271,802
061A	0604775D8Z	DEFENSE RAPID INNOVATION PROGRAM .....		200,000
		Program Increase .....		[200,000]
063	0603769SE	DISTRIBUTED LEARNING ADVANCED TECHNOLOGY DEVELOPMENT .....	13,579	13,579
064	0603781D8Z	SOFTWARE ENGINEERING INSTITUTE .....	30,424	30,424
065	0603826D8Z	QUICK REACTION SPECIAL PROJECTS .....	89,925	60,765
		P826/P828 excessive growth .....		[–25,000]
		P832 .....		[–4,160]
066	0603828D8Z	JOINT EXPERIMENTATION .....	58,130	39,130
		Program adjustment .....		[–19,000]
067	0603832D8Z	DOD MODELING AND SIMULATION MANAGEMENT OFFICE .....	37,029	31,029
		Program Decrease .....		[–6,000]
068	0603901C	DIRECTED ENERGY RESEARCH .....	96,329	50,000
		Program Decrease—ALTB .....		[–46,329]
069	0603902C	NEXT GENERATION AEGIS MISSILE .....	123,456	123,456
070	0603941D8Z	TEST & EVALUATION SCIENCE & TECHNOLOGY .....	99,593	99,593
072	0604055D8Z	OPERATIONAL ENERGY CAPABILITY IMPROVEMENT .....	20,444	20,444
073	0303310D8Z	CWMD SYSTEMS .....	7,788	4,288
		Program reduction .....		[–3,500]
074	1160402BB	SPECIAL OPERATIONS ADVANCED TECHNOLOGY DEVELOPMENT .....	35,242	30,242
		Excess to need .....		[–5,000]
075	1160422BB	AVIATION ENGINEERING ANALYSIS .....	837	837
076	1160472BB	SOF INFORMATION AND BROADCAST SYSTEMS ADVANCED TECHNOLOGY .....	4,924	4,924
		<b>SUBTOTAL ADVANCED TECHNOLOGY DEVELOPMENT (ATD) .....</b>	<b>3,270,792</b>	<b>3,237,649</b>
		<b>ADVANCED COMPONENT DEVELOPMENT &amp; PROTOTYPES</b>		
077	0603161D8Z	NUCLEAR AND CONVENTIONAL PHYSICAL SECURITY EQUIPMENT RDT&E ADC&P .....	36,798	30,798
		Unexecutable growth .....		[–6,000]
078	0603527D8Z	RETRACT LARCH .....	21,040	21,040
079	0603600D8Z	WALKOFF .....	112,142	112,142
080	0603709D8Z	JOINT ROBOTICS PROGRAM .....	11,129	11,129
081	0603714D8Z	ADVANCED SENSOR APPLICATIONS PROGRAM .....	18,408	18,408
082	0603851D8Z	ENVIRONMENTAL SECURITY TECHNICAL CERTIFICATION PROGRAM .....	63,606	63,606
082A	0603XXXD8Z	INSTALLATION ENERGY TEST BED .....		0
083	0603881C	BALLISTIC MISSILE DEFENSE TERMINAL DEFENSE SEGMENT .....	290,452	290,452
084	0603882C	BALLISTIC MISSILE DEFENSE MIDCOURSE DEFENSE SEGMENT .....	1,161,001	1,161,001
086	0603884BP	CHEMICAL AND BIOLOGICAL DEFENSE PROGRAM .....	261,143	213,155
		IBP schedule delay .....		[–12,000]
		INATS schedule delays .....		[–13,000]
		JPID program restructure .....		[–13,988]
		VAC FILO execution delays .....		[–9,000]

**SEC. 4201. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION**  
(In Thousands of Dollars)

<b>Line</b>	<b>Program Element</b>	<b>Item</b>	<b>FY 2012 Request</b>	<b>Conference Authorized</b>
087	0603884C	BALLISTIC MISSILE DEFENSE SENSORS .....	222,374	222,374
088	0603888C	BALLISTIC MISSILE DEFENSE TEST & TARGETS .....	1,071,039	85,690
		Transfer to lines 88a, 88b, and 89 .....		[-985,349]
088A	0603XXXC	BMD TESTS .....		488,382
		Transfer from line 88 .....		[488,382]
088B	0603XXXC	BMD TARGETS .....		454,999
		Transfer from line 88 .....		[454,999]
089	0603890C	BMD ENABLING PROGRAMS .....	373,563	415,531
		Transfer from line 88 .....		[41,968]
090	0603891C	SPECIAL PROGRAMS—MDA .....	296,554	296,554
091	0603892C	AEGIS BMD .....	960,267	990,267
		SM-3 Block 1B production improvements .....		[30,000]
092	0603893C	SPACE TRACKING & SURVEILLANCE SYSTEM .....	96,353	96,353
093	0603895C	BALLISTIC MISSILE DEFENSE SYSTEM SPACE PROGRAMS .....	7,951	7,951
094	0603896C	BALLISTIC MISSILE DEFENSE COMMAND AND CONTROL, BATTLE MANAGEMENT AND COMMUNICATI .....	364,103	364,103
096	0603898C	BALLISTIC MISSILE DEFENSE JOINT WARFIGHTER SUPPORT .....	41,225	41,225
097	0603904C	MISSILE DEFENSE INTEGRATION & OPERATIONS CENTER (MDIOC) .....	69,325	69,325
098	0603906C	REGARDING TRENCH .....	15,797	15,797
099	0603907C	SEA BASED X-BAND RADAR (SBX) .....	177,058	157,058
		Program Decrease—Excess funds .....		[-20,000]
101	0603913C	ISRAELI COOPERATIVE PROGRAMS .....	106,100	216,100
		Arrow System Improvement Program .....		[20,000]
		Arrow-3 interceptor development .....		[5,000]
		David's Sling development .....		[25,000]
		Program Increase .....		[60,000]
102	0603920D8Z	HUMANITARIAN DEMINING .....	14,996	14,996
103	0603923D8Z	COALITION WARFARE .....	12,743	12,743
104	0604016D8Z	DEPARTMENT OF DEFENSE CORROSION PROGRAM .....	3,221	35,321
		Program increase—funding shortfall .....		[32,100]
105	0604400D8Z	DEPARTMENT OF DEFENSE (DOD) UNMANNED AIRCRAFT SYSTEM (UAS) COMMON DEVELOPMENT .....	25,120	25,120
107	0604670D8Z	HUMAN, SOCIAL AND CULTURE BEHAVIOR MODELING (HSCB) RESEARCH AND ENGINEERING .....	10,309	7,509
		Program Decrease .....		[-2,800]
108	0604787D8Z	JOINT SYSTEMS INTEGRATION COMMAND (JSIC) .....	13,024	13,024
109	0604828D8Z	JOINT FIRES INTEGRATION AND INTEROPERABILITY TEAM .....	9,290	9,290
110	0604880C	LAND-BASED SM-3 (LBSM3) .....	306,595	306,595
111	0604881C	AEGIS SM-3 BLOCK 1IA CO-DEVELOPMENT .....	424,454	424,454
112	0604883C	PRECISION TRACKING SPACE SENSOR RDT&E .....	160,818	80,818
		Program Reduction .....		[-80,000]
113	0604884C	AIRBORNE INFRARED (ABIR) .....	46,877	46,877
115	0303191D8Z	JOINT ELECTROMAGNETIC TECHNOLOGY (JET) PROGRAM .....	3,358	3,358
		<b>SUBTOTAL ADVANCED COMPONENT DEVELOPMENT &amp; PROTOTYPES .....</b>	<b>6,808,233</b>	<b>6,823,545</b>
		<b>SYSTEM DEVELOPMENT AND DEMONSTRATION (SDD)</b>		
117	0604161D8Z	NUCLEAR AND CONVENTIONAL PHYSICAL SECURITY EQUIPMENT RDT&E SDD .....	7,220	7,220
118	0604165D8Z	PROMPT GLOBAL STRIKE CAPABILITY DEVELOPMENT .....	204,824	179,824
		Program Reduction .....		[-25,000]
119	0604384BP	CHEMICAL AND BIOLOGICAL DEFENSE PROGRAM .....	400,608	316,608
		Bioscavenger program delays .....		[-24,000]
		Decontamination FOS delays .....		[-10,000]
		MCMI RFP release delay .....		[-50,000]
120	0604709D8Z	JOINT ROBOTICS PROGRAM .....	2,782	2,782
121	0604764K	ADVANCED IT SERVICES JOINT PROGRAM OFFICE (AITS-JPO) .....	49,198	38,824
		Cyber threat discovery .....		[15,000]
		Program growth .....		[-25,374]
122	0604771D8Z	JOINT TACTICAL INFORMATION DISTRIBUTION SYSTEM (JTIDS) .....	17,395	17,395
123	0605000BR	WEAPONS OF MASS DESTRUCTION DEFEAT CAPABILITIES .....	5,888	5,888
124	0605013BL	INFORMATION TECHNOLOGY DEVELOPMENT .....	12,228	12,228
127	0605021SE	HOMELAND PERSONNEL SECURITY INITIATIVE .....	389	389
128	0605022D8Z	DEFENSE EXPORTABILITY PROGRAM .....	1,929	1,929
129	0605027D8Z	OUSDC) IT DEVELOPMENT INITIATIVES .....	4,993	4,993
130	0605070S	DOD ENTERPRISE SYSTEMS DEVELOPMENT AND DEMONSTRATION .....	134,285	94,285
		Program Growth .....		[-40,000]
131	0605075D8Z	DCMO POLICY AND INTEGRATION .....	41,808	41,808
133	0605210D8Z	DEFENSE-WIDE ELECTRONIC PROCUREMENT CAPABILITIES .....	14,950	14,950
135	0303141K	GLOBAL COMBAT SUPPORT SYSTEM .....	19,837	19,837
		<b>SUBTOTAL SYSTEM DEVELOPMENT AND DEMONSTRATION (SDD) .....</b>	<b>918,334</b>	<b>758,960</b>
		<b>RDT&amp;E MANAGEMENT SUPPORT</b>		
137	0604774D8Z	DEFENSE READINESS REPORTING SYSTEM (DRRS) .....	6,658	6,658
138	0604875D8Z	JOINT SYSTEMS ARCHITECTURE DEVELOPMENT .....	4,731	4,731
139	0604940D8Z	CENTRAL TEST AND EVALUATION INVESTMENT DEVELOPMENT (CTEIP) .....	140,231	140,231
140	0604942D8Z	ASSESSMENTS AND EVALUATIONS .....	2,757	2,757
141	0604943D8Z	THERMAL VICAR .....	7,827	7,827
142	0605100D8Z	JOINT MISSION ENVIRONMENT TEST CAPABILITY (JMETC) .....	10,479	10,479
143	0605104D8Z	TECHNICAL STUDIES, SUPPORT AND ANALYSIS .....	34,213	34,213
144	0605110D8Z	USD(A&T)—CRITICAL TECHNOLOGY SUPPORT .....	1,486	1,486
145	0605117D8Z	FOREIGN MATERIAL ACQUISITION AND EXPLOITATION .....	64,524	64,524



**SEC. 4201. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION**  
(In Thousands of Dollars)

<b>Line</b>	<b>Program Element</b>	<b>Item</b>	<b>FY 2012 Request</b>	<b>Conference Authorized</b>
146	0605126J	JOINT INTEGRATED AIR AND MISSILE DEFENSE ORGANIZATION (JIAMDO) .....	79,859	79,859
148	0605130D8Z	FOREIGN COMPARATIVE TESTING .....	19,080	19,080
149	0605142D8Z	SYSTEMS ENGINEERING .....	41,884	41,884
150	0605161D8Z	NUCLEAR MATTERS-PHYSICAL SECURITY .....	4,261	4,261
151	0605170D8Z	SUPPORT TO NETWORKS AND INFORMATION INTEGRATION .....	9,437	9,437
152	0605200D8Z	GENERAL SUPPORT TO USD (INTELLIGENCE) .....	6,549	6,549
153	0605384BP	CHEMICAL AND BIOLOGICAL DEFENSE PROGRAM .....	92,806	92,806
160	0605790D8Z	SMALL BUSINESS INNOVATION RESEARCH (SBIR)/ SMALL BUSINESS TECHNOLOGY TRANSFER (S .....	1,924	1,924
161	0605798D8Z	DEFENSE TECHNOLOGY ANALYSIS .....	16,135	16,135
163	0605801KA	DEFENSE TECHNICAL INFORMATION CENTER (DTIC) .....	56,269	56,269
164	0605803SE	R&D IN SUPPORT OF DOD ENLISTMENT, TESTING AND EVALUATION .....	49,810	49,810
165	0605804D8Z	DEVELOPMENT TEST AND EVALUATION .....	15,805	19,305
		Program Increase .....		[3,500]
166	0605897E	DARPA AGENCY RELOCATION .....	1,000	1,000
167	0605898E	MANAGEMENT HQ—R&D .....	66,689	66,689
168	0606100D8Z	BUDGET AND PROGRAM ASSESSMENTS .....	4,528	4,528
169	0606301D8Z	AVIATION SAFETY TECHNOLOGIES .....	6,925	6,925
170	0203345D8Z	OPERATIONS SECURITY (OPSEC) .....	1,777	1,777
171	0204571J	JOINT STAFF ANALYTICAL SUPPORT .....	18	18
174	0303166D8Z	SUPPORT TO INFORMATION OPERATIONS (IO) CAPABILITIES .....	12,209	12,209
175	0303169D8Z	INFORMATION TECHNOLOGY RAPID ACQUISITION .....	4,288	4,288
176	0305103E	CYBER SECURITY INITIATIVE .....	10,000	5,000
		Execution delays .....		[-5,000]
177	0305193D8Z	INTELLIGENCE SUPPORT TO INFORMATION OPERATIONS (IO) .....	15,002	15,002
179	0305400D8Z	WARFIGHTING AND INTELLIGENCE-RELATED SUPPORT .....	861	861
180	0804767D8Z	COCOM EXERCISE ENGAGEMENT AND TRAINING TRANSFORMATION (CE2T2) .....	59,958	38,090
		P754, Duplication with Service initiatives .....		[-21,868]
182	0901598C	MANAGEMENT HQ—MDA .....	28,908	28,908
183	0901598D8W	IT SOFTWARE DEV INITIATIVES .....	167	167
184A	9999999999	CLASSIFIED PROGRAMS .....	82,627	82,627
		<b>SUBTOTAL RDT&amp;E MANAGEMENT SUPPORT</b> .....	<b>961,682</b>	<b>938,314</b>
<b>OPERATIONAL SYSTEMS DEVELOPMENT</b>				
185	0604130V	ENTERPRISE SECURITY SYSTEM (ESS) .....	8,706	6,206
		Excessive growth .....		[-2,500]
186	0605127T	REGIONAL INTERNATIONAL OUTREACH (RIO) AND PARTNERSHIP FOR PEACE INFORMATION MANA .....	2,165	2,165
187	0605147T	OVERSEAS HUMANITARIAN ASSISTANCE SHARED INFORMATION SYSTEM (OHASIS) .....	288	288
188	0607384BP	CHEMICAL AND BIOLOGICAL DEFENSE (OPERATIONAL SYSTEMS DEVELOPMENT) .....	15,956	15,956
189	0607828D8Z	JOINT INTEGRATION AND INTEROPERABILITY .....	29,880	29,880
190	0208043J	CLASSIFIED PROGRAMS .....	2,402	2,402
191	0208045K	C4I INTEROPERABILITY .....	72,403	72,403
193	0301144K	JOINT/ALLIED COALITION INFORMATION SHARING .....	7,093	7,093
200	0302016K	NATIONAL MILITARY COMMAND SYSTEM-WIDE SUPPORT .....	481	481
201	0302019K	DEFENSE INFO INFRASTRUCTURE ENGINEERING AND INTEGRATION .....	8,366	15,866
		Cybersecurity pilots .....		[7,500]
202	0303126K	LONG-HAUL COMMUNICATIONS—DCS .....	11,324	11,324
203	0303131K	MINIMUM ESSENTIAL EMERGENCY COMMUNICATIONS NETWORK (MEECN) .....	12,514	12,514
204	0303135G	PUBLIC KEY INFRASTRUCTURE (PKI) .....	6,548	6,548
205	0303136G	KEY MANAGEMENT INFRASTRUCTURE (KMI) .....	33,751	33,751
206	0303140D8Z	INFORMATION SYSTEMS SECURITY PROGRAM .....	11,753	11,753
207	0303140G	INFORMATION SYSTEMS SECURITY PROGRAM .....	348,593	348,593
208	0303140K	INFORMATION SYSTEMS SECURITY PROGRAM .....	5,500	5,500
211	0303150K	GLOBAL COMMAND AND CONTROL SYSTEM .....	54,739	54,739
212	0303153K	DEFENSE SPECTRUM ORGANIZATION .....	29,154	29,154
213	0303170K	NET-CENTRIC ENTERPRISE SERVICES (NCES) .....	1,830	1,830
214	0303260D8Z	JOINT MILITARY DECEPTION INITIATIVE .....	1,241	1,241
215	0303610K	TELEPORT PROGRAM .....	6,418	6,418
217	0304210BB	SPECIAL APPLICATIONS FOR CONTINGENCIES .....	5,045	5,045
220	0305103D8Z	CYBER SECURITY INITIATIVE .....	411	411
222	0305103K	CYBER SECURITY INITIATIVE .....	4,341	4,341
223	0305125D8Z	CRITICAL INFRASTRUCTURE PROTECTION (CIP) .....	13,008	13,008
227	0305186D8Z	POLICY R&D PROGRAMS .....	6,603	6,603
229	0305199D8Z	NET CENTRICITY .....	14,926	14,926
232	0305208BB	DISTRIBUTED COMMON GROUND/SURFACE SYSTEMS .....	4,303	1,303
		Unjustified increase .....		[-3,000]
235	0305208K	DISTRIBUTED COMMON GROUND/SURFACE SYSTEMS .....	3,154	3,154
237	0305219BB	MQ-1 PREDATOR A UAV .....	2,499	2,499
239	0305387D8Z	HOMELAND DEFENSE TECHNOLOGY TRANSFER PROGRAM .....	2,660	2,660
240	0305600D8Z	INTERNATIONAL INTELLIGENCE TECHNOLOGY AND ARCHITECTURES .....	1,444	1,444
248	0708011S	INDUSTRIAL PREPAREDNESS .....	23,103	23,103
249	0708012S	LOGISTICS SUPPORT ACTIVITIES .....	2,466	2,466
250	0902298J	MANAGEMENT HEADQUARTERS (JCS) .....	2,730	2,730
252	1105219BB	MQ-9 UAV .....	2,499	2,499
253	1105232BB	RQ-11 UAV .....	3,000	1,500
		Lack of full funding .....		[-1,500]
254	1105233BB	RQ-7 UAV .....	450	450
256	1160403BB	SPECIAL OPERATIONS AVIATION SYSTEMS ADVANCED DEVELOPMENT .....	89,382	74,382

**SEC. 4201. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION**  
(In Thousands of Dollars)

<b>Line</b>	<b>Program Element</b>	<b>Item</b>	<b>FY 2012 Request</b>	<b>Conference Authorized</b>
		MC-130 TF/TA radar contract award delay .....		[-15,000]
257	1160404BB	SPECIAL OPERATIONS TACTICAL SYSTEMS DEVELOPMENT .....	799	799
258	1160405BB	SPECIAL OPERATIONS INTELLIGENCE SYSTEMS DEVELOPMENT .....	27,916	27,916
259	1160408BB	SOF OPERATIONAL ENHANCEMENTS .....	60,915	60,915
260	1160421BB	SPECIAL OPERATIONS CV-22 DEVELOPMENT .....	10,775	10,775
263	1160427BB	MISSION TRAINING AND PREPARATION SYSTEMS (MTPS) .....	4,617	4,617
265	1160429BB	AC/MC-130J .....	18,571	18,571
266	1160474BB	SOF COMMUNICATIONS EQUIPMENT AND ELECTRONICS SYSTEMS .....	1,392	1,392
268	1160477BB	SOF WEAPONS SYSTEMS .....	2,610	2,610
269	1160478BB	SOF SOLDIER PROTECTION AND SURVIVAL SYSTEMS .....	2,971	2,971
270	1160479BB	SOF VISUAL AUGMENTATION, LASERS AND SENSOR SYSTEMS .....	3,000	3,000
271	1160480BB	SOF TACTICAL VEHICLES .....	3,522	3,522
272	1160481BB	SOF MUNITIONS .....	1,500	1,500
273	1160482BB	SOF ROTARY WING AVIATION .....	51,123	51,123
274	1160483BB	SOF UNDERWATER SYSTEMS .....	92,424	68,424
		Excessive growth .....		[-24,000]
275	1160484BB	SOF SURFACE CRAFT .....	14,475	14,475
276	1160488BB	SOF MILITARY INFORMATION SUPPORT OPERATIONS .....	2,990	2,990
277	1160489BB	SOF GLOBAL VIDEO SURVEILLANCE ACTIVITIES .....	8,923	8,923
278	1160490BB	SOF OPERATIONAL ENHANCEMENTS INTELLIGENCE .....	9,473	9,473
278.A	9999999999	CLASSIFIED PROGRAMS .....	4,227,920	4,265,700
		Classified Adjustment .....		[35,780]
		File sanitization tool (FiST) authorization adjustment .....		[2,000]
		<b>SUBTOTAL OPERATIONAL SYSTEMS DEVELOPMENT</b> .....	<b>5,399,045</b>	<b>5,398,325</b>
		<b>UNDISTRIBUTED</b>		
279.A	0901XXXD	UNDISTRIBUTED .....		0
		<b>SUBTOTAL UNDISTRIBUTED</b> .....		<b>0</b>
		<b>TOTAL RESEARCH, DEVELOPMENT, TEST &amp; EVAL, DW</b> .....	<b>19,755,678</b>	<b>19,436,800</b>
		<b>OPERATIONAL TEST &amp; EVAL, DEFENSE</b>		
		<b>RDT&amp;E MANAGEMENT SUPPORT</b>		
001	0605118OTE	OPERATIONAL TEST AND EVALUATION .....	60,444	60,444
002	0605131OTE	LIVE FIRE TEST AND EVALUATION .....	12,126	12,126
003	0605814OTE	OPERATIONAL TEST ACTIVITIES AND ANALYSES .....	118,722	118,722
		<b>SUBTOTAL RDT&amp;E MANAGEMENT SUPPORT</b> .....	<b>191,292</b>	<b>191,292</b>
		<b>TOTAL OPERATIONAL TEST &amp; EVAL, DEFENSE</b> .....	<b>191,292</b>	<b>191,292</b>
		<b>TOTAL RDT&amp;E</b> .....	<b>75,325,082</b>	<b>71,570,717</b>

**SEC. 4202. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION FOR OVERSEAS CONTINGENCY OPERATIONS.**

**SEC. 4202. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION FOR OVERSEAS CONTINGENCY OPERATIONS**  
(In Thousands of Dollars)

<b>Line</b>	<b>Program Element</b>	<b>Item</b>	<b>FY 2012 Request</b>	<b>Conference Authorized</b>
		<b>RDT&amp;E MANAGEMENT SUPPORT</b>		
140	0605601A	ARMY TEST RANGES AND FACILITIES .....	8,513	8,513
		<b>SUBTOTAL RDT&amp;E MANAGEMENT SUPPORT</b> .....	<b>8,513</b>	<b>8,513</b>
		<b>TOTAL RESEARCH, DEVELOPMENT, TEST &amp; EVAL, ARMY</b> .....	<b>8,513</b>	<b>8,513</b>
		<b>ADVANCED COMPONENT DEVELOPMENT &amp; PROTOTYPES</b>		
054	0603654N	JOINT SERVICE EXPLOSIVE ORDNANCE DEVELOPMENT .....	1,500	1,500
		<b>SUBTOTAL ADVANCED COMPONENT DEVELOPMENT &amp; PROTOTYPES</b> .....	<b>1,500</b>	<b>1,500</b>
		<b>SYSTEM DEVELOPMENT &amp; DEMONSTRATION</b>		
097	0604270N	ELECTRONIC WARFARE DEVELOPMENT .....	5,600	5,600
119	0604654N	JOINT SERVICE EXPLOSIVE ORDNANCE DEVELOPMENT .....	3,500	3,500
126	0604771N	MEDICAL DEVELOPMENT .....	1,950	1,950
		<b>SUBTOTAL SYSTEM DEVELOPMENT &amp; DEMONSTRATION</b> .....	<b>11,050</b>	<b>11,050</b>
		<b>OPERATIONAL SYSTEMS DEVELOPMENT</b>		
172	0204136N	F/A-18 SQUADRONS .....	2,000	2,000
189	0206313M	MARINE CORPS COMMUNICATIONS SYSTEMS .....	1,500	1,500
192	0206625M	USMC INTELLIGENCE/ELECTRONIC WARFARE SYSTEMS (MIP) .....	4,050	4,050
215	0305231N	MQ-8 UAV .....		0
227.A	9999999999	CLASSIFIED PROGRAMS .....	33,784	33,784
		<b>SUBTOTAL OPERATIONAL SYSTEMS DEVELOPMENT</b> .....	<b>41,334</b>	<b>41,334</b>
		<b>TOTAL RESEARCH, DEVELOPMENT, TEST &amp; EVAL, NAVY</b> .....	<b>53,884</b>	<b>53,884</b>

**SEC. 4202. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION FOR OVERSEAS CONTINGENCY OPERATIONS**  
*(In Thousands of Dollars)*

<i>Line</i>	<i>Program Element</i>	<i>Item</i>	<i>FY 2012 Request</i>	<i>Con- ference Author- ized</i>
<b>OPERATIONAL SYSTEMS DEVELOPMENT</b>				
200	0305205F	ENDURANCE UNMANNED AERIAL VEHICLES .....	73,000	63,000
		Excess to need .....		[-10,000]
242A	9999999999	CLASSIFIED PROGRAMS .....	69,000	69,000
		<b>SUBTOTAL OPERATIONAL SYSTEMS DEVELOPMENT</b> .....	<b>142,000</b>	<b>142,000</b>
		<b>TOTAL RESEARCH, DEVELOPMENT, TEST &amp; EVAL, AF</b> .....	<b>142,000</b>	<b>132,000</b>
<b>RDT&amp;E MANAGEMENT SUPPORT</b>				
152	0605200D8Z	GENERAL SUPPORT TO USD (INTELLIGENCE) .....	9,200	9,200
		<b>SUBTOTAL RDT&amp;E MANAGEMENT SUPPORT</b> .....	<b>9,200</b>	<b>9,200</b>
<b>OPERATIONAL SYSTEMS DEVELOPMENT</b>				
202	0303126K	LONG-HAUL COMMUNICATIONS—DCS .....	10,500	10,500
207	0303140G	INFORMATION SYSTEMS SECURITY PROGRAM .....	32,850	32,850
211	0303150K	GLOBAL COMMAND AND CONTROL SYSTEM .....	2,000	2,000
254	1105233BB	RQ-7 UAV .....	2,450	2,450
278A	9999999999	CLASSIFIED PROGRAMS .....	135,361	125,361
		Classified Adjustment .....		[-10,000]
		<b>SUBTOTAL OPERATIONAL SYSTEMS DEVELOPMENT</b> .....	<b>183,161</b>	<b>183,161</b>
		<b>TOTAL RESEARCH, DEVELOPMENT, TEST &amp; EVAL, DW</b> .....	<b>192,361</b>	<b>182,361</b>
		<b>TOTAL RDT&amp;E</b> .....	<b>396,758</b>	<b>376,758</b>

## TITLE XLIII—OPERATION AND MAINTENANCE

## SEC. 4301. OPERATION AND MAINTENANCE.

SEC. 4301. OPERATION AND MAINTENANCE  
(In Thousands of Dollars)

Line	Item	FY 2012 Request	Conference Authorized
<b>OPERATION &amp; MAINTENANCE, ARMY</b>			
<b>OPERATING FORCES</b>			
010	MANEUVER UNITS .....	1,399,804	1,031,695
	Transfer to Title XV: Combined Arms Training Strategy .....		[-217,376]
	Transfer to Title XV: MRAP Vehicle Sustainment .....		[-2,539]
	Transfer to Title XV: Theater Demand Reduction .....		[-148,194]
020	MODULAR SUPPORT BRIGADES .....	104,629	90,595
	Transfer to Title XV: Combined Arms Training Strategy .....		[-11,752]
	Transfer to Title XV: Theater Demand Reduction .....		[-2,282]
030	ECHELONS ABOVE BRIGADE .....	815,920	741,068
	Transfer to Title XV: Combined Arms Training Strategy .....		[-74,852]
040	THEATER LEVEL ASSETS .....	825,587	764,818
	Transfer to Title XV: Chemical Defense Equipment Sustainment .....		[-8,579]
	Transfer to Title XV: Combined Arms Training Strategy .....		[-23,198]
	Transfer to Title XV: Theater Demand Reduction .....		[-18,692]
	Transfer to Title XV: UAS—Gray Eagle Satellite Service .....		[-10,300]
050	LAND FORCES OPERATIONS SUPPORT .....	1,245,231	1,072,413
	Transfer to Title XV: Combat Training Center Role Players .....		[-30,091]
	Transfer to Title XV: Fox Nuclear Biological and Chemical Reconnaissance Vehicle Contract Logistics Support .....		[-12,062]
	Transfer to Title XV: Joint Maneuver Readiness Center Opposing Force Augmentation .....		[-4,545]
	Transfer to Title XV: Joint Readiness Training Center Opposing Force Augmentation .....		[-26,940]
	Transfer to Title XV: MRAP Vehicle Sustainment at Combat Training Centers .....		[-6,420]
	Transfer to Title XV: National Training Center Tier Two Level Maintenance Contract .....		[-24,000]
	Transfer to Title XV: National Training Center Warfighter Focus .....		[-26,650]
	Transfer to Title XV: Theater Demand Reduction .....		[-14,984]
	Transfer to Title XV: Tube-Launched, Optically-Tracked, Wire-Guided Missile (TOW) Improved Target Acquisition System (ITAS) Contract Logistics Support .....		[-6,841]
	Transfer to Title XV: Sustainment Brigade and Functional Brigade Warfighter Exercise .....		[-20,285]
060	AVIATION ASSETS .....	1,199,340	1,131,228
	Transfer to Title XV: Combined Arms Training Strategy .....		[-6,607]
	Transfer to Title XV: Theater Demand Reduction .....		[-61,505]
070	FORCE READINESS OPERATIONS SUPPORT .....	2,939,455	2,778,799
	FOB Baseline Not Taken into Account in Requested Program Growth .....		[-20,000]
	Transfer to Title XV: Battle Simulation Centers .....		[-59,702]
	Transfer to Title XV: Body Armor Sustainment .....		[-71,660]
	Transfer to Title XV: Rapid Equipping Force Readiness .....		[-9,294]
080	LAND FORCES SYSTEMS READINESS .....	451,228	404,896
	Deny Requested Growth for Civilian and Contractor Positions .....		[-20,000]
	Transfer to Title XV: Capability Development and Integration .....		[-5,161]
	Transfer to Title XV: Fixed Wing Life Cycle Contract Support .....		[-21,171]
090	LAND FORCES DEPOT MAINTENANCE .....	1,179,675	1,031,839
	Budget Justification does not Match Summary of Price and Program Changes for Utilities .....		[-37,500]
	Removal of fiscal year 2011 Costs Budgeted for Detainee Operations (Full fiscal year 2012 Requirement Funded in Title XV) .....		[-70,000]
	Transfer to title XV: Senior Leader Initiative: Comprehensive Soldier Fitness Program .....		[-30,000]
	Transfer to title XV: Training Range Maintenance .....		[-10,336]
100	BASE OPERATIONS SUPPORT .....	7,637,052	7,329,552
	Budget Justification Does Not Match Summary of Price and Program Changes for Utilities .....		[-37,500]
	Removal of FY11 Costs Budgeted for Detainee Operations (Full FY12 Requirement Funded in OCO) .....		[-70,000]
	Transfer to Title XV: Overseas Security Guards .....		[-200,000]
110	FACILITIES SUSTAINMENT, RESTORATION, & MODERNIZATION .....	2,495,667	2,495,667
120	MANAGEMENT AND OPERATIONAL HQ .....	397,952	397,952
130	COMBATANT COMMANDERS CORE OPERATIONS .....	171,179	171,179
170	COMBATANT COMMANDERS ANCILLARY MISSIONS .....	459,585	439,115
	Military Information Support Operations .....		[-20,470]
175	UNDISTRIBUTED .....		-1,504,500
	Contractor Logistics Support .....		[-50,000]
	Transfer to Title XV: Readiness and Depot Maintenance .....		[-1,454,500]
	<b>SUBTOTAL OPERATING FORCES</b> .....	<b>21,322,304</b>	<b>18,376,316</b>
<b>MOBILIZATION</b>			
180	STRATEGIC MOBILITY .....	390,394	390,394
190	ARMY PREPOSITIONING STOCKS .....	169,535	169,535
200	INDUSTRIAL PREPAREDNESS .....	6,675	6,675
	<b>SUBTOTAL MOBILIZATION</b> .....	<b>566,604</b>	<b>566,604</b>
<b>TRAINING AND RECRUITING</b>			
210	OFFICER ACQUISITION .....	113,262	113,262
220	RECRUIT TRAINING .....	71,012	71,012
230	ONE STATION UNIT TRAINING .....	49,275	49,275
240	SENIOR RESERVE OFFICERS TRAINING CORPS .....	417,071	417,071
250	SPECIALIZED SKILL TRAINING .....	1,045,948	1,030,765
	Transfer to Title XV: Survivability and Maneuverability Training .....		[-15,183]
260	FLIGHT TRAINING .....	1,083,808	1,083,808
270	PROFESSIONAL DEVELOPMENT EDUCATION .....	191,073	191,073

**SEC. 4301. OPERATION AND MAINTENANCE**  
(In Thousands of Dollars)

<b>Line</b>	<b>Item</b>	<b>FY 2012 Request</b>	<b>Conference Authorized</b>
280	TRAINING SUPPORT .....	607,896	607,896
290	RECRUITING AND ADVERTISING .....	523,501	523,501
300	EXAMINING .....	139,159	139,159
310	OFF-DUTY AND VOLUNTARY EDUCATION .....	238,978	238,978
320	CIVILIAN EDUCATION AND TRAINING .....	221,156	221,156
330	JUNIOR ROTC .....	170,889	170,889
	<b>SUBTOTAL TRAINING AND RECRUITING .....</b>	<b>4,873,028</b>	<b>4,857,845</b>
	<b>ADMIN &amp; SRVWIDE ACTIVITIES</b>		
340	SECURITY PROGRAMS .....	995,161	993,801
	Classified Adjustment .....		[-1,360]
350	SERVICEWIDE TRANSPORTATION .....	524,334	524,334
360	CENTRAL SUPPLY ACTIVITIES .....	705,668	705,668
370	LOGISTIC SUPPORT ACTIVITIES .....	484,075	487,075
	Army Requested Transfer for Army Enterprise Systems Integration Program from Other Procurement, Army line 116 .....		[3,000]
380	AMMUNITION MANAGEMENT .....	457,741	387,741
	Requested Growth Unjustified by Metrics Provided in Performance Criteria .....		[-70,000]
390	ADMINISTRATION .....	775,313	775,313
400	SERVICEWIDE COMMUNICATIONS .....	1,534,706	1,510,957
	Army Requested Transfer for General Fund Enterprise Business System (GFEBS) from Other Procurement, Army Line 116 .....		[3,368]
	Army Requested Transfer for Global Combat Support System—Army (GCSS—Army) from Other Procurement, Army Line 116 .....		[2,883]
	Budget Justification Does Not Match Summary of Price and Program Changes for DISA .....		[-30,000]
410	MANPOWER MANAGEMENT .....	316,924	316,924
420	OTHER PERSONNEL SUPPORT .....	214,356	214,356
430	OTHER SERVICE SUPPORT .....	1,093,877	1,033,877
	Budget Justification Does Not Match Summary of Price and Program Changes for DFAS .....		[-50,000]
	Unjustified program growth-Joint DOD Support .....		[-5,000]
	Unjustified program growth-PA Strategic Communications .....		[-5,000]
440	ARMY CLAIMS ACTIVITIES .....	216,621	216,621
450	REAL ESTATE MANAGEMENT .....	180,717	170,717
	Budget Justification Does Not Match Summary of Price and Program Changes for the Pentagon Reservation Maintenance Revolving Fund .....		[-10,000]
455	FINANCIAL IMPROVEMENT AND AUDIT READINESS .....		0
460	SUPPORT OF NATO OPERATIONS .....	449,901	449,901
470	MISC. SUPPORT OF OTHER NATIONS .....	23,886	20,886
	Transfer from SAG 411—Military Information Support Operations .....		[-3,000]
	<b>SUBTOTAL ADMIN &amp; SRVWIDE ACTIVITIES .....</b>	<b>7,973,280</b>	<b>7,808,171</b>
	<b>UNDISTRIBUTED</b>		
480	UNDISTRIBUTED .....		-1,079,704
	BUDGET ACTIVITY 4 ADJUSTMENT FOR DEFENSE EFFICIENCY CIVILIAN STAFFING REDUCTION .....		[-12,904]
	Decrease in OPTEMPO as cited by Army .....		[-291,500]
	IMPROVED MANAGEMENT OF TELECOM SERVICES .....		[-10,000]
	Printing & Reproduction (10% cut)—Efficiency .....		[-10,600]
	Section 8089 - Excess Cash Balances in DWCF .....		[-515,000]
	Studies, Analysis & Evaluations (10% cut)—Efficiency .....		[-1,400]
	Unobligated balances .....		[-238,300]
999	CLASSIFIED .....		0
	<b>SUBTOTAL UNDISTRIBUTED .....</b>		<b>-1,079,704</b>
	<b>TOTAL OPERATION &amp; MAINTENANCE, ARMY .....</b>	<b>34,735,216</b>	<b>30,529,232</b>
	<b>OPERATION &amp; MAINTENANCE, NAVY</b>		
	<b>OPERATING FORCES</b>		
010	MISSION AND OTHER FLIGHT OPERATIONS .....	4,762,887	4,499,387
	Transfer to Title XV: Flying Hours .....		[-180,945]
	Transfer to Title XV: MV 22B Pricing Variance .....		[-82,555]
020	FLEET AIR TRAINING .....	1,771,644	1,771,644
030	AVIATION TECHNICAL DATA & ENGINEERING SERVICES .....	46,321	46,321
040	AIR OPERATIONS AND SAFETY SUPPORT .....	104,751	87,751
	Unjustified Growth for Program Related Logistics Support .....		[-17,000]
050	AIR SYSTEMS SUPPORT .....	431,576	431,576
060	AIRCRAFT DEPOT MAINTENANCE .....	1,030,303	1,030,303
070	AIRCRAFT DEPOT OPERATIONS SUPPORT .....	37,403	37,403
080	AVIATION LOGISTICS .....	238,007	238,007
090	MISSION AND OTHER SHIP OPERATIONS .....	3,820,186	3,795,186
	Reduced Number of Deployed Steaming Days .....		[-25,000]
100	SHIP OPERATIONS SUPPORT & TRAINING .....	734,866	734,866
110	SHIP DEPOT MAINTENANCE .....	4,972,609	5,122,609
	Ship Depot Maintenance (Active) .....		[150,000]
120	SHIP DEPOT OPERATIONS SUPPORT .....	1,304,271	1,297,271
	Removal of One-Time Fiscal Year 2011 Costs for Surface Ship Life Cycle Maintenance (SSLCM) Activity and Local Command Office for Navy Enterprise Resource Planning .....		[-7,000]
130	COMBAT COMMUNICATIONS .....	583,659	556,259
	Eliminate Requested Growth of Contractor Full-time Equivalents .....		[-27,400]
140	ELECTRONIC WARFARE .....	97,011	97,011
150	SPACE SYSTEMS AND SURVEILLANCE .....	162,303	137,303

**SEC. 4301. OPERATION AND MAINTENANCE**  
*(In Thousands of Dollars)*

<b>Line</b>	<b>Item</b>	<b>FY 2012 Request</b>	<b>Con- ference Author- ized</b>
	<i>Budget Justification Does Not Match Summary of Price and Program Changes</i> .....		[-25,000]
160	WARFARE TACTICS .....	423,187	423,187
170	OPERATIONAL METEOROLOGY AND OCEANOGRAPHY .....	320,141	320,141
180	COMBAT SUPPORT FORCES .....	1,076,478	883,677
	<i>Transfer to Title XV: Naval Expeditionary Combat Command Increases</i> .....		[-192,801]
190	EQUIPMENT MAINTENANCE .....	187,037	187,037
200	DEPOT OPERATIONS SUPPORT .....	4,352	4,352
210	COMBATANT COMMANDERS CORE OPERATIONS .....	103,830	103,830
220	COMBATANT COMMANDERS DIRECT MISSION SUPPORT .....	180,800	166,400
	<i>Military Information Support Operations</i> .....		[-6,100]
	<i>Transfer to Title XV: Joint Special Operations Task Force—Philippines</i> .....		[-8,300]
230	CRUISE MISSILE .....	125,333	125,333
240	FLEET BALLISTIC MISSILE .....	1,209,410	1,209,410
250	IN-SERVICE WEAPONS SYSTEMS SUPPORT .....	99,063	90,063
	<i>Transfer to Title XV: Naval Expeditionary Combat Command</i> .....		[-9,000]
260	WEAPONS MAINTENANCE .....	450,454	450,454
270	OTHER WEAPON SYSTEMS SUPPORT .....	358,002	358,002
280	ENTERPRISE INFORMATION .....	971,189	971,189
290	SUSTAINMENT, RESTORATION AND MODERNIZATION .....	1,946,779	1,946,779
300	BASE OPERATING SUPPORT .....	4,610,525	4,540,525
	<i>Savings from In-sourcing Security Contractor Positions Not Properly Accounted for in Budget Documentation</i> .....		[-20,000]
	<i>Transfer to Title XV: Regional/Emergency Operations Center</i> .....		[-50,000]
305	UNDISTRIBUTED .....		-645,000
	<i>CONTRACTOR LOGISTICS SUPPORT</i> .....		[-150,000]
	<i>TRANSFER TO TITLE XV: READINESS AND DEPOT MAINTENANCE</i> .....		[-495,000]
	<b>SUBTOTAL OPERATING FORCES</b> .....	<b>32,164,377</b>	<b>31,018,276</b>
<b>MOBILIZATION</b>			
310	SHIP PREPOSITIONING AND SURGE .....	493,326	493,326
320	AIRCRAFT ACTIVATIONS/INACTIVATIONS .....	6,228	6,228
330	SHIP ACTIVATIONS/INACTIVATIONS .....	205,898	205,898
340	EXPEDITIONARY HEALTH SERVICES SYSTEMS .....	68,634	63,630
	<i>Transfer to Title XV: Medical/Equipment costs for USNS MERCY</i> .....		[-5,004]
350	INDUSTRIAL READINESS .....	2,684	2,684
360	COAST GUARD SUPPORT .....	25,192	25,192
	<b>SUBTOTAL MOBILIZATION</b> .....	<b>801,962</b>	<b>796,958</b>
<b>TRAINING AND RECRUITING</b>			
370	OFFICER ACQUISITION .....	147,540	147,540
380	RECRUIT TRAINING .....	10,655	10,655
390	RESERVE OFFICERS TRAINING CORPS .....	151,147	148,361
	<i>Excessive Program Increase for General Services Administration Lease Cost</i> .....		[-2,786]
400	SPECIALIZED SKILL TRAINING .....	594,799	544,278
	<i>Transfer to Title XV: Naval Sea Systems Command Visit, Board, Search and Seizure (VBSS)/Explosive Ordnance Device (EOD)</i> <i>Training</i> .....		[-3,000]
	<i>Unjustified Growth in Moored and Tech Training</i> .....		[-47,521]
410	FLIGHT TRAINING .....	9,034	9,034
420	PROFESSIONAL DEVELOPMENT EDUCATION .....	173,452	173,452
430	TRAINING SUPPORT .....	168,025	168,025
440	RECRUITING AND ADVERTISING .....	254,860	255,843
	<i>Naval Sea Cadet Corps</i> .....		[983]
450	OFF-DUTY AND VOLUNTARY EDUCATION .....	140,279	140,279
460	CIVILIAN EDUCATION AND TRAINING .....	107,561	107,561
470	JUNIOR ROTC .....	52,689	52,689
	<b>SUBTOTAL TRAINING AND RECRUITING</b> .....	<b>1,810,041</b>	<b>1,757,717</b>
<b>ADMIN &amp; SRVWD ACTIVITIES</b>			
480	ADMINISTRATION .....	754,483	754,483
490	EXTERNAL RELATIONS .....	14,275	14,275
500	CIVILIAN MANPOWER AND PERSONNEL MANAGEMENT .....	112,616	112,616
510	MILITARY MANPOWER AND PERSONNEL MANAGEMENT .....	216,483	203,926
	<i>Transfer to Title XV: Family Readiness Programs</i> .....		[-3,557]
	<i>Transfer to Title XV: Navy Manpower and Personnel System/NSIPS</i> .....		[-9,000]
520	OTHER PERSONNEL SUPPORT .....	282,295	282,295
530	SERVICEWIDE COMMUNICATIONS .....	534,873	534,873
545	FINANCIAL IMPROVEMENT AND AUDIT READINESS .....		0
550	SERVICEWIDE TRANSPORTATION .....	190,662	190,662
570	PLANNING, ENGINEERING AND DESIGN .....	303,636	293,636
	<i>Unjustified Growth for Installation Emergency Management</i> .....		[-10,000]
580	ACQUISITION AND PROGRAM MANAGEMENT .....	903,885	903,885
590	HULL, MECHANICAL AND ELECTRICAL SUPPORT .....	54,880	54,880
600	COMBAT/WEAPONS SYSTEMS .....	20,687	20,687
610	SPACE AND ELECTRONIC WARFARE SYSTEMS .....	68,374	68,374
620	NAVAL INVESTIGATIVE SERVICE .....	572,928	572,928
680	INTERNATIONAL HEADQUARTERS AND AGENCIES .....	5,516	5,516
705	CLASSIFIED PROGRAMS .....	552,715	550,334
	<i>Classified adjustment</i> .....		[-2,381]

**SEC. 4301. OPERATION AND MAINTENANCE**  
(In Thousands of Dollars)

<b>Line</b>	<b>Item</b>	<b>FY 2012 Request</b>	<b>Conference Authorized</b>
	<b>SUBTOTAL ADMIN &amp; SRVWD ACTIVITIES</b> .....	<b>4,588,308</b>	<b>4,563,370</b>
	<b>UNDISTRIBUTED</b>		
710	UNDISTRIBUTED .....		-67,000
	Deny FY12 Budget Price Growth for Civilian Personnel Compensation .....		[-5,000]
	IMPROVED MANAGEMENT OF TELECOM SERVICES .....		[-10,000]
	Unobligated balances .....		[-52,000]
	<b>SUBTOTAL UNDISTRIBUTED</b> .....		<b>-67,000</b>
	<b>TOTAL OPERATION &amp; MAINTENANCE, NAVY</b> .....	<b>39,364,688</b>	<b>38,069,321</b>
	<b>OPERATION &amp; MAINTENANCE, MARINE CORPS</b>		
	<b>OPERATING FORCES</b>		
010	OPERATIONAL FORCES .....	715,196	695,196
	Request Inconsistent with Information Technology Budget Justification for the Global Combat Support System .....		[-20,000]
020	FIELD LOGISTICS .....	677,608	677,608
030	DEPOT MAINTENANCE .....	190,713	78,713
	Transfer to Title XV: Depot Maintenance .....		[-112,000]
040	MARITIME PREPOSITIONING .....	101,464	101,464
060	SUSTAINMENT, RESTORATION, & MODERNIZATION .....	823,390	823,390
070	BASE OPERATING SUPPORT .....	2,208,949	1,953,949
	Reduction for Collateral Equipment Requirements Not Properly Accounted for in Budget Documentation .....		[-20,000]
	TRANSFER TO TITLE XV: READINESS AND DEPOT MAINTENANCE .....		[-235,000]
	<b>SUBTOTAL OPERATING FORCES</b> .....	<b>4,717,320</b>	<b>4,330,320</b>
	<b>TRAINING AND RECRUITING</b>		
080	RECRUIT TRAINING .....	18,280	18,280
090	OFFICER ACQUISITION .....	820	820
100	SPECIALIZED SKILL TRAINING .....	85,816	85,816
120	PROFESSIONAL DEVELOPMENT EDUCATION .....	33,142	33,142
130	TRAINING SUPPORT .....	324,643	324,643
140	RECRUITING AND ADVERTISING .....	184,432	184,432
150	OFF-DUTY AND VOLUNTARY EDUCATION .....	43,708	43,708
160	JUNIOR ROTC .....	19,671	19,671
	<b>SUBTOTAL TRAINING AND RECRUITING</b> .....	<b>710,512</b>	<b>710,512</b>
	<b>ADMIN &amp; SRVWD ACTIVITIES</b>		
180	SERVICEWIDE TRANSPORTATION .....	36,021	36,021
190	ADMINISTRATION .....	405,431	405,431
200	ACQUISITION & PROGRAM MANAGEMENT .....	91,153	91,153
	<b>SUBTOTAL ADMIN &amp; SRVWD ACTIVITIES</b> .....	<b>532,605</b>	<b>532,605</b>
	<b>UNDISTRIBUTED</b>		
210	UNDISTRIBUTED .....		-38,000
	OMMC Request Inconsistent with Information Technology Budget Justification for the Operational Support Systems—Command and Control .....		[-20,000]
	Unobligated balances .....		[-18,000]
	<b>SUBTOTAL UNDISTRIBUTED</b> .....		<b>-38,000</b>
	<b>TOTAL OPERATION &amp; MAINTENANCE, MARINE CORPS</b> .....	<b>5,960,437</b>	<b>5,535,437</b>
	<b>OPERATION &amp; MAINTENANCE, AIR FORCE</b>		
	<b>OPERATING FORCES</b>		
010	PRIMARY COMBAT FORCES .....	4,224,400	3,564,242
	Consolidate Depot Maintenance Funding in the Depot Maintenance SAG .....		[-590,158]
	Transfer to Title XV: Theater Security Package .....		[-70,000]
020	COMBAT ENHANCEMENT FORCES .....	3,417,731	2,706,439
	Consolidate Depot Maintenance Funding in the Depot Maintenance SAG .....		[-673,292]
	Removal of One-Time FY11 Costs for Administrative Support for Contractor to Civilian Conversions .....		[-4,000]
	Removal of One-Time FY11 Costs for Software Maintenance Requirements .....		[-24,000]
	Unjustified Increase in Travel .....		[-10,000]
030	AIR OPERATIONS TRAINING (OJT, MAINTAIN SKILLS) .....	1,482,814	1,380,264
	Consolidate Depot Maintenance Funding in the Depot Maintenance SAG .....		[-102,550]
050	DEPOT MAINTENANCE .....	2,204,131	3,788,606
	Consolidate Depot Maintenance Funding in the Depot Maintenance SAG .....		[1,584,475]
060	FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION .....	1,652,318	1,652,318
070	BASE SUPPORT .....	2,507,179	2,482,179
	Budget Justification Does Not Match Summary of Price and Program Changes for Utilities .....		[-25,000]
080	GLOBAL C3I AND EARLY WARNING .....	1,492,459	1,282,024
	Consolidate Depot Maintenance Funding in the Depot Maintenance SAG .....		[-198,435]
	Removal of One-Time Fiscal Year 2011 Costs for Long Range Radar Service Life Extension Program .....		[-12,000]
090	OTHER COMBAT OPS SPT PROGRAMS .....	1,046,226	1,019,538
	Consolidate Depot Maintenance Funding in the Depot Maintenance SAG .....		[-12,688]
	Removal of One-Time Fiscal Year 2011 Costs for Administrative Support for Contractor to Civilian Conversions .....		[-14,000]
100	TACTICAL INTEL AND OTHER SPECIAL ACTIVITIES .....	696,188	691,188
	Classified Adjustment .....		[-5,000]
110	LAUNCH FACILITIES .....	321,484	313,484



**SEC. 4301. OPERATION AND MAINTENANCE**  
(In Thousands of Dollars)

<b>Line</b>	<b>Item</b>	<b>FY 2012 Request</b>	<b>Conference Authorized</b>
	Overstated Requirement for Additional Fiscal Year 2012 Funding for Satellite and Launcher Control Ranges .....		[-8,000]
120	SPACE CONTROL SYSTEMS .....	633,738	619,552
	Consolidate Depot Maintenance Funding in the Depot Maintenance SAG .....		[-7,186]
	Removal of One-Time Fiscal Year 2011 Costs for Administrative Support for Contractor to Civilian Conversions .....		[-7,000]
130	COMBATANT COMMANDERS DIRECT MISSION SUPPORT .....	735,488	664,262
	Consolidate Depot Maintenance Funding in the Depot Maintenance SAG .....		[-166]
	Military Information Support Operations .....		[-33,700]
	Strategic Command Program Decreases Not Accounted for in Budget Documentation .....		[-20,000]
	Transfer to Title XV: CENTCOM HQ C4 .....		[-12,500]
	Transfer to Title XV: CENTCOM Public Affairs .....		[-4,860]
140	COMBATANT COMMANDERS CORE OPERATIONS .....	170,481	170,481
145	UNDISTRIBUTED .....		-670,000
	CONTRACTOR LOGISTICS SUPPORT .....		[-200,000]
	TRANSFER TO TITLE XV: READINESS AND DEPOT MAINTENANCE .....		[-470,000]
	<b>SUBTOTAL OPERATING FORCES</b> .....	<b>20,584,637</b>	<b>19,664,577</b>
	<b>MOBILIZATION</b>		
150	AIRLIFT OPERATIONS .....	2,988,221	2,543,389
	Consolidate Depot Maintenance Funding in the Depot Maintenance SAG .....		[-444,832]
160	MOBILIZATION PREPAREDNESS .....	150,724	150,724
170	DEPOT MAINTENANCE .....	373,568	818,400
	Consolidate Depot Maintenance Funding in the Depot Maintenance SAG .....		[444,832]
180	FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION .....	388,103	388,103
190	BASE SUPPORT .....	674,230	674,230
	<b>SUBTOTAL MOBILIZATION</b> .....	<b>4,574,846</b>	<b>4,574,846</b>
	<b>TRAINING AND RECRUITING</b>		
200	OFFICER ACQUISITION .....	114,448	114,448
210	RECRUIT TRAINING .....	22,192	22,192
220	RESERVE OFFICERS TRAINING CORPS (ROTC) .....	90,545	90,545
230	FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION .....	430,090	430,090
240	BASE SUPPORT .....	789,654	749,654
	Budget Justification Does Not Match Summary of Price and Program Changes for Utilities .....		[-25,000]
	Unjustified Growth for Competitive Sourcing and Privatization .....		[-15,000]
250	SPECIALIZED SKILL TRAINING .....	481,357	471,357
	Budget Justification Does Not Match Summary of Price and Program Changes for Equipment Maintenance by Contract .....		[-10,000]
260	FLIGHT TRAINING .....	957,538	957,538
270	PROFESSIONAL DEVELOPMENT EDUCATION .....	198,897	198,897
280	TRAINING SUPPORT .....	108,248	108,248
290	DEPOT MAINTENANCE .....	6,386	6,386
300	RECRUITING AND ADVERTISING .....	136,102	136,102
310	EXAMINING .....	3,079	3,079
320	OFF-DUTY AND VOLUNTARY EDUCATION .....	167,660	167,660
330	CIVILIAN EDUCATION AND TRAINING .....	202,767	189,767
	Maintain Service Contracts at the fiscal year 2011 Level .....		[-13,000]
340	JUNIOR ROTC .....	75,259	75,259
	<b>SUBTOTAL TRAINING AND RECRUITING</b> .....	<b>3,784,222</b>	<b>3,721,222</b>
	<b>ADMIN &amp; SRVWD ACTIVITIES</b>		
350	LOGISTICS OPERATIONS .....	1,112,878	1,112,252
	Consolidate Depot Maintenance Funding in the Depot Maintenance SAG .....		[-626]
360	TECHNICAL SUPPORT ACTIVITIES .....	785,150	785,150
370	DEPOT MAINTENANCE .....	14,356	14,982
	Consolidate Depot Maintenance Funding in the Depot Maintenance SAG .....		[626]
380	FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION .....	416,588	416,588
390	BASE SUPPORT .....	1,219,043	1,219,043
400	ADMINISTRATION .....	662,180	662,180
410	SERVICEWIDE COMMUNICATIONS .....	650,689	650,689
420	OTHER SERVICEWIDE ACTIVITIES .....	1,078,769	1,060,769
	Budget Justification Does Not Match Summary of Price and Program Changes for DFAS .....		[-7,000]
	Program decrease .....		[-11,000]
425	FINANCIAL IMPROVEMENT AND AUDIT READINESS .....		0
430	CIVIL AIR PATROL .....	23,338	23,338
460	INTERNATIONAL SUPPORT .....	72,589	72,589
465	CLASSIFIED PROGRAMS .....	1,215,848	1,200,261
	Classified adjustment .....		[-15,587]
	<b>SUBTOTAL ADMIN &amp; SRVWD ACTIVITIES</b> .....	<b>7,251,428</b>	<b>7,217,841</b>
	<b>UNDISTRIBUTED</b>		
470	UNDISTRIBUTED .....		-150,000
	EXCESS WORKING CAPITAL FUND CARRYOVER .....		[-90,000]
	Unobligated balances .....		[-60,000]
	<b>SUBTOTAL UNDISTRIBUTED</b> .....		<b>-150,000</b>
	<b>TOTAL OPERATION &amp; MAINTENANCE, AIR FORCE</b> .....	<b>36,195,133</b>	<b>35,028,486</b>
	<b>OPERATION &amp; MAINTENANCE, DEFENSE-WIDE</b>		

**SEC. 4301. OPERATION AND MAINTENANCE**  
(In Thousands of Dollars)

<b>Line</b>	<b>Item</b>	<b>FY 2012 Request</b>	<b>Conference Authorized</b>
<b>OPERATING FORCES</b>			
010	JOINT CHIEFS OF STAFF .....	563,787	558,287
	Reduce Civilian Personnel Fiscal Year 2012 Average Salary Growth .....		[-5,500]
020	SPECIAL OPERATIONS COMMAND .....	3,986,766	3,893,859
	Transfer to Title XV: Military Information Support Activities .....		[-57,300]
	Aviation Foreign Internal Defense .....		[-17,607]
	Reduce Civilian Personnel fiscal year 2012 Average Salary Growth .....		[-10,000]
	Sustaining Base Communications—Excessive Growth .....		[-8,000]
	<b>SUBTOTAL OPERATING FORCES</b> .....	<b>4,550,553</b>	<b>4,452,146</b>
<b>TRAINING AND RECRUITING</b>			
030	DEFENSE ACQUISITION UNIVERSITY .....	124,075	124,075
040	NATIONAL DEFENSE UNIVERSITY .....	93,348	93,348
	<b>SUBTOTAL TRAINING AND RECRUITING</b> .....	<b>217,423</b>	<b>217,423</b>
<b>ADMIN &amp; SRVWD ACTIVITIES</b>			
050	CIVIL MILITARY PROGRAMS .....	159,692	159,692
080	DEFENSE CONTRACT AUDIT AGENCY .....	508,822	469,622
	Reduction in Non-Pay Personnel Support Overhead Costs .....		[-39,200]
090	DEFENSE CONTRACT MANAGEMENT AGENCY .....	1,147,366	1,147,366
100	DEFENSE FINANCE AND ACCOUNTING SERVICE .....	12,000	12,000
110	DEFENSE HUMAN RESOURCES ACTIVITY .....	676,419	645,989
	Overstatement of Fiscal Year 2012 Costs for Civilian Personnel .....		[-30,000]
	Unjustified Increase for the Request for Defense Advisory Committee on Women in the Services Program Reporting .....		[-430]
120	DEFENSE INFORMATION SYSTEMS AGENCY .....	1,360,392	1,360,392
140	DEFENSE LEGAL SERVICES AGENCY .....	37,367	37,367
150	DEFENSE LOGISTICS AGENCY .....	450,863	452,263
	Efficiencies in the Continuity of Operations Policy .....		[-3,000]
	Procurement Technical Assistance Program .....		[6,000]
	Unjustified Request for the Defense Property Accountability System Program Office .....		[-1,600]
160	DEFENSE MEDIA ACTIVITY .....	256,133	256,133
170	DEFENSE POW/MIA OFFICE .....	22,372	22,372
180	DEFENSE SECURITY COOPERATION AGENCY - GLOBAL TRAIN AND EQUIP .....	500,000	350,000
	Reduction to Global Train and Equip .....		[-150,000]
185	DEFENSE SECURITY COOPERATION AGENCY - OTHER .....	182,831	180,551
	Authorization Adjustment—Security Cooperation Assessment Office .....		[-2,280]
190	DEFENSE SECURITY SERVICE .....	505,366	505,366
200	DEFENSE TECHNOLOGY SECURITY ADMINISTRATION .....	33,848	33,848
210	DEFENSE THREAT REDUCTION AGENCY .....	432,133	432,133
220	DEPARTMENT OF DEFENSE EDUCATION ACTIVITY .....	2,768,677	2,695,677
	Transfer to Title XV: Child Care and Counseling .....		[-73,000]
230	MISSILE DEFENSE AGENCY .....	202,758	202,758
250	OFFICE OF ECONOMIC ADJUSTMENT .....	81,754	48,754
	Ahead of need - Guam FSRM .....		[-33,000]
260	OFFICE OF THE SECRETARY OF DEFENSE .....	2,201,964	2,164,564
	Additional Efficiencies Based on Disestablishment of the Assistant Secretary of Defense (Networks and Information Integration) .....		[-10,000]
	Unjustified Growth for Boards and Commissions .....		[-7,300]
	Unjustified Growth for Equipment Maintenance by Contract .....		[-10,000]
	Unjustified Growth for the Office of the Under Secretary of Defense, Policy and for other OSD Programs .....		[-10,100]
270	WASHINGTON HEADQUARTERS SERVICE .....	563,184	556,684
	Removal of Fiscal Year 2011 Costs Budgeted for the Defense Agencies Initiative .....		[-6,500]
275	CLASSIFIED PROGRAMS .....	14,068,492	13,628,508
	Classified adjustment .....		[-439,984]
	<b>SUBTOTAL ADMIN &amp; SRVWD ACTIVITIES</b> .....	<b>26,172,433</b>	<b>25,362,039</b>
<b>UNDISTRIBUTED</b>			
280	UNDISTRIBUTED .....		-155,245
	DOD Impact Aid (Section 581) .....		[40,000]
	Reduction to Federally Funded Research and Development Centers .....		[-150,245]
	Severe disabilities .....		[5,000]
	Unobligated balances .....		[-50,000]
	<b>SUBTOTAL UNDISTRIBUTED</b> .....		<b>-155,245</b>
	<b>TOTAL OPERATION &amp; MAINTENANCE, DEFENSE-WIDE</b> .....	<b>30,940,409</b>	<b>29,876,363</b>
<b>OPERATION &amp; MAINTENANCE, ARMY RESERVE</b>			
<b>OPERATING FORCES</b>			
010	MANEUVER UNITS .....	1,091	1,091
020	MODULAR SUPPORT BRIGADES .....	18,129	18,129
030	ECHELONS ABOVE BRIGADE .....	492,705	492,705
040	THEATER LEVEL ASSETS .....	137,304	137,304
050	LAND FORCES OPERATIONS SUPPORT .....	597,786	597,786
060	AVIATION ASSETS .....	67,366	67,366
070	FORCE READINESS OPERATIONS SUPPORT .....	474,966	448,523
	Sustainment Costs For Weapons of Mass Destruction Equipment Purchases Not Needed in Fiscal Year 2012 .....		[-6,000]
	Unjustified Funding for Milcon Planning and Design .....		[-20,443]
080	LAND FORCES SYSTEMS READINESS .....	69,841	69,841

**SEC. 4301. OPERATION AND MAINTENANCE**  
(In Thousands of Dollars)

<b>Line</b>	<b>Item</b>	<b>FY 2012 Request</b>	<b>Conference Authorized</b>
090	LAND FORCES DEPOT MAINTENANCE .....	247,010	247,010
100	BASE OPERATIONS SUPPORT .....	590,078	583,078
	Reduction for Payments to the General Services Administration for Standard Level User Charges Not Properly Accounted for in Budget Documentation .....		[-7,000]
110	FACILITIES SUSTAINMENT, RESTORATION, & MODERNIZATION .....	255,618	255,618
125	UNDISTRIBUTED .....		0
	<b>SUBTOTAL OPERATING FORCES .....</b>	<b>2,951,894</b>	<b>2,918,451</b>
	<b>ADMIN &amp; SRVWD ACTIVITIES</b>		
130	SERVICEWIDE TRANSPORTATION .....	14,447	14,447
140	ADMINISTRATION .....	76,393	76,393
150	SERVICEWIDE COMMUNICATIONS .....	3,844	3,844
160	MANPOWER MANAGEMENT .....	9,033	9,033
170	RECRUITING AND ADVERTISING .....	53,565	53,565
	<b>SUBTOTAL ADMIN &amp; SRVWD ACTIVITIES .....</b>	<b>157,282</b>	<b>157,282</b>
	<b>UNDISTRIBUTED</b>		
175	UNDISTRIBUTED .....		-4,000
	Unjustified Increase Budgeted for Fiscal Year 2012 Price Growth for Civilian Compensation .....		[-4,000]
	<b>SUBTOTAL UNDISTRIBUTED .....</b>		<b>-4,000</b>
	<b>TOTAL OPERATION &amp; MAINTENANCE, ARMY RESERVE .....</b>	<b>3,109,176</b>	<b>3,071,733</b>
	<b>OPERATION &amp; MAINTENANCE, NAVY RESERVE</b>		
	<b>OPERATING FORCES</b>		
010	MISSION AND OTHER FLIGHT OPERATIONS .....	622,868	622,868
020	INTERMEDIATE MAINTENANCE .....	16,041	16,041
030	AIR OPERATIONS AND SAFETY SUPPORT .....	1,511	1,511
040	AIRCRAFT DEPOT MAINTENANCE .....	123,547	123,547
050	AIRCRAFT DEPOT OPERATIONS SUPPORT .....	379	379
060	MISSION AND OTHER SHIP OPERATIONS .....	49,701	49,701
070	SHIP OPERATIONS SUPPORT & TRAINING .....	593	593
080	SHIP DEPOT MAINTENANCE .....	53,916	53,916
090	COMBAT COMMUNICATIONS .....	15,445	15,445
100	COMBAT SUPPORT FORCES .....	153,942	153,942
110	WEAPONS MAINTENANCE .....	7,292	7,292
120	ENTERPRISE INFORMATION .....	75,131	57,131
	Unjustified Growth for Next Generation Enterprise Network Seat Services .....		[-18,000]
130	SUSTAINMENT, RESTORATION AND MODERNIZATION .....	72,083	72,083
140	BASE OPERATING SUPPORT .....	109,024	109,024
	<b>SUBTOTAL OPERATING FORCES .....</b>	<b>1,301,473</b>	<b>1,283,473</b>
	<b>ADMIN &amp; SRVWD ACTIVITIES</b>		
150	ADMINISTRATION .....	1,857	1,857
160	MILITARY MANPOWER AND PERSONNEL MANAGEMENT .....	14,438	14,438
170	SERVICEWIDE COMMUNICATIONS .....	2,394	2,394
180	ACQUISITION AND PROGRAM MANAGEMENT .....	2,972	2,972
	<b>SUBTOTAL ADMIN &amp; SRVWD ACTIVITIES .....</b>	<b>21,661</b>	<b>21,661</b>
	<b>TOTAL OPERATION &amp; MAINTENANCE, NAVY RESERVE .....</b>	<b>1,323,134</b>	<b>1,305,134</b>
	<b>OPERATION &amp; MAINTENANCE, MARINE CORPS RESERVE</b>		
	<b>OPERATING FORCES</b>		
010	OPERATING FORCES .....	94,604	94,604
020	DEPOT MAINTENANCE .....	16,382	16,382
040	SUSTAINMENT, RESTORATION AND MODERNIZATION .....	31,520	31,520
050	BASE OPERATING SUPPORT .....	105,809	105,809
	<b>SUBTOTAL OPERATING FORCES .....</b>	<b>248,315</b>	<b>248,315</b>
	<b>ADMIN &amp; SRVWD ACTIVITIES</b>		
070	SERVICEWIDE TRANSPORTATION .....	852	852
080	ADMINISTRATION .....	13,257	13,257
090	RECRUITING AND ADVERTISING .....	9,019	9,019
	<b>SUBTOTAL ADMIN &amp; SRVWD ACTIVITIES .....</b>	<b>23,128</b>	<b>23,128</b>
	<b>TOTAL OPERATION &amp; MAINTENANCE, MARINE CORPS RESERVE .....</b>	<b>271,443</b>	<b>271,443</b>
	<b>OPERATION &amp; MAINTENANCE, AIR FORCE RESERVE</b>		
	<b>OPERATING FORCES</b>		
010	PRIMARY COMBAT FORCES .....	2,171,853	2,171,853
020	MISSION SUPPORT OPERATIONS .....	116,513	116,513
030	DEPOT MAINTENANCE .....	471,707	471,707
040	FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION .....	77,161	77,161
050	BASE SUPPORT .....	308,974	308,974
	<b>SUBTOTAL OPERATING FORCES .....</b>	<b>3,146,208</b>	<b>3,146,208</b>
	<b>ADMIN &amp; SRVWD ACTIVITIES</b>		

**SEC. 4301. OPERATION AND MAINTENANCE**  
(In Thousands of Dollars)

<b>Line</b>	<b>Item</b>	<b>FY 2012 Request</b>	<b>Conference Authorized</b>
060	ADMINISTRATION .....	84,423	84,423
070	RECRUITING AND ADVERTISING .....	17,076	17,076
080	MILITARY MANPOWER AND PERS MGMT (ARPC) .....	19,688	19,688
090	OTHER PERS SUPPORT (DISABILITY COMP) .....	6,170	6,170
100	AUDIOVISUAL .....	794	794
	<b>SUBTOTAL ADMIN &amp; SRVWD ACTIVITIES</b> .....	<b>128,151</b>	<b>128,151</b>
	<b>TOTAL OPERATION &amp; MAINTENANCE, AIR FORCE RESERVE</b> .....	<b>3,274,359</b>	<b>3,274,359</b>
	<b>OPERATION &amp; MAINTENANCE, ARMY NATIONAL GUARD</b>		
	<b>OPERATING FORCES</b>		
010	MANEUVER UNITS .....	634,181	634,181
020	MODULAR SUPPORT BRIGADES .....	189,899	189,899
030	ECHELONS ABOVE BRIGADE .....	751,899	751,899
040	THEATER LEVEL ASSETS .....	112,971	112,971
050	LAND FORCES OPERATIONS SUPPORT .....	33,972	33,972
060	AVIATION ASSETS .....	854,048	838,048
	Unjustified Growth for Duty Military Occupation Specialities Qualified (DMOSQ) Training .....		[-16,000]
070	FORCE READINESS OPERATIONS SUPPORT .....	706,299	706,299
080	LAND FORCES SYSTEMS READINESS .....	50,453	50,453
090	LAND FORCES DEPOT MAINTENANCE .....	646,608	646,608
100	BASE OPERATIONS SUPPORT .....	1,028,126	988,626
	Unjustified Growth for Public Affairs .....		[-4,500]
	Unjustified Growth for Travel .....		[-25,000]
	Unjustified Growth for Utilities Based on Metrics Provided in Budget Documentation .....		[-10,000]
110	FACILITIES SUSTAINMENT, RESTORATION, & MODERNIZATION .....	618,513	618,513
120	MANAGEMENT AND OPERATIONAL HQ .....	792,575	787,575
	Army National Guard-Identified Excess .....		[-5,000]
	<b>SUBTOTAL OPERATING FORCES</b> .....	<b>6,419,544</b>	<b>6,359,044</b>
	<b>ADMIN &amp; SRVWD ACTIVITIES</b>		
140	SERVICEWIDE TRANSPORTATION .....	11,703	11,703
150	ADMINISTRATION .....	178,655	178,655
160	SERVICEWIDE COMMUNICATIONS .....	42,073	42,073
170	MANPOWER MANAGEMENT .....	6,789	6,789
180	RECRUITING AND ADVERTISING .....	382,668	382,668
	<b>SUBTOTAL ADMIN &amp; SRVWD ACTIVITIES</b> .....	<b>621,888</b>	<b>621,888</b>
	<b>UNDISTRIBUTED</b>		
185	UNDISTRIBUTED .....		-56,000
	Decrease in OPTEMPO as cited by Army .....		[-25,000]
	Deny Increase Budgeted for Fiscal Year 2012 Price Growth for Civilian Compensation .....		[-11,000]
	Reduction in non-dual status technician limitation .....		[-20,000]
	<b>SUBTOTAL UNDISTRIBUTED</b> .....		<b>-56,000</b>
	<b>TOTAL OPERATION &amp; MAINTENANCE, ARMY NATIONAL GUARD</b> .....	<b>7,041,432</b>	<b>6,924,932</b>
	<b>OPERATION &amp; MAINTENANCE, AIR NATIONAL GUARD</b>		
	<b>OPERATING FORCES</b>		
010	AIRCRAFT OPERATIONS .....	3,651,900	3,647,900
	Overstated Requirement for Additional fiscal year 2012 Funding for Air Sovereignty Alert Program .....		[-4,000]
020	MISSION SUPPORT OPERATIONS .....	751,519	751,519
030	DEPOT MAINTENANCE .....	753,525	753,525
040	FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION .....	284,348	284,348
050	BASE SUPPORT .....	621,942	588,442
	O&M Air National Guard Request Inconsistent with Information Technology Budget Justification for Base Level Communication Infrastructure .....		[-23,500]
	O&M Air National Guard Request Inconsistent with MIP Budget Justification for Air Intelligence Systems .....		[-10,000]
	<b>SUBTOTAL OPERATING FORCES</b> .....	<b>6,063,234</b>	<b>6,025,734</b>
	<b>ADMIN &amp; SRVWD ACTIVITIES</b>		
060	ADMINISTRATION .....	39,387	39,387
070	RECRUITING AND ADVERTISING .....	33,659	33,659
	<b>SUBTOTAL ADMIN &amp; SRVWD ACTIVITIES</b> .....	<b>73,046</b>	<b>73,046</b>
	<b>TOTAL OPERATION &amp; MAINTENANCE, AIR NATIONAL GUARD</b> .....	<b>6,136,280</b>	<b>6,098,780</b>
	<b>MISCELLANEOUS APPROPRIATIONS</b>		
010	US COURT OF APPEALS FOR THE ARMED FORCES, DEFENSE .....	13,861	13,861
020	OVERSEAS HUMANITARIAN, DISASTER AND CIVIC AID .....	107,662	107,662
030	COOPERATIVE THREAT REDUCTION .....	508,219	508,219
040	ACQ WORKFORCE DEV FD .....	305,501	105,501
	Program Decrease .....		[-200,000]
050	ENVIRONMENTAL RESTORATION, ARMY .....	346,031	346,031
060	ENVIRONMENTAL RESTORATION, NAVY .....	308,668	308,668
070	ENVIRONMENTAL RESTORATION, AIR FORCE .....	525,453	525,453
080	ENVIRONMENTAL RESTORATION, DEFENSE .....	10,716	10,716

**SEC. 4301. OPERATION AND MAINTENANCE**  
(In Thousands of Dollars)

<b>Line</b>	<b>Item</b>	<b>FY 2012 Request</b>	<b>Conference Authorized</b>
090	ENVIRONMENTAL RESTORATION, FORMERLY USED SITES .....	276,495	276,495
100	OVERSEAS CONTINGENCY OPERATIONS TRANSFER FUND .....	5,000	0
	Program Reduction .....		[-5,000]
	<b>SUBTOTAL MISCELLANEOUS APPROPRIATIONS .....</b>	<b>2,407,606</b>	<b>2,202,606</b>
	<b>TOTAL MISCELLANEOUS APPROPRIATIONS .....</b>	<b>2,407,606</b>	<b>2,202,606</b>
010	DEFERRED EXPENSES FOR FOREIGN OPERATIONS .....		0
	<b>TOTAL DEFERRED EXPENSES FOR FOREIGN OPERATIONS .....</b>		<b>0</b>
	<b>TOTAL OPERATION &amp; MAINTENANCE .....</b>	<b>170,759,313</b>	<b>162,187,826</b>

**SEC. 4302. OPERATION AND MAINTENANCE FOR OVERSEAS CONTINGENCY OPERATIONS.**

**SEC. 4302. OPERATION AND MAINTENANCE FOR OVERSEAS CONTINGENCY OPERATIONS**  
(In Thousands of Dollars)

<b>Line</b>	<b>Item</b>	<b>FY 2012 Request</b>	<b>Conference Authorized</b>
<b>OPERATION &amp; MAINTENANCE, ARMY</b>			
<b>OPERATING FORCES</b>			
040	THEATER LEVEL ASSETS .....	3,424,314	3,485,083
	Transfer from Title III: Chemical Defense Equipment .....		[8,579]
	Transfer from Title III: Combined Arms Training Strategy .....		[23,198]
	Transfer from Title III: Theater Demand Reduction .....		[18,692]
	Transfer from Title III: UAS—Gray Eagle Satellite Service .....		[10,300]
050	LAND FORCES OPERATIONS SUPPORT .....	1,534,886	1,707,704
	Transfer from Title III: Combat Training Center Role Players .....		[30,091]
	Transfer from Title III: Fox Nuclear Biological and Chemical Reconnaissance Vehicle Contract Logistics Support .....		[12,062]
	Transfer from Title III: Joint Maneuver Readiness Center Opposing Force Augmentation .....		[4,545]
	Transfer from Title III: Joint Readiness Training Center Opposing Force Augmentation .....		[26,940]
	Transfer from Title III: MRAP Vehicle Sustainment at Combat Training Centers .....		[6,420]
	Transfer from Title III: National Training Center Tier Two Level Maintenance Contract .....		[24,000]
	Transfer from Title III: National Training Center War Fighter Focus .....		[26,650]
	Transfer from Title III: Sustainment Brigade and Functional Brigade Warfighter Exercise .....		[20,285]
	Transfer from Title III: Theater Demand Reduction .....		[14,984]
	Transfer from Title III: Tube-Launched, Optically-Tracked, Wire-Guided Missile (TOW) Improved Target Acquisition System (ITAS) Contract Logistics Support .....		[6,841]
060	AVIATION ASSETS .....	87,166	155,278
	Transfer from Title III: Combined Arms Training Strategy .....		[6,607]
	Transfer from Title III: Theater Demand Reduction .....		[61,505]
070	FORCE READINESS OPERATIONS SUPPORT .....	2,675,821	2,816,477
	Transfer from Title III: Battle Simulation Centers .....		[59,702]
	Transfer from Title III: Body Armor Sustainment .....		[71,660]
	Transfer from Title III: Rapid Equipping Force Readiness .....		[9,294]
080	LAND FORCES SYSTEMS READINESS .....	579,000	605,332
	Transfer from Title III: Capability Development and Integration .....		[5,161]
	Transfer from Title III: Fixed Wing Life Cycle Contract Support .....		[21,171]
090	LAND FORCES DEPOT MAINTENANCE .....	1,000,000	1,000,000
100	BASE OPERATIONS SUPPORT .....	951,371	1,191,707
	Transfer from Title III: Overseas Security Guards .....		[200,000]
	Transfer from Title III: Senior Leader Initiative: Comprehensive Soldier Fitness Program .....		[30,000]
	Transfer from Title III: Training Range Maintenance .....		[10,336]
110	FACILITIES SUSTAINMENT, RESTORATION, & MODERNIZATION .....	250,000	250,000
140	ADDITIONAL ACTIVITIES .....	22,998,441	24,872,494
	Military Information Support Operations .....		[-40,625]
	Synchronization Pre-Deployment and Operational Tracker Fully Funded in O&M DW Base Request in fiscal year 2012 .....		[-12,000]
	Transfer from Base, SAG 111: MRAP Vehicle Sustainment .....		[2,539]
	Transfer from Base, SAG 111: Theater Demand Reduction .....		[148,194]
	Transfer from Base, SAG 112: Theater Demand Reduction .....		[2,282]
	Transfer from title III—Readiness (transfer from BA-1 undistributed) .....		[1,454,500]
	Transfer from title III SAG 111—Combined Arms Training Strategy .....		[217,376]
	Transfer from title III SAG 112—Combined Arms Training Strategy .....		[11,752]
	Transfer from title III SAG 113—Combined Arms Training Strategy .....		[74,852]
	Transfer from title III SAG 321—Survivability and Maneuverability Training .....		[15,183]
150	COMMANDERS EMERGENCY RESPONSE PROGRAM .....	425,000	400,000
	Unjustified Request for CERP Iraq .....		[-25,000]
160	RESET .....	3,955,429	3,955,429
	<b>SUBTOTAL OPERATING FORCES .....</b>	<b>37,881,428</b>	<b>40,439,504</b>
<b>ADMIN &amp; SRVWIDE ACTIVITIES</b>			
340	SECURITY PROGRAMS .....	2,476,766	2,436,766
	ARGUS A-160 deployment delays .....		[-40,000]
350	SERVICEWIDE TRANSPORTATION .....	3,507,186	3,507,186

**SEC. 4302. OPERATION AND MAINTENANCE FOR OVERSEAS CONTINGENCY OPERATIONS**  
*(In Thousands of Dollars)*

<i>Line</i>	<i>Item</i>	<i>FY 2012 Request</i>	<i>Con- ference Author- ized</i>
360	CENTRAL SUPPLY ACTIVITIES .....	50,740	50,740
380	AMMUNITION MANAGEMENT .....	84,427	84,427
400	SERVICEWIDE COMMUNICATIONS .....	66,275	40,075
	Transfer to Title II—Automated Biometric Identification System .....		[-26,200]
420	OTHER PERSONNEL SUPPORT .....	143,391	143,391
430	OTHER SERVICE SUPPORT .....	92,067	92,067
	<b>SUBTOTAL ADMIN &amp; SRVWIDE ACTIVITIES .....</b>	<b>6,420,852</b>	<b>6,354,652</b>
	<b>UNDISTRIBUTED</b>		
480	UNDISTRIBUTED .....		-1,195,000
	Department of Defense—Excess to Requirement .....		[-1,195,000]
	<b>SUBTOTAL UNDISTRIBUTED .....</b>		<b>-1,195,000</b>
	<b>TOTAL OPERATION &amp; MAINTENANCE, ARMY .....</b>	<b>44,302,280</b>	<b>45,599,156</b>
	<b>OPERATION &amp; MAINTENANCE, NAVY</b>		
	<b>OPERATING FORCES</b>		
010	MISSION AND OTHER FLIGHT OPERATIONS .....	1,058,114	1,301,614
	Transfer from title III—Flying Hours .....		[180,945]
	Transfer from title III—MV 22B Pricing Variance .....		[82,555]
	Unjustified Growth for Temporary Duty .....		[-20,000]
020	FLEET AIR TRAINING .....	7,700	7,700
030	AVIATION TECHNICAL DATA & ENGINEERING SERVICES .....	9,200	9,200
040	AIR OPERATIONS AND SAFETY SUPPORT .....	12,934	12,934
050	AIR SYSTEMS SUPPORT .....	39,566	39,566
060	AIRCRAFT DEPOT MAINTENANCE .....	174,052	174,052
070	AIRCRAFT DEPOT OPERATIONS SUPPORT .....	1,586	1,586
080	AVIATION LOGISTICS .....	50,852	50,852
090	MISSION AND OTHER SHIP OPERATIONS .....	1,132,948	1,107,948
	Realignment of Funding to SAG 2C1H not Accounted for in Budget Documentation .....		[-25,000]
100	SHIP OPERATIONS SUPPORT & TRAINING .....	26,822	26,822
110	SHIP DEPOT MAINTENANCE .....	998,172	998,172
130	COMBAT COMMUNICATIONS .....	26,533	26,533
160	WARFARE TACTICS .....	22,657	22,657
170	OPERATIONAL METEOROLOGY AND OCEANOGRAPHY .....	28,141	28,141
180	COMBAT SUPPORT FORCES .....	1,932,640	2,125,441
	Transfer from Title III: Naval Expeditionary Combat Command Increases .....		[192,801]
190	EQUIPMENT MAINTENANCE .....	19,891	19,891
210	COMBATANT COMMANDERS CORE OPERATIONS .....	5,465	5,465
220	COMBATANT COMMANDERS DIRECT MISSION SUPPORT .....	2,093	10,393
	Transfer from title III—JSOTF-Philippines .....		[8,300]
250	IN-SERVICE WEAPONS SYSTEMS SUPPORT .....	125,460	134,460
	Transfer from Title III: Naval Expeditionary Combat Command .....		[9,000]
260	WEAPONS MAINTENANCE .....	201,083	166,083
	Unjustified Growth for Weapons Sustainment .....		[-35,000]
270	OTHER WEAPON SYSTEMS SUPPORT .....	1,457	1,457
280	ENTERPRISE INFORMATION .....	5,095	-5,095
	Navy-Identified Excess for Network Management Systems .....		[-5,095]
290	SUSTAINMENT, RESTORATION AND MODERNIZATION .....	26,793	26,793
300	BASE OPERATING SUPPORT .....	352,210	394,880
	Civilian Pay Overstatement Due to No Requirement for FTE in this SAG .....		[-7,330]
	Transfer from Title III: Regional/Emergency Operations Center .....		[50,000]
305	UNDISTRIBUTED .....		495,000
	Transfer from Base: Readiness and Depot Maintenance (BA-1 Undistributed) .....		[495,000]
	<b>SUBTOTAL OPERATING FORCES .....</b>	<b>6,261,464</b>	<b>7,187,640</b>
	<b>MOBILIZATION</b>		
310	SHIP PREPOSITIONING AND SURGE .....	29,010	29,010
340	EXPEDITIONARY HEALTH SERVICES SYSTEMS .....	34,300	64,304
	Realignment of Funding from 1B1B not Accounted for in Budget Documentation .....		[25,000]
	Transfer from Title III: Medical/Equipment costs for USNS MERCY .....		[5,004]
360	COAST GUARD SUPPORT .....	258,278	-258,278
	Direct Appropriation to Department of Homeland Security .....		[-258,278]
	<b>SUBTOTAL MOBILIZATION .....</b>	<b>321,588</b>	<b>93,314</b>
	<b>TRAINING AND RECRUITING</b>		
400	SPECIALIZED SKILL TRAINING .....	69,961	72,961
	Transfer from Title III: Naval Sea Systems Command Visit, Board, Search and Seizure (VBSS)/Explosive Ordnance Device (EOD) Training .....		[3,000]
430	TRAINING SUPPORT .....	5,400	5,400
	<b>SUBTOTAL TRAINING AND RECRUITING .....</b>	<b>75,361</b>	<b>78,361</b>
	<b>ADMIN &amp; SRVWD ACTIVITIES</b>		
480	ADMINISTRATION .....	2,348	2,348
510	MILITARY MANPOWER AND PERSONNEL MANAGEMENT .....	6,142	18,699
	Transfer from Title III: Family Readiness Programs .....		[3,557]
	Transfer from Title III: Navy Manpower and Personnel System/NSIPS .....		[9,000]

**SEC. 4302. OPERATION AND MAINTENANCE FOR OVERSEAS CONTINGENCY OPERATIONS**  
(In Thousands of Dollars)

<b>Line</b>	<b>Item</b>	<b>FY 2012 Request</b>	<b>Con- ference Author- ized</b>
520	OTHER PERSONNEL SUPPORT .....	5,849	5,849
530	SERVICEWIDE COMMUNICATIONS .....	28,511	28,511
550	SERVICEWIDE TRANSPORTATION .....	263,593	238,593
	Unjustified Growth for Transportation Estimates .....		[-25,000]
580	ACQUISITION AND PROGRAM MANAGEMENT .....	17,414	17,414
610	SPACE AND ELECTRONIC WARFARE SYSTEMS .....	1,075	1,075
620	NAVAL INVESTIGATIVE SERVICE .....	6,564	6,564
650	FOREIGN COUNTERINTELLIGENCE .....	14,598	14,598
705	CLASSIFIED PROGRAMS .....	2,060	2,060
	<b>SUBTOTAL ADMIN &amp; SRVWD ACTIVITIES</b> .....	<b>348,154</b>	<b>335,711</b>
	<b>TOTAL OPERATION &amp; MAINTENANCE, NAVY</b> .....	<b>7,006,567</b>	<b>7,695,026</b>
	<b>OPERATION &amp; MAINTENANCE, MARINE CORPS</b>		
	<b>OPERATING FORCES</b>		
010	OPERATIONAL FORCES .....	2,069,485	2,086,485
	Marine Corps Requested Transfer for Family of Shelters from Procurement, Marine Corps line 38 .....		[17,000]
020	FIELD LOGISTICS .....	575,843	575,843
030	DEPOT MAINTENANCE .....	251,100	363,100
	Transfer from Title III: Depot Maintenance .....		[112,000]
070	BASE OPERATING SUPPORT .....	82,514	82,514
075	UNDISTRIBUTED .....		235,000
	Transfer from Title III: Readiness and Depot Maintenance (BA-1 Undistributed) .....		[235,000]
	<b>SUBTOTAL OPERATING FORCES</b> .....	<b>2,978,942</b>	<b>3,342,942</b>
	<b>TRAINING AND RECRUITING</b>		
130	TRAINING SUPPORT .....	209,784	209,784
	<b>SUBTOTAL TRAINING AND RECRUITING</b> .....	<b>209,784</b>	<b>209,784</b>
	<b>ADMIN &amp; SRVWD ACTIVITIES</b>		
180	SERVICEWIDE TRANSPORTATION .....	376,495	376,495
190	ADMINISTRATION .....	5,989	5,989
	<b>SUBTOTAL ADMIN &amp; SRVWD ACTIVITIES</b> .....	<b>382,484</b>	<b>382,484</b>
	<b>TOTAL OPERATION &amp; MAINTENANCE, MARINE CORPS</b> .....	<b>3,571,210</b>	<b>3,935,210</b>
	<b>OPERATION &amp; MAINTENANCE, AIR FORCE</b>		
	<b>OPERATING FORCES</b>		
010	PRIMARY COMBAT FORCES .....	2,115,901	2,185,901
	Transfer from Title III—Theater Security Package .....		[70,000]
020	COMBAT ENHANCEMENT FORCES .....	2,033,929	2,033,929
030	AIR OPERATIONS TRAINING (OJT, MAINTAIN SKILLS) .....	46,844	46,844
050	DEPOT MAINTENANCE .....	312,361	312,361
060	FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION .....	334,950	334,950
070	BASE SUPPORT .....	641,404	641,404
080	GLOBAL C3I AND EARLY WARNING .....	69,330	69,330
090	OTHER COMBAT OPS SPT PROGRAMS .....	297,015	297,015
120	SPACE CONTROL SYSTEMS .....	16,833	16,833
130	COMBATANT COMMANDERS DIRECT MISSION SUPPORT .....	46,390	63,750
	Transfer from Title III: CENTCOM HQ C4 .....		[12,500]
	Transfer from Title III: CENTCOM Public Affairs .....		[4,860]
145	UNDISTRIBUTED .....		470,000
	Transfer from Title III: Readiness and Depot Maintenance (BA-1 Undistributed) .....		[470,000]
	<b>SUBTOTAL OPERATING FORCES</b> .....	<b>5,914,957</b>	<b>6,472,317</b>
	<b>MOBILIZATION</b>		
150	AIRLIFT OPERATIONS .....	3,533,338	3,533,338
160	MOBILIZATION PREPAREDNESS .....	85,416	85,416
170	DEPOT MAINTENANCE .....	161,678	161,678
180	FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION .....	9,485	9,485
190	BASE SUPPORT .....	30,033	30,033
	<b>SUBTOTAL MOBILIZATION</b> .....	<b>3,819,950</b>	<b>3,819,950</b>
	<b>TRAINING AND RECRUITING</b>		
230	FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION .....	908	908
240	BASE SUPPORT .....	2,280	2,280
250	SPECIALIZED SKILL TRAINING .....	29,592	29,592
260	FLIGHT TRAINING .....	154	154
270	PROFESSIONAL DEVELOPMENT EDUCATION .....	691	691
280	TRAINING SUPPORT .....	753	753
	<b>SUBTOTAL TRAINING AND RECRUITING</b> .....	<b>34,378</b>	<b>34,378</b>
	<b>ADMIN &amp; SRVWD ACTIVITIES</b>		
350	LOGISTICS OPERATIONS .....	155,121	155,121
390	BASE SUPPORT .....	20,677	20,677
400	ADMINISTRATION .....	3,320	3,320
410	SERVICEWIDE COMMUNICATIONS .....	111,561	111,561



**SEC. 4302. OPERATION AND MAINTENANCE FOR OVERSEAS CONTINGENCY OPERATIONS**  
(In Thousands of Dollars)

<i>Line</i>	<i>Item</i>	<i>FY 2012 Request</i>	<i>Con- ference Author- ized</i>
420	OTHER SERVICEWIDE ACTIVITIES .....	605,223	605,223
465	CLASSIFIED PROGRAMS .....	54,000	54,000
	<b>SUBTOTAL ADMIN &amp; SRVWD ACTIVITIES .....</b>	<b>949,902</b>	<b>949,902</b>
	<b>UNDISTRIBUTED</b>		
470	UNDISTRIBUTED .....		-25,000
	Unjustified Growth in Civilian Personnel Costs .....		[-25,000]
	<b>SUBTOTAL UNDISTRIBUTED .....</b>		<b>-25,000</b>
	<b>TOTAL OPERATION &amp; MAINTENANCE, AIR FORCE .....</b>	<b>10,719,187</b>	<b>11,251,547</b>
	<b>OPERATION &amp; MAINTENANCE, DEFENSE-WIDE</b>		
	<b>OPERATING FORCES</b>		
010	JOINT CHIEFS OF STAFF .....	2,000	2,000
020	SPECIAL OPERATIONS COMMAND .....	3,269,939	3,295,239
	Military Information Support Activities—Transfer from Base .....		[50,300]
	Unjustified Program Growth in Operating Support for Operation New Dawn .....		[-25,000]
	<b>SUBTOTAL OPERATING FORCES .....</b>	<b>3,271,939</b>	<b>3,297,239</b>
	<b>ADMIN &amp; SRVWD ACTIVITIES</b>		
080	DEFENSE CONTRACT AUDIT AGENCY .....	23,478	23,478
090	DEFENSE CONTRACT MANAGEMENT AGENCY .....	87,925	87,925
120	DEFENSE INFORMATION SYSTEMS AGENCY .....	164,520	164,520
140	DEFENSE LEGAL SERVICES AGENCY .....	102,322	67,322
	Unjustified Program Growth .....		[-35,000]
160	DEFENSE MEDIA ACTIVITY .....	15,457	15,457
185	DEFENSE SECURITY COOPERATION AGENCY—OTHER .....	2,200,000	2,140,000
	Coalition Support Funds: Excess to Need for Contract Renewal .....		[-60,000]
220	DEPARTMENT OF DEFENSE EDUCATION ACTIVITY .....	194,100	267,100
	Transfer from Title III: Child Care and Counseling .....		[73,000]
260	OFFICE OF THE SECRETARY OF DEFENSE .....	143,870	143,870
275	CLASSIFIED PROGRAMS .....	3,065,800	3,041,800
	Classified Adjustment .....		[-24,000]
	<b>SUBTOTAL ADMIN &amp; SRVWD ACTIVITIES .....</b>	<b>5,997,472</b>	<b>5,951,472</b>
	<b>TOTAL OPERATION &amp; MAINTENANCE, DEFENSE-WIDE .....</b>	<b>9,269,411</b>	<b>9,248,711</b>
	<b>OPERATION &amp; MAINTENANCE, ARMY RESERVE</b>		
	<b>OPERATING FORCES</b>		
030	ECHELONS ABOVE BRIGADE .....	84,200	84,200
050	LAND FORCES OPERATIONS SUPPORT .....	28,100	28,100
070	FORCE READINESS OPERATIONS SUPPORT .....	20,700	20,700
100	BASE OPERATIONS SUPPORT .....	84,500	84,500
	<b>SUBTOTAL OPERATING FORCES .....</b>	<b>217,500</b>	<b>217,500</b>
	<b>TOTAL OPERATION &amp; MAINTENANCE, ARMY RESERVE .....</b>	<b>217,500</b>	<b>217,500</b>
	<b>OPERATION &amp; MAINTENANCE, NAVY RESERVE</b>		
	<b>OPERATING FORCES</b>		
010	MISSION AND OTHER FLIGHT OPERATIONS .....	38,402	38,402
020	INTERMEDIATE MAINTENANCE .....	400	400
040	AIRCRAFT DEPOT MAINTENANCE .....	11,330	11,330
060	MISSION AND OTHER SHIP OPERATIONS .....	10,137	10,137
100	COMBAT SUPPORT FORCES .....	13,827	13,827
140	BASE OPERATING SUPPORT .....	52	52
	<b>SUBTOTAL OPERATING FORCES .....</b>	<b>74,148</b>	<b>74,148</b>
	<b>TOTAL OPERATION &amp; MAINTENANCE, NAVY RESERVE .....</b>	<b>74,148</b>	<b>74,148</b>
	<b>OPERATION &amp; MAINTENANCE, MARINE CORPS RESERVE</b>		
	<b>OPERATING FORCES</b>		
010	OPERATING FORCES .....	31,284	31,284
050	BASE OPERATING SUPPORT .....	4,800	4,800
	<b>SUBTOTAL OPERATING FORCES .....</b>	<b>36,084</b>	<b>36,084</b>
	<b>TOTAL OPERATION &amp; MAINTENANCE, MARINE CORPS RESERVE .....</b>	<b>36,084</b>	<b>36,084</b>
	<b>OPERATION &amp; MAINTENANCE, AIR FORCE RESERVE</b>		
	<b>OPERATING FORCES</b>		
010	PRIMARY COMBAT FORCES .....	4,800	4,800
030	DEPOT MAINTENANCE .....	131,000	131,000
050	BASE SUPPORT .....	6,250	6,250
	<b>SUBTOTAL OPERATING FORCES .....</b>	<b>142,050</b>	<b>142,050</b>
	<b>TOTAL OPERATION &amp; MAINTENANCE, AIR FORCE RESERVE .....</b>	<b>142,050</b>	<b>142,050</b>
	<b>OPERATION &amp; MAINTENANCE, ARMY NATIONAL GUARD</b>		

**SEC. 4302. OPERATION AND MAINTENANCE FOR OVERSEAS CONTINGENCY OPERATIONS**  
(In Thousands of Dollars)

<i>Line</i>	<i>Item</i>	<i>FY 2012 Request</i>	<i>Con- ference Author- ized</i>
<b>OPERATING FORCES</b>			
010	MANEUVER UNITS .....	89,930	89,930
060	AVIATION ASSETS .....	130,848	130,848
070	FORCE READINESS OPERATIONS SUPPORT .....	110,011	100,011
	Duplicate Request for Military Pay Support Contract (Requested in both SAG 121 and SAG 131) .....		[-10,000]
100	BASE OPERATIONS SUPPORT .....	34,788	34,788
120	MANAGEMENT AND OPERATIONAL HQ .....	21,967	21,967
	<b>SUBTOTAL OPERATING FORCES</b> .....	<b>387,544</b>	<b>377,544</b>
	<b>TOTAL OPERATION &amp; MAINTENANCE, ARMY NATIONAL GUARD</b> .....	<b>387,544</b>	<b>377,544</b>
<b>OPERATION &amp; MAINTENANCE, AIR NATIONAL GUARD</b>			
<b>OPERATING FORCES</b>			
020	MISSION SUPPORT OPERATIONS .....	34,050	34,050
	<b>SUBTOTAL OPERATING FORCES</b> .....	<b>34,050</b>	<b>34,050</b>
	<b>TOTAL OPERATION &amp; MAINTENANCE, AIR NATIONAL GUARD</b> .....	<b>34,050</b>	<b>34,050</b>
<b>AFGHANISTAN SECURITY FORCES FUND</b>			
<b>MINISTRY OF DEFENSE</b>			
010	INFRASTRUCTURE .....	1,304,350	1,304,350
020	EQUIPMENT AND TRANSPORTATION .....	1,667,905	1,432,490
	Revised Combined Security Transition Command—Afghanistan (CSTC-A) requirement .....		[-235,415]
030	TRAINING AND OPERATIONS .....	751,073	751,073
040	SUSTAINMENT .....	3,331,774	3,033,984
	Revised Combined Security Transition Command—Afghanistan (CSTC-A) requirement .....		[-297,790]
	<b>SUBTOTAL MINISTRY OF DEFENSE</b> .....	<b>7,055,102</b>	<b>6,521,897</b>
<b>MINISTRY OF INTERIOR</b>			
060	INFRASTRUCTURE .....	1,128,584	1,128,584
070	EQUIPMENT AND TRANSPORTATION .....	1,530,420	601,915
	Revised Combined Security Transition Command—Afghanistan (CSTC-A) requirement .....		[-928,505]
080	TRAINING AND OPERATIONS .....	1,102,430	1,102,430
090	SUSTAINMENT .....	1,938,715	1,800,425
	Revised Combined Security Transition Command—Afghanistan (CSTC-A) requirement .....		[-138,290]
	<b>SUBTOTAL MINISTRY OF INTERIOR</b> .....	<b>5,700,149</b>	<b>4,633,354</b>
<b>ASSOCIATED ACTIVITIES</b>			
110	SUSTAINMENT .....	21,187	21,187
120	TRAINING AND OPERATIONS .....	7,344	7,344
130	INFRASTRUCTURE .....	15,000	15,000
150	EQUIPMENT AND TRANSPORTATION .....	1,218	1,218
	<b>SUBTOTAL ASSOCIATED ACTIVITIES</b> .....	<b>44,749</b>	<b>44,749</b>
	<b>TOTAL AFGHANISTAN SECURITY FORCES FUND</b> .....	<b>12,800,000</b>	<b>11,200,000</b>
<b>AFGHANISTAN INFRASTRUCTURE FUND</b>			
<b>POWER</b>			
010	POWER .....	300,000	300,000
020	TRANSPORTATION .....	100,000	100,000
030	WATER .....	50,000	50,000
040	OTHER RELATED ACTIVITIES .....	25,000	-50,000
	Authorization Adjustment .....		[-75,000]
	<b>SUBTOTAL POWER</b> .....	<b>475,000</b>	<b>400,000</b>
	<b>TOTAL AFGHANISTAN INFRASTRUCTURE FUND</b> .....	<b>475,000</b>	<b>400,000</b>
<b>UNDISTRIBUTED GENERAL PROVISIONS</b>			
<b>UNDISTRIBUTED GENERAL PROVISIONS</b>			
010	UNDISTRIBUTED GENERAL PROVISIONS .....		-4,000,000
	Reduction to reflect policy change on troop strength in Afghanistan .....		[-4,000,000]
	<b>SUBTOTAL UNDISTRIBUTED GENERAL PROVISIONS</b> .....		<b>-4,000,000</b>
	<b>TOTAL UNDISTRIBUTED GENERAL PROVISIONS</b> .....		<b>-4,000,000</b>
	<b>TOTAL OPERATION &amp; MAINTENANCE</b> .....	<b>89,035,031</b>	<b>86,211,026</b>

**TITLE XLIV—MILITARY PERSONNEL**

**SEC. 4401. MILITARY PERSONNEL.**

**SEC. 4401. MILITARY PERSONNEL**  
(In Thousands of Dollars)

<i>Item</i>	<i>FY 2012 Request</i>	<i>Con- ference Author- ized</i>
MILITARY PERSONNEL .....	142,828,848	141,992,228
Unobligated Balances (Section 421) .....		[-325,620]
Hostile fire pay proration .....		[-42,000]
Reduction of Army Referral Bonus .....		[-21,000]
Undistributed transfer to Title XV .....		[-448,000]

**SEC. 4402. MILITARY PERSONNEL FOR OVERSEAS CONTINGENCY OPERATIONS.**

<b>SEC. 4402. MILITARY PERSONNEL FOR OVERSEAS CONTINGENCY OPERATIONS</b> (In Thousands of Dollars)			<b>SEC. 4402. MILITARY PERSONNEL FOR OVERSEAS CONTINGENCY OPERATIONS</b> (In Thousands of Dollars)		
<i>Item</i>	<i>FY 2012 Request</i>	<i>Con- ference Author- ized</i>	<i>Item</i>	<i>FY 2012 Request</i>	<i>Con- ference Author- ized</i>
MILITARY PERSONNEL .....	11,228,566	11,676,566	Undistributed transfer from Title IV .....		[448,000]

**TITLE XLV—OTHER AUTHORIZATIONS**

**SEC. 4501. OTHER AUTHORIZATIONS.**

**SEC. 4501. OTHER AUTHORIZATIONS**  
(In Thousands of Dollars)

<i>Program Title</i>	<i>FY 2012 Request</i>	<i>Con- ference Author- ized</i>
<b>WORKING CAPITAL FUND, ARMY</b>		
PREPOSITIONED WAR RESERVE STOCKS .....	101,194	101,194
<b>TOTAL WORKING CAPITAL FUND, ARMY .....</b>	<b>101,194</b>	<b>101,194</b>
<b>WORKING CAPITAL FUND, AIR FORCE</b>		
<b>CONTAINER DECONSOLIDATION</b>		
WAR RESERVE MATERIAL .....	65,372	65,372
<b>TOTAL WORKING CAPITAL FUND, AIR FORCE .....</b>	<b>65,372</b>	<b>65,372</b>
<b>WORKING CAPITAL FUND, DEFENSE-WIDE</b>		
<b>ADJ TO MATCH CONTINUING RESOLUTION</b>		
DEFENSE LOGISTICS AGENCY (DLA) .....	31,614	31,614
<b>TOTAL WORKING CAPITAL FUND, DEFENSE-WIDE .....</b>	<b>31,614</b>	<b>31,614</b>
<b>WORKING CAPITAL FUND, DECA</b>		
WORKING CAPITAL FUND, DECA .....	1,376,830	1,376,830
<b>TOTAL WORKING CAPITAL FUND, DECA .....</b>	<b>1,376,830</b>	<b>1,376,830</b>
<b>NATIONAL DEFENSE SEALIFT FUND</b>		
<b>T-AKE</b>		
MPF MLP .....	425,865	400,000
Revised Mobile Landing Platform acquisition strategy .....		[-25,865]
POST DELIVERY AND OUTFITTING .....	24,161	24,161
NATIONAL DEF SEALIFT VESSEL .....	1,138	1,138
LG MED SPD RO/RO MAINTENANCE .....	92,567	92,567
DOD MOBILIZATION ALTERATIONS .....	184,109	184,109
TAH MAINTENANCE .....	40,831	40,831
<b>STRATEGIC SEALIFT SUPPORT</b>		
RESEARCH AND DEVELOPMENT .....	48,443	48,443
READY RESERVE FORCE .....	309,270	309,270
<b>TOTAL NATIONAL DEFENSE SEALIFT FUND .....</b>	<b>1,126,384</b>	<b>1,100,519</b>
<b>DEFENSE HEALTH PROGRAM</b>		
IN-HOUSE CARE .....	8,148,856	8,148,856
PRIVATE SECTOR CARE .....	16,377,272	16,047,272
TRICARE Historical Execution .....		[-330,000]
CONSOLIDATED HEALTH SUPPORT .....	2,193,821	2,193,821
INFORMATION MANAGEMENT .....	1,422,697	1,422,697
MANAGEMENT ACTIVITIES .....	312,102	307,102
Contract Savings from Web Site Consolidation .....		[-2,000]
Strategic Communications .....		[-3,000]
EDUCATION AND TRAINING .....	705,347	693,647
Unjustified Growth for Travel .....		[-11,700]
BASE OPERATIONS/COMMUNICATIONS .....	1,742,451	1,738,840

**SEC. 4501. OTHER AUTHORIZATIONS**  
(In Thousands of Dollars)

Program Title	FY 2012 Request	Con- ference Author- ized
Adjustment for Civilian Pay Error .....		[-3,611]
<b>Prohibit TRICARE Prime Fee Increase for 1 year</b>		
<b>WOUNDED WARRIOR MILITARY ADAPTIVE SPORTS PROGRAM</b>		
IN-HOUSE LABORATORY INDEPENDENT RESEARCH .....	2,935	2,935
<b>BASIC OPERATIONAL MEDICAL RESEARCH SCIENCE</b>		
APPLIED BIOMEDICAL TECHNOLOGY .....	33,805	33,805
MEDICAL TECHNOLOGY .....	3,694	3,694
MEDICAL ADVANCED TECHNOLOGY .....	767	767
MEDICAL TECHNOLOGY DEVELOPMENT .....	181,042	181,042
MEDICAL PRODUCTS SUPPORT AND ADVANCED CONCEPT DEVELOPMENT .....	167,481	167,481
INFORMATION TECHNOLOGY DEVELOPMENT .....	176,345	176,345
MEDICAL PRODUCTS AND SUPPORT SYSTEMS DEVELOPMENT .....	34,559	34,559
<b>SMALL BUSINESS INNOVATIVE RESEARCH</b>		
MEDICAL PROGRAM-WIDE ACTIVITIES .....	48,313	48,313
MEDICAL PRODUCTS AND CAPABILITIES ENHANCEMENT ACTIVITIES .....	14,765	14,765
DEFENSE HEALTH PROGRAM .....	632,518	632,518
<b>TOTAL DEFENSE HEALTH PROGRAM</b> .....	<b>32,198,770</b>	<b>31,848,459</b>
<b>CHEM AGENTS &amp; MUNITIONS DESTRUCTION</b>		
CHEM DEMILITARIZATION—O&M .....	1,147,691	1,147,691
CHEM DEMILITARIZATION—RDT&E .....	406,731	406,731
<b>TOTAL CHEM AGENTS &amp; MUNITIONS DESTRUCTION</b> .....	<b>1,554,422</b>	<b>1,554,422</b>
<b>DRUG INTERDICTION AND COUNTER DRUG ACTIVITIES</b>		
DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES, DEFENSE .....	1,156,282	1,153,330
PC 2360 EUCOM Tactical Analysis Team Support—Previously Denied New Start .....		[-952]
PC 9205 EUCOM Counternarcotics Operations Support—Authorization Adjustment for Unjustified Growth .....		[-2,000]
<b>TOTAL DRUG INTERDICTION AND COUNTER DRUG ACTIVITIES</b> .....	<b>1,156,282</b>	<b>1,153,330</b>
<b>OFFICE OF THE INSPECTOR GENERAL</b>		
OPERATION & MAINTENANCE .....	286,919	327,419
Program increase—Growth plan .....		[40,500]
RDT&E .....	1,600	4,500
Program increase—Growth plan .....		[2,900]
PROCUREMENT .....	1,000	1,000
<b>TOTAL OFFICE OF THE INSPECTOR GENERAL</b> .....	<b>289,519</b>	<b>332,919</b>
<b>TOTAL OTHER AUTHORIZATIONS</b> .....	<b>37,900,387</b>	<b>37,564,659</b>

**SEC. 4502. OTHER AUTHORIZATIONS FOR OVERSEAS CONTINGENCY OPERATIONS.**

SEC. 4502. OTHER AUTHORIZATIONS FOR OVERSEAS CONTINGENCY OPERATIONS (In Thousands of Dollars)			SEC. 4502. OTHER AUTHORIZATIONS FOR OVERSEAS CONTINGENCY OPERATIONS (In Thousands of Dollars)			SEC. 4502. OTHER AUTHORIZATIONS FOR OVERSEAS CONTINGENCY OPERATIONS (In Thousands of Dollars)		
Program Title	FY 2012 Request	Con- ference Author- ized	Program Title	FY 2012 Request	Con- ference Author- ized	Program Title	FY 2012 Request	Con- ference Author- ized
<b>WORKING CAPITAL FUND, ARMY</b>			<b>TOTAL WORKING CAP- ITAL FUND, DE- FENSE-WIDE</b> .....	<b>369,013</b>	<b>369,013</b>	CTF—Kabul HQ Facil- ity—Funding No Longer Required .....		[-5,000]
PREPOSITIONED WAR RE- SERVE STOCKS .....	54,000	54,000	<b>DEFENSE HEALTH PRO- GRAM</b>			Mi-17s—Change in Acquisition Strategy .....		[-8,000]
<b>TOTAL WORKING CAP- ITAL FUND, ARMY</b> .....	<b>54,000</b>	<b>54,000</b>	IN-HOUSE CARE .....	641,996	641,996	Program adjustment .....		[-7,000]
<b>WORKING CAPITAL FUND, AIR FORCE</b>			PRIVATE SECTOR CARE .....	464,869	464,869	Reduce Program Growth (Pakistan) ..		[-10,000]
TRANSPORTATION FALLEN HEROES .....	10,000	10,000	CONSOLIDATED HEALTH SUPPORT .....	95,994	95,994	<b>TOTAL DRUG INTER- DICTION AND COUNTER DRUG AC- TIVITIES</b> .....	<b>486,458</b>	<b>456,458</b>
CONTAINER .....			INFORMATION MANAGE- MENT .....	5,548	5,548	<b>OFFICE OF THE INSPEC- TOR GENERAL</b>		
DECONSOLIDATION .....	2,000	2,000	MANAGEMENT ACTIVITIES .....	751	751	OPERATION & MAINTENANCE .....	11,055	11,055
<b>TOTAL WORKING CAP- ITAL FUND, AIR FORCE</b> .....	<b>12,000</b>	<b>12,000</b>	EDUCATION AND TRAINING .....	16,859	16,859	<b>TOTAL OFFICE OF THE INSPECTOR GENERAL</b> .....	<b>11,055</b>	<b>11,055</b>
<b>WORKING CAPITAL FUND, DEFENSE-WIDE</b>			BASE OPERATIONS/COM- MUNICATIONS .....	2,271	2,271	<b>TOTAL OTHER AU- THORIZATIONS</b> .....	<b>2,160,814</b>	<b>2,130,814</b>
<b>ADJ TO MATCH CON- TINUING RESOLUTION</b>			<b>TOTAL DEFENSE HEALTH PROGRAM</b> ....	<b>1,228,288</b>	<b>1,228,288</b>			
DEFENSE LOGISTICS AGEN- CY (DLA) .....	369,013	369,013	<b>DRUG INTERDICTION AND COUNTER DRUG ACTIVI- TIES</b>					
			DRUG INTERDICTION AND COUNTER-DRUG ACTIVI- TIES, DEFENSE .....	486,458	456,458			

## TITLE XLVI—MILITARY CONSTRUCTION

## SEC. 4601. MILITARY CONSTRUCTION.

SEC. 4601. MILITARY CONSTRUCTION (In Thousands of Dollars)				
Account	State/Country and Installation	Project Title	Budget Request	Conference Agreement
	Afghanistan			
Army	Bagram Air Base	Barracks, Ph 5 .....	29,000	29,000
Army	Bagram Air Base	Construct Drainage System, Ph 3 .....	31,000	31,000
Army	Bagram Air Base	Entry Control Point .....	20,000	20,000
	Alabama			
Army	Fort Rucker	Combat Readiness Center .....	11,600	11,600
	Alaska			
Army	Fort Wainwright	Aviation Complex, Ph 3A .....	114,000	57,000
Army	Joint Base Elmendorf-Richardson	Brigade Complex, Ph 2 .....	74,000	74,000
Army	Joint Base Elmendorf-Richardson	Organizational Parking .....	3,600	3,600
Army	Joint Base Elmendorf-Richardson	Physical Fitness Facility .....	26,000	26,000
	California			
Army	Fort Irwin	Infantry Squad Battle Course .....	7,500	7,500
Army	Fort Irwin	Qualification Training Range .....	15,500	15,500
Army	Presidio Monterey	General Instruction Building .....	3,000	3,000
	Colorado			
Army	Fort Carson	Aircraft Loading Area .....	34,000	34,000
Army	Fort Carson	Aircraft Maintenance Hangar .....	63,000	63,000
Army	Fort Carson	Barracks .....	46,000	46,000
Army	Fort Carson	Barracks .....	67,000	67,000
Army	Fort Carson	Brigade Headquarters .....	14,400	14,400
Army	Fort Carson	Control Tower .....	14,200	14,200
	Georgia			
Army	Fort Benning	Land Acquisition .....	25,000	25,000
Army	Fort Benning	Land Acquisition .....	5,100	5,100
Army	Fort Benning	Rail Loading Facility .....	13,600	13,600
Army	Fort Benning	Trainee Barracks Complex, Ph 3 .....	23,000	23,000
Army	Fort Gordon	Hand Grenade Familiarization Range .....	1,450	1,450
Army	Fort Stewart	Dog Kennel .....	2,600	2,600
	Germany			
Army	Germersheim	Central Distribution Facility .....	21,000	0
Army	Germersheim	Infrastructure .....	16,500	0
Army	Grafenwoehr	Barracks .....	17,500	17,500
Army	Grafenwoehr	Chapel .....	15,500	15,500
Army	Grafenwoehr	Convoy Live Fire Range .....	5,000	5,000
Army	Landstuhl	Satellite Communications Center .....	24,000	24,000
Army	Landstuhl	Satellite Communications Center .....	39,000	39,000
Army	Oberdachstetten	Automated Record Fire Range .....	12,200	12,200
Army	Stuttgart	Access Control Point .....	12,200	12,200
Army	Vilseck	Barracks .....	20,000	20,000
	Hawaii			
Army	Fort Shafter	Child Development Center .....	17,500	17,500
Army	Schofield Barracks	Centralized Wash Facility .....	32,000	32,000
Army	Schofield Barracks	Combat Aviation Brigade Complex, Ph 1 .....	73,000	73,000
	Honduras			
Army	Honduras Various	Barracks .....	25,000	0
	Kansas			
Army	Forbes Air Field	Deployment Support Facility .....	5,300	5,300
Army	Fort Riley	Chapel .....	10,400	10,400
Army	Fort Riley	Physical Fitness Facility .....	13,000	13,000
Army	Fort Riley	Unmanned Aerial Vehicle Maintenance Hangar .....	60,000	60,000
	Kentucky			
Army	Fort Campbell	Barracks .....	23,000	23,000
Army	Fort Campbell	Barracks Complex .....	65,000	65,000
Army	Fort Campbell	Physical Fitness Facility .....	18,500	18,500
Army	Fort Campbell	Scout/RECCE Gunnery Range .....	18,000	18,000
Army	Fort Campbell	Unmanned Aerial Vehicle Maintenance Hangar .....	67,000	67,000
Army	Fort Campbell	Vehicle Maintenance Facility .....	16,000	16,000
Army	Fort Campbell	Vehicle Maintenance Facility .....	40,000	40,000
Army	Fort Knox	Automated Infantry Platoon Battle Course .....	7,000	7,000
Army	Fort Knox	Battalion Complex .....	48,000	48,000
	Korea			
Army	Camp Carroll	Barracks .....	41,000	41,000
Army	Camp Henry	Barracks Complex .....	48,000	48,000
	Louisiana			
Army	Fort Polk	Brigade Complex .....	23,000	23,000
Army	Fort Polk	Fire Station .....	9,200	9,200
Army	Fort Polk	Land Acquisition .....	27,000	27,000
Army	Fort Polk	Military Working Dog Facility .....	2,600	2,600
Army	Fort Polk	Multipurpose Machine Gun Range .....	8,300	8,300
	Maryland			
Army	Aberdeen Proving Ground	Auto Technology Evaluation Fac, Ph 3 .....	15,500	15,500
Army	Aberdeen Proving Ground	Command and Control Facility .....	63,000	63,000
Army	Fort Meade	Applied Instruction Facility .....	43,000	43,000

**SEC. 4601. MILITARY CONSTRUCTION**  
(In Thousands of Dollars)

<b>Account</b>	<b>State/Country and Installation</b>	<b>Project Title</b>	<b>Budget Request</b>	<b>Conference Agreement</b>
Army	Fort Meade	Brigade Complex .....	36,000	36,000
	Missouri			
Army	Fort Leonard Wood	Vehicle Maintenance Facility .....	49,000	49,000
	New York			
Army	Fort Drum	Ammunition Supply Point .....	5,700	5,700
Army	Fort Drum	Chapel .....	7,600	7,600
	North Carolina			
Army	Fort Bragg	Access Roads, Ph 2 .....	18,000	18,000
Army	Fort Bragg	Battle Command Training Center .....	23,000	23,000
Army	Fort Bragg	Brigade Complex Facilities .....	49,000	49,000
Army	Fort Bragg	NCO Academy .....	42,000	42,000
Army	Fort Bragg	Unmanned Aerial Vehicle Maintenance Hangar .....	54,000	54,000
	Oklahoma			
Army	Fort Sill	Battle Command Training Center .....	23,000	23,000
Army	Fort Sill	Chapel .....	13,200	13,200
Army	Fort Sill	Physical Fitness Facility .....	25,000	25,000
Army	Fort Sill	Rail Deployment Facility .....	3,400	3,400
Army	Fort Sill	Reception Station, Ph 1 .....	36,000	36,000
Army	Fort Sill	THAAD Instruction Facility .....	33,000	33,000
Army	Fort Sill	Vehicle Maintenance Facility .....	51,000	51,000
Army	McAlester	Ammunition Loading Pads .....	1,700	1,700
Army	McAlester	Railroad Tracks .....	6,300	6,300
	South Carolina			
Army	Fort Jackson	Modified Record Fire Range .....	4,900	4,900
Army	Fort Jackson	Trainee Barracks Complex, Ph 2 .....	59,000	59,000
	Texas			
Army	Fort Bliss	Applied Instruction Building .....	8,300	8,300
Army	Fort Bliss	Barracks Complex .....	13,000	13,000
Army	Fort Bliss	Electronics Maintenance Facility .....	14,600	14,600
Army	Fort Bliss	Infrastructure .....	14,600	11,600
Army	Fort Bliss	JLENS Tactical Training Facility .....	39,000	39,000
Army	Fort Bliss	Vehicle Maintenance Facility .....	19,000	19,000
Army	Fort Bliss	Vehicle Maintenance Facility .....	14,600	14,600
Army	Fort Bliss	Vehicle Maintenance Facility .....	24,000	0
Army	Fort Bliss	Water Well, Potable .....	2,400	2,400
Army	Fort Hood	Operational Readiness Training Complex .....	51,000	51,000
Army	Fort Hood	Unmanned Aerial Vehicle Maintenance Hangar .....	47,000	47,000
Army	Fort Hood	Vehicle Maintenance Facility .....	18,500	18,500
Army	Fort Hood	Vehicle Maintenance Facility .....	15,500	15,500
Army	Joint Base San Antonio	Vehicle Maintenance Facility .....	10,400	10,400
Army	Red River Army Depot	Maneuver Systems Sustainment Ctr, Ph 3 .....	44,000	44,000
	Utah			
Army	Dugway Proving Ground	Life Sciences Test Facility Addition .....	32,000	32,000
	Virginia			
Army	Fort Belvoir	Information Dominance Center, Ph 1 .....	52,000	52,000
Army	Fort Belvoir	Road and Infrastructure Improvements .....	31,000	0
Army	Joint Base Langley Eustis	Aviation Training Facility .....	26,000	26,000
	Washington			
Army	Joint Base Lewis McChord	Air Support Operations Facilities .....	7,300	7,300
Army	Joint Base Lewis McChord	Aviation Complex, Ph 1B .....	48,000	48,000
Army	Joint Base Lewis McChord	Aviation Unit Complex, Ph 1A .....	34,000	34,000
Army	Joint Base Lewis McChord	Battalion Complex .....	59,000	59,000
Army	Joint Base Lewis McChord	Brigade Complex, Ph 2 .....	56,000	56,000
Army	Joint Base Lewis McChord	Infrastructure, Ph 1 .....	64,000	64,000
Army	Joint Base Lewis McChord	Operational Readiness Training Cplx, Ph 1 .....	28,000	28,000
	Worldwide Unspecified			
Army	Unspecified Worldwide Locations	Community Facilities .....	0	0
Army	Unspecified Worldwide Locations	Host Nation Support .....	25,500	25,500
Army	Unspecified Worldwide Locations	Minor Construction .....	20,000	20,000
Army	Unspecified Worldwide Locations	Planning & Design .....	229,741	184,741
Army	Unspecified Worldwide Locations	R&D Facilities .....	0	0
Army	Unspecified Worldwide Locations	Supply Facilities .....	0	0
Army	Unspecified Worldwide Locations	Training Facilities .....	0	0
Army	Unspecified Worldwide Locations	Troop Housing Facilities .....	0	0
Army	Unspecified Worldwide Locations	Troop Housing Facilities .....	0	0
Army	Unspecified Worldwide Locations	Utilities and Ground Improvements .....	0	0
<b>Total Military Construction, Army</b>			<b>3,235,991</b>	<b>3,013,491</b>
	Arizona			
Navy	Yuma	Aircraft Maintenance Hangar .....	39,515	39,515
Navy	Yuma	Double Aircraft Maintenance Hangar .....	81,897	81,897
Navy	Yuma	JSF Auxiliary Landing Field .....	41,373	41,373
	Bahrain Island			
Navy	SW Asia	Bachelor Enlisted Quarters .....	55,010	55,010
Navy	SW Asia	Waterfront Development Phase 4 .....	45,194	0
	California			
Navy	Barstow	Dip Tank Cleaning Facility .....	8,590	8,590

**SEC. 4601. MILITARY CONSTRUCTION**  
**(In Thousands of Dollars)**

<i>Account</i>	<i>State/Country and Installation</i>	<i>Project Title</i>	<i>Budget Request</i>	<i>Conference Agreement</i>
Navy	Bridgeport	Multi-Purpose Building—Addition .....	19,238	16,138
Navy	Camp Pendleton	Armory, 1st Marine Division .....	12,606	12,606
Navy	Camp Pendleton	Individual Equipment Issue Warehouse .....	16,411	16,411
Navy	Camp Pendleton	Infantry Squad Defense Range .....	29,187	29,187
Navy	Camp Pendleton	Intersection Bridge and Improvements .....	12,476	12,476
Navy	Camp Pendleton	MV-22 Aviation Fuel Storage .....	6,163	6,163
Navy	Camp Pendleton	MV-22 Aviation Pavement .....	18,530	18,530
Navy	Camp Pendleton	MV-22 Double Hangar Replacement .....	48,345	48,345
Navy	Camp Pendleton	New Potable Water Conveyance .....	113,091	113,091
Navy	Camp Pendleton	North Area Waste Water Conveyance .....	78,271	78,271
Navy	Coronado	Multi Purpose Facility North Island .....	46,763	46,763
Navy	Coronado	Rotary Aircraft Depot Maint Fac (North Is.) .....	61,672	61,672
Navy	Point Mugu	E-2D Aircrew Training Facility .....	15,377	15,377
Navy	Twentynine Palms	Child Development Center .....	23,743	23,743
Navy	Twentynine Palms	Land Expansion .....	8,665	8,665
Navy	Twentynine Palms	Multi-Use Operational Fitness Area .....	18,819	18,819
Navy	Twentynine Palms	Tracked Vehicle Maintenance Cover .....	15,882	15,882
Navy	Diego Garcia			
Navy	Diego Garcia	Potable Water Plant Modernization .....	35,444	35,444
Navy	Djibouti			
Navy	Camp Lemonier	Aircraft Logistics Apron .....	35,170	35,170
Navy	Camp Lemonier	Bachelor Quarters .....	43,529	43,529
Navy	Camp Lemonier	Taxiway Enhancement .....	10,800	10,800
Navy	Florida			
Navy	Jacksonville	Bams UAS Operator Training Facility .....	4,482	4,482
Navy	Jacksonville	P-8A Hangar Upgrades .....	6,085	6,085
Navy	Jacksonville	P-8A Training Facility .....	25,985	25,985
Navy	Mayport	Massey Avenue Corridor Improvements .....	14,998	14,998
Navy	Whiting Field	Applied Instruction Facilities, EOD Course .....	20,620	20,620
Navy	Georgia			
Navy	Kings Bay	Crab Island Security Enclave .....	52,913	52,913
Navy	Kings Bay	WRA Land/Water Interface .....	33,150	33,150
Navy	Guam			
Navy	Joint Region Marianas	Finegayan Water Utilities .....	77,267	0
Navy	Joint Region Marianas	North Ramp Utilities—Anderson AFB (Inc) .....	78,654	0
Navy	Hawaii			
Navy	Barking Sands	North Loop Electrical Replacement .....	9,679	9,679
Navy	Joint Base Pearl Harbor-Hickam	Navy Information Operations Command Fes Fac .....	7,492	7,492
Navy	Kaneohe Bay	MCAS Operations Complex .....	57,704	57,704
Navy	Illinois			
Navy	Great Lakes	Decentralize Steam System .....	91,042	91,042
Navy	Maryland			
Navy	Indian Head	Decentralize Steam System .....	67,779	67,779
Navy	Patuxent River	Aircraft Prototype Facility Phase 2 .....	45,844	45,844
Navy	North Carolina			
Navy	Camp Lejeune	2nd Combat Engineer Maintenance/Ops Complex .....	75,214	75,214
Navy	Camp Lejeune	Bachelor Enlisted Quarters—Wallace Creek .....	27,439	27,439
Navy	Camp Lejeune	Base Entry Point and Road .....	81,008	81,008
Navy	Camp Lejeune	Squad Battle Course .....	16,821	16,821
Navy	Cherry Point Marine Corps Air Station	H-1 Helicopter Gearbox Repair & Test Facility .....	17,760	17,760
Navy	New River	Aircraft Maintenance Hangar and Apron .....	69,511	69,511
Navy	New River	Ordnance Loading Area Addition .....	9,419	9,419
Navy	South Carolina			
Navy	Beaufort	Vertical Landing Pads .....	21,096	21,096
Navy	Virginia			
Navy	Norfolk	Bachelor Quarters, Homeport Ashore .....	81,304	81,304
Navy	Norfolk	Decentralize Steam System .....	26,924	26,924
Navy	Portsmouth	Controlled Industrial Facility .....	74,864	74,864
Navy	Quantico	Academic Instruction Facility .....	75,304	75,304
Navy	Quantico	Bachelor Enlisted Quarters .....	31,374	31,374
Navy	Quantico	Embassy Security Group Facilities .....	27,079	27,079
Navy	Quantico	Enlisted Dining Facility .....	5,034	5,034
Navy	Quantico	Realign Purvis Rd/Russell Rd Intersection .....	6,442	6,442
Navy	Quantico	The Basic School Student Quarters—Phase 6 .....	28,488	28,488
Navy	Quantico	Waste Water Treatment Plant—Upshur .....	9,969	9,969
Navy	Washington			
Navy	Bremerton	Integrated Dry Dock Water Treatment Fac Ph1 .....	13,341	13,341
Navy	Kitsap	EHW Security Force Facility (Bangor) .....	25,948	25,948
Navy	Kitsap	Explosives Handling Wharf #2 (Inc. 1) .....	78,002	78,002
Navy	Kitsap	Waterfront Restricted Area Vehicle Barriers .....	17,894	17,894
Navy	Worldwide Unspecified			
Navy	Unspecified Worldwide Locations	Maintenance & Production Facilities .....	0	0
Navy	Unspecified Worldwide Locations	Planning and Design .....	84,362	69,362
Navy	Unspecified Worldwide Locations	R&D Facilities .....	0	0
Navy	Unspecified Worldwide Locations	Troop Housing Facilities .....	0	0
Navy	Unspecified Worldwide Locations	Unspecified Minor Constr .....	21,495	21,495

**Total Military Construction, Navy**

**2,461,547 2,242,332**



**SEC. 4601. MILITARY CONSTRUCTION**  
*(In Thousands of Dollars)*

<i>Account</i>	<i>State/Country and Installation</i>	<i>Project Title</i>	<i>Budget Request</i>	<i>Conference Agreement</i>
	<i>Alaska</i>			
AF	Eielson AFB	Dormitory (168 Rm) .....	45,000	45,000
AF	Joint Base Elmendorf-Richardson	Brigade Combat Team (Light) Complex, (480 RM) .....	97,000	97,000
	<i>Arizona</i>			
AF	Davis-Monthan AFB	EC-130H Simulator/Training Operations .....	20,500	20,500
AF	Davis-Monthan AFB	HC-130J Joint Use Fuel Cell .....	12,500	12,500
AF	Luke AFB	F-35 Adal Aircraft Maintenance Unit .....	6,000	6,000
AF	Luke AFB	F-35 Squad Ops/AMU 2 .....	18,000	18,000
	<i>California</i>			
AF	Travis AFB	Dormitory (144 Rm) .....	22,000	22,000
AF	Vandenberg AFB	Education Center .....	14,200	14,200
	<i>Colorado</i>			
AF	U.S. Air Force Academy	Construct Large Vehicle Inspection Facility .....	13,400	13,400
	<i>Delaware</i>			
AF	Dover AFB	C-5M Formal Training Unit Facility .....	2,800	2,800
	<i>Florida</i>			
AF	Patrick AFB	Air Force Technical Applications Ctr—Incr 2 .....	79,000	79,000
	<i>Germany</i>			
AF	Ramstein Ab	Dormitory (192 Rm) .....	34,697	34,697
	<i>Greenland</i>			
AF	Thule Ab	Dormitory (72 Pn) .....	28,000	28,000
	<i>Guam</i>			
AF	Joint Region Marianas	Air Freight Terminal Complex .....	35,000	35,000
AF	Joint Region Marianas	Guam Strike Clear Water Rinse Facility .....	7,500	7,500
AF	Joint Region Marianas	Guam Strike Conventional Munitions Maintenanc .....	11,700	11,700
AF	Joint Region Marianas	Guam Strike Fuel Systems Maintenance Hangar, Incr 1 .....	128,000	0
AF	Joint Region Marianas	PRTC Combat Communications Combat Support .....	9,800	9,800
AF	Joint Region Marianas	PRTC Combat Communications Transmission Syst .....	5,600	5,600
AF	Joint Region Marianas	PRTC Red Horse Cantonment Operations Facility .....	14,000	14,000
	<i>Italy</i>			
AF	Sigonella	UAS SATCOM Relay Pads and Facility .....	15,000	15,000
	<i>Kansas</i>			
AF	Fort Riley	Air Support Operations Center .....	7,600	7,600
	<i>Korea</i>			
AF	Osan AB	Dormitory (156 Rm) .....	23,000	23,000
	<i>Louisiana</i>			
AF	Barksdale AFB	Mission Support Group Complex .....	23,500	23,500
	<i>Missouri</i>			
AF	Whiteman AFB	WSA Security Control Facility .....	4,800	4,800
	<i>Nebraska</i>			
AF	Offutt AFB	STRATCOM Replacement Facility Incr 1 .....	150,000	120,000
	<i>Nevada</i>			
AF	Nellis AFB	Communications Network Control Center .....	11,600	11,600
AF	Nellis AFB	F-35 Add/Alter Engine Shop .....	2,750	2,750
AF	Nellis AFB	F-35A AGE Facility .....	21,500	21,500
	<i>New Mexico</i>			
AF	Cannon AFB	Adal Wastewater Treatment Plant .....	7,598	7,598
AF	Cannon AFB	Dormitory (96 Rm) .....	15,000	15,000
AF	Holloman AFB	Child Development Center .....	11,200	11,200
AF	Holloman AFB	F-16 Academic Facility .....	5,800	5,800
AF	Holloman AFB	F-16 SEAD Training Facility .....	4,200	4,200
AF	Holloman AFB	Parallel Taxiway 07/25 .....	8,000	8,000
AF	Kirtland AFB	AFNWC Sustainment Center .....	25,000	25,000
	<i>North Carolina</i>			
AF	Pope AFB	C-130 Flight Simulator .....	6,000	6,000
	<i>North Dakota</i>			
AF	Minot AFB	B-52 3-Bay Conventional Munitions Maintenance .....	11,800	11,800
AF	Minot AFB	B-52 Two-Bay Phase Maintenance Dock .....	34,000	34,000
AF	Minot AFB	Dormitory (168 Rm) .....	22,000	22,000
	<i>Qatar</i>			
AF	AL Udeid	Blatchford Preston Complex, Phase IV .....	37,000	0
	<i>Texas</i>			
AF	Joint Base San Antonio	Adv Indiv Training (AIT) Barracks (300 Rm) .....	46,000	46,000
AF	Joint Base San Antonio	BMT Recruit Dormitory 4, Phase IV .....	64,000	64,000
	<i>Utah</i>			
AF	Hill AFB	F-22 System Support Facility .....	16,500	16,500
AF	Hill AFB	F-35 Adal Hangar 45E/AMU .....	6,800	0
	<i>Virginia</i>			
AF	Joint Base Langley Eustis	AIT Barracks Complex, Ph 2 .....	50,000	50,000
	<i>Washington</i>			
AF	Fairchild AFB	SERE Force Support Ph 2 .....	14,000	14,000
AF	Fairchild AFB	Wing Headquarters .....	13,600	13,600
	<i>Worldwide Unspecified</i>			
AF	Unspecified Worldwide Locations	Community Facilities .....	0	0
AF	Unspecified Worldwide Locations	Community Facilities .....	0	0
AF	Unspecified Worldwide Locations	Maintenance & Production Facilities .....	0	0
AF	Unspecified Worldwide Locations	Operational Facilities .....	0	0

**SEC. 4601. MILITARY CONSTRUCTION**  
**(In Thousands of Dollars)**

<i>Account</i>	<i>State/Country and Installation</i>	<i>Project Title</i>	<i>Budget Request</i>	<i>Conference Agreement</i>
AF	Unspecified Worldwide Locations	Planning & Design .....	81,913	52,913
AF	Unspecified Worldwide Locations	Supporting Facilities .....	0	0
AF	Unspecified Worldwide Locations	Unspecified Minor Construction .....	20,000	20,000
<b>Total Military Construction, Air Force</b>			<b>1,364,858</b>	<b>1,134,058</b>
Def-Wide	Alabama			
	Maxwell AFB	Expand 800 Area Chiller Loop, Gunter Annex .....	0	2,482
Def-Wide	Alabama			
	Redstone Arsenal	Von Braun Complex Phase IV .....	58,800	58,800
Def-Wide	Alaska			
	Anchorage	SOF Cold Weather Maritime Training Facility .....	18,400	18,400
Def-Wide	Eielson AFB	Upgrade Rail Line .....	14,800	14,800
Def-Wide	Arizona			
	Davis-Monthan AFB	CNS Thermal Storage .....	0	4,650
Def-Wide	Arizona			
	Davis-Monthan AFB	Replace Hydrant Fuel System .....	23,000	23,000
Def-Wide	Belgium			
	Brussels	NATO Headquarters Facility .....	24,118	0
Def-Wide	California			
	Camp Pendleton	SOF Military Working Dog Facility .....	3,500	3,500
Def-Wide	Camp Pendleton	SOF Range 130 Support Projects .....	8,641	8,641
Def-Wide	Coronado	SOF Support Activity Operations Facility .....	42,000	42,000
Def-Wide	Defense Distribution Depot-Tracy	Replace Public Safety Center .....	15,500	15,500
Def-Wide	Point Loma Annex	Replace Fuel Storage Facilities Incr 4 .....	27,000	27,000
Def-Wide	Presidio of Monterey	1 Mw Solar Grid .....	0	5,000
Def-Wide	San Clemente	Replace Fuel Storage Tanks & Pipeline .....	21,800	21,800
Def-Wide	San Joaquin/Tracy Site	400 KW Solar PV System, Building 58 Roof .....	0	2,860
Def-Wide	Colorado			
	Buckley AFB	Mountainview Operations Facility, Incr 1 .....	140,932	70,432
Def-Wide	Fort Carson	Microgrid Expansion PEV Tie-in (SPIDERS) .....	0	4,277
Def-Wide	District of Columbia			
	Bolling AFB	Cooling Tower Expansion .....	2,070	2,070
Def-Wide	Bolling AFB	DIAC Parking Garage .....	13,586	13,586
Def-Wide	Bolling AFB	Electrical Upgrades .....	1,080	1,080
Def-Wide	Florida			
	Eglin AFB	Medical Clinic .....	11,600	11,600
Def-Wide	Eglin AFB	SOF Company Operations Facility (GSB) .....	21,000	21,000
Def-Wide	Eglin AFB	SOF Company Operations Facility (GSTB) .....	19,000	19,000
Def-Wide	Eglin Aux 9	SOF Enclosed Engine Noise Suppressors .....	3,200	3,200
Def-Wide	Eglin Aux 9	SOF Simulator Facility .....	6,300	6,300
Def-Wide	Macdill AFB	SOF Acquisition Center (Phase II) .....	15,200	15,200
Def-Wide	Tyndall AFB	Reclaimed Water Irrigation .....	0	3,255
Def-Wide	Whiting Field	Truck Load/Unload Facility .....	3,800	3,800
Def-Wide	Georgia			
	Fort Benning	Replace McBride Elementary School .....	37,205	37,205
Def-Wide	Fort Gordon	Whitelaw Wedge Building Addition .....	11,340	17,705
Def-Wide	Fort Stewart	Hospital Addition/Alteration Phase 2 .....	72,300	72,300
Def-Wide	MCLB Albany	LFG Generator .....	0	3,504
Def-Wide	Germany			
	Ansbach	Ansbach Middle/High School Addition .....	11,672	11,672
Def-Wide	Baumholder	Replace Wetzel-Smith Elementary Schools .....	59,419	59,419
Def-Wide	Grafenwoehr	Netzaberg MS School Addition .....	6,529	6,529
Def-Wide	Rhine Ordnance Barracks	Medical Center Replacement Incr 1 .....	70,592	70,592
Def-Wide	Spangdalem AB	Replace Bitburg Elementary School .....	41,876	41,876
Def-Wide	Spangdalem AB	Replace Bitburg Middle & High School .....	87,167	87,167
Def-Wide	Stuttgart-Patch Barracks	DISA Europe Facility Upgrades .....	2,434	2,434
Def-Wide	Guam			
	Naval Base Guam	4 MW Wind Farm .....	0	17,377
Def-Wide	Hawaii			
	Joint Base Pearl Harbor-Hickam	Alter Warehouse Space .....	9,200	9,200
Def-Wide	Joint Base Pearl Harbor-Hickam	Upgrade Refuler Truck Parking Area .....	5,200	5,200
Def-Wide	Illinois			
	Great Lakes	Health Clinic Demolition .....	16,900	16,900
Def-Wide	Italy			
	Naval Air Station Naples	345 KW Solar PV .....	0	2,867
Def-Wide	Italy			
	Vicenza	Replace Vicenza High School .....	41,864	41,864
Def-Wide	Japan			
	Yokota AB	Replace Temp Classrm/Joan K. Mendel ES .....	12,236	12,236
Def-Wide	Yokota AB	Replace Yokota High School .....	49,606	49,606
Def-Wide	Kentucky			
	Fort Campbell	Hospital Addition/Alteration .....	56,600	56,600
Def-Wide	Fort Campbell	SOF MH47 Aviation Facility .....	43,000	43,000
Def-Wide	Fort Campbell	SOF Rotary Wing Hangar .....	38,900	38,900
Def-Wide	Fort Knox	GSHO Well Field for HRC .....	0	2,750
Def-Wide	Fort Knox	Replace Kingsolver-Pierce Elementary Schools .....	38,845	38,845
Def-Wide	Louisiana			

**SEC. 4601. MILITARY CONSTRUCTION**  
**(In Thousands of Dollars)**

<b>Account</b>	<b>State/Country and Installation</b>	<b>Project Title</b>	<b>Budget Request</b>	<b>Conference Agreement</b>
Def-Wide	Barksdale AFB	Hydrant Fuel System .....	6,200	6,200
Def-Wide	Marshall Islands			
Def-Wide	Kwajalein Atol	468KW Solar PV System .....	0	6,300
Def-Wide	Maryland			
Def-Wide	Aberdeen Proving Ground	USAMRICD Replacement, Inc 4 .....	22,850	22,850
Def-Wide	Bethesda Naval Hospital	Child Development Center Addition/Alteration .....	18,000	18,000
Def-Wide	Fort Detrick	USAMRIID Stage I, Inc 6 .....	137,600	137,600
Def-Wide	Fort Meade	High Performance Computing Capacity .....	29,640	29,640
Def-Wide	Joint Base Andrews	Ambulatory Care Center, Incr 1 .....	242,900	154,300
Def-Wide	Joint Base Andrews	Dental Clinic Replacement .....	22,800	22,800
Def-Wide	Massachusetts			
Def-Wide	Hanscom AFB	Repair Chiller Controls B1201 .....	0	3,609
Def-Wide	Hanscom AFB	Replace Hanscom Middle School .....	34,040	34,040
Def-Wide	Westover ARB	Replace Hydrant Fuel System .....	23,300	23,300
Def-Wide	Mississippi			
Def-Wide	Columbus AFB	Replace Refueler Parking Facility .....	2,600	2,600
Def-Wide	Gulfport	Medical Clinic Replacement .....	34,700	34,700
Def-Wide	Missouri			
Def-Wide	Arnold	Data Ctr West #1 Power & Cooling Upgrade .....	9,253	9,253
Def-Wide	New Mexico			
Def-Wide	Cannon AFB	SOF ADAL Simulator Facility .....	9,600	9,600
Def-Wide	Cannon AFB	SOF Aircraft Maintenance Squadron Facility .....	15,000	15,000
Def-Wide	Cannon AFB	SOF Apron and Taxiway .....	28,100	28,100
Def-Wide	Cannon AFB	SOF C-130 Squadron Operations Facility .....	10,941	10,941
Def-Wide	Cannon AFB	SOF C-130 Wash Rack Hangar .....	10,856	10,856
Def-Wide	Cannon AFB	SOF Hangar Aircraft Maintenance Unit .....	41,200	41,200
Def-Wide	Cannon AFB	SOF Squadron Operations Facility .....	17,300	17,300
Def-Wide	New York			
Def-Wide	Fort Drum	Dental Clinic Addition/Alteration .....	4,700	4,700
Def-Wide	Fort Drum	Medical Clinic .....	15,700	15,700
Def-Wide	Fort Drum	Retrocommission Various Buildings .....	0	3,500
Def-Wide	North Carolina			
Def-Wide	Camp Lejeune	SOF Armory Facility Expansion .....	6,670	6,670
Def-Wide	Fort Bragg	Historic District GSHP & Retro Cx .....	0	13,400
Def-Wide	Fort Bragg	Hospital Alteration .....	57,600	57,600
Def-Wide	Fort Bragg	Replace District Superintendent's Office .....	3,138	3,138
Def-Wide	Fort Bragg	SOF Administrative Annex .....	12,000	12,000
Def-Wide	Fort Bragg	SOF Battalion Operations Complex .....	23,478	23,478
Def-Wide	Fort Bragg	SOF Battalion Operations Facility .....	41,000	41,000
Def-Wide	Fort Bragg	SOF Brigade Headquarters .....	19,000	19,000
Def-Wide	Fort Bragg	SOF Communications Training Complex .....	10,758	10,758
Def-Wide	Fort Bragg	SOF Entry Control Point .....	2,300	2,300
Def-Wide	Fort Bragg	SOF Group Headquarters .....	26,000	26,000
Def-Wide	Fort Bragg	SOF Squadron HQ Addition .....	11,000	11,000
Def-Wide	Mcb Camp Lejeune	Steam Decentralization of Camp Geiger .....	0	6,925
Def-Wide	New River	Replace Delatio Elementary School .....	22,687	22,687
Def-Wide	Pope AFB	SOF Training Facility .....	5,400	5,400
Def-Wide	Ohio			
Def-Wide	Columbus	Security Enhancements .....	10,000	10,000
Def-Wide	Oklahoma			
Def-Wide	Altus	Install VCEP for 22 Buildings .....	0	5,700
Def-Wide	Altus AFB	Replace Fuel Transfer Pipeline .....	8,200	8,200
Def-Wide	Pennsylvania			
Def-Wide	Def Distribution Depot New Cumberland	Enclose Open-Sided Shed .....	3,000	0
Def-Wide	Def Distribution Depot New Cumberland	Replace General Purpose Warehouse .....	25,500	25,500
Def-Wide	Def Distribution Depot New Cumberland	Upgrade Access Control Points .....	17,500	17,500
Def-Wide	Philadelphia	Upgrade HVAC System .....	8,000	8,000
Def-Wide	South Carolina			
Def-Wide	Joint Base Charleston	Replace Fuel Storage & Distribution Facility .....	24,868	24,868
Def-Wide	Tennessee			
Def-Wide	Arnold AFB	Provide Temp. Control Cell Cooling C1 & C2 .....	0	3,300
Def-Wide	Texas			
Def-Wide	Fort Bliss	Hospital Replacement Incr 3 .....	136,700	86,700
Def-Wide	Joint Base San Antonio	Ambulatory Care Center Phase 3 .....	161,300	80,600
Def-Wide	Joint Base San Antonio	Hospital Nutrition Care Department Add/Alt .....	33,000	33,000
Def-Wide	United Kingdom			
Def-Wide	Menwith Hill Station	MHS PSC Construction Generator Plant .....	68,601	68,601
Def-Wide	Royal Air Force Alconbury	Replace Alconbury High School .....	35,030	35,030
Def-Wide	Utah			
Def-Wide	Camp Williams	IC CNCI Data Center 1 Inc 3 .....	246,401	166,401
Def-Wide	Tooele Army Depot	Install Stirling Solar Array .....	0	8,200
Def-Wide	Virginia			
Def-Wide	Charlottesville	Remote Delivery Facility .....	10,805	10,805
Def-Wide	Dahlgren	Dahlgren E/MS School Addition .....	1,988	1,988
Def-Wide	Dam Neck	SOF Building Renovation .....	3,814	3,814

**SEC. 4601. MILITARY CONSTRUCTION**  
(In Thousands of Dollars)

<i>Account</i>	<i>State/Country and Installation</i>	<i>Project Title</i>	<i>Budget Request</i>	<i>Conference Agreement</i>
Def-Wide	Dam Neck	SOF Logistic Support Facility .....	14,402	14,402
Def-Wide	Dam Neck	SOF Military Working Dog Facility .....	4,900	4,900
Def-Wide	Fort Belvoir	Technology Center Third Floor Fit-Out .....	54,625	54,625
Def-Wide	Joint Expeditionary Base Little Creek— Story	SOF Seal Team Operations Facility .....	37,000	37,000
Def-Wide	NRO/Aerospace Data Facility—East	2 MW Bloom Box Fuel Cell .....	0	2,000
Def-Wide	Pentagon	Helicopter Control Tower/Fire Station .....	6,457	6,457
Def-Wide	Pentagon	Pentagon Memorial Pedestrian Plaza .....	2,285	2,285
Def-Wide	Quantico	Defense Access Road Improvements-Telegraph Rd .....	4,000	4,000
Def-Wide	Quantico	DSS Headquarters Addition .....	42,727	42,727
	Washington			
Def-Wide	Joint Base Lewis McChord	Replace Fuel Distribution Facilities .....	14,000	14,000
Def-Wide	Joint Base Lewis McChord	SOF Company Operations Facility .....	21,000	21,000
Def-Wide	Whidbey Island	Replace Fuel Pipeline .....	25,000	25,000
	West Virginia			
Def-Wide	Camp Dawson	Replace Hydrant Fuel System .....	2,200	2,200
	Worldwide Unspecified			
Def-Wide	Unspecified Worldwide Locations	Contingency Construction .....	10,000	10,000
Def-Wide	Unspecified Worldwide Locations	Defense Access Roads .....	0	0
Def-Wide	Unspecified Worldwide Locations	Energy Conservation Investment Program .....	135,000	0
Def-Wide	Unspecified Worldwide Locations	Exercise Related Construction .....	8,417	8,417
Def-Wide	Unspecified Worldwide Locations	Minor Construction .....	6,100	6,100
Def-Wide	Unspecified Worldwide Locations	Planning and Design (General Reduction) .....	0	-55,000
Def-Wide	Unspecified Worldwide Locations	Planning and Design .....	1,993	1,993
Def-Wide	Unspecified Worldwide Locations	Planning and Design .....	8,368	8,368
Def-Wide	Unspecified Worldwide Locations	Planning and Design .....	3,043	3,043
Def-Wide	Unspecified Worldwide Locations	Planning and Design .....	6,000	6,000
Def-Wide	Unspecified Worldwide Locations	Planning and Design .....	52,974	52,974
Def-Wide	Unspecified Worldwide Locations	Planning and Design .....	31,468	31,468
Def-Wide	Unspecified Worldwide Locations	Planning and Design .....	3,000	3,000
Def-Wide	Unspecified Worldwide Locations	Planning and Design .....	5,277	5,277
Def-Wide	Unspecified Worldwide Locations	Planning and Design .....	48,007	48,007
Def-Wide	Unspecified Worldwide Locations	SOF Land Acquisition .....	0	0
Def-Wide	Unspecified Worldwide Locations	Supporting Activities .....	0	0
Def-Wide	Unspecified Worldwide Locations	Unspecified Minor Construction .....	8,876	8,876
Def-Wide	Unspecified Worldwide Locations	Unspecified Minor Construction .....	3,000	3,000
Def-Wide	Unspecified Worldwide Locations	Unspecified Minor Milcon .....	6,365	0
Def-Wide	Unspecified Worldwide Locations	Various ECIP .....	0	20,444
Def-Wide	Various Worldwide Locations	Planning and Design .....	227,498	227,498
Def-Wide	Various Worldwide Locations	Planning and Design .....	66,974	66,974
Def-Wide	Various Worldwide Locations	Unspecified Minor Construction .....	6,571	6,571
	Wyoming			
Def-Wide	Fe Warren	Decentralize Base Heat Plant .....	0	12,600
<b>Total Military Construction, Defense-Wide</b>			<b>3,848,757</b>	<b>3,396,839</b>
	Colorado			
Chem Demil	Pueblo Depot	Ammunition Demilitarization Facility, Ph XIII .....	15,338	15,338
	Kentucky			
Chem Demil	Blue Grass Army Depot	Ammunition Demilitarization Ph XII .....	59,974	59,974
<b>Total Chemical Demilitarization Construction, Defense</b>			<b>75,312</b>	<b>75,312</b>
	Worldwide Unspecified			
NATO	NATO Security Investment Program	NATO Security Investment Program .....	272,611	257,611
<b>Total NATO Security Investment Program</b>			<b>272,611</b>	<b>257,611</b>
	Alabama			
Army NG	Fort McClellan	Readiness Center Ph2 .....	16,500	16,500
	Arizona			
Army NG	Papago Military Reservation	Readiness Center .....	17,800	17,800
	Arkansas			
Army NG	Fort Chaffee	Convoy Live Fire/Entry Control Point Range .....	3,500	3,500
	California			
Army NG	Camp Roberts	Tactical Unmanned Aircraft System Facility .....	6,160	6,160
Army NG	Camp Roberts	Utilities Replacement Ph1 .....	32,000	32,000
Army NG	Camp San Luis Obispo	Field Maintenance Shop .....	8,000	8,000
	Colorado			
Army NG	Alamosa	Readiness Center .....	6,400	6,400
Army NG	Aurora	Tactical Unmanned Aircraft System Facility .....	3,600	3,600
Army NG	Fort Carson	Barracks Complex (ORTC) .....	43,000	43,000
	District of Columbia			
Army NG	Anacostia	US Property & Fiscal Office Add/Alt .....	5,300	5,300
	Florida			
Army NG	Camp Blanding	Convoy Live Fire/Entry Control Point Range .....	2,400	2,400
Army NG	Camp Blanding	Live Fire Shoot House .....	3,100	3,100
	Georgia			

**SEC. 4601. MILITARY CONSTRUCTION**  
(In Thousands of Dollars)

<b>Account</b>	<b>State/Country and Installation</b>	<b>Project Title</b>	<b>Budget Request</b>	<b>Conference Agreement</b>
Army NG	Atlanta	Readiness Center .....	11,000	11,000
Army NG	Hinesville	Maneuver Area Training & Equipment Site Ph1 .....	17,500	17,500
Army NG	Macon	Readiness Center Ph1 .....	14,500	14,500
Army NG	Hawaii			
	Kalaeloa	Readiness Center Ph1 .....	33,000	33,000
Army NG	Illinois			
	Normal	Readiness Center .....	10,000	10,000
Army NG	Indiana			
	Camp Atterbury	Deployment Processing Facility .....	8,900	8,900
Army NG	Camp Atterbury	Operations Readiness Training Cmplr 2 .....	27,000	27,000
Army NG	Camp Atterbury	Operations Readiness Training Complex 1 .....	25,000	25,000
Army NG	Camp Atterbury	Railhead Expansion & Container Facility .....	21,000	21,000
Army NG	Indianapolis	JFHQ Add/Alt .....	25,700	25,700
Army NG	Maine			
	Bangor	Readiness Center .....	15,600	15,600
Army NG	Brunswick	Armed Forces Reserve Center .....	23,000	23,000
Army NG	Maryland			
	Dundalk	Readiness Center Add/Alt .....	16,000	16,000
Army NG	LA Plata	Readiness Center .....	9,000	9,000
Army NG	Westminster	Readiness Center Add/Alt .....	10,400	10,400
Army NG	Massachusetts			
	Natick	Readiness Center .....	9,000	9,000
Army NG	Minnesota			
	Camp Ripley	Multipurpose Machine Gun Range .....	8,400	8,400
Army NG	Mississippi			
	Camp Shelby	Deployment Processing Facility .....	12,600	12,600
Army NG	Camp Shelby	Operational Readiness Training Cmplr Ph1 .....	27,000	27,000
Army NG	Camp Shelby	Troop Housing (ORTC) Ph1 .....	25,000	25,000
Army NG	Nebraska			
	Grand Island	Readiness Center .....	22,000	22,000
Army NG	Mead	Readiness Center .....	9,100	9,100
Army NG	Nevada			
	Las Vegas	Field Maintenance Shop .....	23,000	23,000
Army NG	New Jersey			
	Lakehurst	Army Aviation Support Facility .....	49,000	49,000
Army NG	New Mexico			
	Santa Fe	Readiness Center Add/Alt .....	5,200	5,200
Army NG	North Carolina			
	Greensboro	Readiness Center Add/Alt .....	3,700	3,700
Army NG	Oklahoma			
	Camp Gruber	Live Fire Shoot House .....	3,000	3,000
Army NG	Camp Gruber	Upgrade-Combined Arms Collective Training Fac .....	10,361	10,361
Army NG	Oregon			
	the Dalles	Readiness Center .....	13,800	13,800
Army NG	Puerto Rico			
	Fort Buchanan	Readiness Center .....	57,000	57,000
Army NG	South Carolina			
	Allendale	Readiness Center Add/Alt .....	4,300	4,300
Army NG	Utah			
	Camp Williams	Multi Purpose Machine Gun Range .....	6,500	6,500
Army NG	Virginia			
	Fort Pickett	Combined Arms Collective Training Facility .....	11,000	11,000
Army NG	West Virginia			
	Buckhannon	Readiness Center Ph1 .....	10,000	10,000
Army NG	Wisconsin			
	Camp Williams	Tactical Unmanned Aircraft System Facility .....	7,000	7,000
Army NG	Worldwide Unspecified			
	Unspecified Worldwide Locations	Maintenance & Production Facilities .....	0	0
Army NG	Unspecified Worldwide Locations	Maintenance & Production Facilities .....	0	0
Army NG	Unspecified Worldwide Locations	Operational Facilities .....	0	0
Army NG	Unspecified Worldwide Locations	Planning and Design .....	20,671	20,671
Army NG	Unspecified Worldwide Locations	Training Facilities .....	0	0
Army NG	Unspecified Worldwide Locations	Unspecified Construction .....	0	0
Army NG	Unspecified Worldwide Locations	Unspecified Minor Construction .....	11,700	11,700
Army NG	Wyoming			
	Cheyenne	Readiness Center .....	8,900	8,900
<b>Total Military Construction, Army National Guard</b>			<b>773,592</b>	<b>773,592</b>
Army Res	California			
	Fort Hunter Liggett	Automated Multipurpose Machine Gun (MPMG) .....	5,200	5,200
Army Res	Colorado			
	Fort Collins	Army Reserve Center .....	13,600	13,600
Army Res	Illinois			
	Homewood	Army Reserve Center .....	16,000	16,000
Army Res	Rockford	Army Reserve Center/Land .....	12,800	12,800
Army Res	Indiana			
	Fort Benjamin Harrison	Army Reserve Center .....	57,000	57,000

**SEC. 4601. MILITARY CONSTRUCTION**  
(In Thousands of Dollars)

<i>Account</i>	<i>State/Country and Installation</i>	<i>Project Title</i>	<i>Budget Request</i>	<i>Conference Agreement</i>
Army Res	Kansas Kansas City	Army Reserve Center/Land .....	13,000	13,000
Army Res	Massachusetts Attleboro	Army Reserve Center/Land .....	22,000	22,000
Army Res	Minnesota Saint Joseph	Army Reserve Center .....	11,800	11,800
Army Res	Missouri Weldon Springs	Army Reserve Center .....	19,000	19,000
Army Res	New York Schenectady	Army Reserve Center .....	20,000	20,000
Army Res	North Carolina Greensboro	Army Reserve Center/Land .....	19,000	19,000
Army Res	South Carolina Orangeburg	Army Reserve Center/Land .....	12,000	12,000
Army Res	Wisconsin Fort McCoy	Automated Record Fire Range .....	4,600	4,600
Army Res	Fort McCoy	Container Loading Facility .....	5,300	5,300
Army Res	Fort McCoy	Modified Record Fire Known Distance Range .....	5,400	5,400
Army Res	Fort McCoy	NCOA Phase III—Billeting .....	12,000	12,000
Army Res	Worldwide Unspecified			
Army Res	Unspecified Worldwide Locations	Planning and Design .....	28,924	28,924
Army Res	Unspecified Worldwide Locations	Unspecified Minor Construction .....	2,925	2,925
<b>Total Military Construction, Army Reserve</b>			<b>280,549</b>	<b>280,549</b>
N/MC Res	Pennsylvania Pittsburgh	Armed Forces Reserve Center (Pittsburgh) .....	13,759	13,759
N/MC Res	Tennessee Memphis	Reserve Training Center .....	7,949	7,949
N/MC Res	Worldwide Unspecified			
N/MC Res	Unspecified Worldwide Locations	MCNR Unspecified Minor Construction .....	2,000	2,000
N/MC Res	Unspecified Worldwide Locations	Planning and Design .....	2,591	2,591
<b>Total Military Construction, Naval Reserve</b>			<b>26,299</b>	<b>26,299</b>
Air NG	California Beale AFB	Wing Operations and Training Facility .....	6,100	6,100
Air NG	Moffett Field	Replace Pararescue Training Facility .....	26,000	26,000
Air NG	Hawaii Joint Base Pearl Harbor-Hickam	TFI—F-22 Combat Aircraft Parking Apron .....	12,721	12,721
Air NG	Joint Base Pearl Harbor-Hickam	TFI—F-22 Flight Simulator Facility .....	19,800	19,800
Air NG	Joint Base Pearl Harbor-Hickam	TFI—F-22 Weapons Load Crew Training Facilit .....	7,000	7,000
Air NG	Indiana Fort Wayne IAP	A-10 Facility Conversion—Munitions .....	4,000	4,000
Air NG	Maryland Martin State Airport	TFI—C-27 Conversion - Squadron Operations .....	4,900	4,900
Air NG	Massachusetts Otis ANGB	TFI—CNAF Beddown - Upgrade Facility .....	7,800	7,800
Air NG	Ohio Springfield Beckley-Map	Alter Predator Operations Center .....	6,700	6,700
Air NG	Worldwide Unspecified			
Air NG	Unspecified Worldwide Locations	Maintenance & Production Facilities .....	0	0
Air NG	Unspecified Worldwide Locations	Operational Facilities .....	0	0
Air NG	Various Worldwide Locations	Minor Construction .....	9,000	9,000
Air NG	Various Worldwide Locations	Planning and Design .....	12,225	12,225
<b>Total Military Construction, Air National Guard</b>			<b>116,246</b>	<b>116,246</b>
AF Res	California March AFB	Airfield Control Tower/Base Ops .....	16,393	16,393
AF Res	South Carolina Charleston AFB	TFI Red Horse Readiness & Trng Center .....	9,593	9,593
AF Res	Worldwide Unspecified			
AF Res	Unspecified Worldwide Locations	Planning & Design .....	2,200	2,200
AF Res	Unspecified Worldwide Locations	Training Facilities .....	0	0
AF Res	Unspecified Worldwide Locations	Unspecified Minor Construction .....	5,434	5,434
<b>Total Military Construction, Air Force Reserve</b>			<b>33,620</b>	<b>33,620</b>
FH Con Army	Belgium Brussels	Land Purchase for Gfoq (10 Units) .....	10,000	0
FH Con Army	Germany Grafenwoehr	Family Housing New Construction (26 Units) .....	13,000	13,000
FH Con Army	Illesheim	Family Housing Replacement Construc(80 Units) .....	41,000	41,000
FH Con Army	Vilseck	Family Housing New Construction (22 Units) .....	12,000	12,000
FH Con Army	Worldwide Unspecified			
FH Con Army	Unspecified Worldwide Locations	Construction Improvements (276 Units) .....	103,000	103,000
FH Con Army	Unspecified Worldwide Locations	Family Housing P&D .....	7,897	7,897

**SEC. 4601. MILITARY CONSTRUCTION**  
(In Thousands of Dollars)

<i>Account</i>	<i>State/Country and Installation</i>	<i>Project Title</i>	<i>Budget Request</i>	<i>Conference Agreement</i>
<b>Total Family Housing Construction, Army</b>			<b>186,897</b>	<b>176,897</b>
	Worldwide Unspecified			
FH Ops Army	Unspecified Worldwide Locations	Furnishings Account .....	14,256	14,256
FH Ops Army	Unspecified Worldwide Locations	Leasing .....	204,426	204,426
FH Ops Army	Unspecified Worldwide Locations	Maintenance of Real Property .....	105,668	105,668
FH Ops Army	Unspecified Worldwide Locations	Management Account .....	54,728	54,728
FH Ops Army	Unspecified Worldwide Locations	Miscellaneous Account .....	605	605
FH Ops Army	Unspecified Worldwide Locations	Privatization Support Costs .....	25,741	25,741
FH Ops Army	Unspecified Worldwide Locations	Services Account .....	15,797	15,797
FH Ops Army	Unspecified Worldwide Locations	Utilities Account .....	73,637	73,637
<b>Total Family Housing Operation And Maintenance, Army</b>			<b>494,858</b>	<b>494,858</b>
	Worldwide Unspecified			
FH Con AF	Unspecified Worldwide Locations	Classified Improvements .....	50	50
FH Con AF	Unspecified Worldwide Locations	Construction Improvements .....	80,546	80,546
FH Con AF	Unspecified Worldwide Locations	Planning and Design .....	4,208	4,208
<b>Total Family Housing Construction, Air Force</b>			<b>84,804</b>	<b>84,804</b>
	Worldwide Unspecified			
FH Ops AF	Unspecified Worldwide Locations	Furnishings Account .....	35,290	35,290
FH Ops AF	Unspecified Worldwide Locations	Housing Privatization .....	47,571	47,571
FH Ops AF	Unspecified Worldwide Locations	Leasing .....	80,775	80,775
FH Ops AF	Unspecified Worldwide Locations	Leasing Account .....	122	122
FH Ops AF	Unspecified Worldwide Locations	Maintenance (RPMA & RPMC) .....	98,132	98,132
FH Ops AF	Unspecified Worldwide Locations	Maintenance Account .....	2,001	2,001
FH Ops AF	Unspecified Worldwide Locations	Management Account .....	55,395	55,395
FH Ops AF	Unspecified Worldwide Locations	Management Account .....	1,996	1,996
FH Ops AF	Unspecified Worldwide Locations	Miscellaneous Account .....	2,165	2,165
FH Ops AF	Unspecified Worldwide Locations	Services Account .....	13,675	13,675
FH Ops AF	Unspecified Worldwide Locations	Utilities Account .....	67,639	67,639
<b>Total Family Housing Operation And Maintenance, Air Force</b>			<b>404,761</b>	<b>404,761</b>
	Worldwide Unspecified			
FH Con Navy	Unspecified Worldwide Locations	Design .....	3,199	3,199
FH Con Navy	Unspecified Worldwide Locations	Improvements .....	97,773	97,773
<b>Total Family Housing Construction, Navy And Marine Corps</b>			<b>100,972</b>	<b>100,972</b>
	Worldwide Unspecified			
FH Ops Navy	Unspecified Worldwide Locations	Furnishings Account .....	15,979	15,979
FH Ops Navy	Unspecified Worldwide Locations	Leasing .....	79,798	79,798
FH Ops Navy	Unspecified Worldwide Locations	Maintenance of Real Property .....	97,231	97,231
FH Ops Navy	Unspecified Worldwide Locations	Management Account .....	61,090	61,090
FH Ops Navy	Unspecified Worldwide Locations	Miscellaneous Account .....	476	476
FH Ops Navy	Unspecified Worldwide Locations	Privatization Support Costs .....	28,582	28,582
FH Ops Navy	Unspecified Worldwide Locations	Services Account .....	14,510	14,510
FH Ops Navy	Unspecified Worldwide Locations	Utilities Account .....	70,197	70,197
<b>Total Family Housing Operation And Maintenance, Navy And Marine Corps</b>			<b>367,863</b>	<b>367,863</b>
	Worldwide Unspecified			
FH Ops DW	Unspecified Worldwide Locations	Furnishings Account .....	70	70
FH Ops DW	Unspecified Worldwide Locations	Furnishings Account .....	19	19
FH Ops DW	Unspecified Worldwide Locations	Furnishings Account .....	2,699	2,699
FH Ops DW	Unspecified Worldwide Locations	Leasing .....	10,100	10,100
FH Ops DW	Unspecified Worldwide Locations	Leasing .....	36,552	36,552
FH Ops DW	Unspecified Worldwide Locations	Maintenance of Real Property .....	70	70
FH Ops DW	Unspecified Worldwide Locations	Maintenance of Real Property .....	546	546
FH Ops DW	Unspecified Worldwide Locations	Management Account .....	347	347
FH Ops DW	Unspecified Worldwide Locations	Services Account .....	30	30
FH Ops DW	Unspecified Worldwide Locations	Utilities Account .....	280	280
FH Ops DW	Unspecified Worldwide Locations	Utilities Account .....	10	10
<b>Total Family Housing Operation And Maintenance, Defense-Wide</b>			<b>50,723</b>	<b>50,723</b>
	Worldwide Unspecified			
HOAP	Unspecified Worldwide Locations	Homeowners Assistance Program .....	1,284	1,284
<b>Total Homeowners Assistance Fund</b>			<b>1,284</b>	<b>1,284</b>
	Worldwide Unspecified			
FHIF	Unspecified Worldwide Locations	Family Housing Improvement Fund .....	2,184	2,184



**SEC. 4601. MILITARY CONSTRUCTION**  
(In Thousands of Dollars)

Account	State/Country and Installation	Project Title	Budget Request	Conference Agreement
<b>Total DOD Family Housing Improvement Fund</b>			<b>2,184</b>	<b>2,184</b>
	Worldwide Unspecified			
BRAC 05	Unspecified Worldwide Locations	COMM ADD 3: Galena Fol, AK .....	933	0
BRAC 05	Unspecified Worldwide Locations	DON-100: Planing, Design and Management .....	6,090	0
BRAC 05	Unspecified Worldwide Locations	DON-101: Various Locations .....	5,021	0
BRAC 05	Unspecified Worldwide Locations	DON-126: NSCS, Athens, GA .....	325	0
BRAC 05	Unspecified Worldwide Locations	DON-138: NAS Brunswick, ME .....	421	0
BRAC 05	Unspecified Worldwide Locations	DON-157: MCSA Kansas City, MO .....	1,442	0
BRAC 05	Unspecified Worldwide Locations	DON-158: NSA New Orleans, LA .....	2,056	0
BRAC 05	Unspecified Worldwide Locations	DON-172: NWS Seal Beach, Concord, CA .....	9,763	0
BRAC 05	Unspecified Worldwide Locations	DON-2: NS Pascagoula, MS .....	515	0
BRAC 05	Unspecified Worldwide Locations	DON-84: JRB Willow Grove & Cambria Reg Ap .....	196	0
BRAC 05	Unspecified Worldwide Locations	IND-106: Kansas Army Ammunition Plant, KS .....	45,769	0
BRAC 05	Unspecified Worldwide Locations	IND-110: Mississippi Army Ammo Plant, MS .....	122	0
BRAC 05	Unspecified Worldwide Locations	IND-112: River Bank Army Ammo Plant, CA .....	320	0
BRAC 05	Unspecified Worldwide Locations	IND-117: Deseret Chemical Depot, UT .....	34,011	0
BRAC 05	Unspecified Worldwide Locations	IND-119: Newport Chemical Depot, IN .....	467	0
BRAC 05	Unspecified Worldwide Locations	IND-120: Umatilla Chemical Depot, OR .....	9,092	0
BRAC 05	Unspecified Worldwide Locations	IND-122: Lone Star Army Ammo Plant, TX .....	19,367	0
BRAC 05	Unspecified Worldwide Locations	INT-4: NSA Activities .....	1,791	0
BRAC 05	Unspecified Worldwide Locations	MED-2: Walter Reed NMMC, Bethesda, MD .....	18,586	0
BRAC 05	Unspecified Worldwide Locations	MED-57: Brooks City Base, TX .....	205	0
BRAC 05	Unspecified Worldwide Locations	Program Management Various Locations .....	828	0
BRAC 05	Unspecified Worldwide Locations	Program Management Various Locations .....	32,298	0
BRAC 05	Unspecified Worldwide Locations	USA-113: Fort Monroe, VA .....	23,601	0
BRAC 05	Unspecified Worldwide Locations	USA-121: Fort Gillem, GA .....	8,903	0
BRAC 05	Unspecified Worldwide Locations	USA-131: USAR Command and Control—SE .....	250	0
BRAC 05	Unspecified Worldwide Locations	USA-166: USAR Command and Control—NW .....	1,000	0
BRAC 05	Unspecified Worldwide Locations	USA-167: USAR Command and Control—NE .....	250	0
BRAC 05	Unspecified Worldwide Locations	USA-168: USAR Command and Control—SW .....	250	0
BRAC 05	Unspecified Worldwide Locations	USA-222: Fort McPherson, GA .....	9,921	0
BRAC 05	Unspecified Worldwide Locations	USA-223: Fort Monmouth, NJ .....	21,908	0
BRAC 05	Unspecified Worldwide Locations	USA-242: RC Transformation in NY .....	259	0
BRAC 05	Unspecified Worldwide Locations	USA-36: Red River Army Depot .....	1,207	0
BRAC 05	Unspecified Worldwide Locations	USA-63: U.S. Army Garrison (Selfridge) .....	1,609	0
<b>Total Base Realignment and Closure Account 2005</b>			<b>258,776</b>	<b>0</b>
	Worldwide Unspecified			
BRAC IV	Base Realignment & Closure	Base Realignment & Closure .....	0	0
BRAC IV	Base Realignment & Closure, Air Force	Base Realignment & Closure .....	123,476	123,476
BRAC IV	Base Realignment & Closure, Army	Base Realignment & Closure .....	70,716	70,716
BRAC IV	Base Realignment & Closure, Navy	Base Realignment & Closure .....	129,351	129,351
<b>Total Base Realignment and Closure Account 1990</b>			<b>323,543</b>	<b>323,543</b>
	Unspecified			
PYS	Unspecified Worldwide Locations	Prior Year Savings-Air Force .....	0	-32,000
PYS	Unspecified Worldwide Locations	Prior Year Savings-Defense-Wide .....	0	-131,400
PYS	Unspecified Worldwide Locations	Prior Year Savings-Navy .....	0	-25,000
PYS	Unspecified Worldwide Locations	Prior Year Savings-Army .....	0	-100,000
<b>Total Prior Year Savings</b>			<b>0</b>	<b>-288,400</b>
<b>Total Division B</b>			<b>14,766,047</b>	<b>13,069,438</b>
<b>Grand Total</b>			<b>14,766,047</b>	<b>13,069,438</b>

**TITLE XLVII—DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS**

**SEC. 4701. DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS.**

**SEC. 4701. DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS**  
(In Thousands of Dollars)

Program	FY 2012 Request	Conference Authorized
<b>Discretionary Summary By Appropriation</b>		
<b>Energy And Water Development, And Related Agencies</b>		
<b>Appropriation Summary:</b>		
<b>Energy Programs</b>		
ENERGY SECURITY AND ASSURANCE .....	6,187	0

**SEC. 4701. DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS**  
(In Thousands of Dollars)

<i>Program</i>	<i>FY 2012 Request</i>	<i>Con- ference Author- ized</i>
<b>Atomic Energy Defense Activities</b>		
<b>National nuclear security administration:</b>		
WEAPONS ACTIVITIES .....	7,629,716	7,274,329
DEFENSE NUCLEAR NONPROLIFERATION .....	2,549,492	2,333,303
NAVAL REACTORS .....	1,153,662	1,080,000
OFFICE OF THE ADMINISTRATOR .....	450,060	382,700
<b>Total, National nuclear security administration .....</b>	<b>11,782,930</b>	<b>11,070,332</b>
<b>Environmental and other defense activities:</b>		
DEFENSE ENVIRONMENTAL CLEANUP .....	5,406,781	5,023,000
OTHER DEFENSE ACTIVITIES .....	859,952	823,364
DEFENSE NUCLEAR WASTE DISPOSAL .....	0	0
<b>Total, Environmental &amp; other defense activities .....</b>	<b>6,266,733</b>	<b>5,846,364</b>
<b>Total, Atomic Energy Defense Activities .....</b>	<b>18,049,663</b>	<b>16,916,696</b>
<b>Total, Discretionary Funding .....</b>	<b>18,055,850</b>	<b>16,916,696</b>
<b>Electricity Delivery &amp; Energy Reliability</b>		
Infrastructure security & energy restoration .....	6,187	0
<b>Weapons Activities</b>		
<b>Directed stockpile work</b>		
<b>Life extension programs</b>		
B61 Life extension program .....	223,562	223,562
W76 Life extension program .....	257,035	257,035
<b>Total, Life extension programs .....</b>	<b>480,597</b>	<b>480,597</b>
<b>Stockpile systems</b>		
B61 Stockpile systems .....	72,396	72,396
W76 Stockpile systems .....	63,383	63,383
W78 Stockpile systems .....	109,518	99,518
W80 Stockpile systems .....	44,444	44,444
B83 Stockpile systems .....	48,215	48,215
W87 Stockpile systems .....	83,943	83,943
W88 Stockpile systems .....	75,728	75,728
<b>Total, Stockpile systems .....</b>	<b>497,627</b>	<b>487,627</b>
<b>Weapons dismantlement and disposition</b>		
Operations and maintenance .....	56,770	56,770
<b>Total, Weapons dismantlement and disposition .....</b>	<b>56,770</b>	<b>56,770</b>
<b>Stockpile services</b>		
Production support .....	354,502	330,000
Research and development support .....	30,264	30,264
R&D certification and safety .....	190,892	165,569
Management, technology, and production .....	198,700	188,700
Plutonium sustainment .....	154,231	140,000
<b>Total, Stockpile services .....</b>	<b>928,589</b>	<b>854,533</b>
<b>Total, Directed stockpile work .....</b>	<b>1,963,583</b>	<b>1,879,527</b>
<b>Campaigns:</b>		
<b>Science campaign</b>		
Advanced certification .....	94,929	40,000
Primary assessment technologies .....	86,055	86,055
Dynamic materials properties .....	111,836	96,984
Advanced radiography .....	27,058	26,000
Secondary assessment technologies .....	86,061	85,000
<b>Total, Science campaign .....</b>	<b>405,939</b>	<b>334,039</b>
<b>Engineering campaign</b>		
Enhanced surety .....	41,696	41,696
Weapon systems engineering assessment technology .....	15,663	15,663
Nuclear survivability .....	19,545	19,545
Enhanced surveillance .....	66,174	66,174
<b>Total, Engineering campaign .....</b>	<b>143,078</b>	<b>143,078</b>
<b>Inertial confinement fusion ignition and high yield campaign</b>		
Ignition .....	109,888	109,888
Diagnostics, cryogenics and experimental support .....	86,259	86,259
Pulsed power inertial confinement fusion .....	4,997	4,997
Joint program in high energy density laboratory plasmas .....	9,100	9,100
Facility operations and target production .....	266,030	266,030
<b>Total, Inertial confinement fusion and high yield campaign .....</b>	<b>476,274</b>	<b>476,274</b>
<b>Advanced simulation and computing campaign .....</b>	<b>628,945</b>	<b>620,000</b>
<b>Readiness Campaign</b>		

**SEC. 4701. DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS**  
*(In Thousands of Dollars)*

<i>Program</i>	<i>FY 2012 Request</i>	<i>Con- ference Author- ized</i>
Nonnuclear readiness .....	65,000	65,000
Tritium readiness .....	77,491	63,591
<b>Total, Readiness campaign</b> .....	<b>142,491</b>	<b>128,591</b>
<b>Total, Campaigns</b> .....	<b>1,796,727</b>	<b>1,701,982</b>
<b>Readiness in technical base and facilities (RTBF)</b>		
<b>Operations of facilities</b>		
Kansas City Plant .....	156,217	156,217
Lawrence Livermore National Laboratory .....	83,990	83,990
Los Alamos National Laboratory .....	318,526	318,526
Nevada Test Site .....	97,559	97,559
Pantex .....	164,848	164,848
Sandia National Laboratory .....	120,708	120,708
Savannah River Site .....	97,767	97,767
Y-12 National security complex .....	246,001	246,001
Institutional site support .....	199,638	0
<b>Total, Operations of facilities</b> .....	<b>1,485,254</b>	<b>1,285,616</b>
Program readiness .....	74,180	74,180
Material recycle and recovery .....	85,939	78,000
Containers .....	28,979	28,979
Storage .....	31,272	31,272
<b>Subtotal, Readiness in technical base and facilities</b> .....	<b>1,705,624</b>	<b>1,498,047</b>
<b>Construction:</b>		
12-D-301 TRU waste facilities, LANL .....	9,881	9,881
11-D-801 TA-55 Reinvestment project, LANL .....	19,402	10,000
10-D-501 Nuclear facilities risk reduction Y-12 National security complex, Oakridge, TN .....	35,387	35,387
09-D-404 Test capabilities revitalization II, Sandia National Laboratories, Albuquerque, NM .....	25,168	25,168
08-D-802 High explosive pressing facility Pantex Plant, Amerillo, TX .....	66,960	66,960
07-D-140 Project engineering and design (PED) various locations .....	3,518	3,518
06-D-141 Project engineering & design (PED) Y-12 National Security Complex, Oakridge, TN .....	160,194	160,194
04-D-125 Chemistry and metallurgy facility replacement project, Los Alamos National Laboratory, Los Alamos, NM .....	300,000	200,000
<b>Total, Construction</b> .....	<b>620,510</b>	<b>511,108</b>
<b>Total, Readiness in technical base and facilities</b> .....	<b>2,326,134</b>	<b>2,009,155</b>
<b>Secure transportation asset</b>		
Operations and equipment .....	149,274	145,274
Program direction .....	101,998	98,002
<b>Total, Secure transportation asset</b> .....	<b>251,272</b>	<b>243,276</b>
<b>Nuclear counterterrorism incident response</b> .....	<b>222,147</b>	<b>222,147</b>
<b>Facilities and infrastructure recapitalization program</b>		
Operations and maintenance .....	96,380	96,380
<b>Total, Facilities and infrastructure recapitalization program</b> .....	<b>96,380</b>	<b>96,380</b>
<b>Site stewardship</b>		
Operations and maintenance .....	104,002	78,680
<b>Total, Site stewardship</b> .....	<b>104,002</b>	<b>78,680</b>
<b>Safeguards and security</b>		
<b>Defense nuclear security</b>		
Operations and maintenance .....	711,105	686,252
<b>Construction:</b>		
08-D-701 Nuclear materials S&S upgrade project Los Alamos National Laboratory .....	11,752	11,752
<b>Total, Construction</b> .....	<b>11,752</b>	<b>11,752</b>
<b>Total, Defense nuclear security</b> .....	<b>722,857</b>	<b>698,004</b>
Cyber security .....	126,614	126,614
<b>Total, Safeguards and security</b> .....	<b>849,471</b>	<b>824,618</b>
<b>National security applications</b> .....	<b>20,000</b>	<b>10,000</b>
<b>Subtotal, Weapons activities</b> .....	<b>7,629,716</b>	<b>7,065,765</b>
<b>Legacy Contractor Pensions</b> .....	<b>0</b>	<b>168,232</b>
<b>Recission</b> .....		<b>40,332</b>
<b>Adjustments</b>		
Use of prior year balances .....	0	0
<b>Total, Weapons Activities</b> .....	<b>7,629,716</b>	<b>7,274,329</b>
<b>Defense Nuclear Nonproliferation</b>		
<b>Nonproliferation and verification R&amp;D</b>		
Operations and maintenance .....	417,598	356,150
<b>Total, Operations and maintenance</b> .....	<b>417,598</b>	<b>356,150</b>
<b>Total, Nonproliferation &amp; verification R&amp;D</b> .....	<b>417,598</b>	<b>356,150</b>
<b>Nonproliferation and international security</b> .....	<b>161,833</b>	<b>155,305</b>
<b>International nuclear materials protection and cooperation</b> .....	<b>571,639</b>	<b>571,639</b>

**SEC. 4701. DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS**  
(In Thousands of Dollars)

<i>Program</i>	<i>FY 2012 Request</i>	<i>Con- ference Author- ized</i>
<b>Fissile materials disposition</b>		
<b>U.S. surplus fissile materials disposition</b>		
<b>Operations and maintenance</b>		
U.S. plutonium disposition .....	274,790	205,632
U.S. uranium disposition .....	26,435	26,000
<b>Total, Operations and maintenance</b> .....	<b>301,225</b>	<b>231,632</b>
<b>Construction:</b>		
99-D-143 Mixed oxide fuel fabrication facility, Savannah River, SC .....	385,172	435,172
99-D-141-01 Pit disassembly and conversion facility, Savannah River, SC .....	176,000	0
99-D-141-02 Waste Solidification Building, Savannah River, SC .....	17,582	17,582
<b>Total, Construction</b> .....	<b>578,754</b>	<b>452,754</b>
<b>Total, U.S. surplus fissile materials disposition</b> .....	<b>879,979</b>	<b>684,386</b>
Russian surplus materials disposition .....	10,174	1,000
<b>Total, Fissile materials disposition</b> .....	<b>890,153</b>	<b>685,386</b>
Global threat reduction initiative .....	508,269	500,000
Legacy contractor pensions .....	0	55,823
Recission .....		9,000
<b>Total, Defense Nuclear Nonproliferation</b> .....	<b>2,549,492</b>	<b>2,333,303</b>
<b>Naval Reactors</b>		
<b>Naval reactors development</b>		
OHIO replacement reactor systems development .....	0	121,300
SSG Prototype refueling .....	0	99,500
<b>Naval reactors operations and infrastructure</b> .....	0	358,300
<b>Operation and maintenance</b>		
Operation and maintenance .....	1,069,262	421,000
<b>Total, Operation and maintenance</b> .....	<b>1,069,262</b>	<b>1,000,100</b>
<b>Construction:</b>		
10-D-903, Security upgrades, KAPL .....	100	100
10-D-904, NRF infrastructure upgrades, Idaho .....	12,000	12,000
08-D-190 Expanded Core Facility M-290 recovering discharge station, Naval Reactor Facility, ID .....	27,800	27,800
<b>Total, Construction</b> .....	<b>39,900</b>	<b>39,900</b>
<b>Total, Naval reactors development</b> .....	<b>1,109,162</b>	<b>460,900</b>
Program direction .....	44,500	40,000
<b>Total, Naval Reactors</b> .....	<b>1,153,662</b>	<b>1,080,000</b>
<b>Office Of The Administrator</b>		
Office of the administrator .....	450,060	410,000
<b>Floor amendment</b>		
Congressionally directed projects .....	0	0
<b>Subtotal, Office of the Administrator</b> .....	<b>450,060</b>	<b>410,000</b>
<b>General Provision</b>		
Section 309-Contractor Pay Freeze .....	0	-27,300
<b>Security</b>		
<b>Adjustments:</b>		
Use of prior year balances .....	0	0
<b>Subtotal, Office of the Administrator</b> .....	<b>450,060</b>	<b>382,700</b>
Transfer of prior year balances (OMB scoring) .....	0	0
<b>Total, Office Of The Administrator</b> .....	<b>450,060</b>	<b>382,700</b>
<b>Defense Environmental Cleanup</b>		
<b>Closure sites:</b>		
Closure sites administration .....	5,375	5,375
<b>Total, Closure sites</b> .....	<b>5,375</b>	<b>5,375</b>
<b>Hanford site:</b>		
Central plateau remediation .....	0	546,890
River corridor and other cleanup operations .....	0	386,822
Nuclear facility D&D—remainder of Hanford .....	56,288	
Nuclear facility D&D river corridor closure project .....	330,534	
Richland community and regulatory support .....	0	19,540
Nuclear material stabilization and disposition PFP .....	48,458	
SNF stabilization and disposition .....	112,250	
Soil and water remediation—groundwater vadose zone .....	222,285	
Solid waste stabilization and disposition 200 area .....	143,897	
<b>Total, Hanford site</b> .....	<b>913,712</b>	<b>953,252</b>
<b>Idaho National Laboratory:</b>		
Idaho cleanup and waste disposition .....	0	382,769
SNF stabilization and disposition—2012 .....	20,114	
Solid waste stabilization and disposition .....	165,035	

**SEC. 4701. DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS**  
(In Thousands of Dollars)

<i>Program</i>	<i>FY 2012 Request</i>	<i>Con- ference Author- ized</i>
Radioactive liquid tank waste stabilization and disposition .....	110,169	
Soil and water remediation—2012 .....	87,451	
Idaho community and regulatory support .....	0	4,100
<b>Total, Idaho National Laboratory .....</b>	<b>382,769</b>	<b>386,869</b>
<b>NNSA sites</b>		
NNSA sites and Nevada off-sites .....	0	282,393
Lawrence Livermore National Laboratory .....	873	
Nuclear facility D & D Separations Process Research Unit .....	1,500	
Nevada .....	63,380	
Los Alamos National Laboratory .....	357,939	
<b>Sandia National Laboratory</b>		
<b>Total, NNSA sites and Nevada off-sites .....</b>	<b>423,692</b>	<b>282,393</b>
<b>Oak Ridge Reservation:</b>		
Building 3019 .....	0	37,000
OR nuclear facility D&D .....	0	69,100
Nuclear facility D & D ORNL .....	44,000	
Nuclear facility D & D Y-12 .....	30,000	
Nuclear facility D & D, E. Tennessee technology park .....	100	
OR cleanup and disposition .....	0	87,000
OR reservation community and regulatory support .....	3,000	
OR reservation community and regulatory support .....	0	6,409
Solid waste stabilization and disposition—2012 .....	99,000	
<b>Total, Oak Ridge Reservation .....</b>	<b>176,100</b>	<b>199,509</b>
<b>Office of River Protection:</b>		
<b>Waste treatment and immobilization plant</b>		
Waste treatment & immobilization plant 01-D-16 A-D .....	363,000	430,000
Waste treatment & immobilization plant 01-D-16 E .....	477,000	310,000
<b>Total, Waste treatment and immobilization plant .....</b>	<b>840,000</b>	<b>740,000</b>
<b>Tank farm activities</b>		
Rad liquid tank waste stabilization and disposition .....	521,391	445,000
<b>Total, Tank farm activities .....</b>	<b>521,391</b>	<b>445,000</b>
<b>Total, Office of River protection .....</b>	<b>1,361,391</b>	<b>1,185,000</b>
<b>Savannah River site:</b>		
Savannah River community and regulatory support .....	0	9,584
Nuclear material stabilization and disposition .....	235,000	
Radioactive liquid tank waste stabilization and disposition .....	710,487	667,081
SR site risk management operations .....	0	343,586
PE&D Glass Waste Storage Building #3 .....	0	3,500
05-D-405 Salt waste processing facility, Savannah River .....	170,071	170,071
Soil and water remediation .....	38,409	
SNF stabilization and disposition .....	40,137	
Solid waste stabilization and disposition .....	30,040	
<b>Total, Savannah River site .....</b>	<b>1,224,144</b>	<b>1,193,822</b>
<b>Waste Isolation Pilot Plant</b>		
<b>Waste Isolation Pilot Plant .....</b>	<b>0</b>	<b>215,134</b>
Waste isolation pilot plant .....	147,136	
Central characterization project .....	23,975	
Transportation .....	29,044	
Community and regulatory support .....	28,771	
<b>Total, Waste Isolation Pilot Plant .....</b>	<b>228,926</b>	<b>215,134</b>
Program direction .....	321,628	321,628
Program Support .....	0	20,380
Community, regulatory and program support .....	91,279	
<b>Safeguards and Security:</b>		
Oak Ridge Reservation .....	17,300	17,300
Paducah .....	9,435	9,435
Portsmouth .....	16,412	16,412
Richland/Hanford Site .....	69,234	69,234
Savannah River Site .....	130,000	133,193
Waste Isolation Pilot Project .....	4,845	4,845
West Valley .....	1,600	1,600
<b>Total, Safeguards and Security .....</b>	<b>248,826</b>	<b>252,019</b>
Technology development .....	32,320	11,000
<b>Subtotal, Defense environmental cleanup .....</b>	<b>5,410,162</b>	<b>5,026,381</b>
Use of prior year balances .....	-3,381	-3,381
<b>Total, Defense Environmental Cleanup .....</b>	<b>5,406,781</b>	<b>5,023,000</b>

**SEC. 4701. DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS**  
(In Thousands of Dollars)

<i>Program</i>	<i>FY 2012 Request</i>	<i>Con- ference Author- ized</i>
<b>Other Defense Activities</b>		
<b>Health, safety and security</b>		
Health, safety and security .....	349,445	335,436
Program direction .....	107,037	102,000
<b>Total, Health, safety and security</b> .....	<b>456,482</b>	<b>437,436</b>
<b>Office of Legacy Management</b>		
Legacy management .....	157,514	157,514
Program direction .....	12,586	12,086
<b>Total, Office of Legacy Management</b> .....	<b>170,100</b>	<b>169,600</b>
<b>Defense-related activities</b>		
<b>Infrastructure</b>		
Idaho sitewide safeguards and security .....	98,500	93,350
<b>Total, Defense-related activities</b> .....	<b>98,500</b>	<b>93,350</b>
Defense related administrative support .....	118,836	118,836
Acquisitions workforce improvement .....	11,892	0
Office of hearings and appeals .....	4,142	4,142
<b>Total, Other Defense Activities</b> .....	<b>859,952</b>	<b>823,364</b>

**DIVISION E—SBIR AND STTR  
REAUTHORIZATION**

**TITLE I—SHORT TITLE; DEFINITIONS**

**SEC. 5001. SHORT TITLE.**

*This division may be cited as the “SBIR/STTR Reauthorization Act of 2011”.*

**SEC. 5002. DEFINITIONS.**

*In this division—*

*(1) the terms “Administration” and “Administrator” mean the Small Business Administration and the Administrator thereof, respectively;*

*(2) the terms “extramural budget”, “Federal agency”, “Small Business Innovation Research Program”, “SBIR”, “Small Business Technology Transfer Program”, and “STTR” have the meanings given such terms in section 9 of the Small Business Act (15 U.S.C. 638); and*

*(3) the term “small business concern” has the meaning given that term under section 3 of the Small Business Act (15 U.S.C. 632).*

**TITLE II—SBIR AND STTR  
REAUTHORIZATION**

**Subtitle A—Reauthorization of the SBIR and STTR Programs**

Sec. 5101. Extension of termination dates.

Sec. 5102. SBIR and STTR allocation increase.

Sec. 5103. SBIR and STTR award levels.

Sec. 5104. Agency and program flexibility.

Sec. 5105. Elimination of Phase II invitations.

Sec. 5106. Pilot to allow phase flexibility.

Sec. 5107. Participation by firms with substantial investment from multiple venture capital operating companies, hedge funds, or private equity firms in a portion of the SBIR program.

Sec. 5108. SBIR and STTR special acquisition preference.

Sec. 5109. Collaborating with Federal laboratories and research and development centers.

Sec. 5110. Notice requirement.

Sec. 5111. Additional SBIR and STTR awards.

**Subtitle B—Outreach and Commercialization Initiatives**

Sec. 5121. Technical assistance for awardees.

Sec. 5122. Commercialization Readiness Program at Department of Defense.

Sec. 5123. Commercialization Readiness Pilot Program for civilian agencies.

Sec. 5124. Interagency Policy Committee.

Sec. 5125. Clarifying the definition of “Phase III”.

Sec. 5126. Shortened period for final decisions on proposals and applications.

Sec. 5127. Phase 0 Proof of Concept Partnership pilot program.

**Subtitle C—Oversight and Evaluation**

Sec. 5131. Streamlining annual evaluation requirements.

Sec. 5132. Data collection from agencies for SBIR.

Sec. 5133. Data collection from agencies for STTR.

Sec. 5134. Public database.

Sec. 5135. Government database.

Sec. 5136. Accuracy in funding base calculations.

Sec. 5137. Continued evaluation by the National Academy of Sciences.

Sec. 5138. Technology insertion reporting requirements.

Sec. 5139. Intellectual property protections.

Sec. 5140. Obtaining consent from SBIR and STTR applicants to release contact information to economic development organizations.

Sec. 5141. Pilot to allow funding for administrative, oversight, and contract processing costs.

Sec. 5142. GAO study with respect to venture capital operating company, hedge fund, and private equity firm involvement.

Sec. 5143. Reducing vulnerability of SBIR and STTR programs to fraud, waste, and abuse.

Sec. 5144. Simplified paperwork requirements.

**Subtitle D—Policy Directives**

Sec. 5151. Conforming amendments to the SBIR and the STTR Policy Directives.

**Subtitle E—Other Provisions**

Sec. 5161. Report on SBIR and STTR program goals.

Sec. 5162. Competitive selection procedures for SBIR and STTR programs.

Sec. 5163. Loan restrictions.

Sec. 5164. Limitation on pilot programs.

Sec. 5165. Commercialization success.

Sec. 5166. Publication of certain information.

Sec. 5167. Report on enhancement of manufacturing activities.

Sec. 5168. Coordination of the SBIR program and the Experimental Program to Stimulate Competitive Research.

**Subtitle A—Reauthorization of the SBIR and STTR Programs**

**SEC. 5101. EXTENSION OF TERMINATION DATES.**

(a) SBIR.—Section 9(m) of the Small Business Act (15 U.S.C. 638(m)) is amended by striking “2011” and inserting “2017”.

(b) STTR.—Section 9(n)(1)(A) of the Small Business Act (15 U.S.C. 638(n)(1)(A)) is amended by striking “2011” and inserting “2017”.

**SEC. 5102. SBIR AND STTR ALLOCATION INCREASE.**

(a) SBIR.—Section 9(f) of the Small Business Act (15 U.S.C. 638(f)) is amended—

(1) in paragraph (1)—

(A) in the matter preceding subparagraph (A), by striking “Each” and inserting “Except as provided in paragraph (2)(B), each”;

(B) in subparagraph (B), by striking “and” at the end; and

(C) by striking subparagraph (C) and inserting the following:

“(C) not less than 2.5 percent of such budget in each of fiscal years 1997 through 2011;

“(D) not less than 2.6 percent of such budget in fiscal year 2012;

“(E) not less than 2.7 percent of such budget in fiscal year 2013;

“(F) not less than 2.8 percent of such budget in fiscal year 2014;

“(G) not less than 2.9 percent of such budget in fiscal year 2015;

“(H) not less than 3.0 percent of such budget in fiscal year 2016; and

“(I) not less than 3.2 percent of such budget in fiscal year 2017 and each fiscal year thereafter.”; and

(2) by adding at the end the following:

“(4) **RULE OF CONSTRUCTION.**—Nothing in this subsection may be construed to prohibit a Federal agency from expending with small

business concerns an amount of the extramural budget for research or research and development of the agency that exceeds the amount required under paragraph (1).”

(b) STTR.—Section 9(n)(1)(B) of the Small Business Act (15 U.S.C. 638(n)(1)(B)) is amended—

(1) in clause (i) by striking “and” at the end; and

(2) by striking clause (ii) and inserting the following:

“(i) 0.3 percent for each of fiscal years 2004 through 2011;

“(iii) 0.35 percent for each of fiscal years 2012 and 2013;

“(iv) 0.40 percent for each of fiscal years 2014 and 2015; and

“(v) 0.45 percent for fiscal year 2016 and each fiscal year thereafter.”

#### SEC. 5103. SBIR AND STTR AWARD LEVELS.

(a) SBIR ADJUSTMENTS.—Section 9(j)(2)(D) of the Small Business Act (15 U.S.C. 638(j)(2)(D)) is amended—

(1) by striking “\$100,000” and inserting “\$150,000”; and

(2) by striking “\$750,000” and inserting “\$1,000,000”.

(b) STTR ADJUSTMENTS.—Section 9(p)(2)(B)(ix) of the Small Business Act (15 U.S.C. 638(p)(2)(B)(ix)) is amended—

(1) by striking “\$100,000” and inserting “\$150,000”; and

(2) by striking “\$750,000” and inserting “\$1,000,000”.

(c) ANNUAL ADJUSTMENTS.—Section 9 of the Small Business Act (15 U.S.C. 638) is amended—

(1) in subsection (j)(2)(D), by striking “once every 5 years to reflect economic adjustments and programmatic considerations” and inserting “every year for inflation”; and

(2) in subsection (p)(2)(B)(ix), as amended by subsection (b) of this section, by inserting “(each of which the Administrator shall adjust for inflation annually)” after “\$1,000,000”.

(d) LIMITATION ON SIZE OF AWARDS.—Section 9 of the Small Business Act (15 U.S.C. 638), as amended by this title, is further amended by adding at the end the following:

“(aa) LIMITATION ON SIZE OF AWARDS.—

“(1) LIMITATION.—No Federal agency may issue an award under the SBIR program or the STTR program if the size of the award exceeds the award guidelines established under this section by more than 50 percent.

“(2) MAINTENANCE OF INFORMATION.—Participating agencies shall maintain information on awards exceeding the guidelines established under this section, including—

“(A) the amount of each award;

“(B) a justification for exceeding the guidelines for each award;

“(C) the identity and location of each award recipient; and

“(D) whether an award recipient has received any venture capital, hedge fund, or private equity firm investment and, if so, whether the recipient is majority-owned by multiple venture capital operating companies, hedge funds, or private equity firms.

“(3) REPORTS.—The Administrator shall include the information described in paragraph (2) in the annual report of the Administrator to Congress.

“(4) WAIVER FOR SPECIFIC TOPIC.—Upon the receipt of an application from a Federal agency, the Administrator may grant a waiver from the requirement under paragraph (1) with respect to a specific topic (but not for the agency as a whole) for a fiscal year if the Administrator determines, based on the information contained in the application from the agency, that—

“(A) the requirement under paragraph (1) will interfere with the ability of the agency to fulfill its research mission through the SBIR program or the STTR program; and

“(B) the agency will minimize, to the maximum extent possible, the number of awards that do not satisfy the requirement under paragraph (1) to preserve the nature and intent of the SBIR program and the STTR program.

“(5) RULE OF CONSTRUCTION.—Nothing in this subsection shall be construed to prevent a Federal agency from supplementing an award under the SBIR program or the STTR program using funds of the Federal agency that are not part of the SBIR program or the STTR program of the Federal agency.”

#### SEC. 5104. AGENCY AND PROGRAM FLEXIBILITY.

Section 9 of the Small Business Act (15 U.S.C. 638), as amended by this title, is further amended by adding at the end the following:

“(bb) SUBSEQUENT PHASE II AWARDS.—

“(1) AGENCY FLEXIBILITY.—A small business concern that received a Phase I award from a Federal agency under this section shall be eligible to receive a subsequent Phase II award from another Federal agency, if the head of each relevant Federal agency or the relevant component of the Federal agency makes a written determination that the topics of the relevant awards are the same and both agencies report the awards to the Administrator for inclusion in the public database under subsection (k).

“(2) SBIR AND STTR PROGRAM FLEXIBILITY.—A small business concern that received a Phase I award under this section under the SBIR program or the STTR program may receive a subsequent Phase II award in either the SBIR program or the STTR program and the participating agency or agencies shall report the awards to the Administrator for inclusion in the public database under subsection (k).

“(3) PREVENTING DUPLICATIVE AWARDS.—The head of a Federal agency shall verify that any activity to be performed with respect to a project with a Phase I or Phase II SBIR or STTR award has not been funded under the SBIR program or STTR program of another Federal agency.”

#### SEC. 5105. ELIMINATION OF PHASE II INVITATIONS.

Section 9(e) of the Small Business Act (15 U.S.C. 638(e)) is amended—

(1) in paragraph (4)(B), by striking “to further” and inserting “which shall not include any invitation, pre-screening, or pre-selection process for eligibility for Phase II, that will further”; and

(2) in paragraph (6)(B), by striking “to further develop proposed ideas to” and inserting “which shall not include any invitation, pre-screening, or pre-selection process for eligibility for Phase II, that will further develop proposals that”.

#### SEC. 5106. PILOT TO ALLOW PHASE FLEXIBILITY.

Section 9 of the Small Business Act (15 U.S.C. 638), as amended by this title, is further amended by adding at the end the following:

“(cc) PHASE FLEXIBILITY.—During fiscal years 2012 through 2017, the National Institutes of Health, the Department of Defense, and the Department of Education may each provide to a small business concern an award under Phase II of the SBIR program with respect to a project, without regard to whether the small business concern was provided an award under Phase I of an SBIR program with respect to such project, if the head of the applicable agency determines that the small business concern has completed the de-

terminations described in subsection (e)(4)(A) with respect to such project despite not having been provided a Phase I award.”

#### SEC. 5107. PARTICIPATION BY FIRMS WITH SUBSTANTIAL INVESTMENT FROM MULTIPLE VENTURE CAPITAL OPERATING COMPANIES, HEDGE FUNDS, OR PRIVATE EQUITY FIRMS IN A PORTION OF THE SBIR PROGRAM.

(a) IN GENERAL.—Section 9 of the Small Business Act (15 U.S.C. 638), as amended by this title, is further amended by adding at the end the following:

“(dd) PARTICIPATION OF SMALL BUSINESS CONCERNS MAJORITY-OWNED BY VENTURE CAPITAL OPERATING COMPANIES, HEDGE FUNDS, OR PRIVATE EQUITY FIRMS IN THE SBIR PROGRAM.—

“(1) AUTHORITY.—Upon providing a written determination described in paragraph (2) to the Administrator, the Committee on Small Business and Entrepreneurship of the Senate, and the Committee on Small Business and the Committee on Science, Space, and Technology of the House of Representatives, not later than 30 days before the date on which any such award is made—

“(A) the Director of the National Institutes of Health, the Secretary of Energy, and the Director of the National Science Foundation may award not more than 25 percent of the funds allocated for the SBIR program of the applicable Federal agency to small business concerns that are owned in majority part by multiple venture capital operating companies, hedge funds, or private equity firms through competitive, merit-based procedures that are open to all eligible small business concerns; and

“(B) the head of a Federal agency other than a Federal agency described in subparagraph (A) that participates in the SBIR program may award not more than 15 percent of the funds allocated for the SBIR program of the Federal agency to small business concerns that are owned in majority part by multiple venture capital operating companies, hedge funds, or private equity firms through competitive, merit-based procedures that are open to all eligible small business concerns.

“(2) DETERMINATION.—A written determination described in this paragraph is a written determination by the head of a Federal agency that explains how the use of the authority under paragraph (1) will—

“(A) induce additional venture capital, hedge fund, or private equity firm funding of small business innovations;

“(B) substantially contribute to the mission of the Federal agency;

“(C) demonstrate a need for public research; and

“(D) otherwise fulfill the capital needs of small business concerns for additional financing for SBIR projects.

“(3) REGISTRATION.—A small business concern that is majority-owned by multiple venture capital operating companies, hedge funds, or private equity firms and qualified for participation in the program authorized under paragraph (1) shall—

“(A) register with the Administrator on the date that the small business concern submits an application for an award under the SBIR program; and

“(B) indicate in any SBIR proposal that the small business concern is registered under subparagraph (A) as majority-owned by multiple venture capital operating companies, hedge funds, or private equity firms.

“(4) COMPLIANCE.—

“(A) IN GENERAL.—The head of a Federal agency that makes an award under this subsection during a fiscal year shall collect and



submit to the Administrator data relating to the number and dollar amount of Phase I awards, Phase II awards, and any other category of awards by the Federal agency under the SBIR program during that fiscal year.

“(B) ANNUAL REPORTING.—The Administrator shall include as part of each annual report by the Administration under subsection (b)(7) any data submitted under subparagraph (A) and a discussion of the compliance of each Federal agency that makes an award under this subsection during the fiscal year with the maximum percentages under paragraph (1).

“(5) ENFORCEMENT.—If a Federal agency awards more than the percent of the funds allocated for the SBIR program of the Federal agency authorized under paragraph (1) for a purpose described in paragraph (1), the head of the Federal agency shall transfer an amount equal to the amount awarded in excess of the amount authorized under paragraph (1) to the funds for general SBIR programs from the non-SBIR and non-STTR research and development funds of the Federal agency not later than 180 days after the date on which the Federal agency made the award that caused the total awarded under paragraph (1) to be more than the amount authorized under paragraph (1) for a purpose described in paragraph (1).

“(6) FINAL DECISIONS ON APPLICATIONS UNDER THE SBIR PROGRAM.—

“(A) DEFINITION.—In this paragraph, the term ‘covered small business concern’ means a small business concern that—

“(i) was not majority-owned by multiple venture capital operating companies, hedge funds, or private equity firms on the date on which the small business concern submitted an application in response to a solicitation under the SBIR programs; and

“(ii) on the date of the award under the SBIR program is majority-owned by multiple venture capital operating companies, hedge funds, or private equity firms.

“(B) IN GENERAL.—If a Federal agency does not make an award under a solicitation under the SBIR program before the date that is 9 months after the date on which the period for submitting applications under the solicitation ends—

“(i) a covered small business concern is eligible to receive the award, without regard to whether the covered small business concern meets the requirements for receiving an award under the SBIR program for a small business concern that is majority-owned by multiple venture capital operating companies, hedge funds, or private equity firms, if the covered small business concern meets all other requirements for such an award; and

“(ii) the head of the Federal agency shall transfer an amount equal to any amount awarded to a covered small business concern under the solicitation to the funds for general SBIR programs from the non-SBIR and non-STTR research and development funds of the Federal agency, not later than 90 days after the date on which the Federal agency makes the award.

“(7) EVALUATION CRITERIA.—A Federal agency may not use investment of venture capital or investment from hedge funds or private equity firms as a criterion for the award of contracts under the SBIR program or STTR program.”.

(b) DEFINITIONS.—Section 3 of the Small Business Act (15 U.S.C. 632) is amended by adding at the end the following:

“(aa) VENTURE CAPITAL OPERATING COMPANY.—In this Act, the term ‘venture capital operating company’ means an entity described in clause (i), (v), or (vi) of section

121.103(b)(5) of title 13, Code of Federal Regulations (or any successor thereto).

“(bb) HEDGE FUND.—In this Act, the term ‘hedge fund’ has the meaning given that term in section 13(h)(2) of the Bank Holding Company Act of 1956 (12 U.S.C. 1851(h)(2)).

“(cc) PRIVATE EQUITY FIRM.—In this Act, the term ‘private equity firm’ has the meaning given the term ‘private equity fund’ in section 13(h)(2) of the Bank Holding Company Act of 1956 (12 U.S.C. 1851(h)(2)).”.

(c) RULEMAKING TO ENSURE THAT FIRMS THAT ARE MAJORITY-OWNED BY MULTIPLE VENTURE CAPITAL OPERATING COMPANIES, HEDGE FUNDS, OR PRIVATE EQUITY FIRMS ARE ABLE TO PARTICIPATE IN A PORTION OF THE SBIR PROGRAM.—

(1) STATEMENT OF CONGRESSIONAL INTENT.—It is the stated intent of Congress that the Administrator should promulgate regulations to carry out the authority under section 9(dd) of the Small Business Act, as added by this section, that—

(A) permit small business concerns that are majority-owned by multiple venture capital operating companies, hedge funds, or private equity firms to participate in the SBIR program in accordance with section 9(dd) of the Small Business Act;

(B) provide specific guidance for small business concerns that are majority-owned by multiple venture capital operating companies, hedge funds, or private equity firms with regard to eligibility, participation, and affiliation rules; and

(C) preserve and maintain the integrity of the SBIR program as a program for small business concerns in the United States by prohibiting large businesses or large entities or foreign-owned businesses or foreign-owned entities from participation in the program established under section 9 of the Small Business Act.

(2) RULEMAKING REQUIRED.—

(A) PROPOSED REGULATIONS.—Not later than 120 days after the date of enactment of this Act, the Administrator shall issue proposed regulations to amend section 121.103 (relating to determinations of affiliation applicable to the SBIR program) and section 121.702 (relating to ownership and control standards and size standards applicable to the SBIR program) of title 13, Code of Federal Regulations, for firms that are majority-owned by multiple venture capital operating companies, hedge funds, or private equity firms and participating in the SBIR program solely under the authority under section 9(dd) of the Small Business Act, as added by this section.

(B) FINAL REGULATIONS.—Not later than 1 year after the date of enactment of this Act, and after providing notice of and opportunity for comment on the proposed regulations issued under subparagraph (A), the Administrator shall issue final or interim final regulations under this subsection.

(3) CONTENTS.—

(A) IN GENERAL.—The regulations issued under this subsection shall permit the participation of applicants majority-owned by multiple venture capital operating companies, hedge funds, or private equity firms in the SBIR program in accordance with section 9(dd) of the Small Business Act, as added by this section, unless the Administrator determines—

(i) in accordance with the size standards established under subparagraph (B), that the applicant is—

(I) a large business or large entity; or

(II) majority-owned or controlled by a large business or large entity; or

(ii) in accordance with the criteria established under subparagraph (C), that the applicant—

(I) is a foreign-owned business or a foreign entity or is not a citizen of the United States or alien lawfully admitted for permanent residence; or

(II) is majority-owned or controlled by a foreign-owned business, foreign entity, or person who is not a citizen of the United States or alien lawfully admitted for permanent residence.

(B) SIZE STANDARDS.—Under the authority to establish size standards under paragraphs (2) and (3) of section 3(a) of the Small Business Act (15 U.S.C. 632(a)), the Administrator shall, in accordance with paragraph (1) of this subsection, establish size standards for applicants seeking to participate in the SBIR program solely under the authority under section 9(dd) of the Small Business Act, as added by this section.

(C) CRITERIA FOR DETERMINING FOREIGN OWNERSHIP.—The Administrator shall establish criteria for determining whether an applicant meets the requirements under subparagraph (A)(ii), and, in establishing the criteria, shall consider whether the criteria should include—

(i) whether the applicant is at least 51 percent owned or controlled by citizens of the United States or domestic venture capital operating companies, hedge funds, or private equity firms;

(ii) whether the applicant is domiciled in the United States; and

(iii) whether the applicant is a direct or indirect subsidiary of a foreign-owned firm, including whether the criteria should include that an applicant is a direct or indirect subsidiary of a foreign-owned entity if—

(I) any venture capital operating company, hedge fund, or private equity firm that owns more than 20 percent of the applicant is a direct or indirect subsidiary of a foreign-owned entity; or

(II) in the aggregate, entities that are direct or indirect subsidiaries of foreign-owned entities own more than 49 percent of the applicant.

(D) CRITERIA FOR DETERMINING AFFILIATION.—The Administrator shall establish criteria, in accordance with paragraph (1), for determining whether an applicant is affiliated with a venture capital operating company, hedge fund, private equity firm, or any other business that the venture capital operating company, hedge fund, or private equity firm has financed and, in establishing the criteria, shall specify that—

(i) if a venture capital operating company, hedge fund, or private equity firm that is determined to be affiliated with an applicant is a minority investor in the applicant, the portfolio companies of the venture capital operating company, hedge fund, or private equity firm shall not be determined to be affiliated with the applicant, unless—

(I) the venture capital operating company, hedge fund, or private equity firm owns a majority of the portfolio company; or

(II) the venture capital operating company, hedge fund, or private equity firm holds a majority of the seats on the board of directors of the portfolio company;

(ii) subject to clause (i), the Administrator retains the authority to determine whether a venture capital operating company, hedge fund, or private equity firm is affiliated with an applicant, including establishing other criteria;

(iii) the Administrator may not determine that a portfolio company of a venture capital operating company, hedge fund, or private

equity firm is affiliated with an applicant based solely on 1 or more shared investors; and

(iv) subject to clauses (i), (ii), and (iii), the Administrator retains the authority to determine whether a portfolio company of a venture capital operating company, hedge fund, or private equity firm is affiliated with an applicant based on factors independent of whether there is a shared investor, such as whether there are contractual obligations between the portfolio company and the applicant.

(4) **ENFORCEMENT.**—If the Administrator does not issue final or interim final regulations under this subsection on or before the date that is 1 year after the date of enactment of this Act, the Administrator may not carry out or establish any pilot program until the date on which the Administrator issues the final or interim final regulations under this subsection.

(5) **DEFINITION.**—In this subsection, the terms “venture capital operating company”, “hedge fund”, and “private equity firm” have the same meaning as in section 3 of the Small Business Act (15 U.S.C. 632), as amended by this section.

(d) **ASSISTANCE FOR DETERMINING AFFILIATES.**—

(1) **CLEAR EXPLANATION REQUIRED.**—Not later than 30 days after the date of enactment of this Act, the Administrator shall post on the Web site of the Administration (with a direct link displayed on the homepage of the Web site of the Administration or the SBIR and STTR Web sites of the Administration)—

(A) a clear explanation of the SBIR and STTR affiliation rules under part 121 of title 13, Code of Federal Regulations; and

(B) contact information for officers or employees of the Administration who—

(i) upon request, shall review an issue relating to the rules described in subparagraph (A); and

(ii) shall respond to a request under clause (i) not later than 20 business days after the date on which the request is received.

(2) **INCLUSION OF AFFILIATION RULES FOR CERTAIN SMALL BUSINESS CONCERNS.**—On and after the date on which the final regulations under subsection (c) are issued, the Administrator shall post on the Web site of the Administration information relating to the regulations, in accordance with paragraph (1).

#### **SEC. 5108. SBIR AND STTR SPECIAL ACQUISITION PREFERENCE.**

Section 9(r) of the Small Business Act (15 U.S.C. 638(r)) is amended by adding at the end the following:

“(4) **PHASE III AWARDS.**—To the greatest extent practicable, Federal agencies and Federal prime contractors shall issue Phase III awards relating to technology, including sole source awards, to the SBIR and STTR award recipients that developed the technology.”.

#### **SEC. 5109. COLLABORATING WITH FEDERAL LABORATORIES AND RESEARCH AND DEVELOPMENT CENTERS.**

Section 9 of the Small Business Act (15 U.S.C. 638), as amended by this title, is further amended by adding at the end the following:

“(ee) **COLLABORATING WITH FEDERAL LABORATORIES AND RESEARCH AND DEVELOPMENT CENTERS.**—

“(1) **AUTHORIZATION.**—Subject to the limitations under this section, the head of each participating Federal agency may make SBIR and STTR awards to any eligible small business concern that—

“(A) intends to enter into an agreement with a Federal laboratory or federally funded

research and development center for portions of the activities to be performed under that award; or

“(B) has entered into a cooperative research and development agreement (as defined in section 12(d) of the Stevenson-Wylder Technology Innovation Act of 1980 (15 U.S.C. 3710a(d))) with a Federal laboratory.

“(2) **PROHIBITION.**—No Federal agency shall—

“(A) condition an SBIR or STTR award upon entering into agreement with any Federal laboratory or any federally funded laboratory or research and development center for any portion of the activities to be performed under that award;

“(B) approve an agreement between a small business concern receiving an SBIR or STTR award and a Federal laboratory or federally funded laboratory or research and development center, if the small business concern performs a lesser portion of the activities to be performed under that award than required by this section and by the SBIR Policy Directive and the STTR Policy Directive of the Administrator; or

“(C) approve an agreement that violates any provision, including any data rights protections provision, of this section or the SBIR and the STTR Policy Directives.

“(3) **IMPLEMENTATION.**—Not later than 180 days after the date of enactment of this subsection, the Administrator shall modify the SBIR Policy Directive and the STTR Policy Directive issued under this section to ensure that small business concerns—

“(A) have the flexibility to use the resources of the Federal laboratories or federally funded research and development centers; and

“(B) are not mandated to enter into agreement with any Federal laboratory or any federally funded laboratory or research and development center as a condition of an award.

“(4) **ADVANCE PAYMENT.**—If a small business concern receiving an award under this section enters into an agreement with a Federal laboratory or federally funded research and development center for portions of the activities to be performed under that award, the Federal laboratory or federally funded research and development center may not require advance payment from the small business concern in an amount greater than the amount necessary to pay for 30 days of such activities.”.

#### **SEC. 5110. NOTICE REQUIREMENT.**

(a) **SBIR PROGRAM.**—Section 9(g) of the Small Business Act (15 U.S.C. 638(g)) is amended—

(1) in paragraph (10), by striking “and” at the end;

(2) in paragraph (11), by striking the period at the end and inserting “; and”; and

(3) by adding at the end the following:

“(12) provide timely notice to the Administrator of any case or controversy before any Federal judicial or administrative tribunal concerning the SBIR program of the Federal agency.”.

(b) **STTR PROGRAM.**—Section 9(o) of the Small Business Act (15 U.S.C. 638(o)) is amended—

(1) by striking paragraph (15);

(2) in paragraph (16), by striking the period at the end and inserting “; and”; and

(3) by redesignating paragraph (16) as paragraph (15); and

(4) by adding at the end the following:

“(16) provide timely notice to the Administrator of any case or controversy before any Federal judicial or administrative tribunal concerning the STTR program of the Federal agency.”.

#### **SEC. 5111. ADDITIONAL SBIR AND STTR AWARDS.**

Section 9 of the Small Business Act (15 U.S.C. 638), as amended by this title, is further amended by adding at the end the following:

“(ff) **ADDITIONAL SBIR AND STTR AWARDS.**—

“(1) **EXPRESS AUTHORITY FOR AWARDING A SEQUENTIAL PHASE II AWARD.**—A small business concern that receives a Phase II SBIR award or a Phase II STTR award for a project remains eligible to receive 1 additional Phase II SBIR award or Phase II STTR award for continued work on that project.

“(2) **PREVENTING DUPLICATIVE AWARDS.**—The head of a Federal agency shall verify that any activity to be performed with respect to a project with a Phase I or Phase II SBIR or STTR award has not been funded under the SBIR program or STTR program of another Federal agency.”.

#### **Subtitle B—Outreach and Commercialization Initiatives**

#### **SEC. 5121. TECHNICAL ASSISTANCE FOR AWARD EES.**

Section 9(q) of the Small Business Act (15 U.S.C. 638(q)) is amended—

(1) in paragraph (1)—

(A) by inserting “or STTR program” after “SBIR program”; and

(B) by striking “SBIR projects” and inserting “SBIR or STTR projects”; and

(2) in paragraph (2), by striking “3 years” and inserting “5 years”; and

(3) in paragraph (3)—

(A) by striking subparagraph (A) and inserting the following:

“(A) **PHASE I.**—A Federal agency described in paragraph (1) may—

“(i) provide to the recipient of a Phase I SBIR or STTR award, through a vendor selected under paragraph (2), the services described in paragraph (1), in an amount equal to not more than \$5,000 per year; or

“(ii) authorize the recipient of a Phase I SBIR or STTR award to purchase the services described in paragraph (1), in an amount equal to not more than \$5,000 per year, which shall be in addition to the amount of the recipient's award.”;

(B) by striking subparagraph (B) and inserting the following:

“(B) **PHASE II.**—A Federal agency described in paragraph (1) may—

“(i) provide to the recipient of a Phase II SBIR or STTR award, through a vendor selected under paragraph (2), the services described in paragraph (1), in an amount equal to not more than \$5,000 per year; or

“(ii) authorize the recipient of a Phase II SBIR or STTR award to purchase the services described in paragraph (1), in an amount equal to not more than \$5,000 per year, which shall be in addition to the amount of the recipient's award.”; and

(C) by adding at the end the following:

“(C) **FLEXIBILITY.**—In carrying out subparagraphs (A) and (B), each Federal agency shall provide the allowable amounts to a recipient that meets the eligibility requirements under the applicable subparagraph, if the recipient requests to seek technical assistance from an individual or entity other than the vendor selected under paragraph (2) by the Federal agency.

“(D) **LIMITATION.**—A Federal agency may not—

“(i) use the amounts authorized under subparagraph (A) or (B) unless the vendor selected under paragraph (2) provides the technical assistance to the recipient; or

“(ii) enter a contract with a vendor under paragraph (2) under which the amount provided for technical assistance is based on total number of Phase I or Phase II awards.”.

**SEC. 5122. COMMERCIALIZATION READINESS PROGRAM AT DEPARTMENT OF DEFENSE.**

(a) IN GENERAL.—Section 9(y) of the Small Business Act (15 U.S.C. 638(y)) is amended—

(1) in the subsection heading, by striking “PILOT” and inserting “READINESS”;

(2) by striking “Pilot” each place that term appears and inserting “Readiness”;

(3) in paragraph (1)—

(A) by inserting “or Small Business Technology Transfer Program” after “Small Business Innovation Research Program”; and

(B) by adding at the end the following: “The authority to create and administer a Commercialization Readiness Program under this subsection may not be construed to eliminate or replace any other SBIR program or STTR program that enhances the insertion or transition of SBIR or STTR technologies, including any such program in effect on the date of enactment of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109-163; 119 Stat. 3136).”;

(4) in paragraph (2), by inserting “or Small Business Technology Transfer Program” after “Small Business Innovation Research Program”;

(5) by striking paragraph (5);

(6) by striking paragraph (6); and

(7) by inserting after paragraph (4) the following:

“(5) INSERTION INCENTIVES.—For any contract with a value of not less than \$100,000,000, the Secretary of Defense is authorized to—

“(A) establish goals for the transition of Phase III technologies in subcontracting plans; and

“(B) require a prime contractor on such a contract to report the number and dollar amount of contracts entered into by that prime contractor for Phase III SBIR or STTR projects.

“(6) GOAL FOR SBIR AND STTR TECHNOLOGY INSERTION.—The Secretary of Defense shall—

“(A) set a goal to increase the number of Phase II SBIR contracts and the number of Phase II STTR contracts awarded by the Secretary that lead to technology transition into programs of record or fielded systems;

“(B) use incentives in effect on the date of enactment of the SBIR/STTR Reauthorization Act of 2011, or create new incentives, to encourage agency program managers and prime contractors to meet the goal under subparagraph (A); and

“(C) submit to the Administrator for inclusion in the annual report under subsection (b)(7)—

“(i) the number and percentage of Phase II SBIR and STTR contracts awarded by the Secretary that led to technology transition into programs of record or fielded systems;

“(ii) information on the status of each project that received funding through the Commercialization Readiness Program and efforts to transition those projects into programs of record or fielded systems; and

“(iii) a description of each incentive that has been used by the Secretary under subparagraph (B) and the effectiveness of that incentive with respect to meeting the goal under subparagraph (A).”.

(b) TECHNICAL AND CONFORMING AMENDMENT.—Section 9(i)(1) of the Small Business Act (15 U.S.C. 638(i)(1)) is amended by inserting “(including awards under subsection (y))” after “the number of awards”.

**SEC. 5123. COMMERCIALIZATION READINESS PILOT PROGRAM FOR CIVILIAN AGENCIES.**

Section 9 of the Small Business Act (15 U.S.C. 638), as amended by this title, is further amended by adding at the end the following:

“(gg) PILOT PROGRAM.—

“(1) AUTHORIZATION.—The head of each covered Federal agency may allocate not more than 10 percent of the funds allocated to the SBIR program and the STTR program of the covered Federal agency—

“(A) for awards for technology development, testing, evaluation, and commercialization assistance for SBIR and STTR Phase II technologies; or

“(B) to support the progress of research, research and development, and commercialization conducted under the SBIR or STTR programs to Phase III.

“(2) APPLICATION BY FEDERAL AGENCY.—

“(A) IN GENERAL.—A covered Federal agency may not establish a pilot program unless the covered Federal agency makes a written application to the Administrator, not later than 90 days before the first day of the fiscal year in which the pilot program is to be established, that describes a compelling reason that additional investment in SBIR or STTR technologies is necessary, including unusually high regulatory, systems integration, or other costs relating to development or manufacturing of identifiable, highly promising small business technologies or a class of such technologies expected to substantially advance the mission of the agency.

“(B) DETERMINATION.—The Administrator shall—

“(i) make a determination regarding an application submitted under subparagraph (A) not later than 30 days before the first day of the fiscal year for which the application is submitted;

“(ii) publish the determination in the Federal Register; and

“(iii) make a copy of the determination and any related materials available to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business and the Committee on Science, Space, and Technology of the House of Representatives.

“(3) MAXIMUM AMOUNT OF AWARD.—The head of a covered Federal agency may not make an award under a pilot program in excess of 3 times the dollar amounts generally established for Phase II awards under subsection (j)(2)(D) or (p)(2)(B)(ix).

“(4) REGISTRATION.—Any applicant that receives an award under a pilot program shall register with the Administrator in a registry that is available to the public.

“(5) AWARD CRITERIA OR CONSIDERATION.—When making an award under this section, the head of a covered Federal agency shall give consideration to whether the technology to be supported by the award is likely to be manufactured in the United States.

“(6) REPORT.—The head of each covered Federal agency shall include in the annual report of the covered Federal agency to the Administrator an analysis of the various activities considered for inclusion in the pilot program of the covered Federal agency and a statement of the reasons why each activity considered was included or not included, as the case may be.

“(7) TERMINATION.—The authority to establish a pilot program under this section expires at the end of fiscal year 2017.

“(8) DEFINITIONS.—In this subsection—

“(A) the term ‘covered Federal agency’—

“(i) means a Federal agency participating in the SBIR program or the STTR program; and

“(ii) does not include the Department of Defense; and

“(B) the term ‘pilot program’ means each program established under paragraph (1).”.

**SEC. 5124. INTERAGENCY POLICY COMMITTEE.**

(a) ESTABLISHMENT.—The Director of the Office of Science and Technology Policy shall establish an Interagency SBIR/STTR Policy Committee.

(b) MEMBERSHIP.—The Interagency SBIR/STTR Policy Committee shall include representatives from Federal agencies with an SBIR or an STTR program and the Small Business Administration.

(c) DUTIES.—The Interagency SBIR/STTR Policy Committee shall review the following issues and make policy recommendations on ways to improve program effectiveness and efficiency:

(1) The public and Government databases described in section 9(k) of the Small Business Act (15 U.S.C. 638(k)).

(2) Federal agency flexibility in establishing Phase I and II award sizes, including appropriate criteria for exercising such flexibility.

(3) Commercialization assistance best practices of Federal agencies with significant potential to be employed by other agencies and the appropriate steps to achieve that leverage, as well as proposals for new initiatives to address funding gaps that business concerns face after Phase II but before commercialization.

(4) Developing and incorporating a standard evaluation framework to enable systematic assessment of SBIR and STTR, including through improved tracking of awards and outcomes and development of performance measures for the SBIR program and STTR program of each Federal agency.

(5) Outreach and technical assistance activities that increase the participation of small businesses underrepresented in the SBIR and STTR programs, including the identification and sharing of best practices and the leveraging of resources in support of such activities across agencies.

(d) REPORTS.—The Interagency SBIR/STTR Policy Committee shall transmit to the Committee on Science, Space, and Technology and the Committee on Small Business of the House of Representatives and to the Committee on Small Business and Entrepreneurship of the Senate—

(1) a report on its review and recommendations under subsection (c)(1) not later than 1 year after the date of enactment of this Act;

(2) a report on its review and recommendations under subsection (c)(2) not later than 18 months after the date of enactment of this Act;

(3) a report on its review and recommendations under subsection (c)(3) not later than 2 years after the date of enactment of this Act;

(4) a report on its review and recommendations under subsection (c)(4) not later than 2 years after the date of enactment of this Act; and

(5) a report on its review and recommendations under subsection (c)(5) not later than 2 years after the date of enactment of this Act.

**SEC. 5125. CLARIFYING THE DEFINITION OF “PHASE III”.**

(a) PHASE III AWARDS.—Section 9(e) of the Small Business Act (15 U.S.C. 638(e)), as amended by this title, is further amended—

(1) in paragraph (4)(C), in the matter preceding clause (i), by inserting “for work that

derives from, extends, or completes efforts made under prior funding agreements under the SBIR program" after "phase";

(2) in paragraph (6)(C), in the matter preceding clause (i), by inserting "for work that derives from, extends, or completes efforts made under prior funding agreements under the STTR program" after "phase";

(3) in paragraph (8), by striking "and" at the end;

(4) in paragraph (9), by striking the period at the end and inserting a semicolon; and

(5) by adding at the end the following:

"(10) the term 'commercialization' means—

"(A) the process of developing products, processes, technologies, or services; and

"(B) the production and delivery (whether by the originating party or by others) of products, processes, technologies, or services for sale to or use by the Federal Government or commercial markets;".

(b) **TECHNICAL AND CONFORMING AMENDMENTS.**—Section 9 of the Small Business Act (15 U.S.C. 638), as amended by this title, is further amended—

(1) in subsection (e)—

(A) in paragraph (4)(C)(ii), by striking "scientific review criteria" and inserting "merit-based selection procedures";

(B) in paragraph (9), by striking "the second or the third phase" and inserting "Phase II or Phase III"; and

(C) by adding at the end the following:

"(11) the term 'Phase I' means—

"(A) with respect to the SBIR program, the first phase described in paragraph (4)(A); and

"(B) with respect to the STTR program, the first phase described in paragraph (6)(A);

"(12) the term 'Phase II' means—

"(A) with respect to the SBIR program, the second phase described in paragraph (4)(B); and

"(B) with respect to the STTR program, the second phase described in paragraph (6)(B); and

"(13) the term 'Phase III' means—

"(A) with respect to the SBIR program, the third phase described in paragraph (4)(C); and

"(B) with respect to the STTR program, the third phase described in paragraph (6)(C).";

(2) in subsection (j)—

(A) in paragraph (1)(B), by striking "phase two" and inserting "Phase II";

(B) in paragraph (2)—

(i) in subparagraph (B)—

(I) by striking "the third phase" each place it appears and inserting "Phase III"; and

(II) by striking "the second phase" and inserting "Phase II";

(ii) in subparagraph (D)—

(I) by striking "the first phase" and inserting "Phase I"; and

(II) by striking "the second phase" and inserting "Phase II";

(iii) in subparagraph (F), by striking "the third phase" and inserting "Phase III";

(iv) in subparagraph (G)—

(I) by striking "the first phase" and inserting "Phase I"; and

(II) by striking "the second phase" and inserting "Phase II"; and

(v) in subparagraph (H)—

(I) by striking "the first phase" and inserting "Phase I";

(II) by striking "second phase" each place it appears and inserting "Phase II"; and

(III) by striking "third phase" and inserting "Phase III"; and

(C) in paragraph (3)—

(i) in subparagraph (A)—

(I) by striking "the first phase (as described in subsection (e)(4)(A))" and inserting "Phase I";

(II) by striking "the second phase (as described in subsection (e)(4)(B))" and inserting "Phase II"; and

(III) by striking "the third phase (as described in subsection (e)(4)(C))" and inserting "Phase III"; and

(ii) in subparagraph (B), by striking "second phase" and inserting "Phase II";

(3) in subsection (k)—

(A) by striking "first phase" each place it appears and inserting "Phase I"; and

(B) by striking "second phase" each place it appears and inserting "Phase II";

(4) in subsection (l)(2)—

(A) by striking "the first phase" and inserting "Phase I"; and

(B) by striking "the second phase" and inserting "Phase II";

(5) in subsection (o)(13)—

(A) in subparagraph (B), by striking "second phase" and inserting "Phase II"; and

(B) in subparagraph (C), by striking "third phase" and inserting "Phase III";

(6) in subsection (p)—

(A) in paragraph (2)(B)—

(i) in clause (vi)—

(I) by striking "the second phase" and inserting "Phase II"; and

(II) by striking "the third phase" and inserting "Phase III"; and

(ii) in clause (ix)—

(I) by striking "the first phase" and inserting "Phase I"; and

(II) by striking "the second phase" and inserting "Phase II"; and

(B) in paragraph (3)—

(i) by striking "the first phase (as described in subsection (e)(6)(A))" and inserting "Phase I";

(ii) by striking "the second phase (as described in subsection (e)(6)(B))" and inserting "Phase II"; and

(iii) by striking "the third phase (as described in subsection (e)(6)(C))" and inserting "Phase III";

(7) in subsection (r)—

(A) in the subsection heading, by striking "THIRD PHASE" and inserting "PHASE III";

(B) in paragraph (1)—

(i) in the first sentence—

(I) by striking "for the second phase" and inserting "for Phase II";

(II) by striking "third phase" and inserting "Phase III"; and

(III) by striking "second phase period" and inserting "Phase II period"; and

(ii) in the second sentence—

(I) by striking "second phase" and inserting "Phase II"; and

(II) by striking "third phase" and inserting "Phase III"; and

(C) in paragraph (2), by striking "third phase" and inserting "Phase III"; and

(8) in subsection (u)(2)(B), by striking "the first phase" and inserting "Phase I".

**SEC. 5126. SHORTENED PERIOD FOR FINAL DECISIONS ON PROPOSALS AND APPLICATIONS.**

(a) **IN GENERAL.**—Section 9 of the Small Business Act (15 U.S.C. 638), as amended by this title, is further amended—

(1) in subsection (g)(4)—

(A) by inserting "(A)" after "(4)";

(B) by adding "and" after the semicolon at the end; and

(C) by adding at the end the following:

"(B) make a final decision on each proposal submitted under the SBIR program—

"(i) not later than 1 year after the date on which the applicable solicitation closes, if with respect to the National Institutes of Health or the National Science Foundation, or 90 days after the date on which the applicable solicitation closes, if with respect to any other participating agency; or

"(ii) if the Administrator authorizes an extension with respect to a solicitation, not later than 90 days after the date that would otherwise be applicable to the agency under clause (i);"; and

(2) in subsection (o)(4)—

(A) by inserting "(A)" after "(4)";

(B) by adding "and" after the semicolon at the end; and

(C) by adding at the end the following:

"(B) make a final decision on each proposal submitted under the STTR program—

"(i) not later than 1 year after the date on which the applicable solicitation closes, if with respect to the National Institutes of Health or the National Science Foundation, or 90 days after the date on which the applicable solicitation closes, if with respect to any other participating agency; or

"(ii) if the Administrator authorizes an extension for a solicitation, not later than 90 days after the date that would be applicable to the agency under clause (i);".

(b) **OTHER TIMING PROVISIONS.**—Section 9 of the Small Business Act (15 U.S.C. 638), as amended by this title, is further amended by adding at the end the following:

"(hh) **TIMING OF RELEASE OF FUNDING.**—Federal agencies participating in the SBIR program or STTR program shall, to the extent possible, attempt to shorten the amount of time between the provision of notice of an award under the SBIR program or STTR program and the subsequent release of funding with respect to the award.

"(ii) **REPORTING ON TIMING.**—Federal agencies participating in the SBIR program or STTR program shall provide to the Administrator, for the annual report on the SBIR and STTR program under subsection (b)(7), the average amount of time the agency takes to make a final decision on proposals submitted under such programs, the average amount of time the agency takes to release funding with respect to an award under such programs, and the goals established to reduce such amounts.".

**SEC. 5127. PHASE 0 PROOF OF CONCEPT PARTNERSHIP PILOT PROGRAM.**

Section 9 of the Small Business Act (15 U.S.C. 638), as amended by this title, is further amended by adding at the end the following:

"(jj) **PHASE 0 PROOF OF CONCEPT PARTNERSHIP PILOT PROGRAM.**—

"(1) **IN GENERAL.**—The Director of the National Institutes of Health may use \$5,000,000 of the funds allocated under subsection (n)(1) for a Proof of Concept Partnership pilot program to accelerate the creation of small businesses and the commercialization of research innovations from qualifying institutions. To implement this program, the Director shall award, through a competitive, merit-based process, grants to qualifying institutions. These grants shall only be used to administer Proof of Concept Partnership awards in conformity with this subsection.

"(2) **DEFINITIONS.**—In this subsection—

"(A) the term 'Director' means the Director of the National Institutes of Health;

"(B) the term 'pilot program' refers to the Proof of Concept Partnership pilot program; and

"(C) the terms 'qualifying institution' and 'institution' mean a university or other research institution that participates in the National Institutes of Health's STTR program.

"(3) **PROOF OF CONCEPT PARTNERSHIPS.**—

"(A) **IN GENERAL.**—A Proof of Concept Partnership shall be set up by a qualifying institution to award grants to individual researchers. These grants should provide researchers with the initial investment and

the resources to support the proof of concept work and commercialization mentoring needed to translate promising research projects and technologies into a viable company. This work may include technical validations, market research, clarifying intellectual property rights position and strategy, and investigating commercial or business opportunities.

“(B) AWARD GUIDELINES.—The administrator of a Proof of Concept Partnership program shall award grants in accordance with the following guidelines:

“(i) The Proof of Concept Partnership shall use a market-focused project management oversight process, including—

“(I) a rigorous, diverse review board comprised of local experts in translational and proof of concept research, including industry, start-up, venture capital, technical, financial, and business experts and university technology transfer officials;

“(II) technology validation milestones focused on market feasibility;

“(III) simple reporting effective at redirecting projects; and

“(IV) the willingness to reallocate funding from failing projects to those with more potential.

“(ii) Not more than \$100,000 shall be awarded towards an individual proposal.

“(C) EDUCATIONAL RESOURCES AND GUIDANCE.—The administrator of a Proof of Concept Partnership program shall make educational resources and guidance available to researchers attempting to commercialize their innovations.

“(4) AWARDS.—

“(A) SIZE OF AWARD.—The Director may make awards to a qualifying institution for up to \$1,000,000 per year for up to 3 years.

“(B) AWARD CRITERIA.—In determining which qualifying institutions receive pilot program grants, the Director shall consider, in addition to any other criteria the Director determines necessary, the extent to which qualifying institutions—

“(i) have an established and proven technology transfer or commercialization office and have a plan for engaging that office in the program's implementation;

“(ii) have demonstrated a commitment to local and regional economic development;

“(iii) are located in diverse geographies and are of diverse sizes;

“(iv) can assemble project management boards comprised of industry, start-up, venture capital, technical, financial, and business experts;

“(v) have an intellectual property rights strategy or office; and

“(vi) demonstrate a plan for sustainability beyond the duration of the funding award.

“(5) LIMITATIONS.—The funds for the pilot program shall not be used—

“(A) for basic research, but to evaluate the commercial potential of existing discoveries, including—

“(i) proof of concept research or prototype development; and

“(ii) activities that contribute to determining a project's commercialization path, to include technical validations, market research, clarifying intellectual property rights, and investigating commercial and business opportunities; or

“(B) to fund the acquisition of research equipment or supplies unrelated to commercialization activities.

“(6) EVALUATIVE REPORT.—The Director shall submit to the Committee on Science, Space, and Technology and the Committee on Small Business of the House of Representatives and the Committee on Small Business

and Entrepreneurship of the Senate an evaluative report regarding the activities of the pilot program. The report shall include—

“(A) a detailed description of the institutional and proposal selection process;

“(B) an accounting of the funds used in the pilot program;

“(C) a detailed description of the pilot program, including incentives and activities undertaken by review board experts;

“(D) a detailed compilation of results achieved by the pilot program, including the number of small business concerns included and the number of business packages developed, and the number of projects that progressed into subsequent STTR phases; and

“(E) an analysis of the program's effectiveness with supporting data.

“(7) SUNSET.—The pilot program under this subsection shall terminate at the end of fiscal year 2017.”

#### Subtitle C—Oversight and Evaluation

#### SEC. 5131. STREAMLINING ANNUAL EVALUATION REQUIREMENTS.

Section 9(b) of the Small Business Act (15 U.S.C. 638(b)) is amended—

(1) in paragraph (7)—

(A) by striking “STTR programs, including the data” and inserting the following:

“STTR programs, including—

“(A) the data”;

(B) by striking “(g)(10), (o)(9), and (o)(15), the number” and all that follows through “under each of the SBIR and STTR programs, and a description” and inserting the following: “(g)(8) and (o)(9);

“(B) the number of proposals received from, and the number and total amount of awards to, HUBZone small business concerns and firms with venture capital, hedge fund, or private equity firm investment (including those majority-owned by multiple venture capital operating companies, hedge funds, or private equity firms) under each of the SBIR and STTR programs;

“(C) a description of the extent to which each Federal agency is increasing outreach and awards to firms owned and controlled by women or by socially or economically disadvantaged individuals under each of the SBIR and STTR programs;

“(D) general information about the implementation of, and compliance with the allocation of funds required under, subsection (dd) for firms owned in majority part by venture capital operating companies, hedge funds, or private equity firms and participating in the SBIR program;

“(E) a detailed description of appeals of Phase III awards and notices of noncompliance with the SBIR Policy Directive and the STTR Policy Directive filed by the Administrator with Federal agencies;

“(F) an accounting of funds, initiatives, and outcomes under the Commercialization Readiness Program; and

“(G) a description”; and

(C) by striking “and” at the end;

(2) in paragraph (8), by striking the period at the end and inserting “; and”; and

(3) by inserting after paragraph (8) the following:

“(9) to coordinate the implementation of electronic databases at each of the Federal agencies participating in the SBIR program or the STTR program, including the technical ability of the participating agencies to electronically share data.”

#### SEC. 5132. DATA COLLECTION FROM AGENCIES FOR SBIR.

Section 9(g) of the Small Business Act (15 U.S.C. 638(g)), as amended by this title, is further amended—

(1) by striking paragraph (10);

(2) by redesignating paragraphs (8) and (9) as paragraphs (9) and (10), respectively; and

(3) by inserting after paragraph (7) the following:

“(8) collect annually, and maintain in a common format in accordance with the simplified reporting requirements under subsection (v), such information from awardees as is necessary to assess the SBIR program, including information necessary to maintain the database described in subsection (k), including—

“(A) whether an awardee—

“(i) has venture capital, hedge fund, or private equity firm investment or is majority-owned by multiple venture capital operating companies, hedge funds, or private equity firms and, if so—

“(I) the amount of venture capital, hedge fund, or private equity firm investment that the awardee has received as of the date of the award; and

“(II) the amount of additional capital that the awardee has invested in the SBIR technology;

“(ii) has an investor that—

“(I) is an individual who is not a citizen of the United States or a lawful permanent resident of the United States and, if so, the name of any such individual; or

“(II) is a person that is not an individual and is not organized under the laws of a State or the United States and, if so, the name of any such person;

“(iii) is owned by a woman or has a woman as a principal investigator;

“(iv) is owned by a socially or economically disadvantaged individual or has a socially or economically disadvantaged individual as a principal investigator;

“(v) is a faculty member or a student of an institution of higher education, as that term is defined in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001); or

“(vi) is located in a State described in subsection (u)(3);

“(B) a justification statement from the agency, if an awardee receives an award in an amount that is more than the award guidelines under this section; and

“(C) data with respect to the Federal and State Technology Partnership Program (FAST Program).”

#### SEC. 5133. DATA COLLECTION FROM AGENCIES FOR STTR.

Section 9(o) of the Small Business Act (15 U.S.C. 638(o)), as amended by this title, is further amended by striking paragraph (9) and inserting the following:

“(9) collect annually, and maintain in a common format in accordance with the simplified reporting requirements under subsection (v), such information from applicants and awardees as is necessary to assess the STTR program outputs and outcomes, including information necessary to maintain the database described in subsection (k), including—

“(A) whether an applicant or awardee—

“(i) has venture capital, hedge fund, or private equity firm investment or is majority-owned by multiple venture capital operating companies, hedge funds, or private equity firms and, if so—

“(I) the amount of venture capital, hedge fund, or private equity firm investment that the applicant or awardee has received as of the date of the application or award, as applicable; and

“(II) the amount of additional capital that the applicant or awardee has invested in the STTR technology;

“(ii) has an investor that—

“(I) is an individual who is not a citizen of the United States or a lawful permanent

resident of the United States and, if so, the name of any such individual; or

“(II) is a person that is not an individual and is not organized under the laws of a State or the United States and, if so, the name of any such person;

“(iii) is owned by a woman or has a woman as a principal investigator;

“(iv) is owned by a socially or economically disadvantaged individual or has a socially or economically disadvantaged individual as a principal investigator;

“(v) is a faculty member or a student of an institution of higher education, as that term is defined in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001); or

“(vi) is located in a State in which the total value of contracts awarded to small business concerns under all STTR programs is less than the total value of contracts awarded to small business concerns in a majority of other States, as determined by the Administrator in biennial fiscal years, beginning with fiscal year 2008, based on the most recent statistics compiled by the Administrator;

“(B) if an awardee receives an award in an amount that is more than the award guidelines under this section, a statement from the agency that justifies the award amount; and

“(C) data with respect to the Federal and State Technology Partnership Program (FAST Program);”.

#### SEC. 5134. PUBLIC DATABASE.

Section 9(k)(1) of the Small Business Act (15 U.S.C. 638(k)(1)) is amended—

(1) in subparagraph (D), by striking “and” at the end;

(2) in subparagraph (E), by striking the period at the end and inserting “; and”; and

(3) by adding at the end the following:

“(F) for each small business concern that has received a Phase I or Phase II SBIR or STTR award from a Federal agency, whether the small business concern—

“(i) has venture capital, hedge fund, or private equity firm investment and, if so, whether the small business concern is registered as majority-owned by multiple venture capital operating companies, hedge funds, or private equity firms as required under subsection (dd)(3);

“(ii) is owned by a woman or has a woman as a principal investigator;

“(iii) is owned by a socially or economically disadvantaged individual or has a socially or economically disadvantaged individual as a principal investigator;

“(iv) is owned by a faculty member or a student of an institution of higher education, as that term is defined in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001); or

“(v) received assistance under the Federal and State Technology Partnership Program (FAST Program).”.

#### SEC. 5135. GOVERNMENT DATABASE.

Section 9(k) of the Small Business Act (15 U.S.C. 638(k)) is amended—

(1) in paragraph (2)—

(A) in the matter preceding subparagraph (A), by striking “Not later” and all that follows through “Act of 2000” and inserting “Not later than 90 days after the date of enactment of the SBIR/STTR Reauthorization Act of 2011”; and

(B) by striking subparagraph (C);

(C) by redesignating subparagraphs (A) and (B) as subparagraphs (B) and (C), respectively;

(D) by inserting before subparagraph (B), as so redesignated, the following:

“(A) contains for each small business concern that applies for, submits a proposal for, or receives an award under Phase I or Phase II of the SBIR program or the STTR program—

“(i) the name, size, and location of, and the identifying number assigned by the Administrator to, the small business concern;

“(ii) an abstract of the applicable project;

“(iii) the specific aims of the project;

“(iv) the number of employees of the small business concern;

“(v) the names and titles of the key individuals that will carry out the project, the position each key individual holds in the small business concern, and contact information for each key individual;

“(vi) the percentage of effort each individual described in clause (v) will contribute to the project;

“(vii) whether the small business concern is majority-owned by multiple venture capital operating companies, hedge funds, or private equity firms; and

“(viii) the Federal agency to which the application is made and contact information for the person or office within the Federal agency that is responsible for reviewing applications and making awards under the SBIR program or the STTR program;”;

(E) by redesignating subparagraphs (D) and (E) as subparagraphs (E) and (F), respectively;

(F) by inserting after subparagraph (C), as so redesignated, the following:

“(D) includes, for each awardee—

“(i) the name, size, and location of, and any identifying number assigned by the Administrator to, the awardee;

“(ii) whether the awardee has venture capital, hedge fund, or private equity firm investment and, if so—

“(I) the amount of venture capital, hedge fund, or private equity firm investment as of the date of the award;

“(II) the percentage of ownership of the awardee held by a venture capital operating company, hedge fund, or private equity firm, including whether the awardee is majority-owned by multiple venture capital operating companies, hedge funds, or private equity firms; and

“(III) the amount of additional capital that the awardee has invested in the SBIR or STTR technology, which information shall be collected on an annual basis;

“(iii) the names and locations of any affiliates of the awardee;

“(iv) the number of employees of the awardee;

“(v) the number of employees of the affiliates of the awardee; and

“(vi) the names of, and the percentage of ownership of the awardee held by—

“(I) any individual who is not a citizen of the United States or a lawful permanent resident of the United States; or

“(II) any person that is not an individual and is not organized under the laws of a State or the United States;”;

(G) in subparagraph (E), as so redesignated, by striking “and” at the end;

(H) in subparagraph (F), as so redesignated, by striking the period at the end and inserting “; and”; and

(I) by adding at the end the following:

“(G) includes a timely and accurate list of any individual or small business concern that has participated in the SBIR program or STTR program that has been—

“(i) convicted of a fraud-related crime involving funding received under the SBIR program or STTR program; or

“(ii) found civilly liable for a fraud-related violation involving funding received under the SBIR program or STTR program.”; and

(2) in paragraph (3), by adding at the end the following:

“(C) GOVERNMENT DATABASE.—Not later than 60 days after the date established by a Federal agency for submitting applications or proposals for a Phase I or Phase II award under the SBIR program or STTR program, the head of the Federal agency shall submit to the Administrator the data required under paragraph (2) with respect to each small business concern that applies or submits a proposal for the Phase I or Phase II award.”.

#### SEC. 5136. ACCURACY IN FUNDING BASE CALCULATIONS.

(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, and every year thereafter until the date that is 5 years after the date of enactment of this Act, the Comptroller General of the United States shall—

(1) conduct a fiscal and management audit of the SBIR program and the STTR program for the applicable period to—

(A) determine whether Federal agencies comply with the expenditure amount requirements under subsections (f)(1) and (n)(1) of section 9 of the Small Business Act (15 U.S.C. 638), as amended by this title;

(B) assess the extent of compliance with the requirements of section 9(i)(2) of the Small Business Act (15 U.S.C. 638(i)(2)) by Federal agencies participating in the SBIR program or the STTR program and the Administration;

(C) assess whether it would be more consistent and effective to base the amount of the allocations under the SBIR program and the STTR program on a percentage of the research and development budget of a Federal agency, rather than the extramural budget of the Federal agency; and

(D) determine the portion of the extramural research or research and development budget of a Federal agency that each Federal agency spends for administrative purposes relating to the SBIR program or STTR program, and for what specific purposes it is used, including the portion, if any, of such budget the Federal agency spends for salaries and expenses, travel to visit applicants, outreach events, marketing, and technical assistance; and

(2) submit a report to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business and the Committee on Science, Space, and Technology of the House of Representatives regarding the audit conducted under paragraph (1), including the assessments required under subparagraph (B) and the determinations made under subparagraph (D) of paragraph (1).

(b) DEFINITION OF APPLICABLE PERIOD.—In this section, the term “applicable period” means—

(1) for the first report submitted under this section, the period beginning on October 1, 2005, and ending on September 30 of the last full fiscal year before the date of enactment of this Act for which information is available; and

(2) for the second and each subsequent report submitted under this section, the period—

(A) beginning on October 1 of the first fiscal year after the end of the most recent full fiscal year relating to which a report under this section was submitted; and

(B) ending on September 30 of the last full fiscal year before the date of the report.

**SEC. 5137. CONTINUED EVALUATION BY THE NATIONAL ACADEMY OF SCIENCES.**

Section 108 of the Small Business Reauthorization Act of 2000 (15 U.S.C. 638 note) is amended by adding at the end the following:

“(e) EXTENSIONS AND ENHANCEMENTS OF AUTHORITY.—

“(1) IN GENERAL.—Not later than 6 months after the date of enactment of the SBIR/STTR Reauthorization Act of 2011, the head of each agency described in subsection (a), in consultation with the Small Business Administration, shall cooperatively enter into an agreement with the National Academy of Sciences for the National Research Council to, not later than 4 years after the date of enactment of the SBIR/STTR Reauthorization Act of 2011, and every 4 years thereafter—

“(A) continue the most recent study under this section relating to the issues described in subparagraphs (A), (B), (C), and (E) of subsection (a)(1);

“(B) conduct a comprehensive study of how the STTR program has stimulated technological innovation and technology transfer, including—

“(i) a review of the collaborations created between small businesses and research institutions, including an evaluation of the effectiveness of the program in stimulating new collaborations and any obstacles that may prevent or inhibit the creation of such collaborations;

“(ii) an evaluation of the effectiveness of the program at transferring technology and capabilities developed through Federal funding;

“(iii) to the extent practicable, an evaluation of the economic benefits achieved by the STTR program, including the economic rate of return;

“(iv) an analysis of how Federal agencies are using small businesses that have completed Phase II under the STTR program to fulfill their procurement needs;

“(v) an analysis of whether additional funds could be employed effectively by the STTR program; and

“(vi) an assessment of the systems and minimum performance standards relating to commercialization success established under section 9(qq) of the Small Business Act;

“(C) make recommendations with respect to the issues described in subparagraphs (A), (D), and (E) of subsection (a)(2) and subparagraph (B) of this paragraph; and

“(D) estimate, to the extent practicable, the number of jobs created by the SBIR program or STTR program of the agency.

“(2) CONSULTATION.—An agreement under paragraph (1) shall require the National Research Council to ensure that there is participation by and consultation with the small business community, the Administration, and other interested parties as described in subsection (b).

“(3) REPORTING.—An agreement under paragraph (1) shall require that not later than 4 years after the date of enactment of the SBIR/STTR Reauthorization Act of 2011, and every 4 years thereafter, the National Research Council shall submit to the head of the agency entering into the agreement, the Committee on Small Business and Entrepreneurship of the Senate, and the Committee on Small Business and Technology of the House of Representatives, a report regarding the study conducted under paragraph (1) and containing the recommendations described in paragraph (1).”.

**SEC. 5138. TECHNOLOGY INSERTION REPORTING REQUIREMENTS.**

Section 9 of the Small Business Act (15 U.S.C. 638), as amended by this title, is further amended by adding at the end the following:

“(kk) PHASE III REPORTING.—The annual SBIR or STTR report to Congress by the Administration under subsection (b)(7) shall include, for each Phase III award—

“(1) the name of the agency or component of the agency or the non-Federal source of capital making the Phase III award;

“(2) the name of the small business concern or individual receiving the Phase III award; and

“(3) the dollar amount of the Phase III award.”.

**SEC. 5139. INTELLECTUAL PROPERTY PROTECTIONS.**

(a) STUDY.—The Comptroller General of the United States shall conduct a study of the SBIR program to assess whether—

(1) Federal agencies comply with the data rights protections for SBIR awardees and the technologies of SBIR awardees under section 9 of the Small Business Act (15 U.S.C. 638);

(2) the laws and policy directives intended to clarify the scope of data rights, including in prototypes, mentor-protégé relationships, and agreements with Federal laboratories, are sufficient to protect SBIR awardees; and

(3) there is an effective grievance tracking process for SBIR awardees who have grievances against a Federal agency regarding data rights and a process for resolving those grievances.

(b) REPORT.—Not later than 18 months after the date of enactment of this Act, the Comptroller General shall submit to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business and the Committee on Science, Space, and Technology of the House of Representatives a report regarding the study conducted under subsection (a).

**SEC. 5140. OBTAINING CONSENT FROM SBIR AND STTR APPLICANTS TO RELEASE CONTACT INFORMATION TO ECONOMIC DEVELOPMENT ORGANIZATIONS.**

Section 9 of the Small Business Act (15 U.S.C. 638), as amended by this title, is further amended by adding at the end the following:

“(1) CONSENT TO RELEASE CONTACT INFORMATION TO ORGANIZATIONS.—

“(1) ENABLING CONCERN TO GIVE CONSENT.—Each Federal agency required by this section to conduct an SBIR program or an STTR program shall enable a small business concern that is an SBIR applicant or an STTR applicant to indicate to the Federal agency whether the Federal agency has the consent of the concern to—

“(A) identify the concern to appropriate local and State-level economic development organizations as an SBIR applicant or an STTR applicant; and

“(B) release the contact information of the concern to such organizations.

“(2) RULES.—The Administrator shall establish rules to implement this subsection. The rules shall include a requirement that a Federal agency include in the SBIR and STTR application a provision through which the applicant can indicate consent for purposes of paragraph (1).”.

**SEC. 5141. PILOT TO ALLOW FUNDING FOR ADMINISTRATIVE, OVERSIGHT, AND CONTRACT PROCESSING COSTS.**

(a) IN GENERAL.—Section 9 of the Small Business Act (15 U.S.C. 638), as amended by this title, is further amended by adding at the end the following:

“(mm) ASSISTANCE FOR ADMINISTRATIVE, OVERSIGHT, AND CONTRACT PROCESSING COSTS.—

“(1) IN GENERAL.—Subject to paragraph (3), for the 3 fiscal years beginning after the date of enactment of this subsection, the Administrator shall allow each Federal agency required to conduct an SBIR program to use not more than 3 percent of the funds allocated to the SBIR program of the Federal agency for—

“(A) the administration of the SBIR program or the STTR program of the Federal agency;

“(B) the provision of outreach and technical assistance relating to the SBIR program or STTR program of the Federal agency, including technical assistance site visits, personnel interviews, and national conferences;

“(C) the implementation of commercialization and outreach initiatives that were not in effect on the date of enactment of this subsection;

“(D) carrying out the program under subsection (y);

“(E) activities relating to oversight and congressional reporting, including waste, fraud, and abuse prevention activities;

“(F) targeted reviews of recipients of awards under the SBIR program or STTR program of the Federal agency that the head of the Federal agency determines are at high risk for fraud, waste, or abuse to ensure compliance with requirements of the SBIR program or STTR program, respectively;

“(G) the implementation of oversight and quality control measures, including verification of reports and invoices and cost reviews;

“(H) carrying out subsection (dd);

“(I) contract processing costs relating to the SBIR program or STTR program of the Federal agency; and

“(J) funding for additional personnel and assistance with application reviews.

“(2) OUTREACH AND TECHNICAL ASSISTANCE.—

“(A) IN GENERAL.—Except as provided in subparagraph (B), a Federal agency participating in the program under this subsection shall use a portion of the funds authorized for uses under paragraph (1) to carry out the policy directive required under subsection (j)(2)(F) and to increase the participation of States with respect to which a low level of SBIR awards have historically been awarded.

“(B) WAIVER.—A Federal agency may request the Administrator to waive the requirement contained in subparagraph (A). Such request shall include an explanation of why the waiver is necessary. The Administrator may grant the waiver based on a determination that the agency has demonstrated a sufficient need for the waiver, that the outreach objectives of the agency are being met, and that there is increased participation by States with respect to which a low level of SBIR awards have historically been awarded.

“(3) PERFORMANCE CRITERIA.—A Federal agency may not use funds as authorized under paragraph (1) until after the effective date of performance criteria, which the Administrator shall establish, to measure any benefits of using funds as authorized under paragraph (1) and to assess continuation of the authority under paragraph (1).

“(4) RULES.—Not later than 180 days after the date of enactment of this subsection, the Administrator shall issue rules to carry out this subsection.

“(5) COORDINATION WITH IG.—Each Federal agency shall coordinate the activities funded



under subparagraph (E), (F), or (G) of paragraph (1) with their respective Inspectors General, when appropriate, and each Federal agency that allocates more than \$50,000,000 to the SBIR program of the Federal agency for a fiscal year may share such funding with its Inspector General when the Inspector General performs such activities.

“(6) REPORTING.—The Administrator shall collect data and provide to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business, the Committee on Science, Space, and Technology, and the Committee on Appropriations of the House of Representatives a report on the use of funds under this subsection, including funds used to achieve the objectives of paragraph (2)(A) and any use of the waiver authority under paragraph (2)(B).”.

(b) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) IN GENERAL.—Section 9 of the Small Business Act (15 U.S.C. 638), as amended by this title, is further amended—

(A) in subsection (f)(2), by striking “shall not” and all that follows through “make available for the purpose” and inserting “shall not make available for the purpose”; and

(B) in subsection (y)—

(i) by striking paragraph (4); and

(ii) by redesignating paragraphs (5) and (6) as paragraphs (4) and (5), respectively.

(2) TRANSITIONAL RULE.—Notwithstanding the amendments made by paragraph (1), subsections (f)(2) and (y)(4) of section 9 of the Small Business Act (15 U.S.C. 638), as in effect on the day before the date of enactment of this Act, shall continue to apply to each Federal agency until the effective date of the performance criteria established by the Administrator under subsection (mm)(3) of section 9 of the Small Business Act, as added by subsection (a).

(3) PROSPECTIVE REPEAL.—Effective on the first day of the fourth full fiscal year following the date of enactment of this Act, section 9 of the Small Business Act (15 U.S.C. 638), as amended by paragraph (1) of this section, is amended—

(A) in subsection (f)(2), by striking “shall not make available for the purpose” and inserting the following: “shall not—

“(A) use any of its SBIR budget established pursuant to paragraph (1) for the purpose of funding administrative costs of the program, including costs associated with salaries and expenses; or

“(B) make available for the purpose”; and

(B) in subsection (y)—

(i) by redesignating paragraphs (4) and (5) as paragraphs (5) and (6), respectively; and

(ii) by inserting after paragraph (3) the following:

“(4) FUNDING.—

“(A) IN GENERAL.—The Secretary of Defense and each Secretary of a military department may use not more than an amount equal to 1 percent of the funds available to the Department of Defense or the military department pursuant to the Small Business Innovation Research Program for payment of expenses incurred to administer the Commercialization Readiness Program under this subsection.

“(B) LIMITATIONS.—The funds described in subparagraph (A)—

“(i) shall not be subject to the limitations on the use of funds in subsection (f)(2); and

“(ii) shall not be used to make Phase III awards.”.

#### SEC. 5142. GAO STUDY WITH RESPECT TO VENTURE CAPITAL OPERATING COMPANY, HEDGE FUND, AND PRIVATE EQUITY FIRM INVOLVEMENT.

Not later than 3 years after the date of enactment of this Act, and every 3 years thereafter, the Comptroller General of the United States shall—

(1) conduct a study of the impact of requirements relating to venture capital operating company, hedge fund, and private equity firm involvement under section 9 of the Small Business Act; and

(2) submit to Congress a report regarding the study conducted under paragraph (1).

#### SEC. 5143. REDUCING VULNERABILITY OF SBIR AND STTR PROGRAMS TO FRAUD, WASTE, AND ABUSE.

(a) FRAUD, WASTE, AND ABUSE PREVENTION.—

(1) AMENDMENTS REQUIRED FOR FRAUD, WASTE, AND ABUSE PREVENTION.—Not later than 90 days after the date of enactment of this Act, the Administrator shall amend the SBIR Policy Directive and the STTR Policy Directive to include measures to prevent fraud, waste, and abuse in the SBIR program and the STTR program.

(2) CONTENT OF AMENDMENTS.—The amendments required under paragraph (1) shall include—

(A) definitions or descriptions of fraud, waste, and abuse;

(B) guidelines for the monitoring and oversight of applicants to and recipients of awards under the SBIR program or the STTR program;

(C) a requirement that each Federal agency that participates in the SBIR program or STTR program include information concerning the method established by the Inspector General of the Federal agency to report fraud, waste, and abuse (including any telephone hotline or Web-based platform)—

(i) on the Web site of the Federal agency; and

(ii) in any solicitation or notice of funding opportunity issued by the Federal agency for the SBIR program or the STTR program; and

(D) a requirement that each applicant for and small business concern that receives funding under the SBIR program or the STTR program shall certify whether the applicant or small business concern is in compliance with the laws relating to the SBIR program and the STTR program and the conduct guidelines established under the SBIR Policy Directive and the STTR Policy Directive.

(3) CONSULTATION.—The Administrator shall develop, in consultation with the Council of Inspectors General on Integrity and Efficiency, the procedures and requirements for the certification set forth under paragraph (2)(D) after providing notice of and an opportunity for public comment on such procedures and requirements.

(4) CERTIFICATION.—The certification developed under paragraph (3) may—

(A) cover the lifecycle of an award to require certifications at the application, funding, reporting, and closeout phases of every SBIR and STTR award;

(B) require the small business concern to certify compliance with the “principal investigator primary employment” requirement, the “small business concern” definition requirement, and the “performance of work” requirements as set forth in the Directive applicable to the award;

(C) require the small business concern to disclose whether it has applied for, plans to apply for, or received an SBIR or STTR award for identical or essentially equivalent work (as defined under the SBIR Policy Di-

rective and the STTR Policy Directive), and require the concern to certify that the award that it is applying for or obtaining funding for is not identical or essentially equivalent to work it has performed, or will perform, in connection with any other SBIR or STTR award that the concern has applied for or received from any other agency except as fully disclosed to all funding agencies; and

(D) require that the small business concern certify that it will or did perform the work on the award at its facilities with its employees, unless otherwise indicated.

(5) INSPECTORS GENERAL.—The Inspector General of each Federal agency that participates in the SBIR program or STTR program shall cooperate to prevent fraud, waste, and abuse in the SBIR program and the STTR program by—

(A) establishing fraud detection indicators;

(B) reviewing regulations and operating procedures of the Federal agency;

(C) coordinating information sharing between Federal agencies, to the extent otherwise permitted under Federal law; and

(D) improving the education and training of and outreach to—

(i) administrators of the SBIR program and the STTR program of the Federal agency;

(ii) applicants to the SBIR program or the STTR program; and

(iii) recipients of awards under the SBIR program or the STTR program.

(b) STUDY AND REPORT.—Not later than 1 year after the date of enactment of this Act to establish a baseline of changes made to the program to fight fraud, waste, and abuse, and every 4 years thereafter to evaluate the effectiveness of the agency strategies, the Comptroller General of the United States shall—

(1) conduct a study that evaluates—

(A) the implementation by each Federal agency that participates in the SBIR program or the STTR program of the amendments to the SBIR Policy Directive and the STTR Policy Directive made pursuant to subsection (a);

(B) the effectiveness of the management information system of each Federal agency that participates in the SBIR program or STTR program in identifying duplicative SBIR and STTR projects;

(C) the effectiveness of the risk management strategies of each Federal agency that participates in the SBIR program or STTR program in identifying areas of the SBIR program or the STTR program that are at high risk for fraud;

(D) technological tools that may be used to detect patterns of behavior that may indicate fraud by applicants to the SBIR program or the STTR program;

(E) the success of each Federal agency that participates in the SBIR program or STTR program in reducing fraud, waste, and abuse in the SBIR program or the STTR program of the Federal agency;

(F) the extent to which the Inspector General of each Federal agency that participates in the SBIR and STTR program effectively conducts investigations, audits, inspections, and outreach relating to the SBIR and STTR programs of the Federal agency; and

(G) the effectiveness of the Government and public databases described in section 9(k) of the Small Business Act (15 U.S.C. 638(k)) in reducing vulnerabilities of the SBIR program and the STTR program to fraud, waste, and abuse, particularly with respect to Federal agencies funding duplicative proposals and business concerns falsifying information in proposals; and

(2) submit to the Committee on Small Business and Entrepreneurship of the Senate, the Committee on Small Business and the Committee on Science, Space, and Technology of the House of Representatives, and the head of each Federal agency that participates in the SBIR program or STTR program a report on the results of the study conducted under paragraph (1).

(c) **INSPECTOR GENERAL REPORTS.**—Not later than October 1 of each year, the Inspector General of each Federal agency that participates in the SBIR program or STTR program shall submit to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business and the Committee on Science, Space, and Technology of the House of Representatives a report describing—

(1) the number of cases referred to the Inspector General in the preceding year that related to fraud, waste, or abuse with respect to the SBIR program or STTR program;

(2) the actions taken in each case described in paragraph (1) if fraud, waste, or abuse was determined to have occurred;

(3) if no action was taken in a case described in paragraph (1) and fraud, waste, or abuse was determined to have occurred, the justification for action not being taken; and

(4) an accounting of the funds used to address fraud, waste, and abuse, including a description of personnel and resources funded and funds that were recovered or saved.

#### **SEC. 5144. SIMPLIFIED PAPERWORK REQUIREMENTS.**

Section 9(v) of the Small Business Act (15 U.S.C. 638(v)) is amended—

(1) in the subsection heading, by striking “SIMPLIFIED REPORTING REQUIREMENTS” and inserting “REDUCING PAPERWORK AND COMPLIANCE BURDEN”;

(2) by striking “The Administrator” and inserting the following:

“(1) STANDARDIZATION OF REPORTING REQUIREMENTS.—The Administrator”; and

(3) by adding at the end the following:

“(2) **SIMPLIFICATION OF APPLICATION AND AWARD PROCESS.**—Not later than 1 year after the date of enactment of this paragraph, and after a period of public comment, the Administrator shall issue regulations or guidelines, taking into consideration the unique needs of each Federal agency, to ensure that each Federal agency required to carry out an SBIR program or STTR program simplifies and standardizes the program proposal, selection, contracting, compliance, and audit procedures for the SBIR program or STTR program of the Federal agency (including procedures relating to overhead rates for applicants and documentation requirements) to reduce the paperwork and regulatory compliance burden on small business concerns applying to and participating in the SBIR program or STTR program.”.

#### **Subtitle D—Policy Directives**

#### **SEC. 5151. CONFORMING AMENDMENTS TO THE SBIR AND THE STTR POLICY DIRECTIVES.**

(a) **IN GENERAL.**—Not later than 180 days after the date of enactment of this Act, the Administrator shall promulgate amendments to the SBIR Policy Directive and the STTR Policy Directive to conform such directives to this title and the amendments made by this title.

(b) **PUBLISHING SBIR POLICY DIRECTIVE AND THE STTR POLICY DIRECTIVE IN THE FEDERAL REGISTER.**—Not later than 180 days after the date of enactment of this Act, the Administrator shall publish the amended SBIR Policy Directive and the amended STTR Policy Directive in the Federal Register.

#### **Subtitle E—Other Provisions**

#### **SEC. 5161. REPORT ON SBIR AND STTR PROGRAM GOALS.**

Section 9 of the Small Business Act (15 U.S.C. 638), as amended by this title, is further amended by adding at the end the following:

“(nn) **ANNUAL REPORT ON SBIR AND STTR PROGRAM GOALS.**—

“(1) **DEVELOPMENT OF METRICS.**—The head of each Federal agency required to participate in the SBIR program or the STTR program shall develop metrics to evaluate the effectiveness and the benefit to the people of the United States of the SBIR program and the STTR program of the Federal agency that—

“(A) are science-based and statistically driven;

“(B) reflect the mission of the Federal agency; and

“(C) include factors relating to the economic impact of the programs.

“(2) **EVALUATION.**—The head of each Federal agency described in paragraph (1) shall conduct an annual evaluation using the metrics developed under paragraph (1) of—

“(A) the SBIR program and the STTR program of the Federal agency; and

“(B) the benefits to the people of the United States of the SBIR program and the STTR program of the Federal agency.

“(3) **REPORT.**—

“(A) **IN GENERAL.**—The head of each Federal agency described in paragraph (1) shall submit to the appropriate committees of Congress and the Administrator an annual report describing in detail the results of an evaluation conducted under paragraph (2).

“(B) **PUBLIC AVAILABILITY OF REPORT.**—The head of each Federal agency described in paragraph (1) shall make each report submitted under subparagraph (A) available to the public online.

“(C) **DEFINITION.**—In this paragraph, the term ‘appropriate committees of Congress’ means—

“(i) the Committee on Small Business and Entrepreneurship of the Senate; and

“(ii) the Committee on Small Business and the Committee on Science, Space, and Technology of the House of Representatives.”.

#### **SEC. 5162. COMPETITIVE SELECTION PROCEDURES FOR SBIR AND STTR PROGRAMS.**

Section 9 of the Small Business Act (15 U.S.C. 638), as amended by this title, is further amended by adding at the end the following:

“(oo) **COMPETITIVE SELECTION PROCEDURES FOR SBIR AND STTR PROGRAMS.**—All funds awarded, appropriated, or otherwise made available in accordance with subsection (f) or (n) must be awarded pursuant to competitive and merit-based selection procedures.”.

#### **SEC. 5163. LOAN RESTRICTIONS.**

Not later than 180 days after the date of enactment of this Act, the Administrator shall submit to the Committee on Small Business and the Committee on Science, Space, and Technology of the House of Representatives and the Committee on Small Business and Entrepreneurship of the Senate a report analyzing what restrictions, conditions, or covenants contained in a note, bond, debenture, other evidence of indebtedness, or preferred stock should constitute affiliation under section 121.103(a) of title 13, Code of Federal Regulations, for purposes of section 9 of the Small Business Act (15 U.S.C. 638).

#### **SEC. 5164. LIMITATION ON PILOT PROGRAMS.**

Section 9 of the Small Business Act (15 U.S.C. 638), as amended by this title, is fur-

ther amended by adding at the end the following:

“(pp) **LIMITATION ON PILOT PROGRAMS.**—

“(1) **EXISTING PILOT PROGRAMS.**—The Administrator may only carry out a covered pilot program that is in operation on the date of enactment of this subsection during the 3-year period beginning on such date of enactment.

“(2) **NEW PILOT PROGRAMS.**—The Administrator may only carry out a covered pilot program established after the date of enactment of this subsection—

“(A) during the 3-year period beginning on the date on which such program is established; and

“(B) if such program does not continue and is not based on, in any manner, a previously established covered pilot program.

“(3) **COVERED PILOT PROGRAM DEFINED.**—In this subsection, the term ‘covered pilot program’ means any initiative, project, innovation, or other activity—

“(A) established by the Administrator;

“(B) relating to an SBIR or STTR program; and

“(C) not specifically authorized by law.”.

#### **SEC. 5165. COMMERCIALIZATION SUCCESS.**

Section 9 of the Small Business Act (15 U.S.C. 638), as amended by this title, is further amended by adding at the end the following:

“(qq) **MINIMUM STANDARDS FOR PARTICIPATION.**—

“(1) **PROGRESS TO PHASE II SUCCESS.**—

“(A) **ESTABLISHMENT OF SYSTEM AND MINIMUM COMMERCIALIZATION RATE.**—Not later than 1 year after the date of enactment of this subsection, the head of each Federal agency participating in the SBIR or STTR program shall—

“(i) establish a system to measure, where appropriate, the success of small business concerns with respect to the receipt of Phase II SBIR or STTR awards for projects that have received Phase I SBIR or STTR awards;

“(ii) establish a minimum performance standard for small business concerns with respect to the receipt of Phase II SBIR or STTR awards for projects that have received Phase I SBIR or STTR awards; and

“(iii) begin evaluating, each fiscal year, whether each small business concern that received a Phase I SBIR or STTR award from the agency meets the minimum performance standard established under clause (ii).

“(B) **CONSEQUENCE OF FAILURE TO MEET MINIMUM COMMERCIALIZATION RATE.**—If the head of a Federal agency determines that a small business concern that received a Phase I SBIR or STTR award from the agency is not meeting the minimum performance standard established under subparagraph (A)(ii), such concern may not participate in Phase I (or Phase II if under the authority of subsection (cc)) of the SBIR or STTR program of that agency during the 1-year period beginning on the date on which such determination is made.

“(2) **PROGRESS TO PHASE III SUCCESS.**—

“(A) **ESTABLISHMENT OF SYSTEM AND MINIMUM COMMERCIALIZATION RATE.**—Not later than 2 years after the date of enactment of this subsection, the head of each Federal agency participating in the SBIR or STTR program shall—

“(i) establish a system to measure, where appropriate, the success of small business concerns with respect to the receipt of Phase III SBIR or STTR awards for projects that have received Phase I SBIR or STTR awards;

“(ii) establish a minimum performance standard for small business concerns with respect to the receipt of Phase III SBIR or

STTR awards for projects that have received Phase I SBIR or STTR awards; and

“(iii) begin evaluating, each fiscal year, whether each small business concern that received a Phase I SBIR or STTR award from the agency meets the minimum performance standard established under clause (ii).

“(B) CONSEQUENCE OF FAILURE TO MEET MINIMUM COMMERCIALIZATION RATE.—If the head of a Federal agency determines that a small business concern that received a Phase I SBIR or STTR award from the agency is not meeting the minimum performance standard established under subparagraph (A)(ii), such concern may not participate in Phase I (or Phase II if under the authority of subsection (cc)) of the SBIR or STTR program of that agency during the 1-year period beginning on the date on which such determination is made.

“(3) ADMINISTRATION OVERSIGHT.—

“(A) APPROVAL AND PUBLICATION OF SYSTEMS AND MINIMUM PERFORMANCE STANDARDS.—Each system and minimum performance standard established under paragraph (1) or paragraph (2) shall be submitted by the head of the applicable Federal agency to the Administrator and shall be subject to the approval of the Administrator. In making a determination with respect to approval, the Administrator shall ensure that the minimum performance standard exceeds a de minimis level. The Administrator shall publish on the Internet Web site of the Administration the systems and minimum performance standards approved.

“(B) SUBMISSION OF EVALUATION RESULTS BY AGENCY.—The head of each covered Federal agency shall submit to the Administrator the results of each evaluation conducted under paragraph (1) or paragraph (2).

“(4) REQUIREMENT OF NOTICE AND COMMENT.—Each system and minimum performance standard established under paragraph (1) or paragraph (2) and each approval provided by the Administrator under paragraph (3)(A), at least 60 days before becoming effective, shall be preceded by the provision of notice of and an opportunity for public comment on such system, standard, or approval.”.

#### SEC. 5166. PUBLICATION OF CERTAIN INFORMATION.

Section 9 of the Small Business Act (15 U.S.C. 638), as amended by this title, is further amended by adding at the end the following:

“(rr) PUBLICATION OF CERTAIN INFORMATION.—In order to increase the number of small businesses receiving awards under the SBIR or STTR programs of participating agencies, and to simplify the application process for such awards, the Administrator shall establish and maintain a public Internet Web site on which the Administrator shall publish such information relating to notice of and application for awards under the SBIR program and STTR program of each participating Federal agency as the Administrator determines appropriate.”.

#### SEC. 5167. REPORT ON ENHANCEMENT OF MANUFACTURING ACTIVITIES.

Section 9 of the Small Business Act (15 U.S.C. 638), as amended by this title, is further amended by adding at the end the following:

“(ss) REPORT ON ENHANCEMENT OF MANUFACTURING ACTIVITIES.—Not later than October 1, 2013, and annually thereafter, the head of each Federal agency that makes more than \$50,000,000 in awards under the SBIR and STTR programs of the agency combined shall submit to the Administrator, for inclusion in the annual report required under subsection (b)(7), information that includes—

“(1) a description of efforts undertaken by the head of the Federal agency to enhance United States manufacturing activities;

“(2) a comprehensive description of the actions undertaken each year by the head of the Federal agency in carrying out the SBIR or STTR program of the agency in support of Executive Order 13329 (69 Fed. Reg. 9181; relating to encouraging innovation in manufacturing);

“(3) an assessment of the effectiveness of the actions described in paragraph (2) at enhancing the research and development of United States manufacturing technologies and processes;

“(4) a description of efforts by vendors selected to provide discretionary technical assistance under subsection (q)(1) to help SBIR and STTR concerns manufacture in the United States; and

“(5) recommendations that the program managers of the SBIR or STTR program of the agency consider appropriate for additional actions to increase the effectiveness of enhancing manufacturing activities.”.

#### SEC. 5168. COORDINATION OF THE SBIR PROGRAM AND THE EXPERIMENTAL PROGRAM TO STIMULATE COMPETITIVE RESEARCH.

(a) COORDINATION REQUIRED.—The head of a Federal agency that participates in the SBIR program and the Experimental Program to Stimulate Competitive Research or the Institutional Development Award Program shall coordinate, to the extent possible, the initiatives of the agency with respect to such programs.

(b) COORDINATION REPORT.—Not later than 1 year after the date of enactment of this Act, the head of each Federal agency that participates in the SBIR program and the Experimental Program to Stimulate Competitive Research or the Institutional Development Award Program shall submit to the Administrator, the Committee on Small Business and the Committee on Science, Space, and Technology of the House of Representatives, and the Committee on Small Business and Entrepreneurship of the Senate a report describing the actions taken during the preceding 1-year period to increase coordination between such programs to maximize existing resources.

(c) PARTICIPATION REPORT.—Not later than 3 years after the date of enactment of this Act, the head of each Federal agency that participates in the SBIR program and the Experimental Program to Stimulate Competitive Research or the Institutional Development Award Program shall submit to the Administrator, the Committee on Small Business and the Committee on Science, Space, and Technology of the House of Representatives, and the Committee on Small Business and Entrepreneurship of the Senate a report analyzing whether actions taken to increase the coordination of such programs have been successful in attracting entrepreneurs into the SBIR program and increasing the participation of States with respect to which a low level of SBIR awards have historically been awarded.

And the Senate agree to the same.

From the Committee on Armed Services, for consideration of the House bill and the Senate amendment, and modifications committed to conference:

HOWARD A. “BUCK”  
MCKEON,  
ROSCOE G. BARTLETT,  
MAC THORNBERRY,  
W. TODD AKIN  
JEFF MILLER,  
FRANK A. LOBIONDO,

MICHAEL R. TURNER,  
JOHN KLINE,  
MIKE ROGERS,  
BILL SHUSTER,  
K. MICHAEL CONAWAY,  
ROBERT J. WITTMAN,  
DUNCAN HUNTER,  
THOMAS J. ROONEY,  
ROBERT T. SCHILLING,  
TIM GRIFFIN of Arkansas,  
ALLEN B. WEST,  
ADAM SMITH of  
Washington,  
SILVESTRE REYES,  
LORETTA SANCHEZ of  
California,  
MIKE MCINTYRE,  
ROBERT E. ANDREWS,  
SUSAN A. DAVIS of  
California,  
JAMES R. LANGEVIN,  
RICK LARSEN of  
Washington,  
JIM COOPER,  
JOE COURTNEY,  
DAVID LOEBACK,  
NIKI TSONGAS,

From the Permanent Select Committee on Intelligence, for consideration of matters within the jurisdiction of that committee under clause 11 of rule X:

MIKE ROGERS of Michigan,  
C. A. DUTCH  
RUPPERSBERGER,

From the Committee on Education and the Workforce, for consideration of secs. 548 and 572 of the House bill, and secs. 572 and 573 of the Senate amendment, and modifications committed to conference:

THOMAS E. PETRI,  
JOSEPH J. HECK,

From the Committee on Energy and Commerce, for consideration of secs. 911, 1099A, 2852 and 3114 of the House bill, and sec. 1089 of the Senate amendment, and modifications committed to conference:

From the Committee on Financial Services, for consideration of sec. 645 of the House bill, and sec. 1245 of the Senate amendment, and modifications committed to conference:

SPENCER BACHUS,  
SHELLEY MOORE CAPITO,  
GARY L. ACKERMAN,

From the Committee on Foreign Affairs, for consideration of secs. 1013, 1014, 1055, 1056, 1086, 1092, 1202, 1204, 1205, 1211, 1214, 1216, 1218, 1219, 1226, 1228-1230, 1237, 1301, 1303, 1532, 1533 and 3112 of the House bill, and secs. 159, 1012, 1031, 1033, 1046, 1201, 1203, 1204, 1206-1209, 1221-1225, 1228, 1230, 1245, title XIII and sec. 1609 of the Senate amendment, and modifications committed to conference:

ILEANA ROS-LEHTINEN,  
STEVE CHABOT,

From the Committee on Homeland Security, for consideration of sec. 1099H of the House bill, and sec. 1092 of the Senate amendment, and modifications committed to conference:

BENNIE G. THOMPSON of  
Mississippi,

From the Committee on the Judiciary, for consideration of secs. 531 of subtitle D of title V, 573, 843 and 2804 of the House Bill, and secs. 553 and 848 of the Senate amendment, and modifications committed to conference:

LAMAR SMITH of Texas,

From the Committee on Natural Resources, for consideration of secs. 313, 601 and 1997 of the House bill, and modifications committed to conference:

DOC HASTINGS of

Washington,  
ROB BISHOP of Utah.  
EDWARD J. MARKEY,

From the Committee on Oversight and Government Reform, for consideration of secs. 598, 662, 803, 813, 844, 847, 849, 937-939, 1081, 1091, 1101-1111, 1116 and 2813 of the House bill, and secs. 827, 845, 1044, 1102-1107 and 2812 of the Senate amendment, and modifications committed to conference:

DENNIS A. ROSS of Florida,  
JAMES LANKFORD,  
ELIJAH E. CUMMINGS,

From the Committee on Science, Space, and Technology, for consideration of secs. 911 and 1098 of the House bill, and secs 885, 911, 912 and Division E of the Senate amendment, and modifications committed to conference:

RALPH M. HALL,  
BENJAMIN QUAYLE,  
EDDIE BERNICE JOHNSON of  
Texas,

From the Committee on Small Business, for consideration of sec. 804 of the House bill, and secs. 885-887 and Division E of the Senate amendment, and modifications committed to conference:

RENEE L. ELLMERS,

From the Committee on Transportation and Infrastructure, for consideration of secs. 314, 366, 601, 1098 and 2814 of the House bill, and secs. 262, 313, 315, 1045, 1088 and 3301 of the Senate amendment, and modifications committed to conference:

JOHN L. MICA,  
CHIP CRAVAACK,

From the Committee on Veterans' Affairs, for consideration of secs. 551, 573, 705, 731 and 1099C of the House bill, and secs. 631 and 1093 of the Senate amendment, and modifications committed to conference:

GUS M. BILIRAKIS,  
ANN MARIE BUERKLE,

From the Committee on Ways and Means, for consideration of secs. 704, 1099 and 1225 of the House bill, and sec. 848 of the Senate amendment, and modifications committed to conference:

DAVE CAMP,  
WALLY HERGER,  
SANDER M. LEVIN,

*Managers on the part of the HOUSE.*

CARL LEVIN,  
JOSEPH I. LIEBERMAN,  
JACK REED,  
DANIEL K. AKAKA,  
BEN NELSON of Nebraska,  
JIM WEBB,  
CLAIRE MCCASKILL,  
MARK UDALL of Colorado.

*(Except for secs. 1021  
and 1022 in Subtitle  
D)*

KAY R. HAGAN,  
MARK BEGICH,  
JOE MANCHIN, III  
JEANNE SHAHEEN,  
KIRSTEN E. GILLIBRAND,  
RICHARD BLUMENTHAL,  
JOHN MCCAIN,  
JAMES M. INHOFE,  
JEFF SESSIONS,  
SAXBY CHAMBLISS,  
ROGER F. WICKER,  
SCOTT P. BROWN of  
Massachusetts,  
ROB PORTMAN,  
KELLY AYOTTE,  
SUSAN M. COLLINS,  
LINDSEY GRAHAM,  
JOHN CORNYN,  
DAVID VITTER,

*Managers on the part of the SENATE.*

#### JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 1540), to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes, submit the following joint statement to the House and the Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report:

The Senate amendment struck all of the House bill after the enacting clause and inserted a substitute text.

The House recedes from its disagreement to the amendment of the Senate with an amendment that is a substitute for the House bill and the Senate amendment. The differences between the House bill, the Senate amendment, and the substitute agreed to in conference are noted below, except for clerical corrections, conforming changes made necessary by agreements reached by the conferees, and minor drafting and clarifying changes.

*Compliance with rules of the House of Representatives and Senate regarding earmarks and congressionally directed spending items*

Pursuant to clause 9 of rule XXI of the Rules of the House of Representatives and Rule XLIV(3) of the Standing Rules of the Senate, neither this conference report nor the accompanying joint statement of managers contains any congressional earmarks, congressionally directed spending items, limited tax benefits, or limited tariff benefits, as defined in such rules.

#### *Explanation of funding summary*

The administration's budget request for national defense discretionary programs within the jurisdiction of the Committees on Armed Services of the Senate and the House of Representatives for fiscal year 2012 was \$689.0 billion. Of this amount \$553.0 billion was requested for the base budget programs of the Department of Defense, \$117.8 billion for overseas contingency operations, and \$18.1 billion for national security programs in the Department of Energy and the Defense Nuclear Facilities Safety Board.

The agreement authorizes \$662.4 billion national defense discretionary programs and includes \$530.0 billion for the base budget of the Department of Defense, \$115.5 billion for overseas contingency operations, and \$16.9 billion for national security programs in the Department of Energy and the Defense Nuclear Facilities Safety Board.

The following two tables summarize the discretionary authorizations in the agreement and the equivalent budget authority levels for fiscal year 2012 defense programs.

# **SUMMARY OF NATIONAL DEFENSE AUTHORIZATIONS FOR FISCAL YEAR 2012** (Dollars in Thousands)

	FY 2012 Request	Conference Change	Conference Authorized
<b>DISCRETIONARY AUTHORIZATIONS WITHIN THE JURISDICTION OF THE ARMED SERVICES COMMITTEE</b>			
<b>Division A: Department of Defense Authorizations</b>			
<b>Division A: Base Budget (Titles I, II, III, IV, XIV)</b>			
<b>Title I: PROCUREMENT</b>			
Aircraft Procurement, Army	7,061,381	-1,701,047	5,360,334
Missile Procurement, Army	1,478,718	-17,495	1,461,223
Weapons & Tracked Combat Vehicles, Army	1,933,512	118,106	2,052,618
Procurement of Ammunition, Army	1,992,625	-108,201	1,884,424
Other Procurement, Army	9,682,592	-1,770,878	7,911,714
Joint Improvised Explosive Device Defeat Fund	220,634	-220,834	-
Aircraft Procurement, Navy	18,587,033	-913,499	17,673,534
Weapons Procurement, Navy	3,408,478	-191,046	3,217,432
Shipbuilding & Conversion, Navy	14,928,921	-9,807	14,919,114
Procurement of Ammunition, Navy & Marine Corps	719,952	-93,104	626,848
Other Procurement, Navy	6,285,451	-292,276	5,993,175
Procurement, Marine Corps	1,391,802	-14,032	1,377,770
Aircraft Procurement, Air Force	14,082,527	-1,740,927	12,341,600
Procurement of Ammunition, Air Force	539,065	-39,880	499,185
Missile Procurement, Air Force	8,074,017	-144,540	7,929,477
Other Procurement, Air Force	17,602,036	-192,646	17,409,390
Procurement, Defense-Wide	5,365,248	-543,520	4,821,728
National Guard & Reserve Equipment	-	100,000	100,000
<b>Subtotal, PROCUREMENT</b>	<b>111,463,792</b>	<b>-7,874,428</b>	<b>103,579,366</b>
<b>Title II: RESEARCH, DEVELOPMENT, TEST &amp; EVALUATION</b>			
Research, Development, Test & Evaluation, Army	9,883,980	-1,238,064	8,445,916
Research, Development, Test & Evaluation, Navy	17,958,431	-574,291	17,382,140
Research, Development, Test & Evaluation, Air Force	27,737,701	-1,623,132	26,114,569
Research, Development, Test & Evaluation, Defense-Wide	19,755,678	-318,878	19,436,800
Operational Test & Evaluation, Defense	191,292	-	191,292
<b>Subtotal, RESEARCH, DEVELOPMENT, TEST &amp; EVALUATION</b>	<b>76,325,082</b>	<b>-3,754,365</b>	<b>71,570,717</b>
<b>Title III: OPERATION AND MAINTENANCE</b>			
Operation & Maintenance, Army	34,735,216	-4,205,984	30,529,232
Operation & Maintenance, Navy	39,384,688	-1,295,367	38,069,321
Operation & Maintenance, Marine Corps	5,960,437	-425,000	5,535,437
Operation & Maintenance, Air Force	38,195,133	-1,166,647	35,028,486
Operation & Maintenance, Defense-Wide	30,940,409	-1,064,046	29,876,363
Operation & Maintenance, Army Reserve	3,109,176	-37,443	3,071,733
Operation & Maintenance, Navy Reserve	1,323,134	-18,000	1,305,134
Operation & Maintenance, Marine Corps Reserve	271,443	-	271,443
Operation & Maintenance, Air Force Reserve	3,274,359	-	3,274,359
Operation & Maintenance, Army National Guard	7,041,432	-116,500	6,924,932
Operation & Maintenance, Air National Guard	6,136,280	-37,500	6,098,780
Deferred Expenses for Foreign Operations	-	-	-
US Court of Appeals for the Armed Forces, Defense	13,861	-	13,861
Overseas Humanitarian, Disaster and Civic Aid	107,862	-	107,862
Cooperative Threat Reduction	508,219	-	508,219
Defense Acquisition Development Workforce Fund	305,501	-200,000	105,501
Environmental Restoration, Army	346,031	-	346,031
Environmental Restoration, Navy	308,668	-	308,668
Environmental Restoration, Air Force	525,453	-	525,453

**SUMMARY OF NATIONAL DEFENSE AUTHORIZATIONS FOR FISCAL YEAR 2012**

(Dollars in Thousands)

	FY 2012 Request	Conference Change	Conference Authorized
Environmental Restoration, Defense	10,716		10,716
Environmental Restoration, Formerly Used Sites	276,495		276,495
Overseas Contingency Operations Transfer Fund	5,000	-5,000	-
<b>Subtotal, OPERATION AND MAINTENANCE</b>	<b>170,759,313</b>	<b>-8,571,487</b>	<b>182,187,826</b>
<b>Title IV: MILITARY PERSONNEL</b>	<b>142,828,848</b>	<b>-838,620</b>	<b>141,992,228</b>
<b>Title XIV: OTHER AUTHORIZATIONS</b>			
Working Capital Fund, Army	101,194		101,194
Working Capital Fund, Air Force	65,372		65,372
Working Capital Fund, Defense-Wide	31,614		31,614
Working Capital Fund, DECA	1,378,830		1,378,830
National Defense Sealift Fund	1,126,384	-25,865	1,100,519
Defense Health Program	32,198,770	-350,311	31,848,459
Chemical Agents & Munitions Destruction	1,554,422		1,554,422
Drug Interdiction and Counter Drug Activities	1,156,282	-2,952	1,153,330
Office of the Inspector General	289,519	43,400	332,919
<b>Subtotal, OTHER AUTHORIZATIONS</b>	<b>37,900,387</b>	<b>-335,728</b>	<b>37,564,659</b>
<b>Subtotal, Division A, Base Budget</b>	<b>538,267,422</b>	<b>-21,372,626</b>	<b>516,894,796</b>
<b>Division A: Overseas Contingency Operations (OCO) Budget (Title XV)</b>			
<b>Title XV – OVERSEAS CONTINGENCY OPERATIONS</b>			
<b>PROCUREMENT, OCO</b>			
Aircraft Procurement, Army	423,400	516,481	939,881
Missile Procurement, Army	128,556		128,556
Weapons & Tracked Combat Vehicles, Army	37,117	44,168	81,285
Procurement of Ammunition, Army	208,381		208,381
Other Procurement, Army	1,398,195	-99,850	1,298,345
Joint Improvised Explosive Device Defeat Fund	2,577,500	-66,918	2,510,584
Aircraft Procurement, Navy	730,960	-250,025	480,935
Weapons Procurement, Navy	41,070		41,070
Procurement of Ammunition, Navy & Marine Corps	317,100		317,100
Other Procurement, Navy	281,975	-45,850	236,125
Procurement, Marine Corps	1,260,996	-93,000	1,167,996
Aircraft Procurement, Air Force	527,865	707,912	1,235,777
Procurement of Ammunition, Air Force	92,510		92,510
Missile Procurement, Air Force	28,420		28,420
Other Procurement, Air Force	3,204,641	-116,131	3,088,510
Procurement, Defense-Wide	489,968	-84,200	405,768
Joint Urgent Operational Needs Fund	100,000	-100,000	-
Mine Resistant Ambush Protection Vehicle Fund	3,195,170	-595,000	2,600,170
National Guard & Reserve Equipment		225,000	225,000
<b>Subtotal, PROCUREMENT, OCO</b>	<b>15,021,824</b>	<b>62,589</b>	<b>15,084,413</b>
<b>RESEARCH, DEVELOPMENT, TEST &amp; EVALUATION, OCO</b>			
Research, Development, Test & Evaluation, Army	8,513		8,513
Research, Development, Test & Evaluation, Navy	53,884		53,884
Research, Development, Test & Evaluation, Air Force	142,000	-10,000	132,000
Research, Development, Test & Evaluation, Defense-Wide	192,361	-10,000	182,361
<b>Subtotal, RDT&amp;E, OCO</b>	<b>396,758</b>	<b>-20,000</b>	<b>376,758</b>
<b>OPERATION AND MAINTENANCE, OCO</b>			

**SUMMARY OF NATIONAL DEFENSE AUTHORIZATIONS FOR FISCAL YEAR 2012**

(Dollars in Thousands)

	<b>FY 2012 Request</b>	<b>Conference Change</b>	<b>Conference Authorized</b>
Operation & Maintenance, Army	44,302,280	1,296,876	45,599,156
Operation & Maintenance, Navy	7,006,587	688,459	7,695,026
Operation & Maintenance, Marine Corps	3,571,210	364,000	3,935,210
Operation & Maintenance, Air Force	10,719,187	532,360	11,251,547
Operation & Maintenance, Defense-Wide	9,269,411	-20,700	9,248,711
Operation & Maintenance, Army Reserve	217,500		217,500
Operation & Maintenance, Navy Reserve	74,148		74,148
Operation & Maintenance, Marine Corps Reserve	36,084		36,084
Operation & Maintenance, Air Force Reserve	142,050		142,050
Operation & Maintenance, Army National Guard	387,544	-10,000	377,544
Operation & Maintenance, Air National Guard	34,050		34,050
Afghanistan Security Forces Fund	12,800,000	-1,600,000	11,200,000
Afghanistan Infrastructure Fund	475,000	-75,000	400,000
Pakistan Counterinsurgency Fund			
Undistributed General Provisions		-4,000,000	-4,000,000
<b>Subtotal, OPERATION AND MAINTENANCE, OCO</b>	<b>89,035,031</b>	<b>-2,824,905</b>	<b>86,211,026</b>
<b>MILITARY PERSONNEL, OCO</b>	<b>11,228,566</b>	<b>448,000</b>	<b>11,676,566</b>
<b>OTHER AUTHORIZATIONS, OCO</b>			
Working Capital Fund, Army	54,000		54,000
Working Capital Fund, Air Force	12,000		12,000
Working Capital Fund, Defense-Wide	369,013		369,013
Defense Health Program	1,228,288		1,228,288
Drug Interdiction and Counter Drug Activities	488,458	-30,000	458,458
Office of the Inspector General	11,055		11,055
<b>Subtotal, OTHER AUTHORIZATIONS, OCO</b>	<b>2,160,814</b>	<b>-30,000</b>	<b>2,130,814</b>
<b>Subtotal, Division A, OCO Budget</b>	<b>117,842,993</b>	<b>-2,363,416</b>	<b>115,479,577</b>
<b>Total, Division A</b>	<b>656,110,415</b>	<b>-23,736,042</b>	<b>632,374,373</b>
<b>Division B: Military Construction Authorizations</b>			
<b>Division B: Base Budget (Titles XXI - XXVI)</b>			
<b>Titles XXI - XXVI: MILITARY CONSTRUCTION</b>			
Military Construction, Army	3,235,991	-222,500	3,013,491
Military Construction, Navy	2,461,547	-219,215	2,242,332
Military Construction, Air Force	1,384,858	-230,800	1,134,058
Milcon, Def-Wide	3,848,757	-451,918	3,396,839
Chemical Demilitarization Construction, Defense	75,312		75,312
NATO Security Investment Program	272,811	-15,000	257,811
Military Construction, Army National Guard	773,592		773,592
Military Construction, Army Reserve	280,549		280,549
Military Construction, Naval Reserve	26,299		26,299
Military Construction, Air National Guard	116,246		116,246
Military Construction, Air Force Reserve	33,620		33,620
<b>Subtotal, MILITARY CONSTRUCTION</b>	<b>12,489,382</b>	<b>-1,139,433</b>	<b>11,349,949</b>
<b>Titles XXI - XXVI: FAMILY HOUSING</b>			
Family Housing Construction, Army	186,897	-10,000	176,897
Family Housing O&M, Army	494,858		494,858
Family Housing Construction, Navy and Marine Corps	100,972		100,972
Family Housing O&M, Navy and Marine Corps	367,863		367,863



**SUMMARY OF NATIONAL DEFENSE AUTHORIZATIONS FOR FISCAL YEAR 2012**  
(Dollars in Thousands)

	FY 2012 Request	Conference Change	Conference Authorized
Family Housing Construction, Air Force	404,761		404,761
Family Housing O&M, Air Force	84,804		84,804
Family Housing O&M, Defense-Wide	50,723		50,723
Homeowners Assistance Fund	1,284		1,284
Family Housing Improvement Fund	2,184		2,184
Subtotal, FAMILY HOUSING	1,694,348	-10,000	1,684,348
 Title XXXVII: BRAC			
Base Realignment and Closure Account 1990	323,543		323,543
Base Realignment and Closure Account 2005	258,776	-258,776	
Subtotal, BRAC	582,319	-258,776	323,543
 Undistributed Adjustments			
Prior Year Savings		-288,400	-288,400
Subtotal, Undistributed Adjustments		-288,400	-288,400
 Total, Division B	14,768,047	-1,696,609	13,069,438
 SUBTOTAL, BASE BUDGET, DIVISIONS A & B	553,033,469	-23,069,235	529,964,234
SUBTOTAL, OCO BUDGET, DIVISIONS A & B	117,842,993	-2,383,416	115,479,577
 TOTAL, DEPARTMENT OF DEFENSE (051)	670,876,462	-25,432,651	645,443,811
 Division C: Department of Energy National Security Authorizations and Other Authorizations			
Division C (Titles XXXI and XXXII)			
Department of Energy Authorization (Title XXXI)			
Electricity Delivery and Energy Reliability	6,187	-6,187	
 Title XXXI: NATIONAL NUCLEAR SECURITY ADMINISTRATION			
Weapons Activities	7,629,718	-355,387	7,274,329
Defense Nuclear Nonproliferation	2,549,492	-216,189	2,333,303
Naval Reactors	1,153,662	-73,882	1,080,000
Office of the Administrator	450,080	-67,380	382,700
Subtotal, NATIONAL NUCLEAR SECURITY ADMINISTRATION	11,782,930	-712,598	11,070,332
 Title XXXI: ENVIRONMENTAL AND OTHER DEFENSE ACTIVITIES			
Defense Environmental Cleanup	5,406,781	-383,781	5,023,000
Other Defense Activities	859,952	-36,588	823,364
Subtotal, ENVIRONMENTAL AND OTHER DEFENSE ACTIVITIES	6,266,733	-420,369	5,846,364
 TOTAL, DEPARTMENT OF ENERGY	18,058,850	-1,139,154	16,916,696
 Title XXXII: DEFENSE NUCLEAR FACILITIES SAFETY BOARD			
Defense Nuclear Facilities Safety Board	29,130		29,130
TOTAL, DEFENSE NUCLEAR FACILITIES SAFETY BOARD	29,130		29,130
 TOTAL, ATOMIC ENERGY DEFENSE PROGRAMS (053)	18,084,980	-1,139,154	16,945,826
 GRAND TOTAL, NATIONAL DEFENSE (050)	688,961,442	-25,571,805	663,389,637
 MEMORANDUM: NON-DEFENSE AUTHORIZATIONS			
Title XIV – Armed Forces Retirement Home (Function 600)	67,700		67,700

**SUMMARY OF NATIONAL DEFENSE AUTHORIZATIONS FOR FISCAL YEAR 2012**

(Dollars in Thousands)

	<b>FY 2012 Request</b>	<b>Conference Change</b>	<b>Conference Authorized</b>
Title XXXIV—Naval Petroleum Reserves (Function 270)	14,909		14,909
<b>MEMORANDUM: TRANSFER AUTHORITIES (NON-ADDS)</b>			
Title X -- General Transfer Authority (non-add)	[5,000,000]		[4,000,000]
Title XV -- Special Transfer Authority (non-add)	[4,000,000]		[4,000,000]

**NATIONAL DEFENSE BUDGET AUTHORITY IMPLICATION**

(Dollars in Thousands)

	<b>FY 2012 Request</b>	<b>Conference Change</b>	<b>Conference Authorized</b>
<b>Summary, Discretionary Authorizations Within the Jurisdiction of the Armed Services Committee</b>			
SUBTOTAL, BASE BUDGET, DIVISIONS A & B	553,033,469	-23,089,235	529,944,234
SUBTOTAL, OCO BUDGET, DIVISIONS A & B	117,842,993	-2,363,416	115,479,577
TOTAL, DEPARTMENT OF DEFENSE (051)	670,876,462	-25,432,651	645,443,811
TOTAL, ATOMIC ENERGY DEFENSE PROGRAMS (053)	18,084,980	-1,139,154	16,945,826
GRAND TOTAL, NATIONAL DEFENSE (050)	688,961,442	-26,571,805	662,389,637
<b>Base National Defense Discretionary Programs that are Not in the Jurisdiction of the Armed Services Committee or Do Not Require Additional Authorization</b>			
Defense Production Act Purchases	19,984	150,000	169,984
Indefinite Account: National Science Center, Army	25		25
Indefinite Account: Overseas Military Facility Investment Recovery	1,000		1,000
Indefinite Account: Disposal Of DOD Real Property	9,000		9,000
Indefinite Account: Lease Of DOD Real Property	22,000		22,000
SCN - Reappropriation (unspecified transfers to SCN: in annual DoD appropriations)	20,000		20,000
SCN - Use of expired funds for reimbursements to the Claims and Judgement Fund	8,000		8,000
Subtotal, Budget Sub-Function 051	79,989	150,000	229,989
Formerly Utilized Sites Remedial Action Program	109,000		109,000
Assumed Rescission (DOE Weapons Activities)	-40,000		-40,000
Assumed Rescission (Nuclear Non-Proliferation)	-30,000		-30,000
Subtotal, Budget Sub-Function 053	39,000		39,000
Other Discretionary Programs	8,960,000		8,960,000
Subtotal, Budget Sub-Function 054	8,960,000		8,960,000
Total Defense Discretionary Adjustments (050)	7,078,989	150,000	7,228,989
<b>Budget Authority Implication, National Defense Discretionary</b>			
Department of Defense—Military (051)	670,956,451	-25,282,651	646,673,800
Atomic Energy Defense Activities (053)	18,123,980	-1,139,154	16,984,826
Defense-Related Activities (054)	8,960,000		8,960,000
Total BA Implication, National Defense Discretionary	698,040,431	-26,421,805	669,618,626
<b>National Defense Mandatory Programs, Current Law (CBO Estimates)</b>			
Concurrent receipt accrual payments to the Military Retirement Fund	5,408,000		5,408,000
Revolving, trust and other DOD Mandatory	1,326,000		1,326,000
Offsetting receipts	-1,801,000		-1,801,000
Subtotal, Budget Sub-Function 051	4,933,000		4,933,000
Energy employees occupational illness compensation programs and other	1,344,000		1,344,000
Subtotal, Budget Sub-Function 053	1,344,000		1,344,000
Radiation exposure compensation trust fund	45,000		45,000
Payment to CIA retirement fund and other	514,000		514,000
Subtotal, Budget Sub-Function 054	559,000		559,000
Total National Defense Mandatory (050)	8,836,000		8,836,000
<b>Budget Authority Implication, National Defense Discretionary and Mandatory</b>			
Department of Defense—Military (051)	675,889,451	-25,282,651	650,606,800
Atomic Energy Defense Activities (053)	19,467,980	-1,139,154	18,328,826
Defense-Related Activities (054)	7,519,000		7,519,000
Total BA Implication, National Defense Discretionary and Mandatory	702,876,431	-26,421,805	676,454,626

DIVISION A—DEPARTMENT OF DEFENSE  
AUTHORIZATIONS

## TITLE I—PROCUREMENT

Subtitle A—Authorization of Appropriations  
*Authorization of appropriations (sec. 101)*

The House bill contained a provision (sec. 101) that would authorize the recommended fiscal year 2012 funding levels for procurement for the Army, Navy, Marine Corps, Air Force, and Defense-wide activities as specified in funding tables in section 4101.

The Senate amendment contained an identical provision (sec. 101).

The conferees agree to include a provision that would authorize the recommended fiscal year 2012 funding levels for procurement for the Army, Navy, Marine Corps, Air Force, and Defense-wide activities.

## Subtitle B—Army Programs

*Limitation on procurement of Stryker combat vehicles (sec. 111)*

The House bill contained a provision (sec. 112) that would limit the procurement of Stryker combat vehicles to not more than 100 until the Secretary of the Army submits written certification that the program has stable requirements and cost estimates.

The Senate amendment contained no similar provision.

The Senate recedes.

*Limitation on retirement of C-23 aircraft (sec. 112)*

The House bill contained a provision (sec. 111) that would: (1) require the Secretary of the Army to maintain at least 42 C-23 Sherpa aircraft in inventory; and (2) prevent the Secretary from retiring any C-23 aircraft until the Director of the National Guard Bureau had conducted a study to determine the number of fixed-wing and rotary-wing aircraft required to support a number of missions at low, medium, moderate, high, and very-high levels of operational risk, including Homeland defense and disaster response.

The Senate amendment contained a provision (sec. 137) that would require that, if the Secretary of Army were to retire any C-23 Sherpa aircraft, the Secretary would have to offer those aircraft to the governors of the states within whose jurisdiction the C-23s had been operating at no cost to the Federal Government. It would also allow, notwithstanding the transfer of title to an aircraft to a State, the National Guard of the State to fly the aircraft using National Guard crews in a State status.

The House recedes with an amendment that would: (1) delete the authority for the National Guard crews in State status to operate the aircraft; and (2) add a requirement that the Secretary of the Air Force conduct a study to determine the number of fixed-wing and rotary-wing aircraft required to support a number of missions at low, medium, moderate, high, and very-high levels of operational risk, including Homeland defense and disaster response.

*Multiyear procurement authority for airframes for Army UH-60M/HH-60M helicopters and Navy MH-60R/MH-60S helicopters (sec. 113)*

The House bill contained a provision (sec. 113) that would authorize the Secretary of the Army to enter a multiyear procurement contract in accordance with section 2306b of title 10, United States Code, for up to 5 years for UH-60M/HH-60M and MH-60R/MH-60S helicopter airframes.

The Senate amendment contained an identical provision (sec. 154).

The conference agreement includes this provision.

## Subtitle C—Navy Programs

*Multiyear procurement authority for mission avionics and common cockpits for Navy MH-60R/S helicopters (sec. 121)*

The House bill contained a provision (sec. 123) that would authorize the Secretary of the Navy to enter into a multiyear contract to purchase mission avionics and common cockpits for Navy MH-60R/S helicopters, subject to the Secretary providing a certification that all of the criteria in section 2306b of title 10, United States Code, have been met.

The Senate amendment contained an identical provision (sec. 121).

The conference agreement includes the provision.

*Separate procurement line item for certain Littoral Combat Ship mission modules (sec. 122)*

The House bill contained a provision (sec. 124) that would require the Secretary of Defense ensure that the Navy budget includes a separate procurement line item for the three primary mission defense modules for the Littoral Combat Ship program: (1) surface warfare modules; (2) mine countermeasures modules; and (3) anti-submarine warfare modules.

The Senate amendment contained no similar provision.

The Senate recedes.

*Life-cycle cost-benefit analysis on alternative maintenance and sustainability plans for the Littoral Combat Ship program (sec. 123)*

The House bill contained a provision (sec. 125) that would require that the Secretary of the Navy to conduct a life cycle cost-benefit analysis, in accordance with the Office of Management and Budget Circular A-94, comparing alternative maintenance and sustainability plans for the Littoral Combat Ship program. The Secretary would be required to submit a report on that analysis to the congressional defense committees with the fiscal year 2013 budget request.

The Senate amendment contained no similar provision.

The Senate recedes.

*Extension of Ford-class aircraft carrier construction authority (sec. 124)*

The House bill contained a provision (sec. 127) that would: (1) authorize the Secretary of the Navy to enter into a multiyear contract for the Ford-class aircraft carriers designated CVN-79 and CVN-80 and for the construction of major components, modules, or other structures related to such carriers; and (2) amend section 121(a) of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109-364) to allow the Secretary to fund these aircraft carriers over a 5 year period. Section 121(a) now provides the authority for the Secretary to fund the ships over a 4 year period ("...in the fiscal year of the contract and the three succeeding fiscal years.").

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would authorize the Secretary of the Navy to fund these aircraft carriers over a 5 year period.

## Subtitle D—Air Force Programs

*Strategic airlift aircraft force structure (sec. 131)*

The Senate amendment contained a provision (sec. 136) that would amend section 8062(g)(1) of title 10, United States Code, to reduce the number of strategic airlift aircraft the Air Force must maintain from 316 aircraft to 301 aircraft.

The House bill contained no similar provision.

The House recedes.

*Limitations on the use of funds to retire B-1 bomber aircraft (sec. 132)*

The House bill contained a provision (sec. 131) that would prohibit the Secretary of the Air Force from retiring six B-1 bomber aircraft until January 1, 2018, and would identify minimum inventory levels for combat coded, primary, back-up and attrition reserve aircraft.

The Senate bill contained a provision (sec. 134) that would prevent the Secretary of the Air Force from retiring any B-1 bomber aircraft until the Secretary submitted a modernization plan to the congressional defense committees.

The House recedes with an amendment that would require the Secretary to submit a B-1 modernization plan and would authorize the retirement of six B-1 bomber aircraft as follows: three training aircraft in fiscal year 2012, one combat-coded aircraft in fiscal year 2014, one combat-coded aircraft in fiscal year 2015, and one combat-coded aircraft in fiscal year 2016.

The conferees expect the Secretary of the Air Force to maintain non-retired B-1 aircraft in a condition that addresses Congressional intent of having a remaining fleet of 60 B-1 aircraft prepared to meet warfighting plans of the combatant commanders.

*Limitation on retirement of U-2 aircraft (sec. 133)*

The Senate amendment contained a provision (sec. 135) that would prohibit the retirement of the U-2 aircraft until the Under Secretary of Defense for Acquisition, Technology, and Logistics (USD(AT&L)) certifies that the operating and sustainment (O&S) costs for the Global Hawk are less than the O&S costs for the U-2 on a comparable flight-hour cost basis.

The House bill contained no similar provision.

The House recedes with an amendment that would add an additional limitation, requiring that the Chairman of the Joint Requirements Oversight Council certify that the capability to be fielded at the same time or before the U-2 aircraft retirement would result in equal or greater capability available to the combatant commanders.

The USD (AT&L) certification in June, 2011, pursuant to the Global Hawk Nunn-McCurdy cost breach (section 2433a of title 10, United States Code), noted that the U-2 is less expensive to operate on a flight hour basis, but pointed out that, because the Global Hawk has greater endurance than the U-2, fewer sorties are required to fulfill requirements, such that the Global Hawk is less expensive in terms of a full mission profile. The conferees acknowledge this advantage, but believe that flight hour cost is a relevant metric that should favor the more modern, unmanned platform.

The conferees are concerned about Department of Defense (DOD) transition plans in U.S. Pacific Command (PACOM). The U-2 has been operated basically as a dedicated asset to support U.S. Forces Korea and Combined Forces Command, but the Global Hawks that are slated to replace them will be operated as a PACOM-wide asset, substantially reducing collection on the Korean Peninsula.

Global Hawk's imaging sensors also have substantially less range than the Senior Year Electro-optical Reconnaissance System (SYERS) and the Advanced Synthetic Aperture Radar System II carried by the U-2. In the high-threat Korean Peninsula, this range disadvantage equates to reduced coverage

and/or increased risk from operating at reduced standoff ranges. The conferees are informed that the Air Force is considering development of a SYERS-like electro-optical imaging system that would fit in the Global Hawk. While this initiative is welcome, it may be years before it is available, and does not address the gap in radar performance.

DOD hoped that a Foreign Military Sale to South Korea of a number of Global Hawks would mitigate the gap in coverage created by DOD's Global Hawk transition plan in PACOM. This sale appears to have stalled, however. The conferees intend to assess whether the risk of a gap in intelligence collection in Korea is significant and to examine alternatives.

*Availability of fiscal year 2011 funds for research and development relating to the B-2 bomber aircraft (sec. 134)*

The Senate amendment contained a provision (sec. 132) that would authorize the Secretary of the Air Force to use up to \$20.0 million in prior year balances available in the B-2 bomber program in Aircraft Procurement and not needed for low observable signature and supportability modifications and trainer system upgrades, to continue the modifications necessary to allow the B-2 to carry a mix of conventional rotary launcher assembly and smart bomb rack assembly conventional weapons from a single aircraft. This effort was started in fiscal year 2011, is funded in the future-years defense program, but is not funded in the fiscal year 2012 budget request. This provision would authorize the Secretary of the Air Force to use funds already in the B-2 program budget to continue the mixed load modifications.

The House bill contained no similar provision.

The House recedes with an amendment that would change "shall be available" to "may be available".

*Availability of fiscal year 2011 funds to support alternative options for extremely high frequency terminal Increment 1 program of record (sec. 135)*

The Senate amendment contained a provision (sec. 133) that would authorize the Secretary of the Air Force to use up to \$15.0 million in prior year balances available in the B-2 bomber program in Aircraft Procurement, Air Force (APAF), and not needed for low observable signature and supportability modifications and trainer system upgrades, to continue to explore alternatives to the Increment 1 Extremely High Frequency (EHF) terminal program of record. The provision would authorize the Secretary to use these funds as part of the EHF terminal program which is funded in APAF line 76. The EHF terminal will be used in the B-2 and other aircraft.

The House bill contained no similar provision.

The House recedes with an amendment that would change "\$15,000,000 shall be available" to "\$15,000,000 may be available".

*Procurement of advanced extremely high frequency satellites (sec. 136)*

The House bill contained a provision (sec. 132) that would authorize the Secretary of the Air Force to enter into a fixed price contract to procure two Advanced Extremely High Frequency (AEHF) satellites, authorize incremental funding of the two AEHF satellites over a period not to exceed 5 years, and establish a limitation on the total funds to be obligated and expended for the procurement. This section would also require the Secretary of the Air Force to submit a report to the congressional defense commit-

tees on contract details, cost savings, and plans for reinvesting the cost savings into capability improvements for future blocks of AEHF satellites.

The Senate amendment contained a similar provision (sec. 131).

The Senate recedes with an amendment that would authorize a 6 year period and a sense of Congress that the Secretary should not enter into a fixed-price contract under subsection (a) for the procurement of two advanced extremely high frequency satellites unless the Secretary determines that entering into such a contract will save the Air Force not less than 20 percent over the cost of procuring two such satellites separately.

The conferees do not support the request for advanced appropriations authority and note that such authority has not been provided to the Department in the past and would limit the oversight ability of future Congresses.

*Subtitle E—Joint and Multiservice Matters  
Limitation on availability of funds for acquisition of joint tactical radio system (sec. 141)*

The House bill contained a provision (sec. 143) that would limit the obligation of funds of the Joint Tactical Radio System to not more than 70 percent of the requested amount until the Secretary of the Army submits written certification that full rate production includes full and open competition.

The Senate amendment contained no similar provision.

The Senate recedes.

*Limitation on availability of funds for aviation foreign internal defense program (sec. 142)*

The House bill contained a provision (sec. 144) that would prohibit more than 50 percent of the funds available in fiscal year 2012 for the procurement of fixed-wing non-standard aviation aircraft in support of the aviation foreign internal defense program from being obligated or expended until 30 days after the Commander of U.S. Special Operations Command submits a required report on the aviation foreign internal defense program.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would clarify the elements of the required report.

*F-35 Joint Strike Fighter aircraft (sec. 143)*

The Senate amendment contained a provision (sec. 152) that would require the Secretary of Defense to ensure that, in entering into a contract for the fifth low-rate initial production (LRIP) contract lot for the F-35 Lightning II Joint Strike Fighter (JSF) aircraft: (1) the contract is a fixed price contract; and (2) the contract requires the contractor to assume full responsibility for costs under the contract above the target cost specified in the contract.

The House bill contained no similar provision.

The House recedes with an amendment that would modify the provision to make the requirement apply to the sixth and all subsequent low-rate initial production contracts.

*Additional oversight requirements for the undersea mobility acquisition program of the United States Special Operations Command (sec. 144)*

The Senate amendment contained a provision (sec. 155) that would require the Under Secretary of Defense for Acquisition, Technology, and Logistics to designate the undersea mobility acquisition program of the United States Special Operations Command as a major defense acquisition program.

The House bill contained no similar provision.

The House recedes with an amendment that would require the Under Secretary of Defense for Acquisition, Technology, and Logistics to make an assessment and determination, prior to any milestone B acquisition decision, on whether to treat the Dry Combat Submersible-Light, Dry Combat Submersible-Medium, Next-Generation Submarine Shelter, and any other future dry combat submersible programs of the United States Special Operations Command, as major defense acquisition programs. The Under Secretary of Defense for Acquisition, Technology, and Logistics will include in his assessment a requirements validation by the Joint Requirements Oversight Council, an independent cost estimate prepared by the Director of Cost Assessment and Program Evaluation, a test and evaluation master plan reviewed by the Director of Operational Test and Evaluation, and a technology readiness assessment reviewed by the Assistant Secretary of Defense for Research and Engineering. At least 30 days prior to any milestone B acquisition decision on the programs listed above, the Under Secretary of Defense for Acquisition, Technology, and Logistics shall provide to the congressional defense committees his determination of the appropriate acquisition category for these programs, including the validated requirements, independent cost estimate, test and evaluation master plan, and technology readiness assessment.

*Inclusion of information on approved Combat Mission Requirements in quarterly reports on use of Combat Mission Requirement Funds (sec. 145)*

The Senate amendment contained a provision (sec. 151) that would clarify the quarterly reporting requirements related to the use of Combat Mission Requirement Funds.

The House bill contained no similar provision.

The House recedes.

*Joint Surveillance Target Attack Radar System aircraft re-engining program (sec. 146)*

The Senate amendment contained a provision (sec. 157) that would require: (1) the Air Force Audit Agency to submit to the congressional defense committees the results of a financial audit of the funds previously authorized and appropriated for the Joint Surveillance/Target Attack Radar System (JSTARS) aircraft re-engining program; and (2) the Secretary of the Air Force to ensure that any funds described authorized and appropriated for the JSTARS re-engining program are obligated and expended for the purpose for which originally authorized and appropriated, including, but not limited to, the installation of two engine ship sets on two operational JSTARS aircraft and the purchase of two spare engines.

The House bill contained no similar provision.

The House recedes with an amendment that would change the requirement to install one engine ship set to be installed on one operational JSTARS aircraft.

*Authority for exchange with United Kingdom of specified F-35 Lightning II Joint Strike Fighter aircraft (sec. 147)*

The Senate amendment contained a provision (sec. 159) that would authorize the Secretary of Defense to exchange an F-35B short take-off and vertical landing aircraft to the United Kingdom in exchange for an F-35C carrier variant aircraft. This exchange became desirable when the United Kingdom announced that they were not intending to

continue any participation in the F-35B program, but had decided instead to pursue the F-35C variant. The provision would place certain terms and conditions on the exchange to ensure that the each government gets fair value in the transaction.

The House bill contained no similar provision.

The House recedes.

*Report on probationary period in development of short take-off, vertical landing variant of the Joint Strike Fighter (sec. 148)*

The Senate amendment contained a provision (sec. 158) that would require the Secretary of Defense to submit a report to the congressional defense committees about the criteria that the Secretary determines must be satisfied before the F-35B Joint Strike Fighter can be removed from the 2 year probationary status imposed by the Secretary on or about January 6, 2011, and several other matters.

The House bill contained no similar provision.

The House recedes.

*Report on plan to implement Weapon Systems Acquisition Reform Act of 2009 measures within the Joint Strike Fighter aircraft program (sec. 149)*

The Senate amendment contained a provision (sec. 153) that would require the Under Secretary of Defense for Acquisition, Technology, and Logistics to submit a report on the plans of the Department of Defense to implement the requirements of the Weapon Systems Acquisition Reform Act of 2009 (Public Law 111-23), and the amendments made by that Act, within the Joint Strike Fighter aircraft program. The provision would require that the Under Secretary submit a report with the budget request for fiscal year 2013.

The House bill contained no similar provision.

The House recedes.

#### Legislative Provisions Not Adopted

*Multiyear funding for detail design and construction of LHA replacement ship designated LHA-7*

The House bill contained a provision (sec. 121) that would amend section 111(a) of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (Public Law 111-383) to allow the Navy to fund detail design and construction for LHA-7 in fiscal year 2013, in addition to fiscal years 2011 and 2012, as was originally authorized by section 111(a).

The Senate amendment contained no similar provision.

The House recedes.

*Multiyear funding for procurement of Arleigh Burke-class destroyers*

The House bill contained a provision (sec. 122) that would authorize the Secretary of the Navy to enter into a multiyear contract for the DDG-51 Arleigh Burke-class destroyers and government-furnished equipment associated with such destroyers.

The Senate amendment contained no similar provision.

The House recedes.

*Limitation on availability of funds for F/A-18 service life extension program*

The House bill contained a provision (sec. 126) that would prevent the Secretary of the Navy from spending any funds on a program to extend the service life beyond 8,600 hours pending submission of that required report. The Navy submitted the required report after the House of Representatives passed the National Defense Authorization Act for Fiscal Year 2012 (H.R. 1540).

The Senate amendment contained no similar provision.

The House recedes.

*Contracts for commercial imaging satellite capabilities*

The House bill contained a provision (sec. 142) that would repeal section 127 of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (Public Law 111-383).

The Senate amendment contained no similar provision.

The House recedes.

The conferees agree that commercial imaging satellites are a key part of the overhead imagery architecture, and the related legislation should not be overly prescriptive. The executive agencies should reach consensus on capability requirements and allow commercial imagery service providers to offer the best value solutions that meet the needs of the government. The conferees look forward to the executive agencies further identification of the role(s) and requirements of commercial imagery, specifically in the context of a broader intelligence, surveillance, and reconnaissance strategy. The conferees plan to actively monitor this important area and consider the need for additional legislation and existing statute.

*Limitation on availability of funds for commercial satellite procurement*

The House bill contained a provision (sec. 145) that would prohibit the Defense Information Systems Agency and the Air Force from obligating more than 20 percent of the funds available for fiscal year 2012 for commercial satellite procurement until the Secretary of Defense provides an independent assessment of the acquisition strategy.

The Senate amendment contained no similar provision.

The House recedes.

*Separate procurement line item for non-lethal weapons funding*

The House bill contained a provision (sec. 147) that would require future budget requests to include a separate procurement line item for each military department for non-lethal weapons.

The Senate amendment contained no similar provision.

The House recedes.

*Study on domestic capacity for manufacture of ship shafts and other forged components*

The House bill contained a provision (sec. 148) that would require the Secretary of Defense to measure the domestic capacity to manufacture ship shafts and other forged components used by Navy combatants.

The Senate amendment contained no similar provision.

The House recedes.

The conferees understand that the Department is already conducting a review that will produce such a measurement of industry capacity.

*Transfer of Air Force C-12 Liberty Intelligence, Surveillance, and Reconnaissance Aircraft to the Army*

The Senate amendment contained a provision (sec. 156) that would require the Secretary of Defense to develop and implement a plan for the orderly transfer of the Air Force MC-12 Liberty intelligence, surveillance, and reconnaissance (ISR) aircraft to the Army.

The House bill contained no similar provision.

The House recedes.

The Senate based this position on the view that: (1) the Department of Defense (DOD) does not need two fleets of C-12-based ISR

aircraft equipped with full-motion video and tactical signals intelligence sensors supporting ground forces (the MC-12 Liberty in the Air Force and the Enhanced Medium Altitude Reconnaissance and Surveillance System (EMARSS) in the Army); (2) the Army is more likely than the Air Force to maintain a commitment to this type of platform and mission; (3) the Army has an existing and available pool of C-12 pilots and infrastructure; and (4) the Air Force has a shortage of pilots for its rapidly growing unmanned aerial vehicle fleet.

The DOD leadership, including the Deputy Secretary of Defense, the Vice Chairman of the Joint Chiefs of Staff, the Under Secretary of Defense for Intelligence (USD(I)), and the Secretaries of the Air Force and Army, informed the conferees that they all believe that the Air Force should continue to operate and manage the MC-12 Liberty fleet and assured the conferees that the Air Force is committed to the mission.

The conferees accept DOD's judgment, but note that other actions within the Department send mixed signals about the conclusions these officials have reached.

The conferees understand that the Air Force has already proposed to transfer the Liberty aircraft to the Air National Guard, despite assurances to the conferees from the USD(I) that this would not be allowed to happen. The conferees have concerns about the ability of the Air National Guard to sustain the levels of forward deployment and operational tempo required to meet the needs of Army, Marine Corps, and special forces ground units. The conferees are not opposed to having the Air National Guard contribute to this mission by operating at least a portion of these assets as the demand for high levels of forward deployment recedes. However, that level of participation should be consistent with meeting the demands of the combatant commanders, when considering the strains in operating tempo that would be placed on the Air National Guard force. The conferees urge the Department, in making any decision on transfers of this mission and aircraft to the Guard, to consider requirements for aircraft of this type to assist in border control and counter-narcotics operations.

The conferees expect that the decision to keep the Liberty aircraft in the Air Force as a theater-level asset would be reflected in a commitment by the combatant commanders to follow established allocation procedures through the Joint Forces Air Component Commander process in supporting deployed joint forces, obviating the need for a second fleet of EMARSS aircraft in the Army.

#### TITLE II—RESEARCH, DEVELOPMENT, TEST, AND EVALUATION BUDGET ITEM

##### *Armored multipurpose vehicle program*

The budget request included \$53.3 million in PE 23735A for combat vehicle improvement. Of this amount, \$31.4 million was requested for the Armored Multipurpose Vehicle (AMPV) program.

The House bill would authorize \$78.3 million in PE 23735A, an increase of \$25.0 million.

The Senate amendment would authorize \$53.3 million in PE 23735A for combat vehicle improvement.

The House recedes. The conferees strongly support the AMPV program moving forward as quickly as possible. The conferees note that in 2007 the Army identified the M-113 Armored Personnel Carrier for replacement due to its inadequate survivability and force

protection. As currently planned, the AMPV's low-rate initial production will not occur until 2016. The conferees believe that this timeline is too long and that numerous options exist to accelerate the replacement of M-113s such as modified versions of existing Army tracked or wheeled vehicle systems. The conferees are concerned, however, that production of many of the Army's current tracked and wheeled combat vehicles will end before 2016. Therefore, the conferees urge the Army to carefully consider competitive selection from modified existing armored vehicle systems to control costs and avoid delay in development, testing, production, and fielding of an M-113 replacement vehicle. As part of this competitive selection, the conferees encourage the Army to consider the use of existing acquisition authorities to begin this M-113 replacement effort as an engineering change proposal or upgrade program, if that approach reduces cost, and shortens the development and testing timelines.

**Subtitle A—Authorization of Appropriations**  
*Authorization of appropriations (sec. 201)*

The House bill contained a provision (sec. 201) that would authorize appropriations for fiscal year 2012 for the use of the Department of Defense for research, development, test, and evaluation.

The Senate bill contained an identical provision (sec. 201).

The conference agreement includes this provision.

**Subtitle B—Program Requirements, Restrictions, and Limitations**

*Limitation on availability of funds for the ground combat vehicle program (sec. 211)*

The House bill contained a provision (sec. 211) that would limit obligation or expenditure of funds to not more than 70 percent for the Ground Combat Vehicle (GCV) program until the Army provides a report containing an updated analysis of alternatives.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would limit the obligation or expenditure of funds to not more than 80 percent for the program until submission of a report containing the Army's plans to carry out a dynamic analysis of alternatives and a description of the resources needed to conduct a separate assessment of selected non-developmental vehicles in accordance with the acquisition decision memorandum dated August 17, 2011.

The conferees continue to support the Army's goal of pursuing a modernized combat vehicle. However, before the Army starts another major development program that could cost \$30.0 to \$40.0 billion, the conferees want assurances that the GCV will be significantly more capable than a potentially less expensive upgraded version of currently fielded platforms. The conferees agree with the Under Secretary of Defense for Acquisition, Technology and Logistics directive for the Army to conduct a dynamic analysis of alternatives and separate assessment of selected non-developmental vehicles. The conferees are concerned about the differences between the Army's and the Director of Cost Assessment and Program Evaluation's unit cost estimates and expect these differences to be resolved during the technology development phase of the program.

*Limitation on the individual carbine program (sec. 212)*

The House bill contained a provision (sec. 212) that would require the Army to conduct

an analysis of alternatives (AOA) for the Individual Carbine program and prohibit the approval of a full rate production decision until the AOA has been reported. The provision would also give the Secretary of Defense waiver authority.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would require a business case analysis instead of an AOA and modify the Secretary of Defense's waiver authority.

*Limitation on availability of funds for future unmanned carrier-based strike system (sec. 213)*

The House bill contained a provision (sec. 223) that would prevent the Secretary of Defense from obligating more than 15 percent of the fiscal year 2012 program funds for the unmanned carrier launched airborne surveillance and strike (UCLASS) program until the Department made certain certifications and established acquisition baselines for the program. The provision would also require the Comptroller General to assess the acquisition strategy defined by the Department as part of that effort, and to report to the congressional defense committees on that assessment.

The Senate amendment contained a provision (sec. 213) that that would prevent the Secretary of Defense from obligating more than 50 percent of the UCLASS program funds until Under Secretary of Defense for Acquisition, Technology, and Logistics certifies to the congressional defense committees that the acquisition strategy he approved at Milestone A requires implementation of open architecture standards for the program.

The conferees agree to a provision that would prevent the Navy from obligating more than 75 percent of the funds available to the program until 60 days after the date on which: (1) the Chairman of the Joint Requirements Oversight Council makes certain certifications about requirements; (2) the Assistant Secretary of the Navy for Research, Development, and Acquisition submits a report describing certain acquisition program attributes; and (3) the Under Secretary of Defense for Acquisition, Technology, and Logistics certifies certain aspects of the program plan.

*Limitation on availability of funds for amphibious assault vehicles of the Marine Corps (sec. 214)*

The House bill contained a provision (sec. 214) that would prohibit the obligation of funds made available after the enactment of the National Defense Authorization Act for Fiscal Year 2012 for Marine Corps amphibious assault vehicles until the Secretary of the Navy provided Congress a report on requirements and an analysis of alternatives (AOA) for amphibious assault vehicles.

The Senate amendment contained a similar provision (sec. 214) that would prohibit Milestone B approval of the Marine Personnel Carrier (MPC) until the AOA is submitted to Congress; allow the Marine Corps to obligate funds for amphibious assault vehicle research and development, and testing, necessary to support the AOA and the development of requirements for the Amphibious Combat Vehicle (ACV); and require the Director, Cost Assessment and Program Evaluation, to conduct life cycle cost assessments of the portfolio of Marine Corps ground vehicles prior to Milestone B approval.

The Senate recedes with an amendment that would (1) allow the Marine Corps to ob-

ligate funds for amphibious assault vehicle activities to support survivability or other operational issues, to support the AOA, or to support the development of requirements for the ACV; (2) allow the Marine Corps to obligate funds for amphibious vehicles for other purposes after submitting a report to Congress on combatant commanders' requirements for amphibious assault vehicles; (3) prohibit Milestone B approval for the MPC until the requirements report is submitted to Congress; and (4) require a habitability assessment report based on ongoing Marine Corps evaluations.

*Limitation on obligation of funds for the F-35 Lightning II aircraft program (sec. 215)*

The House bill contained a provision (sec. 215) that would prohibit obligation or expenditure of any funds for performance improvements to the F-35 propulsion system unless the Secretary of Defense ensures competitive development and production of the F-35 propulsion system.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would prevent the obligation of more than 80 percent of the research and development funding for the F-35 program until the Secretary of Defense certifies to the congressional defense committees that the acquisition strategy for the F-35 program includes a plan for achieving competition throughout operation and sustainment, in accordance with section 202(d) of the Weapon Systems Acquisition Reform Act of 2009 (Public Law 111-23).

*Limitation on use of funds for Increment 2 of B-2 bomber aircraft extremely high frequency satellite communications program (sec. 216)*

The Senate amendment contained a provision (sec. 212) that would prohibit the Secretary from obligating or expending funds for Increment 2 of the B-2 Bomber aircraft Extremely High Frequency (EHF) Satellite Communications program, until the Secretary of the Air Force makes a series of certifications and a report with respect to the acquisition plan for Increment 2, which consists of the integration of an EHF terminal and low observable antenna for secure strategic communications. The required certifications would be that the U.S. Government owns the data rights for the antennas, and that the antenna technology selected is the most cost effective and lowest risk option for the B-2. The report would include a detailed plan setting forth the projected cost and schedule for the research, development, and testing of the antenna.

The House bill contained no similar provision.

The House recedes with an amendment that would prohibit spending 60 percent of funds available until the Secretary of the Air Force makes the above certification.

*Limitation on availability of funds for the Joint Space Operations Center management system (sec. 217)*

The House bill contained a provision (sec. 217) that would limit the obligation or expenditure of funds authorized to be appropriated or otherwise made available for fiscal year 2012 for Release 1 of the Joint Space Operations Center Management System (JMS) until the Under Secretary of Defense for Acquisition, Technology, and Logistics and the Secretary of the Air Force jointly provide to the congressional defense committees the acquisition strategy for JMS, to include a description of the acquisition policies and procedures applicable to JMS and any additional acquisition authorities that may be necessary.

This section would also express a sense of Congress that improvements to U.S. space situational awareness and space command and control capabilities are necessary, and the traditional defense acquisition process is not optimal for developing the services oriented architecture and net-centric environment planned for JMS.

The Senate amendment contained no similar provision.

The Senate recedes.

*Limitation on availability of funds for wireless innovation fund (sec. 218)*

The House bill contained a provision (sec. 218) that would limit the Defense Advanced Research Projects Agency to obligating or expending not more than 10 percent of funds authorized to be appropriated for the wireless innovation fund until 30 days after the date on which the Under Secretary of Defense for Acquisition, Technology, and Logistics submits a report on how such funds will be managed and executed.

The Senate amendment contained no similar provision.

The Senate recedes.

*Prohibition on delegation of budgeting authority for certain research and educational programs (sec. 219)*

The House bill contained a provision (sec. 222) that would prohibit the Secretary of Defense from delegating authority for the Historically Black Colleges and Universities (HBCU) program to any individual outside of the Office of the Secretary of Defense.

The Senate amendment contained no similar provision.

The Senate recedes.

The conferees direct that any amounts appropriated for the HBCU/Minority Institutions program, in a program element other than PE 0602228087, shall be transferred to this program element for execution consistent with the requirements of this section.

*Designation of main propulsion turbomachinery of the next-generation long-range strike bomber aircraft as major subprogram (sec. 220)*

The House bill contained a provision (sec. 220) that would require the Secretary of Defense to designate the main propulsion system of the next-generation long-range strike bomber aircraft as a major subprogram and would require the Secretary of the Air Force to develop a competitive acquisition strategy for the propulsion system.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that changes "system" to "turbomachinery" and the designation date to "30 days after Milestone A".

*Designation of electromagnetic aircraft launch system development and procurement program as major subprogram (sec. 221)*

The House bill contained a provision (sec. 221) that would require that the Secretary of Defense designate the electromagnetic aircraft launch system (EMALS) development and procurement program as a major subprogram of the CVN-78 Ford-class aircraft carrier major defense acquisition program, in accordance with section 2430a of title 10, United States Code.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would provide that the requirement to maintain this major subprogram designation for EMALS would expire upon successful completion of operation testing.

*Advanced rotorcraft flight research and development (sec. 222)*

The House bill contained a provision (sec. 219) that would authorize the Secretary of

the Army to conduct a program for flight research and demonstration of advanced helicopter technology.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would direct the Army, if they chose to award a contract, to use full and open competition as defined in section 2302(3)(D) of title 10, United States Code.

*Preservation and storage of certain property related to F136 propulsion system (sec. 223)*

The House bill contained a provision (sec. 252) that would require the Secretary of Defense develop and implement a plan to store and preserve property owned by the Federal Government that was acquired under the F136 propulsion system development contract that would, with the aim of ensuring that the option of allowing the contractor to fund continued development of the F136 from within contractor funds would not be precluded by actions that the Defense Department might take in implementing the announced contract termination.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would require that the Secretary of Defense develop a plan that would provide for the long-term sustainment and repair of such property pending a determination of whether such property: (1) can be used within the F-35 Lightning II aircraft program, in other government development programs, or in other contractor-funded development activities; (2) should be stored for use in future government development programs; or (3) should be disposed. The provision would also require the Secretary to identify how he intends to obtain maximum benefit to the U.S. Government from the investment already made in developing the F136.

#### Subtitle C—Missile Defense Programs

*Acquisition accountability reports on the ballistic missile defense system (sec. 231)*

The House bill contained a provision (sec. 231) that would amend chapter 9 of title 10, United States Code, to require acquisition baselines and annual acquisition accountability reports on the ballistic missile defense system.

The Senate amendment contained no similar provision.

The Senate recedes with a clarifying amendment.

*Comptroller General review and assessment of missile defense acquisition programs (sec. 232)*

The Senate amendment contained a provision (sec. 231) that would amend section 225 of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (Public Law 111-383) to require the Comptroller General to review and assess the annual baseline acquisition reports of the Missile Defense Agency for fiscal years 2012 through 2015, and provide annual reports to Congress on those assessments.

The House bill contained no similar provision.

The House recedes with an amendment that would make this a separate provision of law, since section 225 of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 is repealed elsewhere in this Act.

*Homeland defense hedging policy and strategy (sec. 233)*

The House bill contained a provision (sec. 233) that would establish policy for a hedging strategy for homeland missile defense of the United States, and would require the Depart-

ment of Defense to develop and submit such a hedging strategy to the congressional defense committees.

The Senate amendment contained a similar provision (sec. 234).

The Senate recedes with an amendment that would require the Department of Defense to submit a report on the homeland missile defense hedging strategy.

*Ground-based Midcourse Defense program (sec. 234)*

The House bill contained a provision (sec. 234) that would express the sense of Congress regarding the need to take steps to correct the cause of two flight test failures of the Ground-based Midcourse Defense system, and would require the Department of Defense to establish and submit to Congress a plan to address the flight test failures.

The Senate amendment contained a similar provision (sec. 232).

The House recedes with an amendment that would require the Department of Defense to report to Congress on the details and status of the plan to correct the cause of the flight test failures.

*Limitation on availability of funds for the Medium Extended Air Defense System (Sec. 235)*

The House bill contained a provision (sec. 232) that would limit the availability of any funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2012 for the Medium Extended Air Defense System (MEADS) until the Secretary of Defense either (1) negotiates a multilateral termination of the contract covering the program, or (2) restructures the program to ensure that specific deliverables under the contract are transitioned to United States programs of record by not later than September 30, 2013. The provision would also require the Secretary to submit notification of the details of the plan to meet either of the options permitted.

The Senate amendment contained no similar provision. However, the Senate amendment did include a provision (sec. 807) that would require the Department of Defense to conduct risk assessments of future international weapon development programs, to avoid problems such as the current MEADS situation. Furthermore, the Senate amendment would authorize no fiscal year 2012 funds for the MEADS program.

The Senate recedes with an amendment that would limit the availability of more than 25 percent of fiscal year 2012 funds for MEADS until the Secretary of Defense submits a plan to use such funds as final obligations under the MEADS program for either (1) implementing a restructured MEADS program of reduced scope, or (2) contract termination liability costs with respect to the contracts covering the program. The provision would also require the Secretary to submit the plan for using fiscal year 2012 funds for the purposes permitted, with details of such plan. The provision would also require the Secretary to submit a report, not later than 180 days after the date of enactment of this Act, describing the efforts the Secretary has made with Germany and Italy, including involvement by the Secretary of State, to agree on ways to minimize the costs to each nation of implementing a restructured program or of unilateral or multilateral contract termination.

The conferees are extremely disappointed that in 2004 the Department of Defense negotiated and signed a Memorandum of Understanding on the Medium Extended Air Defense System with Germany and Italy that



effectively created an unacceptable situation for the United States in the event of poor program execution, significant schedule delays, or significantly increased cost estimates, such as have taken place. It is the conferees' understanding that none of the partner nations—the United States, Germany, or Italy—intend to procure and field the MEADS system. Yet, Congress has been told that the United States still must face an obligation of more than \$800.0 million for contract completion or for contract termination liability in the context of our fiscal crisis.

The conferees believe the Department of Defense failed the American taxpayer by signing the Memorandum in question, and believe that it is the Department's urgent responsibility, at the highest levels, to engage with Germany and Italy to minimize possible further costs to the United States of implementing a restructured program or multilateral contract termination.

*Sense of Congress regarding ballistic missile defense training (sec. 236)*

The House bill contained a provision (sec. 333) that would express the sense of Congress concerning the importance of improving the integration of ballistic missile defense training across and between the combatant commands.

The Senate amendment contained no similar provision.

The Senate recedes with a clarifying amendment.

#### Subtitle D—Reports

*Extension of requirements for biennial roadmap and annual review and certification on funding for development of hypersonics (sec. 241)*

The Senate amendment contained a provision (sec. 251) that would extend the biennial reporting requirement from the Department of Defense on hypersonic weapons development from 2012 to 2020.

The House bill contained no similar provision.

The House recedes with an amendment that would extend the reporting requirement from 2012 to 2016.

*Report and cost assessment of options for Ohio-class replacement ballistic missile submarine (sec. 242)*

The House bill contained a provision (sec. 213) that contained a series of findings and expressed a sense of Congress on the program to replace the Ohio-class ballistic missile submarine. The House provision would also limit, to not more than 90 percent, the obligation or expenditure of fiscal year 2012 funds authorized or otherwise made available for such program until the Secretary of Defense submits a report to the congressional defense committees on the program including, among other matters, the analysis and cost estimates that supported the Department of Defense decision to reduce the planned number of missile tubes per submarine to 16.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would require the Secretary of the Navy and the Commander of U.S. Strategic Command to jointly submit a report, not later than 180 days after the date of enactment of this Act, assessing several options for the number of submarines and the number of missile tubes per submarine for the Ohio-class replacement program. The report would be required to assess the procurement cost and total life cycle cost of each option, the ability for each option to meet Strategic

Command's at-sea requirements that are in place as of the date of enactment of this Act and any expected changes to such requirements, and the ability for each option to meet nuclear employment and planning guidance in place as of the date of enactment of this Act and any expected changes to such guidance. The report would also be required to include a description of the postulated threat and strategic environment used to inform selection of a final option, as well as how each option provides flexibility for responding to changes in the threat and strategic environment.

*Report on the electromagnetic rail gun system (sec. 243)*

The House bill contained a provision (sec. 243) that would require the Secretary of Defense to submit a report on the feasibility of developing and deploying the electromagnetic rail gun system.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would change the reporting authority to the Secretary of the Navy, focusing on development, future deployment, and operational challenges within the Navy program. The Secretary of the Navy would be required to brief the congressional defense committees with an interim update within 90 days of enactment of this Act, and a full report within 180 days.

*Annual Comptroller General report on the KC-46A aircraft acquisition program (sec. 244)*

The House bill contained a provision (sec. 241) that would require the Comptroller General to submit an annual report on the KC-46A program, beginning in fiscal year 2012 and concluding in fiscal year 2017. The reports would include assessment of various aspects of the program, including whether the Air Force was making any changes to the program's requirements or documentation.

The Senate amendment contained no similar provision.

The Senate recedes.

*Independent review and assessment of cryptographic modernization program (sec. 245)*

The House bill contained a provision (sec. 242) that would require the Secretary of Defense to conduct an independent review through an appropriate entity outside of the Department of Defense (DOD) of the DOD cryptographic modernization program.

The Senate amendment contained no similar provision.

The Senate recedes.

*Report on increased budget items (sec. 246)*

The House bill contained a provision (sec. 1699F-1) that would require reports on increased budget items authorized to be appropriated by section 201 of this Act.

The Senate amendment contained no similar provision.

The Senate recedes with a clarifying amendment that would require a one-time report. The conferees intend the Secretary of Defense to describe the justification for awarding a contract using other than full and open competition, in the case of contracts against which funds will be obligated that were not included in the President's fiscal year 2012 budget request.

#### Subtitle E—Other Matters

*Repeal of requirement for Technology Transition Initiative (sec. 251)*

The House bill contained a provision (sec. 251) that would repeal the requirement for the Technology Transition Initiative.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would make the repeal effective on October 1, 2013.

Further, the conferees note that the repeal of the Technology Transition Initiative is incumbent upon the receipt, no later than March 31, 2012, of the report directed in section 253 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110-417). The Under Secretary of Defense for Acquisition, Technology, and Logistics has failed to comply with this statutory requirement, which was required no later than October 1, 2009.

*Contractor cost-sharing in pilot program to include technology protection features during research and development of certain defense systems (sec. 252)*

The Senate amendment contained a provision (sec. 261) that would require the contractor of certain research and development programs to bear at least one half of the cost of such activities.

The House bill contained no similar provision.

The House recedes.

*Extension of authority for mechanisms to provide funds for defense laboratories for research and development of technologies for military missions (sec. 253)*

The House bill contained a provision (sec. 253) that would extend the authority for funding mechanisms from October 1, 2013, till September 30, 2016.

The Senate amendment contained a similar provision (sec. 905(b)) that would make the authority permanent.

The Senate recedes.

However, conferees remain concerned about the Department of Defense's execution of section 219 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110-417). The statute requires the establishment of mechanisms under which the director of a defense laboratory may use an amount of funds equal to not more than 3 percent of all funds available to the defense laboratory for specified purposes. Current implementation varies from service to service and the conferees expect the Department and the services to establish consistent mechanisms that clearly follow the provisions of this statute. Furthermore, the conferees direct the service secretaries, in coordination with the Director of the Assistant Secretary of Defense for Research and Engineering Laboratories Office, to report to the Committees on Armed Services of the Senate and the House of Representatives by March 31, 2012, on all barriers or impediments to fully implementing the statute.

*National defense education program (sec. 254)*

The House bill contained a provision (sec. 257) that would prohibit the Secretary of Defense from using K-12 education funds within the National Defense Education Program (NDEP) to make up the difference should the amount authorized to be appropriated for fiscal year 2012 be less than the amount requested by the President.

The Senate amendment contained no similar provision.

The Senate recedes.

The conferees strongly encourage the Department that however it allocates non-K-12 funding within NDEP, existing Science, Mathematics and Research for Transformation scholarships and internships should not be impacted.

*Laboratory facilities, Hanover, New Hampshire (sec. 255)*

The Senate amendment contained a provision (sec. 262) that would allow the Secretary

of the Army to acquire property in the vicinity of Hanover, New Hampshire, as may be needed for the Engineer Research and Development Center laboratory at the Cold Regions Research and Engineering Laboratory.

The House bill contained no similar provision.

The House recedes.

*Sense of Congress on active matrix organic light emitting diode technology (sec. 256)*

The House bill contained a provision (sec. 255) that would establish a sense of Congress on the importance of organic light emitting diode (OLED) technology. The provision urges the Secretary of Defense to utilize existing programs to support the reduction of costs and risks related to the technology.

The Senate amendment contained no similar provision.

The Senate recedes with a technical amendment that would change this provision from being directive to permissive.

#### Legislative Provisions Not Adopted

*Study on space-based interceptor technology*

The House bill contained a provision (sec. 235) that would require the Department of Defense to conduct of study of space-based interceptor technology.

The Senate amendment contained no similar provision.

The House recedes.

*Application of RNA biological and functional science and technology*

The House bill contained a provision (sec. 254) that would require the Secretary of Defense to ensure that RNA technology would be used, when applicable, in research.

The Senate amendment contained no similar provision.

The House recedes.

*Prohibition on use of funds for newly designed flight suit*

The House bill contained a provision (sec. 256) that would prohibit the Department from using any funds to research, develop, manufacture, or procure a newly designed flight suit for members of the armed forces.

The Senate amendment contained no similar provision.

The House recedes.

*Prohibitions relating to use of funds for research, development, test, and evaluation on the F136 engine*

The Senate amendment contained a provision (sec. 211) that would prohibit: (1) the obligation of any funds in this Act for research, development, test, or evaluation on the F136 engine; and (2) the consideration of any research, development, testing and evaluation of the F136 engine conducted and funded by the contractor as an allowable charge on any future government contract, either as a direct or an indirect cost.

The House bill contained no similar provision.

The Senate recedes.

#### TITLE III—OPERATION AND MAINTENANCE

Subtitle A—Authorization of Appropriations  
*Operation and maintenance funding (sec. 301)*

The House bill contained a provision (sec. 301) that would authorize fiscal year 2012 funding levels for all operation and maintenance accounts.

The Senate amendment contained an identical provision (sec. 301).

The conference agreement includes this provision.

#### Subtitle B—Energy and Environmental Provisions

*Designation of senior official of Joint Chiefs of Staff for operational energy plans and programs and operational energy budget certification (sec. 311)*

The House bill contained a provision (sec. 311) that would require the Chairman of the Joint Chiefs of Staff to designate a senior official to be responsible for operational energy plans and programs for the Joint Chiefs of Staff, the Joint Staff, and for coordinating with the Assistant Secretary of Defense for Operational Energy, Plans, and Programs and implementing initiatives pursuant to the operational energy strategy established by the Assistant Secretary of Defense for Operational Energy, Plans, and Programs. The provision would also modify the date of the report requirement accompanying the President's budget certification.

The Senate amendment contained no similar provision.

The Senate recedes.

*Improved Sikes Act coverage of State-owned facilities used for the national defense (sec. 312)*

The House bill contained a provision (sec. 313) that would improve the coverage of State-owned National Guard facilities under the Sikes Act (16 U.S.C. 670 et seq.) and would make certain technical modifications.

The Senate amendment contained no similar provision.

The Senate recedes.

*Discharge of wastes at sea generated by ships of the armed forces (sec. 313)*

The House bill contained a provision (sec. 314) that would amend section 1902 of title 33, United States Code, by codifying discharge standards at sea for ships of the armed forces.

The Senate amendment contained a similar provision (sec. 315).

The Senate recedes with an amendment that eliminates the 270 day deadline for the reporting of a discharge necessary for purposes of securing the safety of the ship, the health of the ship's personnel, or saving life at sea.

*Modification to the responsibilities of the Assistant Secretary of Defense for Operational Energy, Plans, and Programs (sec. 314)*

The House bill contained a provision (sec. 315) that would designate one of the military departments to serve as the executive agent for alternative fuel development for the Department of Defense (DOD).

The Senate amendment contained no similar provision.

The Senate recedes with a clarifying amendment that would modify the responsibilities of the Assistant Secretary of Defense for Operational Energy, Plans, and Programs, in consultation with the military departments and the Assistant Secretary of Defense for Research and Engineering, to include development and oversight of alternative fuels activities and the streamlining of alternative fuel investments.

The conferees note that the amendment would also include a modification to the reporting requirement set forth in section 2925(b)(2) of title 10, United States Code.

*Energy-efficient technologies in contracts for logistics support of contingency operations (sec. 315)*

The House bill contained a provision (sec. 316) that would require the Secretary of Defense to give favorable consideration in the award of logistics support contracts for contingency operations to offers that include

energy-efficient or energy reduction technologies or processes.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would require the energy performance master plan for the Department of Defense to include goals, metrics, and incentives for achieving energy efficiency in such contracts.

*Health assessment reports required when waste is disposed of in open-air burn pits (sec. 316)*

The House bill contained a provision (sec. 317) that would require the Secretary of Defense to submit a health assessment report to the Committees on Armed Services of the Senate and the House of Representatives when certain waste is disposed of in open-air burn pits during contingency operations.

The Senate amendment contained no similar provision.

The Senate recedes.

*Streamlined annual report on defense environmental programs (sec. 317)*

The Senate amendment contained a provision (sec. 312) that would streamline the Defense Department's Annual Report to Congress on Defense Environmental Programs.

The House bill contained no similar provision.

The House recedes with a clarifying amendment that the report would cover fiscal years vice calendar years, and to reference the "environmental restoration program" instead of the "installation restoration program."

The conferees note that the Office of the Secretary of Defense and the military departments present their environmental account information to the defense committees in varying formats. It is the intention of the conferees that this streamlined report will include the total funds expended by account by the Department of Defense and by each military department. It is also the intention that the Defense Department use consistent nomenclature and metrics when reporting its environmental data to ensure that the defense committees can exercise proper oversight of the environmental program funding.

*Payment to Environmental Protection Agency of stipulated penalties in connection with Jackson Park Housing Complex, Washington (sec. 318)*

The Senate amendment contained a provision (sec. 313) that would authorize the Secretary of the Navy to pay a stipulated penalty to the Environmental Protection Agency.

The House bill contained no similar provision.

The House recedes.

*Requirements relating to Agency for Toxic Substances and Disease Registry investigation of exposure to drinking water contamination at Camp Lejeune, North Carolina (sec. 319)*

The Senate amendment contained a provision (sec. 314) that would establish certain requirements relating to actions associated with the ongoing investigation and study of exposures to contaminated drinking water at Camp Lejeune, North Carolina.

The House bill contained no similar provision.

The House recedes.

*Fire suppression agents (sec. 320)*

The House bill contained a provision (sec. 318) that would amend section 7671d(a) of title 42, United States Code, to allow the use of certain fire suppression agents under certain circumstances.

The Senate amendment contained a similar provision (sec. 1089).

The House recedes.

#### Subtitle C—Logistics and Sustainment

##### *Definition of depot-level maintenance and repair (sec. 321)*

The House bill contained a provision (sec. 321) that would modify and clarify the definition of depot-level maintenance and repair.

The Senate amendment contained no similar provision.

The Senate recedes with a clarifying amendment.

The conferees note that the study on the future capability of the Department of Defense maintenance depots directed by section 322 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110-417) found that the existing statutory definition was ambiguous and subject to interpretation. The conferees are concerned that these ambiguities are directly affecting the development of core depot maintenance capabilities and allocation of sustaining workloads. To resolve these ambiguities, the conferees specifically addressed in the provision the depot-level maintenance of software and the installation of modifications or upgrades. The conferees have removed exceptions from the definition and have addressed that issue more appropriately in the core depot-maintenance capability provision provided for elsewhere in this Act.

##### *Designation of military arsenal facilities as Centers of Industrial and Technical Excellence (sec. 322)*

The House bill contained a provision (sec. 323) that would amend 10 U.S.C. 2474 by allowing military industrial facilities to be designated as Centers of Industrial and Technical Excellence (CITE).

The Senate amendment contained a similar provision (sec. 323).

The Senate recedes with a clarifying amendment that would ensure that Army arsenals are designated as CITE.

##### *Permanent and expanded authority for Army industrial facilities to enter into certain cooperative arrangements with non-Army entities (sec. 323)*

The House bill contained a provision (sec. 325) that would give permanent and expanded authority to the Secretary of the Army to enter into certain cooperative arrangements with non-Army entities.

The Senate amendment contained a similar provision (sec. 341) that would increase the limit of cooperative arrangements and expand the expiration clause.

The Senate recedes.

The conferees note that 10 U.S.C. 4544 is the appropriate partnering authority for cooperative arrangements with non-Army entities. The conferees further note that the Secretary of the Army shall evaluate all cooperative arrangements previously entered into under the Arsenal Support Program Initiative to determine which, if any, cooperative arrangements should be continued and transferred under the appropriate authority of 10 U.S.C. 4544.

##### *Implementation of corrective actions resulting from corrosion study of the F-22 and F-35 aircraft (sec. 324)*

The House bill contained a provision (sec. 327) that would require the Department of Defense (DOD) to implement the recommendations of the Government Accountability Office (GAO) study of the F-22 Raptor and F-35 Joint Strike Fighter aircraft or submit to Congress a written justification for any decision not to do so.

The Senate amendment contained a similar provision (sec. 825).

The Senate recedes.

The conferees note that language from the Senate provision requiring DOD to address corrosion issues at the time of milestone decisions is addressed in a separate provision of the bill.

The GAO study found that the DOD had not adequately addressed the problem of corrosion and resulting material degradation in the design, development, and testing of these weapon systems. The conferees agree that renewed focus in the area of corrosion prevention and mitigation, with the active participation of the Director of Corrosion Policy and Oversight, is needed to address material degradation issues that can significantly impact the affordability and sustainability of a major weapon systems over its entire service life.

In addressing the recommendations of the GAO report, the conferees expect the Department to specifically address the following issues: (1) with regard to the F-22 Raptor program, the need for a plan to manage cumulative corrosion damage in order to mitigate long-term structure risk to the aircraft; and (2) with regard to the F-35 Joint Strike Fighter program, the need for an update to the F-35 Corrosion Prevention and Control plan with lessons learned from the F-22 program, a plan for full climatic testing early in the program to robustly address the effects of severe wet weather, temperature extremes, and high humidity, an appropriate corrosion risk mitigation follow-on plan (including management of the corrosion risk of parts qualified by similarity), expanded involvement of the Naval Air Systems Command corrosion testing capability and Air Force Research Laboratory low-observable testing capability, reconsideration of the selection of materials and coating, and responsibility for management of the Autonomic Logistics Information System link with the Aircraft Structural Integrity Program.

##### *Modification of requirements relating to minimum capital investment for certain depots (sec. 325)*

The House bill contained a provision (sec. 328) that would modify the requirements relating to minimum capital investment for certain depots.

The Senate amendment contained a similar provision (sec. 321).

The Senate recedes with an amendment that would ensure that capital investment funds are spent solely to modernize or improve the efficiency of depot facilities, equipment, work environment, or processes in direct support of depot operations.

The conferees note that sustainment operation and maintenance funding does not count towards the 6 percent minimum capital investment requirement, but restoration and modernization operation and maintenance funding does.

##### *Reports on depot-related activities (sec. 326)*

The Senate amendment contained a provision (sec. 324) that would require a report from the Secretary of Defense on the status of the drawdown, retrograde, and reset program for the equipment used in support of operations in Iraq and Afghanistan. The provision would also require a report on the alignment, organizational reporting, and performance rating of Air Force system program managers, product support managers at Air Logistics Centers or Air Logistics Complexes, and a review of the civilian and military command structure associated with the Air Force Materiel Command realignment.

The House bill contained no similar provision.

The House recedes with a clarifying amendment.

##### *Core depot-level maintenance and repair capabilities (sec. 327)*

The House bill contained a provision (sec. 322) that would modify core logistics capabilities requirements (10 U.S.C. 2464) and require an annual report.

The Senate amendment contained no similar provision.

The Senate recedes with a clarifying amendment.

The conferees note that the study on the future capability of the Department of Defense (DOD) maintenance depots directed by section 322 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110-417) found that the existing core determination process should be revised to ensure that it is visible and readily understood. Through this conference agreement, the conferees confirm the criticality of a government-controlled source of repair to support warfighter requirements. The conferees believe a streamlined core policy that eliminates exclusions and exemptions and instead provides for conditional waivers of government performance is in keeping with the section 322 study's recommendations. To provide greater transparency of the core determination process, the conference agreement includes an annual core report that should align capital investment to support current and emerging core requirements and better align sustainment planning with acquisition and development.

#### Subtitle D—Readiness

##### *Modification of Department of Defense authority to accept voluntary contributions of funds (sec. 331)*

The House bill contained a provision (sec. 331) that would make a technical amendment to section 358(g) of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (Public Law 111-383) to clarify that voluntary contributions received from developers to offset the cost of mitigating adverse impacts on military operations and readiness and may be used for the purpose of conducting studies and will remain available until expended.

The Senate amendment contained a similar provision (sec. 344).

The Senate recedes.

##### *Review of proposed structures affecting navigable airspace (sec. 332)*

The House bill contained a provision (sec. 332) that would require the Administrator of the Federal Aviation Administration to develop procedures to allow the Department of Defense and the Department of Homeland Security to review and comment on aeronautical studies prior to completion of such studies.

The Senate amendment no similar provision.

The Senate recedes.

#### Subtitle E—Reports

##### *Annual certification and modifications of annual report on prepositioned materiel and equipment (sec. 341)*

The House bill contained a provision (sec. 341) that would, upon the arrival of the President's budget request for a fiscal year under section 1105 of title 31, require the Secretary of Defense to certify in writing that the prepositioned stocks of each of the military departments meet all operational plans, in both rate of fill and readiness. The provision also would require the Secretary of Defense to report on the inclusion of non-standard items selected for inclusion in

prepositioned stocks and the long-term sustainment plan beyond current operations.

The Senate amendment contained no similar provision.

The Senate recedes.

*Additional matters for inclusion in and modified deadline for the annual report on operational energy (sec. 342)*

The House bill contained a provision (sec. 346) that would increase the reporting requirements for the annual report on operational energy.

The Senate amendment contained a similar provision (sec. 334) that would modify the deadline for the annual report on operational energy.

The Senate recedes.

*Study on Air Force test and training range infrastructure (sec. 343)*

The Senate amendment contained a provision (sec. 331) that would require the Secretary of the Air Force to conduct a study on the ability of the major air test and training range infrastructure to support the full spectrum of Air Force operations.

The House bill contained no similar provision.

The House recedes.

*Study on training range infrastructure for special operations forces (sec. 344)*

The Senate amendment contained a provision (sec. 332) that would require the Commander of U.S. Special Operations Command to conduct a study on existing training ranges used by special operations forces.

The House bill contained no similar provision.

The House recedes.

*Guidance to establish non-tactical wheeled vehicle and equipment service life extension programs to achieve costs savings (sec. 345)*

The Senate amendment contained a provision (sec. 333) that would require the Secretary of Defense to conduct a survey and determine the advisability for establishing a service life extension program for non-tactical wheeled vehicles and base-level commercial equipment in the fleets of the military departments.

The House bill contained no similar provision.

The House recedes.

*Study on United States force posture in the United States Pacific Command area of responsibility (sec. 346)*

The House bill contained a provision (sec. 345) that would require the Secretary of Defense to study training requirements in the United States Pacific Command area of responsibility.

The Senate amendment contained a similar provision (sec. 1079) that would require an independent assessment of the United States force posture in East Asia and the Pacific.

The House recedes with an amendment that would require an independent assessment of the United States military force posture throughout the Pacific Command area of responsibility.

The conferees note that over recent years, the United States has embarked on a number of initiatives in the Pacific Command area of responsibility that are intended to realign our military force structure to respond to regional interests and, in this regard, U.S. bilateral security arrangements, especially with Japan and the Republic of Korea. Our continued strong alliance and cooperation with these two countries maintain a significant part of the foundation that supports our force posture and military activities in the region. Accordingly, the conferees direct

that the assessment required by this provision include a particular focus on the current posture and plans for United States force realignments in Korea, Okinawa, and Guam.

The amendment also includes a requirement for an independent study of the overseas basing presence of United States forces, as codified in section 347.

*Study on overseas basing presence of United States forces (sec. 347)*

The conferees agreed to a study on overseas basing presence of United States Forces. Inclusion of assessment of joint military training and force allocations in Quadrennial Defense Review and National Military Strategy (sec. 348)

The House bill contained a provision (sec. 344) that would require the Secretary of Defense to conduct an assessment of joint military training and the effectiveness of the Joint Staff in carrying out the missions of planning and experimentation formerly accomplished by United States Joint Forces Command.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would include the assessment of joint military training and force allocations in the Quadrennial Defense Review and National Military Strategy.

*Modification of report on procurement of military working dogs (sec. 349)*

The House bill contained a provision (sec. 343) that would amend section 358 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110-417), which is codified at section 2302 (note) of title 10, United States Code, to require the Secretary of Defense to provide additional information on the use of military working dogs on a contracted basis, the status of the Department's breeding programs, and the future military working dog force structure.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would retain the data elements currently required in the report and change the reporting interval to biennial vice annual.

Subtitle F—Limitations and Extension of Authority

*Adoption of military working dog by family of deceased or seriously wounded member of the armed forces who was the dog's handler (sec. 351)*

The House bill contained a provision (sec. 351) that would amend section 2583(c) of title 10, United States Code, to clarify the circumstances justifying the adoption of a military working dog prior to the end of its useful life and to authorize the adoption of a military working dog by certain family members of a deceased or seriously wounded member of the armed forces who was the handler of the dog.

The Senate amendment contained no similar provision.

The Senate recedes with a clarifying amendment.

*Prohibition on expansion of the Air Force food transformation initiative (sec. 352)*

The House bill contained a provision (sec. 352) that would prohibit the expansion of the Air Force food transformation initiative until 270 days after the Secretary of the Air Force reports to the congressional defense committees on the implementation and impact of the initiative.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would prohibit the expansion of the initiative until the Secretary submits the report, and simplifying the reporting requirement.

*Designation and limitation on obligation and expenditure of funds for the migration of Army enterprise email services (sec. 353)*

The House bill contained a provision (sec. 353) that would limit the obligation or expenditure of funds for the migration of Army enterprise email services until the Secretary of the Army delivers a report comparing the service provided by the Defense Information Systems Agency and the Army Knowledge Online system.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would designate the Army enterprise email services program a formal acquisition program under the oversight of the Army acquisition executive, and change the limitation from 2 percent of the funds to no funds. It also adds additional provisions to the report required to lift the limitation.

The conferees note their concern about the execution of the migration of Army enterprise email services, but also recognize that currently many Army users have already migrated to the new Defense Information Systems Agency-provided solution. The conferees interpret the existing legislative language to be a limitation only on funds for the continued migration of users and not for the sustainment and maintenance of those users already migrated.

*One-year extension of pilot program for availability of working-capital funds to Army for certain product improvements (sec. 354)*

The House bill contained a provision (sec. 354) that would extend section 330(f) of the National Defense Authorization Act for Fiscal Year 2008 (P.L. 110-181) by 1 year.

The Senate amendment contained no similar provision.

The Senate recedes.

Subtitle G—Other Matters

*Commercial sale of small arms ammunition and small arms ammunition components in excess of military requirements, and fired cartridge cases (sec. 361)*

The Senate amendment contained a similar provision (sec. 343) that would amend section 346 of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (Public Law 111-383) by making available for sale any small arms ammunition and small ammunition components which are in excess of military requirements.

The House bill contained no similar provision.

The House recedes with a clarifying amendment.

The conferees note that the intent of section 346 of Public Law 111-383, as amended, is to clarify that the only fired cartridge cases (referred to as expended small arms cartridge cases) subject to the provision are intact expended small arms cartridge cases and that the provision does not apply outside the continental United States or overrides established Department of Defense (DOD) trade security controls or explosives safety controls. The conferees note that the DOD would be permitted to demilitarize and recycle expended small arms cartridge cases covered by the provision so long as there is not a significant decrease in intact expended small arms cartridge cases being made available for sale and there is no evidence that commercial demands are not generally being met. The conferees note that based on its

current force structure and training requirements, the DOD currently makes approximately 6-8 million pounds of intact (non-demilitarized) expended small arms cartridge cases available each year for commercial sales. The conferees recognize that the amount made available may change as the DOD's force structure or training requirements change. The conferees note that the DOD would be responsible for assessing commercial demands for the purpose of implementing this requirement; the conferees understand that the DOD may choose to conduct market surveys or studies to assess commercial demands for this purpose.

*Comptroller General review on space-available travel on military aircraft (sec. 362)*

The Senate amendment contained a provision (sec. 346) that would add a new section 2641c to title 10, United States Code, that would codify the authority of the Secretary of Defense to establish a program to provide transportation to active and reserve members, retirees, dependents, and non-remarried widows of service members on Department of Defense aircraft on a space available basis and in a budget-neutral manner. The provision would also require a Comptroller General study on the Department's space-available travel program, including a review of the cost and capacity of the system and a discussion of logistical and management issues.

The House bill contained no similar provision.

The House recedes with an amendment that would strike the provisions concerning codification of the space available program, and would require the Comptroller General in his review to assess the effect on the cost and capacity of the program if the program were extended to un-remarried widows of active and reserve component members, and expanded for gray area retirees to include overseas travel.

*Authority to provide information for maritime safety of forces and hydrographic support (sec. 363)*

The House bill contained a provision (sec. 362) that would amend part IV of subtitle C of title 10, United States Code, to authorize the Secretary of the Navy to collect and share certain marine data and hydrographic information.

The Senate amendment contained an identical provision (sec. 1023).

The agreement includes this provision.

*Deposit of reimbursed funds under reciprocal fire protection agreements (sec. 364)*

The House bill contained a provision (sec. 363) that would, as requested by the Department of Defense (DOD), amend section 1856d(b) of title 42, United States Code, to ensure that reimbursements to the DOD under the Reciprocal Fire Protection Agreements (42 U.S.C. chapter 15A) do not expire and that the command which provides fire protection services in the event of an emergency is able to merge the reimbursed funds with those in the current appropriation, fund, or account, which is used for DOD fire protection services.

The Senate amendment contained an identical provision (sec. 1004).

The conference agreement includes this provision.

*Clarification of the airlift service definitions relative to the Civil Reserve Air Fleet (sec. 365)*

The House bill contained a provision (sec. 366) that would refine the definition of Civil Reserve Air Fleet aircraft.

The Senate amendment contained a similar provision (sec. 1045).

The Senate recedes.

*Ratemaking procedures for Civil Reserve Air Fleet contracts (sec. 366)*

The House bill contained a provision (sec. 367) that would clarify that contracts establishing rates for services provided by air carriers who are participants in the Civil Reserve Air Fleet (CRAF) program are not subject to the Truth in Negotiations Act (section 2306a of title 10, United States Code) or the Cost Accounting Standards (section 1502 of title 41, United States Code).

The Senate amendment contained a similar provision (sec. 883).

The Senate recedes.

*Policy on active shooter training for certain law enforcement personnel (sec. 367)*

The House bill contained a provision (sec. 369) that would require the Secretary of Defense to establish a policy and promulgate guidelines to ensure that civilian and military law enforcement personnel charged with security functions on military installations shall receive active shooter training as described in finding 4.3 of the document entitled, "Protecting the Force: Lessons from Fort Hood."

The Senate amendment contained no similar provision.

The Senate recedes.

*Procurement of tents or other temporary structures (sec. 368)*

The House bill contained a provision (sec. 146) that would require the Secretary of Defense to consider the total life cycle costs of tents or structures, including the costs associated with any equipment or fuel needed to heat or cool such tents or structures, when procuring tents or other temporary structures, and award contracts that provide best value to the United States.

The Senate amendment contained no similar provision.

The Senate recedes.

*Legislative Provisions Not Adopted*

*Consideration of energy security and reliability in development and implementation of energy performance goals*

The Senate amendment contained a provision (sec. 316) that would consider energy security and reliability in the development and implementation of energy performance goals.

The House bill contained no similar provision.

The Senate recedes.

*Limitation on revising the definition of depot-level maintenance*

The Senate amendment contained a provision (sec. 322) that would limit the Secretary of Defense on revising the definition, guidance, regulations, policy, and revisions of depot-level maintenance until receipt of a report prepared by the Defense Business Board.

The House bill contained no similar provision.

The Senate recedes.

*Redesignation of core competencies as core depot maintenance capabilities for Centers of Industrial and Technical Excellence*

The House bill contained a provision (sec. 324) that would amend section 2474 of title 10, United States Code, by modifying core competencies to core logistics capabilities.

The Senate amendment contained no similar provision.

The House recedes.

*Modification of report on maintenance and repair of vessels in foreign shipyards*

The House bill contained a provision (sec. 342) that would modify section 7310(c) of title

10, United States Code, to include reporting on vessels that are operated pursuant to a contract entered into by the Military Sealift Command, the Maritime Administration, or the U.S. Transportation Command.

The Senate amendment contained no similar provision.

The House recedes.

*Working-capital fund accounting*

The Senate amendment contained a provision (sec. 342) that would amend section 2208(k) of title 10, United States Code, to align the two separate dollar thresholds for procurement of capital assets.

The House bill contained no similar provision.

The Senate recedes.

The conferees continue to be concerned with an apparent disconnect in thresholds for capital assets between auditing standards and financial management regulations. The conferees note that while section 342 of the Senate amendment could resolve internal disconnects amongst financial enterprise systems, it would not comply with auditing standards.

Regardless, the conferees strongly urge the Department of Defense to continue to work to resolve this apparent disconnect.

*Modification of report on SEAD/DEAD mission requirements of the Air Force*

The House contained a provision (sec. 355) that would amend section 334 of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (Public Law 111-383). Section 334 required a report on the suppression of enemy air defenses/destruction of enemy air defenses (SEAD/DEAD) mission requirements for the Air Force. Section 355 would have modified the due date for the report, and made other technical corrections.

The Senate contained no similar provision.

The House recedes.

The conferees received the SEAD/DEAD report, including a classified annex, in August, 2011, as would have been required by the modifications in section 355. The report addressed the feasibility and desirability of expanding the role of the Air National Guard in conducting the SEAD/DEAD mission and incorporated the suggested changes proposed in section 355.

*Limitation on obligation and expenditure of funds for migration of management of Air Force Enterprise Logistics Systems Program Executive Office pending cost-benefit analysis*

The House bill contained a provision (sec. 356) that would limit Air Force funds for the migration of the Air Force Enterprise Logistics Systems Program Executive Office subject to a cost-benefit analysis.

The Senate bill contained no similar provision.

The House recedes.

*Consideration of foreclosure circumstances in adjudication of security clearances*

The House bill contained a provision (sec. 361) that would require the Secretary of Defense to give special consideration during security clearance adjudications to service members with a foreclosure on the member's credit report.

The Senate amendment contained no similar provision.

The House recedes.

The conferees note that protections are already included in the December 29, 2005, Revised Adjudicative Guidelines for Determining Eligibility for Access to Classified Information. Guideline F of the Adjudicative Guidelines specifically addresses procedures

for financial considerations, to include foreclosures, as part of the security clearance review process. The conferees further note that this should help ensure that clearances are reviewed individually and personnel security clearances are not denied solely on financial circumstances that are beyond the individual's control.

*Reduction in amounts otherwise authorized to be appropriated to the Department of Defense for printing and reproduction*

The House bill contained a provision (sec. 364) that would decrease the operation and maintenance accounts of the military departments by 10 percent for printing and reproduction.

The Senate amendment contained no similar provision.

The House recedes.

The conferees note that the operation and maintenance accounts for printing and reproduction for the military departments were decreased by 10 percent in the section 4301 budget tables.

*Reduction in amounts otherwise authorized to be appropriated to the Department of Defense for studies, analysis, and evaluations*

The House bill contained a provision (sec. 365) that would decrease the operation and maintenance accounts of the military departments by 10 percent for studies, analysis, and evaluations.

The Senate amendment contained no similar provision.

The House recedes.

The conferees note that the operation and maintenance accounts for the military departments were decreased for studies, analysis, and evaluations by 10 percent in the section 4301 budget tables.

*Sense of Congress on proposed Federal Aviation Administration changes to flight crew member duty and rest requirements*

The House bill contained a provision (sec. 368) that would express the sense of Congress that, among other things, the Administrator of the Federal Aviation Administration (FAA), in consultation with the Commander of the United States Transportation Command (TRANSCOM), should develop guidelines that address not only crew fatigue, but also enhance safety while minimizing the impact on the mission of TRANSCOM and the Department of Defense.

The Senate amendment contained no similar provision. The Senate report (S. Rept. 112-26) accompanying the National Defense Authorization Act for Fiscal Year 2012 (S. 1253) would direct the Commander of TRANSCOM to provide a report to the appropriate committees of Congress assessing, among other things, the potential effects of the proposed rulemaking by the FAA on TRANSCOM operations and what steps are available to TRANSCOM and other government agencies who rely on Civil Reserve Air Fleet support to mitigate the effects of a potential FAA rule making.

The House recedes.

The conferees agree that the Department of Defense should conduct an assessment as

outlined in the Senate report, but that the Secretary should decide on how to produce the report, including perhaps relying on an independent analysis group to lead that effort.

*Assistance for homeland defense mission training*

The House bill contained a provision (sec. 370) that would authorize the Department of Defense to provide funding assistance for the operation and maintenance of training facilities capable of providing emergency response training.

The Senate amendment contained no similar provision.

The House recedes.

TITLE IV—MILITARY PERSONNEL  
AUTHORIZATIONS

Subtitle A—Active Forces

*End strengths for active forces (sec. 401)*

The House bill contained a provision (sec. 401) that would authorize the following end strengths for active-duty personnel of the armed forces as of September 30, 2012: Army, 562,000; Navy, 325,739; Marine Corps, 202,100; and Air Force, 332,800.

The Senate amendment contained a similar provision (sec. 401) that would authorize active-duty end strength for the Navy of 325,700.

The House recedes.

End strength levels for the active forces for fiscal year 2012 are set forth in the following table:

Service	FY 2011 authorized	FY 2012		Change from	
		Request	Recommendation	FY 2012 request	FY 2011 authorized
Army .....	569,400	562,000	562,000	0	–7,400
Navy .....	328,700	325,700	325,700	0	–3,000
Marine Corps .....	202,100	202,100	202,100	0	0
Air Force .....	332,200	332,800	332,800	0	600
DOD Total .....	1,432,400	1,422,600	1,422,600	0	–9,800

*Revision in permanent active duty end strength minimum levels (sec. 402)*

The House bill contained a provision (sec. 402) that would establish the following minimum end strengths for active-duty personnel as of September 30, 2012: Army, 562,000; Navy, 325,739; Marine Corps, 202,100; and Air Force 332,800.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would establish minimum active-duty end strengths for the Army of 547,400 and for the Navy of 325,700.

Minimum end strength levels for active-duty personnel for fiscal year 2012 are set forth in the following table:

Service	FY 2011 authorized	FY 2012		Change from FY 2011
		Recommendation		
Army .....	547,400	547,400		0
Navy .....	324,300	325,700		1,400
Marine Corps .....	202,100	202,100		0
Air Force .....	332,200	332,800		600
DOD Total .....	1,406,000	1,408,000		2,000

Subtitle B—Reserve Forces

*End strengths for Selected Reserve (sec. 411)*

The House bill contained a provision (sec. 411) that would authorize the following end strengths for Selected Reserve personnel, including the end strengths for reserves on ac-

tive duty in support of the reserves, as of September 30, 2012: the Army National Guard of the United States, 358,200; the Army Reserve, 205,000; the Navy Reserve, 66,200; the Marine Corps Reserve, 39,600; the Air National Guard of the United States, 106,700; the Air Force Reserve, 71,400; and the Coast Guard Reserve, 10,000.

The Senate amendment contained an identical provision (sec. 411).

The conference agreement includes this provision.

End strength levels for the Selected Reserve for fiscal year 2012 are set forth in the following table:

Service	FY 2011 authorized	FY 2012		Change from	
		Request	Recommendation	FY 2012 request	FY 2011 authorized
Army National Guard .....	358,200	358,200	358,200	0	0
Army Reserve .....	205,000	205,000	205,000	0	0
Navy Reserve .....	65,500	66,200	66,200	0	700
Marine Corps Reserve .....	39,600	39,600	39,600	0	0
Air National Guard .....	106,700	106,700	106,700	0	0
Air Force Reserve .....	71,200	71,400	71,400	0	200
DOD Total .....	846,200	847,100	847,100	0	900
Coast Guard Reserve .....	10,000	10,000	10,000	0	0

*End strengths for reserves on active duty in support of the reserves (sec. 412)*

The House bill contained a provision (sec. 412) that would authorize the following end strengths for reserves on active duty in sup-

port of the reserve components as of September 30, 2012: the Army National Guard of the United States, 32,060; the Army Reserve, 16,261; the Navy Reserve, 10,337; the Marine Corps Reserve, 2,261; the Air National Guard

of the United States, 14,833; and the Air Force Reserve, 2,662.

The Senate amendment contained a similar provision (sec. 412) that would authorize end strengths for the Navy Reserve of 10,688;

the Air National Guard of the United States of 14,584; and the Air Force Reserve of 2,992. The Senate recedes.

End strength levels for reserves on active duty in support of the reserves for fiscal year 2012 are set forth in the following table:

Service	FY 2011 authorized	FY 2012		Change from	
		Request	Recommendation	FY 2012 request	FY 2011 authorized
Army National Guard .....	32,060	32,060	32,060	0	0
Army Reserve .....	16,261	16,261	16,261	0	0
Navy Reserve .....	10,688	10,337	10,337	0	-351
Marine Corps Reserve .....	2,261	2,261	2,261	0	0
Air National Guard .....	14,584	14,833	14,833	0	249
Air Force Reserve .....	2,992	2,662	2,662	0	-330
DOD Total .....	78,846	78,414	78,414	0	-432

*End strengths for military technicians (dual status) (sec. 413)*

The House bill contained a provision (sec. 413) that would authorize the following end strengths for military technicians (dual status) as of September 30, 2012: the Army Reserve, 8,395; the Army National Guard of the

United States, 27,210; the Air Force Reserve, 10,777; and the Air National Guard of the United States, 22,509.

The Senate amendment contained a similar provision (sec. 413) that would authorize end strengths for military technicians (dual status) for the Air Force Reserve of 10,720

and for the Air National Guard of the United States of 22,394.

The Senate recedes.

End strength levels for military technicians (dual status) for fiscal year 2012 are set forth in the following table:

Service	FY 2011 authorized	FY 2012		Change from	
		Request	Recommendation	FY 2012 request	FY 2011 authorized
Army Reserve .....	8,395	8,395	8,395	0	0
Army National Guard .....	27,210	27,210	27,210	0	0
Air Force Reserve .....	10,720	10,777	10,777	0	57
Air National Guard .....	22,394	22,509	22,509	0	115
DOD Total .....	68,719	68,891	68,891	0	172

*Fiscal year 2012 limitation on number of non-dual status technicians (sec. 414)*

The House bill contained a provision (sec. 414) that would establish the following personnel limits for the reserve components of the Army and Air Force for non-dual status

technicians as of September 30, 2012: the Army National Guard of the United States, 1,600; the Air National Guard of the United States, 350; the Army Reserve, 595; and the Air Force Reserve, 90.

The Senate amendment contained an identical provision (sec. 414).

The conference agreement includes this provision.

Personnel limitations for non-dual status technicians for fiscal year 2012 are set forth in the following table:

Service	FY 2011 authorized	FY 2012		Change from	
		Request	Recommendation	FY 2012 request	FY 2011 authorized
Army National Guard .....	1,600	1,600	1,600	0	0
Air National Guard .....	350	350	350	0	0
Army Reserve .....	595	595	595	0	0
Air Force Reserve .....	90	90	90	0	0
DOD Total .....	2,635	2,635	2,635	0	0

*Maximum number of reserve personnel authorized to be on active duty for operational support (sec. 415)*

The House bill contained a provision (sec. 415) that would authorize the maximum number of reserve component personnel who may be on active duty or full-time National

Guard duty under section 115(b) of title 10, United States Code, during fiscal year 2012 to provide operational support.

The Senate amendment contained an identical provision (sec. 415).

The conference agreement includes the provision.

The maximum number of reserve component personnel who may be on active duty or full-time National Guard duty under section 115(b) of title 10, United States Code, during fiscal year 2012 is set forth in the following table:

Service	FY 2011 authorized	FY 2012		Change from	
		Request	Recommendation	FY 2012 request	FY 2011 authorized
Army National Guard .....	17,000	17,000	17,000	0	0
Army Reserve .....	13,000	13,000	13,000	0	0
Navy Reserve .....	6,200	6,200	6,200	0	0
Marine Corps Reserve .....	3,000	3,000	3,000	0	0
Air National Guard .....	16,000	16,000	16,000	0	0
Air Force Reserve .....	14,000	14,000	14,000	0	0
DOD Total .....	69,200	69,200	69,200	0	0

#### Subtitle C—Authorization of Appropriations

##### Military personnel (sec. 421)

The House bill contained a provision (sec. 421) that would authorize appropriations for military personnel.

The Senate amendment contained a similar provision (sec. 421).

The Senate recedes.

#### TITLE V—MILITARY PERSONNEL POLICY

##### Subtitle A—Officer Personnel Policy

*Increase in authorized strengths for Marine Corps officers on active duty in grades of major, lieutenant colonel, and colonel (sec. 501)*

The House bill contained a provision (sec. 501) that would amend section 523(a)(1) of

title 10, United States Code, to increase the grade strength limitations for active-duty Marine Corps officers in the grade of major, lieutenant colonel, and colonel to enable the Marine Corps to shape its force to meet current and future manpower requirements.

The Senate amendment contained a similar provision (sec. 501).

The Senate recedes.



*General officer and flag officer reform (sec. 502)*

The House bill contained a provision (sec. 502) that would eliminate 14 authorizations for general and flag officers in joint duty assignments, add up to 7 officers serving in intelligence positions to count against the joint duty assignment limit, eliminate 11 Air Force general officer authorizations, and require that the superintendents of the service academies be counted against their respective service's general and flag officer limits.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would amend sections 525 and 526 of title 10, United States Code, to increase the numbers of general and flag officers on active duty to include the additional general and flag officers that will now be counted against their respective service's general and flag officer limits.

*National Defense University outplacement waiver (sec. 503)*

The Senate amendment contained a provision (sec. 503) that would amend section 663 of title 10, United States Code, to authorize the Secretary of Defense, in an individual case, to assign a graduate of the National Defense University who is not designated as a joint qualified officer to a joint assignment other than a joint duty assignment. The provision would also exclude from the requirement to be assigned to a joint duty assignment after graduation those joint qualified officers and other officers who graduate from a school within the National Defense University following pursuit of a program on an other-than-in-residence basis.

The House bill contained no similar provision.

The House recedes.

*Voluntary retirement incentive matters (sec. 504)*

The Senate amendment contained a provision (sec. 502) that would amend chapter 36 of title 10, United States Code, to authorize a voluntary retirement incentive payment of up to 12 times an officer's monthly basic pay to certain officers with between 20 and 29 years of active-duty service. This authority, which was requested by the Department of Defense, would expire not later than December 31, 2018, and would be used to reduce end strength in a responsible manner during the planned force drawdown.

The House bill contained no similar provision.

The House recedes with an amendment that would limit the voluntary retirement incentive to no more than 675 members through the expiration of the authority on December 31, 2018. The amendment would also reinstate temporary early retirement authority contained in section 4403 of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102-484) for the military services, effective until December 31, 2018.

Subtitle B—Reserve Component  
Management

*Leadership of National Guard Bureau (sec. 511)*

The House bill contained a provision (sec. 511) that would amend section 10502 of title 10, United States Code, to require the Secretary of Defense to designate the positions of the Chief of the National Guard Bureau and the Vice Chief of the National Guard Bureau as positions to be excluded from the limitation on the number of general and flag officers on active duty and from general officer distribution limits under sections 525 and 526 of title 10, United States Code; establish an order of succession for a vacancy in the office of the Chief of the National Guard Bu-

reau; and redesignate the position of the Director of the Joint Staff of the National Guard Bureau as Vice Chief of the National Guard Bureau.

The Senate amendment contained a provision (sec. 1602) that would redesignate the position of the Director of the Joint Staff of the National Guard Bureau as Vice Chief of the National Guard Bureau.

The Senate recedes with a clarifying amendment.

*Membership of the Chief of the National Guard Bureau on the Joint Chiefs of Staff (sec. 512)*

The House bill contained a provision (sec. 515) that would amend section 10502 of title 10, United States Code, to require the Chief of the National Guard Bureau to serve as an advocate and liaison for state National Guards, and would amend section 151 of title 10, United States Code, to include the Chief of the National Guard Bureau as a member of the Joint Chiefs of Staff.

The Senate amendment contained a provision that would amend section 151 of title 10, United States Code, to include the Chief of the National Guard Bureau as a member of the Joint Chiefs of Staff.

The House recedes with an amendment that would amend section 10502 of title 10, United States Code, to provide that, as a member of the Joint Chiefs of Staff, the Chief of the National Guard Bureau has the specific responsibility of addressing matters involving non-Federalized National Guard forces in support of homeland defense and civil support missions.

*Modification of time in which prepreparation counseling must be provided to reserve component members being demobilized (sec. 513)*

The House bill contained a provision (sec. 512) that would amend section 1142 of title 10, United States Code, to require that individual prepreparation counseling be made available to members of the reserve component and to authorize commencement of prepreparation counseling for demobilizing members of a reserve component less than 90 days before the projected date of discharge or release from active duty when operational requirements make it unfeasible to do so at an earlier date.

The Senate amendment contained a similar provision (sec. 513).

The House recedes.

The conferees believe the existing authority in 1142(a)(1) of title 10, United States Code, includes members of the reserve component who have an anticipated separation date and does not need to be further modified. The committee recommends that the Secretary of Defense clarify in policy the availability of prepreparation counseling to members of the reserve component.

*Clarification of applicability of authority for deferral of mandatory separation of military technicians (dual status) until age 60 (sec. 514)*

The House bill contained a provision (sec. 513) that would amend section 10216(f) of title 10, United States Code, to clarify that the Secretary of the Army and the Secretary of the Air Force may allow a military technician (dual status) to continue serving beyond their mandatory separation date until the technician reaches the age of 60 and becomes eligible for an unreduced civilian annuity, if they otherwise continue to meet the requirements for dual status. Under current law, the Secretaries are required to allow such continued service. The provision would also amend section 10216(f) to clarify that it applies to both officers and enlisted technicians.

The Senate amendment contained no similar provision.

The Senate recedes.

*Authority to order Army Reserve, Navy Reserve, Marine Corps Reserve, and Air Force Reserve to active duty to provide assistance in response to a major disaster or emergency (sec. 515)*

The Senate amendment contained a provision (sec. 515) that would amend chapter 1209 of title 10, United States Code, to authorize the Secretary of Defense, without the consent of the member affected, to order any unit, and any member not assigned to a unit organized to serve as a unit, of the Army Reserve, Navy Reserve, Marine Corps Reserve, and Air Force Reserve to active duty for a continuous period of not more than 120 days in response to a Governor's request for Federal assistance in responding to a major disaster or emergency.

The House bill contained no similar provision.

The House recedes.

*Authority for order to active duty of units of the Selected Reserve for preplanned missions in support of the combatant commands (sec. 516)*

The Senate amendment contained a provision (sec. 511) that would amend chapter 1209 of title 10, United States Code, to authorize the secretary of a military department to order units, and certain members of the Selected Reserve or the Individual Ready Reserve, without the consent of the members concerned, to active duty for not more than 365 consecutive days for preplanned missions. The service secretaries would be authorized to exercise this authority only if the manpower and associated costs of the active duty and a description of the mission are included in the budget materials covering the fiscal year or years in which the units or members are anticipated to be ordered to active duty. No more than 60,000 reserve component members may be on active duty under this authority at any one time.

The House bill contained no similar provision.

The House recedes with an amendment that would authorize the secretary of a military department to order units, and certain members of the Selected Reserve or the Individual Ready Reserve, without the consent of the members concerned, to active duty for not more than 365 consecutive days for preplanned missions in support of a combatant command.

*Modification of eligibility for consideration for promotion for reserve officers employed as military technicians (dual status) (sec. 517)*

The House bill contained a provision (sec. 514) that would amend section 14301 of title 10, United States Code, to clarify that reserve officers employed as military technicians (dual status) who have been retained beyond their mandatory removal date for years of service under either section 10216(f) or 14702(a)(2) of title 10, United States Code, are not eligible for consideration for promotion by a mandatory promotion board convened under section 14101(a) of title 10, United States Code.

The Senate amendment contained a similar provision (sec. 512).

The Senate recedes.

*Consideration of reserve component officers in appointments to certain command positions (sec. 518)*

The Senate amendment contained a provision (sec. 1608) that would require the officer serving in the position of Commander, Army

North Command shall be an officer in the Army National Guard and the officer serving in the position of Commander, Air Force North Command shall be an officer in the Air National Guard.

The House bill contained no similar provision.

The House recedes with an amendment that would require that whenever officers of the Armed Forces are considered for appointment to the position of Commander, Army North Command or Commander, Air Force North Command, fully qualified officers of the National Guard and the Reserves shall be considered for appointment to such position.

*Report on termination of military technician as a distinct personnel management category (sec. 519)*

The Senate amendment contained a provision (sec. 514) that would direct the Secretary of Defense to conduct an independent study of the feasibility and advisability of terminating the military technician program as a personnel management category and to report to the congressional defense committees on this study, including any recommendations for statutory or administrative change, no later than 1 year after the date of enactment of this Act.

The House bill contained no similar amendment.

The House recedes.

Subtitle C—General Service Authorities

*Sense of Congress on the unique nature, demands, and hardships of military service (sec. 521)*

The House bill contained a provision (sec. 521) that would amend chapter 37 of title 10, United States Code, to codify findings regarding the unique nature, demands, and hardships of military service.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would express the sense of Congress regarding the unique nature, demands, and hardships of military service.

*Policy addressing dwell time and measurement and data collection regarding unit operating tempo and personnel tempo (sec. 522)*

The House bill contained a provision (sec. 522) that would amend section 991 of title 10, United States Code, to require the Secretary of Defense to prescribe a policy addressing dwell time for members of the armed forces. The provision would also require the Secretary to establish a system for tracking and recording the number of days each service member is deployed, prescribe policies and procedures for measuring operations tempo and personnel tempo, and maintain a central data collection repository to provide information for research, analysis, interagency reporting, and evaluation of programs and policies.

The Senate amendment contained no similar provision.

The House recedes.

*Protected communications by members of the armed forces and prohibition of retaliatory personnel actions (sec. 523)*

The House bill contained a provision (sec. 530) that would extend whistleblower protection to certain communications to a member of Congress, an inspector general, a member of a Department of Defense audit, inspection, investigation, or law enforcement organization of ideologically based threats or actions.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would extend this protection against re-

taliatory personnel actions to a member of the armed force who complains of, or discloses information that the member reasonably believes constitutes evidence of a threat by a member of the armed forces or employee of the Federal Government that indicates a determination or intent to kill or cause serious bodily injury to members of the armed forces or civilians or damage to military, federal, or civilian property.

*Notification requirement for determination made in response to review of proposal for award of Medal of Honor not previously submitted in timely fashion (sec. 524)*

The House bill contained a provision (sec. 532) that would amend section 1130 of title 10, United States Code, to require that the Secretary of Defense submit the rationale regarding a favorable recommendation on a request for a review of a proposal for the award of the Medal of Honor to the Committees on Armed Services of the Senate and the House of Representatives and to the Member of Congress who requested the review.

The Senate amendment contained no similar provision.

The Senate recedes.

*Expansion of regular enlisted members covered by early discharge authority (sec. 525)*

The Senate amendment contained a provision (sec. 523) that would amend section 1171 of title 10, United States Code, to expand from 3 months to 1 year the period prior to the expiration of an enlistment term during which a service member may be discharged without loss of benefits. The member would not be entitled to pay and allowances for the period not served. This authority, which was requested by the Department of Defense, would be used to reduce end strength in a responsible manner during the planned force drawdown.

The House bill contained no similar provision.

The House recedes.

*Extension of voluntary separation pay and benefits authority (sec. 526)*

The Senate amendment contained a provision (sec. 524) that would amend section 1175a of title 10, United States Code, to extend until December 31, 2018, the authority to provide voluntary separation pay and benefits to eligible members of the armed forces who are voluntarily separated from active duty. This authority, which was requested by the Department of Defense, would be used to reduce end strength in a responsible manner during the planned force drawdown.

The House bill contained no similar provision.

The House recedes with a technical amendment.

*Prohibition on denial of reenlistment of members for unsuitability based on the same medical condition for which they were determined to be fit for duty (sec. 527)*

The Senate amendment contained a provision (sec. 522) that would amend section 1214a of title 10, United States Code, to prohibit the denial of reenlistment of a service member who has been determined by a Physical Evaluation Board (PEB) to be fit for duty based on a subsequent administrative determination that the member is unsuitable for deployment or worldwide assignment based on the same medical condition that was considered by the PEB.

The House bill contained no similar provision.

The House recedes.

*Designation of persons authorized to direct disposition of remains of members of the armed forces (sec. 528)*

The House bill contained a provision (sec. 529) that would include among the individuals authorized to direct the disposition of remains of a deceased service member the individual identified by the decedent on the record of emergency data maintained by the service secretary, regardless of the relationship of the designee to the decedent.

The Senate amendment contained no similar provision.

The Senate recedes.

*Matters covered by preseparation counseling for members of the Armed Forces and their spouses (sec. 529)*

The House bill contained a provision (sec. 578) that would amend section 1142(b) of title 10, United States Code, to authorize inclusion of a service member's spouse during certain segments of preseparation counseling and require that additional topics be included in preseparation counseling.

The Senate amendment contained no similar provision.

The Senate recedes.

*Conversion of high-deployment allowance from mandatory to authorized (sec. 530)*

The Senate amendment contained a provision (sec. 521) that would repeal the authority and requirement to pay the high-deployment allowance under section 436 of title 37, United States Code.

The House bill contained no similar provision.

The House recedes with an amendment that would retain the statutory authority regarding the high-deployment allowance, but would make it permissive rather than mandatory.

*Extension of authority to conduct programs on career flexibility to enhance retention of members of the armed forces (sec. 531)*

The House bill contained a provision (sec. 524) that would extend for 3 years the authority to conduct programs on career flexibility to enhance retention of service members under section 533 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110-417).

The Senate amendment contained no similar provision.

The Senate recedes.

*Policy on military recruitment and enlistment of graduates of secondary schools (sec. 532)*

The House bill contained a provision (sec. 525) that would require service secretaries to treat graduates who receive diplomas from secondary schools that are legally operating or who otherwise complete a program of secondary education in compliance with the laws of the State in which the graduates reside in the same manner as graduates of secondary schools as defined by section 9101(38) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801(38)) for purposes of recruitment and enlistment in the armed forces.

The Senate amendment contained a similar provision (sec. 526).

The House recedes.

*Department of Defense Suicide Prevention Program (sec. 533)*

The House bill contained a provision (sec. 528) that would require the Secretary of Defense to take appropriate actions to enhance the suicide prevention program of the Department of Defense through the provision of suicide prevention information and resources to members of the armed forces from their initial enlistment or appointment through

their final retirement or separation and develop suicide prevention information in cooperation with public and private entities. The provision also prescribed elements of suicide prevention training during recruit basic training for each military service.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would delete basic recruit training elements and amend section 1142 of title 10, United States Code, to include in pre-separation counseling the availability to the member and dependents of suicide prevention resources following separation from the armed forces.

#### Subtitle D—Military Justice and Legal Matters

##### *Reform of offenses relating to rape, sexual assault, and other sexual misconduct under the Uniform Code of Military Justice (sec. 541)*

The Senate amendment contained a provision (sec. 551) that would amend section 920 of title 10, United States Code (Article 120 of the Uniform Code of Military Justice (UCMJ)), to separate Article 120, UCMJ, into three separate articles applying to the offenses of rape and sexual assault, sexual offenses against children; and other non-consensual sexual misconduct offenses. The provision would also repeal section 125 of title 10, United States Code (Article 125 of the UCMJ), the offense of sodomy.

The House bill contained no similar provision.

The House recedes with an amendment that would delete the repeal of section 125 of title 10, United States Code (Article 125 of the UCMJ).

##### *Authority to compel production of documentary evidence (sec. 542)*

The Senate amendment contained a provision (sec. 552) that would amend section 847 of title 10, United States Code, to authorize subpoenas duces tecum to compel production of documents and other tangible evidence for an investigation, including an investigation pursuant to article 32(b) of the Uniform Code of Military Justice (10 U.S.C. 832(b)), consistent with other federal criminal court practice.

The House bill contained no similar provision.

The House recedes with an amendment that would authorize subpoenas duces tecum to compel production of documents and other tangible evidence for an investigation pursuant to article 32(b) of the Uniform Code of Military Justice (10 U.S.C. 832(b)), require that individuals who receive a subpoena must be provided a means for reimbursement for fees and mileage, and authorize military convening authorities to certify facts to United States attorneys under the provision. *Clarification of application and extent of direct acceptance of gifts authority (sec. 543)*

The House bill contained a provision (sec. 532) that would expand eligibility to accept gifts to members of the armed forces who incur an injury or illness on or after September 11, 2001, in an operation or area designated as a combat operation or a combat zone.

The Senate amendment contained no similar provision.

The Senate recedes with a clarifying amendment that would authorize the acceptance of gifts received after the date of enactment of the National Defense Authorization Act for Fiscal Year 2012 for injuries or illnesses incurred on or after September 11, 2001.

##### *Freedom of conscience of military chaplains with respect to the performance of marriages (sec. 544)*

The Senate amendment contained a provision (sec. 527) that would provide that a military chaplain who, as a matter of conscience or moral principle, does not wish to perform a marriage may not be required to do so.

The House bill contained no similar provision.

The House recedes.

#### Subtitle E—Member Education and Training Opportunities and Administration

##### *Employment skills training for members of the armed forces on active duty who are transitioning to civilian life (sec. 551)*

The House bill contained a provision (sec. 541) that would amend section 1143 of title 10, United States Code, to allow the secretary concerned to permit a member of the armed forces to participate in an apprenticeship program that provides employment skills training and assists them in transitioning into new careers in civilian life.

The Senate amendment contained a similar provision (sec. 525).

The House recedes with a clarifying amendment.

##### *Enhancement of authorities on joint professional military education (sec. 552)*

The Senate amendment contained a provision (sec. 541) that would amend sections 2151 and 2154 of title 10, United States Code, to authorize graduates of the National Defense Intelligence College to receive credit for completion of joint professional military education Phase I. The provision would also eliminate the requirement that the curriculum for Phase II instruction at the Joint Forces Staff College be taught only in residence.

The House bill contained no similar provision.

The House recedes with an amendment that would authorize the Secretary of Defense to carry out a pilot program to assess the feasibility and advisability of offering a program of instruction for Phase II joint professional military education on an other than in-residence basis.

##### *Temporary authority to waive maximum age limitation on admission to the military service academies (sec. 553)*

The House bill contained a provision (sec. 545) that would authorize the secretary of a military department to waive the maximum age limitation for admission to a military service academy from age 23 to age 26 for an otherwise qualified enlisted service member who was prevented from being admitted before reaching the maximum age as a result of service in a theater of operation for Operation Iraqi Freedom, Operation Enduring Freedom, or Operation New Dawn; and for candidates with an exceptional record that sets them apart from other candidates.

The Senate amendment contained a similar provision (sec. 546) that applied only to enlisted service members who otherwise meet the eligibility requirements for admission to an academy, and who were prevented from being admitted before reaching the maximum age as a result of service on active duty in a theater of operations for Operation Iraqi Freedom, Operation Enduring Freedom, or Operation New Dawn.

The House recedes.

##### *Enhancement of administration of the United States Air Force Institute of Technology (sec. 554)*

The House bill contained a provision (sec. 543) that would amend chapter 901 of title 10,

United States Code, by adding a new section establishing a position of Commandant of the United States Air Force Institute of Technology who is either an active-duty officer of the Air Force in a grade not below the grade of colonel or a civilian who was retired from the Air Force in the grade not below the grade of brigadier general. This section would also establish a position of Provost and Academic Dean at the United States Air Force Institute of Technology.

The Senate amendment contained a similar provision (sec. 904) that would require that the Commandant either be an active-duty Air Force officer not below the grade of colonel, a member of the Senior Executive Service, or a civilian individual, including an Air Force officer who retired in a grade not below brigadier general, selected by the Secretary of the Air Force.

The House recedes.

##### *Enrollment of certain seriously wounded, ill, or injured former or retired enlisted members of the armed forces in associate degree programs of the Community College of the Air Force in order to complete degree program (sec. 555)*

The Senate amendment contained a provision (sec. 544) that would amend section 9315 of title 10, United States Code, to authorize the Secretary of the Air Force to allow continued participation in associate degree programs of the Community College of the Air Force (CCAF) by former or retired enlisted service members who had commenced but not completed a program of higher education at the CCAF at the time of their separation from active duty, and who have been categorized as seriously wounded, ill, or injured, by their service secretary.

The House bill contained no similar provision.

The House recedes with a clarifying amendment.

##### *Reserve component mental health stipend (sec. 556)*

The House bill contained a provision (sec. 542) that would amend section 16201 of title 10, United States Code, to authorize the secretaries of the military departments to pay a stipend to qualified individuals who agree to be appointed as an officer in a reserve component, and who are pursuing or will pursue a course of study leading to a degree in clinical psychology or social work in exchange for a service commitment of 1 year for every 6 months or portion thereof of stipend received.

The Senate amendment contained a similar provision (sec. 543).

The House recedes with an amendment that would require recipients of the stipend under this authority to agree to serve in the Selected Reserve.

##### *Fiscal year 2012 administration and report on the Troops-to-Teachers Program (sec. 557)*

The House bill contained a provision (sec. 548) that would transfer the responsibility and authority for operation and administration of the Troops-to-Teachers Program from the Secretary of Education to the Secretary of Defense.

The Senate amendment contained a provision (sec. 1048) that would authorize the Secretary of Defense to administer and fund the Troops-to-Teachers Program during fiscal year 2012 and require the Secretary of Defense and the Secretary of Education to report to Congress no later than April 1, 2012, on the funding of the program; the number of past participants who have fulfilled, and who have not fulfilled, their service obligation under the program; the impact of state and

local budget shortfalls on employing program participants; the program's effectiveness as a transition assistance program; its success in placing teachers in qualified schools and rationale for expanding the program to additional school districts, and an assessment of the advisability of the administration of the program by the Department of Education in consultation with the Department of Defense.

The House recedes.

*Pilot program on receipt of civilian credentialing for skills required for military occupational specialties (sec. 558)*

The Senate amendment contained a provision (sec. 547) that would require the Secretary of Defense to carry out a pilot program to assess the feasibility and advisability of permitting enlisted members of the armed forces to obtain civilian credentialing or licensing for skills required for military occupational specialties or qualification for duty specialty codes.

The House bill contained no similar provision.

The House recedes with an amendment that would require the Secretary to complete the pilot program not later than 5 years after the date of the commencement of the pilot program.

The conferees encourage the Secretary to include an assessment of the feasibility of obtaining a commercial driver's license as an element of the pilot program.

*Report on certain education assistance programs (sec. 559)*

The House bill contained a provision (sec. 547) that would require the Secretary of Defense to submit to the Committees on Armed Services of the Senate and House of Representatives a report on methods to increase the efficiency of the tuition assistance program under section 2007 of title 10, United States Code, including a description of the effect of the program on recruiting and retention; an analysis of other programs that provide similar benefits, particularly the programs under chapters 30 and 33 of title 38, United States Code; and a description of the impact of modifying the tuition assistance program to require service members to pay a portion of their educational costs.

The Senate amendment contained no similar provision.

The House recedes with an amendment that would expand the report to include the program of education assistance for spouses of service members under section 1784a of title 10, United States Code. The amendment would also require a description of the costs of these programs, including certain information from institutions receiving funds under these programs in fiscal years 2009, 2010, and 2011. Finally, the amendment would require the report to include an assessment of the feasibility and desirability of requiring institutions of higher learning to make available to the Department of Defense and prospective beneficiaries certain information concerning their programs as a requirement to participation in the Department's education assistance programs.

*Subtitle F—Armed Forces Retirement Home Control and administration by Secretary of Defense (sec. 561)*

The House bill contained a provision (sec. 561) that would establish that the administration of the Armed Forces Retirement Home, to include the provision of health care and medical care for the residents, is a responsibility of the Secretary of Defense.

The Senate amendment contained no similar provision.

The Senate recedes.

*Senior Medical Advisor oversight of health care provided to residents of Armed Forces Retirement Home (sec. 562)*

The House bill contained a provision (sec. 562) that would clarify the oversight responsibilities and reporting requirements of the Senior Medical Advisor with regard to the health care provided to the residents of the Armed Forces Retirement Home.

The Senate amendment contained a similar provision (sec. 1424).

The Senate recedes.

*Establishment of Armed Forces Retirement Home Advisory Council and Resident Advisory Committees (sec. 563)*

The House bill contained a provision (sec. 563) that would establish one Armed Forces Retirement Home Advisory Council, replacing the local boards established for each of the two facilities of the Armed Forces Retirement Home.

The Senate amendment contained a similar provision (sec. 1425).

The Senate recedes with a clarifying amendment.

*Administrators, ombudsmen, and staff of facilities (sec. 564)*

The House bill contained a provision (sec. 564) that would establish the positions of administrators and ombudsmen in each facility of the Armed Forces Retirement Home.

The Senate amendment contained a similar provision (sec. 1426).

The Senate recedes.

*Revision of fee requirements (sec. 565)*

The House bill contained a provision (sec. 565) that would repeal the obsolete transitional fee requirements for the Armed Forces Retirement Home and establish permanent fee requirements.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would require the Chief Operating Officer with the approval of the Secretary of Defense, to prescribe monthly fees.

*Revision of inspection requirements (sec. 566)*

The House bill contained a provision (sec. 566) that would require the Inspector General of the Department of Defense to conduct a comprehensive inspection of each facility of the Armed Forces Retirement Home not less often than every 3 years. This section also would require that the Inspector General report to Congress and the Secretary of Defense include a plan by the Chief Operating Officer to address recommendations contained in the report.

The Senate amendment contained a similar provision (sec. 1427).

The Senate recedes.

*Repeal of obsolete transitional provisions and technical conforming, and clerical amendments (sec. 567)*

The House bill contained a provision (sec. 567) that would make technical corrections and repeal obsolete transitional provisions in the Armed Forces Retirement Home Act of 1991 (title XV of Public Law 101-510).

The Senate amendment contained similar provisions (sec. 1428 and 1429).

The Senate recedes.

*Subtitle G—Defense Dependents' Education and Military Family Readiness Matters  
Impact aid for children with disabilities (sec. 571)*

The Senate amendment contained a provision (sec. 572) that would authorize \$5.0 million in Operation and Maintenance, Defense-wide, for impact aid payments for children

with disabilities under section 8003(d) of the Elementary and Secondary Education Act of 1965 (20 USC 7703(d)), using the formula set forth in section 363 of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (Public Law 106-398), for continuation of the Department of Defense's assistance to local educational agencies that benefit dependents with severe disabilities.

The House bill contained no similar provision.

The House recedes.

*Continuation of authority to assist local educational agencies that benefit dependents of member of the armed forces and Department of Defense civilian employees (sec. 572)*

The House bill contained a provision (sec. 572) that would authorize \$30.0 million for continuation of the Department of Defense (DOD) assistance program to local educational agencies that are impacted by the enrollment of dependent children of military members and DOD civilian employees. The provision would also authorize \$10.0 million for assistance to local educational agencies with significant changes in enrollment of school-aged dependents of military members and civilian employees due to base closures, force structure changes, or force relocations.

The Senate amendment contained a provision (sec. 571) that would authorize \$25.0 million for the assistance program to local educational agencies impacted by the enrollment of dependent children of military members and civilian employees.

The Senate recedes.

*Three-year extension and enhancement of authorities on transition of military dependent students among local educational agencies (sec. 573)*

The Senate amendment contained a provision (sec. 573) that would amend paragraph (2)(B) of section 574(d) of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109-364) to modify the authority for the Secretary of Defense to provide grant assistance to local educational agencies to ease the transition of military dependent students from Department of Defense schools to other schools and among schools of local educational agencies. The provision would also extend this authority until September 30, 2016.

The House bill contained no similar provision.

The House recedes.

*Revision to membership of Department of Defense Military Family Readiness Council (sec. 574)*

The House bill contained a provision (sec. 571) that would amend section 1781a of title 10, United States Code, to revise the membership of the Department of Defense Military Family Readiness Council to include family members, including parents, of members of the military services and members of the reserve component.

The Senate amendment contained a similar provision (sec. 576).

The Senate recedes.

The conferees are disappointed that as of December 9, 2011, the Department of Defense Military Family Readiness Council has not met in nearly a year. Congress required establishment of the council in the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110-181) for the purpose of assessing the effectiveness of military family programs and making recommendations to the Secretary on family policies and programs of the Department. The conferees expect the council to meet not less often than twice each year, as required by law, and that

not more than one of these meetings will be in the National Capitol Region.

*Reemployment rights following certain National Guard duty (sec. 575)*

The Senate amendment contained a provision (sec. 1093) that would provide rights under the Uniformed Services Employment and Reemployment Rights Act (Public Law 103-353) to National Guard service under section 502(f) of title 32, United States Code, when such service was authorized by the President or Secretary of Defense for the purpose of responding to a national emergency declared by the President and supported by federal funds.

The House bill contained no similar provision.

The House recedes with a technical amendment.

*Expansion of Operation Hero Miles (sec. 576)*

The Senate amendment contained a provision (sec. 1049) that would amend section 2613 of title 10, United States Code, to include points or awards for free or reduced accommodations at hotels or other commercial facilities as a benefit in the Operation Hero Miles program.

The House bill contained no similar amendment.

The House recedes.

*Report on Department of Defense autism pilot and demonstration projects (sec. 577)*

The House bill contained a provision (sec. 576) that would require the Secretary of Defense to submit a report to the Committees on Armed Services of the Senate and the House of Representatives on any pilot projects that the Department of Defense is conducting on autism services.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment to include in the report all other efforts being conducted by the Department of Defense on autism services in the required report.

*Comptroller General of the United States report on Department of Defense military spouse employment programs (sec. 578)*

The Senate amendment contained a provision (sec. 577) that would require the Comptroller General of the United States to carry out a review of all current Department of Defense military spouse employment programs.

The House bill contained no similar provision.

The House recedes with an amendment to include in the review the total funding available for each military spouse employment program, the amount obligated for each program, and the number of military spouses who have obtained employment following participation in a Department of Defense spouse employment program.

*Subtitle H—Improved Sexual Assault Prevention and Response in the Armed Forces Access of sexual assault victims to legal assistance and services of sexual assault response coordinators and sexual assault victim advocates (sec. 581)*

The House bill contained a provision (sec. 583) that would amend chapter 53 of title 10, United States Code, to entitle members of the armed forces and dependents of members of the armed forces who are victims of a sexual assault to legal assistance, assistance provided by a qualified Sexual Assault Response Coordinator and assistance provided by a qualified Sexual Assault Victim Advocate. The provision would also authorize members of the armed forces who are victims of a sexual assault to confidentially dis-

close the details of the assault to military legal assistance counsel, Sexual Assault Response Coordinators, Sexual Assault Victim Advocates, personnel staffing the Department of Defense Safe Helpline, healthcare personnel, and chaplains.

The Senate amendment contained a similar provision (sec. 563).

The House recedes with an amendment that would require the service secretaries to prescribe regulations not later than 180 days after date of enactment of this Act on the provision of legal assistance to military personnel and dependents of military personnel who are victims of sexual assault and would provide that restricted reports of sexual assaults may be reported to a Sexual Assault Response Coordinator, a Sexual Assault Victim Advocate, and healthcare personnel specifically identified in regulations prescribed by the Secretary of Defense.

*Consideration of application for permanent change of station or unit transfer based on humanitarian conditions for victim of sexual assault or related offense (sec. 582)*

The House bill contained a provision (sec. 586) that would require the secretary concerned to expedite the consideration and approval of an application for a permanent change of station or unit transfer submitted by a member of the Armed Forces who is a victim of sexual assault.

The Senate amendment contained a similar provision (sec. 565).

The Senate recedes with an amendment that would require service secretaries to issue regulations that provide that an application by a victim of sexual assault for a permanent change of station or unit transfer must be approved or disapproved by the member's commanding officer within 72 hours, and if the application is disapproved, the member must be given the opportunity to request review by the first general or flag officer in the chain of command, and that decision must be made within 72 hours.

*Director of Sexual Assault Prevention and Response Office (sec. 583)*

The House bill contained a provision (sec. 581) that would require that the Director of the Sexual Assault Prevention and Response Office be a general or flag officer or an employee of the Department of Defense in a comparable senior executive service position.

The Senate amendment contained an identical provision (sec. 561).

The conference agreement includes this provision.

*Sexual assault response coordinators and sexual assault victim advocates (sec. 584)*

The House bill contained a provision (sec. 582) that would require a full time Sexual Assault Response Coordinator and a full time Sexual Assault Victim Advocate be assigned to each brigade or equivalent unit level of the armed forces and would require the Secretary of Defense to establish a training and certification program for Sexual Assault Response Coordinators and Sexual Assault Victim Advocates.

The Senate amendment contained a similar provision (sec. 562).

The Senate recedes with a clarifying amendment.

*Training and education programs for sexual assault prevention and response program (sec. 585)*

The House bill contained a provision (sec. 587) that would require the Secretary of each military department to provide sexual assault training and education for members of

the armed forces at each level of professional military education and for civilian employees of the military department.

The Senate amendment contained no similar provision.

The Senate recedes with a technical amendment.

*Department of Defense policy and procedures on retention and access to evidence and records relating to sexual assaults involving members for the armed forces (sec. 586)*

The House bill contained a provision (sec. 585) that would amend chapter 50 of title 10, United States Code, to require the Department of Defense to maintain records relating to sexual assault involving members of the armed forces or their dependents for not less than 100 years, provide the victim permanent access to the records maintained by the Department, and require that the victim be provided a copy of the court-martial proceedings in certain circumstances.

The Senate amendment contained a provision (sec. 566) that would require the Secretary of Defense, in consultation with the Secretary of Veterans Affairs, to develop a comprehensive policy for the Department of Defense on the retention of and access to evidence and records relating to sexual assaults involving service members.

The House recedes with an amendment that would require the comprehensive policy be developed not later than October 1, 2012; that Defense Forms 2910 and 2911 be included in the records that must be retained; require that documentary evidence be retained for not less than the length of time investigative records are retained; and require that victims of sexual assault be provided with a copy of all prepared records of the proceedings of a court-martial if the victim testified during the proceedings.

*Subtitle I—Other Matters*

*Department of Defense authority to carry out personnel recovery reintegration and post-isolation support activities (sec. 588)*

The Senate amendment contained a provision (sec. 1043) that would authorize the Secretary of Defense to carry out reintegration and post-isolation support activities for certain persons returned to the control of United States authorities following detention in isolation or captivity by a hostile enemy while participating in or associated with a United States-sponsored military activity or mission.

The House bill contained no similar provision.

The House recedes.

*Military adaptive sports program (sec. 589)*

The House bill contained a provision (sec. 593) that would authorize the Secretary of Defense to establish a military adaptive sports program to provide adaptive sports programs to eligible wounded and injured members of the armed forces.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would require the Secretary of Defense to consult with the Secretary of Veterans Affairs and avoid duplicating programs conducted by the Secretary and United States Paralympics, Inc., under section 521A of title 38, United States Code.

*Enhancement and improvement of Yellow Ribbon Reintegration Program (sec. 590)*

The Senate amendment contained a provision (sec. 582) that would enhance the Yellow Ribbon Reintegration Program to improve processes for determining best practices for information dispersal and outreach services,

as well as improve collaboration with state programs.

The House bill contained no similar provision.

The House recesses.

*Army National Military Cemeteries (sec. 591)*

The House bill contained a provision (sec. 551) that would establish the general authority of the Secretary of the Army to develop, operate, manage, administer, oversee, and fund the Army National Military Cemeteries.

The Senate amendment contained no similar provision.

The Senate recesses with a clarifying amendment.

The conferees have not required that future superintendents of Army National Cemeteries be military veterans but believe that prior honorable military service is an important factor to be considered in their selection. An individual with military service who possesses the qualifications mandated by section 4725(a) would possess experience that the conferees view as invaluable. The conferees also acknowledge that the Army National Cemeteries Advisory Commission recently was established, fulfilling the requirement set forth in section 4723 of title 10, United States Code, as added by this provision, and that the Commission has conducted its first meeting.

*Inspection of military cemeteries under jurisdiction of the military departments (sec. 592)*

The House bill contained a provision (sec. 552) that would require the Inspector General of the Department of Defense to inspect the cemeteries at the Armed Forces Retirement Home, the United States Military Academy, the United States Naval Academy, and the United States Air Force Academy, and, based on the findings of those inspections, make recommendations for the regulation, management, oversight, and operation of the military cemeteries.

The Senate amendment contained no similar provision.

The Senate recesses with a clarifying amendment that would require the Inspector General of each military department to conduct an inspection of each military cemetery under the jurisdiction of that military department.

*Authorization for award of the Distinguished Service Cross for Captain Frederick L. Spaulding for acts of valor during the Vietnam War (sec. 593)*

The Senate amendment contained a provision (sec. 587) that would authorize the award of the Distinguished Service Cross to Captain Frederick L. Spaulding for acts of valor during the Vietnam War.

The House bill contained no similar provision.

The House recesses.

*Authorization and request for award of Medal of Honor to Emil Kapaun for acts of valor during the Korean War (sec. 594)*

The House bill contained a provision (sec. 599D) that would authorize the award of the Medal of Honor to Emil Kapaun for acts of valor during the Korean War.

The Senate amendment contained an identical provision (sec. 586).

The conference agreement includes this provision.

*Review regarding award of Medal of Honor to Jewish American World War I veterans (sec. 595)*

The House bill contained a provision (sec. 599B) that would require the Secretary of the Army and the Secretary of the Navy to re-

view the service records of each Jewish American World War I veteran who was awarded the Distinguished Service Cross, the Navy Cross, or other military decoration during World War I, or whose name is submitted by the Jewish War Veterans of the United States of America, to determine whether that veteran should be posthumously awarded the Medal of Honor.

The Senate amendment contained no similar provision.

The Senate recesses with an amendment that would require the Secretary of the Army and the Secretary of the Navy to review the service records of any Jewish American World War I veteran awarded the Distinguished Service Cross or the Navy Cross for heroism during World War I and whose name and supporting material for upgrade of the award to the Medal of Honor are submitted to the service secretary before the end of the 1 year period beginning on the date of enactment of this Act.

*Report on process for expedited determination of disability of members of the armed forces with certain disabling conditions (sec. 596)*

The Senate amendment contained a provision (sec. 583) that would require the Secretary of Defense to submit a report to Congress not later than September 1, 2012, on the feasibility and advisability of a process to expedite the determination of disability for service members with certain disabling diseases or conditions, including an evaluation of programs for expedited determinations of disability used by other departments and agencies of the Federal Government.

The House bill contained no similar provision.

The House recesses with a technical amendment.

*Comptroller General study of military necessity of Selective Service System and alternatives (sec. 597)*

The House bill contained a provision (sec. 595) that would require the Comptroller General of the United States to assess the criticality of the Selective Service System to the Department of Defense in meeting future manpower needs of the armed forces that are in excess of the ability of an all-volunteer force to provide and to determine the fiscal and national security impacts of disestablishing the Selective Service System. In addition, the provision would require the study to assess alternatives to disestablishing the Selective Service System, as well as alternatives to registration for Selective Service.

The Senate amendment contained no similar provision.

The Senate recesses with a clarifying amendment.

*Evaluation of issues affecting the disposition of remains of American sailors killed in the explosion of the Ketch U.S.S. Intrepid in Tripoli Harbor on September 4, 1804 (sec. 598)*

The House bill contained a provision (sec. 1099C) that would require the Secretary of Defense to exhume the remains of any deceased service member buried in certain mass burial sites in Tripoli, Libya; transfer the remains to a forensics laboratory for identification; transfer identified remains for burial in a veterans cemetery; and transfer unidentified remains to Arlington National Cemetery for burial in the Tomb of the Unknowns.

The Senate amendment contained no similar provision.

The Senate recesses with an amendment that would require the Secretary of Defense and Secretary of the Navy to determine within 270 days after the date of enactment

of this Act the feasibility of recovering the remains of American sailors killed in Tripoli Harbor on September 4, 1804, the ability to make identifications of remains within a 2 year period, and the diplomatic and intergovernmental issues that would have to be addressed in order to exhume and repatriate the remains. The provision would require the Secretary of Defense and Secretary of State to subsequently provide the Committees on Armed Services of the Senate and House of Representatives with their recommendation regarding the identification, exhumation, and relocation of the remains and their reasons supporting that recommendation.

**LEGISLATIVE PROVISIONS NOT ADOPTED**

*Modification of definition of "joint duty assignment" to include all instructor assignments for joint training and education*

The Senate amendment contained a provision (sec. 504) that would amend section 668(b)(1)(B) of title 10, United States Code, to change the definition of joint duty assignment to include instructor positions that provide significant experience in joint matters.

The House bill contained no similar provision.

The Senate recesses.

*Authorized leave available for members of the armed forces upon birth or adoption of a child*

The House bill contained a provision (sec. 523) that would increase the number of days of non-chargeable leave from 21 to 42 that a service member would be granted following the adoption of a child, if the service member will be the primary caretaker of the child. The provision would also require that in the case of an adoption by a dual military couple that the service member who will not be the primary caretaker be granted 10 days of non-chargeable leave following the adoption.

The Senate amendment contained no similar provision.

The House recesses.

*Navy recruiting and advertising*

The House bill contained a provision (sec. 526) that would increase funding for the Navy Sea Cadet program by \$983,000.

The Senate amendment contained no similar amendment.

The House recesses.

*Limitation on simultaneous deployment to combat zones of dual-military couples who have minor dependents*

The House bill contained a provision (sec. 527) that would require service secretaries to approve requests for deferment from deployment of service members with minor dependents who have a service member spouse who is deployed in an area for which imminent danger pay is authorized.

The Senate amendment contained no similar provision.

The House recesses.

*Procedures for judicial review of military personnel decisions relating to correction of military records*

The House bill contained a provision (sec. 531) that would amend chapter 79 of, title 10, United States Code, to establish guidelines for judicial review of decisions by the boards for correction of military records operated by the secretaries of the military departments.

The Senate amendment contained a similar provision (sec. 553).

The House and the Senate recede. This provision is not included in the conference agreement.

*Retroactive award of Army Combat Action Badge*

The House bill contained a provision (sec. 531) that would authorize the retroactive award of the Army Combat Action Badge to eligible persons for participation in combat during the period beginning on December 7, 1941, and ending on September 18, 2001.

The Senate amendment contained no similar provision.

The House recedes.

*Additional condition on repeal of Don't Ask, Don't Tell policy*

The House bill contained a provision (sec. 533) that would amend the Don't Ask, Don't Tell Repeal Act of 2010 (Public Law 111-321) to require the Chief of Staff of the Army, the Chief of Naval Operations, the Commandant of the Marine Corps, and the Chief of Staff of the Air Force to submit to the congressional defense committees their written certification that repeal of the Don't Ask, Don't Tell law specified in section 654 of title 10, United States Code, will not degrade the readiness, effectiveness, cohesion, and morale of combat arms units and personnel of their respective armed force that are engaged in combat, deployed to a combat theater, or preparing for deployment to a combat theater.

The Senate amendment contained no similar provision.

The House recedes.

*Military regulations regarding marriage*

The House bill contained a provision (sec. 534) that would reaffirm the policy of section 3 of the Defense of Marriage Act, codified at section 7 of title 1, United States Code.

The Senate amendment contained no similar provision.

The House recedes.

*Use of military installations as site for marriage ceremonies and participation of chaplains and other military and civilian personnel in their official capacity*

The House bill contained a provision (sec. 535) that would place certain limitations on the use of military installations for marriage ceremonies and the participation of chaplains in such ceremonies.

The Senate amendment contained no similar provision.

The House recedes.

*Grade of commissioned officers in uniformed medical accession programs*

The Senate amendment contained a provision (sec. 542) that would amend sections 2114(b) and 2121(c) of title 10, United States Code, to authorize medical students attending the Uniformed Services University of the Health Sciences and students participating in the Armed Forces Health Professions Scholarship and Financial Assistance Programs, while on active duty, to serve in pay grade O-1, or in pay grade O-2 if they meet specified promotion criteria prescribed by the service secretary. The provision would also amend section 2004a of title 10, United States Code, to provide that an officer detailed as a student at a medical school would serve on active duty in the same grade with the same entitlement to pay as specified in section 2114(b) of title 10, United States Code.

The House bill contained no similar provision.

The Senate recedes.

The conferees recognize the value of the Health Professions Scholarship Program (HPSP), authorized in subchapter 1 of chapter 105 of title 10, United States Code, which helps the military departments recruit and

retain needed health care professionals in peacetime and in war. Since 2001, many wounded and ill service members returning from combat in Iraq and Afghanistan have required treatment from highly trained physical and occupational therapists in their long and difficult road to recovery. Also, because of the physical demands of war, physical therapists may be required to deploy in support of military forces. The conferees have learned that gaps appear to exist within several military components for qualified physical therapists and occupational therapists to fill available military authorizations for these specialties.

The conferees strongly urge the Department of Defense to use all available educational assistance tools, including HPSP, to alleviate any potential shortages in health care personnel, to include an assessment of current or projected shortfalls in qualified physical and occupational therapy personnel within the military departments and at major military medical treatment facilities specializing in the rehabilitation of wounded, ill, and injured members of the armed forces.

*Appointments to military service academies from nominations made by the governor of Puerto Rico*

The House bill contained a provision (sec. 544) that would amend sections 4342, 6954 and 9342 of title 10, United States Code, to increase the number of nominations to each of the military service academies by the Governor of Puerto Rico from 1 to 3.

The Senate amendment contained no similar provision.

The House recedes.

*Consolidation of military department authority to issue arms, tentage, and equipment to educational institutions not maintaining units of Junior ROTC*

The Senate amendment contained a provision (sec. 545) that would amend chapter 152 of title 10, United States Code, to consolidate in one section of law the existing authority contained in three separate sections of law for military departments to issue arms, tentage, and equipment to educational institutions not maintaining units of the Junior Reserve Officer Training Corps.

The House bill contained no similar provision.

The Senate recedes.

*Education and employment advocacy program for wounded members of the armed forces*

The House bill contained a provision (sec. 546) that would require the Secretary of Defense to obligate an additional \$15.0 million for the purpose of an Education and Employment Advocacy pilot program to engage wounded members of the armed forces early in their recovery.

The Senate amendment contained no similar provision.

The House recedes.

*Diversity recruitment efforts for the military service academies*

The House bill contained a provision (sec. 549) that would add \$1.4 million each to Operations and Maintenance for the Army, Navy, and Air Force for officer acquisition to expand diversity recruitment efforts for the United States Military Academy, the United States Naval Academy, and the United States Air Force Academy.

The Senate amendment contained no similar provision.

The House recedes.

*Department of Defense support for programs on pro bono legal representation for members of the armed forces*

The Senate amendment contained a provision (sec. 554) that would authorize the Secretary of Defense to provide support to one or more public or private programs designed to facilitate representation for service members by pro bono attorneys.

The House bill contained no similar provision.

The Senate recedes.

*Protection of child custody arrangements for parents who are members of the armed forces*

The House bill contained a provision (sec. 573) that would amend title II of the Servicemembers Civil Relief Act (50 U.S.C. App. 521 et seq.) to prohibit State court judges from considering the absence of a service member parent by reason of a deployment, or the possibility of deployment, in determining the best interest of a child in child custody litigation. The provision would require State court judges under certain circumstances to reinstate custody orders in favor of service members upon their return from deployments during which a temporary order directing a change of custody was issued.

The Senate amendment contained no similar provision.

The House recedes.

*Center for Military Family and Community Outreach*

The House bill contained a provision (sec. 574) that would require the Secretary of the Army to obligate an additional \$1.0 million to establish a Center for Military Family and Community Outreach in cooperation with an historically black university to train social work students, social work faculty members, and social workers to understand military life and enhance their competencies in providing services to military families.

The Senate amendment contained no similar provision.

The House recedes.

*Mental health support for military personnel and families*

The House bill contained a provision (sec. 575) that would require the Secretary of the Navy to obligate an additional \$3.0 million for a collaborative program that responds to escalating suicide rates and combat stress related arrests of military personnel and to train active-duty military personnel to recognize combat stress disorder, suicide risk, substance addiction, risk-taking behaviors and family violence.

The Senate amendment contained no similar provision.

The House recedes.

*Sense of Congress regarding financial counseling for military families*

The House bill contained a provision (sec. 577) that would express the sense of Congress that the Secretary of Defense should work with the Consumer Financial Protection Bureau to ensure coordination with the Office of Servicemember Affairs to provide financial counseling for members of the armed forces and their families.

The Senate amendment contained no similar provision.

The House recedes.

*Cold War Service Medal*

The Senate amendment contained a provision (sec. 581) that would authorize the Secretary of Defense to authorize the issuance of a Cold War Service Medal by the service secretaries.



The House bill contained no similar provision.

The Senate recedes.

*Privilege in cases arising under Uniform Code of Military Justice against disclosure of communications between sexual assault victims and sexual assault response coordinators, victim advocates, and certain other persons*

The House bill contained a provision (sec. 584) that would add a new Article 140a to the Uniform Code of Military Justice establishing a privilege against disclosure of communications between a person who is a victim of a sexual assault and a Sexual Assault Response Coordinator (SARC), a Sexual Assault Victim Advocate, and personnel staffing the Department of Defense (DOD) Safe Helpline or successor operation.

The Senate amendment contained a provision (sec. 564) that would require the President to establish in the Manual for Courts-Martial (MCM) an evidentiary privilege against disclosure of communications to similar effect.

The House and the Senate recede. Neither provision is included in the conference report.

The conferees note that the DOD has indicated that a new Executive Order that would amend the MCM by adding a proposed new Military Rule of Evidence 514 Victim Advocate Privilege has completed all review within the Office of Management and Budget and is now with the President for review and approval. Additionally, DOD has amended its controlling regulations to ensure that the privilege against disclosure applies to communications with a SARC whenever their duties and responsibilities involve victim advocate functions. Once this change to the MCM is signed and implemented, the conferees believe that it accomplishes the objective of ensuring privileged communications for sexual assault victims.

*Report on the achievement of diversity goals for the leadership of the armed forces*

The Senate amendment contained a provision (sec. 584) that would require the Secretary of Defense to submit a report on the achievement of diversity goals for the leadership of the armed forces.

The House bill contained no similar provision.

The Senate recedes.

*Specification of period in which application for voter registration or absentee ballot from an overseas voter is valid*

The Senate amendment contained a provision (sec. 585) that would amend section 104 of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff-3) to clarify that the prohibition on refusal by States to accept or process valid applications for voter registration and absentee ballots on the grounds of early submission applies to overseas voters in the same manner that it applies to uniformed service voters.

The House bill contained no similar provision.

The Senate recedes.

*Authority to provide support and services for certain organizations and activities outside Department of Defense*

The House bill contained a provision (sec. 591) that would amend section 2012 of title 10, United States Code, to limit to \$20.0 million the amount that may be obligated during fiscal year 2012 or any fiscal year thereafter to provide support and services to non-Department of Defense organizations and activities.

The Senate amendment contained no similar provision.

The House recedes.

*Display of State, District of Columbia, and territorial flags by Armed Forces*

The House bill contained a provision (sec. 592) that would amend section 2249b of title 10, United States Code, to require the Secretary of Defense to ensure that whenever the official flags of all 50 states are displayed by the armed forces, the flags of the District of Columbia and the territories of the United States shall also be displayed.

The Senate amendment contained no similar provision.

The House recedes.

*Wounded warrior careers program*

The House bill contained a provision (sec. 594) that would require the Secretary of Defense to obligate \$1.0 million to carry out a career-development program with the Education and Employment Initiative for severely wounded warriors of the armed forces and their spouses.

The Senate amendment contained no similar provision.

The House recedes.

The conferees are aware of the Department's effort to address the high unemployment rate for wounded warriors who have since left active duty. The Education and Employment Initiative was established by the Department to leverage the best practices from existing employment and training initiatives in the federal and private sector. The conferees look forward to learning of the results of the pilot and any recommendations, including any additional legislative authorities necessary to continue or expand their program.

*Sense of Congress regarding playing of bugle call commonly known as "Taps" at military funerals, memorial services, and wreath laying ceremonies*

The House bill contained a provision (sec. 596) that would express the sense of Congress that the bugle call known as "Taps" should be sounded by a live solo bugler or trumpeter at a military funeral, memorial service or wreath laying ceremony.

The Senate amendment contained no similar provision.

The House recedes.

*Sense of Congress regarding support for Yellow Ribbon Day*

The House bill contained a provision (sec. 597) that would express Congress' support for Yellow Ribbon Day.

The Senate amendment contained no similar provision.

The House recedes.

*Postal benefits program*

The House bill contained a provision (sec. 598) that would require the Secretary of Defense, in consultation with the United States Postal Service, to establish a program providing postal benefits to service members deployed to Iraq or Afghanistan, or who are hospitalized for injuries sustained in Iraq or Afghanistan.

The Senate amendment contained no similar provision.

The House recedes.

*Prohibition on the unauthorized use of names and images of members of the armed forces*

The House bill contained a provision (sec. 599A) that would amend chapter 49 of title 10, United States Code, to prohibit the use of names or images of members of the armed forces and certain former members of the armed forces in connection with any merchandise, retail product, impersonation, solicitation, or commercial activity in a man-

ner reasonably calculated to connect the individual with their service in the armed forces without the permission of the member or former member.

The Senate amendment contained no similar provision.

The House recedes.

*Limitation on military musical units*

The House bill contained a provision (sec. 599C) that would prohibit the obligation or expenditure of more than \$200.0 million on military musical units.

The Senate amendment contained no similar provision.

The House recedes.

*Short title*

The Senate amendment contained a provision (sec. 1601) that would cite Title XVI as the "National Guard Empowerment and State-National Defense Integration Act of 2011."

The House bill contained no similar provision.

The Senate recedes.

#### TITLE VI—COMPENSATION AND OTHER PERSONNEL BENEFITS

##### SUBTITLE A—PAY AND ALLOWANCES

*Resumption of authority to provide temporary increase in rates of basic allowance for housing under certain circumstances (sec. 601)*

The House bill contained a provision (sec. 602) that would reauthorize for a period of 1 year previously expired authority to pay additional basic allowance for housing in areas impacted by a major disaster or at installations experiencing a sudden increase in personnel.

The Senate amendment contained a similar provision (sec. 611(g)).

The Senate recedes.

*Lodging accommodations for members assigned to duty in connection with commissioning or fitting out of a ship (sec. 602)*

The House bill contained a provision (sec. 603) that would amend section 7572 of title 10, United States Code, to expand the authority of the Secretary of the Navy to provide lodging accommodations to enlisted service members deprived of quarters aboard ships when the ships are under construction or repair. The provision would also provide the Secretary special authority to compensate service members for their lodging expenses when they are deprived of quarters aboard ships that are under construction at the shipyards at Pascagoula, Mississippi, and Bath, Maine.

The Senate amendment contained no similar provision.

The Senate recedes.

##### Subtitle B—Bonuses and Special and Incentive Pays

*One-year extension of certain bonus and special pay authorities for reserve forces (sec. 611)*

The House bill contained a provision (sec. 611) that would extend for 1 year the authority to pay the Selected Reserve reenlistment bonus, the Selected Reserve affiliation or enlistment bonus, special pay for enlisted members assigned to certain high-priority units, the Ready Reserve enlistment bonus for persons without prior service, the Ready Reserve enlistment and reenlistment bonus for persons with prior service, the Selected Reserve enlistment and reenlistment bonus for persons with prior service, and income replacement for reserve component members experiencing extended and frequent mobilization for active duty service.

The Senate amendment contained a similar provision (sec. 611(a)).

The Senate recedes.

*One-year extension of certain bonus and special pay authorities for health care professionals (sec. 612)*

The House bill contained a provision (sec. 612) that would extend for 1 year the authority to pay the nurse officer candidate accession bonus, education loan repayment for certain health professionals who serve in the Selected Reserve, accession and retention bonuses for psychologists, the accession bonus for registered nurses, incentive special pay for nurse anesthetists, special pay for Selected Reserve health professionals in critically short wartime specialties, the accession bonus for dental officers, the accession bonus for pharmacy officers, the accession bonus for medical officers in critically short wartime specialties, and the accession bonus for dental specialist officers in critically short wartime specialties.

The Senate amendment contained similar provisions (sec. 611(b) and (c)).

The Senate recedes.

*One-year extension of special pay and bonus authorities for nuclear officers (sec. 613)*

The House bill contained a provision (sec. 613) that would extend for 1 year the authority to pay the special pay for nuclear-qualified officers extending period of active service, the nuclear career accession bonus, and the nuclear career annual incentive bonus.

The Senate amendment contained a similar provision (sec. 611(d)).

The Senate recedes.

*One-year extension of authorities relating to title 37 consolidated special pay, incentive pay, and bonus authorities (sec. 614)*

The House bill contained a provision (sec. 614) that would extend for 1 year the authority to pay the general bonus authority for enlisted members, the general bonus authority for officers, special bonus and incentive pay authorities for nuclear officers, special aviation incentive pay and bonus authorities for officers, special bonus and incentive pay authorities for officers in health professions, hazardous duty pay, assignment or special duty pay, skill incentive pay or proficiency bonus, and retention incentives for members qualified in critical military skills or assigned to high priority units.

The Senate amendment contained a similar provision (sec. 611(e)).

The Senate recedes.

*One-year extension of authorities relating to payment of other title 37 bonuses and special pays (sec. 615)*

The House bill contained a provision (sec. 615) that would extend for 1 year the authority to pay the aviation officer retention bonus, assignment incentive pay, the reenlistment bonus for active members, the enlistment bonus, the accession bonus for new officers in critical skills, the incentive bonus for conversion to military occupational specialty to ease personnel shortage, the incentive bonus for transfer between armed forces, and the accession bonus for officer candidates.

The Senate amendment contained a similar provision (sec. 611(f)).

The Senate recedes.

*Modification of qualifying period for payment of hostile fire and imminent danger special pay and hazardous duty special pay (sec. 616)*

The Senate amendment contained a provision (sec. 612) that would amend sections 310 and 351 of title 37, United States Code, to require that hostile fire and imminent danger pay be prorated according to the number of

days spent in a qualifying area, rather than on a monthly basis regardless of the number of such days.

The House bill contained no similar provision.

The House recedes with an amendment that would require that hostile fire and imminent danger pay that is based on presence in a qualifying area be prorated at the rate of 1/30 of the monthly amount for each day spent in the qualifying area. The amendment would authorize the payment of the full monthly amount of hostile fire and imminent danger pay when eligibility for such pay is based on actual exposure to hostile fire or a hostile mine explosion.

#### Subtitle C—Travel and Transportation Allowances Generally

*One-year extension of authority to reimburse travel expenses for inactive-duty training outside of normal commuting distance (sec. 621)*

The House bill contained a provision (sec. 621) that would extend for 1 year the authority to reimburse travel expenses for inactive-duty training outside of normal commuting distances.

The Senate amendment contained no similar provision.

The Senate recedes.

#### Subtitle D—Consolidation and Reform of Travel and Transportation Authorities

*Consolidation and reform of travel and transportation authorities of the uniformed services (sections 631 and 632)*

The House bill contained a series of provisions (sections 631–636) that would add a new chapter 8 to title 37, United States Code, to consolidate and reform the existing statutory authorities related to travel and transportation allowances for members of the uniformed services, their dependents, other family members, and authorized travelers of the Department of Defense. The provisions would authorize the Secretary of Defense to conduct pilot programs to evaluate alternative travel and transportation programs, policies, and processes for Department of Defense authorized travelers.

The Senate amendment contained similar provisions (sections 621 and 622) that would consolidate and reform the existing statutory authorities relating to travel and transportation allowances. The provisions would require the Secretary of Defense and the other administering secretaries to establish programs of compliance to ensure the integrity of the defense travel system, minimize fraud and waste, and ensure that benefits do not exceed actual expenses of travel or reasonable allowances based on commercial travel rates. Finally, the provisions would require that all travel claims be processed electronically within 5 years of the date of enactment of this Act.

The House recedes with clarifying amendments to the definitions contained in the provisions.

#### Subtitle E—Commissary and Non-appropriated Fund Instrumentality Benefits and Operations

*Discretion of the Secretary of the Navy to select categories of merchandise to be sold by ship stores afloat (sec. 641)*

The House bill contained a provision (sec. 644) that would provide discretionary authority to the Secretary of the Navy to determine what products will be sold by Navy ship stores.

The Senate amendment contained no similar provision.

The Senate recedes.

*Access of military exchange stores system to credit available through Federal Financing Bank (sec. 642)*

The House bill contained a provision (sec. 645) that would authorize the Army and Air Force Exchange Service, Navy Exchange Service Command, and Marine Corps exchanges to issue and sell their obligations to the Federal Financing Bank to facilitate the provision of in-store credit to patrons.

The Senate amendment contained no similar provision.

The Senate recedes.

*Designation of Fisher House for the Families of the Fallen and Meditation Pavilion, Dover Air Force Base, Delaware, as a Fisher House (sec. 643)*

The House bill contained a provision (sec. 643) that would deem that the Fisher House for the Families of the Fallen and Meditation Pavilion at Dover Air Force Base, Delaware, shall be considered a Fisher House for all other purposes established in law with regard to Fisher Houses and Fisher Suites.

The Senate amendment contained a similar provision (sec. 1084).

The House recedes.

#### Subtitle F—Disability, Retired Pay and Survivor Benefits

*Death gratuity and related benefits for reserves who die during an authorized stay at their residence during or between successive days of inactive duty training (sec. 651)*

The Senate amendment contained a provision (sec. 634) that would amend section 1475 of title 10, United States Code, to clarify that a reservist who receives permission to stay overnight at their residence during an inactive-duty training drill weekend will be entitled to the death gratuity if they die during the night between drilling days. The provision would be retroactive to January 1, 2010.

The House bill contained no similar amendment.

The House recedes with an amendment that would remove the retroactive application of the provision.

The conferees recommend that the Secretary of the Army use an appropriate authority, including the authority under section 127 of title 10, United States Code, to equitably resolve certain cases in which reserve component members participating in inactive-duty training are determined not to be covered under section 1475 of title 10, United States Code, including cases involving deaths occurring before the date of enactment of this Act.

#### Subtitle G—Other Matters

*Report on basic allowance for housing for National Guard members transitioning between active duty and full-time National Guard duty (sec. 661)*

The Senate amendment contained a provision (sec. 641) that would require that basic allowance for housing (BAH) paid to a member of the National Guard not be reduced upon the transition of the member between full-time National Guard duty under title 32, United States Code, and active duty under title 10, United States Code.

The House bill contained no similar provision.

The House recedes with an amendment that would require the Secretary of Defense to study the implications on BAH for members of the National Guard when they transition between full-time National Guard duty under title 32, United States Code, and active duty under title 10, United States Code, taking into account current laws, policies, and

practices, and the well-being of service members and their families. The amendment would require the Secretary to report to the congressional defense committees the results of this study within 5 months of the date of enactment of this Act.

*Report on incentives for recruitment and retention of health care professionals (sec. 662)*

The House bill contained a provision (sec. 663) that would require the Surgeons General of the Army, Navy, and Air Force to report to Congress within 90 days of the date of enactment of this Act on their staffing needs for health care professionals and to provide recommendations on additional recruiting incentives needed to encourage experienced health care professionals to join the active or reserve components.

The Senate amendment contained no similar provision.

The Senate recedes with a technical amendment.

LEGISLATIVE PROVISIONS NOT ADOPTED

*Fiscal year 2012 increase in military basic pay*

The House bill contained a provision (sec. 601) that would establish a pay raise of 1.6 percent for all members of the uniformed services beginning January 1, 2012.

The Senate amendment contained no similar provision.

The House recedes.

The conferees note that a 1.6 percent pay raise for all uniformed service members will become effective January 1, 2012 by operation of law.

*One-year extension of authorities relating to payment of referral bonuses*

The House bill contained a provision (sec. 616) that would extend for 1 year the authority to pay the health professions referral bonus and the Army referral bonus.

The Senate amendment contained no similar provision.

The House recedes.

*Mandatory provision of travel and transportation allowances for non-medical attendants for seriously ill and wounded members of the armed forces*

The House bill contained a provision (sec. 622) that would require the Secretary of Defense to pay non-medical attendants per diem allowances or reimburse them for actual and necessary expenses.

The Senate amendment contained no similar provision.

The House recedes.

*Inclusion of members of the armed forces assigned to Egypt Multi-National Force and Observers Mission in United States Central Command rest and recuperation absence program*

The House bill contained a provision (sec. 623) that would amend section 705a of title 10, United States Code, to authorize service members serving with the Egypt Multi-National Force and Observers Mission to receive non-chargeable rest and recuperation leave and other benefits under that section.

The Senate amendment contained no similar provision.

The House recedes.

*Repeal of automatic enrollment in Family Servicemembers' Group Life Insurance for members of the armed forces married to other members*

The Senate amendment contained a provision (sec. 631) that would amend section 1967 of title 38, United States Code, to remove service members from automatic enrollment as a dependent under the Family Servicemembers' Group Life Insurance pro-

gram when they are insured on their own behalf under the Servicemembers' Group Life Insurance program.

The House bill contained no similar provision.

The Senate recedes.

*Limitation on availability of certain funds pending report on provision of special compensation for members of the uniformed services with injury or illness requiring assistance in everyday living*

The Senate amendment contained a provision (sec. 632) that would limit the obligation and expenditure of travel funds of the Office of the Under Secretary of Defense for Personnel and Readiness until the Under Secretary provided to the congressional defense committees a report detailing the Department's implementation of the caregiver compensation authority in section 439 of title 37, United States Code, and other information.

The House bill contained no similar provision.

The Senate recedes.

*Repeal of sense of Congress on age and service requirements for retired pay for non-regular service*

The Senate amendment contained a provision (sec. 633) that would repeal section 635 of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (Public Law 111-383).

The House bill contained no similar provision.

The Senate recedes.

The conferees recognize that the changes to section 12731 of title 10, United States Code, enacted by section 647 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110-181; 122 Stat. 160) were intended to reduce the minimum age at which reserve component members would be eligible to begin receiving retired pay according to time spent deployed, by 3 months for 90-day periods, not excluding consecutive days of duty that span 2 fiscal years, as well as duty within the same fiscal year. Recognizing the increase in direct spending that such a revision would require, the conferees will continue to look for an opportunity to revise section 12731 to ensure such periods of deployed service may be credited.

*Repeal of requirement of reduction of Survivor Benefits Plan survivor annuities by Dependency and Indemnity Compensation*

The Senate amendment contained a provision (sec. 635) that would eliminate the offset of Survivor Benefit Plan annuities by the amount of Dependency and Indemnity Compensation received from the Department of Veterans Affairs.

The House bill contained no similar provision.

The Senate recedes.

*Expansion of use of uniform funding authority to include permanent change of station and temporary duty lodging programs operated through nonappropriated fund instrumentalities*

The House bill contained a provision (sec. 641) that would expand the use of the uniform funding authority authorized for morale, welfare, and recreation programs operated through nonappropriated fund instrumentalities to include permanent change of station and temporary duty lodging programs.

The Senate amendment contained no similar provision.

The House recedes.

*Contracting authority for nonappropriated fund instrumentalities to provide and obtain goods and services*

The House bill contained a provision (sec. 642) that would clarify that nonappropriated

fund instrumentalities may enter into single-year or multiyear contracts with another element of the Department of Defense, another federal agency, or a private-sector agency to provide or obtain goods and services beneficial to the military community and the effective management of such instrumentalities. This section also would authorize nonappropriated fund instrumentalities to participate in partnerships with private entities to provide programs at no cost to the government on military installations using government facilities and other government support resources.

The Senate amendment contained no similar provision.

The House recedes.

*Enhanced commissary stores pilot program*

The House bill contained a provision (sec. 646) that would authorize the Defense Commissary Agency to operate an enhanced commissary store at a military installation designated for closure or adverse realignment under a base closure law.

The Senate amendment contained no similar provision.

The House recedes.

*Monthly amount and duration of Special Survivor Indemnity Allowance for widows and widowers of deceased members of the armed forces affected by required Survivor Benefit Plan annuity offset for Dependency and Indemnity Compensation*

The House bill contained a provision (sec. 651) that would increase the existing monthly amounts paid under the Special Survivor Indemnity Allowance (SSIA) to surviving spouses or former spouses of deceased service members whose annuity under the Survivor Benefit Program is offset by the amount of Dependency and Indemnity Compensation they receive from the Department of Veterans Affairs. The provision would also extend the termination date for the SSIA from October 1, 2017, to October 1, 2021, and establish additional monthly amounts to be paid those fiscal years.

The Senate amendment contained no similar provision.

The House recedes.

*Reimbursement of American National Red Cross for humanitarian support and other services provided to members of the armed forces and their dependents*

The House bill contained a provision (sec. 661) that would amend section 2602 of title 10, United States Code, to authorize the Secretary of Defense or the Secretary of a military department to reimburse the Red Cross for humanitarian and other support provided to service members and their dependents.

The Senate amendment contained no similar provision.

The House recedes.

*Treatment of members of the armed forces and civilian employees of the Department of Defense who were killed or wounded in the November 5, 2009, attack at Fort Hood, Texas*

The House bill contained a provision (sec. 662) that would require that a member of the armed forces killed or wounded in the attack at Fort Hood, Texas, on November 5, 2009, be treated as if killed or wounded in a combat zone as a result of enemy action. The provision would also require that a civilian employee of the Department of Defense killed or wounded in the attack at Fort Hood be treated as if killed or wounded while serving with the armed forces in a contingency operation and as a result of a terrorist attack.

The Senate amendment contained no similar provision.

The House recedes.

# TITLE VII—HEALTH CARE PROVISIONS

## Subtitle A—Improvements to Health Benefits

### *Annual enrollment fees for certain retirees and dependents (sec. 701)*

The House bill contained a provision (sec. 701) that would express a sense of Congress regarding the extraordinary sacrifices of career members of the uniformed services and would limit the annual increase in TRICARE Prime enrollment fees to the amount equal to the percentage by which military retired pay is increased beginning October 1, 2012.

The Senate amendment contained a similar provision (sec. 701).

The Senate recedes with an amendment that would limit the annual increase in TRICARE Prime enrollment fees to the amount equal to the percentage by which military retired pay is increased beginning October 1, 2012, and would clarify that the basis for determining increases in the TRICARE Prime enrollment fee for fiscal year 2013 and thereafter is the enrollment fee for retirees who enrolled for the first time in fiscal year 2012.

### *Mental health assessments for members of the armed forces deployed in support of a contingency operation (sec. 702)*

The House bill contained a provision (sec. 705) that would codify, with several modifications, the existing legislative requirement for the Secretary of Defense to provide person-to-person mental health assessments for each member of the armed forces who is deployed in support of a contingency operation at specified times before and after the deployment.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would align the timing of the mental health assessments with the timing of required periodic health assessments.

### *Behavioral health support for members of the reserve components of the armed forces (sec. 703)*

The House bill contained a provision (sec. 703) that would require the Secretary of Defense to provide access to mental health assessments to members of the reserve components during scheduled unit training and assemblies. The provision would also require the Secretary to provide psychological health programs and training on suicide prevention and post-suicide response during scheduled unit training.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would make the requirement to provide access to mental health assessments permissive, and would require that funding for these programs be provided from operations and maintenance accounts of the reserve components.

### *Provision of food to certain members and dependents not receiving inpatient care in military medical treatment facilities (sec. 704)*

The House bill contained a provision (sec. 702) that would authorize the Secretary of Defense to provide food and beverages at no cost to certain individuals receiving outpatient care or individuals assisting with infants receiving inpatient medical care at a military treatment facility.

The Senate amendment contained no similar provision.

The Senate recedes with a clarifying amendment.

### *Travel for anesthesia services for childbirth for command-sponsored dependents of members assigned to remote locations outside the continental United States (sec. 705)*

The Senate amendment contained a provision (sec. 711) that would provide temporary authority to the Secretary of Defense to pay travel expenses to a location in the United States for a command-sponsored dependent of a service member assigned to a remote location who requires or elects certain anesthesia services for childbirth.

The House bill contained no similar provision.

The House recedes with an amendment that would provide that transportation may not be provided under this authority if the dependent would otherwise receive obstetrical anesthesia services at a military treatment facility and the medical treatment facility, in carrying out the required number of necessary obstetric cases, would not maintain competency of its obstetrical staff unless the facility provides such services to the dependent.

The conferees note that, in accordance with Department of Defense procedures governing military personnel assignments, the military departments generally authorize curtailment of overseas tours for pregnancy of a service member.

### *Transitional health benefits for certain members with extension of active duty following active duty in support of a contingency operation (sec. 706)*

The Senate amendment contained a provision (sec. 712) that would amend section 1145(a)(4) of title 10, United States Code, to clarify that, in the case of a reserve component member who is called to active duty in support of a contingency operation who then, without a break in service, is extended on active duty for any purpose, the 180-day period of Transition Assistance Management Program medical eligibility begins when the member is separated from active duty at the end of the extended active duty.

The House bill contained no similar provision.

The House recedes.

### *Provision of rehabilitative equipment under Wounded Warrior Act (sec. 707)*

The House bill contained a provision (sec. 733) that would amend section 1631 of the Wounded Warrior Act (title XVI of Public Law 110-181; 10 U.S.C. 1071 note) to authorize the Secretary of Defense to provide an active-duty member of the armed forces with a severe injury or illness with rehabilitative equipment, including recreational sports equipment, that provide an adaption or accommodation for the member.

The Senate contained no similar provision.

### *Transition enrollment of Uniformed Services Family Health Plan Medicare-eligible retirees to TRICARE for Life (sec. 708)*

The House bill contained a provision (sec. 704) that would prohibit a Medicare eligible military retiree from enrolling in the Uniformed Services Family Health Plan after September 30, 2012.

The Senate amendment contained a similar provision (sec. 703) affecting Medicare eligible retired enrolling after September 30, 2011.

The Senate recedes.

## Subtitle B—Health Care Administration

### *Codification and improvement of procedures for mental health evaluations for members of the armed forces (sec. 711)*

The Senate amendment contained a provision (sec. 713) that would amend chapter 55 of

title 10, United States Code, to require the Secretary of Defense to prescribe and maintain regulations relating to commanding officer and supervisor referrals of members of the armed forces for mental health evaluations.

The House bill contained no similar provision.

The House recedes with a clarifying amendment.

### *Extension of time limit for submittal of claims under the TRICARE program for care provided outside the United States (sec. 712)*

The Senate amendment contained a provision (sec. 705) that would extend the time limit for submission of TRICARE claims for services provided outside the United States from 1 year to 3 years after the services are provided.

The House bill contained no similar provision.

The House recedes.

### *Expansion of State licensure exception for certain health care professionals (sec. 713)*

The House bill contained a provision (sec. 713) that would express the sense of Congress concerning access to behavioral health care and the need for improved collaboration between the Department of Defense and Department of Veterans Affairs on transition of service member medical records. The provision would also amend section 1094(d), title 10, United States Code, to permit Department of Defense civilian employees and other health care professionals credentialed and privileged at a federal health care institution or location designated by the Secretary of Defense to practice at any location, regardless of where the health care professional or the patient are located, so long as the practice is within the scope of the authorized federal duties. The provision would also require reports on plans to develop and expand programs utilizing Internet and communications technologies to improve access to care, and plans to improve the transition of health and battlefield deployment records from the Department to the Department of Veterans Affairs.

The Senate amendment contained a similar provision (sec. 721), which would limit additional State licensure exceptions to duties relating to mental health care.

The Senate recedes with an amendment to delete the sense of Congress and required reports.

### *Clarification on confidentiality of medical quality assurance records (sec. 714)*

The Senate amendment contained a provision (sec. 722) that would amend section 1102(j) of title 10, United States Code, to clarify that medical quality assurance records are limited to records of any peer review activity by or for the Department of Defense to assess the quality of medical care.

The House bill contained no similar provision.

The House recedes with a clarifying amendment.

### *Maintenance of the adequacy of provider networks under the TRICARE program (sec. 715)*

The Senate amendment contained a provision (sec. 702) that would state that TRICARE network providers are not considered subcontractors for purposes of the Federal Acquisition Regulation (FAR) or any other law.

The House bill contained no similar provision.

The House recedes with an amendment that would require that, in determining

whether TRICARE network providers are subcontractors for the purposes of the FAR or any other law, a TRICARE managed care support contract including the requirement to establish, manage, or maintain a network of providers shall not be considered to be a contract for the performance of health care services or supplies on the basis of that requirement.

The conferees are aware that the Administration is currently undertaking a review with relevant agencies, including the Departments of Defense, Labor, and Justice, to clarify the coverage of health care providers under federal statutes applicable to contractors and subcontractors. The conferees agree that this is a complex issue which merits continued review from the Committees on Armed Services of the Senate and the House of Representatives and other committees of jurisdiction in the Senate and the House of Representatives.

*Review of the administration of the military health system (sec. 716)*

The House bill contained a provision (sec. 711) that would amend chapter 6 of title 10, United States Code, to require the President, with the advice and assistance of the Chairman of the Joint Chiefs of Staff, to establish a unified medical command for medical operations under section 161 of title 10, United States Code.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would require the Secretary of Defense to submit to the congressional defense committees a report on the options developed and considered by the task force established by the Deputy Secretary of Defense to review the governance model options for the military health system. The amendment would prohibit the Secretary of Defense from proceeding with restructuring the military health system until 120 days after the Comptroller General of the United States submits a report to Congress on a review of the strengths, weaknesses, and costs of each option.

*Limitation on availability of funds for the future electronic health records program (sec. 717)*

The House bill contained a provision (sec. 712) that would limit the amount of funds the Secretary of Defense may obligate or expend for future electronic health programs until 30 days after the date that the Secretary submits a report to the congressional defense committees that addresses: the architecture to guide the transition of the electronic health records of the Department of Defense to a future state that is cost-effective and interoperable; a process for selecting investments in information technology; the report required by section 715 of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (Public Law 111-383); and the effectiveness of the Inter-agency Program Office.

The Senate amendment contained no similar provision.

The Senate recedes with a technical amendment.

**Subtitle C—Reports and Other Matters**

*Modification of authorities on surveys on continued viability of TRICARE Standard and TRICARE Extra (sec. 721)*

The Senate amendment contained a provision (sec. 704) that would amend section 711 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110-181) to extend the length of time the Department of Defense is required to report on access to

health care under TRICARE Standard and TRICARE Extra from 2011 until 2015, and to modify the frequency of reports required to be conducted by the Comptroller General from twice per year to once every 2 years.

The House bill contained a similar provision (sec. 739).

The House recedes with a technical amendment.

*Treatment of wounded warriors (sec. 722)*

The House bill contained a provision (sec. 724) that would add \$3,000,000 to Research, Development, Test, and Evaluation, Army, for rapid clinical evaluation and deployment of novel treatment strategies for wounded service members with an emphasis on musculoskeletal injuries.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would authorize the Secretary of Defense to enter into partnerships to enable coordinated rapid clinical evaluation and application of evidence-based treatment strategies for wounded service members, with an emphasis on the most common musculoskeletal injuries that will address the priorities of the armed forces with respect to retention and readiness.

*Report on research and treatment of post-traumatic stress disorder (sec. 723)*

The House bill contained a provision (sec. 735) that would require the Secretary of Defense to submit to the congressional defense committees a report assessing the benefits of neuroimaging research in an effort to identify and increase the diagnostic properties of post-traumatic stress disorder.

The Senate amendment contained no similar provision.

The Senate recedes with a clarifying amendment.

The conferees have learned that research using neuroimaging techniques may offer hope in identifying conditions in the brain to facilitate distinct classification and diagnosis of post-traumatic stress. The conferees urge the Secretary to consider the potential benefits of research using such techniques for wounded, ill, and injured service members with post-traumatic stress and to explore collaborative interagency and extramural research in this area.

*Report on memorandum regarding traumatic brain injuries (sec. 724)*

The House bill contained a provision (sec. 738) that would require the Secretary of Defense to submit to the congressional defense committees a report on how the Secretary will identify, refer, and treat traumatic brain injuries with respect to members of the armed forces who served in Operation Enduring Freedom or Operation Iraqi Freedom before the June, 2010, the effective date of the policy using a 50-meter distance from an explosion as a criterion to properly identify, refer, and treat members for potential traumatic brain injury.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would require the Secretary of Defense to submit to the congressional defense committees, not later than 180 days after the date of enactment of this Act, a report on the policy of the Department of Defense related to the management of concussion and mild traumatic brain injury in the deployed setting (Directive Type Memorandum 09-033, "Policy Guidance for Management of Concussion/Mild Traumatic Brain Injury in Deployed Setting," June 21, 2010), the effectiveness of such policy with respect to identi-

fying and treating blast-related concussive injuries, and the effect of the policy on operational effectiveness in theater.

*Comptroller General report on women-specific health services and treatment for female members of the armed force (sec. 725)*

The House bill contained a provision (sec. 721) that would require the Secretary of Defense to conduct a comprehensive review on the availability, efficacy, and adequacy of health care services for female members of the armed forces.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would require the Comptroller General to carry out a review of women specific health services and treatment for female members of the armed forces and to submit a report on this review to the congressional defense committees not later than December 31, 2012.

*Comptroller General report on contracted health care staffing for military medical treatment facilities (sec. 726)*

The House bill contained a provision (sec. 723) that would require the Comptroller General of the United States to submit to the Committees on Armed Services of the Senate and the House of Representatives not later than March 31, 2012, a report on the contracting activities of the military departments with respect to providing health care professional services to members of the armed forces, dependents, and retirees.

The Senate amendment contained no similar provision.

The Senate recedes.

**LEGISLATIVE PROVISIONS NOT ADOPTED**

*TRICARE Standard for certain members of the Individual Ready Reserve*

The House bill contained a provision (sec. 706) that would make TRICARE Standard available to members of the Retired Reserve qualified for a non-regular retirement at age 60 but who have not yet reached age 60 and to certain members of the Individual Ready Reserve.

The Senate amendment contained no similar provision.

The House recedes.

*Cooperative health care agreements*

The House bill contained a provision (sec. 725) that would require the Secretary of Defense to obligate an additional \$500,000 to the Defense Health Program for cooperative health care agreements between military installations and local or regional health care systems.

The Senate amendment contained no similar provision.

The House recedes.

*Prostate cancer imaging research initiative*

The House bill contained a provision (sec. 726) that would authorize \$2.0 million additional funding for prostate cancer imaging research initiatives.

The Senate amendment contained no similar provision.

The House recedes.

*Defense Centers of Excellence for Psychological Health and Traumatic Brain Injury*

The House bill contained a provision (sec. 727) that would require the Secretary of Defense to obligate an additional \$2.0 million to the Defense Health Program for the Defense Centers of Excellence for Psychological Health and Traumatic Brain Injury.

The Senate amendment contained no similar provision.

The House recedes.

*Collaborative military-civilian trauma training programs*

The House bill contained a provision (sec. 728) that would require the Secretary of Defense to obligate an additional \$3.0 million to the Defense Health Program for collaborative military-civilian trauma training programs between military installations and local or regional health care systems.

The Senate amendment contained no similar provision.

The House recedes.

*Traumatic brain injury*

The House bill contained a provision (sec. 729) that would add \$1,000,000 to the Defense Health Program to develop national medical guidelines regarding the post-acute rehabilitation of individuals with traumatic brain injury.

The Senate amendment contained no similar provision.

The House recedes.

*Competitive programs for alcohol and substance abuse disorders*

The House bill contained a provision (sec. 730) that would add \$5,000,000 to the Defense Health Program to support a competitive program for translational research centers tasked with addressing alcohol and substance abuse issues.

The Senate amendment contained no similar provision.

The House recedes.

*Pilot program on payment for treatment of members of the armed forces and veterans for traumatic brain injury and post-traumatic stress disorder*

The House bill contained a provision (sec. 731) that would authorize to be appropriated \$10.0 million to carry out a 5 year pilot program to pay for the treatment of traumatic brain injury and post-traumatic stress disorder in health care facilities other than military treatment facilities or Department of Veterans Affairs medical facilities.

The Senate amendment contained no similar provision.

The House recedes.

*Report on establishment of registry on occupational and environmental chemical concerns*

The House bill contained a provision (sec. 732) that would require the Secretary of Defense to report on establishing a registry for members of the armed forces exposed to occupational and environmental hazards during contingency operations.

The Senate amendment contained no similar provision.

The House recedes.

*Sense of Congress on post-traumatic stress disorder*

The House bill contained a provision (sec. 734) that would express the sense of Congress that post-traumatic stress disorder is an increasingly common disease and that treatment for service members with post-traumatic stress disorder should be expanded to include local and community medical facilities.

The Senate amendment contained no similar provision.

The House recedes.

*Study on breast cancer among members of the armed forces and veterans*

The House bill contained a provision (sec. 736) that would require the Secretary of Defense and Secretary of Veterans Affairs to jointly conduct a study on the incidence of breast cancer among members of the armed forces (including members of the National Guard and reserve components) and veterans.

The Senate amendment contained no similar provision.

The House recedes.

The conferees note that in a separate provision in this report the Comptroller General is required to conduct a comprehensive review on the availability, efficacy, and adequacy of health care services for female members of the armed forces, including the access to and efficacy of women-specific breast cancer services and programs with respect to outreach, prevention, and treatment.

*Transfer of Defense Centers of Excellence for Psychological Health and Traumatic Brain Injury*

The House bill contained a provision (sec. 737) that would require the Secretary of Defense to develop a plan to transfer the Defense Centers of Excellence for Psychological Health and Traumatic Brain Injury from the TRICARE Management Activity to a military department, as determined by the Secretary.

The Senate amendment contained no similar provision.

The House recedes.

The conferees understand that the Department is preparing to move ahead with this transfer.

**TITLE VIII—ACQUISITION POLICY, ACQUISITION MANAGEMENT, AND RELATED MATTERS**  
**Subtitle A—Acquisition Policy and Management**

*Requirements relating to core depot-level maintenance and repair capabilities for Milestone A and Milestone B and elimination of references to Key Decision Points A and B (sec. 801)*

The House bill contained a provision (sec. 801) that would amend sections 2366a and 2366b of title 10, United States Code, to incorporate certification requirements for core logistics capabilities and to eliminate obsolete references to Key Decision Points A and B for Space Programs.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would ensure that life cycle sustainment planning, to include core depot-level maintenance and repair capabilities, is considered at applicable milestones for major defense acquisition programs.

*Revision to law relating to disclosures to litigation support contractors (sec. 802)*

The House bill contained a provision (sec. 802) that would clarify the authority of the Department of Defense to disclose sensitive information to litigation support contractors.

The Senate amendment contained no similar provision.

The Senate recedes.

*Extension of applicability of the senior executive benchmark compensation amount for purposes of allowable cost limitations under defense contracts (sec. 803)*

The House bill contained a provision (sec. 803) that would expand the limitation on allowable compensation for defense contractor employees to any individual performing under a covered contract.

The Senate amendment contained a provision (sec. 842) that would expand the limitation to contractor and subcontractor employees and reduce the ceiling amount to the annual amount paid to the President of the United States under section 102 of title 3, United States Code.

The House recedes with an amendment that would expand the limitation to all con-

tractor employees, subject to the authority of the Secretary of Defense to establish narrowly-targeted exceptions for scientists and engineers upon a determination that such exceptions are needed to ensure that the Department of Defense has continued access to needed skills and capabilities. The Secretary is directed to report to the congressional defense committees on whether there are any additional categories of employees for whom such authority may be needed. The conferees understand that the term "contractor employees" includes employees of a subcontractor.

*Extension of availability of funds in the Defense Acquisition Workforce Development Fund (sec. 804)*

The House bill contained a provision (sec. 805) that would provide uniformity in the availability of funds in the Defense Acquisition Workforce Development Fund, as requested by the Department of Defense.

The Senate amendment contained a similar provision (sec. 881).

The Senate recedes.

*Defense Contract Audit Agency annual report (sec. 805)*

The House bill contained a provision (sec. 806) that would require the Director of the Defense Contract Audit Agency (DCAA) to submit an annual report to Congress.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would simplify the reporting requirement and ensure that it is consistent with the nature of the work performed by DCAA.

*Inclusion of data on contractor performance in past performance databases for source selection decisions (sec. 806)*

The Senate amendment contained a provision (sec. 821) that would require the Department of Defense to develop a strategy for ensuring that timely, accurate, and complete information on contractor performance is included in past performance databases used for making source selection decisions.

The House bill contained no similar provision.

The House recedes with an amendment requiring that contractors be provided up to 2 weeks to respond to past performance information before it is included in the database. Nothing in the provision would preclude contractors from providing comments, or otherwise challenging the information, after the 2 week period has expired and the information has been posted.

*Implementation of recommendations of Defense Science Board Task Force on improvements to Service Contracting (sec. 807)*

The Senate amendment contained a provision (sec. 822) that would require the Department of Defense to develop a plan to implement the recommendations of a Defense Science Board report on service contracting.

The House bill contained no similar provision.

The House recedes with an amendment striking language requiring a taxonomy and definitions for the tracking of contract services. This issue has been already addressed in previously-enacted legislation requiring an inventory of contract services.

*Temporary limitation on aggregate annual amount available for contract services (sec. 808)*

The Senate amendment contained a provision (sec. 823) that would limit Department of Defense spending for contract services in fiscal years 2012 and 2013 (not including spending from the Overseas Contingency Operations account).

The House bill contained no similar provision.

The House recedes.

*Annual report on single-award task and delivery order contracts (sec. 809)*

The Senate amendment contained a provision (sec. 824) that would streamline reporting requirements for single-award task and delivery order contracts.

The House bill contained no similar provision.

The House recedes.

Subtitle B—Amendments to General Contracting Authorities, Procedures, and Limitations

*Calculation of time period relating to report on critical changes in major automated information systems (sec. 811)*

The House bill contained a provision (sec. 811) that would clarify the trigger for determining whether a major automated information system has achieved full deployment decision in a timely manner.

The Senate amendment contained no similar provision.

The House recedes with a technical amendment based on comments from the Department of Defense.

*Change in deadline for submission of Selected Acquisition Reports from 60 to 45 days (sec. 812)*

The House bill contained a provision (sec. 812) that would adjust the deadline for submission of Selected Acquisition Reports.

The Senate amendment contained no similar provision.

The Senate recedes.

*Extension of sunset date for certain protests of task and delivery order contracts (sec. 813)*

The House bill contained a provision (sec. 813) that would extend the sunset date for certain protests of task and delivery order contracts.

The Senate amendment contained no similar provision.

The House recedes.

*Clarification of Department of Defense authority to purchase right-hand drive passenger sedan vehicles and adjustment of threshold for inflation (sec. 814)*

The House bill contained a provision (sec. 814) that would clarify Department of Defense authority to purchase right-hand drive passenger sedans.

The Senate amendment contained a similar provision (sec. 884).

The House recedes with a technical amendment.

*Rights in technical data and validation of proprietary data restrictions (sec. 815)*

The Senate amendment contained a provision (sec. 841) that would clarify the treatment of independent research and development and bid and proposal costs for purposes of section 2320 of title 10, United States Code, governing rights in technical data.

The House bill contained no similar provision.

The House recedes with an amendment that would clarify the circumstances in which the United States has government-purpose rights in technical data and the extent to which the United States may require the delivery of technical data to which it already has rights, but the delivery of which was not required in the contract.

*Covered contracts for purposes of requirements on contractor business systems (sec. 816)*

The Senate amendment contained a provision (sec. 843) that would clarify what contracts are covered for the purposes of with-

holding funds under section 893 of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (Public Law 111-383).

The House bill contained no similar provision.

The House recedes.

*Compliance with defense procurement requirements for purposes of internal controls of non-defense agencies for procurements on behalf of the Department of Defense (sec. 817)*

The Senate amendment contained a provision (sec. 844) that would amend section 801 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110-181) to clarify that when the Department of Defense makes purchases through non-defense agencies the other agencies are expected to comply with the requirements of the Federal Acquisition Regulation and other laws and regulations that apply to procurements by all federal agencies and with laws and regulations applicable to inter-agency transactions by the Department of Defense, but not with internal Department of Defense procurement rules.

The House bill contained no similar provision.

The House recedes.

*Detection and avoidance of counterfeit electronic parts (sec. 818)*

The Senate amendment contained a provision (sec. 848) that would strengthen the detection, avoidance, notification, and remediation of counterfeit and suspect counterfeit electronic parts in defense systems.

The House bill contained no similar provision.

The House recedes with a clarifying amendment.

The conferees note that the authority provided to the Secretary of the Treasury to share information under this provision should not be interpreted to suggest that any other government agency lacks the authority to share similar information with the owner of a copyright or registered mark.

*Modification of certain requirements of the Weapon Systems Acquisition Reform Act of 2009 (sec. 819)*

The House bill contained a provision (sec. 841) that would amend certain provisions of acquisition law to provide additional flexibility to the Department of Defense.

The Senate amendment contained a similar provision (sec. 802).

The House recedes.

*Inclusion of contractor support requirements in Department of Defense planning documents (sec. 820)*

The House bill contained a provision (sec. 852) that would require the Secretary of Defense to develop and implement a plan to address shortfalls in operational contract support requirements determination, management, oversight, and administration.

The Senate amendment contained a provision (sec. 866) that would require inclusion of contractor support requirements in Department of Defense planning documents.

The House recedes.

The conferees note that the Commission on Wartime Contracting found significant deficiencies in the Department's requirements determination processes, management, oversight, and administration of operational contract support in recent contingency operations. The conferees urge the Secretary of Defense to take aggressive steps to address shortfalls in education, training, information-sharing, pre-deployment exercises and experiments, and workforce planning related

to the Department's continued reliance on operational contract support.

*Amendment relating to buying tents, tarpaulins, or covers from American sources (sec. 821)*

The House bill contained a provision (sec. 815) that would amend section 2533a of title 10, United States Code, to include the materials and components of tents, tarpaulins, and covers under that provision.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment to include tent poles and similar structural components.

*Repeal of sunset of authority to procure fire resistant rayon fiber from foreign sources for the production of uniforms (sec. 822)*

The House bill contained a provision (sec. 817) that would repeal the sunset on the authority to procure fire resistant rayon fiber from foreign sources under the circumstances provided in section 829 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110-181).

The Senate amendment contained a provision (sec. 888) that would require further review of the issue.

The Senate recedes.

*Prohibition on collection of political information (sec. 823)*

The House bill contained a provision (sec. 847) that would prohibit federal agencies from requiring contractors to disclose information on campaign contributions and expenditures as a condition for participating in an acquisition.

The Senate amendment contained a similar provision (sec. 845) that would be applicable only to the Department of Defense.

The House recedes with a clarifying amendment.

Subtitle C—Provisions Relating to Major Defense Acquisition Programs

*Waiver of requirements relating to new milestone approval for certain major defense acquisition programs experiencing critical cost growth due to change in quantity purchased (sec. 831)*

The Senate amendment contained a provision (sec. 801) that would allow the waiver of certain requirements applicable to programs that experience critical Nunn-McCurdy breaches in narrow circumstances where the cost growth is attributable almost exclusively to changes in the number of units to be purchased.

The House bill contained no similar provision.

The House recedes.

*Assessment, management, and control of operating and support costs for major weapon systems (sec. 832)*

The Senate amendment contained a provision (sec. 803) that would require the Department of Defense to take action to assess, manage, and control operation and support costs for major weapon systems.

The House bill contained no similar provision.

The House recedes with an amendment to ensure that the provision references, and is consistent with, the life-cycle management and product support requirements in section 805 of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111-84).

*Clarification of responsibility for cost analyses and targets for contract negotiation purposes (sec. 833)*

The Senate amendment contained a provision (sec. 804) that would clarify that the Under Secretary of Defense for Acquisition,



Technology, and Logistics is responsible for policies and guidance on cost analyses and targets to be used in contract negotiations.

The House bill contained no similar provision.

The House recedes.

*Modification of requirements for guidance on management of manufacturing risk in major defense acquisition programs (sec. 834)*

The House bill contained a provision (sec. 841(b)) that would repeal certain requirements relating to manufacturing risk in major defense acquisition programs.

The Senate amendment contained a provision (sec. 805) that would provide the Department of Defense increased flexibility in complying with such requirements.

The House recedes.

The conferees note that the conference agreement would authorize the Department of Defense to tailor manufacturing readiness levels and other manufacturing readiness standards to address the unique characteristics of specific industry sectors and weapon system portfolios.

*Management of developmental test and evaluation for major defense acquisition programs (sec. 835)*

The Senate amendment contained a provision (sec. 806) that would strengthen management of developmental test and evaluation for major defense acquisition programs.

The House bill contained no similar provision.

The House recedes.

*Assessment of risk associated with development of major weapon systems to be procured under cooperative projects with friendly foreign countries (sec. 836)*

The Senate amendment contained a provision (sec. 807) that would require a risk assessment in advance of any cooperative agreement with an allied nation that is expected to result in the award of a Department of Defense contract for the engineering and manufacturing development of a major weapon system.

The House bill contained no similar provision.

The House recedes.

*Competition in maintenance and sustainment of subsystems of major weapon systems (sec. 837)*

The House bill contained a provision (sec. 326) that would amend section 202(d) of the Weapon Systems Acquisition Reform Act of 2009 (10 U.S.C. 2430 note) to include subsystems and components.

The Senate amendment contained no similar provision.

The Senate recedes with a clarifying amendment.

*Oversight of and reporting requirements with respect to Evolved Expendable Launch Vehicle program (sec. 838)*

The Senate amendment contained a provision (sec. 889) that would direct the Secretary of Defense to designate the Evolved Expendable Launch Vehicle (EELV) program as a Major Defense Acquisition Program (MDAP) not in sustainment phase under section 2430 of title 10, United States Code, or require the EELV program to provide to the congressional defense committees and, as appropriate, the Under Secretary of Defense for Acquisition, Technology, and Logistics, all information with respect to its cost, schedule, and performance that would be required if the program were an MDAP not in sustainment.

The House bill contained no similar provision.

The House recedes.

*Implementation of acquisition strategy for Evolved Expendable Launch Vehicle (sec. 839)*

The Senate amendment contained a provision (sec. 891) that would direct the Secretary of Defense to submit, with the fiscal year 2013 budget submission, how it is implementing the findings of the Government Accountability Office (GAO) report on the Evolved Expendable Launch Vehicle, dated September 15, 2011 (GAO—11—641) and if the findings cannot be implemented, an explanation of how the Department is addressing the deficiency. Within 60 days the GAO is to assess the Secretary's report and forward recommendations it considers appropriate.

The House bill contained no similar provision.

The House recedes with an amendment that would extend the report submission to no later than March 31, 2012.

The conferees also agreed that the report shall be delivered to the Committees on Armed Services of the Senate and the House of Representatives, the Committees on Appropriations of the Senate and the House of Representatives, the Permanent Select Committee on Intelligence of the House of Representatives, and the Select Committee on Intelligence of the Senate.

Subtitle D—Provisions Relating to Contracts in Support of Contingency Operations in Iraq or Afghanistan

*Prohibition on contracting with the enemy in the United States Central Command theater of operations (sec. 841)*

The House bill contained a provision (sec. 821) that would allow the Secretary of Defense to void a contract, upon a determination that a foreign entity or individual performing on the contract is directly engaged in hostilities or is substantially supporting forces that are engaged in hostilities against the United States or its coalition partners.

The Senate amendment contained a similar provision (sec. 861).

The House recedes with an amendment clarifying that the authority provided by the section is available only to the Department of Defense.

*Additional access to contractor and subcontractor records in the United States Central Command Theater of Operations (sec. 842)*

The House bill contained a provision (sec. 823) that would allow the Secretary of Defense to examine the records of a foreign contractor or subcontractor in Iraq or Afghanistan under certain circumstances.

The Senate amendment contained a similar provision (sec. 862).

The House recedes with an amendment clarifying that the authority provided by the section is available only to the Department of Defense.

*Reach-back contracting authority for Operation Enduring Freedom and Operation New Dawn (sec. 843)*

The House bill contained a provision (sec. 822) that would authorize a contracting activity inside the United States to utilize increased thresholds available for overseas contracting, when acting in support of overseas contracting for Operation Enduring Freedom and Operation New Dawn.

The Senate amendment contained a similar provision (sec. 865).

The House recedes.

*Competition and review of contracts for property or services in support of a contingency operation (sec. 844)*

The House bill contained a provision (sec. 826) that would require the Department of

Defense to establish, measure, and monitor goals for competition in contracts performed outside the United States in support of contingency operations.

The Senate amendment contained no similar provision.

The Senate recedes with a clarifying amendment.

The conferees understand that separate goals would be established under this section for any overseas contingency operation requiring significant contract support. While limitations on competition may be justified by urgent contracting requirements early in a contingency operation, the conferees expect the Department to transition to sustainment contracting, with increasing levels of competition, as rapidly as practicable.

*Inclusion of associated support services in rapid acquisition and deployment procedures for supplies (sec. 845)*

The Senate amendment contained a provision (sec. 864) that would amend section 806 of the Bob Stump National Defense Authorization Act for Fiscal Year 2003 (Public Law 107-314) to include associated support services in the rapid acquisition procedures authorized by that section, as requested by the Department of Defense.

The House bill contained no similar provision.

The House recedes.

*Joint Urgent Operational Needs Fund to rapidly meet urgent operational needs (sec. 846)*

The Senate amendment contained a provision (sec. 863) that would establish a Joint Urgent Operational Needs Fund to rapidly meet urgent operational needs.

The House bill contained no similar provision.

The House recedes.

Subtitle E—Defense Industrial Base Matters  
*Assessment of the defense industrial base pilot program (sec. 851)*

The House bill contained a provision (sec. 831) that would require the Secretary of Defense to submit a report to the congressional defense committees on the defense industrial base (DIB) pilot program.

The Senate amendment contained no similar provision.

The Senate recedes.

The conferees emphasize the importance of a careful and objective assessment of the effectiveness of the DIB pilot program, since it could serve as a model for other critical infrastructure sectors. The Defense Cyber Crime Center (DC3) reports that the so-called "threat indicators" they have compiled for the Department of Defense networks and the defense industrial base, respectively, reflect a very small overlap. According to DC3, the overlap between these threat indicators and those of the financial sector is significantly smaller still. These statistics are interpreted to indicate that each sector is experiencing attacks from different threat actors using different tactics and techniques. If correct, this would mean that signatures developed for one sector could have limited utility for a different sector or organization. If the intelligence community is to provide threat signatures to defend all of the government departments and agencies, and all of the critical infrastructure sectors, the resources required could be very extensive.

The conferees request that the assessment required by this section address this specific issue.

*Strategy for securing the defense supply chain and industrial base (sec. 852)*

The House bill contained a provision (sec. 832) that would require the Secretary of Defense to assess the defense industrial base

and develop mitigation strategies to address any gaps and vulnerabilities identified in the assessment.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would require the Secretary of Defense to address industrial base and supply chain issues (including risks and vulnerabilities) through the sector-by-sector, tier-by-tier assessment of the industrial base now underway and the annual industrial base report required by section 2504 of title 10, United States Code.

*Assessment of feasibility and advisability of establishment of rare earth material inventory (sec. 853)*

The House bill contained a provision (sec. 835) that would require the Department of Defense to develop a plan for the establishment of a rare earth material inventory.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would require the Department to assess the feasibility and advisability of establishing a rare earth material inventory.

*Department of Defense assessment of industrial base for night vision image intensification sensors (sec. 854)*

The Senate amendment contained a provision (sec. 890) that would require an assessment of the night vision image intensification sensor industrial base.

The House bill contained no similar provision.

The House recedes.

*Technical amendment relating to responsibilities of Deputy Assistant Secretary of Defense for Manufacturing and Industrial Base Policy (sec. 855)*

The Senate amendment contained a provision (sec. 1086) that would correct an erroneous statutory reference in section 139e of title 10, United States Code, as added by section 896 of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (P.L. 11-383).

The House bill contained no similar provision.

The House recedes.

#### Subtitle F—Other Matters

*Clarification of jurisdiction of the United States district courts to hear bid protest disputes involving maritime contracts (sec. 861)*

The House bill contained a provision (sec. 843) that would ensure that the jurisdiction of the United States district courts to hear bid protest disputes involving maritime contracts is consistent with jurisdiction over other types of bid protests under federal law.

The Senate amendment contained no similar provision.

The House recedes.

*Encouragement of contractor Science, Technology, Engineering, and Math (STEM) programs (sec. 862)*

The House bill contained a provision (sec. 845) that would establish a preference for offerors who take steps to encourage and enhance undergraduate, graduate, and doctoral programs in science, technology, engineering, and math (“STEM” programs).

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would require the Department of Defense to develop programs and incentives to encourage contractors to support STEM programs.

*Sense of Congress and report on authorities available to the Department of Defense for multiyear contracts for the purchase of alternative fuels (sec. 863)*

The House bill contained a provision (sec. 848) that would express the sense of Congress on the desirability of long-term contracting for alternative fuels.

The Senate amendment contained a provision (sec. 849) that would require the Secretary of Defense to report to Congress on available authorities for such long-term contracting.

The Senate recedes with an amendment combining the two provisions.

*Acquisition workforce improvements (sec. 864)*

The House bill contained a provision (sec. 849) that would foster and promote the acquisition workforce on a government-wide basis.

The Senate amendment contained no similar provision.

The Senate recedes with a clarifying amendment.

*Modification of delegation of authority to make determinations on entry into cooperative research and development agreements with NATO and other friendly organizations and countries (sec. 865)*

The Senate amendment contained a provision (sec. 882) that would authorize the Secretary of Defense to delegate authority under section 2350a of title 10, United States Code, to the Under Secretary of Defense for Acquisition, Technology, and Logistics, and the Principal Deputy Under Secretary of Defense for Acquisition, Technology, and Logistics.

The House bill contained no similar provision.

The House recedes with an amendment that would authorize the Secretary to delegate authority to the Under Secretary of Defense for Acquisition, Technology, and Logistics, and the Assistant Secretary of Defense for Research, Development, and Engineering.

*Three-year extension of test program for negotiation of comprehensive small business subcontracting plans (sec. 866)*

The Senate amendment contained a provision (sec. 886) that would extend the test program for the negotiation of comprehensive small business subcontracting plans until September 30, 2014.

The House bill contained no similar provision.

The House recedes with an amendment that would extend the program until December 31, 2014.

*Five-year extension of Department of Defense mentor-protégé program (sec. 867)*

The Senate amendment contained a provision (sec. 887) that would extend the Department of Defense mentor-protégé program through September 30, 2018.

The House bill contained no similar provision.

The House recedes.

The conferees are aware that the Department of Defense (DOD) mentor-protégé program is the oldest of the federal mentor protégé programs, and the only one to provide appropriated funds for cost reimbursement for mentors that support small businesses. The conferees believe that this has been a valuable program to both the Department, as well as to small businesses and encourage the DOD mentor-protégé program to look at opportunities to align with the Small Business Administration (SBA) mentor-protégé program. Further, the conferees encourage the Department to add into future DOD mentor-protégé annual reports descrip-

tions of efforts being made to align with the program standards of the SBA mentor-protégé program, identification of opportunities for synergy, and analysis of technical, legal or regulatory impediments to closer alignment with the program standards of the SBA mentor-protégé program.

#### LEGISLATIVE PROVISIONS NOT ADOPTED

*Additional information on waivers under the Buy American Act by Department of Defense required to be included in annual report*

The House bill contained a provision (sec. 850) that would amend section 812 of the National Defense Authorization Act for Fiscal Year 2004 (Public Law 108-136) to require that additional information be included in the annual report of the Department of Defense on Buy American waivers.

The Senate amendment contained no similar provision.

The House recedes.

*Assessment of Department of Defense contracting actions and the impact on small business*

The House bill contained a provision (sec. 851) that would require the Inspector General of the Department of Defense to conduct an assessment of consolidated contracting actions relating to base services and construction activities.

The Senate amendment contained no similar provision.

The House recedes.

The conferees expect the Department of Defense (DOD) to manage its business operations in an efficient manner. At the same time, the conferees understand that the consolidation of contracts for base services and construction can have a detrimental impact on the ability of small businesses to compete for such contracts. This issue has been addressed by Congress in the Small Business Jobs Act of 2010 (Public Law 111-240), the Small Business Reauthorization Act of 1997 (Public Law 105-135), the National Defense Authorization Act for Fiscal Year 2004 (Public Law 108-136).

The conferees direct the Comptroller General to review DOD's compliance with provisions of law and regulation addressing contract consolidation and bundling with regard to contracts for base services and construction. The Comptroller General's report should address the scope of consolidation or bundling undertaken by the Department, the justification provided for such consolidation or bundling, and the impact of such consolidation or bundling on contracting with small business concerns. The report should also address associated issues, including the need for training, the availability of alternative contracting approaches, and any recommendations the Comptroller General may have to improve the Department's performance in this area.

*Comptroller General assessment of government competition in the Department of Defense industrial base*

The House bill contained a provision (sec. 833) that would require the Comptroller General to assess the effect of government-mandated competition on the defense industrial base.

The Senate amendment contained no similar provision.

The House recedes.

*Comptroller General of the United States reports on Department of Defense implementation of justification and approval requirements for certain sole-source contracts*

The Senate amendment contained a provision (sec. 850) that would require the Comptroller General of the United States to report to Congress on the implementation of

section 811 of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111-84) by the Department of Defense (DOD).

The House bill contained no similar provision.

The Senate recedes.

The conferees direct the Secretary of Defense to report to the Committees on Armed Services of the Senate and the House of Representatives, no later than March 1, 2012, and March 1, 2013, on the implementation of section 811. The Secretary's report should provide, at a minimum, an assessment of the following: (1) the number of sole-source contracts in excess of \$20.0 million that have been awarded to each category of 8(a) participant; (2) the dollar amounts associated with such contracts; (3) the justifications cited for the award of such sole-source contracts; (4) a description of the goods or services that were or are to be provided under such contracts; (5) the percentage of work on such contracts that was subcontracted by the awardee or performed by an entity other than the awardee; and (6) any measures taken by the Department of Defense or the Small Business Administration to ensure that such contracts are not abused.

The conferees further direct the Comptroller General to provide the committees, no later than 90 days after DOD submits the March 1, 2012, and March 1, 2013, reports, with his own assessment of the extent to which the Department's implementation of section 811 ensures that sole-source contracts are awarded in applicable procurements only when those awards have been determined to be in the best interest of the Department.

*Comptroller General of the United States reports on noncompetitive and one-offer contracts awarded by the Department of Defense*

The Senate amendment contained a provision (sec. 847) that would require the Comptroller General to report to the Committees on Armed Services of the Senate and the House of Representatives on non-competitive and one-offer contracts awarded by the Department of Defense during fiscal years 2012, 2013, and 2014.

The House bill contained no similar provision.

The Senate recedes.

The conferees direct the Comptroller General to report to the Committees on Armed Services of the Senate and the House of Representatives not later than March 31 of 2013, 2014, and 2015, on non-competitive and one-offer contracts awarded by the Department of Defense during the preceding fiscal year. The Comptroller General's reports should address the number and dollar amounts of non-competitive and one-offer contracts awarded, the basis for exceptions from competitive procedures and the adequacy of the justifications for such exceptions, and the impact of recent Department of Defense guidance on one-offer contracts.

*Definitions*

The House bill contained a provision (sec. 824) that would define certain terms.

The Senate amendment contained no similar provision.

The House recedes.

*Exemption of Department of Defense from alternative fuel procurement requirement*

The House bill contained a provision (sec. 844) that would exempt the Department of Defense from section 526 of the Energy Independence and Security Act (42 U.S.C. 17142).

The Senate amendment contained no similar provision.

The House recedes.

*Extension and expansion of small business programs of the Department of Defense*

The Senate amendment contained a provision (sec. 885) that would extend through September 30, 2018, the Department of defense Small Business Innovative Research (SBIR) program and associated programs and authorities.

The House bill contained no similar provision.

The Senate recedes.

The SBIR program would be extended by a separate division of the bill.

*Para-aramid fibers and yarns*

The House bill contained a provision (sec. 816) that would repeal section 807 of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (Public Law 105-261).

The Senate amendment contained no similar provision.

The House recedes.

*Procurement of photovoltaic devices*

The House bill contained a provision (sec. 842) that would address the circumstances in which the Buy American Act (41 U.S.C. 10a-10d) applies to photovoltaic devices acquired by contractors and lessees under energy savings performance contracts, utility service contracts, private housing contracts, and land leases.

The Senate amendment contained a similar provision (sec. 827).

The conference agreement does not include either provision.

*Prohibition on use of funds for certain programs*

The Senate amendment contained a provision (sec. 826) that would prohibit the use of Department of Defense funds for any program that creates a price evaluation adjustment that would be inconsistent with the court of appeals decision in *Rothe Development Corporation v. Department of Defense*, 545 F.3d 1023 (2008).

The House bill contained no similar provision.

The Senate recedes.

The conferees note that the Federal Acquisition Regulation was revised earlier this year to eliminate the authority to establish such a price preference.

*Quality Assurance Surveillance Plan for security contractors operating in Afghanistan and in support of other contingency operations*

The House bill contained a provision (sec. 825) that would establish new requirements for the oversight of private security contractors operating in Afghanistan.

The Senate amendment contained no similar provision.

The House recedes.

The conferees agree that Department of Defense (DOD) oversight of private security contractors in Afghanistan has been deficient, and that significant improvements are needed in this regard. However, the issue of oversight and accountability of contractors performing private security functions in areas of combat operations was recently addressed in section 831 of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (Public Law 111-383).

The conferees direct the Government Accountability Office to review the steps that DOD has taken to implement the requirements of section 831 and report to the congressional defense committees on the extent to which these changes have addressed deficiencies in the oversight of private security contractors.

*Report on impact of foreign boycotts on the defense industrial base*

The House bill contained a provision (sec. 834) that would require the Comptroller Gen-

eral to assess the impact of foreign boycotts on the defense industrial base.

The Senate amendment contained a similar provision (sec. 892).

The conference report does not include either provision.

The conferees direct the Comptroller General to assess the impact of foreign boycotts on the defense industrial base. The Comptroller General's report should include a summary of any foreign boycotts that posed a material risk to the defense industrial base from January 2008 to the present. The report should address policies or practices adopted by foreign governments or businesses that are intended to penalize, disadvantage, or harm Department of Defense contractors or subcontractors because of their relationship with the Department.

*Reports on use of indemnification agreements*

The House bill contained a provision (sec. 846) that would require the Secretary of Defense to report to the congressional defense committees on indemnification agreements with contractors.

The Senate amendment contained no similar provision.

The House recedes.

The conferees direct the Secretary of Defense to report to the congressional defense committees, not later than 90 days after the end of each fiscal year from fiscal year 2012 to fiscal year 2015 on indemnification agreements entered with contractors in connection with overseas contingency operations during the preceding fiscal year. The Secretary's reports should address indemnification provisions relative to wrongful death and bodily injury caused by negligence and should provide the name of each contractor, a description of the indemnification provision, and a justification for the agreement.

*Supplier risk management*

The House bill contained a provision (sec. 804) that would require the Department of Defense to use a business credit reporting bureau to track existing contractors, subcontractors, and suppliers before and during the performance of contracts.

The Senate amendment contained no similar provision.

The House recedes.

The conferees encourage the Secretary of Defense to consider the use of business credit reporting bureaus or other sources of business information to assess the viability of potential offerors and contractors at appropriate points in the acquisition process.

*Waiver of "Buy American" requirement for procurement of components otherwise producible overseas with specialty metal not produced in the United States*

The Senate amendment contained a provision (sec. 846) that would allow the Secretary of Defense to waive the requirement to use specialty metals melted or produced inside the United States, if the Secretary determines that, in the absence of a waiver, both the metals and the products fabricated from the metals would be produced overseas.

The House bill contained no similar provision.

The Senate recedes.

TITLE IX—DEPARTMENT OF DEFENSE  
ORGANIZATION AND MANAGEMENT  
Subtitle A—Department of Defense  
Management

*Revision of defense business systems requirements (sec. 901)*

The House bill contained a provision (sec. 901) that would update the structure and process of the defense business systems investment review boards and clarify management and oversight responsibilities based on

recent changes in the organization and management of the Department of Defense.

The Senate amendment contained a similar provision (sec. 1002).

The Senate recedes with an amendment that would combine the two provisions and address comments received from the Department of Defense.

*Qualifications for appointments to the position of Deputy Secretary of Defense (sec. 902)*

The Senate amendment contained a provision (sec. 901) that would establish qualifications for appointments to the position of Deputy Secretary of Defense, to reflect the new role of the Deputy Secretary as Chief Management Officer of the Department.

The House bill contained no similar provision.

The House recedes.

*Designation of Department of Defense senior official with principal responsibility for airship programs (sec. 903)*

The Senate amendment contained a provision (sec. 902) that would require the Secretary of Defense to designate a senior official of the Department of Defense as the official with principal responsibility for the airship programs of the Department.

The House bill contained no similar provision.

The House recedes.

*Memoranda of agreement on identification and dedication of enabling capabilities of general purpose forces to fulfill certain requirements of special operations forces (sec. 904)*

The Senate amendment contained a provision (sec. 903) that would require each secretary of a military department to enter into a memorandum of agreement with the Commander of U.S. Special Operations Command establishing the procedures by which the availability of the enabling capabilities of the general purpose forces will be synchronized with the training and deployment cycle of special operations forces.

The House bill contained no similar provision.

The House recedes with a clarifying amendment.

*Assessment of Department of Defense access to non-United States citizens with scientific and technical expertise vital to the national security interests (sec. 905)*

The Senate amendment contained a provision (sec. 906) that would require the Secretary of Defense to conduct an assessment of current and potential mechanisms to permit the Department of Defense to employ non-United States citizens with critical scientific and technical skills that are vital to national security.

The House bill contained no similar provision.

The House recedes.

*Sense of Congress on use of modeling and simulation in Department of Defense activities (sec. 906)*

The Senate amendment contained a provision (sec. 907) that would establish a sense of Congress to encourage the Department of Defense to continue the use and enhancement of modeling and simulation across the spectrum of defense activities.

The House bill contained no similar provision.

The House recedes.

*Sense of Congress on ties between Joint Warfighting and Coalition Center and Allied Command Transformation of NATO (sec. 907)*

The Senate amendment contained a provision (sec. 908) that would express the sense of

Congress that the successor organization to the U.S. Joint Forces Command, the Joint Warfighting and Coalition Center, should establish close ties with the North Atlantic Treaty Organization's Allied Command Transformation command.

The House bill contained no similar provision.

The House recedes.

*Report on effects of planned reductions of personnel at the Joint Warfare Analysis Center on personnel skills (sec. 908)*

The Senate amendment contained a provision (sec. 909) that would require the Secretary of Defense to conduct an assessment of the effects of planned reductions of personnel at the Joint Warfare Analysis Center on the personnel skills to be available at the Center after the reductions.

The House bill contained no similar provision.

The House recedes.

#### Subtitle B—Space Activities

*Harmful interference to Department of Defense Global Positioning System (sec. 911)*

The House bill contained a provision (sec. 911) that would prohibit the Federal Communications Commission (FCC) from finalizing its January 26, 2011, order until the FCC has resolved concerns about widespread harmful interference with Global Positioning System (GPS) receivers of the Department of Defense (DOD). It would further require a notice to Congress of certain FCC decision documents, as well as the complete final working group report undertaken per the January 26, 2011, order.

The Senate amendment contained a similar provision (sec. 913) that would direct the Secretary of Defense to review and assess the ability of national security GPS receivers to receive the signals of the GPS satellites without interruption or interference and determine if commercial communications services are causing or will cause widespread or harmful interference with national security GPS receivers. In the event that the review determines that commercial communications services are causing or will cause widespread or harmful interference with national security GPS receivers, the Secretary would be required to promptly notify the congressional defense committees. The provision would direct the Secretary to conduct such a review every 90 days for 2 years or until the Secretary determines there is no widespread or harmful interference with national security GPS receivers by commercial communications services, whichever is earlier.

The House recedes with an amendment that would add the reporting requirements of the Senate provision as a separate subsection to the Senate provision.

*Authority to designate increments or blocks of satellites as major subprograms subject to acquisition reporting requirements (sec. 912)*

The Senate amendment contained a provision (sec. 912) that would amend section 2430a(a)(1) of title 10, United States Code, to authorize the Secretary of Defense to designate blocks or increments of two or more space vehicles as a major subprogram for the purposes of acquisition reporting.

The House bill contained no similar provision.

The House recedes with a technical amendment that would change the word "space vehicles" to "satellites".

#### Subtitle C—Intelligence-Related Matters

*Report on implementation of recommendations by the Comptroller General on intelligence information sharing (sec. 921)*

The House bill contained a provision (sec. 921) that would require the Secretary of De-

fense to submit a report to the appropriate congressional committees and the Comptroller General a report on the Secretary's actions in response to the Comptroller General's recommendations regarding intelligence information sharing. The provision also requires the Comptroller General to review the Secretary's report and assess whether the Secretary's actions are consistent with the recommendations.

The Senate amendment contained no similar provision.

The Senate recedes.

*Insider threat detection (sec. 922)*

The House bill contained a provision (sec. 922) that would require the Secretary of Defense to establish a program for information sharing protection and insider threat mitigation, and to provide the congressional defense committees regular briefings on the Secretary's strategy, strategy implementation, and associated resources. In addition, annual budget submissions must include identification of the resources requested for the program.

The Senate amendment contained a similar provision (sec. 932).

The Senate recedes with an amendment that would include several procedural and technical options for countering the insider threat that were contained in the Senate provision.

The conferees concur with the admonishment contained in the Senate provision for the Department of Defense to fully integrate its program to counter the insider threat with its overall cybersecurity strategy and programs because of the high degree of overlap between the two challenges.

*Expansion of authority for exchanges of mapping, charting, and geodetic data to include nongovernmental organizations and academic institutions (sec. 923)*

The Senate amendment contained a provision (sec. 921) that would expand the authority of the Secretary of Defense to authorize the National Geospatial Intelligence Agency to exchange or furnish mapping, charting, and geodesy data, supplies, or services to nongovernmental organizations and academic institutions pursuant to an agreement with those organizations.

The House bill contained no similar provision.

The House recedes.

*Ozone Widget Framework (sec. 924)*

The Senate amendment contained a provision (sec. 923) that would require the Director of the Defense Information Systems Agency (DISA) to publish and maintain on the Internet the Application Programming Interface specifications, a developer's toolkit, source code, and such other information on, and resources for, the Ozone Widget Framework that are necessary to permit individuals and companies to develop, integrate, and test analysis tools and applications. The provision also would require the DISA Director to encourage and foster the use, support, development, and enhancement of the Ozone Widget Framework itself by commercial industry.

The House bill contained no similar provision.

The House recedes with an amendment that would designate the Department of Defense Chief Information Officer as the responsible official for carrying out this provision, rather than the Director of DISA.

*Plan for incorporation of enterprise query and correlation capability into the Defense Intelligence Information Enterprise (sec. 925)*

The Senate amendment contained a provision (sec. 924) that would require the Under

Secretary of Defense for Intelligence to incorporate an advanced enterprise-wide distributed query and correlation capability into the Defense Intelligence Information Enterprise, to conduct a pilot demonstration of such a capability, and to rationalize the multiple ongoing and planned deployments of large-scale query and correlation systems that operate on centralized data stores.

The House bill contained no similar provision.

The House recedes with an amendment that would establish a sunset date for the pilot program of September 30, 2014.

*Facilities for intelligence collection or special operations activities abroad (sec. 926)*

The Senate amendment contained a provision (sec. 922) that would create a narrow exception to the current requirement in section 2682 of title 10, United States Code, that the Secretary of Defense ensures that jurisdiction over, and maintenance and repair of real property facilities used by an activity or agency of the Department of Defense other than a military department be exercised by or through a military department. The exception proposed in this provision would be available only for real property facilities acquired as part, or in support, of Department of Defense intelligence or special operations activities abroad, where security is paramount.

The House bill contained no similar provision.

The House recedes with an amendment that would establish a sunset date for this authority on September 30, 2015, or the date of enactment of the National Defense Authorization Act for Fiscal Year 2016, whichever is later.

Subtitle D—Total Force Management

*General policy for total force management (sec. 931)*

The House bill contained a provision (sec. 931) that would amend section 129a of title 10, United States Code, to require the Department of Defense to establish a total force management policy which comprehensively addresses the Department's military, civilian, and contractor workforces.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would clarify the requirements of the provision.

*Revisions to Department of Defense civilian personnel management constraints (sec. 932)*

The House bill contained a provision (sec. 932) that would amend section 129 of title 10, United States Code, which prohibits the management of the Department of Defense civilian workforce on the basis of arbitrary ceilings and constraints, to ensure that manpower requirements are established on the basis of the total force management policy developed in accordance with section 129a of title 10, as amended.

The Senate amendment contained no similar provision.

The Senate recedes with a clarifying amendment.

*Additional amendments relating to total force management (sec. 933)*

The House bill contained a provision (sec. 933) that would make conforming amendments to a series of statutes to ensure that the total force management policy established in accordance with section 129a of title 10, United States Code, as amended, is considered in key workforce decisions of the Department of Defense.

The Senate amendment contained no similar provision.

The Senate recedes with a technical amendment.

*Modifications of annual defense manpower requirements report (sec. 934)*

The House bill contained a provision (sec. 934) that would revise the annual defense manpower requirements report required by section 115a, to ensure that the report addresses all components of the Department of Defense workforce, including the military, civilian, and contractor workforce.

The Senate amendment contained no similar provision.

The Senate recedes with a technical amendment.

*Revisions to strategic workforce plan (sec. 935)*

The House bill contained a provision (sec. 935) that would amend section 115b of title 10, United States Code, to revise the requirements established in that section for a Department of Defense strategic workforce plan.

The Senate amendment contained no similar provision.

The Senate recedes.

*Amendments to requirement for inventory of contracts for services (sec. 936)*

The House bill contained a provision (sec. 936) that would make clarifying amendments to section 2330a of title 10, United States Code, which requires the Department to develop an inventory of contract services.

The Senate amendment contained no similar provision.

The Senate recedes with a clarifying amendment.

The conferees note that the inventory, when fully developed in accordance with statutory requirements, will provide the Department with useful workforce information for identifying inherently governmental functions inappropriately performed under contract, informing strategic human capital planning, and facilitating an appropriate mix of military, civilian, and contractor personnel. At the same time, a compliant inventory will be an important acquisition tool, enabling the Department to better leverage its buying power, rationalize its supplier base, foster competitive procurements, and ensure the best value for the taxpayers' dollar.

The conferees are disappointed that the Department has yet to take the steps needed to achieve full compliance with the statutory requirements. The conferees are encouraged by the Department's recent development of a plan to achieve such compliance and urge the Department to implement this plan as rapidly and completely as practicable.

*Preliminary planning and duration of public-private competitions (sec. 937)*

The House bill contained a provision (sec. 938) that would amend section 2461 of title 10, United States Code, to clarify when "preliminary planning" begins for the purpose of public-private competitions governed by that provision.

The Senate amendment contained no similar provision.

The Senate recedes with a clarifying amendment.

*Conversion of certain functions from contractor performance to performance by Department of Defense civilian employees (sec. 938)*

The House bill contained a provision (sec. 939) that would amend section 2463 of title 10, United States Code, to clarify the requirements for conversion of functions from contractor performance to performance by Department of Defense civilian employees.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would clarify the provision.

The conferees expect the use of insourcing to be focused, in accordance with the total force management policy developed in accordance with section 129a of title 10, United States Code, as amended, on ensuring appropriate government capacity to perform acquisition workforce and other critical government functions. The conferees note that section 7.503 of the Federal Acquisition Regulation states that contracts "shall not be used for the performance of inherently governmental functions."

Subtitle E—Quadrennial Roles and Missions and Related Matters

*Chairman of the Joint Chiefs of Staff assessment of contingency plans (sec. 941)*

The House bill contained a provision (sec. 954) that would amend section 153 of title 10, United States Code, to require the Chairman of the Joint Chiefs of Staff to submit an assessment of combatant command contingency plans.

The Senate amendment contained no similar provision.

The Senate recedes.

*Quadrennial defense review (sec. 942)*

The House bill contained a provision (sec. 955) that would amend section 118 of title 10, United States Code, to modify language specifying that the review's recommendations should not be constrained by the Department of Defense's budget request.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would strike the sense of Congress and modify language regarding the review's recommendations.

The conferees note that the report accompanying the Quadrennial Defense Review (QDR) is an important strategic document intended to be based upon an analysis unconstrained by the budgetary environment. The conferees emphasize that the QDR should allow Congress to assess the levels of acceptable strategic risk and then evaluate the extent to which the Department of Defense's budget request achieves the objectives associated with the national security strategy and national military strategy.

Subtitle F—Other Matters

*Activities to improve multilateral, bilateral, and regional cooperation regarding cybersecurity (sec. 951)*

The House bill contained a provision (sec. 963) that would establish a cybersecurity fellowship program within the Department of Defense that would allow for the temporary assignment of a member of the military force of a foreign country to a Department of Defense organization for the purpose of assisting the member to obtain education and training to improve the member's ability to understand and respond to information security threats, vulnerabilities of information security systems, and the consequences of information security incidents.

The Senate amendment contained no similar provision.

The Senate recedes.

*Report on United States Special Operations Command structure (sec. 952)*

The House bill contained a provision (sec. 964) that would require the Secretary of Defense to submit to the congressional defense committees a study of the United States Special Operations Command subunified structure.

The Senate amendment contained no similar provision.

The Senate recedes.

*Strategy to acquire capabilities to detect previously unknown cyber attacks (sec. 953)*

The Senate amendment contained a provision (sec. 931) that would require the Secretary of Defense to develop and implement a strategy to acquire advanced threat discovery capabilities to complement current cybersecurity systems that depend heavily on advance knowledge of specific attacks.

The House bill contained no similar provision.

The House recedes.

*Military activities in cyberspace (sec. 954)*

The House bill contained a provision (sec. 962) that would clarify that the Secretary of Defense has the authority to conduct clandestine cyberspace activities in support of military operations pursuant to the Authorization for the Use of Military Force (Public Law 107-40; title 50 United States Code, section 1541 note) outside of the United States or to defend against a cyber attack on an asset of the Department of Defense.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment.

The conferees recognize that because of the evolving nature of cyber warfare, there is a lack of historical precedent for what constitutes traditional military activities in relation to cyber operations and that it is necessary to affirm that such operations may be conducted pursuant to the same policy, principles, and legal regimes that pertain to kinetic capabilities.

The conferees also recognize that in certain instances, the most effective way to deal with threats and protect U.S. and coalition forces is to undertake offensive military cyber activities, including where the role of the United States Government is not apparent or to be acknowledged. The conferees stress that, as with any use of force, the War Powers Resolution may apply.

#### LEGISLATIVE PROVISIONS NOT ADOPTED

*Redesignation of the Department of the Navy as the Department of the Navy and Marine Corps*

The House bill contained a provision (sec. 902) that would redesignate the name of the Department of the Navy as the Department of the Navy and Marine Corps. Additionally, the article would redesignate the titles of the Secretary of the Navy, the Under Secretary of the Navy, the Assistant Secretaries of the Navy and the General Counsel of the Navy.

The Senate amendment contained no similar provision.

The House recedes.

*Modification of temporary suspension of public-private competitions for conversion of Department of Defense functions to contractor performance*

The House bill contained a provision (sec. 937) that would lift the temporary suspension of public-private competitions that was included in section 325 of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111-84).

The Senate amendment contained no similar provision.

The House recedes.

The conferees recognize that the conduct of public-private competitions can be a useful tool for implementing total force management decisions. However, the conferees note that the Department has not yet complied with the statutory requirements for an

inventory of contract services. The conferees conclude that the appropriate use of public-private competition is predicated on a sound planning process and the availability of accurate information, including the information that would be supplied by a compliant inventory.

*Assessment of appropriate Department of Defense and contractor personnel for the Defense Medical Readiness Training Institute*

The House bill contained a provision (sec. 940) that would require the Secretary of Defense to conduct an assessment of the appropriate mix of military, civilians, and contractor personnel to carry out the mission of the Defense Medical Readiness Training Institute.

The Senate amendment contained no similar provision.

The House recedes.

The conferees note that elsewhere in this Act the Secretary is required to establish policies and procedures for determining the most appropriate and cost efficient mix of military, civilian and contractor personnel to perform the mission of the Department of Defense. The conferees expect that the Secretary will implement such policies across all programs, including medical readiness training programs.

*Transfer of provisions relating to quadrennial roles and missions review*

The House bill contained a provision (sec. 951) that would amend title 10, United States Code, to transfer the requirement for the Chairman of the Joint Chiefs of Staff to conduct an assessment of the roles and missions of the armed forces from section 118n to section 153, and to enhance the Chairman's role in advising the Secretary of Defense on the assignment of functions of the armed forces.

The Senate amendment contained no similar provision.

The House recedes.

The conferees urge the Secretary of Defense to use the Quarterly Roles and Missions Review (QRMR) required by section 118b of title 10, United States Code, to identify capability gaps and areas of unnecessary duplication. The conferees believe that QRMR, if conducted as intended, would provide a solid basis for reducing waste while also improving the joint warfighting capability of the Department of Defense.

*Revisions to the quadrennial roles and missions review*

The House bill contained a provision (sec. 952) that would amend section 118b of title 10, United States Code, to modify the requirements of the Quadrennial Roles and Missions Review.

The Senate amendment contained no similar provision.

The House recedes.

*Amendment to presentation of future-years budget and Comptroller General report on budget justification material*

The House bill contained a provision (sec. 953) that would amend section 222(b) of title 10, United States Code, to include the functions of each of the armed forces as identified under the most recent Quadrennial Roles and Missions Review. This section also would require the Comptroller General of the United States to review Department of Defense regulations, policies, and guidance governing the construction of budget exhibits and to provide recommendations for their improvement.

The Senate amendment contained no similar provision.

The House recedes.

The conferees note that the Secretary of Defense has not complied with the requirement in section 222 of title 10, United States Code, to present the future-years budget by core mission areas identified as a result of the Quarterly Roles and Missions Review. The conferees note also that it is difficult to relate how the Department's annual budget request, including the future-years defense program, supports the services' core missions and functions as determined by the Quarterly Roles and Missions Review. The conferees will continue to seek a better understanding of the budgetary challenges associated with aligning and communicating how requested resources support core missions and functions.

*Deadline revision for report on foreign language proficiency*

The House bill contained a provision (sec. 961) that would modify the date on which an annual report on language proficiency is submitted.

The Senate amendment contained no similar provision.

The House recedes. The conferees agree to include such changes in the subtitle of the bill regarding repeal and modification of reporting requirements.

*Sense of Congress regarding the performance of commercially-available activities by Department of Defense civilian employees*

The House bill contained a provision (sec. 965) that would express the sense of Congress regarding the performance of commercially-available activities by Department of Defense civilian employees.

The Senate amendment contained no similar provision.

The House recedes.

*Clarification of status of participants of defense industrial base active cyber defense pilot project*

The House bill contained a provision (sec. 966) that would establish that, notwithstanding any other provision of law, any nongovernment entity or personnel participating in the defense industrial base active cyber defense pilot project shall not be considered an agent of the government.

The Senate amendment contained no similar provision.

The House recedes.

The conferees are aware that programs like the defense industrial base active cyber defense pilot are important components of the Department of Defense's (DOD) cyber defense strategy. The conferees are also aware that information sharing is critical to making pilots like this, and overall cyber defense strategy, effective. The conferees believe that there are issues that may be impeding better information sharing of threats and vulnerabilities by industry, resulting in concerns that industry may be acting as agents of the government.

Therefore, the conferees direct the DOD Chief Information Officer to brief the congressional defense committees 90 days after the enactment of this Act on any issues impeding industry's ability to share cyber threat or vulnerability information with the government, and any recommendations for addressing those concerns.

*Expansion of oversight offices in Department of Defense*

The House bill contained a provision (sec. 967) that would require the establishment of a new Senate-confirmed position of Assistant Secretary of Defense for Contingency Contracting and a new Office of Contingency Contracting.

The Senate amendment contained no similar provision.

The House recedes.

*Report on the manufacturing policy of the United States*

The House bill contained a provision (sec. 1099L) that would require the Secretary of Defense to report to Congress on the manufacturing industry of the United States.

The Senate amendment contained no similar provision.

The House recedes.

*Commercial space launch cooperation*

The Senate amendment contained a provision (sec. 911) that would recommend as stated in the Senate report accompanying S. 1235 (S. Rept. 112-26) of the National Defense Authorization Act for Fiscal Year 2012 a "provision that would facilitate cooperation between the private sector and the Department of Defense (DOD) in using DOD space transportation infrastructure. The provision would authorize the Secretary of Defense to maximize the use of the space transportation infrastructure by the private sector, and maximize the effectiveness and efficiency of DOD's use of the infrastructure, reduce costs, and encourage commercial space activities through the use of contracts or other cooperative agreements. The DOD would be authorized to enter into such contracts or agreements with private sector entities to provide or receive specific space launch and reentry range support and services. Before entering into any such contracts or agreements the Secretary would have to determine that such contract or agreement is in the best interest of the government, would not interfere with DOD requirements and would not compete with commercial space entities, unless the competition is in the national security interest of the United States. Pursuant to a contract or agreement, which must be managed in accordance with DOD procurement regulations, the Secretary of Defense could accept funds, services, or equipment to enable participation in joint space transportation infrastructure improvements with the private sector. The provision would also establish an account in the Treasury of the United States into which the Secretary would deposit any funds received. In addition, the Secretary would submit to the congressional defense committees an annual report describing how any funds, equipment, or services were used during the preceding fiscal year."

The House bill contained no similar provision.

The Senate recedes.

The conferees ask that the Department of Defense submit legislation that does not have mandatory scoring associated with the acceptance of funds by private entities and consider other processes or authorities in statute to accomplish this objective.

*Enhancement of authorities relating to the United States Northern Command and other combatant commands*

The Senate amendment contained a provision (sec. 1607) that would designate the United States Northern Command and the United States Pacific Command as the combatant commands principally responsible for the support of civil authorities in the United States by the armed forces.

The House bill contained no similar provision.

The Senate recedes.

**TITLE X—GENERAL PROVISIONS**

**Subtitle A—Financial Matters**

*General transfer authority (sec. 1001)*

The House bill contained a provision (sec. 1001) that would provide the Department

with general transfer authority totaling \$4.0 billion in fiscal year 2012.

The Senate amendment contained a similar provision (sec. 1001) that would provide the Department with \$5.0 billion in general transfer authority.

The Senate recedes with an amendment providing the Department with \$4.0 billion in general transfer authority and a provision that allows the Secretary of Defense to transfer up to \$125.0 million to the Secretary of Energy from amounts appropriated to the Department of Defense, for weapons activities of the National Nuclear Security Administration.

*Budgetary effects of this Act (sec. 1002)*

The House bill contained a provision (sec. 1002) that would determine the budgetary effects of this Act.

The Senate amendment contained a similar provision (sec. 4).

The Senate recedes.

*Additional requirements relating to the development of Financial Improvement and Audit Readiness Plan (sec. 1003)*

The House bill contained two provisions that would address the Department of Defense's Financial Improvement Audit Readiness (FIAR) plan and report. The first provision (sec. 1066) would require that the report include additional detail on subordinate activities and interim milestones for audit readiness. The second provision (sec. 1067) would require the Secretary of Defense to develop a corrective action plan to address weaknesses and deficiencies in the execution of the FIAR plan.

The Senate bill also contained two provisions that would address the FIAR plan and report. The first provision (sec. 1005) would require that the Department achieve a complete and validated full Statement of Budgetary Resources (SBR statements) by no later than September 30, 2014. The second provision (sec. 1006) would require the Department to develop a plan, including interim objectives and milestones for achieving this objective.

The House recedes with an amendment that would combine the House and Senate provisions. The conference amendment would require the Department to establish a specific plan, with interim objectives and milestones, for meeting the September 30, 2014, deadline for audit-ready SBR statements, to develop metrics and mitigating strategies for missed milestones and program delays, and to report to Congress on the steps taken and to be taken.

Today's challenging fiscal environment requires that management decisions be based on sound and reliable financial data. For this reason, the conferees are concerned that the Department's financial management remains on the Government Accountability Office's High Risk List of government programs and activities that are subject to waste and mismanagement. Achieving audit-ready SBR statements by the 2014 deadline would be a significant accomplishment and an important milestone on the Department's path to achieving full audit-readiness by the 2017 statutory deadline.

While achieving a clean audit opinion is a necessary step toward removing the Department's financial management from the High Risk list, it is far from sufficient. To be meaningful, a clean audit statement must be repeatable. For this reason, the conference amendment would require that the Department's FIAR plan be based on improvements to the Department's business processes and controls as well as efforts to modernize its

business systems to a degree sufficient for the Department to prepare timely, reliable, and complete financial management information on a repeatable basis.

*Display of procurement of equipment for the reserve components of the armed forces under estimated expenditures for procurement in future-years defense programs (sec. 1003A)*

The Senate amendment contained a provision (sec. 1606) that would require the Department of Defense, in its future-years defense program submitted with its annual budget request, to display separately the estimated expenditures and item quantities for each reserve component of the armed forces.

The House bill contained no similar provision.

The House recedes.

The conferees note that this provision would display estimated expenditures and item quantities that are included in the service budgets. The future-years defense program budget information for reserve components procurement is already available to Congress in the Department's detailed budget justification materials (Exhibit P-40, Budget Item Justification Sheet) as prepared by the military departments and submitted with the annual budget request.

**Subtitle B—Counter-Drug Activities**

*Extension of authority for joint task forces to provide support to law enforcement agencies conducting counter-terrorism activities (sec. 1004)*

The House bill contained a provision (sec. 1011) that would extend, by 1 year, the support by joint task forces under section 1022(b) of the National Defense Authorization Act for Fiscal Year 2004 (Public Law 108-136), as most recently amended by section 1012(a) of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (Public Law 111-383).

The Senate amendment contained a similar provision (sec. 1014) that also would prohibit the Department from utilizing this authority until it complies with section 1012(b) of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011.

The House recedes.

*Three-year extension and modification of authority of Department of Defense to provide additional support for counterdrug activities of other governmental agencies (sec. 1005)*

The House bill contained a provision (sec. 1012) that would extend, by 1 year, the authority of the Department of Defense to provide additional support to counterdrug activities of other governmental agencies under section 1004 of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101-510).

The Senate amendment contained a similar provision (sec. 1011) that would extend, by 5 years, the authority of the Department of Defense to provide additional support to counterdrug activities of other governmental agencies under section 1004 of the National Defense Authorization Act for Fiscal Year 1991. The Senate amendment also would modify the authorized recipients of support under this authority to include tribal law enforcement entities, as defined by section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b).

The Senate recedes with an amendment that would extend the authority for 3 years and would incorporate definitions for "Indian tribe," "tribal government," and "tribal law enforcement agency".



*Two-year extension and expansion of authority to provide additional support to counterdrug activities of certain foreign governments (sec. 1006)*

The House bill contained a provision (sec. 1013) that would extend, by 1 year, the authority to provide support for counterdrug activities of certain foreign governments under subsection (a)(2) of section 1033 of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105-85), as most recently amended by section 1014(a) of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (Public Law 111-383).

The Senate amendment contained a provision (sec. 1012) that would extend, by 5 years, the authority to provide support for counterdrug activities of certain foreign governments under subsection (a)(2) of section 1033 of the National Defense Authorization Act (NDAA) for Fiscal Year 1998, as most recently amended by section 1014(a) of the Ike Skelton NDAA for Fiscal Year 2011. The provision also would amend subsection (e)(2) of section 1033 of the NDAA for Fiscal Year 1998 by increasing the authorized maximum annual amount of support to \$100.0 million, and would amend subsection (b) of section 1033 of the NDAA for Fiscal Year 1998 to expand the list of countries eligible to receive support to include the Governments of Benin, Cape Verde, The Gambia, Ghana, Guinea, Ivory Coast, Jamaica, Liberia, Mauritania, Nicaragua, Nigeria, Sierra Leone, and Togo.

The Senate recedes with an amendment that would extend, by 2 years, the authority to provide support for counterdrug activities of certain foreign governments, increase the authorized maximum annual amount of support to \$100.0 million, and expand the list of countries authorized to receive assistance under this authority to match the Senate amendment.

*Extension of authority to support unified counter-drug and counterterrorism campaign in Colombia (sec. 1007)*

The House bill contained a provision (sec. 1014) that would extend, by 1 year, the unified counter-drug and counterterrorism campaign in the Republic of Colombia under section 1021 of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 (Public Law 108-375), as most recently amended by section 1011 of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (Public Law 111-383).

The Senate amendment contained an identical provision (sec. 1015).

The conference agreement includes the provision.

*Reporting requirement on expenditures to support foreign counter-drug activities (sec. 1008)*

The Senate amendment contained a provision (sec. 1013) that would extend, by 1 year, the reporting requirement on expenditures to support foreign counterdrug activities under section 1022(a) of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (Public Law 106-398), as amended.

The House bill contained no similar provision.

The House recedes.

Subtitle C—Naval Vessels and Shipyards

*Budgeting for construction of naval vessels (sec. 1011)*

The House bill contained a provision (sec. 1021) that would modify section 231 of title 10, United States Code, to change the requirement for a report and certification by the Secretary of Defense to an annual basis.

The Senate amendment contained no similar provision.

The House recedes.

*Sense of Congress on naming of Naval vessel after United States Marine Corps Sergeant Rafael Peralta (sec. 1012)*

The House bill contained a provision (sec. 1022) that would encourage the Secretary of the Navy to name the next available naval vessel after United States Marine Corps Sergeant Rafael Peralta.

The Senate amendment contained no similar provision.

The Senate recedes with amendment to state the sense of Congress that the Secretary of the Navy should name the next available naval vessel after Marine Corps Sergeant Rafael Peralta.

*Limitation on availability of funds for placing Maritime Prepositioning Ship squadrons on reduced operating status (sec. 1013)*

The Senate amendment contained a provision (sec. 1021) that prohibits the authorization of funds for placing a Maritime Prepositioning Ship squadron (MPSRON) on reduced operating status until Congress receives a report from the Secretary of Defense, the Chief of Naval Operations, and the Commandant of the Marine Corps which assesses the impact on military readiness for placing any MPSRON, or component thereof, on reduced operating status.

The House bill contained no similar provision.

The House recedes.

*Report on policies and practices of the Navy for naming the vessels of the Navy (sec. 1014)*

The Senate amendment contained a provision (sec. 1024) that would require the Secretary of Defense to submit to Congress a report on the policies and practices of the Navy for naming vessels of the Navy.

The House bill contained no similar provision.

The House recedes.

*Transfer of certain high-speed ferries to the Navy (sec. 1015)*

The Senate amendment contained a provision (sec. 1026) that would authorize the Secretary of the Navy to provide up to \$35.0 million to the Maritime Administration of the Department of Transportation for the transfer by the Maritime Administration to the Department of the Navy of jurisdiction and control over the two high-speed ferries. The Maritime Administration currently holds title to these two vessels due to the bankruptcy of the former operator of these vessels.

The House bill contained no similar provision.

The House recedes.

*Modification of conditions on status of retired aircraft carrier ex-John F. Kennedy (sec. 1016)*

The Senate amendment contained a provision (sec. 1022) that would amend section 1011 of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109-364) to allow the Navy to dispose of the ex-John F. Kennedy.

The House bill contained no similar provision.

The House recedes.

*Assessment of stationing of additional DDG-51 class destroyers at Naval Station Mayport, Florida (sec. 1017)*

The Senate amendment contained a provision (sec. 1025) requiring an assessment of the stationing of additional DDG-51 class destroyers at Naval Station Mayport, Florida.

The House bill did not contain a similar provision.

The House recedes.

Subtitle D—Counterterrorism

*Affirmation of authority of the Armed Forces of the United States to detain covered persons pursuant to the Authorization for Use of Military Force (sec. 1021)*

The House bill contained a provision (sec. 1034) that would affirm that the United States is engaged in an armed conflict with al-Qaeda, the Taliban, and associated forces.

The Senate amendment contained a provision (sec. 1031) that would affirm the authority of the Armed Forces of the United States to detain certain covered persons pursuant to the Authorization for Use of Military Force (Public Law 107-40). The provision would not affect existing law or authorities relating to the detention of United States citizens, lawful resident aliens of the United States, or any other persons who are captured or arrested in the United States.

The House recedes.

*Military custody for foreign al-Qaeda terrorists (sec. 1022)*

The Senate amendment contained a provision (sec. 1032) that would require military custody for foreign al-Qaeda terrorists who are captured in the course of hostilities authorized by the Authorization for Use of Military Force (Public Law 107-40), subject to a national security waiver. Under the provision, the President would have broad authority to issue implementation procedures, including but not limited to deciding who makes a determination of coverage, how the determination is made, and when it is made.

The House bill contained no similar provision.

The House recedes with an amendment providing that nothing in this provision shall be construed to affect the existing criminal enforcement and national security authorities of the Federal Bureau of Investigation or any other domestic law enforcement agency with regard to a covered person, regardless whether such covered person is held in military custody. The law enforcement and national security tools that would not be affected in any way by this provision include, but would not be limited to, Grand Jury subpoenas, national security letters, and actions pursuant to the Foreign Intelligence Surveillance Act (Public Law 95-511). The amendment would also authorize the President, rather than the Secretary of Defense, to waive the requirements of the provision.

The conferees note that while section 1021 of this bill would apply to "al Qaeda, the Taliban, or associated forces that are engaged in hostilities against the United States or its coalition partners," this section would apply to "al Qaeda or an associated force that acts in coordination with or pursuant to the direction of al Qaeda." The conferees agree that while the Taliban is covered by section 1021, it is not covered by this section.

*Procedures for periodic detention review of individuals detained at United States Naval Station, Guantanamo Bay, Cuba (sec. 1023)*

The House bill contained a provision (sec. 1036) that would require the Secretary of Defense to establish a process to review the detention of each individual detained at Guantanamo.

The Senate amendment contained a provision (sec. 1035) that would require the Secretary to submit to Congress a report on procedures for implementing the periodic review process required by Executive Order No. 13567 for such detainees.

The House recedes with an amendment that would clarify that the periodic review process applies to any individual who is detained as an unprivileged enemy belligerent at Guantanamo at any time on or after the date of enactment of this Act.

The conferees understand that the review process established by the Executive Order is not a legal proceeding and does not create any discovery rights in the detainee, his personal representative, or private counsel. For this reason, the conferees expect the procedures established under this section to provide that: (1) the compilation of information for the review process should be conducted in good faith, but does not create any rights on behalf of the detainee; (2) the mitigating information to be provided to the detainee is information compiled in the course of this good faith compilation effort; (3) the decision whether to permit the calling of witnesses and the presentation of statements by persons other than the detainee is discretionary, and not a matter of right; and (4) access to classified information on the part of private counsel is subject to national security constraints, clearance requirements, and the availability of resources to review and clear relevant information.

*Procedures for status determinations (sec. 1024)*

The Senate amendment contained a provision (sec. 1036) that would require the Secretary of Defense to establish procedures for determining the status of persons captured in the course of hostilities authorized by the Authorization for Use of Military Force (Public Law 107-40), including access to a military judge and a military lawyer for an enemy belligerent who will be held in long-term detention.

The House bill contained no similar provision.

The House recedes with an amendment clarifying that the Secretary of Defense is not required to apply the procedures for long-term detention in the case of a person for whom habeas corpus review is available in federal court.

Because this provision is prospective, the Secretary of Defense is authorized to determine the extent, if any, to which such procedures will be applied to detainees for whom status determinations have already been made prior to the date of the enactment of this Act.

The conferees expect that the procedures issued by the Secretary of Defense will define what constitutes "long-term" detention for the purposes of subsection (b). The conferees understand that under current Department of Defense practice in Afghanistan, a detainee goes before a Detention Review Board for a status determination 60 days after capture, and again 6 months after that. The Department of Defense has considered extending the period of time before a second review is required. The conferees expect that the procedures required by subsection (b) would not be triggered by the first review, but could be triggered by the second review, in the discretion of the Secretary.

*Requirement for national security protocols governing detainee communications (sec. 1025)*

The House bill contained a provision (sec. 1035) that would require the Secretary of Defense to submit to Congress a national security protocol governing communications and related issues for each individual detained at Guantanamo.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would require the Secretary of Defense

to develop and submit a single national security protocol including policies and procedures governing communications and related issues for individuals detained at Guantanamo.

*Prohibition on use of funds to construct or modify facilities in the United States to house detainees transferred from United States Naval Station, Guantanamo Bay, Cuba (sec. 1026)*

The House bill contained a provision (sec. 1037) that would prohibit the use of funds authorized to be appropriated or otherwise made available to the Department of Defense for fiscal year 2012 to build any facility in the United States to house Guantanamo detainees.

The Senate amendment contained a similar provision (sec. 1034).

The House recedes.

*Prohibition on the use of funds for the transfer or release of individuals detained at United States Naval Station, Guantanamo Bay, Cuba (sec. 1027)*

The House bill contained a provision (sec. 1039) that would prohibit the use of fiscal year 2012 Department of Defense funds to bring Guantanamo detainees, or any other individuals detained by the Department of Defense overseas pursuant to the Authorization for Use of Military Force (Public Law 107-40), to the United States.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would continue for fiscal year 2012 the prohibition on the use of Department of Defense funds to bring Guantanamo detainees to the United States.

*Requirements for certifications relating to the transfer of detainees at United States Naval Station, Guantanamo Bay, Cuba, to foreign countries and other foreign entities (sec. 1028)*

The House bill contained a provision (sec. 1040) that would continue for another year the certification requirements for transfer of Guantanamo detainees to foreign countries and other foreign entities and modify the requirements.

The Senate amendment contained a provision (sec. 1033) that would continue the existing requirements for another year and authorize the Secretary of Defense to waive certain certification requirements in the interest of national security if alternative actions are taken to address the underlying purpose of the requirements.

The House recedes with a clarifying amendment.

*Requirement for consultation regarding prosecution of terrorists (sec. 1029)*

The House bill contained a provision (sec. 1042) that would require the Attorney General to consult with the Director of National Intelligence and the Secretary of Defense before initiating the prosecution in federal court of an alien for a terrorist offense.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would limit the consultation requirement to: (1) a person who is determined to be a foreign al Qaeda terrorist pursuant to the requirements of section 1022 of this bill; and (2) any other person who is held in military detention outside of the United States pursuant to the Authorization for Use of Military Force (Public Law 107-40).

*Clarification of right to plead guilty in trial of capital offense by military commission (sec. 1030)*

The House bill contained a provision (sec. 1033) that would clarify the right of a defend-

ant to plead guilty in a trial of a capital offense by a military commission.

The Senate amendment contained a similar provision (sec. 1037).

The Senate recedes.

*Counterterrorism operational briefing requirement (sec. 1031)*

The House bill contained a provision (sec. 1041) that would require the Secretary of Defense to provide quarterly briefings to the congressional defense committees outlining Department of Defense counterterrorism operations not later than March 1, 2012.

The Senate amendment contained no similar provision.

The Senate recedes.

*National security planning guidance to deny safe havens to al-Qaeda and its violent extremist affiliates (sec. 1032)*

The House bill contained a provision (sec. 1045) that would require the President to issue national security planning guidance to deny safe havens to al Qaeda and its violent extremist affiliates and strengthen at-risk states. The provision would require the submission of the guidance to Congress and would also require that the agencies involved in executing the guidance enter into a memorandum of understanding related to the implementation of the guidance.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would strike: the findings, the requirement to submit any issued guidance to Congress, the requirement for memorandums of understanding between agency heads, and requirement to update and review the memorandums of understanding.

While the conferees struck the requirement to provide the guidance to Congress, the conferees expect to be briefed on the guidance issued by the President.

*Extension of authority to make rewards for combating terrorism (sec. 1033)*

The House bill contained a provision (sec. 1032) that would extend the authority for the Secretary of Defense to offer and make rewards to a person providing information or nonlethal assistance to U.S. Government personnel or government personnel of allied forces participating in a combined operation with U.S. Armed Forces through fiscal year 2014 and change the annual reporting timeline from December to February.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would extend, for 2 years, the underlying authority, shift the due date of the annual reporting timeline from December to February, and adjust the elements of the annual reporting requirement.

*Amendments relating to the Military Commissions Act of 2009 (sec. 1034)*

The Senate amendment contained a provision (sec. 1042) that would make technical corrections to the Military Commissions Act of 2009 (Title XVIII of Public Law 111-84), as requested by the Department of Defense.

The House bill contained no similar provision.

The House recedes.

*Subtitle E—Nuclear Forces*

*Biennial assessment and report on the delivery platforms for nuclear weapons and the nuclear command and control system (sec. 1041)*

The House bill contained a provision (sec. 1051) that would amend chapter 23 of title 10, United States Code, to require (as stated in the House report accompanying H.R. 1540 (H.

Rept. 112-78) of the National Defense Authorization Act for Fiscal Year 2012) that the “director of the Strategic Systems Program, U.S. Navy, commander of the Global Strike Command, U.S. Air Force, and Commander, U.S. Strategic Command to each complete an assessment of the safety, security, reliability, sustainability, performance, and military effectiveness for each type of nuclear weapons delivery platform and the nuclear command and control system of the United States within their direct responsibility. This section would further require that these assessments be submitted to the Secretary of Defense and Nuclear Weapons Council not later than December 1 of each year, along with several other reporting requirements. The Secretary of Defense would then be required to submit to the President each report along with any comments that the Secretary considers appropriate, not later than March 1 of each year. Finally, the President shall forward to Congress the reports provided by the Secretary of Defense along with any comments the President considers appropriate. The first submissions to Congress would be required by March 15, 2012”.

The Senate amendment contained a similar provision (sec. 1073) that requires (as stated in the Senate report accompanying S. 1235 (S. Rept. 112-26) of the National Defense Authorization Act for Fiscal Year 2012) “that the Secretary of Defense in each odd-numbered year, to conduct an assessment of the safety, security, reliability, sustainability, performance, and military effectiveness of each type of U.S. platform for the delivery of nuclear weapons and of the nuclear command and control system”.

The Senate recedes with an amendment that would change the House provision to a biennial reporting requirement with the first report due 30 days after the date of enactment of this Act.

*Plan on implementation of the New START Treaty (sec. 1042)*

The House bill contained a provision (sec. 1052) that would require the Secretary of Defense, in consultation with the Secretary of the Navy, the Secretary of the Air Force, and the Commander of the United States Strategic Command to submit a report no later than December 12, 2011, with a plan for the Department of Defense to implement the nuclear force reductions, limitations, and verification and transparency measures contained in the New START Treaty, and would require a Comptroller General review of such plan.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would change the reporting requirement to 30 days after date of enactment of this Act.

*Annual report on the plan for the nuclear weapons stockpile, nuclear weapons complex, nuclear weapons delivery systems, and nuclear weapons command and control system (sec. 1043)*

The House bill contained a provision (sec. 1053) that would require the President to submit an annual report to relevant congressional committees on plans for the modernization of the nuclear weapons stockpile, nuclear weapons complex, and nuclear weapons delivery platforms. The report would be required to include a detailed description of the plan to enhance the safety, security, and reliability of the nuclear weapons stockpile; to modernize the nuclear weapons complex; to maintain, modernize, or replace the deliv-

ery platforms for nuclear weapons; and to retire, dismantle, or eliminate any covered nuclear system. The report would also be required to include a detailed estimate of the costs associated with such plans. The report would be required to be submitted in unclassified form, but could include a classified annex.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would require the report to also include plans to sustain and modernize the nuclear weapons command and control system.

*Sense of the Congress on nuclear force reductions (sec. 1044)*

The House bill contained a provision (sec. 1054) that would express the sense of Congress that any reduction in the nuclear forces of the United States should be supported by a thorough assessment of the strategic environment, threat, and policy, as well as the technical and operational implications of such reductions. This section would also state that specific criteria are necessary to guide future decisions regarding further reductions in such nuclear forces.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would strike the findings of the House provision.

*Nuclear force reductions (sec. 1045)*

The House bill contained a provision (sec. 1055) that would limit the obligation of amounts authorized to be appropriated or otherwise made available to the Department of Defense or the Department of Energy for any of the fiscal years 2011 through 2017, to retire, dismantle, eliminate, or remove from deployed status any covered nuclear system of the United States as required by the New START Treaty. The provision would allow the Secretary of Defense and the Secretary of Energy to jointly waive this limitation if they submit written notice to the congressional defense committees of the status of carrying out the modernization plan described in the most recent report required by section 1053 of the House bill H.R. 1540 of the National Defense Authorization Act for Fiscal Year 2012. If the written notice describes that the modernization plan is being carried out, no funds could be obligated or expended for a period of 30 days following the date on which the President submits the report required by section 1053 of the House bill describing the proposed retirement, dismantlement, or elimination. If the notice describes that the modernization plan is not being carried out, no funds could be obligated or expended for a period of 180 days following the date on which the President submits the report required by section 1053 of the House bill. The House provision contained an exception to this limitation for any activities determined by the Secretary of Defense to be necessary to ensure the continued safety, security, and reliability of the nuclear weapons stockpile.

The House provision further prohibited the Secretary of Defense and the Secretary of Energy from obligating or expending amounts appropriated or otherwise made available to their departments to retire, dismantle, or eliminate any non-deployed strategic or non-strategic nuclear weapon until 90 days after the Secretary of Energy submits written certification to the congressional defense committees that the Chemistry and Metallurgy Research Replacement Nuclear Facility (CMRR-NF) and the Uranium Processing Facility (UPF) are fully

operational; that CMRR-NF and the Plutonium Facility-4 are together able to deliver to the nuclear weapons stockpile not less than a total of 80 pits per year; that the UPF is able to deliver to the nuclear weapons stockpile not less than 80 refurbished or new canned subassemblies per year; and that the nuclear security enterprise has a capacity that supports two simultaneous life extension programs. The provision includes an exception such that this limitation would not apply to the dismantlement of legacy warheads that are awaiting dismantlement, or have been designated for retirement, on the date of enactment, and a further exception that this limitation would not apply to activities determined by the Secretary of Defense to be necessary to ensure the continued safety, security, and reliability of the nuclear weapons stockpile.

The House provision contained a third limitation that would prohibit the President from unilaterally retiring, dismantling, or eliminating—or preparing to retire, dismantle, or eliminate—any nuclear weapon of the United States if such action would reduce the number of nuclear weapons to a level that is less than that described in the New START Treaty, unless such action is required by a treaty or international agreement approved with the advice and consent of the Senate or such action is specifically authorized by an Act of Congress. The House provision would include an exception to this limitation for activities determined by the Secretary of Defense to be necessary to ensure the continued safety, security, and reliability of the nuclear weapons stockpile.

The Senate amendment contained a similar provision (sec. 1047) that would require the President, as soon as practicable after the date on which the President makes a proposal to reduce the number of deployed nuclear weapons below the level prescribed in the New START Treaty or a proposal to reduce the number of nuclear weapons in the hedge stockpile, to submit to the congressional defense committees a net assessment. The net assessment would be required to compare and assess the current and proposed nuclear forces of the United States with those of other countries to determine whether the proposed U.S. nuclear forces would be capable of meeting U.S. objectives of nuclear deterrence, extended deterrence, assurance of allies, and defense. The Senate provision would include an exception to the requirement for a net assessment if the reduction is associated with routine stockpile stewardship activities.

The Senate amendment also contained a provision (sec. 1074) that would require the Secretary of Defense to submit a report to the congressional defense committees, by March 1, 2012, and annually thereafter, on the nuclear weapons stockpile of the United States. The report would be required to include an accounting of all of the weapons in the stockpile at the end of the fiscal year preceding the submission of the report and the planned force levels for each category of nuclear weapon over the course of the future-years defense program submitted to Congress under section 221 of title 10, United States Code.

The Senate recedes with an amendment that would express the sense of Congress that the United States is committed to maintaining a safe, secure, reliable, and credible nuclear deterrent; the United States should undertake and support an enduring stockpile stewardship program and maintain and modernize nuclear weapons production capabilities to ensure the safety, security,

reliability, and credibility of the U.S. nuclear deterrent and to meet requirements for hedging against possible international developments or technical problems; the United States should maintain nuclear weapons laboratories and plants to preserve the intellectual infrastructure, competencies, and skill sets; and the United States should provide the necessary resources to achieve these goals and use as a starting point the funding levels set forth in the President's 10 year plan provided to Congress pursuant to section 1251 of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111-84).

The conference agreement would also require the President to submit a report to Congress each year in which the President determines that the appropriations provided fall to meet the resource requirements set forth in the plan referred to in section 1251 of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111-84) or if the President determines that more resources are required to carry out such plan than were estimated in the report referred to in section 1251 of Public Law 111-84. The report required by the conference agreement would include a plan to address the resource shortfall identified by the President; if more resources are required, the level of funding needed and a detailed explanation of the purpose for the additional resources; any effects of the shortfall or need for additional resources on the safety, security, reliability, or credibility of U.S. nuclear forces; and an explanation of whether any planned reductions in U.S. nuclear forces are still in the national interest of the United States given the resource shortfall or the need for additional resources.

The conference agreement would also express a sense of Congress that sustained investments in the nuclear weapons stockpile and the nuclear security complex are needed to ensure a safe, secure, reliable, and credible nuclear deterrent and that such investments could enable additional reductions in the hedge stockpile in the future. The conference agreement further requires the Secretary of Defense to submit a report to the congressional defense committees, by March 1, 2012, and annually thereafter, on the nuclear weapons stockpile of the United States. The report would be required to include an accounting of all of the weapons in the stockpile at the end of the fiscal year preceding the submission of the report and the planned force levels for each category of nuclear weapon over the course of the future-years defense program submitted to Congress under section 221 of title 10, United States Code.

Finally, the conference agreement would, in any year in which the President makes a proposal to reduce the number of nuclear weapons in the active or inactive stockpiles of the United States to a level that is lower than the level on the date of enactment of this Act, require the Commander of U.S. Strategic Command to conduct a net assessment of the current and proposed nuclear forces of the United States and of other countries to determine whether the proposed U.S. nuclear forces would be capable of meeting U.S. objectives of nuclear deterrence, extended deterrence, assurance of allies, and defense. The Secretary of Defense would be required to submit the Commander's unaltered net assessment, together with any explanatory views of the Secretary, to the Committees on Armed Services of the Senate and the House of Representatives. In any such year, the Administrator of the National

Nuclear Security Administration would also be required to submit to the Committees on Armed Services of the Senate and the House of Representatives, a report describing the current capacities of the U.S. nuclear weapons infrastructure to respond to strategic developments or technical problems in the nuclear weapons stockpile. The conference agreement would include an exception to these requirements for any reductions that are a direct result of activities associated with routine stockpile stewardship—including stockpile surveillance, logistics, or maintenance—and for any nuclear weapons that are retired or awaiting dismantlement on the date of enactment of this Act. These requirements would terminate on December 31, 2017.

#### *Nuclear employment strategy of the United States (sec. 1046)*

The House bill contained a provision (sec. 1056) that would have prohibited the President from making any changes to the nuclear employment strategy of the United States unless the President submitted a report to Congress describing the implications of such changes, certified that such changes do not require a change in targeting strategy from counterforce to counter value targeting, and certified that such proposed changes preserve the nuclear force structure triad. The President would have been required to wait a period of 90 days from submission of such report until changes to the nuclear employment strategy may be made.

The Senate amendment contained a similar provision (sec. 1075) which would not have conditioned changes in the nuclear employment guidance, but which required reporting to Congress after a change.

The House, encouraged by a letter that Chairmen Buck McKeon and Michael Turner received from the Secretary of Defense on November 2, 2011, and having received further assurances from the Office of the Secretary of Defense, recedes with an amendment that would require a report to be submitted concurrently with the issuance by the President of a modified employment strategy. The report would require a description of the modification, the impact on the nuclear posture of the United States, and the implications for the flexibility and resilience of U.S. strategic forces and their ability to meet the nuclear deterrence objectives of the United States. The House amendment also expresses the sense of Congress concerning the importance of congressional oversight of the nuclear war plan of the United States.

#### *Comptroller General report on nuclear weapon capabilities and force structure requirements (sec. 1047)*

The House bill contained a provision (sec. 1057) that would require the Comptroller General of the United States to conduct a study on the strategic nuclear weapon capabilities, force structure, employment policy, and targeting requirements of the Department of Defense (DOD). The study would update the September 1991 Government Accounting Office (GAO) report titled 'Strategic Weapons: Nuclear Weapons Targeting Process' (GAO/NSIAD-91-319FS). The study would also assess the process and rigor used by DOD to determine the effectiveness of nuclear-related capabilities and policies in achieving the goals of deterrence, extended deterrence, assurance, and defense, and would also include an assessment of the Department of Defense's requirements for strategic nuclear bomber aircraft and intercontinental ballistic missiles. The provision would require the Secretary of Defense and

the Secretary of Energy to provide the Comptroller General with full cooperation and access to appropriate officials and information for the purposes of conducting this study. The provision would require the Comptroller General to submit one or more reports on the study to the appropriate congressional committees.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment clarifying that the reports required by this provision must be submitted to the congressional defense committees.

The conferees note that, for the purposes of this study, the Department of Defense need not grant the Comptroller General access to sensitive operational information such as specific target locations or the complete target list.

#### *Report on feasibility of joint replacement fuze program (sec. 1048)*

The House bill contained a provision (sec. 216) that would limit the obligation and expenditure of funds authorized to be appropriated or otherwise made available for fiscal year 2012 for the Air Force for the joint/common replacement fuze program for Air Force and Navy nuclear warheads to not more than 75 percent until the Secretary of Defense submits a report to the congressional defense committees on the feasibility of the program.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would require the Secretary of the Navy and the Secretary of the Air Force to jointly submit a report to the congressional defense committees, no later than December 31, 2012, on the feasibility of the joint replacement fuze program. The report would be required to include an assessment of the feasibility of including various options in the joint fuze and how the inclusion of such options will affect safety, security, reliability, and adaptability, as well as the program schedule and budget.

#### *Subtitle F—Financial Management*

#### *Modification of authorities on certification and credential standards for financial management positions in the Department of Defense (sec. 1051)*

The House bill contained a provision (sec. 1061) that would strengthen the authority of the Secretary of Defense to establish certification and credential standards for financial management positions in the Department of Defense.

The Senate amendment contained a similar provision (sec. 1003).

The House recedes.

#### *Reliability of Department of Defense financial statements (sec. 1052)*

The House bill contained a provision (sec. 1062) that would change the timing of the annual representation of the Department of Defense as to the expected reliability of its financial statement to better harmonize with the timing of the Department's financial statements.

The Senate amendment contained no similar provision.

The Senate recedes.

#### *Inclusion of plan on the financial management workforce in the strategic workforce plan of the Department of Defense (sec. 1053)*

The House bill contained a provision (sec. 1063) that would require an assessment of the financial management workforce of the Department of Defense and a plan for addressing any gaps in capabilities of that workforce.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would require the Secretary of Defense to assess and plan the Department's financial management workforce through the strategic workforce plan established pursuant to section 115b of title 10, United States Code.

*Tracking implementation of Department of Defense efficiencies (sec. 1054)*

The House bill contained a provision (sec. 1064) that would require the Comptroller General to assess and report to Congress on the extent to which the Department of Defense has tracked and realized the savings proposed pursuant to the efficiencies initiatives announced by the Secretary of Defense.

The Senate amendment contained no similar provision.

The Senate recedes.

Subtitle G—Repeal and Modification of Reporting Requirements

*Repeal of reporting requirements under title 10, United States Code (sec. 1061–1067)*

The House bill contained a provision (sec. 1071) that would repeal certain recurring reporting requirements applicable to the Department of Defense.

The Senate amendment contained a subtitle (Subtitle F of Title X) that would repeal or modify certain recurring reporting requirements.

The House recedes with an amendment incorporating repeals and modifications from both bills.

Subtitle H—Studies and Reports

*Transmission of reports in electronic format (sec. 1068)*

The House bill contained a provision (sec. 1073) that would require that Department of Defense reports to Congress be transmitted, to the maximum extent practicable, in an electronic format.

The Senate amendment contained no similar provision.

The Senate recedes.

*Modifications to annual aircraft procurement plan (sec. 1069)*

The House bill contained a provision (sec. 1074) that would modify section 231a of title 10, United States Code, to expand the coverage of the report to Army aircraft, and include additional types of aircraft for the armed forces in the following categories: (1) remotely piloted aircraft; (2) rotary-wing aircraft; and (3) operational support and executive lift aircraft. The provision would also require an annual report on aircraft inventory.

The Senate amendment contained no similar provision.

The Senate recedes.

*Change of deadline for annual report to Congress on National Guard and reserve component equipment (sec. 1070)*

The House bill contained a provision (sec. 1075) that would delay the required submission date for the annual National Guard and Reserve component equipment report from February 15 until March 15.

The Senate amendment contained no similar provision.

The Senate recedes.

*Report on nuclear aspirations of non-state entities, nuclear weapons, and related programs in non-nuclear weapons states and countries not parties to the nuclear non-proliferation treaty, and certain foreign persons (sec. 1071)*

The House bill contained a provision (sec. 1077) that would amend section 1055(a) of the

National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84) to add the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives to the list of committees that receive the report required by such section.

The Senate amendment contained no similar provision.

The Senate recedes.

*Implementation plan for whole-of-government vision prescribed in the National Security Strategy (sec. 1072)*

The House bill contained a provision (sec. 1079) that would require the President to submit to the appropriate congressional committees, not later than 270 days after the date of enactment of this Act, an implementation plan for achieving the whole-of-government integration vision prescribed in the President's National Security Strategy of May 2010. The House provision would also require annual updates to the implementation plan in each subsequent year.

The Senate amendment contained a similar provision (sec. 1072) that would require the President to submit to the appropriate congressional committees, not later than 180 days after the date of enactment of this Act, a report setting forth a plan to implement the organizational goals recommended in the President's National Security Strategy of May 2010. The Senate provision would also require annual updates to the report in each subsequent year.

The Senate recedes with an amendment that clarifies that submission of the annual updates to the implementation plan would be required for each subsequent year in which the National Security Strategy of May 2010 remains the policy of the President.

*Reports on resolution restrictions on the commercial sale or dissemination of electro-optical imagery collected by satellites (sec. 1073)*

The Senate amendment contained a provision (sec. 1077) that would require the Secretary of Commerce to conduct a comprehensive review of the current restrictions on the resolution of electro-optical imagery that commercial satellite imagery data providers are permitted to sell or disseminate.

The provision would require the Secretary to take into consideration a series of factors in evaluating whether the current restriction on resolution to 0.5 meters should be relaxed. These factors would include: (1) the availability of foreign satellite systems capable of collecting at resolutions sharper than what U.S. data providers are allowed to sell; (2) the lead time involved in securing funding for new satellites, and designing, constructing, and launching them, to enable U.S. data providers to match or exceed the capabilities of new foreign satellites; (3) whether the current restrictions remain consistent with the President's National Space Policy, which is to maintain U.S. commercial leadership; (4) the greater utility that higher resolution unclassified commercial satellite imagery would have for U.S. military forces, the intelligence community, cooperation with allies, scientific research, and support to domestic disaster monitoring; and (5) the national security risks, if any, of relaxing the current restrictions.

The provision would require a report from the Secretary of Commerce to the appropriate committees of Congress by April 15, 2012.

The provision also would require the Director of National Intelligence and the Under Secretary of Defense for Intelligence to provide a report assessing the benefits and risks

of relaxing the current resolution restrictions on the electro-optical imagery from satellites that commercial U.S. companies may sell or disseminate, together with recommendations for alternative means to protect national security related information. This report would be required within 15 days of the enactment of this Act.

The House bill contained no similar provision.

The House recedes with an amendment that would (1) eliminate the requirement that the Secretary of Commerce consider the utility that higher resolution imagery would bring to the armed forces, the production of military geospatial information, intelligence analysis, cooperation with allies, scientific research efforts, and domestic disaster monitoring and relief; and (2) extend the date required for the intelligence assessment from 15 days to 60 days after enactment of this Act.

*Report on integration of unmanned aerial systems into the national airspace system (sec. 1074)*

The Senate amendment contained a provision (sec. 1078) that would require the Secretary of Defense to submit a report describing and assessing: (1) the rate of progress in integrating unmanned aircraft systems into the national airspace system; and (2) the potential for one or more pilot program or programs on such integration at certain test ranges to increase that rate of progress.

The House bill contained no similar provision.

The House recedes.

*Report on feasibility of using unmanned aerial systems to perform airborne inspection of navigational aids in foreign airspace (sec. 1075)*

The Senate amendment contained a provision (sec. 1080A) that would require the Secretary of the Air Force to provide a report assessing the feasibility of using unmanned aerial systems to perform airborne flight inspection of ground-based navigational aids that support military operations in foreign airspace.

The House bill contained no similar provision.

The House recedes.

*Comptroller General review of medical research and development relating to improved combat casualty care (sec. 1076)*

The Senate amendment contained a provision (sec. 1080B) that would require the Comptroller General to conduct a review of Department of Defense programs and organizations related to, and resourcing of, medical research and development in support of improved combat casualty care.

The House bill contained no similar provision.

The House recedes.

*Reports to Congress on the modifications of the force structure for the strategic nuclear weapons delivery systems of the United States (sec. 1077)*

The Senate amendment contained a provision (sec. 1080c) that requires the President to submit a report to Congress whenever the President proposes a modification of the force structure of U.S. nuclear weapons delivery systems. The required report shall describe how the modification will maintain a range of delivery systems appropriate for the current and anticipated threats as compared with the current force structure of nuclear delivery systems.

The House bill contained no similar provision.

The House recedes.

*Comptroller General of the United States reports on the major automated information system programs of the Department of Defense (sec. 1078)*

The Senate amendment contained a provision (sec. 1080D) that would require the Comptroller General to perform an annual assessment of the major automated information system programs of the Department of Defense, comparable to the annual assessment that the Comptroller General already performs for major defense acquisition programs.

The House bill contained no similar provision.

The House recedes.

*Report on Defense Department analytic capabilities regarding foreign ballistic missile threats (sec. 1079)*

The Senate amendment contained a provision (sec. 1080G) that would require the Secretary of Defense to submit a report to the congressional defense committees on the analytic capabilities of the Department of Defense regarding threats from foreign ballistic missiles of all ranges.

The House bill contained no similar provision.

The House recedes.

*Report on approval and implementation of Air Sea Battle Concept (sec. 1080)*

The Senate amendment contained a provision (sec. 1080H) that would require a report on the Air Sea Battle Concept.

The House bill contained no similar provision.

The House recedes with a clarifying amendment.

*Report on costs of units of the reserve components and the active components of the armed forces (sec. 1080A)*

The Senate amendment contained a provision (sec. 1605) that would require the Department of Defense to conduct a cost analysis of units of the active and reserve components and direct the Comptroller General to evaluate this report.

The House bill contained no similar provision.

The House recedes with an amendment that would require the Secretary of Defense to submit to the congressional defense committees not later than 180 days after the date of enactment of this Act a report setting forth an analysis of the costs of a sample of deployable units of the active components of the armed forces and the costs of a sample of similar deployable units of the reserve components of the armed forces.

In conducting this analysis the Department should consider issues and matters that are unique and challenging to comparisons between active and reserve components such as, but not limited to: a pro-rated share of active component borne overhead costs (e.g., generating force, schools, ranges, training centers, and material/sustainment) required to prepare and sustain the reserve component when not mobilized and deployed; relative days spent training and preparing per year to personnel cost per year; cost of procurement and sustainment of non-deployable equipment excess to unit tables of organization and equipment; and impact of unavailable domestic response capabilities when respective components are deployed (e.g., what capabilities Governors lose when reserve component forces are deployed).

#### Subtitle I—Miscellaneous Authorities and Limitations

*Authority for assignment of civilian employees of the Department of Defense as advisors to foreign ministries of defense (sec. 1081)*

The Senate amendment contained a provision (sec. 1046) that would provide the Department of Defense with authority, for 3 fiscal years, to advise foreign defense ministries and international peace and security institutions. The provision also would require the Secretary of Defense to provide an annual report to the Committees on Armed Services of the Senate and the House of Representatives, and would require the Comptroller General of the United States to conduct an evaluation of the effectiveness of the program no later than December 30, 2013.

The House bill contained no similar provision.

The House recedes with an amendment that would limit the provision to foreign ministries of defense by striking the phrase “international peace and security organizations” from the provision, modify and expand the elements of the annual report required under the provision, and add the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives to the listed recipients of the annual report.

*Exemption from Freedom of Information Act for data files of the military flight operations quality assurance systems of the military departments (sec. 1082)*

The House bill contained a provision (sec. 1081) that would exempt data files of the military flight operations quality assurance systems of the military departments from section 552 of title 5, United States Code.

The Senate amendment contained a similar provision (sec. 1044(b)).

The Senate recedes with an amendment that would incorporate transparency standards and a delegation limitation into the provision.

*Limitation on procurement and fielding of light attack armed reconnaissance aircraft (sec. 1083)*

The House bill contained a provision (sec. 1082) that would prevent the Secretary of Defense from obligating any funds for the procurement or fielding of light attack armed reconnaissance aircraft until: (1) the Joint Requirements Oversight Council validates the requirements for the development or procurement of such aircraft to address a gap identified by specific reporting in the next Quadrennial Defense Review; and (2) the Under Secretary of Defense for Acquisition, Technology, and Logistics approves the acquisition strategy for such an aircraft. The provision also included a waiver of this funding prohibition that could be exercised if the Secretary were able to certify that expenditures on such a program were necessary to support the contingency operations in Afghanistan or Iraq.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would require a report from the Secretary on: (1) any requirements for such a capability; and (2) his plans for meeting those requirements. The provision would require that the Secretary submit such a report before he obligates any fiscal year 2012 funds for such a purpose.

*Prohibition on the use of funds for manufacturing beyond low rate initial production at certain prototype integration facilities (sec. 1084)*

The House bill contained a provision (sec. 1084) that would prohibit the use of funds for

manufacturing beyond low rate initial production at a prototype integration facility.

The Senate amendment contained no similar provision.

The Senate recedes with a clarifying amendment.

The conferees note that the provision would contain a waiver option for the Secretary of Defense for reasons of national security or to rapidly acquire equipment to respond to combat emergencies.

*Use of State Partnership Program Funds for certain purposes (sec. 1085)*

The House bill contained a provision (sec. 1083) that would authorize the National Guard to use up to \$3.0 million of the funds made available through the State Partnership Program to pay travel and per diem costs associated with the participation of U.S. and foreign civilian and non-defense ministry personnel in authorized National Guard State Partnership Program events.

The Senate amendment contained a similar provision (sec. 1609).

The Senate recedes with an amendment that would conform the provision to section 1210 of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111-84).

#### Subtitle J—Other Matters

*Redesignation of psychological operations as military information support operations in title 10, United States Code, to conform to Department of Defense usage (sec. 1086)*

The Senate amendment contained a provision (sec. 1081) that would redesignate “psychological operations” as “military information support operations” in title 10, United States Code, to conform to Department of Defense nomenclature.

The House bill contained no similar provision.

The House recedes.

The conferees direct the Assistant Secretary of Defense for Special Operations and Low Intensity Conflict in coordination with the Commander, U.S. Special Operations Command (USSOCOM), to provide a report to the Committees on Armed Services of the Senate and the House of Representatives that outlines: a comprehensive military information support operations (MISO) strategy to include the roles, missions, authorities, and capabilities of MISO active and reserve components; current and future force structure requirements, operational limitations and constraints; and efforts to shift required active and reserve component funding from overseas contingency operations to base funding to support future active and reserve force structure requirements. The conferees also direct the Assistant Secretary to include in the report an examination with recommendations for the potential transfer of proponenty of the MISO reserve component from USSOCOM to the Department of the Army, similar to the potential transfer of proponenty responsibilities for U.S. Army Reserve Component Civil Affairs forces. The conferees direct the Assistant Secretary also to include in the report an analysis of the relationship among all Information Operations/Strategic Communications disciplines to determine if they are sufficient or could be improved through changes to authorities, processes, procedures, and synchronization mechanisms. The conferees further direct the Assistant Secretary to submit the report to the Committees on Armed Services of the Senate and the House of Representatives within 180 days after the date of enactment of this Act.

*Termination of requirement for appointment of civilian members of National Security Education Board by and with the advice and consent of the Senate (sec. 1087)*

The Senate amendment contained a provision (sec. 1082) that would terminate the requirement for Senate confirmation of civilian members of the National Security Education Board.

The House bill contained no similar provision.

The House recedes.

*Sense of Congress on application of moratorium on earmarks to this Act (sec. 1088)*

The Senate amendment contained a provision (sec. 1085) that would express the sense of the Senate that the moratorium on congressional earmarks should be fully enforced in this Act.

The House bill contained no similar provision.

The House recedes with an amendment expressing the sense of Congress on the subject.

*Technical Amendment (sec. 1089)*

The Senate amendment contained a provision (sec. 1087) that would amend section 382 of title 10, United States Code, to conform the language to an amendment made by section 1075(b)(10) of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (Public Law 111-383).

The House bill contained no similar provision.

The House recedes.

*Cybersecurity collaboration between the Department of Defense and the Department of Homeland Security (sec. 1090)*

The Senate amendment contained a provision (sec. 1092) that would codify in statute the Memorandum of Understanding (MOU) that the Secretary of Defense and the Secretary of Homeland Security signed in September, 2010, to promote and guide cooperation between the two Departments on cybersecurity. The MOU and section 1092 are intended to set the terms under which the two Departments will provide personnel, equipment, and facilities to enable collaboration in strategic planning, mutual support for capabilities development, and synchronization of operations.

The House bill contained no similar provision.

The House recedes.

*Treatment under Freedom of Information Act of certain Department of Defense critical infrastructure security information (sec. 1091)*

The House bill contained a provision (sec. 1091) that would exempt certain Department of Defense critical infrastructure information from disclosure pursuant to section 552 of title 5, United States Code.

The Senate amendment contained a similar provision (sec. 1044(a)).

The Senate recedes with an amendment that would incorporate the Senate definition of critical infrastructure information and add transparency requirements and delegation limitations to the provision.

*Expansion of scope of humanitarian demining assistance program to include stockpiled conventional munitions assistance (sec. 1092)*

The House bill contained a provision (sec. 1092) that would modify the Department of Defense definition of "Humanitarian Demining Assistance" to include physical security, stockpile management, and explosive safety as components of assistance and training.

The Senate amendment contained a similar provision (sec. 1201).

The Senate recedes with a technical and clarifying amendment.

*Number of Navy carrier air wings and carrier air wing headquarter (sec. 1093)*

The House bill contained a provision (sec. 1094) that would require the Secretary of the Navy to maintain: (1) a minimum of 10 carrier air wings; and (2) for each such carrier air wing, a dedicated and fully staffed headquarters.

The Senate amendment contained no similar provision.

The Senate recedes.

*Display on annual budget requirements for organizational clothing and individual equipment (sec. 1094)*

The House bill contained a provision (sec. 1095) that would require the Secretary of Defense to include with the budget materials submitted to Congress under section 1105(a) of title 31, United States Code, a budget justification display that covers all programs and activities associated with the procurement of organizational clothing and individual equipment.

The Senate amendment contained no similar provision.

The Senate recedes.

*National Rocket Propulsion Strategy (sec. 1095)*

The House bill contained a provision (sec. 1096), as stated in the House report accompanying H.R. 1540 (H. Rept. 112-78) of the National Defense Authorization Act for Fiscal Year 2012 that contains five findings concerning the reviews undertaken by the Department of Defense (DOD) of the solid rocket motor and liquid rocket engine propulsion industrial base, the reliance of multiple government agencies on this industrial base, the impact on the Department of Defense resulting from the end of the National Aeronautics and Space Administration Space Shuttle program and termination of the Constellation program, and the increasing cost of DOD systems that are in part due to the uncertainty in the industrial base. The section also requires the President to submit to the appropriate congressional committees a national rocket propulsion strategy for the United States and expresses the sense of Congress that the sustainment of the solid rocket motor and liquid rocket engine industrial base is a national challenge that spans multiple government agencies and requires the Administration's attention.

The Senate amendment contained a provision (sec. 1091) that requires the Secretary of Defense to include with the budget submission a long-term plan for maintaining a minimal production capability to produce intercontinental ballistic missile (ICBM) solid rocket motors.

The Senate recedes with an amendment that would add the long-range ICBM sustainment plan.

*Grants to certain regulated companies for specified energy property not subject to normalization rules (sec. 1096)*

The House bill contained a provision (sec. 1099A) that would amend section 1603(f) of the American Recovery and Reinvestment Tax Act of 2009 (Public Law 111-5) for grants for energy property in lieu of tax credits.

The Senate amendment did not contain a similar provision.

The Senate recedes.

*Unmanned aerial systems and national airspace (sec. 1097)*

The House bill contained a provision (sec. 1098) that would require the Administrator of the Federal Aviation Administration to establish a program to integrate unmanned

aircraft systems into the national airspace system at six test ranges.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would require that, for any project established by the Administrator under this authority, the Administrator ensures that the project is operational not later than 180 days after the date on which the project is established.

*Modification of dates of Comptroller General of the United States review of executive agreement on Joint Medical Facility Demonstration Project, North Chicago and Great Lakes, Illinois (sec. 1098)*

The House bill contained a provision (sec. 722) that would reduce the frequency of reviews conducted by the Comptroller General of the United States as required by section 1701 of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111-84).

The Senate amendment contained a similar provision (sec. 1071).

The House recedes.

Legislative Provisions Not Adopted

*Mitigation of national security threats along the border of the United States and Mexico*

The House bill contained a provision (sec. 1015) that would state it is the sense of Congress that the Secretary of Defense should take various actions to help other federal agencies mitigate security threats along the United States-Mexico border. The provision also would require the Defense Department to provide information on collaboration between the United States and Mexico to mitigate such threats.

The Senate amendment contained no similar provision.

The House recedes.

*Report on policies and practices of the Navy for naming the vessels of the Navy*

The Senate amendment contained a provision (sec. 1024) that would require the Secretary of Defense to submit to Congress a report on the policies and practices of the Navy for naming vessels of the Navy.

The House bill contained no similar provision.

The House recedes.

*Definition of individual detained at Guantanamo*

The House bill contained a provision (sec. 1031) that would define the term "individual detained at Guantanamo."

The Senate amendment contained no similar provision.

The House recedes.

*Prohibition on family member visitation of individuals detained at Naval Station, Guantanamo Bay, Cuba*

The House bill contained a provision (sec. 1038) that would prohibit the use of Department of Defense funds to facilitate family member visits to Guantanamo detainees.

The Senate amendment contained no similar provision.

The House recedes.

*Management of Department of Defense installations*

The Senate amendment contained a provision (sec. 1041) that would authorize the Secretary of Defense to: (1) prescribe regulations necessary for the protection and administration of Department of Defense property; and (2) designate military or civilian law enforcement officers for the purpose of enforcing such regulations.

The House bill contained no similar provision.



The Senate recedes.

*Prohibition on United States citizenship for detainees repatriated to the Federated States of Micronesia, the Republic of Palau, and the Republic of the Marshall Islands*

The House bill contained a provision (sec. 1043) that would prohibit individuals who had been held in detention at United States Naval Station, Guantanamo Bay, Cuba, and who have been repatriated to the Federated States of Micronesia, the Republic of Palau, or the Republic of the Marshall Islands, from being afforded rights and benefits under the Compact of Free Association.

The Senate amendment contained no similar provision.

The House recedes.

*Sense of Congress regarding the efforts by the Department of Defense to keep America safe from terrorist attacks since 9/11*

The House bill contained a provision (sec. 1044) that would recognize the efforts of the Department of Defense to keep America safe since the attacks of September 11, 2001.

The Senate amendment contained no similar provision.

The House recedes.

*Trial of foreign terrorists*

The House bill contained a provision (sec. 1046) that would prohibit the trial of any foreign terrorist who is subject to trial by military commission by any court or tribunal other than a military commission.

The Senate amendment contained no similar provision.

The House recedes.

*Business case analysis for Department of Defense efficiencies*

The House bill contained a provision (sec. 1065) that would require the Comptroller General to assess the extent to which the Department of Defense conducted a business case analysis prior to recommending and implementing efficiencies initiatives.

The Senate amendment contained no similar provision.

The House recedes.

*Biennial review of required reports*

The House bill contained a provision (sec. 1072) that would require the Secretary of Defense to make recommendations to Congress, on a biennial basis, on reporting requirements that should be repealed.

The Senate amendment contained no similar provision.

The House recedes.

*Report on homeland defense activities*

The House bill contained a provision (sec. 1076) that would modify the requirement for reporting in years when no homeland defense assistance or activities take place.

The Senate amendment contained a similar provision (sec. 1067).

The House recedes. The conferees agree to include such changes in the subtitle of the bill regarding repeal and modification of reporting requirements.

*Study on the recruitment, retention, and development of cyberspace experts*

The Senate amendment contained a provision (sec. 1076) that would require an independent study examining the availability of military and civilian personnel for Department of Defense (DOD) cyberspace operations, identifying any gaps in meeting personnel needs, and recommending available mechanisms to fill such gaps, including permanent and temporary positions.

The House bill contained no similar provision.

The Senate recedes.

The conferees note that DOD conducted an internal study of its cyberspace workforce at congressional direction in the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111-84). The conferees agree that DOD's implementation of the results of that study should proceed for an additional period of time before an independent evaluation should be conducted.

The conferees also note that DOD is seeking approval through the interagency review process of a proposal for expedited hiring authority for cybersecurity personnel. This proposal will be evaluated in the context of the cyberspace personnel needs government-wide, and especially in the Department of Homeland Security, and the hiring authorities available to address them. The conferees support initiatives to improve the expertise of government employees engaged in this critical area.

*Report on certain unnecessary or unwanted Department of Defense programs*

The House bill contained a provision (sec. 1078) that would require the Secretary of Defense to report to Congress on unnecessary or unwanted programs.

The Senate amendment contained no similar provision.

The House recedes.

*Report on a Department of Defense recycling program for rare earth materials*

The House bill contained a provision (sec. 1080) that would require the Secretary of Defense to prepare a report on the feasibility and desirability of recycling, recovering, and reprocessing rare earth elements, including fluorescent lighting in the Department of Defense facilities, batteries, and neodymium iron boron magnets used in weapon systems and commercial off-the-shelf items such as computer hard drives.

The Senate amendment contained no similar provision.

The House recedes.

The conferees direct the Secretary of Defense to prepare a report on the feasibility and desirability of recycling, recovering, and reprocessing rare earth elements, including fluorescent lighting in Department of Defense facilities, batteries, and neodymium iron boron magnets used in weapon systems and commercial off-the-shelf items such as computer hard drives.

*Report on National Guard and reserve components of the armed forces*

The House bill contained a provision (sec. 1080A) that would require the Secretary of Defense to submit to the congressional defense committees a report on the National Guard and reserve components of the armed forces.

The Senate amendment contained no similar provision.

The House recedes.

*Report on status of implementation of accepted recommendations in the final report of the 2010 Army Acquisition Review Panel*

The Senate amendment contained a provision (sec. 1080) that would require a report on implementation of the recommendations of the Army Acquisition Review Panel.

The House bill contained no similar provision.

The Senate recedes.

The conferees are encouraged by recent improvements in the Army's analysis, planning, and management of its equipment modernization programs. However, the recommendations provided by the 2010 Army Acquisition Review Panel (also known as the Decker-Wagner Report) identify several

areas for continued or additional improvement of modernization planning and execution. The conferees therefore direct that the Secretary of the Army provide the congressional defense committees with a detailed update on its implementation of those Panel recommendations that the Secretary has agreed to adopt. The conferees further direct that the Secretary periodically provide implementation update briefings to the congressional defense committees.

*Comptroller General report on Department of Defense Science and Technology Programs*

The Senate amendment contained a provision (sec. 1080E) that would require the Comptroller General of the United States to produce a report for the congressional defense committees examining redundancies, inefficiencies, and gaps in science and technology (S&T) programs.

The House bill contained no similar provision.

The Senate recedes.

In current times of fiscal austerity, the conferees firmly believe that all activities within the Department of Defense (DOD) must be reviewed to identify potential cost-savings and increase efficiencies. In the President's fiscal year (FY) 2012 budget request, over \$12.0 billion would be dedicated to 6.1 through 6.3 Science and Technology programs. This funding level is a little more than 2 percent of DOD's overall budget, and hence it is vital that S&T investments are most efficiently made across the spectrum from basic exploration of knowledge to advanced technology development for the next generation of weapons systems. In addition, the conferees believe that there is potential within DOD's S&T activities to better align, consolidate, or eliminate lower priority programs.

The conferees note that in the report language accompanying S. 1235 (S. Rept. 112-26) of the National Defense Authorization Act for Fiscal Year 2012 directed the Comptroller General to conduct a study of the effectiveness of the Department's various technology transition programs due no later than 1 year after the enactment of this Act. The conferees direct that the Comptroller General expand its study efforts in the area of defense S&T over the longer term and focus on non-basic research activities to conduct a holistic review of the Defense S&T enterprise, including its investment strategy, technology development and transition activities. In addition, the scope of this broader review should include the Department's S&T related interactions with industry and academia.

*Comptroller General report on Science, Technology, Engineering, and Math initiatives*

The Senate amendment contained a provision (sec. 1080F) that would require the Comptroller General of the United States to produce a report for the congressional defense committees examining Science, Technology, Engineering, and Math (STEM) programs within the Department of Defense.

The House bill contained no similar provision.

The Senate recedes.

The conferees firmly believe that the education of America's students in the STEM fields is vital to national security interests. In an increasingly globalized world, the United States is facing growing competition in technological advancement. Ensuring that the United States remains a leader in these areas will rest on the shoulders of current and future generations. Giving students the opportunities to excel in the STEM fields—

from K-12 through post-graduate research—will guarantee our success as a world leader, and safeguard our national interests.

The conferees look forward to reviewing the current study being conducted by the Comptroller General on government-wide STEM educational initiatives, planned to be published early in 2012. The conferees strongly urge the Department of Defense to continue working in close collaboration with the Comptroller General to produce this report. The anticipated results of the study will help the conferees better understand the challenges ahead, and offer guidance on how to best assist the Department of Defense in developing and managing successful STEM educational programs, including the balance between K-12, undergraduate, graduate, and junior faculty programs.

*Report on effects of changing flag officer positions within the Air Force Materiel Command*

The Senate amendment contained a provision (sec. 1080I) that would require the Secretary of the Air Force to conduct an analysis and submit to the congressional defense committees a report on the effects of changing flag officer positions within the Air Force Materiel Command.

The House bill contained no similar provision.

The Senate recedes.

*Sense of Congress regarding deployment of the National Guard to the southwestern border of the United States*

The House bill contained a provision (sec. 1085) that would state it is the sense of Congress that the deployment of National Guard personnel along the southwestern border of the United States should continue through the end of fiscal year 2011.

The Senate amendment contained no similar provision.

The House recedes.

*Rules of engagement for members of the armed forces deployed in designated hostile fire areas*

The House bill contained a provision (sec. 1087) that would require the Secretary of Defense to ensure that the rules of engagement applicable to members of the armed forces assigned to duty in hostile fire areas fully protect the members' right to bear arms and authorize the members to fully defend themselves from hostile actions.

The Senate amendment contained no similar provision.

The House recedes.

The conferees acknowledge that rules of engagement applicable to members of the armed forces provide for self defense. However, the conferees also acknowledge that military commanders may restrict service members' ability to carry or employ weapons to achieve mission success. The conferees encourage the Secretary of Defense and the Chairman of the Joint Chiefs of Staff to ensure that members of the armed forces serving in hostile fire areas have the means to exercise self defense to the maximum extent practicable and consistent with their mission.

*Improving the transition of members of the armed forces with experience in the operation of certain motor vehicles into careers operating commercial motor vehicles in the private sector*

The Senate amendment contained a provision (sec. 1088) that would require the Secretary of Defense and the Secretary of Transportation to jointly conduct a study to identify the legislative and regulatory ac-

tions that can be taken to facilitate the obtaining of commercial driver's licenses by former members of the armed forces who operated qualifying motor vehicles as members of the armed forces and to improve the transition of members of the armed forces into careers operating commercial motor vehicles in the private sector.

The House bill contained no similar provision.

The Senate recedes.

The conferees note that another provision in this report requires a pilot program to assess the feasibility and advisability of permitting enlisted members of the armed forces to obtain civilian credentialing or licensing for skills required for military occupational specialties or qualification for duty specialty codes. The conferees encourage including the feasibility of obtaining a commercial driver's license as an element of this pilot program.

*Acquisition and procurement exchanges between the United States and India*

The Senate amendment contained a provision (sec. 1090) that would urge exchanges between acquisition and procurement officials of the Department of Defense and of the Government of India.

The House bill contained no similar provision.

The Senate recedes.

Nonetheless, the conferees believe that it is important to increase the mutual understanding between the United States and India regarding best practices in defense acquisition and procurement and urge the Secretary of Defense to establish exchanges between defense acquisition and procurement officials of the Department of Defense and defense officials in India.

*Mandatory implementation of the standing advisory panel on improving coordination among the Department of Defense, the Department of State, and the United States Agency for International Development on matters of national security*

The House bill contained a provision (sec. 1093) that would amend section 1054 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110-417) to require the Secretary of Defense, the Secretary of State, and the Administrator of the United States Agency for International Development (USAID) to establish jointly a standing advisory panel to advise, review, and make recommendations on ways to improve coordination among the Department of Defense, the Department of State, and USAID on matters relating to national security, including reviewing their respective roles and responsibilities.

The Senate amendment contained no similar provision.

The House recedes.

*Inclusion of religious symbols as part of military memorials*

The House bill contained a provision (sec. 1097) that would amend chapter 21 of title 36, United States Code, to authorize the inclusion of religious symbols as part of a military memorial established or acquired by the U.S. Government or for which the American Battle Monuments Commission cooperated in the establishment of the memorial.

The Senate amendment contained no similar provision.

The House recedes.

*Report to Congress on maintenance, repair, and overhaul capability of Navy unmanned aerial systems*

The House bill contained a provision (sec. 1098A) that would require the Secretary of

the Navy to provide a report on efforts to establish maintenance, repair, and overhaul capability for Navy unmanned aerial systems.

The Senate amendment contained no similar provision.

The House recedes.

The conferees note that unmanned aerial systems have become vitally important to the national security. Therefore, the conferees direct the Secretary of the Navy to report to the congressional defense committees, within 180 days of enactment of this Act, on the efforts being made to establish maintenance, repair, and overhaul capability for unmanned aerial systems.

*Sense of Congress regarding the killing of Osama bin Laden*

The House bill contained a provision (sec. 1099) that would express the sense of Congress regarding the killing of Osama bin Laden.

The Senate amendment contained no similar provision.

The House recedes.

*Submittal of information regarding individuals detained at United States Naval Station, Guantanamo Bay, Cuba*

The House bill contained a provision (sec. 1099B) that would require the Secretary of Defense, in coordination with the Attorney General and the Director of National Intelligence, to compile and provide to appropriate committees of Congress certain materials relating to current and former detainees at the United States Naval Station, Guantanamo Bay, Cuba.

The Senate amendment contained no similar provision.

The House recedes.

*Sense of Congress regarding the recovery of the remains of certain members of the armed forces killed in Thurston Island, Antarctica*

The House bill contained a provision (sec. 1099D) that would express the sense of Congress that the remains of service members killed at Thurston Island, Antarctica should be recovered and repatriated.

The Senate amendment contained no similar provision.

The House recedes.

*Requirement that written communications from Congress be made public by Department of Defense*

The House bill contained a provision (sec. 1099E) that would require the Department of Defense to make public any communication from a Member of Congress or congressional staff recommending the expenditure of funds from any program element identified in division D of this Act.

The Senate amendment contained no similar provision.

The House recedes.

*Sense of Congress regarding deployment of armed forces without considerable deliberation*

The House bill contained a provision (sec. 1099F) that would express the intent of Congress to debate thoroughly the deployment of the United States Armed Forces.

The Senate amendment contained no similar provision.

The House recedes.

*Sense of Congress regarding the establishment of a Korean War National Museum*

The House bill contained a provision (sec. 1099G) expressing the sense of Congress on the establishment of a Korean War Museum.

The Senate amendment did not contain a similar provision.

The House recedes.

#### *Interagency Collaboration*

The House bill contained a provision (sec. 1099H) that would direct the Department of Defense to collaborate with the Department of Homeland Security on equipment and technology that could be used by U.S. Customs and Border Protection to improve the security of the United States borders with Mexico and Canada.

The Senate amendment contained no similar provision.

The House recedes.

The conferees note that there is a broad program of collaboration between the Department of Defense and the Department of Homeland Security to identify equipment and technology that could be leveraged by the Department of Homeland Security to help fulfill its missions. The conferees note their strong interest in this collaboration and expect it to continue.

#### *Designation of "Taps" as National Song of Remembrance*

The House bill contained a provision (sec. 1099I) that would designate "Taps" as the National Song of Remembrance.

The Senate amendment contained no similar provision.

The House recedes.

#### *Sense of Congress regarding United States Northern Command preparedness*

The House bill contained a provision (sec. 1099J) that would state it is the sense of Congress that United States Northern Command should enhance its capabilities and preparedness to provide defense support of civil authorities.

The Senate amendment contained no similar provision.

The House recedes.

#### *Closing of National Drug Intelligence Center*

The House bill contained a provision (sec. 1099M) that would close the National Drug Intelligence center by striking section 9078 of the Department of Defense Appropriations Act, 1993 (Public Law 102-396).

The Senate amendment contained no similar provision.

The House recedes.

#### *Sunken military craft*

The House bill contained a provision (sec. 1099N) that would amend section 1408(2) of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 (Public Law 108-375).

The Senate amendment contained no similar provision.

The House recedes.

#### *Proclamation for national day of honor to celebrate members of the armed forces returning from Iraq, Afghanistan, and other combat areas*

The House bill contained a provision (sec. 1099O) that would require the President to designate a day entitled a National Day of Honor to celebrate members of the armed forces who are returning from deployment in support of Iraq, Afghanistan, and other combat areas.

The Senate amendment contained no similar provision.

The House recedes.

#### *Additional budget items*

The House bill included additional budget items (secs. 1601-1699M).

The Senate amendment contained no similar provisions.

The House recedes on all items except for sec. 1699F-1 which has been moved to title II.

#### *Continuation as a permanent program and enhancement of activities of Task Force for Emergency Readiness pilot program of the Federal Emergency Management Agency*

The Senate amendment contained a provision (sec. 1604) that would require the Administrator of the Federal Emergency Management Agency to continue the Task Force for Emergency Readiness pilot program as a permanent program of the Agency.

The House bill contained no similar provision.

The Senate recedes.

#### TITLE XI—CIVILIAN PERSONNEL MATTERS

##### Subtitle A—Personnel

#### *Amendments to Department of Defense personnel authorities (sec. 1101)*

The House bill contained a provision (sec. 1101) that would make technical amendments to Department of Defense authorities in section 9902 of title 5, United States Code.

The Senate amendment contained no similar provision.

The Senate recedes.

#### *Provisions relating to Department of Defense performance management system (sec. 1102)*

The House bill contained a provision (sec. 1102) that would make technical and clarifying amendments to the Department of Defense (DOD) performance management, training, and hiring authorities under section 9902 of title 10, United States Code.

The Senate amendment contained no similar provision.

The Senate recedes.

The conferees commend the Department for its efforts to bring together management and employee representatives in a joint effort, called "New Beginnings," to design a new performance management system and hiring process pursuant to section 9902. This joint labor-management effort appears to have paved the way for the successful implementation of significant improvements to the DOD personnel system.

#### *Repeal of sunset provision relating to direct hire authority at demonstration laboratories (sec. 1103)*

The House bill contained a provision (sec. 1103) that would repeal the sunset provision relating to direct hire authority at demonstration laboratories.

The Senate amendment contained a similar provision (sec. 905(a)).

The Senate recedes.

#### *One-year extension of authority to waive annual limitation on premium pay and aggregate limitation on pay for federal civilian employees working overseas (sec. 1104)*

The House bill contained a provision (sec. 1106) that would extend the authorization to waive limitations on federal civilian pay for persons working overseas.

The Senate amendment contained a similar provision (sec. 1107).

The House recedes.

#### *Waiver of certain pay limitations (sec. 1105)*

The House bill contained a provision (sec. 1107) that would amend section 9903 of title 5, United States Code, to authorize highly qualified experts assigned in support of a contingency operation to receive similar benefits and compensation as other federal civilian employees serving in support of a contingency operation. This includes premium pay or danger pay allowances, compensatory time off, and other appropriate compensation or allowances authorized under chapter 59 of title 5, United States Code.

The Senate amendment contained no similar provision.

The Senate recedes.

#### *Services of post-combat case coordinators (sec. 1106)*

The House bill contained a provision (sec. 1108) that would require the head of each agency to provide for the assignment of a post-combat case coordinator in the case of any employee of the agency who suffers an injury or disability incurred, or an illness contracted, while in the performance of the employee's duties, as a result of a war-risk hazard or during or as a result of capture, detention, or other restraint by a hostile force or individual.

The Senate amendment contained no similar provision.

The Senate recedes.

#### *Authority to waive maximum age limit for certain appointments (sec. 1107)*

The House bill contained a provision (sec. 1111) that would amend section 3307 of title 5, United States Code, to allow the Department of Defense to waive the hiring and retirement age limits for Federal law enforcement and fire fighter positions in certain circumstances.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would require consultation with the Director of the Office of Personnel Management.

#### *Sense of Congress relating to pay parity for federal employees serving at certain remote military installations (sec. 1108)*

The House bill contained a provision (sec. 1112) that would express the sense of Congress that the Office of Personnel Management and the Department of Defense should develop procedures for determining locality pay for employees of the Department of Defense in circumstances unique to such employees.

The Senate amendment contained no similar provision.

The Senate recedes.

#### *Federal internship programs (sec. 1109)*

The House bill contained a provision (sec. 1116) that would require the Office of Personnel Management to make publicly available on its website information on the availability of federal internship programs and to maintain a database of all individuals in such programs. In addition, each agency would be required to appoint an internship coordinator, conduct exit interviews and provide an annual report assessment on the internship program.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment to clarify the definitions of internship programs and to remove the database and reporting requirements.

The conferees encourage the Office of Personnel Management to consider the feasibility of developing a centralized database. The conferees expect that agencies would, as a normal part of the internship program, conduct exit interviews and surveys to obtain data that would assist in improving the internship programs.

#### *Extension and expansion of experimental personnel program for scientific and technical personnel (sec. 1110)*

The Senate amendment contained a provision (sec. 1104) that would repeal the sunset provision for the experimental personnel management program established by section 1101 of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (Public Law 105-261), increase the number of

positions allocated to the Defense Advanced Research Projects Agency (DARPA), and expand the program to include up to 10 new positions for the Director, Operational Test and Evaluation (DOT&E).

The House bill contained no similar provision.

The House recedes with an amendment that would authorize the program until 2016, and grant 10 new positions to DOT&E.

The conferees recognize the specialized hiring needs of agencies requiring a highly technologically competent workforce, such as DARPA. The conferees are concerned, however, that increasing the number of available billets for this specialized hiring authority for DARPA does not have a solid analytic basis, and does not fully account for the other means by which skilled personnel can be hired, such as Highly Qualified Expert (HQE) and Intergovernmental Personal Act (IPA) authorities. The conferees encourage DARPA to develop a better analytical framework for comprehensively detailing and justifying the human resource needs of the Agency, and the means by which those needs will be addressed.

The conferees understand that the Department recently rescinded the delegation of authorities for civilian senior executive positions, including those for HQEs and IPAs, and are concerned about potential delays this might cause. To address those concerns, the conferees encourage DARPA to become a member of the working group established by the Washington Headquarters Service that was established to determine business procedures for HQE and IPA actions.

Furthermore, the conferees direct the Under Secretary of Defense for Personnel and Readiness and the Director of the Washington Headquarters Service, within 90 days of enactment of this Act, to provide the Armed Services Committees of the Senate and the House of Representatives with an implementation plan for the centralized appointment of HQE and IPA positions. Further, the conferees direct DARPA to provide a report to the Armed Services Committees of the Senate and the House of Representatives on the hiring timelines for any HQE or IPA positions they may fill in fiscal year 2012.

*Authority of the secretaries of the military departments to employ up to 10 persons without pay (sec. 1111)*

The Senate amendment contained a provision (sec. 1101) that would amend section 1583 of title 5, United States Code, to authorize the secretaries of the military departments to employ without pay up to 10 persons of outstanding experience and ability.

The House bill contained no similar provision.

The House recedes.

*Two-year extension of discretionary authority to grant allowances, benefits, and gratuities to personnel on official duty in a combat zone (sec. 1112)*

The Senate amendment contained a provision (sec. 1106) that would authorize temporary discretionary authority to federal agencies to grant allowances, benefits, and gratuities to civilian employees on official duty in a combat zone.

The House bill contained no similar provision.

The House recedes.

#### Subtitle B—Other Matters

*Modification of beneficiary designation authorities for death gratuity payable upon death of a United States government employee in service with the armed forces (sec. 1121)*

The House bill contained a provision (sec. 1105) that would amend section 8102 of title 5,

United States Code, to authorize a federal employee to designate anyone they choose to receive the entirety of a death gratuity if the employee dies of injuries incurred in connection with service with an armed force in a contingency operation.

The Senate amendment contained a similar provision (sec. 1105).

The House recedes.

*Authority for waiver of recovery of certain payments previously made under civilian employees voluntary separation incentive program (sec. 1122)*

The House bill contained a provision (sec. 1109) that would authorize the Secretary of Defense to waive repayment of the voluntary separation incentive pay (VSIP) for certain employees who accepted a reassignment with the Department of Defense during the period of June 1, 2004, to March 1, 2008, to support a declared national emergency related to terrorism or a natural disaster.

The Senate amendment contained a similar provision (sec. 1103).

The House recedes.

*Extension of continued health benefits (sec. 1123)*

The House bill contained a provision (sec. 1110) that would amend section 8905a of title 5, United States Code, to extend for 5 years the Department of Defense's authority to pay the government's share and administrative fees for Temporary Continuation of Coverage (TCC) health insurance premiums for former employees enrolled in TCC based on separation due to a reduction in force.

The Senate amendment contained a similar provision (sec. 1102).

The Senate recedes.

*Disclosure of senior mentors (sec. 1124)*

The House bill contained a provision (sec. 1114) that would require the Department of Defense to publicly disclose the names of senior mentors on a quarterly basis.

The Senate amendment contained no similar provision.

The Senate recedes.

*Termination of Joint Safety Climate Assessment System (sec. 1125)*

The House bill contained a provision (sec. 1115) that would terminate the Joint Safety Climate Assessment System of the Department of Defense.

The Senate amendment contained no similar provision.

The Senate recedes.

#### LEGISLATIVE PROVISIONS NOT ADOPTED

*Denial of certain pay adjustments for unacceptable performance*

The House bill contained a provision (sec. 1104) that would prohibit certain salary adjustments for employees who fail to achieve satisfactory performance ratings.

The Senate amendment contained no similar provision.

The House recedes.

*Reports by Office of Special Counsel*

The House bill contained a provision (sec. 1113) that would modify reporting requirements for the Office of Special Counsel under section 1213 of title 5, United States Code.

The Senate amendment contained no similar provision.

The House recedes.

#### TITLE XII—MATTERS RELATING TO FOREIGN NATIONS

Subtitle A—Assistance and Training  
*Commanders' Emergency Response Program in Afghanistan (sec. 1201)*

The House bill contained a provision (sec. 1212) that would authorize the use of up to

\$425.0 million for fiscal year 2012 to support the activities of the Commanders' Emergency Response Program (CERP) in Afghanistan. The provision would require the Secretary of Defense to provide the congressional defense committees quarterly reports on CERP activities and notification prior to the initiation of any individual CERP project with an anticipated cost of \$5.0 million or more.

The Senate amendment contained a similar provision (sec. 1202) which would extend the authority to support CERP activities in Afghanistan during fiscal year 2012 and authorize up to \$400.0 million for the Afghanistan CERP.

The Senate recedes with an amendment that would authorize \$400.0 million for CERP activities in Afghanistan and make technical amendments.

*Three-year extension of temporary authority to use acquisition and cross-servicing agreements to lend military equipment for personnel protection and survivability (sec. 1202)*

The House bill contained a provision (sec. 1205) that would extend for 3 years, through September 30, 2014, the temporary authority under section 1202 of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109-364; 120 Stat. 2412), as amended, for the Secretary of Defense to loan or lease certain equipment for personnel protection to the military forces of partner nations for use in coalition operations or in pre-deployment training for such operations.

The Senate amendment contained a similar provision (sec. 1203).

The Senate recedes.

*Extension and expansion of authority for support of special operations to combat terrorism (sec. 1203)*

The House bill contained a provision (sec. 1201) that would increase the amount of funds available to the Secretary of Defense to provide assistance to foreign forces, irregular forces, groups, or individuals supporting or facilitating military operations by U.S. Special Operations Forces to combat terrorism from \$45.0 million to \$50.0 million, extend the authority through 2014, and require a report to clarify future requirements.

The Senate amendment included a provision (sec. 1205) that would extend the authority of the Secretary of Defense to provide assistance to foreign forces, irregular forces, groups, or individuals supporting or facilitating military operations by U.S. Special Operations Forces to combat terrorism through 2017.

The Senate recedes with an amendment that would extend the authority through 2015 and require a report to clarify future requirements.

*Modification and extension of authorities relating to program to build the capacity of foreign military forces (sec. 1204)*

The House bill contained a provision (sec. 1202) that would extend by 1 year, through September 30, 2013, the authority under section 1206 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109-163), as amended, for the Secretary of Defense, with the concurrence of the Secretary of State, to conduct a program to build the capacity of foreign military forces. The provision would increase the amount authorized each fiscal year for these purposes to \$400.0 million. The provision would also add a requirement to report annually on the implementation of the section 1206 authority during the previous fiscal year.

The Senate amendment contained a provision (sec. 1206) that would limit the amount of funds available during fiscal year 2012 for programs under the section 1206 authority to \$100.0 million until the Secretaries of Defense and State jointly submit the report required by section 1237 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110-417; 122 Stat. 4642).

The Senate recedes with an amendment that would maintain the authorized annual funding level for the section 1206 program at the current level of \$350.0 million. It would also include a clarifying amendment regarding the annual reporting requirement on the implementation of the section 1206 authority.

The conferees note that the Department of Defense is authorized to use up to \$100.0 million under the section 1206 program to build the capacity of foreign military forces to participate in or support stabilization operations in which the United States Armed Forces are a participant, including building the capabilities of special operations forces. Separately, the conferees note that the North Atlantic Treaty Organization (NATO) special operations forces are making important contributions to Operation Enduring Freedom (OEF). The conferees support the President's fiscal year 2012 base budget request of \$28.7 million in the Army Operation and Maintenance account for the NATO Special Operations Headquarters (NSHQ) and believe that nothing in this Act precludes the Secretary of Defense from supporting the activities of the NSHQ using Overseas Contingency Operations funding for OEF in fiscal year 2012. The conferees encourage the Secretary of Defense to submit to the Committees on Armed Services of the Senate and the House of Representatives a legislative proposal for fiscal year 2013 that would authorize necessary and recurring Department of Defense support for the NSHQ in future years.

*Two-year extension of authorization for non-conventional assisted recovery capabilities (sec. 1205)*

The House bill contained a provision (sec. 1203) that would extend the authority of the Department of Defense to establish, develop, and maintain non-conventional assisted recovery capabilities through 2016.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would extend the authority through 2013 and modify the notification and reporting requirements associated with the authority. The required report will be submitted to the congressional defense committees as part of the recurring classified quarterly report required by section 8062 of the Department of Defense and Full-Year Continuing Appropriations Act, 2011 (Public Law 112-10), section 8060 of H.R.2219 the Department of Defense Appropriations Act, 2012, as passed in the House of Representatives, and section 8060 of H.R.2219 the Department of Defense Appropriations Act, 2012, as reported in the Senate.

*Support of foreign forces participating in operations to disarm the Lord's Resistance Army (sec. 1206)*

The Senate amendment contained a provision (sec. 1209) that would—pursuant to the Lord's Resistance Army Disarmament and Northern Uganda Recovery Act of 2009 (Public Law 111-172)—authorize, for 2 fiscal years, the Department of Defense to obligate not more than \$35.0 million in each fiscal year in

operation and maintenance funding to provide logistical support, services and supplies, and intelligence support to: (1) the national military forces of Uganda participating in operations to mitigate or eliminate the threat posed by the Lord's Resistance Army (LRA); and (2) the national military forces of any other countries determined by the Secretary of Defense, with the concurrence of the Secretary of State, to be participating in operations to mitigate or eliminate the threat posed by the LRA.

The House bill contained no similar provision.

The House recedes with an amendment that would: strike intelligence support and limit the authority to the provision of logistical support, services, and supplies to foreign forces; modify the notification to Congress to 15 days prior to utilizing this authority; and strike the quarterly reporting requirement.

*Global Security Contingency Fund (sec. 1207)*

The House bill contained a provision (sec. 1204) that would authorize the Secretary of State, with the concurrence of the Secretary of Defense, to establish a fund, to be known as the Global Security Contingency Fund (GSCF), to provide assistance to a foreign country to enhance the capabilities of that country's military forces and other security forces. The provision would limit the amount of funds that could be contributed to the fund to not more than \$300.0 million for each of the fiscal years 2012 through 2015. The provision would also require the Secretary of State, with the concurrence of the Secretary of Defense, to notify Congress not less than 15 days before initiating a program under the GSCF.

The Senate amendment contained a similar provision (sec. 1207) that would establish the GSCF to be used to provide assistance to a foreign country to build the capabilities of the country's military and other security forces and to enhance the justice sector, rule of law programs, and stabilization efforts under conditions of conflict or instability. The provision would limit the total amount of funds appropriated and transferred to the Fund in any fiscal year to not more than \$300.0 million.

The House recedes with an amendment that would limit the total amount that the Department of Defense may transfer into the GSCF in any fiscal year to \$200.0 million. The provision would also provide authority during the period prior to when the processes for implementing the GSCF authority are fully operational for the Secretary of Defense to provide assistance to certain security forces of Yemen and of countries in the Horn of Africa or participating in the African Union Mission in Somalia to conduct counterterrorism operations. The total amount of funds available for activities under these transitional authorities and the GSCF authority may not exceed \$350.0 million during fiscal year 2012. In addition, the total amount of funds available under the GSCF authority for any fiscal year after fiscal year 2012 would be limited to \$300.0 million.

Subtitle B—Matters Relating to Iraq, Afghanistan, and Pakistan

*Extension and modification of logistical support for coalition forces supporting operations in Iraq and Afghanistan (sec. 1211)*

The Senate amendment contained a provision (sec. 1221) that would extend for 1 year the authority under section 1234 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110-181), as amended,

to provide logistical support for coalition forces supporting operations in Iraq and Afghanistan.

The House bill contained no similar provision.

The House recedes with a technical amendment.

*One-year extension of authority to transfer defense articles and provide defense services to the military and security forces of Iraq and Afghanistan (sec. 1212)*

The Senate amendment contained a provision (sec. 1222) that would extend for 1 year, through December 31, 2012, the authority under section 1234 of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111-81; 123 Stat. 2533), as amended, to transfer defense articles being withdrawn from Iraq to the Iraq security forces or the Afghanistan security forces, and to provide defense services in connection with the transfer of those defense articles.

The House bill contained no similar provision.

The House recedes.

*One-year extension of authority for reimbursement of certain coalition nations for support provided to United States military operations (sec. 1213)*

The House bill contained a provision (sec. 1213) that would extend for 1 year the authority under section 1233 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110-181), as amended, for the Secretary of Defense to reimburse key cooperating nations for support provided to or in connection with U.S. military operations in Operation Enduring Freedom ("Coalition Support Fund" authority). The total amount of reimbursements authorized under this section during fiscal year 2012 would be limited to \$1.6 billion.

The Senate amendment contained a similar provision (sec. 1226) that would extend the Coalition Support Fund authority for 1 year and limit the total amount of reimbursements authorized for fiscal year 2012 to \$1.75 billion.

The House recedes with an amendment that would limit the total amount of Coalition Support Fund reimbursements for fiscal year 2012 to \$1.69 billion.

*Limitation on funds to establish permanent military installations or bases in Iraq and Afghanistan (sec. 1214)*

The House bill contained a provision (sec. 1218) that would prohibit the use of funds authorized to be appropriated by this Act to establish any military installation or base for the purpose of providing for permanently stationing United States Armed Forces in Iraq or Afghanistan.

The Senate amendment contained no similar provision.

The Senate recedes.

*Authority to support operations and activities of the Office of Security Cooperation in Iraq (sec. 1215)*

The House bill contained a provision (sec. 1216) that would authorize the Secretary of Defense to use funds available to the Department of Defense (DOD) to support the operations and activities of the Office of Security Cooperation in Iraq (OSC-I), including life support, transportation and personal security, and facilities renovation and construction.

The Senate amendment contained a similar provision (sec. 1228) that would authorize the use of DOD funds to support the operations and activities of the OSC-I and security assistance teams. The provision would

limit the total amount of funds available for these purposes to \$524.0 million.

The House recedes with an amendment that would clarify the Senate provision and require a report by the Secretary of Defense, not later than 180 days after the date of enactment of this Act, on the activities of the OSC-I.

*One-year extension of authority to use funds for reintegration activities in Afghanistan (sec. 1216)*

The House bill contained a provision (sec. 1086) that would provide a 1 year extension of the authority under section 1216 of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (Public Law 111-383) to use up to \$50.0 million to support a program for the reintegration of former insurgent fighters into Afghan society.

The Senate amendment contained a similar provision (sec. 1224).

The House recedes.

*Authority to establish a program to develop and carry out infrastructure projects in Afghanistan (sec. 1217)*

The House bill contained a provision (sec. 1211) that would provide a 1 year extension of the authority under section 1217 of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (Public Law 111-383) for a program to develop and carry out infrastructure projects in Afghanistan, to be funded by the Afghanistan Infrastructure Fund (AIF). The provision would authorize up to \$475.0 million for the AIF.

The Senate amendment contained a similar provision (sec. 1225) that would provide up to \$400.0 million for the AIF.

The Senate recedes with an amendment that would authorize up to \$400.0 million for the AIF and make technical changes.

*Two-year extension of certain reports on Afghanistan (sec. 1218)*

The House bill contained a provision (sec. 1223) that would extend through the end of fiscal year 2014 the requirement under section 1230 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110-181; 122 Stat. 385) for a report on the progress toward security and stability in Afghanistan.

The Senate amendment contained a provision (sec. 1227) that would extend through the end of fiscal year 2014 the requirement to provide a report under section 1230 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110-181; 122 Stat. 385) and the requirement under section 1231 of that Act to provide a report on the long-term plan for sustaining the Afghanistan National Security Forces.

The House recedes.

*Limitation on availability of amounts for reintegration activities in Afghanistan (sec. 1219)*

The House bill contained a provision (sec. 1219) that would permit no more than 75 percent of amounts available for the Afghanistan Infrastructure Fund for fiscal year 2012 to be used to assist the Government of Afghanistan unless the Secretary of Defense, in consultation with the Secretary of State, certifies to Congress that women in Afghanistan are an integral part of the reconciliation process between the Government of Afghanistan and the Taliban.

The Senate amendment contained no similar provision.

The House recedes with an amendment that would restrict the availability of more than 50 percent of the funds authorized for a program of reintegration under another sec-

tion of this title unless the certification under this provision is made.

*Extension and modification of Pakistan Counterinsurgency Fund (sec. 1220)*

The House bill contained a provision (sec. 1214) that would extend for 1 year the authority under section 1224 of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111-84; 123 Stat. 2521), as amended, regarding the use of the Pakistan Counterinsurgency Fund (PCF) to build the capabilities of the Pakistan security forces. The provision would also restrict the amount of PCF funds that could be obligated in a fiscal year to not more than 25 percent of funds appropriated or transferred to the PCF until a report is submitted to Congress on the strategy for utilizing the PCF and metrics for measuring progress.

The Senate amendment contained a provision (sec. 1223) that would extend the authority regarding the use of the PCF for 1 year.

The Senate recedes with an amendment that would allow up to 40 percent of amounts appropriated or transferred to the PCF during fiscal year 2012 to be obligated prior to the submission of the report to Congress on a strategy and metrics for the PCF. The amendment would also require the report to include a strategy for enhancing Pakistan's efforts to counter improvised explosive devices (IED) and information on whether Pakistan is making significant efforts to implement a strategy to counter IEDs.

The conferees encourage the Secretary of Defense to make available a copy of the report required under this section to the Select Committee on Intelligence of the Senate and the Permanent Select Committee on Intelligence of the House of Representatives.

*Benchmarks to evaluate the progress being made toward the transition of security responsibilities for Afghanistan to the Government of Afghanistan (sec. 1221)*

The Senate amendment contained a provision (sec. 1229) that would require the President to set benchmarks for evaluating progress being made in Afghanistan toward transitioning and transferring lead responsibility for security to the Government of Afghanistan, and to report regularly to Congress on those benchmarks. The provision would also require the President to develop a transition plan for expediting the drawdown of U.S. troops and accelerating the transfer of authority to the Government of Afghanistan.

The House bill contained no similar provision.

The House recedes with an amendment that would require the President to establish and update regularly options to accelerate the expansion of the capacity of Afghan National Security Forces with the goals of enabling the Government of Afghanistan to assume lead security responsibility, achieving U.S. national security objectives in Afghanistan, and enabling the United States to move to an enduring partnership with Afghanistan. The provision would also require the President to establish benchmarks to evaluate progress toward these goals and regularly report to Congress on those benchmarks.

Subtitle C—Reports and Other Matters

*Report on Coalition Support Fund reimbursements to the Government of Pakistan for operations conducted in support of Operation Enduring Freedom (sec. 1231)*

The Senate amendment contained a provision (sec. 1231) that would require the Secretary of Defense to submit a report to the congressional defense committees and the

Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives assessing the effectiveness of Coalition Support Fund reimbursements to the Government of Pakistan for operations conducted in support of Operation Enduring Freedom.

The House bill contained no similar provision.

The House recedes with a clarifying amendment.

*Review and report on Iran's and China's conventional and anti-access capabilities (sec. 1232)*

The House bill contained a provision (sec. 1221) that would require the Secretary of Defense to appoint an entity outside the Department of Defense to conduct an independent review of gaps between Iran's and China's conventional and anti-access capabilities and the United States' capability to overcome them.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would direct the Comptroller General of the United States to conduct the review.

*Report on energy security of NATO alliance (sec. 1233)*

The House bill contained a provision (sec. 1222) that would require the Secretary of Defense to direct a federally funded research and development center (FFRDC) of the Department of Defense to assess the energy security of the North Atlantic Treaty Organization (NATO) alliance. The provision would also require the Secretary of Defense to report to Congress on the results of the assessment by the FFRDC.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would require the Secretary of Defense, in consultation with the Secretary of State and the Secretary of Energy, to report on the efforts by the Department of Defense, including within NATO, to address the energy security of the NATO alliance.

*Comptroller General of the United States report on the National Guard State Partnership Program (sec. 1234)*

The Senate amendment contained a provision (sec. 1242) that would direct the Comptroller General of the United States to conduct a review of the effectiveness of the National Guard State Partnership Program and provide the results of the review to the Committees on Armed Services of the Senate and the House of Representatives no later than March 31, 2012.

The House bill contained no similar provision.

The House recedes.

*Man-portable air-defense systems originating from Libya (sec. 1235)*

The Senate amendment contained a provision (sec. 1243) that would direct the Intelligence Community to complete an intelligence assessment of the disposition of man-portable air-defense systems (MANPADS) in Libya. Following the completion of the intelligence assessment, the provision would require the President to develop a strategy to reduce and mitigate the threat posed from MANPADS.

The House bill contained no similar provision.

The House recedes.

*Report on military and security developments involving the Democratic People's Republic of Korea (sec. 1236)*

The House bill contained a provision (sec. 1224) that would require the Secretary of Defense to report on military and security developments in North Korea. The provision

would require two reports: one due on March 1, 2012, and the other due on March 1, 2013.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would require a single report, due to specified committees of the Senate and the House of Representatives on November 1, 2012.

*Sense of Congress on non-strategic nuclear weapons and extended deterrence policy (sec. 1237)*

The House bill contained a provision (sec. 1230) that would prohibit any action from being taken to effect or to implement the reduction, consolidation, or withdrawal of nuclear forces of the United States that are based in Europe. The provision included two exceptions to this prohibition. First, the reduction, consolidation, or withdrawal of such nuclear forces would be allowed if such action is requested by the government of the host nation. Second, an exception would be allowed if the President certifies that North Atlantic Treaty Organization (NATO) member states have considered the reduction, consolidation, or withdrawal within the NATO High Level Group; that NATO has decided to support the reduction, consolidation, or withdrawal; and that the remaining nuclear forces of the United States that are based in Europe after such reduction, consolidation, or withdrawal would provide a commensurate or better level of assurance and credibility as before. The provision would require that upon any decision to reduce, consolidate, or withdraw nuclear forces of the United States from Europe, the President must submit to the appropriate congressional committees a notification of the certification described above. The certification must contain a justification for the reduction and an assessment of how NATO member states, in light of such action, assess the credibility of the deterrence capability of the United States in support of its commitments under article 5 of the North Atlantic Treaty of 1949. This provision would require the expiration of a 180 day wait period beginning on the date that the President makes the certification described above before the President may commence a reduction, consolidation, or withdrawal.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would express the sense of Congress on non-strategic nuclear weapons and extended deterrence policy. It states that if the United States pursues arms control negotiations with the Russian Federation, such negotiations should be aimed at the reduction of Russian deployed and non-deployed non-strategic nuclear weapons and increased transparency of such weapons. It also states that for the purposes of such negotiations, non-strategic nuclear weapons should be considered when weighing the balance of the nuclear forces of the United States and Russia and that geographical relocation and consolidated or centralized storage of non-strategic nuclear weapons by Russia should not be considered a reduction or elimination of such weapons.

Regarding extended deterrence, the provision states that it is the sense of Congress that the commitment of the United States to extended deterrence in Europe and the nuclear alliance of NATO is an important component of ensuring and linking the national security of the United States and its European allies. Finally, it would express the sense of Congress that the nuclear forces of the United States are a key component of

the NATO nuclear alliance and that the presence of United States nuclear weapons in Europe—combined with NATO's unique nuclear sharing arrangements under which non-nuclear members participate in nuclear planning and possess specially configured aircraft capable of delivering nuclear weapons—provides reassurance to NATO allies who feel exposed to regional threats.

*Annual report on Military and Security Developments Involving the People's Republic of China (sec. 1238)*

The House bill contained a provision (sec. 1227) that would further amend subsection (b) of section 1202 of the National Defense Authorization Act for Fiscal Year 2000 (Public Law 106-65) to include additional information in the annual report to Congress and to change the title of the report.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would retain the current title of the report.

*Report on expansion of participation in Euro-NATO Joint Jet Pilot Training Program (sec. 1239)*

The House bill contained a provision (sec. 1232) that would require the Secretary of the Air Force, in consultation with the Secretary of State, to submit a report to Congress on the desirability and feasibility of expanding the participation of foreign countries in the Euro-NATO Joint Jet Pilot Training (ENJJPT) program.

The Senate amendment contained no similar provision.

The Senate recedes with a clarifying amendment that would require the Secretary of Defense, in consultation with the Secretary of State, to submit a report on expanding the ENJJPT program. The conferees encourage the Secretary of Defense also to consult with the Secretary of the Air Force in preparing the report required under this section.

*Report on Russian nuclear forces (sec. 1240)*

The House bill contained a provision (sec. 1235) that would require the Secretary of Defense, in coordination with the Director of National Intelligence, to submit a report to the appropriate congressional committees not later than March 1, 2013, on the nuclear forces of the Russian Federation and the New START Treaty. The provision would require the report to include an assessment of the number of nuclear warheads and delivery vehicles relative to New START levels by 2017 and by 2022; options with respect to the size and composition of Russian nuclear forces that Russia is considering; factors that are likely to influence the number and composition of Russian nuclear forces; and effects of shifts in the number and composition of Russian nuclear forces on strategic stability. The report would be required to be submitted in unclassified form, but may include a classified annex.

The Senate amendment contained no similar provision.

The Senate recedes with a technical amendment.

The conferees note that if information that addresses this requirement already exists, the Secretary need only provide the committees listed in this section with this information to fulfill the requirement of this section.

*Report on progress of the African Union in operationalizing the African Standby Force (sec. 1241)*

The Senate amendment contained a provision (sec. 1241) that would direct the Under

Secretary of Defense for Policy to provide a report to the Committees on Armed Services of the Senate and the House of Representatives on progress of the African Union in operationalizing the African Standby Force. This report shall be provided no later than 180 days after the date of enactment of this Act.

The House bill contained no similar provision.

The House recedes.

*Defense Cooperation with Republic of Georgia (sec. 1242)*

The Senate amendment contained a provision (sec. 1244) that would require the President to develop and submit to Congress a plan for the normalization of U.S. defense cooperation with the Republic of Georgia, including the sale of defensive arms.

The House bill contained no similar provision.

The House recedes with a clarifying amendment.

The conferees understand normalization of U.S. defense cooperation to mean strengthening the Republic of Georgia's capacity to provide for its own self-defense, including through the U.S. sale of defensive arms, and continuing to enhance the ability of the United States and the Republic of Georgia to meet common international defense objectives in partnership together, including regional security.

*Prohibition on procurements from Communist Chinese military companies (sec. 1243)*

The House bill contained a provision (sec. 1234) that would amend section 1211 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109-163) by adjusting the waiver provision and modifying the definition of Communist Chinese military company.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would only adjust the waiver provision.

*Sharing of classified United States ballistic missile defense information with the Russian Federation (sec. 1244)*

The House bill contained a provision (sec. 1228) that would prohibit the availability of funds made available to carry out this Act from being used to provide sensitive ballistic missile defense technology or data of the United States to the Russian Federation. The provision would also limit the availability of funds to provide other ballistic missile defense technology or data of the United States to the Russian Federation unless the President submits a report and a certification, not less than 30 days in advance, to the appropriate congressional committees.

The Senate amendment contained a related provision (sec. 233) that would state it is the sense of Congress that it is in the national security interests of the United States to pursue efforts at missile defense cooperation with Russia that would enhance security, including the sharing of classified United States information. The provision would also require a report on the status of such efforts.

The conferees agree to a provision that would require that no classified United States ballistic missile defense information may be provided to the Russian Federation unless, 60 days prior to any instance in which the United States Government plans to provide such information to the Russian Federation, the President provides notification to the appropriate congressional committees. The provision would specify the elements required of each such notification.



*Imposition of sanctions with respect to the financial sector of Iran (sec. 1245)*

The Senate amendment contained a provision (sec. 1245) that would require the imposition of sanctions with respect to the financial sector of Iran, including the Central Bank of Iran.

The House bill contained no similar provision.

The House recedes with an amendment that would: (1) permit the President—in addition to prohibiting—to impose strict conditions on the maintaining of a correspondent account or payable-through account by a foreign financial institution that has dealings with the Central Bank of Iran; (2) add the Secretary of State and the Director of National Intelligence to the report required with respect to petroleum sanctions; (3) modify the Presidential waiver to a national security interest waiver; and (4) provide the President with the authority to implement and enforce penalties associated with the provision.

The conferees intend that implementation be undertaken to conform with the timelines established by this section.

LEGISLATIVE PROVISIONS NOT ADOPTED

*Conditional extension and modification of authority to build the capacity of counterterrorism forces of Yemen*

The Senate amendment contained a provision (sec. 1204) that would extend, for 1 fiscal year, the authority of the Secretary of Defense, with the concurrence of the Secretary of State, to build the capacity of the Yemen Ministry of Interior counterterrorism forces if the Secretary of Defense and Secretary of State jointly certify that such activities are important to the national security interests of the United States. The provision would also require the Secretary of Defense and Secretary of State to provide a report with the certification that would provide the reasons the administration deemed the delivery of such assistance and assistance provided to Yemen's national military forces under section 1206 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109-163) important to the national security interests of the United States, as well as establish a 60-day "notice and wait" period for the provision of assistance. The provision would also permit the Department to expend not more than \$10.0 million per fiscal year on minor military construction projects outside of Sana'a—the capital of Yemen, and Sana'a Governorate.

The House bill contained no similar provision.

The Senate recedes.

The conferees integrated this provision into the global security contingency fund created under a different section of this Act as a transitional authority.

*Interagency working group on foreign police training*

The House bill contained a provision (sec. 1206) that would establish an interagency working group to monitor, coordinate, and unify foreign police training, projects, and activities of various federal departments and agencies.

The Senate amendment contained no similar provision.

The House recedes.

The conferees note that the section 1235(c) of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (Public Law 111-383) required a "report on government police training and equipping programs." This report is due on January 7, 2012. The conferees look forward to reviewing this re-

port and considering future action on this matter.

*Authority to build the capacity of certain counterterrorism forces of East African countries*

The Senate amendment contained a provision (sec. 1208) that would authorize, for 2 fiscal years, the Secretary of Defense, with the concurrence of the Secretary of State to build the capacity of the national military forces, security agencies that serve a similar defense function, and border security forces of Djibouti, Ethiopia, and Kenya, and the national military forces of nations participating in the African Union Mission in Somalia for the purpose of conducting counterterrorism operations against al Qaeda, al Qaeda affiliates, and al Shabaab in East Africa.

The House bill contained no similar provision.

The Senate recedes.

The conferees integrated this provision into the global security contingency fund created under a different section of this Act as a transitional authority.

*Report on extension of United States-Iraq Status of Forces Agreement*

The House bill contained a provision (sec. 1215) that would require the Secretary of Defense to notify the congressional defense committees if the U.S. Government and the Government of the Republic of Iraq complete an agreement to permit the United States to retain a force presence in Iraq above that envisioned for the Office of Security Cooperation-Iraq.

The Senate amendment contained no similar provision.

The House recedes.

*Report on United States military strategy in Afghanistan in light of the Death of Osama Bin Laden*

The House bill contained a provision (sec. 1217) that would require the Secretary of Defense to submit a report to the congressional defense committees on the U.S. military strategy in Afghanistan, including any changes to that strategy in light of the death of Osama bin Laden.

The Senate amendment contained no similar provision.

The House recedes.

*National security risk assessment of United States federal debt owned by the People's Republic of China*

The House bill contained a provision (sec. 1225) that would require the Secretary of Defense, in consultation with the Director of National Intelligence, to conduct an assessment of the national security risks posed to the United States and its allies as a result of the debt owed to China.

The Senate amendment contained no similar provision.

The House recedes.

The conferees direct the Secretary of Defense to provide an assessment of the national security risks posed to the United States as a result of the United States federal debt owed to China as a creditor of the United States Government and the implications of that debt for the United States military. The assessment shall include a description of the United States federal debt liabilities owed to China as a creditor of the United States and a discussion of any options available to China for deterring United States military freedom of action in the western Pacific as a result of this debt. This assessment shall be provided not later than 120 days after enactment of this Act, should

be provided in written form to the Committees on Armed Services of the Senate and the House of Representatives, and may contain a classified annex if necessary. In preparing this assessment, the Secretary should consult with other members of the Executive Branch, as necessary, including the Director of National Intelligence.

*Congressional notification requirement before permanent relocation of any United States military unit stationed outside the United States*

The House bill contained a provision (sec. 1226) that would require the Secretary of Defense, prior to relocating any military unit stationed outside the United States, to submit to Congress a written notification and detailed report relating to the planned relocation.

The Senate amendment contained no similar provision.

The House recedes.

*International agreements relating to missile defense*

The House bill contained a provision (sec. 1229) that would establish policy and conditions related to international agreements relating to limitations on the missile defense capabilities of the United States.

The Senate amendment contained no similar provision.

The House recedes.

*Certification requirement regarding efforts by Government of Pakistan to implement a strategy to counter improvised explosive devices*

The Senate amendment contained a provision (sec. 1230) that would provide that prior to the use of funds from the Pakistan Counterinsurgency Fund, the Secretary of Defense, in consultation with the Secretary of State, should certify to the congressional defense committees and the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives that the Government of Pakistan is demonstrating a continuing commitment to and making significant efforts towards the implementation of a strategy to counter improvised explosive devices (IED).

The House bill contained no similar provision.

The Senate recedes.

The conferees note that the report required under another section of this title to be submitted in connection with the use of the Pakistan Counterinsurgency Fund includes a requirement for a strategy to enhance the efforts of Pakistan to counter IEDs and information on whether Pakistan is demonstrating a continuing commitment to and making significant efforts toward implementing a strategy to counter IEDs.

*Rule of construction relating to the situation in Libya*

The House bill contained a provision (sec. 1231) that would conclude that nothing in the House bill shall be construed to authorize military operations in Libya.

The Senate amendment contained no similar provision.

The House recedes.

*Report on long-term costs of Operation Iraqi Freedom, Operation Enduring Freedom, and Operation Odyssey Dawn*

The House bill contained a provision (sec. 1233) that would require the President to report to Congress containing an estimate of the long-term costs of Operation Iraqi Freedom, Operation Enduring Freedom, and Operation Odyssey Dawn.

The Senate amendment contained no similar provision.

The House recedes.

*Prohibition on United States ground combat presence in Libya*

The House bill contained a provision (sec. 1236) that would prohibit the presence of ground combat troops in Libya.

The Senate amendment contained no similar provision.

The House recedes.

*Repeal of the United States Institute of Peace Act*

The House bill contained a provision (sec. 1237) that would repeal the United States Institute of Peace Act (title XVII of Public Law 98-525; 22 U.S.C. 4601 et seq.).

The Senate amendment contained no similar provision.

The House recedes.

**TITLE XIII—COOPERATIVE THREAT REDUCTION**  
*Specification of Cooperative Threat Reduction programs and funds (sec. 1301)*

The House bill contained a provision (sec. 1301) that would define the programs and funds that are Cooperative Threat Reduction (CTR) programs and funds as those authorized to be appropriated in section 301 of this Act and specify that CTR funds shall remain available for obligation for 3 fiscal years.

The Senate amendment contained an identical provision.

The conference agreement includes the provision.

*Funding allocations (sec. 1302)*

The House bill contained a provision (sec. 1302) that would provide specific amounts for each program element under the Department of Defense Cooperative Threat Reduction (CTR) Program from within the overall \$508.2 million that the committee would authorize for the CTR program, require notification to Congress 15 days before the Secretary of Defense obligates and expends fiscal year 2012 funds for purposes other than those specifically authorized, and provide limited authority to obligate amounts for a program element under the CTR program in excess of the amount specifically authorized for that purpose.

The Senate amendment contained an identical provision (sec. 1302).

The conference agreement includes this provision.

*Limitation on availability of funds for cooperative biological engagement program (sec. 1303)*

The House bill contained a provision (sec. 1303) that would limit funds that may be obligated or expended for fiscal year 2012 for the cooperative biological engagement program (CBEP) to not more than 75 percent of the amounts authorized or otherwise available, until the date on which the Secretary of Defense submits to the appropriate congressional committees an analysis of the effectiveness of CBEP, a certification that CBEP results in changed practices and threat reduction, or a detailed list of policy and program recommendations considered by the Secretary to be necessary to modify, expand, or curtail CBEP.

The Senate amendment contained no similar provision.

The House recedes with an amendment that would limit the amount to be obligated to not more than 80 percent.

*Limitation on use of funds for establishment of centers of excellence in countries outside of the former Soviet Union (sec. 1304)*

The Senate amendment contained a provision (sec. 1303) that would prohibit the Sec-

retary of Defense from obligating or expending more than \$0.5 million of Cooperative Threat Reduction (CTR) funds to establish a center of excellence in any country outside of the former Soviet Union (FSU) until such time as the Secretary of Defense submits to the congressional defense committees a report on the particular center to be established. The report shall identify the country where the center would be established, the purpose for which the center would be used, the agreement under which the center would operate, and the funding plan for the center including any cost sharing arrangement.

The House bill contained no similar provision.

The House recedes.

**TITLE XIV—OTHER AUTHORIZATIONS**

**Subtitle A—Military Programs**

*Working capital funds (sec. 1401)*

The House bill contained a provision (sec. 1401) that would authorize appropriations for fiscal year 2012 for working capital and revolving funds.

The Senate amendment contained a similar provision (sec. 1401).

The Senate recedes.

*National Defense Sealift Fund (sec. 1402)*

The House bill contained a provision (sec. 1402) that would authorize appropriations for fiscal year 2012 for the National Defense Sealift Fund.

The Senate amendment contained a similar provision (sec. 1402).

The Senate recedes.

*Chemical agents and munitions destruction, defense (sec. 1403)*

The House bill contained a provision (sec. 1403) that would authorize appropriations for fiscal year 2012 for chemical agents and munitions destruction, defense.

The Senate amendment contained a similar provision (sec. 1404).

The Senate recedes.

*Drug interdiction and counterdrug activities, defense-wide (sec. 1404)*

The House bill contained a provision (sec. 1404) that would authorize appropriations for fiscal year 2012 for drug interdiction and counterdrug activities, defense-wide.

The Senate amendment contained a similar provision (sec. 1405).

The Senate recedes.

*Defense Inspector General (sec. 1405)*

The House bill contained a provision (sec. 1405) that would authorize appropriations for fiscal year 2012 for the Office of the Inspector General of the Department of Defense.

The Senate amendment contained a similar provision (sec. 1406).

The Senate recedes.

*Defense Health Program (sec. 1406)*

The House bill contained a provision (sec. 1406) that would authorize appropriations for fiscal year 2012 for the Defense Health Program.

The Senate amendment contained a similar provision (sec. 1403).

The Senate recedes.

**Subtitle B—National Defense Stockpile**

*Authorized uses of National Defense Stockpile funds (sec. 1411)*

The House bill contained a provision (sec. 1411) that would authorize \$50.1 million from the National Defense Stockpile Transaction fund for the operation and maintenance of the National Defense Stockpile for fiscal year 2012. This provision would also permit the use of additional funds for extraordinary or emergency conditions 45 days after congressional notification.

The Senate amendment contained an identical provision (sec. 1411).

The conference agreement includes this provision.

*Revision to required receipt objectives for previously authorized disposals from the National Defense Stockpile (sec. 1412)*

The House bill contained a provision (sec. 1412) that would amend section 3402(b)(5) of the National Defense Authorization Act for Fiscal Year 2000 (Public Law 106-65), as amended, to increase the Department of Defense stockpile commodity disposal authority from \$730.0 million to \$830.0 million, and to extend this authority from 2013 to 2016.

The Senate amendment contained an identical provision.

The conference agreement includes this provision.

**Subtitle C—Other Matters**

*Authorization of appropriations for Armed Forces Retirement Home (sec. 1421)*

The House bill contained a provision (sec. 1431) that would authorize \$67.7 million to be appropriated for the operation of the Armed Forces Retirement Home during fiscal year 2012.

The Senate amendment contained an identical provision (sec. 1421).

The conference agreement includes this provision.

*Authority for transfer of funds to Joint Department of Defense-Department of Veterans Affairs Medical Facility Demonstration Fund for Captain James A. Lovell Health Care Center, Illinois (sec. 1422)*

The House bill contained a provision (sec. 1432) that would authorize the Secretary of Defense to transfer \$135.6 million from the Defense Health Program to the Joint Department of Defense-Department of Veterans Affairs Medical Facility Demonstration Fund created by section 1704 of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111-84).

The Senate amendment contained a similar provision (sec. 1431).

The Senate recedes.

**Legislative Provisions Not Adopted**

*Changes to management organization to the Assembled Chemical Weapons Alternative program*

The House bill contained a provision (sec. 1421) that would amend section 1412(g)(2) of the Department of Defense Authorization Act, 1986 (50 U.S.C. 1521) to eliminate the requirement for the program manager for the Assembled Chemical Weapons Alternative (ACWA) program to act independently of the Army program manager for Chemical Demilitarization and to report to the Under Secretary of Defense for Acquisition, Technology, and Logistics. The provision would also require the Assistant Secretary of Defense for Nuclear, Chemical, and Biological Defense Programs to provide a briefing on ways that lessons learned from Army Chemical Materials Agency operations could be applied to the ACWA program.

The Senate amendment contained no similar provision.

The House recedes.

The conferees agree that the Army Chemical Materials Agency has developed great expertise in the demilitarization of chemical weapons that could be highly beneficial to the ACWA program. The conferees expect the Department of Defense to assess and, to the extent practicable, implement opportunities to leverage such expertise to maximize ACWA program effectiveness, without changing the management structure for the ACWA program.

*Amendment of Armed Forces Retirement Home Act of 1991*

The Senate amendment contained a provision (sec. 1422) that would clarify that any amendments or repeals in this Act made in reference to the Armed Forces Retirement Home be considered to be made to a section or other provision of the Armed Forces Retirement Home Act of 1991 (title XI of Public Law).

The House bill contained no similar provision.

The Senate recedes.

*Annual validation of multiyear accreditation*

The Senate amendment contained a provision (sec. 1423) that would require the Chief Operating Officer of the Armed Forces Retirement Home, if accreditation is granted to the Home for more than 1 year, to seek validation of the accreditation for every year that the Department of Defense Inspector General does not conduct an inspection of the Home.

The House bill contained no similar provision.

The Senate recedes.

*Mission force enhancement transfer fund*

The House bill contained a provision (sec. 1433) that would: (1) establish a fund known as the "Mission Force Enhancement Transfer Fund"; (2) authorize \$348.3 million for the Fund, consisting of the amount of funds not needed to carry out projects identified elsewhere in the bill; and (3) define the purposes for which the Secretary of Defense could make transfers from the Fund.

The Senate amendment contained no similar provision.

The House recedes.

**TITLE XV—AUTHORIZATION OF ADDITIONAL APPROPRIATIONS FOR OPERATION IRAQI FREEDOM AND OPERATION ENDURING FREEDOM**

**Subtitle A—Authorization of Additional Appropriations**

*Purpose (sec. 1501)*

The House bill contained a provision (sec. 1501) stating the purpose of the title.

The Senate amendment contained an identical provision (sec. 1501).

The conference agreement includes this provision.

*Procurement (sec. 1502)*

The House bill contained a provision (sec. 1502) authorizing additional appropriations for procurement.

The Senate amendment contained an identical provision (sec. 1502).

The conference agreement includes this provision.

*Research, development, test, and evaluation (sec. 1503)*

The House bill contained a provision (sec. 1503) authorizing additional appropriations for research, development, test, and evaluation.

The Senate amendment contained an identical provision (sec. 1503).

The conference agreement includes this provision.

*Operation and maintenance (sec. 1504)*

The House bill contained a provision (sec. 1504) authorizing additional appropriations for operation and maintenance.

The Senate amendment contained an identical provision (sec. 1504).

The conference agreement includes this provision.

*Military personnel (sec. 1505)*

The House bill contained a provision (sec. 1505) authorizing additional appropriations for military personnel.

The Senate amendment contained a similar provision (sec. 1505).

The Senate recedes.

*Working capital funds (sec. 1506)*

The House bill contained a provision (sec. 1506) authorizing additional appropriations for Working Capital Funds.

The Senate amendment contained a similar provision (sec. 1506).

The Senate recedes.

*Defense Health Program (sec. 1507)*

The House bill contained a provision (sec. 1507) authorizing additional appropriations for the Defense Health Program.

The Senate amendment contained a similar provision (sec. 1507).

The Senate recedes.

*Drug Interdiction and Counter-Drug Activities, Defense-wide (sec. 1508)*

The House bill contained a provision (sec. 1508) authorizing additional appropriations for drug interdiction and counterdrug activities, defense-wide.

The Senate amendment contained a similar provision (sec. 1508).

The Senate recedes.

*Defense Inspector General (sec. 1509)*

The House bill contained a provision (sec. 1509) authorizing additional appropriations for the Defense Inspector General.

The Senate amendment contained a similar provision (sec. 1509).

The Senate recedes.

**Subtitle B—Financial Matters**

*Treatment as additional authorizations (sec. 1521)*

The House bill contained a provision (sec. 1521) stating that the amounts authorized to be appropriated by this title are in addition to amounts otherwise authorized to be appropriated by this Act.

The Senate amendment contained an identical provision (sec. 1521).

The conference agreement includes this provision.

*Special transfer authority (sec. 1522)*

The House bill contained a provision (sec. 1522) that would provide the Department with special transfer authority totaling \$3.0 billion in fiscal year 2012.

The Senate amendment contained a similar provision (sec. 1522) that would provide the Department with \$4.0 billion in special transfer authority.

The House recedes.

**Subtitle C—Limitations and Other Matters**  
*Joint Improvised Explosive Device Defeat Fund (sec. 1531)*

The House bill contained a provision (sec. 141) that would authorize various transfer authorities and associated activities for the Joint Improvised Explosive Device Defeat Fund.

The Senate amendment contained no similar provision.

The Senate recedes.

*Continuation of prohibition on use of United States funds for certain facilities projects in Iraq (sec. 1532)*

The House bill contained a provision (sec. 1532) that would apply the prohibitions of section 1508(a) of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110-417) to funds authorized to be appropriated by this title.

The Senate amendment contained no similar provision.

The Senate recedes.

*Availability of funds in Afghanistan Security Forces Fund (sec. 1533)*

The House bill contained a provision (sec. 1531) that would extend for fiscal year 2012

the application of the existing limitations on the use of the Afghanistan Security Forces Fund (ASFF) under section 1513 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110-181; 122 Stat. 428), as amended. The provision would also authorize the use of amounts in the ASFF for literacy instruction for Afghanistan Ministry of Defense personnel. In addition, the provision would withhold the availability of 25 percent of the funds for the ASFF during fiscal year 2012 unless the Secretary of Defense certified that sufficient contract management and oversight mechanisms were in place.

The Senate amendment contained a similar provision (sec. 1532) that would extend the existing limitations on the use of ASFF and authorize the use of ASFF amounts for literacy and vocational training for personnel of the Afghanistan Ministry of Defense and Ministry of Interior.

The House recedes with an amendment that would require the Secretary of Defense to certify to Congress not later than 180 days after the date of enactment of this Act that sufficient contract management and oversight mechanisms are in place in Afghanistan or report on the efforts of the Department of Defense to put those mechanisms in place.

*One-year extension of project authority and related requirements of Task Force for Business and Stability Operations in Afghanistan (sec. 1534)*

The House bill contained a provision (sec. 1533) that would extend for 1 year the authority under section 1535 of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (Public Law 111-383) for the Department of Defense Task Force for Business and Stability Operations (TFBSO) in Afghanistan. The provision would authorize up to \$75.0 million for the activities of the Task Force.

The Senate amendment contained a similar provision (sec. 1531) that would extend the authority for the TFBSO for 1 year and authorize up to \$150.0 million for its activities.

The Senate recedes with an amendment that would authorize up to \$150.0 million for the activities of the TFBSO. The amendment would also provide that funds remain available across fiscal years for Task Force activities that begin in one fiscal year but do not end until the following fiscal year. Additionally, the amendment would clarify the scope of projects that may be carried out by the TFBSO.

*Limitation on availability of funds for Trans Regional Web Initiative (sec. 1535)*

The Senate amendment contained a provision (sec. 1533) that would prohibit the Department of Defense from obligating or expending any funds for the Trans Regional Web Initiative until the Secretary of Defense makes several certifications to the Committees on Armed Services of the Senate and the House of Representatives related to the performance and cost effectiveness of the program.

The House bill contained no similar provision.

The House recedes.

*Report on lessons learned from Department of Defense participation on interagency teams for counterterrorism operations in Afghanistan and Iraq (sec. 1536)*

The Senate amendment contained a provision (sec. 1534) that would require the Secretary of Defense to submit to the congressional defense committees a report on the

lessons learned from Department of Defense participation on interagency teams for counterterrorism operations in Afghanistan and Iraq.

The House bill contained no similar provision.

The House recedes with an amendment that would require the Secretary of Defense to direct a federally funded research and development center to conduct an assessment on the lessons learned from interagency teams for counterterrorism operations in Afghanistan and Iraq and provide the report with his assessment and comments to the congressional defense committees not later than 1 year after the date of enactment of this Act.

#### DIVISION B—MILITARY CONSTRUCTION AUTHORIZATIONS

##### *Short title (sec. 2001)*

The House bill contained a provision (sec. 2001) that would designate division B of this Act as the Military Construction Authorization Act for Fiscal Year 2012.

The Senate amendment contained an identical provision (sec. 2001).

The conference agreement includes this provision.

##### *Expiration of authorizations and amounts required to be specified by law (sec. 2002)*

The House bill contained a provision (sec. 2002) that would ensure that the authorizations provided in titles XXI through XXVI shall expire on October 1, 2014, or the date of enactment of an act authorizing funds for military construction for fiscal year 2015, whichever is later.

The Senate amendment contained an identical provision (sec. 2002).

The conference agreement includes this provision.

#### Legislative Provisions Not Adopted

##### *Funding tables*

The Senate amendment contained a provision (sec. 2003) making the amounts authorized to be appropriated available in the amounts specified in the funding table in section 4501.

The House bill did not contain a similar provision.

The Senate recedes.

##### *Effective date*

The House bill contained a provision (sec. 2004) stating the date titles XXI through XXVII shall take effect.

The Senate amendment did not contain a similar provision.

The House recedes.

##### *Limitation on implementation of projects designated at various locations*

The House bill contained a provision (sec. 2003) that would limit the Department's ability to award a project authorized for various locations in titles XXI through XXVII.

The Senate amendment did not contain a similar provision.

The House recedes.

#### TITLE XXI—ARMY

##### *Authorized Army construction and land acquisition projects (sec. 2101)*

The House bill contained a provision (sec. 2101) that would authorize military construction projects for the active component of the Army for fiscal year 2012.

The Senate amendment contained a similar provision (sec. 2101).

The Senate recedes with a clarifying amendment.

The authorized amounts are listed in this provision on an installation-by-installation basis. A State list of projects contained in

the table in section 4601 of this Act provides the binding list of specific construction projects authorized at each location.

The budget request included an authorization of appropriations of \$31.0 million for the Department of the Army to construct road and infrastructure improvements at Fort Belvoir, Virginia to support the construction of the National Museum of the United States Army, which would be funded with private donations. The conferees agree to authorize \$25.0 million for infrastructure improvements to construct utilities for the new museum. The conferees have not included an authorization of appropriations for this project, since the Department of the Army has indicated that funds are available through unobligated balances as a result of bid savings for other military construction projects.

The conferees are concerned that the project must comply with statutes regarding the construction of complete and usable facilities. Therefore, the conferees have included a statutory provision that requires the Secretary of the Army to certify to the congressional defense committees prior to an award of a contract for the infrastructure project that sufficient funds from private donations have been raised and a construction contract has been awarded for the "baseline" museum. Finally, the conferees direct the Secretary of the Army to establish and maintain a clear and auditable separation of accounts between appropriations and private donations to ensure that the military construction appropriations are used only for the infrastructure and utilities up to the museum building exterior. The conferees agree that amounts appropriated for military construction should not be used to construct the museum.

The budget request included an authorization of appropriations of \$24.0 million for the Department of the Army to construct a vehicle maintenance facility at Fort Bliss, Texas and a separate request for \$14.6 million to construct infrastructure for the vehicle maintenance facility. The Senate amendment did not include the authorization of appropriations for these two projects.

The Department of the Army notified the conferees that a portion of infrastructure project was required to ensure that a separate Electronics Maintenance Facility included in the budget request would not be complete and usable without the infrastructure project. Therefore the conferees agree to authorize \$11.6 million for the infrastructure project.

The conferees direct the Secretary of the Army to ensure that the authorization for each military construction project in the budget request will include a scope of work that will result in a complete and useable facility without relying on the authorization of a separate project, even if that project is included in the same budget request.

The conferees are also concerned that the authorization of appropriations for a military construction project for infrastructure or utilities is considered by the United States Corps of Engineers to constitute a complete and usable facility even if the infrastructure or utilities do not service a military facility. The conferees do not agree with this interpretation of military construction statutes as it would permit the construction of 'infrastructure to nowhere' and a waste of taxpayer funds.

##### *Family housing (sec. 2102)*

The House bill contained a provision (sec. 2102) that would authorize new construction and planning and design of family housing

units for the Army for fiscal year 2012. It would also authorize funds for facilities that support family housing, including housing management offices and housing maintenance and storage facilities.

The Senate amendment contained a similar provision (sec. 2102).

The Senate recedes with a clarifying amendment.

##### *Improvements to military family housing units (sec. 2103)*

The House bill contained a provision (sec. 2103) that would authorize funding for fiscal year 2012 to improve existing family housing.

The Senate amendment contained a similar provision (sec. 2103).

The Senate recedes with a clarifying amendment.

##### *Authorization of appropriations, Army (sec. 2104)*

The House bill contained a provision (sec. 2104) that would authorize appropriations for the active component military construction and family housing projects of the Army for fiscal year 2012. This provision would also provide an overall limitation on the cost of the fiscal year 2012 military construction and family housing projects authorized for the active-duty component of the Army.

The Senate amendment contained a similar provision (sec. 2104).

The Senate recedes with a clarifying amendment.

##### *Modification of authority to carry out certain fiscal year 2009 project (sec. 2105)*

The House bill contained a provision (sec. 2105) that would amend the table in section 2101(a) of the Military Construction Authorization Act for Fiscal Year 2009 (division B of Public Law 110-417) to allow for a scope increase of a Multipurpose Training Range at Fort Benning, Georgia.

The Senate amendment contained an identical provision (sec. 2105).

The conference agreement includes the provision.

##### *Modification of authority to carry out certain fiscal year 2010 project (sec. 2106)*

The Senate amendment contained a provision (sec. 2106) that would modify the authority to carry out a certain fiscal year 2010 project.

The House bill did not contain a similar provision.

The House recedes.

##### *Modification of authority to carry out certain fiscal year 2011 projects (sec. 2107)*

The House bill contained a provision (sec. 2106) that would amend the table in section 2101(a) of the Military Construction Authorization Act for Fiscal Year 2011 (division B of Public Law 111-383) to allow for a scope increase in various projects.

The Senate amendment contained an identical provision (sec. 2107).

The conference agreement includes the provision.

##### *Additional authority to carry out certain fiscal year 2012 project (sec. 2108)*

The House bill contained a provision (sec. 2107) that provided the Secretary of the Army authorization to carry out a military construction project to construct a water treatment facility for Fort Irwin, California.

The Senate amendment contained a similar provision (sec. 2108).

The House recedes with a clarifying amendment.

##### *Extension of authorizations of certain fiscal year 2008 projects (sec. 2109)*

The House bill contained a provision (sec. 2108) that would extend the authorization for certain projects.

The Senate amendment contained a similar provision (sec. 2109).

The House recedes with a clarifying amendment.

*Extension of authorizations of certain fiscal year 2009 projects (sec. 2110)*

The House bill contained a provision (sec. 2109) that would extend the authorization for certain projects.

The Senate amendment contained an identical provision (sec. 2110).

The conference agreement includes the provision.

*Tour normalization (sec. 2111)*

The Senate amendment contained a provision (sec. 2113) that would prevent the obligation or expenditure of funds for tour normalization until certain conditions were met.

The House bill did not contain a similar provision.

The House recedes with a clarifying amendment.

The conferees note that the term, "tour normalization", refers to a proposal to allow all married service members to serve accompanied tours in Korea. Within tour normalization, unmarried or unaccompanied (no dependents authorized) members would serve 24 months and accompanied members would serve 36 months. Command sponsorship opportunities are not available to all service members and are controlled by U.S. Forces Korea. U.S. Forces Korea allocates command sponsorship based on the readiness contribution of stabilizing key leaders and critical skill positions for longer periods of time. Command sponsorship opportunity is contingent upon the availability of facilities and services and is currently capped at 4,645 positions across the peninsula, covering all services. The conferees' intent is to restrict the increase of command sponsorship opportunities above 4,645.

*Technical amendments to correct certain project specifications (sec. 2112)*

The House bill contained a provision (sec. 2110) that would make certain technical amendments to correct certain project specifications.

The Senate amendment contained a similar provision (sec. 2111).

The House recedes with a clarifying amendment.

*Reduction of Army military construction authorization (sec. 2113)*

The Senate amendment contained a provision (sec. 2112) that would reduce the Army's military construction authorization.

The House bill did not contain a similar provision.

The House recedes.

#### LEGISLATIVE PROVISION NOT ADOPTED

*Additional budget items relating to Army construction and land acquisition projects*

The House bill contained a provision (sec. 2111) authorizing the Secretary of the Army additional funding.

The Senate amendment did not contain a similar provision.

The House recedes.

#### TITLE XXII—NAVY

##### LEGISLATIVE PROVISIONS ADOPTED

*Authorized Navy construction and land acquisition projects (sec. 2201)*

The House bill contained a provision (sec. 2201) that would authorize military construction projects for the active component of the Navy for fiscal year 2012.

The Senate amendment contained a similar provision (sec. 2201).

The Senate recedes with a clarifying amendment.

The authorized amounts are listed in this provision on an installation-by-installation basis. A State list of projects contained in the table in section 4601 of this Act provides the binding list of specific construction projects authorized at each location.

The budget request included an authorization of appropriations of \$45.2 million for Waterfront Development, Phase 4 at Naval Support Activity Bahrain, which included the construction of a climate controlled warehouse, a vehicle wash rack, and a fleet recreation center. The conferees note that phase 3 of the project has not yet been awarded.

The conferees encourage the Department of the Navy to review the timing and phasing of the recapitalization of the Navy's existing facilities to ensure that only the most critical projects in direct support of Naval operations in the Central Command area of responsibility are carried out in a difficult budget environment.

The budget request included authorizations of appropriations of \$77.3 million for Finegayan Water Utilities, Guam and \$78.7 million for North Ramp Utilities, Increment 2 at Anderson Air Base, Guam. The conferees defer the authorization of appropriations for these two projects pending receipt of information required by section 2207 of this Act.

The conferees determined that the Massey Avenue Corridor Improvements Project had merit to support requirements at the Naval Station Mayport, Florida, whether or not a nuclear powered aircraft carrier was home ported there.

*Family housing (sec. 2202)*

The House bill contained a provision (sec. 2202) that would authorize new construction and planning and design of family housing units for the Navy for fiscal year 2012. It would also authorize funds for facilities that support family housing, including housing management offices and housing maintenance and storage facilities.

The Senate amendment contained a similar provision (sec. 2202).

The Senate recedes with a clarifying amendment.

*Improvements to military family housing units (sec. 2203)*

The House bill contained a provision (sec. 2203) that would authorize funding for fiscal year 2012 to improve existing family housing.

The Senate amendment contained a similar provision (sec. 2203).

The Senate recedes with a clarifying amendment.

*Authorization of appropriations, Navy (sec. 2204)*

The House bill contained a provision (sec. 2204) that would authorize appropriations for the active component military construction and family housing projects of the Navy for fiscal year 2012. This provision would also provide an overall limitation on the cost of the fiscal year 2012 military construction and family housing projects authorized for the active-duty component of the Navy.

The Senate amendment contained a similar provision (sec. 2204).

The Senate recedes with a clarifying amendment.

*Extension of authorizations of certain fiscal year 2008 project (sec. 2205)*

The House bill contained a provision (sec. 2205) extending the authorization for certain projects.

The Senate amendment contained a similar provision (sec. 2205).

The House recedes with a clarifying amendment.

*Extension of authorizations of certain fiscal year 2009 projects (sec. 2206)*

The House bill contained a provision (sec. 2206) extending the authorization for certain projects.

The Senate amendment contained a similar provision (sec. 2206).

The House recedes with a clarifying amendment.

*Guam realignment (sec. 2207)*

The Senate amendment contained a provision (sec. 2208) preventing the obligation or expenditure of funds to execute the realignment of Marine Corps personnel from Okinawa to Guam until certain conditions are met.

The House bill did not contain a similar provision.

The House recedes with an amendment that extends the limitation on the use of funds authorized to be appropriated in the Act with certain exceptions. The amendment also requires the Secretary of Defense to obtain a specific authorization for the use of appropriated funds in fiscal year 2012 to be used to construct or acquire public infrastructure on Guam.

The conferees note that the Department of Defense has not overcome a number of obstacles, including lengthy environmental studies, legal challenges, and land use issues, thereby delaying its execution of planned military construction projects associated with the realignment that have been authorized and appropriated in previous acts.

The conferees also note that while the congressional defense committees have been briefed on the Marine Corps' preferred force lay-down on Guam, the Secretary of Defense has yet to provide Congress with a master plan for construction of facilities and infrastructure to support the Marine Corps' preferred option.

As was noted in the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (P.L. 111-383), the conferees continue to support a comprehensive approach in the Pacific that supports our strategic interests. Guam is an essential element in the framework of the United States' theater security plan, but the continued lack of a comprehensive master plan and the inability of the Government of Japan to demonstrate tangible progress for the Futenma Replacement Facility provide additional risk in our ability to quickly move forward with the realignment.

The conferees encourage the Secretary of Defense to promptly provide the committees with a master plan, as well as a cost-mitigation strategy, for the realignment of forces to Guam.

*Reduction of Navy military construction authorization (sec. 2208)*

The Senate amendment contained a provision (sec. 2207) that would reduce the Navy's military construction authorization.

The House bill did not contain a similar provision.

The House recedes with a clarifying amendment.

#### LEGISLATIVE PROVISION NOT ADOPTED

*Additional budget items relating to Navy construction and land acquisition projects*

The House bill contained a provision (sec. 2207) authorizing the Secretary of the Navy additional funding.

The Senate amendment did not contain a similar provision.

The House recedes.

## TITLE XXIII—AIR FORCE

## Legislative Provisions Adopted

*Authorized Air Force construction and land acquisition projects (sec. 2301)*

The House bill contained a provision (sec. 2301) that would authorize military construction projects for the active component of the Air Force for fiscal year 2013.

The Senate amendment contained a similar provision (sec. 2301).

The Senate recedes with a clarifying amendment.

The authorized amounts are listed in this provision on an installation-by-installation basis. A State list of projects contained in the table in section 4601 of this Act provides the binding list of specific construction projects authorized at each location.

The budget request included an authorization of appropriations of \$128.0 million for the Department of the Air Force to construct a Fuel Maintenance Hangar at Andersen Air Force Base, Guam as part of the Guam Strike program. According to budget documents provided to Congress, Guam Strike could cost more than \$2.9 billion though the Air Force future-year defense program only contains approximately \$450.0 million for the program.

The conferees believe that completing the Guam Strike program would be a significant investment and the Air Force should therefore re-assess the affordability of such an investment for a rotational presence.

*Family housing (sec. 2302)*

The House bill contained a provision (sec. 2302) that would authorize new construction and planning and design of family housing units for the Air Force for fiscal year 2012. It would also authorize funds for facilities that support family housing, including housing management offices and housing maintenance and storage facilities.

The Senate amendment contained a similar provision (sec. 2302).

The Senate recedes.

*Improvements to military family housing units (sec. 2303)*

The House bill contained a provision (sec. 2303) that would authorize funding for fiscal year 2012 to improve existing family housing.

The Senate amendment contained a similar provision (sec. 2303).

The Senate recedes.

*Authorization of appropriations, Air Force (sec. 2304)*

The House bill contained a provision (sec. 2304) that would authorize appropriations for the active component military construction and family housing projects of the Air Force for fiscal year 2012. This provision would also provide an overall limitation on the cost of the fiscal year 2012 military construction and family housing projects authorized for the active-duty component of the Army.

The Senate amendment contained a similar provision (sec. 2304).

The Senate recedes with a clarifying amendment.

*Modification of authority to carry out certain fiscal year 2010 project (sec. 2305)*

The House bill contained a provision (sec. 2305) that amends the table in section 2301(a) of the Military Construction Authorization Act for Fiscal Year 2010 (division B of Public Law 111–84) to allow for a scope increase of a Ground Control Tower at Hickam Air Force Base, Hawaii.

The Senate amendment contained an identical provision (sec. 2305).

The conference agreement includes the provision.

*Extension of authorization of certain fiscal year 2009 project (sec. 2306)*

The House bill contained a provision (sec. 2306) that would extend the authorization for an Air Force fiscal year 2009 military construction project at Spangdahlem Air Base, Germany.

The Senate amendment contained an identical provision (sec. 2306).

The conference agreement includes the provision.

*Reduction of Air Force military construction authorization (sec. 2307)*

The Senate amendment contained a provision (sec. 2307) that would reduce the Air Force's military construction authorization.

The House bill did not contain a similar provision.

The House recedes with a clarifying amendment.

## LEGISLATIVE PROVISIONS NOT ADOPTED

*Limitation on implementation of consolidation of Air and Space Operations Center of the Air Force*

The House bill contained a provision (sec. 2307) limiting the implementation of consolidation of the Air and Space Operations Center of the Air Force.

The Senate amendment did not contain a similar provision.

The House recedes.

The conferees note that the Air Force announced a decision not to pursue a plan to consolidate Air Operations Centers in the United States.

*Additional budget items relating to Air Force construction and land acquisition projects*

The House bill contained a provision (sec. 2308) authorizing the Secretary of the Air Force additional funding.

The Senate amendment did not contain a similar provision.

The House recedes.

## TITLE XXIV—DEFENSE AGENCIES

Subtitle A—Defense Agency Authorizations  
*Authorized defense agencies construction and land acquisition projects (sec. 2401)*

The House bill contained a provision (sec. 2401) that would authorize military construction projects for the defense agencies for fiscal year (FY) 2012.

The Senate amendment contained a similar provision (sec. 2401).

The Senate recedes with a clarifying amendment.

The authorized amounts are listed in this provision on an installation-by-installation basis. A State list of projects contained in the table in section 4601 of this Act provides the binding list of specific construction projects authorized at each location.

The agreement does not contain authorization for the North Atlantic Treaty Organization (NATO) Headquarters Facility, in Brussels, Belgium. The conferees believe that this facility is more appropriately funded through the NATO Security Investment Program, which has available unobligated balances.

The agreement contains authorization of a replacement elementary school at Baumholder, Germany with language that requires the Secretary of Defense to certify that Baumholder is an enduring location.

The agreement contains authorization for a Medical Center Replacement Facility at Rhine Ordnance Barracks, Germany. The conferees support the project, but are concerned that the overall scope exceeds demand requirements. Therefore, the conferees request the Secretary reassess the scope of

this project and submit the results of this assessment in the form of an amended fiscal year 2013 request.

The President's budget request included an authorization of appropriations for military construction of \$54.6 million to fit out the third floor of the National Geospatial Agency's (NGA) Technology center at Fort Belvoir, Virginia. This facility was constructed in 2010 as a result of the 2005 Defense Base Closure and Realignment (BRAC) Round. During review of the classification of work for this project, the conferees received a ruling from the Office of General Counsel of the Department of Defense that "that specifically authorized MILCON is the appropriate approach for this project." As a result, the conferees are concerned that the original BRAC military construction project may not have complied with section 2801 of title 10, United States Code, which requires a military construction project to include all military construction work necessary to produce a complete and usable facility. Therefore conferees direct the Comptroller General of the United States to prepare a report for the congressional defense committees no later than June 30, 2012 on the following:

1. A review of the BRAC project authorization for the NGA Technology center and a determination whether the Department of Defense carried out the full scope contained in the budget justification documents to construct a complete and usable facility;

2. The circumstances that resulted in a portion of the completed facility not able to be used for the purpose for which it was constructed;

3. An assessment of use of the facility to determine whether the facility category code that was proposed at the time of authorization of construction is consistent with its current and proposed use of the third floor;

4. An analysis of the proposed scope of the new work for the fit out of the third floor to determine why specifically authorized military construction funds are required;

5. An assessment whether the project was in compliance with federal laws regarding military construction; and

6. Any other matters the Comptroller General determines are appropriate in the review of this project.

The President's budget request included an authorization for military construction of \$860.6 million and an authorization of appropriations of \$29.6 million for a High Performance Computing Center (HPCC-2) at Fort Meade, Maryland. The conferees strongly support the requirement and note the criticality of a timely completion of the center to national security.

The budget justification documents supporting this project included estimated dates of February 2012 to complete a request for proposals, September 2012 to award a design build construction contract, December 2012 to start construction, and December 2015 to complete construction. The conferees note that the National Security Agency (NSA) did not plan to award a design build contract until the last month of FY 2012.

Given the relatively high cost of this project, the history of NSA's military construction project management, and the critical importance of the mission, the conferees are concerned about providing the full authorization for military construction of \$860.6 million that is not validated by a cost estimate informed by any degree of actual design of the facility. The conferees note that Congress provides separate appropriations to the NSA annually for military construction planning and design specifically to

permit the Agency to get as much as a two year head start on the design of projects of critical importance to national security while reducing the risk to U.S. taxpayers that funds will only be used to carry out the essential military requirements identified during the design phase. These funds also permit the agency to be able to award a construction contract as soon as congressional authorization is received, as opposed to having to wait for that authorization to start design, which can potentially add significant time to total acquisition timeline.

The Director of National Intelligence stated in an appeal to the conferees that “in FY 2012, the National Security Agency requested \$29.6 million in military construction for planning and design of the HPCC-2 facility; the budget funded the construction costs of \$831 million in FY 2013 and FY 2014, for a total cost of \$861 million.”

The conferees agree that the request of appropriations totaling \$29.6 million in FY 2012 will only be enough to pay for planning and design costs for the HPCC-2 and that the remaining \$830.0 million for construction will be subject to review by the Administration in future budget requests given the need to reduce defense spending. The conferees therefore agree to an authorization of \$29.6 million to complete the design, initiate site preparations, and to order equipment that are considered long lead items for the construction of the facility. The conferees note that the NSA has already initiated a design contract using planning and design appropriations to minimize the impact of any delay in congressional authorizations in order to keep this critical project on schedule.

The Director of National Intelligence also informed the conferees that the House and Senate Intelligence committees have authorized an amount for the HPCC-2 project in the FY 2012 Intelligence Authorization bill. The conferees note a history of actions by the NSA to appeal to the intelligence committees for the approval of military construction projects, most recently an upgrade to the electrical infrastructure of the north side of Fort Meade, at amounts that put the successful award of projects and timely completion of construction at risk. As such, the conferees strongly encourage the NSA to continue to work with the Committees on Armed Services of the Senate and the House of Representatives as the committees of jurisdiction regarding the authorization of military construction projects in order to ensure proper and legal execution of projects that are critical to the national security of the United States.

*Authorized energy conservation projects (sec. 2402)*

The House bill contained a provision (sec. 2402) that would authorize certain energy conservation projects for fiscal year 2012.

The Senate amendment contained a similar provision (sec. 2402).

The Senate recedes with a clarifying amendment.

The budget request included authorization of appropriations for \$135.0 million for the Energy Conservation Investment Program (ECIP). The conferees note that the budget justification documents accompanying the budget request contained a list of projects by service that would be carried out with funds authorized for the ECIP account. The conferees determined that greater transparency and oversight is required to ensure that the projects proposed in the budget request for ECIP are actually carried out. Therefore, the conferees have included in the table at sec-

tion 4601 of this Act, a list of specific ECIP project authorizations that exceed \$2.0 million that have been added to the military construction tables by project, name, and location. The conferees also note that an authorization of appropriations of \$18.0 million still remains in an unspecified account for various locations for ECIP, which is intended to be used for those projects less than \$2.0 million that were included in the budget request. The conferees note that none of these projects listed in the table at section 4601 are in addition to, or a deviation from the list of projects included in the budget request for this activity.

*Authorization of appropriations, defense agencies (sec. 2403)*

The House bill contained a provision (sec. 2403) that would authorize appropriations for military construction and family housing projects of the defense agencies for fiscal year 2012. This provision would also provide an overall limitation on the cost of the fiscal year 2012 military construction and family housing projects authorized for the active-duty component of the Army.

The Senate amendment contained a similar provision (sec. 2403).

The Senate recedes with a clarifying amendment.

*Subtitle B—Chemical Demilitarization Authorizations*

*Authorization of appropriations, chemical demilitarization construction, defense-wide (sec. 2411)*

The House bill contained a provision (sec. 2411) that would authorize appropriations for military construction projects for the chemical demilitarization program for fiscal year 2012.

The Senate amendment contained a similar provision (sec. 2411).

The Senate recedes with a clarifying amendment.

*Subtitle C—Other Matters*

*Reduction of defense agencies military construction authorization (sec. 2421)*

The Senate amendment contained a provision (sec. 2412) that would reduce the defense agencies' military construction authorization.

The House bill did not contain a similar provision.

The House recedes with a clarifying amendment.

**LEGISLATIVE PROVISION NOT ADOPTED**

*Additional budget items relating to defense agencies construction and land acquisition projects*

The House bill contained a provision (sec. 2404) authorizing the Secretary of Defense additional funding.

The Senate amendment did not contain a similar provision.

The House recedes.

**TITLE XXV—NORTH ATLANTIC TREATY ORGANIZATION SECURITY INVESTMENT PROGRAM**

**LEGISLATIVE PROVISIONS ADOPTED**

*Authorized NATO construction and land acquisition projects (sec. 2501)*

The House bill contained a provision (sec. 2501) that would authorize the Secretary of Defense to make contributions to the North Atlantic Treaty Organization Security Investment Program in an amount equal to the sum of the amount specifically authorized in section 2502 of this title and the amount of recoupment due to the United States for construction previously financed by the United States.

The Senate amendment contained a similar provision (sec. 2501).

The House recedes.

*Authorization of appropriations, NATO (sec. 2502)*

The House bill contained a provision (sec. 2502) that would authorize the U.S. contribution to the North Atlantic Treaty Organization Security Investment Program.

The Senate amendment contained a similar provision (sec. 2502).

The Senate recedes.

**TITLE XXVI—GUARD AND RESERVE FORCES FACILITIES**

*Subtitle A—Project Authorizations and Authorization of Appropriations*

*Authorized Army National Guard construction and land acquisition projects (sec. 2601)*

The House bill contained a provision (sec. 2601) that would authorize military construction projects for the Army National Guard for fiscal year 2012.

The Senate amendment contained a similar provision (sec. 2601).

The Senate recedes with a clarifying amendment.

The authorized amounts are listed in this provision on an installation-by-installation basis. A State list of projects contained in the table in section 4601 of this Act provides the binding list of specific construction projects authorized at each location.

*Authorized Army Reserve construction and land acquisition projects (sec. 2602)*

The House bill contained a provision (sec. 2602) that would authorize military construction projects for the Army Reserve for fiscal year 2012.

The Senate amendment contained a similar provision (sec. 2602).

The Senate recedes with a clarifying amendment.

The authorized amounts are listed in this provision on an installation-by-installation basis. A State list of projects contained in the table in section 4601 of this Act provides the binding list of specific construction projects authorized at each location.

*Authorized Navy Reserve construction and land acquisition projects (sec. 2603)*

The House bill contained a provision (sec. 2603) that would authorize military construction projects for the Navy Reserve for fiscal year 2012.

The Senate amendment contained a similar provision (sec. 2603).

The Senate recedes with a clarifying amendment.

The authorized amounts are listed in this provision on an installation-by-installation basis. A State list of projects contained in the table in section 4601 of this Act provides the binding list of specific construction projects authorized at each location.

*Authorized Air National Guard construction and land acquisition projects (sec. 2604)*

The House bill contained a provision (sec. 2604) that would authorize military construction projects for the Air National Guard for fiscal year 2012.

The Senate amendment contained a similar provision (sec. 2604).

The Senate recedes with a clarifying amendment.

The authorized amounts are listed in this provision on an installation-by-installation basis. A State list of projects contained in the table in section 4601 of this Act provides the binding list of specific construction projects authorized at each location.

*Authorized Air Force Reserve construction and land acquisition projects (sec. 2605)*

The House bill contained a provision (sec. 2605) that would authorize military construction projects for the Air Force Reserve for fiscal year 2012.



The Senate amendment contained a similar provision (sec. 2605).

The Senate recedes with a clarifying amendment.

The authorized amounts are listed in this provision on an installation-by-installation basis. A State list of projects contained in the table in section 4601 of this Act provides the binding list of specific construction projects authorized at each location.

*Authorization of appropriations, National Guard and Reserve (sec. 2606)*

The House bill contained a provision (sec. 2606) that would authorize appropriations for the reserve component military construction projects for fiscal year 2012. This provision would also provide an overall limitation on the cost of the fiscal year 2012 military construction projects authorized for the reserve components.

The Senate amendment contained a similar provision (sec. 2606).

The Senate recedes.

#### Subtitle B—Other Matters

*Extension of authorization of certain fiscal year 2008 project (sec. 2611)*

The House bill contained a provision (sec. 2621) that would extend the authorization for an Army National Guard fiscal year 2008 military construction project at East Fallowfield Township, Pennsylvania.

The Senate amendment contained a similar provision (sec. 2607).

The Senate recedes.

*Extension of authorization of certain fiscal year 2009 projects (sec. 2612)*

The House bill contained a provision (sec. 2622) that would extend the authorization for certain fiscal year 2008 military construction projects.

The Senate amendment contained a similar provision (sec. 2608).

The Senate recedes with a clarifying amendment.

*Modification of authority to carry out certain fiscal year 2008 and 2009 projects (sec. 2613)*

The Senate amendment contained a provision (sec. 2609) that amends the table in section 2601(a) of the Military Construction Authorization Act for Fiscal Year 2009 (division B of Public Law 110-417) to allow the Secretary of the Army to construct an Army Reserve Center at Carlin, Nevada.

The House bill did not contain a similar provision.

The House recedes with a clarifying amendment.

#### LEGISLATIVE PROVISIONS NOT ADOPTED

*Additional budget items relating to Air Force Reserve construction and land acquisition projects*

The House bill contained a provision (sec. 2613) authorizing the Secretary of the Air Force additional funding.

The Senate amendment did not contain a similar provision.

The House recedes.

*Additional budget items relating to Air National Guard construction and land acquisition projects*

The House bill contained a provision (sec. 2612) authorizing the Secretary of the Air Force additional funding.

The Senate amendment did not contain a similar provision.

The House recedes.

*Additional budget items relating to Army National Guard construction and land acquisition projects*

The House bill contained a provision (sec. 2611) authorizing the Secretary of the Army additional funding.

The Senate amendment did not contain a similar provision.

The House recedes.

#### TITLE XXVII—BASE REALIGNMENT AND CLOSURE ACTIVITIES

##### LEGISLATIVE PROVISIONS ADOPTED

*Authorization of appropriations for base realignment and closure activities funded through Department of Defense Base Closure Account 1990 (sec. 2701)*

The House bill contained a provision (sec. 2701) that would authorize appropriations for fiscal year 2011 for ongoing activities that are required to implement the decision of the 1988, 1991, 1993, and 1995 Base Closure and Realignment.

The Senate amendment contained a similar provision (sec. 2701).

The Senate recedes.

*Authorized Base Realignment and Closure activities funded through Department of Defense Base Closure account 2005 (sec. 2702)*

The House bill contained a provision (sec. 2702) that would authorize military construction projects for fiscal year 2012 for ongoing activities that are required to implement the decisions of the 2005 Base Closure and Realignment round.

The Senate amendment contained a similar provision (sec. 2702).

The Senate recedes.

*Completion of specific base closure and realignment recommendations (sec. 2703)*

The House bill contained a provision (sec. 2704) that would authorize the Department limited authority to extend the implementation period of not more than seven decisions contained in the 2005 Defense Base Closure and Realignment (BRAC) round beyond the statutory deadline.

The Senate amendment did not contain a similar provision.

The Senate recedes with an amendment that would direct the Secretary of Defense to complete all 2005 Defense BRAC actions as expeditiously as possible.

Closing unnecessary defense facilities has historically been difficult because of public concern about the economic effects of closures on communities and the perceived lack of impartiality in the decision-making process. The Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101-510) (BRAC) created an independent commission to review a list of bases for realignment and closure submitted by the Secretary of Defense.

The Department of Defense has now undergone five BRAC rounds. The 2005 Base Realignment and Closure round was the biggest, most complex, and costliest round of BRAC to date. The final BRAC 2005 Commission forwarded a total of 182 closures or realignments to the Congress, including 177 of the 190 recommendations submitted by the Secretary of Defense and five closures or realignment recommendations from the eight installations it considered on its own initiative. These recommendations resulted in 22 major closures and 33 major realignments.

The Secretary of Defense was required to complete all BRAC actions by September 15, 2011. This deadline was directed in statute in order to guide investments and to provide a degree of certainty to local communities around military bases affected by base closures and realignments.

The budget request for fiscal year 2012 included a legislative proposal from the Department of Defense that would provide legislative relief to the statutory deadline for up to 10 BRAC recommendations. The con-

ferees continued to monitor the recommendations that were in danger of missing the BRAC deadline throughout the year.

By the deadline, September 15, 2011, the Department of Defense notified the conferees that essentially all but two recommendations were completed.

The conferees note that the 2005 BRAC Commission acknowledged in their report that the Umatilla Depot in Oregon might not be closed by the deadline due to chemical demilitarization treaty obligations.

The successful completion of the BRAC decision to consolidate medical commands was dependent on actions by other congressional committees to approve a prospectus for a lease carried out by the General Services Administration. While the lease has been approved, the Department is still in the process of carrying out the move.

The conferees expect that both closures will be carried out in accordance with the BRAC statute regarding land disposal and the movement of personnel.

*Special considerations related to transportation infrastructure in consideration and selection of military installations for closure or realignment (sec. 2704)*

The House bill contained a provision (sec. 2706) that would require the secretary concerned to include transportation assessment of a proposed closure or realignment of civilian personnel that exceed certain thresholds.

The Senate amendment did not contain a similar provision.

The Senate recedes with a clarifying amendment.

#### LEGISLATIVE PROVISIONS NOT ADOPTED

*Authorization of appropriations for Base Realignment and Closure activities funded through Department of Defense Base Closure account 2005*

The House bill contained a provision (sec. 2703) that would authorize appropriations for fiscal year 2012 for ongoing activities that are required to implement the decision of the 2005 Base Closure and Realignment.

The Senate amendment contained a similar provision (sec. 2703).

The House and Senate recede.

*Reduction of military construction authorization for base realignment and closure activities authorized through the Department of Defense Base Closure Account 1990*

The Senate amendment contained a provision (sec. 2704) that would reduce the Base Closure Account 1990 military construction authorization.

The House bill did not contain a similar provision.

The Senate recedes.

*Increased emphasis on evaluation of costs and benefits in consideration and selection of military installations for closure or realignment*

The House bill contained a provision (sec. 2705) that would increase the emphasis on the evaluation of costs and benefits in consideration and selection of military installations for closure and realignment.

The Senate amendment did not contain a similar provision.

The House recedes.

The conferees support the ability of the Department to reduce force structure commensurate with the workload and mission requirements; however, the conferees are concerned with the perception that the Department of Defense may have bypassed the limitations of section 2687 of title 10, United States Code, by completing a reduction in force at a defense activity and then realigning the balance of the workforce. The conferees believe that such a contravention of

section 2687 would be inappropriate. Activities that exceed the thresholds of section 2687 at the time of the Secretary's decision to reorganize a particular activity should be specifically submitted in accordance with the notification process delineated in section 2687.

*Limitation on BRAC 133 project implementation*

The House bill contained a provision (sec. 2707) that would limit the number of parking spaces at the BRAC 133 project location until the Secretary of Defense provides certain documents and certification.

The Senate amendment did not contain a similar provision.

The House recedes.

**TITLE XXVIII—MILITARY CONSTRUCTION  
GENERAL PROVISIONS**

**Subtitle A—Military Construction Program  
and Military Family Housing Changes**

*Prohibition on use of any cost-plus system of  
contracting for military construction and  
military family housing projects (sec. 2801)*

The House bill contained a provision (sec. 2801) prohibiting the use of any cost-plus system of contracting for military construction and military family housing.

The Senate amendment did not contain a similar provision.

The House recedes.

*Modification of authority to carry out unspecified  
minor military construction projects  
(sec. 2802)*

The House bill contained a provision (sec. 2802(a) through (d)) that would increase the authority provided by section 2805 of title 10, United States Code, and establish a \$3.0 million threshold requiring specific military construction authorization. This provision would also amend section 2805 by extending certain temporary authorities associated with defense laboratories.

The Senate amendment contained a similar provision (sec. 905(c) and (d)) making certain temporary authorities associated with defense laboratories permanent.

The Senate recedes with a clarifying amendment.

*Protections for suppliers of labor and materials  
under contracts for military construction  
projects and military family housing  
projects (sec. 2803)*

The House bill contained a provision (sec. 2804) increasing the dollar threshold for purposes of determining when a performance bond and payment bond are required under section 3131 of subchapter III of chapter 31 of title 40, United States Code, (commonly referred to as the Miller Act).

The Senate amendment did not contain a similar provision.

The Senate recedes.

*Extension of temporary, limited authority to use  
operation and maintenance funds for construction  
projects outside the United States  
(sec. 2804)*

The House bill contained a provision (sec. 2805) extending for 1 year the authority to use operation and maintenance funds for construction projects inside United States Central Command area of responsibility and Combined Joint Task Force-Horn of Africa areas of responsibility and interest.

The Senate amendment contained a similar provision (sec. 2802).

The House recedes.

*General military construction transfer authority  
(sec. 2805)*

The Senate amendment contained a provision (sec. 2801) providing the secretary of a military department, or with respect to the

defense agencies, the Secretary of Defense, the authority to transfer authorization of appropriations provided in fiscal year 2012 between any such authorization of appropriations for that military department or defense agency for that fiscal year.

The House bill did not contain a similar provision.

The House recedes with a clarifying amendment.

**Subtitle B—Real Property and Facilities  
Administration**

*Clarification of authority to use Pentagon Reservation  
Maintenance Revolving Fund for  
minor construction and alteration activities  
at Pentagon Reservation (sec. 2811)*

The House bill contained a provision (sec. 2811) clarifying the authority to use Pentagon Reservation Maintenance Revolving Fund monies for minor construction and alteration activities at the Pentagon Reservation.

The Senate amendment contained a similar provision (sec. 2803).

The Senate recedes.

*Reporting requirements related to the granting  
of easements (sec. 2812)*

The House bill contained a provision (sec. 2812) that would remove the discretion of secretaries of the military departments regarding purposes for which easements for rights-of-way may be granted.

The Senate amendment did not contain a similar provision.

The Senate recedes with a clarifying amendment.

*Limitations on use or development of property  
in Clear Zone Areas and clarification of authority  
to limit encroachments (sec. 2813)*

The House bill contained a provision (sec. 2813) that would amend section 2684a of title 10, United States Code, by authorizing the Secretary of Defense or the secretary of a military department to enter into an agreement to protect Clear Zone Areas adjacent to airfields at military installations.

The Senate amendment contained a provision (sec. 2812) that would also amend section 2684a of title 10, United States Code, by clarifying authorities to limit encroachment on military installations.

The Senate recedes with an amendment that would combine House section 2813 and Senate section 2812 into a single provision.

*Department of Defense conservation and cultural  
activities (sec. 2814)*

The Senate amendment contained a provision (sec. 2813) that would modify section 2694(b)(2) of title 10, United States Code, to enhance the ability of the Department of Defense to assist with the implementation of certain land management plans and to clarify that the purpose of wildlife studies authorized under the section includes the sustainability of military operations.

The House bill contained a similar provision (sec. 312).

The House recedes.

*Exchange of property at military installations  
(sec. 2815)*

The Senate amendment contained a provision (sec. 2811) that would allow for certain exchanges of real property at military installations.

The House bill did not contain a similar provision.

The House recedes.

*Defense access road program enhancements to  
address transportation infrastructure in vicinity  
of military installations (sec. 2816)*

The House bill contained a provision (sec. 2814) that would expand the authority of the

Department of Defense (DOD) to use military construction appropriations to mitigate significant transportation impacts caused as a result of an expanded defense mission.

The Senate amendment did not contain a similar provision.

The Senate recedes with a clarifying amendment.

The conferees adopt the provision in recognition that transportation issues have been an issue in recent base realignments and the Department of Defense has been slow to revise the criteria for the Defense Access Road program. Recognition of these transportation issues does not imply that their mitigation is a DOD responsibility. The conferees note that many communities have been exceptional partners in ameliorating the impact of base realignments and believe that this practice should be encouraged.

**Subtitle C—Energy Security**

*Consolidation of definitions used in energy security  
chapter (sec. 2821)*

The House bill contained a provision (sec. 2821) that would consolidate various definitions used in subchapter III of chapter 173 of title 10, United States Code.

The Senate amendment did not contain a similar provision.

The Senate recedes with a clarifying amendment.

*Consideration of energy security in developing  
energy projects on military installations  
using renewable energy sources (sec. 2822)*

The House bill contained a provision (sec. 2822) that would require the Secretary of Defense to establish a policy under which a military installation shall give favorable consideration for energy security in the design and development of renewable energy projects on military installations.

The Senate amendment contained a similar provision (sec. 345) that would require the Secretary of Defense to develop guidance for commanders of military installations inside the United States on planning measures to minimize the effects of a disruption of services by a utility that sells natural gas, water, or electric energy to a military installation in the United States.

The House recedes with a clarifying amendment that combines the two provisions.

*Establishment of interim objective for the  
Department of Defense 2025 renewable energy  
goal (sec. 2823)*

The House bill contained a provision (sec. 2823) that would require the Secretary of Defense to establish an interim goal for fiscal year 2018 for the production or procurement of facility energy from renewable energy sources.

The Senate amendment contained a similar provision (sec. 311) that would require the Secretary of Defense to establish interim goals for fiscal years 2015, 2018, and 2021 for the production or procurement of facility energy from renewable energy sources.

The Senate recedes.

*Use of centralized purchasing agents for renewable  
energy certificates to reduce cost of facility  
energy projects using renewable energy  
sources and improve efficiencies (sec. 2824)*

The House bill contained a provision (sec. 2824) that would require the Secretary of Defense to establish a policy to maximize savings by directing the centralized, bulk purchase of replacement renewable energy certificates in connection with the development of facility energy projects using renewable energy sources.

The Senate amendment did not contain a similar provision.

The Senate recedes.

*Identification of energy-efficient products for use in construction, repair, or renovation of Department of Defense facilities (sec. 2825)*

The House bill contained a provision (sec. 2825) requiring the Secretary of Defense to prescribe a definition of the term 'energy-efficient product' and establish and maintain a list of products satisfying the definition.

The Senate amendment did not contain a similar provision.

The Senate recedes.

*Submission of annual Department of Defense energy management reports (sec. 2826)*

The House bill contained a provision (sec. 2827) that would amend section 2925(a) of title 10, United States Code, to require the Secretary of Defense to submit the annual installation energy report not later than 120 days after the end of each fiscal year and would require that the annual report detail the fulfillment during that fiscal year of the energy performance goals for the Department of Defense under section 2911 of title 10, United States Code.

The Senate amendment did not contain a similar provision.

The Senate recedes.

*Requirement for Department of Defense to capture and track data generated in metering Department facilities (sec. 2827)*

The House bill contained a provision (sec. 2829) that would require the Secretary of Defense to ensure that data being generated by installation energy meters is captured and tracked to determine baseline energy consumption and facilitate efforts to reduce energy consumption.

The Senate amendment contained a similar amendment (sec. 317) that would require the Secretary of Defense, to the maximum extent practicable, to ensure that the information generated by the installation energy meters be captured and tracked to determine baseline energy consumption and facilitate efforts to reduce energy consumption.

The Senate recedes.

*Metering of Navy piers to accurately measure energy consumption (sec. 2828)*

The House bill contained a provision (sec. 2830) that would require the Secretary of Defense to meter Navy piers in order that the energy consumption of naval vessels while in port can be accurately measured and lead to reductions in consumption.

The Senate amendment did not contain a similar provision.

The Senate recedes.

*Training policy for Department of Defense energy managers (sec. 2829)*

The House bill contained a provision (sec. 2826) that would require the Secretary of Defense to establish a training program for Department of Defense (DOD) energy managers designated for military installations.

The Senate amendment contained a similar provision (sec. 318) that would require the Secretary of Defense to establish a policy for the training of designated DOD energy managers for military installations.

The House recedes with a clarifying amendment.

*Report on energy-efficiency standards and prohibition on use of funds for Leadership in Energy and Environmental Design gold or platinum certification (sec. 2830)*

The House bill contained a provision (sec. 2831) requiring a report on the energy-efficiency standards utilized by the Department

of Defense for military construction and prohibiting the use of funds to obtain Leadership in Energy and Environmental Design gold or platinum certification.

The Senate amendment did not contain a similar provision.

The Senate recedes with a clarifying amendment.

#### Subtitle D—Provisions Related to Guam Realignment

*Certification of medical care coverage for H-2B temporary workforce on military construction projects on Guam (sec. 2841)*

The House bill contained a provision (sec. 2842) that would prohibit the Secretary of the Navy from awarding any additional construction projects associated with the realignment of military forces on Guam until the Secretary establishes a lead system integrator for health care for the H-2B workers.

The Senate amendment did not contain a similar provision.

The Senate recedes with a clarifying amendment.

*Repeal of condition on use of specific utility conveyance authority regarding Guam integrated water and wastewater treatment system (sec. 2842)*

The House bill contained a provision (sec. 2844) that would modify the permissive utility conveyance authority contained in section 2822 of the Military Construction Authorization Act for Fiscal Year 2011 (division B of Public Law 111-383).

The Senate amendment did not contain a similar provision.

The Senate recedes.

#### Subtitle E—Land Conveyances

*Land conveyance and exchange, Joint Base Elmendorf Richardson, Alaska (sec. 2851)*

The Senate amendment contained a provision (sec. 2823) providing for a land conveyance and exchange at Joint Base Elmendorf Richardson, Alaska.

The House bill did not contain a similar provision.

The House recedes.

*Release of reversionary interest, Camp Joseph T. Robinson, Arkansas (sec. 2852)*

The Senate amendment contained a provision (sec. 2821) revising the reversionary interest in certain land at Camp Joseph T. Robinson, Arkansas.

The House bill did not contain a similar provision.

The House recedes.

*Clarification of land conveyance authority, Camp Caitlin and Ohana Nui areas, Hawaii (sec. 2853)*

The Senate amendment contained a provision (sec. 2822) clarifying section 2856(a) of the Military Construction Authorization Act for Fiscal Year 2010 (division B of Public Law 111-84).

The House bill did not contain a similar provision.

The House recedes.

*Land exchange, Fort Bliss Texas (sec. 2854)*

The House bill contained a provision (sec. 2851) that would authorize the Secretary of the Army to exchange approximately 694 acres of real property at Fort Bliss, Texas, for approximately 2,880 acres of real property from the Texas General Land Office.

The Senate amendment did not contain a similar provision.

The Senate recedes.

*Land Conveyance, former Defense Depot Ogden, Utah (sec. 2855)*

The House bill contained a provision (sec. 2852) authorizing a land conveyance, former Defense Depot, Ogden, Utah.

The Senate amendment did not contain a similar provision.

The Senate recedes with a clarifying amendment.

#### Subtitle F—Other Matters

*Redesignation of Industrial College of the Armed Forces as the Dwight D. Eisenhower School for National Security and Resource Strategy (sec. 2861)*

The House bill contained a provision (sec. 2861) that would rename the Industrial College of the Armed Forces to the Dwight D. Eisenhower School for National Security and Resource Strategy.

The Senate amendment contained a similar provision (sec. 1083).

The House recedes.

*Redesignation of Mike O'Callaghan Federal Hospital in Nevada as Mike O'Callaghan Federal Medical Center (sec. 2862)*

The Senate amendment contained a provision (sec. 2833) that would redesignate the Mike O'Callaghan Federal Hospital in Nevada as the Mike O'Callaghan Federal Medical Center.

The House did not contain a similar provision.

The House recedes.

*Prohibition on naming Department of Defense real property after a Member of Congress (sec. 2863)*

The House bill contained a provision (sec. 2863) that would prohibit the naming of Department of Defense real property after a sitting Member of Congress.

The Senate amendment did not contain a similar provision.

The Senate recedes.

*Notification of reductions in number of members of the armed forces assigned to permanent duty at a military installation (sec. 2864)*

The House bill contained a provision (sec. 2862) that would require a notification before the Secretary of Defense or secretary of a military department reduces the number of military service members at an installation by more than 1,000.

The Senate amendment did not contain a similar provision.

The Senate recedes with a clarifying amendment.

*Investment plan for the modernization of public shipyards under jurisdiction of Department of the Navy (sec. 2865)*

The Senate amendment contained a provision (sec. 2831) that would require the Secretary of the Navy to submit a plan to address the facility and infrastructure requirements at each public shipyard under the jurisdiction of the Department of the Navy.

The House did not contain a similar provision.

The House recedes with a clarifying amendment.

*Report on the homeowners assistance program (sec. 2867)*

The House bill contained a provision (sec. 2864) requiring a report on the homeowners assistance program.

The Senate amendment did not contain a similar provision.

The Senate recedes.

*Data servers and centers (sec. 2866)*

The Senate amendment contained a provision (sec. 2832) that would impose a moratorium within the Department of Defense (DOD) on the acquisition or upgrade of data servers, server farms, and data centers, with a waiver process for exceptions; and require the implementation of a plan developed by the DOD Chief Information Officer (CIO) to

achieve (1) a reduction in the size of data centers, (2) a reduction in the energy consumed to power and cool servers and data centers, (3) an increase in server virtualization, (4) an increase in the utilization rates of servers and data center capacity, (5) a reduction in the cost of software and applications running on servers and within data centers, and (6) a reduction in the cost of labor associated with operating servers and data centers.

The House bill contained no similar provision.

The House recedes with an amendment that would limit the near-term moratorium to server farms and data centers, and change the authority to coordinate exceptions for national intelligence components within the Department of Defense on behalf of the Director of National Intelligence to the Intelligence Community CIO rather than the CIO of the Office of the Director of National Intelligence.

#### LEGISLATIVE PROVISIONS NOT ADOPTED

##### *Condition on rental of family housing in foreign countries for general and flag officers*

The House bill contained a provision (sec. 2803) that would limit general and flag officer housing leases in foreign countries to the design criteria for similar housing in the United States.

The Senate amendment did not contain a similar provision.

The House recedes.

##### *Continuous commissioning of Department of Defense facilities to resolve operating problems, improve comfort, optimize energy use, and identify retrofits*

The House bill contained a provision (sec. 2828) that would authorize the Secretary of Defense to require the continuous commissioning of Department of Defense (DOD) facilities.

The Senate amendment contained no similar provision.

The House recedes.

The conferees note that the DOD is currently required to recommission and retrocommission its facilities. When commissioning facilities, the conferees want to ensure that, where appropriate, the DOD considers the most current technologies, subject to fiscal constraints, as opposed to retrocommissioning the facility back to when it was originally constructed.

##### *Use of operation and maintenance funding to support community adjustments related to realignment of military installations and relocation of military personnel on Guam*

The House bill contained a provision (sec. 2841) that would authorize the Secretary of Defense to assist the Government of Guam in meeting the costs of providing increase municipal services and facilities associated with the realignment of military forces to Guam.

The Senate amendment did not contain a similar provision.

The House recedes.

##### *Certification of military readiness need for firing range on Guam as condition on establishment of range*

The House bill contained a provision (sec. 2843) that would prohibit the establishment of a firing range on Guam until the Secretary of Defense certifies that the firing range is required to meet a national security need.

The Senate amendment contained no similar provision.

The House recedes.

##### *Transfer of the Air Force Memorial to the Department of the Air Force*

The House bill contained a provision (sec. 2865) transferring the Air Force Memorial to the Department of the Air Force.

The Senate amendment did not contain a similar provision.

The House recedes.

#### DIVISION C—DEPARTMENT OF ENERGY NATIONAL SECURITY AUTHORIZATIONS AND OTHER AUTHORIZATIONS

##### TITLE XXXI—DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS

##### Subtitle A—National Security Programs Authorizations

##### *Overview*

Title XXXI authorizes appropriations for atomic energy defense activities of the Department of Energy for fiscal year 2012, including: the purchase, construction, and acquisition of plant and capital equipment; research and development; nuclear weapons activities; nuclear nonproliferation activities; naval nuclear propulsion; environmental cleanup; operating expenses; and other expenses necessary to carry out the purposes of the Department of Energy Organization Act (Public Law 95-91). This title authorizes appropriations in five categories: (1) National Nuclear Security Administration (NNSA); (2) defense environmental cleanup; (3) other defense activities; (4) defense nuclear waste disposal; and (5) energy security and assurance.

##### *National Nuclear Security Administration (sec. 3101)*

The House bill contained a provision (sec. 3101) that would authorize \$11.8 billion for the National Nuclear Security Administration (NNSA), an increase of \$20.0 million above the budget request.

The Senate amendment contained a similar provision (sec. 3101) that would authorize \$11.6 billion for the NNSA, a decrease of \$216.8 million below the budget request.

The conferees agree to include a provision that would authorize \$11.1 billion, a decrease of \$713.0 million below the budget request.

Within NNSA, the provision would authorize \$7.3 billion for weapons activities, a decrease of \$355.0 million below the budget request; \$2.3 billion for defense nuclear nonproliferation, a decrease of \$216.0 million below the budget request; \$1.1 billion for naval reactors, a decrease of \$74.0 million below the budget request; and \$383.0 million for the Office of the Administrator, a decrease of \$67.0 million below the budget request.

Within weapons activities, for directed stockpile work the provision would authorize \$1.9 billion, a decrease of \$84.0 million below the budget request. For campaigns, the provision would authorize \$1.7 billion, a decrease of \$95.0 million below the budget request. For readiness in the technical base and facilities, the provision would authorize \$2.0 billion, a decrease of \$317.0 million below the budget request.

Within defense nuclear nonproliferation, for nonproliferation and verification research and development the provision would authorize \$356.0 million, a decrease of \$61.0 million below the budget request. For nonproliferation and international security, the provision would authorize \$155.0 million, a decrease of \$7.0 million below the budget request. For international nuclear materials protection and cooperation, the provision would authorize \$572.0 million, the amount of the budget request. For fissile materials disposition, the provision would authorize \$685.0

million, a decrease of \$205.0 million below the budget request. For the Global Threat Reduction Initiative, the provision would authorize \$500.0 million, a decrease of \$8.0 million below the budget request.

The conferees note that the Committees on Armed Services of the Senate and House of Representatives fully authorized the President's request for Weapons Activities in his budget request for fiscal year 2012 and provided robust support for his nonproliferation program. The final authorized amounts reflect the amount provided for these activities by the conference report for H.R. 2354 of the Energy and Water Development and Related Agencies Appropriations Act, 2012 of the Subcommittee on Energy and Water Development of the Committee on Appropriations of the Senate and the Subcommittee on Energy and Water Development, and Related Agencies of the House of Representatives.

The conferees recognize the importance of the NNSA mission for national security, and note the President's commitment to secure all vulnerable nuclear materials within 4 years, and his commitment to modernizing the nuclear deterrent as reflected in the section 1251 modernization plan (Public Law 111-84).

##### *Defense environmental cleanup (sec. 3102)*

The House bill contained a provision (sec. 3102) that would authorize appropriations for fiscal year 2012 defense environmental cleanup activities.

The Senate amendment contained a similar provision (sec. 3102).

The Senate recedes.

##### *Other defense activities (sec. 3103)*

The House bill contained a provision (sec. 3103) that would authorize appropriations for fiscal year 2012 other defense activities.

The Senate amendment contained a similar provision (sec. 3103).

The Senate recedes.

##### Subtitle B—Program Authorizations, Restrictions and Limitations

##### *Limitation on availability of funds for Center of Excellence on Nuclear Security (sec. 3111)*

The House bill contained a provision (sec. 3112) that would limit funds that may be obligated or expended by the Secretary of Energy for fiscal year 2012 to not more than \$7.0 million for a Center of Excellence on Nuclear Security in the People's Republic of China until the date on which the Secretary of Energy submits two reports to the Committees on Armed Services of the Senate and the House of Representatives, the Committee on Foreign Relations of the Senate, and the Committee on Foreign Affairs of the House of Representatives. These two reports would provide additional insight and analysis into the two stated rationales for the Center of Excellence.

The Senate amendment contained a similar provision (sec. 3114) that would recommend a provision that would prohibit the Administrator of the National Nuclear Security Administration (NNSA) from obligating or expending more than \$0.5 million of Defense Nuclear Nonproliferation program funds to establish a center of excellence in any country outside of the former Soviet Union (FSU) until such time as the Administrator of the NNSA submits to the congressional defense committees a report on the particular center to be established.

The Senate recedes with an amendment that would hold 25 percent of funds appropriated for any center of excellence outside the Former Soviet Union until the Secretary of Energy meets reporting requirements set forth in the provision. The report will provide information on any center of excellence

established in a country that is not a state of the former Soviet Union and include the following: an identification of the country in which the center will be located; a description of the center's purpose, including the country's existing capacity to develop and implement best practices training for nuclear security; the extent to which the training and relationship building activities planned for the center could contribute to improving the country's historical pattern with respect to the proliferation of weapons of mass destruction and missiles; the agreement under which the center would operate; and, a funding plan for center, including the amount of funds to be provided by the government of the country in which the center will be located and the percentage of total cost establishing and operating the center the funds, provided by the government of the country, will cover. No funds obligated by the Secretary may be used to construct permanent or temporary buildings.

*Aircraft Procurement (sec. 3112)*

The Senate amendment contained a provision (sec. 3113) that would authorize the Secretary of Energy to use weapons activities funds available in any fiscal year prior to fiscal year 2013 to purchase not more than one aircraft.

The House bill contained no similar provision.

The House recedes with a technical amendment.

*Hanford waste tank cleanup program reforms (sec. 3113)*

The House bill contained a provision (sec. 3114) that would amend section 4442 of the Atomic Energy Defense Act (50 U.S.C. 2622) by striking the portion of section (b)(2) which states "consistent with the policy direction established by the Department, all aspects of the River Protection Project, Richland, Washington" and inserts in its place "all aspects of the River Protection Project, Richland, Washington, including Hanford Tank Farm operations and the Waste Treatment Plant". The provision also amends subsection (d) of section 4442 to require notification to the Committee on Armed Services of the Senate and the House of Representatives of any changes in the roles, responsibilities, and reporting relationships of the Office of River Protection. The provision also reauthorizes the functions of the Office, terminating in 2019, with a clause that the Assistant Secretary of Energy for Environmental Management may extend the functions of the Office further if the Assistant Secretary determines in writing that its termination would disrupt effective management of the Hanford Tank Farm Operation.

The Senate amendment contained no similar provision.

The Senate recedes with a technical amendment.

*Recognition of National Atomic Testing Museum (sec. 3114)*

The Senate amendment contained a provision (sec. 3115) that would amend section 7142 of title 42, United States Code, to recognize the National Atomic Testing Museum in Las Vegas, Nevada by stating that (1) it is recognized as the Official Atomic Testing Museum, (2) that it shall be known as the "National Atomic Testing Museum", and (3) "have the sole right throughout the U.S. and its possessions to have and use the name "National Atomic Testing Museum".

The House bill contained no similar provision.

The House recedes with an amendment striking "have the sole right throughout the

U.S. and its possessions to have and use the name "National Atomic Testing Museum".

*Subtitle C—Reports*

*Repeal of certain reporting requirements (sec. 3121)*

The House bill contained a provision (sec. 3121) that would repeal several recurring reports from the Secretary of Energy and the Administrator for Nuclear Security; section 3132 of the National Defense Authorization Act for Fiscal Year 2002 (Public Law 107-107), which requires an annual report to Congress on the financial and programmatic activities of the Nuclear Cities Initiative Program (a program that ended in 2006). The provision would modify section 4302(a)(6) of the Atomic Energy Defense Act (50 U.S.C. 2562) repealing a requirement for the Secretary of Energy to report to Congress each time funds for the Initiatives for Proliferation Prevention Program are used to pay a tax or customs duty levied by the Government of the Russian Federation, this program ended in 2006 and no payments have been made since 2000.

The Senate amendment contained no similar provision.

The Senate recedes.

*Progress on nuclear nonproliferation (sec. 3122)*

The House bill contained a provision (sec. 3122) that would require the Secretary of Energy to submit, annually until 2016, a report on the strategic plans of the Department of Energy and the National Nuclear Security Administration to prevent nuclear and radiological proliferation and an estimate of budget requirements over 10 years, including interagency coordination. This section would also require the Secretary of Energy to submit annually until 2016, an assessment of the risk that non-nuclear weapon countries may acquire nuclear enrichment or reprocessing technology, and a classified list of the location and vulnerability of highly-enriched uranium worldwide.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would change the budget requirements from 10 to 5 years.

*Reports on role of nuclear security complex sites and potential efficiencies (sec. 3123)*

The House bill contained a provision (sec. 3123) that would require the Secretary of Energy to submit to the appropriate committees, no later than February 1, 2012, a report assessing the role of the nuclear security complex sites in supporting efforts for a safe, secure, and reliable nuclear deterrent as well as carrying out nuclear weapons reduction and supporting nuclear nonproliferation efforts. The report would include an assessment of opportunities for efficiencies and cost savings and a long-term plan for the nuclear security complex. Finally, the Comptroller General of the United States would be required to submit to the appropriate congressional committees, no later than 180 days after submission of the Secretary of Energy's report, an assessment of the Secretary's report.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would change the due date of the report to March 1, 2013, and limit the reporting to the congressional defense committees. The conference agreement would also require the report to include, if the Administrator deems it appropriate, an analysis of the potential for shared use or development of high-explosives research and development capacity, supercomputing platforms and infrastructure maintained for Work for Others pro-

grams. If this analysis is not provided in the report, the conferees expect the Administrator to provide a written explanation detailing why these elements were not included.

*Net assessment of high-performance computing capabilities of foreign countries (sec. 3124)*

The House bill contained a provision (sec. 3124) that would require the Administrator for Nuclear Security, in coordination with the Secretary of Defense, the Director of National Intelligence, the Under Secretary of Energy for Science, and the Under Secretary of Commerce for Industry and Security, to conduct a net assessment of high-performance computing capability possessed by foreign countries. The assessment would be required to cover a variety of matters associated with high performance computing. The section would require the Administrator to coordinate the assessment with other appropriate executive agencies and, upon request by the Administrator, require the Secretary of Defense to provide net assessment expertise through the Department of Defense Office of Net Assessment. The Administrator would be required to submit an unclassified report on the results of the assessment, with a classified annex if appropriate, to the appropriate congressional committees within 180 days after the date of enactment of this Act.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would require the net assessment to be conducted by the Director of National Intelligence, in consultation with the Secretary of Defense, the Secretary of Energy, the Administrator for Nuclear Security, and the Secretary of Commerce.

The conferees encourage the Director of National Intelligence to work with the Secretary of Defense to leverage net assessment expertise resident in the Department of Defense Office of Net Assessment and the Administrator for Nuclear Security to leverage high performance computing expertise resident in the national security laboratories of the National Nuclear Security Administration.

*Review and analysis of nuclear waste reprocessing and nuclear reactor technology (sec. 3125)*

The House bill contained a provision (sec. 3125) that would require the Administrator for Nuclear Security to enter into an agreement with the National Academy of Sciences (NAS) to conduct a study on waste reprocessing and Generation IV reactor technologies. The study would include a review of previous studies on waste reprocessing and a determination on the feasibility of using nuclear reactor technology, including Generation IV reactor technology developed at certain sites, to reprocess and reuse nuclear materials in a proliferation-resistant manner while generating electricity. The report would also determine the waste streams from such reactors and analyze the proliferation risks of these waste streams, including their effects on nuclear nonproliferation efforts of the United States. In addition, the study would compare using Generation IV reactors for reprocessing with nuclear waste reprocessing technologies used in other countries and with direct waste disposal. Finally, the study would conduct a detailed analysis of large-scale deployment of such reactor technology at military installations. The Administrator would be required to submit the report transmitted from the NAS no later than 18 months after the date of enactment of this Act.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would require the Secretary of Energy, in consultation with the Administrator for Nuclear Security and the Secretary of Defense (as needed), to conduct a study on nuclear waste processing and Generation IV reactor technology. The study would include a review of prior studies conducted by the Department of Energy and the NAS related to nuclear waste reprocessing and the use of mixed oxide fuel in reactors, including Generation IV reactors. The study would determine the waste streams from reprocessing and the use of mixed oxide fuel, analyze the nuclear nonproliferation risks of reprocessing and using mixed oxide fuel, and compare the costs and proliferation risks of nuclear waste reprocessing technologies used in other countries with direct disposal. The provision would also require the Secretary of Energy, in coordination with the Secretary of Defense, to analyze the feasibility of deploying Generation IV reactors or other nuclear reactors using mixed oxide fuel at military installations. The report would be due 180 days after date of enactment of this Act.

#### Subtitle D—Other Matters

*Sense of Congress on the use of savings from excess amounts for certain pension plan contributions (sec. 3131)*

The House bill contained a provision (sec. 3113) that as stated in the House report accompanying H.R. 1540 (H. Rept. 112-78) of the National Defense Authorization Act for Fiscal Year 2012 would “require the Administrator for Nuclear Security and the Assistant Secretary of Energy for Environmental Management to make determinations throughout each fiscal year, until the end of fiscal year 2016, regarding the level of funds needed to meet the minimum funding standard required by the Employee Retirement Income Security Act of 1974 (Public Law 93-406) for any defined-benefit pension plan operated by management and operating contractors of either the Department of Energy Office of Environmental Management or National Nuclear Security Administration (NNSA). If economic conditions improve, or efficiencies are identified, such that the amounts originally budgeted for contributions to the contractors’ pension plans exceed the minimum required by statute, this section would require the Administrator and the Assistant Secretary to promptly obligate or expend the excess funds on high priority budgetary shortfalls, as identified by the Administrator or the Assistant Secretary, respectively. This section would authorize the Administrator and the Assistant Secretary to transfer any such funds as needed to fulfill this purpose, and would require the Administrator and the Assistant Secretary to promptly notify the congressional defense committees if such excess funds are identified or transferred. The authorities authorized by this section would terminate on September 30, 2016.”

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would express a sense of Congress that employee pension plans maintained by contractors who operate and manage the NNSA and the Office of Environmental Management laboratories, plants, and other facilities, should be fully funded consistent with law to ensure retention of high quality personnel. The sense of Congress would also state that if economic conditions improve, or efficiencies are identified, any funds appropriated for these pensions that are in ex-

cess to the contributions required by law should be re-directed and promptly obligated or expended on high-priority mission activities of the NNSA or the Office of Environmental Management.

#### Legislative Provisions Not Adopted

##### *Energy security and assurance*

The House bill contained a provision (sec. 3104) that would authorize appropriations for fiscal year 2012 Energy Security and Assurance activities.

The Senate amendment contained no similar provision.

The House recedes.

##### *Consolidated reporting requirements relating to nuclear stockpile stewardship, management, and infrastructure*

The House bill contained a provision (sec. 3111) that would consolidate several existing reporting requirements in the Atomic Energy Defense Act, chapter 42 of title 50, United States Code. Specifically, this provision would repeal reporting requirements in sections 4202, 4203, 4203A, 4204, and 4208 of the Atomic Energy Defense Act and consolidate them into a new section 4203.

The Senate amendment contained no similar provision.

The House recedes.

The conferees encourage the Administrator for Nuclear Security to re-submit the legislative proposal for this consolidation to the Committees on Armed Services of the Senate and the House of Representatives for consideration in the National Defense Authorization Act for Fiscal Year 2013.

##### *Additional budget item relating to Global Threat Reduction Initiative*

The House bill contained a provision (sec. 3115) that would increase the authorized level for the Global Threat Reduction Initiative by \$20.0 million offset by an equal reduction from the Aerostat Joint Project Office set forth in table 4201.

The Senate amendment contained no similar provision.

The House recedes.

The conferees do not support the increase in funding because the funding source crosses jurisdictional accounts. The conferees continue to support the Global Threat Reduction Initiative as an important priority for national security.

##### *Review of security vulnerabilities of national laboratory computers*

The Senate amendment contained a provision (sec. 3111) that would amend section 2659 of title 50, United States Code, to delete the requirement for an annual independent external red team to review the security and vulnerabilities of the computers at the national laboratories and for the Secretary of Energy to submit an annual report setting forth the results of the red team review. The provision would direct the Secretary of Energy to conduct an annual review of security vulnerabilities of the national laboratory computers. The Secretary would submit a report to the congressional defense committees only if and when a significant vulnerability was discovered.

The House bill contained no similar provision.

The Senate recedes.

##### *Review by Secretary of Energy and Secretary of Defense of Comptroller General assessment of budget requests with respect to the modernization and refurbishment of the nuclear security complex*

The Senate amendment contained a provision (sec. 3112) that would amend section 3255 of the National Nuclear Security Adminis-

tration Act (50 U.S.C. 2455(a)) to direct the Secretary of Energy, in consultation with the Secretary of Defense, to review the Government Accountability Office (GAO) report required by this section. Within 30 days of receiving the GAO report, the Secretary of Energy, in consultation with the Secretary of Defense, would complete the review of the GAO report and submit the results to the congressional defense committees. This report would include the results of the review of the GAO report and the views of the two Secretaries with respect to the findings in the GAO report. In addition, the two Secretaries would report on whether the actual funding level in the fiscal year in which the report is submitted is sufficient for the modernization and refurbishment of the nuclear security complex and the refurbishment of the nuclear weapons stockpile.

The House bill contained no similar provision.

The Senate recedes.

##### *Report on feasibility of federalizing the security protective forces contract guard workforce at certain Department of Energy facilities*

The Senate amendment contained a provision (sec. 3121) that would direct the Secretary of Energy and the Administrator for Nuclear Security to report on the feasibility of federalizing some or all of the security protective forces contract guard workforce at Department of Energy (DOE) atomic energy facilities. The provision would also direct the Secretary and the Administrator to submit a draft of the report to the Comptroller General. The final report, together with the comments of the Comptroller General, would be submitted to the congressional defense committees not later than 1 year from the date of enactment of this Act.

The House bill contained no similar provision.

The Senate recedes.

##### *Comptroller General study on oversight of Department of Energy defense nuclear facilities*

The Senate amendment contained a provision (sec. 3122) that would direct the Comptroller General to conduct a study of the value of and the need for external regulation or external oversight of the safety of nuclear operations and the design and construction of defense nuclear facilities at the Department of Energy (DOE) to protect public health and safety.

The House bill contained no similar provision.

The Senate recedes.

##### *Plan to complete the Global Initiatives for Proliferation Prevention program in the Russian Federation*

The Senate amendment contained a provision (sec. 3123) that recommends a provision that would direct the Administrator for Nuclear Security at the Department of Energy to submit a plan with the fiscal year 2013 budget request to complete the Global Initiatives for Proliferation Prevention program in the Russian Federation by the end of calendar year 2013.

The House bill contained no similar provision.

The Senate recedes.

The conferees request the Administrator to submit a plan for the program over the next 5 years with the President’s fiscal year 2013 budget submission to Congress.

TITLE XXXII—WAR RELATED NATIONAL NUCLEAR SECURITY ADMINISTRATION AUTHORIZATIONS

Authorization (sec. 3201)

The House bill contained a provision (sec. 3201) that would authorize the Defense Nuclear Facilities Safety Board at the fiscal year 2012 budget request of \$29,130,000.

The Senate amendment contained a similar provision (sec. 3201) that would authorize the Defense Nuclear Facilities Safety Board at \$33,317,000.

The Senate recedes to the House authorization level.

Legislative Provisions Not Adopted

Additional funding for Defense Nuclear Facilities Safety Board

The House bill contained a provision (sec. 3202) that would increase the fiscal year 2012 authorization level for the Defense Nuclear Facilities Safety Board by \$2,500,000, with an offsetting reduction from the Joint Tactical Radio System Maritime-Fixed Radios program.

The Senate amendment contained no similar provision.

The House recedes.

Authority of the Defense Nuclear Facilities Safety Board to review the facility design and construction of Construction Project 10-D-904 of the National Nuclear Security Administration

The Senate amendment contained a provision (sec. 3202) that would amend section 2286g(1)(A) of title 42, United States Code, to provide authority to the Defense Nuclear Facilities Safety Board to review the facility design of, and review and monitor the construction of, construction project 10-D-904 of the National Nuclear Security Administration.

The House bill contained no similar provision.

The Senate recedes.

The conferees direct the Director of Naval Reactors to provide the congressional defense committees Critical Decision 1 (CD-1) and Critical Decision 2 (CD-2) documentation for this construction project, in accordance with Department of Energy (DOE) Order 413.3 or equivalent, when completed, as well as documentation that applicable DOE safety requirements are met.

TITLE XXXIV—NAVAL PETROLEUM RESERVES Authorization of appropriation (sec. 3401)

The House bill contained a provision (sec. 3401) that would authorize \$14.909 million for

fiscal year 2012 for operation and maintenance of the Naval Petroleum Reserves.

The Senate amendment did not contain a similar provision.

The conference agreement includes this provision.

TITLE XXXV—MARITIME ADMINISTRATION

Legislative Provisions Adopted

Authorization of appropriations for national security aspects of the merchant marine for fiscal year 2012 (sec. 3501)

The House bill contained a provision (sec. 3501) that would authorize appropriations for the Maritime Administration (MARAD) of the Department of Transportation for those activities of the Maritime Administration associated with maintaining national defense sealift.

The Senate amendment contained no similar provision.

The Senate recedes.

Use of National Defense Reserve Fleet and Ready Reserve Force vessels (sec. 3502)

The House bill contained a provision (sec. 3502) that allows the use of National Defense Reserve Fleet vessels for civil contingency operations when requested by another agency of the government with concurrence of the Secretary of Defense (or a designee).

The Senate amendment contained no similar provision.

The Senate recedes.

Recruitment authority (sec. 3503)

The House bill contained a provision (sec. 3503) that authorizes the Secretary of Transportation to expend available funds for the United States Merchant Marine Academy operating expenses for recruiting activities in order to obtain recruits for the Academy and cadet applications.

The Senate amendment contained no similar provision.

The Senate recedes.

Ship scrapping reporting requirement (sec. 3504)

The House bill contained a provision (sec. 3504) that would modify existing MARAD to eliminate the production of annual ship disposal reports to Congress and instead require MARAD, upon request, to provide Congress with timely briefings on its recycling program.

The Senate amendment contained no similar provision.

The Senate recedes.

Legislative Provisions Not Adopted

Strategic Port Assessment and Report

The House bill contained a provision (sec. 3505) that would require an assessment by the Secretary of Defense of all ports designated by the Department of Defense as strategic ports.

The Senate amendment contained no similar amendment.

The House recedes.

The conferees acknowledge that Congress in the statement of managers accompanying the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110-181) mandated that the Military Surface Deployment and Distribution Command (SDDC) conduct a study on the optimal use, and potential expansion, of the Nation's strategic ports. Because of the continuing importance of strategic ports to the national security, the conferees direct the Commander of the SDDC, in consultation with the Administrator of the Maritime Administration, to provide an updated report of the port facilities used for military purposes. Specifically, the report should include: an assessment of the structural integrity and deficiencies of the port facilities and infrastructure improvements needed directly and indirectly to meet national security and readiness requirements; an assessment of the impact on operational readiness if the improvements are not undertaken; an identification of potential funding sources for the needed improvements from existing authorities; and an opinion of whether the Department of Defense has the necessary authority to support section 50302 of title 46, United States Code.

Maritime Administration

The Senate amendment contained a provision (sec. 3301) that would re-authorize certain aspects of the Maritime Administration.

The House bill contained no similar provision.

The Senate recedes.

DIVISION D—FUNDING TABLES

Authorization of amounts in funding tables (sec. 4001)

The House bill contained a provision (sec. 4001) that would provide for the authorization of projects, programs, or activities in accordance with the tables in division D.

The Senate amendment contained a similar provision (sec. 4001).

The Senate recedes.

TITLE XLI—PROCUREMENT

SEC. 4101. PROCUREMENT.

SEC. 4101. PROCUREMENT  
(In Thousands of Dollars)

Line	Item	FY 2012 Request		House Authorized		Senate Authorized		Conference Change		Conference Authorized	
		Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost
	AIRCRAFT PROCUREMENT, ARMY										
	FIXED WING										
001	UTILITY F/W AIRCRAFT .....		14,572		14,572		14,572				14,572
003	AERIAL COMMON SENSOR (ACS) (MIP).	18	539,574		15,674	18		-18	-539,574		0
	Early to Need .....			[-14]	[-417,900]			[-14]	[-433,574]		
	Program Decrease .....			[-4]	[-106,000]			[-4]	[-106,000]		
	Terminate EMARRS .....						[-539,574]				
004	MQ-1 UAV .....	36	658,798	36	658,798	36		-36	-658,798		0
	Transfer to OCO .....						[-658,798]	[-36]	[-550,798]		
	Unjustified production ramp								[-108,000]		
005	RQ-11 (RAVEN) .....	1,272	70,762	1,272	70,762	1,272	58,862			1,272	70,762



**SEC. 4101. PROCUREMENT**  
(In Thousands of Dollars)

Line	Item	FY 2012 Request		House Authorized		Senate Authorized		Conference Change		Conference Authorized	
		Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost
	Army offered program reduction.						[-11,900]				
	<b>ROTARY</b>										
007	HELICOPTER, LIGHT UTILITY (LUH).	39	250,415	39	250,415	39	250,415			39	250,415
009	AH-64 APACHE BLOCK IIIA REMAN.	19	411,005	19	411,005	19	234,005	-42,500		19	368,505
	Army offered program reduction.						[-177,000]		[-42,500]		
010	Advance Procurement (CY) .....		192,764		192,764		192,764				192,764
011	Advance Procurement (CY) .....		104,263		104,263		104,263				104,263
012	UH-60 BLACKHAWK M MODEL (MYP).	71	1,325,666	71	1,325,666	71	1,317,666	-8,000		71	1,317,666
	Unjustified program management growth.						[-8,000]		[-8,000]		
013	Advance Procurement (CY) .....		199,781		199,781		199,781				199,781
014	CH-47 HELICOPTER .....	47	1,305,360	47	1,305,360	47	1,239,360	-66,000		47	1,239,360
	Army requested transfer to APA Line 15 for correct execution.						[-66,000]		[-66,000]		
015	Advance Procurement (CY) .....		54,956		54,956		120,956	66,000			120,956
	Army requested transfer from APA Line 14 for correct execution.						[66,000]		[66,000]		
	<b>MODIFICATION OF AIRCRAFT</b>										
019	MQ-1 PAYLOAD—UAS .....		136,183		136,183			-136,183			0
	Administration recommendation.						[-29,000]				
	Transfer to OCO .....						[-107,183]		[-136,183]		
021	GUARDRAIL MODS (MIP) .....		27,575		27,575		27,575				27,575
022	MULTI SENSOR ABN RECON (MIP).		8,362		8,362		8,362				8,362
023	AH-64 MODS .....		331,230		331,230		331,230				331,230
024	CH-47 CARGO HELICOPTER MODS (MYP).		79,712		79,712		57,012	-22,700			57,012
	Cargo and ballistic protection contract delays.						[-22,700]		[-22,700]		
025	UTILITY/CARGO AIRPLANE MODS.		22,107		22,107		12,107	-10,000			12,107
	Contract delays .....						[-10,000]		[-10,000]		
027	UTILITY HELICOPTER MODS		80,745		90,745		74,745	-6,000			74,745
	Contract delays .....						[-6,000]		[-6,000]		
	Modifications to Aircraft .....				[10,000]						
028	KIOWA WARRIOR .....		162,052		162,052		162,052	-69,500			92,552
	Cockpit and Sensor Upgrade Program ahead of need.							[-69,500]			
030	NETWORK AND MISSION PLAN.		138,832		138,832		136,432	-2,400			136,432
	Aviation Data Exploitation Capability ahead of need.						[-2,400]		[-2,400]		
031	COMMS, NAV SURVEILLANCE JTRS Integration ahead of need.		132,855		132,855		117,855	-15,000			117,855
							[-15,000]		[-15,000]		
032	GATM ROLLUP .....		105,519		105,519		105,519				105,519
033	RQ-7 UAV MODS .....		126,239		126,239		76,239	-50,000			76,239
	Administration recommendation.						[-50,000]		[-50,000]		
	<b>GROUND SUPPORT AVIONICS</b>										
035	AIRCRAFT SURVIVABILITY EQUIPMENT.		35,993		35,993		35,993				35,993
037	CMWS .....		162,811		162,811		104,251	-58,560			104,251
	Production and installation contract delays.						[-58,560]		[-58,560]		
	<b>OTHER SUPPORT</b>										
038	AVIONICS SUPPORT EQUIPMENT.		4,840		4,840		4,840				4,840
039	COMMON GROUND EQUIPMENT.		176,212		176,212		95,417	-61,695			114,517
	Army offered program reduction.						[-19,100]				
	Aviation Light Utility Mobile Maintenance (ALUMMC) no longer required.						[-3,287]		[-3,287]		
	Aviation Sets, Kits, Outfits, Tools contract delay.						[-58,408]		[-58,408]		
040	AIRCREW INTEGRATED SYSTEMS.		82,883		82,883		62,746	-20,137			62,746

**SEC. 4101. PROCUREMENT**  
(In Thousands of Dollars)

Line	Item	FY 2012 Request		House Authorized		Senate Authorized		Conference Change		Conference Authorized	
		Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost
	Air Soldier System early to need.						[-20,137]		[-20,137]		
041	AIR TRAFFIC CONTROL .....		114,844		114,844		102,444				114,844
	Army offered program reduction.						[-12,400]				
042	INDUSTRIAL FACILITIES .....		1,593		1,593		1,593				1,593
043	LAUNCHER, 2.75 ROCKET .....	464	2,878	464	2,878	464	2,878			464	2,878
	<b>TOTAL AIRCRAFT PROCUREMENT, ARMY.</b>	<b>1,966</b>	<b>7,061,381</b>	<b>1,948</b>	<b>6,547,481</b>	<b>1,966</b>	<b>5,251,934</b>	<b>-54</b>	<b>-1,701,047</b>	<b>1,912</b>	<b>5,360,334</b>
	<b>MISSILE PROCUREMENT, ARMY</b>										
	<b>SURFACE-TO-AIR MISSILE SYSTEM</b>										
001	PATRIOT SYSTEM SUMMARY	88	662,231	88	662,231	88	662,231			88	662,231
002	MSE MISSILE/PAC-3 .....		74,953		74,953		74,953				74,953
	<b>AIR-TO-SURFACE MISSILE SYSTEM</b>										
004	HELLFIRE SYS SUMMARY .....		1,410		1,410		1,410				1,410
	<b>ANTI-TANK/ASSAULT MISSILE SYS</b>										
005	JAVELIN (AAWS-M) SYSTEM SUMMARY.	710	160,767	710	160,767	710	140,767			710	160,767
	Army offered program reduction.						[-20,000]				
006	TOW 2 SYSTEM SUMMARY .....	802	61,676	802	61,676	802	58,676		-3,000	802	58,676
	Unit cost efficiencies .....						[-3,000]		[-3,000]		
007	Advance Procurement (CY) .....		19,886		19,886		19,886				19,886
009	GUIDED MLRS ROCKET (GMLRS).	2,784	314,167	2,784	314,167	2,784	164,167			2,784	314,167
	Program reduction .....						[-150,000]				
010	MLRS REDUCED RANGE PRACTICE ROCKETS (RRPR).	2,370	18,175	2,370	18,175	2,370	18,175			2,370	18,175
011	HIGH MOBILITY ARTILLERY ROCKET SYSTEM (HIMARS).		31,674		31,674		20,674				31,674
	Army offered program reduction.						[-11,000]				
	<b>MODIFICATIONS</b>										
012	PATRIOT MODS .....		66,925		66,925		66,925				66,925
013	STINGER MODS .....		14,495				-5		-14,495		0
	Procurement early to need ...						[-4,495]		[-4,495]		
	Transfer at Army request to RDTE Army PE 23801A .				[-14,495]		[-14,500]		[-10,000]		
014	ITAS/TOW MODS .....		13,577		13,577		13,577				13,577
015	MLRS MODS .....		8,236		8,236		8,236				8,236
016	HIMARS MODIFICATIONS .....		11,670		11,670		11,670				11,670
	<b>SPARES AND REPAIR PARTS</b>										
018	SPARES AND REPAIR PARTS ..		8,700		8,700		8,700				8,700
	<b>SUPPORT EQUIPMENT &amp; FACILITIES</b>										
019	AIR DEFENSE TARGETS .....		3,674		3,674		3,674				3,674
020	ITEMS LESS THAN \$5.0M (MISILES).		1,459		1,459		1,459				1,459
021	PRODUCTION BASE SUPPORT		5,043		5,043		5,043				5,043
	<b>TOTAL MISSILE PROCUREMENT, ARMY.</b>	<b>6,754</b>	<b>1,478,718</b>	<b>6,754</b>	<b>1,464,223</b>	<b>6,754</b>	<b>1,280,218</b>	<b>-17,495</b>		<b>6,754</b>	<b>1,461,223</b>
	<b>PROCUREMENT OF W&amp;TCV, ARMY</b>										
	<b>TRACKED COMBAT VEHICLES</b>										
001	STRYKER VEHICLE .....	100	632,994	100	632,994	100	606,894		-26,100	100	606,894
	Prior year unobligated funds available.						[-26,100]		[-26,100]		
	<b>MODIFICATION OF TRACKED COMBAT VEHICLES</b>										
005	STRYKER (MOD) .....		52,797		52,797		51,497		-1,300		51,497
	Excess program management						[-1,300]		[-1,300]		
006	FIST VEHICLE (MOD) .....		43,962		43,962		35,162		-8,800		35,082
	Funding ahead of need .....						[-8,800]		[-8,880]		
007	BRADLEY PROGRAM (MOD) ..		250,710		403,710		250,710				250,710
	Program Increase .....				[153,000]						
008	HOWITZER, MED SP FT 155MM M109A6 (MOD).		46,876		46,876		46,876				46,876
009	IMPROVED RECOVERY VEHICLE (M88A2 HERCULES).		10,452		10,452		6,452		-3,000		7,452
	Excess contractor engineering.						[-4,000]		[-3,000]		

**SEC. 4101. PROCUREMENT**  
**(In Thousands of Dollars)**

Line	Item	FY 2012 Request		House Authorized		Senate Authorized		Conference Change		Conference Authorized	
		Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost
010	ASSAULT BREACHER VEHICLE. Unjustified growth in matrix support and engineering change proposals.	19	99,904	19	99,904	19	95,904		-2,900	19	97,004
							[-4,000]		[-2,900]		
011	M88 FOV MODS .....		32,483		32,483		32,483				32,483
013	M1 ABRAMS TANK (MOD) ..... Unjustified technical support costs.		160,578		160,578		131,178		-29,400		131,178
							[-29,400]		[-29,400]		
014	ABRAMS UPGRADE PROGRAM. Program increase to add 49 tanks to bridge production gap.	21	181,329	21	453,329	21	421,329	49	255,000	70	436,329
					[272,000]		[240,000]	[49]	[255,000]		
	<b>SUPPORT EQUIPMENT &amp; FACILITIES</b>										
015	PRODUCTION BASE SUPPORT (TCV-WTCV). <b>WEAPONS &amp; OTHER COMBAT VEHICLES</b>		1,073		1,073		1,073				1,073
017	INTEGRATED AIR BURST WEAPON SYSTEM FAMILY. Transfer at Army's request to RDTE, Army PE 64601A.	5	16,046	5	16,046	5			-16,046	5	0
							[-16,046]		[-16,046]		
019	MACHINE GUN, CAL .50 M2 ROLL. Transfer at Army request to WTCV line 34.	4,700	65,102	4,700	65,102	4,700			-65,102	4,700	0
							[-34,000]		[-34,000]		
	Transfer to OCO .....						[-31,102]		[-31,102]		
020	LIGHTWEIGHT .50 CALIBER MACHINE GUN. Army revised lower quantity	700	28,796	700	28,796	700	13,931		-14,866	700	13,930
	Transfer at Army request to RDTE Army PE 64601A .						[-1,700]		[-1,700]		
							[-13,165]		[-13,166]		
023	MORTAR SYSTEMS ..... Excess production engineering.	142	12,477	142	12,477	142	10,177		-2,300	142	10,177
							[-2,300]		[-2,300]		
025	XM320 GRENADE LAUNCHER MODULE (GLM).	2,873	12,055	2,873	12,055	2,873	12,055			2,873	12,055
027	M4 CARBINE .....	19,409	35,015	19,409	35,015	19,409	35,015			19,409	35,015
028	SHOTGUN, MODULAR ACCESSORY SYSTEM (MASS). Army offered program reduction.	3,038	6,707	3,038	6,707	3,038	4,207			3,038	6,707
							[-2,500]				
031	HOWITZER LT WT 155MM (T) Transfer to OCO .....		13,066		13,066						13,066
							[-13,066]				
	<b>MOD OF WEAPONS AND OTHER COMBAT VEH</b>										
033	M4 CARBINE MODS .....		25,092		25,092		25,092				25,092
034	M2 50 CAL MACHINE GUN MODS. Transfer at Army request from WTCV line 19.		14,856		14,856				34,000		48,856
							[34,000]		[34,000]		
	Transfer to OCO .....						[-48,856]				
035	M249 SAW MACHINE GUN MODS.		8,480		8,480		8,480				8,480
036	M240 MEDIUM MACHINE GUN MODS.		15,718		15,718		15,718				15,718
037	SNIPER RIFLES MODIFICATIONS. Program Increase .....		1,994		4,500		1,994				1,994
					[2,506]						
038	M119 MODIFICATIONS .....		38,701		38,701		38,701				38,701
039	M16 RIFLE MODS .....		3,476		3,476		3,476				3,476
041	MODIFICATIONS LESS THAN \$5.0M (WOCV-WTCV). <b>SUPPORT EQUIPMENT &amp; FACILITIES</b>		2,973		2,973		2,973				2,973
043	PRODUCTION BASE SUPPORT (WOCV-WTCV).		10,080		10,080		10,080				10,080
044	INDUSTRIAL PREPAREDNESS		424		424		424				424
045	SMALL ARMS EQUIPMENT (SOLDIER ENH PROG). <b>SPARES</b>		2,453		2,453		2,453				2,453
046	SPARES AND REPAIR PARTS (WTCV).		106,843		106,843		106,843				106,843
	<b>TOTAL PROCUREMENT OF W&amp;TCV, ARMY.</b>	<b>31,007</b>	<b>1,933,512</b>	<b>31,007</b>	<b>2,361,018</b>	<b>31,007</b>	<b>1,971,177</b>	<b>49</b>	<b>119,106</b>	<b>31,056</b>	<b>2,052,618</b>

**SEC. 4101. PROCUREMENT**  
(In Thousands of Dollars)

Line	Item	FY 2012 Request		House Authorized		Senate Authorized		Conference Change		Conference Authorized	
		Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost
	PROCUREMENT OF AMMUNITION, ARMY										
	SMALL/MEDIUM CAL AMMUNITION										
001	CTG, 5.56MM, ALL TYPES .....		210,758		210,758		210,758				210,758
002	CTG, 7.62MM, ALL TYPES .....		83,730		83,730		83,730				83,730
004	CTG, HANDGUN, ALL TYPES ..		9,064		9,064		7,064		-2,000		7,064
	Funding ahead of need .....						[-2,000]		[-2,000]		
005	CTG, .50 CAL, ALL TYPES .....		131,775		131,775		131,775				131,775
007	CTG, 25MM, ALL TYPES .....		14,894		14,894		10,594		-1,200		13,694
	Prior year funds available ...						[-4,300]		[-1,200]		
008	OBJECTIVE FAMILY OF WEAPONS AMMUNITION, ALL T.		3,399		3,399				-3,399		0
	Funding ahead of need .....						[-3,399]		[-3,399]		
009	CTG, 30MM, ALL TYPES .....		118,966		118,966		105,966		-13,000		105,966
	Program growth adjustment						[-13,000]		[-13,000]		
010	CTG, 40MM, ALL TYPES .....		84,799		84,799		34,799		-2,200		82,599
	Excess production engineering.						[-50,000]		[-2,200]		
	MORTAR AMMUNITION										
012	60MM MORTAR, ALL TYPES ...		31,287		31,287		31,287				31,287
013	81MM MORTAR, ALL TYPES ...		12,187		12,187		12,187				12,187
014	120MM MORTAR, ALL TYPES		108,416		108,416		98,416		-1,500		106,916
	Excess production engineering.						[-10,000]		[-1,500]		
	TANK AMMUNITION										
015	CARTRIDGES, TANK, 105MM AND 120MM, ALL TYPES.		105,704		105,704		105,205		-40,499		65,205
	Pricing adjustment .....								[-40,000]		
	Unjustified request .....						[-499]		[-499]		
	ARTILLERY AMMUNITION										
017	ARTILLERY CARTRIDGES, 75MM AND 105MM, ALL TYP.		103,227		103,227		103,227				103,227
019	ARTILLERY PROJECTILE, 155MM, ALL TYPES.		32,887		32,887		32,887				32,887
020	PROJ 155MM EXTENDED RANGE XM982.		69,074		69,074		48,074		-11,000		58,074
	Program restructure .....						[-21,000]		[-11,000]		
021	ARTILLERY PROPELLANTS, FUZES AND PRIMERS, ALL.		48,205		48,205		46,705		-1,500		46,705
	Pricing adjustment .....						[-1,500]		[-1,500]		
	MINES										
023	MINES & CLEARING CHARGES, ALL TYPES.		2,518		2,518		2,518				2,518
	NETWORKED MUNITIONS										
025	SPIDER NETWORK MUNITIONS, ALL TYPES.		43,123		43,123		15,423				43,123
	Full rate production delay ...						[-27,700]				
	ROCKETS										
027	SHOULDER LAUNCHED MUNITIONS, ALL TYPES.		19,254		19,254		17,854		-1,400		17,854
	Excess production engineering.						[-1,400]		[-1,400]		
028	ROCKET, HYDRA 70, ALL TYPES.		127,265		127,265		127,265		-3,400		123,865
	Excess production engineering.								[-3,400]		
	OTHER AMMUNITION										
029	DEMOLITION MUNITIONS, ALL TYPES.		53,685		53,685		53,685		-15,000		38,685
	Program growth adjustment								[-15,000]		
030	GRENADERS, ALL TYPES .....		42,558		42,558		40,558				42,558
	Grenade Rifle Entry Munition—Army offered reduction.						[-2,000]				
031	SIGNALS, ALL TYPES .....		26,173		26,173		26,173				26,173
032	SIMULATORS, ALL TYPES .....		14,108		14,108		6,108				14,108
	Army offered reduction—M115A2 Simulators.						[-4,000]				
	Army offered reduction—M116A1 Simulators.						[-4,000]				
033	ALL OTHER (AMMO) .....		50		50		50				50
	MISCELLANEOUS										
034	AMMO COMPONENTS, ALL TYPES.		18,296		18,296		18,296				18,296

**SEC. 4101. PROCUREMENT**  
(In Thousands of Dollars)

Line	Item	FY 2012 Request		House Authorized		Senate Authorized		Conference Change		Conference Authorized	
		Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost
035	NON-LETHAL AMMUNITION, ALL TYPES.		14,864		14,864		14,864				14,864
036	CAD/PAD ALL TYPES .....		5,449		5,449		5,449				5,449
037	ITEMS LESS THAN \$5 MIL-LION.		11,009		11,009		11,009				11,009
038	AMMUNITION PECULIAR EQUIPMENT.		24,200		24,200		24,200				24,200
039	FIRST DESTINATION TRANSPORTATION (AMMO).		13,711		13,711		13,711				13,711
040	CLOSEOUT LIABILITIES .....		103		103		103		-103		0
	Prior year funds available ...								[-103]		
	<b>PRODUCTION BASE SUPPORT</b>										
041	PROVISION OF INDUSTRIAL FACILITIES.		199,841		199,841		199,841				199,841
042	LAYAWAY OF INDUSTRIAL FACILITIES.		9,451		9,451		9,451				9,451
043	MAINTENANCE OF INACTIVE FACILITIES.		5,533		5,533		1,533				5,533
	Army offered reduction .....						[-4,000]				
044	CONVENTIONAL MUNITIONS DEMILITARIZATION, ALL.		189,789		189,789		177,789		-12,000		177,789
	Contract award delay .....						[-12,000]		[-12,000]		
045	ARMS INITIATIVE .....		3,273		3,273		3,273				3,273
	<b>TOTAL PROCUREMENT OF AMMUNITION, ARMY.</b>		<b>1,992,625</b>		<b>1,992,625</b>		<b>1,831,827</b>		<b>-108,201</b>		<b>1,884,424</b>
	<b>OTHER PROCUREMENT, ARMY</b>										
	<b>TACTICAL VEHICLES</b>										
002	SEMITRAILERS, FLATBED: ....	102	13,496	102	13,496	102	596		-12,900	102	596
	Early to need .....						[-12,900]		[-12,900]		
005	FAMILY OF MEDIUM TACTICAL VEH (FMTV).	2,390	432,936	2,390	432,936	2,390	422,936		-10,000	2,390	422,936
	Unjustified program management cost growth.						[-10,000]		[-10,000]		
006	FIRETRUCKS & ASSOCIATED FIREFIGHTING EQUIP.		21,930		21,930		21,930				21,930
007	FAMILY OF HEAVY TACTICAL VEHICLES (FHTV).		627,294		627,294		555,294		-29,500		597,794
	Army offered program reduction.						[-72,000]				
	Exceeds annual manufacturing capability.								[-27,000]		
	Excessive program management and engineering change orders.								[-2,500]		
008	PLS ESP .....		251,667		251,667		251,667				251,667
010	MINE PROTECTION VEHICLE FAMILY.		56,671		56,671						56,671
	Army offered program reduction.						[-48,000]				
	Transfer to OCO .....						[-8,671]				
012	TRUCK, TRACTOR, LINE HAUL, M915/M916.	6	1,461	6	1,461	6			-1,461	6	0
	Prior year unobligated funds available.						[-1,461]		[-1,461]		
013	HVY EZPANDED MOBILE TACTICAL TRUCK EXT SERV.	412	156,747	412	156,747	412	156,747			412	156,747
014	HMMWV RECAPITALIZATION PROGRAM.		161,631		161,631		4,313		-157,318		4,313
	Funding provided in approved prior year re-programming action.						[-157,318]		[-157,318]		
015	TACTICAL WHEELED VEHICLE PROTECTION KITS.		39,908		39,908						39,908
	Transfer to OCO .....						[-39,908]				
016	MODIFICATION OF IN SVC EQUIP.		362,672		362,672		344,772		-17,900		344,772
	Excessive program support costs.						[-14,000]		[-14,000]		
	HMMWV installation early to need.						[-3,900]		[-3,900]		
017	MINE-RESISTANT AMBUSH-PROTECTED (MRAP) MODS.		142,862		142,862				-15,000		127,862

**SEC. 4101. PROCUREMENT**  
**(In Thousands of Dollars)**

Line	Item	FY 2012 Request		House Authorized		Senate Authorized		Conference Change		Conference Authorized	
		Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost
	Excessive program support costs.						[-15,000]		[-15,000]		
	Transfer to OCO .....						[-127,862]				
020	AMC CRITICAL ITEMS, OPAI		20,156		20,156				-20,156		0
	Unjustified request .....						[-20,156]		[-20,156]		
	<b>NON-TACTICAL VEHICLES</b>										
021	HEAVY ARMORED SEDAN .....	6	1,161	6	1,161	6	1,161			6	1,161
022	PASSENGER CARRYING VEHICLES.		3,222		3,222		3,222				3,222
023	NONTACTICAL VEHICLES, OTHER.		19,869		19,869		19,869				19,869
	<b>COMM—JOINT COMMUNICATIONS</b>										
024	JOINT COMBAT IDENTIFICATION MARKING SYSTEM.		9,984		9,984		9,984				9,984
025	WIN-T—GROUND FORCES TACTICAL NETWORK.	3,931	974,186	3,931	974,186	3,931	865,186		-109,000	3,931	865,186
	Increment 2 contract delay ..						[-109,000]		[-109,000]		
026	JCSE EQUIPMENT (USREDCOM).		4,826		4,826		4,826				4,826
	<b>COMM—SATELLITE COMMUNICATIONS</b>										
028	DEFENSE ENTERPRISE WIDE-BAND SATCOM SYSTEMS.	3	123,859	3	123,859	3	123,859			3	123,859
029	SHF TERM .....	2	8,910	2	8,910	2	8,910		-661	2	8,249
	Full funding for engineering change proposals in prior years.								[-661]		
031	NAVSTAR GLOBAL POSITIONING SYSTEM (SPACE).	6,312	29,568	6,312	29,568	6,312	25,168		-3,200	6,312	26,368
	Fielding cost growth .....						[-4,400]		[-3,200]		
032	SMART-T (SPACE) .....		49,704		49,704		49,704				49,704
033	SCAMP (SPACE) .....		2,415		2,415		2,415				2,415
034	GLOBAL BRDCST SVC—GBS ...		73,374		73,374		64,774		-8,600		64,774
	Excessive unit cost growth ...						[-8,600]		[-8,600]		
035	MOD OF IN-SVC EQUIP (TAC SAT).	140	31,799	140	31,799	140	31,799			140	31,799
	<b>COMM—COMBAT SUPPORT COMM</b>										
036	MOD-IN-SERVICE PROFILER		969		969		969				969
	<b>COMM—C3 SYSTEM</b>										
037	ARMY GLOBAL CMD & CONTROL SYS (AGCCS).		18,788		18,788		18,788				18,788
	<b>COMM—COMBAT COMMUNICATIONS</b>										
038	ARMY DATA DISTRIBUTION SYSTEM (DATA RADIO).		3,994		3,994		3,994				3,994
039	JOINT TACTICAL RADIO SYSTEM.	17,120	775,832	17,120	681,532	17,120	206,087		-348,733	17,120	427,099
	Airborne, Maritime, Fixed Station program delay.						[-108,000]		[-106,000]		
	Army requested transfer to RDTE Navy line 100.						[-51,000]		[-51,000]		
	Ground Mobile Radio program restructure.				[-57,800]		[-153,833]		[-153,833]		
	Manpack radio program delay.						[-256,912]				
	Program Decrease - Maritime/Fixed Station.				[-36,500]				[-37,900]		
040	RADIO TERMINAL SET, MIDS LVT(2).		8,336		8,336		8,336				8,336
041	SINGARS FAMILY .....		4,992		4,992		500		-4,492		500
	Prior year unobligated funds available.						[-4,492]		[-4,492]		
043	TRACTOR DESK .....		10,827		10,827		10,827				10,827
045	SPIDER APLA REMOTE CONTROL UNIT.		36,224		36,224		14,024				36,224
	Program delay .....						[-22,200]				
047	SOLDIER ENHANCEMENT PROGRAM COMM/ELECTRONICS.		1,843		1,843		1,843				1,843
049	GUNSHOT DETECTION SYSTEM (GDS).	87	3,939	87	3,939	87	3,939		-2,939	87	1,000
	Early to need .....								[-2,939]		
050	RADIO, IMPROVED HF (COTS) FAMILY.	550	38,535	550	38,535	550	29,435			550	38,535

**SEC. 4101. PROCUREMENT**  
(In Thousands of Dollars)

Line	Item	FY 2012 Request		House Authorized		Senate Authorized		Conference Change		Conference Authorized	
		Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost
	Army offered program reduction.							[−9,100]			
051	MEDICAL COMM FOR CBT CASUALTY CARE (MC4).	957	26,232	957	26,232	957	26,232			957	26,232
	<b>COMM—INTELLIGENCE COMM</b>										
053	CI AUTOMATION ARCHITECTURE.		1,547		1,547		1,547				1,547
054	CIVIL AFFAIRS/INFO OPS .....		28,266		28,266		28,266				28,266
	<b>INFORMATION SECURITY</b>										
055	TSEC—ARMY KEY MGT SYS (AKMS).	499	12,541	499	12,541	499	11,441			499	12,541
	Army offered program reduction.							[−1,100]			
056	INFORMATION SYSTEM SECURITY PROGRAM-ISSP.		39,349		39,349		39,349		−2,327		37,022
	Army requested transfer to line 56a.							[−2,327]			
056A	FAMILY OF BIOMETRICS .....								2,327		2,327
	Army requested transfer from line 56.							[2,327]			
	<b>COMM—LONG HAUL COMMUNICATIONS</b>										
057	TERRESTRIAL TRANS-MISSION.		2,232		2,232		2,232				2,232
058	BASE SUPPORT COMMUNICATIONS.		37,780		37,780		37,780				37,780
059	WW TECH CON IMP PROG (WWTCIP).		12,805		12,805		12,805				12,805
	<b>COMM—BASE COMMUNICATIONS</b>										
060	INFORMATION SYSTEMS .....	164	187,227	164	187,227	164	131,227		−56,000	164	131,227
	Prior year unobligated funds available.						[−56,000]		[−56,000]		
061	DEFENSE MESSAGE SYSTEM (DMS).		4,393		4,393		4,393				4,393
062	INSTALLATION INFO INFRA-STRUCTURE MOD PROGRAM.		310,761		310,761		310,761				310,761
063	PENTAGON INFORMATION MGT AND TELECOM.		4,992		4,992		4,992				4,992
	<b>ELECT EQUIP—TACT INT REL ACT (TIARA)</b>										
066	JTT/CIBS-M .....		4,657		4,657		4,657				4,657
067	PROPHET GROUND .....	23	72,041	23	72,041	23	72,041			23	72,041
070	DCGS-A (MIP) .....		144,548		144,548				−20,000		124,548
	Transfer to OCO .....						[−124,548]				
	Unjustified growth .....						[−20,000]		[−20,000]		
071	JOINT TACTICAL GROUND STATION (JTAGS).	5	1,199	5	1,199	5	1,199			5	1,199
072	TROJAN (MIP) .....		32,707		32,707		32,707				32,707
073	MOD OF IN-SVC EQUIP (INTEL SPT) (MIP).		9,163		9,163		9,163				9,163
074	CI HUMINT AUTO REPRTING AND COLL(CHARCS) (MIP).		3,493		3,493		3,493				3,493
075	ITEMS LESS THAN \$5.0M (MIP)		802		802		802				802
	<b>ELECT EQUIP—ELECTRONIC WARFARE (EW)</b>										
076	LIGHTWEIGHT COUNTER MORTAR RADAR.	10	33,810	10	33,810	10				10	33,810
	Requirement met with prior year funds.						[−33,810]				
077	CREW .....		24,104		24,104				−24,104		0
	Requirement met with prior year funds.						[−24,104]		[−24,104]		
080	COUNTERINTELLIGENCE/SECURITY COUNTER-MEASURES.		1,252		1,252		1,252				1,252
081	CI MODERNIZATION .....		1,332		1,332		1,332				1,332
	<b>ELECT EQUIP—TACTICAL SURV. (TAC SURV)</b>										
082	FAAD GBS .....		7,958		7,958		7,958		−4,000		3,958
	Violates full funding .....							[−4,000]			
083	SENTINEL MODS .....	47	41,657	47	41,657	47	41,657			47	41,657
084	SENSE THROUGH THE WALL (STTW).	5,831	47,498	5,831	47,498	5,831	47,498			5,831	47,498
085	NIGHT VISION DEVICES .....	8,793	156,204	8,793	156,204	8,793	151,704			8,793	156,204



**SEC. 4101. PROCUREMENT**  
(In Thousands of Dollars)

	(All Subsequent Line Items)										
<i>Line</i>	<i>Item</i>	<i>FY 2012 Request</i>		<i>House Authorized</i>		<i>Senate Authorized</i>		<i>Conference Change</i>		<i>Conference Authorized</i>	
		<i>Qty</i>	<i>Cost</i>	<i>Qty</i>	<i>Cost</i>	<i>Qty</i>	<i>Cost</i>	<i>Qty</i>	<i>Cost</i>	<i>Qty</i>	<i>Cost</i>
	<i>Army offered program reduction.</i>						[−4,500]				
086	LONG RANGE ADVANCED SCOUT SURVEILLANCE SYSTEM.	118	102,334	118	102,334	118	102,334			118	102,334
087	NIGHT VISION, THERMAL WPN SIGHT.		186,859		186,859		143,059				186,859
	<i>Army offered program reduction.</i>						[−43,800]				
088	SMALL TACTICAL OPTICAL RIFLE MOUNTED MLRF.		10,227		10,227		8,027				10,227
	<i>Army offered program reduction.</i>						[−2,200]				
090	COUNTER-ROCKET, ARTIL-LERY & MORTAR (C-RAM).	7	15,774	7	15,774	7				7	15,774
	<i>Transfer to OCO .....</i>						[−15,774]				
092	GREEN LASER INTERDICTION SYSTEM.		25,356		25,356						25,356
	<i>Army offered program reduction.</i>						[−6,300]				
	<i>Transfer to OCO .....</i>						[−19,056]				
095	PROFILER .....	1	3,312	1	3,312	1	3,312			1	3,312
096	MOD OF IN-SVC EQUIP (FIREFINDER RADARS).		3,005		3,005		3,005				3,005
098	JOINT BATTLE COMMAND—PLATFORM (JBC-P).		69,514		69,514		20,014				69,514
	<i>Army offered program reduction.</i>						[−49,500]				
099	LIGHTWEIGHT LASER DESIG-NATOR/RANGEFINDER.	171	58,042	171	58,042	171	58,042			171	58,042
101	MORTAR FIRE CONTROL SYS-TEM.		21,022		21,022		21,022		−4,000		17,022
	<i>Unjustified request .....</i>								[−4,000]		
102	COUNTERFIRE RADARS .....	16	227,629	16	227,629	16	170,529			16	227,629
	<i>Army offered program reduction.</i>						[−57,100]				
103	ARMS CONTROL ENHANCED SENSOR & MONITORING SYSTEM.		2,226		2,226		2,226				2,226
	ELECT EQUIP—TACTICAL C2 SYSTEMS										
104	TACTICAL OPERATIONS Cen-TERS.	80	54,907	80	54,907	80	54,907			80	54,907
105	FIRE SUPPORT C2 FAMILY ....	898	54,223	898	54,223	898	37,423			898	54,223
	<i>Army offered program reduction.</i>						[−16,800]				
106	BATTLE COMMAND SUS-TAINMENT SUPPORT SYSTEM (BC.	612	12,454	612	12,454	612	7,754			612	12,454
	<i>Army offered program reduction.</i>						[−4,700]				
107	FAAD C2 .....		5,030		5,030		5,030				5,030
108	AIR & MSL DEFENSE PLAN-NING & CONTROL Sys.	9	62,710	9	62,710	9	54,910			9	62,710
	<i>Army offered program reduction.</i>						[−7,800]				
109	KNIGHT FAMILY .....	12	51,488	12	51,488	12	32,202		−5,000	12	46,488
	<i>Program growth adjustment</i>						[−19,286]		[−5,000]		
110	LIFE CYCLE SOFTWARE SUP-PORT (LCSS).		1,807		1,807		1,807				1,807
111	AUTOMATIC IDENTIFICA-TION TECHNOLOGY.		28,924		28,924		19,524		−1,600		27,324
	<i>Unjustified request .....</i>						[−9,400]		[−1,600]		
115	MANEUVER CONTROL Sys-TEM (MCS).	498	34,031	498	34,031	498	34,031			498	34,031
116	SINGLE ARMY LOGISTICS En-TERPRISE (SALE).	26,660	210,312	26,660	210,312	26,660	124,026		−86,286	26,660	124,026
	<i>Army identified excess .....</i>						[−15,000]		[−15,000]		
	<i>Army requested transfer to OMA Budget Activity 04.</i>						[−60,240]		[−9,251]		
	<i>Army requested transfer to OPA line 119.</i>						[−1,795]		[−1,795]		
	<i>Army requested transfer to RDTE Army line 177.</i>						[−9,251]		[−60,240]		
117	RECONNAISSANCE AND Sur-Veying Instrument Set.		19,113		19,113		19,113				19,11

**SEC. 4101. PROCUREMENT**  
(In Thousands of Dollars)

Line	Item	FY 2012 Request		House Authorized		Senate Authorized		Conference Change		Conference Authorized	
		Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost
119	GENERAL FUND ENTERPRISE BUSINESS SYSTEM. Army requested transfer from OPA line 116.		23,664		23,664		25,459		1,795		25,459
							[1,795]		[1,795]		
120	ARMY TRAINING MODERNIZATION.		11,192		11,192		11,192				11,192
121	AUTOMATED DATA PROCESSING EQUIP. Army identified excess ..... Prior year unobligated funds available.		220,250		220,250		174,772		-45,478		174,772
							[-10,478]		[-10,478]		
							[-35,000]		[-35,000]		
122	CSS COMMUNICATIONS .....	452	39,310	452	39,310	452	39,310			452	39,310
123	RESERVE COMPONENT AUTOMATION SYS (RCAS).		41,248		41,248		41,248				41,248
	<b>ELECT EQUIP—AUDIO VISUAL SYS (A/V)</b>										
124	ITEMS LESS THAN \$5.0M (A/V)		10,437		10,437		10,437				10,437
125	ITEMS LESS THAN \$5M (SURVEYING EQUIPMENT). Excessive design engineering costs.	168	7,480	168	7,480	168	4,395		-3,085	168	4,395
							[-3,085]		[-3,085]		
	<b>ELECT EQUIP—SUPPORT</b>										
126	PRODUCTION BASE SUPPORT (C-E).		571		571		571				571
127	BCT NETWORK ..... Budget Adjustment per Army Request.				20,334						0
					[20,334]						
	<b>CLASSIFIED PROGRAMS UNDISTRIBUTED</b>										
127A	CLASSIFIED PROGRAMS .....		4,273		4,273		4,273				4,273
127U	UNDISTRIBUTED OPA2 ..... Electronic Equipment—Automation.				4,000						0
					[4,000]						
	<b>CHEMICAL DEFENSIVE EQUIPMENT</b>										
129	FAMILY OF NON-LETHAL EQUIPMENT (FNLE). Acoustic hailing device contract delay.		8,636		8,636		5,213		-3,423		5,213
							[-3,423]		[-3,423]		
130	BASE DEFENSE SYSTEMS (BDS). Base Defense Systems ..... Transfer to OCO .....		41,204		47,204						41,204
					[6,000]						
							[-41,204]				
131	CBRN SOLDIER PROTECTION		10,700		10,700		10,700				10,700
132	SMOKE & OBSCURANT FAMILY: SOF (NON AAO ITEM).		362		362		362				362
	<b>BRIDGING EQUIPMENT</b>										
133	TACTICAL BRIDGING .....		77,428		77,428		77,428				77,428
134	TACTICAL BRIDGE, FLOAT-RIBBON. Excessive program support cost growth.		49,154		49,154		45,454		-3,700		45,454
							[-3,700]		[-3,700]		
	<b>ENGINEER (NON-CONSTRUCTION) EQUIPMENT</b>										
135	HANDHELD STANDOFF MINE-FIELD DETECTION SYS-HST.		39,263		39,263		39,263				39,263
136	GRND STANDOFF MINE DETECTN SYSM (GSTAMIDS).		20,678		20,678		20,678				20,678
137	ROBOTIC COMBAT SUPPORT SYSTEM (RCSS). M160 incremental funding .... Transfer to OCO .....		30,297		30,297				-8,000		22,297
							[-8,000]		[-8,000]		
							[-22,297]				
138	EXPLOSIVE ORDNANCE DISPOSAL EQPMT (EOD EQPMT).		17,626		17,626		17,626				17,626
139	REMOTE DEMOLITION SYSTEMS.		14,672		14,672		14,672				14,672
140	< \$5M, COUNTERMINE EQUIPMENT.		7,352		7,352		7,352				7,352
	<b>COMBAT SERVICE SUPPORT EQUIPMENT</b>										
142	HEATERS AND ECU'S .....		10,109		10,109		10,109				10,109
144	SOLDIER ENHANCEMENT .....		9,591		9,591		9,591				9,591
146	PERSONNEL RECOVERY SUPPORT SYSTEM (PRSS).		8,509		8,509		8,509				8,509
147	GROUND SOLDIER SYSTEM ...		184,072		156,072		4,000		-120,572		63,500

**SEC. 4101. PROCUREMENT**  
(In Thousands of Dollars)

Line	Item	FY 2012 Request		House Authorized		Senate Authorized		Conference Change		Conference Authorized	
		Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost
	Army requested transfer to RDTE Army line 119.						[-7,600]		[-13,100]		
	Program delay .....						[-172,472]		[-107,472]		
	Schedule Slip- Nett Warrior, Increment One.				[-28,000]						
148	MOUNTED SOLDIER SYSTEM Army offered program reduction.		43,419		43,419		19 [-43,400]		-38,419 [-38,419]		5,000
150	FIELD FEEDING EQUIPMENT		26,860		26,860		26,860				26,860
151	CARGO AERIAL DEL & PERSONNEL PARACHUTE SYSTEM. Army offered program reduction.		68,392		68,392		55,392 [-13,000]				68,392
152	MOBILE INTEGRATED REMAINS COLLECTION SYSTEM.		7,384		7,384		7,384				7,384
153	FAMILY OF ENGR COMBAT AND CONSTRUCTION SETS.		54,190		54,190		54,190				54,190
154	ITEMS LESS THAN \$5M (ENG SPT).		12,482		12,482		12,482				12,482
	<b>PETROLEUM EQUIPMENT</b>										
156	DISTRIBUTION SYSTEMS, PETROLEUM & WATER.		75,457		75,457		75,457				75,457
	<b>MEDICAL EQUIPMENT</b>										
158	COMBAT SUPPORT MEDICAL		53,450		53,450		53,450				53,450
	<b>MAINTENANCE EQUIPMENT</b>										
159	MOBILE MAINTENANCE EQUIPMENT SYSTEMS.		16,572		16,572		16,572				16,572
160	ITEMS LESS THAN \$5.0M (MAINT EQ).		3,852		3,852		3,852				3,852
	<b>CONSTRUCTION EQUIPMENT</b>										
161	GRADER, ROAD MTZD, HVY, 6X4 (CCE).		2,201		2,201		2,201				2,201
162	SKID STEER LOADER (SSL) FAMILY OF SYSTEM. Excessive unit cost and program support cost growth.	54	8,584	54	8,584	54	3,984 [-4,600]	-4,600		54	3,984
163	SCRAPERS, EARTHMOVING ...	30	21,031	30	21,031	30	21,031			30	21,031
164	MISSION MODULES - ENGINEERING.		43,432		43,432		43,432				43,432
165	COMPACTOR ..... Army offered program reduction.		2,859		2,859		[-2,859]				2,859
168	TRACTOR, FULL TRACKED .... Unjustified program support cost growth.	171	59,534	171	59,534	171	50,434 [-9,100]	-9,100		171	50,434
169	PLANT, ASPHALT MIXING ..... Prior year unobligated funds available.	4	8,314	4	8,314	4	614 [-7,700]	-7,700		4	614
170	HIGH MOBILITY ENGINEER EXCAVATOR TYPE - FOS.		18,974		18,974		18,974				18,974
171	ENHANCED RAPID AIRFIELD CONSTRUCTION CAPA. Unexecutable acquisition strategy.		15,833		15,833		[-15,833]		[-15,833]		0
172	CONST EQUIP ESP .....		9,771		9,771		9,771				9,771
173	ITEMS LESS THAN \$5.0M (CONST EQUIP).		12,654		12,654		12,654				12,654
	<b>RAIL FLOAT CONTAINERIZATION EQUIPMENT</b>										
174	JOINT HIGH SPEED VESSEL (JHSV). Army requested transfer to SC,N line 17. Excess to need .....	1	223,845	1	223,845	1	223,845	-223,845		1	0
176	ITEMS LESS THAN \$5.0M (FLOAT/RAIL).		10,175		10,175		10,175		[-36,619]		10,175
	<b>GENERATORS</b>										
177	GENERATORS AND ASSOCIATED EQUIP. Program Increase .....		31,897		41,897		31,897				31,897
	<b>MATERIAL HANDLING EQUIPMENT</b>										
179	FAMILY OF FORKLIFTS .....	101	10,944	101	10,944	101	10,944			101	10,944

**SEC. 4101. PROCUREMENT**  
(In Thousands of Dollars)

Line	Item	FY 2012 Request		House Authorized		Senate Authorized		Conference Change		Conference Authorized	
		Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost
180	ALL TERRAIN LIFTING ARMY SYSTEM.	135	21,859	135	21,859	135	21,859			135	21,859
	<b>TRAINING EQUIPMENT</b>										
181	COMBAT TRAINING CENTERS SUPPORT.		133,178		133,178		47,878		-87,061		46,117
	Army offered program reduction.						[-85,300]		[-87,061]		
182	TRAINING DEVICES, NON-SYSTEM.		168,392		168,392		168,392				168,392
183	CLOSE COMBAT TACTICAL TRAINER.		17,760		17,760		13,290		-4,470		13,290
	Prior year unobligated funds available.						[-4,470]		[-4,470]		
184	AVIATION COMBINED ARMS TACTICAL TRAINER.		9,413		9,413		9,413				9,413
	<b>TEST MEASURE AND DIG EQUIPMENT (TMD)</b>										
186	CALIBRATION SETS EQUIPMENT.		13,618		13,618		13,618				13,618
187	INTEGRATED FAMILY OF TEST EQUIPMENT (IFTE).		49,437		49,437		36,937		-12,500		36,937
	Prior year unobligated funds available.						[-12,500]		[-12,500]		
188	TEST EQUIPMENT MODERNIZATION (TEMOD).		30,451		30,451		30,451				30,451
	<b>OTHER SUPPORT EQUIPMENT</b>										
189	RAPID EQUIPPING SOLDIER SUPPORT EQUIPMENT.		4,923		4,923		4,923				4,923
190	PHYSICAL SECURITY SYSTEMS (OPA3).		69,316		69,316		19,606		-49,710		19,606
	Prior year unobligated funds available.						[-49,710]		[-49,710]		
191	BASE LEVEL COMMON EQUIPMENT.		1,591		1,591		1,591				1,591
192	MODIFICATION OF IN-SVC EQUIPMENT (OPA-3).		72,271		72,271		72,271				72,271
193	PRODUCTION BASE SUPPORT (OTH).		2,325		2,325		2,325				2,325
194	SPECIAL EQUIPMENT FOR USER TESTING.		17,411		17,411		17,411				17,411
195	AMC CRITICAL ITEMS OPA3 ..		34,500		34,500		34,500				34,500
196	TRACTOR YARD .....		3,740		3,740		3,740				3,740
197	BCT UNMANNED GROUND VEHICLE.		24,805		93,832						24,805
	Budget Adjustment per Army Request.				[69,027]						
	Program adjustment .....						[-24,805]				
198	BCT TRAINING/LOGISTICS/MANAGEMENT.		149,308		26,011		26,008		-123,300		26,008
	Program cancelation .....				[-123,297]		[-123,300]		[-123,300]		
199	BCT TRAINING/LOGISTICS/MANAGEMENT INC 2.		57,103				3		-57,103		0
	Program cancelation .....				[-57,103]		[-57,100]		[-57,103]		
200	BCT UNMANNED GROUND VEHICLE INC 2.		11,924				24		-11,924		0
	Program cancelation .....				[-11,924]		[-11,900]		[-11,924]		
	<b>OPA2</b>										
201	INITIAL SPARES - C&E .....	33	21,647	33	21,647	33	21,647			33	21,647
	<b>TOTAL OTHER PROCUREMENT, ARMY.</b>	<b>77,621</b>	<b>9,682,592</b>	<b>77,621</b>	<b>9,477,329</b>	<b>77,621</b>	<b>7,050,774</b>	<b>-1,770,878</b>		<b>77,621</b>	<b>7,911,714</b>
	<b>JOINT IMPR EXPLOSIVE DEV DEFEAT FUND</b>										
	<b>STAFF AND INFRASTRUCTURE</b>										
004	OPERATIONS .....		220,634		220,634				-220,634		0
	Transfer to OCO: JIEDDO Operations.						[-220,634]		[-220,634]		
	<b>TOTAL JOINT IMPR EXPLOSIVE DEV DEFEAT FUND.</b>		<b>220,634</b>		<b>220,634</b>			<b>-220,634</b>			<b>0</b>
	<b>AIRCRAFT PROCUREMENT, NAVY</b>										
	<b>COMBAT AIRCRAFT</b>										
001	EA-18G .....	12	1,079,364	12	1,079,364	12	1,072,364		-84,768	12	994,596

**SEC. 4101. PROCUREMENT**  
(In Thousands of Dollars)

Line	Item	FY 2012 Request		House Authorized		Senate Authorized		Conference Change		Conference Authorized	
		Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost
	Avionics PGSE cost growth ..								[-36,000]		
	CFE Electronics cost growth								[-26,600]		
	Engine cost growth .....								[-9,168]		
	Other ILS cost growth .....								[-6,000]		
	Reduce Engineering Change Orders (ECO) to fiscal year 2010 levels.						[-7,000]		[-7,000]		
002	Advance Procurement (CY) .....		28,119		28,119		28,119				28,119
003	F/A-18E/F (FIGHTER) HORNET	28	2,366,752	28	2,366,752	28	1,772,052		-126,568	28	2,240,184
	Armament cost growth .....								[-2,548]		
	CFE Electronics cost growth								[-15,540]		
	ECO excess .....						[-21,000]		[-21,000]		
	Engine cost growth .....								[-15,000]		
	Funded in H. R. 1473 .....						[-495,000]				
	Government furnished equipment engine cost growth.						[-10,700]		[-4,480]		
	Multi-year procurement savings.						[-68,000]		[-68,000]		
004	Advance Procurement (CY) .....		64,962		64,962		63,262		-1,700		63,262
	Airframe termination liability growth.						[-1,700]		[-1,700]		
005	JOINT STRIKE FIGHTER CV ...	7	1,503,096	7	1,503,096	7	1,503,096		-55,000	7	1,448,096
	Engineering change order carryover.								[-20,000]		
	Logistic support growth .....								[-5,000]		
	Peculiar ground support equipment growth.								[-30,000]		
006	Advance Procurement (CY) .....		217,666		217,666		217,666		-108,600		109,066
	Reduce advance procurement								[-108,600]		
007	JSF STOVL .....	6	1,141,933	6	1,141,933	6	1,141,933			6	1,141,933
008	Advance Procurement (CY) .....		117,229		117,229		117,229				117,229
009	V-22 (MEDIUM LIFT) .....	30	2,224,817	30	2,224,817	30	2,214,317		-25,500	30	2,199,317
	Reduce ECO .....						[-10,500]		[-10,500]		
	Support funding carryover ...								[-15,000]		
010	Advance Procurement (CY) .....		84,008		84,008		84,008		-20,240		63,768
	Advance procurement equipment cost growth.								[-20,240]		
011	UH-1Y/AH-1Z .....	25	700,306	25	700,306	25	664,306		-47,745	25	652,561
	AH-1Z (new build) GFE Electronics cost growth.								[-2,345]		
	AH-1Z (remanufacture) airframe cost growth.								[-9,400]		
	Reduce ECO .....						[-6,000]		[-6,000]		
	Unjustified support increase						[-30,000]		[-30,000]		
012	Advance Procurement (CY) .....		68,310		68,310		68,310		-11,560		56,750
	Excess advance procurement								[-11,560]		
013	MH-60S (MYP) .....	18	408,921	18	408,921	18	408,921		-8,300	18	400,621
	Support funding carryover ...								[-8,300]		
014	Advance Procurement (CY) .....		74,040		74,040		74,040				74,040
015	MH-60R .....	24	791,025	24	791,025	24	786,825		-15,500	24	775,525
	Reduce ECO .....						[-4,200]		[-4,200]		
	Support funding carryover ...								[-11,300]		
016	Advance Procurement (CY) .....		209,431		209,431		209,431				209,431
017	P-8A POSEIDON .....	11	2,018,851	11	2,018,851	11	2,018,851		-10,000	11	2,008,851
	Support funding increase .....								[-10,000]		
018	Advance Procurement (CY) .....		256,594		256,594		256,594		-11,700		244,894
	Excess advance procurement								[-11,700]		
019	E-2D ADV HAWKEYE .....	5	914,892	5	914,892	5	894,892		-28,000	5	886,892
	Excess funding reserve .....						[-20,000]		[-20,000]		
	Support funding carryover ...								[-8,000]		
020	Advance Procurement (CY) .....		157,942		157,942		157,942				157,942
	<b>TRAINER AIRCRAFT</b>										
022	JPATS .....	36	266,906	36	266,906	36	256,906		-10,000	36	256,906
	Excess ECO .....						[-10,000]		[-10,000]		
	<b>OTHER AIRCRAFT</b>										
024	KC-130J .....	1	87,288	1	87,288	1	87,288			1	87,288
026	MQ-8 UAV .....	12	191,986	12	191,986	12	191,986			12	191,986
027	STUASLO UAV .....	8	12,772	8	12,772	8			-12,772	8	0
	Low rate initial production contract award slip.						[-12,772]		[-12,772]		
	<b>MODIFICATION OF AIRCRAFT</b>										
029	EA-6 SERIES .....		27,734		27,734		27,734				27,734
030	AEA SYSTEMS .....		34,065		34,065		31,765		-2,300		31,765
	Air launched decoy jammer ..						[-2,300]		[-2,300]		
031	AV-8 SERIES .....		30,762		30,762		30,762		-1,600		29,162
	Non-recurring installation funding unjustified increase.								[-1,600]		

**SEC. 4101. PROCUREMENT**  
**(In Thousands of Dollars)**

Line	Item	FY 2012 Request		House Authorized		Senate Authorized		Conference Change		Conference Authorized	
		Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost
032	F-18 SERIES .....		499,597		499,597		445,597		-74,430		425,167
	Digital Communications System reduce quantities.						[-14,000]				
	ECP 904 Part 1 cost growth ..								[-6,930]		
	ECP 904 Part 1 procurement ahead of need.								[-16,500]		
	Integrated Logistics Support excess to need.						[-20,900]		[-20,900]		
	Net Centric Operations reduce A kits.						[-6,300]				
	OSIP 001-10 ANAV installation kits cost growth.								[-1,000]		
	OSIP 011-84 installation funds savings.								[-9,300]		
	OSIP 11-99 installation funding ahead of need.								[-7,000]		
	Other support growth .....						[-12,800]		[-12,800]		
033	H-46 SERIES .....		27,112		27,112		24,612		-2,500		24,612
	Unjustified Request .....						[-2,500]		[-2,500]		
034	AH-1W SERIES .....		15,828		15,828		15,828				15,828
035	H-53 SERIES .....		62,820		62,820		61,820		-2,500		60,320
	DIRCM Other support excess						[-1,000]		[-1,000]		
	Kapton wiring installation kit cost growth.								[-1,500]		
036	SH-60 SERIES .....		83,394		87,894		83,394				83,394
	SH-60 Crew and Passenger Survivability Upgrades.				[4,500]						
037	H-1 SERIES .....		11,012		11,012		8,412		-2,600		8,412
	Obsolescence install unjustified growth.						[-2,600]		[-2,600]		
038	EP-3 SERIES .....		83,181		83,181		83,181		-9,500		73,681
	Obsolescence ECP installation funding growth.								[-2,700]		
	OSIP 11-01 JMOD obsolescence carryover.								[-5,100]		
	Other support growth .....								[-1,700]		
039	P-3 SERIES .....		171,466		171,466		169,766		-1,000		170,466
	HFIP modification kit procurement ahead of need.								[-1,000]		
	Other support growth .....						[-1,700]				
040	E-2 SERIES .....		29,215		29,215		29,215				29,215
041	TRAINER A/C SERIES .....		22,090		22,090		18,790		-3,300		18,790
	Training equipment growth						[-3,300]		[-3,300]		
042	C-2A .....		16,302		16,302		16,302				16,302
043	C-130 SERIES .....		27,139		27,139		27,139				27,139
044	FLEET EW .....		2,773		2,773		1,773		-1,000		1,773
	Other support growth .....						[-1,000]		[-1,000]		
045	CARGO/TRANSPORT A/C SERIES.		16,463		16,463		16,463				16,463
046	E-6 SERIES .....		165,253		165,253		130,653		-17,200		148,053
	Block I install cost savings ..						[-1,200]		[-1,200]		
	Block II FAB-T non-recurring engineering early to need.						[-5,200]		[-5,200]		
	Block Recapture program delay.						[-20,400]				
	OSIP 008-10 support funding growth.								[-2,000]		
	OSIP 013-10 support funding growth.								[-1,000]		
	Service life extension program install early to need.						[-7,800]		[-7,800]		
047	EXECUTIVE HELICOPTERS SERIES.		58,011		58,011		82,011		19,500		77,511
	Navy requested transfer from RDT&E, Navy line 98, for VH-3/VH-60 sustainment.						[24,000]		[24,000]		
	OSIP 009-02 excess installation funding.								[-4,500]		
048	SPECIAL PROJECT AIRCRAFT		12,248		12,248		11,048		-1,200		11,048
	Install equipment non-recurring unjustified growth.						[-1,200]		[-1,200]		
049	T-45 SERIES .....		57,779		57,779		45,179		-12,000		45,779
	Avionics Obsolescence contract support growth.						[-6,000]		[-6,000]		

**SEC. 4101. PROCUREMENT**  
(In Thousands of Dollars)

Line	Item	FY 2012 Request		House Authorized		Senate Authorized		Conference Change		Conference Authorized	
		Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost
	Correction of Deficiencies contract support growth.						[-6,600]		[-6,000]		
050	AIRCRAFT POWER PLANT CHANGES.		21,847		21,847		21,847				21,847
051	JPATS SERIES .....		1,524		1,524		524		-1,000		524
	Unobligated balances .....						[-1,000]		[-1,000]		
052	AVIATION LIFE SUPPORT MODS.		1,069		1,069		1,069				1,069
053	COMMON ECM EQUIPMENT ...		92,072		92,072		89,272		-28,300		63,772
	DIRCM A kit savings .....						[-2,800]		[-2,800]		
	IDECM Block IV concurrency.								[-25,500]		
054	COMMON AVIONICS CHANGES		147,093		147,093		138,293		-10,800		136,293
	CNS/ATM Other support growth.						[-8,800]		[-8,800]		
	OSIP 01-02 other support growth.								[-2,000]		
056	ID SYSTEMS .....		37,330		37,330		32,030		-5,300		32,030
	Other support growth .....						[-5,300]		[-5,300]		
057	P-8 SERIES .....		2,930		2,930				-2,930		0
	P-8 modifications ahead of need.						[-2,930]		[-2,930]		
058	MAGTF EW FOR AVIATION ....		489		489		489				489
059	RQ-7 SERIES .....		11,419		11,419		11,419		-11,419		0
	TCDL contract delay .....								[-11,419]		
060	V-22 (TILT/ROTOR ACFT) OSPREY.		60,264		60,264		55,764		-4,500		55,764
	Deficiencies modifications other support growth.						[-2,500]		[-2,500]		
	Reliability modifications other support growth.						[-2,000]		[-2,000]		
	<b>AIRCRAFT SPARES AND REPAIR PARTS</b>										
061	SPARES AND REPAIR PARTS ..		1,331,961		1,331,961		1,171,994		-168,667		1,163,294
	E-2D initial spares cost growth.								[-8,700]		
	F/A-18E/F initial spares cost growth.						[-23,967]		[-23,967]		
	F-35 initial spares execution						[-100,000]		[-100,000]		
	P-8A initial spares execution						[-36,000]		[-36,000]		
	<b>AIRCRAFT SUPPORT EQUIP &amp; FACILITIES</b>										
062	COMMON GROUND EQUIPMENT.		351,685		351,685		363,685		12,000		363,685
	Transfer from PE 64273N (RDN 98) for VH-60 trainer.						[12,000]		[12,000]		
063	AIRCRAFT INDUSTRIAL FACILITIES.		22,358		22,358		22,358				22,358
064	WAR CONSUMABLES .....		27,300		27,300						27,300
	Transfer to OCO .....						[-27,300]				
065	OTHER PRODUCTION CHARGES.		10,124		10,124		10,124				10,124
066	SPECIAL SUPPORT EQUIPMENT.		24,395		24,395		21,395		-3,000		21,395
	Unjustified support increase						[-3,000]		[-3,000]		
067	FIRST DESTINATION TRANSPORTATION.		1,719		1,719		1,719				1,719
	<b>TOTAL AIRCRAFT PROCUREMENT, NAVY.</b>	<b>223</b>	<b>18,587,033</b>	<b>223</b>	<b>18,591,533</b>	<b>223</b>	<b>17,593,764</b>		<b>-913,499</b>	<b>223</b>	<b>17,673,534</b>
	<b>WEAPONS PROCUREMENT, NAVY</b>										
	<b>MODIFICATION OF MISSILES</b>										
001	TRIDENT II MODS .....	24	1,309,102	24	1,309,102	24	1,309,102		-10,000	24	1,299,102
	Support funding carryover ...								[-10,000]		
	<b>SUPPORT EQUIPMENT &amp; FACILITIES</b>										
002	MISSILE INDUSTRIAL FACILITIES.		3,492		3,492		3,492				3,492
	<b>STRATEGIC MISSILES</b>										
003	TOMAHAWK .....	196	303,306	196	303,306	196	303,306		-5,700	196	297,606
	Submarine capsules cost growth.								[-5,700]		
	<b>TACTICAL MISSILES</b>										
004	AMRAAM .....	161	188,494	161	188,494	161	119,494		-83,375	161	105,119
	All Up Round Missile contract delay.						[-69,000]		[-83,375]		



**SEC. 4101. PROCUREMENT**  
(In Thousands of Dollars)

Line	Item	FY 2012 Request		House Authorized		Senate Authorized		Conference Change		Conference Authorized	
		Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost
005	SIDEWINDER .....	132	47,098	132	47,098	132	47,098		-4,900	132	42,198
	Excess Block II support .....								[-4,900]		
006	JSOW .....	266	137,722	266	137,722	266	137,722		-6,000	266	131,722
	All Up Round Missile cost growth.								[-6,000]		
007	STANDARD MISSILE .....	89	420,324	89	420,324	89	362,278		-63,446	89	356,878
	Installation and check out funding growth.								[-1,900]		
	Support funding growth .....								[-3,500]		
	Unit Cost efficiencies .....						[-58,046]		[-58,046]		
008	RAM .....	61	66,197	61	66,197	61	66,197			61	66,197
009	HELLFIRE .....	281	22,703	281	22,703	281	22,703			281	22,703
011	AERIAL TARGETS .....		46,359		46,359		46,359				46,359
012	OTHER MISSILE SUPPORT .....		3,561		3,561		3,561				3,561
	<b>MODIFICATION OF MISSILES</b>										
013	ESSM .....	35	48,486	35	48,486	35	48,486			35	48,486
014	HARM MODS .....	72	73,061	72	73,061	72	73,061		-1,500	72	71,561
	Production support growth ..								[-1,500]		
	<b>SUPPORT EQUIPMENT &amp; FACILITIES</b>										
016	WEAPONS INDUSTRIAL FACILITIES.		1,979		1,979		1,979				1,979
017	FLEET SATELLITE COMM FOLLOW-ON.		238,215		238,215		33,215				238,215
	Booster for SV4 early to need						[-205,000]				
	<b>ORDNANCE SUPPORT EQUIPMENT</b>										
019	ORDNANCE SUPPORT EQUIPMENT.		52,255		52,255		52,255				52,255
	<b>TORPEDOES AND RELATED EQUIP</b>										
020	ASW TARGETS .....		31,803		31,803		31,803				31,803
	<b>MOD OF TORPEDOES AND RELATED EQUIP</b>										
021	MK-54 TORPEDO MODS .....	45	78,045	45	78,045	45	78,045		-1,440	45	76,605
	MK-54 array cost growth .....								[-1,440]		
022	MK-48 TORPEDO ADCAP MODS.	48	42,493	48	42,493	48	42,493			48	42,493
023	QUICKSTRIKE MINE .....		5,770		5,770		5,770				5,770
023A	UNDISTRIBUTED .....				5,000						0
	Modification of Torpedoes and Related Equipment.				[5,000]						
	<b>SUPPORT EQUIPMENT</b>										
024	TORPEDO SUPPORT EQUIPMENT.		43,003		43,003		43,003				43,003
025	ASW RANGE SUPPORT .....		9,219		9,219		9,219				9,219
	<b>DESTINATION TRANSPORTATION</b>										
026	FIRST DESTINATION TRANSPORTATION.		3,553		3,553		3,553				3,553
	<b>GUNS AND GUN MOUNTS</b>										
027	SMALL ARMS AND WEAPONS MODIFICATION OF GUNS AND GUN MOUNTS		15,037		15,037		15,037				15,037
028	CIWS MODS .....		37,550		37,550		37,550				37,550
029	COAST GUARD WEAPONS .....		17,525		17,525		17,525		-8,346		9,179
	MK-110 57MM contract delay.								[-8,346]		
030	GUN MOUNT MODS .....		43,957		43,957		43,957				43,957
032	CRUISER MODERNIZATION WEAPONS.		50,013		50,013		50,013				50,013
033	AIRBORNE MINE NEUTRALIZATION SYSTEMS.		12,203		12,203		12,203				12,203
	<b>SPARES AND REPAIR PARTS</b>										
035	SPARES AND REPAIR PARTS ..		55,953		55,953		55,953		-6,339		49,614
	CIWS replenishment spares execution.								[-6,339]		
	<b>TOTAL WEAPONS PROCUREMENT, NAVY.</b>	<b>1,410</b>	<b>3,408,478</b>	<b>1,410</b>	<b>3,413,478</b>	<b>1,410</b>	<b>3,076,432</b>		<b>-191,046</b>	<b>1,410</b>	<b>3,217,432</b>
	<b>SHIPBUILDING &amp; CONVERSION, NAVY</b>										
	<b>OTHER WARSHIPS</b>										
002	CARRIER REPLACEMENT PROGRAM.		554,798		554,798		554,798				554,798
003	VIRGINIA CLASS SUBMARINE	2	3,232,215	2	3,232,215	2	3,232,215		-10,901	2	3,221,314

**SEC. 4101. PROCUREMENT**  
(In Thousands of Dollars)

Line	Item	FY 2012 Request		House Authorized		Senate Authorized		Conference Change		Conference Authorized	
		Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost
	Exterior Communications System other cost unjustified growth.								[-1,000]		
	Propulsor cost growth .....								[-5,538]		
	Sonar hardware pricing cost growth.								[-4,363]		
004	VIRGINIA CLASS SUBMARINE		1,524,761		1,524,761		1,524,761		-63,400		1,461,361
	Nuclear long lead CFE advance procurement cost growth.								[-63,400]		
006	CVN REFUELING OVERHAULS		529,652		529,652		529,652				529,652
008	DDG 1000 .....		453,727		453,727		453,727				453,727
009	DDG-51 .....	1	1,980,709	1	1,980,709	1	1,980,709			1	1,980,709
010	Advance Procurement (CY) .....		100,723		100,723		100,723				100,723
011	LITTORAL COMBAT SHIP .....	4	1,802,093	4	1,802,093	4	1,802,093		-47,000	4	1,755,093
	Basic construction cost growth.								[-47,000]		
<b>AMPHIBIOUS SHIPS</b>											
013	LPD-17 .....	1	1,847,444	1	1,847,444	1	1,847,444		-10,000	1	1,837,444
	Excess ECO funding .....								[-10,000]		
015	LHA REPLACEMENT .....		2,018,691		1,968,691		2,018,691		-19,500		1,999,191
	Contract Delay .....				[-200,000]						
	MK-12 IFF pricing .....								[-1,000]		
	Program Increase .....				[150,000]						
	RAM logistics pricing .....								[-5,500]		
	SLQ-32(V)2 pricing .....								[-5,000]		
	SPQ-9B radar pricing .....								[-1,000]		
	SPS-48 radar pricing .....								[-2,000]		
	SSDS support pricing .....								[-5,000]		
017	JOINT HIGH SPEED VESSEL ...	1	185,106	1	185,106	1	185,106		187,226	1	372,332
	Transfer from OP.A line 174 per Army and Navy Memorandum of Agreement.								[187,226]		
<b>AUXILIARIES, CRAFT AND PRIOR YR PROGRAM COST</b>											
018	OCEANOGRAPHIC SHIPS .....	1	89,000	1	89,000	1	89,000			1	89,000
019	MOORED TRAINING SHIP .....		155,200		155,200		155,200		-24,000		131,200
	Excess advance procurement								[-24,000]		
020	OUTFITTING .....		292,871		292,871		292,871		-22,232		270,639
	CVN-71 outfitting phasing ...								[-5,000]		
	DDG-1001 and 1002 outfitting phasing.								[-1,750]		
	LCS-5 outfitting phasing .....								[-2,000]		
	LCS-6 outfitting phasing .....								[-2,000]		
	LCS-7 outfitting phasing .....								[-782]		
	SSN-782 post delivery phasing.								[-4,700]		
	SSN-785 outfitting phasing ..								[-6,000]		
021	SERVICE CRAFT .....		3,863		3,863		3,863				3,863
022	LCAC SLEP .....	4	84,076	4	84,076	4	84,076			4	84,076
023	COMPLETION OF PY SHIP-BUILDING PROGRAMS.		73,992		73,992		73,992				73,992
	<b>TOTAL SHIPBUILDING &amp; CONVERSION, NAVY.</b>	<b>14</b>	<b>14,928,921</b>	<b>14</b>	<b>14,878,921</b>	<b>14</b>	<b>14,928,921</b>		<b>-9,807</b>	<b>14</b>	<b>14,919,114</b>
<b>PROCUREMENT OF AMMO, NAVY &amp; MC</b>											
<b>NAVY AMMUNITION</b>											
001	GENERAL PURPOSE BOMBS ..		64,766		64,766		63,666		-1,100		63,666
	BLU-109 cost growth .....						[-1,100]		[-1,100]		
003	AIRBORNE ROCKETS, ALL TYPES.		38,264		38,264		37,264		-15,000		23,264
	MK-182 warhead exceeds production rate.								[-3,500]		
	MK-66 rocket motor cost growth.								[-10,500]		
	Support funding carryover ...						[-1,000]		[-1,000]		
004	MACHINE GUN AMMUNITION		17,788		17,788						17,788
005	PRACTICE BOMBS .....		35,289		35,289		35,289				35,289
006	CARTRIDGES & CART ACTUATED DEVICES.		49,416		49,416		49,416		-2,700		46,716
	Initiator and Impulse cartridge unit cost growth.								[-2,700]		
007	AIR EXPENDABLE COUNTERMEASURES.		60,677		60,677		60,677				60,677
008	JATOS .....		2,766		2,766		2,766				2,766
009	5 INCH/54 GUN AMMUNITION		19,006		19,006		10,901		-8,105		10,901

**SEC. 4101. PROCUREMENT**  
(In Thousands of Dollars)

Line	Item	FY 2012 Request		House Authorized		Senate Authorized		Conference Change		Conference Authorized	
		Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost
	Excess prior year multi-op- tion fuze support funding.						[-7,105]		[-7,105]		
	Support funding carryover ...						[-1,000]		[-1,000]		
010	INTERMEDIATE CALIBER GUN AMMUNITION.		19,320		19,320		1,112		-18,208		1,112
	MK295 cartridge contract delay.						[-18,208]		[-18,208]		
011	OTHER SHIP GUN AMMUNI- TION.		21,938		21,938		19,018		-2,920		19,018
	Production engineering growth.						[-2,920]		[-2,920]		
012	SMALL ARMS & LANDING PARTY AMMO.		51,819		51,819		46,039		-5,780		46,039
	A131 complete rounds cost growth.						[-2,500]		[-2,500]		
	A576 LAP kit cost growth ....						[-2,080]		[-2,080]		
	Production engineering growth.						[-1,200]		[-1,200]		
013	PYROTECHNIC AND DEMOLI- TION.		10,199		10,199		10,199				10,199
014	AMMUNITION LESS THAN \$5 MILLION.		4,107		4,107		4,107				4,107
	<b>MARINE CORPS AMMUNI- TION</b>										
015	SMALL ARMS AMMUNITION ..		58,812		58,812		58,812				58,812
016	LINEAR CHARGES, ALL TYPES.		21,434		21,434		17,660		-3,774		17,660
	M913 LAP kit contract delay						[-3,774]		[-3,774]		
017	40 MM, ALL TYPES .....		84,864		84,864		72,864		-4,200		80,664
	B542 LAP kit cost growth ....						[-12,000]		[-4,200]		
018	60MM, ALL TYPES .....		937		937		937				937
019	81MM, ALL TYPES .....		26,324		26,324		18,100		-8,224		18,100
	M913 LAP kit contract delay						[-8,224]		[-8,224]		
020	120MM, ALL TYPES .....		9,387		9,387		7,387				9,387
	Program execution - USMC offered reduction.						[-2,000]				
021	CTG 25MM, ALL TYPES .....		3,889		3,889		3,889				3,889
022	GRENADERS, ALL TYPES .....		13,452		13,452		13,452				13,452
023	ROCKETS, ALL TYPES .....		15,556		15,556		15,556		-3,093		12,463
	C995 late contract award ....								[-3,093]		
024	ARTILLERY, ALL TYPES .....		42,526		42,526		42,526		-20,000		22,526
	TNT flake cost growth .....								[-20,000]		
025	DEMOLITION MUNITIONS, ALL TYPES.		22,786		22,786		1,786				22,786
	Program execution - USMC offered reduction.						[-21,000]				
026	FUZE, ALL TYPES .....		9,266		9,266		9,266				9,266
027	NON LETHALS .....		2,927		2,927		2,927				2,927
028	AMMO MODERNIZATION .....		8,557		8,557		8,557				8,557
029	ITEMS LESS THAN \$5 MIL- LION.		3,880		3,880		3,880				3,880
	<b>TOTAL PROCUREMENT OF AMMO, NAVY &amp; MC.</b>		<b>719,952</b>		<b>719,952</b>		<b>635,841</b>		<b>-93,104</b>		<b>626,848</b>
	<b>OTHER PROCUREMENT, NAVY</b>										
	<b>SHIP PROPULSION EQUIP- MENT</b>										
001	LM-2500 GAS TURBINE .....		13,794		13,794		13,794				13,794
002	ALLISON 501K GAS TURBINE ..		8,643		8,643		8,643				8,643
	<b>NAVIGATION EQUIPMENT</b>										
003	OTHER NAVIGATION EQUIP- MENT.		22,982		22,982		22,982		-2,400		20,582
	ECDIS-N installation fund- ing carryover.								[-1,000]		
	Support funding carryover ...								[-1,400]		
	<b>PERISCOPES</b>										
004	SUB PERISCOPES & IMAGING EQUIP.		60,860		60,860		60,860		-3,827		57,033
	ISIS capability insertion pro- curement ahead of need.								[-3,827]		
	<b>OTHER SHIPBOARD EQUIP- MENT</b>										
005	DDG MOD .....		119,522		119,522		119,522		-2,000		117,522
	Engineering services carry- over.								[-2,000]		
006	FIREFIGHTING EQUIPMENT ..		17,637		17,637		17,637				17,637

**SEC. 4101. PROCUREMENT**  
(In Thousands of Dollars)

Line	Item	FY 2012 Request		House Authorized		Senate Authorized		Conference Change		Conference Authorized	
		Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost
007	COMMAND AND CONTROL SWITCHBOARD.		3,049		3,049		3,049				3,049
008	POLLUTION CONTROL EQUIPMENT.		22,266		22,266		22,266				22,266
009	SUBMARINE SUPPORT EQUIPMENT.		15,892		15,892		15,892		-1,770		14,122
	SSTG governor procurement ahead of need.								[-1,770]		
010	VIRGINIA CLASS SUPPORT EQUIPMENT.		100,693		100,693		100,693		-7,206		93,487
	ISEA labs growth .....								[-2,100]		
	SCS modernization backfit funding ahead of need.								[-2,106]		
	Technology insertion/technology refresh growth.								[-3,000]		
011	SUBMARINE BATTERIES .....		42,296		42,296		42,296				42,296
012	STRATEGIC PLATFORM SUPPORT EQUIP.		25,228		25,228		25,228				25,228
013	DEEP SUBMERGENCE SYSTEMS.		2,600		2,600		2,600				2,600
014	CG MODERNIZATION .....		590,349		590,349		585,349		-17,000		573,349
	Engineering services carry-over.								[-6,000]		
	Shore Site Upgrades--Excessive Growth.						[-5,000]		[-11,000]		
016	UNDERWATER EOD PROGRAMS.		18,499		18,499		18,499		-1,000		17,499
	Support funding carryover ...								[-1,000]		
017	ITEMS LESS THAN \$5 MILLION.		113,809		113,809		99,470		-20,408		93,401
	AS-39 modernization traveling crane funding previously appropriated.								[-3,369]		
	Auto Voltage Regulators--Ahead of Need.						[-3,480]		[-3,480]		
	LCS Waterjet Impellers--No Longer Required.						[-10,859]		[-10,859]		
	Machalts growth .....								[-2,700]		
018	CHEMICAL WARFARE DETECTORS.		5,508		5,508		5,508				5,508
019	SUBMARINE LIFE SUPPORT SYSTEM.		13,397		13,397		13,397				13,397
	<b>REACTOR PLANT EQUIPMENT</b>										
020	REACTOR POWER UNITS .....		436,838		436,838		436,838				436,838
021	REACTOR COMPONENTS .....		271,600		271,600		271,600				271,600
	<b>OCEAN ENGINEERING</b>										
022	DIVING AND SALVAGE EQUIPMENT.		11,244		11,244		11,244		-1,600		9,644
	Outfitting equipment package cost growth.								[-1,600]		
	<b>SMALL BOATS</b>										
023	STANDARD BOATS .....		39,793		39,793		39,793		-6,140		33,653
	7M RIB contract delay .....								[-4,140]		
	Medium sized force protection boats cost growth.								[-2,000]		
	<b>TRAINING EQUIPMENT</b>										
024	OTHER SHIPS TRAINING EQUIPMENT.		29,913		29,913		29,913				29,913
	<b>PRODUCTION FACILITIES EQUIPMENT</b>										
025	OPERATING FORCES IPE .....		54,642		54,642		54,642				54,642
	<b>OTHER SHIP SUPPORT</b>										
026	NUCLEAR ALTERATIONS .....		144,175		144,175		144,175				144,175
027	LCS MODULES .....		79,583		79,583		68,163		-16,135		63,448
	AN/AQS-20A--Contract Delay.						[-8,920]		[-8,920]		
	Engineering change proposal growth.								[-4,715]		
	Production Support--Excess to Need.						[-2,500]		[-2,500]		
	<b>LOGISTIC SUPPORT</b>										
028	LSD MIDLIFE .....		143,483		143,483		143,483		-10,750		132,733
	Air conditioner plant upgrades installation ahead of need.								[-2,000]		

**SEC. 4101. PROCUREMENT**  
(In Thousands of Dollars)

Line	Item	FY 2012 Request		House Authorized		Senate Authorized		Conference Change		Conference Authorized	
		Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost
	RO desalinator units installation funding ahead of need.								[-6,750]		
	Steering control upgrade installation funding ahead of need.								[-2,000]		
	<b>SHIP RADARS</b>										
029	RADAR SUPPORT .....		18,818		23,818		18,818		-8,200		10,618
	Excess ECO funding .....								[-1,800]		
	Program Increase .....				[5,000]						
	Radar procurement ahead of need.								[-6,400]		
	<b>SHIP SONARS</b>										
030	SPQ-9B RADAR .....		24,613		24,613		24,613		-6,377		18,236
	Radar procurement ahead of need.								[-6,377]		
031	AN/SQQ-89 SURF ASW COMBAT SYSTEM.		73,829		73,829		73,829		-2,058		71,771
	Sonar upgrade cost growth ..								[-2,058]		
032	SSN ACOUSTICS .....		212,913		212,913		212,913				212,913
033	UNDERSEA WARFARE SUPPORT EQUIPMENT.		29,686		29,686		29,686		-4,000		25,686
	Mission integration installation funding ahead of need.								[-4,000]		
034	SONAR SWITCHES AND TRANSDUCERS.		13,537		13,537		13,537				13,537
035	ELECTRONIC WARFARE MILDEC.		18,141		18,141		18,141		-1,300		16,841
	ICADS cost growth .....								[-1,300]		
	<b>ASW ELECTRONIC EQUIPMENT</b>										
036	SUBMARINE ACOUSTIC WARFARE SYSTEM.		20,554		20,554		20,554				20,554
037	SSTD .....		2,257		2,257		2,257		-1,000		1,257
	Excess support funding .....								[-1,000]		
038	FIXED SURVEILLANCE SYSTEM.		60,141		60,141		60,141				60,141
039	SURTASS .....		29,247		29,247		27,047		-3,700		25,547
	ICP installation funding ahead of need.								[-1,500]		
	Integrated Common Processor [ICP] Procurement--Ahead of Need.						[-2,200]		[-2,200]		
040	MARITIME PATROL AND RECONNAISSANCE FORCE.		13,453		13,453		13,453				13,453
040A	UNDISTRIBUTED .....				9,600						0
	Anti-Submarine Warfare Electronic Equipment.				[9,600]						
	<b>ELECTRONIC WARFARE EQUIPMENT</b>										
041	AN/SLQ-32 .....		43,096		43,096		39,902		-3,194		39,902
	Block 1B3 Units--No Longer Required.						[-3,194]		[-3,194]		
	<b>RECONNAISSANCE EQUIPMENT</b>										
042	SHIPBOARD IW EXPLOIT .....		103,645		103,645		100,745		-2,900		100,745
	Paragon Systems--Change to Procurement Strategy.						[-2,900]		[-2,900]		
043	AUTOMATED IDENTIFICATION SYSTEM (AIS).		1,364		1,364		1,364				1,364
	<b>SUBMARINE SURVEILLANCE EQUIPMENT</b>										
044	SUBMARINE SUPPORT EQUIPMENT PROG.		100,793		100,793		100,793		-11,552		89,241
	ICADF antenna installation delay.								[-7,286]		
	Support funding carryover ...								[-2,000]		
	Tech and capability insertion procurement ahead of need.								[-2,266]		
	<b>OTHER SHIP ELECTRONIC EQUIPMENT</b>										
045	COOPERATIVE ENGAGEMENT CAPABILITY.		23,332		23,332		17,032		-4,000		19,332
	PAAA Backfit Installation Funding--No Longer Required.						[-2,000]		[-2,000]		

**SEC. 4101. PROCUREMENT**  
(In Thousands of Dollars)

Line	Item	FY 2012 Request		House Authorized		Senate Authorized		Conference Change		Conference Authorized	
		Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost
	Signal Data Processors Backfits [AN/USG-2A]--Ahead of Need.						[-2,300]				
	Signal Data Processors Backfits--Ahead of Need.						[-2,000]		[-2,000]		
046	TRUSTED INFORMATION SYSTEM (TIS).		426		426		426				426
047	NAVAL TACTICAL COMMAND SUPPORT SYSTEM (NTCSS).		33,017		33,017		33,017				33,017
048	ATDLS .....		942		942		942				942
049	NAVY COMMAND AND CONTROL SYSTEM (NCCS).		7,896		7,896		7,896				7,896
050	MINESWEEPING SYSTEM REPLACEMENT.		27,868		27,868		27,868				27,868
051	SHALLOW WATER MCM ..... Shallow Water Mine Counter Measures.		1,048		9,023 [7,975]		1,048				1,048
052	NAVSTAR GPS RECEIVERS (SPACE).		9,926		9,926		9,926				9,926
053	AMERICAN FORCES RADIO AND TV SERVICE.		4,370		4,370		4,370				4,370
054	STRATEGIC PLATFORM SUPPORT EQUIP.		4,143		4,143		4,143				4,143
	<b>TRAINING EQUIPMENT</b>										
055	OTHER TRAINING EQUIPMENT. COTS obsolescence excessive growth.		45,989		45,989		45,989		-10,800 [-10,800]		35,189
	<b>AVIATION ELECTRONIC EQUIPMENT</b>										
056	MATCALs ..... Radar upgrade transfer from Title XV. Support funding carryover ...		8,136		8,136		8,136		5,232 [7,232]		13,368
057	SHIPBOARD AIR TRAFFIC CONTROL.		7,394		7,394		7,394		[-2,000]		7,394
058	AUTOMATIC CARRIER LANDING SYSTEM. ECO growth .....		18,518		18,518		18,518		-1,500 [-1,500]		17,018
059	NATIONAL AIR SPACE SYSTEM. Digital Airport Surveillance Radar cost growth.		26,054		26,054		26,054		-1,473 [-1,473]		24,581
060	FLEET AIR TRAFFIC CONTROL SYSTEMS.		7,213		7,213		7,213				7,213
061	LANDING SYSTEMS .....		7,138		7,138		7,138				7,138
062	ID SYSTEMS ..... Mark XII Mode 5--Ahead of Need.		33,170		33,170		31,470 [-1,700]		-1,700 [-1,700]		31,470
063	NAVAL MISSION PLANNING SYSTEMS.		8,941		8,941		8,941				8,941
	<b>OTHER SHORE ELECTRONIC EQUIPMENT</b>										
064	DEPLOYABLE JOINT COMMAND AND CONT.		8,994		8,994		8,994				8,994
065	MARITIME INTERGRATED BROADCAST SYSTEM.		13,529		13,529		13,529				13,529
066	TACTICAL/MOBILE C4I SYSTEMS. Tactical/Mobile C4I Systems Increment 2.1 Ahead of Need.		12,776		12,776		10,876 [-1,900]		-1,900 [-1,900]		10,876
067	DCGS-N .....		11,201		11,201		11,201				11,201
068	CANES ..... Installation ahead of need ... Support funding carryover ... Transfer to PE 33138N (RDN 201) per USN request. Transfer to Ship Communications Automation (OPN 76) per USN request.		195,141		195,141		105,541 [-12,000] [-77,600]		-99,053 [-7,153] [-2,300] [-12,000] [-77,600]		96,088
069	RADIAC .....		6,201		6,201		6,201				6,201
070	CANES-INTELL ..... Installation ahead of need ...		75,084		75,084		75,084		-2,771 [-2,771]		72,313
071	ELECTRONIC TEST EQUIPMENT.		6,010		6,010		6,010				6,010

**SEC. 4101. PROCUREMENT**  
*(In Thousands of Dollars)*

Line	Item	FY 2012 Request		House Authorized		Senate Authorized		Conference Change		Conference Authorized	
		Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost
072	INTEG COMBAT SYSTEM TEST FACILITY.		4,441		4,441		4,441				4,441
073	EMI CONTROL INSTRUMENTATION.		4,741		4,741		4,741				4,741
074	ITEMS LESS THAN \$5 MILLION.		51,716		51,716		51,716		-9,300		42,416
	SPS-48 radar cost growth ....								[-2,500]		
	SPS-48 radar upgrade procurement ahead of need.								[-6,800]		
	SHIPBOARD COMMUNICATIONS										
075	SHIPBOARD TACTICAL COMMUNICATIONS.		26,197		2,397		1,494		-24,703		1,494
	Airborne Maritime - Fixed Radios.				[-8,800]						
	JTRS AMF--Program Delay						[-24,703]		[-24,703]		
	Program Decrease .....				[-15,000]						
076	SHIP COMMUNICATIONS AUTOMATION.		177,510		177,510		255,110		77,600		255,110
	Transfer from CANES (OPN 68) per USN request.						[77,600]		[77,600]		
077	MARITIME DOMAIN AWARENESS (MDA).		24,022		24,022		24,022				24,022
078	COMMUNICATIONS ITEMS UNDER \$5M.		33,644		33,644		27,544		-6,100		27,544
	BFTN--Installations Ahead of Need.						[-2,800]		[-2,800]		
	HMS Radios--Contract Delays.						[-3,300]		[-3,300]		
	SUBMARINE COMMUNICATIONS										
079	SUBMARINE BROADCAST SUPPORT.		10,357		10,357		10,357				10,357
080	SUBMARINE COMMUNICATION EQUIPMENT.		75,447		75,447		75,447		-1,400		74,047
	Support funding carryover ...								[-1,400]		
	SATELLITE COMMUNICATIONS										
081	SATELLITE COMMUNICATIONS SYSTEMS.		25,522		25,522		25,522				25,522
082	NAVY MULTIBAND TERMINAL (NMT).		109,022		109,022		94,022		-1,780		107,242
	Revised Pricing .....						[-15,000]				
	Submarine terminal cost growth.								[-1,780]		
	SHORE COMMUNICATIONS										
083	JCS COMMUNICATIONS EQUIPMENT.		2,186		2,186		2,186				2,186
084	ELECTRICAL POWER SYSTEMS.		1,329		1,329		1,329				1,329
085	NAVAL SHORE COMMUNICATIONS.		2,418		2,418		2,418				2,418
	CRYPTOGRAPHIC EQUIPMENT										
086	INFO SYSTEMS SECURITY PROGRAM (ISSP).		119,857		119,857		114,257		-10,463		109,394
	EKMS Afloat--KMI Ahead of Need.						[-1,000]		[-2,074]		
	Excess installation funding ..								[-3,789]		
	VACM Program Delay .....						[-4,600]		[-4,600]		
	CRYPTOLOGIC EQUIPMENT										
087	CRYPTOLOGIC COMMUNICATIONS EQUIP.		14,820		14,820		14,820				14,820
	OTHER ELECTRONIC SUPPORT										
088	COAST GUARD EQUIPMENT ...		6,848		6,848		6,848				6,848
	DRUG INTERDICTION SUPPORT										
089	OTHER DRUG INTERDICTION SUPPORT.		2,290		2,290		2,290				2,290
	SONOBUOYS										
090	SONOBUOYS--ALL TYPES .....		96,314		96,314		84,464		-1,500		94,814
	AN/SSQ-110 cost growth .....								[-1,500]		
	AN/SSQ-125--Ahead of Need						[-11,850]				
	AIRCRAFT SUPPORT EQUIPMENT										



**SEC. 4101. PROCUREMENT**  
(In Thousands of Dollars)

<i><b>Line</b></i>	<i><b>Item</b></i>	<i><b>FY 2012 Request</b></i>		<i><b>House Authorized</b></i>		<i><b>Senate Authorized</b></i>		<i><b>Conference Change</b></i>		<i><b>Conference Authorized</b></i>	
		<i><b>Qty</b></i>	<i><b>Cost</b></i>	<i><b>Qty</b></i>	<i><b>Cost</b></i>	<i><b>Qty</b></i>	<i><b>Cost</b></i>	<i><b>Qty</b></i>	<i><b>Cost</b></i>	<i><b>Qty</b></i>	<i><b>Cost</b></i>
091	WEAPONS RANGE SUPPORT EQUIPMENT. Threat presentation program growth.		40,697		40,697		40,697		-3,000		37,697
092	EXPEDITIONARY AIRFIELDS		8,561		8,561		8,561				8,561
093	AIRCRAFT REARMING EQUIP- MENT. Munitions trailer contract delay. Ordnance trailer contract delay.		8,941		8,941		8,941		-3,354		5,587
094	AIRCRAFT LAUNCH & RECOV- ERY EQUIPMENT.		19,777		19,777		19,777				19,777
095	METEOROLOGICAL EQUIP- MENT. Meteorological Mobile Facil- ity (Replacement) Next Generation contract delay.		22,003		22,003		22,003		-2,525		19,478
096	DIGITAL CAMERA RECEIVING STATION.		1,595		1,595		1,595				1,595
097	AVIATION LIFE SUPPORT ..... Flight deck cranial cost growth.		66,031		66,031		66,031		-5,112		60,919
098	AIRBORNE MINE COUNTER-MEASURES. AN/AQS-20A--Contract Delay. Production line set up excess funding.		49,668		49,668		42,765		-16,153		33,515
099	LAMPS MK III SHIPBOARD EQUIPMENT. Modification kit procurement ahead of need.		18,471		18,471		18,471		-5,563		12,908
100	PORTABLE ELECTRONIC MAINTENANCE AIDS.		7,875		7,875		7,875				7,875
101	OTHER AVIATION SUPPORT EQUIPMENT.		12,553		12,553		12,553				12,553
102	SHIP GUN SYSTEM EQUIP- MENT.										
103	NAVAL FIRES CONTROL SYS- TEM. GUN FIRE CONTROL EQUIP- MENT.		2,049		2,049		2,049				2,049
104	SHIP MISSILE SYSTEMS EQUIPMENT										
105	NATO SEASPARRROW .....		8,926		8,926		8,926				8,926
106	RAM GMLS ..... Installation funding ahead of need.		4,321		4,321		4,321		-1,193		3,128
107	SHIP SELF DEFENSE SYSTEM SSDS COTS Conversion Kits Ahead of Need.		60,700		60,700		54,381		-6,376		54,324
108	AEGIS SUPPORT EQUIPMENT		43,148		43,148		43,148				43,148
109	TOMAHAWK SUPPORT EQUIPMENT. Support funding carryover ...		72,861		72,861		72,861		-2,600		70,261
110	VERTICAL LAUNCH SYSTEMS		732		732		732				732
111	MARITIME INTEGRATED PLANNING SYSTEM-MIPS. FBM SUPPORT EQUIPMENT		4,823		4,823		4,823				4,823
112	STRATEGIC MISSILE SYS- TEMS EQUIP. ASW SUPPORT EQUIPMENT		187,807		187,807		187,807				187,807
113	SSN COMBAT CONTROL SYS- TEMS. Naval Intelligence Fusion Tool transfer from Title XV.		81,596		81,596		81,596		7,500		89,096
114	SUBMARINE ASW SUPPORT EQUIPMENT.		5,241		5,241		5,241				5,241
115	SURFACE ASW SUPPORT EQUIPMENT.		5,816		5,816		5,816				5,816
116	ASW RANGE SUPPORT EQUIP- MENT. OTHER ORDNANCE SUPPORT EQUIPMENT		7,842		7,842		7,842				7,842

**SEC. 4101. PROCUREMENT**  
**(In Thousands of Dollars)**

Line	Item	FY 2012 Request		House Authorized		Senate Authorized		Conference Change		Conference Authorized	
		Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost
116	EXPLOSIVE ORDNANCE DISPOSAL EQUIP. Product improvement funding growth.		98,847		98,847		98,847		-1,900		96,947
									[-1,900]		
117	ITEMS LESS THAN \$5 MILLION. <b>OTHER EXPENDABLE ORDNANCE</b>		4,073		4,073		4,073				4,073
118	ANTI-SHIP MISSILE DECOY SYSTEM.		32,716		32,716		32,716				32,716
119	SURFACE TRAINING DEVICE MODS.		5,814		5,814		5,814				5,814
120	SUBMARINE TRAINING DEVICE MODS. <b>CIVIL ENGINEERING SUPPORT EQUIPMENT</b>		36,777		36,777		36,777				36,777
121	PASSENGER CARRYING VEHICLES. Non-SOCOM related contract delays.		6,271		6,271		3,771		-1,500		4,771
	Unjustified Growth .....						[-2,500]				
122	GENERAL PURPOSE TRUCKS Unjustified Growth .....		3,202		3,202		2,202				3,202
							[-1,000]				
123	CONSTRUCTION & MAINTENANCE EQUIP. Contract Delays .....		9,850		9,850		6,850				9,850
							[-3,000]				
124	FIRE FIGHTING EQUIPMENT		14,315		14,315		14,315				14,315
125	TACTICAL VEHICLES .....		16,502		16,502		16,502				16,502
126	AMPHIBIOUS EQUIPMENT .....		3,235		3,235		3,235				3,235
127	POLLUTION CONTROL EQUIPMENT.		7,175		7,175		7,175				7,175
128	ITEMS UNDER \$5 MILLION .....		20,727		20,727		10,727		-10,000		10,727
	Contract Delays .....						[-10,000]		[-10,000]		
129	PHYSICAL SECURITY VEHICLES. <b>SUPPLY SUPPORT EQUIPMENT</b>		1,142		1,142		1,142				1,142
130	MATERIALS HANDLING EQUIPMENT. Contract Delays .....		14,972		14,972		9,972		-5,000		9,972
							[-5,000]		[-5,000]		
131	OTHER SUPPLY SUPPORT EQUIPMENT.		4,453		4,453		4,453				4,453
132	FIRST DESTINATION TRANSPORTATION.		6,416		6,416		6,416				6,416
133	SPECIAL PURPOSE SUPPLY SYSTEMS (IT). <b>TRAINING DEVICES</b>		51,894		51,894		51,894				51,894
134	TRAINING SUPPORT EQUIPMENT. <b>COMMAND SUPPORT EQUIPMENT</b>		16,353		16,353		16,353				16,353
135	COMMAND SUPPORT EQUIPMENT. SPAWAR--Excess to Need ....		28,693		28,693		27,693		-2,372		26,321
	US Fleet Forces equipment growth.						[-1,000]		[-1,000]		
									[-1,372]		
136	EDUCATION SUPPORT EQUIPMENT.		2,197		2,197		2,197				2,197
137	MEDICAL SUPPORT EQUIPMENT. Medical and dental outfitting kit cost growth.		7,175		7,175		4,175		-3,000		4,175
							[-3,000]		[-3,000]		
138	NAVAL MIP SUPPORT EQUIPMENT.		1,457		1,457		1,457				1,457
140	OPERATING FORCES SUPPORT EQUIPMENT.		15,330		15,330		15,330				15,330
141	C4ISR EQUIPMENT .....		136		136		136				136
142	ENVIRONMENTAL SUPPORT EQUIPMENT.		18,639		18,639		18,639				18,639
143	PHYSICAL SECURITY EQUIPMENT.		177,240		177,240		177,240				177,240
144	ENTERPRISE INFORMATION TECHNOLOGY. <b>CLASSIFIED PROGRAMS</b>		143,022		143,022		143,022				143,022
148A	CLASSIFIED PROGRAMS .....		14,402		14,402		14,402				14,402
	<b>SPARES AND REPAIR PARTS</b>										
149	SPARES AND REPAIR PARTS ..		208,384		208,384		208,384				208,384

**SEC. 4101. PROCUREMENT**  
(In Thousands of Dollars)

Line	Item	FY 2012 Request		House Authorized		Senate Authorized		Conference Change		Conference Authorized	
		Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost
	TOTAL OTHER PROCUREMENT, NAVY.		6,285,451		6,284,226		6,122,523		-292,276		5,993,175
	PROCUREMENT, MARINE CORPS TRACKED COMBAT VEHICLES										
001	AAV7A1 PIP .....		9,894		9,894		9,894				9,894
002	LAV PIP .....		147,051		147,051		147,051				147,051
	ARTILLERY AND OTHER WEAPONS										
003	EXPEDITIONARY FIRE SUPPORT SYSTEM.	7	11,961	7	11,961	7	11,961			7	11,961
004	155MM LIGHTWEIGHT TOWED HOWITZER.		5,552		5,552		5,552				5,552
005	HIGH MOBILITY ARTILLERY ROCKET SYSTEM.		14,695		14,695		14,695				14,695
006	WEAPONS AND COMBAT VEHICLES UNDER \$5 MILLION.		14,868		14,868		14,868				14,868
	OTHER SUPPORT										
007	MODIFICATION KITS .....		53,932		53,932		53,932				53,932
008	WEAPONS ENHANCEMENT PROGRAM.		13,795		13,795		13,795				13,795
	GUIDED MISSILES										
009	GROUND BASED AIR DEFENSE.		12,287		12,287		12,287				12,287
011	FOLLOW ON TO SMAW .....		46,563		46,563		46,563				46,563
012	ANTI-ARMOR WEAPONS SYSTEM-HEAVY (AAWS-H).		19,606		19,606		19,606				19,606
	OTHER SUPPORT										
013	MODIFICATION KITS .....		4,140		4,140		4,140				4,140
	COMMAND AND CONTROL SYSTEMS										
014	UNIT OPERATIONS CENTER ...		16,755		16,755		16,755				16,755
	REPAIR AND TEST EQUIPMENT										
015	REPAIR AND TEST EQUIPMENT.		24,071		24,071		24,071				24,071
	OTHER SUPPORT (TEL)										
016	COMBAT SUPPORT SYSTEM ..		25,461		25,461		25,461				25,461
	COMMAND AND CONTROL SYSTEM (NON-TEL)										
018	ITEMS UNDER \$5 MILLION (COMM & ELEC).		5,926		5,926		5,926				5,926
019	AIR OPERATIONS C2 SYSTEMS.		44,152		44,152		44,152				44,152
	RADAR + EQUIPMENT (NON-TEL)										
020	RADAR SYSTEMS .....		40,352		40,352		40,352				40,352
	INTELL/COMM EQUIPMENT (NON-TEL)										
021	FIRE SUPPORT SYSTEM .....		8,793		8,793		4,470		-4,323		4,470
	Excess to need .....						[-4,323]		[-4,323]		
022	INTELLIGENCE SUPPORT EQUIPMENT.		64,276		64,276		32,276				64,276
	Marine Corps recommendation.						[-32,000]				
024	RQ-11 UAV .....		2,104		2,104		2,104				2,104
025	DCGS-MC .....		10,789		10,789		10,789				10,789
	OTHER COMME/ELEC EQUIPMENT (NON-TEL)										
028	NIGHT VISION EQUIPMENT ...		6,847		6,847		6,847				6,847
	OTHER SUPPORT (NON-TEL)										
029	COMMON COMPUTER RESOURCES.		218,869		218,869		196,869				218,869
	Marine Corps recommendation.						[-22,000]				
030	COMMAND POST SYSTEMS ....		84,856		84,856		84,856				84,856
031	RADIO SYSTEMS .....		89,479		90,479		79,770		-9,709		79,770
	Equipment upgrade for CBNIRF (UFR).				[1,000]		[1,000]		[1,000]		
	Marine Corps recommendation.						[-10,709]		[-10,709]		
032	COMM SWITCHING & CONTROL SYSTEMS.		16,598		16,598		16,598				16,598
033	COMM & ELEC INFRASTRUCTURE SUPPORT.		47,505		47,505		47,505				47,505
	CLASSIFIED PROGRAMS										

**SEC. 4101. PROCUREMENT**  
(In Thousands of Dollars)

Line	Item	FY 2012 Request		House Authorized		Senate Authorized		Conference Change		Conference Authorized	
		Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost
033A	CLASSIFIED PROGRAMS .....		1,606		1,606		1,606				1,606
	<b>ADMINISTRATIVE VEHICLES</b>										
034	COMMERCIAL PASSENGER VEHICLES.		894		894		894				894
035	COMMERCIAL CARGO VEHICLES.		14,231		14,231		14,231				14,231
	<b>TACTICAL VEHICLES</b>										
037	MOTOR TRANSPORT MODIFICATIONS.		8,389		8,389		8,389				8,389
038	MEDIUM TACTICAL VEHICLE REPLACEMENT.	12	5,833	12	5,833	12	5,833			12	5,833
039	LOGISTICS VEHICLE SYSTEM REP.		972		972		972				972
040	FAMILY OF TACTICAL TRAILERS.		21,848		21,848		21,848				21,848
	<b>OTHER SUPPORT</b>										
042	ITEMS LESS THAN \$5 MILLION.		4,503		4,503		4,503				4,503
	<b>ENGINEER AND OTHER EQUIPMENT</b>										
043	ENVIRONMENTAL CONTROL EQUIP ASSORT.		2,599		2,599		2,599				2,599
044	BULK LIQUID EQUIPMENT ....		16,255		16,255		16,255				16,255
045	TACTICAL FUEL SYSTEMS .....		26,853		26,853		26,853				26,853
046	POWER EQUIPMENT ASSORTED.		27,247		27,247		27,247				27,247
047	AMPHIBIOUS SUPPORT EQUIPMENT.		5,533		5,533		5,533				5,533
048	EOD SYSTEMS .....		61,753		61,753		29,753				61,753
	Marine Corps recommendation.						[-32,000]				
	<b>MATERIALS HANDLING EQUIPMENT</b>										
049	PHYSICAL SECURITY EQUIPMENT.		16,627		16,627		16,627				16,627
050	GARRISON MOBILE ENGINEER EQUIPMENT (GMEE).		10,827		10,827		10,827				10,827
051	MATERIAL HANDLING EQUIP		37,055		37,055		37,055				37,055
052	FIRST DESTINATION TRANSPORTATION.		1,462		1,462		1,462				1,462
	<b>GENERAL PROPERTY</b>										
053	FIELD MEDICAL EQUIPMENT		24,079		24,079		24,079				24,079
054	TRAINING DEVICES .....		10,277		10,277		10,277				10,277
055	CONTAINER FAMILY .....		3,123		3,123		3,123				3,123
056	FAMILY OF CONSTRUCTION EQUIPMENT.		18,137		18,137		18,137				18,137
059	RAPID DEPLOYABLE KITCHEN.		5,026		5,026		5,026				5,026
	<b>OTHER SUPPORT</b>										
060	ITEMS LESS THAN \$5 MILLION.		5,206		5,206		5,206				5,206
	<b>SPARES AND REPAIR PARTS</b>										
061	SPARES AND REPAIR PARTS ..		90		90		90				90
	<b>TOTAL PROCUREMENT, MARINE CORPS.</b>	<b>19</b>	<b>1,391,602</b>	<b>19</b>	<b>1,392,602</b>	<b>19</b>	<b>1,291,570</b>	<b>-14,032</b>		<b>19</b>	<b>1,377,570</b>
	<b>AIRCRAFT PROCUREMENT, AIR FORCE</b>										
	<b>TACTICAL FORCES</b>										
001	F-35 .....	19	3,340,615	19	3,340,615	19	3,340,615	-1	-151,000	18	3,189,615
	Reduce by one aircraft .....							[-1]	[-151,000]		
002	Advance Procurement (CY) .....		323,477		323,477		323,477		-94,500		228,977
	Reduce advance procurement								[-94,500]		
003	F-22A .....		104,118		104,118		104,118				104,118
	<b>OTHER AIRLIFT</b>										
005	C-130J .....	1	72,879	1	72,879	1	72,879			1	72,879
007	HC-130J .....	3	332,899	3	332,899	3	332,899			3	332,899
009	MC-130J .....	6	582,466	6	582,466	6	582,466			6	582,466
013	C-27J .....	9	479,896	9	479,896	9	479,896			9	479,896
	<b>UPT TRAINERS</b>										
015	USAF POWERED FLIGHT PROGRAM.		1,060		1,060		1,060				1,060
	<b>HELICOPTERS</b>										
017	COMMON VERTICAL LIFT SUPPORT.	2	52,800	2	52,800	2	52,800			2	52,800
019	V22 OSPREY .....	5	339,865	5	339,865	5	339,865			5	339,865
020	Advance Procurement (CY) .....		20,000		20,000		20,000				20,000

**SEC. 4101. PROCUREMENT**  
(In Thousands of Dollars)

Line	Item	FY 2012 Request		House Authorized		Senate Authorized		Conference Change		Conference Authorized	
		Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost
	<b>MISSION SUPPORT AIRCRAFT</b>										
023	CIVIL AIR PATROL A/C .....		2,190		2,190		2,190				2,190
024	HH-60M .....	3	104,711	1	34,811	3	34,811			3	104,711
	Combat losses funded in FY11.			[-2]	[-69,900]		[-69,900]				
025	LIGHT ATTACK ARMED RECON ACFT.	9	158,549	9	158,549	9		-3	-43,500	6	115,049
	Defer production pending R&D completion.						[-158,549]				
	Reduction of three aircraft ..							[-3]	[-43,500]		
	<b>OTHER AIRCRAFT</b>										
029	TARGET DRONES .....		64,268		64,268		64,268		-5,000		59,268
	Slow execution .....								[-5,000]		
030	C-37A .....	3	77,842	3	77,842	3	77,842			3	77,842
031	RQ-4 .....	3	323,964	3	323,964	3	323,964			3	323,964
032	Advance Procurement (CY) .....		71,500		71,500		71,500				71,500
033	MC 130 .....	1	108,470	1	108,470	1	108,470			1	108,470
034	MQ-9 .....	48	813,092	48	813,092	48			-813,092	48	0
	ASIP 2C early to need .....						[-29,500]		[-29,500]		
	Block 5 to Block 1 adjustment.								[-64,000]		
	Transfer to OCO .....						[-783,592]		[-719,592]		
	<b>STRATEGIC AIRCRAFT</b>										
035	B-2A .....		41,315		41,315		41,315		-10,300		31,015
	Excess to need .....								[-10,300]		
036	B-1B .....		198,007		198,007		198,007				198,007
037	B-52 .....		93,897		93,897		93,897				93,897
	<b>TACTICAL AIRCRAFT</b>										
038	A-10 .....		153,128		158,128		7,328		-140,600		12,528
	Modification of In Service A-10 Aircraft.				[5,000]						
	Program reduction--Wing replacement program.						[-145,800]		[-140,600]		
039	F-15 .....		222,386		222,386		208,386		-14,000		208,386
	Early to need--Mode 5 IFF ...						[-14,000]		[-14,000]		
040	F-16 .....		73,346		56,746		56,746		-16,600		56,746
	Mode 5 procurement ahead of need.				[-16,600]		[-16,600]		[-16,600]		
041	F-22A .....		232,032		232,032		232,032				232,032
	<b>AIRLIFT AIRCRAFT</b>										
043	C-5 .....		11,741		5,741		11,741				11,741
	Program Decrease .....				[-6,000]						
045	C-5M .....		851,859		851,859		851,859				851,859
046	Advance Procurement (CY) .....		112,200		112,200		112,200				112,200
047	C-9C .....		9		9		9				9
048	C-17A .....		202,179		196,179		202,179				202,179
	Program Decrease .....				[-6,000]						
049	C-21 .....		328		328		328				328
050	C-32A .....		12,157		12,157		1,757		-10,400		1,757
	Program reduction--SLC3S--A.						[-10,400]		[-10,400]		
051	C-37A .....		21,986		21,986		486		-21,500		486
	Program reduction--SLC3S--A.						[-21,500]		[-21,500]		
052	C-130 AMP .....		235,635		235,635		208,135		-27,500		208,135
	Early to need--kit installs ....						[-27,500]		[-27,500]		
	<b>TRAINER AIRCRAFT</b>										
053	GLIDER MODS .....		123		123		123				123
054	T-6 .....		15,086		15,086		15,086				15,086
055	T-1 .....		238		238		238				238
056	T-38 .....		31,032		31,032		31,032				31,032
	<b>OTHER AIRCRAFT</b>										
057	KC-10A (ATCA) .....		27,220		27,220		9,820		-17,400		9,820
	Early to need--CNS/ATM ....						[-17,400]		[-17,400]		
058	C-12 .....		1,777		1,777		1,777				1,777
059	MC-12W .....		16,767		16,767		16,767				16,767
060	C-20 MODS .....		241		241		241				241
061	VC-25A MOD .....		387		387		387				387
062	C-40 .....		206		206		206				206
063	C-130 .....		45,876		43,276		45,876		10,400		56,276
	Program Decrease .....				[-13,000]						
	Transfer per Air Force Request from RDAF-81.				[10,400]				[10,400]		
064	C-130 INTEL .....		3,593		3,593		3,593				3,593
065	C-130J MODS .....		38,174		38,174		38,174				38,174
066	C-135 .....		62,210		62,210		62,210				62,210

Line	Item	FY 2012 Request		House Authorized		Senate Authorized		Conference Change		Conference Authorized	
		Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost
067	COMPASS CALL MODS .....		256,624		256,624		256,624				256,624
068	RC-135 .....		162,211		162,211		162,211				162,211
069	E-3 .....		135,031		135,031		135,031				135,031
070	E-4 .....		57,829		57,829		57,829				57,829
071	E-8 .....		29,058		29,058		29,058				29,058
072	H-1 .....		5,280		5,280		5,280				5,280
073	H-60 .....		34,371		88,971		88,971				34,371
	Transfer from PE 65299F (RDAF 81) per USAF re- quest.				[54,600]		[54,600]				
074	RQ-4 MODS .....		89,177		89,177		89,177				89,177
075	HC/MC-130 MODIFICATIONS ...		431		431		10,831		10,400		10,831
	Transfer from PE 65299F (RDAF 81) per USAF re- quest.						[10,400]		[10,400]		
076	OTHER MODIFICATIONS .....		115,338		115,338		68,238		-47,100		68,238
	Early to need in FAB-T .....						[-47,100]		[-47,100]		
077	MQ-1 MODS .....		158,446		158,446		158,446				158,446
078	MQ-9 MODS .....		181,302		181,302		181,302		-31,558		149,744
	Block 5 fielding early to need								[-31,558]		
079	MQ-9 UAS PAYLOADS .....		74,866		74,866		74,866				74,866
080	CV-22 MODS .....		14,715		14,715		14,715				14,715
	AIRCRAFT SPARES + REPAIR PARTS										
081	FIGHTER/UAV INITIAL SPARES/REPAIR PARTS.		1,030,364		1,030,364		927,364		-103,000		927,364
	Program reduction--poor exe- cution.						[-103,000]		[-103,000]		
	COMMON SUPPORT EQUIP- MENT										
082	AIRCRAFT REPLACEMENT SUPPORT EQUIP.		92,394		92,394		92,394		-2,076		90,318
	F-15 ESTS contract delay ....								[-2,076]		
	POST PRODUCTION SUP- PORT										
083	B-1 .....		4,743		4,743		4,743				4,743
084	B-2A .....		101		101		101				101
085	B-2A .....		49,319		49,319		49,319				49,319
087	C-5 .....		521		521		521				521
089	KC-10A (ATCA) .....		5,691		5,691		5,691				5,691
090	C-17A .....		183,696		183,696		75,115		-108,581		75,115
	Transition to post production						[-108,581]		[-108,581]		
091	C-130 .....		25,646		25,646		25,646				25,646
093	C-135 .....		2,434		2,434		2,434				2,434
094	F-15 .....		2,076		2,076		2,076				2,076
095	F-16 .....		4,537		4,537		4,537				4,537
097	OTHER AIRCRAFT .....		40,025		40,025		40,025		-16,800		23,225
	F-16 Block 40/50 MTC .....								[-16,800]		
	INDUSTRIAL PREPAREDNESS										
098	INDUSTRIAL RESPONSIVE- NESS.		21,050		21,050		21,050				21,050
	WAR CONSUMABLES										
099	WAR CONSUMABLES .....		87,220		87,220				-87,220		0
	Transfer to OCO .....						[-87,220]		[-87,220]		
	OTHER PRODUCTION CHARGES										
100	OTHER PRODUCTION CHARGES.		1,072,858		1,072,858		1,072,858				1,072,858
	DARP										
104	U-2 .....		48,875		48,875		48,875				

**SEC. 4101. PROCUREMENT**  
(In Thousands of Dollars)

Line	Item	FY 2012 Request		House Authorized		Senate Authorized		Conference Change		Conference Authorized	
		Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost
003	PRACTICE BOMBS ..... BDU-56 C/B—Unjustified cost growth.		38,756		38,756		38,756		-4,880 [-4,880]		33,876
004	GENERAL PURPOSE BOMBS .. BDU-109—Incorrect cost es- timate.		168,557		168,557		168,557		-35,000 [-35,000]		133,557
005	JOINT DIRECT ATTACK MU- NITION.	3,250	76,649	3,250	76,649	3,250	76,649			3,250	76,649
	<b>FLARE, IR MJU-7B</b>										
006	CAD/PAD .....		42,410		42,410		42,410				42,410
007	EXPLOSIVE ORDNANCE DIS- POSAL (EOD).		3,119		3,119		3,119				3,119
008	SPARES AND REPAIR PARTS ..		998		998		998				998
009	MODIFICATIONS .....		1,132		1,132		1,132				1,132
010	ITEMS LESS THAN \$5,000,000 ...		5,075		5,075		5,075				5,075
	<b>FUZES</b>										
011	FLARES .....		46,749		46,749		46,749				46,749
012	FUZES .....		34,735		34,735		34,735				34,735
	<b>SMALL ARMS</b>										
013	SMALL ARMS .....		7,195		7,195		7,195				7,195
	<b>TOTAL PROCUREMENT OF AMMUNITION, AIR FORCE.</b>	<b>3,250</b>	<b>539,065</b>	<b>3,250</b>	<b>539,065</b>	<b>3,250</b>	<b>539,065</b>		<b>-39,880</b>	<b>3,250</b>	<b>499,185</b>
	<b>MISSILE PROCUREMENT, AIR FORCE</b>										
	<b>MISSILE REPLACEMENT EQUIPMENT - BALLISTIC</b>										
001	MISSILE REPLACEMENT EQ- BALLISTIC.		67,745		67,745		67,745				67,745
	<b>TACTICAL</b>										
002	JASSM .....	142	236,193	142	236,193	142	236,193			142	236,193
003	SIDEWINDER (AIM-9X) .....	240	88,769	240	88,769	240	88,769			240	88,769
004	AMRAAM .....	218	309,561	218	309,561	218	208,561		-107,385 [-107,385]	218	202,176
	Production Backlog .....										
005	PREDATOR HELLFIRE MIS- SILE.	416	46,830	416	46,830	416	46,830			416	46,830
006	SMALL DIAMETER BOMB .....		7,523		7,523		7,523				7,523
	<b>INDUSTRIAL FACILITIES</b>										
007	INDUSTR'L PREPAREDNS/POL PREVENTION.		726		726		726				726
	<b>CLASS IV</b>										
008	ADVANCED CRUISE MISSILE		39		39		39				39
009	MM III MODIFICATIONS .....		125,953		125,953		125,953				125,953
010	AGM-65D MAVERICK .....		266		266		266				266
011	AGM-88A HARM .....		25,642		25,642		25,642				25,642
012	AIR LAUNCH CRUISE MISSILE (ALCM).		14,987		14,987		14,987				14,987
	<b>MISSILE SPARES + REPAIR PARTS</b>										
013	INITIAL SPARES/REPAIR PARTS.		43,241		43,241		43,241				43,241
	<b>SPACE PROGRAMS</b>										
014	ADVANCED EHF .....	2	552,833	2	552,833	2	552,833			2	552,833
016	WIDEBAND GAFILLER SAT- ELLITES(SPACE).	1	468,745	1	884,745	1	468,745		407,000	1	875,745
	Reduction to Support Fund- ing Growth.										
	Transfer from PDW-20 .....				[416,000]				[416,000]		
018	GPS III SPACE SEGMENT .....	2	433,526	2	433,526	2	433,526			2	433,526
019	Advance Procurement (CY) .....		81,811		81,811		41,811				81,811
	Excess advance procure- ment—AF program change.								[-40,000]		
020	SPACEBORNE EQUIP (COMSEC).		21,568		21,568		21,568				21,568
021	GLOBAL POSITIONING (SPACE).		67,689		67,689		67,689				67,689
022	DEF METEOROLOGICAL SAT PROG(SPACE).		101,397		101,397		101,397				101,397
023	EVOLVED EXPENDABLE LAUNCH VEH(SPACE).	4	1,740,222	4	1,740,222	4	1,740,222		-32,000	4	1,708,222
	Excess to need due to effi- ciencies.								[-32,000]		
024	SBIR HIGH (SPACE) .....		81,389		81,389		81,389				81,389
025	Advance Procurement (CY) .....		243,500		243,500		243,500				243,500
	<b>SPECIAL PROGRAMS</b>										
031	SPECIAL UPDATE PROGRAMS		154,727		154,727		154,727				154,727



**SEC. 4101. PROCUREMENT**  
(In Thousands of Dollars)

Line	Item	FY 2012 Request		House Authorized		Senate Authorized		Conference Change		Conference Authorized	
		Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost
	<b>CLASSIFIED PROGRAMS</b>										
031A	CLASSIFIED PROGRAMS .....		1,159,135		1,159,135		746,980		-412,155		746,980
	Classified Adjustment .....						[-412,155]		[-412,155]		
	<b>TOTAL MISSILE PRO- CUREMENT, AIR FORCE.</b>	<b>1,025</b>	<b>6,074,017</b>	<b>1,025</b>	<b>6,490,017</b>	<b>1,025</b>	<b>5,520,862</b>		<b>-144,540</b>	<b>1,025</b>	<b>5,929,477</b>
	<b>OTHER PROCUREMENT, AIR FORCE</b>										
	<b>PASSENGER CARRYING VEHI- CLES</b>										
001	PASSENGER CARRYING VEHI- CLES.		5,621		5,621		5,621				5,621
	<b>CARGO + UTILITY VEHICLES</b>										
002	MEDIUM TACTICAL VEHICLE		18,411		18,411		18,411				18,411
003	CAP VEHICLES .....		917		917		917				917
004	ITEMS LESS THAN \$5,000,000 (CARGO).		18,694		18,694		18,694				18,694
	<b>SPECIAL PURPOSE VEHICLES</b>										
005	SECURITY AND TACTICAL VEHICLES.		5,982				85		-5,897		85
	Guardian Angel Contract Delay.						[-2,941]		[-2,941]		
	HMMWV--In Excess of Need				[-5,982]		[-2,956]		[-2,956]		
006	ITEMS LESS THAN \$5,000,000 (SPECIA.		20,677		20,677		20,677				20,677
	<b>FIRE FIGHTING EQUIPMENT</b>										
007	FIRE FIGHTING/CRASH RES- CUE VEHICLES.		22,881		22,881		22,881				22,881
	<b>MATERIALS HANDLING EQUIPMENT</b>										
008	ITEMS LESS THAT \$5,000,000 ...		14,978		14,978		14,978				14,978
	<b>BASE MAINTENANCE SUP- PORT</b>										
009	RUNWAY SNOW REMOV AND CLEANING EQU.		16,556		16,556		16,556				16,556
010	ITEMS LESS THAN \$5M BASE MAINT/CONST.		30,225		30,225		30,225				30,225
	<b>COMM SECURITY EQUIP- MENT(COMSEC)</b>										
011	COMSEC EQUIPMENT .....		135,169		135,169		135,169				135,169
012	MODIFICATIONS (COMSEC) ...		1,263		1,263		1,263				1,263
	<b>INTELLIGENCE PROGRAMS</b>										
014	INTELLIGENCE TRAINING EQUIPMENT.		2,645		2,645		2,645				2,645
015	INTELLIGENCE COMM EQUIPMENT.		21,762		21,762		21,762				21,762
016	ADVANCE TECH SENSORS .....		899		899		899				899
017	MISSION PLANNING SYSTEMS		18,529		18,529		18,529				18,529
	<b>ELECTRONICS PROGRAMS</b>										
018	AIR TRAFFIC CONTROL & LANDING SYS.		32,473		32,473		32,473				32,473
019	NATIONAL AIRSPACE SYS- TEM.		51,426		51,426		51,426				51,426
020	BATTLE CONTROL SYSTEM - FIXED.		32,468		32,468		32,468				32,468
021	THEATER AIR CONTROL SYS IMPROVEMEN.		22,813		22,813		22,813				22,813
022	WEATHER OBSERVATION FORECAST.		14,619		14,619		14,619				14,619
023	STRATEGIC COMMAND AND CONTROL.		39,144		39,144		39,144		-1,000		38,144
	JFHQ equipment .....								[-1,000]		
024	CHEYENNE MOUNTAIN COM- PLEX.		25,992		25,992		25,992				25,992
025	TAC SIGNIT SPT .....		217		217		217				217
	<b>SPCL COMM-ELECTRONICS PROJECTS</b>										
027	GENERAL INFORMATION TECHNOLOGY.		52,263		52,263		52,263				52,263
028	AF GLOBAL COMMAND & CONTROL SYS.		16,951		16,951		16,951				16,951
029	MOBILITY COMMAND AND CONTROL.		26,433		26,433		19,033		-9,400		17,033
	SLICC/Viper II Excess of Need.						[-7,400]		[-7,400]		

**SEC. 4101. PROCUREMENT**  
**(In Thousands of Dollars)**

Line	Item	FY 2012 Request		House Authorized		Senate Authorized		Conference Change		Conference Authorized	
		Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost
	Wing LAN infrastructure—slow execution.								[-2,000]		
030	AIR FORCE PHYSICAL SECURITY SYSTEM.		90,015		90,015		90,015				90,015
031	COMBAT TRAINING RANGES ..		23,955		23,955		23,955				23,955
032	C3 COUNTERMEASURES .....		7,518		7,518		7,518				7,518
033	GCSS-AF FOS .....		72,641		72,641		72,641				72,641
034	THEATER BATTLE MGT C2 SYSTEM.		22,301		22,301		22,301				22,301
035	AIR & SPACE OPERATIONS CTR-WPN SYS.		15,525		15,525		15,525				15,525
	<b>AIR FORCE COMMUNICATIONS</b>										
036	INFORMATION TRANSPORT SYSTEMS.		49,377		49,377		49,377				49,377
037	BASE INFO INFRASTRUCTURE.		41,239		41,239		41,239				41,239
038	AFNET .....		228,978		228,978		108,978		-100,000		128,978
	Reduce Program Growth .....						[-120,000]		[-100,000]		
039	VOICE SYSTEMS .....		43,603		43,603		23,603		-20,000		23,603
	Reduce Program Growth .....						[-20,000]		[-20,000]		
040	USCENTCOM-JCSE .....		30,983		30,983		30,983				30,983
	<b>DISA PROGRAMS</b>										
041	SPACE BASED IR SENSOR PGM SPACE.		49,570		49,570		49,570				49,570
042	NAVSTAR GPS SPACE .....		2,008		2,008		2,008				2,008
043	NUDET DETECTION SYS SPACE.		4,863		4,863		4,863				4,863
044	AF SATELLITE CONTROL NETWORK SPACE.		61,386		61,386		61,386				61,386
045	SPACELIFT RANGE SYSTEM SPACE.		125,947		125,947		125,947				125,947
046	MILSATCOM SPACE .....		104,720		104,720		36,570		-68,150		36,570
	Early to need in FAB-T .....						[-68,150]		[-68,150]		
047	SPACE MODS SPACE .....		28,075		28,075		28,075				28,075
048	COUNTERSPACE SYSTEM .....		20,718		20,718		20,718				20,718
	<b>ORGANIZATION AND BASE</b>										
049	TACTICAL C-E EQUIPMENT ...		227,866		217,466		153,590		-74,240		153,626
	JTC Training and Rehearsal Schedule Ahead of Need.						[-17,140]		[-17,140]		
	JTRS AMF Milestone C Delay.				[-10,400]		[-12,636]		[-12,600]		
	JTRS Handheld / Manpack Cost Increases.						[-44,500]		[-44,500]		
050	COMBAT SURVIVOR EVADER LOCATER.		22,184		22,184		7,184		-15,000		7,184
	CSEL Contract Delay .....						[-15,000]		[-15,000]		
051	RADIO EQUIPMENT .....		11,408		11,408		11,408				11,408
052	CCTV/AUDIOVISUAL EQUIPMENT.		11,559		11,559		11,559				11,559
053	BASE COMM INFRASTRUCTURE.		105,977		105,977		80,977		-25,000		80,977
	Slow Execution .....						[-25,000]		[-25,000]		
	<b>MODIFICATIONS</b>										
054	COMM ELECT MODS .....		76,810		76,810		76,810				76,810
	<b>PERSONAL SAFETY &amp; RESCUE EQUIP</b>										
055	NIGHT VISION GOGGLES .....		20,008		20,008		1,008		-19,000		1,008
	Night Vision Cueing and Display Contract Delay.						[-19,000]		[-19,000]		
056	ITEMS LESS THAN \$5,000,000 (SAFETY).		25,499		25,499		12,598		-12,901		12,598
	Laser Eye Protection Contract Delay.						[-5,800]		[-5,800]		
	MACH Early to Need .....						[-7,101]		[-7,101]		
	<b>DEPOT PLANT+MTRLS HANDLING EQ</b>										
057	MECHANIZED MATERIAL HANDLING EQUIP.		37,829		37,829		37,829				37,829
	<b>BASE SUPPORT EQUIPMENT</b>										
058	BASE PROCURED EQUIPMENT.		16,483		16,483		16,483				16,483
059	CONTINGENCY OPERATIONS		16,754		16,754		16,754				16,754
060	PRODUCTIVITY CAPITAL INVESTMENT.		3,653		3,653		903		-2,750		903
	Unjustified Program Growth						[-2,750]		[-2,750]		
061	MOBILITY EQUIPMENT .....		30,345		30,345		20,345		-10,000		20,345

**SEC. 4101. PROCUREMENT**  
**(In Thousands of Dollars)**

Line	Item	FY 2012 Request		House Authorized		Senate Authorized		Conference Change		Conference Authorized	
		Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost
	Power Generation--Reduce Growth.						[-10,000]		[-10,000]		
062	ITEMS LESS THAN \$5,000,000 (BASE S).		2,819		2,819		2,819				2,819
	<b>SPECIAL SUPPORT PROJECTS</b>										
064	DARP RC135 .....		23,341		23,341		23,341				23,341
065	DCGS-AF .....		212,146		212,146		212,146				212,146
067	SPECIAL UPDATE PROGRAM		410,069		410,069		410,069				410,069
068	DEFENSE SPACE RECONNAISSANCE PROG..		41,066		41,066		41,066				41,066
	<b>CLASSIFIED PROGRAMS</b>										
068A	CLASSIFIED PROGRAMS .....		14,618,160		14,618,160		14,788,852		170,692		14,788,852
	Classified Adjustment .....						[170,692]		[170,692]		
	<b>SPARES AND REPAIR PARTS</b>										
069	SPARES AND REPAIR PARTS ..		14,630		14,630		14,630				14,630
	<b>TOTAL OTHER PROCUREMENT, AIR FORCE.</b>		<b>17,602,036</b>		<b>17,585,654</b>		<b>17,392,354</b>		<b>-192,646</b>		<b>17,409,390</b>
	<b>PROCUREMENT, DEFENSE-WIDE</b>										
	<b>MAJOR EQUIPMENT, DCAA</b>										
002	ITEMS LESS THAN \$5 MILLION.		1,473		1,473		1,473				1,473
	<b>MAJOR EQUIPMENT, DCMA</b>										
003	MAJOR EQUIPMENT .....		2,076		2,076		2,076				2,076
	<b>MAJOR EQUIPMENT, DHRA</b>										
004	PERSONNEL ADMINISTRATION.		11,019		11,019		11,019				11,019
	<b>MAJOR EQUIPMENT, DISA</b>										
014	INFORMATION SYSTEMS SECURITY.		19,952		19,952		19,952				19,952
015	GLOBAL COMMAND AND CONTROL SYSTEM.		5,324		5,324		5,324				5,324
016	GLOBAL COMBAT SUPPORT SYSTEM.		2,955		2,955		2,955				2,955
017	TELEPORT PROGRAM .....		54,743		54,743		54,743				54,743
018	ITEMS LESS THAN \$5 MILLION.		174,805		174,805		174,805				174,805
019	NET CENTRIC ENTERPRISE SERVICES (NCES).		3,429		3,429		3,429				3,429
020	DEFENSE INFORMATION SYSTEM NETWORK.		500,932		84,932		200,932		-416,000		84,932
	Other alternatives not evaluated; need to conduct AOA.						[-300,000]				
	Transfer to MPAF-16 .....				[-416,000]				[-416,000]		
021	PUBLIC KEY INFRASTRUCTURE.		1,788		1,788		1,788				1,788
022	CYBER SECURITY INITIATIVE		24,085		24,085		24,085				24,085
	<b>MAJOR EQUIPMENT, DLA</b>										
023	MAJOR EQUIPMENT .....		11,537		11,537		11,537				11,537
	<b>MAJOR EQUIPMENT, DMACT</b>										
024	MAJOR EQUIPMENT .....	5	14,542	5	14,542	5	14,542			5	14,542
	<b>MAJOR EQUIPMENT, DODEA</b>										
025	AUTOMATION/EDUCATIONAL SUPPORT & LOGISTICS.		1,444		1,444		1,444				1,444
	<b>MAJOR EQUIPMENT, DEFENSE SECURITY CO-OPERATION AGENCY</b>										
026	EQUIPMENT .....		971		971		971				971
	<b>MAJOR EQUIPMENT, DSS</b>										
027	OTHER CAPITAL EQUIPMENT		974		974		974				974
	<b>MAJOR EQUIPMENT, DEFENSE THREAT REDUCTION AGENCY</b>										
028	VEHICLES .....	4	200	4	200	4	200			4	200
029	OTHER MAJOR EQUIPMENT ..	3	12,806	3	12,806	3	12,806			3	12,806
	<b>MAJOR EQUIPMENT, DTSA</b>										
030	MAJOR EQUIPMENT .....		447		447		447				447
	<b>MAJOR EQUIPMENT, MISSILE DEFENSE AGENCY</b>										
033	THAAD .....	68	833,150	68	883,150	68	713,150		-124,000	68	709,150
	Excess to production capacity.						[-120,000]		[-124,000]		
	Program Increase .....				[50,000]						
034	AEGIS BMD .....	46	565,393	46	615,393	46	250,393			46	565,393

**SEC. 4101. PROCUREMENT**  
**(In Thousands of Dollars)**

Line	Item	FY 2012 Request		House Authorized		Senate Authorized		Conference Change		Conference Authorized	
		Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost
	Production delay; transfer to R&D for fixes.										
	Program Increase .....				[50,000]						
035	BMDS AN/TPY-2 RADARS .....	2	380,195	2	380,195	2	380,195			2	380,195
	<b>MAJOR EQUIPMENT, NSA</b>										
043	INFORMATION SYSTEMS SECURITY PROGRAM (ISSP).		5,787		5,787		5,787				5,787
	<b>MAJOR EQUIPMENT, OSD</b>										
045	MAJOR EQUIPMENT, OSD .....		47,123		47,123		47,123				47,123
046	MAJOR EQUIPMENT, INTELLIGENCE.		20,176		20,176		20,176				20,176
	<b>MAJOR EQUIPMENT, TJS</b>										
047	MAJOR EQUIPMENT, TJS .....		29,729		29,729		29,729				29,729
	<b>MAJOR EQUIPMENT, WHS</b>										
048	MAJOR EQUIPMENT, WHS .....		31,974		31,974		31,974				31,974
	<b>CLASSIFIED PROGRAMS</b>										
048A	CLASSIFIED PROGRAMS .....		554,408		554,408		554,408				541,088
	Classified adjustment .....								-13,320 [-13,320]		
	<b>AVIATION PROGRAMS</b>										
049	ROTARY WING UPGRADES AND SUSTAINMENT.		41,411		41,411		41,411				41,411
051	MH-60 MODERNIZATION PROGRAM.		171,456		171,456		171,456		-26,000		145,456
	Maintain fiscal year 2011 production rate due to extended modification periods.										
052	NON-STANDARD AVIATION ....	15	272,623	15	222,623	15	176,023		-55,000	15	217,623
	AvFID Funding ahead of need.				[-50,000]		[-55,000]				
	AvFID rotary-wing simulator										
	NSAV-L Transfer from OCO						[8,500]				
	NSAV-M Unjustified Requirement.						[-50,100]				
054	U-28 .....		5,100		5,100		5,100				5,100
055	MH-47 CHINOOK .....		142,783		142,783		142,783				142,783
056	RQ-11 UNMANNED AERIAL VEHICLE.		486		486		486				486
057	CV-22 MODIFICATION .....	27	118,002	27	118,002	27	118,002			27	118,002
058	MQ-1 UNMANNED AERIAL VEHICLE.		3,025		3,025		3,025				3,025
059	MQ-9 UNMANNED AERIAL VEHICLE.		3,024		3,024		3,024				3,024
060	RQ-7 UNMANNED AERIAL VEHICLE.		450		450		450				450
061	STUASLO .....		12,276		12,276		12,276				12,276
062	AC/MC-130J .....		74,891		74,891		74,891				74,891
063	C-130 MODIFICATIONS .....		19,665		19,665		19,665				19,665
064	AIRCRAFT SUPPORT .....		6,207		6,207		6,207				6,207
	<b>SHIPBUILDING</b>										
065	UNDERWATER SYSTEMS .....		6,999		6,999		6,999				6,999
	<b>AMMUNITION PROGRAMS</b>										
067	ORDNANCE REPLENISHMENT		116,009		116,009		116,009		-10,000		106,009
	Prior year funding carryover										
068	ORDNANCE ACQUISITION .....		28,281		28,281		28,281		-10,000		18,281
	Aviation ammunition—prior year funding carryover.										
	<b>OTHER PROCUREMENT PROGRAMS</b>										
069	COMMUNICATIONS EQUIPMENT AND ELECTRONICS.		87,489		150,289		87,489		62,800		150,289
	Program Growth .....				[62,800]						
070	INTELLIGENCE SYSTEMS .....		74,702		74,702		85,702		[62,800]		74,702
	VSO/ALP Unfunded Requirement.						[11,000]				
071	SMALL ARMS AND WEAPONS		9,196		9,196		13,196				9,196
	VSO/ALP Unfunded Requirement.						[4,000]				
072	DISTRIBUTED COMMON GROUND/SURFACE SYSTEMS.		15,621		15,621		15,621				15,621
076	COMBATANT CRAFT SYSTEMS.		6,899		66,899		21,899		60,000		66,899
	HSAC Unfunded Requirement.						[15,000]				
	Program Growth .....				[60,000]						
077	SPARES AND REPAIR PARTS ..		594		594		594		[60,000]		594

**SEC. 4101. PROCUREMENT**  
(In Thousands of Dollars)

Line	Item	FY 2012 Request		House Authorized		Senate Authorized		Conference Change		Conference Authorized	
		Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost
078	TACTICAL VEHICLES .....		33,915		33,915		41,315				33,915
	VSO/ALP Unfunded Requirement.						[7,400]				
080	MISSION TRAINING AND PREPARATION SYSTEMS.		46,242		46,242		46,242				46,242
081	COMBAT MISSION REQUIREMENTS.		50,000		50,000		20,000		-30,000		20,000
	Reduction to growth .....						[-30,000]		[-30,000]		
082	MILCON COLLATERAL EQUIPMENT.		18,723		18,723		18,723				18,723
085	AUTOMATION SYSTEMS .....		51,232		51,232		51,232				51,232
086	GLOBAL VIDEO SURVEILLANCE ACTIVITIES.		7,782		7,782		7,782				7,782
087	OPERATIONAL ENHANCEMENTS INTELLIGENCE.		22,960		22,960		22,960				22,960
088	SOLDIER PROTECTION AND SURVIVAL SYSTEMS.		362		362		2,962				362
	VSO/ALP Unfunded Requirement.						[2,600]				
089	VISUAL AUGMENTATION LASERS AND SENSOR SYSTEMS.		15,758		15,758		15,758				15,758
090	TACTICAL RADIO SYSTEMS ...		76,459		101,459		76,459		25,000		101,459
	Program Increase .....				[25,000]				[25,000]		
093	MISCELLANEOUS EQUIPMENT.		1,895		1,895		1,895				1,895
094	OPERATIONAL ENHANCEMENTS.		246,893		246,893		246,893				246,893
095	MILITARY INFORMATION SUPPORT OPERATIONS.		4,142		4,142		4,142				4,142
	<b>CLASSIFIED PROGRAMS</b>										
095A	CLASSIFIED PROGRAMS .....		4,012		4,012		4,012				4,012
	<b>CBDP</b>										
096	INSTALLATION FORCE PROTECTION.		15,900		15,900		14,817				15,900
	Underexecution .....						[-1,083]				
097	INDIVIDUAL PROTECTION ....		71,376		71,376		70,484				71,376
	Underexecution .....						[-892]				
098	DECONTAMINATION .....		6,466		6,466		6,208				6,466
	Underexecution .....						[-258]				
099	JOINT BIO DEFENSE PROGRAM (MEDICAL).		11,143		11,143		11,019		-7,000		4,143
	Next Generation Diagnostic System ahead of need.								[-7,000]		
	Underexecution .....						[-124]				
100	COLLECTIVE PROTECTION ....		9,414		9,414		9,085				9,414
	Underexecution .....						[-329]				
101	CONTAMINATION AVOIDANCE.		139,948		139,948		138,322				139,948
	Underexecution .....						[-1,626]				
	<b>TOTAL PROCUREMENT, DEFENSE-WIDE.</b>	<b>170</b>	<b>5,365,248</b>	<b>170</b>	<b>5,147,048</b>	<b>170</b>	<b>4,539,336</b>		<b>-543,520</b>	<b>170</b>	<b>4,821,728</b>
	<b>JOINT URGENT OPERATIONAL NEEDS FUND</b>										
	<b>JOINT URGENT OPERATIONAL NEEDS FUND</b>										
001	JOINT URGENT OPERATIONAL NEEDS FUND.		100,000				100,000		-100,000		0
	Unjustified Requirement .....				[-100,000]				[-100,000]		
	<b>TOTAL JOINT URGENT OPERATIONAL NEEDS FUND.</b>		<b>100,000</b>				<b>100,000</b>		<b>-100,000</b>		<b>0</b>
	<b>NATIONAL GUARD &amp; RESERVE EQUIPMENT</b>										
	<b>UNDISTRIBUTED</b>										
007	UNDISTRIBUTED .....				100,000				100,000		100,000
	Program Increase .....				[100,000]				[100,000]		
	<b>TOTAL NATIONAL GUARD &amp; RESERVE EQUIPMENT.</b>				<b>100,000</b>				<b>100,000</b>		<b>100,000</b>
	<b>TOTAL PROCUREMENT</b>	<b>123,571</b>	<b>111,453,792</b>	<b>123,551</b>	<b>111,331,833</b>	<b>123,571</b>	<b>101,633,483</b>	<b>-9</b>	<b>-7,874,426</b>	<b>123,562</b>	<b>103,579,366</b>

## SEC. 4102. PROCUREMENT FOR OVERSEAS CONTINGENCY OPERATIONS.

SEC. 4102. PROCUREMENT FOR OVERSEAS CONTINGENCY OPERATIONS  
(In Thousands of Dollars)

Line	Item	FY 2012 Request		House Authorized		Senate Authorized		Conference Change		Conference Authorized	
		Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost
	<b>AIRCRAFT PROCUREMENT, ARMY</b>										
	<b>FIXED WING</b>										
002	C-12 CARGO AIRPLANE ..... No justified requirement	1	10,500	1	10,500	1		-10,500		1	0
							[-10,500]	[-10,500]			
004	MQ-1 UAV ..... Transfer from Base .....						658,798	550,798	36	36	550,798
							[658,798]	[550,798]	[36]		
	<b>ROTARY</b>										
008	AH-64 BLOCK II/WRA ..... Program reduction .....	1	35,500			1		-35,500		1	0
					[-1]		[-35,500]	[-35,500]			
012	UH-60 BLACKHAWK M MODEL (MYP). Combat Loss funded in FY11.	4	72,000	4	72,000	4	54,500			4	72,000
							[-17,500]				
017	KIOWA WARRIOR UP- GRADE (OH-58 D)/WRA. Limit ramp rate on re- placement aircraft by reducing four aircraft.	15	145,500	15	145,500	15	145,500	-44,700		15	100,800
								[-44,700]			
	<b>MODIFICATION OF AIR- CRAFT</b>										
019	MQ-1 PAYLOAD—UAS ..... Transfer from Base .....		10,800		10,800		117,983	136,183			146,983
							[107,183]	[136,183]			
022	MULTI SENSOR ABN RECON (MIP).		54,500		54,500		54,500				54,500
033	RQ-7 UAV MODS ..... Vader - Incompatible with Host Platform.		94,600		94,600		94,600	-79,800			14,800
								[-79,800]			
	<b>SPARES AND REPAIR PARTS</b>										
034	SPARE PARTS (AIR) ..... VADER ISR payload not compatible with host platform.						-79,000				0
							[-79,000]				
	<b>TOTAL AIRCRAFT PROCUREMENT, ARMY.</b>	<b>21</b>	<b>423,400</b>	<b>20</b>	<b>387,900</b>	<b>21</b>	<b>1,046,881</b>	<b>36</b>	<b>516,481</b>	<b>57</b>	<b>939,881</b>
	<b>MISSILE PROCUREMENT, ARMY</b>										
	<b>AIR-TO-SURFACE MISSILE SYSTEM</b>										
004	HELLFIRE SYS SUMMARY ANTI-TANK/ASSAULT MIS- SILE SYS	907	107,556	907	107,556	907	107,556			907	107,556
009	GUIDED MLRS ROCKET (GMLRS).	210	19,000	210	19,000	210	19,000			210	19,000
	<b>TOTAL MISSILE PRO- CUREMENT, ARMY.</b>	<b>1,117</b>	<b>126,556</b>	<b>1,117</b>	<b>126,556</b>	<b>1,117</b>	<b>126,556</b>			<b>1,117</b>	<b>126,556</b>
	<b>PROCUREMENT OF W&amp;TCV, ARMY</b>										
	<b>WEAPONS &amp; OTHER COM- BAT VEHICLES</b>										
019	MACHINE GUN, CAL .50 M2 ROLL. Transfer from Base .....						31,102	31,102			31,102
							[31,102]	[31,102]			
020	LIGHTWEIGHT .50 CAL- IBER MACHINE GUN.	118	5,427	118	5,427	118	5,427			118	5,427
029	COMMON REMOTELY OP- ERATED WEAPONS STA- TION (CRO).	64	14,890	64	14,890	64	14,890			64	14,890
031	HOWITZER LT WT 155MM (T). Transfer from Base .....						13,066	13,066			13,066
							[13,066]	[13,066]			
	<b>MOD OF WEAPONS AND OTHER COMBAT VEH</b>										
033	M4 CARBINE MODS .....		16,800		16,800		16,800				16,800
034	M2 50 CAL MACHINE GUN MODS. Transfer from Base .....						48,856				0
							[48,856]				
	<b>TOTAL PROCUREMENT OF W&amp;TCV, ARMY.</b>	<b>182</b>	<b>37,117</b>	<b>182</b>	<b>37,117</b>	<b>182</b>	<b>130,141</b>	<b>44,168</b>		<b>182</b>	<b>81,285</b>

**SEC. 4102. PROCUREMENT FOR OVERSEAS CONTINGENCY OPERATIONS**  
(In Thousands of Dollars)

Line	Item	FY 2012 Request		House Authorized		Senate Authorized		Conference Change		Conference Authorized	
		Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost
	<b>PROCUREMENT OF AMMUNITION, ARMY</b>										
	<b>SMALL/MEDIUM CAL AMMUNITION</b>										
004	CTG, HANDGUN, ALL TYPES.		1,200		1,200		1,200				1,200
009	CTG, 30MM, ALL TYPES ....		4,800		4,800		4,800				4,800
010	CTG, 40MM, ALL TYPES ....		38,000		38,000		38,000				38,000
	<b>MORTAR AMMUNITION</b>										
013	81MM MORTAR, ALL TYPES.		8,000		8,000		8,000				8,000
014	120MM MORTAR, ALL TYPES.		49,140		49,140		49,140				49,140
	<b>ARTILLERY AMMUNITION</b>										
019	ARTILLERY PROJECTILE, 155MM, ALL TYPES.		10,000		10,000		10,000				10,000
	<b>ARTILLERY FUZES</b>										
022	ARTILLERY FUZES, ALL TYPES.		5,000		5,000		5,000				5,000
	<b>ROCKETS</b>										
027	SHOULDER LAUNCHED MUNITIONS, ALL TYPES.		5,000		5,000		5,000				5,000
028	ROCKET, HYDRA 70, ALL TYPES.		53,841		53,841		53,841				53,841
	<b>OTHER AMMUNITION</b>										
029	DEMOLITION MUNITIONS, ALL TYPES.		16,000		16,000		16,000				16,000
031	SIGNALS, ALL TYPES .....		7,000		7,000		7,000				7,000
032	SIMULATORS, ALL TYPES		8,000		8,000		8,000				8,000
	<b>MISCELLANEOUS</b>										
036	CAD/PAD ALL TYPES .....		2,000		2,000		2,000				2,000
037	ITEMS LESS THAN \$5 MIL-LION.		400		400		400				400
	<b>TOTAL PROCUREMENT OF AMMUNITION, ARMY.</b>		<b>208,381</b>		<b>208,381</b>		<b>208,381</b>				<b>208,381</b>
	<b>OTHER PROCUREMENT, ARMY</b>										
	<b>TACTICAL VEHICLES</b>										
005	FAMILY OF MEDIUM TACTICAL VEH (FMTV).	32	11,094	32	11,094	32	11,094			32	11,094
007	FAMILY OF HEAVY TACTICAL VEHICLES (FHTV).		47,214		47,214		47,214				47,214
010	MINE PROTECTION VEHICLE FAMILY.						8,671				0
	Transfer from Base .....						[8,671]				
015	TACTICAL WHEELED VEHICLE PROTECTION KITS.						39,908				0
	Transfer from Base .....						[39,908]				
017	MINE-RESISTANT AMBUSH-PROTECTED (MRAP) MODS.						127,862				0
	Transfer from Base .....						[127,862]				
	<b>NON-TACTICAL VEHICLES</b>										
023	NONTACTICAL VEHICLES, OTHER.		3,600		3,600		3,600				3,600
	<b>COMM—JOINT COMMUNICATIONS</b>										
025	WIN-T—GROUND FORCES TACTICAL NETWORK.		547		547		547				547
	<b>COMM—COMBAT COMMUNICATIONS</b>										
039	JOINT TACTICAL RADIO SYSTEM.		450		450		450		-450		0
	Handheld, Manpack, Small Form-fit radios for LEMV#2 early to need.								[-450]		
042	AMC CRITICAL ITEMS - OPA2.		8,141		8,141		8,141				8,141
049	GUNSHOT DETECTION SYSTEM (GDS).		44,100		44,100				-34,000		10,100
	Concurrent development and procurement.						[-44,100]		[-34,000]		



**SEC. 4102. PROCUREMENT FOR OVERSEAS CONTINGENCY OPERATIONS**  
(In Thousands of Dollars)

Line	Item	FY 2012 Request		House Authorized		Senate Authorized		Conference Change		Conference Authorized	
		Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost
051	MEDICAL COMM FOR CBT CASUALTY CARE (MC4).		6,443		6,443		6,443				6,443
056	<b>INFORMATION SECURITY</b> INFORMATION SYSTEM SECURITY PROGRAM- ISSP.		54,730		54,730		54,730		-54,730		0
	Army requested transfer to line 56a, Family of Biometrics.								[-54,730]		
056A	FAMILY OF BIOMETRICS Transfer from line 56 .....								54,730 [54,730]		54,730
	<b>COMM—LONG HAUL COMMUNICATIONS</b>										
058	BASE SUPPORT COMMUNICATIONS.		5,000		5,000		5,000				5,000
	<b>COMM—BASE COMMUNICATIONS</b>										
062	INSTALLATION INFO INFRASTRUCTURE MOD PROGRAM.		169,500		169,500		169,500				169,500
	<b>ELECT EQUIP—TACT INT REL ACT (TIARA)</b>										
070	DCGS-A (MIP) .....		83,000		83,000		207,548				83,000
	Transfer from Base .....						[124,548]				
072	TROJAN (MIP) .....		61,100		61,100		61,100				61,100
	<b>ELECT EQUIP—ELECTRONIC WARFARE (EW)</b>										
076	LIGHTWEIGHT COUNTER MORTAR RADAR.		54,100		54,100		54,100				54,100
079	FAMILY OF PERSISTENT SURVEILLANCE CAPABILITIES.		53,000		53,000		53,000				53,000
080	COUNTERINTELLIGENCE/ SECURITY COUNTERMEASURES.		48,600		48,600		48,600		-24,400		24,200
	ISR Task Force identified excess.								[-20,000]		
	Platforms unavailable ....								[-4,400]		
	<b>ELECT EQUIP—TACTICAL SURV. (TAC SURV)</b>										
084	SENSE THROUGH THE WALL (STTW).		10,000		10,000		10,000				10,000
090	COUNTER-ROCKET, ARTILLERY & MORTAR (C-RAM).						15,774				0
	Transfer from Base .....						[15,774]				
092	GREEN LASER INTERDICTION SYSTEM.						25,356				0
	Transfer from Base .....						[25,356]				
095	PROFILER .....		2,000		2,000		2,000				2,000
096	MOD OF IN-SVC EQUIP (FIREFINDER RADARS).		30,400		30,400		30,400				30,400
098	JOINT BATTLE COMMAND—PLATFORM (JBC-P).		148,335		148,335		148,335				148,335
102	COUNTERFIRE RADARS ....		110,548		110,548		110,548				110,548
	<b>ELECT EQUIP—TACTICAL C2 SYSTEMS</b>										
105	FIRE SUPPORT C2 FAMILY		15,081		15,081		15,081				15,081
106	BATTLE COMMAND SUSTAINMENT SUPPORT SYSTEM (BC).		10,000		10,000		10,000				10,000
108	AIR & MSL DEFENSE PLANNING & CONTROL SYS.		28,000		28,000		28,000				28,000
109	KNIGHT FAMILY .....		42,000		42,000		42,000				42,000
114	NETWORK MANAGEMENT INITIALIZATION AND SERVICE.		32,800		32,800		32,800				32,800
115	MANEUVER CONTROL SYSTEM (MCS).		44,000		44,000		44,000				44,000
116	SINGLE ARMY LOGISTICS ENTERPRISE (SALE).		18,000		18,000		18,000				18,000
	<b>ELECT EQUIP—AUTOMATION</b>										
121	AUTOMATED DATA PROCESSING EQUIP.		10,000		10,000		10,000				10,000

**SEC. 4102. PROCUREMENT FOR OVERSEAS CONTINGENCY OPERATIONS**  
(In Thousands of Dollars)

Line	Item	FY 2012 Request		House Authorized		Senate Authorized		Conference Change		Conference Authorized	
		Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost
	<b>CLASSIFIED PROGRAMS UNDISTRIBUTED</b>										
127A	CLASSIFIED PROGRAMS ...		795		795		795				795
	<b>CHEMICAL DEFENSIVE EQUIPMENT</b>										
128	PROTECTIVE SYSTEMS .....		11,472		11,472		11,472				11,472
129	FAMILY OF NON-LETHAL EQUIPMENT (FNLE).		30,000		30,000		30,000		-20,000		10,000
	Acoustic Hailing Device contract delay.								[-20,000]		
130	BASE DEFENSE SYSTEMS (BDS).						41,204				0
	Transfer from Base .....						[41,204]				
131	CBRN SOLDIER PROTECTION.		1,200		1,200		1,200				1,200
	<b>BRIDGING EQUIPMENT</b>										
133	TACTICAL BRIDGING .....		15,000		15,000		15,000				15,000
134	TACTICAL BRIDGE, FLOAT-RIBBON.		26,900		26,900		26,900				26,900
	<b>ENGINEER (NON-CONSTRUCTION) EQUIPMENT</b>										
137	ROBOTIC COMBAT SUPPORT SYSTEM (RCSS).						22,297				0
	Transfer from Base .....						[22,297]				
138	EXPLOSIVE ORDNANCE DISPOSAL EQPMT (EOD EQPMT).		3,205		3,205		3,205				3,205
	<b>COMBAT SERVICE SUPPORT EQUIPMENT</b>										
149	FORCE PROVIDER .....		68,000		68,000		68,000				68,000
	<b>MEDICAL EQUIPMENT</b>										
158	COMBAT SUPPORT MEDICAL.		15,011		15,011		15,011				15,011
	<b>MAINTENANCE EQUIPMENT</b>										
159	MOBILE MAINTENANCE EQUIPMENT SYSTEMS.		25,129		25,129		25,129				25,129
	<b>MATERIAL HANDLING EQUIPMENT</b>										
180	ALL TERRAIN LIFTING ARMY SYSTEM.	10	1,800	10	1,800	10	1,800			10	1,800
	<b>OTHER SUPPORT EQUIPMENT</b>										
189	RAPID EQUIPPING SOLDIER SUPPORT EQUIPMENT.		43,000		43,000		22,000		-21,000		22,000
	Prior year unobligated funds available.						[-21,000]		[-21,000]		
190	PHYSICAL SECURITY SYSTEMS (OPA3).		4,900		4,900		4,900				4,900
	<b>TOTAL OTHER PROCUREMENT, ARMY.</b>	<b>42</b>	<b>1,398,195</b>	<b>42</b>	<b>1,398,195</b>	<b>42</b>	<b>1,738,715</b>		<b>-99,850</b>	<b>42</b>	<b>1,298,345</b>
	<b>JOINT IMPR EXPLOSIVE DEV DEFEAT FUND</b>										
	<b>NETWORK ATTACK</b>										
001	ATTACK THE NETWORK ...		1,368,800		1,368,800		1,211,800		-93,000		1,275,800
	BAA S&T Response—unjustified request.						[-50,000]		[-76,000]		
	Information Fusion—unjustified program growth.						[-17,000]		[-17,000]		
	Undistributed efficiencies reduction.						[-90,000]				
	<b>JIEDDO DEVICE DEFEAT</b>										
002	DEFEAT THE DEVICE .....		961,200		961,200		811,200		-150,000		811,200
	Undistributed efficiencies reduction.						[-150,000]		[-150,000]		
	<b>FORCE TRAINING</b>										
003	TRAIN THE FORCE .....		247,500		247,500		224,450		-23,050		224,450
	Train the Force Response—unjustified program growth.						[-18,050]		[-18,050]		
	Undistributed efficiencies reduction.						[-5,000]		[-5,000]		

**SEC. 4102. PROCUREMENT FOR OVERSEAS CONTINGENCY OPERATIONS**  
(In Thousands of Dollars)

Line	Item	FY 2012 Request		House Authorized		Senate Authorized		Conference Change		Conference Authorized	
		Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost
	<b>STAFF AND INFRASTRUCTURE</b>										
004	OPERATIONS .....					200,634		199,134		199,134	
	Civilian Pay Freeze .....							[-1,500]			
	Transfer from Base: Operations.					[220,634]		[220,634]			
	Undistributed efficiencies reduction.					[-20,000]		[-20,000]			
	<b>TOTAL JOINT IMPR EXPLOSIVE DEV DEFEAT FUND.</b>		<b>2,577,500</b>		<b>2,577,500</b>	<b>2,448,084</b>		<b>-66,916</b>		<b>2,510,584</b>	
	<b>AIRCRAFT PROCUREMENT, NAVY COMBAT AIRCRAFT</b>										
011	UH-1Y/AH-1Z .....	1	30,000	1	30,000	1	24,875	-5,125		1	24,875
	Excessive unit cost growth.					[-5,125]		[-5,125]			
019	E-2D ADV HAWKEYE .....	1	163,500	1	163,500	1		-163,500		1	0
	Combat loss funded in fiscal year 2011.					[-163,500]		[-163,500]			
	<b>OTHER AIRCRAFT</b>										
028	OTHER SUPPORT AIRCRAFT.		21,882		21,882		21,882	-21,882			0
	Aircraft excess to requirement.							[-21,882]			
	<b>MODIFICATION OF AIRCRAFT</b>										
030	AEA SYSTEMS .....		53,100		53,100		53,100	-7,500			45,600
	Intrepid Tiger .....							[-7,500]			
031	AV-8 SERIES .....		53,485		53,485		53,485				53,485
032	F-18 SERIES .....		46,992		46,992		46,992				46,992
034	AH-1W SERIES .....		39,418		39,418		37,918	-1,500			37,918
	ANVIS HUD install kit pricing.						[-1,500]	[-1,500]			
035	H-53 SERIES .....		70,747		70,747		63,747	-7,000			63,747
	Excess hardware support						[-2,000]	[-2,000]			
	Excess NRE for Blue Force Tracker modifications.						[-5,000]	[-5,000]			
037	H-1 SERIES .....		6,420		6,420		6,420	-6,420			0
	Top-owl modification funding.							[-6,420]			
038	EP-3 SERIES .....		20,800		20,800		20,800				20,800
043	C-130 SERIES .....		59,625		59,625		45,825	-15,400			44,225
	LAIRCM install unit cost						[-3,600]	[-5,200]			
	Targeting Sight Systems exceed requirement.						[-10,200]	[-10,200]			
045	CARGO/TRANSPORT A/C SERIES.		25,880		25,880		18,280	-7,600			18,280
	Excess C-20G installation NRE.						[-4,000]	[-4,000]			
	UC-12W excess to need ...						[-3,600]	[-3,600]			
048	SPECIAL PROJECT AIRCRAFT.		11,184		11,184		11,184				11,184
053	COMMON ECM EQUIPMENT.		27,200		27,200		24,200	-3,000			24,200
	Other support excess .....						[-3,000]	[-3,000]			
054	COMMON AVIONICS CHANGES.		13,467		13,467		11,467	-2,000			11,467
	OSIP 10-11 other support growth.						[-2,000]	[-2,000]			
055	COMMON DEFENSIVE WEAPON SYSTEM.		3,300		3,300		3,300				3,300
060	V-22 (TILT/ROTOR ACFT) OSPREY.		30,000		30,000		25,500	-4,500			25,500
	Deficiencies modifications other support growth.						[-2,500]	[-2,500]			
	Reliability modifications other support growth.						[-2,000]	[-2,000]			
	<b>AIRCRAFT SPARES AND REPAIR PARTS</b>										
061	SPARES AND REPAIR PARTS.		39,060		39,060		39,060	-4,598			34,462
	MQ-8 spares excess to requirement.							[-3,631]			

Line	Item	FY 2012 Request		House Authorized		Senate Authorized		Conference Change		Conference Authorized	
		Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost
	Other Support Aircraft spares.										
	AIRCRAFT SUPPORT EQUIP & FACILITIES										
062	COMMON GROUND EQUIPMENT.		10,800		10,800		10,800				10,800
064	WAR CONSUMABLES .....						27,300				0
	Transfer from Base .....						[27,300]				
065	OTHER PRODUCTION CHARGES.		4,100		4,100		4,100				4,100
	TOTAL AIRCRAFT PROCUREMENT, NAVY.	2	730,960	2	730,960	2	550,235		-250,025	2	480,935
	WEAPONS PROCUREMENT, NAVY										
	TACTICAL MISSILES										
009	HELLFIRE .....	140	14,000	140	14,000	140	14,000			140	14,000
010	STAND OFF PRECISION GUIDED MUNITIONS (SOPGM).	150	20,000	150	20,000	150	20,000			150	20,000
	GUNS AND GUN MOUNTS										
027	SMALL ARMS AND WEAPONS.		7,070		7,070		7,070				7,070
	TOTAL WEAPONS PROCUREMENT, NAVY.	290	41,070	290	41,070	290	41,070			290	41,070
	PROCUREMENT OF AMMO, NAVY & MC										
	NAVY AMMUNITION										
003	AIRBORNE ROCKETS, ALL TYPES.		80,200		80,200		80,200				80,200
004	MACHINE GUN AMMUNITION.		22,400		22,400		22,400				22,400
007	AIR EXPENDABLE COUNTERMEASURES.		20,000		20,000		20,000				20,000
011	OTHER SHIP GUN AMMUNITION.		182		182		182				182
012	SMALL ARMS & LANDING PARTY AMMO.		4,545		4,545		4,545				4,545
013	PYROTECHNIC AND DEMOLITION.		1,656		1,656		1,656				1,656
014	AMMUNITION LESS THAN \$5 MILLION.		6,000		6,000		6,000				6,000
	MARINE CORPS AMMUNITION										
015	SMALL ARMS AMMUNITION.		19,575		19,575		19,575				19,575
016	LINEAR CHARGES, ALL TYPES.		6,691		6,691		6,691				6,691
017	40 MM, ALL TYPES .....		12,184		12,184		12,184				12,184
018	60MM, ALL TYPES .....		10,988		10,988		10,988				10,988
019	81MM, ALL TYPES .....		24,515		24,515		24,515				24,515
020	120MM, ALL TYPES .....		11,227		11,227		11,227				11,227
021	CTG 25MM, ALL TYPES .....		802		802		802				802
022	GRENADES, ALL TYPES ....		5,911		5,911		5,911				5,911
023	ROCKETS, ALL TYPES .....		18,871		18,871		18,871				18,871
024	ARTILLERY, ALL TYPES ...		57,003		57,003		57,003				57,003
025	DEMOLITION MUNITIONS, ALL TYPES.		7,831		7,831		7,831				7,831
026	FUZE, ALL TYPES .....		5,177		5,177		5,177				5,177
027	NON LETHALS .....		712		712		712				712
029	ITEMS LESS THAN \$5 MILLION.		630		630		630				630
	TOTAL PROCUREMENT OF AMMO, NAVY & MC.		317,100		317						

**SEC. 4102. PROCUREMENT FOR OVERSEAS CONTINGENCY OPERATIONS**  
(In Thousands of Dollars)

Line	Item	FY 2012 Request		House Authorized		Senate Authorized		Conference Change		Conference Authorized	
		Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost
056	MATCALS .....		7,232		7,232		7,232		-7,232		0
	Radar upgrade - Transfer to Title I.								[-7,232]		
	<b>OTHER SHORE ELEC-TRONIC EQUIPMENT</b>										
066	TACTICAL/MOBILE C4I SYSTEMS.		4,000		4,000		4,000		-4,000		0
	Unjustified request for tech refresh upgrades.								[-4,000]		
	<b>AIRCRAFT SUPPORT EQUIPMENT</b>										
092	EXPEDITIONARY AIR-FIELDS.		47,000		47,000		47,000				47,000
095	METEOROLOGICAL EQUIPMENT.		10,800		10,800		10,800				10,800
097	AVIATION LIFE SUPPORT		14,000		14,000		14,000				14,000
101	OTHER AVIATION SUP-PORT EQUIPMENT.		18,226		18,226		18,226				18,226
	<b>ASW SUPPORT EQUIP-MENT</b>										
112	SSN COMBAT CONTROL SYSTEMS.		7,500		7,500		7,500		-7,500		0
	Naval Intelligence Fusion Tool—Transfer to Title I.								[-7,500]		
	<b>OTHER ORDNANCE SUP-PORT EQUIPMENT</b>										
116	EXPLOSIVE ORDNANCE DISPOSAL EQUIP.		15,700		15,700		15,700				15,700
	<b>CIVIL ENGINEERING SUP-PORT EQUIPMENT</b>										
121	PASSENGER CARRYING VEHICLES.		2,628		2,628		1,155				2,628
	Unjustified Growth .....						[-1,473]				
123	CONSTRUCTION & MAIN-TENANCE EQUIP.		13,290		13,290		13,290				13,290
124	FIRE FIGHTING EQUIP-MENT.		3,672		3,672		3,672				3,672
128	ITEMS UNDER \$5 MILLION		1,002		1,002		1,002				1,002
	<b>SUPPLY SUPPORT EQUIP-MENT</b>										
130	MATERIALS HANDLING EQUIPMENT.		3,644		3,644		3,644				3,644
	<b>TRAINING DEVICES</b>										
134	TRAINING SUPPORT EQUIPMENT.		5,789		5,789				-5,789		0
	Funding No Longer Re-quired.						[-5,789]		[-5,789]		
	<b>COMMAND SUPPORT EQUIPMENT</b>										
135	COMMAND SUPPORT EQUIPMENT.		3,310		3,310		3,310				3,310
140	OPERATING FORCES SUP-PORT EQUIPMENT.		6,977		6,977		6,977				6,977
141	C4ISR EQUIPMENT .....		24,762		24,762		24,762				24,762
143	PHYSICAL SECURITY EQUIPMENT.		78,241		78,241		70,641		-7,600		70,641
	Intelligence Kits - Fund-ing No Longer Re-quired Due to Force Structure Reductions.						[-7,600]		[-7,600]		
	<b>SPARES AND REPAIR PARTS</b>										
149	SPARES AND REPAIR PARTS.		473		473		473				473
	<b>TOTAL OTHER PRO-CUREMENT, NAVY.</b>		<b>281,975</b>		<b>281,975</b>		<b>267,113</b>		<b>-45,850</b>		<b>236,125</b>
	<b>PROCUREMENT, MARINE CORPS</b>										
	<b>TRACKED COMBAT VEHI-CLES</b>										
002	LAV PIP .....		23,962		23,962		23,962				23,962
	<b>ARTILLERY AND OTHER WEAPONS</b>										
004	155MM LIGHTWEIGHT TOWED HOWITZER.		16,000		16,000		16,000				16,000

**SEC. 4102. PROCUREMENT FOR OVERSEAS CONTINGENCY OPERATIONS**  
(In Thousands of Dollars)

Line	Item	FY 2012 Request		House Authorized		Senate Authorized		Conference Change		Conference Authorized	
		Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost
005	HIGH MOBILITY ARTILLERY ROCKET SYSTEM.		10,488		10,488		10,488				10,488
006	WEAPONS AND COMBAT VEHICLES UNDER \$5 MILLION.		27,373		27,373		27,373				27,373
	<b>GUIDED MISSILES</b>										
010	JAVELIN .....		2,527		2,527		2,527				2,527
	<b>OTHER SUPPORT</b>										
013	MODIFICATION KITS .....		59,730		59,730		59,730				59,730
	<b>REPAIR AND TEST EQUIPMENT</b>										
015	REPAIR AND TEST EQUIPMENT.		19,040		19,040		19,040				19,040
	<b>OTHER SUPPORT (TEL)</b>										
017	MODIFICATION KITS .....		2,331		2,331		2,331				2,331
	<b>COMMAND AND CONTROL SYSTEM (NON-TEL)</b>										
018	ITEMS UNDER \$5 MILLION (COMM & ELEC).		3,090		3,090		3,090				3,090
019	AIR OPERATIONS C2 SYSTEMS.		5,236		5,236		5,236				5,236
	<b>RADAR + EQUIPMENT (NON-TEL)</b>										
020	RADAR SYSTEMS .....		26,506		26,506		26,506				26,506
	<b>INTELL/COMM EQUIPMENT (NON-TEL)</b>										
021	FIRE SUPPORT SYSTEM ...		35		35		35				35
022	INTELLIGENCE SUPPORT EQUIPMENT.		47,132		47,132		47,132				47,132
	<b>OTHER COMMELEC EQUIPMENT (NON-TEL)</b>										
028	NIGHT VISION EQUIPMENT.		9,850		9,850		9,850				9,850
	<b>OTHER SUPPORT (NON-TEL)</b>										
029	COMMON COMPUTER RESOURCES.		18,629		18,629		18,629				18,629
030	COMMAND POST SYSTEMS		31,491		31,491		31,491				31,491
031	RADIO SYSTEMS .....		87,027		87,027		87,027				87,027
032	COMM SWITCHING & CONTROL SYSTEMS.		54,177		54,177		124,177		70,000		124,177
	Data distribution system modules.						[50,000]		[50,000]		
	Digital technical control shelters.						[20,000]		[20,000]		
033	COMM & ELEC INFRASTRUCTURE SUPPORT.		2,200		2,200		2,200				2,200
	<b>TACTICAL VEHICLES</b>										
037	MOTOR TRANSPORT MODIFICATIONS.		95,800		95,800		95,800				95,800
038	MEDIUM TACTICAL VEHICLE REPLACEMENT.	783	392,391	783	342,391	783	92,391		-218,000	783	174,391
	Early to Need .....				[-50,000]						
	Marine Corps requested transfer to line 32 for Data Distribution System.								[-50,000]		
	Marine Corps requested transfer to line 32 for Digital Technical Control System.								[-20,000]		
	Marine Corps requested transfer to line 39 for LVSR.								[-148,000]		
	MTVR Reduction .....						[-300,000]				
039	LOGISTICS VEHICLE SYSTEM REP.	66	38,382	66	38,382	66	38,382			66	38,382
040	FAMILY OF TACTICAL TRAILERS.		24,826		24,826		24,826				24,826
	<b>ENGINEER AND OTHER EQUIPMENT</b>										
043	ENVIRONMENTAL CONTROL EQUIP ASSORT.		18,775		18,775		18,775				18,775
044	BULK LIQUID EQUIPMENT.		7,361		7,361		7,361				7,361
046	POWER EQUIPMENT ASSORTED.		51,895		51,895		106,895		55,000		106,895

**SEC. 4102. PROCUREMENT FOR OVERSEAS CONTINGENCY OPERATIONS**  
(In Thousands of Dollars)

Line	Item	FY 2012 Request		House Authorized		Senate Authorized		Conference Change		Conference Authorized	
		Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost
	Advanced power sources						[20,000]		[20,000]		
	Mobile power equipment						[35,000]		[35,000]		
048	EOD SYSTEMS .....		57,237		57,237		57,237				57,237
	<b>MATERIALS HANDLING EQUIPMENT</b>										
049	PHYSICAL SECURITY EQUIPMENT.		42,900		42,900		42,900				42,900
051	MATERIAL HANDLING EQUIP.		42,553		42,553		42,553				42,553
	<b>GENERAL PROPERTY</b>										
053	FIELD MEDICAL EQUIPMENT.		8,307		8,307		8,307				8,307
054	TRAINING DEVICES .....		5,200		5,200		5,200				5,200
055	CONTAINER FAMILY .....		12		12		12				12
056	FAMILY OF CONSTRUCTION EQUIPMENT.		28,533		28,533		28,533				28,533
	<b>TOTAL PROCUREMENT, MARINE CORPS.</b>	<b>849</b>	<b>1,260,996</b>	<b>849</b>	<b>1,210,996</b>	<b>849</b>	<b>1,085,996</b>		<b>-93,000</b>	<b>849</b>	<b>1,167,996</b>
	<b>AIRCRAFT PROCUREMENT, AIR FORCE</b>										
	<b>HELICOPTERS</b>										
019	V22 OSPREY .....	2	70,000			2			-70,000	2	0
	Combat Loss funded in FY11.			[-2]	[-70,000]		[-70,000]		[-70,000]		
	<b>MISSION SUPPORT AIRCRAFT</b>										
024	HH-60M .....	2	39,300	2	39,300	2	39,300			2	39,300
027	STUASLO .....		2,472		2,472		2,472				2,472
	<b>OTHER AIRCRAFT</b>										
034	MQ-9 .....						783,592		719,592		719,592
	Transfer from Base .....						[783,592]		[719,592]		
	<b>AIRLIFT AIRCRAFT</b>										
043	C-5 .....		59,299		59,299		59,299				59,299
	<b>OTHER AIRCRAFT</b>										
059	MC-12W .....		17,300		17,300		17,300				17,300
063	C-130 .....		164,041		164,041		164,041				164,041
064	C-130 INTEL .....		4,600		4,600		4,600				4,600
065	C-130J MODS .....		27,983		27,983		27,983				27,983
067	COMPASS CALL MODS .....		12,000		12,000		12,000				12,000
075	HC/MC-130 MODIFICATIONS.		34,000		34,000		34,000				34,000
076	OTHER MODIFICATIONS ..		15,000		15,000		15,000				15,000
077	MQ-1 MODS .....		2,800		2,800		2,800				2,800
	<b>AIRCRAFT SPARES + REPAIR PARTS</b>										
081	FIGHTER/UAV INITIAL SPARES/REPAIR PARTS.		2,800		2,800		2,800				2,800
	<b>POST PRODUCTION SUPPORT</b>										
090	C-17A .....		10,970		10,970		10,970				10,970
	<b>WAR CONSUMABLES</b>										
099	WAR CONSUMABLES .....						87,220		87,220		87,220
	Transfer from Base .....						[87,220]		[87,220]		
	<b>OTHER PRODUCTION CHARGES</b>										
100	OTHER PRODUCTION CHARGES.		23,000		23,000		23,000				23,000
	<b>DARP</b>										
104	U-2 .....		42,300		42,300		13,400		-28,900		13,400
	Sensors .....						[-28,900]		[-28,900]		
	<b>TOTAL AIRCRAFT PROCUREMENT, AIR FORCE.</b>	<b>4</b>	<b>527,865</b>	<b>2</b>	<b>457,865</b>	<b>4</b>	<b>1,299,777</b>		<b>707,912</b>	<b>4</b>	<b>1,235,777</b>
	<b>PROCUREMENT OF AMMUNITION, AIR FORCE</b>										
	<b>ROCKETS</b>										
001	ROCKETS .....		329		329		329				329
	<b>CARTRIDGES</b>										
002	CARTRIDGES .....		8,014		8,014		8,014				8,014
	<b>BOMBS</b>										
004	GENERAL PURPOSE BOMBS.		17,385		17,385		17,385				17,385
005	JOINT DIRECT ATTACK MUNITION.	1,338	34,100	1,338	34,100	1,338	34,100			1,338	34,100



**SEC. 4102. PROCUREMENT FOR OVERSEAS CONTINGENCY OPERATIONS**  
(In Thousands of Dollars)

Line	Item	FY 2012 Request		House Authorized		Senate Authorized		Conference Change		Conference Authorized	
		Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost
	<b>FLARE, IR MJU-7B</b>										
007	EXPLOSIVE ORDNANCE DISPOSAL (EOD).		1,200		1,200		1,200				1,200
	<b>FUZES</b>										
011	FLARES .....		11,217		11,217		11,217				11,217
012	FUZES .....		8,765		8,765		8,765				8,765
	<b>SMALL ARMS</b>										
013	SMALL ARMS .....		11,500		11,500		11,500				11,500
	<b>TOTAL PROCUREMENT OF AMMUNITION, AIR FORCE.</b>	<b>1,338</b>	<b>92,510</b>	<b>1,338</b>	<b>92,510</b>	<b>1,338</b>	<b>92,510</b>			<b>1,338</b>	<b>92,510</b>
	<b>MISSILE PROCUREMENT, AIR FORCE</b>										
	<b>TACTICAL</b>										
005	PREDATOR HELLFIRE MISSILE.	154	16,120	154	16,120	154	16,120			154	16,120
006	SMALL DIAMETER BOMB	100	12,300	100	12,300	100	12,300			100	12,300
	<b>TOTAL MISSILE PROCUREMENT, AIR FORCE.</b>	<b>254</b>	<b>28,420</b>	<b>254</b>	<b>28,420</b>	<b>254</b>	<b>28,420</b>			<b>254</b>	<b>28,420</b>
	<b>OTHER PROCUREMENT, AIR FORCE</b>										
	<b>PASSENGER CARRYING VEHICLES</b>										
001	PASSENGER CARRYING VEHICLES.		2,658		2,658		2,658		-2,658		0
	Unjustified request .....								[-2,658]		
	<b>CARGO + UTILITY VEHICLES</b>										
004	ITEMS LESS THAN \$5,000,000 (CARGO).		32,824		32,824		32,824		-32,824		0
	Unjustified request .....								[-32,824]		
	<b>SPECIAL PURPOSE VEHICLES</b>										
006	ITEMS LESS THAN \$5,000,000 (SPECIAL).		110		110		110				110
	<b>FIRE FIGHTING EQUIPMENT</b>										
007	FIRE FIGHTING/CRASH RESCUE VEHICLES.		1,662		1,662		1,662				1,662
	<b>MATERIALS HANDLING EQUIPMENT</b>										
008	ITEMS LESS THAN \$5,000,000.		772		772		772				772
	<b>BASE MAINTENANCE SUPPORT</b>										
010	ITEMS LESS THAN \$5M BASE MAINT/CONST.		13,983		13,983		13,983				13,983
	<b>COMM SECURITY EQUIPMENT (COMSEC)</b>										
013	AIR FORCE PHYSICAL SECURITY.		500		500		500				500
	<b>ELECTRONICS PROGRAMS</b>										
022	WEATHER OBSERVATION FORECAST.	3	1,800	3	1,800	3	1,800			3	1,800
025	TAC SIGNIT SPT .....		7,020		7,020		7,020				7,020
	<b>SPCL COMM-ELECTRONICS PROJECTS</b>										
030	AIR FORCE PHYSICAL SECURITY SYSTEM.		25,920		25,920		25,920				25,920
	<b>ORGANIZATION AND BASE</b>										
049	TACTICAL C-E EQUIPMENT.		9,445		9,445		9,445				9,445
	<b>PERSONAL SAFETY &amp; RESCUE EQUIP</b>										
055	NIGHT VISION GOGGLES ...		12,900		12,900		12,900				12,900
	<b>BASE SUPPORT EQUIPMENT</b>										
059	CONTINGENCY OPERATIONS.		18,100		18,100		18,100				18,100
061	MOBILITY EQUIPMENT ....		9,800		9,800		9,800				9,800
062	ITEMS LESS THAN \$5,000,000 (BASE S).		8,400		8,400		8,400				8,400

**SEC. 4102. PROCUREMENT FOR OVERSEAS CONTINGENCY OPERATIONS**  
(In Thousands of Dollars)

Line	Item	FY 2012 Request		House Authorized		Senate Authorized		Conference Change		Conference Authorized	
		Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost
	<b>SPECIAL SUPPORT PROJECTS</b>										
065	DCGS-AF .....		3,000		3,000		3,000				3,000
068	DEFENSE SPACE RECON-NAISSANCE PROG..		64,400		64,400		64,400				64,400
	<b>CLASSIFIED PROGRAMS</b>										
068 A	CLASSIFIED PROGRAMS ...		2,991,347		2,991,347		2,890,685		-80,649		2,910,698
	Classified Adjustment .....						[-100,662]		[-80,649]		
	<b>TOTAL OTHER PROCUREMENT, AIR FORCE.</b>	<b>3</b>	<b>3,204,641</b>	<b>3</b>	<b>3,204,641</b>	<b>3</b>	<b>3,103,979</b>		<b>-116,131</b>	<b>3</b>	<b>3,088,510</b>
	<b>PROCUREMENT, DEFENSE-WIDE</b>										
	<b>MAJOR EQUIPMENT, DISA</b>										
017	TELEPORT PROGRAM .....		3,307		3,307		3,307				3,307
	<b>MAJOR EQUIPMENT, NSA</b>										
043	INFORMATION SYSTEMS SECURITY PROGRAM (ISSP).		3,000		3,000		3,000				3,000
	<b>MAJOR EQUIPMENT, OSD</b>										
046	MAJOR EQUIPMENT, INTELLIGENCE.		8,300		8,300		8,300				8,300
	<b>CLASSIFIED PROGRAMS</b>										
048 A	CLASSIFIED PROGRAMS ...		101,548		101,548		101,548		-5,000		96,548
	Program adjustment .....								[-5,000]		
	<b>AVIATION PROGRAMS</b>										
050	MH-47 SERVICE LIFE EXTENSION PROGRAM.	2	40,500	2	40,500	2			-40,500	2	0
	Combat Loss funded in FY11.						[-40,500]		[-40,500]		
051	MH-60 MODERNIZATION PROGRAM.	1	7,800			1			-1		0
	Combat Loss funded in FY11.				[-1]		[-7,800]		[-7,800]		
052	NON-STANDARD AVIATION.	9	8,500	9	8,500	9				9	8,500
	NSAV-L Transfer to Base						[-8,500]				
057	CV-22 MODIFICATION .....	1	15,000			1			-15,000	1	0
	Combat Loss funded in FY11.				[-1]		[-15,000]		[-15,000]		
063	C-130 MODIFICATIONS .....	5	4,800	5	4,800	5	4,800			5	4,800
	<b>AMMUNITION PROGRAMS</b>										
067	ORDNANCE REPLENISHMENT.	8,682,966	71,659	8,682,966	71,659	8,682,966	71,659			8,682,966	71,659
068	ORDNANCE ACQUISITION	235	25,400	235	25,400	235	25,400		-10,000	235	15,400
	Prior year funding carry-over.								[-10,000]		
	<b>OTHER PROCUREMENT PROGRAMS</b>										
069	COMMUNICATIONS EQUIPMENT AND ELECTRONICS.	5	2,325	5	2,325	5	2,325			5	2,325
070	INTELLIGENCE SYSTEMS	149	43,558	149	43,558	149	36,758		5,500	149	49,058
	Funded by reprogramming.						[-6,800]				
	Village Stability Operations [VSO] unfunded requirement.								[5,500]		
071	SMALL ARMS AND WEAPONS.	2,522	6,488	2,522	6,488	2,522	6,488		2,000	2,522	8,488
	VSO unfunded requirement.								[2,000]		
072	DISTRIBUTED COMMON GROUND/SURFACE SYSTEMS.	1	2,601	1	2,601	1	2,601			1	2,601
078	TACTICAL VEHICLES .....	88	15,818	88	15,818	88	15,818		4,000	88	19,818
	VSO unfunded requirement.								[4,000]		
085	AUTOMATION SYSTEMS ...	15	13,387	15	13,387	15	13,387			15	13,387
087	OPERATIONAL ENHANCEMENTS INTELLIGENCE.	4	5,800	4	5,800	4	4,800			4	5,800
	Funded by reprogramming.						[-1,000]				
088	SOLDIER PROTECTION AND SURVIVAL SYSTEMS.	1,103	34,900	1,103	34,900	1,103	34,900		2,600	1,103	37,500

**SEC. 4102. PROCUREMENT FOR OVERSEAS CONTINGENCY OPERATIONS**  
(In Thousands of Dollars)

Line	Item	FY 2012 Request		House Authorized		Senate Authorized		Conference Change		Conference Authorized	
		Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost
	VSO unfunded requirement.							[2,600]			
089	VISUAL AUGMENTATION LASERS AND SENSOR SYSTEMS.	578	3,531	578	3,531	578	3,531			578	3,531
090	TACTICAL RADIO SYSTEMS.	18	2,894	18	2,894	18	2,894			18	2,894
093	MISCELLANEOUS EQUIPMENT.	30	7,220	30	7,220	30	7,220			30	7,220
094	OPERATIONAL ENHANCEMENTS.	50	41,632	50	41,632	50	41,632			50	41,632
	<b>TOTAL PROCUREMENT, DEFENSE-WIDE.</b>	<b>8,687,782</b>	<b>469,968</b>	<b>8,687,780</b>	<b>447,168</b>	<b>8,687,782</b>	<b>390,368</b>	<b>-1</b>	<b>-64,200</b>	<b>8,687,781</b>	<b>405,768</b>
	<b>JOINT URGENT OPERATIONAL NEEDS FUND</b>										
	<b>JOINT URGENT OPERATIONAL NEEDS FUND</b>										
001	JOINT URGENT OPERATIONAL NEEDS FUND.		100,000		50,000		100,000		-100,000		0
	Unjustified Requirement				[-50,000]				[-100,000]		
	<b>TOTAL JOINT URGENT OPERATIONAL NEEDS FUND.</b>		<b>100,000</b>		<b>50,000</b>		<b>100,000</b>		<b>-100,000</b>		<b>0</b>
	<b>MINE RESISTANT AMBUSH PROT VEH FUND</b>										
	<b>MINE RESISTANT AMBUSH PROT VEH FUND</b>										
001	MINE RESISTANT AMBUSH PROT VEH FUND.		3,195,170		3,195,170		3,195,170		-595,000		2,600,170
	Funds previously provided by Department of Army in FY11.								[-595,000]		
	<b>TOTAL MINE RESISTANT AMBUSH PROT VEH FUND.</b>		<b>3,195,170</b>		<b>3,195,170</b>		<b>3,195,170</b>		<b>-595,000</b>		<b>2,600,170</b>
	<b>NATIONAL GUARD &amp; RESERVE EQUIPMENT</b>										
	<b>UNDISTRIBUTED</b>										
007	UNDISTRIBUTED .....				225,000				225,000		225,000
	Program Increase .....				[225,000]				[225,000]		
	<b>TOTAL NATIONAL GUARD &amp; RESERVE EQUIPMENT.</b>				<b>225,000</b>				<b>225,000</b>		<b>225,000</b>
	<b>TOTAL PROCUREMENT.</b>	<b>8,691,884</b>	<b>15,021,824</b>	<b>8,691,879</b>	<b>15,018,524</b>	<b>8,691,884</b>	<b>16,170,496</b>	<b>35</b>	<b>62,589</b>	<b>8,691,919</b>	<b>15,084,413</b>

**TITLE XLII—RESEARCH, DEVELOPMENT, TEST, AND EVALUATION**

**SEC. 4201. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION.**

**SEC. 4201. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION**  
(In Thousands of Dollars)

Line	Program Element	Item	FY 2012 Request	House Authorized	Senate Authorized	Conference Change	Conference Authorized
		<b>RESEARCH, DEVELOPMENT, TEST &amp; EVAL, ARMY</b>					
		<b>BASIC RESEARCH</b>					
001	0601101A	IN-HOUSE LABORATORY INDEPENDENT RESEARCH .....	21,064	21,064	21,064		21,064
002	0601102A	DEFENSE RESEARCH SCIENCES .....	213,942	215,942	213,942		213,942
		Program Increase .....		[2,000]			
003	0601103A	UNIVERSITY RESEARCH INITIATIVES .....	80,977	89,977	80,977		80,977
		Clinical Care and Research .....		[2,000]			
		Program Increase .....		[7,000]			
004	0601104A	UNIVERSITY AND INDUSTRY RESEARCH CENTERS .....	120,937	105,692	120,937		120,937
		Realignment of Funds for Proper Oversight and Execution .....		[-15,245]			
		<b>SUBTOTAL BASIC RESEARCH .....</b>	<b>436,920</b>	<b>432,675</b>	<b>436,920</b>		<b>436,920</b>
		<b>APPLIED RESEARCH</b>					
005	0602105A	MATERIALS TECHNOLOGY .....	30,258	40,758	30,258		30,258

**SEC. 4201. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION**  
*(In Thousands of Dollars)*

<i>Line</i>	<i>Program Element</i>	<i>Item</i>	<i>FY 2012 Request</i>	<i>House Authorized</i>	<i>Senate Authorized</i>	<i>Conference Change</i>	<i>Conference Authorized</i>
		<i>Program Increase</i> .....		[10,500]			
006	0602120.A	SENSORS AND ELECTRONIC SURVIVABILITY .....	43,521	53,521	43,521		43,521
		<i>Program Increase</i> .....		[10,000]			
007	0602122.A	TRACTOR HIP .....	14,230	14,230	14,230		14,230
008	0602211.A	AVIATION TECHNOLOGY .....	44,610	44,610	44,610		44,610
009	0602270.A	ELECTRONIC WARFARE TECHNOLOGY .....	15,790	15,790	15,790		15,790
010	0602303.A	MISSILE TECHNOLOGY .....	50,685	50,685	50,685		50,685
011	0602307.A	ADVANCED WEAPONS TECHNOLOGY .....	20,034	20,034	20,034		20,034
012	0602308.A	ADVANCED CONCEPTS AND SIMULATION .....	20,933	30,933	20,933		20,933
		<i>Program Increase</i> .....		[10,000]			
013	0602601.A	COMBAT VEHICLE AND AUTOMOTIVE TECHNOLOGY .....	64,306	64,306	64,306		64,306
014	0602618.A	BALLISTICS TECHNOLOGY .....	59,214	59,214	59,214		59,214
015	0602622.A	CHEMICAL, SMOKE AND EQUIPMENT DEFEATING TECHNOLOGY.	4,877	4,877	4,877		4,877
016	0602623.A	JOINT SERVICE SMALL ARMS PROGRAM .....	8,244	8,244	8,244		8,244
017	0602624.A	WEAPONS AND MUNITIONS TECHNOLOGY .....	39,813	69,813	39,813		39,813
		<i>Program Increase</i> .....		[30,000]			
018	0602705.A	ELECTRONICS AND ELECTRONIC DEVICES .....	62,962	62,962	62,962		62,962
019	0602709.A	NIGHT VISION TECHNOLOGY .....	57,203	69,203	57,203	-2,000	55,203
		<i>Program growth adjustment</i> .....				[-2,000]	
		<i>Program Increase</i> .....		[12,000]			
020	0602712.A	COUNTERMINE SYSTEMS .....	20,280	24,780	20,280		20,280
		<i>Program Increase</i> .....		[4,500]			
021	0602716.A	HUMAN FACTORS ENGINEERING TECHNOLOGY .....	21,801	21,801	21,801		21,801
022	0602720.A	ENVIRONMENTAL QUALITY TECHNOLOGY .....	20,837	20,837	20,837		20,837
023	0602782.A	COMMAND, CONTROL, COMMUNICATIONS TECHNOLOGY .....	26,116	26,116	26,116		26,116
024	0602783.A	COMPUTER AND SOFTWARE TECHNOLOGY .....	8,591	8,591	8,591		8,591
025	0602784.A	MILITARY ENGINEERING TECHNOLOGY .....	80,317	86,317	80,317		80,317
		<i>Rotary Wing Surfaces</i> .....		[6,000]			
026	0602785.A	MANPOWER/PERSONNEL/TRAINING TECHNOLOGY .....	18,946	18,946	18,946		18,946
027	0602786.A	WARFIGHTER TECHNOLOGY .....	29,835	29,835	29,835		29,835
028	0602787.A	MEDICAL TECHNOLOGY .....	105,929	118,897	105,929		105,929
		<i>Program Increase</i> .....		[12,968]			
		<b>SUBTOTAL APPLIED RESEARCH</b> .....	<b>869,332</b>	<b>965,300</b>	<b>869,332</b>	<b>-2,000</b>	<b>867,332</b>
		<b>ADVANCED TECHNOLOGY DEVELOPMENT</b>					
029	0603001.A	WARFIGHTER ADVANCED TECHNOLOGY .....	52,979	57,979	52,979		52,979
		<i>Program Increase</i> .....		[5,000]			
030	0603002.A	MEDICAL ADVANCED TECHNOLOGY .....	68,171	94,171	68,171		68,171
		<i>Program Increase</i> .....		[23,000]			
		<i>Treatment of Wounded Warriors</i> .....		[3,000]			
031	0603003.A	AVIATION ADVANCED TECHNOLOGY .....	62,193	89,993	62,193		62,193
		<i>Advanced Rotorcraft Flight Research</i> .....		[8,000]			
		<i>Program Increase</i> .....		[19,800]			
032	0603004.A	WEAPONS AND MUNITIONS ADVANCED TECHNOLOGY .....	77,077	82,077	77,077		77,077
		<i>Program Increase</i> .....		[5,000]			
033	0603005.A	COMBAT VEHICLE AND AUTOMOTIVE ADVANCED TECHNOLOGY.	106,145	106,145	106,145		106,145
034	0603006.A	COMMAND, CONTROL, COMMUNICATIONS ADVANCED TECHNOLOGY.	5,312	8,312	5,312		5,312
		<i>Communications Advanced Technology</i> .....		[3,000]			
035	0603007.A	MANPOWER, PERSONNEL AND TRAINING ADVANCED TECHNOLOGY.	10,298	10,298	10,298		10,298
036	0603008.A	ELECTRONIC WARFARE ADVANCED TECHNOLOGY .....	57,963	57,963	53,963		57,963
		<i>Program Decrease</i> .....			[-4,000]		
037	0603009.A	TRACTOR HIKE .....	8,155	8,155	8,155		8,155
038	0603015.A	NEXT GENERATION TRAINING & SIMULATION SYSTEMS .....	17,936	17,936	17,936		17,936
039	0603020.A	TRACTOR ROSE .....	12,597	12,597	12,597		12,597
040	0603105.A	MILITARY HIV RESEARCH .....	6,796	6,796	6,796		6,796
041	0603125.A	COMBATING TERRORISM, TECHNOLOGY DEVELOPMENT .....	12,191	12,191	12,191		12,191
042	0603130.A	TRACTOR NAIL .....	4,278	4,278	4,278		4,278
043	0603131.A	TRACTOR EGGS .....	2,261	2,261	2,261		2,261
044	0603270.A	ELECTRONIC WARFARE TECHNOLOGY .....	23,677	23,677	23,677		23,677
045	0603313.A	MISSILE AND ROCKET ADVANCED TECHNOLOGY .....	90,602	101,152	90,602		90,602
		<i>Program Increase</i> .....		[10,550]			
046	0603322.A	TRACTOR CAGE .....	10,315	10,315	10,315		10,315
047	0603461.A	HIGH PERFORMANCE COMPUTING MODERNIZATION PROGRAM.	183,150	183,150	183,150		183,150
048	0603606.A	LANDMINE WARFARE AND BARRIER ADVANCED TECHNOLOGY.	31,541	31,541	31,541		31,541
049	0603607.A	JOINT SERVICE SMALL ARMS PROGRAM .....	7,686	7,686	7,686		7,686
050	0603710.A	NIGHT VISION ADVANCED TECHNOLOGY .....	42,414	56,214	42,414		42,414
		<i>Night Vision Advanced Technology</i> .....		[4,800]			
		<i>Program Increase</i> .....		[9,000]			
051	0603728.A	ENVIRONMENTAL QUALITY TECHNOLOGY DEMONSTRATIONS.	15,959	15,959	15,959		15,959
052	0603734.A	MILITARY ENGINEERING ADVANCED TECHNOLOGY .....	36,516	43,516	36,516		36,516

**SEC. 4201. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION**  
*(In Thousands of Dollars)*

<i>Line</i>	<i>Program Element</i>	<i>Item</i>	<i>FY 2012 Request</i>	<i>House Authorized</i>	<i>Senate Authorized</i>	<i>Conference Change</i>	<i>Conference Authorized</i>
		Base Camp Fuel .....		[2,000]			
		Military Engineering Advanced Technology .....		[5,000]			
053	0603772.A	ADVANCED TACTICAL COMPUTER SCIENCE AND SENSOR TECHNOLOGY.	30,600	30,600	30,600		30,600
		<b>SUBTOTAL ADVANCED TECHNOLOGY DEVELOPMENT .....</b>	<b>976,812</b>	<b>1,074,962</b>	<b>972,812</b>		<b>976,812</b>
		<b>ADVANCED COMPONENT DEVELOPMENT &amp; PROTOTYPES</b>					
055	0603305.A	ARMY MISSILE DEFENSE SYSTEMS INTEGRATION(NON SPACE).	21,126	21,126	9,126	-12,000	9,126
		Excess growth and delays .....			[-12,000]	[-12,000]	
055.A	0603XXX.A	INDIRECT FIRE PROTECTION .....	14,883	14,883	14,883		14,883
056	0603308.A	ARMY MISSILE DEFENSE SYSTEMS INTEGRATION (SPACE) ...	9,612	9,612	9,612		9,612
058	0603619.A	LANDMINE WARFARE AND BARRIER—ADV DEV .....	35,383	35,383	19,293	-16,090	19,293
		Excess to Army requirement .....			[-16,090]	[-16,090]	
059	0603627.A	SMOKE, OBSCURANT AND TARGET DEFEATING SYS-ADV DEV.	9,501	4,501	5,265	-5,000	4,501
		Engineering, Modeling and Environmental Studies for SOD and SOM systems – funding unjustified.		[-5,000]			
		Program growth adjustment .....				[-5,000]	
		Projected and Generated Obscuration System unexecutable .....			[-4,236]		
060	0603639.A	TANK AND MEDIUM CALIBER AMMUNITION .....	39,693	39,693	39,693		39,693
061	0603653.A	ADVANCED TANK ARMAMENT SYSTEM (ATAS) .....	101,408	101,408	64,408	-37,000	64,408
		Program growth adjustment .....			[-37,000]	[-37,000]	
062	0603747.A	SOLDIER SUPPORT AND SURVIVABILITY .....	9,747	9,747	9,747	-5,904	3,843
		Rapid Equipping Force- Lack of baseline requirement .....				[-5,904]	
063	0603766.A	TACTICAL ELECTRONIC SURVEILLANCE SYSTEM—ADV DEV	5,766	5,766	5,766		5,766
065	0603779.A	ENVIRONMENTAL QUALITY TECHNOLOGY .....	4,946	12,946	4,946		4,946
		Army Net Zero Programs .....		[8,000]			
066	0603782.A	WARFIGHTER INFORMATION NETWORK-TACTICAL .....	297,955	297,955	182,955	-115,000	182,955
		Program reduction Increment III .....			[-115,000]	[-115,000]	
067	0603790.A	NATO RESEARCH AND DEVELOPMENT .....	4,765	4,765	4,765		4,765
068	0603801.A	AVIATION—ADV DEV .....	7,107	7,107	7,107		7,107
069	0603804.A	LOGISTICS AND ENGINEER EQUIPMENT—ADV DEV .....	19,509	19,509	12,509	-7,000	12,509
		Army requested transfer LAMPS to RDTE Army line 109 .....			[-7,000]	[-7,000]	
070	0603805.A	COMBAT SERVICE SUPPORT CONTROL SYSTEM EVALUATION AND ANALYSIS.	5,258	5,258	5,258		5,258
071	0603807.A	MEDICAL SYSTEMS—ADV DEV .....	34,997	34,997	34,997		34,997
072	0603827.A	SOLDIER SYSTEMS—ADVANCED DEVELOPMENT .....	19,598	19,598	19,598		19,598
073	0603850.A	INTEGRATED BROADCAST SERVICE .....	1,496	1,496	1,496		1,496
074	0604115.A	TECHNOLOGY MATURATION INITIATIVES .....	10,181	10,181	10,181		10,181
075	0604131.A	TRACTOR JUTE .....	15,609				15,609
		Unjustified requirement .....		[-15,609]	[-15,609]		
076	0604284.A	JOINT COOPERATIVE TARGET IDENTIFICATION—GROUND (JCTI-G) / TECHNOLOGY DEVELOPE.	41,652	41,652		-26,600	15,052
		Army offered program reduction .....			[-41,652]	[-26,600]	
077	0305205.A	ENDURANCE UAVS .....	42,892	42,892	42,892		42,892
		<b>SUBTOTAL ADVANCED COMPONENT DEVELOPMENT &amp; PROTOTYPES.</b>	<b>753,084</b>	<b>740,475</b>	<b>504,497</b>	<b>-224,594</b>	<b>528,490</b>
		<b>SYSTEM DEVELOPMENT &amp; DEMONSTRATION</b>					
078	0604201.A	AIRCRAFT AVIONICS .....	144,687	144,687	119,187	-25,000	119,687
		JTRS AMF delays and JPALS excessive growth .....			[-25,500]	[-25,000]	
079	0604220.A	ARMED, DEPLOYABLE HELOS .....	166,132	131,132	92,203	-83,690	82,442
		Army offered program reduction .....		[-35,000]	[-73,929]	[-83,690]	
080	0604270.A	ELECTRONIC WARFARE DEVELOPMENT .....	101,265	101,265	26,872	-67,000	34,265
		Army offered program reduction .....			[-74,393]	[-67,000]	
082	0604321.A	ALL SOURCE ANALYSIS SYSTEM .....	17,412	17,412	7,412	-10,000	7,412
		Machine—Foreign Language Translation System contract delay.			[-10,000]	[-10,000]	
083	0604328.A	TRACTOR CAGE .....	26,577	26,577	26,577		26,577
084	0604601.A	INFANTRY SUPPORT WEAPONS .....	73,728	76,728	91,474	9,746	83,474
		Army requested transfer from WTCV Army line 17 .....			[46]		
		Portable Helicopter Oxygen Delivery Systems .....		[3,000]			
		S61—High concurrency of incremental efforts .....				[-8,000]	
		Transfer at Army request from WTCV line 17 .....			[16,000]	[16,046]	
		Transfer at Army request from WTCV line 20 .....			[1,700]	[1,700]	
085	0604604.A	MEDIUM TACTICAL VEHICLES .....	3,961	3,961	3,961		3,961
087	0604611.A	JAVELIN .....	17,340	17,340	9,940	-7,400	9,940
		Excess to requirement .....			[-7,400]	[-7,400]	
088	0604622.A	FAMILY OF HEAVY TACTICAL VEHICLES .....	5,478	5,478	5,478		5,478
089	0604633.A	AIR TRAFFIC CONTROL .....	22,922	22,922	22,922		22,922
090	0604642.A	LIGHT TACTICAL WHEELED VEHICLES .....			20,000	20,000	20,000
		Army requested transfer from RDTE line 109 .....			[20,000]	[20,000]	
093	0604661.A	FCS SYSTEMS OF SYSTEMS ENGR & PROGRAM MGMT .....	383,872	383,872	283,872	-85,000	298,872
		Unjustified requirement .....			[-100,000]	[-85,000]	
095	0604663.A	FCS UNMANNED GROUND VEHICLES .....	143,840	143,840	26,840	-107,840	36,000
		Program adjustment .....			[-117,000]	[-107,840]	

**SEC. 4201. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION**  
(In Thousands of Dollars)

<i>Line</i>	<i>Program Element</i>	<i>Item</i>	<i>FY 2012 Request</i>	<i>House Authorized</i>	<i>Senate Authorized</i>	<i>Conference Change</i>	<i>Conference Authorized</i>
096	0604664.A	FCS UNATTENDED GROUND SENSORS .....	499	499		-499	0
		Program termination .....			[-499]	[-499]	
098	0604710.A	NIGHT VISION SYSTEMS—SDD .....	59,265	59,265	59,265		59,265
099	0604713.A	COMBAT FEEDING, CLOTHING, AND EQUIPMENT .....	2,075	2,075	2,075		2,075
100	0604715.A	NON-SYSTEM TRAINING DEVICES—SDD .....	30,021	30,021	30,021		30,021
101	0604716.A	TERRAIN INFORMATION—SDD .....	1,596	1,596	1,596		1,596
102	0604741.A	AIR DEFENSE COMMAND, CONTROL AND INTELLIGENCE—SDD.	83,010	83,010	83,010		83,010
103	0604742.A	CONSTRUCTIVE SIMULATION SYSTEMS DEVELOPMENT .....	28,305	28,305	28,305		28,305
104	0604746.A	AUTOMATIC TEST EQUIPMENT DEVELOPMENT .....	14,375	14,375	14,375		14,375
105	0604760.A	DISTRIBUTIVE INTERACTIVE SIMULATIONS (DIS)—SDD .....	15,803	15,803	15,803		15,803
107	0604780.A	COMBINED ARMS TACTICAL TRAINER (CATT) CORE .....	22,226	22,226	22,226		22,226
108	0604802.A	WEAPONS AND MUNITIONS—SDD .....	13,828	3,828	13,828		13,828
		Program Reduction- Precision Guidance Kit .....		[-10,000]			
109	0604804.A	LOGISTICS AND ENGINEER EQUIPMENT—SDD .....	251,104	226,104	238,104	-77,793	173,311
		Army request transfer from RDTE line 69 .....			[7,000]	[7,000]	
		Army requested transfer to RDTE Army line 90 .....			[-20,000]	[-20,000]	
		Joint Light Tactical Vehicle Schedule Slip .....		[-25,000]		[-64,793]	
110	0604805.A	COMMAND, CONTROL, COMMUNICATIONS SYSTEMS—SDD ...	137,811	137,811	81,811	-56,000	81,811
		Excessive growth Joint Battle Command-Platform .....			[-56,000]	[-56,000]	
111	0604807.A	MEDICAL MATERIEL/MEDICAL BIOLOGICAL DEFENSE EQUIPMENT—SDD.	27,160	27,160	27,160		27,160
112	0604808.A	LANDMINE WARFARE/BARRIER—SDD .....	87,426	87,426	66,326	-11,100	76,326
		Explosive Hazard Pre-Detonation (EHP) Roller contract delay			[-21,100]	[-11,100]	
113	0604814.A	ARTILLERY MUNITIONS .....	42,627	42,627	35,627	-5,000	37,627
		Program growth adjustment .....			[-7,000]	[-5,000]	
115	0604818.A	ARMY TACTICAL COMMAND & CONTROL HARDWARE & SOFTWARE.	123,935	125,935	93,935	-30,000	93,935
		Army Tactical Command and Control Hardware and Software		[2,000]			
		Excessive Growth .....			[-30,000]	[-30,000]	
116	0604820.A	RADAR DEVELOPMENT .....	2,890	2,890	2,890		2,890
117	0604822.A	GENERAL FUND ENTERPRISE BUSINESS SYSTEM (GFEBS) .....	794	794	794		794
118	0604823.A	FIREFINDER .....	10,358	10,358	10,358		10,358
119	0604827.A	SOLDIER SYSTEMS—WARRIOR DEM/VAL .....	48,309	40,709	55,909	13,100	61,409
		Early to Need- Nett Warrior .....		[-7,600]			
		Transfer at Army request from OPA line 147 .....			[7,600]	[13,100]	
120	0604854.A	ARTILLERY SYSTEMS .....	120,146	120,146	120,146		120,146
121	0604869.A	PATRIOT/MEADS COMBINED AGGREGATE PROGRAM (CAP) ..	406,605	257,105		-16,605	390,000
		Program Decrease .....		[-149,500]	[-406,605]	[-16,605]	
122	0604870.A	NUCLEAR ARMS CONTROL MONITORING SENSOR NETWORK	7,398	7,398	7,398		7,398
123	0605013.A	INFORMATION TECHNOLOGY DEVELOPMENT .....	37,098	37,098	32,098	-5,000	32,098
		Unjustified cost growth .....			[-5,000]	[-5,000]	
124	0605018.A	ARMY INTEGRATED MILITARY HUMAN RESOURCES SYSTEM (A-IMHRS).	68,693	68,693	68,693		68,693
125	0605450.A	JOINT AIR-TO-GROUND MISSILE (JAGM) .....	127,095	127,095	127,095		127,095
126	0605455.A	SLAMRAAM .....	19,931	19,931	1,531	-18,400	1,531
		Excess to program termination requirements .....			[-18,400]	[-18,400]	
127	0605456.A	PAC-3/MSE MISSILE .....	88,993	88,993	88,993		88,993
128	0605457.A	ARMY INTEGRATED AIR AND MISSILE DEFENSE (AIAMD) .....	270,607	270,607	270,607		270,607
129	0605625.A	MANNED GROUND VEHICLE .....	884,387	884,387	884,387	-435,000	449,387
		Excessive Technology Ramp-up prior to completion of Analysis of Alternatives.				[-435,000]	
130	0605626.A	AERIAL COMMON SENSOR .....	31,465	31,465			31,465
		Program termination .....			[-31,465]		
131	0303032.A	TROJAN—RH12 .....	3,920	3,920	3,920		3,920
132	0304270.A	ELECTRONIC WARFARE DEVELOPMENT .....	13,819	13,819	13,819		13,819
		<b>SUBTOTAL SYSTEM DEVELOPMENT &amp; DEMONSTRATION ..</b>	<b>4,190,788</b>	<b>3,968,688</b>	<b>3,238,843</b>	<b>-998,481</b>	<b>3,192,307</b>
		<b>RDT&amp;E MANAGEMENT SUPPORT</b>					
133	0604256.A	THREAT SIMULATOR DEVELOPMENT .....	16,992	16,992	16,992		16,992
134	0604258.A	TARGET SYSTEMS DEVELOPMENT .....	11,247	11,247	11,247		11,247
135	0604759.A	MAJOR T&E INVESTMENT .....	49,437	49,437	49,437		49,437
136	0605103.A	RAND ARROYO CENTER .....	20,384	20,384	20,384		20,384
137	0605301.A	ARMY KWAJALEIN ATOLL .....	145,606	145,606	145,606		145,606
138	0605326.A	CONCEPTS EXPERIMENTATION PROGRAM .....	28,800	28,800	28,800		28,800
139	0605502.A	SMALL BUSINESS INNOVATIVE RESEARCH .....		5,000			0
		Small Business Innovative Research .....		[5,000]			
140	0605601.A	ARMY TEST RANGES AND FACILITIES .....	262,456	362,456	312,456	50,000	312,456
		Program Increase .....		[100,000]	[50,000]	[50,000]	
141	0605602.A	ARMY TECHNICAL TEST INSTRUMENTATION AND TARGETS	70,227	70,227	70,227		70,227
142	0605604.A	SURVIVABILITY/LETHALITY ANALYSIS .....	43,483	43,483	43,483		43,483
143	0605605.A	DOD HIGH ENERGY LASER TEST FACILITY .....	18	18	18		18
144	0605606.A	AIRCRAFT CERTIFICATION .....	5,630	5,630	5,630		5,630
145	0605702.A	METEOROLOGICAL SUPPORT TO RDT&E ACTIVITIES .....	7,182	7,182	7,182		7,182
146	0605706.A	MATERIEL SYSTEMS ANALYSIS .....	19,669	19,669	19,669		19,669
147	0605709.A	EXPLOITATION OF FOREIGN ITEMS .....	5,445	5,445	5,445		5,445
148	0605712.A	SUPPORT OF OPERATIONAL TESTING .....	68,786	68,786	68,786		68,786

**SEC. 4201. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION**  
(In Thousands of Dollars)

<i>Line</i>	<i>Program Element</i>	<i>Item</i>	<i>FY 2012 Request</i>	<i>House Authorized</i>	<i>Senate Authorized</i>	<i>Conference Change</i>	<i>Conference Authorized</i>
149	0605716A	ARMY EVALUATION CENTER .....	63,302	63,302	63,302		63,302
150	0605718A	ARMY MODELING & SIM X-CMD COLLABORATION & INTEG	3,420	3,420	3,420		3,420
151	0605801A	PROGRAMWIDE ACTIVITIES .....	83,054	83,054	83,054		83,054
152	0605803A	TECHNICAL INFORMATION ACTIVITIES .....	63,872	58,872	63,872	-5,000	58,872
		Program Reduction .....		[-5,000]		[-5,000]	
153	0605805A	MUNITIONS STANDARDIZATION, EFFECTIVENESS AND SAFETY.	57,142	62,142	57,142		57,142
		Program Increase .....		[5,000]			
154	0605857A	ENVIRONMENTAL QUALITY TECHNOLOGY MGMT SUPPORT	4,961	4,961	4,961		4,961
155	0605898A	MANAGEMENT HQ—R&D .....	17,558	17,558	17,558		17,558
		<b>SUBTOTAL RDT&amp;E MANAGEMENT SUPPORT .....</b>	<b>1,048,671</b>	<b>1,153,671</b>	<b>1,098,671</b>	<b>45,000</b>	<b>1,093,671</b>
		<b>OPERATIONAL SYSTEMS DEVELOPMENT</b>					
158	0603778A	MLRS PRODUCT IMPROVEMENT PROGRAM .....	66,641	66,641	66,641		66,641
159	0603820A	WEAPONS CAPABILITY MODIFICATIONS UAV .....	24,142		7,500	-16,642	7,500
		Excess funds only to the analysis of alternatives .....		[-24,142]	[-16,642]	[-16,642]	
160	0102419A	AEROSTAT JOINT PROJECT OFFICE .....	344,655	323,655	327,855	-16,800	327,855
		Excess program growth .....		[-21,000]	[-16,800]	[-16,800]	
162	0203726A	ADV FIELD ARTILLERY TACTICAL DATA SYSTEM .....	29,546	29,546	29,546		29,546
163	0203735A	COMBAT VEHICLE IMPROVEMENT PROGRAMS .....	53,307	78,307	53,307	-17,100	36,207
		AMPV .....				[-17,100]	
		Program Increase .....		[25,000]			
164	0203740A	MANEUVER CONTROL SYSTEM .....	65,002	65,002	42,414	-22,588	42,414
		Unjustified program growth .....			[-22,588]	[-22,588]	
165	0203744A	AIRCRAFT MODIFICATIONS/PRODUCT IMPROVEMENT PROGRAMS.	163,205	163,205	149,705	-13,500	149,705
		Excess funds to Black Hawk Recapitalization/Modernization for analysis of alternatives.			[-13,500]	[-13,500]	
166	0203752A	AIRCRAFT ENGINE COMPONENT IMPROVEMENT PROGRAM	823	823	823		823
167	0203758A	DIGITIZATION .....	8,029	8,029	8,029		8,029
169	0203801A	MISSILE/AIR DEFENSE PRODUCT IMPROVEMENT PROGRAM	44,560	59,060	59,060	10,000	54,560
		Transfer at Army Request from MPA line 13 .....		[14,500]	[14,500]	[10,000]	
171	0203808A	TRACTOR CARD .....	42,554	42,554	42,554		42,554
172	0208053A	JOINT TACTICAL GROUND SYSTEM .....	27,630	27,630	27,630		27,630
173	0208058A	JOINT HIGH SPEED VESSEL (JHSV) .....	3,044	3,044	3,044		3,044
175	0303028A	SECURITY AND INTELLIGENCE ACTIVITIES .....	2,854	2,854	2,854		2,854
176	0303140A	INFORMATION SYSTEMS SECURITY PROGRAM .....	61,220	61,220	58,720		61,220
		Army offered program reduction .....			[-2,500]		
177	0303141A	GLOBAL COMBAT SUPPORT SYSTEM .....	100,505	100,505	160,745	60,240	160,745
		Army requested transfer for AESIP from OPA line 116 .....			[13,000]	[13,000]	
		Army requested transfer for GCSS-Army from OPA line 116 .....			[47,240]	[47,240]	
178	0303142A	SATCOM GROUND ENVIRONMENT (SPACE) .....	12,104	12,104	12,104		12,104
179	0303150A	WWWCCS/GLOBAL COMMAND AND CONTROL SYSTEM .....	23,937	23,937	23,937		23,937
181	0305204A	TACTICAL UNMANNED AERIAL VEHICLES .....	40,650	40,650	26,550	-14,100	26,550
		Contract award delays .....			[-14,100]	[-14,100]	
182	0305208A	DISTRIBUTED COMMON GROUND/SURFACE SYSTEMS .....	44,198	44,198	31,699	-12,499	31,699
		Unjustified requirements growth .....			[-12,499]	[-12,499]	
183	0305219A	MQ-1 SKY WARRIOR A UAV .....	137,038	137,038	122,038	-15,000	122,038
		Excessive growth .....			[-15,000]	[-15,000]	
184	0305232A	RQ-11 UAV .....	1,938	1,938	1,938		1,938
185	0305233A	RQ-7 UAV .....	31,940	31,940	31,940		31,940
187	0307665A	BIOMETRICS ENABLED INTELLIGENCE .....	15,018	15,018	15,018		15,018
188	0708045A	END ITEM INDUSTRIAL PREPAREDNESS ACTIVITIES .....	59,297	66,297	59,297		59,297
		End Item Industrial Preparedness Activities .....		[7,000]			
188A	999999999	CLASSIFIED PROGRAMS .....	4,536	4,536	4,536		4,536
		<b>SUBTOTAL OPERATIONAL SYSTEMS DEVELOPMENT .....</b>	<b>1,408,373</b>	<b>1,409,731</b>	<b>1,369,484</b>	<b>-57,989</b>	<b>1,350,384</b>
		<b>TOTAL RESEARCH, DEVELOPMENT, TEST &amp; EVAL, ARMY.</b>	<b>9,683,980</b>	<b>9,745,502</b>	<b>8,490,559</b>	<b>-1,238,064</b>	<b>8,445,916</b>
		<b>RESEARCH, DEVELOPMENT, TEST &amp; EVAL, NAVY</b>					
		<b>BASIC RESEARCH</b>					
001	0601103N	UNIVERSITY RESEARCH INITIATIVES .....	113,157	123,157	113,157		113,157
		Program Increase .....		[10,000]			
002	0601152N	IN-HOUSE LABORATORY INDEPENDENT RESEARCH .....	18,092		18,092		18,092
003	0601153N	DEFENSE RESEARCH SCIENCES .....	446,123	450,623	446,123		446,123
		Program Increase .....		[2,500]			
		Study of Renewable and Alternative Energy Applications in the Pacific Region.		[2,000]			
		<b>SUBTOTAL BASIC RESEARCH .....</b>	<b>577,372</b>	<b>591,872</b>	<b>577,372</b>		<b>577,372</b>
		<b>APPLIED RESEARCH</b>					
004	0602114N	POWER PROJECTION APPLIED RESEARCH .....	104,804	104,804	64,804		104,804
		Program Decrease- Electromagnetic railgun .....			[-10,000]		
		Program Decrease- Free Electron Laser .....			[-30,000]		
005	0602123N	FORCE PROTECTION APPLIED RESEARCH .....	156,901	158,901	156,901		156,901
		Alternative Energy for Mobile Power Applications .....		[2,000]			



**SEC. 4201. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION**  
(In Thousands of Dollars)

<i>Line</i>	<i>Program Element</i>	<i>Item</i>	<i>FY 2012 Request</i>	<i>House Authorized</i>	<i>Senate Authorized</i>	<i>Conference Change</i>	<i>Conference Authorized</i>
006	0602131M	MARINE CORPS LANDING FORCE TECHNOLOGY .....	44,845	47,845	44,845		44,845
		Marine Corps Landing Force Technology .....		[3,000]			
008	0602235N	COMMON PICTURE APPLIED RESEARCH .....	65,448	65,448	65,448		65,448
009	0602236N	WARFIGHTER SUSTAINMENT APPLIED RESEARCH .....	101,205	103,705	101,205		101,205
		Warfighter Sustainment Applied Research .....		[2,500]			
010	0602271N	ELECTROMAGNETIC SYSTEMS APPLIED RESEARCH .....	108,329	108,329	108,329		108,329
011	0602435N	OCEAN WARFIGHTING ENVIRONMENT APPLIED RESEARCH .....	50,076	50,076	50,076		50,076
012	0602651M	JOINT NON-LETHAL WEAPONS APPLIED RESEARCH .....	5,937	5,937	5,937		5,937
013	0602747N	UNDERSEA WARFARE APPLIED RESEARCH .....	108,666	108,666	108,666		108,666
014	0602782N	MINE AND EXPEDITIONARY WARFARE APPLIED RESEARCH .....	37,583	45,583	37,583		37,583
		Mine and Expeditionary Warfare Applied Research .....		[8,000]			
		<b>SUBTOTAL APPLIED RESEARCH .....</b>	<b>783,794</b>	<b>799,294</b>	<b>743,794</b>		<b>783,794</b>
		<b>ADVANCED TECHNOLOGY DEVELOPMENT</b>					
015	0603114N	POWER PROJECTION ADVANCED TECHNOLOGY .....	114,270	114,270	59,370		114,270
		Program Decrease—Electromagnetic railgun .....			[-16,900]		
		Underexecution—Navy recommendation .....			[-38,000]		
016	0603123N	FORCE PROTECTION ADVANCED TECHNOLOGY .....	64,057	71,157	45,234	-18,823	45,234
		Advanced Battery Technologies .....		[2,000]			
		Excess MRMUAS funding .....				[-18,823]	
		Lightweight Body Armor .....		[5,100]			
		Transfer MRMUAS to line 220 .....			[-18,823]		
017	0603235N	COMMON PICTURE ADVANCED TECHNOLOGY .....	49,068	49,068	49,068		49,068
018	0603236N	WARFIGHTER SUSTAINMENT ADVANCED TECHNOLOGY .....	71,232	71,232	71,232		71,232
019	0603271N	ELECTROMAGNETIC SYSTEMS ADVANCED TECHNOLOGY .....	102,535	102,535	102,535		102,535
020	0603640M	USMC ADVANCED TECHNOLOGY DEMONSTRATION (ATD) .....	124,324	124,324	124,324		124,324
021	0603651M	JOINT NON-LETHAL WEAPONS TECHNOLOGY DEVELOPMENT .....	11,286	11,286	11,286		11,286
022	0603729N	WARFIGHTER PROTECTION ADVANCED TECHNOLOGY .....	18,119	18,119	18,119		18,119
023	0603747N	UNDERSEA WARFARE ADVANCED TECHNOLOGY .....	37,121	37,121	37,121		37,121
024	0603758N	NAVY WARFIGHTING EXPERIMENTS AND DEMONSTRATIONS .....	50,157	50,157	50,157		50,157
025	0603782N	MINE AND EXPEDITIONARY WARFARE ADVANCED TECHNOLOGY .....	6,048	6,048	6,048		6,048
		<b>SUBTOTAL ADVANCED TECHNOLOGY DEVELOPMENT .....</b>	<b>648,217</b>	<b>655,317</b>	<b>574,494</b>	<b>-18,823</b>	<b>629,394</b>
		<b>ADVANCED COMPONENT DEVELOPMENT &amp; PROTOTYPES</b>					
026	0603207N	AIR/OCEAN TACTICAL APPLICATIONS .....	94,972	94,972	73,672	-10,000	84,972
		JMAPS unjustified request .....			[-21,300]	[-10,000]	
027	0603216N	AVIATION SURVIVABILITY .....	10,893	10,893	10,893		10,893
028	0603237N	DEPLOYABLE JOINT COMMAND AND CONTROL .....	3,702	3,702	3,702		3,702
029	0603251N	AIRCRAFT SYSTEMS .....	10,497	10,497	10,497		10,497
030	0603254N	ASW SYSTEMS DEVELOPMENT .....	7,915	7,915	7,915		7,915
031	0603261N	TACTICAL AIRBORNE RECONNAISSANCE .....	5,978	5,978	5,978		5,978
032	0603382N	ADVANCED COMBAT SYSTEMS TECHNOLOGY .....	1,418	1,418	1,418		1,418
033	0603502N	SURFACE AND SHALLOW WATER MINE COUNTERMEASURES .....	142,657	142,657	142,657	-14,900	127,757
		Program execution .....				[-8,900]	
		UUV program delay .....				[-6,000]	
034	0603506N	SURFACE SHIP TORPEDO DEFENSE .....	118,764	118,764	118,764		118,764
035	0603512N	CARRIER SYSTEMS DEVELOPMENT .....	54,072	54,072	54,072		54,072
037	0603525N	PILOT FISH .....	96,012	96,012	96,012		96,012
038	0603527N	RETRACT LARCH .....	73,421	73,421	73,421		73,421
039	0603536N	RETRACT JUNIPER .....	130,267	130,267	130,267		130,267
040	0603542N	RADIOLOGICAL CONTROL .....	1,338	1,338	1,338		1,338
041	0603553N	SURFACE ASW .....	29,797	33,297	29,797		29,797
		Surface Anti-Submarine Warfare .....		[3,500]			
042	0603561N	ADVANCED SUBMARINE SYSTEM DEVELOPMENT .....	856,326	865,326	856,326		856,326
		Program Increase .....		[9,000]			
043	0603562N	SUBMARINE TACTICAL WARFARE SYSTEMS .....	9,253	9,253	9,253		9,253
044	0603563N	SHIP CONCEPT ADVANCED DESIGN .....	14,308	14,308	14,308		14,308
045	0603564N	SHIP PRELIMINARY DESIGN & FEASIBILITY STUDIES .....	22,213	42,113	22,213		22,213
		Ship Preliminary Design and Feasibility Studies .....		[19,900]			
046	0603570N	ADVANCED NUCLEAR POWER SYSTEMS .....	463,683	463,683	463,683		463,683
047	0603573N	ADVANCED SURFACE MACHINERY SYSTEMS .....	18,249	28,249	18,249		18,249
		Program Increase .....		[10,000]			
048	0603576N	CHALK EAGLE .....	584,159	584,159	584,159		584,159
049	0603581N	LITTORAL COMBAT SHIP (LCS) .....	286,784	286,784	282,784	-4,000	282,784
		Defer development of Irregular Warfare mission package .....			[-4,000]	[-4,000]	
050	0603582N	COMBAT SYSTEM INTEGRATION .....	34,157	34,157	34,157		34,157
051	0603609N	CONVENTIONAL MUNITIONS .....	4,753	4,753	4,753		4,753
052	0603611M	MARINE CORPS ASSAULT VEHICLES .....	12,000	12,000	12,000		12,000
053	0603635M	MARINE CORPS GROUND COMBAT/SUPPORT SYSTEM .....	79,858	54,858	79,858	-24,877	54,981
		Joint Light Tactical Vehicle Schedule Slip .....		[-25,000]		[-24,877]	
054	0603654N	JOINT SERVICE EXPLOSIVE ORDNANCE DEVELOPMENT .....	33,654	33,654	33,654		33,654
055	0603658N	COOPERATIVE ENGAGEMENT .....	54,783	54,783	54,783		54,783
056	0603713N	OCEAN ENGINEERING TECHNOLOGY DEVELOPMENT .....	9,996	9,996	9,996		9,996
057	0603721N	ENVIRONMENTAL PROTECTION .....	21,714	21,714	21,714		21,714
058	0603724N	NAVY ENERGY PROGRAM .....	70,538	70,538	70,538		70,538

**SEC. 4201. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION**  
*(In Thousands of Dollars)*

<i>Line</i>	<i>Program Element</i>	<i>Item</i>	<i>FY 2012 Request</i>	<i>House Author- ized</i>	<i>Senate Author- ized</i>	<i>Con- ference Change</i>	<i>Con- ference Author- ized</i>
059	0603725N	FACILITIES IMPROVEMENT .....	3,754	3,754	3,754		3,754
060	0603734N	CHALK CORAL .....	79,415	79,415	79,415		79,415
061	0603739N	NAVY LOGISTIC PRODUCTIVITY .....	4,137	4,137	4,137		4,137
062	0603746N	RETRACT MAPLE .....	276,383	276,383	276,383		276,383
063	0603748N	LINK PLUMERIA .....	52,721	52,721	52,721		52,721
064	0603751N	RETRACT ELM .....	160,964	160,964	160,964	-10,000	150,964
		Classified adjustment .....				[-10,000]	
066	0603764N	LINK EVERGREEN .....	144,985	144,985	144,985		144,985
067	0603787N	SPECIAL PROCESSES .....	43,704	43,704	43,704		43,704
068	0603790N	NATO RESEARCH AND DEVELOPMENT .....	9,140	9,140	9,140		9,140
069	0603795N	LAND ATTACK TECHNOLOGY .....	421	421	421		421
070	0603851M	NONLETHAL WEAPONS .....	40,992	40,992	40,992		40,992
071	0603860N	JOINT PRECISION APPROACH AND LANDING SYSTEMS .....	121,455	121,455	121,455	-3,200	118,255
		Excess management services funding .....				[-3,200]	
075	0604272N	TACTICAL AIR DIRECTIONAL INFRARED COUNTER- MEASURES (TADIRCM) .....	64,107	64,107	64,107		64,107
076	0604279N	ASE SELF-PROTECTION OPTIMIZATION .....	711	711	711		711
077	0604653N	JOINT COUNTER RADIO CONTROLLED IED ELECTRONIC WARFARE (JCREW) .....	62,044	62,044	62,044		62,044
078	0604659N	PRECISION STRIKE WEAPONS DEVELOPMENT PROGRAM .....	22,665	4,465	4,450	-19,215	3,450
		Excess support funding .....				[-1,000]	
		FMU-164 fuze program termination .....		[-18,200]	[-18,215]	[-18,215]	
079	0604707N	SPACE AND ELECTRONIC WARFARE (SEW) ARCHITECTURE/ ENGINEERING SUPPORT .....	33,621	33,621	33,621		33,621
080	0303354N	ASW SYSTEMS DEVELOPMENT—MIP .....	1,078	1,078	1,078		1,078
082	0304270N	ELECTRONIC WARFARE DEVELOPMENT—MIP .....	625	625	625		625
		<b>SUBTOTAL ADVANCED COMPONENT DEVELOPMENT &amp; PROTOTYPES.</b>	<b>4,481,053</b>	<b>4,480,253</b>	<b>4,437,538</b>	<b>-86,192</b>	<b>4,394,861</b>
		<b>SYSTEM DEVELOPMENT &amp; DEMONSTRATION</b>					
083	0604212N	OTHER HELO DEVELOPMENT .....	35,651	35,651	42,651	7,000	42,651
		Navy requested transfer from line 98 for VH-3/VH-60 sustainment .....			[7,000]	[7,000]	
084	0604214N	AV-8B AIRCRAFT—ENG DEV .....	30,676	30,676	30,676		30,676
085	0604215N	STANDARDS DEVELOPMENT .....	51,191	51,191	51,191	-1,700	49,491
		Collision avoidance safety program delay .....				[-1,700]	
086	0604216N	MULTI-MISSION HELICOPTER UPGRADE DEVELOPMENT .....	17,673	17,673	17,673		17,673
087	0604218N	AIR/OCEAN EQUIPMENT ENGINEERING .....	5,922	5,922	5,922		5,922
088	0604221N	P-3 MODERNIZATION PROGRAM .....	3,417	3,417	3,417		3,417
089	0604230N	WARFARE SUPPORT SYSTEM .....	9,944	9,944	9,944		9,944
090	0604231N	TACTICAL COMMAND SYSTEM .....	81,257	81,257	77,257	-4,000	77,257
		NTCSS—reduce program growth .....			[-4,000]	[-4,000]	
091	0604234N	ADVANCED HAWKEYE .....	110,994	110,994	110,994		110,994
092	0604245N	H-1 UPGRADES .....	72,569	72,569	72,569	-5,000	67,569
		Development support funding growth .....				[-5,000]	
093	0604261N	ACOUSTIC SEARCH SENSORS .....	56,509	56,509	56,509	-7,611	48,898
		High Altitude ASW program delay .....				[-1,611]	
		Management services funding growth .....				[-6,000]	
094	0604262N	V-22A .....	84,477	84,477	84,477		84,477
095	0604264N	AIR CREW SYSTEMS DEVELOPMENT .....	3,249	3,249	3,249		3,249
096	0604269N	EA-18 .....	17,100	17,100	17,100		17,100
097	0604270N	ELECTRONIC WARFARE DEVELOPMENT .....	89,418	89,418	89,418		89,418
098	0604273N	VH-71A EXECUTIVE HELO DEVELOPMENT .....	180,070	180,070	60,770	-119,300	60,770
		Early to need .....			[-76,300]	[-76,300]	
		Navy requested transfer to APN line 47 .....			[-24,000]	[-24,000]	
		Navy requested transfer to APN line 62 .....			[-12,000]	[-12,000]	
		Navy requested transfer to line 83 .....			[-7,000]	[-7,000]	
099	0604274N	NEXT GENERATION JAMMER (NGJ) .....	189,919	189,919	154,919	-19,000	170,919
		Technology Development late contract award .....			[-35,000]	[-19,000]	
100	0604280N	JOINT TACTICAL RADIO SYSTEM—NAVY (JTRS-NAVY) .....	688,146	688,146	568,146	-12,000	676,146
		HMS capability enhancements unjustified request .....			[-120,000]	[-60,000]	
		Management services funding growth .....				[-3,000]	
		Transfer from OP,A line 39 for GMR correction of deficiencies ..				[51,000]	
101	0604307N	SURFACE COMBATANT COMBAT SYSTEM ENGINEERING .....	223,283	223,283	223,283		223,283
102	0604311N	LPD-17 CLASS SYSTEMS INTEGRATION .....	884	884	884		884
103	0604329N	SMALL DIAMETER BOMB (SDB) .....	47,635	47,635	29,635	-18,000	29,635
		Defer Integration on Joint Strike Fighter .....			[-18,000]	[-18,000]	
104	0604366N	STANDARD MISSILE IMPROVEMENTS .....	46,705	46,705	46,705		46,705
105	0604373N	AIRBORNE MCM .....	41,142	41,142	41,142		41,142
106	0604378N	NAVAL INTEGRATED FIRE CONTROL—COUNTER AIR SYS- TEMS ENGINEERING .....	24,898	24,898	24,898		24,898
107	0604404N	FUTURE UNMANNED CARRIER-BASED STRIKE SYSTEM .....	121,150	121,150	51,150	-45,450	75,700
		Delay to Technology Development contract award .....			[-70,000]	[-45,450]	
108	0604501N	ADVANCED ABOVE WATER SENSORS .....	60,790	60,790	60,790		60,790
108A	0604XXXN	AIR AND MISSILE DEFENSE RADAR .....	166,568	166,568	166,568		166,568
109	0604503N	SSN-688 AND TRIDENT MODERNIZATION .....	100,591	100,591	95,671	-4,920	95,671
		TB-33 program cancellation .....			[-4,920]	[-4,920]	

**SEC. 4201. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION**  
(In Thousands of Dollars)

<i>Line</i>	<i>Program Element</i>	<i>Item</i>	<i>FY 2012 Request</i>	<i>House Authorized</i>	<i>Senate Authorized</i>	<i>Conference Change</i>	<i>Conference Authorized</i>
110	0604504N	AIR CONTROL .....	5,521	5,521	5,521		5,521
111	0604512N	SHIPBOARD AVIATION SYSTEMS .....	45,445	45,445	45,445		45,445
112	0604518N	COMBAT INFORMATION CENTER CONVERSION .....	3,400	3,400	3,400		3,400
113	0604558N	NEW DESIGN SSN .....	97,235	107,235	97,235		97,235
		Program Increase .....		[10,000]			
114	0604562N	SUBMARINE TACTICAL WARFARE SYSTEM .....	48,466	48,466	48,466		48,466
115	0604567N	SHIP CONTRACT DESIGN/ LIVE FIRE T&E .....	161,099	161,099	98,099	-40,000	121,099
		Ship-to-Shore Connector—contract award delay .....			[-63,000]	[-40,000]	
116	0604574N	NAVY TACTICAL COMPUTER RESOURCES .....	3,848	3,848	3,848		3,848
117	0604601N	MINE DEVELOPMENT .....	3,933	3,933	3,933		3,933
118	0604610N	LIGHTWEIGHT TORPEDO DEVELOPMENT .....	32,592	32,592	32,592		32,592
119	0604654N	JOINT SERVICE EXPLOSIVE ORDNANCE DEVELOPMENT .....	9,960	9,960	9,960		9,960
120	0604703N	PERSONNEL, TRAINING, SIMULATION, AND HUMAN FACTORS .....	12,992	12,992	12,992		12,992
121	0604727N	JOINT STANDOFF WEAPON SYSTEMS .....	7,506	7,506	7,506		7,506
122	0604755N	SHIP SELF DEFENSE (DETECT & CONTROL) .....	71,222	71,222	71,222		71,222
123	0604756N	SHIP SELF DEFENSE (ENGAGE: HARD KILL) .....	6,631	6,631	6,631		6,631
124	0604757N	SHIP SELF DEFENSE (ENGAGE: SOFT KILL/EW) .....	184,095	184,095	184,095		184,095
125	0604761N	INTELLIGENCE ENGINEERING .....	2,217	2,217	2,217		2,217
126	0604771N	MEDICAL DEVELOPMENT .....	12,984	12,984	12,984		12,984
127	0604777N	NAVIGATION/ID SYSTEM .....	50,178	50,178	50,178	-10,800	39,378
		Mode 5 program delay .....				[-10,800]	
128	0604800M	JOINT STRIKE FIGHTER (JSF)—EMD .....	670,723	670,723	651,786	-18,937	651,786
		Block IV development ahead of need .....			[-18,937]	[-18,937]	
129	0604800N	JOINT STRIKE FIGHTER (JSF) .....	677,486	677,486	658,549	-18,937	658,549
		Block IV development ahead of need .....			[-18,937]	[-18,937]	
130	0605013M	INFORMATION TECHNOLOGY DEVELOPMENT .....	27,461	27,461	19,461	-8,000	19,461
		Program underexecution .....			[-8,000]	[-8,000]	
131	0605013N	INFORMATION TECHNOLOGY DEVELOPMENT .....	58,764	58,764	29,764	-29,000	29,764
		Reduction to fourth quarter contract awards .....			[-29,000]	[-29,000]	
132	0605018N	NAVY INTEGRATED MILITARY HUMAN RESOURCES SYSTEM (N-IMHRS) .....	55,050	55,050	55,050		55,050
133	0605212N	CH-53K RDTE .....	629,461	629,461	629,461	-5,000	624,461
		Management services funding growth .....				[-5,000]	
135	0605450N	JOINT AIR-TO-GROUND MISSILE (JAGM) .....	118,395	118,395	118,395	-10,000	108,395
		Program delay .....				[-10,000]	
136	0605500N	MULTI-MISSION MARITIME AIRCRAFT (MMA) .....	622,713	622,713	608,713	-14,000	608,713
		Increment 3—development ahead of need .....			[-14,000]	[-14,000]	
138	0204202N	DDG-1000 .....	261,604	261,604	261,604	-4,000	257,604
		Government technical services growth .....				[-4,000]	
139	0304231N	TACTICAL COMMAND SYSTEM—MIP .....	979	979	979		979
141	0304785N	TACTICAL CRYPTOLOGIC SYSTEMS .....	31,740	31,740	31,740		31,740
		<b>SUBTOTAL SYSTEM DEVELOPMENT &amp; DEMONSTRATION ..</b>	<b>6,475,528</b>	<b>6,485,528</b>	<b>5,959,434</b>	<b>-388,655</b>	<b>6,086,873</b>
		<b>RDT&amp;E MANAGEMENT SUPPORT</b>					
142	0604256N	THREAT SIMULATOR DEVELOPMENT .....	28,318	28,318	28,318		28,318
143	0604258N	TARGET SYSTEMS DEVELOPMENT .....	44,700	44,700	44,700		44,700
144	0604759N	MAJOR T&E INVESTMENT .....	37,957	37,957	37,957		37,957
145	0605126N	JOINT THEATER AIR AND MISSILE DEFENSE ORGANIZATION .....	2,970	2,970	2,970		2,970
146	0605152N	STUDIES AND ANALYSIS SUPPORT—NAVY .....	23,454	23,454	17,454	-6,000	17,454
		Reduction to growth .....			[-6,000]	[-6,000]	
147	0605154N	CENTER FOR NAVAL ANALYSES .....	47,127	47,127	47,127		47,127
148	0605502N	SMALL BUSINESS INNOVATIVE RESEARCH .....	10	10	10		10
149	0605804N	TECHNICAL INFORMATION SERVICES .....	571	571	571		571
150	0605853N	MANAGEMENT, TECHNICAL & INTERNATIONAL SUPPORT ....	68,301	68,301	58,301	-10,000	58,301
		OASUW—defer new start .....			[-10,000]	[-10,000]	
151	0605856N	STRATEGIC TECHNICAL SUPPORT .....	3,277	3,277	3,277		3,277
152	0605861N	RDT&E SCIENCE AND TECHNOLOGY MANAGEMENT .....	73,917	73,917	73,917		73,917
153	0605863N	RDT&E SHIP AND AIRCRAFT SUPPORT .....	136,531	136,531	136,531		136,531
154	0605864N	TEST AND EVALUATION SUPPORT .....	335,367	335,367	335,367		335,367
155	0605865N	OPERATIONAL TEST AND EVALUATION CAPABILITY .....	16,634	16,634	16,634		16,634
156	0605866N	NAVY SPACE AND ELECTRONIC WARFARE (SEW) SUPPORT ..	4,228	4,228	4,228		4,228
157	0605867N	SEW SURVEILLANCE/RECONNAISSANCE SUPPORT .....	7,642	7,642	7,642		7,642
158	0605873M	MARINE CORPS PROGRAM WIDE SUPPORT .....	25,655	25,655	25,655		25,655
159	0305885N	TACTICAL CRYPTOLOGIC ACTIVITIES .....	2,764	2,764	2,764		2,764
		<b>SUBTOTAL RDT&amp;E MANAGEMENT SUPPORT .....</b>	<b>859,423</b>	<b>859,423</b>	<b>843,423</b>	<b>-16,000</b>	<b>843,423</b>
		<b>OPERATIONAL SYSTEMS DEVELOPMENT</b>					
164	0604402N	UNMANNED COMBAT AIR VEHICLE (UCAV) ADVANCED COMPONENT AND PROTOTYPE DEVELOPMENT .....	198,298	198,298	198,298		198,298
165	0604717M	MARINE CORPS COMBAT SERVICES SUPPORT .....	400	400	400		400
166	0604766M	MARINE CORPS DATA SYSTEMS .....	1,650	1,650	1,650		1,650
167	0101221N	STRATEGIC SUB & WEAPONS SYSTEM SUPPORT .....	88,873	88,873	88,873		88,873
168	0101224N	SSBN SECURITY TECHNOLOGY PROGRAM .....	33,553	33,553	33,553		33,553
169	0101226N	SUBMARINE ACOUSTIC WARFARE DEVELOPMENT .....	6,360	6,360	6,360		6,360
170	0101402N	NAVY STRATEGIC COMMUNICATIONS .....	23,208	23,208	23,208		23,208
171	0203761N	RAPID TECHNOLOGY TRANSITION (RTT) .....	30,021	30,021	30,021		30,021

**SEC. 4201. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION**  
*(In Thousands of Dollars)*

<i>Line</i>	<i>Program Element</i>	<i>Item</i>	<i>FY 2012 Request</i>	<i>House Authorized</i>	<i>Senate Authorized</i>	<i>Conference Change</i>	<i>Conference Authorized</i>
172	0204136N	F/A-18 SQUADRONS .....	151,030	151,030	151,030	-5,869	145,161
		Radar upgrade program delay .....				[-5,869]	
173	0204152N	E-2 SQUADRONS .....	6,696	6,696	6,696		6,696
174	0204163N	FLEET TELECOMMUNICATIONS (TACTICAL) .....	1,739	1,739	1,739		1,739
175	0204228N	SURFACE SUPPORT .....	3,377	3,377	3,377		3,377
176	0204229N	TOMAHAWK AND TOMAHAWK MISSION PLANNING CENTER (TMPC) .....	8,819	8,819	8,819		8,819
177	0204311N	INTEGRATED SURVEILLANCE SYSTEM .....	21,259	21,259	21,259		21,259
178	0204413N	AMPHIBIOUS TACTICAL SUPPORT UNITS (DISPLACEMENT CRAFT) .....	5,214	5,214	5,214		5,214
179	0204571N	CONSOLIDATED TRAINING SYSTEMS DEVELOPMENT .....	42,244	42,244	42,244		42,244
180	0204574N	CRYPTOLOGIC DIRECT SUPPORT .....	1,447	1,447	1,447		1,447
181	0204575N	ELECTRONIC WARFARE (EW) READINESS SUPPORT .....	18,142	18,142	18,142		18,142
182	0205601N	HARM IMPROVEMENT .....	11,147	11,147	11,147		11,147
183	0205604N	TACTICAL DATA LINKS .....	69,224	69,224	69,224		69,224
184	0205620N	SURFACE ASW COMBAT SYSTEM INTEGRATION .....	22,010	22,010	22,010		22,010
185	0205632N	MK-48 ADCAP .....	39,288	39,288	39,288		39,288
186	0205633N	AVIATION IMPROVEMENTS .....	123,012	110,412	123,012	-22,589	100,423
		Cancellation of Multi-Purpose Bomb Racks Program .....		[-22,600]		[-22,589]	
		Electrophotonic Component Capability Development .....		[10,000]			
187	0205658N	NAVY SCIENCE ASSISTANCE PROGRAM .....	1,957	1,957	1,957		1,957
188	0205675N	OPERATIONAL NUCLEAR POWER SYSTEMS .....	82,705	82,705	82,705		82,705
189	0206313M	MARINE CORPS COMMUNICATIONS SYSTEMS .....	320,864	320,864	320,864		320,864
190	0206623M	MARINE CORPS GROUND COMBAT/SUPPORTING ARMS SYSTEMS .....	209,396	209,396	184,396	-25,000	184,396
		<b>Amphibious Combat Vehicle (non-add)</b>					
		Excess funds for Marine Personnel Carrier & AAV Upgrade .....			[-25,000]	[-25,000]	
191	0206624M	MARINE CORPS COMBAT SERVICES SUPPORT .....	45,172	45,172	45,172	-18,100	27,072
		Program execution .....				[-18,100]	
192	0206625M	USMC INTELLIGENCE/ELECTRONIC WARFARE SYSTEMS (MIP) .....	14,101	14,101	14,101		14,101
193	0207161N	TACTICAL AIM MISSILES .....	8,765	8,765	8,765		8,765
194	0207163N	ADVANCED MEDIUM RANGE AIR-TO-AIR MISSILE (AMRAAM) .....	2,913	2,913	2,913		2,913
195	0208058N	JOINT HIGH SPEED VESSEL (JHSV) .....	4,108	4,108	4,108		4,108
200	0303109N	SATELLITE COMMUNICATIONS (SPACE) .....	263,712	263,712	263,712		263,712
201	0303138N	CONSOLIDATED AFLOAT NETWORK ENTERPRISE SERVICES (CANES) .....	12,906	12,906	24,906	12,000	24,906
		Transfer from CANES (OPN 68) per USN request .....			[12,000]	[12,000]	
202	0303140N	INFORMATION SYSTEMS SECURITY PROGRAM .....	25,229	25,229	25,229		25,229
203	0303150M	WWWCCS/GLOBAL COMMAND AND CONTROL SYSTEM .....	1,250	1,250	1,250		1,250
204	0303238N	CONSOLIDATED AFLOAT NETWORK ENTERPRISE SERVICES (CANES)—MIP .....	6,602	6,602	6,602		6,602
206	0305149N	COBRA JUDY .....	40,605	40,605	40,605		40,605
207	0305160N	NAVY METEOROLOGICAL AND OCEAN SENSORS-SPACE (METOC) .....	904	904	904		904
208	0305192N	MILITARY INTELLIGENCE PROGRAM (MIP) ACTIVITIES .....	4,099	4,099	4,099		4,099
209	0305204N	TACTICAL UNMANNED AERIAL VEHICLES .....	9,353	19,353	9,353		9,353
		TACAIR-Launched UAS Capability Development .....		[10,000]			
210	0305206N	AIRBORNE RECONNAISSANCE SYSTEMS .....		3,000			0
		Program Increase .....		[3,000]			
212	0305208M	DISTRIBUTED COMMON GROUND/SURFACE SYSTEMS .....	23,785	23,785	23,785		23,785
213	0305208N	DISTRIBUTED COMMON GROUND/SURFACE SYSTEMS .....	25,487	25,487	25,487		25,487
214	0305220N	RQ-4 UAV .....	548,482	548,482	548,482		548,482
215	0305231N	MQ-8 UAV .....	108,248	108,248	3,648		108,248
		ECP for SOCOM urgent needs statement--transfer to Title XV .....			[-104,600]		
216	0305232M	RQ-11 UAV .....	979	979	979		979
217	0305233N	RQ-7 UAV .....	872	872	872		872
219	0305234N	SMALL (LEVEL 0) TACTICAL UAS (STUASLO) .....	22,698	22,698	22,698	-1,300	21,398
		Excess support funding .....				[-1,300]	
220	0305237N	MEDIUM RANGE MARITIME UAS .....	15,000	15,000	33,823		15,000
		Transfer from line 16 .....			[18,823]		
221	0305239M	RQ-21A .....	26,301	26,301	21,301	-2,100	24,201
		Program delays .....			[-5,000]	[-2,100]	
223	0308601N	MODELING AND SIMULATION SUPPORT .....	8,292	8,292	8,292		8,292
224	0702207N	DEPOT MAINTENANCE (NON-IF) .....	21,609	21,609	21,609		21,609
226	0708011N	INDUSTRIAL PREPAREDNESS .....	54,031	59,031	54,031		54,031
		Industrial Preparedness .....		[5,000]			
227	0708730N	MARITIME TECHNOLOGY (MARITECH) .....	5,000	5,000	5,000		5,000
227A	9999999999	CLASSIFIED PROGRAMS .....	1,308,608	1,308,608	1,306,945	-1,663	1,306,945
		Classified Adjustment .....			[-1,663]	[-1,663]	
		Aviation Component Development .....		[10,000]			
		Program Decrease .....		[-20,000]			
		UAS Development .....		[10,000]			
		<b>SUBTOTAL OPERATIONAL SYSTEMS DEVELOPMENT .....</b>	<b>4,131,044</b>	<b>4,136,444</b>	<b>4,025,604</b>	<b>-64,621</b>	<b>4,066,423</b>
		<b>TOTAL RESEARCH, DEVELOPMENT, TEST &amp; EVAL, NAVY .....</b>	<b>17,956,431</b>	<b>18,008,131</b>	<b>17,161,659</b>	<b>-574,291</b>	<b>17,382,140</b>

**SEC. 4201. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION**  
(In Thousands of Dollars)

<i>Line</i>	<i>Program Element</i>	<i>Item</i>	<i>FY 2012 Request</i>	<i>House Authorized</i>	<i>Senate Authorized</i>	<i>Conference Change</i>	<i>Conference Authorized</i>
<b>RESEARCH, DEVELOPMENT, TEST &amp; EVAL, AF</b>							
<b>BASIC RESEARCH</b>							
001	0601102F	DEFENSE RESEARCH SCIENCES .....	364,328	364,328	364,328		364,328
002	0601103F	UNIVERSITY RESEARCH INITIATIVES .....	140,273	147,273	140,273		140,273
		Program Increase .....		[7,000]			
003	0601108F	HIGH ENERGY LASER RESEARCH INITIATIVES .....	14,258	14,258	14,258		14,258
		<b>SUBTOTAL BASIC RESEARCH</b> .....	<b>518,859</b>	<b>525,859</b>	<b>518,859</b>		<b>518,859</b>
<b>APPLIED RESEARCH</b>							
004	0602102F	MATERIALS .....	136,230	136,230	136,230		136,230
005	0602201F	AEROSPACE VEHICLE TECHNOLOGIES .....	147,628	147,628	147,628		147,628
006	0602202F	HUMAN EFFECTIVENESS APPLIED RESEARCH .....	86,663	88,863	86,663		86,663
		Program Increase .....		[2,200]			
007	0602203F	AEROSPACE PROPULSION .....	207,508	209,508	207,508		207,508
		Program Increase .....		[2,000]			
008	0602204F	AEROSPACE SENSORS .....	134,787	134,787	134,787		134,787
009	0602601F	SPACE TECHNOLOGY .....	115,285	118,285	115,285		115,285
		Program Increase .....		[3,000]			
010	0602602F	CONVENTIONAL MUNITIONS .....	60,692	60,692	60,692		60,692
011	0602605F	DIRECTED ENERGY TECHNOLOGY .....	111,156	111,156	111,156		111,156
012	0602788F	DOMINANT INFORMATION SCIENCES AND METHODS .....	127,866	127,866	127,866		127,866
013	0602890F	HIGH ENERGY LASER RESEARCH .....	54,059	54,059	54,059		54,059
		<b>SUBTOTAL APPLIED RESEARCH</b> .....	<b>1,181,874</b>	<b>1,189,074</b>	<b>1,181,874</b>		<b>1,181,874</b>
<b>ADVANCED TECHNOLOGY DEVELOPMENT</b>							
014	0603112F	ADVANCED MATERIALS FOR WEAPON SYSTEMS .....	39,738	49,738	49,738	8,500	48,238
		Program Increase—Metals Affordability Initiative .....		[10,000]	[10,000]	[8,500]	
015	0603199F	SUSTAINMENT SCIENCE AND TECHNOLOGY (S&T) .....	5,780	5,780	5,780		5,780
016	0603203F	ADVANCED AEROSPACE SENSORS .....	53,075	53,075	53,075		53,075
017	0603211F	AEROSPACE TECHNOLOGY DEV/DEMO .....	67,474	67,474	67,474		67,474
018A	0603XXXXF	FUELS .....	6,770	6,770	6,770		6,770
018B	0603XXXXF	POWER TECHNOLOGY .....	5,747	5,747	5,747		5,747
018C	0603XXXXF	PROPULSION .....	80,833	80,833	80,833		80,833
018D	0603XXXXF	ROCKET PROPULSION .....	27,603	27,603	27,603		27,603
019	0603270F	ELECTRONIC COMBAT TECHNOLOGY .....	22,268	22,268	22,268		22,268
020	0603401F	ADVANCED SPACECRAFT TECHNOLOGY .....	74,636	74,636	74,636		74,636
021	0603444F	MAUI SPACE SURVEILLANCE SYSTEM (MSSS) .....	13,555	13,555	13,555		13,555
022	0603456F	HUMAN EFFECTIVENESS ADVANCED TECHNOLOGY DEVELOPMENT.	25,319	25,319	25,319		25,319
023	0603601F	CONVENTIONAL WEAPONS TECHNOLOGY .....	54,042	54,042	34,042	-8,500	45,542
		High Velocity Penetrating Weapon—ahead of need .....			[-20,000]	[-8,500]	
024	0603605F	ADVANCED WEAPONS TECHNOLOGY .....	28,683	28,683	28,683		28,683
025	0603680F	MANUFACTURING TECHNOLOGY PROGRAM .....	40,103	40,103	40,103		40,103
026	0603788F	BATTLESPACE KNOWLEDGE DEVELOPMENT AND DEMONSTRATION.	38,656	42,656	38,656		38,656
		Program Increase .....		[4,000]			
027	0603924F	HIGH ENERGY LASER ADVANCED TECHNOLOGY PROGRAM ..	1,122	1,122	1,122		1,122
		<b>SUBTOTAL ADVANCED TECHNOLOGY DEVELOPMENT</b> .....	<b>585,404</b>	<b>599,404</b>	<b>575,404</b>		<b>585,404</b>
<b>ADVANCED COMPONENT DEVELOPMENT &amp; PROTOTYPES</b>							
028	0603260F	INTELLIGENCE ADVANCED DEVELOPMENT .....	4,013	4,013	4,013		4,013
029	0603287F	PHYSICAL SECURITY EQUIPMENT .....	3,586	3,586	3,586		3,586
031	0603430F	ADVANCED EHF MILSATCOM (SPACE) .....	421,687	279,487	421,687	-20,000	401,687
		Excess to need—poor justification .....				[-20,000]	
		Transfer to RDAF-49 .....		[-142,200]			
032	0603432F	POLAR MILSATCOM (SPACE) .....	122,991	122,991	122,991	-20,000	102,991
		Development schedule delay .....				[-20,000]	
033	0603438F	SPACE CONTROL TECHNOLOGY .....	45,755	45,755	45,755		45,755
034	0603742F	COMBAT IDENTIFICATION TECHNOLOGY .....	38,496	38,496	38,496		38,496
035	0603790F	NATO RESEARCH AND DEVELOPMENT .....	4,424	4,424	4,424		4,424
036	0603791F	INTERNATIONAL SPACE COOPERATIVE R&D .....	642	642	642		642
037	0603830F	SPACE PROTECTION PROGRAM (SPP) .....	9,819	9,819	9,819	-2,500	7,319
		Excess to need .....				[-2,500]	
038	0603850F	INTEGRATED BROADCAST SERVICE .....	20,046	20,046	20,046		20,046
039	0603851F	INTERCONTINENTAL BALLISTIC MISSILE .....	67,202	87,202	72,202	2,500	69,702
		ICBM .....			[-15,000]		
		Program increase .....		[20,000]	[20,000]	[2,500]	
040	0603854F	WIDEBAND GLOBAL SATCOM RDT&E (SPACE) .....	12,804	12,804	12,804		12,804
041	0603859F	POLLUTION PREVENTION .....	2,075	2,075	2,075		2,075
042	0603860F	JOINT PRECISION APPROACH AND LANDING SYSTEMS .....	20,112	20,112	20,112		20,112
043	0604015F	NEXT GENERATION BOMBER .....	197,023	197,023	197,023		197,023
044	0604283F	BATTLE MGMT COM & CTRL SENSOR DEVELOPMENT .....	60,250	60,250	31,250	-29,000	31,250
		3DELRR Contract Delays .....			[-29,000]	[-29,000]	
045	0604317F	TECHNOLOGY TRANSFER .....	2,553	11,553	2,553		2,553
		Program Increase .....		[9,000]			
046	0604327F	HARD AND DEEPLY BURIED TARGET DEFEAT SYSTEM (HDBTDS) PROGRAM.	38,248	38,248	38,248	-5,000	33,248

**SEC. 4201. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION**  
(In Thousands of Dollars)

<i>Line</i>	<i>Program Element</i>	<i>Item</i>	<i>FY 2012 Request</i>	<i>House Authorized</i>	<i>Senate Authorized</i>	<i>Conference Change</i>	<i>Conference Authorized</i>
		<i>Program reduction</i> .....				[-5,000]	
047	0604330F	JOINT DUAL ROLE AIR DOMINANCE MISSILE .....	29,759	29,759	29,759		29,759
048	0604337F	REQUIREMENTS ANALYSIS AND MATURATION .....	24,217	24,217	24,217		24,217
049	0604436F	NEXT-GENERATION MILSATCOM TECHNOLOGY DEVELOPMENT.		142,200			0
		<i>Transfer from RDAF-031</i> .....		[142,200]			
050	0604635F	GROUND ATTACK WEAPONS FUZE DEVELOPMENT .....	24,467	24,467	24,467		24,467
053	0604857F	OPERATIONALLY RESPONSIVE SPACE .....	86,543	106,543	86,543		86,543
		<i>Program Increase</i> .....		[20,000]			
054	0604858F	TECH TRANSITION PROGRAM .....	2,773	2,773	2,773		2,773
055	0305178F	NATIONAL POLAR-ORBITING OPERATIONAL ENVIRONMENTAL SATELLITE SYSTEM (NPOESS).	444,900	444,900	444,900	-401,900	43,000
		<i>DWSS program termination</i> .....				[-444,900]	
		<i>Termination liability</i> .....				[43,000]	
		<b>SUBTOTAL ADVANCED COMPONENT DEVELOPMENT &amp; PROTOTYPES.</b>	<b>1,684,385</b>	<b>1,733,385</b>	<b>1,660,385</b>	<b>-475,900</b>	<b>1,208,485</b>
		<b>SYSTEM DEVELOPMENT &amp; DEMONSTRATION</b>					
056	0603840F	GLOBAL BROADCAST SERVICE (GBS) .....	5,680	5,680	5,680		5,680
057	0604222F	NUCLEAR WEAPONS SUPPORT .....	18,538	18,538	18,538		18,538
058	0604233F	SPECIALIZED UNDERGRADUATE FLIGHT TRAINING .....	21,780	21,780	21,780		21,780
059	0604270F	ELECTRONIC WARFARE DEVELOPMENT .....	26,880	26,880	16,880	-10,000	16,880
		<i>MALD-J Increment 2--Technology Development Contract Delay</i> .....			[-10,000]	[-10,000]	
061	0604281F	TACTICAL DATA NETWORKS ENTERPRISE .....	52,355	52,355	48,105	-4,250	48,105
		<i>CLIP--Contract Delays</i> .....			[-1,250]	[-1,250]	
		<i>STRATCOM DNC2 Contract Delays</i> .....			[-3,000]	[-3,000]	
062	0604287F	PHYSICAL SECURITY EQUIPMENT .....	51	51	51		51
063	0604329F	SMALL DIAMETER BOMB (SDB) .....	132,891	132,891	132,891		132,891
064	0604421F	COUNTERSPACE SYSTEMS .....	31,913	31,913	31,913		31,913
065	0604425F	SPACE SITUATION AWARENESS SYSTEMS .....	273,689	273,689	273,689	-32,600	241,089
		<i>Space Based Space Surveillance excess to need</i> .....				[-12,600]	
		<i>Space Fence--poor justification</i> .....				[-20,000]	
		<i>Space Surveillance Telescope</i> .....			[-6,000]		
		<i>Space Surveillance Telescope military utility assessment</i> .....			[6,000]		
066	0604429F	AIRBORNE ELECTRONIC ATTACK .....	47,100	47,100	39,000	-6,100	41,000
		<i>AEA SoS--Contract Delays</i> .....			[-4,600]	[-2,600]	
		<i>Electronic Attack Pod--Delayed Start</i> .....			[-3,500]	[-3,500]	
067	0604441F	SPACE BASED INFRARED SYSTEM (SBIRS) HIGH EMD .....	621,629	641,629	621,629		621,629
		<i>Data exploitation</i> .....			[-15,000]		
		<i>Data exploitation</i> .....			[15,000]		
		<i>Program Increase</i> .....		[20,000]			
069	0604602F	ARMAMENT/ORDNANCE DEVELOPMENT .....	10,055	10,055	6,055	-2,300	7,755
		<i>Universal Armament Interface Contract Delay</i> .....			[-4,000]	[-2,300]	
070	0604604F	SUBMUNITIONS .....	2,427	2,427	2,427		2,427
071	0604617F	AGILE COMBAT SUPPORT .....	11,878	11,878	3,920	-3,900	7,978
		<i>Airfield Damage Repair--Ahead of Need</i> .....			[-4,058]		
		<i>BEAR--Ahead of Need</i> .....			[-3,900]	[-3,900]	
073	0604706F	LIFE SUPPORT SYSTEMS .....	11,280	11,280	9,280	-2,000	9,280
		<i>Integrated Aircrew Ensemble--Contract Award Delays</i> .....			[-2,000]	[-2,000]	
074	0604735F	COMBAT TRAINING RANGES .....	28,106	28,106	8,106	-20,000	8,106
		<i>Air Combat Training Systems (P5) Upgrades--Contract Delay</i> ...			[-8,000]	[-8,000]	
		<i>Joint Threat Emitter Increment 2--Rephased Program</i> .....			[-12,000]	[-12,000]	
075	0604740F	INTEGRATED COMMAND & CONTROL APPLICATIONS (IC2A) .....	10	10	10		10
076	0604750F	INTELLIGENCE EQUIPMENT .....	995	995	995		995
077	0604800F	JOINT STRIKE FIGHTER (JSF) .....	1,387,926	1,388,926	1,387,926		1,387,926
		<i>Establish Protocols for Joint Strike Fighter Lead-Free Electronic Components.</i>		[1,000]			
078	0604851F	INTERCONTINENTAL BALLISTIC MISSILE .....	158,477	158,477	158,477	-10,000	148,477
		<i>Support Equipment--contract savings</i> .....				[-10,000]	
079	0604853F	EVOLVED EXPENDABLE LAUNCH VEHICLE PROGRAM (SPACE).	20,028	20,028	20,028	-5,000	15,028
		<i>Program underexecution due to schedule delay</i> .....				[-5,000]	
080	0605221F	NEXT GENERATION AERIAL REFUELING AIRCRAFT .....	877,084	849,884	742,084		877,084
		<i>Align funding to signed KC-46A contract</i> .....			[-127,100]		
		<i>Excess to Requirement</i> .....			[-7,900]		
		<i>Program Reduction</i> .....		[-27,200]			
081	0605229F	CSAR HH-60 RECAPITALIZATION .....	94,113	11,000	600	-83,113	11,000
		<i>Budget Adjustment per Air Force Request to APAF-63</i> .....		[-10,400]	[-10,400]	[-10,400]	
		<i>Budget Adjustment per Air Force Request to APAF-73</i> .....		[-54,600]	[-54,600]	[-54,600]	
		<i>Program Reduction</i> .....		[-18,113]	[-18,113]	[-18,113]	
		<i>Transfer to HC-130 modifications (APAF 75) per USAF request</i>			[-10,400]		
083	0605278F	HC/MC-130 RECAP RDT&E .....	27,071	27,071	22,071	-5,000	22,071
		<i>Contract Savings</i> .....			[-5,000]	[-5,000]	
085	0101125F	NUCLEAR WEAPONS MODERNIZATION .....	93,867	93,867	93,867		93,867
086	0207100F	LIGHT ATTACK ARMED RECONNAISSANCE (LAAR) SQUADRONS.	23,721	23,721	23,721	-10,000	13,721
		<i>Program reduction</i> .....				[-10,000]	

**SEC. 4201. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION**  
(In Thousands of Dollars)

<i>Line</i>	<i>Program Element</i>	<i>Item</i>	<i>FY 2012 Request</i>	<i>House Authorized</i>	<i>Senate Authorized</i>	<i>Conference Change</i>	<i>Conference Authorized</i>
088	0207701F	FULL COMBAT MISSION TRAINING .....	39,826	39,826	25,826	-10,000	29,826
		Block 40/50 Mission Training Center--Excess to need .....			[-14,000]	[-10,000]	
089	0401138F	JOINT CARGO AIRCRAFT (JCA) .....	27,089	27,089	27,089		27,089
090	0401318F	CV-22 .....	20,723	20,723	10,723	-7,500	13,223
		Contract Delay .....			[-10,000]	[-7,500]	
091	0401845F	AIRBORNE SENIOR LEADER C3 (SLC3S) .....	12,535	12,535		-12,535	0
		Program Termination .....			[-12,535]	[-12,535]	
		<b>SUBTOTAL SYSTEM DEVELOPMENT &amp; DEMONSTRATION ..</b>	<b>4,079,717</b>	<b>3,990,404</b>	<b>3,753,361</b>	<b>-224,298</b>	<b>3,855,419</b>
		<b>RDT&amp;E MANAGEMENT SUPPORT</b>					
092	0604256F	THREAT SIMULATOR DEVELOPMENT .....	22,420	22,420	22,420		22,420
093	0604759F	MAJOR T&E INVESTMENT .....	62,206	62,206	62,206		62,206
094	0605101F	RAND PROJECT AIR FORCE .....	27,579	27,579	27,579		27,579
096	0605712F	INITIAL OPERATIONAL TEST & EVALUATION .....	17,767	17,767	17,767		17,767
097	0605807F	TEST AND EVALUATION SUPPORT .....	654,475	763,475	704,475	50,000	704,475
		Program Increase .....		[109,000]	[50,000]	[50,000]	
098	0605860F	ROCKET SYSTEMS LAUNCH PROGRAM (SPACE) .....	158,096	33,596	158,096		158,096
		Program Reduction .....		[-124,500]			
099	0605864F	SPACE TEST PROGRAM (STP) .....	47,926	47,926	47,926		47,926
100	0605976F	FACILITIES RESTORATION AND MODERNIZATION--TEST AND EVALUATION SUPPORT.	44,547	44,547	44,547		44,547
101	0605978F	FACILITIES SUSTAINMENT--TEST AND EVALUATION SUPPORT.	27,953	27,953	27,953		27,953
102	0606323F	MULTI-SERVICE SYSTEMS ENGINEERING INITIATIVE .....	13,953	13,953	13,953		13,953
103	0702806F	ACQUISITION AND MANAGEMENT SUPPORT .....	31,966	31,966	31,966		31,966
104	0804731F	GENERAL SKILL TRAINING .....	1,510	1,510	1,510		1,510
106	1001004F	INTERNATIONAL ACTIVITIES .....	3,798	3,798	3,798		3,798
		<b>SUBTOTAL RDT&amp;E MANAGEMENT SUPPORT .....</b>	<b>1,114,196</b>	<b>1,098,696</b>	<b>1,164,196</b>	<b>50,000</b>	<b>1,164,196</b>
		<b>OPERATIONAL SYSTEMS DEVELOPMENT</b>					
107	0603423F	GLOBAL POSITIONING SYSTEM III--OPERATIONAL CONTROL SEGMENT.	390,889	390,889	366,889	-24,000	366,889
		Slow execution .....			[-24,000]	[-24,000]	
108	0604263F	COMMON VERTICAL LIFT SUPPORT PLATFORM .....	5,365	5,365	5,365		5,365
109	0605018F	AF INTEGRATED PERSONNEL AND PAY SYSTEM (AF-IPPS) ...	91,866	91,866	91,866		91,866
110	0605024F	ANTI-TAMPER TECHNOLOGY EXECUTIVE AGENCY .....	35,467	35,467	35,467		35,467
112	0101113F	B-52 SQUADRONS .....	133,261	133,261	133,261	-39,265	93,996
		1760 IWBW contract delays .....				[-10,000]	
		EHF contract delays .....				[-13,000]	
		IFF Mode S/5 Development contract delays .....				[-5,000]	
		SR2 excess to requirement .....				[-11,265]	
113	0101122F	AIR-LAUNCHED CRUISE MISSILE (ALCM) .....	803	803	803		803
114	0101126F	B-1B SQUADRONS .....	33,011	33,011	33,011		33,011
115	0101127F	B-2 SQUADRONS .....	340,819	340,819	226,836	-60,500	280,319
		Delay in EHF communications development due to FAB-T delay.			[-113,983]	[-60,500]	
116	0101313F	STRAT WAR PLANNING SYSTEM--USSTRATCOM .....	23,072	23,072	23,072		23,072
117	0101314F	NIGHT FIST--USSTRATCOM .....	5,421		5,421	-3,421	2,000
		Program Termination .....		[-5,421]		[-3,421]	
119	0102325F	ATMOSPHERIC EARLY WARNING SYSTEM .....	4,485	4,485	4,485	-4,485	0
		Unjustified request .....				[-4,485]	
120	0102326F	REGION/SECTOR OPERATION CONTROL CENTER MODERNIZATION PROGRAM.	12,672	12,672	12,672	-6,000	6,672
		BCS-F excess to requirement .....				[-6,000]	
121	0102823F	STRATEGIC AEROSPACE INTELLIGENCE SYSTEM ACTIVITIES.	14	14	14		14
122	0203761F	WARFIGHTER RAPID ACQUISITION PROCESS (WRAP) RAPID TRANSITION FUND.	19,934	39,934	19,934		19,934
		Mixed Conventional Load Capacity for Bomber Aircraft .....		[20,000]			
123	0205219F	MQ-9 UAV .....	146,824	146,824	126,824	-20,000	126,824
		Contract Delays .....			[-20,000]	[-20,000]	
125	0207131F	A-10 SQUADRONS .....	11,051	11,051	11,051		11,051
126	0207133F	F-16 SQUADRONS .....	143,869	143,869	131,069	-12,800	131,069
		SLEP Contract Delay .....			[-12,800]	[-12,800]	
127	0207134F	F-15E SQUADRONS .....	207,531	207,531	194,831	-12,700	194,831
		ADCP--Excess to Requirement .....			[-12,700]	[-12,700]	
128	0207136F	MANNED DESTRUCTIVE SUPPRESSION .....	13,253	13,253	13,253		13,253
129	0207138F	F-22A SQUADRONS .....	718,432	718,432	511,432	-147,000	571,432
		Program Growth .....			[-67,000]	[-147,000]	
		Provide funds that Air Force can execute in FY12 .....			[-140,000]		
130	0207142F	F-35 SQUADRONS .....	47,841	47,841		-37,874	9,967
		Block IV Development--Ahead of need .....			[-47,841]	[-37,874]	
131	0207161F	TACTICAL AIM MISSILES .....	8,023	8,023	8,023		8,023
132	0207163F	ADVANCED MEDIUM RANGE AIR-TO-AIR MISSILE (AMRAAM)	77,830	77,830	77,830		77,830
133	0207170F	JOINT HELMET MOUNTED CUEING SYSTEM (JHMCS) .....	1,436	1,436	1,436		1,436
134	0207224F	COMBAT RESCUE AND RECOVERY .....	2,292	2,292	2,292		2,292
135	0207227F	COMBAT RESCUE--PARARESCUE .....	927	927	927		927

**SEC. 4201. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION**  
*(In Thousands of Dollars)*

<i>Line</i>	<i>Program Element</i>	<i>Item</i>	<i>FY 2012 Request</i>	<i>House Authorized</i>	<i>Senate Authorized</i>	<i>Conference Change</i>	<i>Conference Authorized</i>
136	0207247F	AF TENCAP .....	20,727	20,727	20,727		20,727
137	0207249F	PRECISION ATTACK SYSTEMS PROCUREMENT .....	3,128	3,128	3,128		3,128
138	0207253F	COMPASS CALL .....	18,509	18,509	18,509		18,509
139	0207268F	AIRCRAFT ENGINE COMPONENT IMPROVEMENT PROGRAM .....	182,967	182,967	172,967	-10,000	172,967
		Excess to Requirement .....			[-10,000]	[-10,000]	
141	0207325F	JOINT AIR-TO-SURFACE STANDOFF MISSILE (JASSM) .....	5,796	5,796	5,796		5,796
142	0207410F	AIR & SPACE OPERATIONS CENTER (AOC) .....	121,880	121,880	121,880		121,880
143	0207412F	CONTROL AND REPORTING CENTER (CRC) .....	3,954	3,954	3,954		3,954
144	0207417F	AIRBORNE WARNING AND CONTROL SYSTEM (AWACS) .....	135,961	135,961	91,961	-17,300	118,661
		DRAGON--Contract Delays .....			[-24,000]		
		NGIFF--Contract Delays .....			[-20,000]		
		Poor program execution .....				[-17,300]	
145	0207418F	TACTICAL AIRBORNE CONTROL SYSTEMS .....	8,309	8,309	8,309		8,309
146	0207423F	ADVANCED COMMUNICATIONS SYSTEMS .....	90,083	90,083	44,883	-45,200	44,883
		Common Processing Environment--Schedule Delays .....			[-40,000]	[-40,000]	
		JTRS Integration and Engineering Support--Schedule Delays ...			[-5,200]	[-5,200]	
148	0207431F	COMBAT AIR INTELLIGENCE SYSTEM ACTIVITIES .....	5,428	5,428	5,428		5,428
149	0207438F	THEATER BATTLE MANAGEMENT (TBM) C4I .....	15,528	15,528	15,528		15,528
150	0207444F	TACTICAL AIR CONTROL PARTY-MOD .....	15,978	15,978	9,678	-6,300	9,678
		JETS Contract Delays .....			[-2,000]	[-2,000]	
		VCS--Program Termination and Restructure .....			[-4,300]	[-4,300]	
152	0207448F	C2ISR TACTICAL DATA LINK .....	1,536	1,536	1,536		1,536
153	0207449F	COMMAND AND CONTROL (C2) CONSTELLATION .....	18,102	18,102	18,102		18,102
154	0207581F	JOINT SURVEILLANCE/TARGET ATTACK RADAR SYSTEM (JSTARS) .....	121,610	121,610	88,610		121,610
		Unjustified Request Based on Program Restructure .....			[-33,000]		
155	0207590F	SEEK EAGLE .....	18,599	18,599	18,599		18,599
156	0207601F	USAF MODELING AND SIMULATION .....	23,091	23,091	23,091		23,091
157	0207605F	WARGAMING AND SIMULATION CENTERS .....	5,779	5,779	5,779		5,779
158	0207697F	DISTRIBUTED TRAINING AND EXERCISES .....	5,264	5,264	3,264	-2,000	3,264
		Unjustified growth .....			[-2,000]	[-2,000]	
159	0208006F	MISSION PLANNING SYSTEMS .....	69,918	69,918	63,418	-6,500	63,418
		CAF Increment IV--Critical Change Delay .....			[-6,500]	[-6,500]	
160	0208021F	INFORMATION WARFARE SUPPORT .....	2,322	2,322	2,322		2,322
161	0208059F	CYBER COMMAND ACTIVITIES .....	702	702	702		702
168	0301400F	SPACE SUPERIORITY INTELLIGENCE .....	11,866	11,866	8,866	-3,000	8,866
		Program underexecution due to schedule delays .....			[-3,000]	[-3,000]	
169	0302015F	E-4B NATIONAL AIRBORNE OPERATIONS CENTER (NAOC) ....	5,845	5,845	5,845	-1,000	4,845
		Secure, Survivable Communications delayed program start .....				[-1,000]	
170	0303131F	MINIMUM ESSENTIAL EMERGENCY COMMUNICATIONS NETWORK (MEECN) .....	43,811	43,811	43,811		43,811
171	0303140F	INFORMATION SYSTEMS SECURITY PROGRAM .....	101,788	101,788	92,788	-9,000	92,788
		Delay due to protest .....			[-9,000]	[-9,000]	
172	0303141F	GLOBAL COMBAT SUPPORT SYSTEM .....	449	449	449		449
173	0303150F	GLOBAL COMMAND AND CONTROL SYSTEM .....	3,854	3,854	3,854		3,854
175	0303601F	MILSATCOM TERMINALS .....	238,729	238,729	188,729	-42,000	196,729
		Transfer to FAB-T alternative line 175a .....			[-50,000]	[-42,000]	
175A	0303XXXXF	FAB-T ALTERNATIVE .....			50,000	42,000	42,000
		Transfer from FAB-T line 175 .....			[50,000]	[42,000]	
177	0304260F	AIRBORNE SIGINT ENTERPRISE .....			-13,500	-13,500	-13,500
		Contract/Program Delays .....			[-13,500]	[-13,500]	
177A	0304XXXXF	RC-135 .....	34,744	34,744	34,744		34,744
177B	0304XXXXF	COMMON DEVELOPMENT .....	87,004	87,004	87,004		87,004
180	0305099F	GLOBAL AIR TRAFFIC MANAGEMENT (GATM) .....	4,604	4,604	4,604		4,604
181	0305103F	CYBER SECURITY INITIATIVE .....	2,026	2,026	2,026		2,026
182	0305105F	DOD CYBER CRIME CENTER .....	282	282	282		282
183	0305110F	SATELLITE CONTROL NETWORK (SPACE) .....	18,337	18,337	18,337		18,337
184	0305111F	WEATHER SERVICE .....	31,084	31,084	31,084		31,084
185	0305114F	AIR TRAFFIC CONTROL, APPROACH, AND LANDING SYSTEM (ATCALS) .....	63,367	63,367	9,867	-42,000	21,367
		D--RAPCON Contract Delay .....			[-53,500]	[-42,000]	
186	0305116F	AERIAL TARGETS .....	50,620	50,620	45,620	-5,000	45,620
		QF-16--Excess to Need .....			[-5,000]	[-5,000]	
189	0305128F	SECURITY AND INVESTIGATIVE ACTIVITIES .....	366	366	366		366
190	0305146F	DEFENSE JOINT COUNTERINTELLIGENCE ACTIVITIES .....	39	39	39		39
191	0305159F	ENTERPRISE QUERY & CORRELATION .....			10,000		0
		Classified Adjustment .....			[-10,000]		
		Enterprise query & correlation .....			[20,000]		
192	0305164F	NAVSTAR GLOBAL POSITIONING SYSTEM (USER EQUIPMENT) (SPACE) .....	133,601	133,601	42,601		133,601
		Contract delay .....			[-91,000]		
193	0305165F	NAVSTAR GLOBAL POSITIONING SYSTEM (SPACE AND CONTROL SEGMENTS) .....	17,893	17,893	17,893		17,893
195	0305173F	SPACE AND MISSILE TEST AND EVALUATION CENTER .....	196,254	196,254	196,254	-7,500	188,754
		Excess to need .....				[-7,500]	
196	0305174F	SPACE INNOVATION AND DEVELOPMENT CENTER .....	2,961	2,961	2,961		2,961
197	0305182F	SPACELIFT RANGE SYSTEM (SPACE) .....	9,940	9,940	9,940		9,940



**SEC. 4201. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION**  
(In Thousands of Dollars)

Line	Program Element	Item	FY 2012 Request	House Authorized	Senate Authorized	Conference Change	Conference Authorized
198	0305193F	INTELLIGENCE SUPPORT TO INFORMATION OPERATIONS (IO).	1,271	1,271	1,271		1,271
200	0305205F	ENDURANCE UNMANNED AERIAL VEHICLES .....	52,425	52,425	15,925	-6,500	45,925
		Funded via reprogramming action .....			[-6,500]	[-6,500]	
		Program reduction .....			[-30,000]		
201	0305206F	AIRBORNE RECONNAISSANCE SYSTEMS .....	106,877	106,877	99,677	-7,200	99,677
		Unjustified request .....			[-7,200]	[-7,200]	
202	0305207F	MANNED RECONNAISSANCE SYSTEMS .....	13,049	13,049	13,049		13,049
203	0305208F	DISTRIBUTED COMMON GROUND/SURFACE SYSTEMS .....	90,724	90,724	85,724	-5,000	85,724
		Contract delays .....			[-5,000]	[-5,000]	
204	0305219F	MQ-1 PREDATOR A UAV .....	14,112	14,112	11,642	-2,470	11,642
		Common Sensor Payload--Ahead of Need .....			[-2,470]	[-2,470]	
205	0305220F	RQ-4 UAV .....	423,462	423,462	383,462		423,462
		Contract delays .....			[-40,000]		
206	0305221F	NETWORK-CENTRIC COLLABORATIVE TARGETING .....	7,348	7,348	7,348		7,348
207	0305265F	GPS III SPACE SEGMENT .....	463,081	463,081	463,081	-5,000	458,081
		GPS III CIP--poor justification .....				[-5,000]	
208	0305614F	JSPC MISSION SYSTEM .....	118,950	118,950	83,950	-37,500	81,450
		JMS program restructure .....			[-35,000]	[-37,500]	
209	0305887F	INTELLIGENCE SUPPORT TO INFORMATION WARFARE .....	14,736	14,736	14,736		14,736
210	0305913F	NUDET DETECTION SYSTEM (SPACE) .....	81,989	81,989	81,989		81,989
212	0305940F	SPACE SITUATION AWARENESS OPERATIONS .....	31,956	31,956	31,956		31,956
213	0307141F	INFORMATION OPERATIONS TECHNOLOGY INTEGRATION & TOOL DEVELOPMENT.	23,931	23,931	23,931		23,931
214	0308699F	SHARED EARLY WARNING (SEW) .....	1,663	1,663	1,663		1,663
215	0401115F	C-130 AIRLIFT SQUADRON .....	24,509	24,509	6,509	-18,000	6,509
		Contract Delays .....			[-18,000]	[-18,000]	
216	0401119F	C-5 AIRLIFT SQUADRONS (IF) .....	24,941	24,941	12,941	-12,000	12,941
		RERP Program Rephased .....			[-12,000]	[-12,000]	
217	0401130F	C-17 AIRCRAFT (IF) .....	128,169	128,169	94,269	-33,900	94,269
		Contract Delays .....			[-33,900]	[-33,900]	
218	0401132F	C-130J PROGRAM .....	39,537	39,537	39,537		39,537
219	0401134F	LARGE AIRCRAFT IR COUNTERMEASURES (LAIRCM) .....	7,438	7,438	7,438		7,438
220	0401139F	LIGHT MOBILITY AIRCRAFT (LIMA) .....	1,308	1,308		-1,308	0
		Funded in Fiscal Year 2011 .....			[-1,308]	[-1,308]	
221	0401218F	KC-135S .....	6,161	6,161	6,161		6,161
222	0401219F	KC-10S .....	30,868	30,868	30,868		30,868
223	0401314F	OPERATIONAL SUPPORT AIRLIFT .....	82,591	82,591	37,591	-40,000	42,591
		VC-25A--Funding Ahead of Need .....			[-45,000]	[-40,000]	
225	0408011F	SPECIAL TACTICS / COMBAT CONTROL .....	7,118	7,118	5,218	-1,900	5,218
		Line of Sight--Contract Delay .....			[-1,900]	[-1,900]	
226	0702207F	DEPOT MAINTENANCE (NON-IF) .....	1,531	1,531	1,531		1,531
228	0708012F	LOGISTICS SUPPORT ACTIVITIES .....	944	944	944		944
229	0708610F	LOGISTICS INFORMATION TECHNOLOGY (LOGIT) .....	140,284	140,284	140,284		140,284
230	0708611F	SUPPORT SYSTEMS DEVELOPMENT .....	10,990	10,990	10,990		10,990
232	0804743F	OTHER FLIGHT TRAINING .....	322	322	322		322
233	0804757F	JOINT NATIONAL TRAINING CENTER .....	11	11	11		11
235	0808716F	OTHER PERSONNEL ACTIVITIES .....	113	113	113		113
236	0901202F	JOINT PERSONNEL RECOVERY AGENCY .....	2,483	2,483	2,483		2,483
237	0901218F	CIVILIAN COMPENSATION PROGRAM .....	1,508	1,508	1,508		1,508
238	0901220F	PERSONNEL ADMINISTRATION .....	8,041	8,041	1,041	-7,000	1,041
		Contract Delays .....			[-7,000]	[-7,000]	
239	0901226F	AIR FORCE STUDIES AND ANALYSIS AGENCY .....	928	928	928		928
240	0901279F	FACILITIES OPERATION--ADMINISTRATIVE .....	12,118	12,118	12,118		12,118
241	0901538F	FINANCIAL MANAGEMENT INFORMATION SYSTEMS DEVELOPMENT.	101,317	101,317	76,317	-25,000	76,317
		DEAMS--Excess to Requirement .....			[-25,000]	[-25,000]	
242	0902998F	MANAGEMENT HQ--ADP SUPPORT (AF) .....	299	299	299		299
242A	9999999999	CLASSIFIED PROGRAMS .....	12,063,140	12,088,140	11,829,329	-233,811	11,829,329
		Classified Adjustment .....			[-233,811]	[-233,811]	
		Defense Reconnaissance Support Activities .....		[25,000]			
		<b>SUBTOTAL OPERATIONAL SYSTEMS DEVELOPMENT .....</b>	<b>18,573,266</b>	<b>18,612,845</b>	<b>17,318,853</b>	<b>-972,934</b>	<b>17,600,332</b>
		<b>TOTAL RESEARCH, DEVELOPMENT, TEST &amp; EVAL, AF ..</b>	<b>27,737,701</b>	<b>27,749,667</b>	<b>26,172,932</b>	<b>-1,623,132</b>	<b>26,114,569</b>
		<b>RESEARCH, DEVELOPMENT, TEST &amp; EVAL, DW</b>					
		<b>BASIC RESEARCH</b>					
001	0601000BR	DTRA BASIC RESEARCH INITIATIVE .....	47,737	47,737	47,737		47,737
002	0601101E	DEFENSE RESEARCH SCIENCES .....	290,773	290,773	290,773		290,773
003	0601110D8Z	BASIC RESEARCH INITIATIVES .....	14,731	14,731	14,731	-7,000	7,731
		Reduction to new starts .....				[-7,000]	
005	0601117E	BASIC OPERATIONAL MEDICAL RESEARCH SCIENCE .....	37,870	37,870	37,870		37,870
006	0601120D8Z	NATIONAL DEFENSE EDUCATION PROGRAM .....	101,591	86,591	86,591	-15,000	86,591
		Program Decrease .....		[-15,000]	[-15,000]	[-15,000]	
007	0601384BP	CHEMICAL AND BIOLOGICAL DEFENSE PROGRAM .....	52,617	52,617	52,617		52,617
		<b>SUBTOTAL BASIC RESEARCH .....</b>	<b>545,319</b>	<b>530,319</b>	<b>530,319</b>	<b>-22,000</b>	<b>523,319</b>

**SEC. 4201. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION**  
*(In Thousands of Dollars)*

<i>Line</i>	<i>Program Element</i>	<i>Item</i>	<i>FY 2012 Request</i>	<i>House Authorized</i>	<i>Senate Authorized</i>	<i>Conference Change</i>	<i>Conference Authorized</i>
<b>APPLIED RESEARCH</b>							
008	0602000D8Z	JOINT MUNITIONS TECHNOLOGY .....	21,592	21,592	20,592	-1,000	20,592
		Excessive growth .....			[-1,000]	[-1,000]	
009	0602115E	BIOMEDICAL TECHNOLOGY .....	110,000	110,000	110,000	-15,000	95,000
		Unsustained funding .....				[-15,000]	
010	0602228D8Z	HISTORICALLY BLACK COLLEGES AND UNIVERSITIES (HBCU) SCIENCE. Program Increase .....		25,245		15,245	15,245
		Realignment of Funds for Proper Oversight and Execution .....		[10,000]			
011	0602234D8Z	LINCOLN LABORATORY RESEARCH PROGRAM .....	37,916	37,916	37,916		37,916
012	0602250D8Z	SYSTEMS 2020 APPLIED RESEARCH .....	4,381	4,381	4,381	-4,381	0
		Duplication of effort .....				[-4,381]	
013	0602303E	INFORMATION & COMMUNICATIONS TECHNOLOGY .....	400,499	350,499	400,499	-46,374	354,125
		Program Reduction .....		[-50,000]		[-46,374]	
014	0602304E	COGNITIVE COMPUTING SYSTEMS .....	49,365	49,365	49,365		49,365
015	0602305E	MACHINE INTELLIGENCE .....	61,351	61,351	61,351	-9,075	52,276
		Unsustained growth .....				[-9,075]	
016	0602383E	BIOLOGICAL WARFARE DEFENSE .....	30,421	30,421	30,421		30,421
017	0602384BP	CHEMICAL AND BIOLOGICAL DEFENSE PROGRAM .....	219,873	224,873	219,873		219,873
		Program Increase .....		[5,000]			
018	0602663D8Z	DATA TO DECISIONS APPLIED RESEARCH .....	9,235	5,235	5,235	-5,000	4,235
		Program Decrease .....		[-4,000]	[-4,000]	[-5,000]	
019	0602668D8Z	CYBER SECURITY RESEARCH .....	9,735	9,735	4,735	-5,000	4,735
		Program Decrease .....			[-5,000]	[-5,000]	
020	0602670D8Z	HUMAN, SOCIAL AND CULTURE BEHAVIOR MODELING (HSCB) APPLIED RESEARCH. Excessive growth .....	14,923	10,923	10,923	-6,000	8,923
		Reduction to new starts .....		[-4,000]	[-4,000]	[-6,000]	
021	0602702E	TACTICAL TECHNOLOGY .....	206,422	206,422	206,422	-4,000	202,422
		Reduction to new starts .....				[-4,000]	
022	0602715E	MATERIALS AND BIOLOGICAL TECHNOLOGY .....	237,837	237,837	237,837	-15,000	222,837
		Excessive growth .....				[-15,000]	
023	0602716E	ELECTRONICS TECHNOLOGY .....	215,178	215,178	215,178		215,178
024	0602718BR	WEAPONS OF MASS DESTRUCTION DEFEAT TECHNOLOGIES Due to slow execution .....	196,954	201,954	186,501		196,954
		Program Increase .....		[5,000]	[-10,453]		
025	1160401BB	SPECIAL OPERATIONS TECHNOLOGY DEVELOPMENT .....	26,591	26,591	26,591		26,591
		<b>SUBTOTAL APPLIED RESEARCH</b> .....	<b>1,852,273</b>	<b>1,829,518</b>	<b>1,827,820</b>	<b>-95,585</b>	<b>1,756,688</b>
<b>ADVANCED TECHNOLOGY DEVELOPMENT (ATD)</b>							
027	0603000D8Z	JOINT MUNITIONS ADVANCED TECHNOLOGY .....	24,771	24,771	20,271	-9,000	15,771
		Excessive growth .....			[-4,500]	[-9,000]	
028	0603121D8Z	SO/LIC ADVANCED DEVELOPMENT .....	45,028	45,028	45,028		45,028
029	0603122D8Z	COMBATING TERRORISM TECHNOLOGY SUPPORT .....	77,019	100,219	77,019		77,019
		Program Increase .....		[23,200]			
030	0603160BR	COUNTERPROLIFERATION INITIATIVES—PROLIFERATION PREVENTION AND DEFEAT. Due to slow execution .....	283,073	283,073	271,123		283,073
					[-11,950]		
031	0603175C	BALLISTIC MISSILE DEFENSE TECHNOLOGY .....	75,003	75,003	75,003		75,003
032	0603200D8Z	JOINT ADVANCED CONCEPTS .....	7,903	7,903	7,903	-1,100	6,803
		Unsustained growth .....				[-1,100]	
033	0603225D8Z	JOINT DOD-DOE MUNITIONS TECHNOLOGY DEVELOPMENT .....	20,372	20,372	20,372		20,372
034	0603250D8Z	SYSTEMS 2020 ADVANCED TECHNOLOGY DEVELOPMENT .....	4,381	4,381	4,381	-4,381	0
		Lack of transition plan .....				[-4,381]	
035	0603264S	AGILE TRANSPORTATION FOR THE 21ST CENTURY (AT21)—THEATER CAPABILITY. SPECIAL PROGRAM—MDA TECHNOLOGY .....	998	998	998		998
036	0603274C	ADVANCED AEROSPACE SYSTEMS .....	61,458	61,458	61,458		61,458
037	0603286E	SPACE PROGRAMS AND TECHNOLOGY .....	97,541	97,541	97,541		97,541
038	0603287E	CHEMICAL AND BIOLOGICAL DEFENSE PROGRAM—ADVANCED DEVELOPMENT. JOINT ELECTRONIC ADVANCED TECHNOLOGY .....	229,235	229,235	229,235		229,235
039	0603384BP	JOINT CAPABILITY TECHNOLOGY DEMONSTRATIONS .....	7,287	7,287	7,287		7,287
040	0603618D8Z	Unjustified Growth .....	187,707	167,707	177,707	-11,000	176,707
				[-20,000]	[-10,000]	[-11,000]	
042	0603662D8Z	NETWORKED COMMUNICATIONS CAPABILITIES .....	23,890	23,890	23,890		23,890
043	0603663D8Z	DATA TO DECISIONS ADVANCED TECHNOLOGY DEVELOPMENT. Program Decrease .....	9,235	5,235	5,235	-5,000	4,235
				[-4,000]	[-4,000]	[-5,000]	
044	0603665D8Z	BIOMETRICS SCIENCE AND TECHNOLOGY .....	10,762	10,762	10,762		10,762
045	0603668D8Z	CYBER SECURITY ADVANCED RESEARCH .....	10,709	10,709	5,709	-5,000	5,709
		Program Decrease .....			[-5,000]	[-5,000]	
046	0603670D8Z	HUMAN, SOCIAL AND CULTURE BEHAVIOR MODELING (HSCB) ADVANCED DEVELOPMENT. Excessive growth .....	18,179	14,179	14,179	-5,000	13,179
				[-4,000]	[-4,000]	[-5,000]	
047	0603680D8Z	DEFENSE-WIDE MANUFACTURING SCIENCE AND TECHNOLOGY PROGRAM. Defense Alternative Energy .....	17,888	19,888	47,888	30,000	47,888
		Program Increase- Industrial Base Innovation Fund program ..		[2,000]	[30,000]	[30,000]	

**SEC. 4201. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION**  
**(In Thousands of Dollars)**

<i>Line</i>	<i>Program Element</i>	<i>Item</i>	<i>FY 2012 Request</i>	<i>House Authorized</i>	<i>Senate Authorized</i>	<i>Conference Change</i>	<i>Conference Authorized</i>
048	0603699D8Z	EMERGING CAPABILITIES TECHNOLOGY DEVELOPMENT .....	26,972	26,972	13,972		26,972
		Cargo airship demonstration .....			[2,000]		
		Pelican .....			[-15,000]		
049	0603711D8Z	JOINT ROBOTICS PROGRAM/AUTONOMOUS SYSTEMS .....	9,756	9,756	9,756		9,756
050	0603712S	GENERIC LOGISTICS R&D TECHNOLOGY DEMONSTRATIONS .....	23,887	38,887	23,887		23,887
		Secure Microelectronics .....		[15,000]			
051	0603713S	DEPLOYMENT AND DISTRIBUTION ENTERPRISE TECHNOLOGY .....	41,976	41,976	35,976	-12,000	29,976
		Excessive growth .....			[-6,000]	[-12,000]	
052	0603716D8Z	STRATEGIC ENVIRONMENTAL RESEARCH PROGRAM .....	66,409	77,159	66,409		66,409
		Offshore Range Environmental Baseline Assessment .....		[1,750]			
		Program Increase .....		[5,000]			
		Radiological Contamination Research .....		[4,000]			
053	0603720S	MICROELECTRONICS TECHNOLOGY DEVELOPMENT AND SUPPORT .....	91,132	83,132	61,132	-30,000	61,132
		90nm Next Generation Foundry .....				[-30,000]	
		Microelectronics Technology Development and Support .....		[3,000]			
		Program Reduction .....		[-11,000]	[-30,000]		
054	0603727D8Z	JOINT WARFIGHTING PROGRAM .....	10,547	10,547	10,547		10,547
055	0603739E	ADVANCED ELECTRONICS TECHNOLOGIES .....	160,286	160,286	160,286	-10,000	150,286
		Reduction to new starts .....				[-10,000]	
058	0603760E	COMMAND, CONTROL AND COMMUNICATIONS SYSTEMS .....	296,537	246,537	296,537	-34,931	261,606
		CCC-01 unsustained growth .....				[-7,490]	
		CCC-02 unsustained growth .....				[-3,850]	
		CCC-CLS unsustained growth .....				[-10,591]	
		Program Reduction .....		[-50,000]			
		Reduction to new starts .....				[-13,000]	
059	0603765E	CLASSIFIED DARPA PROGRAMS .....	107,226	107,226	107,226		107,226
060	0603766E	NETWORK-CENTRIC WARFARE TECHNOLOGY .....	235,245	235,245	235,245	-26,742	208,503
		NET-01 unsustained growth .....				[-11,742]	
		Reduction to new starts .....				[-15,000]	
061	0603767E	SENSOR TECHNOLOGY .....	271,802	271,802	271,802		271,802
061A	0604775D8Z	DEFENSE RAPID INNOVATION PROGRAM .....			200,000	200,000	200,000
		Program Increase .....			[200,000]	[200,000]	
063	0603769SE	DISTRIBUTED LEARNING ADVANCED TECHNOLOGY DEVELOPMENT .....	13,579	13,579	13,579		13,579
064	0603781D8Z	SOFTWARE ENGINEERING INSTITUTE .....	30,424	30,424	30,424		30,424
065	0603826D8Z	QUICK REACTION SPECIAL PROJECTS .....	89,925	89,925	79,925	-29,160	60,765
		P826/P828 excessive growth .....				[-25,000]	
		P832 .....				[-4,160]	
		Program Decrease .....			[-10,000]		
066	0603828D8Z	JOINT EXPERIMENTATION .....	58,130	58,130	48,130	-19,000	39,130
		Program adjustment .....			[-10,000]	[-19,000]	
067	0603832D8Z	DOD MODELING AND SIMULATION MANAGEMENT OFFICE .....	37,029	31,029	31,029	-6,000	31,029
		Program Decrease .....		[-6,000]	[-6,000]	[-6,000]	
068	0603901C	DIRECTED ENERGY RESEARCH .....	96,329	146,329	36,329	-46,329	50,000
		Program Decrease—ALTB .....			[-60,000]	[-46,329]	
		Program Increase .....		[50,000]			
069	0603902C	NEXT GENERATION AEGIS MISSILE .....	123,456	123,456	123,456		123,456
070	0603941D8Z	TEST & EVALUATION SCIENCE & TECHNOLOGY .....	99,593	99,593	99,593		99,593
		Program Increase- Technology Transition Initiative .....			[10,000]		
		Technology Transition Initiative .....			[-10,000]		
072	0604055D8Z	OPERATIONAL ENERGY CAPABILITY IMPROVEMENT .....	20,444	34,444	20,444		20,444
		Operational Energy Improvement Pilot Project .....		[4,000]			
		Program Increase .....		[10,000]			
073	0303310D8Z	CWMD SYSTEMS .....	7,788	7,788	7,788	-3,500	4,288
		Program reduction .....				[-3,500]	
074	1160402BB	SPECIAL OPERATIONS ADVANCED TECHNOLOGY DEVELOPMENT .....	35,242	40,242	30,242	-5,000	30,242
		Excess to need .....			[-5,000]	[-5,000]	
		Program Increase .....		[5,000]			
075	1160422BB	AVIATION ENGINEERING ANALYSIS .....	837	837	837		837
076	1160472BB	SOF INFORMATION AND BROADCAST SYSTEMS ADVANCED TECHNOLOGY .....	4,924	4,924	4,924		4,924
		<b>SUBTOTAL ADVANCED TECHNOLOGY DEVELOPMENT (ATD).</b>	<b>3,270,792</b>	<b>3,298,742</b>	<b>3,321,342</b>	<b>-33,143</b>	<b>3,237,649</b>
		<b>ADVANCED COMPONENT DEVELOPMENT &amp; PROTOTYPES</b>					
077	0603161D8Z	NUCLEAR AND CONVENTIONAL PHYSICAL SECURITY EQUIPMENT RDT&E ADC&P .....	36,798	36,798	36,798	-6,000	30,798
		Unexecutable growth .....				[-6,000]	
078	0603527D8Z	RETRACT LARCH .....	21,040	21,040	21,040		21,040
079	0603600D8Z	WALKOFF .....	112,142	112,142	112,142		112,142
080	0603709D8Z	JOINT ROBOTICS PROGRAM .....	11,129	11,129	11,129		11,129
081	0603714D8Z	ADVANCED SENSOR APPLICATIONS PROGRAM .....	18,408	18,408	18,408		18,408
082	0603851D8Z	ENVIRONMENTAL SECURITY TECHNICAL CERTIFICATION PROGRAM .....	63,606	33,606	63,606		63,606

**SEC. 4201. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION**  
*(In Thousands of Dollars)*

<i>Line</i>	<i>Program Element</i>	<i>Item</i>	<i>FY 2012 Request</i>	<i>House Authorized</i>	<i>Senate Authorized</i>	<i>Conference Change</i>	<i>Conference Authorized</i>
082A	0603XXDX8Z	Realignment to RDDW-082A .....		[–30,000]			
		INSTALLATION ENERGY TEST BED .....		47,000			0
		Installation Energy Test Bed Program Increase .....		[15,000]			
		Microgrid Pilot Program .....		[2,000]			
		Realignment from RDDW-082 .....		[30,000]			
083	0603881C	BALLISTIC MISSILE DEFENSE TERMINAL DEFENSE SEGMENT.	290,452	290,452	310,452		290,452
		THAAD production improvements .....			[20,000]		
084	0603882C	BALLISTIC MISSILE DEFENSE MIDCOURSE DEFENSE SEGMENT.	1,161,001	1,261,001	1,161,001		1,161,001
		Program increase .....		[100,000]			
086	0603884BP	CHEMICAL AND BIOLOGICAL DEFENSE PROGRAM .....	261,143	261,143	234,155	–47,988	213,155
		IBP schedule delay .....				[–12,000]	
		INATS schedule delays .....				[–13,000]	
		JPID program restructure .....				[–13,988]	
		VAC FILO execution delays .....				[–9,000]	
087	0603884C	BALLISTIC MISSILE DEFENSE SENSORS .....	222,374	222,374	222,374		222,374
088	0603888C	BALLISTIC MISSILE DEFENSE TEST & TARGETS .....	1,071,039	1,071,039	1,022,039	–985,349	85,690
		Excess to need .....				[–9,000]	
		Program Decrease—Excess funds .....				[–40,000]	
		Transfer to lines 88a, 88b, and 89 .....					
088A	0603XXXC	BMD TESTS .....				[–985,349]	488,382
		Transfer from line 88 .....					488,382
088B	0603XXXC	BMD TARGETS .....					454,999
		Transfer from line 88 .....					454,999
089	0603890C	BMD ENABLING PROGRAMS .....	373,563	373,563	373,563	41,968	415,531
		Transfer from line 88 .....				[41,968]	
090	0603891C	SPECIAL PROGRAMS—MDA .....	296,554	296,554	296,554		296,554
091	0603892C	AEGIS BMD .....	960,267	965,267	1,250,267	30,000	990,267
		AEGIS Ballistic Missile Defense .....		[5,000]			
		SM–3 Block 1B production improvements .....				[30,000]	
		Transfer from procurement to correct test failures .....				[260,000]	
092	0603893C	SPACE TRACKING & SURVEILLANCE SYSTEM .....	96,353	96,353	96,353		96,353
093	0603895C	BALLISTIC MISSILE DEFENSE SYSTEM SPACE PROGRAMS ....	7,951	7,951	7,951		7,951
094	0603896C	BALLISTIC MISSILE DEFENSE COMMAND AND CONTROL, BATTLE MANAGEMENT AND COMMUNICATI.	364,103	364,103	364,103		364,103
096	0603898C	BALLISTIC MISSILE DEFENSE JOINT WARFIGHTER SUPPORT	41,225	41,225	41,225		41,225
097	0603904C	MISSILE DEFENSE INTEGRATION & OPERATIONS CENTER (MDIOC).	69,325	69,325	69,325		69,325
098	0603906C	REGARDING TRENCH .....	15,797	15,797	15,797		15,797
099	0603907C	SEA BASED X-BAND RADAR (SBX) .....	177,058	177,058	157,058	–20,000	157,058
		Program Decrease—Excess funds .....				[–20,000]	
101	0603913C	ISRAELI COOPERATIVE PROGRAMS .....	106,100	216,100	156,100	110,000	216,100
		Arrow System Improvement Program .....				[20,000]	
		Arrow-3 interceptor development .....				[5,000]	
		David's Sling development .....				[25,000]	
		Program Increase .....		[110,000]			
102	0603920D8Z	HUMANITARIAN DEMINING .....	14,996	14,996	14,996		14,996
103	0603923D8Z	COALITION WARFARE .....	12,743	12,743	12,743		12,743
104	0604016D8Z	DEPARTMENT OF DEFENSE CORROSION PROGRAM .....	3,221	13,521	35,321	32,100	35,321
		Program increase—funding shortfall .....		[10,300]	[32,100]	[32,100]	
105	0604400D8Z	DEPARTMENT OF DEFENSE (DOD) UNMANNED AIRCRAFT SYSTEM (UAS) COMMON DEVELOPMENT.	25,120	25,120	25,120		25,120
107	0604670D8Z	HUMAN, SOCIAL AND CULTURE BEHAVIOR MODELING (HSCB) RESEARCH AND ENGINEERING.	10,309	10,309	8,309	–2,800	7,509
		Program Decrease .....				[–2,000]	
108	0604787D8Z	JOINT SYSTEMS INTEGRATION COMMAND (JSIC) .....	13,024	13,024	8,024		13,024
		Program Decrease .....				[–5,000]	
109	0604828D8Z	JOINT FIRES INTEGRATION AND INTEROPERABILITY TEAM	9,290	9,290	9,290		9,290
110	0604880C	LAND-BASED SM–3 (LBSM3) .....	306,595	306,595	306,595		306,595
111	0604881C	AEGIS SM–3 BLOCK IIA CO-DEVELOPMENT .....	424,454	464,454	444,454		424,454
		Program Increase .....		[40,000]			
		Program Increase- software Integration .....				[20,000]	
112	0604883C	PRECISION TRACKING SPACE SENSOR RDT&E .....	160,818		160,818	–80,000	80,818
		Program Reduction .....				[–80,000]	
113	0604884C	AIRBORNE INFRARED (ABIR) .....	46,877	66,877	46,877		46,877
		Program Increase .....		[20,000]			
115	0303191D8Z	JOINT ELECTROMAGNETIC TECHNOLOGY (JET) PROGRAM ...	3,358		3,358		3,358
		<b>SUBTOTAL ADVANCED COMPONENT DEVELOPMENT &amp; PROTOTYPES.</b>	<b>6,808,233</b>	<b>6,949,715</b>	<b>7,117,345</b>	<b>15,312</b>	<b>6,823,545</b>
		<b>SYSTEM DEVELOPMENT AND DEMONSTRATION (SDD)</b>					
117	0604161D8Z	NUCLEAR AND CONVENTIONAL PHYSICAL SECURITY EQUIPMENT RDT&E SDD.	7,220	7,220	7,220		7,220
118	0604165D8Z	PROMPT GLOBAL STRIKE CAPABILITY DEVELOPMENT .....	204,824	179,824	204,824	–25,000	179,824
		Program Reduction .....				[–25,000]	
119	0604384BP	CHEMICAL AND BIOLOGICAL DEFENSE PROGRAM .....	400,608	400,608	390,608	–84,000	316,608

**SEC. 4201. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION**  
(In Thousands of Dollars)

<i>Line</i>	<i>Program Element</i>	<i>Item</i>	<i>FY 2012 Request</i>	<i>House Authorized</i>	<i>Senate Authorized</i>	<i>Conference Change</i>	<i>Conference Authorized</i>
		Bioscavenger program delays .....				[-24,000]	
		Decontamination FOS delays .....			[-10,000]	[-10,000]	
		MCMI RFP release delay .....				[-50,000]	
120	0604709D8Z	JOINT ROBOTICS PROGRAM .....	2,782	2,782	2,782		2,782
121	0604764K	ADVANCED IT SERVICES JOINT PROGRAM OFFICE (AITS-JPO).	49,198	49,198	44,198	-10,374	38,824
		Cyber threat discovery .....			[20,000]	[15,000]	
		Program growth .....			[-25,000]	[-25,374]	
122	0604771D8Z	JOINT TACTICAL INFORMATION DISTRIBUTION SYSTEM (JTIDS).	17,395	17,395	17,395		17,395
123	0605000BR	WEAPONS OF MASS DESTRUCTION DEFEAT CAPABILITIES ..	5,888	5,888	5,285		5,888
		Due to slow execution .....			[-603]		
124	0605013BL	INFORMATION TECHNOLOGY DEVELOPMENT .....	12,228	12,228	12,228		12,228
127	0605021SE	HOMELAND PERSONNEL SECURITY INITIATIVE .....	389	389	389		389
128	0605022D8Z	DEFENSE EXPORTABILITY PROGRAM .....	1,929	1,929	1,929		1,929
129	0605027D8Z	OUS(D) IT DEVELOPMENT INITIATIVES .....	4,993	4,993	4,993		4,993
130	0605070S	DOD ENTERPRISE SYSTEMS DEVELOPMENT AND DEMONSTRATION.	134,285	134,285	84,285	-40,000	94,285
		Program Growth .....			[-50,000]	[-40,000]	
131	0605075D8Z	DCMO POLICY AND INTEGRATION .....	41,808	41,808	31,808		41,808
		Program Growth .....			[-10,000]		
133	0605210D8Z	DEFENSE-WIDE ELECTRONIC PROCUREMENT CAPABILITIES	14,950	14,950	14,950		14,950
135	0303141K	GLOBAL COMBAT SUPPORT SYSTEM .....	19,837	19,837	19,837		19,837
		<b>SUBTOTAL SYSTEM DEVELOPMENT AND DEMONSTRATION (SDD).</b>	<b>918,334</b>	<b>893,334</b>	<b>842,731</b>	<b>-159,374</b>	<b>758,960</b>
		<b>RDT&amp;E MANAGEMENT SUPPORT</b>					
137	0604774D8Z	DEFENSE READINESS REPORTING SYSTEM (DRRS) .....	6,658	6,658	6,658		6,658
138	0604875D8Z	JOINT SYSTEMS ARCHITECTURE DEVELOPMENT .....	4,731	4,731	4,731		4,731
139	0604940D8Z	CENTRAL TEST AND EVALUATION INVESTMENT DEVELOPMENT (CTEIP).	140,231	140,231	140,231		140,231
140	0604942D8Z	ASSESSMENTS AND EVALUATIONS .....	2,757	2,757	2,757		2,757
141	0604943D8Z	THERMAL VICAR .....	7,827	7,827	7,827		7,827
142	0605100D8Z	JOINT MISSION ENVIRONMENT TEST CAPABILITY (JMETC) ..	10,479	10,479	10,479		10,479
143	0605104D8Z	TECHNICAL STUDIES, SUPPORT AND ANALYSIS .....	34,213	34,213	28,213		34,213
		OSD recommendation due to underexecution .....			[-6,000]		
144	0605110D8Z	USD(A&T)—CRITICAL TECHNOLOGY SUPPORT .....	1,486	18	1,486		1,486
		Program Decrease .....		[-1,468]			
145	0605117D8Z	FOREIGN MATERIAL ACQUISITION AND EXPLOITATION .....	64,524	64,524	64,524		64,524
146	0605126J	JOINT INTEGRATED AIR AND MISSILE DEFENSE ORGANIZATION (JIAMDO).	79,859	79,859	61,490		79,859
		Underexecution .....			[-18,369]		
148	0605130D8Z	FOREIGN COMPARATIVE TESTING .....	19,080	19,080	19,080		19,080
149	0605142D8Z	SYSTEMS ENGINEERING .....	41,884	41,884	41,884		41,884
150	0605161D8Z	NUCLEAR MATTERS-PHYSICAL SECURITY .....	4,261	4,261	4,261		4,261
151	0605170D8Z	SUPPORT TO NETWORKS AND INFORMATION INTEGRATION .....	9,437	9,437	9,437		9,437
152	0605200D8Z	GENERAL SUPPORT TO USD (INTELLIGENCE) .....	6,549	6,549	6,549		6,549
153	0605384BP	CHEMICAL AND BIOLOGICAL DEFENSE PROGRAM .....	92,806	92,806	92,806		92,806
160	0605790D8Z	SMALL BUSINESS INNOVATION RESEARCH (SBIR)/ SMALL BUSINESS TECHNOLOGY TRANSFER (S.	1,924	1,924	1,924		1,924
161	0605798D8Z	DEFENSE TECHNOLOGY ANALYSIS .....	16,135	16,135	16,135		16,135
163	0605801KA	DEFENSE TECHNICAL INFORMATION CENTER (DTIC) .....	56,269	51,269	52,269		56,269
		Program Decrease .....			[-4,000]		
		Program Increase .....		[-5,000]			
164	0605803SE	R&D IN SUPPORT OF DOD ENLISTMENT, TESTING AND EVALUATION.	49,810	49,810	49,810		49,810
165	0605804D8Z	DEVELOPMENT TEST AND EVALUATION .....	15,805	15,805	20,805	3,500	19,305
		Program Increase .....			[5,000]	[3,500]	
166	0605897E	DARPA AGENCY RELOCATION .....	1,000	1,000	1,000		1,000
167	0605898E	MANAGEMENT HQ—R&D .....	66,689	66,689	66,689		66,689
168	0606100D8Z	BUDGET AND PROGRAM ASSESSMENTS .....	4,528	4,528	4,528		4,528
169	0606301D8Z	AVIATION SAFETY TECHNOLOGIES .....	6,925	6,925	6,925		6,925
170	0203345D8Z	OPERATIONS SECURITY (OPSEC) .....	1,777	1,777	1,777		1,777
171	0204571J	JOINT STAFF ANALYTICAL SUPPORT .....	18	18	18		18
174	0303166D8Z	SUPPORT TO INFORMATION OPERATIONS (IO) CAPABILITIES.	12,209	12,209	12,209		12,209
175	0303169D8Z	INFORMATION TECHNOLOGY RAPID ACQUISITION .....	4,288	4,288	4,288		4,288
176	0305103E	CYBER SECURITY INITIATIVE .....	10,000	10,000	5,000	-5,000	5,000
		Execution delays .....			[-5,000]	[-5,000]	
177	0305193D8Z	INTELLIGENCE SUPPORT TO INFORMATION OPERATIONS (IO).	15,002	15,002	15,002		15,002
179	0305400D8Z	WARFIGHTING AND INTELLIGENCE-RELATED SUPPORT .....	861	861	861		861
180	0804767D8Z	COCOM EXERCISE ENGAGEMENT AND TRAINING TRANSFORMATION (CE2T2).	59,958	59,958	59,958	-21,868	38,090
		P754, Duplication with Service initiatives .....				[-21,868]	
182	0901598C	MANAGEMENT HQ—MDA .....	28,908	28,908	28,908		28,908
183	0901598D8W	IT SOFTWARE DEV INITIATIVES .....	167	167	167		167

**SEC. 4201. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION**  
(In Thousands of Dollars)

<i>Line</i>	<i>Program Element</i>	<i>Item</i>	<i>FY 2012 Request</i>	<i>House Author- ized</i>	<i>Senate Author- ized</i>	<i>Con- ference Change</i>	<i>Con- ference Author- ized</i>
184A	999999999	CLASSIFIED PROGRAMS .....	82,627	82,627	82,627		82,627
		<b>SUBTOTAL RDT&amp;E MANAGEMENT SUPPORT .....</b>	<b>961,682</b>	<b>955,214</b>	<b>933,313</b>	<b>-23,368</b>	<b>938,314</b>
		<b>OPERATIONAL SYSTEMS DEVELOPMENT</b>					
185	0604130V	ENTERPRISE SECURITY SYSTEM (ESS) .....	8,706	8,706	8,706	-2,500	6,206
		Excessive growth .....				[-2,500]	
186	0605127T	REGIONAL INTERNATIONAL OUTREACH (RIO) AND PART- NERSHIP FOR PEACE INFORMATION MANA. ....	2,165	2,165	2,165		2,165
187	0605147T	OVERSEAS HUMANITARIAN ASSISTANCE SHARED INFORMA- TION SYSTEM (OHASIS). ....	288	288	288		288
188	0607384BP	CHEMICAL AND BIOLOGICAL DEFENSE (OPERATIONAL SYS- TEMS DEVELOPMENT). ....	15,956	15,956	15,956		15,956
189	0607828D8Z	JOINT INTEGRATION AND INTEROPERABILITY .....	29,880	29,880	29,880		29,880
190	0208043J	CLASSIFIED PROGRAMS .....	2,402	2,402	2,402		2,402
191	0208045K	C4I INTEROPERABILITY .....	72,403	72,403	72,403		72,403
193	0301144K	JOINT/ALLIED COALITION INFORMATION SHARING .....	7,093	7,093	7,093		7,093
200	0302016K	NATIONAL MILITARY COMMAND SYSTEM-WIDE SUPPORT ...	481	481	481		481
201	0302019K	DEFENSE INFO INFRASTRUCTURE ENGINEERING AND INTE- GRATION. ....	8,366	8,366	18,366	7,500	15,866
		Cybersecurity pilots .....			[10,000]	[7,500]	
202	0303126K	LONG-HAUL COMMUNICATIONS—DCS .....	11,324	11,324	11,324		11,324
203	0303131K	MINIMUM ESSENTIAL EMERGENCY COMMUNICATIONS NET- WORK (MEECN). ....	12,514	12,514	12,514		12,514
204	0303135G	PUBLIC KEY INFRASTRUCTURE (PKI) .....	6,548	6,548	6,548		6,548
205	0303136G	KEY MANAGEMENT INFRASTRUCTURE (KMI) .....	33,751	33,751	33,751		33,751
206	0303140D8Z	INFORMATION SYSTEMS SECURITY PROGRAM .....	11,753	11,753	11,753		11,753
207	0303140G	INFORMATION SYSTEMS SECURITY PROGRAM .....	348,593	348,593	351,593		348,593
		File sanitization tool (FiST) .....			[3,000]		
208	0303140K	INFORMATION SYSTEMS SECURITY PROGRAM .....	5,500	5,500	5,500		5,500
211	0303150K	GLOBAL COMMAND AND CONTROL SYSTEM .....	54,739	54,739	54,739		54,739
212	0303153K	DEFENSE SPECTRUM ORGANIZATION .....	29,154	29,154	29,154		29,154
213	0303170K	NET-CENTRIC ENTERPRISE SERVICES (NCES) .....	1,830	1,830	1,830		1,830
214	0303260D8Z	JOINT MILITARY DECEPTION INITIATIVE .....	1,241	1,241	1,241		1,241
215	0303610K	TELEPORT PROGRAM .....	6,418	6,418	6,418		6,418
217	0304210BB	SPECIAL APPLICATIONS FOR CONTINGENCIES .....	5,045	9,045	5,045		5,045
		Program Increase .....		[4,000]			
220	0305103D8Z	CYBER SECURITY INITIATIVE .....	411	411	411		411
222	0305103K	CYBER SECURITY INITIATIVE .....	4,341	4,341	4,341		4,341
223	0305125D8Z	CRITICAL INFRASTRUCTURE PROTECTION (CIP) .....	13,008	13,008	13,008		13,008
227	0305186D8Z	POLICY R&D PROGRAMS .....	6,603	6,603	2,892		6,603
		OSD recommendation due to underexecution .....			[-3,711]		
229	0305199D8Z	NET CENTRICITY .....	14,926	14,926	11,693		14,926
		OSD recommendation due to underexecution .....			[-3,233]		
232	0305208BB	DISTRIBUTED COMMON GROUND/SURFACE SYSTEMS .....	4,303	4,303	4,303	-3,000	1,303
		Unjustified increase .....				[-3,000]	
235	0305208K	DISTRIBUTED COMMON GROUND/SURFACE SYSTEMS .....	3,154	3,154	3,154		3,154
237	0305219BB	MQ-1 PREDATOR A UAV .....	2,499	2,499	2,499		2,499
239	0305387D8Z	HOMELAND DEFENSE TECHNOLOGY TRANSFER PROGRAM ..	2,660	2,660	2,660		2,660
240	0305600D8Z	INTERNATIONAL INTELLIGENCE TECHNOLOGY AND ARCHI- TECTURES. ....	1,444	1,444	1,444		1,444
248	0708011S	INDUSTRIAL PREPAREDNESS .....	23,103	28,103	23,103		23,103
		Industrial Preparedness Manufacturing Technology .....		[5,000]			
249	0708012S	LOGISTICS SUPPORT ACTIVITIES .....	2,466	2,466	2,466		2,466
250	0902298J	MANAGEMENT HEADQUARTERS (JCS) .....	2,730	2,730	2,730		2,730
252	1105219BB	MQ-9 UAV .....	2,499	2,499	2,499		2,499
253	1105232BB	RQ-11 UAV .....	3,000	3,000	3,000	-1,500	1,500
		Lack of full funding .....				[-1,500]	
254	1105233BB	RQ-7 UAV .....	450	450	450		450
256	1160403BB	SPECIAL OPERATIONS AVIATION SYSTEMS ADVANCED DE- VELOPMENT. ....	89,382	89,382	89,382	-15,000	74,382
		MC-130 TF/TA radar contract award delay .....				[-15,000]	
257	1160404BB	SPECIAL OPERATIONS TACTICAL SYSTEMS DEVELOPMENT	799	799	799		799
258	1160405BB	SPECIAL OPERATIONS INTELLIGENCE SYSTEMS DEVELOP- MENT. ....	27,916	27,916	27,916		27,916
259	1160408BB	SOF OPERATIONAL ENHANCEMENTS .....	60,915	60,915	60,915		60,915
260	1160421BB	SPECIAL OPERATIONS CV-22 DEVELOPMENT .....	10,775	10,775	10,775		10,775
263	1160427BB	MISSION TRAINING AND PREPARATION SYSTEMS (MTPS) .....	4,617	4,617	4,617		4,617
265	1160429BB	AC/MC-130J .....	18,571	18,571	18,571		18,571
266	1160474BB	SOF COMMUNICATIONS EQUIPMENT AND ELECTRONICS SYSTEMS. ....	1,392	1,392	1,392		1,392
268	1160477BB	SOF WEAPONS SYSTEMS .....	2,610	2,610	2,610		2,610
269	1160478BB	SOF SOLDIER PROTECTION AND SURVIVAL SYSTEMS .....	2,971	2,971	2,971		2,971
270	1160479BB	SOF VISUAL AUGMENTATION, LASERS AND SENSOR SYS- TEMS. ....	3,000	3,000	3,000		3,000
271	1160480BB	SOF TACTICAL VEHICLES .....	3,522	3,522	3,522		3,522
272	1160481BB	SOF MUNITIONS .....	1,500	1,500	1,500		1,500
273	1160482BB	SOF ROTARY WING AVIATION .....	51,123	51,123	51,123		51,123

**SEC. 4201. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION**  
(In Thousands of Dollars)

Line	Program Element	Item	FY 2012 Request	House Authorized	Senate Authorized	Conference Change	Conference Authorized
274	1160483BB	SOF UNDERWATER SYSTEMS .....	92,424	92,424	92,424	-24,000	68,424
		Excessive growth .....				[-24,000]	
275	1160484BB	SOF SURFACE CRAFT .....	14,475	14,475	14,475		14,475
276	1160488BB	SOF MILITARY INFORMATION SUPPORT OPERATIONS .....	2,990	2,990	2,990		2,990
277	1160489BB	SOF GLOBAL VIDEO SURVEILLANCE ACTIVITIES .....	8,923	8,923	8,923		8,923
278	1160490BB	SOF OPERATIONAL ENHANCEMENTS INTELLIGENCE .....	9,473	9,473	9,473		9,473
278A	999999999	CLASSIFIED PROGRAMS .....	4,227,920	4,227,920	4,263,700	37,780	4,265,700
		Classified Adjustment .....			[35,780]	[35,780]	
		File sanitization tool (FiST) authorization adjustment .....				[2,000]	
		<b>SUBTOTAL OPERATIONAL SYSTEMS DEVELOPMENT .....</b>	<b>5,399,045</b>	<b>5,408,045</b>	<b>5,440,881</b>	<b>-720</b>	<b>5,398,325</b>
		<b>UNDISTRIBUTED</b>					
279A	0901XXXD	UNDISTRIBUTED .....			-200,000		0
		Undistributed reduction—additional unrestricted cut to DARPA topline. ....			[-50,000]		
		Undistributed reduction—DARPA Underexecution .....			[-150,000]		
		<b>SUBTOTAL UNDISTRIBUTED .....</b>			<b>-200,000</b>		<b>0</b>
		<b>TOTAL RESEARCH, DEVELOPMENT, TEST &amp; EVAL, DW</b>	<b>19,755,678</b>	<b>19,864,887</b>	<b>19,813,751</b>	<b>-318,878</b>	<b>19,436,800</b>
		<b>OPERATIONAL TEST &amp; EVAL, DEFENSE</b>					
		<b>RDT&amp;E MANAGEMENT SUPPORT</b>					
001	0605118OTE	OPERATIONAL TEST AND EVALUATION .....	60,444	60,444	60,444		60,444
002	0605131OTE	LIVE FIRE TEST AND EVALUATION .....	12,126	12,126	12,126		12,126
003	0605814OTE	OPERATIONAL TEST ACTIVITIES AND ANALYSES .....	118,722	118,722	118,722		118,722
		<b>SUBTOTAL RDT&amp;E MANAGEMENT SUPPORT .....</b>	<b>191,292</b>	<b>191,292</b>	<b>191,292</b>		<b>191,292</b>
		<b>TOTAL OPERATIONAL TEST &amp; EVAL, DEFENSE .....</b>	<b>191,292</b>	<b>191,292</b>	<b>191,292</b>		<b>191,292</b>
		<b>TOTAL RDT&amp;E .....</b>	<b>75,325,082</b>	<b>75,559,479</b>	<b>71,830,193</b>	<b>-3,754,365</b>	<b>71,570,717</b>

**SEC. 4202. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION FOR OVERSEAS CONTINGENCY OPERATIONS.**

**SEC. 4202. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION FOR OVERSEAS CONTINGENCY OPERATIONS**  
(In Thousands of Dollars)

Line	Program Element	Item	FY 2012 Request	House Authorized	Senate Authorized	Conference Change	Conference Authorized
		<b>RDT&amp;E MANAGEMENT SUPPORT</b>					
140	0605601A	ARMY TEST RANGES AND FACILITIES .....	8,513	8,513	8,513		8,513
		<b>SUBTOTAL RDT&amp;E MANAGEMENT SUPPORT .....</b>	<b>8,513</b>	<b>8,513</b>	<b>8,513</b>		<b>8,513</b>
		<b>TOTAL RESEARCH, DEVELOPMENT, TEST &amp; EVAL, ARMY .....</b>	<b>8,513</b>	<b>8,513</b>	<b>8,513</b>		<b>8,513</b>
		<b>ADVANCED COMPONENT DEVELOPMENT &amp; PROTOTYPES</b>					
054	0603654N	JOINT SERVICE EXPLOSIVE ORDNANCE DEVELOPMENT .....	1,500	1,500	1,500		1,500
		<b>SUBTOTAL ADVANCED COMPONENT DEVELOPMENT &amp; PROTOTYPES ...</b>	<b>1,500</b>	<b>1,500</b>	<b>1,500</b>		<b>1,500</b>
		<b>SYSTEM DEVELOPMENT &amp; DEMONSTRATION</b>					
097	0604270N	ELECTRONIC WARFARE DEVELOPMENT .....	5,600	5,600	5,600		5,600
119	0604654N	JOINT SERVICE EXPLOSIVE ORDNANCE DEVELOPMENT .....	3,500	3,500	3,500		3,500
126	0604771N	MEDICAL DEVELOPMENT .....	1,950	1,950	1,950		1,950
		<b>SUBTOTAL SYSTEM DEVELOPMENT &amp; DEMONSTRATION .....</b>	<b>11,050</b>	<b>11,050</b>	<b>11,050</b>		<b>11,050</b>
		<b>OPERATIONAL SYSTEMS DEVELOPMENT</b>					
172	0204136N	F/A-18 SQUADRONS .....	2,000	2,000	2,000		2,000
189	0206313M	MARINE CORPS COMMUNICATIONS SYSTEMS .....	1,500	1,500	1,500		1,500
192	0206625M	USMC INTELLIGENCE/ELECTRONIC WARFARE SYSTEMS (MIP) .....	4,050	4,050	4,050		4,050
215	0305231N	MQ-8 UAV .....			104,600		0
		ECP for SOCOM urgent needs statement—transfer from Title II, RDN 215 .....			[104,600]		
227A	999999999	CLASSIFIED PROGRAMS .....	33,784	33,784	33,784		33,784
		<b>SUBTOTAL OPERATIONAL SYSTEMS DEVELOPMENT .....</b>	<b>41,334</b>	<b>41,334</b>	<b>41,334</b>		<b>41,334</b>
		<b>TOTAL RESEARCH, DEVELOPMENT, TEST &amp; EVAL, NAVY .....</b>	<b>53,884</b>	<b>53,884</b>	<b>158,484</b>		<b>53,884</b>
		<b>OPERATIONAL SYSTEMS DEVELOPMENT</b>					
200	0305205F	ENDURANCE UNMANNED AERIAL VEHICLES .....	73,000	73,000	58,000	-10,000	63,000
		Blue Devil ARGUS Sensors—Already Funded Through Reprogramming Actions Excess to need .....			[-15,000]		
242A	999999999	CLASSIFIED PROGRAMS .....	69,000	69,000	69,000		69,000
		<b>SUBTOTAL OPERATIONAL SYSTEMS DEVELOPMENT .....</b>	<b>142,000</b>	<b>142,000</b>	<b>142,000</b>		<b>142,000</b>
		<b>TOTAL RESEARCH, DEVELOPMENT, TEST &amp; EVAL, AF .....</b>	<b>142,000</b>	<b>142,000</b>	<b>127,000</b>	<b>-10,000</b>	<b>132,000</b>
		<b>RDT&amp;E MANAGEMENT SUPPORT</b>					

**SEC. 4202. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION FOR OVERSEAS CONTINGENCY OPERATIONS**  
(In Thousands of Dollars)

Line	Program Element	Item	FY 2012 Request	House Authorized	Senate Authorized	Conference Change	Conference Authorized
152	0605200D8Z	GENERAL SUPPORT TO USD (INTELLIGENCE) .....	9,200	9,200	9,200		9,200
		<b>SUBTOTAL RDT&amp;E MANAGEMENT SUPPORT</b> .....	<b>9,200</b>	<b>9,200</b>	<b>9,200</b>		<b>9,200</b>
		<b>OPERATIONAL SYSTEMS DEVELOPMENT</b>					
202	0303126K	LONG-HAUL COMMUNICATIONS—DCS .....	10,500	10,500	10,500		10,500
207	0303140G	INFORMATION SYSTEMS SECURITY PROGRAM .....	32,850	32,850	32,850		32,850
211	0303150K	GLOBAL COMMAND AND CONTROL SYSTEM .....	2,000	2,000	2,000		2,000
254	1105233BB	RQ-7 UAV .....	2,450	2,450	2,450		2,450
278A	999999999	CLASSIFIED PROGRAMS .....	135,361	135,361	120,581	-10,000	125,361
		Classified Adjustment .....			[-14,780]	[-10,000]	
		<b>SUBTOTAL OPERATIONAL SYSTEMS DEVELOPMENT</b> .....	<b>183,161</b>	<b>183,161</b>	<b>183,161</b>		<b>183,161</b>
		<b>TOTAL RESEARCH, DEVELOPMENT, TEST &amp; EVAL, DW</b> .....	<b>192,361</b>	<b>192,361</b>	<b>177,581</b>	<b>-10,000</b>	<b>182,361</b>
		<b>TOTAL RDT&amp;E</b> .....	<b>396,758</b>	<b>396,758</b>	<b>471,578</b>	<b>-20,000</b>	<b>376,758</b>

**TITLE XLIII—OPERATION AND MAINTENANCE**

**SEC. 4301. OPERATION AND MAINTENANCE.**

**SEC. 4301. OPERATION AND MAINTENANCE**  
(In Thousands of Dollars)

Line	Item	FY 2012 Request	House Authorized	Senate Authorized	Conference Change	Conference Authorized
	<b>OPERATION &amp; MAINTENANCE, ARMY</b>					
	<b>OPERATING FORCES</b>					
010	MANEUVER UNITS .....	1,399,804	1,399,804	1,249,071	-368,109	1,031,695
	Transfer to Title XV: Combined Arms Training Strategy .....				[-217,376]	
	Transfer to Title XV: MRAP Vehicle Sustainment .....				[-2,539]	
	Transfer to Title XV: Theater Demand Reduction .....				[-148,194]	
020	MODULAR SUPPORT BRIGADES .....	104,629	104,629	102,347	-14,034	90,595
	Transfer to Title XV: Combined Arms Training Strategy .....				[-11,752]	
	Transfer to Title XV: Theater Demand Reduction .....				[-2,282]	
030	ECHELONS ABOVE BRIGADE .....	815,920	815,920	815,920	-74,852	741,068
	Transfer to Title XV: Combined Arms Training Strategy .....				[-74,852]	
040	THEATER LEVEL ASSETS .....	825,587	825,587	796,595	-60,769	764,818
	Transfer to Title XV: Chemical Defense Equipment Sustainment .....				[-8,579]	
	Transfer to Title XV: Combined Arms Training Strategy .....				[-23,198]	
	Transfer to Title XV: Theater Demand Reduction .....				[-18,692]	
	Transfer to Title XV: UAS—Gray Eagle Satellite Service .....				[-10,300]	
050	LAND FORCES OPERATIONS SUPPORT .....	1,245,231	1,245,231	1,199,827	-172,818	1,072,413
	Transfer to Title XV: Combat Training Center Role Players .....				[-30,091]	
	Transfer to Title XV: Fox Nuclear Biological and Chemical Reconnaissance Vehicle Contract Logistics Support .....				[-12,062]	
	Transfer to Title XV: Joint Maneuver Readiness Center Opposing Force Augmentation ..				[-4,545]	
	Transfer to Title XV: Joint Readiness Training Center Opposing Force Augmentation ...				[-26,940]	
	Transfer to Title XV: MRAP Vehicle Sustainment at Combat Training Centers .....				[-6,420]	
	Transfer to Title XV: National Training Center Tier Two Level Maintenance Contract ..				[-24,000]	
	Transfer to Title XV: National Training Center Warfighter Focus .....				[-26,650]	
	Transfer to Title XV: Theater Demand Reduction .....				[-14,984]	
	Transfer to Title XV: Tube-Launched, Optically-Tracked, Wire-Guided Missile (TOW) Improved Target Acquisition System (ITAS) Contract Logistics Support .....				[-6,841]	
	Transfer to Title XV: Sustainment Brigade and Functional Brigade Warfighter Exercise .....				[-20,285]	
060	AVIATION ASSETS .....	1,199,340	1,199,340	1,137,835	-68,112	1,131,228
	Transfer to Title XV: Combined Arms Training Strategy .....				[-6,607]	
	Transfer to Title XV: Theater Demand Reduction .....				[-61,505]	
070	FORCE READINESS OPERATIONS SUPPORT .....	2,939,455	2,943,455	2,847,795	-160,656	2,778,799
	FOB Baseline Not Taken into Account in Requested Program Growth .....				[-20,000]	
	Simulation Training Systems .....		[4,000]			
	Transfer to Title XV: Battle Simulation Centers .....				[-59,702]	
	Transfer to Title XV: Body Armor Sustainment .....				[-71,660]	
	Transfer to Title XV: Rapid Equipping Force Readiness .....				[-9,294]	
080	LAND FORCES SYSTEMS READINESS .....	451,228	451,228	431,228	-46,332	404,896
	Deny Requested Growth for Civilian and Contractor Positions .....				[-20,000]	
	Transfer to Title XV: Capability Development and Integration .....				[-5,161]	
	Transfer to Title XV: Fixed Wing Life Cycle Contract Support .....				[-21,171]	
090	LAND FORCES DEPOT MAINTENANCE .....	1,179,675	1,179,675	1,179,675	-147,836	1,031,839
	Budget Justification does not Match Summary of Price and Program Changes for Utilities .....				[-37,500]	
	Removal of fiscal year 2011 Costs Budgeted for Detainee Operations (Full fiscal year 2012 Requirement Funded in Title XV) .....				[-70,000]	
	Transfer to title XV: Senior Leader Initiative: Comprehensive Soldier Fitness Program ..				[-30,000]	
	Transfer to title XV: Training Range Maintenance .....				[-10,336]	
100	BASE OPERATIONS SUPPORT .....	7,637,052	7,867,052	7,329,552	-307,500	7,329,552
	Army Base Operating Services .....		[230,000]			



**SEC. 4301. OPERATION AND MAINTENANCE**  
(In Thousands of Dollars)

<b>Line</b>	<b>Item</b>	<b>FY 2012 Request</b>	<b>House Author- ized</b>	<b>Senate Author- ized</b>	<b>Con- ference Change</b>	<b>Con- ference Author- ized</b>
	Budget Justification Does Not Match Summary of Price and Program Changes for Utili- ties .....			[-37,500]	[-37,500]	
	Removal of FY11 Costs Budgeted for Detainee Operations (Full FY12 Requirement Funded in OCO) .....			[-70,000]	[-70,000]	
	Transfer to Title XV: Overseas Security Guards .....			[-200,000]	[-200,000]	
110	FACILITIES SUSTAINMENT, RESTORATION, & MODERNIZATION .....	2,495,667	2,757,047	2,495,667		2,495,667
	Army Industrial Facility Energy monitoring .....		[2,380]			
	Army Sustainment, Restoration and Modernization to 100% .....		[259,000]			
120	MANAGEMENT AND OPERATIONAL HQ .....	397,952	397,952	397,952		397,952
130	COMBATANT COMMANDERS CORE OPERATIONS .....	171,179	171,179	171,179		171,179
170	COMBATANT COMMANDERS ANCILLARY MISSIONS .....	459,585	459,585	459,585	-20,470	439,115
	Military Information Support Operations .....				[-20,470]	
175	UNDISTRIBUTED .....				-1,504,500	-1,504,500
	Contractor Logistics Support .....				[-50,000]	
	Transfer to Title XV: Readiness and Depot Maintenance .....				[-1,454,500]	
	<b>SUBTOTAL OPERATING FORCES</b> .....	<b>21,322,304</b>	<b>21,817,684</b>	<b>20,614,228</b>	<b>-2,945,988</b>	<b>18,376,316</b>
	<b>MOBILIZATION</b>					
180	STRATEGIC MOBILITY .....	390,394	390,394	390,394		390,394
190	ARMY PREPOSITIONING STOCKS .....	169,535	169,535	169,535		169,535
200	INDUSTRIAL PREPAREDNESS .....	6,675	6,675	6,675		6,675
	<b>SUBTOTAL MOBILIZATION</b> .....	<b>566,604</b>	<b>566,604</b>	<b>566,604</b>		<b>566,604</b>
	<b>TRAINING AND RECRUITING</b>					
210	OFFICER ACQUISITION .....	113,262	114,662	113,262		113,262
	Expansion of Diversity Recruitment Efforts .....		[1,400]			
220	RECRUIT TRAINING .....	71,012	71,012	71,012		71,012
230	ONE STATION UNIT TRAINING .....	49,275	49,275	49,275		49,275
240	SENIOR RESERVE OFFICERS TRAINING CORPS .....	417,071	417,071	417,071		417,071
250	SPECIALIZED SKILL TRAINING .....	1,045,948	1,045,948	1,045,948	-15,183	1,030,765
	Transfer to Title XV: Survivability and Maneuverability Training .....				[-15,183]	
260	FLIGHT TRAINING .....	1,083,808	1,083,808	1,083,808		1,083,808
270	PROFESSIONAL DEVELOPMENT EDUCATION .....	191,073	191,073	191,073		191,073
280	TRAINING SUPPORT .....	607,896	607,896	607,896		607,896
290	RECRUITING AND ADVERTISING .....	523,501	523,501	523,501		523,501
300	EXAMINING .....	139,159	139,159	139,159		139,159
310	OFF-DUTY AND VOLUNTARY EDUCATION .....	238,978	238,978	238,978		238,978
320	CIVILIAN EDUCATION AND TRAINING .....	221,156	221,156	221,156		221,156
330	JUNIOR ROTC .....	170,889	170,889	170,889		170,889
	<b>SUBTOTAL TRAINING AND RECRUITING</b> .....	<b>4,873,028</b>	<b>4,874,428</b>	<b>4,873,028</b>	<b>-15,183</b>	<b>4,857,845</b>
	<b>ADMIN &amp; SRVWIDE ACTIVITIES</b>					
340	SECURITY PROGRAMS .....	995,161	995,161	995,161	-1,360	993,801
	Classified Adjustment .....				[-1,360]	
350	SERVICEWIDE TRANSPORTATION .....	524,334	524,334	524,334		524,334
360	CENTRAL SUPPLY ACTIVITIES .....	705,668	705,668	705,668		705,668
370	LOGISTIC SUPPORT ACTIVITIES .....	484,075	490,075	484,075	3,000	487,075
	Army Arsenal .....		[6,000]			
	Army Requested Transfer for Army Enterprise Systems Integration Program from Other Procurement, Army Line 116 .....				[3,000]	
380	AMMUNITION MANAGEMENT .....	457,741	457,741	387,741	-70,000	387,741
	Requested Growth Unjustified by Metrics Provided in Performance Criteria .....			[-70,000]	[-70,000]	
390	ADMINISTRATION .....	775,313	775,313	775,313		775,313
400	SERVICEWIDE COMMUNICATIONS .....	1,534,706	1,490,706	1,504,706	-23,749	1,510,957
	Army Requested Transfer for General Fund Enterprise Business System (GFEBs) from Other Procurement, Army Line 116 .....				[3,368]	
	Army Requested Transfer for Global Combat Support System—Army (GCSS—Army) from Other Procurement, Army Line 116 .....				[2,883]	
	Budget Justification Does Not Match Summary of Price and Program Changes for DISA Realignment of funds to support the Financial Improvement and Audit Readiness Plan .....			[-30,000]	[-30,000]	
			[-44,000]			
410	MANPOWER MANAGEMENT .....	316,924	316,924	316,924		316,924
420	OTHER PERSONNEL SUPPORT .....	214,356	214,356	214,356		214,356
430	OTHER SERVICE SUPPORT .....	1,093,877	1,083,877	1,033,877	-60,000	1,033,877
	Budget Justification Does Not Match Summary of Price and Program Changes for DFAS Unjustified program growth-Joint DOD Support .....			[-50,000]	[-50,000]	
	Unjustified program growth-Joint DOD Support .....		[-5,000]		[-5,000]	
	Unjustified program growth-PA Strategic Communications .....		[-5,000]		[-5,000]	
440	ARMY CLAIMS ACTIVITIES .....	216,621	216,621	216,621		216,621
450	REAL ESTATE MANAGEMENT .....	180,717	180,717	157,813	-10,000	170,717
	BA-4 Adjustment for Defense Efficiency—Civilian Staffing Reduction .....			[-12,904]		
	Budget Justification Does Not Match Summary of Price and Program Changes for the Pentagon Reservation Maintenance Revolving Fund .....			[-10,000]	[-10,000]	
455	FINANCIAL IMPROVEMENT AND AUDIT READINESS .....		44,000			0
	Realignment of funds to support the Financial Improvement and Audit Readiness Plan .....		[44,000]			
460	SUPPORT OF NATO OPERATIONS .....	449,901	449,901	449,901		449,901
470	MISC. SUPPORT OF OTHER NATIONS .....	23,886	23,886	23,886	-3,000	20,886
	Transfer from SAG 411—Military Information Support Operations .....				[-3,000]	
	<b>SUBTOTAL ADMIN &amp; SRVWIDE ACTIVITIES</b> .....	<b>7,973,280</b>	<b>7,969,280</b>	<b>7,790,376</b>	<b>-165,109</b>	<b>7,808,171</b>

**SEC. 4301. OPERATION AND MAINTENANCE**  
**(In Thousands of Dollars)**

<b>Line</b>	<b>Item</b>	<b>FY 2012 Request</b>	<b>House Author- ized</b>	<b>Senate Author- ized</b>	<b>Con- ference Change</b>	<b>Con- ference Author- ized</b>
<b>UNDISTRIBUTED</b>						
480	UNDISTRIBUTED .....		-395,600	-3,942,465	-1,079,704	-1,079,704
	Adjustment for Defense Efficiency—Civilian Staffing Reduction .....			[-166,365]		
	BUDGET ACTIVITY 4 ADJUSTMENT FOR DEFENSE EFFICIENCY CIVILIAN STAFFING REDUCTION .....				[-12,904]	
	Center for Military Family and Community Outreach .....		[1,000]			
	Decrease in OPTEMPO as cited by Army .....			[-291,500]	[-291,500]	
	IMPROVED MANAGEMENT OF TELECOM SERVICES .....				[-10,000]	
	Management efficiencies in the military intelligence program .....			[-29,900]		
	Printing & Reproduction (10% cut)—Efficiency .....		[-10,600]	[-10,600]	[-10,600]	
	Reduction in funding for contract services .....			[-121,700]		
	Reduction in funding for DoD business systems .....			[-46,000]		
	Section 8089 - Excess Cash Balances in DWCF .....				[-515,000]	
	Studies, Analysis & Evaluations (10% cut)—Efficiency .....		[-1,400]	[-1,400]	[-1,400]	
	Transfer to OCO: Readiness and Depot Maintenance (BA-1 Undistributed) .....			[-3,000,000]		
	Unobligated balances .....		[-384,600]	[-275,000]	[-238,300]	
999	CLASSIFIED .....			1,600		0
	Classified adjustment .....			[1,600]		
	<b>SUBTOTAL UNDISTRIBUTED</b> .....		<b>-395,600</b>	<b>-3,940,865</b>	<b>-1,079,704</b>	<b>-1,079,704</b>
	<b>TOTAL OPERATION &amp; MAINTENANCE, ARMY</b> .....	<b>34,735,216</b>	<b>34,832,396</b>	<b>29,903,371</b>	<b>-4,205,984</b>	<b>30,529,232</b>
<b>OPERATION &amp; MAINTENANCE, NAVY</b>						
<b>OPERATING FORCES</b>						
010	MISSION AND OTHER FLIGHT OPERATIONS .....	4,762,887	4,762,887	4,762,887	-263,500	4,499,387
	Transfer to Title XV: Flying Hours .....				[-180,945]	
	Transfer to Title XV: MV 22B Pricing Variance .....				[-82,555]	
020	FLEET AIR TRAINING .....	1,771,644	1,771,644	1,771,644		1,771,644
030	AVIATION TECHNICAL DATA & ENGINEERING SERVICES .....	46,321	46,321	46,321		46,321
040	AIR OPERATIONS AND SAFETY SUPPORT .....	104,751	104,751	104,751	-17,000	87,751
	Unjustified Growth for Program Related Logistics Support .....				[-17,000]	
050	AIR SYSTEMS SUPPORT .....	431,576	431,576	431,576		431,576
060	AIRCRAFT DEPOT MAINTENANCE .....	1,030,303	1,101,503	1,030,303		1,030,303
	Aviation Depot Maintenance (Active) .....		[71,200]			
070	AIRCRAFT DEPOT OPERATIONS SUPPORT .....	37,403	37,403	37,403		37,403
080	AVIATION LOGISTICS .....	238,007	265,007	238,007		238,007
	Aviation Logistics .....		[27,000]			
090	MISSION AND OTHER SHIP OPERATIONS .....	3,820,186	3,820,186	3,820,186	-25,000	3,795,186
	Reduced Number of Deployed Steaming Days .....				[-25,000]	
100	SHIP OPERATIONS SUPPORT & TRAINING .....	734,866	734,866	734,866		734,866
110	SHIP DEPOT MAINTENANCE .....	4,972,609	5,338,609	4,972,609	150,000	5,122,609
	Ship Depot Maintenance (Active) .....		[366,000]		[150,000]	
120	SHIP DEPOT OPERATIONS SUPPORT .....	1,304,271	1,304,271	1,304,271	-7,000	1,297,271
	Removal of One-Time Fiscal Year 2011 Costs for Surface Ship Life Cycle Maintenance (SSLCM) Activity and Local Command Office for Navy Enterprise Resource Planning .....				[-7,000]	
130	COMBAT COMMUNICATIONS .....	583,659	583,659	583,659	-27,400	556,259
	Eliminate Requested Growth of Contractor Full-time Equivalents .....				[-27,400]	
140	ELECTRONIC WARFARE .....	97,011	97,011	97,011		97,011
150	SPACE SYSTEMS AND SURVEILLANCE .....	162,303	162,303	137,303	-25,000	137,303
	Budget Justification Does Not Match Summary of Price and Program Changes .....			[-25,000]	[-25,000]	
160	WARFARE TACTICS .....	423,187	423,187	423,187		423,187
170	OPERATIONAL METEOROLOGY AND OCEANOGRAPHY .....	320,141	320,141	320,141		320,141
180	COMBAT SUPPORT FORCES .....	1,076,478	1,076,478	1,076,478	-192,801	883,677
	Transfer to Title XV: Naval Expeditionary Combat Command Increases .....				[-192,801]	
190	EQUIPMENT MAINTENANCE .....	187,037	187,037	187,037		187,037
200	DEPOT OPERATIONS SUPPORT .....	4,352	4,352	4,352		4,352
210	COMBATANT COMMANDERS CORE OPERATIONS .....	103,830	103,830	103,830		103,830
220	COMBATANT COMMANDERS DIRECT MISSION SUPPORT .....	180,800	180,800	180,800	-14,400	166,400
	Military Information Support Operations .....				[-6,100]	
	Transfer to Title XV: Joint Special Operations Task Force—Philippines .....				[-8,300]	
230	CRUISE MISSILE .....	125,333	125,333	125,333		125,333
240	FLEET BALLISTIC MISSILE .....	1,209,410	1,209,410	1,209,410		1,209,410
250	IN-SERVICE WEAPONS SYSTEMS SUPPORT .....	99,063	99,063	99,063	-9,000	90,063
	Transfer to Title XV: Naval Expeditionary Combat Command .....				[-9,000]	
260	WEAPONS MAINTENANCE .....	450,454	450,454	450,454		450,454
270	OTHER WEAPON SYSTEMS SUPPORT .....	358,002	358,002	358,002		358,002
280	ENTERPRISE INFORMATION .....	971,189	971,189	971,189		971,189
290	SUSTAINMENT, RESTORATION AND MODERNIZATION .....	1,946,779	2,298,779	1,946,779		1,946,779
	Navy Metering .....		[3,000]			
	Navy Sustainment Restoration and Modernization to 100% .....		[349,000]			
300	BASE OPERATING SUPPORT .....	4,610,525	4,610,525	4,590,525	-70,000	4,540,525
	Savings from In-sourcing Security Contractor Positions Not Properly Accounted for in Budget Documentation .....			[-20,000]	[-20,000]	
	Transfer to Title XV: Regional/Emergency Operations Center .....				[-50,000]	
305	UNDISTRIBUTED .....		2,000		-645,000	-645,000
	CONTRACTOR LOGISTICS SUPPORT .....				[-150,000]	

**SEC. 4301. OPERATION AND MAINTENANCE**  
(In Thousands of Dollars)

<b>Line</b>	<b>Item</b>	<b>FY 2012 Request</b>	<b>House Author- ized</b>	<b>Senate Author- ized</b>	<b>Con- ference Change</b>	<b>Con- ference Author- ized</b>
	Navy Emergency Management and Preparedness .....		[2,000]			
	TRANSFER TO TITLE XV: READINESS AND DEPOT MAINTENANCE .....				[-495,000]	
	<b>SUBTOTAL OPERATING FORCES</b> .....	<b>32,164,377</b>	<b>32,982,577</b>	<b>32,119,377</b>	<b>-1,146,101</b>	<b>31,018,276</b>
	<b>MOBILIZATION</b>					
310	SHIP PREPOSITIONING AND SURGE .....	493,326	493,326	493,326		493,326
320	AIRCRAFT ACTIVATIONS/INACTIVATIONS .....	6,228	6,228	6,228		6,228
330	SHIP ACTIVATIONS/INACTIVATIONS .....	205,898	205,898	205,898		205,898
340	EXPEDITIONARY HEALTH SERVICES SYSTEMS .....	68,634	68,634	68,634	-5,004	63,630
	Transfer to Title XV: Medical/Equipment costs for USNS MERCY .....				[-5,004]	
350	INDUSTRIAL READINESS .....	2,684	2,684	2,684		2,684
360	COAST GUARD SUPPORT .....	25,192	25,192	25,192		25,192
	<b>SUBTOTAL MOBILIZATION</b> .....	<b>801,962</b>	<b>801,962</b>	<b>801,962</b>	<b>-5,004</b>	<b>796,958</b>
	<b>TRAINING AND RECRUITING</b>					
370	OFFICER ACQUISITION .....	147,540	148,940	147,540		147,540
	Expansion of Diversity Recruitment Efforts .....		[1,400]			
380	RECRUIT TRAINING .....	10,655	10,655	10,655		10,655
390	RESERVE OFFICERS TRAINING CORPS .....	151,147	151,147	151,147	-2,786	148,361
	Excessive Program Increase for General Services Administration Lease Cost .....				[-2,786]	
400	SPECIALIZED SKILL TRAINING .....	594,799	594,799	594,799	-50,521	544,278
	Transfer to Title XV: Naval Sea Systems Command Visit, Board, Search and Seizure (VBSS)/Explosive Ordnance Device (EOD) Training .....				[-3,000]	
	Unjustified Growth in Moored and Tech Training .....				[-47,521]	
410	FLIGHT TRAINING .....	9,034	9,034	9,034		9,034
420	PROFESSIONAL DEVELOPMENT EDUCATION .....	173,452	173,452	173,452		173,452
430	TRAINING SUPPORT .....	168,025	168,025	168,025		168,025
440	RECRUITING AND ADVERTISING .....	254,860	255,843	254,860	983	255,843
	Naval Sea Cadet Corps .....		[983]		[983]	
450	OFF-DUTY AND VOLUNTARY EDUCATION .....	140,279	140,279	140,279		140,279
460	CIVILIAN EDUCATION AND TRAINING .....	107,561	107,561	107,561		107,561
470	JUNIOR ROTC .....	52,689	52,689	52,689		52,689
	<b>SUBTOTAL TRAINING AND RECRUITING</b> .....	<b>1,810,041</b>	<b>1,812,424</b>	<b>1,810,041</b>	<b>-52,324</b>	<b>1,757,717</b>
	<b>ADMIN &amp; SRVWD ACTIVITIES</b>					
480	ADMINISTRATION .....	754,483	692,483	754,483		754,483
	Realignment of funds to support the Financial Improvement and Audit Readiness Plan .....		[-62,000]			
490	EXTERNAL RELATIONS .....	14,275	14,275	14,275		14,275
500	CIVILIAN MANPOWER AND PERSONNEL MANAGEMENT .....	112,616	112,616	112,616		112,616
510	MILITARY MANPOWER AND PERSONNEL MANAGEMENT .....	216,483	216,483	216,483	-12,557	203,926
	Transfer to Title XV: Family Readiness Programs .....				[-3,557]	
	Transfer to Title XV: Navy Manpower and Personnel System/NSIPS .....				[-9,000]	
520	OTHER PERSONNEL SUPPORT .....	282,295	282,295	282,295		282,295
530	SERVICEWIDE COMMUNICATIONS .....	534,873	534,873	534,873		534,873
545	FINANCIAL IMPROVEMENT AND AUDIT READINESS .....		62,000			0
	Realignment of funds to support the Financial Improvement and Audit Readiness Plan .....		[62,000]			
550	SERVICEWIDE TRANSPORTATION .....	190,662	190,662	190,662		190,662
570	PLANNING, ENGINEERING AND DESIGN .....	303,636	303,636	303,636	-10,000	293,636
	Unjustified Growth for Installation Emergency Management .....				[-10,000]	
580	ACQUISITION AND PROGRAM MANAGEMENT .....	903,885	903,885	903,885		903,885
590	HULL, MECHANICAL AND ELECTRICAL SUPPORT .....	54,880	54,880	54,880		54,880
600	COMBAT/WEAPONS SYSTEMS .....	20,687	20,687	20,687		20,687
610	SPACE AND ELECTRONIC WARFARE SYSTEMS .....	68,374	68,374	68,374		68,374
620	NAVAL INVESTIGATIVE SERVICE .....	572,928	572,928	572,928		572,928
680	INTERNATIONAL HEADQUARTERS AND AGENCIES .....	5,516	5,516	5,516		5,516
705	CLASSIFIED PROGRAMS .....	552,715	552,715	546,715	-2,381	550,334
	Classified adjustment .....			[-6,000]	[-2,381]	
	<b>SUBTOTAL ADMIN &amp; SRVWD ACTIVITIES</b> .....	<b>4,588,308</b>	<b>4,588,308</b>	<b>4,582,308</b>	<b>-24,938</b>	<b>4,563,370</b>
	<b>UNDISTRIBUTED</b>					
710	UNDISTRIBUTED .....		-445,700	-1,320,600	-67,000	-67,000
	Deny FY12 Budget Price Growth for Civilian Personnel Compensation .....			[-5,000]	[-5,000]	
	IMPROVED MANAGEMENT OF TELECOM SERVICES .....				[-10,000]	
	Management efficiencies in the military intelligence program .....			[-11,300]		
	Printing & Reproduction (10% cut)—Efficiency .....		[-7,100]			
	Reduction in funding for contract services .....			[-122,800]		
	Reduction in funding for DoD business systems .....			[-52,900]		
	Studies, Analysis & Evaluations (10% cut)—Efficiency .....		[-2,700]			
	Target area for reduction as cited by Navy .....			[-500,000]		
	Transfer to OCO: Readiness and Depot Maintenance (BA-1 Undistributed) .....			[-495,000]		
	Unobligated balances .....		[-435,900]	[-123,800]	[-52,000]	
	<b>SUBTOTAL UNDISTRIBUTED</b> .....		<b>-445,700</b>	<b>-1,320,600</b>	<b>-67,000</b>	<b>-67,000</b>
	<b>TOTAL OPERATION &amp; MAINTENANCE, NAVY</b> .....	<b>39,364,688</b>	<b>39,739,571</b>	<b>37,993,088</b>	<b>-1,295,367</b>	<b>38,069,321</b>
	<b>OPERATION &amp; MAINTENANCE, MARINE CORPS OPERATING FORCES</b>					

**SEC. 4301. OPERATION AND MAINTENANCE**  
(In Thousands of Dollars)

<b>Line</b>	<b>Item</b>	<b>FY 2012 Request</b>	<b>House Author- ized</b>	<b>Senate Author- ized</b>	<b>Con- ference Change</b>	<b>Con- ference Author- ized</b>
010	OPERATIONAL FORCES .....	715,196	723,696	715,196	-20,000	695,196
	CBRNE Response Force Capability Enhancement .....		[8,500]			
	Request Inconsistent with Information Technology Budget Justification for the Global Combat Support System .....				[-20,000]	
020	FIELD LOGISTICS .....	677,608	677,608	677,608		677,608
030	DEPOT MAINTENANCE .....	190,713	190,713	78,713	-112,000	78,713
	Transfer to Title XV: Depot Maintenance .....			[-112,000]	[-112,000]	
040	MARITIME PREPOSITIONING .....	101,464	101,464	101,464		101,464
060	SUSTAINMENT, RESTORATION, & MODERNIZATION .....	823,390	891,390	823,390		823,390
	Marine Corps Sustainment Restoration and Modernization to 100% .....		[68,000]			
070	BASE OPERATING SUPPORT .....	2,208,949	2,208,949	1,973,949	-255,000	1,953,949
	Reduction for Collateral Equipment Requirements Not Properly Accounted for in Budget Documentation .....				[-20,000]	
	TRANSFER TO TITLE XV: READINESS AND DEPOT MAINTENANCE .....			[-235,000]	[-235,000]	
	<b>SUBTOTAL OPERATING FORCES .....</b>	<b>4,717,320</b>	<b>4,793,820</b>	<b>4,370,320</b>	<b>-387,000</b>	<b>4,330,320</b>
<b>TRAINING AND RECRUITING</b>						
080	RECRUIT TRAINING .....	18,280	18,280	18,280		18,280
090	OFFICER ACQUISITION .....	820	820	820		820
100	SPECIALIZED SKILL TRAINING .....	85,816	85,816	85,816		85,816
120	PROFESSIONAL DEVELOPMENT EDUCATION .....	33,142	33,142	33,142		33,142
130	TRAINING SUPPORT .....	324,643	324,643	324,643		324,643
140	RECRUITING AND ADVERTISING .....	184,432	184,432	184,432		184,432
150	OFF-DUTY AND VOLUNTARY EDUCATION .....	43,708	43,708	43,708		43,708
160	JUNIOR ROTC .....	19,671	19,671	19,671		19,671
	<b>SUBTOTAL TRAINING AND RECRUITING .....</b>	<b>710,512</b>	<b>710,512</b>	<b>710,512</b>		<b>710,512</b>
<b>ADMIN &amp; SRVWD ACTIVITIES</b>						
180	SERVICEWIDE TRANSPORTATION .....	36,021	36,021	31,021		36,021
	Incorrect Price Growth Rate Used for Commercial Transportation .....			[-5,000]		
190	ADMINISTRATION .....	405,431	414,431	405,431		405,431
	USMC Expeditionary Energy Office—Experimental Forward Operating Base .....		[9,000]			
200	ACQUISITION & PROGRAM MANAGEMENT .....	91,153	91,153	91,153		91,153
	<b>SUBTOTAL ADMIN &amp; SRVWD ACTIVITIES .....</b>	<b>532,605</b>	<b>541,605</b>	<b>527,605</b>		<b>532,605</b>
<b>UNDISTRIBUTED</b>						
210	UNDISTRIBUTED .....		-70,000	-199,300	-38,000	-38,000
	Mental Health Support for Military Personnel and Families .....		[3,000]			
	OMMC Request Inconsistent with Information Technology Budget Justification for the Operational Support Systems—Command and Control .....			[-20,000]	[-20,000]	
	Printing & Reproduction (10% cut)—Efficiency .....		[-6,500]	[-6,500]		
	Reduction in funding for DoD business systems .....			[-5,700]		
	Studies, Analysis & Evaluations (10% cut)—Efficiency .....		[-500]	[-500]		
	Target area for reduction as cited by Marine Corps .....			[-145,000]		
	Unobligated balances .....		[-66,000]	[-21,600]	[-18,000]	
	<b>SUBTOTAL UNDISTRIBUTED .....</b>		<b>-70,000</b>	<b>-199,300</b>	<b>-38,000</b>	<b>-38,000</b>
	<b>TOTAL OPERATION &amp; MAINTENANCE, MARINE CORPS .....</b>	<b>5,960,437</b>	<b>5,975,937</b>	<b>5,409,137</b>	<b>-425,000</b>	<b>5,535,437</b>
<b>OPERATION &amp; MAINTENANCE, AIR FORCE</b>						
<b>OPERATING FORCES</b>						
010	PRIMARY COMBAT FORCES .....	4,224,400	4,224,400	4,154,400	-660,158	3,564,242
	Consolidate Depot Maintenance Funding in the Depot Maintenance SAG .....				[-590,158]	
	Transfer to Title XV: Theater Security Package .....			[-70,000]	[-70,000]	
020	COMBAT ENHANCEMENT FORCES .....	3,417,731	3,417,731	3,379,731	-711,292	2,706,439
	Consolidate Depot Maintenance Funding in the Depot Maintenance SAG .....				[-673,292]	
	Removal of One-Time FY11 Costs for Administrative Support for Contractor to Civilian Conversions .....			[-4,000]	[-4,000]	
	Removal of One-Time FY11 Costs for Software Maintenance Requirements .....			[-24,000]	[-24,000]	
	Unjustified Increase in Travel .....			[-10,000]	[-10,000]	
030	AIR OPERATIONS TRAINING (OJT, MAINTAIN SKILLS) .....	1,482,814	1,482,814	1,482,814	-102,550	1,380,264
	Consolidate Depot Maintenance Funding in the Depot Maintenance SAG .....				[-102,550]	
050	DEPOT MAINTENANCE .....	2,204,131	2,204,131	2,204,131	1,584,475	3,788,606
	Consolidate Depot Maintenance Funding in the Depot Maintenance SAG .....				[1,584,475]	
060	FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION .....	1,652,318	1,924,238	1,652,318		1,652,318
	Air Force Sustainment, Restoration and Modernization to 100% .....		[271,920]			
070	BASE SUPPORT .....	2,507,179	2,507,179	2,482,179	-25,000	2,482,179
	Budget Justification Does Not Match Summary of Price and Program Changes for Utili- ties .....			[-25,000]	[-25,000]	
080	GLOBAL C3I AND EARLY WARNING .....	1,492,459	1,492,459	1,492,459	-210,435	1,282,024
	Consolidate Depot Maintenance Funding in the Depot Maintenance SAG .....				[-198,435]	
	Removal of One-Time Fiscal Year 2011 Costs for Long Range Radar Service Life Exten- sion Program .....				[-12,000]	
090	OTHER COMBAT OPS SPT PROGRAMS .....	1,046,226	1,046,226	1,032,226	-26,688	1,019,538
	Consolidate Depot Maintenance Funding in the Depot Maintenance SAG .....				[-12,688]	
	Removal of One-Time Fiscal Year 2011 Costs for Administrative Support for Contractor to Civilian Conversions .....			[-14,000]	[-14,000]	

**SEC. 4301. OPERATION AND MAINTENANCE**  
(In Thousands of Dollars)

<b>Line</b>	<b>Item</b>	<b>FY 2012 Request</b>	<b>House Author- ized</b>	<b>Senate Author- ized</b>	<b>Con- ference Change</b>	<b>Con- ference Author- ized</b>
100	TACTICAL INTEL AND OTHER SPECIAL ACTIVITIES .....	696,188	696,188	696,188	-5,000	691,188
	Classified Adjustment .....				[-5,000]	
110	LAUNCH FACILITIES .....	321,484	321,484	321,484	-8,000	313,484
	Overstated Requirement for Additional Fiscal Year 2012 Funding for Satellite and Launcher Control Ranges .....				[-8,000]	
120	SPACE CONTROL SYSTEMS .....	633,738	633,738	626,738	-14,186	619,552
	Consolidate Depot Maintenance Funding in the Depot Maintenance SAG .....				[-7,186]	
	Removal of One-Time Fiscal Year 2011 Costs for Administrative Support for Contractor to Civilian Conversions .....					
130	COMBATANT COMMANDERS DIRECT MISSION SUPPORT .....	735,488	735,488	698,128	[-7,000]	664,262
	Consolidate Depot Maintenance Funding in the Depot Maintenance SAG .....				[-166]	
	Military Information Support Operations .....				[-33,700]	
	Strategic Command Program Decreases Not Accounted for in Budget Documentation .....				[-20,000]	
	Transfer to Title XV: CENTCOM HQ C4 .....				[-12,500]	
	Transfer to Title XV: CENTCOM Public Affairs .....				[-4,860]	
140	COMBATANT COMMANDERS CORE OPERATIONS .....	170,481	170,481	170,481		170,481
145	UNDISTRIBUTED .....				-670,000	-670,000
	CONTRACTOR LOGISTICS SUPPORT .....				[-200,000]	
	TRANSFER TO TITLE XV: READINESS AND DEPOT MAINTENANCE .....				[-470,000]	
	<b>SUBTOTAL OPERATING FORCES</b> .....	<b>20,584,637</b>	<b>20,856,557</b>	<b>20,393,277</b>	<b>-920,060</b>	<b>19,664,577</b>
<b>MOBILIZATION</b>						
150	AIRLIFT OPERATIONS .....	2,988,221	2,988,221	2,988,221	-444,832	2,543,389
	Consolidate Depot Maintenance Funding in the Depot Maintenance SAG .....				[-444,832]	
160	MOBILIZATION PREPAREDNESS .....	150,724	150,724	150,724		150,724
170	DEPOT MAINTENANCE .....	373,568	373,568	373,568	444,832	818,400
	Consolidate Depot Maintenance Funding in the Depot Maintenance SAG .....				[444,832]	
180	FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION .....	388,103	442,221	388,103		388,103
	Air Force Sustainment, Restoration and Modernization to 100% .....		[54,118]			
190	BASE SUPPORT .....	674,230	674,230	634,230		674,230
	Budget Justification Does Not Match Summary of Price and Program Changes for Utili- ties .....				[-25,000]	
	Unjustified Growth for Competitive Sourcing and Privatization .....				[-15,000]	
	<b>SUBTOTAL MOBILIZATION</b> .....	<b>4,574,846</b>	<b>4,628,964</b>	<b>4,534,846</b>		<b>4,574,846</b>
<b>TRAINING AND RECRUITING</b>						
200	OFFICER ACQUISITION .....	114,448	115,848	114,448		114,448
	Expansion of Diversity Recruitment Efforts .....		[1,400]			
210	RECRUIT TRAINING .....	22,192	22,192	22,192		22,192
220	RESERVE OFFICERS TRAINING CORPS (ROTC) .....	90,545	90,545	90,545		90,545
230	FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION .....	430,090	501,430	430,090		430,090
	Air Force Sustainment, Restoration and Modernization to 100% .....		[71,340]			
240	BASE SUPPORT .....	789,654	789,654	789,654	-40,000	749,654
	Budget Justification Does Not Match Summary of Price and Program Changes for Utili- ties .....				[-25,000]	
	Unjustified Growth for Competitive Sourcing and Privatization .....				[-15,000]	
250	SPECIALIZED SKILL TRAINING .....	481,357	481,357	471,357	-10,000	471,357
	Budget Justification Does Not Match Summary of Price and Program Changes for Equipment Maintenance by Contract .....				[-10,000]	
260	FLIGHT TRAINING .....	957,538	957,538	957,538		957,538
270	PROFESSIONAL DEVELOPMENT EDUCATION .....	198,897	198,897	198,897		198,897
280	TRAINING SUPPORT .....	108,248	108,248	108,248		108,248
290	DEPOT MAINTENANCE .....	6,386	6,386	6,386		6,386
300	RECRUITING AND ADVERTISING .....	136,102	136,102	136,102		136,102
310	EXAMINING .....	3,079	3,079	3,079		3,079
320	OFF-DUTY AND VOLUNTARY EDUCATION .....	167,660	167,660	167,660		167,660
330	CIVILIAN EDUCATION AND TRAINING .....	202,767	202,767	202,767	-13,000	189,767
	Maintain Service Contracts at the fiscal year 2011 Level .....				[-13,000]	
340	JUNIOR ROTC .....	75,259	75,259	75,259		75,259
	<b>SUBTOTAL TRAINING AND RECRUITING</b> .....	<b>3,784,222</b>	<b>3,856,962</b>	<b>3,774,222</b>	<b>-63,000</b>	<b>3,721,222</b>
<b>ADMIN &amp; SRVWD ACTIVITIES</b>						
350	LOGISTICS OPERATIONS .....	1,112,878	1,112,878	1,112,878	-626	1,112,252
	Consolidate Depot Maintenance Funding in the Depot Maintenance SAG .....				[-626]	
360	TECHNICAL SUPPORT ACTIVITIES .....	785,150	785,150	785,150		785,150
370	DEPOT MAINTENANCE .....	14,356	14,356	14,356	626	14,982
	Consolidate Depot Maintenance Funding in the Depot Maintenance SAG .....				[626]	
380	FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION .....	416,588	498,952	416,588		416,588
	Air Force Sustainment, Restoration and Modernization to 100% .....		[82,364]			
390	BASE SUPPORT .....	1,219,043	1,219,043	1,219,043		1,219,043
400	ADMINISTRATION .....	662,180	662,180	497,180		662,180
	Program decrease .....				[-165,000]	
410	SERVICEWIDE COMMUNICATIONS .....	650,689	650,689	650,689		650,689
420	OTHER SERVICEWIDE ACTIVITIES .....	1,078,769	954,769	953,769	-18,000	1,060,769
	Air Force funds for Space Shuttle (for museum) .....		[-14,000]		[-14,000]	
	Budget Justification Does Not Match Summary of Price and Program Changes for DFAS Program decrease .....				[-7,000]	
					[-11,000]	

**SEC. 4301. OPERATION AND MAINTENANCE**  
**(In Thousands of Dollars)**

<b>Line</b>	<b>Item</b>	<b>FY 2012 Request</b>	<b>House Author- ized</b>	<b>Senate Author- ized</b>	<b>Con- ference Change</b>	<b>Con- ference Author- ized</b>
	Realignment of funds to support the Financial Improvement and Audit Readiness Plan		[-110,000]			
425	FINANCIAL IMPROVEMENT AND AUDIT READINESS .....		110,000			0
	Realignment of funds to support the Financial Improvement and Audit Readiness Plan		[110,000]			
430	CIVIL AIR PATROL .....	23,338	23,338	23,338		23,338
460	INTERNATIONAL SUPPORT .....	72,589	72,589	72,589		72,589
465	CLASSIFIED PROGRAMS .....	1,215,848	1,215,848	1,217,348	-15,587	1,200,261
	Classified adjustment .....			[1,500]	[-15,587]	
	<b>SUBTOTAL ADMIN &amp; SRVWD ACTIVITIES .....</b>	<b>7,251,428</b>	<b>7,319,792</b>	<b>6,962,928</b>	<b>-33,587</b>	<b>7,217,841</b>
	<b>UNDISTRIBUTED</b>					
470	UNDISTRIBUTED .....		-410,500	-1,204,400	-150,000	-150,000
	AUTHORIZATION ADJUSTMENT—UNOBLIGATED BALANCES .....		[-400,800]			
	EXCESS WORKING CAPITAL FUND CARRYOVER .....				[-90,000]	
	Management efficiencies in the military intelligence program .....			[-46,600]		
	Printing & Reproduction (10% cut)—Efficiency .....		[-7,200]	[-7,200]		
	Reduction in funding for contract services .....			[-144,200]		
	Reduction in funding for DoD business systems .....			[-26,200]		
	Studies, Analysis & Evaluations (10% cut)—Efficiency .....		[-2,500]	[-2,500]		
	Target area for reduction as cited by Air Force .....			[-364,000]		
	Transfer to Title XV: Readiness and Depot Maintenance (BA-1 Undistributed) .....			[-470,000]		
	Unobligated balances .....			[-143,700]	[-60,000]	
	<b>SUBTOTAL UNDISTRIBUTED .....</b>		<b>-410,500</b>	<b>-1,204,400</b>	<b>-150,000</b>	<b>-150,000</b>
	<b>TOTAL OPERATION &amp; MAINTENANCE, AIR FORCE .....</b>	<b>36,195,133</b>	<b>36,251,775</b>	<b>34,460,873</b>	<b>-1,166,647</b>	<b>35,028,486</b>
	<b>OPERATION &amp; MAINTENANCE, DEFENSE-WIDE</b>					
	<b>OPERATING FORCES</b>					
010	JOINT CHIEFS OF STAFF .....	563,787	563,787	558,287	-5,500	558,287
	Reduce Civilian Personnel Fiscal Year 2012 Average Salary Growth .....			[-5,500]	[-5,500]	
020	SPECIAL OPERATIONS COMMAND .....	3,986,766	3,989,766	3,893,859	-92,907	3,893,859
	Transfer to Title XV: Military Information Support Activities .....			[-57,300]	[-57,300]	
	Aviation Foreign Internal Defense .....			[-17,607]	[-17,607]	
	Cold Weather Protective Equipment .....		[3,000]			
	Reduce Civilian Personnel fiscal year 2012 Average Salary Growth .....			[-10,000]	[-10,000]	
	Sustaining Base Communications—Excessive Growth .....			[-8,000]	[-8,000]	
	<b>SUBTOTAL OPERATING FORCES .....</b>	<b>4,550,553</b>	<b>4,553,553</b>	<b>4,452,146</b>	<b>-98,407</b>	<b>4,452,146</b>
	<b>TRAINING AND RECRUITING</b>					
030	DEFENSE ACQUISITION UNIVERSITY .....	124,075	124,075	124,075		124,075
040	NATIONAL DEFENSE UNIVERSITY .....	93,348	93,348	93,348		93,348
	<b>SUBTOTAL TRAINING AND RECRUITING .....</b>	<b>217,423</b>	<b>217,423</b>	<b>217,423</b>		<b>217,423</b>
	<b>ADMIN &amp; SRVWD ACTIVITIES</b>					
050	CIVIL MILITARY PROGRAMS .....	159,692	149,323	159,692		159,692
	Innovative Readiness Training (Section 591) .....		[-10,369]			
080	DEFENSE CONTRACT AUDIT AGENCY .....	508,822	508,822	508,822	-39,200	469,622
	Reduction in Non-Pay Personnel Support Overhead Costs .....				[-39,200]	
090	DEFENSE CONTRACT MANAGEMENT AGENCY .....	1,147,366	1,147,366	1,147,366		1,147,366
100	DEFENSE FINANCE AND ACCOUNTING SERVICE .....	12,000	12,000	12,000		12,000
110	DEFENSE HUMAN RESOURCES ACTIVITY .....	676,419	677,419	646,419	-30,430	645,989
	Overstatement of Fiscal Year 2012 Costs for Civilian Personnel .....			[-30,000]	[-30,000]	
	Unjustified Increase for the Request for Defense Advisory Committee on Women in the Services Program Reporting .....				[-430]	
	Voluntary Separation Repayment .....		[1,000]			
120	DEFENSE INFORMATION SYSTEMS AGENCY .....	1,360,392	1,360,392	1,360,392		1,360,392
140	DEFENSE LEGAL SERVICES AGENCY .....	37,367	37,367	37,367		37,367
150	DEFENSE LOGISTICS AGENCY .....	450,863	456,863	450,863	1,400	452,263
	Efficiencies in the Continuity of Operations Policy .....				[-3,000]	
	Procurement Technical Assistance Centers .....		[6,000]			
	Procurement Technical Assistance Program .....				[6,000]	
	Unjustified Request for the Defense Property Accountability System Program Office .....				[-1,600]	
160	DEFENSE MEDIA ACTIVITY .....	256,133	256,133	256,133		256,133
170	DEFENSE POW/MIA OFFICE .....	22,372	22,372	22,372		22,372
180	DEFENSE SECURITY COOPERATION AGENCY - GLOBAL TRAIN AND EQUIP .....	500,000	400,000	350,000	-150,000	350,000
	Reduction to Global Train and Equip .....		[-100,000]	[-150,000]	[-150,000]	
185	DEFENSE SECURITY COOPERATION AGENCY - OTHER .....	182,831	182,831	180,551	-2,280	180,551
	Authorization Adjustment—Security Cooperation Assessment Office .....			[-2,280]	[-2,280]	
190	DEFENSE SECURITY SERVICE .....	505,366	505,366	505,366		505,366
200	DEFENSE TECHNOLOGY SECURITY ADMINISTRATION .....	33,848	33,848	33,848		33,848
210	DEFENSE THREAT REDUCTION AGENCY .....	432,133	432,133	432,133		432,133
220	DEPARTMENT OF DEFENSE EDUCATION ACTIVITY .....	2,768,677	2,768,677	2,648,677	-73,000	2,695,677
	DoD recommended reduction to MyCAA .....			[-120,000]		
	Transfer to Title XV: Child Care and Counseling .....				[-73,000]	
230	MISSILE DEFENSE AGENCY .....	202,758	202,758	202,758		202,758
250	OFFICE OF ECONOMIC ADJUSTMENT .....	81,754	81,754	48,754	-33,000	48,754
	Ahead of need - Guam FSRM .....			[-33,000]	[-33,000]	
260	OFFICE OF THE SECRETARY OF DEFENSE .....	2,201,964	2,313,964	2,181,964	-37,400	2,164,564

**SEC. 4301. OPERATION AND MAINTENANCE**  
**(In Thousands of Dollars)**

<b>Line</b>	<b>Item</b>	<b>FY 2012 Request</b>	<b>House Author- ized</b>	<b>Senate Author- ized</b>	<b>Con- ference Change</b>	<b>Con- ference Author- ized</b>
	<i>Additional Efficiencies Based on Disestablishment of the Assistant Secretary of Defense (Networks and Information Integration) .....</i>			[-10,000]	[-10,000]	
	<i>Department of Defense Corrosion Protection Projects .....</i>		[22,700]			
	<i>DOD Installation Energy Manager Training Program .....</i>		[3,000]			
	<i>Education and Employment Advocacy Program for Wounded Members of the Armed Forces .....</i>		[15,000]			
	<i>Establish Office of Language and Policy .....</i>		[6,000]			
	<i>Insider Threat Detection Program .....</i>		[5,000]			
	<i>Office of Net Assessment .....</i>		[1,300]			
	<i>Postal Benefits Program .....</i>		[12,000]			
	<i>Sexual Assault Response Coordinators and Victim Advocates .....</i>		[45,000]			
	<i>Substance Abuse Prevention Pilot Program .....</i>		[1,000]			
	<i>Unjustified Growth for Boards and Commissions .....</i>				[-7,300]	
	<i>Unjustified Growth for Equipment Maintenance by Contract .....</i>			[-10,000]	[-10,000]	
	<i>Unjustified Growth for the Office of the Under Secretary of Defense, Policy and for other OSD Programs .....</i>				[-10,100]	
	<i>Wounded Warriors Career Program .....</i>		[1,000]			
270	WASHINGTON HEADQUARTERS SERVICE .....	563,184	563,184	550,684	-6,500	556,684
	<i>Removal of Fiscal Year 2011 Costs Budgeted for the Defense Agencies Initiative .....</i>			[-6,500]	[-6,500]	
	<i>Removal of FY11 Costs Budgeted for Boards, Commissions and Task Forces .....</i>			[-6,000]		
275	CLASSIFIED PROGRAMS .....	14,068,492	14,068,492	13,911,653	-439,984	13,628,508
	<i>Classified adjustment .....</i>			[-156,839]	[-439,984]	
	<b>SUBTOTAL ADMIN &amp; SRVWD ACTIVITIES .....</b>	<b>26,172,433</b>	<b>26,181,064</b>	<b>25,647,814</b>	<b>-810,394</b>	<b>25,362,039</b>
	<b>UNDISTRIBUTED</b>					
280	UNDISTRIBUTED .....		-413,000	-874,800	-155,245	-155,245
	<i>DOD Impact Aid (Section 581) .....</i>		[40,000]	[25,000]	[40,000]	
	<i>Management efficiencies in the military intelligence program .....</i>			[-41,300]		
	<i>Printing &amp; Reproduction (10% cut)—Efficiency .....</i>		[-4,300]	[-4,300]		
	<i>Red Cross Reimbursement for Humanitarian Support to Service Members .....</i>		[25,000]			
	<i>Reduction in funding for contract services .....</i>			[-694,800]		
	<i>Reduction in funding for DoD business systems .....</i>			[-27,600]		
	<i>Reduction to Federally Funded Research and Development Centers .....</i>				[-150,245]	
	<i>Severe disabilities .....</i>			[5,000]	[5,000]	
	<i>Studies, Analysis &amp; Evaluations (10% cut)—Efficiency .....</i>		[-16,900]	[-16,900]		
	<i>Unobligated balances .....</i>		[-456,800]	[-119,900]	[-50,000]	
	<b>SUBTOTAL UNDISTRIBUTED .....</b>		<b>-413,000</b>	<b>-874,800</b>	<b>-155,245</b>	<b>-155,245</b>
	<b>TOTAL OPERATION &amp; MAINTENANCE, DEFENSE-WIDE .....</b>	<b>30,940,409</b>	<b>30,539,040</b>	<b>29,442,583</b>	<b>-1,064,046</b>	<b>29,876,363</b>
	<b>OPERATION &amp; MAINTENANCE, ARMY RESERVE</b>					
	<b>OPERATING FORCES</b>					
010	MANEUVER UNITS .....	1,091	1,091	1,091		1,091
020	MODULAR SUPPORT BRIGADES .....	18,129	18,129	18,129		18,129
030	ECHELONS ABOVE BRIGADE .....	492,705	492,705	492,705		492,705
040	THEATER LEVEL ASSETS .....	137,304	137,304	137,304		137,304
050	LAND FORCES OPERATIONS SUPPORT .....	597,786	597,786	597,786		597,786
060	AVIATION ASSETS .....	67,366	71,666	67,366		67,366
	<i>Restore Flying Hours to Army Reserve .....</i>		[4,300]			
070	FORCE READINESS OPERATIONS SUPPORT .....	474,966	474,966	474,966	-26,443	448,523
	<i>Sustainment Costs For Weapons of Mass Destruction Equipment Purchases Not Needed in Fiscal Year 2012 .....</i>				[-6,000]	
	<i>Unjustified Funding for Milcon Planning and Design .....</i>				[-20,443]	
080	LAND FORCES SYSTEMS READINESS .....	69,841	69,841	69,841		69,841
090	LAND FORCES DEPOT MAINTENANCE .....	247,010	247,010	247,010		247,010
100	BASE OPERATIONS SUPPORT .....	590,078	590,078	583,078	-7,000	583,078
	<i>Reduction for Payments to the General Services Administration for Standard Level User Charges Not Properly Accounted for in Budget Documentation .....</i>			[-7,000]	[-7,000]	
110	FACILITIES SUSTAINMENT, RESTORATION, & MODERNIZATION .....	255,618	282,618	255,618		255,618
	<i>Army Reserve Sustainment, Restoration and Modernization to 100% .....</i>		[27,000]			
125	UNDISTRIBUTED .....			-91,000		0
	<i>Decrease in OPTEMPO as cited by Army .....</i>			[-87,000]		
	<i>Deny Increase Budgeted for FY12 Price Growth for Civilian Compensation .....</i>			[-4,000]		
	<b>SUBTOTAL OPERATING FORCES .....</b>	<b>2,951,894</b>	<b>2,983,194</b>	<b>2,853,894</b>	<b>-33,443</b>	<b>2,918,451</b>
	<b>ADMIN &amp; SRVWD ACTIVITIES</b>					
130	SERVICEWIDE TRANSPORTATION .....	14,447	14,447	14,447		14,447
140	ADMINISTRATION .....	76,393	76,393	76,393		76,393
150	SERVICEWIDE COMMUNICATIONS .....	3,844	3,844	3,844		3,844
160	MANPOWER MANAGEMENT .....	9,033	9,033	9,033		9,033
170	RECRUITING AND ADVERTISING .....	53,565	53,565	53,565		53,565
	<b>SUBTOTAL ADMIN &amp; SRVWD ACTIVITIES .....</b>	<b>157,282</b>	<b>157,282</b>	<b>157,282</b>		<b>157,282</b>
	<b>UNDISTRIBUTED</b>					
175	UNDISTRIBUTED .....				-4,000	-4,000
	<i>Unjustified Increase Budgeted for Fiscal Year 2012 Price Growth for Civilian Compensation .....</i>				[-4,000]	

**SEC. 4301. OPERATION AND MAINTENANCE**  
(In Thousands of Dollars)

<b>Line</b>	<b>Item</b>	<b>FY 2012 Request</b>	<b>House Author- ized</b>	<b>Senate Author- ized</b>	<b>Con- ference Change</b>	<b>Con- ference Author- ized</b>
	<b>SUBTOTAL UNDISTRIBUTED</b> .....				<b>-4,000</b>	<b>-4,000</b>
	<b>TOTAL OPERATION &amp; MAINTENANCE, ARMY RESERVE</b> .....	<b>3,109,176</b>	<b>3,140,476</b>	<b>3,011,176</b>	<b>-37,443</b>	<b>3,071,733</b>
	<b>OPERATION &amp; MAINTENANCE, NAVY RESERVE</b>					
	<b>OPERATING FORCES</b>					
010	MISSION AND OTHER FLIGHT OPERATIONS .....	622,868	622,868	622,868		622,868
020	INTERMEDIATE MAINTENANCE .....	16,041	16,041	16,041		16,041
030	AIR OPERATIONS AND SAFETY SUPPORT .....	1,511	1,511	1,511		1,511
040	AIRCRAFT DEPOT MAINTENANCE .....	123,547	125,047	123,547		123,547
	Aviation Depot Maintenance .....		[1,500]			
050	AIRCRAFT DEPOT OPERATIONS SUPPORT .....	379	379	379		379
060	MISSION AND OTHER SHIP OPERATIONS .....	49,701	49,701	49,701		49,701
070	SHIP OPERATIONS SUPPORT & TRAINING .....	593	593	593		593
080	SHIP DEPOT MAINTENANCE .....	53,916	54,916	53,916		53,916
	Ship Depot Maintenance (Reserve) .....		[1,000]			
090	COMBAT COMMUNICATIONS .....	15,445	15,445	15,445		15,445
100	COMBAT SUPPORT FORCES .....	153,942	153,942	153,942		153,942
110	WEAPONS MAINTENANCE .....	7,292	7,292	7,292		7,292
120	ENTERPRISE INFORMATION .....	75,131	75,131	75,131	-18,000	57,131
	Unjustified Growth for Next Generation Enterprise Network Seat Services .....				[-18,000]	
130	SUSTAINMENT, RESTORATION AND MODERNIZATION .....	72,083	72,083	72,083		72,083
140	BASE OPERATING SUPPORT .....	109,024	109,024	109,024		109,024
	<b>SUBTOTAL OPERATING FORCES</b> .....	<b>1,301,473</b>	<b>1,303,973</b>	<b>1,301,473</b>	<b>-18,000</b>	<b>1,283,473</b>
	<b>ADMIN &amp; SRVWD ACTIVITIES</b>					
150	ADMINISTRATION .....	1,857	1,857	1,857		1,857
160	MILITARY MANPOWER AND PERSONNEL MANAGEMENT .....	14,438	14,438	14,438		14,438
170	SERVICEWIDE COMMUNICATIONS .....	2,394	2,394	2,394		2,394
180	ACQUISITION AND PROGRAM MANAGEMENT .....	2,972	2,972	2,972		2,972
	<b>SUBTOTAL ADMIN &amp; SRVWD ACTIVITIES</b> .....	<b>21,661</b>	<b>21,661</b>	<b>21,661</b>		<b>21,661</b>
	<b>TOTAL OPERATION &amp; MAINTENANCE, NAVY RESERVE</b> .....	<b>1,323,134</b>	<b>1,325,634</b>	<b>1,323,134</b>	<b>-18,000</b>	<b>1,305,134</b>
	<b>OPERATION &amp; MAINTENANCE, MARINE CORPS RESERVE</b>					
	<b>OPERATING FORCES</b>					
010	OPERATING FORCES .....	94,604	94,604	94,604		94,604
020	DEPOT MAINTENANCE .....	16,382	16,382	16,382		16,382
040	SUSTAINMENT, RESTORATION AND MODERNIZATION .....	31,520	31,520	31,520		31,520
050	BASE OPERATING SUPPORT .....	105,809	105,809	105,809		105,809
	<b>SUBTOTAL OPERATING FORCES</b> .....	<b>248,315</b>	<b>248,315</b>	<b>248,315</b>		<b>248,315</b>
	<b>ADMIN &amp; SRVWD ACTIVITIES</b>					
070	SERVICEWIDE TRANSPORTATION .....	852	852	852		852
080	ADMINISTRATION .....	13,257	13,257	13,257		13,257
090	RECRUITING AND ADVERTISING .....	9,019	9,019	9,019		9,019
	<b>SUBTOTAL ADMIN &amp; SRVWD ACTIVITIES</b> .....	<b>23,128</b>	<b>23,128</b>	<b>23,128</b>		<b>23,128</b>
	<b>TOTAL OPERATION &amp; MAINTENANCE, MARINE CORPS RESERVE</b> .....	<b>271,443</b>	<b>271,443</b>	<b>271,443</b>		<b>271,443</b>
	<b>OPERATION &amp; MAINTENANCE, AIR FORCE RESERVE</b>					
	<b>OPERATING FORCES</b>					
010	PRIMARY COMBAT FORCES .....	2,171,853	2,208,753	2,171,853		2,171,853
	Restore Flying Hours to FY11 levels .....		[36,900]			
020	MISSION SUPPORT OPERATIONS .....	116,513	116,513	116,513		116,513
030	DEPOT MAINTENANCE .....	471,707	471,707	471,707		471,707
040	FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION .....	77,161	91,161	77,161		77,161
	Air Force Reserve Sustainment, Restoration and Modernization to 100% .....		[14,000]			
050	BASE SUPPORT .....	308,974	308,974	308,974		308,974
	<b>SUBTOTAL OPERATING FORCES</b> .....	<b>3,146,208</b>	<b>3,197,108</b>	<b>3,146,208</b>		<b>3,146,208</b>
	<b>ADMIN &amp; SRVWD ACTIVITIES</b>					
060	ADMINISTRATION .....	84,423	84,423	84,423		84,423
070	RECRUITING AND ADVERTISING .....	17,076	17,076	17,076		17,076
080	MILITARY MANPOWER AND PERS MGMT (ARPC) .....	19,688	19,688	19,688		19,688
090	OTHER PERS SUPPORT (DISABILITY COMP) .....	6,170	6,170	6,170		6,170
100	AUDIOVISUAL .....	794	794	794		794
	<b>SUBTOTAL ADMIN &amp; SRVWD ACTIVITIES</b> .....	<b>128,151</b>	<b>128,151</b>	<b>128,151</b>		<b>128,151</b>
	<b>TOTAL OPERATION &amp; MAINTENANCE, AIR FORCE RESERVE</b> .....	<b>3,274,359</b>	<b>3,325,259</b>	<b>3,274,359</b>		<b>3,274,359</b>
	<b>OPERATION &amp; MAINTENANCE, ARMY NATIONAL GUARD</b>					
	<b>OPERATING FORCES</b>					
010	MANEUVER UNITS .....	634,181	634,181	634,181		634,181
020	MODULAR SUPPORT BRIGADES .....	189,899	189,899	189,899		189,899
030	ECHELONS ABOVE BRIGADE .....	751,899	751,899	751,899		751,899
040	THEATER LEVEL ASSETS .....	112,971	112,971	112,971		112,971



**SEC. 4301. OPERATION AND MAINTENANCE**  
**(In Thousands of Dollars)**

<b>Line</b>	<b>Item</b>	<b>FY 2012 Request</b>	<b>House Author- ized</b>	<b>Senate Author- ized</b>	<b>Con- ference Change</b>	<b>Con- ference Author- ized</b>
050	LAND FORCES OPERATIONS SUPPORT .....	33,972	33,972	33,972		33,972
060	AVIATION ASSETS .....	854,048	861,768	854,048	-16,000	838,048
	Restore O&M Funding for Guard C-23 .....		[7,720]			
	Unjustified Growth for Duty Military Occupation Specialities Qualified (DMOSQ) Training .....				[-16,000]	
070	FORCE READINESS OPERATIONS SUPPORT .....	706,299	713,299	706,299		706,299
	Civil Support Team Information Management Systems .....		[2,000]			
	Increase funding for Guard simulator training .....		[5,000]			
080	LAND FORCES SYSTEMS READINESS .....	50,453	50,453	50,453		50,453
090	LAND FORCES DEPOT MAINTENANCE .....	646,608	646,608	646,608		646,608
100	BASE OPERATIONS SUPPORT .....	1,028,126	1,028,126	988,626	-39,500	988,626
	Unjustified Growth for Public Affairs .....			[-4,500]	[-4,500]	
	Unjustified Growth for Travel .....			[-25,000]	[-25,000]	
	Unjustified Growth for Utilities Based on Metrics Provided in Budget Documentation ...			[-10,000]	[-10,000]	
110	FACILITIES SUSTAINMENT, RESTORATION, & MODERNIZATION .....	618,513	684,513	618,513		618,513
	Army National Guard Sustainment, Restoration and Modernization to 100% .....		[66,000]			
120	MANAGEMENT AND OPERATIONAL HQ .....	792,575	792,575	787,575	-5,000	787,575
	Army National Guard-Identified Excess .....			[-5,000]	[-5,000]	
	<b>SUBTOTAL OPERATING FORCES .....</b>	<b>6,419,544</b>	<b>6,500,264</b>	<b>6,375,044</b>	<b>-60,500</b>	<b>6,359,044</b>
	<b>ADMIN &amp; SRVWD ACTIVITIES</b>					
140	SERVICEWIDE TRANSPORTATION .....	11,703	11,703	11,703		11,703
150	ADMINISTRATION .....	178,655	178,655	178,655		178,655
160	SERVICEWIDE COMMUNICATIONS .....	42,073	42,073	42,073		42,073
170	MANPOWER MANAGEMENT .....	6,789	6,789	6,789		6,789
180	RECRUITING AND ADVERTISING .....	382,668	382,668	382,668		382,668
	<b>SUBTOTAL ADMIN &amp; SRVWD ACTIVITIES .....</b>	<b>621,888</b>	<b>621,888</b>	<b>621,888</b>		<b>621,888</b>
	<b>UNDISTRIBUTED</b>					
185	UNDISTRIBUTED .....			-156,500	-56,000	-56,000
	Decrease in OPTEMPO as cited by Army .....			[-125,500]	[-25,000]	
	Deny Increase Budgeted for Fiscal Year 2012 Price Growth for Civilian Compensation ...			[-11,000]	[-11,000]	
	Reduction in non-dual status technician limitation .....			[-20,000]	[-20,000]	
	<b>SUBTOTAL UNDISTRIBUTED .....</b>			<b>-156,500</b>	<b>-56,000</b>	<b>-56,000</b>
	<b>TOTAL OPERATION &amp; MAINTENANCE, ARMY NATIONAL GUARD .....</b>	<b>7,041,432</b>	<b>7,122,152</b>	<b>6,840,432</b>	<b>-116,500</b>	<b>6,924,932</b>
	<b>OPERATION &amp; MAINTENANCE, AIR NATIONAL GUARD</b>					
	<b>OPERATING FORCES</b>					
010	AIRCRAFT OPERATIONS .....	3,651,900	3,703,000	3,651,900	-4,000	3,647,900
	Overstated Requirement for Additional fiscal year 2012 Funding for Air Sovereignty Alert Program .....				[-4,000]	
	Restore Flying Hours to FY11 Levels .....		[51,100]			
020	MISSION SUPPORT OPERATIONS .....	751,519	751,519	751,519		751,519
030	DEPOT MAINTENANCE .....	753,525	753,525	753,525		753,525
040	FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION .....	284,348	330,348	284,348		284,348
	Air National Guard Sustainment, Restoration and Modernization to 100% .....		[46,000]			
050	BASE SUPPORT .....	621,942	621,942	588,442	-33,500	588,442
	O&M Air National Guard Request Inconsistent with Information Technology Budget Justification for Base Level Communication Infrastructure .....			[-23,500]	[-23,500]	
	O&M Air National Guard Request Inconsistent with MIP Budget Justification for Air Intelligence Systems .....			[-10,000]	[-10,000]	
	<b>SUBTOTAL OPERATING FORCES .....</b>	<b>6,063,234</b>	<b>6,160,334</b>	<b>6,029,734</b>	<b>-37,500</b>	<b>6,025,734</b>
	<b>ADMIN &amp; SRVWD ACTIVITIES</b>					
060	ADMINISTRATION .....	39,387	39,387	39,387		39,387
070	RECRUITING AND ADVERTISING .....	33,659	33,659	33,659		33,659
	<b>SUBTOTAL ADMIN &amp; SRVWD ACTIVITIES .....</b>	<b>73,046</b>	<b>73,046</b>	<b>73,046</b>		<b>73,046</b>
	<b>TOTAL OPERATION &amp; MAINTENANCE, AIR NATIONAL GUARD .....</b>	<b>6,136,280</b>	<b>6,233,380</b>	<b>6,102,780</b>	<b>-37,500</b>	<b>6,098,780</b>
	<b>MISCELLANEOUS APPROPRIATIONS</b>					
010	US COURT OF APPEALS FOR THE ARMED FORCES, DEFENSE .....	13,861	13,861	13,861		13,861
020	OVERSEAS HUMANITARIAN, DISASTER AND CIVIC AID .....	107,662	107,662	107,662		107,662
030	COOPERATIVE THREAT REDUCTION .....	508,219	508,219	508,219		508,219
040	ACQ WORKFORCE DEV FD .....	305,501	305,501	305,501	-200,000	105,501
	Program Decrease .....				[-200,000]	
050	ENVIRONMENTAL RESTORATION, ARMY .....	346,031	346,031	346,031		346,031
060	ENVIRONMENTAL RESTORATION, NAVY .....	308,668	308,668	308,668		308,668
070	ENVIRONMENTAL RESTORATION, AIR FORCE .....	525,453	503,453	525,453		525,453
	Unjustified program growth .....		[-22,000]			
080	ENVIRONMENTAL RESTORATION, DEFENSE .....	10,716	10,716	10,716		10,716
090	ENVIRONMENTAL RESTORATION, FORMERLY USED SITES .....	276,495	276,495	276,495		276,495
100	OVERSEAS CONTINGENCY OPERATIONS TRANSFER FUND .....	5,000		5,000	-5,000	0
	Program Reduction .....		[-5,000]		[-5,000]	
	<b>SUBTOTAL MISCELLANEOUS APPROPRIATIONS .....</b>	<b>2,407,606</b>	<b>2,380,606</b>	<b>2,407,606</b>	<b>-205,000</b>	<b>2,202,606</b>

**SEC. 4301. OPERATION AND MAINTENANCE**  
(In Thousands of Dollars)

<i>Line</i>	<i>Item</i>	<i>FY 2012 Request</i>	<i>House Author- ized</i>	<i>Senate Author- ized</i>	<i>Con- ference Change</i>	<i>Con- ference Author- ized</i>
	<b>TOTAL MISCELLANEOUS APPROPRIATIONS .....</b>	<b>2,407,606</b>	<b>2,380,606</b>	<b>2,407,606</b>	<b>-205,000</b>	<b>2,202,606</b>
010	DEFERRED EXPENSES FOR FOREIGN OPERATIONS .....			406,605		0
	Deferred Expenses for foreign operations .....			[406,605]		
	.....			<b>406,605</b>		
	<b>TOTAL DEFERRED EXPENSES FOR FOREIGN OPERATIONS .....</b>			<b>406,605</b>		<b>0</b>
	<b>TOTAL OPERATION &amp; MAINTENANCE .....</b>	<b>170,759,313</b>	<b>171,137,669</b>	<b>160,846,587</b>	<b>-8,571,487</b>	<b>162,187,826</b>

**SEC. 4302. OPERATION AND MAINTENANCE FOR OVERSEAS CONTINGENCY OPERATIONS.**

**SEC. 4302. OPERATION AND MAINTENANCE FOR OVERSEAS CONTINGENCY OPERATIONS**  
(In Thousands of Dollars)

<i>Line</i>	<i>Item</i>	<i>FY 2012 Request</i>	<i>House Author- ized</i>	<i>Senate Author- ized</i>	<i>Con- ference Change</i>	<i>Con- ference Author- ized</i>
	<b>OPERATION &amp; MAINTENANCE, ARMY OPERATING FORCES</b>					
040	THEATER LEVEL ASSETS .....	3,424,314	3,424,314	3,453,306	60,769	3,485,083
	Transfer from Title III: Chemical Defense Equipment .....				[8,579]	
	Transfer from Title III: Combined Arms Training Strategy .....				[23,198]	
	Transfer from Title III: Theater Demand Reduction .....			[18,692]	[18,692]	
	Transfer from Title III: UAS—Gray Eagle Satellite Service .....			[10,300]	[10,300]	
050	LAND FORCES OPERATIONS SUPPORT .....	1,534,886	1,534,886	1,580,290	172,818	1,707,704
	Transfer from Title III: Combat Training Center Role Players .....				[30,091]	
	Transfer from Title III: Fox Nuclear Biological and Chemical Reconnaissance Vehicle Con- tract Logistics Support .....				[12,062]	
	Transfer from Title III: Joint Maneuver Readiness Center Opposing Force Augmentation ....				[4,545]	
	Transfer from Title III: Joint Readiness Training Center Opposing Force Augmentation .....				[26,940]	
	Transfer from Title III: MRAP Vehicle Sustainment at Combat Training Centers .....			[6,420]	[6,420]	
	Transfer from Title III: National Training Center Tier Two Level Maintenance Contract ....			[24,000]	[24,000]	
	Transfer from Title III: National Training Center War Fighter Focus .....				[26,650]	
	Transfer from Title III: Sustainment Brigade and Functional Brigade Warfighter Exercise ...				[20,285]	
	Transfer from Title III: Theater Demand Reduction .....			[14,984]	[14,984]	
	Transfer from Title III: Tube-Launched, Optically-Tracked, Wire-Guided Missile (TOW) Im- proved Target Acquisition System (ITAS) Contract Logistics Support .....				[6,841]	
060	AVIATION ASSETS .....	87,166	87,166	148,671	68,112	155,278
	Transfer from Title III: Combined Arms Training Strategy .....				[6,607]	
	Transfer from Title III: Theater Demand Reduction .....			[61,505]	[61,505]	
070	FORCE READINESS OPERATIONS SUPPORT .....	2,675,821	2,675,821	2,747,481	140,656	2,816,477
	Transfer from Title III: Battle Simulation Centers .....				[59,702]	
	Transfer from Title III: Body Armor Sustainment .....			[71,660]	[71,660]	
	Transfer from Title III: Rapid Equipping Force Readiness .....				[9,294]	
080	LAND FORCES SYSTEMS READINESS .....	579,000	579,000	579,000	26,332	605,332
	Transfer from Title III: Capability Development and Integration .....				[5,161]	
	Transfer from Title III: Fixed Wing Life Cycle Contract Support .....				[21,171]	
090	LAND FORCES DEPOT MAINTENANCE .....	1,000,000	1,000,000	1,000,000		1,000,000
100	BASE OPERATIONS SUPPORT .....	951,371	951,371	1,151,371	240,336	1,191,707
	Transfer from Title III: Overseas Security Guards .....			[200,000]	[200,000]	
	Transfer from Title III: Senior Leader Initiative: Comprehensive Soldier Fitness Program ....				[30,000]	
	Transfer from Title III: Training Range Maintenance .....				[10,336]	
110	FACILITIES SUSTAINMENT, RESTORATION, & MODERNIZATION .....	250,000	250,000	250,000		250,000
140	ADDITIONAL ACTIVITIES .....	22,998,441	22,998,441	23,099,456	1,874,053	24,872,494
	ARGUS A-160 Deployment Delays .....			[-40,000]		
	Military Information Support Operations .....				[-40,625]	
	Synchronization Pre-Deployment and Operational Tracker Fully Funded in O&M DW Base Request in fiscal year 2012 .....					
	Transfer from Base, SAG 111: MRAP Vehicle Sustainment .....				[-12,000]	[-12,000]
	Transfer from Base, SAG 111: Theater Demand Reduction .....				[2,539]	[2,539]
	Transfer from Base, SAG 112: Theater Demand Reduction .....				[148,194]	[148,194]
	Transfer from Base, SAG 112: Theater Demand Reduction .....				[2,282]	[2,282]
	Transfer from title III—Readiness (transfer from BA-I undistributed) .....					[1,454,500]
	Transfer from title III SAG 111—Combined Arms Training Strategy .....					[217,376]
	Transfer from title III SAG 112—Combined Arms Training Strategy .....					[11,752]
	Transfer from title III SAG 113—Combined Arms Training Strategy .....					[74,852]
	Transfer from title III SAG 321—Survivability and Maneuverability Training .....					[15,183]
150	COMMANDERS EMERGENCY RESPONSE PROGRAM .....	425,000	425,000	400,000	-25,000	400,000
	Unjustified Request for CERP Iraq .....			[-25,000]	[-25,000]	
160	RESET .....	3,955,429	3,955,429	3,955,429		3,955,429
175	UNDISTRIBUTED .....			3,000,000		
	Transfer from Base: Readiness and Depot Maintenance (BA-I Undistributed) .....			[3,000,000]		
	<b>SUBTOTAL OPERATING FORCES .....</b>	<b>37,881,428</b>	<b>37,881,428</b>	<b>41,365,004</b>	<b>2,558,076</b>	<b>40,439,504</b>
	<b>ADMIN &amp; SRVWIDE ACTIVITIES</b>					
340	SECURITY PROGRAMS .....	2,476,766	2,476,766	2,476,766	-40,000	2,436,766

**SEC. 4302. OPERATION AND MAINTENANCE FOR OVERSEAS CONTINGENCY OPERATIONS**  
(In Thousands of Dollars)

<b>Line</b>	<b>Item</b>	<b>FY 2012 Request</b>	<b>House Author- ized</b>	<b>Senate Author- ized</b>	<b>Con- ference Change</b>	<b>Con- ference Author- ized</b>
	ARGUS A-160 deployment delays .....				[-40,000]	
350	SERVICEWIDE TRANSPORTATION .....	3,507,186	3,507,186	3,507,186		3,507,186
360	CENTRAL SUPPLY ACTIVITIES .....	50,740	50,740	50,740		50,740
380	AMMUNITION MANAGEMENT .....	84,427	84,427	84,427		84,427
400	SERVICEWIDE COMMUNICATIONS .....	66,275	66,275	66,275		40,075
	Transfer to Title II—Automated Biometric Identification System .....				[-26,200]	
420	OTHER PERSONNEL SUPPORT .....	143,391	143,391	143,391		143,391
430	OTHER SERVICE SUPPORT .....	92,067	92,067	92,067		92,067
	<b>SUBTOTAL ADMIN &amp; SRVWIDE ACTIVITIES .....</b>	<b>6,420,852</b>	<b>6,420,852</b>	<b>6,420,852</b>	<b>-66,200</b>	<b>6,354,652</b>
	<b>UNDISTRIBUTED</b>					
480	UNDISTRIBUTED .....				-1,195,000	-1,195,000
	Department of Defense—Excess to Requirement .....				[-1,195,000]	
	<b>SUBTOTAL UNDISTRIBUTED .....</b>				<b>-1,195,000</b>	<b>-1,195,000</b>
	<b>TOTAL OPERATION &amp; MAINTENANCE, ARMY .....</b>	<b>44,302,280</b>	<b>44,302,280</b>	<b>47,785,856</b>	<b>1,296,876</b>	<b>45,599,156</b>
	<b>OPERATION &amp; MAINTENANCE, NAVY OPERATING FORCES</b>					
010	MISSION AND OTHER FLIGHT OPERATIONS .....	1,058,114	1,058,114	1,038,114	243,500	1,301,614
	Transfer from title III—Flying Hours .....				[180,945]	
	Transfer from title III—MV 22B Pricing Variance .....				[82,555]	
	Unjustified Growth for Temporary Duty .....			[-20,000]	[-20,000]	
020	FLEET AIR TRAINING .....	7,700	7,700	7,700		7,700
030	AVIATION TECHNICAL DATA & ENGINEERING SERVICES .....	9,200	9,200	9,200		9,200
040	AIR OPERATIONS AND SAFETY SUPPORT .....	12,934	12,934	12,934		12,934
050	AIR SYSTEMS SUPPORT .....	39,566	39,566	39,566		39,566
060	AIRCRAFT DEPOT MAINTENANCE .....	174,052	174,052	174,052		174,052
070	AIRCRAFT DEPOT OPERATIONS SUPPORT .....	1,586	1,586	1,586		1,586
080	AVIATION LOGISTICS .....	50,852	50,852	50,852		50,852
090	MISSION AND OTHER SHIP OPERATIONS .....	1,132,948	1,132,948	1,132,948	-25,000	1,107,948
	Redignment of Funding to SAG 2CIH not Accounted for in Budget Documentation .....				[-25,000]	
100	SHIP OPERATIONS SUPPORT & TRAINING .....	26,822	26,822	26,822		26,822
110	SHIP DEPOT MAINTENANCE .....	998,172	998,172	998,172		998,172
130	COMBAT COMMUNICATIONS .....	26,533	26,533	26,533		26,533
160	WARFARE TACTICS .....	22,657	22,657	22,657		22,657
170	OPERATIONAL METEOROLOGY AND OCEANOGRAPHY .....	28,141	28,141	28,141		28,141
180	COMBAT SUPPORT FORCES .....	1,932,640	1,932,640	1,932,640	192,801	2,125,441
	Transfer from Title III: Naval Expeditionary Combat Command Increases .....				[192,801]	
190	EQUIPMENT MAINTENANCE .....	19,891	19,891	19,891		19,891
210	COMBATANT COMMANDERS CORE OPERATIONS .....	5,465	5,465	5,465		5,465
220	COMBATANT COMMANDERS DIRECT MISSION SUPPORT .....	2,093	2,093	2,093	8,300	10,393
	Transfer from title III—JSOTF-Philippines .....				[8,300]	
250	IN-SERVICE WEAPONS SYSTEMS SUPPORT .....	125,460	125,460	125,460	9,000	134,460
	Transfer from Title III: Naval Expeditionary Combat Command .....				[9,000]	
260	WEAPONS MAINTENANCE .....	201,083	201,083	201,083	-35,000	166,083
	Unjustified Growth for Weapons Sustainment .....				[-35,000]	
270	OTHER WEAPON SYSTEMS SUPPORT .....	1,457	1,457	1,457		1,457
280	ENTERPRISE INFORMATION .....	5,095	5,095	5,095	-5,095	
	Navy-Identified Excess for Network Management Systems .....				[-5,095]	
290	SUSTAINMENT, RESTORATION AND MODERNIZATION .....	26,793	26,793	26,793		26,793
300	BASE OPERATING SUPPORT .....	352,210	352,210	344,880	42,670	394,880
	Civilian Pay Overstatement Due to No Requirement for FTE in this SAG .....				[-7,330]	
	Transfer from Title III: Regional/Emergency Operations Center .....				[50,000]	
305	UNDISTRIBUTED .....			495,000	495,000	495,000
	Transfer from Base: Readiness and Depot Maintenance (BA-I Undistributed) .....			[495,000]	[495,000]	
	<b>SUBTOTAL OPERATING FORCES .....</b>	<b>6,261,464</b>	<b>6,261,464</b>	<b>6,729,134</b>	<b>926,176</b>	<b>7,187,640</b>
	<b>MOBILIZATION</b>					
310	SHIP PREPOSITIONING AND SURGE .....	29,010	29,010	29,010		29,010
340	EXPEDITIONARY HEALTH SERVICES SYSTEMS .....	34,300	34,300	34,300	30,004	64,304
	Redignment of Funding from 1B1B not Accounted for in Budget Documentation .....				[25,000]	
	Transfer from Title III: Medical/Equipment costs for USNS MERCY .....				[5,004]	
360	COAST GUARD SUPPORT .....	258,278	258,278		-258,278	
	Direct Appropriation to Department of Homeland Security .....			[-258,278]	[-258,278]	
	<b>SUBTOTAL MOBILIZATION .....</b>	<b>321,588</b>	<b>321,588</b>	<b>63,310</b>	<b>-228,274</b>	<b>93,314</b>
	<b>TRAINING AND RECRUITING</b>					
400	SPECIALIZED SKILL TRAINING .....	69,961	69,961	69,961	3,000	72,961
	Transfer from Title III: Naval Sea Systems Command Visit, Board, Search and Seizure (VBSS)/Explosive Ordnance Device (EOD) Training .....				[3,000]	
430	TRAINING SUPPORT .....	5,400	5,400	5,400		5,400
	<b>SUBTOTAL TRAINING AND RECRUITING .....</b>	<b>75,361</b>	<b>75,361</b>	<b>75,361</b>	<b>3,000</b>	<b>78,361</b>
	<b>ADMIN &amp; SRVWD ACTIVITIES</b>					
480	ADMINISTRATION .....	2,348	2,348	2,348		2,348
510	MILITARY MANPOWER AND PERSONNEL MANAGEMENT .....	6,142	6,142	6,142	12,557	18,699

**SEC. 4302. OPERATION AND MAINTENANCE FOR OVERSEAS CONTINGENCY OPERATIONS**  
*(In Thousands of Dollars)*

<i>Line</i>	<i>Item</i>	<i>FY 2012 Request</i>	<i>House Author- ized</i>	<i>Senate Author- ized</i>	<i>Con- ference Change</i>	<i>Con- ference Author- ized</i>
	Transfer from Title III: Family Readiness Programs .....				[3,557]	
	Transfer from Title III: Navy Manpower and Personnel System/NSIPS .....				[9,000]	
520	OTHER PERSONNEL SUPPORT .....	5,849	5,849	5,849		5,849
530	SERVICEWIDE COMMUNICATIONS .....	28,511	28,511	28,511		28,511
550	SERVICEWIDE TRANSPORTATION .....	263,593	263,593	263,593	-25,000	238,593
	Unjustified Growth for Transportation Estimates .....				[-25,000]	
580	ACQUISITION AND PROGRAM MANAGEMENT .....	17,414	17,414	17,414		17,414
610	SPACE AND ELECTRONIC WARFARE SYSTEMS .....	1,075	1,075	1,075		1,075
620	NAVAL INVESTIGATIVE SERVICE .....	6,564	6,564	6,564		6,564
650	FOREIGN COUNTERINTELLIGENCE .....	14,598	14,598	14,598		14,598
705	CLASSIFIED PROGRAMS .....	2,060	2,060	2,060		2,060
	<b>SUBTOTAL ADMIN &amp; SRVWD ACTIVITIES</b> .....	<b>348,154</b>	<b>348,154</b>	<b>348,154</b>	<b>-12,443</b>	<b>335,711</b>
	<b>TOTAL OPERATION &amp; MAINTENANCE, NAVY</b> .....	<b>7,006,567</b>	<b>7,006,567</b>	<b>7,215,959</b>	<b>688,459</b>	<b>7,695,026</b>
	<b>OPERATION &amp; MAINTENANCE, MARINE CORPS</b>					
	<b>OPERATING FORCES</b>					
010	OPERATIONAL FORCES .....	2,069,485	2,069,485	2,096,485	17,000	2,086,485
	Marine Corps Requested Transfer for Family of Shelters from Procurement, Marine Corps line 38 .....			[27,000]	[17,000]	
020	FIELD LOGISTICS .....	575,843	575,843	575,843		575,843
030	DEPOT MAINTENANCE .....	251,100	251,100	363,100	112,000	363,100
	Transfer from Title III: Depot Maintenance .....			[112,000]	[112,000]	
070	BASE OPERATING SUPPORT .....	82,514	82,514	82,514		82,514
075	UNDISTRIBUTED .....			235,000	235,000	235,000
	Transfer from Title III: Readiness and Depot Maintenance (BA-1 Undistributed) .....			[235,000]	[235,000]	
	<b>SUBTOTAL OPERATING FORCES</b> .....	<b>2,978,942</b>	<b>2,978,942</b>	<b>3,352,942</b>	<b>364,000</b>	<b>3,342,942</b>
	<b>TRAINING AND RECRUITING</b>					
130	TRAINING SUPPORT .....	209,784	209,784	209,784		209,784
	<b>SUBTOTAL TRAINING AND RECRUITING</b> .....	<b>209,784</b>	<b>209,784</b>	<b>209,784</b>		<b>209,784</b>
	<b>ADMIN &amp; SRVWD ACTIVITIES</b>					
180	SERVICEWIDE TRANSPORTATION .....	376,495	376,495	376,495		376,495
190	ADMINISTRATION .....	5,989	5,989	5,989		5,989
	<b>SUBTOTAL ADMIN &amp; SRVWD ACTIVITIES</b> .....	<b>382,484</b>	<b>382,484</b>	<b>382,484</b>		<b>382,484</b>
	<b>TOTAL OPERATION &amp; MAINTENANCE, MARINE CORPS</b> .....	<b>3,571,210</b>	<b>3,571,210</b>	<b>3,945,210</b>	<b>364,000</b>	<b>3,935,210</b>
	<b>OPERATION &amp; MAINTENANCE, AIR FORCE</b>					
	<b>OPERATING FORCES</b>					
010	PRIMARY COMBAT FORCES .....	2,115,901	2,115,901	2,185,901	70,000	2,185,901
	Transfer from Title III—Theater Security Package .....			[70,000]	[70,000]	
020	COMBAT ENHANCEMENT FORCES .....	2,033,929	2,033,929	2,033,929		2,033,929
030	AIR OPERATIONS TRAINING (OJT, MAINTAIN SKILLS) .....	46,844	46,844	46,844		46,844
050	DEPOT MAINTENANCE .....	312,361	312,361	312,361		312,361
060	FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION .....	334,950	334,950	334,950		334,950
070	BASE SUPPORT .....	641,404	641,404	641,404		641,404
080	GLOBAL C3I AND EARLY WARNING .....	69,330	69,330	69,330		69,330
090	OTHER COMBAT OPS SPT PROGRAMS .....	297,015	297,015	297,015		297,015
120	SPACE CONTROL SYSTEMS .....	16,833	16,833	16,833		16,833
130	COMBATANT COMMANDERS DIRECT MISSION SUPPORT .....	46,390	46,390	63,750	17,360	63,750
	Transfer from Title III: CENTCOM HQ C4 .....			[12,500]	[12,500]	
	Transfer from Title III: CENTCOM Public Affairs .....			[4,860]	[4,860]	
145	UNDISTRIBUTED .....			470,000	470,000	470,000
	Transfer from Title III: Readiness and Depot Maintenance (BA-1 Undistributed) .....			[470,000]	[470,000]	
	<b>SUBTOTAL OPERATING FORCES</b> .....	<b>5,914,957</b>	<b>5,914,957</b>	<b>6,472,317</b>	<b>557,360</b>	<b>6,472,317</b>
	<b>MOBILIZATION</b>					
150	AIRLIFT OPERATIONS .....	3,533,338	3,533,338	3,533,338		3,533,338
160	MOBILIZATION PREPAREDNESS .....	85,416	85,416	85,416		85,416
170	DEPOT MAINTENANCE .....	161,678	161,678	161,678		161,678
180	FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION .....	9,485	9,485	9,485		9,485
190	BASE SUPPORT .....	30,033	30,033	30,033		30,033
	<b>SUBTOTAL MOBILIZATION</b> .....	<b>3,819,950</b>	<b>3,819,950</b>	<b>3,819,950</b>		<b>3,819,950</b>
	<b>TRAINING AND RECRUITING</b>					
230	FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION .....	908	908	908		908
240	BASE SUPPORT .....	2,280	2,280	2,280		2,280
250	SPECIALIZED SKILL TRAINING .....	29,592	29,592	29,592		29,592
260	FLIGHT TRAINING .....	154	154	154		154
270	PROFESSIONAL DEVELOPMENT EDUCATION .....	691	691	691		691
280	TRAINING SUPPORT .....	753	753	753		753
	<b>SUBTOTAL TRAINING AND RECRUITING</b> .....	<b>34,378</b>	<b>34,378</b>	<b>34,378</b>		<b>34,378</b>
	<b>ADMIN &amp; SRVWD ACTIVITIES</b>					
350	LOGISTICS OPERATIONS .....	155,121	155,121	155,121		155,121

**SEC. 4302. OPERATION AND MAINTENANCE FOR OVERSEAS CONTINGENCY OPERATIONS**  
(In Thousands of Dollars)

Line	Item	FY 2012 Request	House Author- ized	Senate Author- ized	Con- ference Change	Con- ference Author- ized
390	BASE SUPPORT .....	20,677	20,677	20,677		20,677
400	ADMINISTRATION .....	3,320	3,320	3,320		3,320
410	SERVICEWIDE COMMUNICATIONS .....	111,561	111,561	111,561		111,561
420	OTHER SERVICEWIDE ACTIVITIES .....	605,223	605,223	605,223		605,223
465	CLASSIFIED PROGRAMS .....	54,000	54,000	54,000		54,000
	<b>SUBTOTAL ADMIN &amp; SRVWD ACTIVITIES .....</b>	<b>949,902</b>	<b>949,902</b>	<b>949,902</b>		<b>949,902</b>
	<b>UNDISTRIBUTED</b>					
470	UNDISTRIBUTED .....			-25,000	-25,000	-25,000
	Unjustified Growth in Civilian Personnel Costs .....			[-25,000]	[-25,000]	
	<b>SUBTOTAL UNDISTRIBUTED .....</b>			<b>-25,000</b>	<b>-25,000</b>	<b>-25,000</b>
	<b>TOTAL OPERATION &amp; MAINTENANCE, AIR FORCE .....</b>	<b>10,719,187</b>	<b>10,719,187</b>	<b>11,251,547</b>	<b>532,360</b>	<b>11,251,547</b>
	<b>OPERATION &amp; MAINTENANCE, DEFENSE-WIDE</b>					
	<b>OPERATING FORCES</b>					
010	JOINT CHIEFS OF STAFF .....	2,000	2,000	2,000		2,000
020	SPECIAL OPERATIONS COMMAND .....	3,269,939	3,269,939	3,283,939	25,300	3,295,239
	Military Information Support Activities—Transfer from Base .....			[50,300]	[50,300]	
	Trans Regional Web Initiative .....			[-11,300]		
	Unjustified Program Growth in Operating Support for Operation New Dawn .....			[-25,000]	[-25,000]	
	<b>SUBTOTAL OPERATING FORCES .....</b>	<b>3,271,939</b>	<b>3,271,939</b>	<b>3,285,939</b>	<b>25,300</b>	<b>3,297,239</b>
	<b>ADMIN &amp; SRVWD ACTIVITIES</b>					
080	DEFENSE CONTRACT AUDIT AGENCY .....	23,478	23,478	23,478		23,478
090	DEFENSE CONTRACT MANAGEMENT AGENCY .....	87,925	87,925	87,925		87,925
120	DEFENSE INFORMATION SYSTEMS AGENCY .....	164,520	164,520	164,520		164,520
140	DEFENSE LEGAL SERVICES AGENCY .....	102,322	102,322	67,322	-35,000	67,322
	Unjustified Program Growth .....			[-35,000]	[-35,000]	
160	DEFENSE MEDIA ACTIVITY .....	15,457	15,457	15,457		15,457
185	DEFENSE SECURITY COOPERATION AGENCY—OTHER .....	2,200,000	2,200,000	2,140,000	-60,000	2,140,000
	Coalition Support Funds: Excess to Need for Contract Renewal .....			[-60,000]	[-60,000]	
220	DEPARTMENT OF DEFENSE EDUCATION ACTIVITY .....	194,100	194,100	194,100	73,000	267,100
	Transfer from Title III: Child Care and Counseling .....				[73,000]	
260	OFFICE OF THE SECRETARY OF DEFENSE .....	143,870	143,870	143,870		143,870
275	CLASSIFIED PROGRAMS .....	3,065,800	3,065,800	3,065,800	-24,000	3,041,800
	Classified Adjustment .....				[-24,000]	
	<b>SUBTOTAL ADMIN &amp; SRVWD ACTIVITIES .....</b>	<b>5,997,472</b>	<b>5,997,472</b>	<b>5,902,472</b>	<b>-46,000</b>	<b>5,951,472</b>
	<b>TOTAL OPERATION &amp; MAINTENANCE, DEFENSE-WIDE .....</b>	<b>9,269,411</b>	<b>9,269,411</b>	<b>9,188,411</b>	<b>-20,700</b>	<b>9,248,711</b>
	<b>OPERATION &amp; MAINTENANCE, ARMY RESERVE</b>					
	<b>OPERATING FORCES</b>					
030	ECHELONS ABOVE BRIGADE .....	84,200	84,200	84,200		84,200
050	LAND FORCES OPERATIONS SUPPORT .....	28,100	28,100	28,100		28,100
070	FORCE READINESS OPERATIONS SUPPORT .....	20,700	20,700	10,700		20,700
	Duplicate Request for Military Pay Support Contract (requested both in SAG 121 and 131) ...			[-10,000]		
100	BASE OPERATIONS SUPPORT .....	84,500	84,500	84,500		84,500
	<b>SUBTOTAL OPERATING FORCES .....</b>	<b>217,500</b>	<b>217,500</b>	<b>207,500</b>		<b>217,500</b>
	<b>TOTAL OPERATION &amp; MAINTENANCE, ARMY RESERVE .....</b>	<b>217,500</b>	<b>217,500</b>	<b>207,500</b>		<b>217,500</b>
	<b>OPERATION &amp; MAINTENANCE, NAVY RESERVE</b>					
	<b>OPERATING FORCES</b>					
010	MISSION AND OTHER FLIGHT OPERATIONS .....	38,402	38,402	38,402		38,402
020	INTERMEDIATE MAINTENANCE .....	400	400	400		400
040	AIRCRAFT DEPOT MAINTENANCE .....	11,330	11,330	11,330		11,330
060	MISSION AND OTHER SHIP OPERATIONS .....	10,137	10,137	10,137		10,137
100	COMBAT SUPPORT FORCES .....	13,827	13,827	13,827		13,827
140	BASE OPERATING SUPPORT .....	52	52	52		52
	<b>SUBTOTAL OPERATING FORCES .....</b>	<b>74,148</b>	<b>74,148</b>	<b>74,148</b>		<b>74,148</b>
	<b>TOTAL OPERATION &amp; MAINTENANCE, NAVY RESERVE .....</b>	<b>74,148</b>	<b>74,148</b>	<b>74,148</b>		<b>74,148</b>
	<b>OPERATION &amp; MAINTENANCE, MARINE CORPS RESERVE</b>					
	<b>OPERATING FORCES</b>					
010	OPERATING FORCES .....	31,284	31,284	31,284		31,284
050	BASE OPERATING SUPPORT .....	4,800	4,800	4,800		4,800
	<b>SUBTOTAL OPERATING FORCES .....</b>	<b>36,084</b>	<b>36,084</b>	<b>36,084</b>		<b>36,084</b>
	<b>TOTAL OPERATION &amp; MAINTENANCE, MARINE CORPS RESERVE .....</b>	<b>36,084</b>	<b>36,084</b>	<b>36,084</b>		<b>36,084</b>
	<b>OPERATION &amp; MAINTENANCE, AIR FORCE RESERVE</b>					
	<b>OPERATING FORCES</b>					
010	PRIMARY COMBAT FORCES .....	4,800	4,800	4,800		4,800
030	DEPOT MAINTENANCE .....	131,000	131,000	131,000		131,000
050	BASE SUPPORT .....	6,250	6,250	6,250		6,250

**SEC. 4302. OPERATION AND MAINTENANCE FOR OVERSEAS CONTINGENCY OPERATIONS**  
*(In Thousands of Dollars)*

<i>Line</i>	<i>Item</i>	<i>FY 2012 Request</i>	<i>House Author- ized</i>	<i>Senate Author- ized</i>	<i>Con- ference Change</i>	<i>Con- ference Author- ized</i>
	<b>SUBTOTAL OPERATING FORCES</b> .....	<b>142,050</b>	<b>142,050</b>	<b>142,050</b>		<b>142,050</b>
	<b>TOTAL OPERATION &amp; MAINTENANCE, AIR FORCE RESERVE</b> .....	<b>142,050</b>	<b>142,050</b>	<b>142,050</b>		<b>142,050</b>
	<b>OPERATION &amp; MAINTENANCE, ARMY NATIONAL GUARD OPERATING FORCES</b>					
010	MANEUVER UNITS .....	89,930	89,930	89,930		89,930
060	AVIATION ASSETS .....	130,848	130,848	130,848		130,848
070	FORCE READINESS OPERATIONS SUPPORT .....	110,011	110,011	110,011	-10,000	100,011
	Duplicate Request for Military Pay Support Contract (Requested in both SAG 121 and SAG 131) .....				[-10,000]	
100	BASE OPERATIONS SUPPORT .....	34,788	34,788	34,788		34,788
120	MANAGEMENT AND OPERATIONAL HQ .....	21,967	21,967	21,967		21,967
	<b>SUBTOTAL OPERATING FORCES</b> .....	<b>387,544</b>	<b>387,544</b>	<b>387,544</b>	<b>-10,000</b>	<b>377,544</b>
	<b>TOTAL OPERATION &amp; MAINTENANCE, ARMY NATIONAL GUARD</b> .....	<b>387,544</b>	<b>387,544</b>	<b>387,544</b>	<b>-10,000</b>	<b>377,544</b>
	<b>OPERATION &amp; MAINTENANCE, AIR NATIONAL GUARD OPERATING FORCES</b>					
020	MISSION SUPPORT OPERATIONS .....	34,050	34,050	34,050		34,050
	<b>SUBTOTAL OPERATING FORCES</b> .....	<b>34,050</b>	<b>34,050</b>	<b>34,050</b>		<b>34,050</b>
	<b>TOTAL OPERATION &amp; MAINTENANCE, AIR NATIONAL GUARD</b> .....	<b>34,050</b>	<b>34,050</b>	<b>34,050</b>		<b>34,050</b>
	<b>AFGHANISTAN SECURITY FORCES FUND MINISTRY OF DEFENSE</b>					
010	INFRASTRUCTURE .....	1,304,350	1,304,350	1,304,350		1,304,350
020	EQUIPMENT AND TRANSPORTATION .....	1,667,905	1,667,905	1,432,490	-235,415	1,432,490
	Revised Combined Security Transition Command—Afghanistan (CSTC-A) requirement .....			[-235,415]	[-235,415]	
030	TRAINING AND OPERATIONS .....	751,073	751,073	751,073		751,073
040	SUSTAINMENT .....	3,331,774	3,331,774	3,033,984	-297,790	3,033,984
	Revised Combined Security Transition Command—Afghanistan (CSTC-A) requirement .....			[-297,790]	[-297,790]	
	<b>SUBTOTAL MINISTRY OF DEFENSE</b> .....	<b>7,055,102</b>	<b>7,055,102</b>	<b>6,521,897</b>	<b>-533,205</b>	<b>6,521,897</b>
	<b>MINISTRY OF INTERIOR</b>					
060	INFRASTRUCTURE .....	1,128,584	1,128,584	1,128,584		1,128,584
070	EQUIPMENT AND TRANSPORTATION .....	1,530,420	1,530,420	601,915	-928,505	601,915
	Revised Combined Security Transition Command—Afghanistan (CSTC-A) requirement .....			[-928,505]	[-928,505]	
080	TRAINING AND OPERATIONS .....	1,102,430	1,102,430	1,102,430		1,102,430
090	SUSTAINMENT .....	1,938,715	1,938,715	1,800,425	-138,290	1,800,425
	Revised Combined Security Transition Command—Afghanistan (CSTC-A) requirement .....			[-138,290]	[-138,290]	
	<b>SUBTOTAL MINISTRY OF INTERIOR</b> .....	<b>5,700,149</b>	<b>5,700,149</b>	<b>4,633,354</b>	<b>-1,066,795</b>	<b>4,633,354</b>
	<b>ASSOCIATED ACTIVITIES</b>					
110	SUSTAINMENT .....	21,187	21,187	21,187		21,187
120	TRAINING AND OPERATIONS .....	7,344	7,344	7,344		7,344
130	INFRASTRUCTURE .....	15,000	15,000	15,000		15,000
150	EQUIPMENT AND TRANSPORTATION .....	1,218	1,218	1,218		1,218
	<b>SUBTOTAL ASSOCIATED ACTIVITIES</b> .....	<b>44,749</b>	<b>44,749</b>	<b>44,749</b>		<b>44,749</b>
	<b>TOTAL AFGHANISTAN SECURITY FORCES FUND</b> .....	<b>12,800,000</b>	<b>12,800,000</b>	<b>11,200,000</b>	<b>-1,600,000</b>	<b>11,200,000</b>
	<b>PAKISTAN COUNTERINSURGENCY FUND UNDISTRIBUTED</b>					
010	UNDISTRIBUTED .....		1,100,000			
	Realignment of funds from Department of State .....		[1,100,000]			
	<b>SUBTOTAL UNDISTRIBUTED</b> .....		<b>1,100,000</b>			
	<b>TOTAL PAKISTAN COUNTERINSURGENCY FUND</b> .....		<b>1,100,000</b>			
	<b>AFGHANISTAN INFRASTRUCTURE FUND POWER</b>					
010	POWER .....	300,000	300,000	300,000		300,000
020	TRANSPORTATION .....	100,000	100,000	100,000		100,000
030	WATER .....	50,000	50,000	50,000		50,000
040	OTHER RELATED ACTIVITIES .....	25,000	25,000	25,000	-75,000	-50,000
	Authorization Adjustment .....				[-75,000]	
050	UNDISTRIBUTED .....			-75,000		
	Undistributed Reduction .....			[-75,000]		
	<b>SUBTOTAL POWER</b> .....	<b>475,000</b>	<b>475,000</b>	<b>400,000</b>	<b>-75,000</b>	<b>400,000</b>
	<b>TOTAL AFGHANISTAN INFRASTRUCTURE FUND</b> .....	<b>475,000</b>	<b>475,000</b>	<b>400,000</b>	<b>-75,000</b>	<b>400,000</b>
	<b>UNDISTRIBUTED GENERAL PROVISIONS</b>					
010	UNDISTRIBUTED GENERAL PROVISIONS .....			-4,000,000	-4,000,000	-4,000,000
	Reduction to reflect policy change on troop strength in Afghanistan .....			[-4,000,000]	[-4,000,000]	

**SEC. 4302. OPERATION AND MAINTENANCE FOR OVERSEAS CONTINGENCY OPERATIONS**  
(In Thousands of Dollars)

Line	Item	FY 2012 Request	House Author- ized	Senate Author- ized	Con- ference Change	Con- ference Author- ized
	<b>SUBTOTAL UNDISTRIBUTED GENERAL PROVISIONS</b> .....			-4,000,000	-4,000,000	-4,000,000
	<b>TOTAL UNDISTRIBUTED GENERAL PROVISIONS</b> .....			-4,000,000	-4,000,000	-4,000,000
	<b>TOTAL OPERATION &amp; MAINTENANCE</b> .....	89,035,031	90,135,031	87,868,359	-2,824,005	86,211,026

**TITLE XLIV—MILITARY PERSONNEL**

**SEC. 4401. MILITARY PERSONNEL.**

**SEC. 4401. MILITARY PERSONNEL**  
(In Thousands of Dollars)

Item	FY 2012 Request	House Author- ized	Senate Author- ized	Con- ference Change	Con- ference Author- ized
<b>MILITARY PERSONNEL</b> .....	142,828,848	142,174,158	142,347,648	-836,620	141,992,228
Extension of CENTCOM Rest and Recuperation Benefits .....		[5,000]			
Increase in Authorized Strengths for Marine Corps Officers on Active Duty in Field Grades (Section 501) .....		[6,000]			
Retain Carrier Air Wing Staff (Section 1095) .....		[2,310]			
Suicide Prevention Program .....		[5,000]			
Travel and Transportation Allowances for Non-Medical Attendants .....		[20,000]			
Unobligated Balances (Section 421) .....		[-693,000]	[-368,200]	[-325,620]	
Hostile fire pay proration .....			[-88,000]	[-42,000]	
Reduction of Army Referral Bonus .....			[-25,000]	[-21,000]	
Undistributed transfer to Title XV .....				[-448,000]	

**SEC. 4402. MILITARY PERSONNEL FOR OVERSEAS CONTINGENCY OPERATIONS.**

**SEC. 4402. MILITARY PERSONNEL FOR OVERSEAS CONTINGENCY OPERATIONS**  
(In Thousands of Dollars)

Item	FY 2012 Request	House Author- ized	Senate Author- ized	Con- ference Change	Con- ference Author- ized
<b>MILITARY PERSONNEL</b> .....	11,228,566	11,228,566	10,228,566	448,000	11,676,566
Undistributed Adjustment .....			[-1,000,000]		
Undistributed transfer from Title IV .....				[448,000]	

**TITLE XLV—OTHER AUTHORIZATIONS**

**SEC. 4501. OTHER AUTHORIZATIONS.**

**SEC. 4501. OTHER AUTHORIZATIONS**  
(In Thousands of Dollars)

Program Title	FY 2012 Request	House Author- ized	Senate Author- ized	Con- ference Change	Con- ference Author- ized
<b>WORKING CAPITAL FUND, ARMY</b>					
PREPOSITIONED WAR RESERVE STOCKS .....	101,194	101,194	91,594		101,194
Reduction in funding for DoD business systems .....			[-9,600]		
<b>TOTAL WORKING CAPITAL FUND, ARMY</b> .....	<b>101,194</b>	<b>101,194</b>	<b>91,594</b>		<b>101,194</b>
<b>WORKING CAPITAL FUND, AIR FORCE</b>					
<b>CONTAINER DECONSOLIDATION</b>					
WAR RESERVE MATERIAL .....	65,372	65,372	55,872		65,372
Reduction in funding for DoD business systems .....			[-9,500]		
<b>TOTAL WORKING CAPITAL FUND, AIR FORCE</b> .....	<b>65,372</b>	<b>65,372</b>	<b>55,872</b>		<b>65,372</b>
<b>WORKING CAPITAL FUND, DEFENSE-WIDE</b>					
<b>ADJ TO MATCH CONTINUING RESOLUTION</b>					
DEFENSE LOGISTICS AGENCY (DLA) .....	31,614	31,614	31,614		31,614
<b>TOTAL WORKING CAPITAL FUND, DEFENSE-WIDE</b> .....	<b>31,614</b>	<b>31,614</b>	<b>31,614</b>		<b>31,614</b>
<b>WORKING CAPITAL FUND, DECA</b>					
WORKING CAPITAL FUND, DECA .....	1,376,830	1,378,830	1,376,830		1,376,830
Enhanced Commissary Stores Pilot Program .....		[2,000]			
<b>TOTAL WORKING CAPITAL FUND, DECA</b> .....	<b>1,376,830</b>	<b>1,378,830</b>	<b>1,376,830</b>		<b>1,376,830</b>
<b>NATIONAL DEFENSE SEALIFT FUND</b>					
<b>T-AKE</b>					
MPF MLP .....	425,865	425,865	425,865	-25,865	400,000
Revised Mobile Landing Platform acquisition strategy .....				[-25,865]	

**SEC. 4501. OTHER AUTHORIZATIONS**  
(In Thousands of Dollars)

<i>Program Title</i>	<i>FY 2012 Request</i>	<i>House Author- ized</i>	<i>Senate Author- ized</i>	<i>Con- ference Change</i>	<i>Con- ference Author- ized</i>
POST DELIVERY AND OUTFITTING .....	24,161	24,161	24,161		24,161
NATIONAL DEF SEALIFT VESSEL .....	1,138	1,138	1,138		1,138
LG MED SPD RO/RO MAINTENANCE .....	92,567	92,567	92,567		92,567
DOD MOBILIZATION ALTERATIONS .....	184,109	184,109	184,109		184,109
TAH MAINTENANCE .....	40,831	40,831	40,831		40,831
<b>STRATEGIC SEALIFT SUPPORT</b>					
RESEARCH AND DEVELOPMENT .....	48,443	48,443	48,443		48,443
READY RESERVE FORCE .....	309,270	309,270	309,270		309,270
<b>TOTAL NATIONAL DEFENSE SEALIFT FUND .....</b>	<b>1,126,384</b>	<b>1,126,384</b>	<b>1,126,384</b>	<b>-25,865</b>	<b>1,100,519</b>
<b>DEFENSE HEALTH PROGRAM</b>					
IN-HOUSE CARE .....	8,148,856	8,148,856	8,148,856		8,148,856
PRIVATE SECTOR CARE .....	16,377,272	16,377,272	16,047,272	-330,000	16,047,272
TRICARE Historical Execution .....			[-330,000]	[-330,000]	
CONSOLIDATED HEALTH SUPPORT .....	2,193,821	2,193,821	2,193,821		2,193,821
INFORMATION MANAGEMENT .....	1,422,697	1,403,467	1,422,697		1,422,697
Electronic Health Record Way Ahead .....		[-15,480]			
Virtual Electronic Health Record .....		[-3,750]			
MANAGEMENT ACTIVITIES .....	312,102	312,102	307,102	-5,000	307,102
Contract Savings from Web Site Consolidation .....			[-2,000]	[-2,000]	
Strategic Communications .....			[-3,000]	[-3,000]	
EDUCATION AND TRAINING .....	705,347	705,347	693,647	-11,700	693,647
Unjustified Growth for Travel .....			[-11,700]	[-11,700]	
BASE OPERATIONS/COMMUNICATIONS .....	1,742,451	1,742,451	1,742,451		1,738,840
Adjustment for Civilian Pay Error .....				[-3,611]	
UNDISTRIBUTED .....		-153,500			
Breast Cancer Study .....		[10,000]			
Collaborative Military-Civilian Trauma Training Programs .....		[3,000]			
Competitive Programs for Alcohol and Substance Use Disorders .....		[5,000]			
Cooperative Health Care Agreements .....		[500]			
Defense Centers of Excellence for Psychological Health and Traumatic Brain Injury .....		[2,000]			
GAO Estimate of Unobligated Balances .....		[-225,000]			
Mental Health Initiatives .....		[10,000]			
Military Adaptive Sports Programs Section 582 .....		[5,000]			
Pilot Program for TBI and PTSD Treatment .....		[10,000]			
Prohibit TRICARE Prime Fee Increase for 1 year					
TBI and PTSD Initiatives .....		[20,000]			
Traumatic Brain Injury .....		[1,000]			
TRICARE for Certain Individual Ready Reserve members .....		[5,000]			
<b>WOUNDED WARRIOR MILITARY ADAPTIVE SPORTS PROGRAM</b>					
IN-HOUSE LABORATORY INDEPENDENT RESEARCH .....	2,935	2,935	2,935		2,935
<b>BASIC OPERATIONAL MEDICAL RESEARCH SCIENCE</b>					
APPLIED BIOMEDICAL TECHNOLOGY .....	33,805	33,805	33,805		33,805
MEDICAL TECHNOLOGY .....	3,694	3,694	3,694		3,694
MEDICAL ADVANCED TECHNOLOGY .....	767	767	767		767
MEDICAL TECHNOLOGY DEVELOPMENT .....	181,042	181,042	181,042		181,042
MEDICAL PRODUCTS SUPPORT AND ADVANCED CONCEPT DEVELOPMENT .....	167,481	167,481	167,481		167,481
INFORMATION TECHNOLOGY DEVELOPMENT .....	176,345	164,235	176,345		176,345
Electronic Health Record Way Ahead .....		[-11,360]			
Virtual Electronic Health Record .....		[-750]			
MEDICAL PRODUCTS AND SUPPORT SYSTEMS DEVELOPMENT .....	34,559	34,559	34,559		34,559
<b>SMALL BUSINESS INNOVATIVE RESEARCH</b>					
MEDICAL PROGRAM-WIDE ACTIVITIES .....	48,313	48,313	48,313		48,313
MEDICAL PRODUCTS AND CAPABILITIES ENHANCEMENT ACTIVITIES .....	14,765	14,765	14,765		14,765
UNDISTRIBUTED .....		2,000			
Prostate Cancer Imaging Research Initiative .....		[2,000]			
DEFENSE HEALTH PROGRAM .....	632,518	604,348	632,518		632,518
Electronic Health Record Way Ahead .....		[-28,170]			
<b>TOTAL DEFENSE HEALTH PROGRAM .....</b>	<b>32,198,770</b>	<b>31,987,760</b>	<b>31,852,070</b>	<b>-350,311</b>	<b>31,848,459</b>
<b>CHEM AGENTS &amp; MUNITIONS DESTRUCTION</b>					
CHEM DEMILITARIZATION—O&M .....	1,147,691	1,147,691	1,147,691		1,147,691
CHEM DEMILITARIZATION—RDT&E .....	406,731	406,731	406,731		406,731
<b>TOTAL CHEM AGENTS &amp; MUNITIONS DESTRUCTION .....</b>	<b>1,554,422</b>	<b>1,554,422</b>	<b>1,554,422</b>		<b>1,554,422</b>
<b>DRUG INTERDICTION AND COUNTER DRUG ACTIVITIES</b>					
DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES, DEFENSE .....	1,156,282	1,156,282	989,282	-2,952	1,153,330
Office of Naval Intelligence (PC 3359) .....			[-3,500]		
PC 2360 EUCOM Tactical Analysis Team Support—Previously Denied New Start .....				[-952]	
PC 9205 EUCOM Counternarcotics Operations Support—Authorization Adjustment for Un-justified Growth .....				[-2,000]	
Strategic communications/program termination (PC 9220) .....			[-500]		
Undistributed Reduction—Excess to Need .....			[-128,000]		
Undistributed reduction for contractor support .....			[-30,000]		
Undistributed reduction to U.S. European Command's counterdrug activities .....			[-5,000]		
<b>TOTAL DRUG INTERDICTION AND COUNTER DRUG ACTIVITIES .....</b>	<b>1,156,282</b>	<b>1,156,282</b>	<b>989,282</b>	<b>-2,952</b>	<b>1,153,330</b>



**SEC. 4501. OTHER AUTHORIZATIONS**  
(In Thousands of Dollars)

<i>Program Title</i>	<i>FY 2012 Request</i>	<i>House Authorized</i>	<i>Senate Authorized</i>	<i>Conference Change</i>	<i>Conference Authorized</i>
<b>OFFICE OF THE INSPECTOR GENERAL</b>					
OPERATION & MAINTENANCE .....	286,919	287,919	327,419	40,500	327,419
DOD IG Inspection of Military Cemeteries, Section 562 .....		[1,000]			
Program increase—Growth plan .....			[40,500]	[40,500]	
RDT&E .....	1,600	1,600	4,500	2,900	4,500
Program increase—Growth plan .....			[2,900]	[2,900]	
PROCUREMENT .....	1,000	1,000	1,000		1,000
<b>TOTAL OFFICE OF THE INSPECTOR GENERAL</b> .....	<b>289,519</b>	<b>290,519</b>	<b>332,919</b>	<b>43,400</b>	<b>332,919</b>
Creation of the Mission Force Enhancement Transfer Fund .....		[1,000,000]			
Program Decrease .....		[-1,000,000]			
<b>TOTAL OTHER AUTHORIZATIONS</b> .....	<b>37,900,387</b>	<b>37,692,377</b>	<b>37,410,987</b>	<b>-335,728</b>	<b>37,564,659</b>

**SEC. 4502. OTHER AUTHORIZATIONS FOR OVERSEAS CONTINGENCY OPERATIONS.**

**SEC. 4502. OTHER AUTHORIZATIONS FOR OVERSEAS CONTINGENCY OPERATIONS**  
(In Thousands of Dollars)

<i>Program Title</i>	<i>FY 2012 Request</i>	<i>House Authorized</i>	<i>Senate Authorized</i>	<i>Conference Change</i>	<i>Conference Authorized</i>
<b>WORKING CAPITAL FUND, ARMY</b>					
PREPOSITIONED WAR RESERVE STOCKS .....	54,000	54,000	54,000		54,000
<b>TOTAL WORKING CAPITAL FUND, ARMY</b> .....	<b>54,000</b>	<b>54,000</b>	<b>54,000</b>		<b>54,000</b>
<b>WORKING CAPITAL FUND, AIR FORCE</b>					
TRANSPORTATION FALLEN HEROES .....	10,000	10,000	10,000		10,000
CONTAINER DECONSOLIDATION .....	2,000	2,000	2,000		2,000
<b>TOTAL WORKING CAPITAL FUND, AIR FORCE</b> .....	<b>12,000</b>	<b>12,000</b>	<b>12,000</b>		<b>12,000</b>
<b>WORKING CAPITAL FUND, DEFENSE-WIDE</b>					
<b>ADJ TO MATCH CONTINUING RESOLUTION</b>					
DEFENSE LOGISTICS AGENCY (DLA) .....	369,013	369,013	316,413		369,013
Reduction in funding for DoD business systems .....			[-52,600]		
<b>TOTAL WORKING CAPITAL FUND, DEFENSE-WIDE</b> .....	<b>369,013</b>	<b>369,013</b>	<b>316,413</b>		<b>369,013</b>
<b>DEFENSE HEALTH PROGRAM</b>					
IN-HOUSE CARE .....	641,996	641,996	641,996		641,996
PRIVATE SECTOR CARE .....	464,869	464,869	464,869		464,869
CONSOLIDATED HEALTH SUPPORT .....	95,994	95,994	95,994		95,994
INFORMATION MANAGEMENT .....	5,548	5,548	5,548		5,548
MANAGEMENT ACTIVITIES .....	751	751	751		751
EDUCATION AND TRAINING .....	16,859	16,859	16,859		16,859
BASE OPERATIONS/COMMUNICATIONS .....	2,271	2,271	2,271		2,271
<b>TOTAL DEFENSE HEALTH PROGRAM</b> .....	<b>1,228,288</b>	<b>1,228,288</b>	<b>1,228,288</b>		<b>1,228,288</b>
<b>DRUG INTERDICTION AND COUNTER DRUG ACTIVITIES</b>					
DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES, DEFENSE .....	486,458	486,458	486,458	-30,000	456,458
CTF-Kabul HQ Facility—Funding No Longer Required .....				[-5,000]	
Mi-17s—Change in Acquisition Strategy .....				[-8,000]	
Program adjustment .....				[-7,000]	
Reduce Program Growth (Pakistan) .....				[-10,000]	
<b>TOTAL DRUG INTERDICTION AND COUNTER DRUG ACTIVITIES</b> .....	<b>486,458</b>	<b>486,458</b>	<b>486,458</b>	<b>-30,000</b>	<b>456,458</b>
<b>OFFICE OF THE INSPECTOR GENERAL</b>					
OPERATION & MAINTENANCE .....	11,055	11,055	11,055		11,055
<b>TOTAL OFFICE OF THE INSPECTOR GENERAL</b> .....	<b>11,055</b>	<b>11,055</b>	<b>11,055</b>		<b>11,055</b>
<b>TOTAL OTHER AUTHORIZATIONS</b> .....	<b>2,160,814</b>	<b>2,160,814</b>	<b>2,108,214</b>	<b>-30,000</b>	<b>2,130,814</b>

**TITLE XLVI—MILITARY CONSTRUCTION**

**SEC. 4601. MILITARY CONSTRUCTION.**

**SEC. 4601. MILITARY CONSTRUCTION**  
(In Thousands of Dollars)

<i>Account</i>	<i>State/Country</i>	<i>Installation</i>	<i>Project Title</i>	<i>Budget Request</i>	<i>House Authorized</i>	<i>Senate Authorized</i>	<i>Conference Change</i>	<i>Conference Authorized</i>
Army	AFGHANI-STAN	Bagram Air Base	Barracks, Ph 5	29,000	29,000	29,000		29,000
Army	AFGHANI-STAN	Bagram Air Base	Construct Drainage System, Ph 3	31,000	31,000	31,000		31,000

**SEC. 4601. MILITARY CONSTRUCTION**  
(In Thousands of Dollars)

<i>Account</i>	<i>State/ Country</i>	<i>Installation</i>	<i>Project Title</i>	<i>Budget Request</i>	<i>House Authorized</i>	<i>Senate Author- ized</i>	<i>Con- ference Change</i>	<i>Con- ference Author- ized</i>
Army	AFGHANI- STAN	Bagram Air Base	Entry Control Point	20,000	20,000	20,000		20,000
Army	ALABAMA	Fort Rucker	Combat Readiness Center	11,600	11,600	11,600		11,600
Army	ALASKA	Fort Wainwright	Aviation Complex, Ph 3A	114,000	114,000	57,000	-57,000	57,000
Army	ALASKA	Joint Base Elmen- dorf-Richardson	Brigade Complex, Ph 2	74,000	74,000	74,000		74,000
Army	ALASKA	Joint Base Elmen- dorf-Richardson	Organizational Parking	3,600	3,600	3,600		3,600
Army	ALASKA	Joint Base Elmen- dorf-Richardson	Physical Fitness Facility	26,000	26,000	26,000		26,000
Army	CALIFORNIA	Fort Irwin	Infantry Squad Battle Course	7,500	7,500	7,500		7,500
Army	CALIFORNIA	Fort Irwin	Qualification Training Range	15,500	15,500	15,500		15,500
Army	CALIFORNIA	Presidio Monterey	General Instruction Building	3,000	3,000	3,000		3,000
Army	COLORADO	Fort Carson	Aircraft Loading Area	34,000	34,000	34,000		34,000
Army	COLORADO	Fort Carson	Aircraft Maintenance Hangar	63,000	63,000	63,000		63,000
Army	COLORADO	Fort Carson	Barracks	46,000	46,000	46,000		46,000
Army	COLORADO	Fort Carson	Barracks	67,000	67,000	67,000		67,000
Army	COLORADO	Fort Carson	Brigade Headquarters	14,400	14,400	14,400		14,400
Army	COLORADO	Fort Carson	Control Tower	14,200	14,200	14,200		14,200
Army	GEORGIA	Fort Benning	Land Acquisition	25,000	25,000	25,000		25,000
Army	GEORGIA	Fort Benning	Land Acquisition	5,100	5,100	5,100		5,100
Army	GEORGIA	Fort Benning	Rail Loading Facility	13,600	13,600	13,600		13,600
Army	GEORGIA	Fort Benning	Trainee Barracks Complex, Ph 3	23,000	23,000	23,000		23,000
Army	GEORGIA	Fort Gordon	Hand Grenade Familiarization Range	1,450	1,450	1,450		1,450
Army	GEORGIA	Fort Stewart	Dog Kennel	2,600	2,600	2,600		2,600
Army	GERMANY	Germersheim	Central Distribution Facility	21,000	21,000	0	-21,000	0
Army	GERMANY	Germersheim	Infrastructure	16,500	16,500	0	-16,500	0
Army	GERMANY	Grafenwoehr	Barracks	17,500	17,500	17,500		17,500
Army	GERMANY	Grafenwoehr	Chapel	15,500	15,500	0		15,500
Army	GERMANY	Grafenwoehr	Convoy Live Fire Range	5,000	5,000	5,000		5,000
Army	GERMANY	Landstuhl	Satellite Communications Center	24,000	24,000	24,000		24,000
Army	GERMANY	Landstuhl	Satellite Communications Center	39,000	39,000	39,000		39,000
Army	GERMANY	Oberdachstetten	Automated Record Fire Range	12,200	12,200	12,200		12,200
Army	GERMANY	Stuttgart	Access Control Point	12,200	12,200	12,200		12,200
Army	GERMANY	Vilseck	Barracks	20,000	20,000	20,000		20,000
Army	HAWAII	Fort Shafter	Child Development Center	17,500	17,500	17,500		17,500
Army	HAWAII	Schofield Barracks	Centralized Wash Facility	32,000	32,000	32,000		32,000
Army	HAWAII	Schofield Barracks	Combat Aviation Brigade Complex, Ph 1	73,000	73,000	73,000		73,000
Army	HONDURAS	Honduras Various	Barracks	25,000	25,000	0	-25,000	0
Army	KANSAS	Forbes Air Field	Deployment Support Facility	5,300	5,300	5,300		5,300
Army	KANSAS	Fort Riley	Chapel	10,400	10,400	10,400		10,400
Army	KANSAS	Fort Riley	Physical Fitness Facility	13,000	13,000	13,000		13,000
Army	KANSAS	Fort Riley	Unmanned Aerial Vehicle Maintenance Hangar	60,000	60,000	60,000		60,000
Army	KENTUCKY	Fort Campbell	Barracks	23,000	23,000	23,000		23,000
Army	KENTUCKY	Fort Campbell	Barracks Complex	65,000	65,000	65,000		65,000
Army	KENTUCKY	Fort Campbell	Physical Fitness Facility	18,500	18,500	18,500		18,500
Army	KENTUCKY	Fort Campbell	Scout/RECCE Gunnery Range	18,000	18,000	18,000		18,000
Army	KENTUCKY	Fort Campbell	Unmanned Aerial Vehicle Maintenance Hangar	67,000	67,000	67,000		67,000
Army	KENTUCKY	Fort Campbell	Vehicle Maintenance Facility	16,000	16,000	16,000		16,000
Army	KENTUCKY	Fort Campbell	Vehicle Maintenance Facility	40,000	40,000	40,000		40,000
Army	KENTUCKY	Fort Knox	Automated Infantry Platoon Battle Course	7,000	7,000	7,000		7,000
Army	KENTUCKY	Fort Knox	Battalion Complex	48,000	48,000	48,000		48,000
Army	KOREA	Camp Carroll	Barracks	41,000	41,000	41,000		41,000
Army	KOREA	Camp Henry	Barracks Complex	48,000	48,000	48,000		48,000
Army	LOUISIANA	Fort Polk	Brigade Complex	23,000	23,000	23,000		23,000
Army	LOUISIANA	Fort Polk	Fire Station	9,200	9,200	9,200		9,200
Army	LOUISIANA	Fort Polk	Land Acquisition	27,000	27,000	27,000		27,000
Army	LOUISIANA	Fort Polk	Military Working Dog Facility	2,600	2,600	2,600		2,600
Army	LOUISIANA	Fort Polk	Multipurpose Machine Gun Range	8,300	8,300	8,300		8,300
Army	MARYLAND	Aberdeen Proving Ground	Auto Technology Evaluation Fac, Ph 3	15,500	15,500	15,500		15,500
Army	MARYLAND	Aberdeen Proving Ground	Command and Control Facility	63,000	63,000	63,000		63,000
Army	MARYLAND	Fort Meade	Applied Instruction Facility	43,000	43,000	43,000		43,000
Army	MARYLAND	Fort Meade	Brigade Complex	36,000	36,000	36,000		36,000
Army	MISSOURI	Fort Leonard Wood	Vehicle Maintenance Facility	49,000	49,000	49,000		49,000
Army	NEW YORK	Fort Drum	Ammunition Supply Point	5,700	5,700	5,700		5,700
Army	NEW YORK	Fort Drum	Chapel	7,600	7,600	7,600		7,600
Army	NORTH CAROLINA	Fort Bragg	Access Roads, Ph 2	18,000	18,000	18,000		18,000
Army	NORTH CAROLINA	Fort Bragg	Battle Command Training Center	23,000	23,000	23,000		23,000
Army	NORTH CAROLINA	Fort Bragg	Brigade Complex Facilities	49,000	49,000	49,000		49,000
Army	NORTH CAROLINA	Fort Bragg	NCO Academy	42,000	42,000	42,000		42,000

**SEC. 4601. MILITARY CONSTRUCTION**  
**(In Thousands of Dollars)**

<i>Account</i>	<i>State/ Country</i>	<i>Installation</i>	<i>Project Title</i>	<i>Budget Request</i>	<i>House Authorized</i>	<i>Senate Author- ized</i>	<i>Con- ference Change</i>	<i>Con- ference Author- ized</i>
Army	NORTH CAROLINA	Fort Bragg	Unmanned Aerial Vehicle Maintenance Hangar	54,000	54,000	54,000		54,000
Army	OKLAHOMA	Fort Sill	Battle Command Training Center	23,000	23,000	23,000		23,000
Army	OKLAHOMA	Fort Sill	Chapel	13,200	13,200	13,200		13,200
Army	OKLAHOMA	Fort Sill	Physical Fitness Facility	25,000	25,000	25,000		25,000
Army	OKLAHOMA	Fort Sill	Rail Deployment Facility	3,400	3,400	3,400		3,400
Army	OKLAHOMA	Fort Sill	Reception Station, Ph 1	36,000	36,000	36,000		36,000
Army	OKLAHOMA	Fort Sill	THAAD Instruction Facility	33,000	33,000	33,000		33,000
Army	OKLAHOMA	Fort Sill	Vehicle Maintenance Facility	51,000	51,000	51,000		51,000
Army	OKLAHOMA	McAlester	Ammunition Loading Pads	1,700	1,700	1,700		1,700
Army	OKLAHOMA	McAlester	Railroad Tracks	6,300	6,300	6,300		6,300
Army	SOUTH CAROLINA	Fort Jackson	Modified Record Fire Range	4,900	4,900	4,900		4,900
Army	SOUTH CAROLINA	Fort Jackson	Trainee Barracks Complex, Ph 2	59,000	59,000	59,000		59,000
Army	TEXAS	Fort Bliss	Applied Instruction Building	8,300	8,300	8,300		8,300
Army	TEXAS	Fort Bliss	Barracks Complex	13,000	13,000	13,000		13,000
Army	TEXAS	Fort Bliss	Electronics Maintenance Facility	14,600	14,600	14,600		14,600
Army	TEXAS	Fort Bliss	Infrastructure	14,600	14,600	0	-3,000	11,600
Army	TEXAS	Fort Bliss	JLENS Tactical Training Facility	39,000	39,000	39,000		39,000
Army	TEXAS	Fort Bliss	Vehicle Maintenance Facility	19,000	19,000	19,000		19,000
Army	TEXAS	Fort Bliss	Vehicle Maintenance Facility	14,600	14,600	14,600		14,600
Army	TEXAS	Fort Bliss	Vehicle Maintenance Facility	24,000	24,000	0	-24,000	0
Army	TEXAS	Fort Bliss	Water Well, Potable	2,400	2,400	2,400		2,400
Army	TEXAS	Fort Hood	Operational Readiness Training Complex	51,000	51,000	51,000		51,000
Army	TEXAS	Fort Hood	Unmanned Aerial Vehicle Maintenance Hangar	47,000	47,000	47,000		47,000
Army	TEXAS	Fort Hood	Vehicle Maintenance Facility	18,500	18,500	18,500		18,500
Army	TEXAS	Fort Hood	Vehicle Maintenance Facility	15,500	15,500	15,500		15,500
Army	TEXAS	Joint Base San Antonio	Vehicle Maintenance Facility	10,400	10,400	10,400		10,400
Army	TEXAS	Red River Army Depot	Maneuver Systems Sustainment Ctr, Ph 3	44,000	44,000	44,000		44,000
Army	UTAH	Dugway Proving Ground	Life Sciences Test Facility Addition	32,000	32,000	32,000		32,000
Army	VIRGINIA	Fort Belvoir	Information Dominance Center, Ph 1	52,000	52,000	52,000		52,000
Army	VIRGINIA	Fort Belvoir	Road and Infrastructure Improvements	31,000	31,000	0	-31,000	0
Army	VIRGINIA	Joint Base Langley Eustis	Aviation Training Facility	26,000	26,000	26,000		26,000
Army	WASH- INGTON	Joint Base Lewis McChord	Air Support Operations Facilities	7,300	7,300	7,300		7,300
Army	WASH- INGTON	Joint Base Lewis McChord	Aviation Complex, Ph 1B	48,000	48,000	48,000		48,000
Army	WASH- INGTON	Joint Base Lewis McChord	Aviation Unit Complex, Ph 1A	34,000	34,000	34,000		34,000
Army	WASH- INGTON	Joint Base Lewis McChord	Battalion Complex	59,000	59,000	59,000		59,000
Army	WASH- INGTON	Joint Base Lewis McChord	Brigade Complex, Ph 2	56,000	56,000	56,000		56,000
Army	WASH- INGTON	Joint Base Lewis McChord	Infrastructure, Ph 1	64,000	64,000	64,000		64,000
Army	WASH- INGTON	Joint Base Lewis McChord	Operational Readiness Training Cplx, Ph 1	28,000	28,000	28,000		28,000
Army	WORLDWIDE UNSPEC- IFIED	Unspecified World- wide Locations	Community Facilities	0	10,000	0		0
Army	WORLDWIDE UNSPEC- IFIED	Unspecified World- wide Locations	Host Nation Support	25,500	25,500	25,500		25,500
Army	WORLDWIDE UNSPEC- IFIED	Unspecified World- wide Locations	Minor Construction	20,000	20,000	20,000		20,000
Army	WORLDWIDE UNSPEC- IFIED	Unspecified World- wide Locations	Planning & Design	229,741	229,741	169,741	-45,000	184,741
Army	WORLDWIDE UNSPEC- IFIED	Unspecified World- wide Locations	R&D Facilities	0	20,000	0		0
Army	WORLDWIDE UNSPEC- IFIED	Unspecified World- wide Locations	Supply Facilities	0	0	0		0
Army	WORLDWIDE UNSPEC- IFIED	Unspecified World- wide Locations	Training Facilities	0	20,000	0		0
Army	WORLDWIDE UNSPEC- IFIED	Unspecified World- wide Locations	Troop Housing Facilities	0	10,000	0		0

**SEC. 4601. MILITARY CONSTRUCTION**  
(In Thousands of Dollars)

<i>Account</i>	<i>State/ Country</i>	<i>Installation</i>	<i>Project Title</i>	<i>Budget Request</i>	<i>House Authorized</i>	<i>Senate Author- ized</i>	<i>Con- ference Change</i>	<i>Con- ference Author- ized</i>
Army	WORLDWIDE UNSPEC- IFIED	Unspecified World- wide Locations	Troop Housing Facilities	0	0	0		0
Army	WORLDWIDE UNSPEC- IFIED	Unspecified World- wide Locations	Utilities and Ground Improvements	0	10,000	0		0
<b>Total Military Construction, Army</b>				<b>3,235,991</b>	<b>3,305,991</b>	<b>2,971,391</b>	<b>-222,500</b>	<b>3,013,491</b>
Navy	ARIZONA	Yuma	Aircraft Maintenance Hangar	39,515	39,515	39,515		39,515
Navy	ARIZONA	Yuma	Double Aircraft Maintenance Hangar	81,897	81,897	81,897		81,897
Navy	ARIZONA	Yuma	JSF Auxiliary Landing Field	41,373	41,373	41,373		41,373
Navy	BAHRAIN IS- LAND	SW Asia	Bachelor Enlisted Quarters	55,010	55,010	0		55,010
Navy	BAHRAIN IS- LAND	SW Asia	Waterfront Development Phase 4	45,194	45,194	0	-45,194	0
Navy	CALIFORNIA	Barstow	Dip Tank Cleaning Facility	8,590	8,590	8,590		8,590
Navy	CALIFORNIA	Bridgeport	Multi-Purpose Building—Addition	19,238	19,238	16,138	-3,100	16,138
Navy	CALIFORNIA	Camp Pendleton	Armory, 1ST Marine Division	12,606	12,606	12,606		12,606
Navy	CALIFORNIA	Camp Pendleton	Individual Equipment Issue Warehouse	16,411	16,411	16,411		16,411
Navy	CALIFORNIA	Camp Pendleton	Infantry Squad Defense Range	29,187	29,187	29,187		29,187
Navy	CALIFORNIA	Camp Pendleton	Intersection Bridge and Improvements	12,476	12,476	12,476		12,476
Navy	CALIFORNIA	Camp Pendleton	MV-22 Aviation Fuel Storage	6,163	6,163	6,163		6,163
Navy	CALIFORNIA	Camp Pendleton	MV-22 Aviation Pavement	18,530	18,530	18,530		18,530
Navy	CALIFORNIA	Camp Pendleton	MV-22 Double Hangar Replacement	48,345	48,345	48,345		48,345
Navy	CALIFORNIA	Camp Pendleton	New Potable Water Conveyance	113,091	113,091	113,091		113,091
Navy	CALIFORNIA	Camp Pendleton	North Area Waste Water Conveyance	78,271	78,271	78,271		78,271
Navy	CALIFORNIA	Coronado	Multi Purpose Facility North Island	46,763	46,763	32,063		46,763
Navy	CALIFORNIA	Coronado	Rotary Aircraft Depot Maint Fac (North Is.)	61,672	61,672	61,672		61,672
Navy	CALIFORNIA	Point Mugu	E-2D AIRCREW TRAINING FACILITY	15,377	15,377	15,377		15,377
Navy	CALIFORNIA	Twentynine Palms	Child Development Center	23,743	23,743	23,743		23,743
Navy	CALIFORNIA	Twentynine Palms	Land Expansion	8,665	8,665	8,665		8,665
Navy	CALIFORNIA	Twentynine Palms	Multi-Use Operational Fitness Area	18,819	18,819	18,819		18,819
Navy	CALIFORNIA	Twentynine Palms	Tracked Vehicle Maintenance Cover	15,882	15,882	15,882		15,882
Navy	DIEGO GAR- CIA	Diego Garcia	Potable Water Plant Modernization	35,444	35,444	35,444		35,444
Navy	DJIBOUTI	Camp Lemonier	Aircraft Logistics Apron	35,170	35,170	35,170		35,170
Navy	DJIBOUTI	Camp Lemonier	Bachelor Quarters	43,529	43,529	43,529		43,529
Navy	DJIBOUTI	Camp Lemonier	TAXIWAY ENHANCEMENT	10,800	10,800	10,800		10,800
Navy	FLORIDA	Jacksonville	BAMS UAS Operator Training Facility	4,482	4,482	4,482		4,482
Navy	FLORIDA	Jacksonville	P-8A Hangar Upgrades	6,085	6,085	6,085		6,085
Navy	FLORIDA	Jacksonville	P-8A Training Facility	25,985	25,985	25,985		25,985
Navy	FLORIDA	Mayport	Massey Avenue Corridor Improvements	14,998	0	14,998		14,998
Navy	FLORIDA	Whiting Field	Applied Instruction Facilities, EOD Course	20,620	20,620	20,620		20,620
Navy	GEORGIA	Kings Bay	Crab Island Security Enclave	52,913	52,913	52,913		52,913
Navy	GEORGIA	Kings Bay	WRA Land/Water Interface	33,150	33,150	33,150		33,150
Navy	GUAM	Joint Region Mari- anas	Finegayan Water Utilities	77,267	77,267	0	-77,267	0
Navy	GUAM	Joint Region Mari- anas	North Ramp Utilities—Anderson AFB (INC)	78,654	78,654	0	-78,654	0
Navy	HAWAII	Barking Sands	North Loop Electrical Replacement	9,679	9,679	9,679		9,679
Navy	HAWAII	Joint Base Pearl Har- bor-Hickam	Navy Information Operations Command FES Fac	7,492	7,492	7,492		7,492
Navy	HAWAII	Kaneohe Bay	MCAS Operations Complex	57,704	57,704	57,704		57,704
Navy	ILLINOIS	Great Lakes	Decentralize Steam System	91,042	91,042	91,042		91,042
Navy	MARYLAND	Indian Head	Decentralize Steam System	67,779	67,779	67,779		67,779
Navy	MARYLAND	Patuxent River	Aircraft Prototype Facility Phase 2	45,844	45,844	45,844		45,844
Navy	NORTH CAROLINA	Camp Lejeune	2nd Combat Engineer Maintenance/Ops Complex	75,214	75,214	75,214		75,214
Navy	NORTH CAROLINA	Camp Lejeune	Bachelor Enlisted Quarters—Wallace Creek	27,439	27,439	27,439		27,439
Navy	NORTH CAROLINA	Camp Lejeune	Base Entry Point and Road	81,008	81,008	81,008		81,008
Navy	NORTH CAROLINA	Camp Lejeune	Squad Battle Course	16,821	16,821	16,821		16,821
Navy	NORTH CAROLINA	Cherry Point Marine Corps Air Station	H-1 HELICOPTER GEARBOX REPAIR & TEST FACILITY	17,760	17,760	17,760		17,760
Navy	NORTH CAROLINA	New River	Aircraft Maintenance Hangar and Apron	69,511	69,511	69,511		69,511
Navy	NORTH CAROLINA	New River	Ordnance Loading Area Addition	9,419	9,419	9,419		9,419
Navy	SOUTH CAROLINA	Beaufort	VERTICAL LANDING PADS	21,096	21,096	21,096		21,096
Navy	VIRGINIA	Norfolk	Bachelor Quarters, Homeport Ashore	81,304	81,304	81,304		81,304
Navy	VIRGINIA	Norfolk	Decentralize Steam System	26,924	26,924	26,924		26,924
Navy	VIRGINIA	Portsmouth	Controlled Industrial Facility	74,864	74,864	74,864		74,864
Navy	VIRGINIA	Quantico	Academic Instruction Facility	75,304	75,304	75,304		75,304

**SEC. 4601. MILITARY CONSTRUCTION**  
*(In Thousands of Dollars)*

<i>Account</i>	<i>State/ Country</i>	<i>Installation</i>	<i>Project Title</i>	<i>Budget Request</i>	<i>House Authorized</i>	<i>Senate Author- ized</i>	<i>Con- ference Change</i>	<i>Con- ference Author- ized</i>
Navy	VIRGINIA	Quantico	Bachelor Enlisted Quarters	31,374	31,374	31,374		31,374
Navy	VIRGINIA	Quantico	Embassy Security Group Facilities	27,079	27,079	27,079		27,079
Navy	VIRGINIA	Quantico	Enlisted Dining Facility	5,034	5,034	5,034		5,034
Navy	VIRGINIA	Quantico	Realign Purvis Rd/Russell Rd Intersection	6,442	6,442	6,442		6,442
Navy	VIRGINIA	Quantico	The Basic School Student Quarters—Phase 6	28,488	28,488	28,488		28,488
Navy	VIRGINIA	Quantico	Waste Water Treatment Plant—Upshur	9,969	9,969	9,969		9,969
Navy	WASH- INGTON	Bremerton	Integrated Dry Dock Water Treatment Fac Ph1	13,341	13,341	13,341		13,341
Navy	WASH- INGTON	Kitsap	EHW Security Force Facility (Bangor)	25,948	25,948	25,948		25,948
Navy	WASH- INGTON	Kitsap	Explosives Handling Wharf #2 (Inc. 1)	78,002	78,002	78,002		78,002
Navy	WASH- INGTON	Kitsap	WATERFRONT RESTRICTED AREA VE- HICLE BARRIERS	17,894	17,894	17,894		17,894
Navy	WORLDWIDE UNSPEC- IFIED	Unspecified World- wide Locations	Maintenance & Production Facilities	0	10,000	0		0
Navy	WORLDWIDE UNSPEC- IFIED	Unspecified World- wide Locations	Planning And Design	84,362	69,362	69,362	-15,000	69,362
Navy	WORLDWIDE UNSPEC- IFIED	Unspecified World- wide Locations	R&D Facilities	0	20,000	0		0
Navy	WORLDWIDE UNSPEC- IFIED	Unspecified World- wide Locations	Troop Housing Facilities	0	29,998	0		0
Navy	WORLDWIDE UNSPEC- IFIED	Unspecified World- wide Locations	Unspecified Minor Constr	21,495	21,495	21,495		21,495
<b>Total Military Construction, Navy</b>				<b>2,461,547</b>	<b>2,491,547</b>	<b>2,172,622</b>	<b>-219,215</b>	<b>2,242,332</b>
AF	ALASKA	Eielson AFB	Dormitory (168 RM)	45,000	45,000	45,000		45,000
AF	ALASKA	Joint Base Elmen- dorf-Richardson	Brigade Combat Team (Light) Complex, (480 RM)	97,000	97,000	97,000		97,000
AF	ARIZONA	Davis-Monthan AFB	EC-130H Simulator/Training Operations	20,500	20,500	20,500		20,500
AF	ARIZONA	Davis-Monthan AFB	HC-130J Joint Use Fuel Cell	12,500	12,500	12,500		12,500
AF	ARIZONA	Luke AFB	F-35 ADAL Aircraft Maintenance Unit	6,000	6,000	6,000		6,000
AF	ARIZONA	Luke AFB	F-35 Squad Ops/AMU 2	18,000	18,000	18,000		18,000
AF	CALIFORNIA	Travis AFB	Dormitory (144 RM)	22,000	22,000	22,000		22,000
AF	CALIFORNIA	Vandenberg AFB	Education Center	14,200	14,200	14,200		14,200
AF	COLORADO	U.S. Air Force Acad- emy	Construct Large Vehicle Inspection Facil- ity	13,400	13,400	13,400		13,400
AF	DELAWARE	Dover AFB	C-5M Formal Training Unit Facility	2,800	2,800	2,800		2,800
AF	FLORIDA	Patrick AFB	Air Force Technical Applications Ctr—Incr 2	79,000	49,000	79,000		79,000
AF	GERMANY	Ramstein AB	Dormitory (192 RM)	34,697	34,697	34,697		34,697
AF	GREENLAND	Thule AB	Dormitory (72 PN)	28,000	28,000	28,000		28,000
AF	GUAM	Joint Region Mari- anas	Air Freight Terminal Complex	35,000	35,000	35,000		35,000
AF	GUAM	Joint Region Mari- anas	Guam Strike Clear Water Rinse Facility	7,500	7,500	0		7,500
AF	GUAM	Joint Region Mari- anas	Guam Strike Conventional Munitions Maintenanc	11,700	11,700	0		11,700
AF	GUAM	Joint Region Mari- anas	Guam Strike Fuel Systems Maintenance Hangar, Incr 1	128,000	64,000	0	-128,000	0
AF	GUAM	Joint Region Mari- anas	PRTC Combat Communications Combat Support	9,800	9,800	9,800		9,800
AF	GUAM	Joint Region Mari- anas	PRTC Combat Communications Trans- mission Syst	5,600	5,600	5,600		5,600
AF	GUAM	Joint Region Mari- anas	PRTC RED HORSE Cantonment Oper- ations Facility	14,000	14,000	14,000		14,000
AF	ITALY	Sigonella	UAS SATCOM Relay Pads and Facility	15,000	15,000	15,000		15,000
AF	KANSAS	Fort Riley	Air Support Operations Center	7,600	7,600	7,600		7,600
AF	KOREA	Osan AB	Dormitory (156 RM)	23,000	23,000	23,000		23,000
AF	LOUISIANA	Barksdale AFB	Mission Support Group Complex	23,500	23,500	23,500		23,500
AF	MISSOURI	Whiteman AFB	WSA Security Control Facility	4,800	4,800	4,800		4,800
AF	NEBRASKA	Offutt AFB	STRATCOM Replacement Facility Incr 1	150,000	150,000	120,000	-30,000	120,000
AF	NEVADA	Nellis AFB	Communications Network Control Center	11,600	11,600	11,600		11,600
AF	NEVADA	Nellis AFB	F-35 Add/Alter Engine Shop	2,750	2,750	2,750		2,750
AF	NEVADA	Nellis AFB	F-35A AGE Facility	21,500	21,500	21,500		21,500
AF	NEW MEXICO	Cannon AFB	ADAL Wastewater Treatment Plant	7,598	7,598	7,598		7,598
AF	NEW MEXICO	Cannon AFB	Dormitory (96 RM)	15,000	15,000	15,000		15,000
AF	NEW MEXICO	Holloman AFB	Child Development Center	11,200	11,200	11,200		11,200
AF	NEW MEXICO	Holloman AFB	F-16 Academic Facility	5,800	5,800	5,800		5,800
AF	NEW MEXICO	Holloman AFB	F-16 SEAD Training Facility	4,200	4,200	4,200		4,200
AF	NEW MEXICO	Holloman AFB	Parallel Taxiway 07/25	8,000	8,000	8,000		8,000

**SEC. 4601. MILITARY CONSTRUCTION**  
*(In Thousands of Dollars)*

<i>Account</i>	<i>State/ Country</i>	<i>Installation</i>	<i>Project Title</i>	<i>Budget Request</i>	<i>House Authorized</i>	<i>Senate Author- ized</i>	<i>Con- ference Change</i>	<i>Con- ference Author- ized</i>
AF	NEW MEXICO	Kirtland AFB	AFNWC Sustainment Center	25,000	25,000	25,000		25,000
AF	NORTH CAROLINA	Pope AFB	C-130 Flight Simulator	6,000	6,000	6,000		6,000
AF	NORTH DA-KOTA	Minot AFB	B-52 3-Bay Conventional Munitions Main-tenance	11,800	11,800	11,800		11,800
AF	NORTH DA-KOTA	Minot AFB	B-52 Two-Bay Phase Maintenance Dock	34,000	34,000	34,000		34,000
AF	NORTH DA-KOTA	Minot AFB	Dormitory (168 RM)	22,000	22,000	22,000		22,000
AF	QATAR	Al Udeid	Blatchford Preston Complex, Phase IV	37,000	37,000	0	-37,000	0
AF	TEXAS	Joint Base San Anto-nio	Adv Indiv Training (AIT) Barracks (300 RM)	46,000	46,000	46,000		46,000
AF	TEXAS	Joint Base San Anto-nio	BMT Recruit Dormitory 4, Phase IV	64,000	64,000	64,000		64,000
AF	UTAH	Hill AFB	F-22 System Support Facility	16,500	16,500	16,500		16,500
AF	UTAH	Hill AFB	F-35 ADAL Hangar 45E/AMU	6,800	6,800	0	-6,800	0
AF	VIRGINIA	Joint Base Langley Eustis	AIT Barracks Complex, Ph 2	50,000	50,000	50,000		50,000
AF	WASH-INGTON	Fairchild AFB	SERE Force Support Ph 2	14,000	14,000	14,000		14,000
AF	WASH-INGTON	Fairchild AFB	Wing Headquarters	13,600	13,600	13,600		13,600
AF	WORLDWIDE UNSPEC-IFIED	Unspecified World-wide Locations	Community Facilities	0	10,000	0		0
AF	WORLDWIDE UNSPEC-IFIED	Unspecified World-wide Locations	Community Facilities	0	10,000	0		0
AF	WORLDWIDE UNSPEC-IFIED	Unspecified World-wide Locations	Maintenance & Production Facilities	0	10,000	0		0
AF	WORLDWIDE UNSPEC-IFIED	Unspecified World-wide Locations	Operational Facilities	0	20,000	0		0
AF	WORLDWIDE UNSPEC-IFIED	Unspecified World-wide Locations	PLANNING & DESIGN	81,913	81,913	67,913	-29,000	52,913
AF	WORLDWIDE UNSPEC-IFIED	Unspecified World-wide Locations	Supporting Facilities	0	10,000	0		0
AF	WORLDWIDE UNSPEC-IFIED	Unspecified World-wide Locations	Unspecified Minor Construction	20,000	20,000	20,000		20,000
<b>Total Military Construction, Air Force</b>				<b>1,364,858</b>	<b>1,330,858</b>	<b>1,129,858</b>	<b>-230,800</b>	<b>1,134,058</b>
Def-Wide	ALABAMA	Maxwell AFB	Expand 800 Area Chiller Loop, Gunter Annex	0	0	0	2,482	2,482
Def-Wide	ALABAMA	Redstone Arsenal	Von Braun Complex Phase IV	58,800	58,800	58,800		58,800
Def-Wide	ALASKA	Anchorage	SOF Cold Weather Maritime Training Fa-cility	18,400	18,400	18,400		18,400
Def-Wide	ALASKA	Eielson AFB	Upgrade Rail Line	14,800	14,800	14,800		14,800
Def-Wide	ARIZONA	Davis-Monthan AFB	CNS Thermal Storage	0	0	0	4,650	4,650
Def-Wide	ARIZONA	Davis-Monthan AFB	REPLACE HYDRANT FUEL SYSTEM	23,000	23,000	23,000		23,000
Def-Wide	BELGIUM	Brussels	NATO Headquarters Facility	24,118	24,118	0	-24,118	0
Def-Wide	CALIFORNIA	Camp Pendleton	SOF Military Working Dog Facility	3,500	3,500	3,500		3,500
Def-Wide	CALIFORNIA	Camp Pendleton	SOF Range 130 Support Projects	8,641	8,641	8,641		8,641
Def-Wide	CALIFORNIA	Coronado	SOF Support Activity Operations Facility	42,000	42,000	42,000		42,000
Def-Wide	CALIFORNIA	Defense Distribution Depot-Tracy	Replace Public Safety Center	15,500	15,500	15,500		15,500
Def-Wide	CALIFORNIA	Point Loma Annex	Replace Fuel Storage Facilities Incr 4	27,000	27,000	27,000		27,000
Def-Wide	CALIFORNIA	Presidio of Monterey	1 MW Solar Grid	0	0	0	5,000	5,000
Def-Wide	CALIFORNIA	San Clemente	REPLACE FUEL STORAGE TANKS & PIPELINE	21,800	21,800	21,800		21,800
Def-Wide	CALIFORNIA	San Joaquin/Tracy Site	400 kW Solar PV System, Building 58 Roof	0	0	0	2,860	2,860
Def-Wide	COLORADO	Buckley AFB	Mountainview Operations Facility, Incr 1	140,932	70,932	70,432	-70,500	70,432
Def-Wide	COLORADO	Fort Carson	Microgrid Expansion PEV tie-in (SPI-DERS)	0	0	0	4,277	4,277
Def-Wide	DISTRICT OF COLUMBIA	Bolling AFB	Cooling Tower Expansion	2,070	2,070	2,070		2,070
Def-Wide	DISTRICT OF COLUMBIA	Bolling AFB	DIAC Parking Garage	13,586	13,586	13,586		13,586
Def-Wide	DISTRICT OF COLUMBIA	Bolling AFB	Electrical Upgrades	1,080	1,080	1,080		1,080
Def-Wide	FLORIDA	Eglin AFB	Medical Clinic	11,600	11,600	11,600		11,600
Def-Wide	FLORIDA	Eglin AFB	SOF Company Operations Facility (GSB)	21,000	21,000	21,000		21,000
Def-Wide	FLORIDA	Eglin AFB	SOF Company Operations Facility (GSTB)	19,000	19,000	19,000		19,000

**SEC. 4601. MILITARY CONSTRUCTION**  
(In Thousands of Dollars)

<i>Account</i>	<i>State/ Country</i>	<i>Installation</i>	<i>Project Title</i>	<i>Budget Request</i>	<i>House Authorized</i>	<i>Senate Author- ized</i>	<i>Con- ference Change</i>	<i>Con- ference Author- ized</i>
Def-Wide	FLORIDA	Eglin AUX 9	SOF Enclosed Engine Noise Suppressors	3,200	3,200	3,200		3,200
Def-Wide	FLORIDA	Eglin AUX 9	SOF Simulator Facility	6,300	6,300	6,300		6,300
Def-Wide	FLORIDA	MacDill AFB	SOF Acquisition Center (Phase II)	15,200	15,200	15,200		15,200
Def-Wide	FLORIDA	Tyndall AFB	Reclaimed Water Irrigation	0	0	0	3,255	3,255
Def-Wide	FLORIDA	Whiting Field	TRUCK LOAD/UNLOAD FACILITY	3,800	3,800	3,800		3,800
Def-Wide	GEORGIA	Fort Benning	Replace McBride Elementary School	37,205	37,205	37,205		37,205
Def-Wide	GEORGIA	Fort Gordon	WHELAN WEDGE BUILDING ADDI- TION	11,340	11,340	17,705	6,365	17,705
Def-Wide	GEORGIA	Fort Stewart	Hospital Addition/Alteration Phase 2	72,300	72,300	72,300		72,300
Def-Wide	GEORGIA	MCLB Albany	LFG Generator	0	0	0	3,504	3,504
Def-Wide	GERMANY	Ansbach	Ansbach Middle/High School Addition	11,672	11,672	11,672		11,672
Def-Wide	GERMANY	Baumholder	Replace Wetzel-Smith Elementary Schools	59,419	59,419	0		59,419
Def-Wide	GERMANY	Grafenwoehr	Netzberg MS School Addition	6,529	6,529	6,529		6,529
Def-Wide	GERMANY	Rhine Ordnance Bar- racks	Medical Center Replacement Incr 1	70,592	70,592	0		70,592
Def-Wide	GERMANY	Spangdalem AB	Replace Bitburg Elementary School	41,876	41,876	41,876		41,876
Def-Wide	GERMANY	Spangdalem AB	Replace Bitburg Middle & High School	87,167	87,167	87,167		87,167
Def-Wide	GERMANY	Stuttgart-Patch Bar- racks	DISA Europe Facility Upgrades	2,434	2,434	2,434		2,434
Def-Wide	GUAM	Naval Base Guam	4 MW Wind Farm	0	0	0	17,377	17,377
Def-Wide	HAWAII	Joint Base Pearl Har- bor-Hickam	Alter Warehouse Space	9,200	9,200	9,200		9,200
Def-Wide	HAWAII	Joint Base Pearl Har- bor-Hickam	UPGRADE REFULER TRUCK PARKING AREA	5,200	5,200	5,200		5,200
Def-Wide	ILLINOIS	Great Lakes	Health Clinic Demolition	16,900	16,900	16,900		16,900
Def-Wide	ITALY	Naval Air Station Naples	345 KW Solar PV	0	0	0	2,867	2,867
Def-Wide	ITALY	Vicenza	Replace Vicenza High School	41,864	41,864	41,864		41,864
Def-Wide	JAPAN	Yokota AB	Replace Temp Classrm/Joan K. Mendel ES	12,236	12,236	12,236		12,236
Def-Wide	JAPAN	Yokota AB	Replace Yokota High School	49,606	49,606	49,606		49,606
Def-Wide	KENTUCKY	Fort Campbell	Hospital Addition/Alteration	56,600	56,600	56,600		56,600
Def-Wide	KENTUCKY	Fort Campbell	SOF MH47 Aviation Facility	43,000	43,000	43,000		43,000
Def-Wide	KENTUCKY	Fort Campbell	SOF Rotary Wing Hangar	38,900	38,900	38,900		38,900
Def-Wide	KENTUCKY	Fort Knox	GSFO Well Field for HRC	0	0	0	2,750	2,750
Def-Wide	KENTUCKY	Fort Knox	Replace Kingsolver-Pierce Elementary Schools	38,845	38,845	38,845		38,845
Def-Wide	LOUISIANA	Barksdale AFB	Hydrant Fuel System	6,200	6,200	6,200		6,200
Def-Wide	MARSHALL ISLANDS	Kwajalein Atol	468KW Solar PV System	0	0	0	6,300	6,300
Def-Wide	MARYLAND	Aberdeen Proving Ground	USAMRICD Replacement, Inc 4	22,850	22,850	22,850		22,850
Def-Wide	MARYLAND	Bethesda Naval Hos- pital	Child Development Center Addition/Alter- ation	18,000	18,000	18,000		18,000
Def-Wide	MARYLAND	Fort Detrick	USAMRIID Stage I, Inc 6	137,600	137,600	137,600		137,600
Def-Wide	MARYLAND	Fort Meade	High Performance Computing Capacity	29,640	29,640	0		29,640
Def-Wide	MARYLAND	Joint Base Andrews	Ambulatory Care Center, Incr 1	242,900	169,600	121,400	-88,600	154,300
Def-Wide	MARYLAND	Joint Base Andrews	Dental Clinic Replacement	22,800	22,800	22,800		22,800
Def-Wide	MASSACHU- SETTS	Hanscom AFB	Repair Chiller Controls B1201	0	0	0	3,609	3,609
Def-Wide	MASSACHU- SETTS	Hanscom AFB	Replace Hanscom Middle School	34,040	34,040	34,040		34,040
Def-Wide	MASSACHU- SETTS	Westover ARB	REPLACE HYDRANT FUEL SYSTEM	23,300	23,300	23,300		23,300
Def-Wide	MISSISSIPPI	Columbus AFB	REPLACE REFUELER PARKING FACIL- ITY	2,600	2,600	2,600		2,600
Def-Wide	MISSISSIPPI	Gulftport	Medical Clinic Replacement	34,700	34,700	34,700		34,700
Def-Wide	MISSOURI	Arnold	Data Ctr West #1 Power & Cooling Up- grade	9,253	9,253	9,253		9,253
Def-Wide	NEW MEXICO	Cannon AFB	SOF ADAL Simulator Facility	9,600	9,600	9,600		9,600
Def-Wide	NEW MEXICO	Cannon AFB	SOF Aircraft Maintenance Squadron Fa- cility	15,000	15,000	15,000		15,000
Def-Wide	NEW MEXICO	Cannon AFB	SOF Apron And Taxiway	28,100	28,100	28,100		28,100
Def-Wide	NEW MEXICO	Cannon AFB	SOF C-130 Squadron Operations Facility	10,941	10,941	10,941		10,941
Def-Wide	NEW MEXICO	Cannon AFB	SOF C-130 Wash Rack Hangar	10,856	10,856	10,856		10,856
Def-Wide	NEW MEXICO	Cannon AFB	SOF Hangar Aircraft Maintenance Unit	41,200	41,200	41,200		41,200
Def-Wide	NEW MEXICO	Cannon AFB	SOF Squadron Operations Facility	17,300	17,300	17,300		17,300
Def-Wide	NEW YORK	Fort Drum	Dental clinic Addition/Alteration	4,700	4,700	4,700		4,700
Def-Wide	NEW YORK	Fort Drum	Medical Clinic	15,700	15,700	15,700		15,700
Def-Wide	NEW YORK	Fort Drum	Retrocommission Various Buildings	0	0	0	3,500	3,500
Def-Wide	NORTH CAROLINA	Camp Lejeune	SOF Armory Facility Expansion	6,670	6,670	6,670		6,670
Def-Wide	NORTH CAROLINA	Fort Bragg	Historic District GSHP & Retro Cr	0	0	0	13,400	13,400
Def-Wide	NORTH CAROLINA	Fort Bragg	Hospital Alteration	57,600	57,600	57,600		57,600
Def-Wide	NORTH CAROLINA	Fort Bragg	Replace District Superintendent's Office	3,138	3,138	3,138		3,138

**SEC. 4601. MILITARY CONSTRUCTION**  
*(In Thousands of Dollars)*

<i>Account</i>	<i>State/ Country</i>	<i>Installation</i>	<i>Project Title</i>	<i>Budget Request</i>	<i>House Authorized</i>	<i>Senate Author- ized</i>	<i>Con- ference Change</i>	<i>Con- ference Author- ized</i>
Def-Wide	NORTH CAROLINA	Fort Bragg	SOF Administrative Annex	12,000	12,000	12,000		12,000
Def-Wide	NORTH CAROLINA	Fort Bragg	SOF Battalion Operations Complex	23,478	23,478	23,478		23,478
Def-Wide	NORTH CAROLINA	Fort Bragg	SOF Battalion Operations Facility	41,000	41,000	41,000		41,000
Def-Wide	NORTH CAROLINA	Fort Bragg	SOF Brigade Headquarters	19,000	19,000	19,000		19,000
Def-Wide	NORTH CAROLINA	Fort Bragg	SOF Communications Training Complex	10,758	10,758	10,758		10,758
Def-Wide	NORTH CAROLINA	Fort Bragg	SOF Entry Control Point	2,300	2,300	2,300		2,300
Def-Wide	NORTH CAROLINA	Fort Bragg	SOF Group Headquarters	26,000	26,000	26,000		26,000
Def-Wide	NORTH CAROLINA	Fort Bragg	SOF Squadron HQ Addition	11,000	11,000	11,000		11,000
Def-Wide	NORTH CAROLINA	MCB Camp Lejeune	Steam Decentralization of Camp Geiger	0	0	0	6,925	6,925
Def-Wide	NORTH CAROLINA	New River	Replace Delalio Elementary School	22,687	22,687	22,687		22,687
Def-Wide	NORTH CAROLINA	Pope AFB	SOF Training Facility	5,400	5,400	5,400		5,400
Def-Wide	OHIO	Columbus	Security Enhancements	10,000	10,000	10,000		10,000
Def-Wide	OKLAHOMA	Altus	Install VCEP for 22 Buildings	0	0	0	5,700	5,700
Def-Wide	OKLAHOMA	Altus AFB	Replace Fuel Transfer Pipeline	8,200	8,200	8,200		8,200
Def-Wide	PENNSYL- VANIA	DEF Distribution Depot New Cum- berland	Enclose Open-Sided Shed	3,000	3,000	0	-3,000	0
Def-Wide	PENNSYL- VANIA	DEF Distribution Depot New Cum- berland	Replace General Purpose Warehouse	25,500	25,500	0		25,500
Def-Wide	PENNSYL- VANIA	DEF Distribution Depot New Cum- berland	UPGRADE ACCESS CONTROL POINTS	17,500	17,500	17,500		17,500
Def-Wide	PENNSYL- VANIA	Philadelphia	Upgrade HVAC System	8,000	8,000	8,000		8,000
Def-Wide	SOUTH CAROLINA	Joint Base Charles- ton	REPLACE FUEL STORAGE & DIS- TRIBUTION FACILITY	24,868	24,868	24,868		24,868
Def-Wide	TENNESSEE	Arnold AFB	Provide Temp. Control Cell Cooling C1 & C2	0	0	0	3,300	3,300
Def-Wide	TEXAS	Fort Bliss	Hospital Replacement Incr 3	136,700	86,700	109,400	-50,000	86,700
Def-Wide	TEXAS	Joint Base San Anto- nio	Ambulatory Care Center Phase 3	161,300	161,300	80,600	-80,700	80,600
Def-Wide	TEXAS	Joint Base San Anto- nio	Hospital Nutrition Care Department Add/ Alt	33,000	33,000	33,000		33,000
Def-Wide	UNITED KINGDOM	Menwith Hill Station	MHS PSC CONSTRUCTION GENERATOR PLANT	68,601	68,601	68,601		68,601
Def-Wide	UNITED KINGDOM	Royal Air Force Alconbury	Replace Alconbury High School	35,030	35,030	35,030		35,030
Def-Wide	UTAH	Camp Williams	IC CNCI Data Center 1 Inc 3	246,401	246,401	123,201	-80,000	166,401
Def-Wide	UTAH	Tooele Army Depot	Install Stirling Solar Array	0	0	0	8,200	8,200
Def-Wide	VIRGINIA	Charlottesville	Remote Delivery Facility	10,805	10,805	10,805		10,805
Def-Wide	VIRGINIA	Dahlgren	Dahlgren E/MS School Addition	1,988	1,988	1,988		1,988
Def-Wide	VIRGINIA	Dam Neck	SOF Building Renovation	3,814	3,814	3,814		3,814
Def-Wide	VIRGINIA	Dam Neck	SOF Logistic Support Facility	14,402	14,402	14,402		14,402
Def-Wide	VIRGINIA	Dam Neck	SOF Military Working Dog Facility	4,900	4,900	4,900		4,900
Def-Wide	VIRGINIA	Fort Belvoir	Technology Center Third Floor Fit-out	54,625	54,625	0		54,625
Def-Wide	VIRGINIA	Joint Expeditionary Base Little Creek— Story	SOF Seal Team Operations Facility	37,000	37,000	37,000		37,000
Def-Wide	VIRGINIA	NRO/Aerospace Data Facility—East	2 MW Bloom Box Fuel Cell	0	0	0	2,000	2,000
Def-Wide	VIRGINIA	Pentagon	Heliport Control Tower/Fire Station	6,457	6,457	6,457		6,457
Def-Wide	VIRGINIA	Pentagon	Pentagon Memorial Pedestrian Plaza	2,285	2,285	2,285		2,285
Def-Wide	VIRGINIA	Quantico	Defense Access Road Improvements-Tele- graph Rd	4,000	4,000	4,000		4,000
Def-Wide	VIRGINIA	Quantico	DSS Headquarters Addition	42,727	42,727	42,727		42,727
Def-Wide	WASH- INGTON	Joint Base Lewis McChord	REPLACE FUEL DISTRIBUTION FA- CILITIES	14,000	14,000	14,000		14,000
Def-Wide	WASH- INGTON	Joint Base Lewis McChord	SOF Company Operations Facility	21,000	21,000	21,000		21,000
Def-Wide	WASH- INGTON	Whidbey Island	Replace Fuel Pipeline	25,000	25,000	25,000		25,000
Def-Wide	WEST VIR- GINIA	Camp Dawson	REPLACE HYDRANT FUEL SYSTEM	2,200	2,200	2,200		2,200



**SEC. 4601. MILITARY CONSTRUCTION**  
*(In Thousands of Dollars)*

<i>Account</i>	<i>State/ Country</i>	<i>Installation</i>	<i>Project Title</i>	<i>Budget Request</i>	<i>House Authorized</i>	<i>Senate Author- ized</i>	<i>Con- ference Change</i>	<i>Con- ference Author- ized</i>
Def-Wide	WORLDWIDE UNSPEC- IFIED	Unspecified World- wide Locations	Contingency Construction	10,000	10,000	10,000		10,000
Def-Wide	WORLDWIDE UNSPEC- IFIED	Unspecified World- wide Locations	Defense Access Roads	0	40,000	0		0
Def-Wide	WORLDWIDE UNSPEC- IFIED	Unspecified World- wide Locations	Energy Conservation Investment Program	135,000	135,000	135,000	-135,000	0
Def-Wide	WORLDWIDE UNSPEC- IFIED	Unspecified World- wide Locations	Exercise Related Construction	8,417	8,417	8,417		8,417
Def-Wide	WORLDWIDE UNSPEC- IFIED	Unspecified World- wide Locations	Minor Construction	6,100	6,100	6,100		6,100
Def-Wide	WORLDWIDE UNSPEC- IFIED	Unspecified World- wide Locations	Planning and Design (General Reduction)	0	0	0	-55,000	-55,000
Def-Wide	WORLDWIDE UNSPEC- IFIED	Unspecified World- wide Locations	Planning and Design	1,993	1,993	1,993		1,993
Def-Wide	WORLDWIDE UNSPEC- IFIED	Unspecified World- wide Locations	Planning And Design	8,368	8,368	8,368		8,368
Def-Wide	WORLDWIDE UNSPEC- IFIED	Unspecified World- wide Locations	Planning and Design	3,043	3,043	3,043		3,043
Def-Wide	WORLDWIDE UNSPEC- IFIED	Unspecified World- wide Locations	Planning and Design	6,000	6,000	6,000		6,000
Def-Wide	WORLDWIDE UNSPEC- IFIED	Unspecified World- wide Locations	Planning and Design	52,974	52,974	35,474		52,974
Def-Wide	WORLDWIDE UNSPEC- IFIED	Unspecified World- wide Locations	Planning And Design	31,468	31,468	28,968		31,468
Def-Wide	WORLDWIDE UNSPEC- IFIED	Unspecified World- wide Locations	PLANNING AND DESIGN	3,000	3,000	3,000		3,000
Def-Wide	WORLDWIDE UNSPEC- IFIED	Unspecified World- wide Locations	Planning and Design	5,277	5,277	5,277		5,277
Def-Wide	WORLDWIDE UNSPEC- IFIED	Unspecified World- wide Locations	Planning And Design	48,007	48,007	43,007		48,007
Def-Wide	WORLDWIDE UNSPEC- IFIED	Unspecified World- wide Locations	SOF Land Acquisition	0	10,000	0		0
Def-Wide	WORLDWIDE UNSPEC- IFIED	Unspecified World- wide Locations	Supporting Activities	0	0	0		0
Def-Wide	WORLDWIDE UNSPEC- IFIED	Unspecified World- wide Locations	Unspecified Minor Construction	8,876	8,876	8,876		8,876
Def-Wide	WORLDWIDE UNSPEC- IFIED	Unspecified World- wide Locations	Unspecified Minor Construction	3,000	3,000	3,000		3,000
Def-Wide	WORLDWIDE UNSPEC- IFIED	Unspecified World- wide Locations	Unspecified Minor Milcon	6,365	6,365	0	-6,365	0
Def-Wide	WORLDWIDE UNSPEC- IFIED	Unspecified World- wide Locations	Various ECIP	0	0	0	20,444	20,444
Def-Wide	WORLDWIDE UNSPEC- IFIED	Various Worldwide Locations	Planning And Design	227,498	227,498	202,498		227,498
Def-Wide	WORLDWIDE UNSPEC- IFIED	Various Worldwide Locations	Planning And Design	66,974	66,974	61,974		66,974
Def-Wide	WORLDWIDE UNSPEC- IFIED	Various Worldwide Locations	Unspecified Minor Construction	6,571	6,571	6,571		6,571
Def-Wide	WYOMING	FE Warren	Decentralize Base Heat Plant	0	0	0	12,600	12,600
<b>Total Military Construction, Defense-Wide</b>				<b>3,848,757</b>	<b>3,705,457</b>	<b>3,103,663</b>	<b>-451,918</b>	<b>3,396,839</b>
Chem Demil	COLORADO	Pueblo Depot	Ammunition Demilitarization Facility, Ph XIII	15,338	15,338	15,338		15,338

**SEC. 4601. MILITARY CONSTRUCTION**  
(In Thousands of Dollars)

<i>Account</i>	<i>State/ Country</i>	<i>Installation</i>	<i>Project Title</i>	<i>Budget Request</i>	<i>House Authorized</i>	<i>Senate Author- ized</i>	<i>Con- ference Change</i>	<i>Con- ference Author- ized</i>
Chem Demil	KENTUCKY	Blue Grass Army Depot	Ammunition Demilitarization Ph XII	59,974	59,974	59,974		59,974
<b>Total Chemical Demilitarization Construction, Defense</b>				<b>75,312</b>	<b>75,312</b>	<b>75,312</b>	<b>0</b>	<b>75,312</b>
NATO	WORLDWIDE UNSPEC- IFIED	NATO Security In- vestment Program	Nato Security Investment Program	272,611	272,611	240,611	-15,000	257,611
<b>Total NATO Security Investment Program</b>				<b>272,611</b>	<b>272,611</b>	<b>240,611</b>	<b>-25,000</b>	<b>247,611</b>
Army NG	ALABAMA	Fort McClellan	Readiness Center PH2	16,500	16,500	16,500		16,500
Army NG	ARIZONA	Papago Military Res- ervation	Readiness Center	17,800	17,800	17,800		17,800
Army NG	ARKANSAS	Fort Chaffee	Convoy Live Fire/Entry Control Point Range	3,500	3,500	3,500		3,500
Army NG	CALIFORNIA	Camp Roberts	Tactical Unmanned Aircraft System Facil- ity	6,160	6,160	6,160		6,160
Army NG	CALIFORNIA	Camp Roberts	Utilities Replacement Ph1	32,000	32,000	32,000		32,000
Army NG	CALIFORNIA	Camp San Luis Obispo	Field Maintenance Shop	8,000	8,000	8,000		8,000
Army NG	COLORADO	Alamosa	Readiness Center	6,400	6,400	6,400		6,400
Army NG	COLORADO	Aurora	Tactical Unmanned Aircraft System Facil- ity	3,600	3,600	3,600		3,600
Army NG	COLORADO	Fort Carson	Barracks Complex (ORTC)	43,000	43,000	43,000		43,000
Army NG	DISTRICT OF COLUMBIA	Anacostia	US Property & Fiscal Office Add/Alt	5,300	5,300	5,300		5,300
Army NG	FLORIDA	Camp Blanding	Convoy Live Fire/Entry Control Point Range	2,400	2,400	2,400		2,400
Army NG	FLORIDA	Camp Blanding	Live Fire Shoot House	3,100	3,100	3,100		3,100
Army NG	GEORGIA	Atlanta	Readiness Center	11,000	11,000	11,000		11,000
Army NG	GEORGIA	Hinesville	Maneuver Area Training & Equipment Site Ph1	17,500	17,500	17,500		17,500
Army NG	GEORGIA	Macon	Readiness Center Ph1	14,500	14,500	14,500		14,500
Army NG	HAWAII	Kalaeloa	Readiness Center Ph1	33,000	33,000	33,000		33,000
Army NG	ILLINOIS	Normal	Readiness Center	10,000	10,000	10,000		10,000
Army NG	INDIANA	Camp Atterbury	Deployment Processing Facility	8,900	8,900	8,900		8,900
Army NG	INDIANA	Camp Atterbury	Operations Readiness Training Cmplr 2	27,000	27,000	27,000		27,000
Army NG	INDIANA	Camp Atterbury	Operations Readiness Training Complex 1	25,000	25,000	25,000		25,000
Army NG	INDIANA	Camp Atterbury	Railhead Expansion & Container Facility	21,000	21,000	21,000		21,000
Army NG	INDIANA	Indianapolis	JFHQ Add/Alt	25,700	25,700	25,700		25,700
Army NG	MAINE	Bangor	Readiness Center	15,600	15,600	15,600		15,600
Army NG	MAINE	Brunswick	Armed Forces Reserve Center	23,000	23,000	23,000		23,000
Army NG	MARYLAND	Dundalk	Readiness Center Add/Alt	16,000	16,000	16,000		16,000
Army NG	MARYLAND	La Plata	Readiness Center	9,000	9,000	9,000		9,000
Army NG	MARYLAND	Westminster	Readiness Center Add/Alt	10,400	10,400	10,400		10,400
Army NG	MASSACHU- SETTS	Natick	Readiness Center	9,000	9,000	9,000		9,000
Army NG	MINNESOTA	Camp Ripley	Multipurpose Machine Gun Range	8,400	8,400	8,400		8,400
Army NG	MISSISSIPPI	Camp Shelby	Deployment Processing Facility	12,600	12,600	12,600		12,600
Army NG	MISSISSIPPI	Camp Shelby	Operational Readiness Training Cmplr Ph1	27,000	27,000	27,000		27,000
Army NG	MISSISSIPPI	Camp Shelby	Troop Housing (ORTC) Ph1	25,000	25,000	25,000		25,000
Army NG	NEBRASKA	Grand Island	Readiness Center	22,000	22,000	22,000		22,000
Army NG	NEBRASKA	Mead	Readiness Center	9,100	9,100	9,100		9,100
Army NG	NEVADA	Las Vegas	Field Maintenance Shop	23,000	23,000	23,000		23,000
Army NG	NEW JERSEY	Lakehurst	Army Aviation Support Facility	49,000	49,000	49,000		49,000
Army NG	NEW MEXICO	Santa Fe	Readiness Center Add/Alt	5,200	5,200	5,200		5,200
Army NG	NORTH CAROLINA	Greensboro	Readiness Center Add/Alt	3,700	3,700	3,700		3,700
Army NG	OKLAHOMA	Camp Gruber	Live Fire Shoot House	3,000	3,000	3,000		3,000
Army NG	OKLAHOMA	Camp Gruber	Upgrade-Combined Arms Collective Train- ing Fac	10,361	10,361	10,361		10,361
Army NG	OREGON	The Dalles	Readiness Center	13,800	13,800	13,800		13,800
Army NG	PUERTO RICO	Fort Buchanan	Readiness Center	57,000	57,000	57,000		57,000
Army NG	SOUTH CAROLINA	Allendale	Readiness Center Add/Alt	4,300	4,300	4,300		4,300
Army NG	UTAH	Camp Williams	Multi Purpose Machine Gun Range	6,500	6,500	6,500		6,500
Army NG	VIRGINIA	Fort Pickett	Combined Arms Collective Training Facil- ity	11,000	11,000	11,000		11,000
Army NG	WEST VIR- GINIA	Buckhannon	Readiness Center Ph1	10,000	10,000	10,000		10,000
Army NG	WISCONSIN	Camp Williams	Tactical Unmanned Aircraft System Facil- ity	7,000	7,000	7,000		7,000
Army NG	WORLDWIDE UNSPEC- IFIED	Unspecified World- wide Locations	Maintenance & Production Facilities	0	20,000	0		0

**SEC. 4601. MILITARY CONSTRUCTION**  
(In Thousands of Dollars)

<i>Account</i>	<i>State/ Country</i>	<i>Installation</i>	<i>Project Title</i>	<i>Budget Request</i>	<i>House Authorized</i>	<i>Senate Author- ized</i>	<i>Con- ference Change</i>	<i>Con- ference Author- ized</i>
Army NG	WORLDWIDE UNSPEC- IFIED	Unspecified World- wide Locations	Maintenance & Production Facilities	0	10,000	0		0
Army NG	WORLDWIDE UNSPEC- IFIED	Unspecified World- wide Locations	Operational Facilities	0	10,000	0		0
Army NG	WORLDWIDE UNSPEC- IFIED	Unspecified World- wide Locations	Planning and Design	20,671	20,671	20,671		20,671
Army NG	WORLDWIDE UNSPEC- IFIED	Unspecified World- wide Locations	Training Facilities	0	10,000	0		0
Army NG	WORLDWIDE UNSPEC- IFIED	Unspecified World- wide Locations	Unspecified Construction	0	0	0		0
Army NG	WORLDWIDE UNSPEC- IFIED	Unspecified World- wide Locations	Unspecified Minor Construction	11,700	11,700	11,700		11,700
Army NG	WYOMING	Cheyenne	Readiness Center	8,900	8,900	8,900		8,900
<b>Total Military Construction, Army National Guard</b>				<b>773,592</b>	<b>823,592</b>	<b>773,592</b>	<b>0</b>	<b>773,592</b>
Army Res	CALIFORNIA	Fort Hunter Liggett	Automated Multipurpose Machine Gun (MPMG)	5,200	5,200	5,200		5,200
Army Res	COLORADO	Fort Collins	Army Reserve Center	13,600	13,600	13,600		13,600
Army Res	ILLINOIS	Homewood	Army Reserve Center	16,000	16,000	16,000		16,000
Army Res	ILLINOIS	Rockford	Army Reserve Center/Land	12,800	12,800	12,800		12,800
Army Res	INDIANA	Fort Benjamin Har- rison	Army Reserve Center	57,000	57,000	57,000		57,000
Army Res	KANSAS	Kansas City	Army Reserve Center/Land	13,000	13,000	13,000		13,000
Army Res	MASSACHU- SETTS	Attleboro	Army Reserve Center/Land	22,000	22,000	22,000		22,000
Army Res	MINNESOTA	Saint Joseph	Army Reserve Center	11,800	11,800	11,800		11,800
Army Res	MISSOURI	Weldon Springs	Army Reserve Center	19,000	19,000	19,000		19,000
Army Res	NEW YORK	Schenectady	Army Reserve Center	20,000	20,000	20,000		20,000
Army Res	NORTH CAROLINA	Greensboro	Army Reserve Center/Land	19,000	19,000	19,000		19,000
Army Res	SOUTH CAROLINA	Orangeburg	Army Reserve Center/Land	12,000	12,000	12,000		12,000
Army Res	WISCONSIN	Fort McCoy	Automated Record Fire Range	4,600	4,600	4,600		4,600
Army Res	WISCONSIN	Fort McCoy	Container Loading Facility	5,300	5,300	5,300		5,300
Army Res	WISCONSIN	Fort McCoy	Modified Record Fire Known Distance Range	5,400	5,400	5,400		5,400
Army Res	WISCONSIN	Fort McCoy	NCOA Phase III—Billeting	12,000	12,000	12,000		12,000
Army Res	WORLDWIDE UNSPEC- IFIED	Unspecified World- wide Locations	Planning and Design	28,924	28,924	28,924		28,924
Army Res	WORLDWIDE UNSPEC- IFIED	Unspecified World- wide Locations	Unspecified Minor Construction	2,925	2,925	2,925		2,925
<b>Total Military Construction, Army Reserve</b>				<b>280,549</b>	<b>280,549</b>	<b>280,549</b>	<b>0</b>	<b>280,549</b>
N/MC Res	PENNSYL- VANIA	Pittsburg	Armed Forces Reserve Center (Pittsburgh)	13,759	13,759	13,759		13,759
N/MC Res	TENNESSEE	Memphis	Reserve Training Center	7,949	7,949	7,949		7,949
N/MC Res	WORLDWIDE UNSPEC- IFIED	Unspecified World- wide Locations	MCNR Unspecified Minor Construction	2,000	2,000	2,000		2,000
N/MC Res	WORLDWIDE UNSPEC- IFIED	Unspecified World- wide Locations	Planning And Design	2,591	2,591	2,591		2,591
<b>Total Military Construction, Naval Reserve</b>				<b>26,299</b>	<b>26,299</b>	<b>26,299</b>	<b>0</b>	<b>26,299</b>
Air NG	CALIFORNIA	Beale AFB	Wing Operations and Training Facility	6,100	6,100	6,100		6,100
Air NG	CALIFORNIA	Moffett Field	Replace Pararescue Training Facility	26,000	26,000	26,000		26,000
Air NG	HAWAII	Joint Base Pearl Har- bor-Hickam	TFI—F-22 Combat Aircraft Parking Apron	12,721	0	12,721		12,721
Air NG	HAWAII	Joint Base Pearl Har- bor-Hickam	TFI—F-22 Flight Simulator Facility	19,800	19,800	19,800		19,800
Air NG	HAWAII	Joint Base Pearl Har- bor-Hickam	TFI—F-22 Weapons Load Crew Training Facilit	7,000	7,000	7,000		7,000
Air NG	INDIANA	Fort Wayne IAP	A-10 Facility Conversion—Munitions	4,000	4,000	4,000		4,000
Air NG	MARYLAND	Martin State Airport	TFI—C-27 Conversion - Squadron Oper- ations	4,900	4,900	4,900		4,900
Air NG	MASSACHU- SETTS	Otis ANGB	TFI—cNAF Beddown - Upgrade Facility	7,800	7,800	7,800		7,800
Air NG	OHIO	Springfield Beckley- MAP	Alter Predator Operations Center	6,700	6,700	6,700		6,700

**SEC. 4601. MILITARY CONSTRUCTION**  
(In Thousands of Dollars)

<i>Account</i>	<i>State/ Country</i>	<i>Installation</i>	<i>Project Title</i>	<i>Budget Request</i>	<i>House Authorized</i>	<i>Senate Author- ized</i>	<i>Con- ference Change</i>	<i>Con- ference Author- ized</i>
Air NG	WORLDWIDE UNSPEC- IFIED	Unspecified World- wide Locations	Maintenance & Production Facilities	0	20,000	0		0
Air NG	WORLDWIDE UNSPEC- IFIED	Unspecified World- wide Locations	Operational Facilities	0	10,000	0		0
Air NG	WORLDWIDE UNSPEC- IFIED	Various Worldwide Locations	MINOR CONSTRUCTION	9,000	9,000	9,000		9,000
Air NG	WORLDWIDE UNSPEC- IFIED	Various Worldwide Locations	Planning and Design	12,225	12,225	12,225		12,225
<b>Total Military Construction, Air National Guard</b>				<b>116,246</b>	<b>133,525</b>	<b>116,246</b>	<b>0</b>	<b>116,246</b>
AF Res	CALIFORNIA	March AFB	Airfield Control Tower/Base Ops	16,393	16,393	16,393		16,393
AF Res	SOUTH CAROLINA	Charleston AFB	TFI Red Horse Readiness & Trng Center	9,593	9,593	9,593		9,593
AF Res	WORLDWIDE UNSPEC- IFIED	Unspecified World- wide Locations	Planning & Design	2,200	2,200	2,200		2,200
AF Res	WORLDWIDE UNSPEC- IFIED	Unspecified World- wide Locations	Training Facilities	0	10,000	0		0
AF Res	WORLDWIDE UNSPEC- IFIED	Unspecified World- wide Locations	Unspecified Minor Construction	5,434	5,434	5,434		5,434
<b>Total Military Construction, Air Force Reserve</b>				<b>33,620</b>	<b>43,620</b>	<b>33,620</b>	<b>0</b>	<b>33,620</b>
FH Con Army	BELGIUM	Brussels	Land Purchase for GFOQ (10 units)	10,000	10,000	0	-10,000	0
FH Con Army	GERMANY	Grafenwoehr	Family Housing New Construction (26 units)	13,000	13,000	13,000		13,000
FH Con Army	GERMANY	Illesheim	Family Housing Replacement Construc(80 units)	41,000	41,000	41,000		41,000
FH Con Army	GERMANY	Vilseck	Family Housing New Construction (22 units)	12,000	12,000	12,000		12,000
FH Con Army	WORLDWIDE UNSPEC- IFIED	Unspecified World- wide Locations	Construction Improvements (276 units)	103,000	103,000	103,000		103,000
FH Con Army	WORLDWIDE UNSPEC- IFIED	Unspecified World- wide Locations	Family Housing P&D	7,897	7,897	7,897		7,897
<b>Total Family Housing Construction, Army</b>				<b>186,897</b>	<b>186,897</b>	<b>176,897</b>	<b>-10,000</b>	<b>176,897</b>
FH Ops Army	WORLDWIDE UNSPEC- IFIED	Unspecified World- wide Locations	Furnishings Account	14,256	14,256	14,256		14,256
FH Ops Army	WORLDWIDE UNSPEC- IFIED	Unspecified World- wide Locations	Leasing	204,426	204,426	204,426		204,426
FH Ops Army	WORLDWIDE UNSPEC- IFIED	Unspecified World- wide Locations	Maintenance of Real Property	105,668	105,668	105,668		105,668
FH Ops Army	WORLDWIDE UNSPEC- IFIED	Unspecified World- wide Locations	Management Account	54,728	54,728	54,728		54,728
FH Ops Army	WORLDWIDE UNSPEC- IFIED	Unspecified World- wide Locations	Miscellaneous Account	605	605	605		605
FH Ops Army	WORLDWIDE UNSPEC- IFIED	Unspecified World- wide Locations	Privatization Support Costs	25,741	25,741	25,741		25,741
FH Ops Army	WORLDWIDE UNSPEC- IFIED	Unspecified World- wide Locations	Services Account	15,797	15,797	15,797		15,797
FH Ops Army	WORLDWIDE UNSPEC- IFIED	Unspecified World- wide Locations	Utilities Account	73,637	73,637	73,637		73,637
<b>Total Family Housing Operation And Maintenance, Army</b>				<b>494,858</b>	<b>494,858</b>	<b>494,858</b>	<b>0</b>	<b>494,858</b>
FH Con AF	WORLDWIDE UNSPEC- IFIED	Unspecified World- wide Locations	Classified Improvements	50	50	50		50
FH Con AF	WORLDWIDE UNSPEC- IFIED	Unspecified World- wide Locations	Construction Improvements	80,546	80,546	80,546		80,546

**SEC. 4601. MILITARY CONSTRUCTION**  
*(In Thousands of Dollars)*

<i>Account</i>	<i>State/ Country</i>	<i>Installation</i>	<i>Project Title</i>	<i>Budget Request</i>	<i>House Authorized</i>	<i>Senate Author- ized</i>	<i>Con- ference Change</i>	<i>Con- ference Author- ized</i>
<i>FH Con AF</i>	WORLDWIDE UNSPEC- IFIED	Unspecified World- wide Locations	Planning and Design	4,208	4,208	4,208		4,208
<b>Total Family Housing Construction, Air Force</b>				<b>84,804</b>	<b>84,804</b>	<b>84,804</b>	<b>0</b>	<b>84,804</b>
<i>FH Ops AF</i>	WORLDWIDE UNSPEC- IFIED	Unspecified World- wide Locations	Furnishings Account	35,290	35,290	35,290		35,290
<i>FH Ops AF</i>	WORLDWIDE UNSPEC- IFIED	Unspecified World- wide Locations	Housing Privatization	47,571	47,571	47,571		47,571
<i>FH Ops AF</i>	WORLDWIDE UNSPEC- IFIED	Unspecified World- wide Locations	Leasing	80,775	80,775	80,775		80,775
<i>FH Ops AF</i>	WORLDWIDE UNSPEC- IFIED	Unspecified World- wide Locations	Leasing Account	122	122	122		122
<i>FH Ops AF</i>	WORLDWIDE UNSPEC- IFIED	Unspecified World- wide Locations	Maintenance (RPMA & RPMC)	98,132	98,132	98,132		98,132
<i>FH Ops AF</i>	WORLDWIDE UNSPEC- IFIED	Unspecified World- wide Locations	Maintenance Account	2,001	2,001	2,001		2,001
<i>FH Ops AF</i>	WORLDWIDE UNSPEC- IFIED	Unspecified World- wide Locations	Management Account	55,395	55,395	55,395		55,395
<i>FH Ops AF</i>	WORLDWIDE UNSPEC- IFIED	Unspecified World- wide Locations	Management Account	1,996	1,996	1,996		1,996
<i>FH Ops AF</i>	WORLDWIDE UNSPEC- IFIED	Unspecified World- wide Locations	Miscellaneous Account	2,165	2,165	2,165		2,165
<i>FH Ops AF</i>	WORLDWIDE UNSPEC- IFIED	Unspecified World- wide Locations	Services Account	13,675	13,675	13,675		13,675
<i>FH Ops AF</i>	WORLDWIDE UNSPEC- IFIED	Unspecified World- wide Locations	Utilities Account	67,639	67,639	67,639		67,639
<b>Total Family Housing Operation And Maintenance, Air Force</b>				<b>404,761</b>	<b>404,761</b>	<b>404,761</b>	<b>0</b>	<b>404,761</b>
<i>FH Con Navy</i>	WORLDWIDE UNSPEC- IFIED	Unspecified World- wide Locations	Design	3,199	3,199	3,199		3,199
<i>FH Con Navy</i>	WORLDWIDE UNSPEC- IFIED	Unspecified World- wide Locations	Improvements	97,773	97,773	97,773		97,773
<b>Total Family Housing Construction, Navy And Marine Corps</b>				<b>100,972</b>	<b>100,972</b>	<b>100,972</b>	<b>0</b>	<b>100,972</b>
<i>FH Ops Navy</i>	WORLDWIDE UNSPEC- IFIED	Unspecified World- wide Locations	Furnishings Account	15,979	15,979	15,979		15,979
<i>FH Ops Navy</i>	WORLDWIDE UNSPEC- IFIED	Unspecified World- wide Locations	Leasing	79,798	79,798	79,798		79,798
<i>FH Ops Navy</i>	WORLDWIDE UNSPEC- IFIED	Unspecified World- wide Locations	Maintenance Of Real Property	97,231	97,231	97,231		97,231
<i>FH Ops Navy</i>	WORLDWIDE UNSPEC- IFIED	Unspecified World- wide Locations	Management Account	61,090	61,090	61,090		61,090
<i>FH Ops Navy</i>	WORLDWIDE UNSPEC- IFIED	Unspecified World- wide Locations	Miscellaneous Account	476	476	476		476
<i>FH Ops Navy</i>	WORLDWIDE UNSPEC- IFIED	Unspecified World- wide Locations	Privatization Support Costs	28,582	28,582	28,582		28,582
<i>FH Ops Navy</i>	WORLDWIDE UNSPEC- IFIED	Unspecified World- wide Locations	Services Account	14,510	14,510	14,510		14,510
<i>FH Ops Navy</i>	WORLDWIDE UNSPEC- IFIED	Unspecified World- wide Locations	Utilities Account	70,197	70,197	70,197		70,197
<b>Total Family Housing Operation And Maintenance, Navy And Marine Corps</b>				<b>367,863</b>	<b>367,863</b>	<b>367,863</b>	<b>0</b>	<b>367,863</b>
<i>FH Ops DW</i>	WORLDWIDE UNSPEC- IFIED	Unspecified World- wide Locations	Furnishings Account	70	70	70		70

**SEC. 4601. MILITARY CONSTRUCTION**  
(In Thousands of Dollars)

<i>Account</i>	<i>State/ Country</i>	<i>Installation</i>	<i>Project Title</i>	<i>Budget Request</i>	<i>House Authorized</i>	<i>Senate Author- ized</i>	<i>Con- ference Change</i>	<i>Con- ference Author- ized</i>
FH Ops DW	WORLDWIDE UNSPEC- IFIED	Unspecified World- wide Locations	Furnishings Account	19	19	19		19
FH Ops DW	WORLDWIDE UNSPEC- IFIED	Unspecified World- wide Locations	Furnishings Account	2,699	2,699	2,699		2,699
FH Ops DW	WORLDWIDE UNSPEC- IFIED	Unspecified World- wide Locations	Leasing	10,100	10,100	10,100		10,100
FH Ops DW	WORLDWIDE UNSPEC- IFIED	Unspecified World- wide Locations	Leasing	36,552	36,552	36,552		36,552
FH Ops DW	WORLDWIDE UNSPEC- IFIED	Unspecified World- wide Locations	Maintenance Of Real Property	70	70	70		70
FH Ops DW	WORLDWIDE UNSPEC- IFIED	Unspecified World- wide Locations	Maintenance Of Real Property	546	546	546		546
FH Ops DW	WORLDWIDE UNSPEC- IFIED	Unspecified World- wide Locations	Management Account	347	347	347		347
FH Ops DW	WORLDWIDE UNSPEC- IFIED	Unspecified World- wide Locations	Services Account	30	30	30		30
FH Ops DW	WORLDWIDE UNSPEC- IFIED	Unspecified World- wide Locations	Utilities Account	280	280	280		280
FH Ops DW	WORLDWIDE UNSPEC- IFIED	Unspecified World- wide Locations	Utilities Account	10	10	10		10
<b>Total Family Housing Operation And Maintenance, Defense-Wide</b>				<b>50,723</b>	<b>50,723</b>	<b>50,723</b>	<b>0</b>	<b>50,723</b>
HOAP	WORLDWIDE UNSPEC- IFIED	Unspecified World- wide Locations	Homeowners Assistance Program	1,284	1,284	1,284		1,284
<b>Total Homeowners Assistance Fund</b>				<b>1,284</b>	<b>1,284</b>	<b>1,284</b>	<b>0</b>	<b>1,284</b>
FHIF	WORLDWIDE UNSPEC- IFIED	Unspecified World- wide Locations	Family Housing Improvement Fund	2,184	2,184	2,184		2,184
<b>Total DOD Family Housing Improvement Fund</b>				<b>2,184</b>	<b>2,184</b>	<b>2,184</b>	<b>0</b>	<b>2,184</b>
BRAC 05	WORLDWIDE UNSPEC- IFIED	Unspecified World- wide Locations	COMM ADD 3: GALENA FOL, AK	933	933	933	-933	0
BRAC 05	WORLDWIDE UNSPEC- IFIED	Unspecified World- wide Locations	DON-100: PLANING, DESIGN AND MAN- AGEMENT	6,090	6,090	6,090	-6,090	0
BRAC 05	WORLDWIDE UNSPEC- IFIED	Unspecified World- wide Locations	DON-101: VARIOUS LOCATIONS	5,021	5,021	5,021	-5,021	0
BRAC 05	WORLDWIDE UNSPEC- IFIED	Unspecified World- wide Locations	DON-126: NSCS, ATHENS, GA	325	325	325	-325	0
BRAC 05	WORLDWIDE UNSPEC- IFIED	Unspecified World- wide Locations	DON-138: NAS BRUNSWICK, ME	421	421	421	-421	0
BRAC 05	WORLDWIDE UNSPEC- IFIED	Unspecified World- wide Locations	DON-157: MCSA KANSAS CITY, MO	1,442	1,442	1,442	-1,442	0
BRAC 05	WORLDWIDE UNSPEC- IFIED	Unspecified World- wide Locations	DON-158: NSA NEW ORLEANS, LA	2,056	2,056	2,056	-2,056	0
BRAC 05	WORLDWIDE UNSPEC- IFIED	Unspecified World- wide Locations	DON-172: NWS SEAL BEACH, CONCORD, CA	9,763	9,763	9,763	-9,763	0
BRAC 05	WORLDWIDE UNSPEC- IFIED	Unspecified World- wide Locations	DON-2: NS PASCAGOULA, MS	515	515	515	-515	0
BRAC 05	WORLDWIDE UNSPEC- IFIED	Unspecified World- wide Locations	DON-84: JRB WILLOW GROVE & CAMBRIA REG AP	196	196	196	-196	0
BRAC 05	WORLDWIDE UNSPEC- IFIED	Unspecified World- wide Locations	IND-106: KANSAS ARMY AMMUNITION PLANT, KS	45,769	45,769	45,769	-45,769	0

**SEC. 4601. MILITARY CONSTRUCTION**  
(In Thousands of Dollars)

<i>Account</i>	<i>State/ Country</i>	<i>Installation</i>	<i>Project Title</i>	<i>Budget Request</i>	<i>House Authorized</i>	<i>Senate Author- ized</i>	<i>Con- ference Change</i>	<i>Con- ference Author- ized</i>
BRAC 05	WORLDWIDE UNSPEC- IFIED	Unspecified World- wide Locations	IND-110: MISSISSIPPI ARMY AMMO PLANT, MS	122	122	122	-122	0
BRAC 05	WORLDWIDE UNSPEC- IFIED	Unspecified World- wide Locations	IND-112: RIVER BANK ARMY AMMO PLANT, CA	320	320	320	-320	0
BRAC 05	WORLDWIDE UNSPEC- IFIED	Unspecified World- wide Locations	IND-117: DESERET CHEMICAL DEPOT, UT	34,011	34,011	34,011	-34,011	0
BRAC 05	WORLDWIDE UNSPEC- IFIED	Unspecified World- wide Locations	IND-119: NEWPORT CHEMICAL DEPOT, IN	467	467	467	-467	0
BRAC 05	WORLDWIDE UNSPEC- IFIED	Unspecified World- wide Locations	IND-120: UMATILLA CHEMICAL DEPOT, OR	9,092	9,092	9,092	-9,092	0
BRAC 05	WORLDWIDE UNSPEC- IFIED	Unspecified World- wide Locations	IND-122: LONE STAR ARMY AMMO PLANT, TX	19,367	19,367	19,367	-19,367	0
BRAC 05	WORLDWIDE UNSPEC- IFIED	Unspecified World- wide Locations	INT-4: NGA ACTIVITIES	1,791	1,791	1,791	-1,791	0
BRAC 05	WORLDWIDE UNSPEC- IFIED	Unspecified World- wide Locations	MED-2: WALTER REED NMMC, BE- THESDA, MD	18,586	18,586	18,586	-18,586	0
BRAC 05	WORLDWIDE UNSPEC- IFIED	Unspecified World- wide Locations	MED-57: BROOKS CITY BASE, TX	205	205	205	-205	0
BRAC 05	WORLDWIDE UNSPEC- IFIED	Unspecified World- wide Locations	PROGRAM MANAGEMENT VARIOUS LOCATIONS	828	828	828	-828	0
BRAC 05	WORLDWIDE UNSPEC- IFIED	Unspecified World- wide Locations	PROGRAM MANAGEMENT VARIOUS LOCATIONS	32,298	32,298	32,298	-32,298	0
BRAC 05	WORLDWIDE UNSPEC- IFIED	Unspecified World- wide Locations	USA-113: FORT MONROE, VA	23,601	23,601	23,601	-23,601	0
BRAC 05	WORLDWIDE UNSPEC- IFIED	Unspecified World- wide Locations	USA-121: FORT GILLEM, GA	8,903	8,903	8,903	-8,903	0
BRAC 05	WORLDWIDE UNSPEC- IFIED	Unspecified World- wide Locations	USA-131: USAR COMMAND AND CON- TROL -SE	250	250	250	-250	0
BRAC 05	WORLDWIDE UNSPEC- IFIED	Unspecified World- wide Locations	USA-166: USAR COMMAND AND CON- TROL—NW	1,000	1,000	1,000	-1,000	0
BRAC 05	WORLDWIDE UNSPEC- IFIED	Unspecified World- wide Locations	USA-167: USAR COMMAND AND CON- TROL—NE	250	250	250	-250	0
BRAC 05	WORLDWIDE UNSPEC- IFIED	Unspecified World- wide Locations	USA-168: USAR COMMAND AND CON- TROL—SW	250	250	250	-250	0
BRAC 05	WORLDWIDE UNSPEC- IFIED	Unspecified World- wide Locations	USA-222: FORT MCPHERSON, GA	9,921	9,921	9,921	-9,921	0
BRAC 05	WORLDWIDE UNSPEC- IFIED	Unspecified World- wide Locations	USA-223: FORT MONMOUTH, NJ	21,908	21,908	21,908	-21,908	0
BRAC 05	WORLDWIDE UNSPEC- IFIED	Unspecified World- wide Locations	USA-242: RC TRANSFORMATION IN NY	259	259	259	-259	0
BRAC 05	WORLDWIDE UNSPEC- IFIED	Unspecified World- wide Locations	USA-36: RED RIVER ARMY DEPOT	1,207	1,207	1,207	-1,207	0
BRAC 05	WORLDWIDE UNSPEC- IFIED	Unspecified World- wide Locations	USA-63: U.S. ARMY GARRISON (SELFRIDGE)	1,609	1,609	1,609	-1,609	0
<b>Total Base Realignment and Closure Account 2005</b>				<b>258,776</b>	<b>258,776</b>	<b>258,776</b>	<b>-258,776</b>	<b>0</b>
BRAC IV	WORLDWIDE UNSPEC- IFIED	BASE REALIGN- MENT & CLO- SURE	Base Realignment & Closure	0	0	0		0
BRAC IV	WORLDWIDE UNSPEC- IFIED	BASE REALIGN- MENT & CLO- SURE, AIR FORCE	Base Realignment & Closure	123,476	123,476	123,476		123,476

**SEC. 4601. MILITARY CONSTRUCTION**  
(In Thousands of Dollars)

<i>Account</i>	<i>State/ Country</i>	<i>Installation</i>	<i>Project Title</i>	<i>Budget Request</i>	<i>House Authorized</i>	<i>Senate Author- ized</i>	<i>Con- ference Change</i>	<i>Con- ference Author- ized</i>
BRAC IV	WORLDWIDE	BASE REALIGN- UNSPEC- IFIED	Base Realignment & Closure	70,716	70,716	70,716		70,716
BRAC IV	WORLDWIDE	BASE REALIGN- UNSPEC- IFIED	Base Realignment & Closure	129,351	129,351	129,351		129,351
<b>Total Base Realignment and Closure Account 1990</b>				<b>323,543</b>	<b>323,543</b>	<b>323,543</b>	<b>0</b>	<b>323,543</b>
PYS	Unspecified	Unspecified World- wide Locations	Prior Year Savings-Air Force	0	0	0	-32,000	-32,000
PYS	Unspecified	Unspecified World- wide Locations	Prior Year Savings-Defense-Wide	0	0	0	-131,400	-131,400
PYS	Unspecified	Unspecified World- wide Locations	Prior Year Savings-Navy	0	0	0	-25,000	-25,000
PYS	Unspecified	Unspecified World- wide Locations	Prior Year Savings-Army	0	0	0	-100,000	-100,000
<b>Total Prior Year Savings</b>				<b>0</b>	<b>0</b>	<b>0</b>	<b>-288,400</b>	<b>-288,400</b>
<b>Total Division B</b>				<b>14,766,047</b>	<b>14,766,026</b>	<b>13,190,428</b>	<b>-1,696,609</b>	<b>13,069,438</b>
<b>Grand Total</b>				<b>14,766,047</b>	<b>14,766,026</b>	<b>13,190,428</b>	<b>-1,696,609</b>	<b>13,069,438</b>

**TITLE XLVII—DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS**

**SEC. 4701. DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS.**

**SEC. 4701. DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS**  
(In Thousands of Dollars)

<i>Program</i>	<i>FY 2012 Request</i>	<i>House Authorized</i>	<i>Senate Author- ized</i>	<i>Con- ference Change</i>	<i>Con- ference Author- ized</i>
<b>Discretionary Summary By Appropriation</b>					
<b>Energy And Water Development, And Related Agencies</b>					
<b>Appropriation Summary:</b>					
<b>Energy Programs</b>					
ENERGY SECURITY AND ASSURANCE .....	6,187	6,187	0	-6,187	0
<b>Atomic Energy Defense Activities</b>					
<b>National nuclear security administration:</b>					
WEAPONS ACTIVITIES .....	7,629,716	7,629,716	7,628,716	-355,387	7,274,329
DEFENSE NUCLEAR NONPROLIFERATION .....	2,549,492	2,569,492	2,378,679	-216,189	2,333,303
NAVAL REACTORS .....	1,153,662	1,153,662	1,153,662	-73,662	1,080,000
OFFICE OF THE ADMINISTRATOR .....	450,060	450,060	405,092	-67,360	382,700
<b>Total, National nuclear security administration</b> .....	<b>11,782,930</b>	<b>11,802,930</b>	<b>11,566,149</b>	<b>-712,598</b>	<b>11,070,332</b>
<b>Environmental and other defense activities:</b>					
DEFENSE ENVIRONMENTAL CLEANUP .....	5,406,781	5,406,781	5,160,126	-383,781	5,023,000
OTHER DEFENSE ACTIVITIES .....	859,952	859,952	859,952	-36,588	823,364
DEFENSE NUCLEAR WASTE DISPOSAL .....	0	0	0	0	0
<b>Total, Environmental &amp; other defense activities</b> .....	<b>6,266,733</b>	<b>6,266,733</b>	<b>6,020,078</b>	<b>-420,369</b>	<b>5,846,364</b>
<b>Total, Atomic Energy Defense Activities</b> .....	<b>18,049,663</b>	<b>18,069,663</b>	<b>17,586,227</b>	<b>-1,132,967</b>	<b>16,916,696</b>
<b>Total, Discretionary Funding</b> .....	<b>18,055,850</b>	<b>18,075,850</b>	<b>17,586,227</b>	<b>-1,132,967</b>	<b>16,916,696</b>
<b>Electricity Delivery &amp; Energy Reliability</b>					
Infrastructure security & energy restoration .....	6,187	6,187	0	-6,187	0
<b>Weapons Activities</b>					
<b>Directed stockpile work</b>					
<b>Life extension programs</b>					
B61 Life extension program .....	223,562	223,562	223,562		223,562
W76 Life extension program .....	257,035	257,035	257,035		257,035
<b>Total, Life extension programs</b> .....	<b>480,597</b>	<b>480,597</b>	<b>480,597</b>	<b>0</b>	<b>480,597</b>
<b>Stockpile systems</b>					
B61 Stockpile systems .....	72,396	72,396	72,396		72,396
W76 Stockpile systems .....	63,383	63,383	63,383		63,383
W78 Stockpile systems .....	109,518	109,518	107,518	-10,000	99,518
W80 Stockpile systems .....	44,444	44,444	44,444		44,444
B83 Stockpile systems .....	48,215	48,215	48,215		48,215
W87 Stockpile systems .....	83,943	83,943	83,943		83,943
W88 Stockpile systems .....	75,728	75,728	75,728		75,728
<b>Total, Stockpile systems</b> .....	<b>497,627</b>	<b>497,627</b>	<b>495,627</b>	<b>-10,000</b>	<b>487,627</b>



**SEC. 4701. DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS**  
(In Thousands of Dollars)

<i>Program</i>	<i>FY 2012 Request</i>	<i>House Authorized</i>	<i>Senate Author- ized</i>	<i>Con- ference Change</i>	<i>Con- ference Author- ized</i>
<b>Weapons dismantlement and disposition</b>					
Operations and maintenance .....	56,770	56,770	56,770		56,770
<b>Total, Weapons dismantlement and disposition .....</b>	<b>56,770</b>	<b>56,770</b>	<b>56,770</b>	<b>0</b>	<b>56,770</b>
<b>Stockpile services</b>					
Production support .....	354,502	354,502	354,502	-24,502	330,000
Research and development support .....	30,264	30,264	30,264		30,264
R&D certification and safety .....	190,892	190,892	190,892	-25,323	165,569
Management, technology, and production .....	198,700	198,700	198,700	-10,000	188,700
Plutonium sustainment .....	154,231	154,231	154,231	-14,231	140,000
<b>Total, Stockpile services .....</b>	<b>928,589</b>	<b>928,589</b>	<b>928,589</b>	<b>-74,056</b>	<b>854,533</b>
<b>Total, Directed stockpile work .....</b>	<b>1,963,583</b>	<b>1,963,583</b>	<b>1,961,583</b>	<b>-84,056</b>	<b>1,879,527</b>
<b>Campaigns:</b>					
<b>Science campaign</b>					
Advanced certification .....	94,929	94,929	94,929	-54,929	40,000
Primary assessment technologies .....	86,055	86,055	86,055		86,055
Dynamic materials properties .....	111,836	111,836	111,836	-14,852	96,984
Advanced radiography .....	27,058	27,058	27,058	-1,058	26,000
Secondary assessment technologies .....	86,061	86,061	86,061	-1,061	85,000
<b>Total, Science campaign .....</b>	<b>405,939</b>	<b>405,939</b>	<b>405,939</b>	<b>-71,900</b>	<b>334,039</b>
<b>Engineering campaign</b>					
Enhanced surety .....	41,696	41,696	41,696		41,696
Weapon systems engineering assessment technology .....	15,663	15,663	15,663		15,663
Nuclear survivability .....	19,545	19,545	19,545		19,545
Enhanced surveillance .....	66,174	66,174	66,174		66,174
<b>Total, Engineering campaign .....</b>	<b>143,078</b>	<b>143,078</b>	<b>143,078</b>	<b>0</b>	<b>143,078</b>
<b>Inertial confinement fusion ignition and high yield campaign</b>					
Ignition .....	109,888	109,888	109,888		109,888
Diagnostics, cryogenics and experimental support .....	86,259	86,259	91,259		86,259
Pulsed power inertial confinement fusion .....	4,997	4,997	4,997		4,997
Joint program in high energy density laboratory plasmas .....	9,100	9,100	9,100		9,100
Facility operations and target production .....	266,030	266,030	266,030		266,030
<b>Total, Inertial confinement fusion and high yield campaign .....</b>	<b>476,274</b>	<b>476,274</b>	<b>481,274</b>	<b>0</b>	<b>476,274</b>
<b>Advanced simulation and computing campaign .....</b>	<b>628,945</b>	<b>628,945</b>	<b>628,945</b>	<b>-8,945</b>	<b>620,000</b>
<b>Readiness Campaign</b>					
Nonnuclear readiness .....	65,000	65,000	65,000		65,000
Tritium readiness .....	77,491	77,491	70,491	-13,900	63,591
<b>Total, Readiness campaign .....</b>	<b>142,491</b>	<b>142,491</b>	<b>135,491</b>	<b>-13,900</b>	<b>128,591</b>
<b>Total, Campaigns .....</b>	<b>1,796,727</b>	<b>1,796,727</b>	<b>1,794,727</b>	<b>-94,745</b>	<b>1,701,982</b>
<b>Readiness in technical base and facilities (RTBF)</b>					
<b>Operations of facilities</b>					
Kansas City Plant .....	156,217	156,217	151,217		156,217
Lawrence Livermore National Laboratory .....	83,990	83,990	83,990		83,990
Los Alamos National Laboratory .....	318,526	318,526	318,526		318,526
Nevada Test Site .....	97,559	97,559	97,559		97,559
Pantex .....	164,848	164,848	164,848		164,848
Sandia National Laboratory .....	120,708	120,708	120,708		120,708
Savannah River Site .....	97,767	97,767	97,767		97,767
Y-12 National security complex .....	246,001	246,001	246,001		246,001
Institutional site support .....	199,638	199,638	199,638	-199,638	0
<b>Total, Operations of facilities .....</b>	<b>1,485,254</b>	<b>1,485,254</b>	<b>1,480,254</b>	<b>-199,638</b>	<b>1,285,616</b>
Program readiness .....	74,180	74,180	74,180		74,180
Material recycle and recovery .....	85,939	85,939	85,939	-7,939	78,000
Containers .....	28,979	28,979	28,979		28,979
Storage .....	31,272	31,272	31,272		31,272
<b>Subtotal, Readiness in technical base and facilities .....</b>	<b>1,705,624</b>	<b>1,705,624</b>	<b>1,700,624</b>	<b>-207,577</b>	<b>1,498,047</b>
<b>Construction:</b>					
12-D-301 TRU waste facilities, LANL .....	9,881	9,881	9,881		9,881
11-D-801 TA-55 Reinvestment project, LANL .....	19,402	19,402	19,402	-9,402	10,000
10-D-501 Nuclear facilities risk reduction Y-12 National security complex, Oakridge, TN ...	35,387	35,387	35,387		35,387
09-D-404 Test capabilities revitalization II, Sandia National Laboratories, Albuquerque, NM .....	25,168	25,168	25,168		25,168
08-D-802 High explosive pressing facility Pantex Plant, Amerillo, TX .....	66,960	66,960	66,960		66,960
07-D-140 Project engineering and design (PED) various locations .....	3,518	3,518	3,518		3,518
06-D-141 Project engineering & design (PED) Y-12 National Security Complex, Oakridge, TN .....	160,194	160,194	160,194		160,194
04-D-125 Chemistry and metallurgy facility replacement project, Los Alamos National Laboratory, Los Alamos, NM .....	300,000	300,000	300,000	-100,000	200,000
<b>Total, Construction .....</b>	<b>620,510</b>	<b>620,510</b>	<b>620,510</b>	<b>-109,402</b>	<b>511,108</b>
<b>Total, Readiness in technical base and facilities .....</b>	<b>2,326,134</b>	<b>2,326,134</b>	<b>2,321,134</b>	<b>-316,979</b>	<b>2,009,155</b>

**SEC. 4701. DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS**  
(In Thousands of Dollars)

<i>Program</i>	<i>FY 2012 Request</i>	<i>House Authorized</i>	<i>Senate Author- ized</i>	<i>Con- ference Change</i>	<i>Con- ference Author- ized</i>
<b>Secure transportation asset</b>					
Operations and equipment .....	149,274	149,274	149,274	-4,000	145,274
Program direction .....	101,998	101,998	101,998	-3,996	98,002
<b>Total, Secure transportation asset</b> .....	<b>251,272</b>	<b>251,272</b>	<b>251,272</b>	<b>-7,996</b>	<b>243,276</b>
<b>Nuclear counterterrorism incident response</b> .....	<b>222,147</b>	<b>222,147</b>	<b>222,147</b>		<b>222,147</b>
<b>Facilities and infrastructure recapitalization program</b>					
Operations and maintenance .....	96,380	96,380	96,380		96,380
<b>Total, Facilities and infrastructure recapitalization program</b> .....	<b>96,380</b>	<b>96,380</b>	<b>96,380</b>	<b>0</b>	<b>96,380</b>
<b>Site stewardship</b>					
Operations and maintenance .....	104,002	104,002	104,002	-25,322	78,680
<b>Total, Site stewardship</b> .....	<b>104,002</b>	<b>104,002</b>	<b>104,002</b>	<b>-25,322</b>	<b>78,680</b>
<b>Safeguards and security</b>					
<b>Defense nuclear security</b>					
Operations and maintenance .....	711,105	711,105	711,105	-24,853	686,252
<b>Construction:</b>					
08-D-701 Nuclear materials S&S upgrade project Los Alamos National Laboratory .....	11,752	11,752	9,752		11,752
<b>Total, Construction</b> .....	<b>11,752</b>	<b>11,752</b>	<b>9,752</b>	<b>0</b>	<b>11,752</b>
<b>Total, Defense nuclear security</b> .....	<b>722,857</b>	<b>722,857</b>	<b>720,857</b>	<b>-24,853</b>	<b>698,004</b>
Cyber security .....	126,614	126,614	126,614		126,614
<b>Total, Safeguards and security</b> .....	<b>849,471</b>	<b>849,471</b>	<b>847,471</b>	<b>-24,853</b>	<b>824,618</b>
<b>National security applications</b> .....	<b>20,000</b>	<b>20,000</b>	<b>30,000</b>	<b>-10,000</b>	<b>10,000</b>
<b>Subtotal, Weapons activities</b> .....	<b>7,629,716</b>	<b>7,629,716</b>	<b>7,628,716</b>	<b>-563,951</b>	<b>7,065,765</b>
<b>Legacy Contractor Pensions</b> .....	<b>0</b>			<b>168,232</b>	<b>168,232</b>
<b>Recession</b> .....				<b>40,332</b>	<b>40,332</b>
<b>Adjustments</b>					
Use of prior year balances .....	0	0	0		0
<b>Total, Weapons Activities</b> .....	<b>7,629,716</b>	<b>7,629,716</b>	<b>7,628,716</b>	<b>-355,387</b>	<b>7,274,329</b>
<b>Defense Nuclear Nonproliferation</b>					
<b>Nonproliferation and verification R&amp;D</b>					
Operations and maintenance .....	417,598	417,598	426,959	-61,448	356,150
<b>Total, Operations and maintenance</b> .....	<b>417,598</b>	<b>417,598</b>	<b>426,959</b>	<b>-61,448</b>	<b>356,150</b>
<b>Total, Nonproliferation &amp; verification R&amp;D</b> .....	<b>417,598</b>	<b>417,598</b>	<b>426,959</b>	<b>-61,448</b>	<b>356,150</b>
<b>Nonproliferation and international security</b> .....	<b>161,833</b>	<b>161,833</b>	<b>159,833</b>	<b>-6,528</b>	<b>155,305</b>
<b>International nuclear materials protection and cooperation</b> .....	<b>571,639</b>	<b>571,639</b>	<b>571,639</b>		<b>571,639</b>
<b>Fissile materials disposition</b>					
<b>U.S. surplus fissile materials disposition</b>					
<b>Operations and maintenance</b>					
U.S. plutonium disposition .....	274,790	274,790	234,790	-69,158	205,632
U.S. uranium disposition .....	26,435	26,435	26,435	-435	26,000
<b>Total, Operations and maintenance</b> .....	<b>301,225</b>	<b>301,225</b>	<b>261,225</b>	<b>-69,593</b>	<b>231,632</b>
<b>Construction:</b>					
99-D-143 Mixed oxide fuel fabrication facility, Savannah River, SC .....	385,172	385,172	385,172	50,000	435,172
99-D-141-01 Pit disassembly and conversion facility, Savannah River, SC .....	176,000	176,000	48,000	-176,000	0
99-D-141-02 Waste Solidification Building, Savannah River, SC .....	17,582	17,582	17,582		17,582
<b>Total, Construction</b> .....	<b>578,754</b>	<b>578,754</b>	<b>450,754</b>	<b>-126,000</b>	<b>452,754</b>
<b>Total, U.S. surplus fissile materials disposition</b> .....	<b>879,979</b>	<b>879,979</b>	<b>711,979</b>	<b>-195,593</b>	<b>684,386</b>
Russian surplus materials disposition .....	10,174	10,174	0	-9,174	1,000
<b>Total, Fissile materials disposition</b> .....	<b>890,153</b>	<b>890,153</b>	<b>711,979</b>	<b>-204,767</b>	<b>685,386</b>
Global threat reduction initiative .....	508,269	528,269	508,269	-8,269	500,000
Legacy contractor pensions .....	0			55,823	55,823
Recession .....				9,000	9,000
<b>Total, Defense Nuclear Nonproliferation</b> .....	<b>2,549,492</b>	<b>2,569,492</b>	<b>2,378,679</b>	<b>-216,189</b>	<b>2,333,303</b>
<b>Naval Reactors</b>					
<b>Naval reactors development</b>					
OHIO replacement reactor systems development .....	0			121,300	121,300
S8G Prototype refueling .....	0			99,500	99,500
<b>Naval reactors operations and infrastructure</b> .....	<b>0</b>			<b>358,300</b>	<b>358,300</b>
<b>Operation and maintenance</b>					
Operation and maintenance .....	1,069,262	1,069,262	1,069,262	-648,262	421,000
<b>Total, Operation and maintenance</b> .....	<b>1,069,262</b>	<b>1,069,262</b>	<b>1,069,262</b>	<b>-648,262</b>	<b>421,000</b>
<b>Construction:</b>					
10-D-903, Security upgrades, KAPL .....	100	100	100		100
10-D-904, NRF infrastructure upgrades, Idaho .....	12,000	12,000	12,000		12,000
08-D-190 Expanded Core Facility M-290 recovering discharge station, Naval Reactor Facility, ID .....	27,800	27,800	27,800		27,800

**SEC. 4701. DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS**  
(In Thousands of Dollars)

<i>Program</i>	<i>FY 2012 Request</i>	<i>House Authorized</i>	<i>Senate Author- ized</i>	<i>Con- ference Change</i>	<i>Con- ference Author- ized</i>
<b>Total, Construction</b> .....	<b>39,900</b>	<b>39,900</b>	<b>39,900</b>	<b>0</b>	<b>39,900</b>
<b>Total, Naval reactors development</b> .....	<b>1,109,162</b>	<b>1,109,162</b>	<b>1,109,162</b>	<b>-648,262</b>	<b>460,900</b>
Program direction .....	44,500	44,500	44,500	-4,500	40,000
<b>Total, Naval Reactors</b> .....	<b>1,153,662</b>	<b>1,153,662</b>	<b>1,153,662</b>	<b>-73,662</b>	<b>1,080,000</b>
<b>Office Of The Administrator</b>					
Office of the administrator .....	450,060	450,060	405,092	-40,060	410,000
<b>Floor amendment</b>					
Congressionally directed projects .....	0	0	0		0
<b>Subtotal, Office of the Administrator</b> .....	<b>450,060</b>	<b>450,060</b>	<b>405,092</b>	<b>-40,060</b>	<b>410,000</b>
<b>General Provision</b>					
Section 309-Contractor Pay Freeze .....	0			-27,300	-27,300
<b>Security</b>					
<b>Adjustments:</b>					
Use of prior year balances .....	0	0	0		0
<b>Subtotal, Office of the Administrator</b> .....	<b>450,060</b>	<b>450,060</b>	<b>405,092</b>	<b>-67,360</b>	<b>382,700</b>
Transfer of prior year balances (OMB scoring) .....	0	0	0		0
<b>Total, Office Of The Administrator</b> .....	<b>450,060</b>	<b>450,060</b>	<b>405,092</b>	<b>-67,360</b>	<b>382,700</b>
<b>Defense Environmental Cleanup</b>					
<b>Closure sites:</b>					
Closure sites administration .....	5,375	5,375	5,375		5,375
<b>Total, Closure sites</b> .....	<b>5,375</b>	<b>5,375</b>	<b>5,375</b>	<b>0</b>	<b>5,375</b>
<b>Hanford site:</b>					
Central plateau remediation .....	0				546,890
River corridor and other cleanup operations .....	0			20,000	386,822
Nuclear facility D&D—remainder of Hanford .....	56,288	56,288	56,288		
Nuclear facility D&D river corridor closure project .....	330,534	330,534	330,534		
Richland community and regulatory support .....	0			19,540	19,540
Nuclear material stabilization and disposition PFP .....	48,458	48,458	48,458		
SNF stabilization and disposition .....	112,250	112,250	112,250		
Soil and water remediation—groundwater vadose zone .....	222,285	222,285	222,285		
Solid waste stabilization and disposition 200 area .....	143,897	143,897	143,897		
<b>Total, Hanford site</b> .....	<b>913,712</b>	<b>913,712</b>	<b>913,712</b>	<b>39,540</b>	<b>953,252</b>
<b>Idaho National Laboratory:</b>					
Idaho cleanup and waste disposition .....	0				382,769
SNF stabilization and disposition—2012 .....	20,114	20,114	20,114		
Solid waste stabilization and disposition .....	165,035	165,035	165,035		
Radioactive liquid tank waste stabilization and disposition .....	110,169	110,169	110,169		
Soil and water remediation—2012 .....	87,451	87,451	87,451		
Idaho community and regulatory support .....	0	0	0	4,100	4,100
<b>Total, Idaho National Laboratory</b> .....	<b>382,769</b>	<b>382,769</b>	<b>382,769</b>	<b>4,100</b>	<b>386,869</b>
<b>NNSA sites</b>					
NNSA sites and Nevada off-sites .....	0				282,393
Lawrence Livermore National Laboratory .....	873	873	873		
Nuclear facility D & D Separations Process Research Unit .....	1,500	1,500	1,500		
Nevada .....	63,380	63,380	63,380		
Los Alamos National Laboratory .....	357,939	357,939	188,939		
<b>Sandia National Laboratory</b>					
<b>Total, NNSA sites and Nevada off-sites</b> .....	<b>423,692</b>	<b>423,692</b>	<b>254,692</b>	<b>-141,299</b>	<b>282,393</b>
<b>Oak Ridge Reservation:</b>					
Building 3019 .....	0				37,000
OR nuclear facility D&D .....	0				69,100
Nuclear facility D & D ORNL .....	44,000	44,000	44,000		
Nuclear facility D & D Y-12 .....	30,000	30,000	30,000		
Nuclear facility D & D, E. Tennessee technology park .....	100	100	100		
OR cleanup and disposition .....	0				87,000
OR reservation community and regulatory support Soil and water remediation—offsites .....	3,000	3,000	3,000	17,000	
OR reservation community and regulatory support Soil and water remediation—offsites .....	0	0	0	6,409	6,409
Solid waste stabilization and disposition—2012 .....	99,000	99,000	99,000		
<b>Total, Oak Ridge Reservation</b> .....	<b>176,100</b>	<b>176,100</b>	<b>176,100</b>	<b>23,409</b>	<b>199,509</b>
<b>Office of River Protection:</b>					
<b>Waste treatment and immobilization plant</b>					
Waste treatment & immobilization plant 01-D-16 A-D .....	363,000			67,000	430,000
Waste treatment & immobilization plant 01-D-16 E .....	477,000			-167,000	310,000
<b>Total, Waste treatment and immobilization plant</b> .....	<b>840,000</b>	<b>0</b>	<b>0</b>	<b>-100,000</b>	<b>740,000</b>

**SEC. 4701. DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS**  
(In Thousands of Dollars)

<i>Program</i>	<i>FY 2012 Request</i>	<i>House Authorized</i>	<i>Senate Author- ized</i>	<i>Con- ference Change</i>	<i>Con- ference Author- ized</i>
<b>Tank farm activities</b>					
Rad liquid tank waste stabilization and disposition .....	521,391	521,391	467,001	-76,391	445,000
<b>Total, Tank farm activities</b> .....	<b>521,391</b>	<b>521,391</b>	<b>467,001</b>	<b>-76,391</b>	<b>445,000</b>
<b>Total, Office of River protection</b> .....	<b>1,361,391</b>	<b>521,391</b>	<b>467,001</b>	<b>-176,391</b>	<b>1,185,000</b>
<b>Savannah River site:</b>					
Savannah River community and regulatory support .....	0				9,584
Nuclear material stabilization and disposition .....	235,000	235,000	245,000		
Radioactive liquid tank waste stabilization and disposition .....	710,487	710,487	677,222	-43,406	667,081
SR site risk management operations .....	0				343,586
PE&D Glass Waste Storage Building #3 .....	0				3,500
05-D-405 Salt waste processing facility, Savannah River .....	170,071	170,071	170,071		170,071
Soil and water remediation .....	38,409				
SNF stabilization and disposition .....	40,137	40,137	40,137		
Solid waste stabilization and disposition .....	30,040	30,040	30,040		
<b>Total, Savannah River site</b> .....	<b>1,224,144</b>	<b>1,185,735</b>	<b>1,162,470</b>	<b>-30,322</b>	<b>1,193,822</b>
<b>Waste Isolation Pilot Plant</b>					
<b>Waste Isolation Pilot Plant</b> .....	0				215,134
Waste isolation pilot plant .....	147,136	147,136	147,136	-13,792	
Central characterization project .....	23,975	23,975	23,975		
Transportation .....	29,044	29,044	29,044		
Community and regulatory support .....	28,771	28,771	28,771		
<b>Total, Waste Isolation Pilot Plant</b> .....	<b>228,926</b>	<b>228,926</b>	<b>228,926</b>	<b>-13,792</b>	<b>215,134</b>
Program direction .....	321,628	321,628	321,628		321,628
Program Support .....	0			20,380	20,380
Community, regulatory and program support .....	91,279	91,279	91,279		
<b>Safeguards and Security:</b>					
Oak Ridge Reservation .....	17,300	17,300	17,300		17,300
Paducah .....	9,435	9,435	9,435		9,435
Portsmouth .....	16,412	16,412	16,412		16,412
Richland/Hanford Site .....	69,234	69,234	69,234		69,234
Savannah River Site .....	130,000	130,000	130,000	3,193	133,193
Waste Isolation Pilot Project .....	4,845	4,845	4,845		4,845
West Valley .....	1,600	1,600	1,600		1,600
<b>Total, Safeguards and Security</b> .....	<b>248,826</b>	<b>248,826</b>	<b>248,826</b>	<b>3,193</b>	<b>252,019</b>
Technology development .....	32,320	32,320	32,320	-21,320	11,000
<b>Subtotal, Defense environmental cleanup</b> .....	<b>5,410,162</b>	<b>4,531,753</b>	<b>4,285,098</b>	<b>-383,781</b>	<b>5,026,381</b>
Use of prior year balances .....	-3,381	-3,381	-3,381		-3,381
<b>Total, Defense Environmental Cleanup</b> .....	<b>5,406,781</b>	<b>4,528,372</b>	<b>4,281,717</b>	<b>-383,781</b>	<b>5,023,000</b>
<b>Other Defense Activities</b>					
<b>Health, safety and security</b>					
Health, safety and security .....	349,445	349,445	349,445	-14,009	335,436
Program direction .....	107,037	107,037	107,037	-5,037	102,000
<b>Total, Health, safety and security</b> .....	<b>456,482</b>	<b>456,482</b>	<b>456,482</b>	<b>-19,046</b>	<b>437,436</b>
<b>Office of Legacy Management</b>					
Legacy management .....	157,514	157,514	157,514		157,514
Program direction .....	12,586	12,586	12,586	-500	12,086
<b>Total, Office of Legacy Management</b> .....	<b>170,100</b>	<b>170,100</b>	<b>170,100</b>	<b>-500</b>	<b>169,600</b>
<b>Defense-related activities</b>					
<b>Infrastructure</b>					
Idaho sitewide safeguards and security .....	98,500	98,500	98,500	-5,150	93,350
<b>Total, Defense-related activities</b> .....	<b>98,500</b>	<b>98,500</b>	<b>98,500</b>	<b>-5,150</b>	<b>93,350</b>
Defense related administrative support .....	118,836	118,836	118,836		118,836
Acquisitions workforce improvement .....	11,892	11,892	11,892	-11,892	0
Office of hearings and appeals .....	4,142	4,142	4,142		4,142
<b>Total, Other Defense Activities</b> .....	<b>859,952</b>	<b>z</b>	<b>859,952</b>	<b>-36,588</b>	<b>823,364</b>

**DIVISION E—SBIR AND STTR  
REAUTHORIZATION**

*Reauthorization of the SBIR and STTR programs (sec. 5001-5168)*

The Senate amendment contained several provisions (secs. 5001-5503) that would reauthorize the Small Business Innovation Research (SBIR) and the Small Business Technology Transfer (STTR) programs for 8

years. The SBIR/STTR Reauthorization Act of 2011 gradually increases the SBIR allocation from 2.5 percent to 3.5 percent and the STTR allocation from 0.3 percent to 0.6 percent. In addition, it allows entities majority-owned by multiple venture capital firms to compete for SBIR awards.

The House bill contained no similar provisions.

The House recedes and the conferees agree to reauthorize SBIR and STTR for 6 years. The SBIR allocation will increase incrementally from 2.5 percent to 3.2 percent and the STTR allocation will increase incrementally from 0.3 percent to 0.45 percent. The conference agreement also expands the allowance of venture capital firms to include participation by firms that are majority owned

by multiple hedge funds or private equity firms.

From the Committee on Armed Services, for consideration of the House bill and the Senate amendment, and modifications committed to conference:

HOWARD P. "BUCK"  
MCKEON,  
ROSCOE G. BARTLETT,  
MAC THORNBERRY,  
W. TODD AKIN,  
JEFF MILLER,  
FRANK A. LOBIONDO,  
MICHAEL R. TURNER,  
JOHN KLINE,  
MIKE ROGERS of Alabama,  
BILL SHUSTER,  
K. MICHAEL CONAWAY,  
ROBERT J. WITTMAN,  
DUNCAN HUNTER,  
THOMAS J. ROONEY,  
ROBERT T. SCHILLING,  
TIM GRIFFIN of Arkansas,  
ALLEN B. WEST,  
ADAM SMITH of  
Washington,  
SILVESTRE REYES,  
LORETTA SANCHEZ of  
California,  
MIKE MCINTYRE,  
ROBERT E. ANDREWS,  
SUSAN A. DAVIS of  
California,  
JAMES R. LANGEVIN,  
RICK LARSEN of  
Washington,  
JIM COOPER,  
JOE COURTNEY,  
DAVID LOEBACK,  
NIKI TSONGAS,

From the Permanent Select Committee on Intelligence, for consideration of matters within the jurisdiction of that committee under clause 11 of rule X:

MIKE ROGERS of Michigan,  
C. A. DUTCH  
RUPPERSBERGER,

From the Committee on Education and the Workforce, for consideration of secs. 548 and 572 of the House bill, and secs. 572 and 573 of the Senate amendment, and modifications committed to conference:

THOMAS E. PETRI,  
JOSEPH J. HECK,

From the Committee on Energy and Commerce, for consideration of secs. 911, 1099A, 2852 and 3114 of the House bill, and sec. 1089 of the Senate amendment, and modifications committed to conference:

From the Committee on Financial Services, for consideration of sec. 645 of the House bill, and sec. 1245 of the Senate amendment, and modifications committed to conference:

SPENCER BACHUS,  
SHELLEY MOORE CAPITO,  
GARY L. ACKERMAN,

From the Committee on Foreign Affairs, for consideration of secs. 1013, 1014, 1055, 1056, 1086, 1092, 1202, 1204, 1205, 1211, 1214, 1216, 1218, 1219, 1226, 1228-1230, 1237, 1301, 1303, 1532, 1533 and 3112 of the House bill, and secs. 159, 1012, 1031, 1033, 1046, 1201, 1203, 1204, 1206-1209, 1221-1225, 1228, 1230, 1245, title XIII and sec. 1609 of the Senate amendment, and modifications committed to conference:

ILEANA ROS-LEHTINEN,  
STEVE CHABOT,

From the Committee on Homeland Security, for consideration of sec. 1099H of the House bill, and sec. 1092 of the Senate amendment, and modifications committed to conference:

BENNIE G. THOMPSON of

Mississippi,

From the Committee on the Judiciary, for consideration of secs. 531 of subtitle D of title V, 573, 843 and 2804 to the House Bill, and secs. 553 and 848 of the Senate amendment, and modifications committed to conference:

LAMAR SMITH of Texas,  
From the Committee on Natural Resources, for consideration of secs. 313, 601 and 1997 of the House bill, and modifications committed to conference:

DOC HASTINGS of  
Washington,  
ROB BISHOP of Utah.  
EDWARD J. MARKEY,

From the Committee on Oversight and Government Reform, for consideration of secs. 598, 662, 803, 813, 844, 847, 849, 937-939, 1081, 1091, 1101-1111, 1116 and 2813 of the House bill, and secs. 827, 845, 1044, 1102-1107 and 2812 of the Senate amendment, and modifications committed to conference:

DENNIS A. ROSS of Florida,  
JAMES LANKFORD,  
ELIJAH E. CUMMINGS,

From the Committee on Science, Space, and Technology, for consideration of secs. 911 and 1098 of the House bill, and secs. 885, 911, 912 and Division E of the Senate amendment, and modifications committed to conference:

RALPH M. HALL,  
BENJAMIN QUAYLE,  
EDDIE BERNICE JOHNSON of  
Texas,

From the Committee on Small Business, for consideration of sec. 804 of the House bill, and secs. 885-887 and Division E of the Senate amendment, and modifications committed to conference:

RENEE L. ELLMERS,

From the Committee on Transportation and Infrastructure, for consideration of secs. 314, 366, 601, 1098 and 2814 of the House bill, and secs. 262, 313, 315, 1045, 1088 and 3301 of the Senate amendment, and modifications committed to conference:

JOHN L. MICA,  
CHIP CRAVAACK,

From the Committee on Veterans' Affairs, for consideration of secs. 551, 573, 705, 731 and 1099C of the House bill, and secs. 631 and 1093 of the Senate amendment, and modifications committed to conference:

GUS M. BILIRAKIS,  
ANN MARIE BUECKLE,

From the Committee on Ways and Means, for consideration of secs. 704, 1099 and 1225 of the House bill, and sec. 848 of the Senate amendment, and modifications committed to conference:

DAVE CAMP,  
WALLY HERGER,  
SANDER M. LEVIN,

*Managers on the part of the HOUSE.*

CARL LEVIN,  
JOSEPH I. LIEBERMAN,  
JACK REED,  
DANIEL K. AKAKA,  
BEN NELSON of Nebraska,  
JIM WEBB,  
CLAIRE MCCASKILL,  
MARK UDALL of Colorado.  
(Except for secs. 1021  
and 1022 in Subtitle  
D),

KAY R. HAGAN,  
MARK BEGICH,  
JOE MANCHIN, III,  
JEANNE SHAHEEN,  
KIRSTEN E. GILLIBRAND,  
RICHARD BLUMENTHAL,  
JOHN MCCAIN,

JAMES M. INHOFE,  
JEFF SESSIONS,  
SAXBY CHAMBLISS,  
ROGER F. WICKER,  
SCOTT P. BROWN of  
Massachusetts,  
ROB PORTMAN,  
KELLY AYOTTE,  
SUSAN M. COLLINS,  
LINDSEY GRAHAM,  
JOHN CORNYN,  
DAVID VITTER,

*Managers on the part of the SENATE.*

## EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XIV, executive communications were taken from the Speaker's table and referred as follows:

4256. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans: South Carolina; Negative Declarations for Applicability of Groups I, II, III and IV Control Techniques Guidelines; and Applicability of Reasonably Available Control Technology for the Portion of York County, South Carolina within Charlotte-Gastonia-Rock Hill, North Carolina-South Carolina 1997 8-Hour Ozone Nonattainment Area [EPA-R04-OAR-2010-0017-201014(a) & EPA-R04-OAR-2010-0018-201001(a); FRL-9495-7] received November 22, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4257. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; State of Maryland; Section 110(a)(2) Infrastructure Requirements for the 1997 8-Hour Ozone and the 1997 and 2006 Fine Particulate Matter National Ambient Air Quality Standards [EPA-R03-OAR-2010-0476; FRL-9495-6] received November 22, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4258. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans and Designations of Areas for Air Quality Planning Purposes; Georgia: Atlanta; Determination of Attaining Data for the 1997 Annual Fine Particulate Matter National Ambient Air Quality Standards [EPA-R04-OAR-2010-0604-201160; FRL-9496-3] received November 22, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4259. A letter from the Deputy Assistant Administrator for Operations, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Endangered and Threatened Wildlife and Plants: Final Rulemaking To Designate Critical Habitat for Black Abalone [Docket No.: 100127045-1313-02] (RIN: 0648-AY64) received November 21, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

4260. A letter from the Associate General Counsel for Legislation and Regulations, Department of Housing and Urban Development, transmitting the Department's final rule — HUD Debt Collection: Revisions and Update to the Procedures for the Collection of Claims [Docket No.: FR-5166-F-02] (RIN: 2501-AD36) received November 21, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

4261. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; MD Helicopters, Inc. Model MD900 Helicopters [Docket No.: FAA-2010-1301; Directorate Identifier 2010-SW-008-AD; Amendment 39-16851; AD 2011-22-08] (RIN: 2120-AA64) received November 22, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4262. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Agusta S.p.A. (Agusta) Model AB139 and AW139 [Docket No.: FAA-2011-1036; Directorate Identifier 2010-SW-088-AD; Amendment 39-16819; AD 2011-20-08] (RIN: 2120-AA64) received November 22, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4263. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Eurocopter Deutschland GmbH (ECD) Model MBB-BK 117 C-2 Helicopters [Docket No.: FAA-2011-1075; Directorate Identifier 2011-SW-011-AD; Amendment 39-16836; AD 2011-21-13] (RIN: 2120-AA64) received November 22, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4264. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Bell Helicopter Textron, Inc. (Bell), Model 205A-1, 205B, 210, and 212 Helicopters [Docket No.: FAA-2011-1182; Directorate Identifier 2010-SW-010-AD; Amendment 39-16853; AD 2011-23-02] (RIN: 2120-AA64) received November 22, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4265. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Sigma Aero Seat Passenger Seat Assemblies, Installed on, but not Limited to, ATR-GIE Avions de Transport Regional Airplanes [Docket No.: FAA-2011-1163; Directorate Identifier 2011-NM-022-AD; Amendment 39-16857; AD 2011-23-06] (RIN: 2120-AA64) received November 22, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4266. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Bombardier, Inc. Airplanes [Docket No.: FAA-2011-0031; Directorate Identifier 2010-NM-135-AD; Amendment 39-16860; AD 2011-23-09] (RIN: 2120-AA64) received November 22, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4267. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Rolls-Royce plc RB211-524 Series, RB211-Trent 700 Series, and RB211-Trent 800 Series Turbofan Engines [Docket No.: FAA-2010-0993; Directorate Identifier 2010-NE-08-AD; Amendment 39-16849; AD 2011-22-07] (RIN: 2120-AA64) received November 22, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4268. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; The Boeing Company Model 737-300, -400, and -500 Series Airplanes [Docket No.: FAA-2011-1162; Directorate Identifier 2011-NM-186-AD; Amendment 39-16856; AD 2011-23-05] (RIN: 2120-AA64) received November 22, 2011, pursuant to 5 U.S.C. 801(a)(1)(A);

to the Committee on Transportation and Infrastructure.

4269. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; SOCATA Airplanes [Docket No.: FAA-2011-0868; Directorate Identifier 2011-CE-027-AD; Amendment 39-16854; AD 2011-23-03] (RIN: 2120-AA64) received November 22, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4270. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; General Electric Company Turbo-shaft Engines [Docket No.: FAA-2011-0942; Directorate Identifier 2011-NE-29-AD; Amendment 39-16840; AD 2011-21-17] (RIN: 2120-AA64) received November 22, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4271. A letter from the Director, Regulation Policy and Management, Office of the General Counsel, Department of Veterans Affairs, transmitting the Department's final rule — Clothing Allowance (RIN: 2900-AN64) received November 17, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Veterans' Affairs.

4272. A letter from the Director, Regulation Policy and Management, Office of the General Counsel, Department of Veterans Affairs, transmitting the Department's final rule — Updating Fire Safety Standards (RIN: 2900-AN57) received November 17, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Veterans' Affairs.

4273. A letter from the Chief, Trade and Commercial Regulations Branch, Department of the Treasury, transmitting the Department's final rule — Import Restrictions Imposed on Certain Archaeological and Ethnological Material From Greece (RIN: 1515-AD84) received November 28, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4274. A letter from the Chief, Trade and Commercial Regulations Branch, Department of the Treasury, transmitting the Department's final rule — Extension of Import Restrictions Imposed on Archaeological and Ethnological Material From Bolivia (RIN: 1515-AD83) received November 28, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4275. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — User Fee to Take the Registered Tax Return Preparer Competency Examination [TD 9559] (RIN: 1545-BK24) received November 23, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

## REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. SMITH of Texas: Committee on the Judiciary. H.R. 313. A bill to amend the Controlled Substances Act to clarify that persons who enter into a conspiracy within the United States to possess or traffic illegal controlled substances outside the United States, or engage in conduct within the United States to aid or abet drug trafficking outside the United States, may be criminally prosecuted in the United States, and for other purposes; with an amendment (Rept.

112-324 Pt. 1). Referred to the Committee of the Whole House on the state of the Union.

Mr. MICA: Committee on Transportation and Infrastructure. H.R. 1264. A bill to designate the property between the United States Federal Courthouse and the Ed Jones Building located at 109 South Highland Avenue in Jackson, Tennessee, as the "M.D. Anderson Plaza" and to authorize the placement of a historical/identification marker on the grounds recognizing the achievements and philanthropy of M.D. Anderson (Rept. 112-325). Referred to the House Calendar.

Mr. MICA: Committee on Transportation and Infrastructure. H.R. 2668. A bill to designate the station of the United States Border Patrol located at 2136 South Naco Highway in Bisbee, Arizona, as the "Brian A. Terry Border Patrol Station" (Rept. 112-326). Referred to the House Calendar.

Mr. BACHUS: Committee on Financial Services. H.R. 2167. A bill to amend the Securities Exchange Act of 1934 to change the threshold number of shareholders for required registration under that Act; with an amendment (Rept. 112-327). Referred to the Committee of the Whole House on the state of the Union.

Mr. DREIER: Committee on Rules. House Resolution 491. Resolution providing for consideration of the bill (H.R. 3630) to provide incentives for the creation of jobs, and for other purposes (Rept. 112-328). Referred to the House Calendar.

Mr. McKEON: Committee of Conference. Conference report on H.R. 1540. A bill to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense and for military construction, to prescribe military personnel strengths for fiscal year 2012, and for other purposes (Rept. 112-329). Ordered to be printed.

## DISCHARGE OF COMMITTEE

Pursuant to clause 2 of rule XIII, the Committee on Energy and Commerce discharged from further consideration. H.R. 313 referred to the committee of the Whole House on the state of the Union, and ordered to be printed.

## PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. KISSELL:

H.R. 3632. A bill to require the Administrator of the Federal Aviation Administration to prescribe regulations requiring air carriers to provide passengers with certain amenities and facilities, and for other purposes; to the Committee on Transportation and Infrastructure.

By Ms. BUERKLE (for herself and Mr. KING of New York):

H.R. 3633. A bill to amend title XVIII of the Social Security Act to repeal the reduction in Medicare disproportionate share hospital (DSH) payments made by section 3133 of the Patient Protection and Affordable Care Act; to the Committee on Ways and Means.

By Mr. HUIZENGA of Michigan (for himself, Mr. FRANK of Massachusetts, Mrs. MALONEY, Mr. SENSENBRENNER, Mr. MANZULLO, Mr. ROYCE, Mr. TIBERI, and Mr. OLVER):

H.R. 3634. A bill to amend title 18, United States Code, to require Federal Prison Industries to compete for its contracts minimizing its unfair competition with private sector firms and their non-inmate workers and empowering Federal agencies to get the best value for taxpayers' dollars, to provide a

five-year period during which Federal Prison Industries adjusts to obtaining inmate work opportunities through other than its mandatory source status, to enhance inmate access to remedial and vocational opportunities and other rehabilitative opportunities to better prepare inmates for a successful return to society, to authorize alternative inmate work opportunities in support of non-profit organizations and other public service programs, and for other purposes; to the Committee on the Judiciary.

By Mrs. MALONEY (for herself and Ms. RICHARDSON):

H.R. 3635. A bill to encourage initiatives for financial products and services that are appropriate and accessible for millions of American small businesses that do not have access to the financial mainstream; to the Committee on Financial Services.

By Mr. MURPHY of Connecticut:

H.R. 3636. A bill to amend title 18, United States Code, to extend the stolen goods offense to cover all veterans' memorials, and for other purposes; to the Committee on the Judiciary.

By Mr. ROONEY (for himself, Mr. NUGENT, Mr. YOUNG of Florida, Mr. DIAZ-BALART, Mr. WEST, Mr. RIVERA, Mr. BILIRAKIS, Mr. WEBSTER, Mrs. ADAMS, Mr. POSEY, Mr. STEARNS, Ms. CASTOR of Florida, Ms. BROWN of Florida, Mr. DEUTCH, Mr. HASTINGS of Florida, Mr. MICA, Mr. CRENSHAW, Mr. BUCHANAN, Mr. MILLER of Florida, Ms. ROS-LEHTINEN, Ms. WILSON of Florida, Ms. WASSERMAN SCHULTZ, and Mr. MACK):

H.R. 3637. A bill to designate the facility of the United States Postal Service located at 401 Old Dixie Highway in Jupiter, Florida, as the "Roy Schallern Rood Post Office Building"; to the Committee on Oversight and Government Reform.

By Mr. GOSAR (for himself, Mr. FRANKS of Arizona, Mr. DUNCAN of South Carolina, Mr. MACK, Mr. BROUN of Georgia, Ms. JENKINS, Mr. BILIRAKIS, Mr. MARCHANT, Mr. GRIMM, Mr. FARENTHOLD, Mrs. ELLMERS, Mr. LANDRY, Mr. BURTON of Indiana, Mr. NUNNELEE, Mr. CANSECO, Mrs. HARTZLER, Mr. SCHILLING, Mr. PEARCE, Mr. JOHNSON of Ohio, Mr. JONES, Mr. SCHWEIKERT, and Mr. WEST):

H. Res. 490. A resolution expressing no confidence in the Attorney General of the United States; to the Committee on the Judiciary.

By Mrs. ELLMERS:

H. Res. 492. A resolution expressing the firm belief that disposing of any part of the remains of a deceased member of the Armed Forces as medical waste is repugnant, disrespectful and should not be tolerated; to the Committee on Armed Services.

### CONSTITUTIONAL AUTHORITY STATEMENT

Pursuant to clause 7 of rule MI of the Rules of the House of Representatives, the following statements are submitted regarding the specific powers granted to Congress in the Constitution to enact the accompanying bill or joint resolution.

By Mr. KISSELL:

H.R. 3632.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 3

The Congress shall have Power to regulate Commerce with foreign Nations, and among the several States, and with the Indian Tribes.

By Ms. BUERKLE:

H.R. 3633.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8.

By Mr. HUIZENGA of Michigan:

H.R. 3634.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section, Clause 3—To regulate Commerce with foreign Nations, and among the several States, and with the Indian Tribes

Amendment X—Nothing in the Constitution authorizes the Federal government to do anything other than those things enumerated (coin money, enter into treaties, conduct a Census—which are inherently governmental). Thus, under Amendment X, the right to carry out commercial activities is reserved to the States, respectively, or to the people.

By Mrs. MALONEY:

H.R. 3635.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, clause 3.

By Mr. MURPHY of Connecticut:

H.R. 3636.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8

By Mr. ROONEY:

H.R. 3637.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section VIII: to establish post offices and post roads.

### ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 178: Mr. JOHNSON of Ohio.  
H.R. 198: Mr. HASTINGS of Florida.  
H.R. 374: Mr. NEUGEBAUER.  
H.R. 402: Mr. THOMPSON of California and Mr. CARSON of Indiana.  
H.R. 452: Mr. BACA and Mr. MATHESON.  
H.R. 459: Mr. AMODEI.  
H.R. 623: Ms. BROWN of Florida and Mr. CAPUANO.  
H.R. 719: Mr. BACA.  
H.R. 733: Mr. GRIFFITH of Virginia.  
H.R. 835: Mr. CONYERS, Mr. REYES, Mr. JOHNSON of Illinois, Mr. HEINRICH, Mr. SCOTT of Virginia, Mr. LUJÁN, Ms. SCHWARTZ, and Mr. RAHALL.  
H.R. 873: Mr. FILNER and Mr. JOHNSON of Georgia.  
H.R. 965: Mr. SERRANO.  
H.R. 1005: Mr. MURPHY of Connecticut.  
H.R. 1063: Mr. MORAN, Ms. ESHOO, Ms. JENKINS, Mr. CRITZ, Mr. JOHNSON of Georgia, and Mr. ROYCE.  
H.R. 1138: Ms. WILSON of Florida.  
H.R. 1167: Mr. MCHENRY.  
H.R. 1206: Mr. BROUN of Georgia and Mr. WITTMAN.  
H.R. 1236: Mr. FATTAH.  
H.R. 1265: Ms. HANABUSA and Ms. FUDGE.  
H.R. 1350: Mr. CONYERS.  
H.R. 1397: Mr. BACA, Ms. WILSON of Florida, and Ms. HAHN.  
H.R. 1406: Mr. JONES.  
H.R. 1489: Mr. DOYLE.  
H.R. 1524: Mr. JACKSON of Illinois.  
H.R. 1546: Mr. OWENS.

H.R. 1639: Mr. COURTNEY and Mr. SAM JOHNSON of Texas.

H.R. 1707: Mr. CICILLINE.

H.R. 1738: Mrs. LOWEY.

H.R. 1744: Mr. TIPTON.

H.R. 1916: Mr. PALLONE.

H.R. 1964: Mr. KUCINICH, Mrs. BLACKBURN, Mr. JOHNSON of Ohio, Ms. RICHARDSON, Mr. HARRIS, and Mr. BUTTERFIELD.

H.R. 1968: Mr. MCGOVERN and Mr. BISHOP of New York.

H.R. 2098: Mr. MCGOVERN and Mr. JACKSON of Illinois.

H.R. 2105: Mr. BERMAN, Mr. BURTON of Indiana, Mr. MCCAUL, Mr. COBLE, Mr. RIVERA, Mr. MARINO, Mr. GALLEGLY, Mr. KING of New York, Mr. ROYCE, Ms. BUERKLE, Mr. POE of Texas, Mr. FORTENBERRY, Mr. JOHNSON of Ohio, Mr. MEEHAN, Mr. MCKEON, Mr. RANGEL, and Mr. KELLY.

H.R. 2123: Mr. BERMAN and Mrs. LOWEY.

H.R. 2139: Mr. FITZPATRICK, Mr. RANGEL, Ms. KAPTUR, and Mr. LUETKEMEYER.

H.R. 2198: Mr. LUETKEMEYER.

H.R. 2245: Mr. COOPER and Ms. SCHWARTZ.

H.R. 2256: Mr. ISRAEL, Mr. SCHOCK, Mr. MCGOVERN, Mr. CLAY, Mr. CONYERS, and Mr. MCCOTTER.

H.R. 2288: Mr. RIVERA, Ms. NORTON, and Ms. RICHARDSON.

H.R. 2313: Mr. HERGER.

H.R. 2376: Mr. COOPER.

H.R. 2412: Mr. WAXMAN, Mr. LARSON of Connecticut, Ms. MATSUI, and Mr. PRICE of North Carolina.

H.R. 2492: Mr. LARSON of Connecticut, Mr. DOYLE, Mr. GARAMENDI, Ms. MOORE, Mr. HEINRICH, Ms. WASSERMAN SCHULTZ, and Mr. LUJÁN.

H.R. 2499: Mr. BERMAN.

H.R. 2505: Ms. PINGREE of Maine.

H.R. 2528: Mr. COBLE.

H.R. 2542: Mrs. MYRICK, Mr. BILIRAKIS, and Mrs. SCHMIDT.

H.R. 2563: Mr. YODER.

H.R. 2600: Mrs. SCHMIDT, Mr. HOLT, Mr. WALSH of Illinois, and Mrs. BLACK.

H.R. 2655: Mr. STIVERS.

H.R. 2668: Ms. NORTON.

H.R. 2695: Mr. HONDA.

H.R. 2696: Mr. HONDA.

H.R. 2697: Mr. JOHNSON of Georgia.

H.R. 2751: Mrs. LOWEY.

H.R. 2827: Mr. HULTGREN.

H.R. 2866: Mr. WELCH.

H.R. 2874: Mr. TURNER of New York.

H.R. 2885: Mr. SHULER.

H.R. 2900: Mr. BARLETTA.

H.R. 2966: Mr. SCOTT of Virginia, Mr. REYES, Mr. DOYLE, and Mr. LARSON of Connecticut.

H.R. 2996: Mr. GRIJALVA.

H.R. 3042: Mr. RIVERA, Ms. WILSON of Florida, Mr. MEEHAN, Mr. CRITZ, and Mr. HALL.

H.R. 3046: Ms. CHU and Mr. DEUTCH.

H.R. 3059: Mr. MICHAUD, Mr. DUNCAN of Tennessee, and Mr. MCGOVERN.

H.R. 3066: Mr. BUCSHON.

H.R. 3091: Mr. BURTON of Indiana.

H.R. 3109: Mr. SABLON.

H.R. 3131: Mr. KING of New York.

H.R. 3187: Mr. YOUNG of Alaska, Mr. ROSS of Florida, Mr. PEARCE, and Mr. FLAKE.

H.R. 3213: Mr. HULTGREN.

H.R. 3261: Mr. COOPER.

H.R. 3269: Mr. REHBERG, Mr. TIPTON, Mr. ROSS of Arkansas, Mr. BERG, Mr. LUETKEMEYER, Mr. MCGOVERN, and Mrs. BACHMANN.

H.R. 3307: Ms. SCHWARTZ, Mr. MCNERNEY, Mr. GARAMENDI, and Mr. BASS of New Hampshire.

H.R. 3308: Mr. WESTMORELAND.

H.R. 3343: Mr. SCHOCK.

H.R. 3401: Mr. MCCAUL, Mr. WESTMORELAND, Mr. BILIRAKIS, and Mr. DUNCAN of South Carolina.

H.R. 3425: Ms. LEE of California.  
 H.R. 3432: Ms. SCHAKOWSKY.  
 H.R. 3461: Mr. JOHNSON of Illinois, Mr. KISSELL, Mr. LUCAS, Mr. YODER, Mr. NUGENT, Mr. LATHAM, Mr. BENISHEK, Mr. GRIFFIN of Arkansas, Mr. TERRY, Mr. MCINTYRE, Mr. CARTER, Mr. ROSS of Florida, Mr. RICHMOND, Ms. FOXX, Ms. BROWN of Florida, Mr. GENE GREEN of Texas, Mr. LANKFORD, Mr. DUNCAN of South Carolina, Mr. HULTGREN, and Mr. SULLIVAN.  
 H.R. 3466: Mr. ISRAEL.  
 H.R. 3480: Mr. LANDRY.  
 H.R. 3497: Mr. WALSH of Illinois, Mr. HULTGREN, and Mr. FRANK of Massachusetts.  
 H.R. 3510: Mr. LIPINSKI and Mr. SHUSTER.  
 H.R. 3516: Ms. MCCOLLUM.  
 H.R. 3538: Mr. CALVERT.  
 H.R. 3541: Mrs. BACHMANN, Mr. HERGER, Mr. NUNNELEE, Mr. POE of Texas, Mr. ALEXANDER, Mr. DUFFY, Mr. JOHNSON of Ohio, and Mr. DUNCAN of South Carolina.  
 H.R. 3545: Mr. NEUGEBAUER.  
 H.R. 3565: Mr. CANSECO.  
 H.R. 3573: Ms. BROWN of Florida.  
 H.R. 3608: Mr. POMPEO.  
 H.R. 3609: Mr. RYAN of Wisconsin.  
 H.R. 3627: Mr. CONNOLLY of Virginia.  
 H.J. Res. 88: Mr. CICILLINE.  
 H. Con. Res. 21: Mr. DUNCAN of South Carolina.  
 H. Con. Res. 89: Mr. HINOJOSA, Mr. PETERS, Mr. COURTNEY, Ms. LORETTA SANCHEZ of California, Ms. DEGETTE, Mr. LEVIN, Mr. HOLDEN, Mr. WALZ of Minnesota, Mr. ANDREWS, Mr. COHEN, Mr. REYES, Ms. MOORE, and Mr. CONYERS.  
 H. Res. 111: Mr. HONDA, Mr. JOHNSON of Ohio, and Mr. LYNCH.  
 H. Res. 134: Ms. MCCOLLUM and Ms. BASS of California.  
 H. Res. 220: Mr. BURTON of Indiana.  
 H. Res. 271: Mr. FLEMING.  
 H. Res. 282: Mr. PEARCE.  
 H. Res. 304: Mr. PAYNE and Mr. LOBIONDO.  
 H. Res. 374: Mr. LAMBORN.  
 H. Res. 452: Mrs. LOWEY.  
 H. Res. 475: Mr. MCCAUL, Mr. GOSAR, Mr. MILLER of Florida, and Mr. MACK.  
 H. Res. 489: Mr. FORBES, Mrs. ELLMERS, Mr. JONES, Mr. CONAWAY, Mr. HULTGREN, Mr. WOMACK, and Mr. JOHNSON of Ohio.

# CONGRESSIONAL EARMARKS, LIMITED TAX BENEFITS, OR LIMITED TARIFF BENEFITS

Under clause 9 of rule XXI, lists or statements on congressional earmarks, limited tax benefits, or limited tariff benefits were submitted as follows:

## OFFERED BY MR. BACHUS

The provisions that warranted a referral to the Committee on Financial Services of H.R. 3630, the Middle Class Tax Relief and Job Creation Act of 2011, do not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9 of rule XXI.

## OFFERED BY MR. CAMP

The provisions that warranted a referral to the Committee on Ways and Means in H.R. 3630, the “Middle Class Tax Relief and Job Creation Act of 2011”, do not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9 of rule XXI of the Rules of the U.S. House of Representatives.

## OFFERED BY MR. DREIER

The provisions that warranted a referral to the Committee on Rules in H.R. 3630 do not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9 of rule XXI.

## OFFERED BY MR. HASTINGS OF WASHINGTON

The provisions that warranted a referral to the Committee on Natural Resources in H.R. 3630 do not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9 of rule XXI.

## OFFERED BY MR. ISSA

The provisions that warranted a referral to the Committee on Oversight and Government Reform in H.R. 3630 do not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9 of rule XXI.

## OFFERED BY MR. LUCAS

The provisions that warranted a referral to the Committee on Agriculture in H.R. 3630 do not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9 of rule XXI.

## OFFERED BY MR. DANIEL E. LUNGREN OF CALIFORNIA

The provisions that warranted a referral to the Committee on House Administration in H.R. 3630, the “Middle Class Tax Relief and Job Creation Act of 2011”, do not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9 of rule XXI.

## OFFERED BY MR. MICA

The provisions that warranted a referral to the Committee on Transportation and Infrastructure in H.R. 3630 do not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9 of rule XXI.

## OFFERED BY MR. ROGERS OF MICHIGAN

The provisions in H.R. 3630 that warranted a referral to the Permanent Select Committee on Intelligence do not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9 of Rule XXI.

## OFFERED BY MS. ROS-LEHTINEN

The provisions that warranted a referral to the Committee on Foreign Affairs in H.R. 3630 do not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9 of rule XXI of the Rules of the House of Representatives.

## OFFERED BY MR. RYAN OF WISCONSIN

The provisions that warranted a referral to the Committee on the Budget in H.R. 3630, the Middle Class Tax Relief and Job Creation Act of 2011, do not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9 of rule XXI.

## OFFERED BY MR. UPTON

The provisions that warranted a referral to the Committee on Energy and Commerce in H.R. 3630 do not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9 of rule XXI.



## EXTENSIONS OF REMARKS

HONORING MR. WILLIAM DALE  
GIBBS

**HON. W. TODD AKIN**

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

*Monday, December 12, 2011*

Mr. AKIN. Mr. Speaker, I rise today to honor and remember Mr. William Gibbs a veteran of World War II who passed into glory on 19 October 2011.

The youngest son of John and Maimi Gibbs, William Dale Gibbs was born on 21 June 1926 in Salem, Missouri, in the heart of the Ozarks. Like many in those years, Mr. Gibbs' parent found work hard to come by and eventually moved the family to St. Louis to find employment.

At the age 18, with World War II still raging, Mr. Gibbs enlisted in the United States Army and was assigned to the 82nd Airborne Division, 325th Glider Regiment. The 82nd was the Army's first Airborne Division. Mr. Gibbs and his unit played a lead role in blunting the German advance during the Battle of the Bulge. He and his unit saw heavy fighting, suffering heavy casualties, throughout World War II.

Mr. Gibbs saw and experienced many things during his service in Europe, but none seemed to impact him as much as the following . . .

" . . . Upon completion of their objectives, the division moved again towards the Rhine River and Cologne. From there, the order of duty was to push forward into the Rhineland, and then moved again towards Berlin, winding up in a town called Ludwigslust. Here they captured a concentration camp (Camp Wobbelin) which held several thousand prisoners, many were already dead and the remaining were in very poor condition. The survivors were so elated, they were out of control. Their weak mental conditions coupled with the language barrier made it very difficult to administer to their needs. Out of respect for the prisoners, General [James "Jumpin' Jim"] Gavin ordered a proper burial of the dead prisoners in the center of town. A formal memorial and burial service was conducted by the 325th division Chaplain, Major [George B.] Wood. The German townspeople were forced to dig the graves and attend the service. There were approximately 10,000 Germans in attendance.

After the encounter at Concentration Camp Wobbelin, the unit moved ahead towards the Elbe River. They had great pleasure in liberating some POW camps along the way. The soldiers were reunited with some of the 82nd Airborne Division who had been POWs captured in Italy over a year before."

According to his son, David, Mr. Gibbs related this story many times over his life. It was during his earliest memory of this story that David first saw his father cry.

Like so many of his generation, at the end of the war, Mr. Gibbs returned home, married

and went to work. After completing his education and finding employment with International Shoe Company, he married Shirley Mae Warfel and together they raised a family of three boys and a girl—though they experienced the loss of their first born to leukemia at age five.

The passing of William Dale Gibbs reminds me that all too soon we will lose the World War II generation to history. While we may be losing them, we should not lose their stories and the lessons they teach; one of which is there are, in fact, things for which we should fight, and if necessary, die to preserve and protect.

On behalf of a grateful nation, thank you Mr. Gibbs for your service and sacrifice in Europe; and for returning home and raising sons and a daughter who were so very proud to call you "Dad".

RECOGNIZING THE 70TH ANNIVERSARY  
OF THE INVASION OF  
GUAM DURING WORLD WAR II

**HON. MADELEINE Z. BORDALLO**

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

*Monday, December 12, 2011*

Ms. BORDALLO. Mr. Speaker, I rise today to commemorate the 70th anniversary of the invasion of Guam and the beginning of the Pacific theater of World War II. In the early morning of December 10, 1941, two days after the aerial attacks on Pearl Harbor and Sumay Village, soldiers of the Imperial Japanese Army invaded the shores of Guam.

The Japanese invasion faced resistance at the Plaza de Espata in Hagota by the members of the Guam Insular Guard, who were recruited by the Navy eight months prior to the invasion of Guam. With limited military training, and lightly armed, the Insular Guard was all that stood between the invaders and our people. The Guam Insular Guard fought with great courage in defense of our island but they were overwhelmed in a short time by the superior numbers and arms of the invasion force. This encounter marked the only ground battle against the invading Japanese force on Guam. Shortly thereafter that early morning, U.S. Naval Captain George J. McMillin, Naval Governor of Guam, and a handful of U.S. sailors, surrendered the island to the Japanese Army.

These events marked the beginning of the Japanese occupation on Guam for the next thirty two months. The occupation of Guam was marked by abuse and violence against the people of Guam including forced labor, forced marches, internment in camps, injuries and executions. Throughout the occupation, the people of Guam remained patriotic to America and never lost faith that U.S. forces would return to liberate our island. While we

can never truly comprehend the suffering endured by our manamko' (elders) during the Japanese occupation, we continue to honor them for who they are, what they have endured, and how they have impacted our lives and our community.

As we commemorate this solemn anniversary, we pay tribute to these Insular Guardsmen for their courage and bravery. We also acknowledge Guam's greatest generation, those who endured the war and survived. Lastly, we pray for the civilians who died during the war and the members of the U.S. armed forces who fought to liberate our island. We must never forget their suffering and their sacrifices during the brutal occupation and liberation. God bless Guam and God bless the United States of America.

SUPPORT FOR DESIGNATING JANUARY  
5TH AS NATIONAL BIRD  
DAY

**HON. MIKE QUIGLEY**

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Monday, December 12, 2011*

Mr. QUIGLEY. Mr. Speaker, I rise today to express my support for designating January 5th as "National Bird Day." I also wish for my colleagues to consider the following:

That the beauty, songs, and flight of birds have long been sources of inspiration, and that nearly 12 percent of the world's 9,800 bird species may face extinction within the next century, including nearly one-third of the world's 330 parrot species;

That birds are sentinel species whose plight serves as a barometer of ecosystem health and an alert system for detecting global environmental ills;

That many of the world's parrots and songbirds are threatened with extinction due to pressures from the illegal pet trade, disease, and habitat loss;

That public awareness and education about the physical and behavioral needs of birds can go far in improving the welfare of the millions of birds kept in captivity, and that the survival and well-being of the world's birds depends upon ending the illegal pet trade and supporting public education and conservation;

Finally, that the United States Congress has enacted specific laws to protect birds, including the Wild Bird Conservation Act and Migratory Bird Treaty Act, and that January 5, 2012 is being celebrated by Born Free USA as National Bird Day with the intent to raise awareness about bird conservation and protection.

I urge my colleagues to stand with me to support the designation of January 5th as National Bird Day and to encourage their State and local governments to observe the day with appropriate activities that promote bird awareness. Furthermore, I encourage all avian experts and professionals working with birds to

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

use this day to create greater public awareness and appreciation of birds, leading to further protection of bird species. Finally, I encourage individuals across the Nation to become more aware of their local avian community so they can be more effective stewards of bird conservation.

**HONORING NICHOLAS AIELLO FOR  
HIS MANY CONTRIBUTIONS TO  
THE COMMUNITY**

**HON. ROSA L. DeLAURO**

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

*Monday, December 12, 2011*

Ms. DeLAURO. Mr. Speaker, it is with great pleasure that I rise today to join the members of the Central Labor Council of New Haven, Connecticut as they raise a toast and salute a very special member of Connecticut's labor movement, and my dear friend, Nicholas Aiello. One of the first organizers in the City of New Haven, Nick has long been a strong voice on behalf of working families and is known to many as one of the architects of Connecticut's labor movement.

One of fourteen children, all of whom were garment workers in New Haven's shirt factories, Nick was no stranger to hard work, low pay, and less than ideal working conditions. As Nick recounts in Anthony Riccio's *The Italian Experience in New Haven: Images and Oral Histories*, "When New York got completely organized, the 'runaway shops' came to New Haven. They ran to New Haven where there were no union shops. And they would open up a storefront. They'd put twenty, thirty machines on the fourth floor and most of the stitching plants were on the fourth floor with no elevator. Conditions were horrible . . . Then in the 1930s came the Amalgamated and they started organizing drives in the area." It was with Amalgamated that Nick began as an organizer, taking to the streets of New Haven, rallying workers, and demanding better from industry management. He would go on to become a business agent for Amalgamated and still today remains involved with the Central Labor Council of New Haven. Nick is a pillar of Connecticut's labor movement and has earned the respect and admiration of labor and community leaders alike.

Much has changed from Nick's days in the factories, however, he wanted to make sure that future generations understood the battles that were undertaken to ensure the rights of America's workers. A few years ago, Nick spearheaded the Greater New Haven Labor History Project—an organization whose mission was to collect, preserve, and share the history of working people in the Greater New Haven Area. Nick was determined to see this project succeed and, like in his early organizing days, went door to door to garner support. The response was extraordinary and today its members and staff create traveling exhibits and install them in community venues; preserve and maintain an archival repository of individuals' papers and local union records, documents and artifacts of historical significance; organize public events such as workshops, walking tours, book-signings, film fes-

tivals, and talks by esteemed labor historians; offer Records Inventory Services and access by appointment to many of their historical archives; as well as conduct projects such as oral history interviews with retired workers. In addition, the group also presents the August Lewis Troup Award annually to individuals in recognition of their personal contributions to the labor community. None of this would have been possible without Nick's persistence and unyielding determination to see it become a reality and he continues in his efforts by serving as the President of the Greater New Haven Labor History Project Association.

I would be remiss if I did not extend a personal note of thanks to Nick for his many years of friendship and support. He has been in my corner from the very beginning and even today he still volunteers some of his time in my District Office. I could not be more appreciative of all of his good work on my behalf.

For his many contributions to our community and particularly for his invaluable efforts with the Connecticut labor movement, I am proud to join the members of the Central Labor Council of New Haven in extending my heartfelt thanks to Nicholas Aiello. I extend my very best wishes to Nick and his son, Michael, for many more years of health and happiness.

**CONGRATULATING AL AND CHRIS  
BEVILACQUA ON THEIR INDUC-  
TION INTO THE NATIONAL WRES-  
TLING HALL OF FAME**

**HON. JIM JORDAN**

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Monday, December 12, 2011*

Mr. JORDAN. Mr. Speaker, I am proud to recognize the achievements of 2012 National Wrestling Hall of Fame inductees Al and Chris Bevilacqua—the first father and son to be so honored in the same year.

For nearly a half century, Al Bevilacqua has worked tirelessly to advance the sport of wrestling as a coach, organizer, mentor, and teacher. Named USA Wrestling's Coach of the Year in 1983, Al has managed successful programs at the high school and college levels, including two years at Division I Hofstra University. Al's greatest contribution to the sport, however, may be his role as co-founder of Beat the Streets, a New York City-based wrestling program that promotes the values of hard work, dedication, and self-discipline among the area's youths. He will receive the Hall of Fame's Order of Merit for his many contributions to the sport.

A two-time All-American at Pennsylvania State University, Chris Bevilacqua has continued his father's legacy of athletic excellence and community involvement. A fixture in the sports media industry, Chris helped found CSTV, the first 24-hour cable network dedicated to college and amateur athletics, which was sold to CBS in 2005. Chris currently serves as CEO of the Bevilacqua Media Company, a strategic advisor to media and entertainment interests. He will receive the Hall's Outstanding American Award.

Al, Chris, and their fellow honorees will be recognized in June during the Hall's induction

ceremony in Stillwater, Oklahoma. I congratulate them and join their family and friends in celebrating their many contributions to the wrestling community.

**HONORING THE LIFE AND WORK  
OF NOEL CUNNINGHAM**

**HON. DIANA DeGETTE**

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Monday, December 12, 2011*

Ms. DeGETTE. Mr. Speaker, it is with a heavy heart that I rise to honor the life of Noel Cunningham, a restaurateur and philanthropist I had the pleasure of knowing for almost 20 years.

A resident of Denver, Noel was a true citizen of the world. Born in Ireland in 1949, he went to work at London's famed Savoy Hotel, achieving the rank of sous chef by age 23, before moving to California in the 1970's. In 1986 he moved to Denver and opened Strings, a bistro in Denver's Capitol Hill neighborhood that quickly became a community institution, hosting local celebrities, politicians, community and charity events and romantic date-nights.

While his professional biography will be defined by his extraordinary culinary talents, Noel's legacy will forever be based on the impact his philanthropic efforts had in Denver and across the world.

While in California he met Pat Miller, the noted restaurant critic known as the "Gabby Gourmet," and the two developed a lifelong friendship. Together, they started "Taste of the Nation," a nation-wide fundraiser that by 2010 had raised almost \$80 million to fight hunger and poverty across the United States.

With his wife Tammy, Noel founded The Cunningham Foundation, which included Quarters for Kids, to help educate children about local hunger and homelessness, and 4 Quarters for Kids, a project he named in reference to the four quarters it takes per day to provide an Ethiopian child with breakfast, lunch, a school uniform, and a teacher and books. Firm in his belief that philanthropy could strengthen a local community while enriching the lives of those across the globe, Noel targeted 4 Quarters primarily to local children, who held carwashes, concerts, pledge drives, and silent auctions to help create a better future for their Ethiopian peers.

Noel was active with the local Volunteers of America, and served on the board of the national nonprofit Share Our Strength. On weekday afternoons, it was not uncommon to drive by Strings and see Noel serving meals to the homeless in between the persistent lunch and dinner rushes. He was committed to building a better community, both locally and globally, and was not afraid to enlist the help of others to achieve his goals; he worked with local hospitals to provide life-saving treatments for Ethiopian children, and local businesses to ship supplies and other necessities to Africa. He founded "A Dinner of Unconditional Love"—a charity dinner to raise funds for Dr. Rick Hodes, an American Doctor living in Ethiopia whose mission is to help heal the poor—and had planned to expand the program across

the country so that he could raise the \$10 million Hodes needs to build his own hospital in Ethiopia.

Mr. Speaker, from the streets of Denver to the farms of Ethiopia, Noel Cunningham spent each and every day making a difference in the lives of those around him. Never content to settle, he pursued perfection in his restaurant and in his charitable endeavors, never once falling short in all the years I have known him. His life stands as proof that any individual can have an extraordinary impact, and his tragic passing leaves a monumental crater in the global community that spans from Denver to Ethiopia and beyond.

#### OUR UNCONSCIONABLE NATIONAL DEBT

#### HON. MIKE COFFMAN

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Monday, December 12, 2011*

Mr. COFFMAN of Colorado. Mr. Speaker, on January 26, 1995, when the last attempt at a balanced budget amendment passed the House by a bipartisan vote of 300-132, the national debt was \$4,801,405,175,294.28.

Today, it is \$15,052,444,423,722.81. We've added \$10,251,039,248,428.53 dollars to our debt in 16 years. This is \$10 trillion in debt our nation, our economy, and our children could have avoided with a balanced budget amendment.

#### IN RECOGNITION AND APPRECIATION FOR HENRY FORD HEALTH SYSTEMS

#### HON. GARY C. PETERS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Monday, December 12, 2011*

Mr. PETERS. Mr. Speaker, I ask my colleagues to rise today to recognize the achievements of the Henry Ford Health System which, under the strong and dynamic leadership of its CEO, Nancy Schlichting, has earned a 2011 Malcolm Baldrige National Quality Award. This award recognizes and encourages benchmark business practices; once reserved only for manufacturing and similar businesses, the Baldrige Award has been expanded to include health care organizations. As a recipient of the Baldrige award, Henry Ford Health System continues to serve as a role model for other companies across the country. The award puts a spotlight on the amazing work being done at the Henry Ford Health System to deliver top quality health care to its patients.

Henry Ford Health System has established itself as one of the Nation's premier health care providers. Henry Ford Health System uses innovative strategies and solutions which have been developed and implemented for the past decade, helping reduce unintended patient harm and establishing a "zero-defect, no-excuses" approach to health care outcomes. Over the years, the Henry Ford Health System has developed a reputation for delivering the

best possible outcomes for patients. Because of this dedication to putting patients first, it is one of just 4 organizations around the Nation to receive this award and the only one in Michigan.

With approximately \$5.8 billion in economic impact through payroll, operating expense and capital expenditures, Henry Ford Health System is not only an effective health care entity, but a major contributor to Michigan's economy. As a top 5 employer in Southeast Michigan, the Henry Ford Health System boasts an impressive 24,000 employees and is responsible for 37,500 additional jobs through direct and indirect employment at 7 hospitals and 33 ambulatory care sites. With more than 2,000 physicians system wide, it is also one of the Nation's largest non-university research programs.

Earning the Malcolm Baldrige National Quality Award is no easy feat, with many companies each year following the Baldrige criteria as a model for proper organization and action. Henry Ford Health Systems now joins the ranks of companies such as Boeing Aerospace Support, Cadillac, and the Ritz-Carlton Hotel Company as innovators in their respective fields.

Mr. Speaker, I am honored to recognize the Henry Ford Health System and the 2011 Malcolm Baldrige National Quality Award that it has earned. The Henry Ford Health System's achievements serve as a beacon to other businesses countrywide.

#### IN HONOR OF BOB CONNERS UPON HIS RETIREMENT FROM 610-WTVN

#### HON. PATRICK J. TIBERI

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Monday, December 12, 2011*

Mr. TIBERI. Mr. Speaker, I rise today to honor and recognize Bob Connors upon his retirement from 610-WTVN Columbus.

The often transient nature of a career in radio remains a hard truth for those who choose this field. The industry sometimes forces these men and women to relocate to different stations and towns across the country. These individuals come and go, sometimes without developing a strong connection with a community. Over the years, however, one voice has remained a mainstay in Columbus, representing the pinnacle of morning radio hosting. As a proud central Ohioan and occasional guest on his show, I am deeply honored to show my sincere appreciation for one of the greatest radio hosts in this city's history, Bob Connors.

Bob came to Columbus from Pittsburgh over 40 years ago and since then has brought acclaim to and instilled pride in the central Ohio community. His morning show, Bob Connors in the Morning became one of the most popular shows in the area, attracting listeners from miles around. Known as the "Morning Monarch" for his longstanding service to the station, Bob eloquently presented national and local news, along with sports, weather and traffic reports.

For years he delivered the news to millions of citizens. His on-air disposition and the con-

sistency of his presence made waking up to his voice a pleasurable morning routine for an entire generation. I fondly remember listening to his show when I was growing up and how honored I was each time I was asked to speak with him on-air.

While he has retired from hosting the show, Bob's legacy and uplifting presence will resonate throughout our community for years to come. I am proud to wish him the best of luck as he moves on to the next exciting phase in his life. He not only remains one of the city's most recognizable voices, he also is one of Columbus' favorite sons.

#### PERSONAL EXPLANATION

#### HON. JESSE L. JACKSON, JR.

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Monday, December 12, 2011*

Mr. JACKSON of Illinois. Mr. Speaker, on Thursday, December 8, I was unavoidably detained in Illinois attending to district/constituent matters and missed recorded votes for H. Res. 487, H.R. 1633, the Farm Dust Regulation Prevention Act, and H.R. 1254, the Synthetic Drug Control Act.

If I had been present, I would have recorded my vote as a nay for rollcall vote 902, nay for rollcall vote 903, nay for rollcall vote 904, and nay for rollcall vote 905.

As I have confirmed in a number of meetings and correspondence, I do not support efforts by the Environmental Protection Agency to regulate fine and coarse particulate matter or "farm dust". While the EPA exists to protect the health of Americans and the stability of our environment, I am concerned by overly burdensome regulations and the impact they have on our smaller businesses and family farms. With that said, EPA Administrator Lisa Jackson has explicitly stated that she has no intention of revising any regulations on "farm dust". H.R. 1633 is another waste of the House's time and energy, as the clock continues to tick down on much more important issues like Unemployment Insurance and the payroll tax holiday.

For that reason, had I been present I would have recorded my vote as yea for rollcall vote 906, yea for rollcall vote 907, yea for rollcall vote 908, yea for rollcall vote 909, yea for rollcall vote 910, yea for rollcall vote 911 and nay for rollcall vote 912.

#### CONGRATULATORY REMARKS FOR OBTAINING THE RANK OF EAGLE SCOUT

#### HON. SANDY ADAMS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Monday, December 12, 2011*

Mrs. ADAMS. Mr. Speaker, I would like to congratulate Eric Thomas Pugnet for achieving the rank of Eagle Scout.

Throughout the history of the Boy Scouts of America, the rank of Eagle Scout has only been attained through dedication to concepts such as honor, duty, country and charity. By

applying these concepts to daily life, Eric has proven his true and complete understanding of their meanings, and thereby deserves this honor.

I offer my congratulations on a job well done and best wishes for the future.

TRIBUTE TO FORMER PUBLIC  
PRINTER ROBERT W. HOUK

**HON. JIM JORDAN**

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Monday, December 12, 2011*

Mr. JORDAN. Mr. Speaker, I rise today to honor the life of former Public Printer of the United States Robert W. Houk, who passed away unexpectedly on Sunday.

Mr. Houk, a Michigan native who later moved to Shelby, Ohio, was a graduate of Michigan State University and Wayne State University. He was a proud U.S. Army veteran, rising to the rank of first lieutenant after serving throughout Europe during World War II and serving stateside during the Korean Conflict.

The management and leadership skills he learned in the Army were put to good use during his long and impressive career in the business world. He worked for the Ford Motor Company and at Detroit's Rotary Manifold before cofounding UFORMA/Shelby Business Forms in 1966. For more than two decades, he served as UFORMA's president and chief executive officer.

Mr. Houk's leadership in the printing industry was widely recognized by his peers. He was tapped as chairman of the board of International Business Forms Industries in 1976 and as chairman of the Printing Industries of America in 1987. Business Forms and Systems magazine named him Man of the Year in 1980.

In 1990, President George H. W. Bush appointed Mr. Houk as the 22nd Public Printer of the United States, a position he held until 1993. In that role, he oversaw the work of more than 3,000 Government Printing Office employees across the nation. He also earned a doctorate from Heidelberg University in Tiffin, Ohio, during his term as public printer.

Mr. Houk was very active in the Shelby community, chairing the boards of the Rehabilitation Center of North Central Ohio, the Mansfield Symphony Society, and The Ohio State University's Mansfield Campus. He also enjoyed playing trumpet in many area bands and was a charter member of the Ashland Area Community Concert Band.

Mr. Speaker, Robert Houk is survived by his wife, Sally; his son, Raymond; his daughter, Lisa; and their families. On behalf of the people of Ohio's Fourth Congressional District, I offer them my condolences as they gather in Shelby on Saturday to celebrate his life and his many contributions to the community and our nation.

HONORING NATALA K. (TALLY)  
HART UPON HER RETIREMENT  
FROM THE OHIO STATE UNIVERSITY

**HON. PATRICK J. TIBERI**

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Monday, December 12, 2011*

Mr. TIBERI. Mr. Speaker, I rise today to honor and recognize Nataka K. (Tally) Hart upon her retirement from The Ohio State University.

Expressing how much Tally Hart has meant to The Ohio State University and the many students who have felt the impact of her unwavering commitment to higher education remains no easy task. As a graduate of Ohio State and an admirer of this remarkable person, it gives me great pleasure to add my personal appreciation.

For over three decades, Tally has dedicated herself to helping students achieve their dreams of attending college. After serving at various institutions around the country, in 1996 she was hired as Ohio State's Director of Financial Aid. In this position she gained national recognition for not only her unrivaled ability to obtain funding for students, but also the strength of her character and the sincerity of her efforts. In 2006 Tally was named Senior Advisor for Economic Access. In this role she was given the opportunity to lead a new program that allowed her to create programs that benefit thousands of disadvantaged students and make Ohio State a leader in college access and success initiatives.

Upon her retirement, Tally will leave behind a legacy that will permeate throughout central Ohio for years to come. Like fellow Buckeyes before her, she has become a beloved figure at our school. Through her selfless pursuits and deep passion for Ohio State, Tally has added greatly to the school's storied history and rich tradition.

While she is moving on to the next phase in her life, Tally will surely never stop doing what she loves: helping others. On behalf of the citizens of Ohio's 12th Congressional District, I would like to wish Tally the best of luck and thank her for her devotion to Ohio State.

PERSONAL EXPLANATION

**HON. GENE GREEN**

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Monday, December 12, 2011*

Mr. GENE GREEN of Texas. Mr. Speaker, I rise today to state that I meant to vote "nay" on H.R. 1633, the Farm Dust Regulation Prevention Act, when it was considered on the House Floor on December 9, 2011.

I am strongly opposed to this unnecessary bill and voted "aye" by accident.

CONGRATULATING ALFRED UNIVERSITY UPON THE CELEBRATION OF ITS 175TH ANNIVERSARY

**HON. TOM REED**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Monday, December 12, 2011*

Mr. REED. Mr. Speaker, I rise today to congratulate and recognize Alfred University, a major educational institution in my district which is celebrating its 175th anniversary this year. Their official commemoration and activities were held the week of December 5, 2011. I am honored to have the privilege of representing such a fine university that provides an excellent education to its 2000 undergraduate and 300 graduate students.

Alfred University was founded on December 5, 1836 by a group of Seventh Day Baptists who moved to the foothills of the Allegheny Mountains. The University is named for the ninth-century ruler of southern England, Alfred the Great, whose devotion to learning and literature is a legacy that the institution upholds to this day.

Alfred's commitment to academics is nationally known, with the Inamori School of Engineering consistently ranked top in the country for its Masters of Science degrees. Additionally, students at Alfred can choose between over 40 undergraduate majors to study.

As an alum, I can personally attest to the excellence of this institution and its world class academics.

Please join me in congratulating Alfred University in reaching this incredible milestone as it celebrates its 175th Anniversary.

REMEMBER PEARL

**HON. JOE WILSON**

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

*Monday, December 12, 2011*

Mr. WILSON of South Carolina. Mr. Speaker, Remember Pearl "A Date Which Will Live in Infamy" in solemn remembrance of Pearl Harbor on the 70th anniversary, December 7, 1941. The following poem was authored by Albert Carey Caswell, who is a Capitol Building tourguide noted for his thoughtful and heartfelt tours for Wounded Warriors and his devotion to servicemembers, military families, and veterans.

REMEMBER PEARL

(By Albert Carey Caswell)

In every country's history . . .  
There are but those defining moments that  
which so indeed!  
That which define there very destinies!  
As out into a future but plant such seeds!  
To so define her and give her all that she so  
needs!  
Remember Pearl . . .  
That day that will live in Infamy!  
As . . .  
For as a Nation, we must all so remember  
. . .  
That dark and dreary, very cold and bleak  
December . . .  
When . . .

When there, on one beautiful Sunday morning . . .  
 As America so lie all in harms way and in ruin, so all without warning . . .  
 As it was seventy years ago this day . . .  
 All in a cowards way!  
 When, so very unexpectedly!  
 As "A Date Which Will Live In Infamy" . . .  
 Was but a calm before the storm, as they . . .  
 As they so tried to take America's very heart away . . .  
 As lies now so all etched in Infamy . . .  
 War! Pearl Harbor! The Devil's Creed!  
 Feeding Evil's needs!  
 When, so many heroes died indeed!  
 Bless them all, God Speed!  
 All in one of our Nation's darkest of all days . . .  
 As a Nation so slept, had they . . .  
 And so wept upon that day . . .  
 As out across the world, such an Evil so unfurled . . .  
 As this darkness all towards them so crept, towards our little boys and girls . . .  
 Goodness . . . Evil . . . Darkness . . . Light . . .  
 Those brave hearts who evil must fight!  
 Who but bring their light!  
 Who Evil must fight!  
 Would this Evil stand?  
 As it was nearly eight on that morning, when each woman, child, and man!  
 All without such warning, when a sleeping giant so awoke!  
 As from out of all of this heartache and such hell,  
 and scenes of horror . . . as all in their fine hearts what would dwell!  
 Such a story to our children tell!  
 One of Such Faith and Courage . . .  
 As America's heart grew stronger, all in what their fine souls so nourished!  
 While, against all odds . . . such darkness, could not discourage . . .  
 As somehow America so found the hope and courage!  
 All in how they so heroically behaved, and so fought and died on that day . . .  
 As out across a Nation, The Mothers Cried . . .  
 As over one thousand were so wounded, and twenty-five hundred heroes on that day so died!  
 And, still America would not so lose hope . . . for we all somehow survived!  
 All because of what, all within their most magnificent hearts so lie!  
 As from out of all of those ashes, death and fury . . . as was invoked such a story!  
 Came a Pearl, a gem so formed of which to all the world so spoke!  
 A story, all about America's Courage and Glory . . . and yes so hope!  
 For rising from out of such hell, all of their fine hearts so chose to swell!  
 As 18 ships were lost or crippled on that day, names like USS Arizona come to mind who were so sent to their watery graves . . .  
 As the waters now above gently caress their souls,  
 as deep below in these ships their sacred bodies hold!  
 As upon our knees, with tears in eyes for all of them we now so pray!  
 As the bombs rained down upon Pearl on that day!  
 As almost two hundred planes were shot down or on run ways lie ruin to decay!  
 But, they say our Lord has his hand in it on that day . . .  
 Because, our carriers were far out to sea . . . far out of harms way!  
 Giving our Country Tis of Thee, that chance to come back from such Infamy!

And suddenly now as a Nation, we were all on the march . . .  
 all ahead full . . . as our hearts they could not so parch!  
 As we collectively so sent the word, "Over There . . . Send The Word To Beware!"  
 As this was the defining moment, when America So Set Out To Save The World!  
 So teach your children well, that out of Such Infamy and Such Hell . . .  
 Can come such light, Wherever Faith In Hearts So Dwells . . .  
 And that America's Heart, will always find a way to swell!  
 That in our darkest of all hours, our Faith will all so shower!  
 With The Strength To Over Evil, To So Tower!  
 So on this day upon your knees, remember all of these . . .  
 And, "That Day Which Will Live In Infamy!"  
 But, not forget what over Evil, Hearts of Faith and Courage Can So Achieve!  
 For something's time can not erase . . .  
 And for such things, Heaven so holds a place!  
 On This Day That Will Live . . . In Infamy!  
 Remember Pearl, Bless them all God Speed!

#### PERSONAL EXPLANATION

#### HON. JERROLD NADLER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, December 12, 2011

Mr. NADLER. Mr. Speaker, I was unable to be in Washington, DC from December 5–8, 2011.

Had I been present, I would have voted "aye" on rollcall vote No. 892; "aye" on rollcall vote No. 893; "aye" on rollcall vote No. 894; "aye" on rollcall vote No. 895; "aye" on rollcall vote No. 896; "aye" on rollcall vote No. 897; "aye" on rollcall vote No. 898; "aye" on rollcall vote No. 899; "aye" on rollcall vote No. 900, the motion to recommit H.R. 10; "no" on rollcall vote No. 901, final passage of the Regulations in Need of Scrutiny (REINS) Act (H.R. 10); "no" on rollcall vote No. 902; "no" on rollcall vote No. 903, the rule providing for consideration of the Farm Dust Regulation Prevention Act of 2011 (H.R. 1633); "no" on rollcall vote No. 904, the Synthetic Drug Control Act; "aye" on rollcall vote No. 906; "aye" on rollcall vote No. 907; "aye" on rollcall vote No. 908; "aye" on rollcall vote No. 909; "aye" on rollcall vote No. 910; "aye" on rollcall vote No. 911, the motion to recommit H.R. 1633; and "no" on rollcall vote No. 912, final passage of the Farm Dust Regulation Prevention Act (H.R. 1633).

#### INTRODUCING THE INVESTING IN AMERICA'S SMALL BUSINESSES ACT OF 2011

#### HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, December 12, 2011

Mrs. MALONEY. Mr. Speaker, I rise today to introduce the Investing in America's Small Businesses Act of 2011, or the "Micro Biz" Bill.

This bill fills an important need in this country to advance the practice of microlending to small start ups, and because it allows Community Development Financial Institutions (CDFIs) to do more of the great work that they already do.

This bill will expand a vital source of seed money for entrepreneurs who don't have access to bank loans. The billion-dollar corporation that began in a dorm room or a garage is no urban myth, as the employees of Facebook and Hewlett-Packard can tell you, but the Great Recession has made it harder than ever for entrepreneurs to access credit. It's my hope that this "micro biz" bill will be a bridge not only to vital financing for entrepreneurs, but also to a brighter economic future for our country.

Indeed, we in Congress talk quite often about the need to create jobs. And even with the unemployment rate falling to 8.6% from a high of 9.2%, our economic recovery is slower than all of us would like. So the goal of my bill is to get to the heart of job creation, the small business—and more specifically, the small startup. And because I think this is a goal that even big business should share, a critical component of the bill is to foster public private partnerships. I have focused on CDFIs because they are on the ground every day financing projects, lending to small businesses, and engaging in economic development in underserved areas.

My bill will provide grants to CDFIs to create or enhance their loan-loss reserves so they can either begin to do micro lending or so they can do more of it. Loan-loss reserves are critical for institutions to be able to extend loans and for corporations to partner with them. Loan-loss reserves cover the institution in the case of a loan default but also allow the institution to be in the "first loss" position. So, if a larger institution or corporation wants to partner with them, the loan-loss reserve ensures that the CDFI, not the larger institution or corporation, will be on the hook should the loan default. I should note, though, that historically, loans in this category through the CDFI's have a very low loan default rate—just 3% in the first quarter of 2011. But the loan-loss reserve provides critical protections for CDFIs and their partners.

The bill also provides grants for technical assistance so that CDFIs can engage with small businesses and help them get off the ground. Loans made through this program must be under \$25,000 and the CDFI must be able to match the grant by 50%. Most importantly, for every dollar of public money, the CDFIs can leverage six dollars of private money.

I believe this bill is essential to helping CDFIs create new financial products and services that are appropriate and accessible for millions of American small businesses that do not have access to the financial mainstream.

Often we are talking about a young Steve Jobs who invents the first computer in his basement but needs startup capital to get it out there. Unfortunately most entrepreneurs aren't Steve Jobs and need loans to get their ideas off the ground. But if they do, they grow, they take on a partner and business takes off from there. Job creation flows from that first loan.

That is exactly what this bill is about and why I think it is so important. It is not a comprehensive solution, but it is a way to get money out there to small business and support job creation from the ground up.

I urge my colleagues to join me in supporting this important legislation.

#### IN HONOR OF JACK WINGATE

#### HON. SANFORD D. BISHOP, JR.

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

*Monday, December 12, 2011*

Mr. BISHOP of Georgia. Mr. Speaker, it is with a heavy heart and feeling of fond remembrance that I rise today to pay tribute to a close personal friend, committed community leader, avid conservationist and one of America's most accomplished and legendary bass fishermen—the late Jack Wingate. Mr. Wingate, affectionately known as the “Sage of Seminole,” passed away on Thursday, December 8, 2011 at his residence in Recovery, Georgia.

A large gathering that consisted of family members, friends, colleagues and his expansive network of admiring fans, paid their respects to Mr. Wingate at his funeral service that was held on Monday, December 12, 2011, at Calvary Baptist Church. The funeral service was followed by an interment at Cool Springs Cemetery and Masonic graveside rites were provided by the Faceville Masonic Lodge number 487 along with military honors that were bestowed by the United States Navy.

Mr. Wingate, an immensely popular and universally respected public figure in the Decatur County, Georgia community for several decades, was born on September 1, 1929 in Faceville, Georgia. The son of William Paul Wingate and Myrtle Bates Wingate, he was a 1947 graduate of Faceville High School and was a Korean War veteran.

After honorably serving in the military during the Korean conflict, Mr. Wingate returned to his home state of Georgia and founded the famous Lunker Lodge on Lake Seminole in Bainbridge, Georgia. This nationally renowned lodge has hosted several prestigious fishing tournaments and has earned a reputation as a favored compound for expert bass fishermen and notable celebrities. Jack also operated the Wingate's Fishing Camp for Boys at Lunker Lodge and introduced many young men and future expert anglers to the outdoors for 33 years.

Along with operating the Lunker Lodge, Jack had a very successful career as a media commentator and columnist. Over several decades he served as a columnist for the Bainbridge Post-Searchlight newspaper and frequently made appearances on local TV and radio stations throughout Southwest Georgia to discuss current events, tell fishing stories, and provide in-depth updates on conditions at Lake Seminole.

Jack Wingate achieved numerous successes in his life, but none of this would have been possible without the grace of God and his loving wife of 59 years, Joyce E. Wingate. Jack was also the proud father of three daughters—Katherine W. Kent and her hus-

band, Lamar, of Chattahoochee, Florida; Peggy W. MacDonald and her husband, Wayne, of Macon, Georgia; and Jacquie Wingate of Recovery, Georgia. Jack is also survived by two beloved grandchildren.

Mr. Speaker, I ask my colleagues to join me today in paying tribute to Mr. Jack Wingate for being an outstanding ambassador and unyielding supporter of communities throughout Southwest Georgia and for all the outstanding work he did on behalf of working families throughout our United States of America.

#### THE AFFIRMATION OF APOSTLE DR. JOHN H. BOYD, SR.

#### HON. GREGORY W. MEEKS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Monday, December 12, 2011*

Mr. MEEKS. Mr. Speaker, I ask that the House of Representatives recognize the Affirmation of Dr. John Haywood Boyd, Sr. as an Apostle of the New Greater Bethel Ministries, located in Cambria Heights and Queens Village with the Sixth Congressional District of New York. Dr. Boyd is a well-known and much-admired figure in clerical and civic circles in southeast Queens. He began his ministry in 1972 in a small canvas tent at the intersection of Francis Lewis and Linden Boulevards in Cambria Heights.

From that site New Greater Bethel Ministries grew in number, influence, and impact, having established a food pantry and soup kitchen which fed hundreds of homeless individuals and families. Under Pastor Boyd's guidance, New Greater Bethel Ministries established a prison ministry to tend to the spiritual needs of incarcerated men and women. Pastor Boyd himself did outstanding work with the Inmate Community Improvement Program for which he received a certificate of recognition from the superintendent of the Queensboro Correctional Facility.

In 1993, the New Greater Bethel Ministries expanded with the addition of a location on Jamaica Avenue in Queens Village. Where rundown structures once stood, Dr. Boyd built a 1500 seat worship and community service facility, complete with a Christian Literature and Media Center, a digital recording studio, a television studio, and a drama center. Later, Dr. Boyd opened the K-12 Bethel Christian Learning Academy and the New Greater Bethel Bible Institute.

Despite episodes of illness and having now reached 85 years of age, Dr. Boyd still provides dynamic leadership to New Greater Bethel Ministries, ensuring that the church to which he had devoted his life continues to minister to the spiritual and material needs of several thousand members of its congregation as well as thousands of residents in the surrounding communities. Dr. Boyd studied at the Manhattan Bible Institute and earned his doctor of divinity from the United Christian College of New York. Over the course of his ministry he has received numerous award commendations from federal, state, and municipal elected officials, clergy, religious organizations, and community groups. He has been named “Man

of the Year” by The New York Christian Times.

Dr. Boyd has been married to his wife, Mother Margie Boyd, for over 60 years. He has six children and numerous grandchildren and great grandchildren.

On December 10, 2011, over 1,000 congregants, community residents, and guests attended the ceremony at which Dr. John Haywood Boyd, Sr. was affirmed as an Apostle of the New Greater Bethel Ministries.

#### RECOGNIZING TERESA WOODRUFF, PH.D., AND THE WOMEN'S HEALTH SCIENCE PROGRAM FOR HIGH SCHOOL GIRLS AT NORTH- WESTERN UNIVERSITY

#### HON. JANICE D. SCHAKOWSKY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Monday, December 12, 2011*

Ms. SCHAKOWSKY. Mr. Speaker, I rise today to recognize Dr. Teresa Woodruff and the Women's Health Science Program for High School Girls, developed by the Institute for Women's Health Research at Northwestern University Feinberg School of Medicine, on their receipt of the Presidential Award for Excellence in Science, Mathematics and Engineering Mentoring.

The Women's Health Science Program for High School Girls targets primarily African American and Latina girls from disadvantaged backgrounds in Chicago. The young women have the opportunity to study at four different Northwestern academies: cardiology, physical science, infectious disease, and oncofertility.

There is a tremendous opportunity for women to make a difference in improving America's innovative capacity and global competitiveness. A study from last year from the American Association of University Women (AAUW) entitled, “Why So Few?” underscores the point that attracting and retaining more women in the STEM workforce will maximize innovation, creativity, and competitiveness.

The AAUW study suggests that there are a number of ways to cultivate young women's interest and persistence in science and engineering, including mentoring. As Dr. Woodruff and the Women's Health Science Program prove, mentoring plays a crucial role in the academic and personal development of students—especially for young women and underrepresented minorities—who choose to study science and engineering. Of the 90 students who participated in the Women's Health Science Program, 18 are seniors in high school, 70 attend college, and 2 have received undergraduate degrees. Of those attending college, 51 percent are pursuing science majors.

We stand on the precipice of major discoveries and advancements. We need more women and minorities in STEM-related fields to ensure that our workforce and the solutions they develop to solve the problems of today—and tomorrow—are designed better and designed with everyone in mind.

There is a place for initiatives that motivate students to pursue STEM throughout their educational careers. With targeted action—like

that of Dr. Woodruff and the Women's Health Science Program—we can remain global leaders in this vital field.

Again, I want to congratulate Dr. Woodruff for this well-deserved award in recognition of her outstanding work to provide opportunities for girls and women to improve our community and world.

#### SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Tuesday, December 13, 2011 may be found in the Daily Digest of today's RECORD.

#### MEETINGS SCHEDULED DECEMBER 14

9:30 a.m.

Banking, Housing, and Urban Affairs  
Securities, Insurance and Investment Subcommittee  
To hold hearings to examine investor risks in capital raising.

SD-538

9:45 a.m.

Finance  
Energy, Natural Resources, and Infrastructure Subcommittee  
To hold hearings to examine alternative energy tax incentives, focusing on the effect of short-term extensions on alternative technology investment, domestic manufacturing, and jobs.

SD-215

10 a.m.

Commerce, Science, and Transportation  
Business meeting to consider S. 1449, to authorize the appropriation of funds for highway safety programs and for other purposes, S. 1950, to amend title 49, United States Code, to improve commercial motor vehicle safety and reduce commercial motor vehicle-related accidents and fatalities, to authorize the Federal Motor Carrier Safety Administration, S. 1952, to improve hazardous materials transportation safety and for other purposes, S. 1953, to reauthorize the Research and Innovative Technology Administration, to improve transportation research and development, and a promotion list in the National Oceanic and Atmospheric Administration.

SR-253

Foreign Relations

European Affairs Subcommittee

To hold hearings to examine the state of human rights and rule of law in Russia, focusing on United States policy options.

SD-419

Health, Education, Labor, and Pensions

Business meeting to consider S. 1855, to amend the Public Health Service Act to reauthorize various programs under the Pandemic and All-Hazards Preparedness Act, and the nominations of Wendy M. Spencer, of Florida, to be Chief Executive Officer of the Corporation for National and Community Service, Deepa Gupta, of Illinois, to be a Member of the National Council on the Arts, Christopher Merrill, of Iowa, to be a Member of the National Council on the Humanities, Stephanie Orlando, of New York, and Gary Blumenthal, of Massachusetts, both to be a Member of the National Council on Disability, and a nomination list in the Public Health Service.

SD-430

Homeland Security and Governmental Affairs

Business meeting to consider an original bill entitled, "Stop Trading on Congressional Knowledge Act of 2012", S. 1515, to permit certain members of the United States Secret Service and certain members of the United States Secret Service Uniformed Division who were appointed in 1984, 1985, or 1986 to elect to be covered under the District of Columbia Police and Firefighter Retirement and Disability System in the same manner as members appointed prior to 1984, H.R. 2297, to promote the development of the Southwest waterfront in the District of Columbia, H.R. 789, to designate the facility of the United States Postal Service located at 20 Main Street in Little Ferry, New Jersey, as the "Sergeant Matthew J. Fenton Post Office", H.R. 2422, to designate the facility of the United States Postal Service located at 45 Bay Street, Suite 2, in Staten Island, New York, as the "Sergeant Angel Mendez Post Office", and the nomination of Roslyn Ann Mazer, of Maryland, to be Inspector General, Department of Homeland Security.

SD-342

Judiciary

To hold an oversight hearing to examine the Federal Bureau of Investigation.

SD-226

#### DECEMBER 15

9:30 a.m.

Energy and Natural Resources

Business meeting to consider S. 1108, to provide local communities with tools to make solar permitting more efficient, S. 1142, to promote the mapping and development of the United States geothermal resources by establishing a direct loan program for high risk geothermal exploration wells, to amend the Energy Independence and Security Act of 2007 to improve geothermal energy technology and demonstrate the use of geothermal energy in large scale thermal applications, S. 1149, to expand geothermal production, S. 1160, to improve the administration of the Department of Energy, and the nomination of Arunava Majumdar, of Cali-

fornia, to be Under Secretary of Energy.

SD-366

10 a.m.

Environment and Public Works

Clean Air and Nuclear Safety Subcommittee

To hold joint hearings to examine the Nuclear Regulatory Commission's (NRC) near-term task force recommendations for enhancing reactor safety in the 21st century.

SD-406

Health, Education, Labor, and Pensions

To hold hearings to examine prescription drug shortages, focusing on examining a public health concern and potential solutions.

SD-106

Judiciary

Business meeting to consider S. 1821, to prevent the termination of the temporary office of bankruptcy judges in certain judicial districts, S. 1236, to reduce the trafficking of drugs and to prevent human smuggling across the Southwest Border by deterring the construction and use of border tunnels, and the nomination of Brian C. Wimes, to be United States District Judge for the Eastern and Western Districts of Missouri.

SD-226

10:30 a.m.

Agriculture, Nutrition, and Forestry

To hold hearings to examine certain nominations.

SR-328A

Commerce, Science, and Transportation

Oceans, Atmosphere, Fisheries, and Coast Guard Subcommittee

To hold hearings to examine environmental risks of genetically engineered fish.

SR-253

11 a.m.

Foreign Relations

Western Hemisphere, Peace Corps and Global Narcotics Affairs Subcommittee

To hold hearings to examine the United States-Caribbean shared security partnership, focusing on responding to the growth of trafficking narcotics in the Caribbean.

SD-419

2:15 p.m.

Foreign Relations

African Affairs Subcommittee

To hold hearings to examine improving governance in the Democratic Republic of Congo.

SD-419

2:30 p.m.

Aging

To hold hearings to examine implementing the "Physician Payment Sunshine Act".

SD-562

#### POSTPONEMENTS

##### DECEMBER 14

10 a.m.

Veterans' Affairs

To hold hearings to examine the nominations of Margaret Bartley, of Maryland, Coral Wong Pietsch, of Hawaii, and Gloria Wilson Shelton, of Maryland, all to be a Judge of the United States Court of Appeals for Veterans Claims.

SR-418



## SENATE—Tuesday, December 13, 2011

The Senate met at 10 a.m. and was called to order by the Honorable JEANNE SHAHEEN, a Senator from the State of New Hampshire.

### PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Almighty God, the center of our joy, guide our lawmakers through this day by Your higher wisdom. Give them the clarity of thinking needed to solve the complex problems of our time. As they depend on Your words and guidance, give them peace that comes from knowing they are instruments of Your glory. Lord, help them never to be silent in the presence of injustice or impurity. Replace fear with faith, falsehood with truth, and greed with justice.

We pray in Your holy Name. Amen.

### PLEDGE OF ALLEGIANCE

The Honorable JEANNE SHAHEEN led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

### APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. INOUE).

The assistant legislative clerk read the following letter:

U.S. SENATE,  
PRESIDENT PRO TEMPORE,  
Washington, DC, December 13, 2011.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable JEANNE SHAHEEN, a Senator from the State of New Hampshire, to perform the duties of the Chair.

DANIEL K. INOUE,  
President pro tempore.

Mrs. SHAHEEN thereupon assumed the chair as Acting President pro tempore.

### RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

### SCHEDULE

Mr. REID. Madam President, following leader remarks, the Senate will

be in a period of morning business for 2 hours. The Republicans will control the first half and the majority will control the final half.

Following morning business, the Senate will begin consideration of S.J. Res. 10 and S.J. Res. 24, both resolutions regarding balanced budget amendments. The Republican leader and I, yesterday, arrived at an agreement that we would have 8 hours of debate on this matter, and I think it should be a good debate. People have been looking forward to this debate for some time. Some are more interested than others, and this should give them ample time to say whatever they feel about this issue that is ripe for debate in the Senate and certainly the votes we will have tomorrow morning.

The Senate will recess this afternoon from 12:30 p.m. to 2:15 p.m. for the weekly caucus meetings.

### MEASURE PLACED ON THE CALENDAR—H.R. 1633

Mr. REID. Madam President, H.R. 1633 is at the desk and due for a second reading.

The ACTING PRESIDENT pro tempore. The clerk will read the bill by title for the second time.

The assistant legislative clerk read as follows:

A bill (H.R. 1633) to establish a temporary prohibition against revising any national ambient air quality standard applicable to coarse particulate matter, to limit Federal regulation of nuisance dust in areas in which such dust is regulated under State, tribal, or local law, and for other purposes.

Mr. REID. Madam President, I object to any further proceedings on this matter at this time.

The ACTING PRESIDENT pro tempore. Objection having been heard, the bill will be placed on the calendar under rule XIV.

### WORKING TOGETHER

Mr. REID. Madam President, in the last month, Republican leaders have repeated this mantra over and over: We support a payroll tax cut for working families. But we have not seen any proof of this yet. It has only been talk.

Senate Republicans have twice voted down their own payroll tax proposal, and House Republicans were unable to bring their plan to a vote for weeks. We understand they are going to have a run at that tonight.

I have served in the House of Representatives. When I served in the House of Representatives, no one would ever consider pushing something

through with a majority of the majority. When I served there, Bob Michel was the Republican leader, Tip O'Neill was the Speaker, Jim Wright was the majority leader and the Speaker, and they always worked together on a bipartisan basis to get legislation passed. It is only a new thing that now the Republicans are saying: We are not going to pass anything unless we can do it on our own. That is unfortunate.

I spoke to the Speaker yesterday. I have the highest regard for him. I consider him a friend. But I said to him, as seriously as I could, we are not going to finish the work for our country this year unless we work together. You cannot pass anything in the House unless you get Democratic votes because anything you pass with strictly Republican votes fails over here; and over here we cannot pass anything unless we get Republican votes. It is a fact of life.

We have issues we have to complete this year. So we have to understand, as I explained to the Speaker yesterday, we are going to have to do this together. We cannot magically say 53 Democrats are going to pass something here. In the House, even though the Republicans have a majority, they know we have a bicameral legislature, and they have to get something passed over here also.

I am very disappointed in what the Speaker has done to get a vote over there that he thinks will pass. He keeps adding ideological candy to the proposal. Last week, they were supposed to have a vote. At that time, they could not get the Republican votes to do it. I suggested they go to either the former Speaker, NANCY PELOSI, or STENY HOYER, the minority leader over there—I do not know the exact title—but the two leaders, PELOSI and HOYER, and the suggestion was turned down.

This ideological candy they have added to this bill to get rebellious, rank-and-file Republicans on board is not going to sell over here.

They recently added a provision to fast-track the controversial pipeline proposal attractive to the tea party, which is not opposed by President Obama. It is not opposed by him. He is saying this is such a big deal that, for example, the State of Nebraska feels it would—unless there are some major changes made—badly damage that most important aquifer we have in that part of the country. In fact, it is probably the biggest, most important one we have anywhere in the country.

So as was announced yesterday by the Secretary of State, she said: If the



Republicans are trying to push this on me, I cannot make a decision in 3 months. That is what the legislation calls for. If they do that, I will have to turn it down. The Secretary of State has said that in writing.

In effect, as some have said, what they are trying to do is kill the hostage. The hostage is the Keystone Pipeline. If they push this through, it is bound and doomed to failure.

But to tell everyone where they are coming from—they, the Republicans—JIM JORDAN, who is a Republican Congressman, said about the Keystone Pipeline:

Frankly, the fact that the President doesn't like it makes me like it even more.

I repeat, the President has not said he does not like it. But as a result of what has happened in Nebraska and other places along that pipeline, there are some major studies that need to go forward.

President Obama and the Democrats in the Senate have already declared the House legislation dead on arrival. Yet—after weeks of delay—Republicans are going to vote on it tonight. They are wasting time catering to the tea party folks over there, when they should be working with us on a bipartisan package that can pass both Houses. We have offered solutions—serious, good-faith proposals with bipartisan support.

If Republicans continue to block these reasonable plans to cut taxes for 160 million workers, there, of course, will be consequences. Middle-class Americans will notice when they open their paychecks in January they will have less money to spend, and they will have Republicans in Congress to blame—no one else.

Also, for the third time in 2 weeks, Senate Republicans have filibustered a qualified nominee, one of the President's nominees.

Last night, they blocked confirmation of Mari Aponte to serve as Ambassador to El Salvador—the job she already has. She has done it well for 15 months. She has finalized an important international anticrime agreement with the people of El Salvador and forged a strong partnership with El Salvador in many different areas during her time as Ambassador.

I hope the Republicans will come to their senses before her term expires at the end of the year and approve this good woman.

I had a Republican Senator come to me after the vote and say he believed Republicans wanted to vote for her, and he was glad I moved to reconsider the vote. I hope that, in fact, is the case.

Last week, Republicans blocked the nomination of Richard Cordray to serve as head of the Consumer Financial Protection Bureau—the Consumer Financial Protection Bureau. Mr. Cordray has a record of protecting consumers from predatory lenders.

Two days before that, Republicans blocked the nomination of Caitlin Halligan to be on the Court of Appeals for the D.C. Circuit. She is an exceptionally well-qualified person, with a great resume, an exceptional legal mind. She was blocked.

All three nominees were qualified. All three had bipartisan support. All three were committed, enthusiastic public servants. Yet Republicans opposed their nominations for one purely partisan reason: to deal a blow to President Obama.

This kind of Republican obstructionism has, unfortunately, become very commonplace. But it also has consequences, and Republicans aiming to hurt the President have once again harmed our country instead.

---

#### RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. The Republican leader is recognized.

---

#### A BALANCED APPROACH

Mr. MCCONNELL. Madam President, today the House of Representatives will vote on a bill that extends the temporary payroll tax cut as well as unemployment insurance and which will not add a dime to the Federal deficit. In other words, the House bill would do both of the things the President and Senate Democrats have described as their top legislative priorities before the close of this year.

So it was surprising, to say the least, to read this morning that President Obama and my friend, the majority leader, are now plotting to block this very legislation—even to the point of forcing a Government shutdown—over the inclusion of a job-creating measure that the President thinks will complicate his reelection chances next year.

That is what is happening in Washington this week, and the American people need to know about it. So let me repeat what is unfolding right now in the Capitol.

Yesterday, the members of the Senate Appropriations Committee—Democrats and Republicans alike—agreed to a spending bill that would fund the government through the end of the fiscal year; that is, next September 30. Today, Republicans in the House will consider a bill that contains the President's top priorities: an extension of the payroll tax cut and unemployment insurance.

But here is the problem: The House bill also includes a provision to accelerate construction of the Keystone XL Pipeline, a project that has been described as the biggest shovel-ready project in America. Evidently, the President does not want this project approved before his election next No-

vember—because a small faction of very liberal voters he is counting on to get reelected do not like the pipeline.

We have already had 3 years of environmental studies. This project was not only ready to go from an environmental point of view, it is shovel ready. It will produce jobs almost immediately, as soon as the President signs off on it.

Here is a project that would create tens of thousands of jobs, as I indicated, right away. It also would not cost the taxpayers a dime to build. It is being built by the private sector. It would reduce the share of energy we import from unfriendly countries overseas, and it is a project which everybody from labor unions—labor unions—to the U.S. Chamber of Commerce says they support because it would create tens of thousands of jobs right away.

The Teamsters support getting the pipeline started right now. The AFL-CIO supports getting the pipeline started right now. This is the kind of project the Democrats themselves, including the President, have been saying all year they want.

But the Presidential campaign seems to be getting in the way, to the point that my friend, the majority leader, now says he is willing to hold up a bipartisan bill to fund our troops, border security, and other Federal responsibilities rather than letting the President decide if this pipeline project should move forward.

Let me say that again. The President and the Democratic majority leader, my friend, HARRY REID, are now saying they would rather shut down the government than allow this job-creating legislation to become law. That is what would happen if they succeed in blocking this bipartisan funding bill from coming to the floor for a vote.

House Republicans are giving the President everything he asked for today. They just think that instead of simply providing more relief to those who continue to struggle in this economy, we should also help prevent future job loss and incentivize the creation of new private sector jobs, all at the same time.

That is what the House bill does. It goes beyond government benefits—beyond government benefits—and takes us a step toward addressing the jobs crisis at hand.

Most people would view this proposal as evidence that the two parties are putting their best ideas on the table and addressing both sides of this jobs crisis—the relief side and the incentive side. Most people would call it a balanced approach.

Unfortunately, the President does not seem to be happy these days unless he has an issue over which to divide us. If the Republicans are proposing it, he is against it, regardless of how many job losses it prevents or how many private sector jobs it would help create, and he is not even trying to hide it.

The majority leader signaled yesterday that he and the President are so determined to turn even the most bipartisan job-creating legislation into a political issue that he will ask his Members to hold off signing the government funding legislation—that they have already agreed to on a bipartisan basis—just to hand the President what they view as a political victory this week.

This is not just irresponsible, it is reckless. The House is about to pass a bill we believe—certainly going to consider today—would help working Americans by extending the temporary payroll tax cut, help unemployed Americans by extending unemployment insurance, and which would help Americans looking for work by accelerating the construction of the single biggest shovel-ready project in America. This is the biggest construction project in America, ready to go. It only needs a signoff from the President of the United States.

It deserves to pass with broad bipartisan support. They had a vote on that earlier this year in the House. Forty-seven House Democrats voted to get this project started. So I would suggest that our friends put the political games aside and give the American people the certainty and the jobs they deserve. Take up the House bill, pass it right here in the Senate, and send it to the President for a signature without theatrics and without delay.

I yield the floor.

#### RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

#### MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will be in a period of morning business for 2 hours with Senators permitted to speak therein for up to 10 minutes each, with the time equally divided and controlled between the two leaders or their designees, with the Republicans controlling the first half and the majority controlling the final half.

The Senator from Maine.

Ms. SNOWE. Madam President, I ask unanimous consent to be recognized for 20 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

#### BALANCED BUDGET AMENDMENT

Ms. SNOWE. Madam President, this morning I rise to speak to the question the Senate will be focused on over the next day or so regarding a constitutional amendment to balance the budget. I do not think there is any doubt

that we have to reverse this fiscal recklessness, not just for our time but for all time.

I have consistently and vehemently championed a balanced budgeted amendment for the past three decades in both the House and the Senate to prevent precisely the kind of fiscal quagmire we are enmeshed in today, with our Federal Government borrowing an astonishing 40 cents of every dollar we spend.

In my 30 years in Congress, I have co-sponsored a balanced budget amendment 18 times. I spoke or made statements in favor of it 35 times. So I have had some experience in this battle to get the Federal Government to balance revenues with expenditures.

I learned that without a self-restraining mechanism, the debt over time only goes in one direction—up. In fact, since 1981 we have debated a constitutional amendment to balance the budget in the Senate on five different occasions and on four occasions in the House of Representatives through 1997. In the meantime, we have seen what has happened with the mounting debt.

The impending vote to amend the Constitution represents an unambiguous choice between changing business-as-usual in Washington or embracing the status quo that we can no longer afford, that has brought this country to the edge of our fiscal chasm; the status quo that has led to more than 3 years without passing a Federal budget; the status quo that has brought us the first ever downgrade of America's sterling AAA credit rating; the status quo that was exemplified by the supercommittee's inability to agree on \$1.2 trillion in debt reduction over the next 10 years.

Now we have two competing balanced budget proposals pending before the Senate in a partisan duel that has become regrettably all too predictable in Washington. Our Nation is on the edge of a fiscal cliff and 20 million Americans are unemployed or underemployed. There should not be two competing proposals on an issue as critical as our Nation's fiscal health and survival.

We have been in legislative session for 86 days since July 1st, yet we can only consign about 8 hours or so to the idea on debating the mighty question of a constitutional amendment to balance the budget.

Prior consideration in the Senate, whether it was in 1982—it was 11 days; in 1986 it was 8 days; in 1995 it was more than a month; in 1997 it was another month. We are giving 8 hours to debate two competing proposals rather than addressing the differences through the amendment process so we can ultimately resolve the question once and for all of whether we should have a constitutional amendment to balance the budget.

Amending is consistent with the tradition and practice of the Senate. Yet,

regrettably, we will be denied that opportunity which is unprecedented, frankly, on this question. It is a question that clearly deserves much greater deference than is being accorded in the Senate.

Thomas Jefferson once wrote,

I place economy among the first and most important republican virtues.

And, yes, that is republican with a small "r."

He went on to say,

Public debt is the greatest of dangers to be feared.

He wrote in 1798:

I wish it were possible to obtain a single amendment to our Constitution . . . I mean an additional article taking from the Federal Government the power of borrowing.

Jefferson understood the perils of borrowing. We are not even going as far as Thomas Jefferson was advocating. But he also recognized the danger of debt and deficits do matter.

He said:

One generation should not pay for the debts of another no more than we should pay the debts of a foreign nation.

Jefferson could not have been more right. We have now entered what some economists have labeled an economic danger zone because our gross national debt is approaching 100 percent of gross domestic product. Our outstanding Federal debt exceeds the size of entire economy. There is no question that high levels of debt have stunted economic growth, costing millions of American jobs at a time when we are experiencing the longest period of long-term unemployment and the worst postrecession recovery in the history of this country, the second worst recession in 100 years.

Just as disturbingly, the government currently pays \$200 billion annually in interest to foreign countries—to foreign countries that hold our Treasury bonds, countries such as China and Russia. The cost of the net increase alone in interest will more than triple in the next 10 years by the year 2021. That is just the net interest that we will pay to foreign countries because of our bonded indebtedness.

In fact, the Congressional Budget Office's most recent long-term outlook states that by 2035 interest costs on our Nation's debt will reach 9 percent of the gross domestic product, more than the United States currently spends on Social Security or Medicare. CBO warned that growing debt would increase the probability of a sudden fiscal crisis during which investors would lose confidence in the government's ability to manage its budget and government would thereby lose its ability to borrow at affordable rates.

That is exactly what is happening in Europe. It could also happen here at any moment in time. It could be a small item that ultimately precipitates and triggers a debt crisis, that puts this economy in jeopardy and

peril as we experienced so dramatically in America in 2008. We do not know what all could ignite this explosive growth in debt.

If interest rates were just 1 percentage point higher per year over the next decade, the deficit would balloon by \$1.3 trillion from increased costs. To put these numbers in perspective, we have to look at the past. It took our Nation 200 years to accumulate its first trillion-dollar debt. Yet in just the past 3 years alone the national debt has soared by nearly \$5 trillion.

Let's just repeat that for a moment. In the first 200 years we accumulated \$1 trillion in debt. In the last 3 years we have accumulated \$5 trillion.

So when the President stated last summer that we do not need a constitutional amendment to do our jobs, well, not exactly. If that were true, if such an amendment were not required for us to do our jobs then why do we find ourselves wallowing in this economic morass? If Congress actually possessed the capacity to forestall the skyrocketing debt of its own volition, why are we mired in a major debt crisis? Why are the CBO and other economic forecasters reiterating and underscoring the negative outlook for the future if we do not grapple with this debt?

The facts speak for themselves. In 1986 when the Senate failed by one vote to pass a balanced budget amendment, the national debt topped \$2.1 trillion. In 1995, the Senate failed again by one vote to pass a balanced budget amendment, and the national debt at that time was \$4.8 trillion. In 1997, when the Senate yet again failed to pass it by one vote, the national debt was \$5.3 trillion, a number we found staggering. But, apparently, it was not staggering enough, as the abysmal track record following 1997 dramatically demonstrates. In 1999, just 2 years after that fateful vote, the debt rose to \$5.6 trillion. By 2009 it rose to \$11 trillion, and last year to \$13.5 trillion. Today, it is at \$15.1 trillion. The bottom line is that from 1997 to 2011 the national debt has almost tripled.

In 1992, when I was serving in the House of Representatives, we debated a constitutional amendment to balance the budget. During one particular balanced budgeted debate on the floor, I said we have no way of knowing how bad things might get if we continue without a constitutional amendment to balance the budget.

Unfortunately, we can only speculate where we would be today had we passed that balanced budget amendment some 14 years ago. But we can no longer afford to speculate about where we will be with respect to our debt 14 years from now.

Let's not be confused as we hear all of the usual diversionary excuses why this amendment should not pass. I have heard it time and time again over the

last three decades, as I have indicated. Those excuses have been reiterated time and again in the nine times it has been considered between the House and the Senate over the last three decades.

I have heard how a balanced budget amendment will be overly restrictive, spending reductions too substantial, and that other measures would be equally effective without changing our Constitution.

Let's not be distracted by the siren's call with the masterful art of deflection. As I recall, during the course of that debate in 1992 in the House of Representatives, I was challenged by a colleague when he asked:

What if appropriations exceed estimated revenue? What if the President and Congress underestimate the amount of Federal revenues in a fiscal year? What if it requires budgetary adjustments as a result of a contracting economy, or inaccurate estimates?

Well, I said at the time, as I do now: welcome to the real world of families and businesses in America that are trying to project their costs every day—current costs, future costs, whether they will have a job, how much they will get paid, and how much health insurance will cost—not to mention the 49 States that have adopted a balanced budget requirement. That is the real world, but apparently not in the Senate and the House of Representatives. It is one we have long ignored to our fiscal peril.

These are issues that day in and day out the State capitals have to deal with, as the Chair knows, being a former Governor of New Hampshire. My husband was a former Governor of Maine, and I know that States have to make tough choices and establish priorities, and they have to understand what is coming in and what is going out. Why should the Federal Government be any different?

So now we have a fiscal gap here in Washington where there not only is a disparity between revenues and expenditures, but there is also a shameful imbalance between the trust people place in us as elected officials and the responsibilities we must carry out if we are to demonstrate the worthiness of that trust.

Absent a permanent mechanism that compels and forces the Congress to set and fulfill its fiscal priorities, we will blithely continue in our wayward practices. Obviously, we only have to learn from the past to understand the future.

Rest assured that we have already tried every statutory mechanism possible. Yet nothing we have implemented has withstood the test of time, circumvention, or clever gimmickry to bind both the House and Senate to provide continuity from Congress to Congress—nothing.

We have witnessed the positive effects of statutory limits with past budget enforcement mechanisms, such

as the Gramm-Rudman-Hollings Act, the 1990 Budget Enforcement Act, and the 1997 Balanced Budget Act that combined saved upward of \$700 billion. Unfortunately, we allowed them to lapse because we could do it statutorily. We allowed these efforts to wither on the legislative vine. You could not do that with a constitutional amendment.

When we talk about a deficit reduction package for the future, anything we implement today could be undone by tomorrow or by the next Congress if we do not have the binding effect of a constitutional amendment. That is the big difference. Congress does not want its hands tied. That is what this is all about—not tying Congress's hands, irrespective of the impact on the mountains of debt.

We have squandered historic opportunities. I tried for a legislative trigger back in 2001 when we had projected surpluses to pay down the national debt and invest in Social Security and Medicare, but it was dismissed and derided. Senator Bayh and I tried to get that through, but people were not thinking about the future. I had seen from our experience in the past and I knew we had to protect the surpluses we had and invest them in the future. That didn't happen. People want to spend without restraint.

As we sadly know, the promises to get a handle on budget and deficits were empty which is why we have not had budgets in the last 3 years—or why we passed only one appropriations bill last year for the first time since the 1974 Budget Act. If you have no discipline in the budget process, you have no discipline in spending and a mounting debt. That is the net effect of what has happened over the last three decades.

The reality could not be more stark about the necessity for a balanced budget amendment. Yes, we do need one if we are ever to ensure fiscal balance and restraint.

Finally, even Vice President BIDEN spoke to this issue in 1995, expressing the same frustration I do today. He said:

There is nothing left to try except the balanced budget amendment.

That is where we are. And I still do not understand why we have two competing amendments now. It is not as if we don't have differences, but why not amend one legislation? That is what the Senate is all about. Regrettably, it has become another cynical process in the Senate, an all-or-nothing proposition, a zero sum game, either your way or no way.

We have two separate votes on two separate measures, creating a parallel universe with two different balanced budget amendments but zero opportunity to reconcile our differences. We know what the strategy is. It is called lip service. It is to allow everybody to

say they voted for a balanced budget amendment, while the armies of the status quo employ every weapon to ensure it does not happen.

I regret that we are not treating this issue with the deference it deserves—an issue that 70 to 80 percent of the American people support at a time in which the U.S. Congress has an approval rating of 9 to 12 percent—it varies from day to day. We should be embarrassed about how this reflects on the institution because we are not focusing on the issues that matter to people in their daily lives. It matters because they understand that we are shackling future generations.

We can either bring disrepute upon ourselves by continuing to mortgage our future to cover the fiscal offenses of today or we can rise to the occasion and meet our moral responsibility and bequeath the generation to come a nation unencumbered by the shackles of perpetual debt. The decision is ours and history awaits our answer.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Texas.

Mr. CORNYN. I inquire of the Chair, how much time remains on our side for morning business?

The ACTING PRESIDENT pro tempore. There is 39½ minutes remaining.

Mr. CORNYN. I am sure I won't need all that time, but I ask unanimous consent to speak for as much time as I may use of that time.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. CORNYN. Madam President, I express my appreciation to the Senator from Maine for her leadership on the balanced budget amendment issue for so long now. This is a fight that people have fought for so long that some have become very cynical about whether we will actually ever act in a responsible fashion to deal with the runaway debt our country continues to accrue where about 40 cents out of every dollar being spent today is out of borrowed money.

We know this is not just a theoretical problem, it is very real. When we look at what is happening in Europe, with countries engaged in sovereign debt crises that have made promises they cannot afford to keep, the day of reckoning has come to Europe. The day of reckoning for the United States may not be far behind.

I think it is really important to lay a few foundational points. Let me start with the preface of the Constitution of the United States of America because what we are talking about doing is amending the Constitution—something we have only done 27 times since the founding of our country. But the Constitution of the United States starts this way:

We the people of the United States of America, in order to form a more perfect union, establish justice, ensure domestic

tranquility, provide for the common defence, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity, do ordain and establish this Constitution for the United States of America.

It is important to recognize that this is a constitution created by the American people. This is not something handed down from on high that we cannot change or should not change. This is our Constitution. We own it. It is within our power to amend the Constitution when circumstances make it prudent for us to do so.

Let me also refer to article V of the U.S. Constitution. This is the basis upon which we are seeking to amend the Constitution by this vote tomorrow. Article V says to Congress:

When two-thirds of both Houses shall deem it necessary, shall propose amendments to the Constitution.

And then should the joint resolution pass with two-thirds the vote in both Houses, then it goes to the States, where 38 States—three-quarters of the States—would have to ratify that amendment before it would become the fundamental law of the land.

There is another provision in article V that I will talk about in a minute which allows the States, in the face of inaction by Congress, to ask for a constitutional convention to be established for that purpose. As I said, I will save that for a later time.

Madam President, all 47 Members on this side have cosponsored S.J. Res. 10. But this doesn't have to be a partisan endeavor. Indeed, the last time, in 1997, when there was a vote on a constitutional amendment—and it failed by 1 vote in the Senate—11 Democrats joined Republicans to come within 1 vote of passing that joint resolution, which had already passed the House of Representatives. So this doesn't have to be and indeed should not be a partisan undertaking.

Let me remind my colleagues, what did our financial situation look like in 1997? Our deficit was \$107 billion—that is right, \$107 billion. Today, it is roughly \$1.3 trillion. Our national debt, which recently broke the \$15 trillion mark, back then was roughly \$5 trillion. So we have seen almost a threefold increase in our national debt since 1997, when we came within one vote of passing a constitutional amendment and sending it to the States.

We know that throughout American history, our government has faced fiscal challenges. Our Founders had their own when they had to amend the Articles of Confederation to provide for a constitution that allowed us to deal with our financial problems. But what are the differences between those faced by the founding generation and those we face today? Back then, government was the solution to the problem. Today, the size and growth of government is the problem. The American people understand the difference, clearly.

As I said, the American people are absolutely repulsed by the idea that Congress continues to spend 40 cents out of every dollar that is spent in borrowed money. I know people like to say this is a problem for the next generation and beyond, but all you have to do is look across the Atlantic Ocean to what is happening in Europe today, and you realize, no, this is our problem, in this generation now, in Europe. The ramifications could easily extend to the United States and create a recession, if not worse, as we go through a sovereign debt crisis.

The American people also understand this huge debt we bear is a job killer because it dampens economic growth. Only by the private sector economy growing do you get the sort of job creation that will help get us out of this mess. Right now, we are muddling along at roughly 2 percent of GDP, which is not even enough to deal with the unacceptably high unemployment. Yes, we had a break last week, when we saw the unemployment rate come down a little bit. But a closer look at the statistics reveals it was because so many people had quit looking for a job. They gave up.

We also know this is a national security risk, this high debt. Former Chairman of the Joint Chiefs of Staff, Admiral Mullen, said the debt was the single largest threat to our national security. This is the Chairman of the Joint Chiefs of Staff. You wouldn't think that was part of his portfolio, but that is what keeps him awake at night and worries him—our debt, and the fact that China is the major purchaser of that debt, a country with interests that are not exactly aligned with ours, to say the least.

Secretary of State Hillary Clinton has said the debt undermines our capacity to act in our own interests and sends a message of weakness internationally. Then there is a quote from a former colleague of ours way back in 2006, who said this:

Increasing America's debt weakens us domestically and internationally.

He also said:

It is a sign that we now depend on ongoing financial assistance from foreign countries to finance our government's reckless fiscal policies.

You may have guessed who said that. Yes, that was then-Senator Barack Obama.

What I think people find absolutely unnerving, disappointing, and, yes, even shocking is the lack of leadership on this issue, not only because our national debt is a growing fiscal problem as well as a national security risk, but it has created a crisis of confidence in our political system and people's confidence in the Congress's ability to do what we get paid for, what we got elected to do, and that is to solve our Nation's problems, including our Nation's fiscal problem.

President Obama understands this very well. That is why he appointed a bipartisan fiscal commission, now called the Simpson-Bowles commission, which came up with \$4 trillion in debt reduction along with other recommendations, such as tax reform, which would make us more competitive globally. But since December 2010, when that report was rendered, what has the President done with regard to that report that received bipartisan support—I believe it was 11 out of the 18 members, including 3 Republican Senators at that time, Judd Gregg, MIKE CRAPO, and TOM COBURN? The President walked away from it. He walked away from it. What did he do when he gave his State of the Union speech shortly thereafter? He didn't even mention it.

But what did he do? Did he come up with a counterproposal or a different proposal? No, he held back, and he waited until the chairman of the House Budget Committee, PAUL RYAN, and House Republicans passed a budget out of the House—something that has not happened in the Senate for more than 900 days—and then the President attacked. He engaged in scare tactics that I believe are beneath the dignity and responsibility of the Office of the President of the United States.

Leadership on the national debt has not only been lacking from the White House, but Congress hasn't done much better. It is true what the Senator from Maine has said, the basic conundrum we have had at times when we have passed deficit reduction legislation, such as Gramm-Rudman-Hollings and others, is that purely statutory fixes are fine but they can't bind future Congresses. We need a constitutional amendment that will make it the law of the land that cannot be ignored by future Congresses. This is what I hope we will do by embracing our responsibility and passing this constitutional amendment.

The facts show that the time for a strong balanced budget amendment is now. It is today. Joint Resolution 10 is a strong balanced budget amendment that will protect the American people from runaway deficits and reckless spending. If ratified by three-quarters of the States; that is, 38 States, it would require a two-thirds supermajority of Congress in both Chambers to approve a deficit in any fiscal year. A supermajority would be needed in times of emergency to approve a deficit in any given year. And it can't be opened. It has to happen each year a deficit might be run.

We can imagine that emergencies could occur, but it shouldn't be a routine matter, as it is now, where we engage in deficit spending. This amendment would provide exceptions where it would require a majority of both Chambers to approve a deficit during a time of declared war and a three-fifths

supermajority in both Chambers could approve a deficit during military conflicts.

So for those of our colleagues who are worried this balanced budget amendment would provide such a straitjacket it would deny us the flexibility to respond to our Nation's emergencies, the amendment itself provides the means to deal with those extraordinary circumstances.

Joint Resolution 10 would also require a two-thirds majority to approve outlays beyond 18 percent of GDP. That is roughly what our revenue has been—roughly 18 percent of GDP—although today our spending is at 25 percent. Because of the recession and the fragile economic recovery, our income is roughly 15 percent. So we are running at roughly a 10-percent annual deficit.

This amendment would require a two-thirds majority to raise taxes. We don't have a tax problem; we have a spending problem, and we are not able to keep up with the promises we have made both in terms of entitlements and other spending. This would require the discipline of a two-thirds supermajority to raise taxes in order to balance the budget. So we could do it when there was a broad consensus that it was necessary but not provide the easy out to raise taxes in order to balance the budget unless two-thirds said that was all right. It would also provide for a three-fifths supermajority to raise the debt limit.

Finally—and this is important—the balanced budget amendment, Senate Joint Resolution 10, would require the President to submit a balanced budget to the Congress each year. The President has historically submitted a budget in, I believe, roughly February of each year, but it is rarely balanced. Indeed, the last budget submitted by President Obama was not even brought up for a vote by our friends across the aisle. When we insisted upon a vote on that budget, it lost 97 to 0. No Democrat and no Republican voted for President Obama's last budget because it continued the reckless spending and the debt.

It is important this body support a strong balanced budget amendment and not a fig leaf or cover vote, because Senate Joint Resolution 10 has the strongest provisions on spending and taxes in addition to provisions that would allow us to balance the budget.

I know there is another alternative that will be voted on, but I am afraid this alternative offers more of a mirage than a real solution. First of all, it does not include all spending. This would make government accounting even more mystifying, even more opaque, less transparent. Can you imagine families and small businesses doing something such as that, saying, well, we are going to balance our budget, but we are not going to include all

the spending we do? Small businesses and/or families don't have the luxury of moving things off the balance sheet—in sort of Enron-style accounting—and neither should their government. Either you balance the budget or you do not.

The alternative we will be presented an opportunity to vote on, next to this strong balanced budget amendment, does not protect the middle class from higher taxes. It would not have stopped the 21 tax increases that were enacted in the first 3 years of the Obama administration. That is right, 21 tax increases during the first 3 years of this administration. The problem in Washington is not that it is too difficult to raise taxes, the problem is it is too easy.

A real solution to our debt crisis must permanently change the propensity to tax and spend with reckless disregard. A strong balanced budget amendment will actually solve the problem. Let's remember the disease here in Washington the balanced budget amendment is designed to cure is out-of-control Federal spending, and big deficits are a symptom of that disease. Any doctor will tell you just treating the symptom doesn't cure the disease. Without treating the underlying cause of those symptoms, we would not be making matters better, we would be creating again another illusion of a solution.

The strong balanced budget amendment which I support, along with 46 of my Republican colleagues—and I hope a significant showing on the other side—will treat the disease along with the symptoms. An amendment with too many exceptions and loopholes will not. A strong balanced budget amendment will reassure financial markets and the American people that we understand the magnitude of the problem.

As I talk to my constituents in Texas and others around the country—who are the type of people we are looking to to create jobs by making the investments, by starting businesses, and by growing existing businesses—they tell me with the growing debt, with uncertainty about tax policy, with overregulation, and with Washington's unwillingness to deal with a potential sovereign debt crisis, and slow economic growth in the private sector, they are going to sit it out. They are sitting on the sidelines. They are not going to take imprudent risks with the capital they have acquired after going through this recession and becoming leaner and becoming more efficient. They are not ready to get back in the game until they get a signal from us we are actually serious about solving our financial problems.

Unfortunately, the President not only has neglected his own bipartisan fiscal commission—the Simpson-Bowles commission—and fallen for the siren call of his political advisers to

not offer a constructive solution but, rather, attack those who do, the President has compounded his mistake in this area by saying, "We don't need a constitutional amendment to do our jobs." Presumably, that refers not only to our balanced budget amendment but to an amendment offered by the Democrats as an alternative to the Senate Republican balanced budget amendment.

The President has claimed a balanced budget amendment is not necessary because "the Constitution already tells us to do our jobs and to make sure that the government is living within its means and making responsible choices." Who does he think he is fooling? Who does he think he is kidding? The President does himself no credit, and, indeed, I think demonstrates a lack of commitment to dealing with our Nation's problems when he says things such as that. He knows the experience of this Congress—whether it is Republican administrations or Democratic administrations—has been that without a balanced budget amendment we simply are not going to have the tools necessary to get the job done.

According to one White House spokesman, balancing the budget is "not complicated." Well, if it is not complicated, why hasn't the President of the United States submitted a balanced budget proposal? His last one broke the bank, made the debt worse, didn't solve the problem, and was rejected 97 to 0 by a bipartisan vote in this body.

The same White House spokesman said:

All that is needed is that we put politics aside, quit ducking responsibility, roll up our sleeves, and get to work . . . get beyond politics as usual.

I have to say, what bunk is that? Don't they know how little credibility that sort of rhetoric has when it comes to solving the problem? Just saying it does not make it so. What people are looking for is concrete action by the Congress.

The strange thing to me was, when the President of the United States invited the Republican conference over to the executive office building several months back, he asked for ideas around the table. Several of us, including me, told him: Mr. President, if you would embrace solutions to solving these problems, we would work with you because we are Americans first and not members of political parties first. We are Americans. We didn't come here just to posture and to act like we were solving the problem while doing nothing. We actually are willing to do it because, frankly, we are concerned. Many of us are beyond concerned; we are scared. This is no longer just for our children and grandchildren. This is about the present generation. This is about us, and all we need to do is look at what is happening in Europe, and it

could be our problem in the foreseeable future. I am not just talking about decades, I am talking about years. It could be earlier.

Everything we read about the sovereign debt crisis in Europe and the history of these crises in the past is, once the public loses confidence in the ability of a sovereign nation to pay back its debt, then things slip away very quickly. We have seen that happen in Europe with the price of the debt on Italian bonds and Greek bonds going through the roof because people know they can't be paid back. If people begin to doubt for a minute our lack of resolve at dealing with this fiscal crisis and this debt crisis, we could well be not just in a similar mess, we could be worse off because there will be no European Union, there will be no IMF to bail out the United States of America, the largest economy of the world.

Let me close for now by saying this is not just a matter of conjecture whether a balanced budget amendment would help and would work; 49 different States have some form of balanced budget requirement. Vermont is the only one that does not. Of these, 32 States have constitutional provisions. Additional States require that their Governor actually propose a balanced budget or require a balanced budget indirectly by prohibiting the State from carrying a deficit into the next year.

But the point is, this is not just a matter of conjecture and guesswork. We know because we have seen at the State level that balanced budget requirements are effective. What do they do? Well, we know State balanced budget requirements are only effective when combined with limitations on taxing and spending. States with limitations on taxing and spending are less likely to raise taxes to balance the budget than States without such a limitation. States with taxing and spending limitations have a slower growth of government than States without such limitations.

In other words, States with taxing and spending limitations have a slower rate of growth and cost and size of government than States without them. So we know a balanced budget amendment could work.

I hope my colleagues—as frustrated as I am, on a bipartisan basis, with the lack of leadership on this—will show leadership. We shouldn't just look for leadership at the White House or anywhere else. We ought to look at ourselves in the mirror and ask what can we do to solve this problem. I submit that a balanced budget amendment would go a long way to putting us on the path to fiscal responsibility.

Now, we can't do it overnight because we didn't get into this mess overnight. But just as Vice President BIDEN said back in 1995:

I have concluded that there's nothing left to try except the balanced budget amendment.

That is what Vice President BIDEN said in 1995. I agree with him. But if it was true then, it is even more true now.

So I hope tomorrow, when we have a chance to vote, we will vote for a real solution—a real balanced budget amendment, S.J. Res. 10—that will avoid the temptation to act once again as if we are doing something, without actually delivering a solution to the problem, by providing a cover, a fig leaf that, once again, will undermine the public's confidence in our commitment, in our willingness, in our leadership when it comes to the Nation's problems. Ultimately, the American people will have the final say. If we don't do it tomorrow, then the American people will have another chance to have an election and vote and presumably choose people who will deal with the problem.

Ultimately, we know—getting back to article V of the Constitution—if Congress does not propose a solution, to quote article V, the Congress "on the Application of the Legislatures of two-thirds of the several States, shall call a Convention for proposing Amendments."

So the final word is not with the Members of Congress. Although we can solve the problem tomorrow if we voted on it and we passed it and encouraged our colleagues in the House to pass it, ultimately, there will be an intervening election. But, ultimately, beyond that, the Constitution—which is the Constitution of we, the people of the United States—the people of the United States will have the final word, whether it be in the next election in 2012 or by means of a constitutional convention called on the application of two-thirds of the States, of which I am told about 20 applications are already pending.

Mr. President, I yield the floor, I reserve the remainder of my time, and I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. TESTER. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. TESTER. I ask unanimous consent to speak for 10 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

#### JOB CREATION

Mr. TESTER. Madam President, I rise today to talk about jobs and politics.

There are a lot of folks in Washington who pay lip service to jobs and a lot of people that are playing politics.

But it sure doesn't seem that many folks are interested in doing the hard job of creating jobs.

Folks all over Montana have been asking for good-paying, liveable-wage jobs, the kind of jobs that can't be outsourced, jobs that put folks to work in our forests, jobs that build the energy infrastructure this country needs. Right now there are two proposals that will do just that.

First, I would like to talk about my Forest Jobs and Recreation Act. This bill will stabilize the wood products industry in Montana by ensuring a dependable timber supply that will give certainty to loggers in the woods and workers in the mills.

This bill will allow for the restoration of 100,000 acres of national forest lands in Montana, reducing the chances of out-of-control forest fires that could devastate our communities, our watersheds, and our way of life.

Recent data released by the Forest Service shows that wildfires that burn where the trees were thinned were less expensive to fight, they were easier to control, and did less structural damage to neighboring buildings.

This bill also puts people to work by rolling up roads, improving our water quality, and protecting big game habitat. It protects nearly 1 million acres for our children and grandchildren in wilderness and recreation areas.

This is a bipartisan solution, supported by industry and conservationists. It is the product of people who were on polar opposites of the issue who came together to find solutions for how we can manage our forests better. We could take a lesson from their example. They brought those solutions to me to be put into law. This is a bill that will move the country in the right direction with a responsible balanced solution, and it will create jobs.

But rather than getting this bill passed, it has become a political football in the appropriations process. Some House Republicans seem to be more concerned with their own job rather than creating Montana jobs by passing my Forest Jobs and Recreation Act. That isn't fair to Montanans who are anxious to get back to work, to reclaim a life that has been disappearing in a rapid rate. We lost over 1,700 jobs in the timber industry in 2009, more last year, and still more this year.

I would ask folks who are negotiating this final deal right now to think about the folks who are counting on us to set politics aside and do what is right for our country and for Montana.

This same logic applies to the Keystone XL Pipeline. Right now, the President has the power to create jobs by approving this pipeline. He could make the decision to approve this pipeline in the very near future.

Now, let me be clear. He should do it right. Doing it right means approving this pipeline while respecting private

property rights. I support the pipeline. But I will never support any corporation—much less a foreign corporation—given the right to take away property from Montanans or any other American without a fair deal that is negotiated in good faith.

Doing it right also means ensuring that the highest possible safety standards are followed throughout Montana and rural America. I do not believe we should have to wait until January of 2013 for a decision that can create American jobs right now. In Montana, we need the jobs. We need the ability to provide incentives to boost production in places where it makes the most sense, such as the Bakken formation in eastern Montana.

Now, many folks don't know that the Keystone Pipeline will actually include an onramp in Baker, MT. That onramp will tap into the booming Bakken formation, and it will ensure that we are getting the most out of American energy resources. That matters to our economy and it matters to our energy and national security. The Keystone XL pipeline will transport North American oil and will help move this country away from spending billions of dollars per day in Middle Eastern countries that do not like us very much.

At the same time, I am concerned about the way folks on both sides of this issue are handling it right now. We do not need to entangle this issue with a payroll tax in the House bill that would add more than \$25 billion to our debt and that would cut Medicare benefits.

It is time to quit playing politics and start doing what is right, whether it is the Forest Jobs Act or the Keystone pipeline. It is time to move forward, working together to create jobs in this country.

Instead, politicians on both sides are using these important items as political footballs and that is too bad. We should be acting responsibly to create jobs with this pipeline and to put folks back to work in the woods with my bill. Instead, we are watching political maneuvering designed to score points rather than create jobs. We all know this is how Washington acts. The people who lose are the hard-working Americans and Montanans who want to get back to work. They want to build and maintain the infrastructure that powers and protects America.

I am proud to again offer my support for the Keystone XL pipeline and the jobs it will create. We need a quicker decision based on the merits of the project. After setting aside their differences and working together to protect our forests, Montanans also deserve the passage of the Forest Jobs and Recreation Act. Instead of irresponsible partisan fights, it is time that Congress finally takes a page from those who constructed the forest jobs bill. They set aside nearly 30 years of

partisan bickering to find solutions where everyone gives a little and gains a lot. It is the right way to do it.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Vermont.

Mr. SANDERS. Madam President, I ask unanimous consent I be permitted to engage in a colloquy with my colleagues for the remainder of the Democratic time in morning business.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

#### GLOBAL WARMING

Mr. SANDERS. Madam President, I understand that some of my colleagues here in the Senate and in the House as well do not believe global warming is real and they do not want to see our country and, in fact, other countries around the world take the necessary actions to deal with this issue. That is fine; everybody is entitled to their opinion. But it does seem to me to make a bit of sense that we listen to the leading scientists of this world, not only in our own country but throughout the world, and hear what they have to say about global warming and the need to respond.

The National Academy of Sciences in our country, the United States, joined by academies of science in the United Kingdom, in Italy, in Mexico, Canada, France, Japan, Russia, Germany, China, India, Brazil, South Africa, have said "climate change is happening even faster than previously estimated" and the "need for urgent action to address climate change is now indisputable."

They are not talking about whether climate change is real or not real. What they are saying and what scientists all over the world are saying is that climate change is happening even faster than previously reported. Eighteen scientific societies, including the American Geophysical Union, the American Chemical Society, and the American Association for the Advancement of Science said:

Observations throughout the world make it clear that climate change is occurring, and rigorous scientific research demonstrates that the greenhouse gases emitted by human activities are the primary driver. These conclusions are based on multiple independent lines of evidence, and contrary assertions are inconsistent with an objective assessment of the vast body of peer-reviewed science.

That comes from the American Geophysical Union, the American Chemical Society, and the American Association for the Advancement of Science. Further, it is not just scientists in our own country or throughout the world who are talking about climate change, who are talking about the need to respond vigorously to that crisis, but right within our own government, the U.S. Government, we have the Department of Defense saying:



Climate change is an accelerant of instability.

What that means is that when there is drought, when countries around the world are unable to grow the food they need, when there is flooding and people are driven off the land, and when people migrate from one area to another, this creates international instability, which is of concern to the Department of Defense.

The CIA understands that “climate change could have significant geopolitical impacts around the world, contributing to poverty, environmental degradation, and the further weakening of fragile governments,” as well as “food and water scarcity.” That is from our own CIA.

But it is not just scientists around the world, not just government agencies in the United States; you have a business whose life and death, whose profit margin depends upon understanding this issue and that is the insurance industry. If the insurance industry ends up paying out a whole lot of money when there are disasters, they are going to lose money. They have to understand climate change and the disasters, the weather disturbances that occur from that. This is what they say, in a report from the National Association of Insurance Commissioners. They found there is “broad consensus among insurers that climate change will have an effect on extreme weather events.” These are guys whose profit margins depend upon that analysis.

Many Americans and people around the world are concerned about the future impacts of global warming on our planet and what is going to happen 10 or 20 years down the line, and that is terribly important. We have to understand what climate change is going to do to our planet in years to come. But we do not have to just look at what may happen 20 or 30 years from today; we should be looking at what is happening right now, in the year 2011. The World Health Organization reports annual weather-related disasters have tripled since the 1960s, causing more than 60,000 deaths per year. The National Climatic Data Center shows that 26,500 record-high temperatures were recorded in weather stations across the United States this summer. Texas set the record for the warmest summer of any State since instrument records began in 1895. Oklahoma set a record for its warmest summer, exceeding records set during the Dust Bowl era of the 1930s. Drought in Texas has led to wildfires that destroyed more than 1,500 homes in Texas.

A 2010 heat wave in Russia killed 56,000 people. The heat wave in Europe in 2003 killed 35,000 people. We can look at Pakistan, which in 2010 had a record 129-degree temperature. All of that is consistent with what scientists have been warning us about for years.

NASA’s James Hansen said climate change “loads the dice” in favor of

more extreme weather events. Hansen said the answer to whether greenhouse gas emissions are contributing to these extreme weather disturbances is “yes . . . humans probably bear responsibility for the extreme event.”

There is much to be said. I think a number of colleagues are coming to the floor. But I want to yield the floor to a Senator who has been an absolute leader on this whole issue, fighting for the environment, and that is Senator WHITEHOUSE of Rhode Island.

MR. WHITEHOUSE. I thank my colleague.

THE PRESIDING OFFICER (MR. TESTER). The Senator from Rhode Island.

MR. WHITEHOUSE. Mr. President, the statement my colleague has made is truthful and important, but there is absolutely more to this story even than that. At another time I will discuss at greater length the oceans dimension to what is happening to our planet as a result of the carbon pollution we are emitting at literally unprecedented levels in human history. But for now let me say it is very severe, very dire, and to everyone who is listening and paying attention, the ocean is emitting warning signs that we disregard at our peril.

In addition to the threat of environmental harm, connected to the problem of carbon pollution is a huge opportunity and that is the opportunity of clean energy. Clean energy will drive the decades to come. Clean energy jobs can and should be powering our economic recovery.

We are in a race right now. We are in a race for dominance and for preeminence in the clean energy economy that is emerging. All around the world, other countries see it. They are competing in that race. They are putting everything they have into winning that race. But because we have a political system that is still listening to the dirty, polluting energy industry and using the politics of Washington to interfere, we are constantly having to fight to stay even. One of the things we are fighting right now to preserve is the section 1603 Treasury grant program, which will expire at the end of this year if we do nothing. This program has been vital for our renewable energy industry. It has leveraged nearly \$23 billion in private sector investment, supported 22,000 projects which collectively power more than 1 million homes. This is big. This is no longer some tiny little cottage industry. The National Renewable Energy Lab estimates the 1603 program has supported up to 290,000 U.S. jobs.

If we look more largely at the renewable energy sector, renewable energy is more labor intensive, creates more jobs than fossil fuel energy per dollar invested, creates more jobs than fossil fuel energy per megawatt generated, and the clean economy as a whole, in-

cluding renewable energy and energy efficiency and environmental management, employs 2.7 million workers in this country. It is more than the fossil fuel industry, but the fossil fuel industry owns this town and they keep stepping on this larger, growing, clean energy industry.

We are seeing it, unfortunately, out there in real life. Americans invented the first solar cell in 1995. America had 40 percent of the global manufacturing volume. We are now down to 7 percent of the global manufacturing volume of solar cells.

China is investing \$20 billion more in clean energy every year to accelerate ahead of us. European countries have feed-in tariffs so investors can know what their clean energy product will sell for and that is attracting capital and growth there, and we simply are not keeping up. We are now, in the United States of America, the home to only 1 of the top 10 wind turbine manufacturers. This is an unhealthy place to be and we need to get back into this fight. The mature industries that America leads have demonstrated the important role of government intervention at their early days. Our commercial aviation industry has been the envy of the world through its entire history. The United States of America subsidized airmail to help support this fledgling industry. They purchased planes for military purposes to help support it and supported it with aeronautics R&D.

The same thing should be happening in clean energy, and we need to work very hard to make sure this 1603 Treasury grant does not die on the cutting room floor as we come to the end of this year. If it does, jobs will go with it. There will be an immediate response. Projects will be terminated, people will be laid off, divisions of companies and smaller companies will close, and it is an unnecessary, self-inflicted injury we should avoid.

Let me bring it home. In Rhode Island this project has facilitated solar panel installation on three new bank branches. The TD Bank has opened in Barrington, East Providence, and Johnston, RI. Those projects created jobs, put people to work, and lowered the costs of their electrical energy. Step by step it gets us off foreign oil and these foreign entanglements to defend our supply.

The city of East Providence, RI, is in the middle of planning a 3-megawatt solar project on an old landfill, land that had gone out of use effectively but now will be generating power for that city. Construction has also begun on three wind turbines at the Fields Point wastewater treatment facility in Providence. The turbines will meet more than half of our big water utility’s energy needs.

A company called Hodges Badge—if your child has ever won an award in a



track meet, in a horse show, or in a school production, they probably got a ribbon for it, and that ribbon was probably made by Hodges Badge. It is a great Rhode Island company. It has 95 employees. They have gone completely clean energy, and they are doing that to protect those 95 jobs. They are doing it to lower their energy costs, and they are doing it to do the right thing.

I salute Senator SANDERS for his eloquence on the real problem of climate change and the campaign of lies and propaganda that has interfered with our ability to deal with what is a real and emerging problem, and also to point out that the second step in this is that there are jobs and there is economic success behind the clean energy industry that will lead us out of the predicament we are creating for ourselves because people here are in the thrall of the polluting industries.

I thank Senator SANDERS very much. I yield the floor.

Mr. SANDERS. Mr. President, I want to reiterate the very important point that Senator WHITEHOUSE has made. This struggle is not only to transform our energy system, to move away from fossil fuel, and to end the absurdity of importing over \$300 billion a year in oil from Saudi Arabia and other foreign countries and move toward energy independence, this effort is to cut greenhouse gas emissions so that we save the planet. This effort also has to do with creating jobs in the midst of the worst recession since the Great Depression.

I hope that every Member of the Senate is on the side of the American workers in helping us to grow sustainable energy companies so we create the jobs we need in this country rather than let China and other countries dominate those industries.

Mr. President, I am very proud to give the floor over to the chairperson of the Environmental and Public Works Committee, certainly one of the great environmental leaders here in the Senate, Senator BARBARA BOXER of California.

Mrs. BOXER. Mr. President, what is the time remaining in Senator SANDERS' block?

The PRESIDING OFFICER. There is 36½ minutes.

Mrs. BOXER. Is the Senator satisfied if I take about 7 minutes?

Mr. SANDERS. That would be fine.

Mrs. BOXER. I want to say how proud I am of the Environment and Public Works Committee. To be chairman of the committee that has such incredible Senators, such as those you have heard from—Senator SANDERS, Senator WHITEHOUSE; we also have Senator CARDIN, Senator CARPER, Senator BAUCUS, Senator GILLIBRAND, Senator MERKLEY, and Senator LAUTENBERG. I hope I am not leaving anyone out. These are the environmental voices, the commonsense voices for jobs, for

clean technology, for a bright future for our Nation, so to be the chairman of that committee is an honor beyond my every expectation.

It is not to say we don't work with Republicans; we do on public works matters. We work very well with Senator INHOFE and his team of Republicans on public works, but when it comes to the environment, there is nobody home over there. As a matter of fact, they do harm.

Today I am going to talk about the need to create jobs through this sector, but I also want to say, while my colleagues are here, an interesting development that has happened on the payroll tax cut bill that the House is about to pass. We have a kind of inside-the-Beltway term when extraneous provisions are added to a bill that will bring down the bill, and we call that a poison pill amendment. I have never said to you when I coined that phrase "poison pill" amendment that it is literal. In this case they have attached to the payroll tax cut—which is on the one hand giving a tax cut to the middle class—a literal poison pill by rolling back a Clean Air Act provision that will require a very small percent of the boilers in this country to cut back on the filthiest of all pollution, including mercury, arsenic, and lead. I will say that again: mercury, arsenic, and lead.

If I were to stop anyone in the street, they don't need a degree in science to know if those are good things or bad things for you. They didn't even have to see the movie "Arsenic and Old Lace" to know that arsenic is bad. Lead damages the brains of our kids. Mercury has horrible impacts, particularly on children. So they have attached a poison pill, literally, because it will kill 8,100 more people than otherwise would have been killed from pollution. They have attached that to the payroll tax cut. How is that for a Christmas gift? Hi, I am your Senator, here is a tax cut for you of about \$1,000, but, sorry, you might die from breathing in too much poison in the form of mercury, lead, and arsenic.

That is what is going on here. Honestly, we have asked for a lot from Santa in our day, but we never asked for lead, arsenic, and mercury.

The reason Senator SANDERS took to the floor today—and the reason I am proud to be here—is because we all say here in this Chamber that we care about jobs. We all say here in this Chamber that we want to be energy independent. We should all add that we want less pollution. Our colleagues on the other side never mention it. We should add that we want less carbon pollution, which is leading us to extreme weather conditions, climate change, but they don't say that. We say that.

How do you do it? Well, there are many ways. One is to enforce the clean air laws we have, by the way, that will

help get carbon out of the air. But a very easy way as we extend this payroll tax cut, which we all want for our middle class, is to say we should extend those clean energy tax breaks that allow us to move toward innovation. You hear a lot of talk from the other side about how solar energy is in decline and they talk about Solyndra and the problems there. Let me tell you something, that mindset would mean we never would have made it to the Moon because we know what happened to Apollo 1. It was not good. We didn't walk away from going to the Moon. We expected there would be problems with the program that we put together. That is why we had \$2 billion to offset any companies that might not make it. Do we stop cancer research because a lot of the scientists' leads don't pan out? We don't walk away from cancer research. But our friends on the other side, the minute they can seize on something to walk away from clean energy, they do. I have come to the conclusion that there is only one reason for it, and that reason is they represent—and this is my opinion—big oil, big polluters, the people who, over the years, have tried to stop us from moving away from those fossil fuels.

All you have to do is read the history books to see how big oil teamed up with the auto industry to take out all the railroad tracks that they could to stop the competition. All you have to see is the movie "Who Killed the Electric Car." You cannot even find those GM cars. They took them and literally flattened them and they bought time for the gas-guzzling cars until finally, with President Obama's leadership, we were able to influence the companies in Detroit to make them understand the very simple fact that if we move to cleaner burning fuels, if we move to fuel economy, they are going to make a lot more money because that is the future.

What we face here instead of seeing an extension of the clean energy provisions to help us move toward solar, to help us move away from fossil fuels, to help us get a better balance of payments, to move away from the Middle East dictators, we see nothing. What do we see? We see another poison pill in another one of their bills over there to repeal the standards for light bulbs. What are these people thinking? They need a light bulb to go off in their own head. We have to move toward energy efficiency. It is a win-win-win.

I am going to talk about California in my remaining time. We have seen great progress there. We have added 79,000 jobs in the clean energy sector in the past 7 years, and that clean energy sector remains one of the most promising industries in our State, and people are happy. We are going to put a million solar rooftops on in California. I know Senator SANDERS has been calling for this for years. California is

doing it with Governor Brown leading the way with the legislature. Do you know what that means? It means that people are going to work in California. You cannot be in China unless you have an extremely long arm and put a solar rooftop on in Los Angeles or in Riverside County or San Francisco or San Diego. So we need to reauthorize 1603, the Treasury grant program, which allows developers to receive a grant in lieu of a credit, in lieu of a writeoff. That means they will get the funding and they can move forward with their front. It is leveraged by \$22 billion in private sector investment. If we extend the program, we will be creating 37,000 jobs.

I have to ask rhetorically: What is wrong with the Republican Party that they don't understand that when you extend these kinds of tax credits, you move away from the dictators who control the oil supply and who would turn on us in a minute, and instead you create jobs here at home, the air is less polluted, the kids have less asthma? There are very few things that we could come to the floor and say are such a win-win-win.

There is 48-C in the manufacturing tax credit, which provides a credit for facilities that make clean energy equipment components. We know there is a demand for these programs.

I want to say to my colleagues on the other side who are on the EPW Committee, I hope they will join me at 2:30 p.m. We are going to have a press conference to talk about the need for protecting the air that we breathe and for the need to see a payroll tax cut that doesn't come over here loaded down with things that are going to lead to riders that are unrelated, that are going to lead to the death of our people.

Simple message: No poison pills that poison the people, please. I hope they will join me there. But I want them to know, and I want to say, Senator WHITEHOUSE organized a letter that was critical to get all of us on this letter. I ask Senator WHITEHOUSE, through the Chair, how many signatures did you get?

Mr. WHITEHOUSE. We had over 30. The number is still climbing retroactively—but more than 30 Democratic Senators.

Mrs. BOXER. That is a very large number of Senators to have put their names on a letter. These letters are hard. People are busy. They do not have time. You get 30 names on a letter, and we say: Extend these tax cuts for jobs, for the environment, for all the good things. I ask unanimous consent to have the letter Senator WHITEHOUSE organized printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. SENATE,

Washington, DC, December 7, 2011.

Hon. HARRY REID,  
Majority Leader, U.S. Senate,  
Washington, DC.  
Hon. MAX BAUCUS,  
Chairman, Senate Finance Committee,  
U.S. Senate, Washington, DC.  
Hon. MITCH MCCONNELL,  
Republican Leader, U.S. Senate,  
Washington, DC.  
Hon. ORRIN HATCH,  
Ranking, Senate Finance Committee,  
U.S. Senate, Washington, DC.

DEAR MAJORITY LEADER REID, REPUBLICAN LEADER MCCONNELL, CHAIRMAN BAUCUS, AND RANKING MEMBER HATCH: We are writing to urge your support for the extension of key expiring clean energy and efficiency tax provisions that create jobs and protect our environment. Allowing these incentives to expire would harm the U.S. economy, eliminate tens of thousands of jobs, and sideline billions of dollars of private sector capital investments. In particular, the renewable energy industry would be negatively impacted by an expiration of provisions.

One of the most critical tax provisions set to expire this year is the 1603 Treasury Grant Program (TGP), which has provided a way to finance renewable energy projects despite the breakdown of tax equity markets and has proven a particularly effective job creation tool. Over the last two and a half years, the TGP has leveraged nearly \$23 billion in private sector investment for 22,000 projects in every state and across a dozen clean energy industries, including solar, wind, biomass, fuel cell, combined heat-and-power, and hydropower projects. To date, the program has spurred the construction of sufficient new generation capacity to power more than one million American homes and has supported roughly 290,000 U.S. jobs. Allowing the TGP to expire would shrink financing available for renewable energy projects by 52 percent, according to a July 2011 survey by the U.S. Partnership for Renewable Energy Finance. This would kill tens of thousands of jobs across all clean energy industries and states.

We have seen what happens when these credits expire. The biodiesel production tax credit lapsed in 2010, and fuel production dropped dramatically, shuttering dozens of plants and putting thousands of people across the country out of work. Given our nation's urgent need for more transportation fuels from domestic sources that are both secure and environmentally sound, we cannot let that happen again. With the biodiesel tax credit in place again for 2011, domestic production has more than doubled, supporting more than 31,000 jobs and generating at least \$3 billion in GDP and \$628 million in federal, state, and local tax revenues.

We also support additional funding for the Advanced Energy Manufacturing Tax Credit (48C), which has leveraged timely private investments in new, expanded, or re-equipped advanced energy manufacturing projects throughout the country. The program has been able to leverage \$5.4 billion in private investment, boosting growth and creating new U.S. manufacturing jobs producing components and equipment for the burgeoning global renewable energy industry. Applications to the program have far exceeded the program's original allocation, indicating a tremendous potential for continued investment and job creation in the manufacturing sector. Without funding for programs like this, we effectively forfeit clean energy manufacturing to countries like China.

The Production Tax Credit (PTC) has facilitated tens of billions of dollars in new clean energy generating capacity, particularly in the wind industry, which has created thousands of new manufacturing and construction jobs in many of the hardest hit parts of our country. Last year, new wind power represented over one-third of all new U.S. electricity generation capacity. This is an industry in which the United States currently has a trade surplus with China, Brazil, and other fast-growing developing economies. We need a timely extension of the PTC to keep these jobs in the U.S. and provide certainty to investors.

These expiring tax provisions have demonstrated their effectiveness in catalyzing private investment and job growth, spurring U.S. technological innovation, and diversifying our nation's energy mix. In light of the critical role these incentives and others have played in fostering U.S. economic growth, now is not the time to let them lapse, even temporarily. We believe it is important these critical tax provisions be part of any year-end tax legislation.

Sincerely,

John F. Kerry, Sheldon Whitehouse, Barbara Boxer, Jeff Bingaman, Maria Cantwell, Benjamin L. Cardin, Jeanne Shaheen, Robert Menendez, Bernard Sanders, Richard Blumenthal, Dianne Feinstein.

Mark Udall, Sherrod Brown, Ron Wyden, Daniel K. Akaka, Debbie Stabenow, Tim Johnson, Tom Udall, Jeff Merkley, Michael F. Bennet, Mark Begich, Amy Klobuchar.

Jack Reed, Patrick J. Leahy, Al Franken, Joseph I. Lieberman, Tom Harkin, Christopher A. Coons, Frank R. Lautenberg, Barbara A. Mikulski, Kirsten E. Gillibrand, Carl Levin, Bill Nelson, Daniel K. Inouye.

Mrs. BOXER. I would yield back to our leader on this important block of time. I would yield my time back to Senator SANDERS. We are determined to get this done right for the American people.

Mr. SANDERS. I thank Senator BOXER very much, not only for her words but for her leadership on the Environment and Public Works Committee.

I wish to reiterate a very important point Senator BOXER made. She reminds us of great moments in the history of this country. This country, with great difficulty but persistence, built a railroad ahead of the rest of the world that went from the east coast to the west coast. It was not easy. This country led the world in putting a man on the Moon. It was not easy, at great expense, difficulties, but we did it. Does anybody not think this country can lead the world in transforming our energy system away from polluting fossil fuels to energy efficiency, to sustainable energies such as wind, solar, geothermal, biomass, other technologies? Can we not lead the world in making our own country more energy efficient, making our air cleaner but also in creating large numbers of jobs as we weatherize our buildings, as we build the solar panels we need to build the wind turbines, as we put more engineers and scientists to work to help us in this energy transformation.

I wish to pick up on a point Senator WHITEHOUSE made a moment ago,

which is that while we talk about energy transformation, while we all understand that over a period of years, the oil industry, for example, has received billions and billions of dollars of permanent tax breaks, what we are fighting for right now is to see that the 1603 renewable energy grant program is renewed. As Senator WHITEHOUSE indicated, 1603 allows renewable energy developers to get a grant instead of a tax credit. Since 2009, when this program was enacted, it has leveraged nearly \$23 billion in private investment supporting 22,000 projects in all 50 States and supported approximately 290,000 jobs, according to the National Renewable Energy Lab. Since 1603 was enacted, solar jobs doubled to more than 100,000 jobs.

We have to make sure that before Congress adjourns for the Christmas holidays, we renew 1603. It is enormously important for the renewable energy industry, enormously important for jobs in our country.

With that, I would yield the floor to Senator WHITEHOUSE.

Mr. WHITEHOUSE. I thank Senator SANDERS. Senator CARDIN has arrived so I will hand off to him in a moment. But to the Senator's point about the imbalance between support for the fossil fuel energy industry and the renewable energy industry; the first being one that hurts our national security, pollutes our air and costs a fortune and is phasing out and the second being one that is growing, that is clean, and that is the way of the future.

According to the Environmental Law Institute, the U.S. invested almost six times more in subsidies for fossil fuel from 2002 to 2008 than we did in renewable energy. So by a factor of six times, we have our thumb on the scales supporting the old dirty industry against the new, rather than supporting the new the way our international competitors are doing.

I ask unanimous consent that a response from Secretary Chu to a letter Senator SANDERS and I and other Senators wrote to him about the status of and success of our clean energy investments be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

THE SECRETARY OF ENERGY,

Washington, DC, November 16, 2011.

Hon. BERNARD SANDERS, Hon. JEFF BINGAMAN, Hon. DEBBIE STABENOW, Hon. SHERROD BROWN, Hon. JOSEPH I. LIEBERMAN, Hon. CHRISTOPHER COONS, Hon. SHELTON WHITEHOUSE, Hon. RICHARD BLUMENTHAL, Hon. JON TESTER, Hon. PATTY MURRAY, Hon. MARK UDALL, Hon. PATRICK LEAHY, Hon. TOM UDALL, Hon. JOHN KERRY, Hon. CARL LEVIN, Hon. ROBERT P. CASEY, Jr., Hon. TIM JOHNSON, Hon. MICHAEL F. BENNET, Hon. JACK REED, Hon. DANIEL AKAKA, Hon. JEFF MERKLEY, Hon. KIRSTEN E. GILLIBRAND,

U.S. Senate, Washington, DC.

DEAR SENATORS: Thank you for your October 5, 2011 letter requesting an update on

United States investment in clean energy technology and job creation. I strongly agree that the United States faces a critical decision point in our Nation's energy future if we hope to compete in and win the global clean energy economy. As President Obama has said, "The country that leads the clean energy economy will lead the 21st century global economy."

The annual global clean energy market is estimated to be worth more than \$211 billion, up 32 percent from 2009. The global market for solar photovoltaic systems alone represents an \$80 billion market this year. It is estimated that the global renewable energy market will grow to \$460 billion by 2030, with a cumulative investment from 2010 to 2030 of approximately \$7 trillion in new capital. This increased market is being driven by increased global demand and technological advances that are rapidly making renewable energy cost competitive with fossil energy.

The economic stakes are high. However, we are currently at risk of falling behind our global competitors who are seizing the opportunity by investing more heavily and establishing market policies that give them a strategic advantage. The United States currently ranks first in only one of the top ten clean energy benchmarks. Thanks to our world-class universities and national labs, we still hold an edge in technology innovation, but we are falling further and further behind in key areas such as manufacturing competitiveness and exports. Countries like China are moving forward with large investments.

There are some who say that we cannot compete with China. I respectfully disagree. However, time is of the essence. I would like to work with you to establish a comprehensive energy policy that targets all aspects of the energy value chain—innovation, manufacturing, deployment, financing, and markets—to provide the certainty American businesses and entrepreneurs need to compete with their global counterparts. Without a comprehensive, long-term energy policy framework focused on this full energy value chain, American business will continue to move capital and jobs overseas to take advantage of more business friendly policies.

The questions you have posed in your letter are very important to understand America's current position in the clean energy economy, including where we have been successful and where we need to improve. While these questions are very complex, I have attempted to succinctly answer each of them as directly as possible. I also have included additional background information related to each question you raise to provide a fuller understanding of our domestic clean energy landscape.

I know that you care deeply about these issues and that you understand the opportunity presented by the growing demand for clean energy technologies. There is a growing debate in Congress on issues relating to the clean energy innovation chain and the steps we can take to position America to win the clean energy technology race. I want to make sure you know that I am personally available, along with my senior staff and the full resources of the Department to assist you in gathering information and in providing technical assistance on these issues. I am fortunate to have a thoughtful team of professionals who wrestle with these issues every day, and I would be happy to make them available to you.

Thank you for the opportunity to respond and for your commitment to America's energy future. I look forward to working with

you and your colleagues to help recapture our leadership role in clean energy by establishing smart policies to win the clean energy technology race.

Sincerely,

STEVEN CHU.

#### QUESTIONS AND ANSWERS

1. How have the investments that the United States has made over the last several years contributed to the growth in energy efficiency deployment and renewable energy generation, and what projections can you share for the near future?

Jobs: The clean energy sector directly employs nearly 1.6 million people in the U.S. The Recovery Act alone has already saved or created over 225,000 clean energy jobs and is estimated to add an additional 800,000 jobs by the end of 2012. As of August 2011, the U.S. had created over 100,000 solar-focused jobs and at least 75,000 jobs related to wind installation in 2010.

Renewable Energy: Through investments in clean energy, the United States is on track to double U.S. renewable energy generation in four years (from 71 TWh in 2008 to 178 TWh in 2012). For example, the highly leveraged 1603 grant in lieu of tax credit program has led to the deployment of more than 5,000 renewable energy projects across the country. These projects have enough capacity to power more than one million homes.

Energy Efficiency: Over the last two years, the Department of Energy's Weatherization Assistance Program has helped more than 750,000 low-income households save on average more than \$430 per year on their energy bills. The program has supported over 14,000 jobs across the country and thousands of additional jobs throughout the supply chain. Residential efficiency standards are currently saving consumers about \$25 billion per year in energy costs—a savings of approximately \$250/year per household. A recent analysis estimates that appliance standards have created an industry supporting 340,000 jobs, with expected growth to 380,000 jobs by 2030.

Transportation: Three years ago, American businesses accounted for only two percent of the market for advanced batteries. We are now on track to establish annual production capacity for 500,000 plug-in hybrid electric vehicles, helping support a projected total of 1 million electric vehicles on the road by 2015. New fuel economy standards will save American families an average of more than \$8,000 at-the-pump for cars in 2025 compared to those in 2010. These improvements will reduce America's dependence on oil by an estimated 12 billion barrels, and, by 2025, reduce oil consumption by 2.2 million barrels per day—enough to offset almost a quarter of the current level of our foreign oil imports.

Near-Future Projections: All the trends suggest that the cost of electricity from solar and onshore wind is either already or will soon be cost competitive without subsidies with electricity from natural gas in many parts of the country. This will result in sharp increases in renewable energy deployment. Between 2010–2030, estimates suggest a 7.9 million cumulative net job-years of direct and indirect employment to be created as a result of this electricity supply forecast. The renewable energy and energy efficiency sectors are estimated to see a 6.4 million net job-years increase (an 80 percent share of total increase) during this period, with the rest of the increase mostly coming from natural gas.

2. In particular, how is clean technology playing a role in rebuilding our manufacturing base, and creating jobs in construction and manufacturing supply chains?

Roughly 26 percent of all clean energy jobs lie in manufacturing. On average, clean energy manufacturing exports represent roughly twice the value of traditional exports on a per job basis (\$20,000 versus \$10,000). Between 2003 and 2010, technology manufacturing produced explosive annual job growth rates (e.g. 18.4 percent for solar thermal, 14.7 percent for wind, 10.7 percent for solar photovoltaics, etc.).

3. How do our policies and investments in clean technology compare to foreign competitors, how would proposed reductions in

clean energy research and development funding impact American competitiveness, and do American manufacturers have a level playing field?

The table gives a global score card for clean energy investments. The U.S. has fallen behind China and other nations in total clean energy investments. Venture capital investments are largely focused on technology innovation, and the U.S. is the overwhelming leader. However, technology innovation is a lagging indicator of prior investments in science and engineering R&D, the

majority of which is government sponsored. In 2008, the U.S. invested only 0.03 percent of its GDP on public energy R&D, which ranks behind China, Japan, and Canada and is tied with S. Korea. Finally, U.S. public energy R&D investments have declined by a factor of four since the late 1970s. While the U.S. is currently the leader in technology innovation, increases in Chinese investments in energy R&D suggests that U.S. leadership in the future is not guaranteed.

Categories (Year)	Top Rank	Number for Top Rank	US Ranking	US Numbers
Total Clean Energy investments (2010)	China	\$54.48	3	\$34B
Clean Energy Investments as Fraction of National GDP (2010)	Germany	1.40%	9	0.23%
Five Year Growth Rates in Clean Energy (2010)	Turkey	190%	11	61%
Venture Capital Financing (2010)	USA	\$6B	1	\$6B
Public R&D Investment as a fraction of GDP (2008)	China	0.11%	5	0.03%

In relation to China alone, the U.S. leads China in only 1 of the 6 key clean energy investment indicators. In particular, China is outpacing the U.S. by over 2 to 1 in clean energy asset financing, which typically produces the largest number of jobs.

Chinese trade practices are also having a significant impact on the ability of U.S. clean energy manufacturers to compete in the global marketplace.

4. How do current incentives for renewable energy compare to support for other energy technologies when those technologies were first emerging?

The success of fuels and technologies in the energy market depend on a wide range of factors, one being subsidies. The Environmental Law Institute found that between 2002 and 2009, fossil fuels received more than double the amount of subsidies (approximately \$70 billion) than renewable fuels (\$29 billion) over the same period. Moreover, their report suggests the most significant portion of the fossil fuel subsidies are in the form of Foreign Tax Credits, indirectly supporting the overseas production of oil.

Over the longer term, another report suggests that the historical average of annual energy subsidies is roughly \$4.86 billion for oil and gas (1918–2009), \$3.5 billion for nuclear (1947–1999), \$1.08 billion for biofuels (1980–2009) and \$0.37 billion for renewables (1994–2009). Accordingly, for the first 15 years since the birth of each technology, non-hydro renewables for electricity generation seem to have received lower subsidies in equivalent dollars than the other technologies.

In energy R&D alone, federal spending since 1978 on fossil fuel and nuclear energy sources has significantly outpaced spending on energy efficiency and renewable energy: nuclear energy (37 percent); fossil energy (26 percent); renewable energy (16 percent); energy efficiency (14 percent).

5. What is the potential for continued growth in energy efficiency deployment and renewable energy supply, and job creation in these sectors, over the next 10 years and beyond?

The current world market for renewable energy is projected to grow from approximately \$195 billion in 2010 to approximately \$395 billion in 2020 and \$460 billion by 2030. The cumulative investment from 2010 to 2030 will be approximately \$7 trillion in new capital. The potential growth for energy efficiency is also significant. McKinsey and Company estimates that the U.S. economy has the potential to reduce annual non-transportation energy consumption by roughly 23 percent by 2020, eliminating more than \$1.2 trillion in energy waste. This would also result in the abatement of 1.1 gigatons

of greenhouse-gas emissions annually—the equivalent of taking the entire U.S. fleet of passenger vehicles and light trucks off the roads for one year. The Center for American Progress estimates that retrofitting just 40 percent of the residential and commercial building stock in the United States would:

—Create 625,000 sustained full-time jobs over a decade;

—Spark \$500 billion in new investments to upgrade 50 million homes and office building;

—Generate as much as \$64 billion a year in cost savings for U.S. ratepayers, freeing consumers to spend their money in more productive ways.

#### FACT SHEET

The U.S. imports roughly 50 percent of the oil we use, much of it from countries that are not always friendly to the U.S., and we pay an estimated \$1 billion per day. Our economy and our people are vulnerable to fluctuations and steady rise in global oil prices, and we do not have much control over them. We are more dependent on foreign oil today than we were at the time of the first “energy crisis” nearly 40 years ago.

We urgently need to develop alternatives for transportation energy that are based on domestic, clean and sustainable resources. The U.S. invented the lithium ion battery that is used in plug-in hybrid cars, and in 2009 it had only about 2 percent of the world’s manufacturing volume. We need to innovate to regain our lead; otherwise we will become importers of batteries instead of oil.

Between 2003 and 2010, the technology-focused “cleantech” sector produced explosive job gains in the U.S. and the clean economy has outperformed the overall nation’s economy. Roughly 26 percent of all clean energy jobs lie in manufacturing, compared to just 9 percent in the broader economy. On average, clean energy manufacturing exports represent roughly twice the value of traditional exports, on a per job basis (\$20,000 versus \$10,000). The renewable energy sector is estimated to see a 5.7 million net job-years increase (a 72 percent increase) between 2010–2030, with the rest of the increase mostly coming from natural gas (1.6 million job-years). This is a fast-growing sector to create new jobs in the U.S.

The cost of renewable energy has fallen dramatically (solar over 70 percent in the last three years) and these costs will continue to decline. Renewable energy costs are competitive with conventional energy costs in many parts of the world and will be in the U.S. within several years. Therefore, the current world market for renewable energy grew 30 percent between 2009 and 2010, and is pro-

jected to grow from approximately \$200 billion in 2010, to approximately \$400 billion in 2020 and \$460 billion by 2030. The cumulative investment from 2010 to 2030 will be approximately \$7 trillion in new capital. Other nations are positioning themselves to avail of this massive opportunity because this will create new domestic jobs.

The U.S. invented the modern solar cell, and had more than 40 percent of the global manufacturing volume in 1995. Today, it has about 7 percent of the manufacturing volume. This is a rapidly growing industry, and we are falling behind.

The global competition for clean energy jobs is fierce. China ranks first among all nations in overall investment, clean energy asset financing, and the use of public markets to invest in clean energy. The United States currently ranks first in only one of the top 10 clean energy benchmarks—3rd in overall investments, and 9th when it comes to investment as a percentage of GDP. Trends in 5-year investment growth rates in clean energy show that U.S. does not appear among the top 10 countries.

America faces a choice about what to do with the opportunity presented by the global clean energy race. We can compete in the global marketplace—creating American jobs and selling American products—or we can buy the technologies of tomorrow from abroad. I believe all Americans would agree that the U.S. should compete to win the future.

How can we win the future? We must leverage our Nation’s strengths and core competencies to simultaneously address the five components of our energy value chain—innovation, manufacturing, deployment, finance and markets.

1. We have the world’s best and most innovative universities, national labs and small businesses in clean technologies. We must double down with smart and sustained investments in R&D to unleash our unique capacity to innovate clean energy technologies.

2. We must provide long-term predictable support for American entrepreneurs and businesses so that they can catalyze private sector investments to translate these innovations into manufacturing and jobs. This will enable these technologies to become globally competitive, affordable worldwide, and to be sold without subsidies.

3. American entrepreneurs and businesses need access to low-cost, long-term, and large-scale capital if they are to be globally competitive. We have the world’s largest capital markets. We must find ways to leverage this strength by unlocking this capital to finance clean energy investments for both manufacturing and deployment.

4. Finally, innovation, manufacturing and deployment occur only if there is a demand for these technologies here in the U.S. Just like the new fuel efficiency standards are creating a market for domestic innovations in transportation, policies such as the Clean Energy Standard can create demand for clean electricity from renewables, nuclear and clean fossil fuels produced in the United States, and provide certainty for American entrepreneurs.

The stakes are too high to wave the white flag and surrender. It is a fight we can and must win.

Mr. WHITEHOUSE. I yield to Senator CARDIN.

Mr. CARDIN. Let me thank my colleague for yielding. I wish to thank Senator SANDERS, Senator WHITEHOUSE, and Senator BOXER, who were on the floor on this issue.

I just wish to underscore the point that was just made about having a level playing field, where we have tilted the scales in favor of fossil fuels over renewables. My colleagues have already talked about the direct difference in our subsidies. I would like to add an additional element; that is, when you look at the subsidies we give to the fossil fuel industries, they are permanent. They are in the Tax Code. They do not go through the annual exercise of an extender.

What does that mean? That means the lack of predictability in sustainable energy means there is a higher cost for investment. It tilts the scale in favor of oil and gas, rather than on sustainable, renewable energy sources. I would just mention three. The Congressional Research Service did a report on this, just three of the provisions that benefit the oil industry: the excess of percentage over cost depletion, the expensing of exploration and development costs, and the amortization of geological and geophysical expenditures. Just those three provisions that are permanent in our Tax Code, between 2010 and 2014, will cost the taxpayers over \$10 billion.

We are subsidizing the oil industry, and we should not be doing that. We should be encouraging a transformation to sustainable energy issues as my colleagues have pointed out for the purposes of national security. It is good for our environment and it is good for jobs. This is about jobs. That is why we cannot go home until we have extended the tax provisions, particularly 1603 but others of the energy-related, sustainable energy provisions.

I wish to talk for one moment, if I might, about the production tax credit we need to extend because I want to talk about one specific project in Maryland, on a brownfields site that we are dealing with that relates to energy. Some might say: OK. That does not expire until 2013. But here is the problem. You have to have it in production by that date. Our waste-to-energy projects—it is not going to be in production by that date. So if we do

not extend it this month, the project will be at a standstill in Baltimore.

There are 1,900 jobs at stake—1,900 jobs are at stake on just that one project which, by the way, helps our environment, helps our energy, and also helps our economy. That is why it is critically important that before we leave, we extend these sustainable energy tax credits, so we can get the investment.

Quite frankly, I would like to see us make some of these permanent. We make them permanent, we get predictability. We get predictability, it is less cost, it encourages more activity in this area. That is what we should be about, creating jobs for our country. The wind energy credit alone would allow us to create another 54,000 jobs. So this is about job growth for America. It is about our energy security, and it is about a cleaner environment. It is about America's future.

That is why we have taken the time to point out to the American people that Congress needs to make sure it is active on these areas before we adjourn for the year. We owe that to the people of this country.

With that, I will yield to my friend from Vermont.

Mr. SANDERS. Mr. President, I wanted to thank the Senator from Maryland not only for his important remarks now but for, year after year, the strong work he is doing in trying to create jobs in America in sustainable energy.

I would like to yield to the Senator from Rhode Island for his thoughts.

Mr. WHITEHOUSE. I thank Senator SANDERS. I wish to go back to this question of the jobs and the economic value we get from clean energy. The Department of Energy reports that the clean energy sector alone directly employs nearly 1.6 million people in the United States. So nearly 1.6 million families are depending on the paychecks they get from the clean energy sector.

Within that, it is growing. The United States has created over 100,000 solar-focused jobs—100,000 solar-focused jobs—and at least 75,000 jobs related to wind energy installation in 2010. In Rhode Island, we are seeing that coming on. The newspaper today, the Providence Journal, reported on a permit application for the cable that will connect an offshore wind facility that is going in off Block Island back to the grid onshore to bring the power from that installation back and into the New England energy grid.

But when it gets going, think of the jobs that are going to be involved in that. Senator REED and I worked very hard to shore up—get money to shore up the waterside, the side of the pier at Quonset so it would be capable of dealing with very heavy-duty installation barges and things such as that.

So the Quonset Point facility is now ready for this construction. We have

the trains and new highways that bring in the pieces of those big turbines. The turbines are so big you cannot build them in China, in Europe. We have to assemble them onshore and put them right on the barge. So the assembly of them will take place in Rhode Island, right at Quonset, and that will mean a lot of jobs.

Then we have to barge them out and we have the barge operators and the barge captains and the tugs. Then we sink the base, and we have to have divers and builders and people who are experts in that kind of marine construction.

Then we put them up. We have to operate them. We have to maintain them. What they do is they contribute clean energy to the grid. They are a constant supply because of the wind over the Atlantic being such a powerful resource, and it is kind of a win-win situation. So we see the need to get behind this in an immediate way in Rhode Island.

It would be one of the great tragedies if we let the Chinese and the Belgians and the French and the Dutch and whoever else get ahead of us in this competition. We do not need to. It is wrong. We are taking ourselves out of a race we should be winning when we do that. I commend Senator SANDERS for his effort to bring us together to continue to make this point. There are jobs here. There is an energy industry that is going to lead the economy of the next decades of this world, and we want America to be at the front of it and not to have sand thrown in our gears by the dirty, polluting energy industry that is on its way out as its last contribution to the damage it is now doing to our economy and to our environment.

Mr. SANDERS. I wish to thank my friend from Rhode Island for his remarks and for his extraordinary effort in fighting for jobs and protecting our environment.

If we read some headlines today in the media, we might think, especially the rightwing media, that renewable energy in America is on the verge of collapse. Quite literally—this is quite literally the case. A recent headline from FOX News said: "Entire solar industry on brink of collapse."

The reality is quite the contrary. The fact is, not only is the solar industry not on the verge of collapse, the reality is the American solar energy industry is thriving, as is the renewable energy industry more broadly. We have doubled the number of solar jobs in America since 2009. It does not sound to me like that industry is collapsing. It sounds to me like it is doing extraordinarily well.

Today, more than 100,000 Americans work in the solar industry, at more than 5,000 companies in every single State in our country, and that includes manufacturing, installation, and supply chain jobs.

Mr. President, last year we installed nearly 1,000 megawatts of solar power in the United States—more than double the amount installed in 2009. That doesn't sound like an industry that is collapsing to me. With the solar industry growing at a rate of 69 percent annually, it is one of America's fastest growing industries and is creating jobs all over our country. The cost of solar panels has fallen 30 percent over just the last 2 years, continuing a long-term decline in the price of solar and making it more and more competitive with other energy technology.

(Mrs. HAGAN assumed the Chair.)

Madam President, everyone, from Walmart to the U.S. Marine Corps, is looking toward a future in solar. Walmart is installing solar panels at 130 stores in California, and they say:

Walmart has reduced energy expenses by more than a million dollars through our solar program.

The military—the U.S. Department of Defense—is using solar energy with battery storage to fully power forward operating bases in Afghanistan.

Marine COL Bob Charette said:

For the Marines, renewable energy is about saving lives by reducing the number of dangerous fuel convoys needed for resupply.

The reason I am making these points is that many people don't know the extent to which we are already making progress in sustainable energy. We are on the verge of something extraordinary. But it is important to understand where we are today and to refute those people who suggest that solar and wind are not the technologies for the future.

In terms of wind, that technology is growing rapidly. Texas alone has more than 10,000 megawatts of wind energy installed. That is equal in capacity to 10 nuclear powerplants—in Texas alone. Iowa now gets 20 percent of its electricity from wind. There are 75,000 wind energy jobs in America today and more than 400 manufacturing facilities in 43 States. The price of wind energy has dropped by 90 percent since 1980, and wind electricity today is competitive with fossil fuels at 5 to 6 cents per kilowatt hour. At the same time, we are increasing American manufacturing of wind turbines, and now 60 percent of turbine components installed in the United States are made in America, up from 25 percent in 2005.

In the midst of this horrendous and painful recession, the story of renewable energy in the United States is actually a rare good news story. It is a good news story. Renewable energy is helping to cut pollution and greenhouse gas emissions, it is making our country more energy independent, and it is creating hundreds of thousands of jobs.

But all of this could be significantly slowed down if we do not continue Federal support for the renewable energy industries at a fraction of the kind of

support we are giving to fossil fuels. It is absurd that we even have to fight to extend renewable tax credits and grants when fossil fuel industries enjoy permanent subsidies. Mature industries, such as oil and gas, continue to reap billions every year in Federal subsidies and massive tax breaks that never expire, despite the fact that the top five oil companies earned nearly \$1 trillion in profits over the last 10 years. So here we are struggling to help wind and solar—new technologies—and we are giving massive tax breaks to mature industries that are incredibly profitable.

Contrast what we do for renewable energy to what we do with fossil fuel and specifically with regard to the production tax credit for wind energy, which was allowed to lapse three times in recent years—1999, 2001, and 2003—leading to an average dropoff of 81 percent in new wind energy installation each time the credit expired. The wind credit is set to expire again in 2012.

The point here is the one Senator CARDIN made a moment ago. Unless there is predictability, unless the industry knows these tax credits will be there, they are not going to start investing or working on new projects only to have the rug pulled out from underneath them. They need stability and predictability, which is why we have to move not only to extending these tax credits but to making them permanent.

I also want to say a word about the Keystone XL Pipeline, and that is to say there are some in the House and some in the Senate who want to use year-end legislation to tack on a rider that says to the State Department: You have to approve the Keystone XL Pipeline within 60 days.

Let's be clear about what we are talking about in terms of the Keystone XL Pipeline. What we are talking about is a 1,700-mile oil pipeline from Canada to the gulf coast that would carry tar sands oil. Tar sands oil is not like regular oil. It requires an energy-intensive process to get it out of the ground, extract it, and, in fact, to refine it. That means it emits approximately 82 percent more carbon emissions when produced compared to regular oil, according to the EPA.

Tar sands oil is also hard to clean up when it spills. Refining tar sands also produces more toxic air pollution compared to conventional oil. A tar sands spill in the Kalamazoo River in Michigan that happened in 2010 is still being cleaned up, at a cost now exceeding \$700 million.

In my view, the last thing we need is to eliminate the environmental and safety reviews now taking place and fast-track approval of this pipeline.

I also note to my colleagues who want to fast-track Keystone XL that I, along with several other Senators and Congressmen, asked the State Depart-

ment inspector general to look into allegations of conflicts of interest in the preparation of the environmental impact study of Keystone XL. The contractor the State Department used for the impact study, Cardno Entrix, has financial ties to the project developer, TransCanada. Those ties need to be investigated to ensure that the Federal environmental and safety reviews were done correctly and without bias. That inspector general special review is under way right now. I think it is completely inappropriate to try to fast-track this pipeline when we have not even heard back from the inspector general about potential conflicts of interest. I urge my colleagues to allow that special review to play out before any decisions are made.

I will conclude my remarks this morning by thanking my colleagues for joining me—Senators WHITEHOUSE, BOXER, and CARDIN—who speak for many other Members of Congress and I think who speak for tens of millions of Americans, who see an energy future in this country in which we break our dependence on foreign oil, in which we no longer spend over \$300 billion a year for oil from Saudi Arabia and other foreign countries; who see a future in this country where we move toward energy independence; who see a future in this country where the United States is a leader in reversing global warming by not only cutting greenhouse gas emissions in America but providing technology and expertise for countries all over the world, for them to do the same; and also understand that, as we move to energy efficiency—and I have to tell you that in Vermont we are leading the country in energy efficiency. What we are seeing as we weatherize homes is fuel bills going down for the middle-class, working-class people by 30, 40, 50 percent. We are investing in weatherization, and the payback is pretty good. It takes place over a very few years, when you cut fuel prices 30 to 50 percent.

In Vermont, we are probably doing as well as any other State in that area, but we can and will do a lot better. Tens of thousands of homes in our State can be weatherized. When we do that, we not only cut greenhouse gas emissions, we not only reduce the need to import foreign oil, we also create jobs. We create jobs for those people who are producing the insulation, the new doors, the windows, and the new roofing that makes homes and buildings more energy efficient.

Furthermore, in our State and around the country, we are seeing, as I indicated a moment ago, significant progress in moving to sustainable energy—the solar industry, growing very rapidly; wind energy, growing very rapidly; other technologies, growing very rapidly. As a nation, we should be proud of the change that is taking place. But understand that we have a



long way to go to be the kind of energy efficient and sustainable energy Nation we know we can become and to help lead the world in a new energy direction.

With that, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DURBIN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

#### PROPOSING AN AMENDMENT TO THE CONSTITUTION RELATIVE TO REQUIRING A BALANCED BUDGET—S.J. RES. 24

#### PROPOSING AN AMENDMENT TO THE CONSTITUTION OF THE UNITED STATES RELATIVE TO BALANCING THE BUDGET—S.J. RES. 10

The PRESIDING OFFICER. Under the previous order, the Judiciary Committee is discharged from further consideration of S.J. Res. 10 and S.J. Res. 24, and the Senate will proceed to the consideration of the resolutions en bloc, which the clerk will report.

The legislative clerk read as follows:

A joint resolution (S.J. Res. 24) proposing an amendment to the Constitution relative to requiring a balanced budget.

A joint resolution (S.J. Res. 10) proposing an amendment to the Constitution of the United States relative to balancing the budget.

The PRESIDING OFFICER. Under the previous order, there will be 8 hours of debate on the resolutions, equally divided and controlled between the two leaders or their designees.

Under the previous order, the title of the joint resolutions is amended.

The amendments (Nos. 1459 and 1460) are as follows:

##### AMENDMENT NO. 1459

To amend the title so as to read:

“Joint resolution proposing a balanced budget amendment to the Constitution of the United States”

##### AMENDMENT NO. 1460

To amend the title so as to read:

“Joint resolution proposing a balanced budget amendment to the Constitution of the United States”

#### RECESS

Mr. DURBIN. Madam President, I ask unanimous consent to recess under the previous order.

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess until 2:15 p.m.

Thereupon, at 12:28 p.m., the Senate recessed until 2:15 p.m. and reassembled when called to order by the Presiding Officer (Mr. WEBB).

#### PROPOSING AN AMENDMENT TO THE CONSTITUTION RELATIVE TO REQUIRING A BALANCED BUDGET—S.J. RES. 24—Continued

#### PROPOSING AN AMENDMENT TO THE CONSTITUTION OF THE UNITED STATES RELATIVE TO BALANCING THE BUDGET—S.J. RES. 10—Continued

The PRESIDING OFFICER (Mr. WEBB). The Senator from Vermont.

Mr. LEAHY. Mr. President, it occurs to me that all Senators swear an oath to support and defend the Constitution of the United States. I carry a copy around with me. It is our duty. It is our responsibility. But the pending amendments to the Constitution that are on the floor of the Senate threaten the constitutional principles that have sustained our democracy for more than 200 years.

In addressing the Nation's debt and deficit, what is lacking are not phrases in our Constitution. What is lacking is the seriousness within today's Congress to act, and the willingness in Congress to cooperate in forging solutions that meet the real needs of our country and its people. These are human failures, not the failure of our constitutional framework. Nor are these failures insoluble or inherent. We balanced the budget and even created budget surpluses less than two decades ago.

Now we are being asked to put the problem once again under the pillow for another day—this radical partisan proposal would be out of place in our national charter.

Never in our history have we amended the Constitution—the work of our Founders—to impose budgetary restrictions that require supermajorities for passing legislation. Yet now it seems every Member on the other side of the aisle has joined to put forth a radical proposal to burden our Constitution with both of these kinds of strictures.

The Hatch-McConnell proposal is different in kind than any other amendment to our Constitution. It is not consistent with the design of our founding document or the stance taken by our Founding Fathers.

It is a bad idea to write fiscal policy into our Nation's most fundamental charter. It is simply unnecessary. We do not need a balanced budget amendment to balance a budget. A vote for this amendment does absolutely nothing to get our fiscal house in order. Congress can work to continue our eco-

nomic recovery. We can pass the appropriate legislation that leads to a Federal balanced budget, just as we did in the early 1990s.

I remember that very well because I was here. I remember, in this body, not a single Republican voted to balance the budget. It took the Democrats in the Senate and the Vice President of the United States to pass that balanced budget. Not a single Republican voted for a balanced budget in the House. They gave a lot of speeches on the floor that if we passed that balanced budget amendment, everything would come to a screeching halt. Actually, what happened was we passed it, and President Clinton was able to leave his successor a huge surplus.

With a growing economy, with what we did by votes in the House and the Senate—not by a constitutional amendment—we were able to create significant budget surpluses and pay down the debt until those surpluses were squandered. We have done it before. We can do it again. We need only work together to make the tough decisions, not to pass something that is a feel-good, bumper-sticker kind of item which kicks the can down the road and binds future Congresses to a fiscal proposal that is fundamentally unsound and the consequences of which are not understood.

The Republican proposal in the Senate is significantly more radical than the version the House of Representatives rejected in a bipartisan vote last month. In fact, the Hatch-McConnell constitutional amendment is the most extreme of all the pending proposals. The proposal, by its terms, will neither balance the budget nor pay down the Nation's debt, something everybody says they want. Instead, at a time of partisan brinksmanship that has led to the first-ever downgrading of our country's credit rating this summer and when ideological gridlock is the Republicans' operating principle, it would require supermajorities to pass legislation for the first time in our Nation's history. It would require a supermajority to raise the debt ceiling in times of economic crisis. Did we learn nothing from the disaster we went through last summer, which should have been a routine lifting of the debt ceiling and became a political free-for-all for weeks and months, cost the American taxpayers billions of dollars and caused people to lose their retirement money in the stock market? Do we want to do that again? I hope the Senate rejects this proposal.

Two weeks ago, the Judiciary Committee's Subcommittee on the Constitution held a hearing to examine the Hatch-McConnell proposal. All those witnesses, including those who were invited by the measure's cosponsors, presented thoughtful critiques of this extreme proposal and voiced serious concerns about its wording. Even Republican cosponsors discussed possible

changes to the language in order to better achieve their goals. This is not the proposal that Senator HATCH previously favored. This is one of more than two dozen pending versions. In fact, we were not told which of the many versions of the proposal would be pending until yesterday. This proposal has not been considered by the Constitution Subcommittee or the Judiciary Committee. The House of Representatives has already voted down a less-extreme version of this proposal by a bipartisan majority. Yet here is the Senate of the United States, being forced to vote on some proposal for a constitutional amendment without doing any of the hard work or the votes that are expected to accompany an amendment to America's Constitution. This is no way for the Senate to proceed on a proposed constitutional amendment. This is not some feel-good resolution. We are talking about amending America's charter.

The Hatch-McConnell proposal contains many problematic provisions and it leaves many significant questions unanswered. Section 10 of this proposal relies on estimates for outlays and receipts. We know that economists' estimates and recommendations do not always agree. So what do these proposed constitutional provisions really mean? We know that estimates are not static but ever changing. What if during the course of a fiscal year, there was a natural disaster, a terrorist attack, or a shift in the economy? What then? What if estimates were recalculated or revised, as employment statistics are every month? Would that make every penny expended by the Government over a revised estimate unconstitutional? Would that mean we could not help disaster victims or could not respond to a terrorist attack?

Another provision would limit total outlays for each fiscal year to 18 percent not 16, not 20, not 17.9 of the previous year's Gross Domestic Product (GDP). But who is to decide what the "GDP" was for a particular time period? What is to be included and what is not? How often do those estimates and artificial constructs get revised? Since when do economic surveys and shifting estimates belong in the Constitution? And what policy decision justifies the constitutional permanence of the number 18? I note that not even the budget proposed this year by Representative RYAN and the House Republicans, with all its draconian cuts and the end of Medicare as we know it, would satisfy this arbitrary 18 percent of GDP limit. None of the budgets proposed by or passed under President Reagan, not one, would have satisfied this proposal. At the end of the Bush administration we survived the worst economic downturn since the Great Depression and are now in economic recovery. This is not the time to enact such a measure which would take us in

the wrong direction. We cannot "cut" our way to a balanced budget without imposing great suffering. It would tank the economy rather than aid our continuing recovery.

Besides its arbitrary nature, limiting outlays to 18 percent of the previous year's GDP would leave Congress unable to respond swiftly and effectively to economic downturns and natural disasters. The Hatch-McConnell proposal would require a two-thirds supermajority to spend in excess of 18 percent of the previous year's GDP for a specific purpose. Filibusters and requirements for supermajorities have become routine to the detriment of the American people. They have stymied congressional action on behalf of the American people. This proposal would give a minority in Congress even more power to hold the country and our economy hostage. Have we not seen what that can mean? Have the lessons of the last year been lost on the Senate?

The Hatch-McConnell proposal would make permanent bad policy choices. Section 4 is a transparent attempt to enshrine tax breaks for millionaires and wealthy corporations by requiring a two-thirds supermajority to impose any new tax or even to close existing tax loopholes. We need a balanced approach to fix the deficit problem. And the wealthiest among us are those who least need a heavy hand on the scales in favor of their interests.

Let's look at what has happened. We have fought two unfunded wars. It is the first time in our history that we not only did not pass a tax to pay for a war we are in but actually passed a tax cut and borrowed money to pay for these wars. We squandered the surpluses the last administration inherited, ran up deficits and the national debt.

I would remind everybody, we can achieve a balanced budget. We have done it before. Working with President Clinton, Democrats in Congress voted for a balanced budget. But I don't want to hear lectures from the other side, when every single Republican voted no the last time we had a successful balanced budget. Our strong economy in the Clinton years led to budget surpluses. If we are serious about reducing the deficit and paying down our debt, we need to get to work improving our economy, getting Americans back to work, and continuing to recover from the worst economic conditions since the Great Depression.

One of the most glaring problems with this proposal is it provides no clear enforcement mechanism or standards for enforcement. Section 8 of the Hatch-McConnell proposal expressly prohibits courts from increasing revenues to enforce the amendment, but remains silent on judicial enforcement of the amendment by cutting spending. This proposal assumes our Federal

courts are equipped to enforce this amendment. Do we want to say we will simply relinquish Congress's constitutional power of the purse to an unelected judiciary with no budget experience—something no Congress, Republican or Democratically controlled—has ever done before? Do we want judges deciding fiscal policy? Do we want judges to decide whether we cut Social Security or Medicare?

I recently asked Justice Scalia at a hearing before the Senate Judiciary Committee whether the Federal judiciary was equipped to handle such a task—the same task my friends on the other side of the aisle want the Federal judiciary to do. Do you know how he answered? He laughed. He indicated that budget issues and determining the allocation of resources is not the judiciary's proper role. Of course he is right, and I expect this is one area where all nine members of the Supreme Court would have answered the same. The proponents of this effort to transform courts into budget-cutting bodies are wrong. The Republican proposal does not even make clear who, if anyone, has standing to bring such challenges in court. None of these questions has been adequately debated or considered. Such a drastic change to the time-honored role of the judicial branch of our government should not be written into our Constitution presumptuously.

In addition to all these concerns, the American people need to understand what the real-world effect of such an amendment would be on their daily lives. In the Senate Judiciary Committee, we received alarming testimony from the president-elect of AARP, warning of the damaging effects such a constitutional amendment would have on Social Security, Medicare, and Medicaid. He testified that if such a constitutional amendment were in place today, the average Social Security benefit would be cut by 27 percent. Maybe that is what Members of this body want to do, cut Social Security by 27 percent. I do not. Do they want to balance the budget on the backs of hard-working, lower income, and elderly Americans by drastically cutting the safety net? I would say that is not the answer to our economic challenges, especially as we continue to give tax breaks to millionaires and continue to fight unfunded wars.

The notion of amending the Constitution to require a balanced budget is not new. The Senate rejected balanced budget amendments in 1995, 1996, and 1997. We proved after the Reagan and Bush administrations had tripled the national debt that we could through hard work and legislation, balance the budget. That is what Congress did in the late 1990s. We helped create hundreds of millions of dollars in surpluses that were paying down the national debt. Those surpluses were squandered



by tax cuts for the wealthy and two unfunded wars. That is the cause of our budget imbalance.

We should not, for the first time in American history, amend the Constitution to set fiscal policy. It is a bad idea. It is even more irresponsible to consider doing so when we do not yet understand the full weight of the consequences of who is going to bear the burden.

I have never seen the solemn duty of protecting the Constitution treated in such a cavalier manner as it is today. I have heard many say they revere the Constitution. Let us show it the respect it deserves rather than treating it like a blog entry or a bumper-sticker slogan. Let us not be so vain in this body to think we know better than our Founders and better than the constitutional Framers who preserved our liberties for more than 200 years.

Our constitutional principles have served the test of time. They deserve protection. I will stand with the Constitution. I will stand with the Constitution of this country, and I will oppose this ill-conceived proposal to amend it.

I ask unanimous consent to have printed in the RECORD my full statement, and I yield the floor.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. Mr. President, I have the good fortune of serving with Senator LEAHY on the Senate Judiciary Committee. He is the chairman; I am the ranking Republican. In that capacity, we have jurisdiction over constitutional amendments. So I rise to support S.J. Res. 10, which is cosponsored by all 47 Republicans.

I am very pleased we are taking up a balanced budget amendment. The Senate has passed a balanced budget amendment in the past. More recently, it has come close to passing a balanced budget amendment.

I regret that this amendment has not become law. I believe that had the Constitution been amended to require a balanced budget, we would not be faced with the dire budgetary situation that is before us—a \$1.5 trillion deficit for each of the last 2 or 3 years, and maybe as far as we can see into the future if we don't get things under control.

The balanced budget amendment before us is very straightforward. It provides that total outlays shall not exceed total receipts unless each House of Congress, by a two-thirds vote, agrees to do otherwise. It provides spending discipline. Total outlays cannot exceed 18 percent of gross domestic product unless two-thirds of both Houses of Congress vote to waive the cap. The President will be required to submit a balanced budget to the Congress.

To avoid balancing the budget by imposing tax burdens, new taxes or increases in total revenue can be imposed only by a two-thirds vote of both

Houses, and the debt limit will be able to be raised only with concurrence of three-fifths of both Houses.

To provide a level of flexibility in wartime—and that would call for considerable flexibility because wars are never predictable—the provisions on outlays and receipts, total outlays, and the debt limit can be overcome by less than the normal two-thirds vote by a three-fifths vote.

To minimize disruption, the amendment will not take place for 5 years.

Finally, the courts cannot enforce the balanced budget amendment by ordering a tax increase.

Reverence for the Constitution is a sentiment we all share. But the Constitution provides for an amendment process. When it is necessary, each generation has amended the Constitution when a guarantee of free speech or the abolition of slavery or giving women the right to vote required a constitutional amendment. No one has said reverence for the Constitution was the end of the matter.

We have reached that point of necessity with the balanced budget amendment. The Congressional Research Service reports—and I wish to quote a fairly long quote:

The budget deficit each year from 2009 to 2011 has been the highest ever in dollar terms, and significantly higher as a share of GDP than at any time since World War II. Under current policies, the Federal debt is projected to grow more quickly than the GDP, leading observers to term it unsustainable.

That is the end of the quote from the CRS.

The very purpose of the Constitution, according to its preamble—and I know the preamble is not governing on anything we do or what the Supreme Court does, but it shows intention—the preamble was meant to extend the blessings of liberty to ourselves and our posterity—and I want to emphasize that word “posterity.” It is because the growth in the national debt is unsustainable, as I read from the Congressional Research Service, that our posterity may not receive the blessings that several generations of Americans so far have received. It is hard to imagine an amendment more in keeping with the goals of the Constitution than this one. Otherwise, runaway debt will expand exponentially. A permanent spiral can be created in which the debt feeds on itself. We are kind of in that spiral right now. Is it permanent? I sure hope not.

Take a look at Europe today, where we ought to learn lessons about the lack of fiscal soundness. Nations there risk default when they overspend, and they are in that position of almost default now. If we are not careful, our country, the United States, at some point will face the same crisis. It is frightening to contemplate, and particularly frightening as a threat to the blessings we ought to give to generations after us.

We hear from opponents that Congress can balance the budget now without a balanced budget amendment, but the fact is it cannot. For more than 40 years, Congress has been unable to summon the ability to balance the budget. Statutes that sought to provide a path to a balanced budget failed.

Let me speak here about a personal involvement I had when I was a Member of the other body, working with Senator Harry Flood Byrd of Virginia. The Byrd-Grassley amendment was adopted in either 1979 or 1980. It was a statute that was just a few words. It said Congress can't spend any more money than it takes in.

Do you know what happened? For several years after that until it was finally repealed in the early 1990s, Congress delayed it for a year at a time as part of the appropriations process. So statutes are not a good way of making this happen. Gramm-Rudman was probably a little more successful, at least once or twice, but it soon was repealed. By putting something in the Constitution requiring a balanced budget, it is going to discipline Congress in a way that statutes cannot provide discipline; in other words, a constitutional amendment will succeed where statutes have been proven to have failed based upon the examples I gave and other examples that can be given.

The only exception was when we had 3 years going into this century when a financial bubble provided windfall revenues. We all know about that. I believe it is \$568 billion we paid down on the national debt for 4 fiscal years after a Republican Congress was elected in 1994.

Anyway, except for that, we have not been able to have very sound fiscal policy. Then because Congress has been unable to control spending, the budgets have been in deficit and the national debt has increased. The only way Congress will exercise the discipline to balance the budget is if the Constitution forces it to do so.

We can say this from some experience, particularly if you believe the States are the laboratories of our political process and of government policy, because 46 State constitutions require their budgets to be in balance. They meet that requirement. As Members of Congress, we do take an oath to adhere to and defend the Constitution. We take that oath seriously. If the balanced budget amendment became part of the Constitution, we would adhere to it or face the consequences from the voters.

This amendment wisely contains effective tax limitations as an integral part. I have favored a balanced budget with tax limitations for more than 20 years. For decades, Federal spending has far outpaced even the steady and sizable growth in taxes and revenues. Raising taxes does not produce surpluses. The historical fact is they spur

more spending. For every additional dollar in taxes Congress has raised since World War II, it seems as though it has given us a license to spend about \$1.13 for every \$1 that has come in for additional taxes.

Don't take my word for that. A person who studied that for a long period of time, Professor Vedder, of Ohio University, has written about that. You will find his figures just about the same. I think he said on average since World War II, \$1 coming into the Treasury was a license to spend \$1.17 instead of the \$1.13 I give here.

Raising taxes, then, would make balancing the budget harder, not easier. Bring a dollar in here, spend \$1.13. You hardly get ahead. It seems we cannot ever reach an agreement of how high taxes have to be in this body to satisfy the appetite of Congress to spend money. That is not just a Democratic problem, that is a problem on both sides of the aisle here in Congress.

That brings us to this issue about a supermajority requirement for tax increases. A balanced budget amendment may well encourage tax increases, fueling greater spending and the continuation of additional debt and costs in servicing that debt. The failure to balance the budget is a fiscal issue of greatest importance.

But getting back to our obligations to posterity under our Constitution, it is also a moral issue. Maybe the moral aspects of it are more important than the economic aspects of it. Without a balanced budget amendment, our children and grandchildren will pay for this generation's chronic inability to live within its means. We live high on the hog and worry about our children and grandchildren paying for it.

In the absence of an amendment, the standard of living of future generations will likely decline. The fears of many Americans that the next generation will not live as well as this one are in many respects traceable to decades of fiscal irresponsibility on the part of Congress. This balanced budget amendment would mean a stronger economy. It would surely mean good government, as fiscal responsibility ought to be a part of good government. Obviously people are concerned now about the problem of jobs. Employers are particularly concerned that Congress does not have a sound fiscal policy. That leads them not to hire anybody. A balanced budget is going to mean more jobs.

I believe the American people are willing to do their part to prevent future generations from being saddled with an unconscionable level of debt. They are willing to do so even if it means that some Federal spending they support would be affected. This is especially true if our budgeting is done fairly.

I believe if one listens closely to the arguments of the opponents of this

measure, one will hear more arguments against a balanced budget than against a balanced budget amendment. There will need to be difficult actions taken. It is those difficulties that have prevented Congress from balancing the budget. Those difficulties are, therefore, reasons for a constitutional amendment, not reasons against a constitutional amendment. But balancing the budget is necessary and it will take an amendment to the Constitution of the United States of America to make sure it is done consistently.

We also hear arguments about the need to run deficits when the economy is in a recession. That kind of brings us to where we are right now. We have been in a recession for 3 years. The amendment before us permits Congress to vote to run a deficit in that situation, but be skeptical of that argument. If deficits and debt gave us a strong economy, right now we would be in the midst of the greatest economic boom in our history. Obviously we are not in that economic boom. Deficits of \$1 trillion-plus and a national debt of \$15 trillion are not stabilizing the economy in the way that people who argue that maybe in a time of recession you ought to have a lot of deficit spending have claimed.

In fact, I believe the size of the deficit and debt is one reason the economy is not performing well. The size of looming deficits and debt is another. The markets are not viewing the debt as stabilizing a weak economy. Rather, they view it correctly as a drag on the economy. That is why jobs are not being created. That is why corporations have \$1 trillion in their treasuries in the United States, \$1 trillion in their treasuries overseas, \$2 trillion that is not being spent, that is not making corporations any money. It is lying there. They want to invest it in jobs and machinery and get the economy going and make more money.

On the issue of enforcement, the opponents attack straw men. They say either that the amendment cannot be enforced, so it is toothless, or they say the courts will enforce it, leading to chaos. Both of these arguments cannot be true. This amendment will be enforced by the President submitting a balanced budget and Congress complying with the amendment, as do State legislators all over the country. Members take an oath and voters will punish those who do not obey the constitutional command.

With respect to the courts, the text of the amendment prohibits courts from raising taxes. Of course, judicial standing requirements, ripeness, and the doctrine of political questions will mean that the courts will continue to lack the power of the purse, as has been the case throughout 225 years of history of our country.

In the past dozen years, Congress has been unable to balance the budget even

when times are good. Had we passed a balanced budget amendment when it was before us in the past, we would not have racked up the huge deficits that now confront us.

We have heard in the past that a balanced budget amendment was not necessary because Congress could balance the budget on its own. We know how successful Congress has been doing that. Those arguments were wrong. Today we face one of the worst debt pictures in our history. If nothing is done, the future will be even worse. We owe a responsibility to the American people and to future generations to maintain the fiscal discipline that has allowed us to be the world's biggest economy.

Our pleas for a balanced budget amendment have been denied by its opponents in the past. We warned at that time what road lay ahead if we failed to pass a balanced budget amendment. Time has unfortunately proved us right. It is not too late if we act now, but time is growing shorter each year.

I urge my colleagues to do the right thing and enact a constitutional requirement that the budget be balanced.

I yield the floor.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. UDALL of Colorado. Mr. President, I rise to speak in favor of legislation I have authored to amend the United States Constitution to require that Congress balance the Federal budget. The Senate's debate on the balanced budget amendment, which will occur over the next few days, is an incredibly important debate. It is a debate that will spark a wide range of emotions and it will test our policies, goals, and philosophies. Thus, I want to recognize at the outset that we hold strong and differing opinions about the wisdom of adding a balanced budget amendment to our U.S. Constitution. Amending the Constitution is not something any of us in the Senate takes lightly. In fact, we have only amended our Constitution some 27 times in the history of our Nation. Our Founding Fathers in their wisdom designed the Constitution to discourage amendments. They created a high hurdle to clear before an amendment can be passed by the Congress and ratified by the States.

I intend today to make a case for why my proposal, which has been cosponsored by several of our colleagues, meets that elevated standard. Today I aim to explain why this balanced budget amendment will help restore the fiscal health of our Nation, protect our national security, and spur our future competitiveness in the global economic race.

Let me start by discussing some basic facts that color this debate. First, our government debt now totals over \$15 trillion. That is \$48,000 for every man, woman, and child in our

country. Let me say that again: \$48,000 for every man, woman, and child. Moreover, we borrow 40 cents of every dollar that the Federal Government spends. The total amount of public debt now held by us equals 68 percent, almost 69 percent, of our gross domestic product. That reflects a level rarely seen in our country's history.

Finally, in August of this year, one of the major credit agencies downgraded our Nation's credit rating because of Congress's inability to work in a bipartisan manner to reduce our debt. I don't think I have to tell the viewers that the last thing our struggling economy or job creation efforts needed was that downgrade. It is little wonder that Americans hold us in such low regard or that other countries wonder what we are doing in the Nation's Capitol.

I could go on and on, but I will not. These facts are appalling enough to most Americans. These are hard-working Americans who balance their checkbooks on a weekly and monthly basis. It is appalling to me that Congress is so unable to resist the temptation to spend without limit while also trying to keep taxes as low as possible. We have even been willing to watch the debt grow to a level where national security experts are telling us that our own self-created problem is a bigger threat than any of our enemies.

In the last several years Congress has taken steps to try to reach an agreement on how to reduce our deficit and pay down our debt. Many of us have spent countless hours working in bipartisan groups to chart a commonsense balanced debt reduction plan. I have not given up hope that we may eventually reach a comprehensive plan to cut spending, reform the Tax Code, and shore up programs such as Social Security and Medicare which are critical to our Nation's middle class. To give up on that goal would be to say to hard-working Americans, we are not serious about ensuring that the American dream is within everyone's reach. After watching Congress struggle to reach even a basic plan to cut spending or reasonably raise new revenues to pay our bills, I am convinced we need additional tools that force fiscal discipline. If we don't put limits on how Congress does its budgeting, the question won't be whether we can stop the bleeding, it will be how much do we cut to the bone or even into vital organs the programs that we value. In other words, without some fundamental reforms now, the foundations of our government will be severely weakened later.

To be sure, a balanced budget amendment will not solve the problem on its own, but a reasonable balanced budget amendment would help us ensure we never get into this position again. Passing my middle-ground, commonsense balanced budget amendment would send a strong signal to the finan-

cial markets, U.S. businesses, and the American people that we are serious about stabilizing our budget for the long term. That is the signal they want to see to give them the confidence to expand and create jobs.

Before I move to making the case for specifics in my balanced budget proposal, I want to make a few points about exactly how our skyrocketing national debt affects all of us. As a start, our debt threatens investments we need to make. It harms our ability to compete with countries around the world, it inhibits job growth here at home, and it dampens our innovative spirit. If we don't address our debt now, it would sap the economic power that has enabled our Nation to become the most powerful force on the globe.

Throughout most of our history—perhaps aside from the Great Depression—our economic strength has enabled the United States to create an environment that is good for business. This strength has then helped our own people on our Main Streets thrive in communities all over Colorado and across our Nation, and it has meant that every generation has been able to build on their parents' success, seize opportunity, and live the American dream. We all know this is what has made the United States exceptional. But today across our great country, families are wondering whether the American dream is still within their reach. Whether you are a college graduate and living at home because you are unable to find a job or a middle-aged factory worker laid off for the second or the third time struggling to pay your bills, our economic future seems a bit tougher.

Our country has endured a terrible economic slump for over 3 years now. In order to move quickly to turn things around, we need businesses to hire again. Business and community leaders across Colorado and elsewhere have told me that in order to have the confidence to do that, they need to know our national debt is not poised to send our economy off a cliff. The cochairman of President Obama's bipartisan commission on debt reduction tapped into that sentiment and called our debt a cancer that is eating away at our economic health. Beyond pure economic factors, our growing debt burdens us more broadly.

The former Chairman of the Joint Chiefs of Staff, for whom we all have enormous respect, ADM Mike Mullen, warned that our national debt is "the single biggest threat to our national security." By now these are familiar arguments here on the floor of the Senate. We know the challenges that confront us. The problem is Congress is not doing what every economist and every one of us in this body acknowledges we must do, and that is get our out-of-control budget under control. We all have our theories for why this is

the case. I personally believe that part of the problem is the nature of Congress itself. We are all temporary single Members of a greater body. We each have our own constituents, goals, and responsibilities. It is sure tempting to come to Washington, fight like hell for our corner of the Nation, and lose sight of or willfully ignore the bigger picture. As Members of Congress, it seems as if we are hardwired to fight for results that are important to our constituents and our political ideologies.

Let me give you a couple of examples. Democrats are reticent to support meaningful adjustments in entitlement spending, and many of my Republican friends turn a blind eye to the revenues needed to support retiring baby boomers and our national security needs.

My father, who had the great privilege of serving for 30 years in the House of Representatives as a Congressman from southern Arizona, witnessed this same phenomenon several decades ago, and he used to recall the advice that was given to freshmen House Members. That advice was: "If you want to get ahead in Congress, do two things—vote for every appropriations bill and against every tax bill."

In many ways the Federal budget deficits we face are so daunting today because too many Members of Congress have taken that advice literally over the past decades, but also because it is what Americans expected of us. It is only natural that people want the best of both worlds. We cannot continue down this budgetary path and hope that the results will be any different than they have been in the past.

In fact, the results get worse by the day. Based on what I hear from Coloradans, our constituents are now ready to make a little sacrifice. They are ready for us to make some tough decisions that may cause a little budget pain. Americans now get it, and that is why it is time for some serious action. A balanced budget amendment to our Constitution is serious action. It would require us to consider our larger, collective obligation to the national economy.

I will admit that my support of the balanced budget amendment has not made me particularly popular with some of my Democratic colleagues. Democrats traditionally have not been big fans of the balanced budget amendment idea. These days Democrats are suspicious that balanced budget proposals are a Trojan horse. They look good on the surface, but actually they are designed to further dismantle government programs that most Americans value. But a few decades ago Democrats were leading the charge for a reasonable balanced budget amendment.

Most notably, Senator Paul Simon of Illinois—a progressive and serious-minded legislator—was perhaps the

greatest champion of a balanced budget, and I want to share with my colleagues some of his words. In debating the balanced budget amendment in 1993, Senator Simon said the following, which he addressed to his fellow progressives:

I am here to tell you that the course we are on, unless it is changed soon, absolutely threatens all of the programs that you and I have fought for and believe in so strongly. The fiscal folly that we followed for more than a decade has brought us to a crossroads. We face a basic decision, whether through default or through our actions to choose wisely the course that will lead us away from the brink.

If we do not act, interest payouts will spiral upward until they consume not only Social Security but health care, education, transportation investments—every need on our national agenda. My warning to you today is that a rising tide of red ink sinks all boats.

That is a powerful warning from a very wise and respected colleague. His warning is even more serious in December of 2011 than it was in 1993.

There are not any easy answers here, especially since our aging population and the post-9/11 national security needs have squeezed our Nation's budget in ways we have seldom seen in our country's history. But it is time for us to listen to hard-working Americans who are telling us loudly and clearly, make the tough decisions necessary to get our national debt under control. So I say to my colleagues here today, it is time to put aside our political differences, check ultimatums at the door, work across the aisle, and challenge ourselves to put our country first.

I want to reiterate a point I made earlier, which is that a balanced budget amendment is not the sole answer to the problems we face. It is not a perfect solution, and I recognize that. For example, it will not help us deal with our current debt, much less reduce it. For that we need a comprehensive plan along the lines of the recommendations of President Obama's bipartisan commission. It has been headed by former Clinton Chief of Staff Erskine Bowles and former Senator Al Simpson.

Two years ago I helped create the Bowles-Simpson Commission, and I continue to believe its recommendations, which would lower the debt by more than \$4 trillion over the next decade, are the best place to start on a path toward fiscal soundness. Let's own up to the mistakes of our past and take charge of the opportunity staring us in the face by passing the Bowles-Simpson debt reduction plan. That plan would require all of us to put some skin in the game, and it represents our best path to balance our books.

I have also fought for bipartisan proposals to create a Presidential line-item veto to ban earmarks and to enforce pay-as-you-go budgeting. These should all be and could be and must be

tools in our responsible budgeting toolbox. Even though we have to find the courage to get our current fiscal house in order, we also need to have stronger rules in place to ensure Congress is not tempted to fall off the wagon in the future. In my view, passing a balanced budget amendment to prevent us from ever again trading fiscal responsibility for political expediency is a critical step we must take.

That long windup brings me to the balanced budget amendment proposals under debate in the U.S. Congress today. Let me start by saying that I was pleasantly surprised to see last month the U.S. House of Representatives pursue a balanced budget amendment that was more realistic than what some of my Republican colleagues here in the U.S. Senate have proposed. The House proposal required a balanced budget unless three-fifths of the House and Senate agreed there was an economic downturn, a national disaster, or another emergency that required temporary expenditures and increases thereon.

It was a straightforward measure, and it was designed to garner a broad range of support. However, the House proposal fell short by nearly two dozen votes, largely because it did not win enough support from Democrats. As we know, in order for a balanced budget amendment to succeed, it must be bipartisan. So I was surprised to see that after the House balanced budget amendment failed, instead of seeking to find consensus with those who could bring along additional Democratic votes like me, my colleagues in the Senate on the other side of the aisle, led by my dear friend Senator HATCH, have taken an altogether different route.

There are important differences between the two approaches the Senate will vote on this week, my amendment and Senator HATCH's amendment. So I want to spend some time differentiating between the two proposals because they represent two philosophically different ideas. We will have a vote on both of these proposals later this week.

Balancing our books is a simple equation based on the principle that our Nation is healthier without an unreasonably large debt load. Members of both parties can agree on that. Yet Senator HATCH's proposal goes a number of steps further and seemingly seeks to shrink government altogether. Not only does it require an unwieldy two-thirds majority to waive it in case of national emergencies, it also locks in special interest tax breaks and could weaken Social Security, Medicare, and other important programs that are supported by a vast majority of Americans.

Ironically, Senator HATCH's proposal—at least by some analyses—could jeopardize our national defense as well. Why do I say that?

I see my dear friend on the Senate floor. I look forward to engaging with him over the course of this important debate.

The Republican proposal prevents government from spending more than 18 percent of gross domestic product, which is less than the historical average, less than what George W. Bush spent, less than what Ronald Reagan spent, and less than what is required to care for our Nation's seniors and protect our homeland against terrorist attacks. Quite simply, to my way of looking at this, Senator HATCH's alternative proposal goes too far and has the potential to harm our middle class and future economic growth.

So what am I proposing? Well, let me tell you what I think my proposal would do, and I would note that it is cosponsored by a number of my colleagues from across the country.

My amendment would allow us to avoid the mistakes of the last decade without locking ourselves into a requirement that could tie our hands in an emergency. In such a case, if we tie our hands, we could make our economy worse for the middle class and small businesses and therefore for all of us.

My balanced budget amendment proposes and incorporates a big dose of Colorado common sense. It is aimed at finding common ground that both parties and a big majority of Americans can support. It starts with a strict requirement for balancing our books. My proposal would then allow deficits only when three-fifths of the House and Senate vote to address serious economic downturns or a war or other emergencies. However, it would also prevent some of the worst mistakes Congress has made in the past 10 years. For example, it would prevent deficit-busting tax breaks for Americans who earn \$1 million or more per year. I think the Presiding Officer and I have a fundamental question. We wonder why we should continue to give tax breaks to the wealthiest among us during times when we are running huge deficits and aggregating debt like never before.

My amendment would also create a Social Security lockbox to keep Congress from raiding the trust fund to hide the true size of our annual deficits. Right now, the Treasury Department owes close to \$3 trillion to the Social Security Administration. What I want to do is to see that never again is Social Security used as a slush fund to remedy our budgeting problems.

In sum, my proposal upholds the principle that we should pay for our government in a responsible manner, with waiver authority to be used only in exceptional circumstances. I think most Americans could agree to that. Coloradans certainly do.

I encourage all of my colleagues to acknowledge that passing a balanced budget amendment will require some flexibility and cooperation, and my

version is designed to do just that. It is meant to bridge the divide between us.

The American people are demanding that we get our fiscal house in order. As usual, they are a few steps ahead of us. We have an opportunity to catch up to the American people. So I am here on the floor of the Senate today to ask my colleagues of both parties and both Chambers to support my proposal. As I have said, amending the Constitution may not be the solution desired by many in this Chamber. It is not something to be done without great thought. I, therefore, look forward to an honest and spirited dialog about the balanced budget amendment. I look forward to discussing the best ways to dig ourselves out from under our suffocating debt in a way that will encourage investment and job creation and help Americans and small businesses feel secure about their economic future. Our children's future depends on it.

I yield the floor.

THE PRESIDING OFFICER (Mr. FRANKEN). The Senator from Utah.

Mr. HATCH. Mr. President, I care a great deal for my colleague from Colorado, and I appreciate his explanation of his amendment. Unfortunately, as I view his amendment, it might work as long as you accept the ratchet up of spending and taxing. That is what we are trying to stop around here. His S.J. Res 24 would be a band-aid on the system. It does not address the cause of our unbalanced budgets. An amendment that does not limit spending and does not limit taxes will never solve this crisis. It is just that simple. And to work, they have to use budget gimmicks.

I wish to begin by thanking my friend, the ranking member of the Judiciary Committee, Senator GRASSLEY. In his service on the committee, he has always been a champion of our limited government, and with his remarks today he has again proven himself a strong advocate of constitutional government. So, too, my good friend and collaborator on a balanced budget amendment, Senator CORNYN, deserves recognition, as well as my partner in the Senate, MIKE LEE, and a whole raft of others—47, to be exact. Earlier today, Senator CORNYN highlighted admirably the threat our debt poses to the liberty and prosperity of all of America's citizens. And although he has not spoken yet, I know in advance that my friend and colleague from Utah, Senator MIKE LEE, with whom I worked closely in drafting S.J. Res 10, will deliver powerful remarks later today in support of this amendment and about the importance of restoring meaningful limits on the power of the Federal Government.

Today we are engaged in a historic debate. You might not know it from the amount of time dedicated to the subject, but I am confident that when

the history of our country is written, today will be marked as a turning point.

Today is the day that every Republican in the Senate stood up for a strong balanced budget amendment that will begin to restore this Nation's fiscal integrity. It is the day that conservatives stood up and supported a constitutional amendment that would reset the limit on the size and power of a federal government that has grown far too large. It is the day that the people of this country stood up for serious constitutional limits on Congress and the President, who have spent with impunity for far too long.

We are having this debate for a simple reason: Our Nation is now \$15 trillion—actually more than \$15 trillion and going up every day—in debt. This chart shows just how much it was just a few minutes ago. It is important to put this number in perspective.

The Nation achieved the ignominious landmark of a trillion-dollar deficit in President Obama's first year in office. We are now in our third straight year of trillion-dollar deficits. The Federal Government is now borrowing more than 40 cents of every dollar it spends. The burden of this debt is more than \$48,000 for every man, woman, and child in America.

The Congressional Budget Office projects that interest payments alone on all of this debt will total \$4.5 trillion, crowding out many other national priorities. For 2010, spending on interest on the national debt is greater than the funding for most other Federal programs. Let's look at that. As you can see, in 1 year, spending on interest on the national debt is greater than funding for most programs—\$656.7 billion for the Department of Defense; \$414 billion for interest expense; \$173 billion for the Department of Labor; \$129 billion for the Department of Agriculture; \$108 billion for the Department of Veterans Affairs; and just one other I will mention, \$92.9 billion for the Department of Education.

Well, the impact of this quickly escalating debt burden could prove catastrophic for economic growth and for American families. In a letter to the then-ranking member of the House Budget Committee, PAUL RYAN, the Congressional Budget Office determined that "beyond 2058, projected deficits in the alternative fiscal scenario become so large and unsustainable that CBO's model cannot calculate their effects." That ought to tell you something. In other words, the CBO model crashes when it even attempts to calculate the impact of all of this debt on economic growth. Yet all of these numbers might be understating the Nation's debt burden. What happens if interest rates rise? Right now they are at historic lows, but that will not always be the case, and we are figuring on historic lows right now as though they are going to continue.

According to CBO's alternative fiscal scenario, which is our most realistic fiscal scenario, debt held by the public will reach 82 percent of GDP by 2021. Now, that is if they are right, and they have never been right yet over the long term; they are always low. Absent real fiscal reforms, it will reach 100 percent of GDP by 2035. But this does not tell the whole bleak story. The fact is, when you include the IOUs the government has issued to itself, intergovernmental holdings, our debt is already at 100 percent of GDP—larger than our entire economy.

When are our friends on the other side going to start thinking about these things and start realizing that they are taking us right down into bankruptcy in this country? This debt burden we have is simply not sustainable. If interest rates go back to their average in the 1990s, our public debt will increase by 77 percent over even these grim estimates I have just mentioned. We are spending at historical highs and going higher, and with interest on the debt taking a larger and larger share of spending, we need to be very concerned as a nation that we are entering a debt spiral from which we will have a difficult time extricating ourselves.

For these reasons, ADM Mike Mullen, former Chairman of the Joint Chiefs of Staff, concluded that our national debt is the "biggest threat we have to our national security." For these reasons, Standard & Poor's issued its historic downgrade of U.S. Treasuries this past summer.

The impact of this debt is more than academic; it will eventually lead to higher interest rates for all Americans, undermining the ability of people to purchase a home, buy a car, or even start a business. Most importantly, it will fundamentally alter the relationship of citizens to their government. It will further undermine personal liberty. It will lead to more government control of the economy. And it will jeopardize the livelihoods of American business owners and workers as ever-escalating debt and government spending embolden those who seek higher taxes to finance this levitation.

The solution to this problem is S.J. Res. 10, the balanced budget amendment supported by every Senate Republican, all 47 of us.

In the time I have been fortunate enough to serve the people of Utah, I have sponsored 5 balanced budget amendments and have been an original cosponsor of 18. These amendments have not been identical. Their provisions have been honed over time. I am confident this version strikes just the right balance.

It is the right amendment for the right time. We face a crisis of spending and a government that has clearly exploded in size. This constitutional amendment is the only one that will be

debated this week that will address that crisis and would reduce the size of this Leviathan government.

The President has strongly opposed not only this balanced budget amendment but any balanced budget amendment. As he said: "We don't need a constitutional amendment to do our jobs." My goodness. That is what he said on July 15 of this year.

I wish to spend a few moments considering the President's claim. The President claimed that a balanced budget amendment is not necessary because "the Constitution already tells us to do our jobs—and to make sure that the government is living within its means and making responsible choices."

The President's spokesman, Jay Carney, elaborated in greater detail on why a balanced budget amendment is not necessary. According to him, balancing the budget is "not complicated." All that is needed is that we put politics aside, quit ducking responsibility, and roll up our sleeves and get to work. Yet all I hear from the White House is that we have to have more taxes and more spending.

This is the lament of the tough chooser, a term coined by the journalist Andrew Ferguson. The tough chooser talks a lot about making tough choices. But when it comes to actually making them, the tough chooser goes missing.

Tough choosers, concerned about our deficits and debt, voted for ObamaCare, even though it increased spending by \$2.6 trillion and taxes by over \$1 trillion.

Tough choosers reject a balanced budget amendment because all that is required, in their view, is some tough choosing by legislators. The problem with this theory is that the so-called tough choosers never step up.

The past history of the balanced budget amendment is all the evidence we need that a constitutional amendment is required to force legislators and the White House to make these tough choices. But given President Obama's rejection of the balanced budget amendment, it is worth considering his own actions this year and his personal contributions to deficit reduction. That record is a weak one of denial and avoidance.

Following the clear statement of the American people last November that Washington needed to address deficits and debt, the President had an opportunity to lead with his fiscal year 2012 budget. Yet this is how the Washington Post described the impact of that budget. After next year, "the deficit will begin to fall, settling around \$600 billion a year through 2018, when it would once again begin to climb as a growing number of retirees tapped into Social Security and Medicare."

So the President, who today is telling us that he and Congress are willing

to buckle down and make tough choices to balance the Nation's books, gave us a budget that did little to put this country on a path toward long-term fiscal sustainability.

The President's budget landed with such a thud and was so unresponsive to the desire of the American people to tackle the debt, that he took a muligan and attempted a budget do-over in the Spring. In an April 13 speech at George Washington University, President Obama offered a revised budget. True to form, he did not stick his neck out and actually offer anything that could be scored by the CBO. Yet Republicans did analyze the President's speech, and after stripping out the gimmicks and the rosy scenarios, they found that far from making any tough choices, his do-over actually added \$2.2 trillion to the deficit.

This avoidance of tough choosing by Washington's tough choosers is, unfortunately, the norm.

We have heard the President's argument before. I have heard it now for 35 years, maybe not just from him but from others as well. We hear it every time a balanced budget amendment comes to the floor and is debated in the Senate. The opponents claim there is no need for a balanced budget amendment; all that is necessary is that we put politics aside and make the tough choices.

So how is that working out for our country?

When I introduced my first balanced budget amendment in 1979, the national debt was \$827 billion. We thought that was astronomical. In 1982, when the Senate passed a balanced budget amendment that I cosponsored, the national debt had risen to \$1.1 trillion. In 1986, when the Senate failed by one vote to pass a balanced budget amendment that I cosponsored, the national debt topped \$2.1 trillion. By 1997, when this body voted on a balanced budget amendment that I introduced, the national debt had passed the \$5 trillion mark. Today, it is three times that amount—over \$15 trillion.

The record is clear. Absent the constitutional restraint of a balanced budget amendment, Congress and the President do not make the tough choices. Instead, they take the path of least resistance. They gladly disperse Federal dollars today—to grateful special interests—and then figure out a way to pay for it tomorrow, except they never figure out the way.

This is not the political and economic philosophy of the Founders, who warned at the birth of our Republic against debt and overspending. That is the political philosophy of J. Wellington Wimpy, who would "gladly pay you Tuesday for a hamburger today."

A balanced budget amendment is not an abdication of Congress's responsibility. On the contrary, it would force Congress to live up to its responsibility

ities. It would force Congress and the President to make the choices about national spending priorities they have thus far been unwilling to make.

I don't think there are many Americans who question whether our fiscal situation would be better today if we had enacted and the States had ratified a constitutional amendment when Ronald Reagan was President.

This is where we are headed as a country if we don't get our fiscal house in order. We are headed off a cliff. I could have put up a map of Greece, but that might have understated our predicament.

Yet to hear the opponents of a balanced budget amendment talk, one would think the problem we face as a country is the amendment, not the out-of-control spending that demands such an amendment.

These misplaced priorities fundamentally understate how much government spending is accelerating in this country and the threat this spending poses for personal liberty, constitutionally limited government, and free enterprise.

As I noted earlier, our true debt burden is already 100 percent of GDP. This is very dangerous territory. According to the economists Carmen Reinhart and Kenneth Rogoff, public debt burdens above 90 percent of GDP are associated with 1-percent lower economic growth.

I ask unanimous consent that a short article outlining their thesis be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From Bloomberg.com, July 14, 2011]

TOO MUCH DEBT MEANS THE ECONOMY CAN'T GROW: REINHART AND ROGOFF

(By Carmen M. Reinhart and Kenneth S. Rogoff)

As public debt in advanced countries reaches levels not seen since the end of World War II, there is considerable debate about the urgency of taming deficits with the aim of stabilizing and ultimately reducing debt as a percentage of gross domestic product.

Our empirical research on the history of financial crises and the relationship between growth and public liabilities supports the view that current debt trajectories are a risk to long-term growth and stability, with many advanced economies already reaching or exceeding the important marker of 90 percent of GDP. Nevertheless, many prominent public intellectuals continue to argue that debt phobia is wildly overblown. Countries such as the U.S., Japan and the U.K. aren't like Greece, nor does the market treat them as such.

Indeed, there is a growing perception that today's low interest rates for the debt of advanced economies offer a compelling reason to begin another round of massive fiscal stimulus. If Asian nations are spinning off huge excess savings partly as a byproduct of measures that effectively force low-income savers to put their money in bank accounts with low government-imposed interest-rate ceilings—why not take advantage of the cheap money?



Although we agree that governments must exercise caution in gradually reducing crisis-response spending, we think it would be folly to take comfort in today's low borrowing costs, much less to interpret them as an "all clear" signal for a further explosion of debt.

Several studies of financial crises show that interest rates seldom indicate problems long in advance. In fact, we should probably be particularly concerned today because a growing share of advanced country debt is held by official creditors whose current willingness to forego short-term returns doesn't guarantee there will be a captive audience for debt in perpetuity.

Those who would point to low servicing costs should remember that market interest rates can change like the weather. Debt levels, by contrast, can't be brought down quickly. Even though politicians everywhere like to argue that their country will expand its way out of debt, our historical research suggests that growth alone is rarely enough to achieve that with the debt levels we are experiencing today.

While we expect to see more than one member of the Organization for Economic Cooperation and Development default or restructure their debt before the European crisis is resolved, that isn't the greatest threat to most advanced economies. The biggest risk is that debt will accumulate until the overhang weighs on growth.

#### HISTORICAL PRECEDENTS

At what point does indebtedness become a problem? In our study "Growth in a Time of Debt," we found relatively little association between public liabilities and growth for debt levels of less than 90 percent of GDP. But burdens above 90 percent are associated with 1 percent lower median growth. Our results are based on a data set of public debt covering 44 countries for up to 200 years. The annual data set incorporates more than 3,700 observations spanning a wide range of political and historical circumstances, legal structures and monetary regimes.

We aren't suggesting there is a bright red line at 90 percent; our results don't imply that 89 percent is a safe debt level, or that 91 percent is necessarily catastrophic. Anyone familiar with doing empirical research understands that vulnerability to crises and anemic growth seldom depends on a single factor such as public debt. However, our study of crises shows that public obligations are often hidden and significantly larger than official figures suggest.

#### CREATIVE ACCOUNTING DEVICES

In addition, off-balance sheet guarantees and other creative accounting devices make it even harder to assess the true nature of a country's debt until a crisis forces everything out into the open. (Just think of the giant U.S. mortgage lenders Fannie Mae and Freddie Mac, whose debt was never officially guaranteed before the 2008 meltdown.)

There also is the question of how broad a measure of public debt to use. Our empirical work concentrates on central-government obligations because state and local data are so limited across time and countries, and government guarantees, as noted, are difficult to quantify over time. (Until we developed our data set, no long-dated cross-country information on central government debt existed.) But state and local debt are important because they so frequently trigger federal government bailouts in a crisis. Official figures for state debts don't include chronic late payments (arrears), which are substantial in Illinois and California, for example.

#### PUBLIC AND PRIVATE DEBT

Indeed, it isn't unusual for governments to absorb large chunks of troubled private debt

in a crisis. Taking this into account, chart 1, attached, shows the extraordinarily high level of overall U.S. debts, public and private.

In addition to ex-ante or ex-post government guarantees and other forms of "hidden debts," any discussion of public liabilities should take into account the demographic challenges across the industrialized world. Our 90 percent threshold is largely based on earlier periods when old-age pensions and health-care costs hadn't grown to anything near the size they are today. Surely this makes the burden of debt greater.

There is a growing sense that inflation is the endgame to debt buildups. For emerging markets that has often been the case, but for advanced economies, the historical correlation is weaker. Part of the reason for this apparent paradox may be that, especially after World War II, many governments enacted policies that amounted to heavy financial repression, including interest-rate ceilings and non-market debt placement. Low statutory interest rates allowed governments to reduce real debt burdens through moderate inflation over a sustained period. Of course, this time could be different, and we shouldn't entirely dismiss the possibility of elevated inflation as the antidote to debt.

#### EXTREMELY RARE

Those who remain unconvinced that rising debt levels pose a risk to growth should ask themselves why, historically, levels of debt of more than 90 percent of GDP are relatively rare and those exceeding 120 percent are extremely rare (see attached chart 2 for U.S. public debt since 1790). Is it because generations of politicians failed to realize that they could have kept spending without risk? Or, more likely, is it because at some point, even advanced economies hit a ceiling where the pressure of rising borrowing costs forces policy makers to increase tax rates and cut government spending, sometimes precipitously, and sometimes in conjunction with inflation and financial repression (which is also a tax)?

Even absent high interest rates, as Japan highlights, debt overhangs are a hindrance to growth.

The relationship between growth, inflation and debt, no doubt, merits further study; it is a question that cannot be settled with mere rhetoric, no matter how superficially convincing.

In the meantime, historical experience and early examination of new data suggest the need to be cautious about surrendering to "this-time-is-different" syndrome and decreeing that surging government debt isn't as significant a problem in the present as it was in the past.

Mr. HATCH. Mr. President, while one might quibble with the particulars of Reinhart's and Rogoff's assessment, failure to take it seriously, given the recent struggles of the eurozone, amounts to whistling past the graveyard.

To be clear, the long-term source of our fiscal problem is overspending, not a lack of revenue. Our friends at the Heritage Foundation have done an excellent job of putting all this spending into historical perspective.

I will run through some charts highlighting just how unusual and unsustainable recent levels of Federal spending have become. Any way we cut it, spending is up. Federal spending per household is skyrocketing, even with

the \$2.1 trillion in deficit reduction achieved by this summer's Budget Control Act.

In 1965, Federal spending per household was \$11,431. In 2010, it was \$29,401. It is projected to hit \$35,773 in 2020. That is per household.

Federal spending is growing faster than median income. Between 1970 and 2009, total Federal spending rose by 299 percent, while median household income has gone up 27 percent in the same time period.

Federal spending that is far out of line with historical averages is the cause of our annual deficits and total debt—not the much reviled 2001 and 2003 tax relief extended by President Obama and a Democratic Congress.

Historically, revenues have averaged around 18 percent of GDP. As the economy recovers, CBO projects revenues to return to that historical average. Yet spending is going higher and higher.

The end result of all this spending is not pretty to look at. Our national debt is going to skyrocket. Up to 344 percent by 2050.

The problem the Senate Republican balanced budget amendment is meant to address is reckless spending. We will hear many arguments against this amendment. We will hear it prevents tax increases. We will hear it prevents deficit spending in an economic downturn. We will hear it hamstring the Nation in times of military emergency and that it prevents spending in excess of 18 percent of GDP.

It does no such thing. What it does do is require a broad national consensus before Congress spends beyond its means. It makes certain that there is deep bipartisan agreement before raising taxes—a provision the Nation would have benefited from prior to the decision of the President and congressional Democrats to drive through \$1 trillion in ObamaCare tax increases on nearly party-line votes, and it demands wide support for spending in excess of 18 percent of GDP.

As my friends at Americans for Prosperity put it in their letter of support for the Republican proposal, the amendment "strikes a balance between allowing flexibility for some deficit spending in times of national emergency, while requiring supermajorities in both Chambers to do so. This assures citizens that the Federal Government will only run a deficit when there is broad consensus that a genuine crisis demands it."

That sounds like pretty good language to me.

I ask unanimous consent that that letter from Americans for Prosperity be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

AMERICANS FOR PROSPERITY,

March 31, 2011.

DEAR SENATOR HATCH AND COSPONSORS: On behalf of more than 1.7 million Americans

for Prosperity (AFP) activists in all 50 states, I applaud you for proposing a balanced budget amendment to the United States Constitution that includes a strong limit on total federal spending. Over the past decade or so, it has become increasingly clear that unless there are firm constitutional guardrails to constrain federal spending elected officials are either unable or unwilling to overcome the institutional forces that facilitate endless profligacy. Your proposed amendment seeks to establish those guardrails in a responsible and, hopefully, effective way.

One of the most important provisions in your proposed amendment is a spending cap that would limit federal outlays to 18 percent of GDP. This limitation reflects a proper vision of limited government and the relationship of spending to GDP in the post-WWII period. Additionally, by insisting that spending is restrained in order to balance the budget you guard against the amendment being hijacked and distorted to advance economically-destructive tax increases.

Your amendment also strikes a balance between allowing flexibility for some deficit spending in times of national emergency, while requiring supermajorities in both chambers to do so. This assures citizens that the federal government will only run a deficit when there is a broad consensus that a genuine crisis demands it.

Several other provisions nicely round out your balanced budget amendment. Your insistence on two-thirds majority vote to approve tax increases or spending above 18 percent of GDP is laudable. Your measure to prohibit courts from legislating tax increases from the bench is important and prescient. Finally, a five-year transitional period from ratification to legal efficacy will give budgeteers enough notice to take meaningful action without the politically-contentious transition that could otherwise be used as a pretext to oppose the amendment.

While it is always difficult to predict how the Judicial Branch will interpret any portion of the Constitution, the mere presence of a balanced budget amendment will serve to compel the tough decision making that is often skirted in today's federal budget process. It's time for the federal government to balance its books, and AFP is proud to support your amendment. I urge your colleagues to support its passage and I look forward to working with you in the future.

Sincerely,

JAMES VALVO,  
*Director of Government Affairs.*

Mr. HATCH. Mr. President, we will hear there is a reasonable alternative being offered. But we need to understand this for what it is. It doesn't put any spending limitations on Congress. It leaves wide the door for massive tax increases to pay for levels of spending that are far outside our constitutional traditions. Even the requirement for balance—that outlays not exceed revenues—lacks strength, if we read it carefully.

The bottom line is that there is no substitute for the strong balanced budget amendment being offered by the Senate Republicans.

A number of protaxpayer groups committed to liberty and constitutionalism have written in support of our balanced budget amendment—Let Freedom Ring, Americans for Tax Reform, the National Taxpayers Union,

the 60 Plus Association, Americans for Limited Government, and the Council for Citizens Against Government Waste, just to mention a few.

I ask unanimous consent that their letters be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

MARCH 30, 2011.

Hon. JON KYL,  
*Hart Senate Office Building,*  
*Washington, DC.*

Hon. ORRIN HATCH,  
*Hart Senate Office Building,*  
*Washington, DC.*

Hon. PAT TOOMEY,  
*Dirksen Senate Office Building,*  
*Washington, DC.*

Hon. MIKE LEE,  
*Hart Senate Office Building,*  
*Washington, DC.*

Hon. JOHN CORNYN,  
*Hart Senate Office Building,*  
*Washington, DC.*

DEAR SENATORS: We write to encourage your colleagues to support your Balanced Budget Amendment to the United States Constitution, signaling the United States Senate is serious about reforming federal government spending.

The amendment limits spending to 18 percent of Gross Domestic Product (GDP). Capping spending at this level puts spending in line with the historical average of revenue receipts. Since 1970, spending has averaged 21 percent of GDP while tax revenues have consistently stayed around 18 percent. However, CBO projects spending will explode over the next decade, averaging over 23 percent of GDP. Capping spending at 18 percent demonstrates that the government should be cognizant of its means—and live prudently within them.

Most importantly, your Balanced Budget Amendment places the onus of responsible budgeting on lawmakers, rather than passing the burden onto taxpayers who are already shouldering the weight of failed “stimulus” programs and bailouts. It does this by requiring any net tax increases to overcome a two-thirds supermajority in each chamber of Congress.

This clause is vital to keep the debate where it should be—federal overspending. Americans are not taxed too little; Washington spends too much. In the same vein, the spending restraint in the amendment cannot be waived unless a two-thirds majority agrees to do so.

While the bill could be strengthened to require a supermajority to waive the spending cap during a declared war, it does require a vote of three-fifths of the Congress to approve spending beyond the cap in the times of a military conflict. What's more, the amendment requires a three-fifths vote to raise the debt limit, forcing Congress to confront its poor spending habits rather than simply increasing its borrowing authority.

Thus, we support the Balanced Budget Amendment and encourage your colleagues to cosponsor the measure to signal lawmakers are serious about fiscal restraint.

Sincerely,

GROVER NORQUIST,  
*President, Americans*  
*for Tax Reform.*

MATTIE CORRAO,  
*Executive Director,*  
*Center for Fiscal Ac-*  
*countability.*

NATIONAL TAXPAYERS UNION,

March 31, 2011.

AN OPEN LETTER TO THE UNITED STATES SENATE: SUPPORT THE CONSENSUS BALANCED BUDGET AMENDMENT!

DEAR SENATOR: On behalf of the 362,000 member National Taxpayers Union (NTU), I write to provide our strong endorsement of the “Consensus Balanced Budget Amendment” (BBA), which is the product of negotiations among advocates of several BBA measures. We commend Senator Hatch and his colleagues, Senators Lee, Cornyn, Kyl, McConnell, Toomey, Snowe, Risch, Rubio, DeMint, Paul, Vitter, Enzi, Kirk, and Crapo, for introducing this legislation and urge all Senators to cosponsor the resolution.

NTU has approached the current legislative evolution of the BBA not merely as an interested observer or even as a concerned stakeholder. Instead, we view this process through a 40-plus-year organizational history in which constitutional limits on the size of government have occupied the central part of our mission.

Throughout the 1970s and 1980s, my organization helped to launch and sustain the movement for a limited Article V amendment convention among the states to propose a Balanced Budget Amendment (BBA) for ratification, all while pursuing a BBA through Congress. Our members were elated over the passage of S.J. Res. 58 in 1982, and the passage of H.J. Res. 1 in 1995 through the House of Representatives. In both cases the measures, whose provisions varied somewhat, fell short of enactment in the other chambers of Congress. More recently, we have provided endorsements to BBA legislation such as S.J. Res. 3 and H.J. Res. 1.

To our members, a BBA would provide the very lifeblood that will restore and sustain the financial health of our Republic. We are therefore elated over the intensifying interest among Members of Congress and state legislators in a unified BBA concept. The proposal admirably harnesses this energy, by combining and refining elements from several amendments introduced thus far in Congress. These include strong “supermajority” safeguards against reckless tax or debt increases as well as override provisions to confront the realities of military conflicts.

Also of great importance is the amendment's spending limitation clause. Although several types of mechanisms could answer to the purpose of controlling growth in expenditures, any such protection incorporating Gross Domestic Product (GDP) must pay careful heed to historical experience. In this case, an annual spending cap at 18 percent of GDP is clearly the most prudent choice. Such a level reflects the share of economic output that federal revenues have typically represented since World War II. Given that constitutional amendments should be designed with a long nod to the past and an equally farsighted view to the future, 18 percent is a most stable and logical benchmark.

In addition, setting the expenditure limit at 18 percent would make a vital contribution toward harmonizing all parts of the amendment so that the whole functions as intended. An assumption that spending should normally be linked to the average and customary federal revenue proportion would by its very nature give Congress and the President a starting point that is closer to balance. Indeed, the limit helps to remedy Washington's increasingly metastasized affliction of tax-spend-and-borrow, by elevating the concept of expenditure restraint to its rightful place in policymaking. While the two-thirds “supermajority” override requirement is essential to ensuring this place,



so is the 18 percent cap on expenditures. If set too high, the spending limit would merely institutionalize, rather than minimize, deficits. Recent spending-to-GDP ratios in excess of 20 percent—and the resulting pressures to borrow or tax even more—ought to convince fiscal disciplinarians of the need for a carefully-designed limit.

We understand the political environment within which the consensus BBA was crafted, and, given our history, we appreciate the many challenges in the legislative effort that lies ahead. Yet it is precisely our long-standing devotion to this reform that gives us cause to make several observations. Moving forward, Senators must commit to passage of the BBA in this Congress, not simply another “test vote” tied to some legislative urgency. This means making the Amendment a part of the Congress’s everyday narrative on tax and spending policy, thereby leading a national discussion that occupies a primary place in the public square. Nor should the BBA be held as some proxy to other reform approaches. Indeed, statutory or regulatory steps to control the nation’s finances are not “second-best” substitutes; their very effectiveness depends upon a constitutional foundation that will set the boundaries within which they can operate.

Furthermore, supporters of this BBA must reach far and wide across the aisle to obtain the necessary bipartisan backing that will ensure passage of the measure. The temptation to put electoral calculations first is unacceptable to taxpayers, who (properly) surmise that concerted action to control deficits cannot wait until after 2012. Likewise, Senators must engage their House colleagues as well as state legislators in their capitols back home, many of whom have both the commitment and the experience to see the BBA through to passage and ratification.

Through all of these means, and toward the critical end of enacting a Balanced Budget Amendment, NTU and members pledge the fullest possible measure of their time, energy, and resources. Together, we can fulfill this long-overdue obligation to future generations.

Sincerely,

PETE SEPP,  
Executive Vice President.

THE 60 PLUS ASSOCIATION,  
Alexandria, VA, March 31, 2011.

DEAR SENATOR HATCH: On behalf of more than seven million senior citizen activists, the 60 Plus Association thanks you for introducing the joint resolution proposing an amendment to the Constitution of the United States relative to balancing the budget.

Thanks to your outstanding leadership, this effort shows a solid commitment to restore the fiscal stability of the United States by balancing the nation’s budget.

We applaud your efforts to respond to the overwhelming concern Americans have to the spiraling debt and out-of-control spending and cannot stress strongly enough that senior citizens and soon-to-be-seniors believe that current budget policy cripples our economic stability and threatens our nation’s future.

Sincerely,

JAMES L. MARTIN,  
Chairman.

AMERICANS FOR  
LIMITED GOVERNMENT,  
Fairfax, VA, March 31, 2011.

Senate Minority Leader MITCH MCCONNELL,  
361-A Russell Senate Office Building, Washington, DC.

Senator ORRIN HATCH,  
104 Hart Office Building, Washington, DC.

DEAR LEADER MCCONNELL AND SENATOR HATCH: As you are well aware, the nation is risking a fiscal calamity that threatens a catastrophic default on the \$14.2 trillion national debt and the collapse of the dollar as the world’s reserve currency. If something is not done to bring the nation’s fiscal house into order, soon the debt will become too large to even refinance, let alone be repaid.

That is why Americans for Limited Government strongly endorses the Senate Republican Balanced Budget Amendment and urges all members of the Senate to fight for its immediate adoption. Soon the gross national debt will become larger than the entire economy, and by 2021, the Office of Management and Budget projects it will soar to over \$25 trillion.

Interest payments alone threaten to destabilize the nation’s finances very soon. In 2010, the Treasury paid a total of \$413 billion in interest, including \$216 billion to the Social Security and Medicare trust funds. The total interest is a real obligation that requires real borrowing to meet, and cannot be readily discounted as revenue to the entitlement programs when it is in fact a liability to taxpayers.

The total interest owed on the debt will actually be over \$1.2 trillion in 2021. And since the government never anticipates the debt being paid down, the number will easily grow to over \$2.4 trillion by 2030. Moody’s has warned that when interest owed on the debt reaches 18 to 20 percent of revenue, the nation’s gold-plated Triple-A credit rating will be downgraded. The trouble is that the Office of Management and Budget projects total interest owed for 2011 to be \$430.4 billion, which is already 19.79 percent of the projected \$2.174 trillion of revenue. That means time has already run out.

Currently, the \$14.2 trillion national debt already stands at 95.5 percent of the nation’s \$14.8 trillion Gross Domestic Product (GDP). While it is unclear at what percentage of debt-to-GDP that the debt will become too large to refinance, the warning signs are already there that we cannot even meet our current obligations honestly.

Pimco reports that in 2009, 80 percent of treasuries were purchased by the Federal Reserve, and in 2010, it had to buy 70 percent, bringing its current U.S. debt holdings to \$1.3 trillion. As a result, the Fed is the largest lender to the U.S. government in the world—all with printed money—more than China or Japan. When the Fed ends QE2 in June, it will likely keep a high water mark of \$1.5 trillion in treasuries holdings.

Printing money to refinance the debt cannot continue for long without very severe consequences, including a potential collapse of the dollar as the world’s reserve currency, hyperinflation, and a complete default on the nation’s obligations. The time to pass the Balanced Budget Amendment is now, before it is too late and it becomes impossible for the debt to ever be repaid.

The Balanced Budget Amendment being proposed, once implemented, will make it possible that for the first time since 1957, the national debt can be reduced. This must begin to occur to reassure the nation’s creditors that the U.S. intends to honor its obligations with real money, not with a “pre-

tended payment” that economist Adam Smith warned against.

With the upcoming vote on increasing the national debt ceiling above \$14.294 trillion, now is the opportunity to use your leverage not just to get an up-or-down vote on the Balanced Budget Amendment, but to get it adopted. To do so, we urge you to take your case directly to the American people, who will join with you in fighting to make certain that another increase in the debt will never again be necessary.

The American people must be advised of these cataclysmic risks of inaction. There is a very dangerous misconception that the nation can just continue borrowing and printing money perpetually. It cannot. Nor will it long endure as the world’s foremost economic and military superpower if it tries to.

Besides a failure to meet our fiscal obligations, a national default will mean that the U.S. will be unable to meet its security obligations around the world, destabilizing whole regions, and threatening national security. It is likely for this reason that Chairman of the Joint Chiefs of Staff, Admiral Mike Mullen, described the debt as the number one danger facing America.

With a projected \$1.645 trillion budget deficit for this year alone, the hour grows late for real action to rein in the federal government’s unsustainable spending binge. It is clear that Congress lacks the political will to do what is necessary on its own. It needs the constitutional limits on spending, taxation, and the balanced budget requirement outlined in your amendment to compel it to act prudently when handling the American people’s finances.

We thank you for your work on this critical issue, and urge you to use all the tools at your disposal, including the leverage of increasing the national debt ceiling, to ensure speedy adoption of the Balanced Budget Amendment. If you will take a courageous stand to save this nation from certain ruin, the American people will surely stand with you.

Sincerely,

WILLIAM WILSON,  
President.

COUNCIL FOR CITIZENS  
AGAINST GOVERNMENT WASTE,  
Washington, DC, March 31, 2011.

U.S. SENATE,  
Washington, DC.

DEAR SENATOR, Senator Orrin Hatch (R-Utah) will soon introduce an amendment to the Constitution requiring that the federal budget be balanced. This amendment has received wide support, including that of Senators Mitch McConnell (R-Ky.), Mike Lee (R-Utah), John Cornyn (R-Tex.), Jon Kyl (R-Ariz.), Pat Toomey (R-Pa.), John Thune (R-S.D.) and Marco Rubio (R-Fla.). On behalf of the more than one million members and supporters of the Council for Citizens Against Government Waste (CCAGW), I urge you to support this legislation.

Federal spending has ballooned out of control. Taxpayers are bracing themselves as the nation rapidly approaches its statutory, record-breaking \$14.3 trillion debt limit. According to the Congressional Budget Office, recession-depleted tax revenues are scheduled to rebound to their historical average of 18 percent of gross domestic product (GDP) by 2018 and reach 18.4 percent by 2021. Federal spending, which has historically been 20.3 percent of GDP, however, is projected to reach 26.4 percent of GDP by 2021. America is on a dangerous trajectory as Congress continues to increase spending and raise debt

ceilings without regard to incoming levels of revenue. Washington has put taxpayers at risk by violating a Budgeting 101 rule of thumb: Don't spend more money than you take in.

This proposed constitutional amendment would ensure that total outlays will not be allowed to exceed 18 percent of the U.S. GDP of a fiscal year and will require the president to submit a balanced budget to Congress that reflects the 18 percent cap. A two-thirds majority vote would be required of both the House and Senate to override the spending cap, increase taxes or levy a new tax. Additionally, a three-fifths majority vote in both Houses would be needed to increase the debt limit. In times of declared war, a simple majority vote will be necessary for a specific excess amount above the 18 percent cap, and in times of military conflict a three-fifths majority will be required. In order to protect taxpayers, the amendment prohibits courts from raising revenue as a means of enforcement.

The federal government has a moral and fiscal responsibility to Americans that it has simply been shirking. Congress cannot continue on a spending rampage while ignoring the nation's balance sheets. This legislation proposes a practical and necessary constitutional amendment that will safeguard taxpayers and force Congress to balance the national budget. All votes on the Balanced Budget Amendment will be among those considered in CCAGW's 2011 Congressional Ratings.

Sincerely,

THOMAS A. SCHATZ,  
President.

Mr. HATCH. Mr. President, I am so pleased conservative leaders such as Ed Meese, Dick Thornburgh, and Ken Blackwell have stood in support of a strong balanced budget amendment.

I ask unanimous consent to have printed in the RECORD at this point the op-eds to which I just referred.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From Bloomberg.com, July 20, 2011]

DEFICITS NEED BALANCED-BUDGET  
AMENDMENT FIX

(By Dick Thornburgh)

A late entrant in the budget deficit-debt ceiling talkathon in Washington is increasing support for a constitutional requirement that the federal budget be balanced every year. Liberals will no doubt characterize this proposal as a nutty one, but careful scrutiny of such an amendment to our constitution demonstrates its potential to prevent future train wrecks in the budgeting process.

Constitutional budget-balancing requirements are already available to most governors and state legislatures, along with a line-item veto and separate capital budgeting, which differentiates investments from current outlays. They work.

Any debate in Congress will probably include the following arguments against a balanced-budget amendment:

First, that the amendment would clutter our basic document in a way contrary to the intention of the Founding Fathers. This is clearly wrong. The framers of the Constitution contemplated that amendments would be necessary to keep it abreast of the times. It has, in fact, been amended 27 times.

Moreover, at the time of the Constitutional Convention, one of the major pre-occupations was how to liquidate the post-

Revolutionary War debts of the states. It would have been unthinkable to the framers that the federal government would systematically run a deficit, decade after decade. The Treasury didn't begin to follow such a practice until the mid-1930s.

Second, critics will argue that the adoption of a balanced-budget amendment wouldn't solve the deficit problem overnight. This is absolutely correct, but begs the issue. Serious supporters of the amendment recognize that a phasing-in of five to 10 years would be required.

During this interim period, however, budget makers would have to meet declining deficit targets in order to reach a final balanced budget by the established deadline.

As pointed out by former Commerce Secretary Peter G. Peterson, such "steady progress toward eliminating the deficit will maintain investor confidence, keep long-term interest rates headed down and keep our economy growing."

Third, it will be argued that such an amendment would require vast cuts in social services, entitlements and defense spending. Not necessarily. True, these programs would have to be paid for on a current basis rather than heaped on the backs of future generations. Difficult choices would have to be made about priorities and program funding. But the very purpose of the amendment is to discipline the executive and legislative branches, not to propose or perpetuate vast spending programs without providing the revenue to fund them.

The amendment would, in effect, make the president and Congress fully accountable for their spending and taxing decisions.

Fourth, critics will say that a balanced-budget amendment would prevent or hinder our capacity to respond to national defense or economic emergencies. This concern is easy to counter. Clearly, any sensible amendment proposal would feature a safety valve to exempt deficits incurred in response to emergencies, requiring, for example, a three-fifths majority in both houses of Congress. Such action should, of course, be based on a finding that such an emergency actually exists.

Fifth, it will be said that a balanced-budget amendment might be easily circumvented. The experience of the states suggests otherwise. Balanced-budget requirements are now in effect in all but one (Vermont) of the 50 states and have served them well.

Moreover, the line-item veto, available to 43 governors, would ensure that congressional overruns—or loophole end runs—could be rejected by the president. The public's opposition, the elective process and the courts would also restrain any tendency to ignore a constitutional directive.

In the final analysis, most of the excuses for not enacting a constitutional mandate to balance the budget rest on a stated or implied preference for solving our deficit dilemma through the political process—that is to say, through responsible action by the president and Congress.

But that has been tried and found wanting, again and again.

Surely the U.S. is ready for a simple, clear and supreme directive that compels elected officials to fulfill their fiscal responsibilities. A constitutional amendment is the only instrument that will meet this need. Years of experience at the state level argue in favor of such a step. Years of debate have produced no persuasive arguments against it.

The stakes are high. Perhaps Thomas Jefferson put it best: "To preserve our independence, we must not let our rulers load us down with perpetual debt."

That is the aim of a balanced-budget amendment. Reform-minded members of Congress should support such an amendment to our Constitution as a means of resolving future legislative crises and ending credit-card government once and for all.

A nutty idea? Not by a long shot.

[From the Patriot Post, Apr. 5, 2011]

HATCH AND LEE'S BALANCED BUDGET  
AMENDMENT: A WIN FOR AMERICA

(By Ken Blackwell)

Senators Orrin Hatch and Mike Lee introduced a Balanced Budget Amendment (BBA) to make it a constitutional requirement for Washington, D.C., to end our deficit spending and culture of debt. And our national grassroots organization, Pass the Balanced Budget Amendment, is working with them to compel lawmakers to approve this change to the Supreme Law of the Land.

The BBA requires that the U.S. cannot spend more than it takes in. There are a few exceptions, such as allowing two-thirds of the House and Senate to suspend it for a specific reason for one year, with lower thresholds to respond to a military threat to our national security or an official, declared war against a specific nation (not some open-ended or global military operation).

The amendment is cosponsored by all 47 Senate Republicans. This raises eyebrows in that the last time a proposed BBA was voted on, 1997, it enjoyed Democratic support with 66 votes, falling a single vote short in the Senate.

A separate story here is Utah's leading role. That state's senior senator, Orrin Hatch, designed one version of the BBA. Utah's junior senator, Mike Lee, designed another. Both senators—one tied as the most senior Republican in the chamber and the other among the newest—then designed a composite version.

The resulting BBA addresses several major economic priorities. In addition to forcing a balanced budget, the BBA caps federal spending at 18 percent of GDP. It also requires a 60-percent vote to raise the national debt limit. It requires a two-thirds vote to raise taxes. And in forbids courts from ordering any tax increase. The BBA thus addresses multiple aspects of fiscal policy in a full-spectrum response to America's debt-and-deficit nightmare.

Utah's predominance regarding a constitutional amendment is no surprise. Hatch is the former chairman of the Senate Judiciary Committee and was talked up as a potential Supreme Court nominee years ago. Lee is the only former Supreme Court law clerk in the Senate, and is already mentioned as a potential Supreme Court nominee. These two senators may be bookends in seniority and age, but they are the foremost constitutional scholars in the Senate.

The Constitution is extraordinarily difficult to amend, requiring two-thirds of the House and Senate to propose it to the states, then three-fourths of the states (38) to ratify it.

To turn the BBA into reality, Senators Hatch and Lee are working with a national grassroots organization, Pass the Balanced Budget Amendment, to organize volunteers in every legislative district in America to mobilize political momentum.

We are very grateful to have Senators Hatch and Lee as Honorary Chairman. With their leadership, as well as others such as Co-Chairman Ken Buck of Colorado, the BBA has the best chances of passing since America's fiscal mismanagement began decades ago.

This is not just about economic conservatives. We must balance our national budget for the sake of our children's future. And our national debt has now become a national security concern as well. This is the perfect fusion of the three legs of the Reagan Coalition, and will benefit all Americans.

There are also serious political implications. TBBA could change the national debate. With several GOP presidential contenders endorsing the idea, this will likely be an issue for the 2012 elections. Those of us involved at the grassroots level with this issue and determined on making it so.

[From the Heritage Foundation, July 21, 2011]

**BALANCED BUDGET AMENDMENT: INSTRUMENT  
TO FORCE SPENDING CUTS, NOT TAX HIKES**  
(By Edwin Meese III)

As Congress considers what to do about federal overspending and overborrowing, conservatives must maintain focus. We must pursue the path that drives down federal spending and borrowing and gets to a balanced budget, while preserving our ability to protect America and without raising taxes. An important part of that conservative agenda is adoption of a sound—repeat, a sound—Balanced Budget Amendment. A Balanced Budget Amendment is not sound if it leads to balancing the federal budget by tax hikes instead of spending cuts. Thus, a sound Balanced Budget Amendment must prohibit raising taxes unless a two-thirds majority of the membership of both Houses of Congress votes to raise them. Without the two-thirds majority requirement, the Balanced Budget Amendment becomes the means for big spenders to raise taxes.

Supporters of the Balanced Budget Amendment rightly want to force the federal government to live within its means—to spend no more than it takes in. Because the government has failed for decades to follow that balanced budget principle, America is now \$14.294 trillion in debt, a debt of more than \$45,000 for every person in the United States.

President Obama is making things worse. In discussions with congressional leaders, he has pushed hard to get authority to borrow yet more trillions of dollars and hike taxes. And the White House reiterated this week that President Obama opposes amending the Constitution to require the federal government to balance its budget.

A Sound Balanced Budget Amendment Must Require Two-Thirds Majorities to Raise Federal Taxes. Like 72 percent of the American people, The Heritage Foundation favors passage by the requisite two-thirds of both Houses of Congress and ratification by the requisite 38 states of an effective Balanced Budget Amendment to become part of our Constitution. Heritage has made clear that an effective Balanced Budget Amendment must control spending, taxation, and borrowing; ensure the defense of America; and enforce, through the legislative process and without interference by the judicial branch, the requirement to balance the budget. A sound Balanced Budget Amendment will drive down federal spending and end federal borrowing.

To date, Congress has proposed one largely sound Balanced Budget Amendment for consideration—Senate Joint Resolution 10, often called the Hatch-Lee Amendment after its main proponents. It has a number of important features, such as an annual federal spending cap of not to exceed 18 percent of the economy's annual output of goods and services (called the gross domestic product, or GDP) that Congress cannot exceed, except

by a law passed with two-thirds majorities in both Houses of Congress or in specified circumstances involving military necessity.

A crucial feature is included in section 4 of the Balanced Budget Amendment proposed by Senate Joint Resolution 10: "Any bill that imposes a new tax or increases the statutory rate of any tax or the aggregate amount of revenue may pass only by a two-thirds majority of the duly chosen and sworn Members of each House of Congress by a roll call vote." The requirement that no tax hikes occur without the approval of 290 Representatives and 67 Senators is essential in a sound Balanced Budget Amendment. Without the requirement for two-thirds majorities for any tax increase, the Balanced Budget Amendment becomes a sword for big spenders to use to raise taxes, instead of a shield to protect Americans from tax hikes. Those who seek to anchor into our Constitution a requirement to balance the budget must always remember that, if the only requirement is "balance," that can be achieved two ways—cut spending or hike taxes. A sound Balanced Budget Amendment will balance the budget by driving down federal spending and not by driving up federal taxes.

Balanced-Budget States that Allow Simple Majorities for Tax Hikes Face Situations Very Different from that of the Federal Government. Some look at the experience of states that have requirements in their constitutions for a balanced state budget and draw the wrong conclusion about the need for two-thirds majorities for taxation. They mistakenly conclude that a requirement merely for simple majorities in state legislatures to raise taxes suffices to keep state taxation under control and therefore that a federal Balanced Budget Amendment should require only simple majorities in Congress to raise taxes. But the balanced budget requirement at the state level occurs in a very different context from such a requirement at the federal level.

As a practical matter, state legislators regularly work and live among the people they represent, often do their legislative work face-to-face with their constituents, and often depend upon direct contact with voters to persuade voters to keep the legislators in office. As a result, state legislators tend to be closely attuned and responsive to the need of their constituents for reasonableness in taxation. In contrast, U.S. Senators and Representatives spend much of their time distant from the people they represent, often deal with their constituents through the insulation of large staffs, and amass large campaign funds through political fundraising that allow them to depend more upon expensive mass communications than upon direct contact with voters to persuade the voters to keep them in office. As a result, U.S. Senators and Representatives tend to be less directly attuned and responsive to the need of their constituents for reasonableness in taxation than state legislators are. Accordingly, while a requirement for merely simple majorities in state legislatures to raise taxes may suffice to keep taxes under control in that state, simple majorities are not likely to keep taxes under control at the federal level—as the experience of federal tax increases in the last 50 years proves.

Some who recognize the need for taxpayer protection by requiring supermajorities, rather than just simple majorities, of the two Houses of Congress to raise taxes think a supermajority of three-fifths of both Houses would suffice. While three-fifths would add a modicum of taxpayer protection in the House, three-fifths would add little if

anything in the way of taxpayer protection in the Senate, which already often requires a three-fifths majority to proceed to consideration of legislation. The existing three-fifths rule in the Senate has often failed to protect taxpayers from federal tax increases in the past. A sound Balanced Budget Amendment would add protection for taxpayers in both Houses of Congress by a requirement for two-thirds majorities of the membership of both Houses to raise taxes.

Conclusion: Adopt the Two-Thirds Majority Requirement for Tax Hikes, to Make the Balanced Budget Amendment the Instrument of Spending Cuts and Not Tax Hikes. America's soon-to-be New Minority—people who pay federal income tax—need protection from unreasonable taxation. When all Americans have the right to vote, but only a minority has the duty to pay the federal income taxes from which all Americans benefit, the risk is high that a non-taxpaying majority will elect a Congress pledged to adopt taxation that oppresses the taxpaying minority. The impulse to seek something for nothing has regrettably taken root in the American body politic in the past century. The requirement in the Balanced Budget Amendment of a two-thirds majority of the membership of both Houses of Congress to raise taxes will protect a taxpaying minority against oppressive taxation.

As Congress continues on the path toward adopting a joint resolution to recommend a Balanced Budget Amendment to the states for ratification, Congress should ensure that the Amendment includes a requirement for approval by two-thirds of the membership of the two Houses of Congress for tax hikes. Absent such a requirement, the Balanced Budget Amendment will encourage tax hikes instead of spending cuts as the means to balance the budget, making the Amendment the friend of the tax, spend and borrow crowd, instead of the friend of those who believe in limited government, free enterprise, and individual freedom.

Mr. HATCH. While a number of liberal groups committed to more government spending have lined up against our proposal, there is hardly a groundswell of support for the Democratic alternative. In fact, the lack of support for that proposal demonstrates more than anything I can say that it is a proposal designed with politics in mind. It is designed to provide cover for Members who want to say they support a balanced budget amendment while opposing the only amendment that would actually reduce government spending.

The bottom line is that not all balanced budget amendments are created equal. The Senate Republican amendment is one to restore liberty and constitutional government by reducing the size and power of Washington. By contrast, the Democrats' alternative promises more of the same. It does nothing to rein in spending or address the fiscal crisis this Nation faces. The differences between these proposals highlight clearly the distinctions between conservatives in Congress and the President and his supporters.

Although I am ever hopeful, I am realistic about the chances the Senate will pass S.J. Res. 10 tomorrow. I suspect the vote for the Senate Republican amendment will be as low as any

the Senate has taken on a balanced budget amendment. This, though, shows how stark the differences have become between the two parties. The Democratic Party is now openly the party of tax and spend, the party of bigger and bigger government.

That is why today's debate and tomorrow's vote represents what Ronald Reagan called "a time for choosing."

As President Obama's speech in Kansas showed the other day, he is not backing away from his goal of fundamentally reordering American society in a way that transforms individuals and businesses into the arms of the State. The President, having completely abandoned the political middle and thrown in with the far left to secure his reelection, is now arguing that it is wrongheaded to believe one's success in life is owing to one's own hard work. Because the President seems to believe that individual success is ultimately not the result of personal effort but, instead, due to society, adherence to and respect for property rights, and the simple notion that one owns the fruit of one's labors becomes for him and his supporters a quaint artifact of an earlier era in American history.

The candidate of hope and change has turned out to be the President of spreading the wealth around. To succeed, he has embraced the politics of envy and class warfare that is far outside the mainstream of our political heritage.

The Republicans' balanced budget amendment offers nothing so grandiose. All we seek is the restoration of some limits on the power of the Federal Government and meaningful reductions in spending, and we give the time to get there too in our amendment. All we promote is a decent respect for the right to one's own wages and the freedom promised in our Declaration of Independence.

The Senate Republican balanced budget amendment secures these blessings of liberty, and I urge every one of my colleagues to support it.

The opponents of this amendment will say it is somehow improper to constitutionalize a requirement for a balanced budget. Hogwash. Many of those same individuals do not bat an eye when five unelected Justices on the Supreme Court rewrite the Constitution to fit their own preferred policy goals. Yet it is somehow inappropriate for the Senate to send a balanced budget amendment to the people in the States for ratification.

What are they afraid of? The Constitution ultimately belongs to the sovereign American people. It is only law because of their sovereign actions of ratification and amendment.

It seems odd the Democratic Party that claims Thomas Jefferson as its founder would oppose giving the American people a voice on this foundational constitutional issue.

After all, if President Obama, the progressive Democrat, was so confident in the strength of his arguments, he could rest easy knowing the people would decline to ratify a balanced budget constitutional amendment.

So what are they so afraid of? Why are they so afraid to send this amendment to the people for ratification? Thirteen States could defeat this amendment. All they need to do is get 13 States to go against this amendment. That is what it would take to defeat it. That is all it would take. But it would be the people who would decide, not just a bunch of people here. If that is all the opponents of this amendment need, why are they so worried about sending it to the States for ratification? Why the lack of confidence in their powers of persuasion?

I can tell you why. The people of this country would ratify this amendment so quickly its opponents' heads would spin. Those who oppose sending this balanced budget amendment to the States for ratification know the people are eager to ratify it. That is certainly the case in Utah. Earlier this year, Utah passed S. Con. Res. 201 expressing support for S.J. Res. 10, the balanced budget amendment I introduced, along with my friend and colleague from Texas, Senator CORNYN, and my friend and colleague from Utah, Senator LEE, as well as 44 other Senators, all of whom deserve credit for this amendment.

I commend to my colleagues the Utah Senate's Concurrent Resolution 201 of the 2011 Second Special Session.

Mr. President, I take the instruction from Utah's State representatives very seriously. The Utah Legislature made it clear it supported ratification of this amendment, and I am confident if the Members of this body listen to their own State legislatures—49 of which are required to balance their own budgets—similar instructions would follow.

Here is the bottom line. Liberal special interests oppose the Senate Republicans' balanced budget amendment because they know the people would ratify it. And if the people ratified it, the government-funded gravy train would come to an end.

I look forward to this debate today. It is an important one, and I am confident that eventually the American people will ratify a balanced budget amendment and restore the promise of America's Declaration of Independence and Constitution for future generations.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. PAUL. Mr. President, I rise today in support of the balanced budget amendment. In fact, it is beyond me to imagine how anybody in this body could oppose a balanced budget amendment. I ran my election last year primarily on this fact—that government

spending was out of control and the debt was consuming our country and that we needed new and more serious rules to bring the budget under control.

We have tried in the past. This body passed Gramm-Rudman-Hollings with bipartisan support in the 1990s and immediately began to evade it. This body passed pay as you go and then proceeded to disobey their own rules 700 times. And we wonder why 9 percent of the people approve of Congress? It is because we cannot even obey our own rules.

So we need new rules. We need a balanced budget amendment that would be an amendment to the Constitution because we do not adhere to the rules we pass. This body is literally out of control.

Now, the other side says: Trust us. Trust us. We can balance the budget. The other side hasn't passed a budget this year or last year—not just a balanced budget, the other side can't pass any budget. So I think we need new and stronger rules to force us to do what is right, do what every American family has to do; that is, balance their family budget. A nation is no different. A nation has a printing press and can run deficits for longer, but there are ramifications.

The enormous debt we are accumulating as a country—we are borrowing \$40,000 every second. During the time of my 5-minute speech, we will have borrowed millions of dollars. So there are ramifications. We have to pay for our debt in some way. We can either tax people or we can borrow—we are at the limits of both—or we can simply print the money. But as we print money to pay for our debt, we destroy the value of the existing currency. So those who have savings, those who are on fixed incomes—senior citizens, the working class—those who use every penny of their paycheck to pay for their needs are being robbed on a daily basis by inflation. Inflation is the end result of debt.

If we look at the approval of Congress being 9 percent, and we contrast that with how much of the public is for a balanced budget, 75 percent of the public—Republicans, Democrats, and Independents—would vote in favor of a balanced budget amendment. Yet this body is out of touch because we can't get anybody from the other side even to talk to us about a balanced budget amendment. We worked for months to see what it would take to make one acceptable to the other side, and we got nowhere.

We need to balance our budget because the debt is a threat to our country. This is not just me saying this. The Chairman of the Federal Reserve has said our debt is unsustainable. Admiral Mullen, part of this administration, has said our debt is the greatest

threat to our national security. Erskine Bowles, who led the deficit commission and has been known as a Democrat, said we are approaching the most predictable crisis in our history, and it will be a debt crisis.

All throughout Europe there is a debt crisis: Italy is having trouble paying its debt; Greece is underwater; Portugal, Spain, and Ireland are all tenuously holding on and trying to pay their debts. That European crisis, that destruction of the Euro, is coming this way. Our debt now equals our economy.

Senator HATCH mentioned we have a \$15 trillion debt and a \$15 trillion economy. Many economists say when our debt approaches 100 percent of GDP—where ours is now—we are losing 1 million jobs a year. So this is having a drain on the here and now. It is not just that this debt is being passed on to our kids and grandkids. The debt is affecting jobs.

When I talk to college kids, I say: The chance of you getting a job depends on what we do with the debt. If we continue to finance our spending through debt, you will not have a job. You will have less likelihood of getting a job.

Now, some say it would be too hard to balance the budget. It is just too far out of whack. We can't do it. It is pretty bad. We are borrowing 40 cents on every dollar. If we look at the spending, borrowing 40 cents on every dollar is remarkable. When we look at our budget, the revenue coming in is being consumed by entitlements and interest. Everything else we spend—national defense, roads, everything else—the rest of the 40 percent of the budget is being borrowed. It is out of control.

Can you imagine any business or any family in this country borrowing 40 percent every year, year after year after year? It can't be done. There are ramifications and a day of reckoning is coming.

Some say: How could we ever balance our budget? I will tell you how. If we cut 1 percent of spending—this is called the penny plan—cut one penny out of every dollar in Federal spending for 6 years and freeze spending for 2 years, the budget will balance in 8 years. If we were to pass a balanced budget amendment and send it to the States, there is a 5-year window in the amendment, plus it takes a couple of years to pass, so it would be about 8 years.

So we could balance the budget in 8 years simply by cutting one penny out of every dollar. One might ask: How could that be, when they are cutting trillions of dollars and not balancing the budget? The reason is, when they talk about cutting spending around here, they are always talking about cutting proposed increases in spending. They are never talking about real cuts in spending. What I am talking about is a real cut.

We spend \$3.8 trillion in our budget this year. One percent is \$28 billion.

Next year, we would spend \$3.8 trillion minus \$38 billion. A real cut of 1 percent each year for 6 years balances our budget in 8 years. It could happen, but it is going to take some resolve.

People need to understand the alternative. The alternative, if we do nothing, is that our debt is going to consume us as a nation. We have been warning about this for some time. Senator HATCH has been active. The last time we voted on this was in 1997. Fourteen years later we have had a significant revolution at the polls, and people are anxious to say: Do something, protect us from this mountain of debt. Yet there is still great resistance in this body.

I would say people in this body who vote against the balanced budget amendment do so at their own peril and do it against the will of the people. If they think it is so important to continue to accumulate debt, and that debt is fine, they should vote against this amendment. But they are thumbing their nose at the people. They are thumbing their nose at the American people who are very worried about our Republic and very worried about this debt.

So, Mr. President, I rise today in support of the balanced budget amendment and encourage my colleagues to give serious thought to voting for this amendment.

The PRESIDING OFFICER. The Senator from Louisiana.

Mr. VITTER. Mr. President, I too rise in strong support of the balanced budget amendment—the strong, meaningful, balanced budget amendment presented on this side of the aisle because it is an important, necessary effort to rein in the biggest economic problem and threat we have facing us.

I want to dovetail and expand on some of Senator PAUL's comments, with which I certainly agree.

First of all, I hope it is perfectly clear that our debt—our growing, unsustainable level of debt—is a clear and present danger and an immediate danger to our Republic, to our democracy, to our economy, and to our future.

Overspending has been a problem for quite a while in Washington. It has been a problem under Republican and Democratic administrations and Congresses. But forever it was a problem because we were passing on these big debt figures, this big burden to our kids and grandkids, and we were kicking the can down the road. It was a problem for the future which we should correct now but largely a problem for the future.

As Senator PAUL said, that is not true anymore. It is an immediate threat right now. It is not a question of just our kids and grandkids; it is a question of next month, next year, whether we avoid a crisis, as is brewing in Europe, which could be the biggest

hit to our economy since the Great Depression, bigger than what we went through in 2008. So this issue is an immediate threat, and it is not some esoteric issue about balance sheets. Again, as Senator PAUL said, it is an immediate threat to the health of our economy, to the prospect and ability of Americans, including young Americans coming out of college, to get good jobs, to settle into good careers.

The second thing, which I hope is obvious, is that to get ahold of this problem, to deal with this threat, Congress needs enforced discipline. We need a fiscal straitjacket because we have proven, unfortunately, over and over, under Democratic and Republican majorities, under Democratic and Republican Presidents, that we are not going to do it on our own. We need the enforced discipline—the fiscal straitjacket, if you will—of a balanced budget amendment.

Why do I say this? Well, even knowing the threat we face right now, what does Congress do? Congress passes a debt plan. We pass cuts. While the so-called cuts of \$2.1 trillion sounds like a lot of money—it is in some sense—it is largely cuts to the growth of government spending. Even under this plan that Congress recently enacted, we are still racking up new debt. We are still adding on \$7 trillion to our already unsustainable level of debt in the next decade, increasing it 50 percent, from \$15 trillion to \$22 trillion. That is the best we can do without enforced discipline even in the crisis atmosphere we have now, even with the understanding we have now. I hope that proves we need this enforced discipline. The balanced budget amendment Republicans have put forward gives us that discipline we need.

First of all, I wish to compliment so many who have worked with me on it—Senator HATCH, Senator LEE, many others. I was in the working group, and I was in several meetings to get the details right because the devil is in the details. We don't need a fig leaf. We don't need a talking point. We need a balanced budget constitutional amendment that will work.

The details are right in this proposal, and it will work. Why do I say this? Well, within 5 years of ratification, under the amendment, Congress must pass a budget, the President must submit a proposal that is balanced, but not only that, the size of the Federal Government is limited to 18 percent of GDP. That is the long-term historical average of revenues in modern history. That is where we need to be. That is not my decision; that is not the decision of a single Member of Congress; that is the average of where revenues have been in the modern period.

It requires a strong supermajority to ensure that we don't continue the practice of exceeding spending caps with gimmicks and emergency spending for

things that are not truly emergencies. For instance, a two-thirds vote of both Houses is required for a specific deficit for a fiscal year. A majority vote is required for a specific deficit when we have a declared war, and it needs to be a declared war in that instance. A three-fifths vote is required for a deficit during a military conflict and—this is important—with the requirement specifically that that is “necessary by the identified conflict.” In other words, the overage from a balanced budget is only for that conflict, not just a general exemption. A two-thirds vote of each House is required to increase taxes, and that is important so that this is not just a mechanism for ever-increasing tax rates that will quickly stagnate the economy. A three-fifths vote of each House is required to increase the debt limit, which is also important.

The details are important. I am confident we have gotten the details right in this proposal.

We also have a Udall proposal, a Democratic balanced budget constitutional amendment. Unfortunately, I think that gets the details very wrong. I am pleased that Senator UDALL and Democratic colleagues on the other side are committed to the notion of a balanced budget constitutional amendment. That is important, and that is progress. But the devil is in the details, and I am afraid they got some of those details very, very wrong. For instance, there is a huge loophole exemption for whenever the country is in a military conflict—not just a formally declared war but any military conflict. Unfortunately, we are going to be in that situation for a lifetime under the present war against terror, so that is a huge, gaping loophole. Under that loophole, the amount beyond a balanced budget which is allowed isn’t specific to that conflict, it is just a general exemption. So it is a big loophole.

There are other loopholes too. Social Security is completely exempt from this structure. I think that is a big mistake because that is part of our budget situation and because we need this very enforced discipline to fix and to save Social Security. That is one of the top items I want to fix and save. That is one of the first places we need this enforced discipline to fix and save Social Security.

I urge all of my colleagues to come together behind this important and necessary enforcement tool. The American people recognize the problem. They recognize this—a strong, meaningful balanced budget amendment—as an important part of the solution. They want us to act in a positive way, and I urge that support for this balanced budget amendment and for that solution.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. DEMINT. I wish to thank my colleague from Louisiana, who has made great points about where we are.

I do think it is good news that we are talking about balancing the budget, but unfortunately, as we often do, this is really a political show more than a real attempt to actually balance the budget. The whole process is set up to fail.

We know the President has said that we don’t need to balance our budget and that it is an extreme idea. The majority leader here in the Senate has called a bill that cuts spending and caps spending and sends a balanced budget amendment to the States to ratify the worst legislation he has ever seen. NANCY PELOSI, the Democratic leader in the House, has said that to balance the budget would cost jobs and that we would do it on the backs of the poor. Now we are to believe that our colleagues on the Democratic side here are serious about working with us to balance the budget.

The situation is too serious to just play politics, and I know from talking to a number of my Democratic colleagues that they feel the same way, that they know we need to balance the budget. It is very difficult for them as a party because a lot of their platform is based on more promises for government and more government spending.

In effect, a balanced budget amendment that meant we couldn’t spend more than we were bringing in would change politics in Washington forever, which is something we have to do. But at least we are discussing the idea of balancing the budget.

We know that the President’s budget, the only budget we have seen—we haven’t seen one out of the Senate in the last several years—increased our debt another \$10 trillion over the next 10 years. It didn’t balance it.

Just about every Republican voted for a budget, a 10-year budget offered by Senator PAT TOOMEY that balanced in 10 years without cutting Social Security or Medicare. So we can do it. We can do it without hurting Americans. If we do it now, we can actually control our own destiny rather than what we see across the Atlantic in Greece and other European countries. They lost control of their destiny. They are now in the control of other countries and of fate. But America is still in a position that, if we make the decisions now to begin the process to balance our budget, even if it took 10 years, we could save our country and perhaps save freedom for the world. But there is no question that if we continue on the same course we are on today, we will bankrupt our Nation, lose control of our destiny, and change the world forever. But at least we are talking about balancing the budget, and maybe that is a good first step.

Today, the Democrats have offered a weak alternative to the Republican

balanced budget so that they can say they are for it. Again, I think that is important to get on record, that we are at least for the idea of stopping spending more than we are bringing in. For the past 2½ years, as I mentioned, the Senate Democrats, who are in charge here, haven’t even produced a budget, let alone the idea of balancing one. President Obama, as I said, proposed a budget that doubled the national debt in the next 10 years. That is not responsible leadership at a time when we are already at an unsustainable debt level.

Despite all the bipartisan promises to cut spending, Washington is still voting to make government bigger and more expensive than ever. And this includes some Republicans joining the fray here to just increase spending. Federal spending went up 5 percent in the first 9 months of the year despite all the hoopla about us doing something about spending.

There is one way to judge whether we are cutting spending or not, despite all the rhetoric here and the Washington-speak. If we want to know whether we are spending more, we just have to ask ourselves: Are we spending more than we did last year? The answer is yes. And we are going to spend more next year than we did this year, based on the bills we are passing this week and next. So this isn’t austerity. It is gluttony. It is political gluttony.

Since Obama became President, the debt limit has been raised four times. The debt is rising faster and higher than ever. Yet the Senate refuses to pass a budget or cut spending. We must budget and balance the budget or we are going to bring down our whole country.

Republicans have offered a strong balanced budget amendment that limits government spending to 18 percent of gross domestic product—GDP—and requires a two-thirds majority to raise taxes, and it has earned the support of every Republican in the Senate. That is pretty unusual for us. Passage of that amendment should have been tied to the last increase in the debt limit, but it wasn’t. President Obama was given another \$2 trillion to borrow, and Americans received nothing in return, no cuts in spending.

The Democratic amendment differs in three ways from the Republican amendment.

What Republicans are trying to do is to reduce the level of spending relative to our total economy and to make sure it is difficult to raise taxes to balance the budget. And we should all agree on that. We shouldn’t go back to the taxpayer every time we spend too much. The emphasis should be on reducing our spending. But the Democratic amendment doesn’t cap spending to the historical levels, which means we can balance the budget by raising taxes and continuing to increase spending. So our

amendment is designed to cap that spending at a certain level.

Secondly, the Democratic balanced budget amendment does not require a supermajority to raise taxes. So during regular order here, we can increase taxes to meet the requirement to balance the budget. It would be a nice safeguard for the American taxpayer that we would at least have to get a supermajority to raise taxes in order to balance the budget.

For some reason, the Democratic balanced budget amendment inserts just an element of class warfare, saying that we cannot decrease taxes on those making over \$1 million. It doesn't sound like something we would do anyway, but it is not something that should be part of a constitutional amendment that we send to the States to ratify.

The strong Republican balanced budget amendment would force both parties to find ways to cut spending and reform entitlements. Those are the things we have to do. The weaker Democratic version does not do that because it preserves the status quo where it is easier to raise taxes than cut spending, which is where we are today.

For the past 2½ years, Senate Democrats have not produced a budget, let alone a balanced one. President Obama proposed a budget this year that doubled the national debt. Again, that is not a budget; that is a loan application and this country cannot continue to operate based on more borrowed money and more spending and more threats of raising taxes.

If we want to get the economy going and balance our budget, we have to cut spending. That is the whole idea of the Republican balanced budget amendment. Let's get serious about saving our country and the freedoms for which so many have fought. If we do not do it soon, we will lose control of our destiny.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Texas.

Mrs. HUTCHISON. Madam President, I rise today to join many of my colleagues, as Senator DEMINT has said, to endorse the balanced budget amendment that Republicans are offering. We have 47 Republicans in the Senate and there are 47 cosponsors and supporters of this approach to a balanced budget. Our approach addresses the fundamental problem in America and that is government spending. Big problems require bold action. Today's staggering national debt, \$15 trillion, is crippling our economy. We must take action to stop it.

The 40-year average of total U.S. Federal Government spending is 20.8 percent of gross domestic product. For 2011, Federal spending was 24.1 percent of GDP. Looking forward, if we stay on the same course we are on, Federal

spending is projected to be 40 percent of GDP in 2046, and by 2085 it will reach 75 percent of GDP. We are reading a lot of stories about European countries that are doing exactly what we are talking about how the future for America will look like if we do not curb spending right now.

Some of my colleagues on the other side of the aisle think increasing taxes will reduce the deficit. However, the facts state otherwise. The trajectory of government spending, as I have outlined, could not be met with tax increases. There are not enough tax increases if you went to 100 percent rate of tax. There would not be enough to support that kind of government spending.

In addition to that, as we have been saying, increasing taxes is going to lower the capability of our small businesses to hire. That is what we are trying to spur right now, more employment. It is going to take systemic changes in government spending to get the debt and deficits down in this country. Lower spending is the only way we can have the systemic changes that are necessary to lower the government burden so the debt begins to get less and less.

My colleagues across the aisle have proposed their solution with a different approach to a balanced budget amendment. In our opinion, it is flawed because it fails to include a supermajority requirement to raise taxes and it separates Social Security from the Federal budget. That might seem like a good idea on its face, to assure that Social Security never goes under because there would not be a connection between Social Security and the Federal budget, but in fact as we speak today it is part of our Federal budget because the Social Security outlays exceed what is coming in revenue from Social Security. Excluding Social Security from our Federal budget would not solve our deficit spending or shore up Social Security's finances for current and future generations. Right now, Social Security is on a glidepath toward insolvency.

I firmly believe that entitlement reform is vital to any long-term solution to our Nation's financial problems. It is essential that we assure the markets that long-term financial challenges are being confronted, and that includes entitlement reform so that Social Security will be on a glidepath toward solvency rather than the other way around.

Earlier this year I proposed a modest Social Security reform that would gradually increase the retirement age so it more closely resembles today's actuarial tables and life expectancy. It would decrease the annual cost of living slightly by adjusting it if inflation exceeds 1 percent. If inflation exceeds 1 percent, then you would have a cost-of-living adjustment. Otherwise, you would not.

In addition to spending reduction and entitlement reform, we need long-term progrowth tax policies in place, not constant threats of tax increases. When we hear our small business people talking about why they are not hiring—because I think probably every one of us in this Senate as we travel around our States and in the country asks our small business people why aren't you hiring? Why aren't you adding to our economy?—they say two things. They say, No. 1, the regulations of this country are driving them down. It is like a blanket over their capability to produce, get more traction and hire people. So it is overregulation that we are seeing rampant in this administration.

The second thing is our President is always talking about tax increases. He talks about it every time I see an interview or a speech. Those people out there need to pay more taxes. You know what, if you are being constantly threatened with more taxes, you know you have to look at your budget and adjust, and that adjustment usually means you are not going to hire people if you know your expenses are going to go up through regulations and more taxes.

If we are going to make conditions in this country better for private sector job growth in this country, which certainly would lead to a stronger economy, we have to address spending and tax policy. Our balanced budget amendment moves forward on these fronts. We reduce spending responsibly, to put our country on a fiscally responsible path. We can shift the spending trajectory in this country by passing the balanced budget amendment and implementing a long-term plan that caps Federal spending. The Federal Government has grown exponentially in the last few years. We cannot sustain that. That is not a responsible position when we know unemployment is almost 9 percent. We have to have policies that will encourage employment. That is the way to grow revenue.

We can grow revenue, but not by taxing the people who are hiring. Rather, we can do it by giving them a regulatory playing field that is responsible and not overbearing, and by making sure we have not only a tax policy that encourages hiring but one that is stable and predictable.

If taxes are going to change every year, that is not predictable and it is not stable. I hate it when I talk to an international company and I am talking to someone in that company—maybe the CEO, or chief financial officer—and I say, why are you moving that part of your company overseas? They will invariably say: Because there is a better regulatory environment.

That is shocking. It is shocking for an American CEO to say we can better predict what the conditions for regulations are in foreign countries than we



can in America. That is not the foundation to revive our economy.

We have a balanced budget amendment that we believe addresses the issues of this economy. It will put caps on Federal spending. It will start bringing down the size of government to meet the gross domestic product of our country. Right now it is off balance and we need to put it right so we do start hiring in this country in the private sector. Hiring in the government sector is not a long-term growth strategy. We need jobs in the private sector for permanency and we will do that with a balanced budget amendment that puts caps on spending. Systemic change is what is necessary in this kind of environment. I hope Members on both sides of the aisle will look at these amendments and realize we could help the jitters in the market get calmed by addressing this in a long-term way.

The balanced budget amendment we are offering—and we will vote on tomorrow—is the best approach. It is looked at by people in the real world, the business world, the hiring world. They are saying what they need is stable regulatory environment and taxes that are not confiscatory so they will have the ability to hire more Americans and create greater revenues through people who are working and producing—people who are going to pay taxes, people who are going to export and keep our economy on a growth pattern rather than one that continues to sit there with a high unemployment rate that is stagnating our country.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Wyoming.

Mr. BARRASSO. Madam President, I rise today to join with the Senator from Texas and agree with her about the need for a balanced budget amendment to the Constitution and agree with her comments about the economy in this country and our need to focus on jobs and debt and the spending. I agree with her and I agree with the majority of the American people. That is why I am here today to talk about the balanced budget amendment to the Constitution.

We are at a time in the calendar year where the holidays are rapidly approaching. Americans across the country are looking very closely at their budget. That is what families do, they look at their budget and they consider what costs are out there and what money is available to deal with those costs. They are looking at gifts and travel and holiday celebrations. They are carefully balancing their regular monthly expenses with these additional special costs in order to avoid starting the new year with a mountain of new debt. Americans understand there are consequences for irresponsible spending. Folks know if they make decisions which they later decide

were not the best decisions, then by New Year's Day bills will come due and they will have real concerns.

Formulating a responsible budget is not always easy, but it is absolutely necessary. It is the right, the reasonable, and the responsible approach. The problem is, unlike the rest of this country, Washington does not seem to be concerned about responsible budgeting. In fact, Washington does not seem to be concerned about any kind of budgeting. In Washington, the President is responsible for submitting a budget every year. Congress is then responsible for passing a budget every year. It has not happened this year; it did not happen last year. The House of Representatives did their job when they passed PAUL RYAN's budget, but this body, the Senate, did nothing. In fact, this Senate has not passed a budget in over 950 days.

What has happened in the last 950 days? Well, in 2010, the Chairman of the Joint Chiefs of Staff said: "The single biggest threat to our national security is our debt . . ." The single biggest threat to our national security is our debt. Washington did nothing.

A year ago this month, the President's bipartisan commission made recommendations to rein in the debt. The recommendations have been largely ignored. More recently, the Joint Select Committee on Deficit Reduction failed to present a plan to cut \$1.2 trillion from the deficit as required by the legislation. Our national debt is now over \$15 trillion. Our credit rating has been lowered for the first time in the history of this great Nation. So here we are, \$15 trillion in debt and no real plan to get out of it. The American people deserve better. They expect better.

Back home in Wyoming folks understand the importance of balancing budgets and living within their means. What they don't understand is why Washington doesn't get it. A constituent from my hometown of Casper—Mike Brewster is his name—wrote to me earlier this year. Folks in Wyoming like Mike get it. Mike wrote:

One of the values that makes our state and our communities so strong is being financially solvent. We do not spend more than we make. If we max out our credit cards, we don't ask for higher credit limits, we cut our spending. To do anything else would label one a fool.

Referring to the national debt, he went on in his letter and said:

Let's be clear; this is a crisis. This crisis wasn't caused by a lack of revenue; it was caused by spending way beyond our means. The only logical solution is to reduce spending—that is the "Wyoming Way." That is what your constituents would have to do if they had the same mess in their personal finances, and that is what you must do to properly represent us.

Mike is absolutely right, this is a crisis. It is a crisis that could have been prevented and a crisis where we need to

solve it by doing the right thing. If we are going to balance Uncle Sam's checkbook, we need to stop charging everything under the Sun to the taxpayers' credit card. That means we need to stop spending more than we take in, and in order to achieve this, I believe that now, more than ever, we need a balanced budget amendment to the Constitution.

Amending the Constitution is not something I take lightly. This is the single most important document in our Nation's history, and I am very hesitant to suggest amending it. However, Washington's unwillingness and inability to be responsible stewards of taxpayers' dollars has left us no choice. We need to begin the long road to financial recovery by balancing each and every budget. We do it in Wyoming, and Washington should follow suit.

The balanced budget amendment is not a new idea. In fact, a bill that would have sent a balanced budget amendment to the States for ratification failed by one vote in 1997 right here in the Senate. Over the years many Democrats who serve in the Senate today have voiced their support for a balanced budget amendment.

Senator SHERROD BROWN, Democrat of Ohio, said:

Before I ask for your vote, I owe it to you to tell you where I stand. I'm for . . . a balanced budget amendment.

That was what he said in 2006.

DEBBIE STABENOW had another similar quote in 2000: "I crossed the line to help balance the budget, as one of the Democrats that broke with my party."

Senator HARRY REID, the majority leader, said back in 1997 when they were voting on a balanced budget amendment: "I believe we should have a constitutional amendment to balance the budget. I am willing to go for that."

Senator TOM HARKIN said: "Mr. President, I have long supported a balanced budget amendment. I expect to do so again . . ."

We could go on and on with Democrats who in the past stood up to support a balanced budget amendment.

It seems to me if folks on the other side of the aisle are serious about balancing the budget, they will support the only balanced budget resolution with teeth. The Republican plan imposes real spending discipline that cannot be undermined by simply raising taxes on hard-working Americans. If we are going to amend the Constitution, we need to make sure the balanced budget requirement cannot be easily sidestepped by either party. The Republican plan does just that.

Our creditors will not wait for a politically convenient time to collect our debts. We simply cannot afford to wait any longer to reduce those debts. Irresponsible, unsustainable spending and debt has consequences, consequences we simply cannot afford to pay.



If you don't believe me, look at Europe. Everyone in this body needs to take a long, hard look at Europe and then decide what future they want for our great Nation. This is not about doing what is right for Democrats or Republicans; it is about doing what is right for all Americans and for this entire country.

As Art Middlestadt from Cheyenne, WY, said in a recent e-mail: Allowing our children to suffer the consequences of Washington's reckless budgeting is unconscionable. Well, this is about showing Art and the rest of America that we hear them and we understand them. Families know this, individuals know this, and the sooner Washington knows this, the better.

I urge all of my colleagues to vote in favor of balancing the Federal budget. I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Oklahoma.

Mr. INHOFE. Madam President, one of the things about a debate such as this is that I have something I always do, and that is I will sit down and cross off things I was going to say that somebody else has already said. Unfortunately, almost everything has been said, but there are a few things that have not. I wish to put this in a more of a historic perspective.

I can remember back in 1968. In 1968 I was elected to the Oklahoma State Senate, and at that time we were all concerned about the deficit spending and the debt in this country. I remember so well a kind old gentleman from Nebraska. He was U.S. Senator Carl Curtis. Carl Curtis contacted me—because I was kind of an aggressive person at that time—and said, I have an idea. I have been up here trying to pass a balanced budget amendment to the Constitution and I have been trying for years to do it. One of the primary objections they have is they could never get the majority, the three-fourths necessary to ratify the Constitutional Amendment. He said, this is my idea: Let's go ahead and get three-fourths of the States to preratify a budget-balancing amendment to the Constitution. I thought that was an ingenious idea, and so we did.

I passed a resolution in the Oklahoma State Senate in 1968 that said we were going to preratify it. In fact, we came within one State of having the three-fourths necessary to do that; not that that would have preratified it, but it would have taken away the argument that Carl Curtis had that they objected to in that they would never be able to ratify this in the States. I thought that was a great idea. We came close to doing it way back in 1968. I remember this very well. I was trying to impress upon the American people how much that debt was, and at that time the debt was \$240 billion. I said, if you take dollar bills and stack them up, by the time you get to \$240 billion,

it is the height of the Empire State Building. That was only \$240 billion.

A lot of the groups and Members who are opposed to passing the balanced budget amendment think we don't need one. They actually believe Congress and the President can balance the budget without any enforceable accountability. But in 1986 when the amendment failed by one vote—and I remember that year so well because that was the year I was elected to the House of Representatives here in Washington—the national debt at that time was \$2.1 trillion. By 1997, when the Senate considered the amendment again, the debt had risen to over \$5 trillion, and it got up to about \$10 trillion when this President took office, and that is where this all starts.

What has happened since President Obama has been in office is something that is totally unprecedented in the history of this country. In the years he has been there, it has gone up 42 percent. I was concerned back in 1968 with \$248 billion, and now the increase in this short period of time has gone from \$10 trillion to \$15 trillion.

I think everyone knows the need to reduce spending is evident. We don't have to do anything more than look across the Atlantic. I think my friend from Wyoming covered that pretty well. When you stop and think what has happened to these countries over in Europe—and it is not just Greece and Italy; there are other countries too. They could not resist their insatiable appetite to spend money they did not have. What has happened there is happening in this country. I agree with my friend from Wyoming, we are right behind Europe in this case.

I remember, and probably everyone in this Chamber remembers, during your elementary years reading about the history of this country. A guy named Alexis de Tocqueville came to the United States. He came here, oddly enough, to study our penal system. That was back in the founding years of this country. When he got here, he was so impressed with the wealth of our Nation that he stayed and wrote a book. In this book he talked about how one plot of land was given to each person who came over and they were able to keep the benefits of their hard labor, and the prosperity was indescribable at that time. It is said in the last paragraph of the de Tocqueville book that once the people of this country find they can vote themselves money out of the public trust, the system will fail. That is why I say this is not an ordinary time. This is not 1968, 1986, 1997, where we tried this before. This is to the point where we will realize the accuracy of de Tocqueville's prediction.

It has been publicized recently that 47 percent of the people are not paying Federal taxes and not paying income taxes. That is dangerously close to that 50 percent he was talking about

several hundred years ago. So this year Washington has been patting itself on the back with the Budget Control Act we passed in August which cut spending by \$900 billion over the next 10 years. We are slowly starting to chip away at appropriations bills. These have not been as advertised. They have not come close to solving the problem. This is demonstrated by the fact that next year's deficit is still expected to be right around \$1 trillion. I know this is kind of offensive to some of the people who participated in this great committee that was charged with the great responsibility of finding \$1 trillion over 10 years.

When I talked to a large chamber group in Oklahoma on Monday morning—we had over 500 people there—I said: Can you understand what is happening here in terms of the request that has been made of coming up with \$1 trillion over 10 years?

As the Senator from Wyoming said, the President submits a budget. It is not the Democrats, not the Republicans, not the House, not the Senate. It is the President. He has now submitted three budgets. In his three budgets he has had deficits each year of almost \$1.5 trillion.

I remember in 1997 going down to the floor when Bill Clinton was President of the United States, and that was the first \$1.5 trillion budget to run the country. That was \$1.5 trillion to run the entire United States of America. Yet this President has come up \$1.5 trillion in deficit over and above the revenues we had each year for 3 years.

If you have the requirement of coming up with \$1 trillion over 10 years and yet this President has increased the deficit by almost \$5 trillion in the short period of time—it probably will be \$6 trillion by the time the last budget is realized—then how in the world are you ever going to dig out of this? Well, the answer is you cannot.

Further, when I was talking to the people in Oklahoma on Monday, and I said, the requirement for the first year was \$44 billion—if you take \$44 billion as a requirement to cut spending in the first of 10 years and yet the President has had an increase of \$1.5 trillion in his budget for 1 year, obviously that is not much of a requirement.

Obviously, that is not much of a requirement. That is not going to do. So to me that demonstrates what we are not able to do without having a balanced budget amendment to the Constitution. The amendment we have makes it difficult to raise taxes. It also requires that the President and Congress pass a balanced budget each year. It does something else that is very significant. The amendment would also limit the amount of spending allowed to 18 percent of GDP, which is the historic level of revenue the Federal Government has collected since World War II.

So it covers these things. People complain about it, saying: Well, we do not know. There could be times of crisis. There could be times of war.

This has it built in. If we are in a declared war, you do not have to follow the guidelines in the balanced budget amendment. In fact, you could actually violate it because that is in times of war. We understand that. If it is not a declared war, you can do it with a supermajority. So this has those built in safeguards to take care of contingencies that we cannot determine what they are right now, such as war, such as a crisis we have.

Now, some of those people—not too many people will come to the floor and say this, but in their own minds they still believe this idea that more government spending can actually make the economy grow. And I do not know how they can still believe that after what they call the American Recovery and Reinvestment Act. It was \$825 billion. That was supposed to be a stimulus package. That was supposed to stimulate the economy. Yet only 3 percent of that actually went to things that specifically would stimulate the economy, such as roads, bridges, and things we were supposed to do. It was all financed with extra government debt and with projects such as Solyndra, which has gotten a lot of attention recently, and other projects. It was more social engineering. We all know that. So we know you cannot increase spending to pull us out of the situation we are in. They also said that would cause the unemployment rate to get down to well below 8 percent. Of course, we know now that it did not do that. So none of the projections actually came to be realized. The economy is still very weak despite the fact that the President was able to secure nearly \$1 trillion in stimulus spending. It did not help this time. It is not going to help again. It never helped in the past.

To enforce the amendment, the courts would be prevented from mandating tax hikes. Further, to raise the debt limit, a three-fifths majority of both Chambers—both, not just one—would be required.

So it does take care of all of these contingencies that I think would be necessary and answers the complaints that people have who say it would be dangerous to have a balanced budget amendment.

I know it works. The funny thing about it, when they say it will not work, look at the laboratories we have for the Federal Government. My State of Oklahoma, balanced budget amendment. It has all of these things built into it. In fact, it is not as generous as the one we are advocating. But nonetheless, I remember my years in the State legislature. We would get up toward the end of the year, and they would say: Well, wait a minute, we can't do that because we can't go into

a deficit. If the States can't do it, we can pass the same thing.

So I would merely say, try to put it in the historic perspective. If you do that, then you will see why it is a sense of urgency that 47 percent of the people are on the receiving end of government. It would turn around and get to that point where, as Tocqueville said, we cannot go beyond.

Remember in 1968 the Carl Curtis thing. That was a \$240 billion deficit; 1986, \$2.1 trillion; in 1990, it was up to \$10 trillion. It took all of that time to get up to \$10 trillion. That has almost doubled with this one administration, with this President. So this is not business as usual. This is not like the balanced budget amendments have been in the past. They are structured very much the same way, but the sense of crisis is here.

I have 20 kids and grandkids. What we do here is not going to affect me personally, but it is going to affect future generations. This is an opportunity to really do something meaningful.

I urge the support of S.J. Res. 10, a strong balanced budget amendment to the Constitution.

I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant editor of the Daily Digest proceeded to call the roll.

Ms. AYOTTE. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. AYOTTE. Madam President, I rise today to join my colleagues in expressing my clear and unequivocal support for a balanced budget amendment to our Constitution, Senate Resolution 10.

With our out-of-control and unsustainable debt threatening nothing less than the American dream and the opportunities that will be available for our children and our grandchildren, we need to pass a meaningful balanced budget amendment, and this, in my view, can be one of the single most important steps we can take to get America's fiscal house in order and to save our country from looming insolvency.

Madam President, 49 States in this country have some requirement to balance their budget. The Federal Government should be no different. My home State of New Hampshire has a legal requirement to balance its budget and has long followed this commonsense tradition of fiscal responsibility.

This is a subject I have discussed extensively with my constituents over the last year while I have done town-hall meetings throughout our State focusing on our Nation's debt crisis. I have done a PowerPoint presentation to show my constituents the hard numbers on the fiscal state of this country.

And it is deeply troubling where we are today: 3 straight years of \$1 trillion-plus deficits, over \$15 trillion dollars in debt, Medicare and Social Security on a path to insolvency as early as 2024 and 2036, respectively, and nearly half of our debt—47 percent—currently is being held by foreign entities, and the single biggest foreign holder of our debt is China.

I also talk about spending and deficits in terms of how it relates to your average New Hampshire family. In New Hampshire, if you use Washington's budgeting logic where we are borrowing 40 cents of every single dollar—in 2008, the New Hampshire median household income was \$66,000. If you used Washington logic, the amount that family would spend would be \$107,000 or \$41,000 more than they earned. That would never fly in New Hampshire where families sit around their kitchen tables and they use their common sense to balance their budget. Yet in Washington we continue to perpetuate this borrowing to sustain our government every day.

If you look at where we are, one of the most troubling statistics that really impacts our economic growth is the share of our gross debt to the size of our economy or our GDP. That is now 100 percent. Just 5 years ago, that ratio was closer to 60 percent.

As many of us in this Chamber are aware, economists Carmen Reinhart and Ken Rogoff have concluded in a study that over the past century, for nations that reach where we are, where total debt reaches over 90 percent of the size of our economy, there is a negative impact on economic growth. And we can expect lower job growth and fewer economic opportunities. We certainly cannot afford that in this troubling time for Americans.

So not only do we need to get our fiscal house in order because it is the right thing to do so we are not dependent on other countries such as China to fund our government, we also need to do it so we can provide opportunities for future generations of Americans.

New Hampshire citizens understand we cannot keep spending money we do not have. They make those commonsense decisions on their own family budgets. Small business owners in New Hampshire are astounded when I tell them our Federal Government is operating without a budget. They would never run their businesses without a budget. But they do not understand why Congress cannot even perform such a basic function of passing a budget blueprint.

It has now been 958 days since the Senate last passed a budget. I have to say that I was really honored and excited to be the newest appointment to the Senate Budget Committee. However, I have been incredibly, incredibly disappointed that we have not in that committee done the hard work that

needs to be done, the thing that is right for this country—to sit down, to make the hard choices, to put together a budget blueprint and to pass a Senate budget, to have the robust debate on the Senate floor about how we prioritize our spending and how we live within our means. The American people deserve better. They deserve us to do our job and to pass a budget for our country that is fiscally responsible.

In that time, in those 958 days that the Senate has not passed a budget, the Nation's debt has increased by \$3.9 trillion. When you think about it, it is deeply troubling. I am hopeful that if we bring forward and pass the requirement of a balanced budget amendment to the Constitution, it will also force Congress to do the basic function of putting together a responsible and balanced budget for our country.

I cannot emphasize enough the urgency of passing this budget control measure, the balanced budget amendment, Senate Resolution 10. I think it is important for my constituents and the American people to know, if we pass the balanced budget amendment in this body, in the Congress, this is putting the question to you, to the American people, to decide, do you want the Federal Government to balance its budget?

So when we pass an amendment to the Constitution, we are simply sending along to the States the decision of should we amend our Constitution. I cannot think of anything more important than sending that question to the American people, to our State legislatures, to decide should we live within our means; should we be bound by the same requirements the States have, by the same common sense we find at home to balance our budgets and live within our means.

Madam President, for fiscal year 2011 we spent 24.1 percent of our GDP. That is well above the historical spending average of a little over 18 percent, if we go back to 1960 where the revenue we had has come in. So we are at a huge trajectory of spending at 24.1 percent. Yet in 2011 our revenues only accounted for 15.4 percent of our economy because of the difficult times we are in relative to our economic growth.

Under the Republican proposed balanced budget amendment, we put the handcuffs in place that are needed to put us on a path to eliminate this by capping Federal spending at the historical level of revenue at 18 percent. Why is this important? It is important because we can't continue to spend well beyond our means. We have to acknowledge that a meaningful balanced budget amendment will also cap Federal spending at its historical levels.

It is not difficult to see what will happen if we don't get control of our fiscal situation right now. Budget shortfalls will only get much worse, driven by massive increases in entitle-

ment spending and interest payments, and the reality is the failure to act will result in America going the way of what we see happening in Europe right now, the way of Greece, Italy, and Ireland: our economy in tatters and our standard of living greatly diminished.

We cannot let that happen to our country. We must act now. We must pass this balanced budget amendment in the Senate and send that question to the House and also send that question to the States so the people of this country can decide if we should be responsible and have to balance our budget. Left unchanged, Medicare, Social Security, Medicaid, and other mandatory health programs alone will eventually grow to consume every single dollar of the revenues our government takes in.

Without reform, the Social Security trustees project the program will be insolvent by 2036. As a result, beneficiaries may see a benefit cut of 23 percent in just 25 years. The Medicare trustees project it is even more immediate and dire. The Medicare trustees project Medicare will be insolvent by the year 2024.

It doesn't have to be that way. We need to show the political will and courage to reform these programs, make them sustainable, and to reform them and preserve them for those like my grandparents, who are relying on them, and for future generations to know that these programs will be there. But if we fail to take this challenge on now and continue to kick the can down the road, then these programs will be greatly diminished, and they will continue on an unsustainable path that is bankrupting our country.

In this debate, it is important to remember that in 1997 the balanced budget amendment failed to pass this body by only one vote. At that time, our national debt stood at \$5.4 trillion. We now have a \$15 trillion debt. That debt equates to about \$128,000 per household. That is a huge amount of money to an average household. Under the Budget Control Act, which I opposed last August, the debt will be allowed to reach a new limit of \$16.4 trillion, left unchecked.

Congress has raised the debt limit 79 times since 1960, and in just 4 short months since the debt limit was last increased, over \$700 billion has been added to our debt, since we took that action in August.

Speaking of the debt limit, the Republican-backed balanced budget amendment will require a congressional supermajority to raise the debt ceiling. That means three-fifths of both Chambers will have to approve unless it is a time of war. That would require a majority in a time of war. That is a very important measure because we can't continue to increase the debt limit without addressing the underlying drivers of this fiscal crisis that faces our country.

I also want to briefly touch on taxes. The Republican version of the balanced budget amendment, S. Res. 10, would require a supermajority to raise tax rates. We have a spending problem, not a revenue problem. Under S. Res. 10, a two-thirds approval of both Houses of Congress would be required for any bill "that imposes a new tax or increases the statutory rate of any tax or the aggregate amount of revenue."

My friends on the other side of the aisle are proposing an alternative—S. Res. 24—to the balanced budget amendment that I have just described. While this proposal sounds good, it fails to squarely address the magnitude of the challenges we face. It doesn't apply to all spending. It also doesn't contain a cap on spending. It does nothing to strengthen our entitlement programs, and it does nothing to make it harder to raise taxes. It does nothing to make it more difficult to raise the debt ceiling. In my view, it is insufficient to be meaningful to pass along to the States for a vote.

The Republican alternative contains the elements that I just talked about—a balanced budget, spending caps, a supermajority to raise taxes, and making it more difficult to raise the debt ceiling, unless and until we address the underlying causes of our fiscal crisis.

This issue is deeply personal for me. I fundamentally believe all of us have a duty to make this country stronger than we found it. As the mother of two young children, Katherine, now 7, and Jacob, 4 years old, who are both very excited for Christmas, I want the American dream to burn as brightly for them as it has for me. It is not too late for our country or for this body to make the tough decisions that will put our country on a fiscally responsible path.

I feel a solemn duty to make sure we make those choices now and that we don't continue to kick this can down the road to future generations and burden them with a debt they did not incur. The last thing I want is for my children to ask me: Mom, you knew we were going bankrupt. What did you do to save our country?

Now is the time for courage. All of us recognize the enormity of the fiscal challenges we face, as well as the dire cost of continued inaction in this body. The Republican balanced budget amendment provides a solid foundation that will set our Nation on a fiscally responsible path. This is an urgent need that we have right now. We cannot do what we did in 1997 and fail to pass the balanced budget amendment. We should send this question to the States and let them decide, let the people of this country decide: Should we live within our means? Should we balance our budget? Should we deal with this debt crisis now and make sure our children and all children and our

grandchildren will have the same opportunities we have been blessed to have in the greatest country on Earth?

I urge my colleagues to support S. Res. 10.

The ACTING PRESIDENT pro tempore. The Senator from North Dakota.

Mr. CONRAD. Madam President, I agree with the Senator from New Hampshire on some of what she said with respect to facing up to our deficit and debt. This debt does present a clear threat to our country, and it must be confronted. I agree with her entirely on the question of the importance of that and the priority of it.

I disagree entirely with respect to this amendment that is before us. I came to the Senate floor to address this balanced budget amendment because I believe it would be a profound mistake for this country. In fact, I believe if this amendment were in force today we would be in a depression. I believe adopting this amendment would have and could have disastrous consequences for the economy and for the future strength of this Nation.

I would like nothing more than to have a balanced budget. I believe in balanced budgets. I believe this debt represents a clear threat to the country. But I do not believe a constitutional amendment is the way to achieve it. I believe the way to achieve it is for us to make the decisions to balance the budget, to cut the spending, to raise the revenue, to actually balance the budget—not leave it to a constitutional amendment or to unelected judges or to the States but to make those decisions here and now.

I have been part of the fiscal commission where 11 of 18 of us agreed to a plan to get our debt under control. I have also been a part of four Democrats and four Republicans who have produced a plan that would get us back on track.

Here are the key provisions in the proposal before us. First, it would require the adoption of a balanced budget each year unless two-thirds of the House and the Senate voted to waive the requirement.

Second, it would cap spending at 18 percent of the prior year's gross domestic product, again, unless two-thirds of the House and the Senate voted to waive the requirement.

We have not had a spending level of 18 percent of GDP in as long as I can remember. So that is a formula I think that goes against the reality of the needs of this country—not only the need for support for education but also for our national defense.

It would prohibit passage of any bills that increased revenue unless two-thirds of the House and the Senate voted to waive the requirement. The Senator just showed a chart that showed revenue at the lowest level it has been in 60 years as a share of our national income. Again, revenue is the

lowest it has been in 60 years. This constitutional amendment would say it would take a two-thirds vote to change it. Really? Revenue is the lowest in 60 years, and we are going to have a two-thirds vote to change it? Boy, that is a guarantee we are not going to have the necessary revenue to balance the budget anytime soon.

It would require a three-fifths vote in the House and Senate to increase the debt limit.

Here are what I see as the key problems with this proposal. First, most important, it would restrict our ability to respond to economic downturns. It would effectively block the implementation of countercyclical policies. This would only compound economic declines and possibly throw us into a recession or even into a depression.

Two of the best known economists in this country did a review of what would have happened absent a Federal response after the events of late 2008. Alan Blinder, former deputy head of the Federal Reserve, and Mark Zandi, the head of Moody's Economics, a former campaign adviser to JOHN MCCAIN, did an analysis of what would have happened in this economy absent the Federal response—the TARP and the stimulus. Their conclusion is that had we not had that Federal response, we would be in a depression today. We would have 16 percent unemployment. We would have 8 million more people unemployed.

This amendment would have prevented that response. What a mistake, what a profound mistake. Further, this amendment uses Social Security funds to calculate balance and subjects the Social Security Program to the same cuts as other Federal spending. Further, it shifts ultimate decisions on budgeting to unelected and unaccountable judges.

Finally, The State ratification process for a balanced budget amendment could take years to complete.

We don't have years. We need to act now, and we don't need an excuse for inaction by saying: Oh, we passed a balanced budget amendment to the Constitution that will not take effect for God knows how long.

Here are some additional problems that are specific to this proposal. The 18 percent of GDP spending cap is Draconian and unrealistic, particularly given the retirement of the baby boom generation and rising health care costs. The restriction on legislation that raises revenue would effectively prevent any increase in revenue, even if it is part of a bipartisan, balanced debt reduction plan.

What a profound mistake that would be. Again, I repeat: Revenue as a share of our national income is the lowest it has been in 60 years. Spending as a share of our national income is the highest it has been in 60 years. So this proposal would absolutely handcuff us

on the revenue side of the equation, locking in deficits for God knows how long. It doesn't make sense.

Making it more difficult to raise the debt limit, this proposal increases the likelihood of default. We saw the turmoil created by our near default this summer. Why would we want to make an actual default far more likely to occur?

We can also see that on our current course, by 2021, spending on Social Security, Defense and other nonhealth care spending and interest alone will reach more than 18 percent of GDP. What is missing? Medicare. If we stay on our current course, under this balanced budget amendment, Federal spending on Medicare would have to be completely eliminated. Let me repeat that. On our current course, by 2021, spending just on Social Security, Defense, nonhealth care spending, and interest alone will reach more than 18 percent of GDP. What is missing? Medicare. Medicare would have to be completely eliminated if we aren't to change what we are doing with Social Security, not to change what we are doing with Defense and other nonhealth care spending. Obviously, we can't do anything about the interest expense. That has to be paid.

It is notable an 18-percent spending limit is so unrealistic that even the House Republican budget would violate this restriction in every single year. Let me repeat that. This 18-percent restriction on spending is so unrealistic that even the House Republican budget would violate this provision in each and every year of its life.

Norman Ornstein, a respected scholar at the American Enterprise Institute—a Washington think tank—described a balanced budget amendment as a very dumb idea. In a column in Roll Call earlier this year, he wrote:

Few ideas are more seductive on the surface and more destructive in reality than a balanced budget amendment. Here is why: Nearly all our states have balanced budget requirements. That means when the economy slows, states are forced to raise taxes or slash spending at just the wrong time, providing a fiscal drag when what is needed is countercyclical policy to stimulate the economy. In fact, the fiscal drag from the states in 2009–2010 was barely countered by the Federal stimulus plan. That meant the Federal stimulus provided was nowhere near what was needed but far better than doing nothing. Now imagine that scenario with a Federal drag instead.

Mr. Ornstein has it exactly right. A balanced budget amendment would have a devastating impact on our economy at the worst possible time. Mr. Ornstein is not alone in that sentiment. Macroeconomic Advisers, a leading economic forecaster firm, had this to say in a company blog posted in October:

If actually enforced in fiscal year 2012, a balanced budget amendment would quickly destroy millions of jobs while creating enormous economic and social upheaval. The effect on the economy would be catastrophic.

Let me repeat that. The effect on the economy would be catastrophic.

Continuing the quote:

No model could capture the ensuing chaos and uncertainty, which would make matters far worse.

Macroeconomic Advisers went on to conclude that enforcing a balanced budget amendment in 2012 would result in 15 million fewer jobs.

Let me repeat that: 15 million fewer jobs. That is largely in line with the Blinder and Zandi analysis of what would have happened absent the Federal response to the economic downturn.

Here is what Bruce Bartlett, a former Reagan administration economic adviser, wrote in a New York Times on-line column in November:

The idea of mandating a balanced budget through the Constitution is dreadful. And the proposal that Republican leaders plan to bring up is, frankly, nuts. The truth is that Republicans don't care one whit about actually balancing the budget. If they did, they would want to return to the policies that gave us balanced budgets in the late 1990s. Of course, no Republican favors such policies today. They prefer to delude voters with pie-in-the-sky promises that amending the Constitution will painlessly solve all our budget problems.

We must absolutely address the Nation's deficit and debt. Our friends on the other side have that exactly right. Our economic future depends on our ability to put the budget back on a sound long-term path. That is why I believe what is actually needed is for us to put our energy and effort into writing a budget that actually balances, cutting the spending, raising the revenue, making the tough choices. That is the best way forward.

A balanced budget amendment to the Constitution is not the answer, and this balanced budget amendment is particularly troubled. It would restrict our ability to respond to economic downturns, it would impose a draconian and unrealistic spending cap, and it would effectively prevent any increase in revenue, even if it is part of a bipartisan balanced deficit reduction plan.

I urge my colleagues to reject this amendment.

On a separate matter, let me just say when my colleague said we don't have a budget, we do have a budget. I sometimes think our colleagues missed out on what happened on August 2. We passed the Budget Control Act. The Budget Control Act provided a budget for this year and for next year. That is the budget we are operating under. It was passed in the Budget Control Act on August 2.

So when they put up these signs that say we haven't had a budget for 958 days or 858 days, that is not right. We do have a budget. They may not particularly like the budget. They certainly may not like the way it was done because it wasn't done through

the regular process. It wasn't done as a budget resolution. It was done as a law. Budget resolutions are not signed by the President of the United States; they are purely a congressional document. The Budget Control Act is actually a law. It imposed a budget for this year and next year and 10 years of spending caps. That is the law of the United States. That is a budget.

For my colleagues to stand and say we don't have a budget, it almost makes me wonder, did they miss out on the debate and the passage and the signing of the Budget Control Act? I tell my colleagues, that is our budget. It is in law. It is not just a resolution, it is the law of the land.

I thank the Chair, and I yield the floor.

The PRESIDING OFFICER (Mr. BLUMENTHAL). The Senator from Utah.

Mr. HATCH. Mr. President, I have listened with a great deal of interest to my good friend and colleague, and I do care a great deal for him. He has been budget chairman for quite a while. Frankly, he has been a lone voice over on that side, trying to get all of us to live within our means. I have great respect for him for at least trying.

But we call budgets line-by-line discussions of just exactly what are the inflows and outgoes as determined by the Budget Committees. He hasn't been able to pass a budget mainly because he can't get his side together to do it. It is a disgrace not for him but because our colleagues will not do it. Nobody wants to do that because if they truly had a budget, that would mean we would have to get spending under control. We can't just keep doing it by adding taxes. We have a low rate of income coming in right now mainly because spending is completely out of whack.

I listened to my colleague very carefully. I have to say he made a tremendous case for the constitutional balanced budget amendment because he kept going on and on about all the problems we have. He didn't mention we have been spending 25 percent of the GDP. Usually, that is around 20 percent. So 25 percent is a whopping amount of money. Our former CBO Director said: I guess the new normal will be somewhere around 23 percent. We have been spending around 20 percent, while the revenues are around 18 percent. Now they are spending 25 percent of our GDP.

If there was ever an argument as to why we need some restraint in the Congress of the United States, it is, No. 1, they can't get a budget over there. We have a darned tough enough time over here when we are in charge. No. 2, we are spending this country blind. I think the distinguished Senator made that case eloquently. I think it is both parties too. But there is certainly one party that is much more used to spending than the other—I have to say

that—and it is not the Republican Party.

Look, all I heard in this last dissertation was what a rough road to hoe our country has. This amendment allows for 5 years to gradually reach a point where we can live with a balanced budget constitutional amendment. What it does is send a message to everybody in this body and the other body, over in the House of Representatives, that the game is over. We better get it in shape in 5 years. Some people don't think we can do it in 5 years. I am not so sure we can, but we have to try.

Let me tell you, this country is in real trouble. My distinguished colleague and friend, whom I admire greatly because he does tell it the way it is—though sometimes has his own interpretation as to the way it is—made a pretty darned good case that we are out of control. I have only been here 35 years, but I have to say I haven't seen many days where we have even come close to a balanced budget, and I have seen spending after spending after spending and demands for taxes so they can spend more. Both sides are at fault, in my opinion, but one side much more than the other.

I just wanted to make these points, because, my gosh, he made a great case for the balanced budget constitutional amendment. Frankly, I don't see how anybody listening would say the current way we are doing things is the right way to do it. Yes, this amendment would put constraints on Congress, and they would be tough constraints, but don't buy this argument there is no way we can raise revenue or no way we can spend under certain circumstances.

It is just that you have to have a supermajority vote to do it, and you are going to have to make a case for it for the first time, in my time here, I will tell you that.

I don't think anybody in this country thinks Congress is doing what is right with regard to raising taxes and spending. I have to say that I have watched it for all these years I have been in the Congress, and it is not working because we don't have the constraints that make us have to make it work. That is what this balanced budget amendment is all about.

What they offer as a balanced budget amendment wouldn't put constraints on anything. It is just there so they can have something to vote for so they can say they voted for a balanced budget amendment. It is anything but a balanced budget amendment.

Ms. COLLINS. Mr. President, I rise today to talk about the urgent need for our government to begin living within our Nation's means. We face a very grave fiscal crisis, one that threatens America today and the American dream for future generations. It demands that we get our Nation's fiscal

house in order. So I am pleased the Senate is now debating a balanced budget amendment to our Constitution.

In February 1997, a month after I came to the Senate, I went to the Senate floor to urge my colleagues to pass a balanced budget amendment to the Constitution to prevent our growing debt from swallowing our future prosperity. Unfortunately, that effort came up one vote short. Since that time, our national debt has ballooned to an astonishing \$15.1 trillion.

Sometimes when we deal with large numbers, it is easy to lose sense of what they mean and difficult to put them into context. What \$15.1 trillion in debt means is that a child born today will automatically inherit a debt burden of more than \$48,000. That debt has been largely accrued not for that child's benefit but for our own. It is difficult to imagine a more egregious example of taxation without representation than forcing our children and grandchildren to bear the future tax burden for today's excesses.

Unfortunately, as we have seen over the last decade, the addiction to budget deficits is not simply a Democratic or Republican problem. Both parties have had a difficult time showing restraint when it comes to spending. We have had Gramm-Rudman-Hollings, the Deficit Reduction Act, and the Budget Enforcement Act, and yet deficits not only persist but have grown larger. The fiscal year that ended on September 30 marked the third consecutive year in which the United States has run deficits in excess of \$1 trillion. Deficits have become a part of the way that Washington does business. Spend now and let someone else deal with the consequences later.

Those spendthrift ways are catching up with us. Our skyrocketing debt has become a drag on our economy and a threat to our future prosperity. We simply do not have the luxury of putting off difficult decisions. We are consistently spending more than we take in, and by a large margin. In the last fiscal year, government outlays totaled 24.1 percent of gross domestic product—the second highest level, after 2009, since World War II. Despite the very serious warning signs that we are on the wrong fiscal course, this marks the second consecutive year that the Senate has not even bothered to pass a budget resolution.

It is progress that the Budget Control Act that passed last summer includes caps on discretionary spending, and I have worked very hard with my colleagues on the Appropriations Committee to put together responsible and thoughtful spending bills that live within those caps. But, as my colleagues know, the biggest driver of our long-term debt and deficits is not discretionary spending but the mandatory spending that continues to balloon on autopilot.

Like many of my colleagues, I had hoped that the so-called supercommittee, which was created by the Budget Control Act, would be able to reach bipartisan agreement to reform mandatory spending and change our fiscal trajectory. Unfortunately, that bipartisan agreement remains elusive as both parties failed to come up with a deficit reduction plan that was capable of winning a simple majority of panel members. Instead, we have automatic spending cuts that are set to kick in, which could have very serious consequences for our national defense. Again, Congress has avoided making difficult choices about our national priorities.

The events currently unfolding across the Atlantic, with European leaders scrambling to stop the debt contagion that threatens the economic prosperity of the continent, should be a clear warning signal to us of what could come if we do not stem the tide of red ink that is engulfing our Nation. We must put in place structural reforms that will permanently force Washington to align expenditures and revenues.

Every day when I enter my office building, I am reminded of the famous quote attributed to its namesake, Senator Everett Dirksen. The wry observation he offered some four decades ago—"A billion here, a billion there, and pretty soon you're talking about real money"—seems tragically quaint today. I am convinced, now more than ever, that a balanced budget constitutional amendment is what is needed to address our growing debt and deficits.

Mr. MCCAIN. Mr. President, I come to the floor today to discuss my support of S.J. Res. 10, which would require a balanced budget amendment to the Constitution. Let me start off by saying that we need this amendment to protect the American taxpayer and bring back fiscal discipline to Congress. We need this amendment not because the American taxpayer is taxed too little, it is because Washington in particular, Congress—spends too much. Finally, we need this amendment to show the American taxpayer that we are serious about eliminating waste, fraud, abuse, and duplication from the Federal budget and are serious about putting our country back on a path to prosperity, not bankruptcy.

The Nation's debt now stands at the unsustainable level of \$15.1 trillion. The Federal Government is borrowing 40 cents of every dollar spent. According to the CBO, by 2021 debt held by the public will reach 82 percent of GDP. Without real and meaningful action by Congress to reform the way we do business, the Nation's debt will balloon to well over 100 percent by 2035. CBO projects that the cost of simply paying the interest on all of this debt will total \$4.5 trillion over the next decade. And we wonder why there is so much

uncertainty in our economy, why businesses are not expanding and creating jobs that we so desperately need, why the approval rating of Congress is at alltime lows—and, may I add, justifiably. The writing is on the wall, and that writing says that Congress can no longer allow politics and special interests to direct how hard-earned taxpayer dollars are spent. We must make hard choices now and live within our means as every American family is required to do.

The President has said that we do not need a balanced budget amendment to the Constitution to cut spending and balance the budget. While that may be true, it is not the reality. When the Senate passed a balanced budget amendment in 1982, the national debt was \$1.1 trillion. In 1997, when the Senate failed by one vote to pass a balanced budget amendment, the national debt was over \$5 trillion. Today, it is over \$15 trillion. Unfortunately, Congress has proven time and time again that they are unable to cut spending and must be required by law to do so. S.J. Res. 10 is a strong, meaningful, and commonsense balanced budget amendment that will reassure financial markets and the American people, therefore, providing confidence that our economy so desperately needs.

First and foremost this constitutional amendment will require the President to lead by example and submit a balanced budget to Congress. Since being elected, President Obama has failed to send a balanced budget to Congress for consideration.

S.J. Res. 10 would also require Congress to pass a balanced budget that limits outlays to 18 percent of GDP. In addition, it would require a vote of two-thirds of both Houses of Congress in order to raise taxes on the American people. This provision is vitally important to ensure that we are not punishing the American taxpayer by making them pay for out of control spending by Washington. Finally, S.J. Res. 10 would require a vote of three-fifths of both Houses of Congress to increase the Nation's debt limit. This constitutional amendment also includes limited waivers that would, for example, allow Congress during a declaring of war to enact deficit spending or to raise the debt limit by a simple majority vote.

My colleagues on the other side have brought forth their own balanced budget amendment; however, their proposal fails to ensure that Congress will make the hard choices necessary to solve our current and long-term fiscal crisis. For example, the Democrats' balanced budget amendment does not apply to Social Security spending. According to the 2011 report by the Social Security Trustees, Social Security faces permanent deficits unless the Congress reforms the system. In fact, the program



is projected to face a deficit of \$46 billion this year. The Social Security disability trust fund is projected to become insolvent in 2018. We cannot be serious about solving our Nation's financial problems unless we include the Social Security Program, which is one of the largest drivers of future debt. In addition, their balanced budget amendment does not cap spending at 18 percent of GDP, it does not require a supermajority of Congress to raise taxes and does not require a supermajority of Congress to raise the debt limit. As we know too well, Congress has never voted against raising the debt limit.

This week, the Senate has the ability to show the American people that they are serious about fixing our fiscal crisis by adopting this balanced budget amendment to the Constitution. This balanced budget amendment is a vital step in ensuring that future generations will have the same opportunities that all of us here in this body have experienced. I urge my colleagues to support S.J. Res. 10.

I yield the floor.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. ISAKSON. Mr. President, I see the distinguished majority whip on the floor. I would like to propound a UC, and if he disagrees, please tell me. I would like to be recognized for 5 minutes, followed by Senator SHAHEEN from New Hampshire for 5 minutes, followed by Senator ENZI for 5 minutes.

The PRESIDING OFFICER. Is there objection?

Mr. DURBIN. Reserving the right to object, I would just like to add my name at the end of the queue for at least 5 minutes.

Mr. ISAKSON. With no objection from me.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ISAKSON. Mr. President, I appreciate the time.

I first thank Senator HATCH from Utah for 16 continuous years of work on the balanced budget amendment. It was his fight in 1995 that brought that amendment to the floor within one vote of passing in the Senate, and it is his fight today to bring it back for another vote.

I have listened to a substantial number of the speeches, and I come back to three points.

Facts are stubborn, and there are three facts: First, we are spending too much; second fact, we are promising too much to our people; and third fact, we are borrowing too much.

I ran a real estate company for 22 years. Real estate is all about borrowing and leverage, but you learn a lesson in real estate and you learn it very painfully. There is such a thing as good leverage and there is such a thing as too much leverage, and our country is at the breaking point on leverage.

We have a process problem in the Senate and the House. We can't deal with our financial fiscal affairs, our promises to our people or our borrowing, and it is time we change the paradigm.

I support a balanced budget amendment because if it is ratified by three-fourths of the States and becomes a part of the Constitution, it forces the Congress to just say no on spending when we are spending too much, it forces the Congress to look at entitlements and recognize that we can only promise that which we can afford, and it forces us to look at debt and recognize when we are in too much debt and we have become overleveraged.

I want to put in a plug for something Senator SHAHEEN and I have been working on for a long time, and it is a fundamental process change called a biennial budget where you appropriate in odd-numbered years for 2 years, not 1, and you spend that even-numbered year, the election year, overseeing your expenditures and your programs to find savings, to find waste, and to try to balance your budget. If we changed our process and forced ourselves to do something like that, we wouldn't be facing the catastrophic consequences we are today.

I thank the Senator from New Hampshire for being on the floor and recognize her for her leadership on the issue, also, as one from a State that does biennial budgeting, as do 20 of the 50 States in the United States of America.

I will tell you an interesting story about biennial budgeting. The nation of Israel got in financial difficulty 4 years ago. They were borrowing too much, they were spending too much, and they were going in debt too much. Israel asked around the world: What should we do to change our fundamental process? And they changed to a biennial budget. Two years later, their GDP was better, their deficit ratio was down, and GDP had gone up about 7.5 percent in 2 years, all because they got their fiscal house in order.

So while some will argue that you can't do a balanced budget because it won't work, some will say 18 percent is too much, some will say you just can't do this and you just can't do that, there is one thing we can't do anymore; that is, spend beyond our means, borrow beyond what is good for our children and grandchildren, and promise to our seniors and those in poverty that we can deliver more than we can deliver.

If we face the day of reckoning now and we reprioritize our entitlements, if we put our Tax Code on the table and reform it and we cut spending where we can, we can come up with a trifecta that will take this debate to ancient history, and we will begin getting the United States of America back in good fiscal soundness. That is what a balanced budget amendment starts, and I

hope the end of it is that process and a biennial budget as well.

I thank the President for the time, and I yield to the Senator from New Hampshire.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mrs. SHAHEEN. Mr. President, I thank my colleague from Georgia for his very thoughtful comments.

Senator ISAKSON has been working on a biennial budget for a very long time. I was pleased to join him in this session of Congress. And I agree with him. I believe this is one of the ways we can encourage more oversight of our spending and hopefully address some of the budget issues we face. So I appreciate and share his beliefs that this is an important change we should make.

I am actually on the floor not to speak on the balanced budget amendment, however, but to talk about what I believe is very important for us to do before the end of this year; that is, address the extension of the payroll tax cut.

In November, the private sector added 140,000 new jobs to our workforce. In fact, businesses have now created 100,000 jobs in each of the last 5 months. This is a positive trend we haven't seen in the past 5 years. While this is encouraging, we still have a long way to go because more than 13 million Americans remain unemployed and millions more are underemployed. These individuals and their families are struggling to make ends meet during this holiday season.

At this time last year, Congress passed bipartisan legislation to put more money into the pockets of working Americans. We cut payroll taxes for workers—an effort that increased take-home pay for the average household by almost \$1,000 in 2011. This tax cut isn't just good for families on a tight budget, it is good for our fragile economy. In New Hampshire, the payroll tax cut has meant an extra \$600 million in our communities.

There are some who want to allow this tax cut to expire at the end of the year. But let's be clear. If the tax cut expires, this would mean the average family would see their taxes increase by \$1,000 next year. This would mean taking \$120 billion out of our Nation's economy, money that would no longer be spent at our supermarkets, at our retailers, and at our gas stations. That doesn't make sense.

Independent economists have predicted that allowing this tax cut to expire could cost our economy 400,000 jobs next year. Some have even predicted that the United States could face another recession if we don't take action.

Members of this body have also suggested that this tax cut would starve Social Security of needed revenue and endanger this bedrock program's solvency. With Americans relying so

heavily on Social Security to meet basic needs, this is a serious charge and one we should take seriously. However, the program's Chief Actuary has written that this tax cut does not hurt Social Security's finances. Instead, this proposal contains provisions to require that the Social Security trust fund be made whole.

I recently supported Senator CASEY's proposal to not only extend payroll tax cuts for employees but also to expand them to increase the average family's take-home pay by an additional \$500 next year. This proposal would have cut employer payroll taxes, making it easier for small businesses to keep current workers and hire new ones. That proposal was fully paid for with a 3-percent tax on people earning more than \$1 million in a year. Because of the way it was paid for, the legislation was blocked. My friend from Pennsylvania, Senator CASEY, also introduced a compromise plan that I supported. But again, unfortunately, it did not pass.

I think that particularly now, at this time of the year, at this critical stage for our economy, everyone should agree on preventing tax increases for working families. There are some competing ideas about the best way to accomplish this, and I welcome that debate, but Congress simply cannot afford to saddle middle-class families with a \$1,000 tax increase in the midst of an uneven recovery. It isn't right for our small businesses, it isn't right for our communities, and it isn't right for the economy.

Time is running out to extend the payroll tax cut. I urge my colleagues to support this effort.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. ENZI. Mr. President, I rise today to discuss the issue I raised during my maiden speech on the Senate floor in 1997; that is, the need to pass a constitutional amendment requiring a balanced budget.

I am disappointed that we were unable to pass a balanced budget amendment in 1997. I commend Senator HATCH for his efforts then. We got within one vote. We had 66 votes and we needed 67. Had we gotten that, we wouldn't be in this mess today. In 1997, our national debt was \$5.4 trillion. Today, it is an astonishing \$15 trillion. Without immediate action, that number will continue to increase to a level that is even more unsustainable.

Time and time again, the Federal Government has proven it is incapable of the fiscal discipline needed to spend within its means. Time and time again, the Federal Government has spent more money than we brought in. It has led to the situation we currently face where we are borrowing more than 40 cents on every dollar we spend and where we are being threatened with further downgrades in our credit rating.

In fiscal year 2010, the government brought in slightly more than \$2.2 trillion in revenue. At the same time we collected \$2.2 trillion, we spent \$3.5 trillion. In other words, we overspent by \$1.3 trillion. That is \$1,300 billion. That is an astonishing amount of spending, and it cannot be sustained. I encourage everybody to write these numbers out with all of the zeroes sometime and see what we are talking about. We have a spending addiction that must be controlled. For years we have tried to hide it, disguise it, or ignore it. We have acted as if it is OK to keep spending money we don't have. We no longer have that option. The world today is different from the world of 1997.

We have seen riots in other nations where their fiscal situations were out of control. If we don't act now, we could see similar events in this country. We can either balance our budget or go broke—even more broke than we already are.

Balancing the budget is not a revolutionary idea. Responsible families balance the amount they spend with the amount they make or they go bankrupt. Businesses balance the amount they spend with the amount they bring in or they go bankrupt. Most States have amendments requiring them to balance the amount they spend with their revenue. Wyoming's Constitution requires a balanced budget each and every year, and they do it. If people in Washington understood budgeting the way Wyoming does, we would be in a much better place right now. If families, businesses, and States can balance their budgets, there is no reason the Federal Government cannot balance its budget.

There are two options the Senate is considering today, and I am pleased there is consensus from both sides of the aisle that a balanced budget amendment would help us. Although that is the case, there is no doubt in my mind that the version introduced by Senator HATCH is far superior to the version introduced by Senator UDALL.

The Republican balanced budget amendment gets to the heart of the problem, which is the need to rein in out-of-control spending. The Republican resolution requires that we get spending down to historical revenue levels and forces us to make the tough choices about which programs will no longer be necessary. It also prohibits Congress from raising taxes until a supermajority of Members support such a tax increase. This is an important provision because the default solution for our out-of-control spending should be cutting spending, not raising taxes. This bill also goes into effect 5 years after ratification, which gives us the ability to transition to a balanced budget.

I have a penny solution bill out there, a 1-cent solution where we cut 1

percent from every dollar we spend for 7 years. At the end of 7 years, the budget would balance. So it is not something that is undoable. We can balance the budget.

While I am pleased that my Democratic colleagues have a balanced budget amendment, the alternative they offer does not address the heart of the problem. It does not include a spending cap to ensure that we move spending to an acceptable level. It does not include a requirement for a supermajority to raise taxes, which will allow proponents of tax increases to more easily work to balance a budget on the backs of the American taxpayers. And the American taxpayers are only 49 percent of the people working right now. The American people are not the ones who cannot get spending under control. They should not see tax increases simply because Congress can't do its job.

We need to pass the Hatch amendment, and we need to pass it now, because I must also remind my colleagues that passage of a strong balanced budget amendment is the first step. If we pass a balanced budget amendment, it still must be ratified by the States. Three-fourths of the States have to pass it for it to become a part of the Constitution. That will take time, and with a \$15 trillion debt we don't have a lot of time left. There is speculation that 2 years might be the outside. This isn't going to balance for 5 years. Two will create some substantial cuts and tax increases.

Passage of the balanced budget amendment by three-fourths of the States is a tough test. Because of the magnitude of what we are trying to do, it should be. However, we need to give the States this opportunity to force the Federal Government to come to grips with its finances, as the State governments are required to do.

Why should we give the States the opportunity to ratify a balanced budget amendment? Because I found that the best decisions are made closest to the people. State governments are closer to the people than the Federal Government and they are generally better at addressing the needs of the people of their State. Giving the States the opportunity to ratify the amendment will bring the budget closer to the people and would allow the American people to decide how they want Washington to spend their hard-earned money. Most of the American people get it and they are asking us to get it and do a balanced budget amendment.

Amending our Constitution is an extraordinary measure. It is not something I take lightly. We are in an extraordinary time. We have a budget deficit that is out of control and a national debt that is ballooning to levels that are unsustainable. We need a balanced budget amendment so we can begin to get our Nation's finances back in order.



I commend Senator HATCH for his bill and appreciate him offering it. I hope my colleagues will support it. It is essential for our country.

I yield the floor.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Mr. President, there are very few things on which Members of Congress agree, but one of the things that binds us and unites us is the common oath we take to uphold and defend this document. This document is not just another resolution, another law; it is the Constitution of the United States. For more than 220 years this document has guided our Nation and inspired other nations toward democracy. I think it is fitting that we swear an oath to uphold and defend it.

But I think we also have to look at this document not just with respect but with humility, humility because we know the words contained have managed to guide our Nation so successfully for so many decades and centuries. Those who are bold enough to suggest they would change the wording of this document have to expect to have hard questions asked as to whether it is appropriate and whether what they are setting out to do is consistent with this great document and the needs of our Nation.

I can recall when Senator HATCH chaired the Senate Judiciary Committee and I was a member. There was a day when they asked me, as a member of the Judiciary Committee, to give permission for three constitutional amendments to be considered in the same day. I objected, which was my right. I said to Chairman HATCH at the time: You can call two constitutional amendments on Thursday but, call me old-fashioned, I don't think we ought to amend the Constitution more than twice a day. The point I was trying to make was to suggest to my colleagues to at least have some humility and maybe even hesitancy to suggest they can change for the better the wording of this great Constitution.

It has been changed, there is no question about it. From the moment it was written until a few years later, Thomas Jefferson called for the Bill of Rights. Many say that was essential for the ratification of the Constitution. It included some basic rights that we now revere in this country. So the first package of amendments, the Bill of Rights, has become an integral part of the original document because they were adopted so quickly—added so quickly.

But in the 220 years since 1791, when the Bill of Rights was added—in the 220 years we have only amended this document 17 times and only for the most serious of matters. Consider what our amendments have done. They have ended the practice of slavery. They have established the principle of equal protection. They have assured the

right of women in America to vote, among other things. They have provided for succession in case of Presidential disability, and they have addressed some of the most fundamental issues facing our Nation.

Now some Members of Congress believe we should enshrine in our Constitution their views of what the Federal budget should look like. They want to radically reshape our constitutional framework in order to relieve Congress of its political and moral responsibility to make tough choices about taxing and spending. They want to tie the hands of Congress on budget decisions and pass important decisions on to another branch of government, our Federal judiciary.

That is not what the Founding Fathers intended. The Constitution gives the power of the purse expressly to Congress. Fulfilling this constitutional duty carries some political risk, but we all signed up for that job. Members of Congress should not try to change the Constitution to avoid their duty to make tough and important decisions.

These days, some in Congress would rather take a red pen to the Constitution than to reconsider an anti-tax pledge they have made to a Washington lobbyist named Grover Norquist. Mr. President, 40 Republican Senators, all of whom are cosponsors of this amendment, have taken a pledge, a public oath to Grover Norquist when it comes to the issue of taxes. I believe my colleagues who are indentured politically to Grover Norquist need to get their priorities right. Our oath to support and defend the Constitution is much more important than any allegiance to any Washington lobbyist.

Congress has balanced the budget not just in my lifetime but in my term of service. We ran a budget surplus in fiscal years 1998 through 2001. There is nothing stopping us now from getting our fiscal house in order except a lack of political will. We simply do not need to go to the extreme of amending the Constitution to get this job done.

It is also clear a balanced budget amendment proposal has many unanswered questions and concerns and it is our responsibility to ask those questions. I held a hearing as chairman of the Constitution Subcommittee of the Judiciary, well attended by Members on both sides of the aisle, with witnesses telling us the pros and cons of a balanced budget amendment. That is the way the process should work. Now we come to the floor to consider two versions of a balanced budget amendment.

It is interesting, when the balanced budget amendment came before the House of Representatives, opposition to it was bipartisan. Even the Republican chairmen of the House Rules Committee and the House Budget Committee voted against the Republican version of the balanced budget amendment brought up in the House.

A few weeks ago, when we held this hearing, witnesses told us why we should have pause, if not reject, this notion of a balanced budget amendment. First, it would cause harm to the economy. I cannot say it any better than Senator CONRAD did moments ago. Our budget in Washington is designed to not only serve the needs of the nation but to help our economy get on track and stay on track. In fact, when things go bad in our economy, as they have in the last several years, our budget steps in with countercyclical measures such as unemployment compensation to put our economy back on track. The balanced budget amendment before us today is going to make that more difficult to do.

The forecasting firm Macroeconomic Advisers told us what would have happened with this balanced budget amendment if it had been in place today. They said such an amendment would double the unemployment rate in America, cause the gross domestic product to shrink by 17 percent, and destroy millions of jobs. That is something my Republican colleagues will not acknowledge, and they should. If we cannot spend in times of recession, even when receipts are low, we fail to turn the recession around and of course we leave many unemployed Americans with no help when they desperately need it.

There is also a provision in the Hatch-McConnell balanced budget amendment that would increase the risk of default on our national debt by requiring a three-fifths vote in each House to raise the debt limit. I might tell my colleagues who follow this, only 3 of the last 11 debt ceiling increases passed both Chambers by a three-fifths vote; 3 of the last 11. If you enjoyed the debt limit standoff of a few months ago and the threat of not only closing down our Government but closing down our economy, you would enshrine it in the Constitution with the Republican balanced budget amendment.

It always strikes me as odd, if not hypocritical, that Members come to the floor and give speeches about how much they support a war effort, or spending for a given issue, and then when it comes time to raise the debt limit, which is part of the bargain, they are nowhere to be found. They want to be there for the press release saying, I am for the war, but when the debt limit needs to be increased to pay for the war they become fiscal conservatives and are nowhere to be found. I think there is some political hypocrisy in that.

Another concern no one has answered that I commend to my colleagues was exemplified by the testimony of Professor Alan Morrison of George Washington University Law School. He asked the basic question: Who is going to enforce this amendment? If in fact

Congress does something in violation of the amendment, who can sue? And which court would consider it? It is a valid question because ultimately this will end up in the courts. The courts will have to make some rather unique decisions. What are the outlays and receipts of the United States? What was the gross domestic product? These are issues which many in the court may find challenging if not impossible to deal with on a timely basis. The longer it takes to resolve those issues the more uncertainty there will be about our Nation's economy and its economic future.

Do we want to put the courts in charge of budget decisions? Former Solicitor General and Judge Robert Bork said "the result . . . would likely be hundreds, if not thousands, of lawsuits around the country, many of them on inconsistent theories and providing inconsistent results."

Those who support the amendment look for stability and certainty. My guarantee is turning this over to the Federal courts will give you neither.

The nonpartisan Congressional Research Service looked at balanced budget amendment enforcement on August 3 and said:

The experience of State governments indicates that concern over judicial involvement in budgeting is realistic. In some States the judiciary has become involved with the operation of various aspects of budgeting to impose budget balancing remedies [like] requiring tax increases, limiting expenditures generally or preventing implementation of specific spending laws. The possibility that the Federal courts could invoke such remedies prompts concern about the potential such actions would have for causing a significant shift in the balance of power among the branches of the Federal Government.

Even former CBO Director Douglas Holtz-Eakin, who was called in by my Republican colleagues to testify at our hearing in support, conceded "the question of enforcement remains a challenge that should be thoughtfully considered."

I might add, parenthetically: No kidding. Enforcement of this is critical. How can the Senate consider passing a balanced budget amendment without answering first the question of enforcement? It would create tremendous uncertainty.

I would say the balanced budget amendment that has been sponsored by all the Senate Republicans raises particular concerns. Under this proposal, spending would be capped at 18 percent of gross domestic product each year, a level far below the Draconian budget suggested by Congressman PAUL RYAN that would end Medicare as we know it.

The Senate Republican proposal enshrines the Republican philosophy in requiring a two-thirds vote in each House on any bill that increases taxes or revenue without any ability to waive that two-thirds requirement, even in time of war.

The effect of these reforms would devastate programs such as Medicare and Social Security while giving constitutional protection to tax expenditures currently enjoyed by corporations and the wealthy. This proposal is not sensible, it is not fair, it would not serve our country well.

In short, our hearing made it clear there has not been a balanced budget amendment proposed that would actually be enforceable and that would not cause great collateral damage to the economy.

I have served on several efforts, and continue to, in an effort to reduce spending, to find new revenue, and to balance our budget. I will tell you that it takes political will. This kind of approach, this idea that somehow we can pass a constitutional amendment and be done with our responsibility is not only shortsighted, I think it is counterproductive. I think it will make our situation worse instead of better. I thank Senator MARK UDALL for his offering on his balanced budget amendment. It is a better approach, and while I don't support a balanced budget amendment, if I were to support any balanced budget amendment it would be the Udall amendment. But I don't believe amending the Constitution at this point in time is the right way to approach this. I do not believe either amendment achieves it without creating terrific uncertainty in our future about enforcement.

I urge my colleagues to oppose efforts to amend our Constitution. I urge them, instead, to show political courage and work hard right now in a bipartisan way to address our fiscal challenges. That is what the American people expect of us.

I yield the floor.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. KYL. Mr. President, I want to express my support for the Republican-offered balanced budget amendment, a measure I worked on with Senators TOOMEY, LEE, HATCH, and CORNYN, and thank those Senators for their leadership on the issue.

As Americans know, Washington has a spending problem. The Federal Government's fiscal position is unsustainable. It now borrows more than 40 cents of every dollar it spends. Indeed, our debt has climbed to over \$15 trillion and will continue to grow and threaten our economy and our jobs and our way of life unless we do something about it.

Opponents say Congress should do its job. Sure, it should, but it has not. Events during the last 30 years have shown that Congress cannot be counted on to make the tough choices necessary to control spending and to balance the budget. Here is a little history. When the Senate passed a balanced budget amendment in 1982, that national debt was \$1.1 trillion. In 1986,

when the Senate failed by one vote to pass the balanced budget amendment, the national debt topped \$2.1 trillion. By 1997, when the Senate again failed by one vote, the national debt was over \$5 trillion. Today the debt is over \$15 trillion. So there is no evidence that Congress has been willing to or able to reduce the debt without the Constitution requiring it.

The Republican balanced budget amendment simply requires Congress to do its job. It includes real reforms that would help the government live within its means, including having the President submit a balanced budget to Congress every year.

The balanced budget amendment does not etch rules into stone. Any of its requirements can be waived by a supermajority of the Congress; that is, if there is a real national consensus to do so. Let's remember we are in a crisis today because of deficit spending. Raising taxes and getting deeper in debt have been far too easy for Congress.

The Republican balanced budget amendment contains two key enforcement mechanisms that Congress would have to abide by. First, Congress would have to limit spending to 18 percent of the gross domestic product from the preceding calendar year. The balanced budget amendment would also prohibit spending from exceeding total revenues in a given year. Why 18 percent? Well, if the goal is to balance the budget, the only way to succeed is to limit the Federal spending to the level of revenue that the economy is willing to bear.

According to the Congressional Budget Office's August Budget and Economic Outlook, from 1991 to 2010—the most recent period of time—revenues averaged 18 percent of gross domestic product, and that is why that number is selected.

It is notable that the Democratic alternative does not contain a spending cap. It also contains a lower threshold of votes for waiving the balanced budget amendment, which, of course, would make deficit spending much easier.

The second mechanism in the Republican balanced budget amendment is a prohibition on any bill that increases taxes from becoming law unless approved by two-thirds of a rollcall vote of Members in each Chamber. When Congress cannot get its hands on enough revenue for its spending priorities, the temptation is always to look for more revenue and raise taxes. Well, it should be more difficult to take more money from the American people and to increase the size of the Federal Government.

Moreover, raising taxes is not a productive solution to budget deficits. Not only does projected revenue usually fail to materialize, higher taxes discourage work, production, savings, and investment which all results in lower revenues in future years. So we cannot balance the budget by raising taxes.

On the issue of tax increase restrictions, the Democratic alternative again falls short. It does not contain a mechanism to make it more difficult for Congress to raise taxes. In fact, it does the opposite. It contains a provision that makes it more difficult to lower taxes collected from American job creators.

Some of our friends on the other side of the aisle will paint a doomsday scenario that they say would result from the Republican balanced budget amendment, one that would mean immediate changes and draconian cuts. That is not accurate. As we know, Congress cannot amend the Constitution. We can only propose an amendment for States to consider in a ratification process that takes a long time. If it passed, the balanced budget amendment would not become effective until 5 years after ratification by three-fourths of the States. So it is not like we have some immediate concern that next year's budget is going to suffer if the balanced budget amendment were to pass.

Let's not punt again on getting our spending under control. Let's not keep kicking the can down the road. Let's put on some real constraints so Congress will have to do its job, the job the American people expect it to do.

I urge my colleagues to vote in favor of the Republican-offered balanced budget amendment.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. PORTMAN. Mr. President, I rise today to join Senator KYL in supporting the balanced budget amendment that Senators LEE and HATCH have crafted. I commend them for their hard work, and I particularly thank Senator HATCH for his principled leadership over the years in this effort. In the mid-1990s he almost got us to a balanced budget amendment to send to the States, and this time I hope he—showing his leadership again—will be successful.

Washington's runaway spending and crippling debt burden underscore the need for us to have a balanced budget in this country. If Washington doesn't stop spending more than it takes in, I fear there will be an economic collapse, and, perhaps more profoundly, it will threaten the very foundation of our Nation—the freedom of individuals to thrive and to prosper.

There is plenty of evidence to show that the huge debt burden we have is already crippling the economy. There was a recent study done by respected economists Carmen Reinhart and Kenneth Rogoff that shows that the debt burden of 90 percent of the economy will reduce a country's economic growth by 1 or 2 percentage points. Our gross debt right now is 100 percent of our economy. Growth this year is likely to be closer to 2 percent total, pretty weak growth. So 1 percent to 2 per-

cent more would mean a 50-percent or even a 100-percent growth increase in this country. This means over 1 million new jobs could be created right now if we didn't have these huge deficits building up annually to a record debt that is now over \$15 trillion.

It is unacceptable that we have the economic growth that we do because it is keeping people from achieving the opportunities they seek at a time when there are almost 22 million Americans who are unemployed or underemployed, and we need to do everything we can to give the economy a shot in the arm. Part of it is getting our fiscal house in order and stopping this record deficit and debt. We should not condemn people to chronic unemployment through inaction in Washington.

However much lawmakers at times want to do the right thing, it seems as though the political system and the budget rules around here create a bias for spending and deficits. When I left the post as Director of the Office Management and Budget in the last Presidential administration—that was in 2007—the budget deficit was \$161 billion, which is about 12 percent of today's budget deficit, and I thought that was way too high. In fact, that year I proposed, on behalf of the President, a budget that actually balanced over a 5-year period because at that time we were so concerned about growing deficits and debts. Again, that was only 12 percent of today's deficit.

In that time, as OMB Director, I was convinced that we need to have a discipline in Washington to balance the budget because we need to have some incentive to prioritize. Washington, again, seems to have this bias toward spending and deficits that I think can only be resolved through what 49 States have, which, again, is this power to be able to tell the elected representatives that we have to figure out how to prioritize; we have to figure out how, at the end of the day what every family in America does, what every business in America does, which is to figure out how not to spend more than we take in.

Study and experience led the Founders of our country to create the best system of government ever devised: a Republic with enumerated powers. Similarly, study and experience should lead us to enact a balanced budget amendment. The times demand it. We need to reverse this system's bias in favor of deficits and debts. We need a balanced budget amendment in order to preserve the Founders' vision of a limited government of enumerated powers.

But the fact is, Congress has not been able to get its spending under control through any other means. Some have called for a far higher tax rate. In other words, instead of dealing with the spending that is increasing dramatically—by the way, spending has

gone up 21 percent just in the last three years. But instead of dealing with that, people say: Why don't you just raise taxes to catch up with the spending? That way we would have a balanced budget through higher and higher revenues.

I guess what I would say is, Congress has a spending problem not a revenue problem. The growth in the entitlement programs, of course, is the long-term driver of this spending problem. The cost of these entitlements, along with interest on the debt, is projected to squeeze out the cost of every other Federal program within the next couple of decades, leaving little to nothing for other government priorities.

People say, well, the revenues as a percent of our economy are relatively low now, and that is true. Coming out of the recession, we have not had the growth we had hoped for and that has resulted in lower tax revenues coming in.

Historically, tax revenues have been 18 percent of our economy. Today they are lower than that and closer to 14.5 to 15 percent. Spending has been at about 20 percent of our economy historically since World War II. Today, that spending is over 24 percent of our economy.

What happens over the next several years, based on the Congressional Budget Office analysis, is the revenues begin to increase as a percent of the economy even if the 2001 and 2003 tax relief is not continued. In that case, the revenues increase even more dramatically up to 21 percent or 22 percent of the economy.

So the fact is, the spending is on a trajectory to go up from a historic 20 percent to 24 percent now to 30 percent to 40 percent to 50 percent over the decades. We cannot catch that spending with enough taxes. It simply cannot be done and have a viable economy. So we have to deal with the spending side of the ledger. Even if we do raise taxes to chase the trajectory, we will upset that balance between the Federal Government and a free, robust private sector that encourages innovation and gets people back to work.

If the Federal Government ends up taxing every dollar of earnings, we will have taken away the space for Americans to pursue and enjoy the rewards of their hard work, risk-taking and innovation. The Founders might have used another phrase to describe what a free economy promotes: life, liberty, and the pursuit of happiness. Today we are talking about how we ensure that we have economic growth so that we can bring back the jobs, and that will not happen through the level of taxation that would be required to catch up to the record levels of spending.

To address Washington's natural inclination toward taxing and spending,

a successful balanced budget amendment needs to do more than just require the outlays be less or equal to receipts. Again, it should include a spending cap because of the problems I have talked about with regard to the projections by the nonpartisan Congressional Budget Office over the coming years and decades. It should also demand a supermajority should Congress seek to enact antigrowth tax hikes.

I think this balanced budget amendment, crafted by Senators HATCH and LEE, by doing that strikes a good balance. It also addresses the concern about a balanced budget amendment limiting the Federal Government's ability to spend in a time of war. If there is a declaration of war against a nation-state, a majority vote in both Houses would allow for deficit spending. If the Armed Forces are engaged in a military conflict that has not been given a full declaration of war, a three-fifths vote in both Houses would allow for deficit spending. This is in keeping with the intention of the Founders.

In Federalist 34, Alexander Hamilton drew a distinction between monarchies and republics. He said, the chief source of expense in every government was defense spending. But republics, Hamilton counseled, should not use this to live beyond their means. He wrote:

There should be as great a disproportion between the profusion and extravagance of a wealthy kingdom in its domestic administration, and the frugality and economy which in that particular become the modest simplicity of republican government.

Washington has spent and overspent. This has led us away from that frugality that was the intention of our Founders. A balanced budget is the only way to get back to frugality and to that "modest simplicity of republican government." And that is republican with a small "r."

If we don't restrain spending through a balanced budget amendment, we will effectively inhibit and ultimately undermine the liberty of the Americans. We will threaten the American dream, the hope that each generation is able to pass on to the next generation a better life so that they are able to flourish and to meet, again, their achievements, their objectives in life through opportunity that can be created through a growing economy.

It is time for Congress to prioritize. It is time for Congress to make tough decisions. We should do it with the discipline of a balanced budget. Time has shown us there is a need for a requirement to make those decisions.

My home State of Ohio has that discipline. In fact, over the past year, Ohio has had to make some tough decisions to close a budget gap of about \$8 billion. Here in Washington, we have a budget gap that is far higher. This year the government will bring in about \$2.2 trillion and spend about \$3.7 trillion.

This gap is huge and growing, and just as 49 States do, we need to discipline Washington to force Congress to make these tough decisions to prioritize on behalf of the American people so that we don't have this crippling effect on economic growth, so that we can begin to see the kind of robust recovery we hope for coming out of the recession.

For all these reasons I urge my colleagues to join me in support of the Hatch-Lee balanced budget amendment.

I yield the floor and note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BROWN of Ohio. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BROWN of Ohio. Mr. President, I ask unanimous consent to speak as in morning business for up to 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The remarks of Mr. BROWN of Ohio pertaining to the submission of S. Res. 347 are printed in today's RECORD under "Submitted Resolutions.")

Mr. BROWN of Ohio. Mr. President, I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LEVIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. BENNET). Without objection, it is so ordered.

Mr. LEVIN. Mr. President, Congress cannot absolve itself of the responsibility to balance the budget by passing a constitutional amendment. Congress has an existing constitutional duty to control the purse. If Congress has the will to balance the budget, it can do so. If it does not have that will, no constitutional amendment can be a substitute.

We knew that in 1996, which I believe was the last time the Senate seriously evaluated a balanced budget amendment. While we did not pass the balanced budget amendment, we did adopt budgets and policies that created the first surpluses in decades, enabling the United States to begin to reduce its debt load. Unfortunately, that fiscal sensibility was washed away by irresponsible, unfunded Bush tax cuts in 2001 and 2003 and two unfunded wars. Once again, we find ourselves in a deep fiscal hole.

We can and must dig ourselves out of it, as we did in the 1990s, by taking a balanced approach, restoring revenues, and making sensible spending cuts. But that is not a constitutional question.

That is a political one. Can we, as a Congress, pass the tough measures needed to restore fiscal discipline?

I have proposed a seven-point plan for reducing the deficit. Bipartisan commissions have proposed making spending cuts and increasing revenues and realistic folks from all parts of the political spectrum agree Congress needs to address revenues, as well as spending, if we are to achieve real deficit reduction.

Congress needs to make tough choices and is failing to do so. One more procedural promise—this time in the form of a constitutional amendment—is not going to get the job done.

While the details of the two amendments before us differ in many respects, there are real questions as to how either could be enforced.

For instance, the Udall amendment says:

The Congress shall enforce and implement this article by appropriate legislation, which may rely on estimates of outlays and receipts.

What would happen if Congress failed to adopt the implementing legislation that lives up to the terms of the amendment? If it does not have the will to make cuts and raise revenues, what makes people think Congress will be able to agree on implementing legislation?

The amendments raise far more questions than they answer. For example, would a court be willing to hear a case alleging a failure by the Congress to fulfill its duties or would a court treat such a challenge as a political question that is beyond its reach? Who would even be able to bring a case alleging a violation? Who would the case be brought against and what would the remedies be?

Could a judge nullify a budget or a law on the basis that it somehow violated the amendment? Which appropriations bill pushed us over the limit—the last one adopted?

Would a judge have the power to put the budget in balance by ordering specific spending cuts? How would those cuts be identified and set? Would the judge be tasked with reviewing the entire Federal budget and then making cuts? Would the judge be able to compel Congress to enact cuts? What would happen if Congress failed to comply with such an order? Does the judge make changes and substitute his or her priorities for those of Congress?

These same questions could be asked about revenue increases as well. A judge cannot mandate revenue increases under the McConnell amendment. The resolution, apparently, would allow judges to make spending cuts, however. But that dangerous shift of power to the judiciary arises only by implication in the McConnell resolution. What is explicit under McConnell is that taxes and revenues can only be raised by a two-thirds vote. So even

closing loopholes to end tax dodges and raise revenue would require a supermajority. That is the opposite of a balanced budget amendment provision. That makes it more difficult to balance the budget.

The American people do not need new processes or hollow promises. They do not need a constitutional amendment that raises more questions than it answers. They need Congress and the President to do our jobs. A balanced budget amendment will not force Congress and the President to do anything, because it is, as a practical matter, unenforceable. And when it does not work, public cynicism would only deepen. It already is plenty deep. There is only one way to balance the budget. That is with the willpower to make the hard choices. Those of us elected to public office have that obligation now. And if we fail, we as individuals will be judged by our own electorate.

I yield the floor.

The PRESIDING OFFICER. The Senator from Utah.

Mr. LEE. Mr. President, I stand today to urge my colleagues to support one of the most important pieces of legislation that has come before this body in decades, Senate Joint Resolution 10, the Hatch-Lee balanced budget amendment proposal.

The reason why I insist this is so important is because of a crisis we are facing today. We have accumulated about \$15 trillion in sovereign debt on behalf of the United States—\$15 trillion. It works out to about \$50,000 for every man, woman, and child in America. This is an amount of money that could represent an expensive car. It could represent a college education. It could represent all kinds of things. But it represents ultimately debt that Congress has incurred, debt that Congress cannot afford to continue to incur at this same rate, which we are doing every day. We are adding to that debt at an unsustainable rate of about \$1.5 trillion every single year.

Here is why that is so distressing to me. As the White House itself acknowledged a few months ago, we are now within about a decade, perhaps much less, of owing about \$1 trillion a year just in interest on our national debt. Currently we are paying a little over \$200 billion a year in interest. By the end of this decade, that number is likely to rise to an astounding \$1 trillion a year. We could reach that number much sooner than that. It could happen perhaps in half that amount of time if interest rates suddenly started to climb, as they easily could do, particularly given the fact that we are about 350 basis points below the historic average for yield rates on U.S. Treasury instruments, the means by which our governmental debt is financed.

We have to get this problem under control now, because if we wait until then, until we have to pay \$1 trillion a

year in interest on our national debt, it will be too late to do anything. By waiting, by postponing the day of our accountability, we will have made a choice, a devastating choice, that will prove to signal the downfall of the greatest economy the world has ever known. We cannot allow that to happen—not now, not on our watch, not when the stakes are this high.

If we have to make up that difference, the difference between the \$200 billion a year we are paying now and the trillion a year we will have to be paying in interest on our national debt a few years from now, that money has to come from somewhere. That money is not something we can expect simply to obtain through an increase in taxation.

Over the long haul, we have learned that our tax system is capable of generating a revenue stream equaling a little over 18 percent of all of the revenue that moves through the American economy every single year—a little over 18 percent of our gross domestic product. As this chart shows, that percentage remains relatively constant. It has remained that way for many decades, going back to at least 1960. It averages out a little over 18 percent of gross domestic product.

That remains true even when we go back 30 years or so when our top marginal income tax rates were approaching 90 percent. The economy finds a way to produce no more than a little over 18½ percent—a little over 18 percent of GDP. So we cannot just raise taxes at that point in order to generate more revenue, because our income tax system, no matter how we tweak it, no matter how high we raise top marginal rates, is not capable of generating that much revenue. What we do when we simply ratchet up those tax rates, if anything, is we shrink the size of our economy. We chill economic growth to the point where we are actually generating less revenue, not more. So we cannot tax our way out of that problem, nor can we at that point simply borrow our way out of that problem. In other words, we cannot borrow an additional \$800 billion a year on top of the present-day \$1.5 trillion a year we are borrowing, because if we did that, our interest rates would go up that much more. That would make our decision that much more crippling on our economy.

There are a lot of reasons why this matters. My colleague from Ohio, Mr. PORTMAN, acknowledged a few minutes ago that this chills job growth when we have this much debt. It is also true that this impairs our ability to fund every conceivable government program from defense to entitlements, such that if we wait in order to make the necessary changes to the way we spend money in Washington, we will wait at our own peril. We will wait at the peril of those who have become dependent on

those very government programs that will have to have their budgets slashed immediately, abruptly, severely. We cannot afford to do that. Those who have become dependent on Social Security, on Medicare, on Medicaid, on other entitlement programs, on supplemental nutritional assistance, would be devastated if all of a sudden we cut off funding for those programs, we had to slash those budgets by 30, 40, 50 percent overnight. It is these abrupt changes that prove most difficult for our economy to absorb.

I have often said it is something that we can analogize to being on top of a large building. Let's say our \$15 trillion debt can be compared to a 15-story building. If you need to get down off of that building, you need to get to the ground floor. If you want to do it quickly, you could decide to jump. If you decide to jump, it is not the fall that will kill you, it is the abrupt halt at the end of that fall. So you need to do something to cushion the fall, to slow it down a little bit so it can be accomplished gradually, so nobody gets hurt. That is where the balanced budgeted amendment comes in. The Hatch-Lee balanced budget amendment, Senate Joint Resolution 10, would bring about severe, significant, systemic changes, but it would do so gradually so that the cuts, while significant over the long haul, are not abrupt, so that the impact is not severe, other than avoiding the severeness of the impact that would otherwise occur.

We have to get down from that 15-story building, from that \$15 trillion debt. We do that through a balanced budget amendment, one like Senate Joint Resolution 10, which contains a 5-year delayed implementation clause. That would give us time to work out a phased-in glidepath toward balancing our budget. That is what we need to do in order to protect and preserve our economic stability, our jobs market, and our ability within the Federal Government to fund everything from defense to entitlements.

Those who ignore the need for this amendment ignore the fact that our spending continues to escalate. I want to talk about how much we have spent as a country as a percentage of our overall economy, as a percentage of our gross domestic product. Between the early 1790s and the early 1930s, the Federal Government spent, on average, between 2 and 4 percent of gross domestic product every single year with only two notable exceptions, once during the Civil War and the second time during and in the immediate aftermath of World War I. With those two exceptions, Congress's spending was modest, between 2 and 4 percent of GDP.

That all started to change in the early 1930s when we reached the double digits during peacetime for the first time in our history. We have, unfortunately, never retreated from that

cycle. Federal spending today, as a percentage of GDP, stands close to 25 percent, meaning that for every dollar that moves through the American economy, a quarter of that goes to Washington, is sucked in by the Federal Government, and cannot move on and help to continue to stimulate the economy.

That pattern of increased Federal spending as a percentage of GDP is expected to increase in the next few years. It is expected, based on the data provided by the Congressional Budget Office, to reach 26.4 percent of GDP within the next 10 years, by 2021. Some say that figure is too optimistic and that it could actually be much higher than that, it could be significantly higher than 30 percent. At a minimum, we know it will be 26.4 percent or more unless we take pretty significant steps to control our spending.

So I find it interesting that many are saying we do not need to make changes, that we can somehow have Congress do its job, that Congress needs to follow the Constitution and do its job and balance its budget.

Let me tell you the problem with that. First of all, there is nothing currently in the Constitution that restricts Congress's power to borrow money. Clause 2 of article I, section 8 of the Constitution gives us power to do that, and we have done it. We have done it again and again and again. We have done it so many times in recent years that we have almost lost track.

Congress first placed a statutory limit on the acquisition of new Federal debt in 1917, which was the Second Liberty Bond Act. Since 1962, Congress has altered the debt limit through 74 separate measures, and has raised it 10 times since 2001, in the last 10 years.

Since 1990, the debt limit has been raised by a total of \$10.1 trillion. Nearly half of that increase has occurred in the last 4 years, since late 2007. So this is not a situation in which we are seeing the normal growth of government spending, either in normal numbers, in numbers adjusted for inflation, in numbers measured as a percentage of GDP. By any metric, the amount of Federal spending and the amount of debt acquisition has grown exponentially, giving us this hockey stick-like curve in the acquisition of Federal debt.

We cannot continue this practice. We especially cannot continue it given the fact we know that the natural limit on our ability to receive revenue through the income tax system is a little over 18 percent of GDP. So we have to have something in place that keeps us from spending more than we take in. That cannot possibly be accomplished, in my opinion, without something that ups the ante, something that makes it structurally more difficult on a permanent basis for Congress to engage in deficit spending and to spend more than 18 percent of GDP. That is why

there are a few critical features in Senate Joint Resolution 10, the Hatch-Lee balanced budget amendment proposal, that I think any viable balanced budget amendment proposal ought to have. First, it needs to apply to all spending. Second, it needs to cap spending at 18 percent of GDP. It also needs to require a supermajority vote in order to exceed that percentage of GDP spending limit in order to raise taxes or in order to raise the debt limit. Without these kinds of provisions, this kind of redundant protection against the inexorable growth of Federal spending generally, and the inexorable growth of deficit spending in particular, our debt will crush the very programs we purport to be protecting.

Those who plot against this say we cannot limit spending to 18 percent of GDP or else we will hurt program X, Y or Z. While they are making this argument, it is in reckless disregard of the fact that those same programs will be jeopardized if we continue to borrow recklessly, without structural spending restraint or reform on the horizon.

Others have argued we don't need this because somehow it is unenforceable. I am not quite sure what they mean. Perhaps they don't know what a court would do with it. They are forgetting we have other provisions in the Constitution that raise the vote threshold, which is essentially what the Hatch-Lee balanced budget amendment does. In other words, we have other provisions in the Constitution that are followed routinely, without the need for litigation, just based on Members of Congress taking an oath to uphold the Constitution, as we are all required to do pursuant to article VI. Those are complied with every day.

For instance, we all know none of us will dispute the fact that it takes a two-thirds supermajority vote in both Houses of Congress to override a Presidential veto. It takes a two-thirds supermajority vote in both Houses of Congress to propose a constitutional amendment. It takes a two-thirds supermajority vote in the Senate to ratify a treaty. We don't dispute the fact that these vote thresholds exist. We don't have to wait for the courts to intervene for us to enforce them within Congress. We follow them. That is what this would do.

This says that because Congress has the ability to destroy itself, destroy the economy, destroy the very government we have created through reckless, indefinite, perpetual deficit spending, we must protect Congress from itself—perhaps better said, we must protect people from Congress by requiring that Congress approve any amount of money spent in excess of what Congress brings in or in excess of 18 percent of GDP or in excess of the debt limit by a supermajority vote. We have to have that. It will be followed, and it is absolutely necessary.

It is interesting that few, if any, of my colleagues will dispute the fact that Congress should balance its budget. There is perhaps a difference of opinion—maybe even a widespread difference of opinion—as to how best we should try to close this gap, how best we should close the gap between the money Congress brings in each year through the tax system and the money it spends. There is widespread dispute about where cuts need to be made. I think we all agree we need to balance our budget.

That begs the question, if we all agree, as I think we all do, then why can't we agree we need to adopt a permanent structural mechanism that will be embodied in the Constitution that will ensure that actually happens? This proposal remains agnostic as to where cuts will be made. All it says is if we are going to spend more than we take in or more than 18 percent of GDP or raise taxes or the debt limit, we are going to do it by a supermajority vote. That is something the American people support. In fact, 75 percent of the American people support the basic principle that Congress should not, for example, spend more than it takes in each and every year.

That brings me to the question of why it is that we should support S.J. Res. 10, the Hatch-Lee balanced budget amendment, and not another proposal—for example, S.J. Res. 24, which I might refer to alternatively as the “Trojan horse” balanced budget amendment or as the “do nothing” amendment proposal, which purports to be a solution when, in fact, it is not, for one simple reason: It gives Congress unfettered discretion to exempt itself out of the budget balancing requirement it contains. This would, in effect, I am certain, render this amendment, were it to take effect, virtually a dead letter provision.

We have seen what Congress does when it has the option of exempting itself out of statutory spending caps—in the pay-go rule, the Gramm-Rudman-Hollings Deficit Control Act, and in other statutory provisions such as this. Congress giveth and Congress taketh away. Congress has become a walking, breathing waiver unto itself. When Congress is given the option of saying: I know we are supposed to balance the budget, but we don't feel like it today, it ends up doing that. All Congress would have to do under S.J. Res. 24—the “do nothing” amendment proposed—is simply acknowledge that the United States is involved in a military conflict, and by simple majority vote it can exempt itself out of these provisions entirely.

By contrast, the Hatch-Lee balanced budget amendment proposal acknowledges that in a time of war or military conflict, it may be necessary to spend more than we take in. But in the case of an armed military conflict, it requires a three-fifths supermajority

vote, and in either a war or another armed military conflict, it specifically provides that in that war or conflict, any overage, any amount spent above and beyond what Congress brings in has to be limited to that required to prosecute that war or that military conflict effort. That is a huge difference. We can't simply give Congress the option of complying with a balanced budget amendment provision only when Congress feels like it. This is a little akin to telling an alcoholic they have to give up drinking, while leaving an open container of whiskey on the table and requiring that person to walk past that bottle or even to carry it around every day. It doesn't work. You have to take it out of the house. You certainly have to take it out of the possession of the recovering alcoholic.

This is the challenge of our time—to figure out how to prevent Congress's chronic abuse of its own borrowing authority from collapsing under its own weight, from bringing about the economic collapse of the United States of America.

We have to have these structural spending reform mechanisms because our government is run by imperfect people. Benjamin Franklin has often been quoted for a line that says: "He'll cheat without scruple who can without fear." When looking at Congress today, we might say Congress will spend more money than it has whenever it possibly can, whenever it has the option of spending more.

As Madison said: "If men were angels, no government would be necessary. And if angels were to govern men, neither external nor internal controls on government would be necessary."

We are, as human beings, not angels, and our government isn't run by angels either. This is why we need the structural permanent spending reform mechanism. We cannot afford to accept a substitute, a cheap imitation, a "Trojan horse" balanced budget amendment such as S.J. Res. 24, because if we adopt something such as that, we will create the illusion to the American people that we are actually undertaking efforts to control our out-of-control deficit spending program when, in fact, we are doing nothing. Because it is always the case that we are involved in a military conflict somewhere. Congress will always be able to muster a simple majority, saying we cannot be expected to balance our budget because of that.

We have to draw that line in the sand and stand for those who support everything from defense to entitlements. We have to stand for our children and our grandchildren, those who will come after them, those who are not yet old enough to vote, those who have not yet been born and whose parents have yet to meet. Those people are not here to vote against us as we spend their money.

This is a particularly pernicious form of taxation without representation. We fought a war over two centuries ago over that practice, and we won that war. We should not subject our children, their children, and their grandchildren after them to that same practice. This is contrary to liberty, contrary to economic prosperity. We cannot stand for it to occur anymore.

We have two choices. One choice involves supporting, passing, and submitting to the States for ratification of the Hatch-Lee balanced budget amendment proposal, putting in some permanent restraint, at long last, on Congress's self-destructive borrowing capacity.

The other option can take many forms. It can take the option of supporting S.J. Res. 24, which doesn't solve the underlying problem, or it can take the form of doing nothing at all. If we do nothing, we have still made a choice—a devastating choice—a choice that will inure to the detriment of the American people and of the Federal programs that we all rely on, the Federal programs that people rely on to keep them safe, protect them from the ravages of nature, and protect them from the conditions of poverty we seek to avoid in this country. It is, after all, the objective of us all to seek a better, more prosperous, more safe country, but we jeopardize all those interests the longer we allow this practice of perpetual deficit spending to continue.

At the end of the day, we have to face our own constituents. Those who choose not to vote for the Hatch-Lee balanced budget amendment will have to face their constituents and tell them why they were unwilling to stand for a proposition so basic as we should balance our budget.

There is no excuse, based on the fact that we cannot do this overnight, because it has a delayed implementation clause. It will not take effect until 5 years after it has been ratified by the States. In the meantime, we will be able to set in motion a sequence of events, a series of implementing bills that will allow us to put ourselves on a smooth glidepath toward balancing our budget. We will be able to do that. Those who vote against this cannot look their constituents in the eye and tell them they did everything they could do to get our out-of-control spending habits or our out-of-control deficit spending habits under control.

I urge each of my colleagues to do this for themselves, for the programs they want to save, and for their children and grandchildren. Our prosperity, our success as Americans, our survival as a nation, and the success of our government requires nothing less.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. KIRK. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KIRK. Mr. President, I rise to talk about the balanced budget amendment. It is obvious America's government is spending, taxing, and borrowing too much. That is why Congress should approve the balanced budget amendment to the Constitution. It was a good idea when Thomas Jefferson supported it, and it is an even better idea today.

America is a great experiment in self-government. Self-government requires self-control. Early thinkers about America's democracy worried about the capacity of the government to borrow in a way that would cripple our freedom.

Children cannot vote, but the Congress of their parents can put our kids into debt. We should fight fiscal child abuse by ending such borrowing that hurts our kids' long-term economic future.

In recent days, we witnessed clear warning signs that the days of big borrowing are ending, not because Congress has changed its free-spending ways but because lenders are increasingly worried that they will never be repaid. This summer, America lost its triple-A credit rating, according to Standard & Poor's. This loss of confidence mirrors a crisis in Europe reflecting a collective judgment that Greece and Ireland and Portugal and Spain and even Italy may not be able to repay the amount of money they have borrowed. As Prime Minister Thatcher reportedly said, "Eventually governments run out of other people's money."

In this environment, it is important to show how we are different from Europe. If we approve the balanced budget amendment and cut spending, we will restore confidence in the Federal debt, in America's economy, but most important, in the ideal of self-government.

America owes \$15 trillion or about \$40,000 for each new American born. For their sake, we need to restrict the ability of the current generation to obligate young Americans to pay their debts.

Should this amendment fail, we will wound the long-term credit of the United States. More deeply, we will hurt the ideal of self-government and self-control that is the foundation of our freedom.

EGYPT

I would like to take this moment to talk about another issue; that is, we as Americans support freedom and democracy and the rights of all peoples. But, as Gaza taught us in 2006, free elections by themselves do not make up a democracy. There are times when people are offered a chance to elect party leaders who offer them only one election to affirm a dictatorship. We can



also learn from the year 1938 that the dangers of ignoring developments abroad are huge. Now, in the wake of the Arab Spring, we turn away from that region at our own peril.

On November 28, the first stage of the Egyptian elections began, which will inaugurate a new electoral system forming a bicameral legislature. This first stage determines about 30 percent of the 498 seats for the government's lower chamber, called the People's Assembly.

Before Egyptians arrived at the polls, protesters filled Tahrir Square in Cairo. As a result, over 40 Egyptians were killed. Many are objecting to the military's interference in the electoral process and the decision to force elections well before secular parties had time to build their capacities. According to public polling and sources on the ground, this will likely hand an electoral victory to the Muslim Brotherhood and more radical Islamist elements within the Egyptian society. Although elections will last until March of 2012, the prediction of a Muslim Brotherhood victory is already becoming a reality. Early data shows an alarming trend of Islamist domination of the Egyptian Parliament.

On December 5, the High Electoral Commission announced that leaders of the Freedom and Justice Party, the political arm of the Muslim Brotherhood, had received a plurality of 36 percent of the vote, while the secular Egyptian Bloc had gained less than 12 percent. When we include the runoff elections, which took place last week, it appears that the Muslim Brotherhood has won 73 out of 150 seats or 49 percent of the currently contested outcomes. This is the same party that led a pre-election rally of 5,000 chanting "one day we shall kill all the Jews" and "Tel Aviv, Tel Aviv, Judgment Day is coming."

While many expected the Brotherhood to do well, there were other surprises. Salafist parties, made up of anti-Western hardliners who follow a particularly radical version of Islam, are also faring particularly well. Surpassing predictions, they received 24 percent of the vote in the first round.

Importantly, these elections also included the so-called liberal districts of Cairo and the Mediterranean port city of Alexandria. The weakness of liberal parties—namely, their inability to reach out to voters effectively with a serious agenda—is now fully exposed. Islamists are taking full advantage of deeply rooted networks that extend from the mosques into Egypt's poor districts. Their grip in the traditionally conservative areas of Alexandria proved particularly tight, and these areas are also home to a majority of the Coptic Christian community.

It is clear that if Islamist parties and candidates continue their currently won gains in other elections, they will capture 60 percent of the national vote

in Egypt. This will situate the new Egyptian Parliament around deep ideological differences between Salafis, the Muslim Brotherhood, and liberal groups, making the Brotherhood the power brokers between Egyptian left and right.

What does this all mean? By January, the United States could face an Egypt defined by a hatred of Israel and many of the freedoms we hold dear—a freedom of expression, of women's rights, and the right to practice any religion. This Egypt counts Iran as a friend and poses a threat to the Camp David Peace Accords, which have served as the cornerstone for Egypt's strategic position for 30 years.

Do we expect that an Islamist-led Egypt will prevent weapons from arriving in the hands of Hamas? Will an Islamist-led Egypt help preserve a free South Sudan? Will an Islamist-led Egypt act to protect Coptic Christians who make up about 10 percent of Egypt? Will we see continued violence, as we saw on October 9 in Maspero, which killed 27 civilians and injured hundreds? Will an Islamist-led Egypt do what we expect with more than \$1 billion of U.S. foreign assistance? Will they continue to share intelligence and to work against terrorism? These are all questions that may become critical issues for the national security of the United States very shortly.

All of this instantly prevents foreign investment and tourism that would help the Egyptian economy. The IMF has forecasted a little over 1 percent growth for the Egyptian economy next year. They said inflation will top 11 percent, while almost 12 percent of Egyptians will be out of work. Recently, the Egyptian pound traded at its lowest level against the dollar in 7 years.

This time last year the region was on the threshold of exciting change, but today Egypt sits instead on the threshold of a very dangerous path.

The United States—and especially our State Department in particular—should do what it can to keep Egypt attached to peace and good relations with the West. The United States is now on the verge of a historic defeat and reversal of American interests in Egypt. Currently, if there is an Obama administration plan for handling a new Islamist Egypt that rejects peace with Israel and allies with Iran, I don't know it, and I don't know if anyone does. We must keep our finger on the pulse of this process. Liberal voices in Egypt must work to preserve the democratic goals of the January revolution.

Recently, I had the privilege of meeting some of Egypt's best and brightest young liberal leaders. They would like to build a free Egypt that respects women's rights and religious minorities and the rule of law. I was encouraged in meeting with them but only hope that the coming election is not

like a 1930s election in Germany, where people in Egypt are given one choice—to affirm a dictatorship—and then that is the end.

If a radical Islamic government arises in Egypt—one that disavows the Camp David Peace Accords and no longer acts as a stable strategic partner in the Middle East—then we will look back on the recent election in Egypt and its successors in December and January as the turning point for a historic reversal of the United States.

My hope is that the State Department watches this very carefully. My hope is that we have a plan to make sure this critical country stays within the U.S. orbit. But my fear, given the recent elections in Egypt, is that we have already lost quite a bit of ground.

If current trends continue, then by the middle of next year we will have a Muslim Brotherhood government in command of the Suez Canal, in charge of Cairo—the second center of learning in the Arab world—along the border of our Israeli allies, friendly to Hamas, friendly to Iran, and hostile to Europe and the United States. My hope is that over the holidays we will work very hard and diligently with our allies—and especially liberal forces in Egypt—to make sure that reversal doesn't happen.

With that, Mr. President, I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. UDALL of Colorado). Without objection, it is so ordered.

#### DEAD ON ARRIVAL

Mr. REID. Mr. President, the bill just passed by House Republicans tonight is a pointless, partisan exercise. The bill is dead on arrival. It was dead before it got to the Senate. The Senate will not pass it. The sooner we demonstrate that, the sooner we can begin serious discussions on how to keep taxes from going up on middle-class Americans. Democrats were ready to vote tonight to prove that the bill was DOA, dead on arrival. But I spoke to Minority Leader MCCONNELL this evening, and he told me he will need more time. He will not be able to make a decision until tomorrow morning on when to vote on the House-passed bill. I cannot set the vote without his approval at this time.

This is a 180-degree change in his position from just a few hours ago. Just this morning, Senator MCCONNELL said we should "take up the House bill, pass it right here in the Senate, and send it to the President for signature without theatrics and without delay." That is a



direct quote. I repeat, he said we should vote on this bill "without delay."

He is correct, and I can only wonder what happened in the last 8 hours to change his position so dramatically, so radically. As I said, we already know this bill is dead. We need to begin real negotiations on how to prevent a \$1,000 tax hike on American families. The sooner we get this vote, the sooner those negotiations can begin in earnest.

I will speak with Senator McCONNELL again tomorrow to determine how soon we can hold this vote—an exercise in futility. Work continues toward finalizing an omnibus to fund the government for the rest of the year. In the meantime we should not hold up this middle-class tax cut.

On January 1, every American worker will have less money. In fact, 160 million American workers will have less money to spend on groceries and gas and rent unless Congress acts on their behalf.

T.S. Eliot said it about as good as I could figure a way to say it, when he said: "Hurry up please, it's time."

#### MORNING BUSINESS

Mr. REID. Mr. President, I ask unanimous consent the Senate proceed to a period of morning business with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### REMEMBERING FRANK ANDERSON

Mr. BROWN of Ohio. Mr. President, I rise to honor a long-time friend and a hero to veterans and to those who believe in justice in Ohio: Frank Anderson, a long-time leader of paralyzed veterans in Ohio, who passed away last week from complications of an infection.

Frank was a friend and a trusted advocate. He always spoke eloquently about issues facing veterans and people living with disabilities.

Confined to a wheelchair as a paraplegic for the overwhelming majority of his adult life, Frank was soft spoken, yet larger than life, with a commanding presence.

As a leader of the Buckeye Chapter of the Paralyzed Veterans Association, he drove himself to veterans events across Ohio.

He spoke out against inequality in disability pay—and the barriers that face disabled veterans, from health care to transit accessibility, to economic opportunity.

He was a strong advocate for the Americans with Disabilities Act. He fought to ensure housing was affordable and accessible for all Americans.

He testified in front of Congress on issues facing veterans in rural areas

and would return that night to Cleveland to fight for veterans in cities.

He would always do so the right way—prepared in facts and figures, armed with anecdotes and stories.

Born in Cleveland in 1953, Frank Anderson graduated from East Tech High in 1971.

In 1976, he left Bowling Green State University to enlist in the Ohio Army National Guard's 107th Armored Cavalry Regiment.

In 1981, Frank was paralyzed after an 18-wheeler crashed into an Ohio National Guard convoy he was traveling in. He recovered and rehabbed at what is now the Louis Stokes VA Medical Center in Cleveland, meeting other disabled veterans—hearing their stories, learning from them, all becoming advocates charged with helping veterans.

While taking away his ability to walk for the rest of his life, the experience strengthened his will to serve and to live his life on his terms.

He remained active in wheelchair sports—playing tennis, lifting weights, and throwing a discus and a javelin.

He became a longtime leader for all Americans with disabilities and became a trusted leader in the African-American community.

He embraced life's challenges. He made the world better for all of us—even dressing as Santa for children at the Cleveland Clinic's Children's Hospital.

He traveled the country. He cooked his favorite seafood. He listened to his favorite old rhythm and blues music.

Mr. President, I ask unanimous consent to have printed in the RECORD Frank Anderson's obituary from the Cleveland Plain Dealer and a letter about Frank's life from Bill Lawson, president of the Paralyzed Veterans of America.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Cleveland Plain Dealer, Dec. 8, 2011]

(By Grant Segall)

EAST CLEVELAND.—Crashing into an Ohio National Guard convoy, an 18-wheeler paralyzed Frank W. Anderson in 1981 and inspired him to become a statewide leader for disabled veterans.

Anderson, 58, died Tuesday, Dec. 6, at the Stokes Cleveland VA Medical Center from complications of an infection.

"He was a guiding light," said Ray Saikus, president of the Joint Veterans Commission of Cuyahoga County, whose first vice president was Anderson. "He was well-versed, respectful and assertive about issues."

Among many roles, Anderson was government relations director for the Paralyzed Veterans Association's Buckeye Chapter. Buckeye President Carl Harris said, "He was very effective. He did his homework. We didn't just go in and say, 'Do something about this and figure it out.' We always had ideas on, 'You could do it this way and that way.'"

Anderson spoke about many problems, from illegal parking in spaces for the handi-

capped to inequities in disability pay. "There should be a standard rate for all veterans across the U.S.," he told The Plain Dealer in 2008.

Despite paraplegia, he drove himself and wheeled his chair to countless veterans' events. "We do this in remembrance," he said in 1993. "We want our children to be proud of what we did for this country."

Anderson was born in Cleveland and graduated East Tech High in 1971. In 1976, he left Bowling Green State University and enlisted in the Ohio Army National Guard's 107th Armored Cavalry Regiment. He was on active duty in Michigan when paralyzed. He was discharged the next year as a sergeant.

He joined the Paralyzed Veterans' Buckeye board in 1985, then switched to a paid job in 1987 as the group's advocacy director. He was also vice president of the Memorial Day Association of Greater Cleveland and a commissioner of Ohio Rehabilitation Services.

He belonged to the Governor's Council on People with Disabilities, ADA Ohio Network, Maximum Accessible Housing of Ohio, and Greater Cleveland RTA Citizens Advisory Board. As a trustee of the Soldiers and Sailors Monument, he took charge of getting it a wheelchair lift.

Anderson often played Santa at what's now the Cleveland Clinic Children's Hospital. He liked to cook seafood, travel around the country and listen to music, especially old rhythm and blues.

Frank William Anderson, 1953-2011. Survivors: Wife, the former Joe Ann Huff; children, Yolanda Anderson of East Cleveland, Patrice Anderson of Cleveland, Chemenda Wilbourn-Anderson of Cleveland, Tamika Savior-Greer of Cleveland Heights and Franklin Savior of Cleveland; seven grandchildren; a sister and two brothers.

#### PVA BUCKEYE CHAPTER MOURNS THE LOSS OF FRANK ANDERSON

It is with deep sadness that we inform you of the passing of Frank Anderson, long-time Buckeye Chapter Government Relations Director. We were informed by the Buckeye Chapter that Frank passed away in the early morning hours of December 6, 2011.

Frank was the consummate advocate for people with disabilities known throughout the greater Cleveland area and Ohio as a vigorous and articulate spokesman on behalf of disability rights.

For Frank no effort was too small nor challenge too large if it would benefit the greater disability community and he should be remembered as a leader in the fight to secure passage of the Americans with Disabilities Act. A mentor to his fellow Chapter Government Relations Directors and the 2010 recipient of the Richard Fuller Outstanding Achievement in Government Relations Award, Frank exemplified the active member devoted to the goals of Paralyzed Veterans of America.

Frank leaves behind a community that is better for his efforts. On behalf of all of PVA, we extend our deepest sympathies to his many friends, colleagues, and most specifically, his loving wife Joanne and family.

Once PVA executive offices receive pertinent memorial service information from the Buckeye Chapter, we will forward to you. Thank you for sharing this news with those who may not yet be aware and would appreciate knowing.

Sincerely,

BILL LAWSON,  
PVA National President.

HOMER S. TOWNSEND, Jr.,

*PVA Executive Director.*

Mr. BROWN of Ohio. Mr. President, Frank served as director of government relations for the Paralyzed Veterans Association's Buckeye Chapter in my State.

He served as vice president of the Memorial Day Association of Greater Cleveland, as well as a commissioner of the Ohio Rehabilitation Services.

He belonged to the Governor's Council on People with Disabilities, the ADA Ohio Network, the Maximum Accessible Housing of Ohio, and the Greater Cleveland RTA, the transit system's Citizens Advisory Board.

He was a trustee of the Soldiers and Sailors Memorial in downtown Cleveland, responsible for installing its wheelchair lift.

I will miss Frank. I will miss his friendship, his wit, and his humor. But his State and Nation will miss him more—his strong will and his dedication to public service and the lives he helped to improve.

Frank was an inspiration to anyone in or out of a wheelchair—a tireless advocate whom everyone loved and respected.

On Thursday, December 15—a couple days from now—at Mount Sinai Baptist Church, on Woodland Avenue in Cleveland, Frank's family and friends will gather for his funeral—his going home.

I wish I could be there. I will be here. But I wish I could be there to say goodbye—to join his wife Joe Ann, their children Yolanda, Patrice, Chemenda, Tamika, Franklin and seven grandchildren and Frank's sister and two brothers.

For them, I offer my condolences but also reaffirm a commitment to serving Frank's cause on behalf of all disabled Americans, especially those who are disabled and paralyzed in service to our country.

#### TRIBUTE TO LEO F. WEDDLE

Mr. McCONNELL. Mr. President, I stand today to honor an exemplary Kentuckian and patriot, Mr. Leo F. Weddle of Somerset, KY. Mr. Weddle is a veteran of the Korean war; he selflessly served our Nation as a machine-gunner during that conflict.

In 1950, just 3 years after graduating high school, Leo decided to enlist in the Marines, an idea he had already given considerable thought to. Leo was inspired one day by the obvious pride and glamour that was exhibited by a young marine in uniform whom Leo saw from the window of his Greyhound bus as Leo was traveling home to Somerset, KY, from his sister's house in Beaumont, TX. It was at that exact moment, somewhere in a small Arkansas town, that Leo decided to enlist to serve his country.

After his introduction into the Marine Corps, Leo spent the next several

months enduring the rigors of boot camp in Parris Island, SC, and combat training at Camp Pendleton in Oceanside, CA. When combat training concluded, Leo and his unit boarded the troopship USS *General William Weigel*. Leo's unit eventually landed in Yokuska, Japan, after 2 weeks at sea.

On June 5, 1951, the day Leo arrived in Korea, he was immediately transported to the front line for combat, where he joined George Company, 3rd Battalion, 1st Marine Division, later nicknamed "Bloody George." Leo's unit was under heavy fire from the moment he arrived. "They had just lost a machine gunner and were asking for a volunteer," he said. "Fools really do rush in where angels fear to tread, and I volunteered for the position. I served as a machine gunner for the duration of my time in Korea."

On September 21, 1951, Leo was wounded by a mortar that killed two officers and six enlisted men. Ironically, to Leo, the shell exploded closer to him than any other person, but the shrapnel propelled from it that hit him only left small pieces of metal in his legs and head. Those farther away were hit with larger pieces of metal that inflicted more severe, even fatal injuries. Six decades later, Leo still has fragments of the mortar in his legs and forehead.

Today at 77 years of age, Leo feels blessed to be able to look back on his wartime experiences as a veteran who has since lead a healthy and successful life. "I recall vividly many images of the horrors of war," Leo says, "but I also remember my fellow Marines, courageous young men with whom I shared the most intense life-and-death experiences most of us would ever face."

Leo was so inspired by these experiences that he wrote a poem while he was still in Korea to help him share the love and appreciation for America he felt half a world away. Leo believes he may never have had the opportunity to truly express these feelings had he not had the opportunity to serve his country in battle as he did.

Mr. President, I would ask that my Senate colleagues join me in thanking Mr. Leo F. Weddle, a valiant Kentucky veteran, for his courage and selflessness in fighting to preserve our country's freedom. Mr. Weddle is an honorable man whose sacrifice and lifelong success serve as an inspiration to the people of our great Commonwealth. The Commonwealth Journal, a Somerset-area publication, recently published an article written by Mr. Weddle recounting his time as a U.S. marine. I ask unanimous consent that the full article be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Commonwealth Journal, November 11, 2011]

#### A VETERAN REMEMBERS

(By Leo F. Weddle)

In 1950, three years after my high-school graduation, the Korean War was under way and I had given considerable thought to joining the service. One beautiful autumn day I was riding a Greyhound bus from my sister's home in Beaumont, Texas, to my hometown of Somerset, KY.

Somewhere along the way, in a small town in Arkansas, I saw from the window a young Marine, resplendent in his dress blue uniform. The glamour of that uniform and the obvious pride of the man wearing it captivated me. At that moment I decided to volunteer for the Marines, and I did so as soon as I arrived in Somerset.

After my introduction into the Marine Corps, I endured weeks of stress and intimidation in boot camp at Parris Island, South Carolina, followed by combat training at Camp Pendleton in Oceanside, California. After completing my training, my unit boarded a troopship, the USS *General William Weigel*, and after two weeks at sea, we landed in Yokuska, Japan.

On June 5, 1951, I arrived in Korea and became a member of George Company, 3rd Battalion, 1st Marine Division, later nicknamed "Bloody George." The day I arrived, I was transported to the front line and immediately entered combat. My unit was under heavy fire. They had just lost a machine gunner and were asking for a volunteer. Fools really do rush in where angels fear to tread, and I volunteered for the position. I served as a machine gunner for the duration of my time in Korea.

Minutes after I arrived on the line, a mortar shell hit a few feet from me. Luckily, it turned out to be a dud. If it had exploded, I would almost certainly have been killed on my first day of battle. As it was, I was wounded by another mortar a few months later, on September 21, 1951. We were on Hill 751, which came to be known as "Starvation Hill."

For three days and three nights, the fighting was so intense that our Korean supply carriers could only bring ammunition. Food was a lower priority in this situation than the much-needed ammo, so we had to make do with what we had until the shelling diminished.

A friend of mine was hit, and I climbed out of my foxhole to help him. While I was out of the foxhole, a mortar shell came in. It killed two officers and wounded six enlisted men. The irony of the situation was that the mortar landed closer to me than to anyone else, but the explosion propelled shrapnel that embedded only small pieces of metal in my legs and head, while dispersing larger pieces to the men who were killed or more seriously wounded.

The mind is a strange and wonderful thing. If I close my eyes, even to this day, I can still see the dirt, debris and shrapnel exploding as clearly as I could at the moment it happened. Fifty-five years later, I still have small fragments of that mortar in my legs and forehead. During the months that I served in Korea, I saw great acts of courage by my fellow Marines as they dealt with the brutality and mayhem of war. I came to realize that heroism often involves reacting to a situation in a way that seems to be most expedient at a given moment.

I recall many images of the horrors of war, of course, but I also remember my fellow Marines, courageous young men with whom I shared the most intense life-and-death experiences most of us would ever face.

While I was still in combat in Korea, I wrote the following poem. My experiences there gave me a love and appreciation for America that I might never have been able to express had I not had the opportunity to serve my country in this way.

Today I am 77 years old and looking back on my own wartime experiences from the vantage point of a healthy and successful life. I hear the stories of today's young Marines who are risking their bodies and lives for the same principles that motivated me and my comrades in Korea so many years ago. For any soldier or Marine who serves his country in time of any war, I believe this poem expresses the love and pride that he feels for his homeland, the United States.

MR. YOU AND MR. ME

What is America? I ask myself,  
It is happiness, contentment, success and wealth,

With a touch of hardship, dirt and grime,  
Mixed together with work and time,  
Is Mr. You or Mr. Me?

America is a sweetheart, modest and dear,  
It's high school and college, or a cheer-leader's cheer.

It's a bright hello or a sad good-bye,  
It's all these things and much more too,  
That go into making the Red, White and Blue.

America is football, baseball and track,  
Or just a little afternoon snack.  
It's a drive in the country, a walk into town,  
or just a policeman making his round.  
It's a chocolate sundae or a picture show  
That forms the pattern of this land we know.

It's Mom and Dad—Sister too,  
And a little brother, or me and you.  
It's Brooklyn and Jersey, the Dodgers and Phils,

Or a beautiful river with valleys and hills.  
But it takes these things and the heavens above

To make our America, the land we love.

It's barefoot boys who skip school for fishing,  
And pigtailed girls who tag along, wishing.  
It's the old and the young, the brave and the true,

But mostly America is made up of you.  
It's what you believe and what you can see  
That count in this land of democracy.

The names of Washington, Lincoln and Jones,

The Tom Smiths, Dick Phillips, and Harry Malones

Are parts of America we see every day  
As we walk along this crowded highway.  
Yes, all of these things we daily see,  
Until they are a part of you and me.

America is brown, yellow and white,  
With a touch of red, it's quite a sight,  
For we are a mixture from many lands  
Who believe in liberty and freedom's stands,  
And we back up this faith with blood and tears

Shed by patriots throughout the years.

It's soldiers, sailors, pilots, Marines,  
Who make up our nation's fighting machines.

It's "blood and guts" when the time demands,

For freedom's cause we take our stands.

It's all America, just one big show,  
Of the things we do and the things we know.

It's our faith in God to do His will,  
Our belief that we have His protection still,  
That makes America strong and free,  
It's a wonderful place for you and me.

And though many places our feet may roam,  
May they safely return us to our home,

America.

#### TRIBUTE TO TOM BIRCH

Mr. ROCKEFELLER. Mr. President, it is a distinct honor and privilege for me to congratulate Thomas L. Birch, the legislative counsel and founding director, of the National Child Abuse Coalition, for his decades of service to children.

After more than 30 years as head of the coalition, Tom is retiring. Mr. Birch established the National Child Abuse Coalition three decades ago as a way to focus greater attention on the more than 700,000 children who are abused and neglected each year.

From his earliest days, Tom was inspired to make a difference in the lives of some of our most vulnerable children and families. His interest was first peaked as a high school student working at a public housing project in Stamford, CT. He noticed that not all kids had the same opportunity and that not all children had the same start at life. His experiences also demonstrated that with the right kind of support, we could make a difference in these young lives. We could even the playing field.

Tom continued on to college and became an attorney, but when he reached Washington, he brought with him that same passion to make a difference. We all talk about how important children are to this country's future, but Tom felt you had to do more than just say that—he had to act. He began his new job on Capitol Hill working for the chair of what we now call the HELP Committee, under Senator Walter Mondale. In fact, the week Tom Birch started his work for the future Vice President, the Child Abuse Prevention and Treatment Act, or CAPTA, was signed into law. He would continue advocating for children and the prevention of child abuse by working on the staffs of Senator Paul Simon and Congressman John Brademas.

When Tom ended his career as a Capitol Hill staffer he moved on but didn't move away from his main mission in life: to continue to make a difference for the most vulnerable children in the land. He formed a coalition to focus attention on preventing the abuse and neglect of children. In 1981 the National Child Abuse Coalition was created under the leadership of Mr. Birch. His pride and constant inspiration has been to shape the growth of CAPTA, and that, too, would be the mission of the coalition he founded.

Because of Tom Birch's efforts, more than 30 national member organizations, working through the coalition, have been able to coordinate and strengthen their Federal advocacy on behalf of the millions of vulnerable children. Through this time period Tom has contributed to important developments, including the creation of

children's trust funds across the States; the establishment of national child abuse data; greater focus on community-based solutions, including the community-based grants to prevent child abuse and neglect; and more recently he and the coalition were an important voice of support for the new home visitation program enacted by Congress in 2010.

Through his leadership the coalition has also served as an advocate in the appropriations process for CAPTA and similar programs such as the Social Services Block Grant, SSBG, and the Promoting Safe and Stable Families Program, PSSF. When opportunities have arisen he has worked to highlight ways to strengthen programs such as Head Start and childcare to make sure the country took every opportunity to address child neglect and to prevent it.

Others have recognized Mr. Birch's contributions, including the American Psychological Association, which honored him in 2003 with their Award for Distinguished Contribution to Child Advocacy. Later in 2006 Casey Family Programs honored Tom again by giving him their Leadership Award.

I want to join the many others in recognizing Tom Birch. These days we talk a great deal about lobbyists and special interests in Washington, DC, but there are certain groups of people here in Washington you don't hear about. They won't be featured on the evening news or the front page of the newspaper. These are the men and women who patiently and quietly walk these halls to tell the stories of vulnerable children. These people do it not to get rich or to promote the fortunes of the powerful; they work on behalf of our most vulnerable. Tom is one of these people, an unsung hero who has made a true difference for vulnerable children. It has been a job well done for Tom. I hope his retirement is successful and rewarding in every way he wishes it to be, and I thank him very much for all the contributions he has made to the lives of all the most vulnerable children all across this country.

#### VOTE EXPLANATION

Mr. NELSON of Nebraska. Mr. President, I was mistakenly recorded as a "no" on vote No. 227 on December 12, 2011. I would like to state for the record I intended to vote for cloture in relation to the nomination of Mari Carmen Aponte to be Ambassador to the Republic of El Salvador.

#### TRIBUTE TO ROBERT GRIFFIN III

Mrs. HUTCHISON. Mr. President, in Texas, football and team loyalty is a key part of our identity. Today, I know that Baylor University students, alumni, and fans—known as the Baylor Nation—are bursting with pride over the

first Bear to win the Heisman Trophy. Robert Griffin III was named the 2011 Heisman Trophy winner for his incredible accomplishments on the football field. Baylor finished this season ranked No. 15 nationally with a 9 to 3 record which included impressive victories over nationally ranked TCU, Oklahoma, and Texas. While Baylor and Big 12 fans have witnessed Griffin's football prowess, many more American sports fans will have the opportunity to watch him lead the Bears in the Valero Alamo Bowl on December 29, 2011.

But it is not only his football talent that makes Robert such a remarkable young man. RG3, as he is known to his friends and fans, is the consummate student-athlete. An honor roll student at Baylor, he graduated with a degree in political science in only 3 years with a 3.67 GPA. While he was leading the Bears this year on the gridiron, he was studying for his master's degree in communications, and he has indicated that he would like to attend law school as well.

Robert's career at Baylor balances academics and athletics and should serve as a role model for other aspiring young athletes. The discipline to succeed was instilled in him at a very early age by his parents, Robert, Jr., and Jacqueline Griffin, both Army non-commissioned officers, who laid the groundwork for his strong work ethic. A graduate of Copperas Cove High School just outside Ft. Hood, Robert was a three-sport star athlete—he still owns Texas' High School State records for the 110-meter and 300-meter hurdles—and a top student.

Throughout his career at Baylor, Robert set 52 school records in passing, rushing, and total offense. He has thrown for an incredible 10,070 yards, and 77 touchdowns, while rushing for 2,220 yards and 32 touchdowns. During his impressive 2011 Heisman winning season, Robert passed for almost 4,000 yards and 36 touchdowns, while rushing for 655 yards and 7 touchdowns. He also earned the Davey O'Brien Award, presented annually to the best NCAA quarterback.

On Saturday, December 10, 2011, Robert Griffin III was recognized as the greatest college football player of the year. The Heisman Trophy is the most prestigious and coveted award in college sports, and no one is more deserving of this honor than Robert Griffin III.

Congratulations to Robert Griffin III on an incredible season; to his family, who provided the foundation for his abilities; to his teammates and the entire Baylor Nation. This is truly a storybook ending to a tremendous season.

Mr. CORNYN. Mr. President, on December 10, the most prestigious sports fraternity in the country welcomed its newest member, Baylor University's Robert Griffin III, as the 77th winner of

the Heisman Memorial Trophy. Griffin is Baylor's first recipient of the Heisman Trophy and the first player from the school to be named a finalist for the award since quarterback Don Trull finished fourth in 1963. The son of two retired U.S. Army sergeants, Griffin led the 15th ranked Baylor Bears to a 9 to 3 record and their second straight bowl appearance. The Big 12 Offensive Player of the Year has energized the football program and helped to end Baylor's 16-year absence from bowl games.

Hailing from Copperas Cove, TX, Griffin put up spectacular numbers, completing 72 percent of his passes for 3,998 yards with 36 touchdown passes. He also led the Nation in passing efficiency with a rating of 192.3, which broke the single-season Football Bowl Series record. On top of his impressive passing statistics, Griffin averaged 4.0 yards per carry for 644 yards and nine touchdowns on the ground. Although Griffin is only a junior, he holds 46 of Baylor's career offensive records including passing yards, passing touchdowns, and rushing touchdowns by a quarterback. While leading Baylor to one of its greatest seasons in history, he helped accomplish other important firsts for the program. After winning a combined 4 games in November during their first 15 seasons in the Big 12, Griffin guided the Bears to a perfect 4 to 0 record in the same month, with 3 of the wins against rivals Oklahoma, Texas, and Texas Tech. The late-season victory over Oklahoma marked the first time in school history that Baylor was able to defeat the mighty Sooners.

Robert Griffin's skills are not limited to the football field. In addition to being an All-American in the 400-meter hurdles, Griffin is also a model student. He completed his undergraduate work in 3 years with a 3.67 GPA, earning a bachelor's degree in political science, and is currently working on a master's degree in communications. Griffin also plans to earn a law degree. I applaud his commitment to excellence in both academics and athletics.

Today, I join with my colleagues, and Robert's friends and family, including his parents, Robert Jr. and Jacqueline Griffin, in celebrating this fine achievement. Robert Griffin joins a special class of Texas athletes who are also Heisman Trophy winners: TCU's Davey O'Brien, SMU's Doak Walker, Texas A&M's John David Crow, the University of Houston's Andre Ware, and the University of Texas's Earl Campbell and Ricky Williams.

#### ADDITIONAL STATEMENTS

##### TRIBUTE TO THE LONG FAMILY

• Mr. BOOZMAN. Mr. President, I wish to congratulate the Long family for earning the distinction of 2011's Arkansas Farm Family of the Year.

This honor reflects Heath and Betsy Long's dedication to farming and the importance of agriculture as Arkansas's No. 1 industry. As owners of Long Planting Company, a rice, soybean, and wheat operation of more than 2,200 acres of land, the couple has taken advantage of technology and improved farming efficiency while expanding their farm.

Heath has devoted his life to farming, spending his childhood on the farm and earning a degree in agriculture from Arkansas State University. As a fourth-generation farmer, his commitment to the agriculture industry has helped his farm as well as other farms within the State, as he serves as the vice president of the Arkansas County Farm Bureau board of directors and a member of the Arkansas and USA rice councils.

The Arkansas Farm Bureau's program honors farm families across the State for their outstanding work both on their farms and in their communities. This recognition is a reflection of the contribution to agriculture at the community and State level and its implications for improved farm practices and management. The Longs are well deserving of this honor.

I congratulate Heath and Betsy and their daughters, Shelby and Sydney, for their outstanding achievements in agriculture and ask my fellow colleagues to join me in honoring them for this accomplishment. I wish them continued success in their future endeavors and look forward to the contributions they will offer in the future to Arkansas agriculture.●

##### TRIBUTE TO MIKE RISK

• Mr. COONS. Mr. President, I would like to take a moment to reflect on the career of the executive director of the Delaware Nature Society, Michael E. Riska. Mike is retiring this year after serving as executive director for 28 wonderful years spent opening the minds and hearts of Delawareans young and old to the splendor of our natural world.

Mike Riska attended West Chester University and earned a bachelor of science with a double major in biology and physical education. He also earned his master's in education in Natural Science from the University of Delaware. He is a certified teacher in biology, general science, health, and physical education.

Truly devoted to educating students in the natural sciences, Mike began his career as a teacher at the Tatnall School in Greenville, DE. He taught science to students in the first through eighth grades and taught eight 5-week upper-school marine ecology courses based on Sanibel Island, FL.

Mike took his love of science and education to the Delaware Nature Society in 1969, where he started as a part-

time instructor and youth programs director. He was part of the initiative to transform the H.B. DuPont Farm into a learning environment for students across Delaware. For my first job, as a seventh grader, I was hired by Mike to assist other Delaware youngsters in building the trails that would soon become Ashland Nature Center. Every year thousands of students, including my own children, attend summer camps and class field trips at the Ashland Nature Center, where they learn about nature, ecology, and conservation.

Mike Riska was appointed to executive director of the Delaware Nature Society in 1984, just the third person to serve in this capacity. With Mike at the helm, the Delaware Nature Society earned record donations for furthering its mission of fostering understanding, appreciation, and enjoyment of the natural world through education. The society also worked to preserve ecologically significant areas and advocate stewardship and conservation of natural resources.

Mike has been recognized with several awards, including the Nature Conservancy Lifetime Conservation Achievement Award in 1997, an Exceptional Leadership Award from the Association of Nature Center Administrators' Board of Directors in 1999, and the 1999 President's Award of Association of Nature Center Administrators for dedication and service to the nature center profession. The Association of Nature Center Administrators recognized him as the recipient of its 2002 Leadership Award.

Mike has worked closely with several other Delaware nature conservancy organizations and is admired and respected by his peers. Andrew Manus, director of conservation programs of the Delaware Chapter of the Nature Conservancy, said:

Let me add my voice of congratulations to others who have benefitted from the years of dedicated service that Mike Riska has brought to conservation in Delaware. The Delaware Nature Society has been well served by his leadership, as has the greater conservation community in Delaware. Mike's thoughtful advocacy for the natural world in Delaware will be his endearing legacy for us all to enjoy.

Roger L. Jones, State director of the Delaware Chapter of the Nature Conservancy, stated:

Mike Riska's legacy is very simple—he instilled a passion for nature and a boundless commitment for protecting our environment within thousands of people in Delaware.

Lorraine Fleming, 2005 Delaware Audubon Conservation Award recipient, said:

Natural science and environmental education is Mike Riska's first love. It has been the foundation for his visionary leadership of the Delaware Nature Society over 28 years as executive director and before that as assistant director. Recognition and cultivation of staff and volunteers is Mike's natural

strength. While he is always quick to give credit to his staff members and the society's large cadre of volunteers, the overall direction and support for DNS' accomplishments has consistently come from Mike. Mike's legacy is an enduring preeminent Delaware environmental organization that is nationally renowned among nature centers.

Mr. President, today I honor Mike Riska's legacy and accomplishments at the Delaware Nature Society. It is an honor to call him my first boss, a fellow advocate, and my friend.●

#### KATHERINE BOMKAMP AND WVU

● Mr. ROCKEFELLER. Mr. President, I wish to recognize Katherine Bomkamp, a promising sophomore at West Virginia University, WVU, who invented a new prosthesis that reduces phantom pain for amputees, including many returning veterans. Last month, she was in New York City being honored by Glamour magazine as one of its "21 Amazing Young Women of 2011," to celebrate the 21st anniversary of its Women of the Year awards.

At the age of 16, following frequent visits to Walter Reed Army Medical Center while her father was stationed at the Pentagon with the U.S. Air Force, Katherine conceptualized the "pain free socket," a prosthetic device that combats the phantom limb pain experienced by 80 percent of amputees. After two-and-a-half years of research, Katherine is now at West Virginia University, where the WVU Entrepreneurship Center is helping her obtain a patent for the device and find funding to make it available for injured veterans and other patients. The WVU Entrepreneurship Center is playing an important role in helping Katherine commercialize the "pain free socket." It is a great example of how America's research universities are supporting innovative entrepreneurs, whose ideas are vital to economic growth today.

Ms. Bomkamp didn't just sit on the sidelines and feel sorrow for the afflicted men and women she encountered at Walter Reed. She listened to their stories and learned that many amputees experienced phantom pain, the feeling of pain in an absent limb.

By researching the topic, Katherine found that no medications have been approved for specifically treating phantom pain. Instead, many amputees are prescribed antipsychotics and barbiturates, treatments that can be expensive and highly addictive.

For a 10th-grade science project, Katherine decided to leap into action. She created the "Pain Free Socket," incorporating thermal biofeedback into prosthetics to eliminate phantom pain in amputees. Phantom pain is caused by the brain continuing to send signals and commands to the limb. Bomkamp's device would help force the brain to focus on the heat produced through thermal biofeedback, rather than sending signals to the nonexistent limb.

Katherine Bomkamp deserves our praise and educational enrichment. She was the first WVU student to be inducted into the National Museum of Education's National Gallery for America's Young Inventors. Now that she is one of the "21 Amazing Young Women of 2011," the sky is the limit for what she might achieve.

Success stories such as this one show us that academic and student innovation are alive and well at universities such as WVU, and promise a brighter future for all Americans. It is essential that as we in Congress review our budget priorities, even in the midst of today's financial pressures, we continue—or even expand—our support of higher education and students like Katherine Bomkamp.●

#### TRIBUTE TO RICHARD L. COTTA

● Mr. THUNE. Mr. President, today I wish to recognize Richard L. Cotta on the occasion of his retirement from California Dairies, Inc., CDI.

Since 2007 Richard has held the title of president and CEO of California Dairies, Inc., CDI. He has spent his entire career in the dairy industry in virtually all aspects of the business.

Richard Cotta's career at CDI began in 1993, when he joined San Joaquin Valley Dairymen, a dairy processing and marketing cooperative, as its general manager.

In 1999, San Joaquin Valley Dairymen merged with Danish Creamery and California Milk Producers to form CDI. Cotta was named senior vice president of producer affairs and government relations at CDI, a role he held until he was named CEO in 2007. Under his leadership, CDI profits have reached record levels. Today, CDI is California's largest dairy provider and the second largest in the United States.

From 1980 to 1984 Richard was the CEO of United Dairymen of California, a producer trade organization, until it merged to form Western United Dairymen. Then from 1984 to 1993, he served as the CEO of Western United Dairymen, the largest producer trade association in the state.

Previously, Richard worked as a sire analyst for American Breeders Service, a classifier for the Holstein Association of America, and a principle in Genetics, Inc. For several years he was a dairy consultant on feeding, breeding and management systems.

Richard is a graduate, with honors, of California State Polytechnic University, San Luis Obispo, with a degree in dairy husbandry. He also owns and operates Cotta Farms and is a partner in Terra Bella Farms, both almond farming operations.

Richard sits on the following boards: U.C. Davis Deans Advisory Council, California State University Chancellors Ag Advisory Council, Sacred Heart School Foundation, and the

Innovation Center for U.S. Dairy. In addition, he sits on the Globalization Operating Committee for the U.S. Dairy Export Council.

At the request of the Secretary of Agriculture, he has participated in world trade missions to open the U.S. dairy market overseas.

Please join me in congratulating Richard Cotta on his notable career and his retirement from California Dairies, Inc.●

## MESSAGES FROM THE HOUSE

### ENROLLED BILLS AND JOINT RESOLUTION SIGNED

At 10:03 a.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the Speaker has signed the following enrolled bills and joint resolution:

H.R. 470. An act to further allocate and expand the availability of hydroelectric power generated at Hoover Dam, and for other purposes.

H.R. 2061. An act to authorize the presentation of a United States flag on behalf of Federal civilian employees who die of injuries incurred in connection with their employment.

S.J. Res. 22. Joint resolution to grant the consent of Congress to an amendment to the compact between the States of Missouri and Illinois providing that bonds issued by the Bi-State Development Agency may mature in not to exceed 40 years.

The enrolled bills and joint resolution was subsequently signed by the President pro tempore (Mr. INOUE).

At 1:45 p.m., a message from the House of Representatives, delivered by Mr. Novotny, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 2158. An act to designate the facility of the United States Postal Service located at 14901 Adelfa Drive in La Mirada, California, as the "Wayne Grisham Post Office".

H.R. 2845. An act to amend title 49, United States Code, to provide for enhanced safety and environmental protection in pipeline transportation, to provide for enhanced reliability in the transportation of the Nation's energy products by pipeline, and for other purposes.

H.R. 3220. An act to designate the facility of the United States Postal Service located at 170 Evergreen Square SW in Pine City, Minnesota, as the "Master Sergeant Daniel L. Fedder Post Office".

## MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 2158. An act to designate the facility of the United States Postal Service located at 14901 Adelfa Drive in La Mirada, California, as the "Wayne Grisham Post Office"; to the Committee on Homeland Security and Governmental Affairs.

H.R. 3220. An act to designate the facility of the United States Postal Service located

at 170 Evergreen Square SW in Pine City, Minnesota, as the "Master Sergeant Daniel L. Fedder Post Office"; to the Committee on Homeland Security and Governmental Affairs.

## MEASURES DISCHARGED

The following joint resolutions were discharged from the Committee on the Judiciary pursuant to the Budget Control Act of 2011:

S.J. Res. 24. A joint resolution proposing an amendment to the Constitution relative to requiring a balanced budget.

S.J. Res. 10. A joint resolution proposing an amendment to the Constitution of the United States relative to balancing the budget.

## MEASURES PLACED ON THE CALENDAR

The following bill was read the second time, and placed on the calendar:

H.R. 1633. An act to establish a temporary prohibition against revising any national ambient air quality standard applicable to coarse particulate matter, to limit Federal regulation of nuisance dust in areas in which such dust is regulated under State, tribal, or local law, and for other purposes.

## MEASURES READ THE FIRST TIME

The following bill was read the first time:

H.R. 3630. An act to provide incentives for the creation of jobs, and for other purposes.

## ENROLLED JOINT RESOLUTION PRESENTED

The Assistant Secretary of the Senate reported that on today, December 13, 2011, she had presented to the President of the United States the following enrolled joint resolution:

S.J. Res. 22. A joint resolution to grant the consent of Congress to an amendment to the compact between the States of Missouri and Illinois providing that bonds issued by the Bi-State Development Agency may mature in not to exceed 40 years.

## EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC-4245. A communication from the Director of Congressional Affairs, Nuclear Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled "Criteria for Preparation and Evaluation of Radiological Emergency Response Plans and Preparedness in Support of Nuclear Power Plants" (RIN3150-AI10) received in the Office of the President of the Senate on December 6, 2011; to the Committee on Environment and Public Works.

EC-4246. A communication from the Director of Congressional Affairs, Nuclear Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled "Interim Staff Guidance: Emergency Planning for Nu-

clear Power Plants" (RIN3150-AI10) received in the Office of the President of the Senate on December 6, 2011; to the Committee on Environment and Public Works.

EC-4247. A communication from the Director of Congressional Affairs, Nuclear Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled "Criteria for Development of Evacuation Time Estimate Studies" (RIN3150-AI10) received in the Office of the President of the Senate on December 6, 2011; to the Committee on Environment and Public Works.

EC-4248. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Revocation of the Significant New Use Rule on a Certain Chemical Substance" (FRL No. 8892-2) received during adjournment of the Senate in the Office of the President of the Senate on December 2, 2011; to the Committee on Environment and Public Works.

EC-4249. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Mandatory Reporting of Greenhouse Gases: Technical Revisions to the Petroleum and Natural Gas Systems Category of the Greenhouse Gas Reporting Rule" (FRL No. 9501-9) received in the Office of the President of the Senate on December 6, 2011; to the Committee on Environment and Public Works.

EC-4250. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Regulation of Fuels and Fuel Additives: Identification of Additional Qualifying Renewable Fuel Pathways Under the Renewable Fuel Standard Program" (FRL No. 9502-2) received in the Office of the President of the Senate on December 6, 2011; to the Committee on Environment and Public Works.

EC-4251. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; Virginia; General Conformity Requirements for Federal Agencies Applicable to Federal Actions" (FRL No. 9504-7) received in the Office of the President of the Senate on December 6, 2011; to the Committee on Environment and Public Works.

EC-4252. A communication from the Program Manager, Centers for Medicare and Medicaid Services, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Medicare Program; Availability of Medicare Data for Performance Measurement" (RIN0938-AQ17) received in the Office of the President of the Senate on December 6, 2011; to the Committee on Finance.

EC-4253. A communication from the Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed manufacturing license agreement to include the export of defense articles, including, technical data, and defense services to Hong Kong for the manufacture of transformers, inductors, and coils for power supplies in the amount of \$50,000,000 or more; to the Committee on Foreign Relations.

EC-4254. A communication from the Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting, pursuant



to law, a report entitled "The President's Emergency Plan for AIDS Relief, Fiscal Years 2009-2010 Report on the Global Fund to Fight AIDS, Tuberculosis and Malaria"; to the Committee on Foreign Relations.

EC-4255. A communication from the Assistant Secretary for the Employment and Training Administration, Department of Labor, transmitting, pursuant to law, the report of a rule entitled "Wage Methodology for the Temporary Non-Agricultural Employment H-2B Program; Delay of Effective Date; Impact on Prevailing Wage Determinations" (RIN1205-AB61) received in the Office of the President of the Senate on December 6, 2011; to the Committee on Health, Education, Labor, and Pensions.

EC-4256. A communication from the Deputy Assistant Administrator, Bureau for Legislative and Public Affairs, U.S. Agency for International Development (USAID), transmitting, pursuant to law, USAID's Agency Financial Report for fiscal year 2011; to the Committee on Homeland Security and Governmental Affairs.

EC-4257. A communication from the Secretary of Energy, transmitting, pursuant to law, the Department of Energy's Agency Financial Report for fiscal year 2011; to the Committee on Homeland Security and Governmental Affairs.

EC-4258. A communication from the Chairman, Occupational Safety and Health Review Commission, transmitting, pursuant to law, the Commission's Performance and Accountability Report for fiscal year 2011; to the Committee on Homeland Security and Governmental Affairs.

EC-4259. A communication from the Board Members, Railroad Retirement Board, transmitting, pursuant to law, a report entitled "Railroad Retirement Board's Performance and Accountability Report for Fiscal Year 2011"; to the Committee on Homeland Security and Governmental Affairs.

EC-4260. A communication from the Deputy Secretary of the Interior, transmitting, pursuant to law, the Department of the Interior's Semiannual Report of the Inspector General for the period from April 1, 2011 through September 30, 2011; to the Committee on Homeland Security and Governmental Affairs.

EC-4261. A communication from the Deputy Secretary of Defense, transmitting, pursuant to law, the Department of Defense's Semiannual Report of the Inspector General for the period from April 1, 2011 through September 30, 2011; to the Committee on Homeland Security and Governmental Affairs.

EC-4262. A communication from the Chairman, Federal Maritime Commission, transmitting, pursuant to law, the Commission's Semiannual Report of the Inspector General for the period from April 1, 2011 through September 30, 2011; to the Committee on Homeland Security and Governmental Affairs.

EC-4263. A joint communication from the Chairman and the Acting General Counsel, National Labor Relations Board, transmitting, pursuant to law, the Office of Inspector General's Semiannual Report for the period of April 1, 2011 through September 30, 2011; to the Committee on Homeland Security and Governmental Affairs.

EC-4264. A communication from the Secretary of Transportation, transmitting, pursuant to law, the Department of Transportation's Semiannual Report of the Inspector General for the period from April 1, 2011 through September 30, 2011; to the Committee on Homeland Security and Governmental Affairs.

EC-4265. A communication from the Attorney-Advisor, U.S. Coast Guard, Department

of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Regulated Navigation Area; Saugus River, Lynn, MA" ((RIN1625-AA11) (Docket No. USCG-2011-0857)) received in the Office of the President of the Senate on December 12, 2011; to the Committee on Commerce, Science, and Transportation.

EC-4266. A communication from the Attorney-Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Regulated Navigation Area; Route 24 Bridge Construction, Tiverton and Portsmouth, RI" ((RIN1625-AA11) (Docket No. USCG-2011-0868)) received in the Office of the President of the Senate on December 12, 2011; to the Committee on Commerce, Science, and Transportation.

EC-4267. A communication from the Attorney, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Safety Zone; IJSBA World Finals; Lower Colorado River, Lake Havasu, AZ" ((RIN1625-AA00) (Docket No. USCG-2011-0838)) received in the Office of the President of the Senate on December 12, 2011; to the Committee on Commerce, Science, and Transportation.

EC-4268. A communication from the Attorney, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Safety Zone; Monte Foundation Fireworks Extravaganza, Aptos, CA" ((RIN1625-AA00) (Docket No. USCG-2011-0805)) received in the Office of the President of the Senate on December 12, 2011; to the Committee on Commerce, Science, and Transportation.

EC-4269. A communication from the Attorney, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Safety Zone; Mississippi River, Mile Marker 230 to Mile Marker 234, in the vicinity of Baton Rouge, LA" ((RIN1625-AA00) (Docket No. USCG-2011-0841)) received in the Office of the President of the Senate on December 12, 2011; to the Committee on Commerce, Science, and Transportation.

EC-4270. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Safety Zone; Waverly Country Club Fireworks Display on the Willamette River, Portland, OR" ((RIN1625-AA00) (Docket No. USCG-2011-0899)) received in the Office of the President of the Senate on December 12, 2011; to the Committee on Commerce, Science, and Transportation.

EC-4271. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Safety Zone; The Florida Orchestra Pops in the Park Fireworks Display, Tampa Bay, St. Petersburg, FL" ((RIN1625-AA00) (Docket No. USCG-2011-0834)) received in the Office of the President of the Senate on December 12, 2011; to the Committee on Commerce, Science, and Transportation.

EC-4272. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Safety Zone; Rotary Club of Fort Lauderdale New River Raft Race, New River, Fort Lauderdale, FL" ((RIN1625-AA00) (Docket No. USCG-2011-0589)) received in the Office of the President of the Senate on December 12, 2011; to the Committee on Commerce, Science, and Transportation.

EC-4273. A communication from the Attorney Advisor, U.S. Coast Guard, Department

of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Safety Zone; Mainardi/Kinsey Wedding Fireworks, Lake Erie, Lakewood, OH" ((RIN1625-AA00) (Docket No. USCG-2011-0848)) received in the Office of the President of the Senate on December 12, 2011; to the Committee on Commerce, Science, and Transportation.

EC-4274. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Safety Zone; 2011 Head of the South Regatta, Savannah River, Augusta, GA" ((RIN1625-AA00) (Docket No. USCG-2011-0861)) received in the Office of the President of the Senate on December 12, 2011; to the Committee on Commerce, Science, and Transportation.

EC-4275. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Safety Zones; Fireworks Displays in Captain of the Port Long Island Sound Zone" ((RIN1625-AA00) (Docket No. USCG-2011-0870)) received in the Office of the President of the Senate on December 12, 2011; to the Committee on Commerce, Science, and Transportation.

EC-4276. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Safety Zone; The Old Club Cannone, Lake St. Clair, Muscamoot Bay, Harsens Island, MI" ((RIN1625-AA00) (Docket No. USCG-2011-0907)) received in the Office of the President of the Senate on December 12, 2011; to the Committee on Commerce, Science, and Transportation.

EC-4277. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Safety Zone; Truman-Hobbs Alternation of the Elgin Joliet and Eastern Railroad Drawbridge, Morris, IL" ((RIN1625-AA00) (Docket No. USCG-2011-0961)) received in the Office of the President of the Senate on December 12, 2011; to the Committee on Commerce, Science, and Transportation.

EC-4278. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Safety Zone; Swim Around Charleston, Charleston, SC" ((RIN1625-AA00) (Docket No. USCG-2011-0575)) received in the Office of the President of the Senate on December 12, 2011; to the Committee on Commerce, Science, and Transportation.

EC-4279. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Safety Zone; M/V Davy Crockett, Columbia River" ((RIN1625-AA00) (Docket No. USCG-2010-0939)) received in the Office of the President of the Senate on December 12, 2011; to the Committee on Commerce, Science, and Transportation.

EC-4280. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Safety Zones; Annual Firework Displays within the Captain of the Port, Puget Sound Area of Responsibility" ((RIN1625-AA00) (Docket No. USCG-2010-0842)) received in the Office of the President of the Senate on December 12, 2011; to the Committee on Commerce, Science, and Transportation.

EC-4281. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Security Zones; 2011 Asia-Pacific Economic Cooperation Conference, Oahu, HI" (Docket No. USCG-2011-0800) received in the Office of the President of the Senate on December 12, 2011; to the Committee on Commerce, Science, and Transportation.

EC-4282. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Security Zone; Potomac River, Georgetown Channel, Washington, DC" (Docket No. USCG-2011-0929) received in the Office of the President of the Senate on December 12, 2011; to the Committee on Commerce, Science, and Transportation.

EC-4283. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Security Zones; Captain of the Port Lake Michigan Zone" (Docket No. USCG-2011-0489) received in the Office of the President of the Senate on December 12, 2011; to the Committee on Commerce, Science, and Transportation.

EC-4284. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Security Zone; Columbia and Willamette Rivers, Dredge Vessels Patriot and Liberty" (Docket No. USCG-2011-0939) received in the Office of the President of the Senate on December 12, 2011; to the Committee on Commerce, Science, and Transportation.

EC-4285. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Drawbridge Operation Regulation; Passaic River, Harrison, NJ" ((RIN1625-AA09)(Docket No. USCG-2011-0268)) received in the Office of the President of the Senate on December 12, 2011; to the Committee on Commerce, Science, and Transportation.

EC-4286. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Drawbridge Operation Regulation; Bear Creek, Sparrows Point, MD" ((RIN1625-AA09)(Docket No. USCG-2011-0816)) received in the Office of the President of the Senate on December 12, 2011; to the Committee on Commerce, Science, and Transportation.

EC-4287. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Drawbridge Operation Regulation; Apponagansett River, Dartmouth, MA" ((RIN1625-AA09)(Docket No. USCG-2011-0335)) received in the Office of the President of the Senate on December 12, 2011; to the Committee on Commerce, Science, and Transportation.

EC-4288. A communication from the Attorney-Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Special Local Regulations; Line of Sail Marine Parade, East River and Brunswick River, Brunswick, GA" ((RIN1625-AA08)(Docket No. USCG-2011-0830)) received in the Office of the President of the Senate on December 12, 2011; to the Committee on Commerce, Science, and Transportation.

EC-4289. A communication from the Attorney-Advisor, U.S. Coast Guard, Department

of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Special Local Regulations for Marine Events, Wrightsville Channel; Wrightsville Beach, NC" ((RIN1625-AA08)(Docket No. USCG-2011-0885)) received in the Office of the President of the Senate on December 12, 2011; to the Committee on Commerce, Science, and Transportation.

EC-4290. A communication from the Attorney-Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Special Local Regulations for Marine Events; Chesapeake Bay Workboat Race; Back River, Messick Point, Poquoson, Virginia" ((RIN1625-AA08)(Docket No. USCG-2011-0934)) received in the Office of the President of the Senate on December 12, 2011; to the Committee on Commerce, Science, and Transportation.

#### EXECUTIVE REPORTS OF COMMITTEE

The following executive reports of nominations were submitted:

By Mr. JOHNSON, of South Dakota, for the Committee on Banking, Housing, and Urban Affairs.

\*Maurice A. Jones, of Virginia, to be Deputy Secretary of Housing and Urban Development.

\*Carol J. Galante, of California, to be an Assistant Secretary of Housing and Urban Development.

\*Thomas Hoenig, of Missouri, to be Vice Chairperson of the Board of Directors of the Federal Deposit Insurance Corporation.

\*Thomas Hoenig, of Missouri, to be a Member of the Board of Directors of the Federal Deposit Insurance Corporation for a term of six years.

\*Nomination was reported with recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

#### INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. HELLER (for himself, Mr. BURR, Mr. VITTER, Mr. BOOZMAN, and Mr. MANCHIN):

S. 1981. A bill to provide that Members of Congress may not receive pay after October 1 of any fiscal year in which Congress has not approved a concurrent resolution on the budget and passed the regular appropriations bills; to the Committee on Homeland Security and Governmental Affairs.

By Mr. CASEY (for himself and Mr. FRANKEN):

S. 1982. A bill to amend the Older Americans Act of 1965 to develop and test an expanded and advanced role for direct care workers who provide long-term services and supports to older individuals in efforts to coordinate care and improve the efficiency of service delivery; to the Committee on Health, Education, Labor, and Pensions.

By Mr. SCHUMER (for himself, Mr. LEAHY, and Mr. DURBIN):

S. 1983. A bill to amend the Immigration and Nationality Act to eliminate the per-

country numerical limitation for employment-based immigrants, to increase the per-country numerical limitation for family-sponsored immigrants, and for other purposes; to the Committee on the Judiciary.

By Mr. KERRY (for himself and Ms. COLLINS):

S. 1984. A bill to establish a commission to develop a national strategy and recommendations for reducing fatalities resulting from child abuse and neglect; to the Committee on Health, Education, Labor, and Pensions.

By Mr. LIEBERMAN (for himself, Mr. CORKER, Mr. ENZI, Mr. KIRK, and Mr. MURKOWSKI):

S. 1985. A bill to allow a bipartisan group of Members of Congress to propose and have an up or down vote on a balanced deficit reduction bill pursuant to this Act, such as proposed by the National Commission on Fiscal Responsibility and Reform report, reducing the deficit by a goal of \$4,000,000,000,000 over 10 years; to the Committee on Homeland Security and Governmental Affairs.

By Mr. BENNET:

S. 1986. A bill to amend the Immigration and Nationality Act to promote innovation, investment, and research in the United States, and for other purposes; to the Committee on the Judiciary.

By Ms. KLOBUCHAR (for herself and Mr. FRANKEN):

S. 1987. A bill to provide for the release of the reversionary interest held by the United States in certain land conveyed by the United States in 1950 for the establishment of an airport in Cook County, Minnesota; to the Committee on Agriculture, Nutrition, and Forestry.

#### SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. BROWN of Ohio (for himself, Mr. MORAN, Mr. KERRY, Mrs. FEINSTEIN, Mr. CARDIN, Ms. STABENOW, Mr. LAUTENBERG, Mr. LEVIN, Mr. TESTER, Mr. CASEY, Mr. INOUE, Mrs. MURRAY, Mr. HARKIN, Mrs. MCCASKILL, Mr. BEGICH, Mr. SANDERS, Ms. MIKULSKI, Mr. FRANKEN, Mr. BLUMENTHAL, Mr. DURBIN, Mr. NELSON of Nebraska, Mr. WHITEHOUSE, Mr. MERKLEY, Ms. LANDRIEU, Mr. COONS, Mr. MENENDEZ, Mrs. GILLIBRAND, Mr. JOHNSON of South Dakota, Mrs. BOXER, Mr. REED, Mr. BENNET, Mr. WYDEN, Ms. KLOBUCHAR, Mr. KOHL, Mr. BROWN of Massachusetts, Mr. ROBERTS, Mr. BLUNT, Mr. COCHRAN, Mr. BOOZMAN, Mr. HELLER, Mrs. HUTCHISON, Mr. WICKER, Mr. BURR, and Mr. KIRK):

S. Res. 347. A resolution recognizing the 40th anniversary of the National Cancer Act of 1971 and the more than 12,000,000 survivors of cancer alive today because of the commitment of the United States to cancer research and advances in cancer prevention, detection, diagnosis, and treatment; to the Committee on Health, Education, Labor, and Pensions.

#### ADDITIONAL COSPONSORS

S. 113

At the request of Mrs. HUTCHISON, the name of the Senator from Vermont



(Mr. LEAHY) was added as a cosponsor of S. 113, a bill to amend title II of the Social Security Act to repeal the wind-fall elimination provision and protect the retirement of public servants.

S. 431

At the request of Mr. PRYOR, the names of the Senator from Delaware (Mr. CARPER), the Senator from Indiana (Mr. LUGAR), the Senator from Illinois (Mr. KIRK) and the Senator from Florida (Mr. RUBIO) were added as cosponsors of S. 431, a bill to require the Secretary of the Treasury to mint coins in commemoration of the 225th anniversary of the establishment of the Nation's first Federal law enforcement agency, the United States Marshals Service.

S. 484

At the request of Mr. BENNET, the name of the Senator from Minnesota (Ms. KLOBUCHAR) was added as a cosponsor of S. 484, a bill to direct the Secretary of Education to pay to Fort Lewis College in the State of Colorado an amount equal to the tuition charges for Indian students who are not residents of the State of Colorado.

S. 645

At the request of Mr. SCHUMER, the name of the Senator from Minnesota (Mr. FRANKEN) was added as a cosponsor of S. 645, a bill to amend the National Child Protection Act of 1993 to establish a permanent background check system.

S. 752

At the request of Mrs. FEINSTEIN, the name of the Senator from Minnesota (Mr. FRANKEN) was added as a cosponsor of S. 752, a bill to establish a comprehensive interagency response to reduce lung cancer mortality in a timely manner.

S. 1181

At the request of Mr. GRASSLEY, the name of the Senator from Nebraska (Mr. NELSON) was added as a cosponsor of S. 1181, a bill to require the Secretary of the Treasury to mint coins in commemoration of the National Future Farmers of America Organization and the 85th anniversary of the founding of the National Future Farmers of America Organization.

S. 1265

At the request of Mr. BINGAMAN, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 1265, a bill to amend the Land and Water Conservation Fund Act of 1965 to provide consistent and reliable authority for, and for the funding of, the land and water conservation fund to maximize the effectiveness of the fund for future generations, and for other purposes.

S. 1523

At the request of Mr. GRAHAM, the name of the Senator from Oklahoma (Mr. COBURN) was added as a cosponsor of S. 1523, a bill to prohibit the National Labor Relations Board from or-

dering any employers to close, relocate, or transfer employment under any circumstance.

S. 1537

At the request of Mr. INOUE, the names of the Senator from Michigan (Mr. LEVIN) and the Senator from Hawaii (Mr. AKAKA) were added as cosponsors of S. 1537, a bill to authorize the Secretary of the Interior to accept from the Board of Directors of the National September 11 Memorial and Museum at the World Trade Center Foundation, Inc., the donation of title to The National September 11 Memorial and Museum at the World Trade Center, and for other purposes.

S. 1571

At the request of Mr. ISAKSON, the name of the Senator from Missouri (Mr. BLUNT) was added as a cosponsor of S. 1571, a bill to amend title I of the Elementary and Secondary Education Act of 1965, and for other purposes.

S. 1610

At the request of Mr. BARRASSO, the names of the Senator from Alabama (Mr. SESSIONS) and the Senator from Oklahoma (Mr. INHOFE) were added as cosponsors of S. 1610, a bill to provide additional time for the Administrator of the Environmental Protection Agency to promulgate achievable standards for cement manufacturing facilities, and for other purposes.

S. 1683

At the request of Mrs. HAGAN, the name of the Senator from Georgia (Mr. CHAMBLISS) was added as a cosponsor of S. 1683, a bill to provide the Department of Homeland Security, U.S. Customs and Border Protection, and the Department of the Treasury with authority to more aggressively enforce trade laws relating to textile and apparel articles, and for other purposes.

S. 1749

At the request of Mr. WARNER, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. 1749, a bill to establish and operate a National Center for Campus Public Safety.

S. 1756

At the request of Mrs. HAGAN, the name of the Senator from Alaska (Ms. MURKOWSKI) was added as a cosponsor of S. 1756, a bill to extend HUBZone designations by 3 years, and for other purposes.

S. 1765

At the request of Mrs. HAGAN, the name of the Senator from Iowa (Mr. HARKIN) was added as a cosponsor of S. 1765, a bill to amend the Public Health Service Act to provide grants to strengthen the healthcare system's response to domestic violence, dating violence, sexual assault, and stalking.

S. 1821

At the request of Mr. COONS, the name of the Senator from Florida (Mr. NELSON) was added as a cosponsor of S.

1821, a bill to prevent the termination of the temporary office of bankruptcy judges in certain judicial districts.

S. 1876

At the request of Mr. BROWN of Ohio, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 1876, a bill to require the establishment of a Consumer Price Index for Elderly Consumers to compute cost-of-living increases for Social Security benefits under title II of the Social Security Act.

S. 1880

At the request of Mr. BARRASSO, the name of the Senator from Tennessee (Mr. ALEXANDER) was added as a cosponsor of S. 1880, a bill to repeal the health care law's job-killing health insurance tax.

S. 1925

At the request of Mr. LEAHY, the names of the Senator from New Hampshire (Mrs. SHAHEEN), the Senator from Washington (Mrs. MURRAY), the Senator from Iowa (Mr. HARKIN) and the Senator from Michigan (Ms. STABENOW) were added as cosponsors of S. 1925, a bill to reauthorize the Violence Against Women Act of 1994.

S. 1930

At the request of Mr. TOOMEY, the names of the Senator from New Hampshire (Ms. AYOTTE), the Senator from North Carolina (Mr. BURR), the Senator from Georgia (Mr. CHAMBLISS), the Senator from South Carolina (Mr. DEMINT), the Senator from South Dakota (Mr. JOHNSON) and the Senator from South Dakota (Mr. THUNE) were added as cosponsors of S. 1930, a bill to prohibit earmarks.

S. 1935

At the request of Mrs. HAGAN, the name of the Senator from Tennessee (Mr. ALEXANDER) was added as a cosponsor of S. 1935, a bill to require the Secretary of the Treasury to mint coins in recognition and celebration of the 75th anniversary of the establishment of the March of Dimes Foundation.

S. 1956

At the request of Mr. THUNE, the name of the Senator from Mississippi (Mr. WICKER) was added as a cosponsor of S. 1956, a bill to prohibit operators of civil aircraft of the United States from participating in the European Union's emissions trading scheme, and for other purposes.

S. 1963

At the request of Mr. ISAKSON, the name of the Senator from Georgia (Mr. CHAMBLISS) was added as a cosponsor of S. 1963, a bill to revoke the charters for the Federal National Mortgage Corporation and the Federal Home Loan Mortgage Corporation upon resolution of their obligations, to create a new Mortgage Finance Agency for the securitization of single family and multifamily mortgages, and for other purposes.

STATEMENTS ON INTRODUCED  
BILLS AND JOINT RESOLUTIONS

By Mr. KERRY (for himself and Ms. COLLINS):

S. 1984. A bill to establish a commission to develop a national strategy and recommendations for reducing fatalities resulting from child abuse and neglect; to the Committee on Health, Education, Labor, and Pensions.

Mr. KERRY. Mr. President, each year more than 6 million children in the United States are reported as victims of child abuse and neglect. Tragically, at least 1,700 of those children lose their lives—most under the age of four. Maltreatment deaths are preventable and it is our duty to fight for those who are too young to defend and speak for themselves.

Currently, the United States does not have a comprehensive strategy for addressing child abuse fatalities. We also lack a national standard for reporting these fatalities, leaving many of these deaths to be largely underreported. That is why today I am introducing the Protect Our Kids Act, which will establish the Commission to Eliminate Child Abuse and Neglect Fatalities.

This commission will be comprised of a variety of professionals with diverse experience and perspectives. They will develop a national strategy for reducing child abuse and neglect fatalities, and provide comprehensive recommendations for all levels of government. They will analyze the effectiveness of existing programs designed to prevent or identify maltreatment deaths and learn more about what works and what doesn't. Child abuse fatalities are not isolated to one part of our country or another.

Once the commission completes their work they will submit a report with their findings to Congress and the report will be publicly available. The loss of just one child to abuse is one child too many. I would like to thank my colleague, Senator COLLINS, for working with me on this bipartisan bill to protect our Nation's children. A number of organizations have been integral to the development of the legislation and have endorsed it, including the National Coalition to End Child Abuse Deaths whose members include the National Association of Social Workers, NASW, the National Center for the Review and Prevention of Child Deaths, NCRPCD, National Children's Alliance, NCA, Every Child Matters Education Fund, ECMEF, and the National District Attorney's Association, NDAA.

I look forward to our continued progress in developing a more effective approach to improving child welfare and ask all of my colleagues to support this important legislation.

Ms. COLLINS. Mr. President, I rise today to join Senator KERRY in introducing the Protect Our Kids Act, to create a commission with the goal of

eliminating child abuse fatalities. The effort to address child abuse transcends ideological and partisan lines. This is not a Democratic or Republican issue. This is an American issue. One that we can't wish away, but that we must face head on and work to eradicate. Earlier this year, Senator KERRY and I introduced a resolution recognizing April as Child Abuse Prevention Month. The Protect Our Kids Act further represents our commitment to put an end to child abuse in the United States.

Child abuse fatalities are preventable; yet, approximately 1,770 children are reported as dying from child abuse each year, and many experts believe the actual number may be significantly higher. This legislation would establish a commission to develop a comprehensive national strategy for reducing child abuse fatalities. The commission will include a variety of professionals with expertise in areas such as child welfare advocacy, child development, pediatrics, medical examining, social work, law enforcement and education.

Through new research, hearings and the use and coordination of existing information, the commission will provide a report with their recommendations. In order to develop a comprehensive strategy, the commission must consider several questions including what is the extent to which incidents of child abuse and neglect fatalities are increasing in number, how to develop a system to track and record incidents, and what models exist for preventing child maltreatment deaths.

Increased understanding of maltreatment deaths can lead to improvement in agency systems and practices to protect children and prevent child abuse and neglect. Therefore, it is imperative that we take action to capitalize on the commission's findings. This legislation requires the commission's report to be submitted to relevant Federal agencies and Congressional committees. All agencies with recommendations that fall under their jurisdiction must then submit their reaction and plans to address such recommendations to Congress within 6 months.

Approximately 6 million kids are reported to be abused or neglected each year. We know this can be prevented. This legislation is an important step that Congress and our Nation should take in order to better protect our kids.

## SUBMITTED RESOLUTIONS

SENATE RESOLUTION 347—RECOGNIZING THE 40TH ANNIVERSARY OF THE NATIONAL CANCER ACT OF 1971 AND THE MORE THAN 12,000,000 SURVIVORS OF CANCER ALIVE TODAY BECAUSE OF THE COMMITMENT OF THE UNITED STATES TO CANCER RESEARCH AND ADVANCES IN CANCER PREVENTION, DETECTION, DIAGNOSIS, AND TREATMENT

Mr. BROWN of Ohio (for himself, Mr. MORAN, Mr. KERRY, Mrs. FEINSTEIN, Mr. CARDIN, Ms. STABENOW, Mr. LAUTENBERG, Mr. LEVIN, Mr. TESTER, Mr. CASEY, Mr. INOUE, Mrs. MURRAY, Mr. HARKIN, Mrs. MCCASKILL, Mr. BEGICH, Mr. SANDERS, Ms. MIKULSKI, Mr. FRANKEN, Mr. BLUMENTHAL, Mr. DURBIN, Mr. NELSON of Nebraska, Mr. WHITEHOUSE, Mr. MERKLEY, Ms. LANDRIEU, Mr. COONS, Mr. MENENDEZ, Mrs. GILLIBRAND, Mr. JOHNSON of South Dakota, Mrs. BOXER, Mr. REED of Rhode Island, Mr. BENNET, Mr. WYDEN, Ms. KLOBUCHAR, Mr. KOHL, Mr. BROWN of Massachusetts, Mr. ROBERTS, Mr. BLUNT, Mr. COCHRAN, Mr. BOOZMAN, Mr. HELLER, Mrs. HUTCHISON, Mr. WICKER, Mr. BURR, and Mr. KIRK) submitted the following resolution; which was referred to the Committee on Health, Education, Labor, and Pensions:

## S. RES. 347

Whereas 40 years ago, with the passage of the National Cancer Act of 1971 (Public Law 92-218; 85 Stat. 778), the leaders of the United States came together to set the country on a concerted course to conquer cancer through research;

Whereas the passage of the National Cancer Act of 1971 led to the establishment of the National Cancer Program, which significantly expanded the authorities and responsibilities of the National Cancer Institute, a component of the National Institutes of Health;

Whereas the term "cancer" refers to more than 200 diseases that collectively represent the leading cause of death for people in the United States under the age of 85, and the second leading cause of death for people in the United States overall;

Whereas cancer touches everyone, either through a direct, personal diagnosis or indirectly through the diagnosis of a family member or friend;

Whereas, in 2011, cancer remains one of the most pressing public health concerns in the United States, with more than 1,500,000 people in the United States expected to be diagnosed with cancer each year;

Whereas the National Institutes of Health estimated the overall cost of cancer to be greater than \$260,000,000,000 in 2010 alone;

Whereas approximately 1 out of every 3 women and 1 out of every 2 men will develop cancer in their lifetimes, and more than 570,000 people in the United States will die from cancer this year, which is more than 1 person every minute and nearly 1 out of every 4 deaths;

Whereas the commitment of the United States to cancer research and biomedical science has enabled more than 12,000,000 people in the United States to survive cancer, 15

percent of whom were diagnosed 20 or more years ago, and has resulted in extraordinary progress being made against cancer, including—

(1) an increase in the average 5-year survival rate for all cancers combined to 68 percent for adults and 80 percent for children and adolescents, up from 50 percent and 52 percent, respectively, in 1971;

(2) average 5-year survival rates for breast and prostate cancers exceeding 90 percent;

(3) a decline in mortality due to colorectal cancer and prostate cancer; and

(4) from 1990 to 2007, a decline in the death rate from all cancers combined of 22 percent for men and 14 percent for women, resulting in nearly 900,000 fewer deaths during that period;

Whereas the driving force behind this progress has been support for the National Cancer Institute and its parent agency, the National Institutes of Health, which funds the work of more than 325,000 researchers and research personnel at more than 3,000 universities, medical schools, medical centers, teaching hospitals, small businesses, and research institutions in every State;

Whereas the commitment of the United States to cancer research has yielded substantial returns in both research advances and lives saved, and it is estimated that every 1 percent decline in cancer mortality saves the economy of the United States \$500,000,000,000 annually;

Whereas advancements in understanding the causes and mechanisms of cancer and improvements in the detection, diagnosis, treatment, and prevention of cancer have led to cures for many types of cancers and have converted other types of cancers into manageable chronic conditions;

Whereas continued support for clinical trials to evaluate the efficacy and therapeutic benefit of promising treatments for cancer is essential for translating new knowledge and discoveries into tangible benefits for patients, especially because all standard cancer therapies began as clinical trials;

Whereas, despite the significant progress that has been made in treating many cancers, there remain those cancers for which the mortality rate is extraordinarily high, including pancreatic, liver, lung, multiple myeloma, ovarian, esophageal, stomach, and brain cancers, which have a 5-year survival rate of less than 50 percent;

Whereas research advances concerning uncommon cancers, which pose unique treatment challenges, provide an opportunity for understanding the general properties of human cancers and curing uncommon cancers as well as more common cancers;

Whereas crucial developments have been achieved in cancer research that could provide breakthroughs necessary to address the increasing incidence of, and reduce deaths caused by, many forms of cancer;

Whereas research into the effect of certain forms of cancer on different population groups offers a significant opportunity to lessen the burden of the disease, because many population groups across the country suffer disproportionately from certain forms of cancer; and

Whereas a sustained commitment to the research of the National Institutes of Health and the National Cancer Institute is necessary to improve the entire spectrum of patient care, from cancer prevention, early detection, and diagnosis, to treatment and long-term survivorship, and to prevent research advances from being stalled or delayed: Now, therefore, be it

*Resolved*, That the Senate—

(1) recognizes the 40th anniversary of the National Cancer Act of 1971 (Public Law 92-218; 85 Stat. 778); and

(2) celebrates and reaffirms the commitment embodied in the National Cancer Act of 1971, specifically, that support for cancer research continues to be a national priority to address the scope of this pressing public health concern.

Mr. BROWN of Ohio. Mr. President, I rise to submit a bipartisan resolution recognizing the 40th anniversary of the National Cancer Act of 1971—supported by 33 Democrats and 11 Republicans.

A special thank-you to Massachusetts Senator JOHN KERRY and Kansas Senator JERRY MORAN for their leadership on this issue.

It is unfortunate but likely true that we each know someone who has been affected by cancer. We know a survivor. We remember a victim. We know cancer affects not just the patient but the parents, the family, the friends, and the loved ones.

This year more than 1.5 million Americans are expected to be diagnosed with cancer. One out of every three women, one out of every two men will develop some form of cancer in their lifetimes.

More than half a million Americans die from cancer year after year after year, in any 1 year. More than one person every minute and nearly one out of every four deaths is from cancer.

We also know that behind the statistics there are thousands of people representing thousands of friends, families, and loved ones, with ribbons, donations, and races for the cure.

These are the stories that motivate us to fight harder and to fight with one voice. It is also a story of a nation's commitment to cancer research. There is interest in dealing with environmental causes. There is great interest in dealing with cures and prevention and all that we should as a nation and usually do know what to do.

Forty years ago, Senator Ted Kennedy from Massachusetts, as chairman of the Health Subcommittee, forged a bipartisan consensus and public demand to bolster investments in cancer research.

He held hearings. He worked with leading public health advocates and economists who understood the need for bipartisanship on such an urgent national need. His work, along with Jacob Javits, a Republican Senator from New York, led to the framework of the National Cancer Act.

When it was clear President Nixon would only sign the act into law if Kennedy's name were not on it, Kennedy backed off.

The goal was to put cancer research into a new era of discovery, and that is what the National Cancer Act did. It established a national cancer program, which expanded the authority and the responsibilities of the National Cancer Institute, and its parent agency, the

National Institutes of Health. The National Cancer Institute is, by far, the biggest of the two dozen or so National Institutes of Health.

Today, 12 million cancer survivors are alive because of the advances in the way we prevent, detect, diagnose, and treat cancer. Because of the investments by the NCI, the National Cancer Institute, and the National Institutes of Health, critical cancer research is being conducted in hospitals and foundations and communities and in all kinds of centers everywhere and in our universities.

Mr. President, I ask unanimous consent that a list of more than 100 cancer research institutions, physicians, and researchers who have endorsed this resolution be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

NATIONAL CANCER ACT 40TH ANNIVERSARY  
RESOLUTION ENDORSEMENTS

American Association for Cancer Research; Dana-Farber Cancer Institute; LiveStrong; Duke Cancer Institute; Massachusetts General Hospital Cancer Center; American Cancer Society Cancer Action Network; Gary D. Hammer, M.D., Ph.D., Millie Schembechler Professor of Adrenal Cancer, University of Michigan, Director—Endocrine Oncology Program, Director—Center for Organogenesis; Pancreatic Cancer Action Network; MD Anderson Cancer Center; Memorial Sloan-Kettering Cancer Center; Susan G. Komen for the Cure Advocacy Alliance; University of Kansas Cancer Center; American College of Gastroenterology; Michael A. Choti M.D., M.B.A., Jacob C. Handelsman Professor of Surgery, Chief, Handelsman Division of Surgical Oncology, Johns Hopkins University; The Ohio State University Comprehensive Cancer Center; Mark O. Thornton, M.D., M.P.H., Ph.D., President, Sarcoma Foundation of America; Tito Fojo, M.D.; U.S. Department of Health and Human Services National Cancer Institute Medical Oncology Clinical Research Unit Center for Clinical Research; Cleveland Clinic Taussig Cancer Institute; Mayo Clinic Cancer Center; Kavita Patel, M.D., M.S., Former Director of Policy for the White House of Public Engagement and Intergovernmental Affairs, Former Deputy Staff Director for the Senate Health, Education, Labor and Pensions Committee under the leadership of the late United States Senator Edward M. Kennedy; Richard J. Gilbertson, M.D., Ph.D., Director, Comprehensive Cancer Center, St. Jude Children's Research Hospital; Norris Cotton Cancer Center at Dartmouth; Siteman Cancer Center at Washington University School of Medicine and Barnes-Jewish Hospital; Penn State Hershey Cancer Institute.

Martin A. Makary, M.D., M.P.H., The Mark Ravitch Chair, General Surgery, Associate Professor of Health Policy, Johns Hopkins University; Stand Up to Cancer (SU2C); Vermont Cancer Center; The University of Pittsburgh Cancer Institute; Andrew Schorr, Founder, Host, and Author, PatientPower.Info; University of Chicago Comprehensive Cancer Center; Boston University/Boston Medical Center Cancer Center; Columbia University Medical Center; Anna Raven, Founder and President, Over Come ACC; UCSF Helen Diller Family Comprehensive Cancer Center; Case Comprehensive Cancer Center; University of North

Carolina's Lineberger Comprehensive Cancer Center; Betsey de Parry, Patient, Advocate, & Author; Beverly S. Mitchell, M.D., George E. Becker Professor of Medicine, Director, Stanford Cancer Center; UC Davis Designated Cancer Center; Bruce Shriver, Founder and President, Liddy Shriver Sarcoma Foundation; James P. Wilmot Cancer Center at the University of Rochester Medical Center; Winthrop P. Rockefeller Cancer Institute at the University of Arkansas for Medical Sciences; UCLA Jonsson Comprehensive Cancer Center; Alan Cupal, Patient, Advocate, and Director, Adrenal Cancer Hope; The National CML (Chronic Myelogenous Leukemia) Society; UC San Diego Moores Cancer Center; The Robert H. Lurie Cancer Center of Northwestern University; Association of American Cancer Institutes; Gregory J. Gagnon, M.D., Medical Director, Cyberknife Frederick Memorial Hospital, Regional Cancer Therapy Center, Radiation Oncology; Chao Family Comprehensive Cancer Center at UC Irvine.

Claire Verschraegen, M.D., Director, Hematology Oncology Unit, Director, FAHC Cancer Service Line, Director, Vermont Cancer Center; Society of Gynecologic Oncology; University of Colorado Cancer Center; National Brain Tumor Society; National Patient Advocate Foundation; Women Against Prostate Cancer; Intercultural Cancer Council Caucus; Dario Altieri, M.D., Director, Cancer Center, The Wistar Institute Cancer Center; American College of Surgeons Commission on Cancer; CureSearch for Children's Cancer; Fight Colorectal Cancer; Huntsman Cancer Institute at the University of Utah; Oncology Nursing Society; Bill Bell, President, Spencer Bell Legacy Project; National Coalition for Cancer Survivorship; Prevent Cancer Foundation; National Comprehensive Cancer Network; The Leukemia and Lymphoma Society; Ovarian Cancer National Alliance; One Voice Against Cancer Coalition; Deadly Cancer Coalition; Asian and Pacific Islander American Health Forum; Howard Ozer, M.D. PhD., Director, University of Illinois Cancer Center; Cancer Clinics of Excellence; The Adenoid Cystic Carcinoma Research Foundation; The International Myeloma Foundation; Manish Agrawal, M.D., Associates in Oncology/Hematology; Chordoma Foundation; Research!America; Frederick Memorial Hospital Regional Cancer Therapy Center; Prevent Cancer Foundation; National Coalition for Cancer Research; Melanoma Research Alliance; National Association of Chronic Disease Directors; The Lymphoma Research Foundation; American Society of Pediatric Hematology and Oncology; International Cancer Advocacy Network.

Fred Hutchinson Cancer Research Center; Oregon Health and Science University's Knight Cancer Institute; Robert Mannel, M.D., Director, Peggy and Charles Stephenson Cancer Center, University of Oklahoma; The University of Virginia Medical Center; Herbert Irving Comprehensive Cancer Center; City of Hope National Medical Center; Oncology Nursing Society; American Institute for Cancer Research; University of Puerto Rico Comprehensive Cancer Center; Roswell Park Cancer Institute; Moffitt Cancer Center; American Society of Clinical Oncology; Lymphoma Foundation of America; University of Wisconsin Carbone Cancer Center; New York University Cancer Institute; Barbara Ann Karmanos Cancer Institute; Sanford-Burnham Medical Research Institute; Holden Comprehensive Cancer Center; Prostate Cancer Foundation.

Mr. BROWN of Ohio. It includes scientists and physicians working to-

gether on cancer research everywhere from the James in Columbus, to Case and UH and the clinic in Cleveland.

Ohio's universities and medical schools, teaching hospitals, Cincinnati Children's Research, small businesses, and other research institutions help bring cutting-edge cancer research to urban cities and small towns alike.

For the last 40 years, our Nation's commitment to cancer research has seen a tremendous return on investment in the millions of lives and the billions of dollars saved.

We have increased survival rates. We have advanced understanding of the diseases and the tools needed to cure them. We have better understood the connection between environmental factors and public health and diseases. We have realized the importance of prevention. We also know challenges remain—from finding more treatments to learning more and carrying out prevention better than we have, from dealing with environmental factors that we know cause large numbers of cancers and reducing costs for patients, to reducing disease burdens for different population groups.

Today's bipartisan cancer resolution on the 40th anniversary of the National Cancer Act reaffirms a commitment to address this national priority, to make sure cancer is a thing of the past.

Senator Kennedy said in those days, 40 years ago, when his legislation began to move forward:

There are few better investments in our future than the investment we make in health research.

Mr. MORAN. Mr. President, earlier today, I submitted a resolution with my colleagues from Ohio and Massachusetts, Senators BROWN and KERRY, to recognize the 40th anniversary of the signing of the National Cancer Act of 1971 and to reaffirm our Nation's strong, bipartisan commitment to cancer research and the more than 12 million cancer survivors alive today because of that research.

This commitment to cancer research is supported by 40 Senators from both sides of the aisle who cosponsored this resolution. Additionally, this resolution is endorsed by more than 105 cancer institutes and hospitals, medical schools, and patient groups, including the University of Kansas Cancer Center.

Forty years ago this month, President Nixon signed the National Cancer Act into law. The creation of this law marked a turning point in our Nation's efforts to prevent and cure cancer and set in motion a coordinated and focused approach to cancer research.

The return on our commitment to cancer research is measured in lives saved, a better quality of life for cancer survivors, and an enormous economic benefit to our country and world.

Since the National Cancer Act became law in 1971, the 5-year survival

rate for all cancers combined has risen consistently—this rate is now at 68 percent for adults and 80 percent for children and adolescents, up from 50 percent and 52 percent, respectively, in 1971.

It is estimated that every one percent decline in cancer mortality saves the U.S. economy \$500 billion annually.

Our country has made significant progress in combating this devastating disease, but more work remains. This year, more than 1.5 million Americans are expected to be diagnosed with cancer. Of those individuals, many will face a very serious, life-changing diagnosis.

Today, I am proud to help submit a resolution that reaffirms our sustained, strong commitment to cancer research that will help improve the entire spectrum of care for patients, from prevention to early detection and diagnosis, to treatment and long-term survivorship, and most importantly—cures.

#### AMENDMENTS SUBMITTED AND PROPOSED

SA 1459. Mr. UDALL, of Colorado proposed an amendment to the joint resolution S.J. Res. 24, proposing a balanced budget amendment to the Constitution of the United States.

SA 1460. Mr. HATCH proposed an amendment to the joint resolution S.J. Res. 10, proposing a balanced budget amendment to the Constitution of the United States.

SA 1461. Mr. REID (for Mr. DURBIN) proposed an amendment to the bill H.R. 2867, to reauthorize the International Religious Freedom Act of 1998, and for other purposes.

#### TEXT OF AMENDMENTS

**SA 1459.** Mr. UDALL of Colorado proposed an amendment to the joint resolution S.J. Res. 24, proposing a balanced budget amendment to the Constitution of the United States; as follows:

To amend the title so as to read:  
"Joint resolution proposing a balanced budget amendment to the Constitution of the United States"

**SA 1460.** Mr. HATCH proposed an amendment to the joint resolution S.J. Res. 10, proposing a balanced budget amendment to the Constitution of the United States; as follows:

To amend the title so as to read:  
"Joint resolution proposing a balanced budget amendment to the Constitution of the United States"

**SA 1461.** Mr. REID (for Mr. DURBIN) proposed an amendment to the bill H.R. 2867, to reauthorize the International Religious Freedom Act of 1998, and for other purposes; as follows:

Beginning on page 2, strike line 6 and all that follows through "(3)" on page 4, line 18, and insert the following:

(a) TERMS.—Section 201(c) of the International Religious Freedom Act of 1998 (22 U.S.C. 6431(c)) is amended—

(1) by striking paragraph (1) and inserting the following:

“(1) IN GENERAL.—The term of office of each member of the Commission shall be 2 years. An individual, including any member appointed to the Commission prior to the date of the enactment of the United States Commission on International Religious Freedom Reform and Reauthorization Act of 2011, shall not serve more than 2 terms as a member of the Commission under any circumstance. For any member serving on the Commission on such date who has completed at least 2 full terms on the Commission, such member's term shall expire 90 days after such date. A member of the Commission may not serve after the expiration of that member's term.”; and

(2)

On page 5, line 3, strike “(c)” and insert “(b)”.

On page 5, strike lines 9 through 19 and insert the following:

(c) APPLICATION OF FEDERAL TRAVEL REGULATION AND DEPARTMENT OF STATE STANDARDIZED REGULATIONS TO THE COMMISSION.—Section 201(i) of the International Religious Freedom Act of 1998 (22 U.S.C. 6431(i)) is amended by adding at the end the following: “Members of the Commission are subject to the requirements set forth in chapters 300 through 304 of title 41, Code of Federal Regulations (commonly known as the ‘Federal Travel Regulation’) and the Department of State Standardized Regulations governing authorized travel at government expense, including regulations concerning the mode of travel, lodging and per diem expenditures, reimbursement payments, and expense reporting and documentation requirements.”.

On page 5, strike line 21 and insert the following:

(a) IN GENERAL.—Section 204 of the International Religious Freedom

On page 6, between lines 16 and 17, insert the following:

(b) PENDING CLAIMS.—Any administrative or judicial claim or action pending on the date of the enactment of this Act may be maintained under section 204(g) of the International Religious Freedom Act of 1998, as added by subsection (a).

On page 6, line 21, strike “and 2013” and insert “through 2014”.

On page 7, line 9, strike “2013” and insert “2014”.

#### AUTHORITY FOR COMMITTEES TO MEET

##### COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. SANDERS. Mr. President, I ask unanimous consent that the Committee on Agriculture, Nutrition, and Forestry be authorized to meet during the session of the Senate on December 13, 2011, at 10 a.m. in room SH-216 of the Hart Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

##### COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. SANDERS. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on December 13, 2011, at 10 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

##### COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. SANDERS. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to meet, during the session of the Senate, to conduct a hearing entitled “Breaking the Silence on Child Abuse: Protection, Prevention, Intervention, and Deterrence” on December 13, 2011, at 10:15 a.m., in room 106 of the Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

##### COMMITTEE ON THE JUDICIARY

Mr. SANDERS. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate, on December 13, 2011, at 10 a.m., in room SD-226 of the Dirksen Senate Office Building, to conduct a hearing entitled “Nominations.”

The PRESIDING OFFICER. Without objection, it is so ordered.

##### SELECT COMMITTEE ON INTELLIGENCE

Mr. SANDERS. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on December 13, 2011, at 2:30 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

##### SUBCOMMITTEE ON HOUSING, TRANSPORTATION, AND COMMUNITY DEVELOPMENT

Mr. SANDERS. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs' Subcommittee on Housing, Transportation, and Community Development be authorized to meet during the session of the Senate on December 13, 2011, at 2:30 p.m., to conduct a hearing entitled “Helping Homeowners Harmed by Foreclosures: Ensuring Accountability and Transparency in Foreclosure Reviews.”

The PRESIDING OFFICER. Without objection, it is so ordered.

##### SUBCOMMITTEE ON WATER AND WILDLIFE

Mr. SANDERS. Mr. President, I ask unanimous consent that the Subcommittee on Water and Wildlife of the Committee on Environment and Public Works be authorized to meet during the session of the Senate on December 13, 2011, at 10 a.m. in room 406 of the Dirksen Senate Office Building to conduct a hearing entitled, “Our Nation's Water Infrastructure: Challenges and Opportunities.”

The PRESIDING OFFICER. Without objection, it is so ordered.

#### PIPELINE SAFETY, REGULATORY CERTAINTY, AND JOB CREATION ACT OF 2011

Mr. REID. Mr. President, I ask unanimous consent the Senate proceed to H.R. 2845.

The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (H.R. 2845) to amend title 49, United States Code, to provide for enhanced safety and environmental protection in pipeline transportation, to provide for enhanced reliability in the transportation of the Nation's energy products by pipeline, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. REID. Mr. President, I ask unanimous consent the bill be read three times, passed, the motion to reconsider be laid upon the table, with no intervening action or debate and any statements be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 2845) was ordered to a third reading, was read the third time, and passed.

#### REAUTHORIZING THE INTERNATIONAL RELIGIOUS FREEDOM ACT OF 1998

Mr. REID. I ask unanimous consent the Foreign Relations Committee be discharged from further consideration of H.R. 2867.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (H.R. 2867) to reauthorize the International Religious Freedom Act of 1998, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. REID. Mr. President, I ask unanimous consent that a Durbin amendment which is at the desk be agreed to and the bill, as amended, be read a third time.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 1461) was agreed to, as follows:

(Purpose: To limit appointments to the United States Commission on International Religious Freedom to 2 2-year terms, to authorize employees of the Commission who have filed a discrimination complaint under section 717 of the Civil Rights Act of 1964 to complete such proceedings, and to clarify that travel by members of the United States Commission on International Religious Freedom is subject to the Federal Travel Regulation and the Department of State Standardized Regulations)

Beginning on page 2, strike line 6 and all that follows through “(3)” on page 4, line 18, and insert the following:

(a) TERMS.—Section 201(c) of the International Religious Freedom Act of 1998 (22 U.S.C. 6431(c)) is amended—

(1) by striking paragraph (1) and inserting the following:

“(1) IN GENERAL.—The term of office of each member of the Commission shall be 2 years. An individual, including any member appointed to the Commission prior to the date of the enactment of the United States Commission on International Religious Freedom Reform and Reauthorization Act of 2011,

shall not serve more than 2 terms as a member of the Commission under any circumstance. For any member serving on the Commission on such date who has completed at least 2 full terms on the Commission, such member's term shall expire 90 days after such date. A member of the Commission may not serve after the expiration of that member's term.''; and

(2)

On page 5, line 3, strike "(c)" and insert "(b)".

On page 5, strike lines 9 through 19 and insert the following:

(C) APPLICATION OF FEDERAL TRAVEL REGULATION AND DEPARTMENT OF STATE STANDARDIZED REGULATIONS TO THE COMMISSION.—Section 201(i) of the International Religious Freedom Act of 1998 (22 U.S.C. 6431(i)) is amended by adding at the end the following: "Members of the Commission are subject to the requirements set forth in chapters 300 through 304 of title 41, Code of Federal Regulations (commonly known as the 'Federal Travel Regulation') and the Department of State Standardized Regulations governing authorized travel at government expense, including regulations concerning the mode of travel, lodging and per diem expenditures, reimbursement payments, and expense reporting and documentation requirements.".

On page 5, strike line 21 and insert the following:

(a) IN GENERAL.—Section 204 of the International Religious Freedom

On page 6, between lines 16 and 17, insert the following:

(b) PENDING CLAIMS.—Any administrative or judicial claim or action pending on the date of the enactment of this Act may be maintained under section 204(g) of the International Religious Freedom Act of 1998, as added by subsection (a).

On page 6, line 21, strike "and 2013" and insert "through 2014".

On page 7, line 9, strike "2013" and insert "2014".

The PRESIDING OFFICER. The question is on the engrossment of the amendment and third reading of the bill.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall the bill pass?

The bill (H.R. 2867), as amended, was passed, as follows:

H.R. 2867

*Resolved*, That the bill from the House of Representatives (H.R. 2867) entitled "An Act to reauthorize the International Religious Freedom Act of 1998, and for other purposes.", do pass with the following

Amendments:

(1) Beginning on page 2, strike line 6 and all that follows through "(3)" on page 4, line 18, and insert the following:

(a) TERMS.—Section 201(c) of the International Religious Freedom Act of 1998 (22 U.S.C. 6431(c)) is amended—

(1) by striking paragraph (1) and inserting the following:

"(1) IN GENERAL.—The term of office of each member of the Commission shall be 2 years. An individual, including any member appointed to the Commission prior to the date of the enactment of the United States Commission on International Religious Freedom Reform and Reauthorization Act of 2011, shall not serve more than 2 terms as a member of the Commission under any circumstance. For any member serving on the Commission on such date who has completed at least 2 full terms on the Commission, such member's term shall expire 90 days after such date. A member of the Commission may not serve after the expiration of that member's term."; and

(2)

(2) On page 5, line 3, strike "(c)" and insert "(b)".

(3) On page 5, strike lines 9 through 19 and insert the following:

(c) APPLICATION OF FEDERAL TRAVEL REGULATION AND DEPARTMENT OF STATE STANDARDIZED REGULATIONS TO THE COMMISSION.—Section 201(i) of the International Religious Freedom Act of 1998 (22 U.S.C. 6431(i)) is amended by adding at the end the following: "Members of the Commission are subject to the requirements set forth in chapters 300 through 304 of title 41, Code of Federal Regulations (commonly known as the 'Federal Travel Regulation') and the Department of State Standardized Regulations governing authorized travel at government expense, including regulations concerning the mode of travel, lodging and per diem expenditures, reimbursement payments, and expense reporting and documentation requirements.".

(4) On page 5, strike line 21 and insert the following:

(a) IN GENERAL.—Section 204 of the International Religious Freedom

(5) On page 6, between lines 16 and 17, insert the following:

(b) PENDING CLAIMS.—Any administrative or judicial claim or action pending on the date of the enactment of this Act may be maintained under section 204(g) of the International Religious Freedom Act of 1998, as added by subsection (a).

(6) On page 6, line 21, strike "and 2013" and insert "through 2014".

(7) On page 7, line 9, strike "2013" and insert "2014".

Mr. REID. I ask unanimous consent the motion to reconsider be laid on the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The majority leader is recognized.

## ORDER OF PROCEDURE—H.R. 3630

Mr. REID. I ask unanimous consent that notwithstanding the lack of receipt from the House with respect to H.R. 3630, it be in order for the bill to be considered read for the first time and placed on the legislative calendar under the heading "Bills and Joint Resolutions Read the First Time."

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

## ORDERS FOR WEDNESDAY, DECEMBER 14, 2011

Mr. REID. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 9:30 a.m., on Wednesday, December 14, 2011; that following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, and the time for the two leaders be reserved for their use later in the day; that following any leader remarks, the Senate be in morning business for 1 hour, with Senators permitted to speak for up to 10 minutes each, with the time equally divided and controlled between the two leaders or their designees, with the majority controlling the first half and the Republicans controlling the final half; and that following morning business, the Senate resume consideration of S.J. Res. 10 and S.J. Res. 24, under the previous order.

The PRESIDING OFFICER. Without objection, it is so ordered.

## PROGRAM

Mr. REID. There will be two rollcall votes at approximately 10:45 a.m. tomorrow on the balanced budget amendment resolution. We also hope to consider the DOD authorization conference report as well as the House Republican payroll tax bill tomorrow.

## ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. REID. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that the Senate stand adjourned under the previous order.

There being no objection, the Senate, at 7:34 p.m., adjourned until Wednesday, December 14, 2011, at 9:30 a.m.



## HOUSE OF REPRESENTATIVES—Tuesday, December 13, 2011

The House met at 10 a.m. and was called to order by the Speaker pro tempore (Mr. McCLINTOCK).

### DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,  
December 13, 2011.

I hereby appoint the Honorable TOM McCLINTOCK to act as Speaker pro tempore on this day.

JOHN A. BOEHNER,  
*Speaker of the House of Representatives.*

### MORNING-HOUR DEBATE

The SPEAKER pro tempore. Pursuant to the order of the House of January 5, 2011, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning-hour debate.

The Chair will alternate recognition between the parties, with each party limited to 1 hour and each Member other than the majority and minority leaders and the minority whip limited to 5 minutes each, but in no event shall debate continue beyond 11:50 a.m.

### WATER FOR THE WORLD ACT

The SPEAKER pro tempore. The Chair recognizes the gentleman from Oregon (Mr. BLUMENAUER) for 5 minutes.

Mr. BLUMENAUER. As America prepares for the holiday season and the new year, it is important to pause to reflect on our good fortune and, on this season of goodwill, what we can do for others. I hope that Congress will give the gift of life, hope, and economic prosperity to people around the world, a gift most Americans take for granted: safe water.

Almost a billion people around the globe lack access to safe drinking water, and over 2½ billion don't have access to adequate sanitation. This is why the number one health challenge is water-related disease.

Half the people who are sick today anywhere on this planet are sick unnecessarily from waterborne diseases that are particularly brutal on their impact on children. Ninety percent of the deaths caused are children under 5. The 1.8 million lives that are lost are more than AIDS, TB, and malaria combined.

It's also a major cause of the struggle for economic security. For example, in

India, the estimate is over \$50 billion a year, more than 6 percent of its economy, is lost due to inadequate water and sanitation. How does this happen? Children cannot attend school if they are sick from unsafe drinking water. People with illnesses overwhelm the few hospitals and clinics and they can't go to work. Hours spent looking for and carrying clean water, usually by girls and women, means that they're not adding either to education or the economic well-being of their families.

Historically, water's been a source of conflict, and with over 260 river basins that cross country borders, managing this very finite resource without conflict will be one of the world's greatest security problems.

In this season of good tidings, there is good news about water. The solutions are cheap and easy. We're not required to search for a cure. Helping people understand the need to wash their hands or providing them with simple, commonsense technology is key.

Churches, parishes, and synagogues have already taken up this challenge, and hundreds of thousands of people have benefited. It's time for Congress to act.

In 2005, the bipartisan Paul Simon Water for the Poor Act helped us get our act together. Now we have new legislation, Water for the World, which will be introduced tomorrow with my colleague and friend, Congressman TED POE from Texas, the chief Republican cosponsor. It builds on current United States efforts—not by increasing funds. Make no mistake, I hope some day we do increase the investment around the globe. But right now, this legislation will increase aid effectiveness, transparency, and accountability. Given the strains on Federal resources and the depth of the need, it is essential that we target our efforts as efficiently as possible.

The Water for the World Act gives the State Department and USAID tools to leverage investments. It helps elevate positions within the agency to coordinate diplomatic policy and implement country-specific water strategies.

The House Foreign Operations Appropriations Subcommittee, under the leadership of KAY GRANGER and NITA LOWEY, has done the best it can in this difficult budget climate with resources for poor people with water around the world. Now Congress needs to step up to make sure these precious resources are used as effectively as possible.

I sincerely hope my colleagues will join Congressman POE and me in co-

sponsoring the Water for the World Act and then work to enact it as soon as possible.

### LUKE'S WINGS IS HELPING WOUNDED WARRIORS BE HOME FOR CHRISTMAS

The SPEAKER pro tempore. The Chair recognizes the gentlewoman from North Carolina (Ms. FOXX) for 5 minutes.

Ms. FOXX. Those who serve in our military deserve our constant thanks. Those who become injured while serving deserve all that we can do for them.

Mr. Speaker, I recently learned about a wonderful American organization that is serving wounded servicemembers and their families around the country. The organization is called Luke's Wings, and it has a simple mission: to bring wounded warriors and their families together.

For many families of those wounded in combat, traveling to where their wounded spouse or parent or sibling is can be difficult and cost prohibitive. Luke's Wings was established to help families of these servicemembers travel to be with their loved one during his or her hospitalization or rehabilitation.

Luke's Wings aids families of wounded servicemembers by purchasing airline tickets so that they can help support and care for their family member while they are receiving treatment.

Not only does the assistance that Luke's Wings provides to families of wounded warriors bring these families together, it also helps boost the spirits of and provide additional motivation to recovering servicemembers while their families are at their sides.

Especially during this holiday season as we approach Christmas, the work that Luke's Wings is doing is priceless. Not only does it help families visit recovering troops, but they're also helping these same wounded warriors get home for Christmas. For just the price of a plane ticket, Luke's Wings is able to make this holiday season one that many combat-wounded servicemembers will not soon forget.

It's always inspiring to see the different ways that Americans from so many walks of life find to support our men and women in uniform. Luke's Wings is a volunteer organization that is taking its place in the ranks of compassionate and patriotic groups that are dedicated to giving our troops the best.

During this season of joy and thankfulness when many brave men and

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

women are deployed and apart from their families, Luke's Wings reminds us that we must not forget those who serve, and particularly those who have been injured in that service. Luke's Wings reminds us that even something such as bringing family and service-members together will make a tremendous impact for them.

May God continue to bless those who serve and especially those who have suffered physically and mentally, and may God bless the efforts of Luke's Wings, particularly in this season.

#### ANTI-MUSLIM BIGOTRY

The SPEAKER pro tempore. The Chair recognizes the gentleman from Connecticut (Mr. MURPHY) for 5 minutes.

Mr. MURPHY of Connecticut. Mr. Speaker, last week the giant home improvement chain Lowe's decided to pull their ads from a new show on The Learning Channel called "All-American Muslim."

Now, this show depicts five Muslim American families of Lebanese descent from Dearborn, Michigan, and highlights how their faith affects their lives and their families.

The show is aptly titled because it shows Muslim families to be exactly what they are in this situation, and millions like them around the Nation. They're Americans. They face problems just like the rest of us. The only difference is that they worship at a different church.

□ 1010

Lowe's pulled these ads because one right-wing anti-Muslim group in Florida said that the show hides the "true agenda" of Islam, which, according to this group, is to destroy America.

Now, this kind of anti-Muslim bigotry isn't new. It seems like every month we're being warned by a new radical group about the creep of sharia law or that a peaceful mosque is being run out of a community or that a radical pastor is burning the Koran on television. It's one thing when a fringe group or a radical, unhinged pastor is doing it; but it's quite another when a Fortune 100 company is endorsing this nonsense.

Lowe's defends itself by saying it's pulling these ads because some of their customers had "strong political and social views on this topic." Well, congratulations to Lowe's for acknowledging that there are some really bigoted people in the world, but that doesn't mean that Lowe's or any other company should acquiesce to this kind of behavior. For instance, there are, unfortunately, a lot of people out there who still hold racist views about African Americans, but I don't think that that means Lowe's is going to be pulling its ads from television shows featuring African Americans.

Lowe's also says it's sorry for walking into a "hotly contested debate." Well, what debate are they talking about? Yes, we face threats from a fringe sect of radical, anti-American Islamists; but there is no debate that the millions of patriotic, peace-loving Muslims who live in this country have no connection to that movement and do nothing except strengthen the fabric of our Nation.

Now, maybe you think this is just a minor sideshow and that Congress shouldn't be talking about it on this floor. I submit to you that you're dead wrong. This is a major American company that is rubber-stamping basic, foundational bigotry against a major American religious group. This Nation was founded on the principle of religious freedom, and this body should never remain silent when a group of people is marginalized just because it worships a different God.

Though we've certainly got more important things to worry about, like fixing the economy, it has traditionally been during bad economic times that this kind of social marginalization has been at its worst because people don't speak up against it. Further, this kind of bias endangers our national security. Denis McDonough, the President's deputy National Security Adviser, recently said that al Qaeda's core recruiting argument is that the West is at war with Islam. With this action, extremists can say, Look, we're already being run out of their neighborhoods. Now we're being run off of their television sets.

This kind of anti-Muslim sentiment doesn't just endanger our Nation's soul; it endangers our national security. So here is my message for the folks at Lowe's who made the decision and, frankly, for anybody out there of sound mind who has considered getting behind this growing anti-Muslim bias:

You're better than this. You know that the history of this country and of this world never, ever looks kindly on this kind of marginalization that you've endorsed with your actions. Whether it is against Irish Americans or Jewish Americans or African Americans, the history books make sure that this kind of exclusionary politics becomes a stain on the reputation of anyone who takes part in it.

Today, I'm leading a group of Member of Congress, calling on Lowe's to reconsider its decision. Listen, we do have a lot to fear when it comes to Islamic groups that seek to do harm to America; but we have nothing to fear from a TV program called "All-American Muslim," and we have nothing to fear from the tens of millions of peace-loving, patriotic Muslim Americans who are just like those who are portrayed in that show.

This is America. While we have never been perfect at living up to our founding ideals, we've gotten pretty good at

calling out bigotry when we see it and at stamping it out before its mark becomes indelible. This can be one of those moments.

#### ARIZONA VS. THE FEDS

The SPEAKER pro tempore. The Chair recognizes the gentleman from Texas (Mr. POE) for 5 minutes.

Mr. POE of Texas. Mr. Speaker, the Federal Government is at war with the States over illegal entry. There is a real problem in this country: millions of people are living here illegally, and more illegally cross into America every day.

Schools, hospitals, and the justice system are burdened with the cost of supporting illegals, who do not contribute to our system. They reap the benefits and services off the backs of American citizens and legal immigrants. Twenty-seven percent of the people in U.S. prisons are illegals. In the border counties in Texas, according to the border sheriffs, over 30 percent of the people in those jails are foreign nationals.

All of this costs money. The safety of our citizens is also at risk, but the Federal Government chooses not to adequately enforce the law. The Federal Government is focused more on finding reasons why the law of the land should not be enforced. Case in point: the 20-point memo released this summer by ICE listed the criteria for illegal migrants who have been detained but should not be deported. In other words, let them go.

As a result of Washington's inaction, several States have been burdened with the costs of illegal entry, from health care to incarceration costs. Arizona, South Carolina, Utah, Georgia, and Indiana have been forced to do the job the Federal Government just won't do—protect the citizens from the costs of unlawful entry into America.

Arizona implemented a law that requires authorities to check the immigration status of anyone who is already legally detained for some offense and when there is a "reasonable suspicion" the person is in the country illegally. But the administration says not so fast, that immigration enforcement is their job.

They just refuse to do it.

It also seems the government is more interested in smuggling guns to Mexico under the botched Operation Fast and Furious than it is in preventing the smuggling of people and drugs into the United States. Now the Department of Justice has gone into the business of using taxpayer dollars to actually sue States for doing the job the Federal Government won't do. Yesterday, the Supreme Court agreed to hear the case of *Arizona v. The United States*. Governor Brewer of Arizona has said, "Arizona and its people suffer from a serious problem without any realistic tools for addressing it."



The Federal Government leaves States with no other choice than to do the job the Federal Government refuses to do. If Arizona is not allowed to enforce immigration laws and if the Federal Government does not enforce immigration laws, then Arizona and other States will continue on a dangerous path to becoming lawless territories with rampant illegal entry. Ignoring laws and open-door policies will only entice more people to come to this country illegally instead of using the front door.

Now, I fully support legal entry into America, and my staff spends a lot of time helping people come to the United States legally. The immigration model we have is a mess, and it needs to be streamlined and more efficient; but people should come here the right way or not come at all. After all, it is the law.

But the defiant Attorney General has made it clear that he will continue his crusade against the States that try to crack down on illegal entry. Why? Because the States want to uphold the law. Meanwhile, sanctuary cities get a pass from the Federal Government for ignoring the law.

We hear the rhetoric that illegals are here to do the jobs Americans won't do. Now State after State is getting sued for doing a job the American Government won't do—protecting the security of the Nation and enforcing the law. Arizona had to enact this law to protect itself because the Federal Government doesn't adequately secure the border.

It is time for Washington to stop its war on the States and to join with the States in enforcing the law of the land. Hopefully, the Supreme Court will rule the Arizona law to be constitutional.

And that's just the way it is.

#### THE CARIBBEAN BORDER INITIATIVE

The SPEAKER pro tempore. The Chair recognizes the gentleman from Puerto Rico (Mr. PIERLUISI) for 5 minutes.

Mr. PIERLUISI. Mr. Speaker, American citizens in the Caribbean are facing a security crisis. While the national murder rate has declined in recent decades, the number of homicides in Puerto Rico and the U.S. Virgin Islands remains unacceptably high. Since 2008, the murder rate in Puerto Rico and the Virgin Islands has been about five times the national average and about twice as high as that of any State.

Most of the murders committed in Puerto Rico and the USVI are linked to the drug trade. As Attorney General Holder and other officials have acknowledged, the Federal Government's effort to prevent traffickers from transporting drugs across our Nation's southwest border is causing traffickers

to turn increasingly to the Caribbean to ship drugs into the United States. As the National Drug Intelligence Center recently observed, violence by traffickers in the two territories has "become indiscriminate, endangering the lives of . . . innocent bystanders."

In response to questions I posed, Attorney General Holder recently called drug-related violence in Puerto Rico and in the USVI a national security issue that we must confront. At my urging, Congress has also taken notice of the problem, directing Federal law enforcement agencies on three separate occasions to devote more attention to the Caribbean region.

According to briefings provided to my office, 70 to 80 percent of the cocaine that enters Puerto Rico is transported to the U.S. mainland. Because Puerto Rico is a U.S. jurisdiction, once drugs enter the island, they are easily delivered to the States through commercial airlines and container ships, without having to clear customs or having to otherwise undergo heightened scrutiny. Once in the States, these drugs destroy lives and communities in my colleagues' districts. So this is a problem of national, not simply regional, scope.

That said, the primary reason the Federal Government must do more to reduce drug trafficking in Puerto Rico and the Virgin Islands is that U.S. citizens in these two territories are dying in unprecedented numbers. Our Nation has devoted considerable resources in confronting drug gangs that are operating along the southwest border, and rightfully so. Yet Puerto Rico's murder rate is four to five times higher than that of any Southwest border State.

According to a recent piece in *The Washington Post*, since 2008 the island has received less than one-fifth of the funding that the Federal Government has provided to combat the drug trade and associated violence in Mexico and Central American nations.

□ 1020

The number of authorized positions at key Federal law enforcement agencies in Puerto Rico is too low. The number of vacancies is too high. And interdiction assets, like planes and boats, are in short supply.

Since taking office, I have urged the Federal Government to devote resources to Puerto Rico at a level commensurate with the severity of the problem it faces. Specifically, I have asked the White House drug czar to establish a Caribbean border initiative modeled after the successful Southwest Border Initiative.

The time for half measures and piecemeal efforts has passed. What is needed instead is a well-planned, well-funded, well-executed, governmentwide strategy that will encompass all Federal agencies charged with fighting drug trafficking and related violence. To

protect the lives of the U.S. citizens in the Caribbean and to reduce the flow of drugs headed to the States through that region, the Federal Government must make a commitment of resources to Puerto Rico and the USVI that is similar to the commitment it has made to the southwest border.

The challenge we face today is similar to the one we faced back in 1994. I was Puerto Rico's attorney general back then and lobbied successfully for Puerto Rico and the USVI to be federally designated as a high-intensity drug trafficking area, which contributed to a significant reduction in the island's violent crime rate. The problem has evolved over time, and the Federal response must evolve along with it. I will not rest until it does.

#### DIGGING OURSELVES OUT OF THIS RECESSION

The SPEAKER pro tempore. The Chair recognizes the gentleman from Minnesota (Mr. CRAVAACK) for 5 minutes.

Mr. CRAVAACK. Mr. Speaker, my message is simple and direct: Last month, this administration put yet another hold on implementing the Keystone pipeline project and adding tens of thousands of American jobs to our fragile economy. This decision is bad news for laborers in the great State of Minnesota and around the country who were eager to begin working on the project next year. If we do not approve this deal and put people back to work, the jobs and the oil will simply go another direction—such as China—and they will not be coming back to the United States.

What part of this bill just doesn't make sense to the folks in the White House and the Department of State?

We cannot wait. The American worker is the most productive worker in the world, and so many people in my district thirst for good-paying jobs that will come with projects like Keystone.

Some of these regulatory agencies are simply out of control and seem bent on stifling job creation here in the United States. If the government would simply get out of the way, put politics aside, and dedicate to empowering the American worker, we can start digging ourselves out of this recession and get Americans back to work.

#### REMOVE KEYSTONE PIPELINE FROM THE BILL

The SPEAKER pro tempore. The Chair recognizes the gentleman from New York (Mr. RANGEL) for 5 minutes.

Mr. RANGEL. Well, it looks like this august body will continue to work until we find some solutions to the problems facing the millions of Americans who have lost their jobs, their homes, their savings through no fault of their own and have limited income.

It has taken some time for the Democrats in the House to persuade the majority that this is a time when we just can't lay off people and stop spending, even though that has to be a part of the ultimate solution to the problems that we face. But laying off people, especially at this time of the year, is not only an insensitive thing to do, but, in my opinion, the economics of it all is that if people don't have the resources to purchase their needs, then, of course, our small businesses are the ones that suffer financially; and, as a result of that, they may have to lay off workers. It just doesn't make economic sense, nor is it a very sensitive thing to do during this time of year.

Now very soon, this body will be considering what is referred to as the Middle Class Tax Relief and Job Creation Act of 2011, which means that we will now have united—or apparently it appears to be united—this entire Congress, saying that we must continue to have this low-income tax cut that working people enjoy to continue beyond its expiration of December 31, and that even though there are some people who claim that a lot of Americans don't pay any taxes—well, you can't explain that to a person who works hard each and every day and they find out what their pay was supposed to be, but, when they get home and look at their check, it's less. But just because it's not Federal income tax, that doesn't mean that they're not paying into their Social Security and they're not paying for their health benefits. So the President, in his wisdom, and this Congress support that we extend relief of that payroll tax so that these people have this disposable income during this time of the year.

And of course we have this controversy where every year, for whatever reason, Republicans can't grasp the understanding of what unemployment insurance is all about. And I shouldn't say Republicans. I'm talking about those people that belong to the Republican Party that truly believe, if you give someone a hand up at a time when they've lost their job and the Federal Government said that you have paid into this safety fund and you try to help them for what they paid into, that you are convincing them that they should not look for work.

Now, this great country exists because of our working middle class. It's because people don't enjoy work, but they have the dignity of working, the pride in letting their family know that they're providing for food and clothing and investing for the future. So perhaps I shouldn't blame the entire Republican Party. But they have managed every year not to deal with this extended unemployment compensation so at least these people can plan not just for the holidays but plan for their basic needs.

Somehow, with all of this feeling that it is about time that we came to-

gether and have done something, the Republicans have added to this the Keystone energy pipeline. Can you imagine how many people who are expecting relief from their government will be going to sleep tonight wondering whether they are going to continue to get a break on taxes next year, whether or not they are going to get a break on payroll taxes this year, and whether or not they are going to get extended unemployment compensation is all dependent on whether or not the Congress supports the Keystone energy pipeline?

Let's get rid of all the pipeline language. Let's do what the bill is supposed to do, and let's not put in something that could impede the passage.

#### RAISING TAXES ON JOB CREATORS

The SPEAKER pro tempore. The Chair recognizes the gentleman from Illinois (Mr. DOLD) for 5 minutes.

Mr. DOLD. Mr. Speaker, yesterday it was announced that a small business in my district will be closing two locations in Illinois and transferring those jobs out of State. I believe at this time, they are taking them to Texas. But we have seen this story over and over again, whether it be taking jobs to Wisconsin, whether it's taking jobs to Indiana. I believe this speaks volumes about the economic situation not only in Illinois but in our Nation and the policies that I believe that this body must put in place in order to empower small business owners and job creators all across the land to be able to have confidence, invest in their business, and grow jobs.

□ 1030

You see, the difference in the State of Illinois is that in Illinois we raised taxes on businesses over 45 percent this last year. It put enormous pressure on small businesses throughout the State, and I would argue all job creators throughout the State. What is even worse, Mr. Speaker, is that those companies that have more employees and a little bit higher clout have been able to rattle the saber and call the Governor and say we're going to pick up and leave the State of Illinois and take jobs elsewhere. While we want to make sure that we keep those jobs in Illinois, the unfortunate thing is we have got some crony capitalism going on, so the State is going to bend over backwards to make sure some of the larger employers stay in the State of Illinois.

The problem is that small businesses, the ones that I talk to each and every day, when they call the Governor, they don't get their phone calls returned. It, indeed, puts a greater burden on small businesses. And as you know, Mr. Speaker, two-thirds of all net new jobs are created by small businesses all across the land. This is the economic

engine that we need to make sure that we are supporting, to make sure that we are putting more Americans back to work.

There are 29 million small businesses in our Nation. If we can create an environment right here in Washington, D.C., and you hear me say it's creating an environment, it's not creating jobs because the government doesn't create jobs; it's the private sector that does.

But what the government can do is create an environment, whether it be through regulation, whether it be through comprehensive tax reform, whether it be through a variety of measures that enable those 29 million small businesses in our Nation to create a single job. If half of those businesses created a job, Mr. Speaker, think about where we would be then.

This is why the American people want Congress to act, and I think we've got a responsibility to reach across the aisle and find common ground. We need to get rid of the crony capitalism. We need to create a level playing field where businesses all across the land can compete and can win because this is an opportunity for Republicans and Democrats alike to put forward comprehensive tax reform, something that has been touted by the Simpson-Bowles Commission, touted by the President and touted by others.

Well, it's time for action. We want to make sure that we move forward with this. We want to make sure that businesses can open their doors and create a level playing field. At the end of the day, it's about finding that common ground. It's about having government get out of the way and enabling the private sector to move forward so that we can all see America get back to work.

#### 'Twas THE WEEK BEFORE CHRISTMAS

The SPEAKER pro tempore. The Chair recognizes the gentleman from New York (Mr. TONKO) for 5 minutes.

Mr. TONKO. Mr. Speaker, while my statement mimics a well-known seasonal classic, it is shared in all seriousness and with a sense of greatest urgency.

'Twas the week before Christmas when all through the House,

A cry echoed much louder than a roaring mouse.

Don't raise our taxes, on us please be fair,

or our middle class will be lost in despair.

The majority was plotting a thought in its head,

We should staunchly oppose what from the President was led.

Millionaires should be spared, not a penny we sap,

But Keystone pipeline we will never ever scrap.

When outside the Chamber there arose such a clatter,

The public was disgusted and shout-out: we matter!

Away to offices lawmakers flew in a flash,

A change in this bill or else it will crash.

End of year coming and no jobs plan to show,

They said no regulations was the best way to go.

Then what to our debate should suddenly appear,

But a sentiment from the public those in office should fear.

Come on Congress, be fair and be quick.

Don't be deceiving, and don't be so slick.

More rapid the calls and emails they came,

"No pipeline" said Senator I won't name.

So let's get to work and not be grinch this season,

The economy and middle class are clearly the reason,

We should have a straight vote, not this 400-page show,

And help America's middle class and small business grow.

Let's spring into action and get this bill done.

We have other work; in fact, there's a ton.

Spending bills, doc fix, unemployment and more,

Before the year ends, they must all come to the floor.

We serve our constituents and our Nation first.

For jobs and opportunities, many of us thirst.

Clean air and clean water should not be rolled back.

Deregulatory riders our bills should well lack.

Thus we go forward to end of the year,

Good tidings and joy this Congress must steer.

Working together with all of our might,

Happy Holidays to all, and for fairness let's fight.

#### GENOCIDAL SUDANESE GOVERNMENT HIRES LOBBYIST

The SPEAKER pro tempore. The Chair recognizes the gentleman from Virginia (Mr. WOLF) for 5 minutes.

Mr. WOLF. Mr. Speaker, I was appalled and outraged to learn yesterday that the genocidal government of Khartoum has hired a lobbyist to represent its interests here in Washington.

On December 10, a publication called "Africa Intelligence" reported that the Sudanese Government has put a lobbyist on retainer with the express purpose of trying "to lift American sanctions against it."

The article further reported that the law office of Bart S. Fisher would be paid \$20,000 a month plus expenses to

represent this genocidal government, a government which literally has blood on its hands.

I don't know how Mr. Fisher sleeps at night. Consider the following: Sudan's president, Omar Hassan Bashir, is an internationally indicted war criminal. Bashir is accused by the International Criminal Court of five counts of crimes against humanity—including murder, rape, torture, and extermination—and two counts of war crimes.

But Khartoum's crimes are not simply a thing of the past. In a recent hearing before the Tom Lantos Human Rights Commission, a witness with the NGO Human Rights Watch testified about the situation on the ground in Southern Kordofan and Blue Nile states in Sudan, saying: "According to witnesses we interviewed and other sources, government forces shelled civilian areas, shot people in the streets and carried out house-to-house searches and arrests based on lists of names of known Sudan People's Liberation Movement supporters in the first weeks of fighting."

My office has received regular, reliable reports from individuals on the ground echoing these claims. We have learned of ongoing aerial bombardments in Blue Nile and Southern Kordofan states. We have heard of nightmarish accounts of extrajudicial killings, illegal detention, disappearances, and indiscriminate attacks against civilians. Furthermore, evidence gathered through satellite imagery by the Satellite Sentinel Project shows at least eight mass graves found in and around Kadugli, the capital of Southern Kordofan.

Literally thousands have fled the violence, which begs the question, Who is their lobbyist? They are in desperate straits having left behind their entire lives. Who is their lobbyist? They are facing malnutrition and prolonged displacement. Who is their lobbyist?

To put a human face on these questions, consider this picture taken by a Voice of America photographer of a malnourished child with a feeding tube inserted in his nose in an attempt to get him the sustenance he so desperately needs. He is one of roughly 25,000 people in the Yida refugee camp that have fled the fighting in Sudan and crossed the border in South Sudan.

I ask Mr. Fisher, the lobbyist: Where is the child's lobbyist, the lobbyist for this child?

Today I am sending a letter to President Obama, the State Department, the Justice Department, and the Treasury Department seeking immediate clarification on what appears to be an indefensible situation.

According to news report and the Foreign Agents Registration page of the Department of Justice Web site, Mr. Bart Fisher is representing the Government of Sudan. Was he granted a license from the Office of Foreign As-

sets Control at Treasury, as is required to represent the genocidal country of Sudan given the U.S. sanctions which are in place against it? If not, is his representation a violation of law? If so, why would the Obama administration allow this to move forward?

There are many questions which demand answers. But one thing is clear: it appears that Mr. Fisher's contract with the Government of Sudan went into effect in November. If he has received one penny from the Government of Sudan, he should return it immediately; or better yet, he should donate it to one of the NGOs seeking to serve the suffering Sudanese people in Yida refugee camp who have been brutalized by their own government, i.e., Mr. Fisher's client.

[From the Africa Intelligence, Dec. 10, 2011]

KHARTOUM HIRES A LOBBYIST IN U.S.

The Sudanese government has just taken on a lobbyist in Washington, United States to try to lift American sanctions against it. The Law Office of Bart S. Fisher summarised the contract in a letter to the Sudanese embassy in Washington dated November 1, stating that its work would be carried out within the limits of the Sudanese Sanctions Regulations, for a fee of \$20,000 a month plus expenses. Bart Fisher is a longstanding lobbyist for China and for Chinese companies, combining the legal defence of its clients and lobby activity. In the case of Sudan, he will advise Khartoum on how to obtain the reduction or cessation of U.S. sanctions and the removal of the country from the State Department list of State Sponsors of Terror. It will also aid the Sudanese Embassy in Washington in the requisite legal procedures. Fisher will have work to do, since the contract was signed on 10 November just as military tension is growing on the border with Southern Sudan and a coalition of 66 organisations in the United States, Act for Sudan, recently asked President Barack Obama to impose a no fly zone over Darfur, South Kordofan and Blue Nile, to prevent Khartoum from attacking the civilian population.

□ 1040

#### PAYROLL TAX CUTS

The SPEAKER pro tempore. The Chair recognizes the gentleman from Virginia (Mr. CONNOLLY) for 5 minutes.

Mr. CONNOLLY of Virginia. Mr. Speaker, once again we are presented with a false choice today. In the Alice in Wonderland world of the House, Republicans oppose payroll tax cuts unless they can be used as a vehicle to cut unemployment benefits. According to the majority, it isn't worth passing a simple payroll tax cut without eviscerating Americans' health care. In this warped, parallel universe, payroll tax cut extensions must be accompanied by gratuitous measures to punish Federal employees and civil servants like Border Security agents and FBI agents. And, of course, the majority seems singularly incapable of writing any bill, especially at this time of year, Christmas, that doesn't contain

several special provisions to benefit the Koch Brothers and Big Oil giveaways.

Sadly, this bill is consistent with the Republican pattern of extortion on behalf of an extreme special interest agenda. After almost shutting down the government, furloughing FAA employees, and blocking the appointment of a director to the Consumer Financial Protection Bureau and other agencies, now, believe it or not, they are holding tax cuts hostage.

President Obama sent a simple legislative package to Congress: Extend the payroll tax cuts, saving the average American family \$1,500 a year. Extend unemployment insurance benefits to create 1 million jobs and add 1 full percentage of growth to the economy. This very proposal received a majority vote in the Senate but, of course, was blocked by a Republican filibuster. It did what the Republicans say they want to do—cut taxes and grow the economy. Too bad their actions don't match their words.

Based on their rhetoric, one would think that Republicans would support a simple tax cut. That is, after all, their solution to every economic challenge: Cut taxes, especially for millionaires and large corporations. Yet when presented with a simple tax cut bill targeted to help the middle class in America, Republicans rebel and reject it in favor of a piece of special-interest sausage so laden with lobbyist giveaways and ideological poison pills that it would make the author of "The Jungle," Upton Sinclair's, nose turn blue.

The bill before us today slashes unemployment benefits for Virginians in my home State by 38 percent, and it increases Federal employee pension contributions by 63 percent while reducing total pension payments. Federal employees, in other words, will pay more and get less retirement security after a lifetime of public service. For good measure, it extends public servants' pay freeze for a full 5 years. It contains a costly special interest policy rider that will increase oil exports to China and raise American gas prices. It repeals part of the Clean Air Act, allowing polluters to spew forth mercury, arsenic, and other toxic pollutants from industrial boilers. In fact, repeal of this Clean Air Act public health standard will burden the American economy with \$20 billion to \$52 billion in additional health care costs every year.

We must remember what a perilous state the economy is in. Thanks to the successful Recovery Act and expansionary monetary policy, unemployment has fallen now to 8.6 percent. It would be 8.25 percent except for the fact that Republican policies have led to the loss of over a half-million public sector jobs throughout the United States. The number of underemployed and long-term unemployed Americans

has fallen as people have found steady, full-time jobs, and private-sector job growth has been growing every month for 21 consecutive months. We're not out of the woods, but we are making progress.

The Congressional Budget Office, McCain campaign adviser Mark Zandi, and Barclays Bank all estimate that extending unemployment benefits will increase the economy by a full 1 percent and add 1 million jobs. That's because unemployment benefits have a multiplier effect—they are spent as soon as they are gotten. The payroll tax cut, in addition, will provide Americans with an average of \$1,500 per worker, creating some \$250 billion in economic activity and adding 1 full percentage point to the GDP.

The Speaker controls which bills come to the floor of the House. Let's junk this bill and come up with a clean payroll tax extension and unemployment benefits for all Americans, creating jobs and growing this economy.

#### YUCCA MOUNTAIN

The SPEAKER pro tempore. The Chair recognizes the gentleman from Illinois (Mr. SHIMKUS) for 5 minutes.

Mr. SHIMKUS. Mr. Speaker, at the end of last week, I was able to take to the floor with some of my colleagues to talk about high-level nuclear waste in Yucca Mountain. Part of that time, I wanted to make sure, as I have each week, to highlight certain locations around this country where high-level nuclear waste is stored. Because of time constraints, I wasn't able to do that, so I take to the floor this morning to highlight a nuclear power plant in Florida called Turkey Point.

And the way I do this, Mr. Speaker, is I have this poster in front of me, and I compare the location of high-level nuclear waste at Turkey Point to the defined-by-law location for a single repository in this country, Yucca Mountain.

So look at what we have here. At Yucca Mountain, we have currently no nuclear waste on site. At Turkey Point, there's 1,074 metric tons of spent fuel on site. That's quite a lot of fuel. If we had waste stored at Yucca Mountain, the waste would be stored 1,000 feet underground—Yucca Mountain is a mountain. At Turkey Point, waste is stored above ground in pools. Now why is that an important point to consider? The nuclear catastrophe in Japan, the Fukushima Daiichi plant, part of the major disaster was because of high-level nuclear waste stored in pools. The earthquake occurred and either the water that was there boiled out or there were cracks in the containment valve and it spilled out, and then the nuclear waste heated up, and hence you have a very dangerous situation still in Japan.

At Yucca Mountain, the waste would be stored 1,000 feet above the water

table. But here, at Turkey Point, which is in Florida, the waste is on Biscayne Bay at sea level. So it is at sea level, not in a mountain in a desert.

What we've done also is look at if you are at Yucca Mountain how far are you away from really the largest body of water, which would be the Colorado River? Yucca Mountain is 100 miles from the Colorado River. Turkey Point and the nuclear waste stored there is 10 miles from the Everglades—10 miles from the Everglades.

So we passed—I wasn't a Member of this Chamber at this time—a Federal law called the Nuclear Waste Policy Act in 1982. When we passed that law, we defined Yucca Mountain as the national repository—a single repository for not just nuclear waste from our nuclear power fleet, but also the nuclear waste from our Department of Energy locations from around the country.

Obviously, we are very close, but this administration, along with the NRC Commissioner, has delayed, postponed, and tried to stop any movement on Yucca Mountain. And that's why I take the floor. As the subcommittee chairman of the Energy and Environment Subcommittee, part of my jurisdiction is high-level nuclear waste, and that's why I come to the floor weekly to address this issue.

Now, this is very timely this week, as Chairman Jaczko and the NRC Commissioners are up here before our Oversight and Government Reform Committee. Chairman Jaczko, in an article dated December 7, said, "I welcome debate, I welcome discussion, I welcome criticism." But a letter sent to the Chief of Staff of the White House, Mr. Bill Daley, by the other four Commissioners, bipartisan—two Democrats, two Republicans, three appointed by the President—says this about Chairman Jaczko: He's intimidated and bullied senior career staff to the degree that he has created a high level of fear and anxiety resulting in a chilled work environment. They also say he ordered staff to withhold or modify policy information and recommendations intended for transmission to the Commission. He has also ignored the will of the majority of the Commission, contrary to the statutory functions of the Commission. And he has attempted to intimidate the Advisory Committee on Reactor Safeguards.

This is part of the problem of our not having a national policy to move high-level nuclear waste to a centralized location in a desert underneath a mountain, Yucca Mountain. We have Senators who have voted for that in this area. The two senators from Florida, Tennessee, Mississippi, and Alabama all support it.

UNITED STATES  
NUCLEAR REGULATORY COMMISSION,  
Washington, DC, October 13, 2011.  
Hon. WILLIAM L. DALEY,  
Chief of Staff, The White House, Washington,  
DC.

DEAR CHIEF OF STAFF DALEY: As individual members of an independent regulatory commission, we all took oaths to execute this agency's nuclear regulatory mission and to uphold the institution's values, including its Principles of Good Regulation. Our obligation is not only to the agency and its staff, but also to the American people. It is from that foundation that we write to express our grave concerns regarding the leadership and management practices exercised by Nuclear Regulatory Commission (NRC) Chairman Gregory Jaczko. We believe that his actions and behavior are causing serious damage to this institution and are creating a chilled work environment at the NRC. We are concerned that this will adversely affect the NRC's essential mission to protect the health, safety and security of the American people.

In a long series of very troubling actions taken by Chairman Jaczko, he has undermined the ability of the Commission to function as prescribed by law and decades of successful practice. Since this current Commission was formed some 18 months ago, after the President nominated and the Senate confirmed the three newest members, we have observed that Chairman Jaczko has:

Intimidated and bullied senior career staff to the degree that he has created a high level of fear and anxiety resulting in a chilled work environment;

Ordered staff to withhold or modify policy information and recommendations intended for transmission to the Commission;

Attempted to intimidate the Advisory Committee on Reactor Safeguards, a legislatively-chartered independent group of technical advisors, to prevent it from reviewing certain aspects of NRC's analysis of the Fukushima accident;

Ignored the will of the majority of the Commission; contrary to the statutory functions of the Commission; and

Interacted with us, his fellow Commissioners, with such intemperance and disrespect that the Commission no longer functions as effectively as it should.

Recently, on October 5, 2011, Chairman Jaczko appeared as an invited guest at a periodic meeting of the agency's Executive Director for Operations and other senior career executives. According to multiple reports, his comments reflected contempt for the Commission itself and open disdain for the Internal Commission Procedures, a document that embodies governing principles from the NRC's organic legislation—the Energy Reorganization of 1974 and the Reorganization Plan No. 1 of 1980. These procedures guide the conduct of the work of the Commission.

Over the last 18 months, we have shown Chairman Jaczko considerable deference. Moreover, for the sake of the agency, its staff, and public confidence, we have strived to avoid public displays of disharmony. Unfortunately, our efforts have been received only as encouragement for further transgressions.

We are committed to conduct the work of this agency to the best of our ability and despite the items highlighted above and numerous other troubling actions taken by Chairman Jaczko, we have carried out the work before us and will continue to do so. However, Chairman Jaczko's behavior and

management practices have become increasingly problematic and erratic. We believe his conduct as Chairman is inconsistent with the NRC's organizational values and impairs the effective execution of the agency's mission.

We provided Chairman Jaczko our concerns in the attached memorandum.

Sincerely,

Commissioner KRISTINE L.  
SVINICKI.  
Commissioner WILLIAM D.  
MAGWOOD, IV.  
Commissioner GEORGE  
APOSTOLAKIS.  
Commissioner WILLIAM C.  
OSTENDORFF.

UNITED STATES  
NUCLEAR REGULATORY COMMISSION,  
Washington, DC, October 13, 2011.  
Memorandum to: Chairman Jaczko.

From Commissioner Svinicki, Commissioner Apostolakis, Commissioner Magwood, Commissioner Ostendorff.

As you know, many of us have, on occasion, taken issue with your interpretation of the relative role of the Chairman and the Commission, the role of the Chairman and the EDO, and your approach to working with the Commission to lead this agency. Over the past year, these issues, linked with your troubling personal approach to interacting with us and the senior staff, have intensified. This is a matter of serious concern. We have responsibilities relating to the Commission and the NRC staff, and we are accountable to Congress and the American people. It is from this foundation that we write to express our grave concern that your leadership and management practices are causing serious damage to this institution.

First, with respect to your relationship with the Commission, it is not uncommon to have some degree of tension between a Chairman and the members of an independent regulatory commission. But in the present case, your intemperate and disrespectful behavior and conduct towards fellow Commission members is completely unacceptable. A few recent examples include your outburst of temper demonstrated by storming out of an agenda planning meeting while a colleague was speaking, yelling at fellow commissioners on the phone, and termination of an NRC staff detailee's assignment to a Commission office without any advance discussion with the affected Commissioner. Although your relationship with Commissioner colleagues has been a serious problem for some time, it has gotten worse in recent months.

Second, your intimidation and bullying of the NRC staff to do things your way has resulted in a work environment with a chilling effect. While you are a champion of openness in Commission deliberations, you have taken steps to discourage open communication between the staff and the Commission. There are a number of recent examples where you or your office directed the staff to withhold certain views from the Commission or strongly criticized the staff's views. Two recent examples include your direction to the EDO to withdraw the SECY paper on the Fukushima Near Term Task Force Report as well as your strong, ill-tempered criticism of the senior staffs recommendations in the post-Fukushima "21 day" report. While you have communicated to us that your primary motivation in seeking to remove the EDO is based on his lack of communications with you, due diligence with numerous senior staff indicates that your motivation stems

from instances where the EDO did not follow your view on what to present to the Commission as the staff's policy position. This impairs the ability of the Commission to function effectively; furthermore, your view of the role of the EDO is fundamentally contrary to that of the Commission and the way the NRC has functioned over the years.

Third, we are shocked to have received numerous reports from NRC senior staff about your remarks at the October 5 Senior Leadership Meeting. Your comments have been interpreted by those present not only to reflect your disdain for the Internal Commission Procedures, but also your contempt for the Commission. Your remarks to the NRC senior staff undermine the entire Commission. This conduct is of grave concern to us and is absolutely unacceptable.

In response to this persistent situation, we have decided to transmit the attached letter to the White House Chief of Staff to notify him of our serious concerns. We recognize that this is an extraordinary step, but do not believe that you have left us with viable alternatives.

□ 1050

#### THE MIDDLE CLASS TAX RELIEF AND JOB CREATION ACT OF 2011

The SPEAKER pro tempore. The Chair recognizes the gentleman from New Jersey (Mr. PAYNE) for 5 minutes.

Mr. PAYNE. Mr. Speaker, I rise today in opposition of H.R. 3630, the Middle Class Tax Relief and Job Creation Act. This bill is yet another example of Republicans bringing a partisan bill to the floor which has no chance of becoming law.

At this critical time in our economy, Republicans are continuing to pursue their own ideological agenda. Time and again, Republicans continue to choose brinksmanship over constructive engagement with Democrats. Allowing these extensions to expire would have a devastating impact on our economic growth and job creation.

Republicans must put aside partisan differences and work with Democrats so that we can assist millions of Americans who lost their jobs through no fault of their own. Putting money in the pockets of American families should be one of our top priorities. It just seems like common sense.

Although H.R. 3630 extends the Emergency Unemployment Compensation program until January 2013, it also lowers the amount of time benefits are provided from 99 weeks currently to 59 weeks. Furthermore, the bill also would allow States to require a high school diploma or being enrolled in classes for a GED to be eligible for benefits. The bill also offsets the cost by freezing Federal employee pay for another year through 2013.

Although recent data has shown that the national unemployment rate has dropped to 8.6 percent, the African American unemployment rate rose at the same time from 15.1 percent to 15.5 percent. High African American unemployment rates are a direct result of

the high job loss in the public sector. During the past year, while the private sector has added 1.6 million jobs, State and local governments have shed at least 142,000 positions.

Because traditionally there has been racial discrimination in employment, blacks have relied on government jobs in large numbers since the Reconstruction era. As a matter of fact, one of the first job openings for freed enslaved people was the United States Postal Service, which opened their doors and hired qualified ex-slaves during that period.

We will be passing legislation that helps the private sector, but we also need to be concerned about the public sector instead of freezing or limiting their pay. As a matter of fact, the private sector has been very derelict.

During World War II, even though the United States was way behind in our development of a war machine—ships, tanks, and boats—President Roosevelt had to send an Executive order to companies insisting that they hire African Americans because we were losing the effort, but they refused to break down racial discrimination even as we were being outmanned by our enemies. And so we find there is still the difficulty for African Americans to get into the private sector; and we find that, therefore, many are losing their jobs in the public sector.

H.R. 3630 also makes large cuts in health care programs. It cuts over \$21 billion from the Affordable Care Act programs, which will increase the uninsured by 170,000 Americans.

Additionally, H.R. 3630 rolls back the Emergency Unemployment Compensation program substantially, making drastic cuts to Medicare, and contains controversial riders that should not be included in this bill.

We should not risk tax increases on middle class families, dropping unemployment benefits for those out of work, or preventing seniors from accessing their doctors through Medicare by including unrelated and controversial provisions.

The bill is fiscally careless, and it increases the deficit by \$25.3 billion over the next 10 years, according to CBO.

Due to the more than \$21.5 billion in provider cuts, the American Hospital Association is urging Congress to oppose this bill that will harm health care in communities across America.

Important funding for preventive care that was included in the Affordable Care Act is also subject to billions of dollars in cuts. Changes in the bill will result in 170,000 more uninsured Americans.

So, therefore, I urge defeat of this unfair plan, which also throws in the pipeline, which makes no sense.

#### CRISIS OF SEXUAL ABUSE OF CHILDREN IN AMERICA

The SPEAKER pro tempore. The Chair recognizes the gentlewoman from Texas (Ms. JACKSON LEE) for 5 minutes.

Ms. JACKSON LEE of Texas. Mr. Speaker, just a few minutes ago I heard one of my colleagues on another matter dealing with children raise the question: Who lobbies for our children?

Frankly, I don't want to live in a country that doesn't hold our children as the precious resources that they are, to be coddled and nurtured, given the opportunities of life irrespective of their ethnic background, religious background, economic background, where they live in this country. I think the greatest testimony of a country's moral values is how they protect and respect their children.

Just an hour or two ago, Mr. Sandusky, in a Pennsylvania courtroom, decided not to listen to numbers of his accusers in this sordid scandal of child sexual abuse. That is his legal privilege. And as someone who adheres to the Constitution of due process and a right to a trial by one's peers, I'm not here to quarrel with a legal system that allows an accused—in this instance, a proposed defendant—to defend themselves. But I am here to challenge the crisis of sexual abuse of children in America and the sordid salaciousness of the coverup that adults have participated in. Shame on us. Shame on us.

As the chair and founder of the Congressional Children's Caucus, I raise my iron and I ask the media around this country to come from underneath the rocks and begin to attack the coverup and quietness of professional or amateur sports, of college sports, of high school and primary and secondary sports, of nonprofits who deal with children who have an inkling or a knowledge of the sordidness and the dastardly actions of sexually abusing children and not saying one word. And so this week I'm going to ask my colleagues to join me in introducing legislation that will cease and desist Federal funding going to colleges and universities and nonprofits who are found to have covered up charges of child sexual abuse.

When is it going to stop?

The heinousness of the alleged acts of Mr. Fine in Syracuse by the State laws suggest that the statute of limitations cannot reach him. The Federal law must speak. The voice of America must speak. And the irony of it is I listened to a commentator this morning say, How long will the coach be able to stay in Syracuse in the prominence of their season this year? As long as he wants. And no one has gotten to the bottom of what happened to those boys at Syracuse University.

Added to that is an ESPN tape that they sat on for how many years and no recrimination, no accusations against

an entity that enjoys the trust and confidence and enjoyment of the American sports fans to have held a tape and denied that tape to at least be vetted to determine the harshness of what happened to a child.

Child sexual abuse cases, 90,000 of them are reported, but the numbers of unreported abuse are far greater, because it is documented that children wait at least 2 years before they're willing to tell even family members. Why? Because we, as adults, have made it so harsh, so accusatory for the child. The child is in fact the defendant, the wronged person. And God forbid, don't accuse a famous adult, for then you are completely maligned, thrown on the trash heap of life.

□ 1100

The boys that Mr. Sandusky was accused of acting against happened to be vulnerable children, vulnerable families, at-risk children, parents, single mothers, who were looking for a male role model. Isn't that allowed in America?

Aren't we familiar with raising that impoverished child up and giving the opportunity to be raised up by their bootstraps, getting some wonderful male role model, in the instance of girls, a woman role model? Isn't that the American way, that everybody has a door open to the greatest country in the world?

But that trust was violated, and those children now, basically grownups, did not survive and will not survive the mental conditions that they will be subjected to.

Mr. Speaker, as I close, let me say that children have died because of child sexual abuse. Join me in supporting this legislation to be able to say zero tolerance for the cover up of sexual abuse of children. It's a pox on our house. Where are the children's lobbyists? We must be that lobbyist.

#### CHILD SEXUAL ABUSE STATISTICS

Although child sexual abuse is reported almost 90,000 times a year, the numbers of unreported abuse greater because the children are afraid to tell anyone what has happened, and the legal procedure for validating an episode is difficult (American Academy of Child & Adolescent Psychiatry, 2004).

It is estimated that 1 in 4 girls and 1 in 6 boys will have experienced an episode of sexual abuse while younger than 18 years. The numbers of boys affected may be falsely low because of reporting techniques (Botash, Ann, MD, Pediatric Annual, May, 1997).

Sixty-seven percent of all victims of sexual assault reported to law enforcement agencies were juveniles (under the age of 18); 34 percent of all victims were under age 12. One of every seven victims of sexual assault reported to law enforcement agencies were under 6. Forty percent of the offenders who victimized children under age 6 were juveniles (under the age of 18). (Bureau of Justice Statistics, 2000).

Most children are abused by someone they know and trust, although boys are more likely



than girls to be abused outside of the family. A study in three states found 96 percent of reported rape survivors under age 12 knew the attacker. Four percent of the offenders were strangers, 20 percent were fathers, 16 percent were relatives and 50 percent were acquaintances or friends (Advocates for Youth, 1995).

#### OVERVIEW

Child sexual abuse has been at the center of unprecedented public attention during the last decade. All fifty states and the District of Columbia have enacted statutes identifying child sexual abuse as criminal behavior (Whitcomb, 1986). This crime encompasses different types of sexual activity, including voyeurism, sexual dialogue, fondling, touching of the genitals, vaginal, anal, or oral rape and forcing children to participate in pornography or prostitution.

#### CHILD SEXUAL ABUSERS

Perpetrators of child sexual abuse come from different age groups, genders, races and socio-economic backgrounds. Women sexually abuse children, although not as frequently as men, and juvenile perpetrators comprise as many as one-third of the offenders (Finkelhor, 1994). One common denominator is that victims frequently know and trust their abusers.

Child abusers coerce children by offering attention or gifts, manipulating or threatening their victims, using aggression or employing a combination of these tactics. "[D]ata indicate that child molesters are frequently aggressive. Of 250 child victims studied by DeFrancis, 50 percent experienced physical force, such as being held down, struck, or shaken violently" (Becker, 1994).

#### CHILD SEXUAL ABUSE VICTIMS

Studies have not found differences in the prevalence of child sexual abuse among different social classes or races. However, parental inadequacy, unavailability, conflict and a poor parent-child relationship are among the characteristics that distinguish children at risk of being sexually abused (Finkelhor, 1994). According to the Third National Incidence Study, girls are sexually abused three times more often than boys, whereas boys are more likely to die or be seriously injured from their abuse (Sedlak & Broadhurst, 1996). Both boys and girls are most vulnerable to abuse between the ages of 7 and 13 (Finkelhor, 1994).

#### INCEST

Incest traditionally describes sexual abuse in which the perpetrator and victim are related by blood. However, incest can also refer to cases where the perpetrator and victim are emotionally connected (Crnich & Crnich, 1992). "[I]ntrafamily perpetrators constitute from one-third to one-half of all perpetrators against girls and only about one-tenth to one-fifth of all perpetrators against boys. There is no question that intrafamily abuse is more likely to go on over a longer period of time and in some of its forms, particularly parent-child abuse, has been shown to have more serious consequences" (Finkelhor, 1994).

#### SYMPTOMS OF CHILD SEXUAL ABUSE

Many sexually abused children exhibit physical, behavioral and emotional symptoms. Some physical signs are pain or irritation to the genital area, vaginal or penile discharge and difficulty with urination. Victims of known assailants may experience less physical trauma

because such injuries might attract suspicion (Hammerschlag, 1996).

Behavioral changes often precede physical symptoms as the first indicators of sexual abuse (American Humane Association Children's Division, 1993). Behavioral signs include nervous or aggressive behavior toward adults, sexual provocativeness before an appropriate age and the use of alcohol and other drugs. Boys "are more likely than girls to act out in aggressive and antisocial ways as a result of abuse" (Finkelhor, 1994). Children may say such things as, "My mother's boyfriend does things to me when she's not there," or "I'm afraid to go home tonight."

#### CONSEQUENCES OF CHILD SEXUAL ABUSE

Consequences of child sexual abuse range "from chronic depression to low self-esteem to sexual dysfunction to multiple personalities. A fifth of all victims develop serious long-term psychological problems, according to the American Medical Association. These may include dissociative responses and other signs of posttraumatic-stress syndrome [sic], chronic states of arousal, nightmares, flashbacks, venereal disease and anxiety over sex or exposure of the body during medical exams" ("Child Sexual Abuse . . .," 1993).

#### CYCLE OF VIOLENCE

Children who are abused or neglected are more likely to become criminal offenders as adults. A National Institute of Justice study found "that childhood abuse increased the odds of future delinquency and adult criminality overall by 40 percent" (Widom, 1992). Child sexual abuse victims are also at risk of becoming ensnared in this cycle of violence. One expert estimates that forty percent of sexual abusers were sexually abused as children (Vanderbilt, 1992). In addition, victims of child sexual abuse are 27.7 times more likely to be arrested for prostitution as adults than non-victims. (Widom, 1995). Some victims become sexual abusers or prostitutes because they have a difficult time relating to others except on sexual terms.

### GOP POLICY RIDERS AND THE KEYSTONE PIPELINE

The SPEAKER pro tempore. The Chair recognizes the gentlewoman from California (Ms. LEE) for 5 minutes.

Ms. LEE of California. Mr. Speaker, I rise with my colleagues today to call for an immediate extension of the emergency unemployment benefits, including those who have hit the 99-week limit.

Also, I want to ask for the extension of the payroll tax holiday for millions of Americans. I also urge my colleagues to reject attempts to attach these urgently needed economic recovery actions with partisan proposals to gut the Clean Air Act and support Big Oil at the expense of middle and low-income individuals.

Republicans in the House have already tried to pass hundreds of anti-environmental bills, amendments, and policy riders. Apparently, this is not enough. Now Republicans want to combine repealing important Clean Air Act

provisions with the extension of the payroll tax cut.

Ironically, Mr. Speaker, repealing these Clean Air Act standards for industrial boilers would cost our economy \$21 billion to \$52 billion per year in higher health care costs resulting from asthma, lung cancer, emergency department visits, hospitalizations, and premature deaths.

Not surprisingly, Republicans have also included expediting approval of the Keystone pipeline in exchange for a payroll tax extension. This is unacceptable. The proposed route for the Keystone pipeline is currently being reviewed and revisited by the State Department. Also, past State Department environmental impact statements have been found to lack key information on the real and potential environmental impacts of the pipeline.

Republican politicians must stop playing games with the American people and holding hostage the recovery of our entire economy just to score political points with their extreme Tea Party base. Instead of wrapping special interest policy riders and polluter giveaways into a tax extender package, Congress should focus on those policies which are demonstrated job creators; that is, the payroll tax cuts, domestic clean energy incentives, and unemployment compensation extension.

We must not fail to do the work of the American people, and we must not fail to extend these critical benefits before they run out. I call on Republicans to quickly bring a clean bill to the floor that extends emergency unemployment benefits for the millions of job seekers who continue to struggle to find a job in the middle of an economic disaster that the careless deregulation of the banks, two wars, and tax cuts for the wealthy created.

Also, it's really unconscionable that, while we're trying to increase the time limit for unemployment compensation past 99 weeks, the Republicans now want to reverse this to 59 weeks. This is just down right mean-spirited.

So let's have an up-or-down vote on a clean bill that extends the temporary reduction of the payroll tax cut for millions of Americans who really cannot afford a tax hike. Let's have an up-or-down vote on a clean bill that isn't filled with special interest policy riders and polluter giveaways. Let's have an up-or-down vote on a clean bill that keeps millions of families out of poverty.

Failing to extend these critical benefits would cripple our recovery, endanger the public health of our communities, and cost the economy over a half million jobs. We can't afford to ignore the needs of the millions of Americans who have run out of time and who are now losing their homes, falling out of the middle class, and relying more and more on government assistance.

We really should be taking actions to implement targeted programs and policies that ensure that we are a Nation that truly will provide ladders of opportunity and the removal of barriers to the American Dream. We should be taking strong action to protect public health and the full implementation of the Clean Air Act as a tool for cleaning up pollution from these power plants and commercial boilers.

We also should be working with other countries to reduce the impacts of climate change and to help poor countries adapt to climate impacts. This is nothing short of a national emergency, and we must do more to support middle and low-income families, protect the health of our communities, and support our hospitals and local businesses and get people back to work. This really should be a moral imperative during this holiday season.

#### THE MIDDLE CLASS TAX RELIEF AND JOB CREATION ACT OF 2011

The SPEAKER pro tempore. The Chair recognizes the gentleman from New York (Mr. REED) for 5 minutes.

Mr. REED. Mr. Speaker, I rise today to express my support for H.R. 3630, the Middle Class Tax Relief and Job Creation Act of 2011.

First and foremost, I was glad to hear my colleague on the other side of the aisle recognize that lowering taxes, be them payroll taxes, income taxes, or whatever taxes you want to refer to, lowering taxes is a job creation policy initiative that should be supported by both sides of the aisle.

Now, I'm concerned about the payroll tax cut that is continued in this payroll tax bill today because these are the revenue sources for Social Security. But I have come to the conclusion that allowing all Americans to keep more money in their pocket, rather than allowing it to come to Washington, D.C. and to fuel the beast that has been created here in Washington and that is causing the national debt crisis that we now face and the out-of-control spending of Washington, I believe allowing Americans to keep more money in their pocket is a better policy position to take once and for all. And so I support the extension of the payroll tax rate where it is at.

This is not the time, in this economic climate, to take money out of hard-working American families and small businesses and their financial resources that they have to work on as they go forward putting people back to work. So I support the extension of the payroll tax cut.

But I would have to be very sensitive and clear with all Americans that this type of tax policy must be offset by a reduction in the spending that is the root cause of the crisis that we now face in Washington, D.C., so we must offset these tax cuts, and we will do and have done that in this bill.

I also am glad to see that our unemployment reform measures that are set forth in this bill have the opportunity to go into law. Right now we are at 99 weeks of unemployment. The President, in his own proposal, says we need to reduce those weeks of unemployment by 20 weeks. We, in this bill, want to go further, and we'll reduce the number of weeks to 59.

Why? Not because we're cold hearted, not because we're mean spirited, but we are being open and honest with the American people and saying that there is a cost to this indefinite unemployment extension policy that is coming from the other side of the aisle. What we have to do is realize that we have to live within our means once and for all.

And so, what this does is it lowers those numbers of weeks, it puts in commonsense reforms by making it a requirement that people are looking for a job. It gives the States the flexibility to implement drug testing and drug screening to make sure that the workforce of America has the ability to go back to work when those jobs are available.

I have been back in my district, and we do town halls all the time. And what I've heard from small business owners across our district is that one of the main reasons that they cannot hire individuals is because they simply cannot pass a drug test.

□ 1110

This commonsense reform that's contained in this bill will allow us to develop the workforce of America in a stronger and a better fashion so that people can be put back to work once and for all.

The other issue in this bill that I've been supportive of is the doc fix. Now, our health providers in America are being faced with major cuts, be it through ObamaCare, the Health Insurance Care Act, the Affordable Care Act, whatever you may call it. We're also seeing it in the possible sequestration that we're going to face next year.

But what we're doing in this bill is we're giving some certainty to our providers that over the next 2 years they'll know what their reimbursement rates will be. That is critical to the future of our health care industry, and therefore we support it. But we cannot be satisfied with this temporary solution. We must come up with a permanent fix to the doc fix so 2 years from now we are not right back in the situation we find ourselves today.

The final point that has caused me to support this bill as vigorously as I will today is that it is a jobs bill. The Keystone pipeline piece of legislation that is attached to this is being used as a political football. The President has said we can't wait to put people back to work. Well, in this bill with a stroke of a pen, the President will be able to put 20,000 families back to work with

one signature—his signature. To me, that's what we should be doing in this Chamber. That's why I ask my colleagues to support this legislation.

#### PAYROLL TAX EXTENSION

The SPEAKER pro tempore. The Chair recognizes the gentleman from Tennessee (Mr. COHEN) for 5 minutes.

Mr. COHEN. Over the last 3 years, much progress has been made in an effort to recover from the economic fallout, the Great Recession that the President inherited from the previous administration. More needs to be done to stabilize our economy and create jobs for the millions of Americans still out of work.

That progress may get derailed this week if the Republican majority refuses to extend tax cuts for 160 million Americans and unemployment benefits for 1.3 million Americans.

You'd think congressional Republicans who routinely label Democrat as the "party of taxes," which is something Oliver Wendell Holmes said was the price we pay for civilization, that's what taxes are, would eagerly support tax cuts for 160 million Americans; but they don't. I'm buffed.

But you listen to the other side, they've got all kinds of reasons. They've got extensions. They've got all kinds of riders. The bottom line is it's a political fight to defeat the President of the United States. It's been their agenda since he was elected.

Every day my Republican colleagues come to the House floor to call for lower taxes, particularly for the millionaires. They call them the job creators. Yet, when the time comes to support a Democratic payroll tax proposal that lowers taxes and creates jobs, Republican support is not found.

Under the Democratic proposal, a family making \$50,000 a year and struggling would save \$1,500 next year.

But this tax cut does more than put money in the pockets of more than 160 million hardworking Americans and ensure they won't see a tax increase. It also creates jobs. Mark Zandi, the previous Republican Presidential candidate JOHN MCCAIN's economic adviser, said that expanding the payroll tax cut for employees would create 750,000 jobs. Conversely, he said the failure to do so would cost a million jobs.

But, apparently, tax breaks for those people, 160 million Americans, and creation of those jobs is not enough for my colleagues on the Republican side. They need more enticement to support a payroll cut.

So what's the red meat that gets them to do this?

They have to break their pledge. They made a pledge to America. They said they wouldn't put extraneous legislation together with other legislation to pass a mass bill. It would circumvent the will of the people. They



promised to advance major legislation one issue at a time, but Republicans violated this pledge this time by stuffing anti-environmental riders into a must-pass payroll tax bill.

While cutting taxes for 160 million Americans seems like something Republicans would unequivocally support, the GOP leadership felt they had to violate that pledge and cram divisive riders into the bill to get support from people who want to put a potentially dangerous line in environmentally sensitive areas of pipeline that has shown repeatedly a failure to be done in an appropriate way, something that has been said would be a carbon bomb being set off and the end of the global warming fight. It would end the game.

Despite their claims that the riders would create jobs and stimulate the economy, reality doesn't align with those arguments. The reality is they would destroy our economy, our environment, and the lives of thousands of Americans.

The Boiler MACT provision in the bill would delay air toxin rules for at least 3½ years. That would result in 28,350 premature deaths, 17,000 heart attacks, nearly 19,000 hospital and emergency room visits, more than 1.2 million days of missed work, and 150,000 cases of asthma attacks.

The health benefits of these regulations are estimated to save up to \$67 billion and save all of those lives. It's astonishing the Republicans would consider delaying a public health rule that would prevent 8,000 premature deaths a year and save up to \$67 billion, the sweetener that was needed to try to get these tax breaks for 160 million Americans.

I urge my colleagues to see the folly of their ways and pull these harmful riders out of the bill, to stop their effort to just defeat President Obama, and do what's right for the American public—to create jobs and to help people out of unemployment, which will stimulate our economy.

In their Pledge to America, they describe what they called "circumventing the will of the American people." That's what they're doing today. The will of the American people is not to have deaths and injuries, health and environmental policies destroyed, but to create jobs and to help people through this difficult recession.

I would ask that we defeat this bill, come back, work together, and do what's right for the American people.

#### RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until noon today.

Accordingly (at 11 o'clock and 16 minutes a.m.), the House stood in recess until noon.

□ 1200

#### AFTER RECESS

The recess having expired, the House was called to order by the Speaker at noon.

#### PRAYER

The Chaplain, the Reverend Patrick J. Conroy, offered the following prayer: Eternal God, we give You thanks for giving us another day.

On this day we ask Your blessing on the men and women, citizens all, whose votes have populated this people's House. Each Member of this House has been given the sacred duty of representing them.

This is a season of hope for many in our Nation—for some religious hope, for some celebratory hope, and for others hope for greater blessings in their lives. We ask that You might listen to the hopes of our Nation.

We ask Your blessing as well on the Members of this House, whose responsibilities are heavy as the first session of this 112th Congress nears its completion. Give each Member the wisdom to represent both local and national interests, a responsibility calling for the wisdom of Solomon. Grant them, if You will, a double portion of such wisdom.

Bless us this day and every day, and may all that is done within the people's House be for Your greater honor and glory.

Amen.

#### THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

#### PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from California (Ms. HAHN) come forward and lead the House in the Pledge of Allegiance.

Ms. HAHN led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

#### ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair will entertain up to 15 requests for 1-minute speeches on each side of the aisle.

#### SOUTH CAROLINA WINS THE FIGHT AGAINST THE NLRB

(Mr. WILSON of South Carolina asked and was given permission to ad-

dress the House for 1 minute and to revise and extend his remarks.)

Mr. WILSON of South Carolina. Mr. Speaker, last Friday the National Labor Relations Board announced that they had approved the requests by the International Association of Machinists to withdraw its complaint against Boeing. For the past year, the President's National Labor Relations Board has played the role of a Big Labor bully by threatening the jobs of hardworking South Carolinians by stalling the second line of the 787 Dreamliner production in Charleston.

Boeing chose to locate in South Carolina due to its welcoming business climate due in large part to its right-to-work laws. Instead of rewarding unions for their political investments, I urge the current administration to enact policies protecting the rights of workers and allowing for growth of small businesses creating jobs. The lesson of this NLRB intrusion is clear: do not locate your facilities in union States because if you enter, like a roach motel, you cannot leave.

In conclusion, God bless our troops, and we will never forget September 11th in the global war on terrorism.

#### UNEMPLOYMENT INSURANCE EXTENSION

(Ms. CHU asked and was given permission to address the House for 1 minute.)

Ms. CHU. Over 13 million Americans are looking for work. That means for every one job opening in the United States, there are four Americans actively seeking employment. Another 10 million people have given up looking for a full-time job altogether because companies just aren't hiring.

These are real people. They are more than just numbers. Ellen Andrews lost her job last year. She's been supporting herself and her 1-year-old son Henry with her unemployment benefits. They help her keep the lights on and keep food in the house until she can get a job.

But the Republican plan will change all that. It will cut 40 weeks of Federal benefits out from under people like Ellen; and it will force partisan policies, like the controversial Keystone XL pipeline, on to a bill that should be all about helping American families.

With the holidays around the corner, Congress should be about giving America hope and security, not playing partisan politics.

#### JOB CREATION

(Ms. HAYWORTH asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. HAYWORTH. Mr. Speaker, on December 10 Pamela from Greenwood Lake, New York, in our beautiful 19th

District, sent the following letter to me: "Stop any more Federal spending. Less is better. Europe is a lesson for us. We live in the greatest Nation on Earth."

And, Pamela, you're absolutely right. If we are going to spread the blessings of the greatest opportunity society in history, then as we enter this holiday season, we need the promise of growth.

Your House of Representatives, Republicans and Democrats alike, have as of today passed 27 bills, job-growing, growth-promoting bills that protect American workers and job creators from tax increases, roll back burdensome regulations, and end the Federal spending that suffocates the economic engine of enterprise. And we keep them listed on a card so everybody knows.

I urge the Senate to act now to put those bills to work and put our people back to work and give every American good reason to look forward to a happy new year in this land of liberty.

#### PAYROLL TAX CUT

(Mr. HIGGINS asked and was given permission to address the House for 1 minute.)

Mr. HIGGINS. Mr. Speaker, today the House will debate extending the payroll tax cut. I strongly urge extending this tax cut. If we don't, tens of millions of New York families will see an average tax increase of \$1,000 next year, and as many as 400,000 jobs could be lost nationwide.

But, frankly, it is ridiculous that we are considering this legislation on the floor today. With so many unrelated riders attached to the bill, we know it is dead on arrival in the Senate. This charade will create anxiety among middle class Americans that their taxes are about to go up, and it will create economic uncertainty during the holiday season when so much of our economy is based on consumer confidence and spending.

The same Congress that took us to the edge of a government shutdown and defaulting on our debt is again choosing brinksmanship over leadership, regardless of the impact on our economy and the middle class.

I urge the House to reject this bill and pass a clean extension of the payroll tax cut that we know will pass the Senate and become law immediately.

#### STAND WITH ISRAEL

(Mr. POE of Texas asked and was given permission to address the House for 1 minute.)

Mr. POE of Texas. Mr. Speaker, the U.N. agency UNESCO sent a message to Israel loud and clear that the U.N. accepts the creation of a Palestinian state whether Israel likes it or not. UNESCO intervened in the peace process and formally recognized the Palestinian state by raising the flag in front

of the whole world. No surprise there, just another day in the U.N.'s position of bigotry against all things Israel. Yet another reason to cut U.N. funding.

Israel is America's loyal ally and the lone free and democratic country in the Middle East. Its people are constantly under attack from the jihadists who wish to remove them from the Earth all in the name of religion. The same radicals who wish to kill innocent Israelis are also sworn enemies of America. Intimidation, terror, and murder are not acceptable and must be rejected by the entire international community, especially the U.N. The United States must make it clear that we stand with Israel in their fight against hate and extremism, whether the U.N. likes it or not.

And that's just the way it is.

#### HELPING SMALL BUSINESSES

(Ms. HOCHUL asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. HOCHUL. Mr. Speaker, this past weekend, I held a forum for small businesses and teamed them up with experts from the U.S. Government on how to discuss strategies in getting them into the global marketplace. It's also a reminder to me of the vast, untapped potential that lies before us as we address the critical needs for more jobs in this country.

With nearly 96 percent of the world's consumers living outside the U.S. and two-thirds of the world's purchasing power in foreign countries, we must help our small businesses learn how to export their products and services to other nations.

Small businesses I met on Saturday, like the Kean Wind Turbines and Maram's Dress Shop in Williamsville, are looking for a shot at this marketplace; but they need our help. After all, small businesses that export their goods and services are one-third less likely to fail than companies that do not export. Therefore, I'm urging every Member of Congress to work with their local businesses to help expose them to the amazing opportunities that await them if they are willing to leap into the global marketplace. I put our products and our businesses up against any global competitor anytime, anywhere.

□ 1210

#### HONORING CALHOUN YELLOW JACKETS

(Mr. GINGREY of Georgia asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GINGREY of Georgia. Mr. Speaker, I rise today to recognize the undefeated Calhoun High School football team, the Yellow Jackets, who in

my district won their first-ever Georgia High School Association Class AA State championship with a 27-24 win against the Buford High School Wolves last Friday, and give a special shout-out to Superintendent Dr. Michele Taylor and Principal Greg Green.

For the past 4 years, Calhoun has played Buford in the State championship, and this year, in truly nail-biting fashion, Calhoun prevailed in overtime on a 32-yard field goal by Adam Griffith.

Mr. Speaker, Buford is one of the best teams in the country, led by my friends Coach Jess Simpson and Athletic Director Dexter Wood. And it would have set a record had it won its fifth straight State championship, but Calhoun was finally able to stop them.

My congratulations to head Coach Hal Lamb and his staff, the outstanding young athletes and their families, and the whole high school community on this great victory. You've made us all proud. Go Yellow Jackets.

#### IRAN THREAT REDUCTION ACT

(Mr. QUIGLEY asked and was given permission to address the House for 1 minute.)

Mr. QUIGLEY. Mr. Speaker, this week the House will consider the Iran Threat Reduction Act to bolster sanctions on the Iranian regime. It is time.

As the International Atomic Energy Agency recently reported, Iran could have a bomb within a year and is pursuing the means to trigger and deliver a nuclear weapon. We are out of time and have no choice but to enact the severest of sanctions in order to protect our ally Israel, our troops, and the entire region. And as the Israeli Prime Minister warned, there is nothing to stop Iran from exporting the bomb.

This bill will put in place debilitating sanctions on the Central Bank of Iran, which finances the nuclear program. The sanctions would deny those who do business with Iran Central Bank access to American markets. We are out of time, and we are running out of options. This bill gives us more of both.

I urge my colleagues to pass H.R. 1905, cut off the Central Bank of Iran, and send a message that a nuclear Iran is unacceptable.

#### BLOCK THE IMF FROM BAILING OUT EUROPE

(Mr. BUCHANAN asked and was given permission to address the House for 1 minute.)

Mr. BUCHANAN. Mr. Speaker, America is drowning in a sea of debt. But instead of addressing our own financial problems here at home, there is talk of another bailout—not for America, but for Europe.

Recent reports indicate that the International Monetary Fund, of which

the U.S. is the leading contributor, may intervene to bail out failing European countries.

Washington needs to be focusing on policies that grow the U.S. economy and create jobs here, not shipping hard-earned tax dollars overseas. For this reason, I have cosponsored legislation to block the IMF from sending \$108 billion in U.S. funds for a European bailout. I urge my colleagues in Congress to join me in this effort. Taxpayer dollars should not be used to bail out Europe. We need to take care of America first.

#### LET'S VOTE ON A CLEAN UNEMPLOYMENT BENEFITS BILL

(Ms. HAHN asked and was given permission to address the House for 1 minute.)

Ms. HAHN. Mr. Speaker, we're running out of time. Just in California, where I come from, 356,000 Californians are at risk of losing critical unemployment benefits because this Congress has failed to act. These aren't just 356,000 strangers; these are our friends, these are our neighbors, these are our families. These are proud Americans who through no fault of their own have lost their jobs. They want to work, but because this Congress has failed to act, jobs are hard to find. And instead of just voting on extending these unemployment benefits, my Republican friends have asked us to approve other unrelated controversial items in this bill.

What I'm saying to my Republican friends is, can't we just vote on the unemployment benefits by themselves? Can't we debate the oil pipeline later? Do we have to gut clean air laws to extend benefits? Let's vote on this on its own and give Americans some hope.

#### NATIONAL GUARD'S 375TH BIRTHDAY

(Mr. PALAZZO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PALAZZO. Mr. Speaker, today I rise to wish a very happy birthday to our National Guard. As the only active noncommissioned officer in Congress, this anniversary is a landmark that I am personally very proud of.

Three hundred seventy-five years ago today, on December 13, 1636, the Massachusetts General Court in Salem declared that all able-bodied men between the ages of 16 and 60 were required to join the militia. These men were called upon when needed, and we proudly continue this tradition of citizen service.

Today our National Guard soldiers are called upon to serve both here in our communities and around the world in support of our current overseas operations. Our Nation's citizen soldiers

dedicate themselves to the defense of our Nation both here and abroad. I personally would like to thank all of my fellow Guardsmen for the job they are doing, and thank you to all of our men and women in uniform, and especially their families.

Thank you, happy birthday, and God bless.

#### LIHEAP

(Mr. BASS of New Hampshire asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BASS of New Hampshire. Mr. Speaker, the weather is cold in the Northeast. This year is no exception. In October, we had a huge snowstorm, an emergency declaration. Residents of the northern States—Maine, New Hampshire and Vermont—are over 80 percent dependent on heating oil. And we've depended—in the case of New Hampshire, 47,200 people—on the Low Income Energy Assistance Program. It is imperative that this program be adequately funded this year.

Mr. Speaker, the President, in his budget submission this year, proposed to cut LIHEAP funding by 50 percent. I urge our appropriators to do better than that this year because there are a lot of people in the Northeast that need this funding this year.

I urge support for adequate funding for low income energy assistance.

#### HUMAN RIGHTS DAY

(Mrs. DAVIS of California asked and was given permission to address the House for 1 minute.)

Mrs. DAVIS of California. Mr. Speaker, I rise today to speak about Human Rights Day.

This past Saturday, I was honored to speak in commemoration of Human Rights Day, a day chosen to honor the Universal Declaration of Human Rights. The declaration was the world's first bill of rights.

When many from all corners of the globe were fighting for basic freedoms—freedom of speech, freedom of religion, people from fear and repression—the declaration assured them that they were fighting the good fight and they were on the right side of history.

Today I stand to recognize the men and women who are still fighting for these freedoms, including the seven democracy and land rights activists and 15 youth activists who have been illegally detained by the Vietnamese Government.

All individuals deserve the right to peacefully express their concerns. I call on my colleagues to stand side by side with these brave individuals and raise their voice in demanding that the Government of Vietnam release all prisoners of conscience and uphold their commitment to human rights for all.

□ 1220

#### CREATING JOBS

(Mr. PITTS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PITTS. Mr. Speaker, today the House will vote to extend critical provisions to help those seeking jobs, and we will do so without hurting job creators or adding to our national debt. Today's Tax Relief and Job Creation Act also extends the payroll tax holiday, preventing a tax increase on millions of Americans. I'm also very glad to see that we extend the doc fix for 2 years, preventing cuts that could lead many doctors to stop seeing Medicare patients. The bill also shows that the government doesn't have to spend money to create jobs; much of the time it just has to get out of the way.

The State Department has already declared that the planned route of the Keystone pipeline is the safest option, that the contractor is taking every safety precaution. We can see more than 120,000 jobs directly and indirectly created without a dime of taxpayer money.

Our bill proves that you don't need to raise taxes on some Americans to create jobs and provide essential benefits. We don't need to hurt job creators or add to future burdens in order to do the right thing.

#### PROTECTING SOCIAL SECURITY AND PROVIDING TAX RELIEF FOR MIDDLE CLASS FAMILIES

(Mr. HOLT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HOLT. Mr. Speaker, like so many of my colleagues, I think we should prevent 160 million taxpayers from getting a lump of coal and a tax hike this year, but we should not undermine Social Security.

Last year, it was a mistake to take the 2 percent tax cut from Social Security and say we'll cover the losses from general funds. We should not allow a 1-year mistake to become a permanent attack on Social Security and on the livelihood of its beneficiaries.

Social Security should not be used as a rainy day fund or a political bargaining chip. It should not be like another government agency that some years has a good budget and some years has the budget voted away.

President Roosevelt described it best. He said, "We put these payroll contributions there so as to give the contributors a legal, moral, and political right to collect their pensions. With those taxes in there, no damn politician can ever scrap my Social Security program."

Now, here's a way to handle the problem and to keep the mechanism of Social Security intact: Make the changes

within the existing system. Let's cut the payroll tax for 160 million Americans but make up the lost revenue by temporarily eliminating the cap on wages taxed.

As much as we need economic stimulus now, we need Social Security for generations to come.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. CHAFFETZ). The Chair will remind Members to heed the gavel.

#### THE JOBS BILL

(Mrs. CAPITO asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. CAPITO. Mr. Speaker, Americans have made their lists for the holidays. Drum roll, please.

Number 10, pass the doc fix for doctors who treat Medicare patients;

Number 9, continue the payroll tax holiday for American workers;

Number 8, approve the Keystone pipeline in the name of creating jobs;

Number 7, extend and reform employment benefits;

Number 6, repayment of subsidies and reduce all fraud, waste, and abuse;

Number 5, prevent the EPA from destroying jobs by onerous boiler MACT regulation;

Number 4, allow businesses to expense their costly purchases;

Number 3, include spectrum auctions for more broadband services;

Number 2, do all of this without adding to the deficit; and

Number 1, please create American jobs.

To my colleagues, don't be a grinch. Please help grant America's holiday wishes.

And to the President, make this your list, check it twice. America wants and needs jobs for the holidays.

#### HUNGER IN AMERICA

(Mr. MCGOVERN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MCGOVERN. Mr. Speaker, we're the richest, most prosperous nation in the world, but 49 million Americans went hungry in 2009; 16 million were children. These numbers would be higher if it weren't for programs like SNAP, formerly known as food stamps, and WIC.

We have a hunger crisis in America, and we are not doing enough to prevent this terrible scourge.

During this holiday season, the House and Senate Hunger Caucuses are sponsoring the Hour for Hunger event. Congresswoman JO ANN EMERSON and I are encouraging every Member of this House to volunteer 1 hour to highlight efforts in their districts to fight hun-

ger. Visit a food bank or a food pantry, host a food drive. It's not hard, but it's important and effective.

Finally, I want to urge the White House to host a Conference on Food and Nutrition so we can develop and implement a comprehensive and coordinated national strategy to end hunger in America once and for all.

Hunger is a political condition. All we need now is the political will to end it.

#### APPROVE THE KEYSTONE PIPELINE

(Mr. LANKFORD asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LANKFORD. Millions of Americans are jobless. In response, the House of Representatives has passed more than 20 jobs bills.

This past July, the North American-Made Energy Security Act urged President Obama to issue a final permitting decision on the Keystone pipeline, which will connect Canada's rich oil sands to the U.S. refineries along the gulf coast.

Our dependence on Middle East oil is a security and economic challenge that we must overcome.

The proposed pipeline would consist of over 1,700 miles capable of delivering more than half a million barrels of crude oil each day. In my home State of Oklahoma, this pipeline project is expected to add \$1.2 billion in economic impact.

This pipeline presents a unique chance for America to truly cull back our precarious dependence on Middle East oil while also adding tremendous economic activity to our stagnant economy.

In early November of this year, the Obama administration made an unacceptable political decision to punt the approval of the Keystone pipeline until after the Presidential election. A few weeks ago, I formally asked the Secretary of State to at least approve the southern route of the pipeline from Cushing, Oklahoma, to the gulf. Our country has waited for Presidential approval for 3 years.

#### VOTE AGAINST H.R. 3630

(Mr. YARMUTH asked and was given permission to address the House for 1 minute.)

Mr. YARMUTH. Mr. Speaker, the Republican plan to extend the payroll tax is deeply flawed in many ways, but perhaps the most egregious are the fundamental changes it would make to some of our Nation's core institutions without any discussion or debate.

It would cut unemployment insurance benefits for 1 million Americans and impose new restrictive limits on workers who've been laid off. It would

require millions of seniors to pay more for health care by slashing funding designed to lower costs. It would roll back essential EPA rules to keep our air clean, and it would actually increase the deficit by almost \$26 billion over 10 years, according to the CBO.

The vast majority of Americans want the wealthiest to pay their fair share so we can get the country back on track and preserve government institutions. We need a reasonable solution to keep middle class tax cuts in place and maintain funding for Social Security.

Republicans are saying, sure, we'll give you a tax cut, but we're going to slash your husband's unemployment benefits in order to pay for it. That's not a way for families to preserve their standard of living.

Mr. Speaker, the American people want a government that is fair and just, not one that promotes economic imbalance and cynicism.

I urge my colleagues to vote against H.R. 3630.

#### FARMERS CONFRONTED BY OUT-OF-CONTROL REGULATION

(Mr. HULTGREN asked and was given permission to address the House for 1 minute.)

Mr. HULTGREN. Mr. Speaker, last week the Illinois Farm Bureau Federation polled its members about the long-term challenges confronting them. It shouldn't surprise anyone that the number one thing that they named is government regulation. After all, Washington bureaucrats too often know nothing about rural America and challenges confronting our farming families. They've sought to burden them with new regulations on everything from spilt milk to dust.

But while those bureaucrats are trying to generate more regulations, here in the House we're working hard to cut it back. This year, we have passed numerous pieces of legislation to roll back the most egregious rules proposed by the EPA and others to ensure that America's family farmers have the regulatory certainty they need to survive and thrive over the next decade and beyond.

Now it's time for the Senate to act.

#### WE DON'T LEARN FROM HISTORY

(Ms. HIRONO asked and was given permission to address the House for 1 minute.)

Ms. HIRONO. Mr. Speaker, I don't know what's the matter with us when we don't learn from history.

After the Great Depression, we passed the Social Security Act. Two major components: One is to keep our seniors safe in their years of retirement, and the second, to provide for those who may become unemployed through no fault of their own.

The bill that we're being asked to vote on today is going to cut unemployment, cut unemployment, the extended portion, which people have come to rely on for those who are looking for work and can't get it, and we're cutting the emergency portion of it as well by eliminating tiers.

But, Mr. Speaker, more than anything else, the part that just bothers me and forces me to speak is that we are going to make people qualify for unemployment. They've got to have a high school diploma or a GED equivalent.

Mr. Speaker, my father went to the ninth grade. He worked through his whole life. Imagine someone like him, and there are many people like my father, that will not qualify for unemployment, will not qualify because they didn't have a high school diploma.

□ 1230

#### LEFT TURN, BY TIM GROSECLOSE

(Mr. SMITH of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SMITH of Texas. Mr. Speaker, Professor Tim Groseclose of UCLA has recently published a book, "Left Turn, How Liberal Media Bias Distorts the American Mind." He uses clearly defined quantitative measures to evaluate the bias of media outlets.

In "Left Turn," he scientifically measures the political content of media outlets and converts that content into a slant quotient of an outlet. To measure the bias, he compares slant quotients of news outlets to the political quotients of the typical American voter and political leaders.

Groseclose concludes that the great majority of all national media outlets have a liberal bias. He also points out the conservative bias of a very few outlets, but he determined their conservative bias is less than the liberal bias of most national media.

Mr. Speaker, Dr. Groseclose also cites evidence that the media has shifted the political views of Americans and caused them to be more liberal. So media bias is both real and unfortunate.

#### CONSUMER FINANCIAL PROTECTION BUREAU

(Mrs. CAPPS asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. CAPPS. Mr. Speaker, I rise today to applaud recent actions taken by the Consumer Financial Protection Bureau to better inform American consumers. Created last year by the Dodd-Frank Wall Street Reform law, the CFPB's mission is to take the tricks and traps out of financial products we

use every day like credit cards and mortgages.

So even though GOP Senators are filibustering the confirmation of the agency's top official, the Bureau is already at work on behalf of consumers. This project, Know Before You Owe, aims to simplify credit card agreements and student loan disclosure forms so consumers know exactly what they're getting into when they borrow.

Importantly, CFPB is asking consumers for their input on this important task. So I encourage all citizens to visit [consumerfinance.gov](http://consumerfinance.gov) to share their experiences about credit cards and loan agreements. Consumers can also file complaints about credit card companies or mortgage services and learn how to protect themselves from financial scams.

For the first time, we have a dedicated watchdog looking out exclusively for the interests of consumers. I urge all American consumers to take advantage of these great new resources.

#### TYPE 1 JUVENILE DIABETES

(Mr. YODER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. YODER. Mr. Speaker, yesterday in Leawood, Kansas, I had the privilege to meet with a bright, energetic young man named Garrett. Garrett is 4 years old and suffers from type 1 juvenile diabetes.

Garrett's story is touching, and it is all too familiar to families across this country who struggle with the stress and strain of juvenile diabetes and the constant concern about the right diet, the right insulin levels, about the highest quality of life for their children.

Last month, I was pleased to hear the Food and Drug Administration issue new guidelines aimed at helping speed up the development of artificial pancreas systems.

Mr. Speaker, it's clear that we as a country need to continue to do all that we can to help bright children like Garrett who need better tools to manage their disease and prevent life threatening and costly complications.

#### A RESPONSIBLE TAX EXTENDER PACKAGE

(Mr. BACA asked and was given permission to address the House for 1 minute.)

Mr. BACA. Mr. Speaker, 160 million Americans stand on the brink of a tax hike. Republicans in Congress need to get serious about working together on a bipartisan package to extend the payroll taxes for the middle class and renew unemployment benefits.

The Republican extender package reduces eligibility for unemployment benefits by 40 weeks. It would require everyone receiving benefits to have a

GED. My dad, who only had a third-grade education, would not be eligible. And it cuts \$21 billion from affordable health care programs, causing 170,000 Americans to become uninsured.

Republicans are asking seniors to pay more for their Medicare, and they're asking the Federal employees to have serious cuts or salaries frozen until the year 2015. Yet they refuse to ask millionaires and billionaires to pay one more cent. No taxes, no jobs.

Let's pass a responsible plan to extend the payroll tax and unemployment benefits before it's too late.

#### TIME FOR CHANGE ON TAX EXTENDER

(Ms. EDWARDS asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. EDWARDS. Mr. Speaker, Joyce Timmons from Suitland, Maryland, called my office to say that the extra money in her paycheck from the soon-to-expire payroll tax cut is important to her and her family.

Joyce and 160 million workers are wondering why my Republican colleagues are now for raising taxes on working people before they were against raising taxes. That's right. The Republicans oppose extending the payroll tax cut except by blackmail.

By extending the tax cut, working people like Joyce Timmons would receive, on average, a thousand dollars next year. It's not a \$10,000 bet; it's real money in the economy.

Republicans go out of their way to block job creation and protect tax cuts for the 1 percenters, but they want to raise taxes for the 99 percenters. And they won't stop there.

More than a million Americans have been out of work for a really long time, including 25,000 Marylanders; yet Republicans want to be the grinch who stole Christmas by denying an unemployment check so that people who want to work but can't find work can buy groceries, pay rent and utilities, and tide their families over.

Republicans want to go home for the holidays, but they want working people to pay more in taxes next year and lose out on an unemployment check.

The Grinch became a good guy; Scrooge found a heart; even Mr. Potter changed his tune. It's time for Republicans to change too.

#### HOW LOW CAN YOU GO?

(Mr. DAVIS of Illinois asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DAVIS of Illinois. This weekend I attended a senior citizen party and we had a dance contest, and two people would hold a stick and others would try to go under it. And the disk jockey

would ask the question: How low can you go? Can you go to the floor?

And I submit that if we refuse to provide unemployment tax extensions, I'd have to ask the Congress: How low can you go? Can you go to the floor?

#### COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,  
HOUSE OF REPRESENTATIVES,  
Washington, DC, December 13, 2011.

Hon. JOHN A. BOEHNER,  
The Speaker, House of Representatives,  
Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on December 13, 2011 at 9:48 a.m.:

That the Senate passed with an amendment H.R. 1801.

With best wishes, I am

Sincerely,

KAREN L. HAAS.

#### PROVIDING FOR CONSIDERATION OF H.R. 3630, MIDDLE CLASS TAX RELIEF AND JOB CREATION ACT OF 2011

Mr. DREIER. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 491 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 491

*Resolved*, That upon the adoption of this resolution it shall be in order to consider in the House the bill (H.R. 3630) to provide incentives for the creation of jobs, and for other purposes. All points of order against consideration of the bill are waived. The amendment printed in the report of the Committee on Rules accompanying this resolution shall be considered as adopted. The bill, as amended, shall be considered as read. All points of order against provisions in the bill, as amended, are waived. The previous question shall be considered as ordered on the bill, as amended, to final passage without intervening motion except: (1) 90 minutes of debate equally divided and controlled by the chair and ranking minority member of the Committee on Ways and Means; and (2) one motion to recommit with or without instructions.

#### POINT OF ORDER

Ms. MOORE. Mr. Speaker, I raise a point of order against H. Res. 491 because the resolution violates Section 426(a) of the Congressional Budget Act.

The resolution contains a waiver of all points of order against consideration of the bill, which includes a waiver of section 425 of the Congressional Budget Act, which causes a violation of section 426(a).

The SPEAKER pro tempore. The gentlewoman from Wisconsin makes a point of order that the resolution vio-

lates section 426(a) of the Congressional Budget Act of 1974.

The gentlewoman has met the threshold burden under the rule, and the gentlewoman from Wisconsin and a Member opposed each will control 10 minutes of debate on the question of consideration. Following debate, the Chair will put the question of consideration as the statutory means of disposing of the point of order.

The Chair recognizes the gentlewoman from Wisconsin.

Ms. MOORE. I thank you so much, Mr. Speaker.

Sadly, we're here once again with my Republican colleagues who are trying to ram through this fat-cat tax extenders legislation, providing mere crumbs from the master's table for working people that will neither help the American people weather this economic malaise nor create a single job.

□ 1240

To add insult to injury, the Rules Committee has rejected all attempts to allow any amendments to this horrible piece of legislation. I proposed four amendments, which were not considered, and in fact, the Republican majority rejected a Democratic substitute.

There is a song by the group Cameo—and I know Mr. DREIER will appreciate this—called “Talkin’ Out the Side of Your Neck.” The lyrics are:

So you can see we're back into this same old mess.

Seems like every time we get out of one situation we're back into it all over again.

All you people that watch you talk, you better get it together or we won't get it done.

We sit down while you cuss and fuss. But guess who's suffering. Nobody but us.

That's exactly what the Republicans are doing—talking out of both sides of their necks. They talk and talk and talk, making false claims to the middle class, false promises, when they're really trying to protect the interests of the 1 percent; and like the song suggests, those in the middle class are the ones who are suffering.

Once again, through this sham piece of legislation, the Republicans claim to be creating jobs when the cruel thing is that, when 160 million workers are given a small payroll tax holiday, the cost is they are held hostage with the tax breaks for the fat cats. Additionally, the Congressional Budget Office reports that this legislation adds over \$25 billion to our Nation's deficit.

But those grinchies don't stop there, Mr. Speaker. They're trying to steal the holiday spirit from hardworking Americans. How? With this legislation.

Our overall unemployment rate did drop recently from 9.1 percent to 8.6 percent, and I am happy to be joined this afternoon by some of my colleagues from the Congressional Black Caucus who will talk to you a little bit more about how this pertains to black unemployment.

Briefly, though, while unemployment dropped for white men from 7.9 to 7.3 percent, black men endured a spike from 16.2 percent unemployment to a disturbing 16.5 percent. Of course, according to the Bureau of Labor Statistics, unemployment declined for every demographic group within the white community but increased for every demographic group within the African American community. Further, Mr. Speaker, this bill cuts the Federal unemployment program by more than half in 2012, eliminating 40 weeks of benefits, cutting benefits so drastically for those workers and communities that have been most hurt by this recession.

One of the most egregious aspects of this bill is that it promotes State drug testing for workers in order for them to qualify for unemployment benefits. Mr. Speaker, did the authors of this provision know about the Constitution of the United States? This bill also imposes new limits on unemployment compensation by restricting the benefits that employees have paid for.

This is just outrageous. It is time to stop the doublespeak and to give them real talk, and I urge all of my colleagues to vote against this legislation.

Mr. Speaker, at this time I want to yield to one of my good friends from the Congressional Black Caucus, the gentlelady from Ohio, Ms. MARCIA FUDGE.

Ms. FUDGE. I thank the gentlelady for yielding.

I rise today in strong opposition to this rule and the underlying bill.

How in good conscience can we allow States to fund re-employment programs with money that would otherwise be in the pockets of the unemployed?

My amendment mandates transparency and accountability. It requires States to make public the amount of money taken from the checks of unemployed Americans. It's not that I am against re-employment, Mr. Speaker, but I am against decreasing the amount of money that beneficiaries get every month. I mentioned Karen from Cleveland on the floor last week. Karen was laid off in March. Her unemployment check is allowing her to keep her home and to pay for expensive prescriptions. She relies on every single dollar.

Let's cut the partisan posturing, and let's extend unemployment insurance without unnecessary riders.

Ms. MOORE. At this time, Mr. Speaker, I would like to yield 2 minutes to my colleague from the Virgin Islands, Dr. DONNA CHRISTENSEN.

Mrs. CHRISTENSEN. I thank the gentlelady for yielding.

Mr. Speaker, I rise in support of this point of order on H. Res. 491.

Here we go again with another misnamed bill that is designed not for middle class tax relief or for job creation but to hold a “must pass” vehicle hostage through some misguided Republican pet projects and policy initiatives

that harm the environment and threaten public health. It is also a bill that is wasting time, time that could really be used to create jobs and help the middle class because, with these poison pills, it is going nowhere. Unfortunately, the good things in the bill are threatened because of these other provisions.

The payroll tax deduction, the 2-year SGR fix, as well as one or two other health care provisions are good parts of the bill that are needed by our Nation's families, our doctors and Medicare beneficiaries, but they should not be weighed down by the provisions that allow the Keystone pipeline to bypass regulations, that allow industrial boilers and incinerators to pollute, and that cut billions of dollars and, therefore, important services that are in the Affordable Care Act. With millions of our fellow Americans out of work, it also fails to provide the full extension of unemployment that is needed in this time of improved but still slow job creation—something the Republican leadership has talked a lot about but has done nothing to help.

This bill is pure politics. And what is it that my colleagues on the other side of the aisle do not understand about drug addiction being an illness?

One of the Republican Governors tried a similar proposal for food stamps in Florida. Not only was it bad policy, it yielded nothing. It unfairly targeted and branded poor people, and it wasted taxpayer dollars. All of this is designed to deny unemployment benefits that they have resisted and are still not fully funding. I hear a lot about class warfare, but real class warfare is protecting everything for the rich and punishing the poor, the middle class, the elderly, and the unemployed. It has got to stop.

I urge my colleagues to support this point of order and to vote against the rule and the bill. We need a clean extension of the payroll tax, 99 weeks of unemployment, and a 2-year SGR fix. Yet it should not be paid for by taking funds from programs that are needed to protect public health and safety.

Ms. MOORE. Mr. Speaker, I would inquire of the remaining time on this side.

The SPEAKER pro tempore. The gentlewoman has 3 minutes remaining.

Mr. DREIER. Mr. Speaker, will the gentlewoman yield?

Ms. MOORE. I yield to the gentleman from California.

Mr. DREIER. Mr. Speaker, I would just like to say that I am going to be claiming time in opposition to the point of order that my friend has raised, and I'm not going to consume the entire amount of time. So, when I do that, I would like to yield 1 minute to my friend in the spirit of the season and in the spirit of bipartisanship.

I would just like to state that for the record.

Ms. MOORE. That is very kind of you, Mr. DREIER.

I would now yield 1 minute to my good friend from Oakland, California, Representative BARBARA LEE.

Ms. LEE of California. I want to thank the gentlelady for yielding time and for her leadership on an issue so critical to extending a safety net to those who are desperately looking for jobs and who need this bridge over troubled waters at this point.

Mr. Speaker, the Republican bill would gut unemployment benefits to the millions of Americans who are looking for work when there are, roughly, four people for every one job. It would reduce unemployment benefits down to 59 weeks from 99 weeks at a time when we are facing a serious crisis among our long-term unemployed. It makes no economic sense, and quite frankly, it is heartless.

The Lee-Scott amendment would have replaced these Republican Christmastime cuts with real extensions of unemployment benefits, and it would have added an additional 14 weeks of unemployment insurance for the millions of Americans who have already exhausted their benefits, but the Republicans did not make any amendments in order—no fixes allowed to the heartless and senseless cuts that this contains.

This bill is really a sham. It's a shame, and it's a disgrace. It will cost our Nation jobs, and it is a slap in the face to job seekers. We should really be about the work of reigniting the American Dream, not making it more of a nightmare for people as this bill would do.

Ms. MOORE. I would now yield 1 minute to my good friend from Illinois (Mr. DAVIS).

Mr. DAVIS of Illinois. I want to thank the gentlewoman from Wisconsin for yielding.

I rise in strong support of her opposition to this amendment. I rise in strong support of the passage of the underlying bill.

This resolution fails to recognize that there are disproportionate opportunities and a lack of opportunities for members of some groups, such as minority groups who are African American and who are Hispanics. There is no consideration given to these facts. Therefore, I must be in opposition to the rule and to the bill.

□ 1250

Ms. MOORE. How much time do I have remaining, Mr. Speaker?

The SPEAKER pro tempore. The gentlewoman from Wisconsin has 1½ minutes remaining.

Ms. MOORE. I would yield 1 minute to my good friend from Texas, SHEILA JACKSON LEE.

Mr. DREIER. Mr. Speaker, if the gentlewoman will yield, I will just remind her that when I claim my time, I will be yielding an additional minute to my friend. So she certainly can feel free to yield any of that time once I do that.

Ms. MOORE. That is quite generous of the gentleman. And so I will yield a minute and a half to my very eloquent colleague, the gentlelady from Texas, Representative SHEILA JACKSON LEE.

Ms. JACKSON LEE of Texas. Mr. Speaker, I join with my colleague from Wisconsin in thanking the gentleman from California for his generosity, but I also thank my colleague from Wisconsin for her astute assessment that causes me to pause.

Her point of order is whether or not this is what we call "an unfunded mandate," this bill that we will be discussing on the floor of the House. And even though the rule says that the points of order or the issues of being an unfunded mandate have been waived, please understand that that is an action that can be taken. It doesn't mean that it eliminates the truth.

And I raise a question, whether this humongous bill that we are going to discuss, that does not answer the crisis of what we are facing—which is 6 million people without unemployment insurance who will not be able to pay mortgage, rent, food, to be able to have a quality of life, to create income, to create some 700,000 jobs on the unemployment end, and to pull 3.2 million people out of poverty—is now going by the wayside. And the payroll tax cut now is shackled with unwanted baggage.

So I rise to argue the point of order as to unfunded mandates and argue to support the position of Mr. LEVIN from the Ways and Means Committee, which is to declare the unemployment issue an emergency, to do the payroll tax and a surtax on 1 percent of the American population for 10 years starting in 2013, and adopt a fix, used and paid for with Medicare savings. This is an unfunded mandate. This is not a bill that should pass, and we should support the unemployed and those who need a payroll tax cut.

The SPEAKER pro tempore. The time of the gentlewoman from Wisconsin has expired.

Mr. DREIER. Mr. Speaker, I rise to claim time in opposition to the point of order and in support of proceeding with the resolution.

The SPEAKER pro tempore. The gentleman from California is recognized for 10 minutes.

Mr. DREIER. With that, as I said, in the spirit of bipartisanship, which is the basis of the underlying legislation and the spirit of the Christmas season, I am happy to yield not just a minute, Mr. Speaker, but I would like to yield a minute and a half to my good friend from Milwaukee, with whom I share an affection for our great, fine music.

Ms. MOORE. Again, I want to thank the gentleman for allowing our side to have some voice in this matter. He yielded me time in the name of the season; so I will frame my remaining remarks in that frame.

The season is the reason;



'Tis almost treason to extend full benefits to corporations, who are people.

And leave those who are unemployed feeble.

The season is the reason to extend full benefits to the unemployed. It is almost a ploy to provide tax breaks to corporations and to leave the people with no resources.

I ask my colleagues to support my point of order. It would be egregious if we were to move forward on this bill, on this resolution, without considering the plight that we would put the unemployed in.

Mr. DREIER. Mr. Speaker, I yield myself the balance of my time, as I have said, to speak in opposition to the point of order and in support of our moving ahead with the resolution.

My friend is a very, very thoughtful poet herself, and I've been the beneficiary of much of her fine work. She and I share an affection for R&B music. She quoted Cameo and "Talkin' Out The Side Of Your Neck." I don't really know that song, I have to admit, Mr. Speaker; but I'll have to check it out.

But what I would like to do is, since we've heard of the eloquence of Cameo and the eloquence of GWEN MOORE, the great poet, I would like to quote William Shakespeare. William Shakespeare said, "In such business, action is eloquence."

Now we have before us a measure that is designed to do one thing and one thing only, and that is to focus on getting our economy growing and generating job opportunities for the American people. The American people are hurting. We know that. There are people across this country hurting. And as my friends have just outlined, there are individuals who have suffered greatly. It is absolutely imperative that we do everything that we can to ensure that they have job opportunities and that those who are unable to find job opportunities have the assistance that they and their families need to proceed, especially during this time of year. Any action that my colleagues are proposing on the other side will simply delay our effort that will ensure that we extend the payroll tax holiday for an additional year, and it will prevent us from providing those benefits to people who are unable to find work today.

So I will be discussing the underlying legislation when we proceed with consideration of this rule, but I urge my colleagues to oppose this point of order and allow us to proceed with consideration of the resolution so that we can put into place a legislative package that will get the American people back to work and ensure opportunity for all.

With that, Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. All time for debate has expired.

The question is, Will the House now consider the resolution?

The question was taken; and the Speaker pro tempore announced that the yeas appeared to have it.

Ms. MOORE. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 227, nays 174, not voting 32, as follows:

[Roll No. 917]

YEAS—227

Adams	Goodlatte	Nunes
Aderholt	Gosar	Nunnelee
Akin	Gowdy	Palazzo
Alexander	Granger	Paulsen
Amash	Graves (GA)	Pearce
Amodei	Graves (MO)	Pence
Austria	Griffin (AR)	Petri
Bachus	Griffith (VA)	Pitts
Barletta	Grimm	Platts
Bartlett	Guinta	Poe (TX)
Barton (TX)	Guthrie	Pompeo
Bass (NH)	Hall	Posey
Benishek	Hanna	Price (GA)
Berg	Harper	Quayle
Biggert	Harris	Reed
Bilbray	Hartzer	Rehberg
Bilirakis	Hastings (WA)	Reichert
Black	Hayworth	Renacci
Blackburn	Heck	Ribble
Bonner	Hensarling	Rigell
Boren	Herger	Roby
Boustany	Herrera Beutler	Roe (TN)
Brady (TX)	Huelskamp	Rogers (AL)
Brooks	Huizenga (MI)	Rogers (KY)
Broun (GA)	Hultgren	Rohrabacher
Buchanan	Hunter	Rokita
Bucshon	Hurt	Rooney
Buerkle	Issa	Ros-Lehtinen
Burgess	Jenkins	Roskam
Calvert	Johnson (OH)	Ross (FL)
Camp	Johnson, Sam	Royce
Campbell	Jones	Runyan
Canseco	Jordan	Ryan (WI)
Cantor	Kelly	Scalise
Capito	King (IA)	Schilling
Carson (IN)	King (NY)	Schmidt
Carter	Kingston	Schweikert
Cassidy	Kinzinger (IL)	Scott, Austin
Chabot	Kline	Sensenbrenner
Chaffetz	Labrador	Sessions
Coffman (CO)	Lamborn	Shimkus
Cole	Lance	Shuster
Conaway	Landry	Simpson
Cravaack	Lankford	Smith (NE)
Crawford	Latham	Smith (NJ)
Crenshaw	LaTourette	Smith (TX)
Culberson	Latta	Southerland
Davis (KY)	Lewis (CA)	Stearns
Denham	LoBlondo	Stivers
Dent	Long	Stutzman
DesJarlais	Lucas	Sullivan
Diaz-Balart	Luetkemeyer	Terry
Dold	Lummis	Thompson (PA)
Dreier	Lungren, Daniel E.	Thornberry
Duncan (SC)	Manzullo	Tiberi
Duncan (TN)	Marchant	Tipton
Ellmers	Marino	Turner (NY)
Emerson	McCarthy (CA)	Turner (OH)
Farenthold	McCaul	Upton
Fincher	McClintock	Walberg
Fitzpatrick	McCotter	Walden
Flake	McHenry	Walsh (IL)
Fleischmann	McKeon	Webster
Fleming	McKinley	West
Flores	McMorris	Westmoreland
Forbes	McMorris	Whitfield
Fox	Rodgers	Wilson (SC)
Franks (AZ)	Meehan	Wittman
Frelinghuysen	Mica	Wolf
Galleghy	Miller (FL)	Womack
Gardner	Miller (MI)	Woodall
Garrett	Miller, Gary	Yoder
Gerlach	Mulvaney	Young (AK)
Gibbs	Murphy (PA)	Young (FL)
Gibson	Neugebauer	Young (IN)
Gingrey (GA)	Noem	
Gohmert	Nugent	

NAYS—174

Ackerman	Andrews	Baldwin
Altman	Baca	Barrow

Bass (CA)	Green, Gene	Pallone
Becerra	Grijalva	Pascrell
Berkley	Hahn	Payne
Berman	Hanabusa	Pelosi
Bishop (GA)	Hastings (FL)	Perlmutter
Bishop (NY)	Heinrich	Peters
Blumenauer	Higgins	Peterson
Boswell	Himes	Pingree (ME)
Brady (PA)	Hinchey	Polis
Braley (IA)	Hinojosa	Price (NC)
Brown (FL)	Hochul	Quigley
Butterfield	Holden	Rahall
Capps	Holt	Rangel
Capuano	Honda	Reyes
Cardoza	Hoyer	Richardson
Carney	Inslee	Richmond
Chandler	Israel	Ross (AR)
Chu	Jackson (IL)	Roybal-Allard
Ciulline	Jackson Lee	Ruppersberger
Clarke (MI)	(TX)	Rush
Clarke (NY)	Johnson, E. B.	Ryan (OH)
Clay	Kaptur	Sánchez, Linda T.
Cleaver	Keating	Sanchez, Loretta
Clyburn	Kildee	Sarbanes
Cohen	Kind	Schakowsky
Connolly (VA)	Kissell	Schiff
Conyers	Kucinich	Schrader
Cooper	Langevin	Schwartz
Costa	Larsen (WA)	Scott (VA)
Costello	Larson (CT)	Scott, David
Courtney	Lee (CA)	Serrano
Critz	Levin	Sewell
Crowley	Lipinski	Sherman
Cuellar	Lofgren, Zoe	Sires
Cummings	Lowey	Slaughter
Davis (CA)	Lujan	Speier
Davis (IL)	Lynch	Stark
DeFazio	Maloney	Sutton
DeGette	Markley	Thompson (CA)
DeLauro	Matsui	Tierney
Deutch	McCarthy (NY)	Tonko
Dicks	McCollum	Towns
Dingell	McDermott	Tsongas
Doggett	McGovern	Van Hollen
Donnelly (IN)	McIntyre	Velázquez
Doyle	McNerney	Visclosky
Edwards	Meeks	Walz (MN)
Ellison	Michaud	Wasserman
Engel	Miller (NC)	Schultz
Eshoo	Miller, George	Waters
Farr	Moore	Watt
Fattah	Moran	Waxman
Frank (MA)	Murphy (CT)	Welch
Fudge	Nadler	Wilson (FL)
Garamendi	Neal	Woolsey
Gonzalez	Oliver	Yarmuth
Green, Al	Owens	

NOT VOTING—32

Bachmann	Gutierrez	Pastor (AZ)
Bishop (UT)	Hirono	Paul
Bono Mack	Johnson (GA)	Rivera
Burton (IN)	Johnson (IL)	Rogers (MI)
Carnahan	Lewis (GA)	Rothman (NJ)
Castor (FL)	Loebach	Schock
Coble	Mack	Scott (SC)
Duffy	Matheson	Shuler
Filner	Myrick	Smith (WA)
Fortenberry	Napolitano	Thompson (MS)
Giffords	Olson	

□ 1322

Messrs. CARNEY, GRIJALVA, BERMAN, RICHMOND, Ms. RICHARDSON, and Mrs. MCCARTHY of New York changed their vote from "yea" to "nay."

Mr. WALDEN changed his vote from "nay" to "yea."

So the question of consideration was decided in the affirmative.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. RIVERA. Mr. Speaker, on rollcall No. 917 I was unavoidably delayed. Had I been present, I would have voted "yea."

Stated against:



Mr. FILNER. Mr. Speaker, on rollcall 917, I was away from the Capitol due to prior commitments to my constituents. Had I been present, I would have voted "nay."

Mrs. NAPOLITANO. Mr. Speaker, on Tuesday, December 13, 2011, I was absent during rollcall vote No. 917. Had I been present, I would have voted "nay" on the question of consideration of the resolution, H. Res. 491, providing for consideration of H.R. 3630, to provide incentives for the creation of jobs, and for other purposes.

The SPEAKER pro tempore (Mr. DOLD). The gentleman from California is recognized for 1 hour.

Mr. DREIER. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to my good friend from Worcester, Mr. MCGOVERN, pending which I yield myself such time as I may consume. During consideration of this resolution, all time will be yielded for debate purposes only.

#### GENERAL LEAVE

Mr. DREIER. I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. DREIER. Mr. Speaker, I yield myself such time as I may consume.

House Resolution 491 is a closed rule, which, as we all know, is customary under both Democrats and Republicans for a measure that has emerged from the Ways and Means Committee. But we have chosen in this rule to expand the debate time so that both Democrats and Republicans will have an opportunity to be heard. So we have expanded the debate from 60 to 90 minutes, a 50 percent increase in the amount of time, because of the gravity of this measure, because there are Members who want to be heard. We will have this hour debate on the rule itself, which clearly will get at the substance of the legislation, and then we will have an additional hour and a half, so a total of 2½ hours.

Mr. Speaker, we all know what our job is here. Right now our job is jobs. Our job is jobs. We have a responsibility to put into place policies which will encourage job creation and economic growth, and that's exactly what this legislation is designed to do.

Our fellow Americans across this country are hurting. Part of the area that I represent in southern California has a 14 percent unemployment rate, substantially larger than the national average. We have people in my State of California and across this Nation who have lost their jobs, who have lost their homes, who have lost their businesses.

We, today, are dealing, very sadly, with a chronic unemployment rate. It has been sustained for a longer period of time than has been the case since the Great Depression. And it seems to

me that, as we look at where we're going on this, we have to recognize what it is that gave us this positive number of a reduced unemployment rate from 9 percent to 8.6 percent. It was because, very sadly, hundreds of thousands of Americans decided to give up looking for work, and that's what allowed the unemployment rate to drop. But we know that it is not acceptable; and especially as we go into this holiday season, Mr. Speaker, to have so many Americans who are suffering is not acceptable.

And that's why we are here today, to take steps to ensure that we, first and foremost, put into place job opportunities and, second, address the needs of middle-income working Americans and those who are struggling to make ends meet and don't have jobs. And that's why we have chosen to not only extend unemployment benefits—and we're doing so, I'm happy to say, with very important reforms, very important reforms that deal with things ranging from drug testing to encouraging people to qualify for their GEDs. It doesn't mandate it. It gives States an opportunity to in fact waive it if they choose, but it encourages people to move in the direction of seeking opportunities. Our goal, as we extend unemployment benefits, is to encourage reemployment of our fellow Americans who are having a difficult time trying to make ends meet.

This measure also, as we know, Mr. Speaker, puts into place a policy that will allow for the extension of the so-called holiday for the payroll tax. Now, I will admit that I am a supply-side, growth-oriented guy. I came here over three decades ago with Ronald Reagan, believing very strongly that we need to put into place pro-growth economic policies. The extension of the payroll tax holiday, based on analyses from economists from both the left and the right, is that it's not necessarily a pro-growth measure. But, Mr. Speaker, as we look at where we're headed today, during difficult times, it's important for us to realize that anyone who opposes what we are doing here today is standing in the way and preventing us from moving ahead with providing that payroll tax holiday for our fellow Americans.

□ 1330

I know that there are a lot of people who will say—and as I look at my friend from Worcester, I recall last night in the Rules Committee when he said we've been doing everything under the sun here except for focusing on job creation and economic growth.

Well, Mr. Speaker, as I think everyone knows, Democrats and Republicans alike, our fellow Americans know, there are 27 pieces of legislation that have passed the House of Representatives, which happens to be for the Republican majority. And at this mo-

ment, all 27 of those measures sit in the United States Senate, and they have not passed. And the Senate, of course, has a Democratic majority.

Bipartisanship is what we want. That's what the American people want, and I'm happy to say that this measure is a bipartisan bill. One of the things that makes it a bipartisan measure, beyond extending unemployment benefits, beyond extending the payroll tax holiday, is this thrust towards creating jobs by proceeding with the Keystone XL pipeline.

Now, Mr. Speaker, we know that there has been some controversy around this earlier, but while we look at the imperative of expanding the payroll tax holiday and ensuring that the American people, who are struggling, have the benefits that they desperately need, we need to get at the root cause of the problem. And the root cause of the problem is that we have not put into place policies, we've not been able to pass out of both houses of Congress and get to the President's desk policies that can immediately jump-start and get our economy growing.

I'm looking at my friend from New Jersey (Mr. ANDREWS) over here. He and I have talked on numerous occasions over the past several years about our shared goal of putting into place tax reform, reducing the top rate on job creators from 35 to 25 percent, while closing loopholes.

I know my friend from Worcester regularly talks about subsidies and loopholes that exist for the oil industry and a wide range of other areas. We want to do this in the context of overall tax reform, and I hope very much that we can get to the point where, in a bipartisan way, we can do that. That's a policy that both President Obama and former President Clinton have talked about, this dealing, as Mr. ANDREWS and I have discussed in the past, with this tax issue. These are the kinds of policies that can enjoy bipartisan support, Democrats and Republicans working together to ensure that we can get this economy growing.

And I will say that this Keystone XL pipeline is one of those items, as we all know, that enjoys bipartisan support. It would immediately create jobs based on the projection of that construction. And while we look at our quest, I don't think we're going to gain total energy self-sufficiency in this global economy, but we would have greater energy self-sufficiency working very closely with one of our closest allies, our ally to the north, Canada, in ensuring that we can proceed with this. We know that the question mark over whether or not we're going to proceed with the pipeline has raised an understandable quest of the Canadians to deal with the Chinese.

And so, Mr. Speaker, as we look at these challenges, this is a bipartisan measure. Let anyone stand up and

start pointing the finger of blame at Republicans. But I will tell you that we have—90 percent of the items in this measure have enjoyed bipartisan support. Many of these are proposals that President Obama has made within his jobs package. So that's why we've got an opportunity to do this. I believe, Mr. Speaker, that we can do it.

Unfortunately, we can't simply legislate full employment in the United States. Legislating full employment is not an option. I know that some of my friends on the other side of the aisle might like to figure that we could legislate full employment. If we could do that, we wouldn't be faced with the difficulty that we have today.

What we can do is we can encourage America's innovators and entrepreneurs with pro-growth policies, and that's what we have repeatedly sent to the Senate. I hope that our colleagues in the other body will report those out.

And so, Mr. Speaker, I'm going to encourage my colleagues to support this very, very important, bipartisan legislation, get it to the other body so that our Senate colleagues can consider this, and get it to the President's desk so that the American people, who want to have a degree of confidence that they're not going to see a tax increase take place, and that they're going to, in fact, if they're struggling and don't have a job opportunity, have their benefits continue, and to ensure that we get at the root cause of the problem by putting into place opportunities for private sector jobs to be created. I urge an "aye" vote.

With that, Mr. Speaker, I reserve the balance of my time.

#### PARLIAMENTARY INQUIRY

Mr. MCGOVERN. Mr. Speaker, before I begin, I have a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state his inquiry.

Mr. MCGOVERN. Mr. Speaker, can you tell us how many Democrats have cosponsored H.R. 3630?

The SPEAKER pro tempore. The gentleman has not stated a parliamentary inquiry but may engage that point in debate.

Mr. MCGOVERN. I raised the issue, Mr. Speaker, because the gentleman said this was a bipartisan bill and I don't know of any Democrats that are cosponsors of the bill.

First of all, let me thank the distinguished chairman of the Rules Committee, my good friend, Mr. DREIER, for yielding me the customary 30 minutes, and I yield myself such time as I may consume.

Mr. Speaker, I rise in strong opposition to this closed rule and to the underlying bill. This bill and this process is so lousy, I barely know where to begin today.

Let's start with the process. The bill, the way this bill was conceived, drafted and brought up may be the worst yet

under this Republican-controlled Congress. Simply, this process is shameful. It's an embarrassment. This 369-page monstrosity was presented on Friday afternoon.

The gentleman says that this was reported by the Ways and Means Committee. It was presented by the chairman of the Ways and Means Committee. It was not reported out of that committee. I use the word presented because it was introduced on a day when no committees met and we had no votes in the House.

It was referred to 12 committees, 12 different committees. That's more than half the committees in the House of Representatives. But not a single committee held a hearing or a markup on this bill. It never saw the light of day in any of these committees.

There are 348 Members who sit on the committees that have jurisdiction over this bill. That's 348 Members of the House who should have had an opportunity to offer amendments and question witnesses about this bill in committee hearings or markups. Not one of these Members had an opportunity.

And last night in the Rules Committee, Members came up, 12 amendments were offered. Every single one of them was rejected.

Mr. LEVIN, the ranking member on the Ways and Means Committee, asked for a Democratic substitute to be made in order. That was rejected too.

The gentleman from California says that it's traditional, when Ways and Means bills are presented, that they be done so under a closed rule. That's when it's a tax bill. This is a tax bill plus 1,000 other things that have nothing to do with tax issues.

And this lousy process, I will say to my colleagues, leads to bad legislating. Just look at this bill. It's long, and it's sloppy. The Republicans who rushed to put this bill together have already found an error which we're trying to correct in the rule. Who knows how many other errors there are?

Last year Speaker BOEHNER and Majority Leader CANTOR, Whip MCCARTHY and other members of the Republican leadership rolled out their Pledge to America, their campaign pledge to run this House in a more open way. Yet all year long they have been chipping away at their pledge, and now we have this bill that flat out breaks their pledge.

In their pledge, the House Republicans promised to, and I quote, "end the practice of packaging unpopular bills with 'must-pass' legislation to circumvent the will of the American people. Instead, we will advance major legislation one issue at a time." That's what they said.

Yet we have three provisions—extension of the payroll tax cut, extension of unemployment insurance, and SGR, or doc fix—that are must pass by the end of this year. And do we have a clean

bill that is free from unrelated provisions? Of course not. That would be logical and make too much sense.

No, Mr. Speaker, the bill we have before us is loaded up with goodies to mollify the extreme right wing that is in charge of this House. Along with the extension of the payroll tax cut and doc fix, this bill includes the following: Requires the approval of the controversial Keystone pipeline; requires millions of seniors to pay more for health care; increases taxes on working families by forcing large, end-of-the-year health care payments; slashes prevention funding that actually reduces Medicare and Medicaid costs; undermines air quality, endangering the health of children and families by blocking mercury pollution reduction; cuts retirement programs for Federal workers; and extends the pay freeze for Federal workers.

Each of these provisions are different. They have nothing to do with one another. Why are they all bunched together in this one bill?

And these policies are bad for America. They are bad for the American people. Yet the Republican leadership continues to push these extreme and harmful policies.

And even though the unemployment insurance program needs to be extended, this bill actually erodes the support program by cutting unemployment insurance benefits for 1 million Americans who lost their jobs through no fault of their own. And it imposes new limits on unemployment compensation by restricting benefits employees have paid for.

□ 1340

Why is it so difficult for this Republican-controlled House to help the middle class and those struggling to get into the middle class? Why do they throw roadblock after roadblock in front of middle class Americans who are trying to make their lives better? Why do they continue to make it virtually impossible for us to help average people, while at the same time they do everything in their power to protect subsidies for big oil companies and tax cuts for the Donald Trumps of the world?

Extension of the payroll tax cut, extension of the unemployment insurance program, and the doc fix should not be controversial. And these extensions should have been done a long, long time ago.

My friends on the other side of the aisle are playing a very risky game. We know this failure to extend the payroll tax cut will mean a \$1,500 tax increase on middle class Americans. We know that 160 million Americans will see their taxes go up if we don't act before the end of the year. So why are Republicans bringing a bill to the floor that we know will not pass the Senate?

We know, by the way, the President will not sign it. I have a Statement of

Administration Policy, which I would like to place in the RECORD, which basically makes it very clear that the President would veto this bill.

EXECUTIVE OFFICE OF THE PRESIDENT  
OFFICE OF MANAGEMENT,  
AND BUDGET,  
Washington, DC, December 13, 2011.

STATEMENT OF ADMINISTRATION POLICY

H.R. 3630—MIDDLE CLASS TAX CUT ACT OF 2011  
(Rep. Camp, R-Michigan, and 5 others)

The Administration strongly opposes H.R. 3630. With only days left before taxes go up for 160 million hardworking Americans, H.R. 3630 plays politics at the expense of middle-class families. H.R. 3630 breaks the bipartisan agreement on spending cuts that was reached just a few months ago and would inevitably lead to pressure to cut investments in areas like education and clean energy. Furthermore, H.R. 3630 seeks to put the burden of paying for the bill on working families, while giving a free pass to the wealthiest and to big corporations by protecting their loopholes and subsidies.

Instead of working together to find a balanced approach that will actually pass both Houses of the Congress, H.R. 3630 instead represents a choice to reflight old political battles over health care and introduce ideological issues into what should be a simple debate about cutting taxes for the middle class.

This debate should not be about scoring political points. This debate should be about cutting taxes for the middle class.

If the President were presented with H.R. 3630, he would veto the bill.

So why are we wasting precious time?

The Republican leadership insists on playing chicken with the American people just to score cheap political points. This is not a time for political theater. This is the time for responsible leadership. It's time to do the right thing for the American people and drop these controversial provisions from this bill.

This is not the time to increase taxes on middle class Americans. It's time to extend the payroll tax cut and unemployment insurance and the doc fix.

Mr. Speaker, this House needs to get back to doing the people's business, and the people's business is jobs. It would be nice if my Republican friends would allow the President's jobs bill to come to the floor for a vote rather than bills that reaffirm our national motto or make it easier for unsafe people to carry concealed weapons from one State to another.

I say to my Republican friends, the American people are outraged. They're outraged at Republican indifference to the middle class. They're outraged by Republicans' callous attitude to the most vulnerable in this country. They're outraged that Republicans are playing politics with their lives.

Mr. Speaker, I urge my Republican colleagues to do the right thing, to pass a clean extension of the payroll tax cut, properly extend unemployment insurance and the doc fix. Do the right thing, and do it the right way. That's all the American people are asking for.

I reserve the balance of my time.

Mr. DREIER. Mr. Speaker, I yield myself 30 seconds to say to my colleague that he has performed just as I had expected, pointing the finger of blame when we're trying to work in a bipartisan way to make sure that we get this done. We want the doc fix. We want to ensure that people who can't make ends meet and are looking for work have access to those benefits. We want to extend the payroll tax holiday.

We also feel it imperative that we get at the root cause of exactly what my friend just said, Mr. Speaker, and that is creating jobs. And everyone knows, Democrat and Republican alike, many leaders in organized labor focus on the fact that the Keystone XL pipeline is a job creator and can go a long way towards doing exactly what my friend and I share in common as a goal.

With that, Mr. Speaker, I am happy to yield 2 minutes to a hardworking new member of your class, Mr. Speaker, the gentleman from Lawrence, South Carolina (Mr. DUNCAN).

Mr. DUNCAN of South Carolina. There are but two points I want to bring up in support of the bill before us today.

Thomas Jefferson said this: "A wise and frugal Government, which shall restrain men from injuring one another, which shall leave them otherwise free to regulate their own pursuits of industry and improvement, and shall not take from the mouth of labor the bread it has earned. This is the sum of good government."

I believe that America works better when hardworking Americans keep more of the money that they earn, keep more of their paycheck. That's why I support the payroll tax cut provision in this bill.

The second point, Mr. Speaker, is this: the administration can be for jobs, or the administration can support a radical environmentalist policy. Mr. Speaker, I believe that they are mutually exclusive and you cannot support both.

The Keystone pipeline is a segue to job creation in this Nation. You remember the jobs created in the 1970s with the Alaskan pipeline? I do. The Keystone pipeline will create both construction jobs and long-term jobs as our Nation refines the hydrocarbons into energy products here in American refineries. Failure not to do this means the possibility that this Canadian oil will be refined in and used by China.

Today, we can pursue North American energy independence by partnering with our closest ally and largest trading partner, Canada. Or we can continue the same failed policies of this administration which lead to higher prices at the pump for Americans and the continuation of sending dollars overseas for Middle Eastern oil.

This bill cuts taxes, it reduces spending, it ends the regulatory quagmire

for American businesses and provides a path forward for American energy security.

I support its passage, and I ask that God will continue to bless America.

Mr. MCGOVERN. Mr. Speaker, at this time I am very proud to yield 1 minute to the gentlewoman from California, the Democratic leader, Ms. PELOSI.

Ms. PELOSI. I thank the gentleman for yielding and appreciate his presentation on why we are here today and why the rule that is being brought to the floor is not the right one, because it does not allow for us to have options for the American people to be considered.

One of those options I want to talk about has been described by the President.

President Obama last week in Kansas made a glorious speech harking back to President Roosevelt's speech about the middle class and its importance to America's democracy, how it is the backbone of our democracy. President Obama said last week we are greater together when everyone engages in fair play, where everyone gets a fair shot and everyone does their fair share. This isn't about one percentage and another percentage. It's about all Americans working together.

President Obama put those words into legislative action with his proposal for a payroll tax cut for middle income families, as well as unemployment insurance for those who have lost their jobs through no fault of their own.

Democrats have a proposal today which we cannot take up on the floor because the Republican rule is perhaps afraid of the vote we might get because it does so much for America's working families.

I want to remind our colleagues that for a long time the Republican leadership did not support a payroll tax cut at all. Rhetoric coming from the Republicans was, We don't believe in extending the payroll tax cut; however, we do want to make permanent the tax cut for the wealthiest people in America—those making over \$1 million a year.

So the President taking this to the public and the reinforcement of that message by our Democratic colleagues in the House and in the Senate has made the payroll tax cut an issue too hot for the Republicans to handle.

So they're bringing a bill to the floor today which says they're for a payroll tax cut, but has within it the seeds of its own destruction because it has poison pills, which they know are not acceptable to the President and do not do the best effort for the American people.

Mr. DREIER. Mr. Speaker, will the gentlewoman yield?

Ms. PELOSI. You have plenty of time, Mr. Chairman. You're the chairman of the committee; I'm not.

Mr. DREIER. I just wanted to ask a question.

Ms. PELOSI. I'm not going to yield to you because you make your points all day. I'm making mine now.

And one of the points I would like to make is about the Democratic substitute which the chairman of the committee said we could not bring to the floor. But it's important for the American people to know that it mirrors what the President has proposed.

The bill would cut taxes by \$1,500 for the typical American family. It would secure a critical lifeline for those who have lost their jobs through no fault of their own. It would ensure that seniors still get to see the doctor of their choice with a permanent doc fix that is contained in the bill. Our proposal would protect and extend the tax cut for 160 million Americans while asking 300,000 people, those making over a million dollars a year, to pay their fair share.

□ 1350

The Republicans not only said no to the bill; they said, no, your substitute cannot even be considered on the floor.

The President has said—and the Democrats in Congress agree with him—that we cannot go home unless we pass a tax cut for the middle class, that we cannot go home unless we pass the unemployment benefits for America's working families.

Across the country, families are sitting at their tables. Christmas is coming. I say it over and over that Christmas is coming. For some, the goose is getting fat, and for others, it's very slim pickings. Families are sitting around their tables, having to make difficult choices: Can we put gas in the car and still afford to put food on the table? As the holiday season comes upon us, can we buy toys for our children during the holidays and be able to pay the bills when they come due in January?

As families gather around those tables, making those decisions, Democrats have put our ideas on the table. We are willing and ready to reach across the aisle in order to complete our work and give 160 million Americans the gift of greater opportunity and security, of hope and optimism during the holiday season and the New Year. You cannot do this by saying, We're going to put something in the bill that the President says he will not sign.

It's hard to understand how you can say you're for something except you're going to put up obstacles to its passage. The macroeconomic advisers have said that the proposal the President has put forward will make a difference of 600,000 jobs to our economy. If we fail to do this, we are, again, risking those jobs and we're missing the opportunity. As the previous speaker said, let's put the money in the pockets of America's workers.

Welcome to the payroll tax cut, I say to our Republican colleagues—what

you have long resisted but what the President has demonstrated there is public support for.

Let's reject this rule so that we can have a fair debate on the President's proposal, which is fair to America's workers and stronger in terms of the macroeconomic impact it will have to inject demand into the economy, which will create more jobs and make the holiday season a brighter one for many more Americans.

Let us put the Republican proposal on the table and the President's proposal on the table, which has the full support of Democrats and Republicans in the House and Senate, as opposed to the Republican proposal they put forth in the Senate, which didn't even win the support of a majority of the Republicans. Let's come together; let's find our common ground; let's get the job done; but let's understand that we cannot leave Congress—that we cannot go home—until we meet the needs of the American people.

I urge my colleagues to vote “no” on the previous question and to fully support the best possible payroll tax cut for the middle class, unemployment benefits for our workers, as well as for our seniors to have the ability to have the doctors of their choice.

I thank the gentleman from Michigan (Mr. LEVIN) for his leadership on this important legislation.

Mr. DREIER. Mr. Speaker, I yield myself 1 minute.

I'd be happy to yield to my dear California colleague, Ms. PELOSI, if she would want to respond to anything I'm about to say here as I was looking forward to getting to debate.

First of all, my colleague from California began by saying that there was no opportunity for Democrats to have a proposal that is considered. Members of the minority, the Democrats, are entitled to a motion to recommit. That is provided in this measure, although we often were denied that when we were in the minority.

Second, the gentleman from Massachusetts (Mr. MCGOVERN) did, in fact, propose that we have a substitute made in order; but, Mr. Speaker, since last Friday, when this bill was made available, the gentleman from Michigan (Mr. LEVIN), the ranking member of the committee, never came forward with a substitute for us in the Rules Committee. We only received one just a few minutes ago.

Then to the important point about the so-called “poison pills” that my California colleague mentioned, the distinguished minority leader: The idea of saying that we want to encourage those who are unemployed to move towards GED qualification does not seem to me to be a poison pill.

Mr. Speaker, the idea of saying that we should have drug testing—and that's, again, optional drug testing—so that people who are receiving these un-

employment benefits are not using those resources to purchase drugs is obviously not a poison pill. Then the idea of having millionaires benefit from the program, which we eliminate in this proposal, should not be a poison pill.

So, Mr. Speaker, with that, I am very happy to yield 2½ minutes to another hardworking member of the freshman class, the gentleman from Bryan, Texas (Mr. FLORES).

Mr. FLORES. Mr. Speaker, I rise today to talk about options for American middle class jobs and American energy security. In this regard, I want to talk about two real-world examples that highlight the differences between President Obama's plan and the GOP plan for America's job creators.

Option A is Obama's plan. Option B is the GOP plan. Here are the examples: Under option A, Solyndra. Under option B, the Keystone XL pipeline.

How many part-time jobs were created under option A? One thousand. They have come and gone. Under the Keystone XL pipeline, there were over 20,000.

How many full-time jobs from Solyndra? None. They're gone. How many full-time jobs from option B, the Keystone XL pipeline? Thousands.

What did option A do for America's improved energy security? Nothing. How about for option B? Yes, we get improved American energy security.

In reducing the demand for Middle Eastern oil, Solyndra provided none. The Keystone XL pipeline will offset Middle Eastern demand by 700,000 barrels per day.

The cost to American taxpayers for Solyndra? Over \$1.5 billion wasted. For the Keystone XL pipeline? Nothing. Nada.

What was the taxpayer return on Solyndra? There was none. What is the taxpayer return on the Keystone XL pipeline? It's infinite.

Who benefited from Solyndra? The President's political contributors. Who benefits from the Keystone XL pipeline? The American middle class.

How do you get more information? Go to jobs.GOP.gov for more information about the GOP plan for America's job creators.

Mr. Speaker, we can't wait for more middle class, Main Street jobs, so I urge my colleagues to vote for both the rule and the underlying bill. H.R. 3630, the Middle Class Tax Relief and Job Creation Act of 2011, is just the answer that we need at this critical time.

I also wish all Americans a very Merry Christmas.

Mr. MCGOVERN. Mr. Speaker, I am proud to yield 2 minutes to the gentlewoman from New York, the ranking member of the Rules Committee, Ms. SLAUGHTER.

Ms. SLAUGHTER. I thank the gentleman for yielding to me.

Mr. Speaker, there are no Democrats on this bill. I don't know what all this

bipartisan talk is about. The gentleman from Michigan (Mr. LEVIN) didn't even see it. None of us knew.

Mr. DREIER. Will the gentlelady yield?

Ms. SLAUGHTER. No. If you don't mind, I'd like to get through my speech. We've heard this all day.

I understand that there is great hope for a number of Democrat votes—and I don't know how that will turn out—but, frankly, I don't think that this bill will ever see the light of day anyway. There is not much support for it in the Senate, and the President said he won't sign it. So what I am hopeful for is that, when we really get down to business here, we can have a bipartisan bill. It is possible to do that. Just invite the Democrats to take part in it.

Let me make it clear that you cannot call anything "bipartisan" when there is not a single Democrat on it. Also, a motion to recommit is nowhere near a substitute bill, which we were not allowed to do.

Instead of extending tax cuts to the middle class and giving assistance to the unemployed, this majority is holding the middle class hostage in order to extract concessions for their friends in Big Oil. Furthermore, instead of asking those with the most to help those with the least, which is what we are supposed to do, today's bill asks millions of seniors to pay more for health care. In exchange, the majority will graciously continue the Federal unemployment insurance programs, although they are grievously cut; and 10 States will get waivers not to have to pay unemployment insurance at all. So that's a sort of Russian roulette idea.

They cut the maximum number of weeks as Christmas approaches, which is the time of goodwill toward men, women, and children who are out of work through no fault of their own. In a country where there are four persons applying for each and every available job, that gives us some idea of how dire it is to face this Christmas and the rest of this year without jobs.

□ 1400

Why can't the Grand Old Party help the middle class without demanding a quid pro quo?

The SPEAKER pro tempore. The time of the gentlewoman has expired.

Mr. MCGOVERN. I yield the gentlelady 1 additional minute.

Ms. SLAUGHTER. Why can't they serve the middle class without playing Secret Santa for special interests like the Keystone XL?

In addition to the misguided brinksmanship of the majority, today's bill flies in the face of regular order and makes a mockery of the majority's CutGo rules for all bills. We've seen in the Rules Committee the fact that it has been waived many times today. It is waived yet again. And it says to the Office of Management and Budget and

the Congressional Budget Office that they count the savings in this bill but not the cost. If only middle class families could use that kind of accounting.

This is hardly the deliberate and thoughtful legislative process that the majority promised us when they assumed office almost 12 months ago. So because of the rushed process and the legislative acrobatics used to mask the true cost of the bill, I strongly oppose today's rule and the underlying legislation and urge my colleagues to vote "no."

Mr. DREIER. I reserve the balance of my time.

Mr. MCGOVERN. I yield 3 minutes to the gentleman from New Jersey (Mr. ANDREWS).

Mr. ANDREWS. I thank my friend for yielding.

Ninety-eight days ago, the President of the United States came to this Chamber and proposed to create jobs by cutting taxes for middle class families by about \$1,500 per year. For 98 days, the majority refused to take up legislation that would enact that jobs plan. So finally today we have their version of it, which unfortunately does not cut taxes for middle class people the way we proposed but at least avoids a tax increase on those families which is looming on January 1.

But I can't support this bill because of how it pays for that middle class tax relief. First let me say this: I agree as a general rule when we cut taxes here on anyone, we ought to pay for it, not increase the deficit. But the majority has never subscribed to that principle until today.

So when the wealthiest people in America got an enormous tax reduction in their tax rates in 2001 and again in 2003, there was no requirement that we offset that in order to pay for it. But now that middle class families are getting some relief, all of a sudden, there has to be.

Let's talk about what that offset is. One major portion of it essentially reduces unemployment benefits for Americans down the line. And as I understand this, there are some reforms that really ought to take place. When I hear about GEDs and drug testing, I think that is fairly sensible. But it isn't sensible to say to someone, If you've been looking for work day after day and week after week and trying your best to find your next job, it's your fault if you didn't find it. But that is essentially what this bill says. If you are unemployed, look in the mirror. It's your fault.

I don't think the authors of this bill know many unemployed people. I know they don't know that for every four unemployed people in America today, there is one job. For every one job that's listed as being open, there are four unemployed people for that job. I don't think they understand that even though there is a law against age dis-

crimination in this country, age discrimination in this country is an everyday painful fact of life for a lot of people over about 40 years old in this country.

So I would say to all those who are about to vote to extend middle class tax relief by blaming the unemployed for their own plight that they ought to walk for just a day or a week or a month in the shoes of a 50-year-old man or woman who has been out of work for a year and a half, who has circled every want ad, gone to every Web site, taken every job interview he or she could get, and still cannot find a job. We should vote against this bill.

Mr. DREIER. Mr. Speaker, I continue to reserve the balance of my time.

Mr. MCGOVERN. At this time I would like to yield 2 minutes to the gentleman from Michigan, the ranking member of the Ways and Means Committee who was denied his right to have a substitute when he was at the Rules Committee, Mr. LEVIN.

Mr. LEVIN. You know, when there is an issue as serious as this, you would think that the majority would let us introduce a substitute. Instead, the answer is a stone wall. So I am going to explain what is in my substitute. I want the American public to know what would be in it.

A 1-year extension and expansion of the employee payroll tax cut to 3.1 percent, as the President proposed; a 1-year extension on the bonus depreciation; and a 1-year extension on unemployment insurance is in the bill that Mr. DOGGETT and a lot of us introduced, H.R. 3346—and a 10-year SGR fix.

I want the American public to understand what's at stake here and how we pay for it. This chart shows very vividly what the Republicans essentially are doing. I want everybody to look at it. Under their proposal, seniors sacrifice \$31 billion. Under their proposal, Federal employees sacrifice \$40 billion. Under their proposal, unemployed Americans—unemployed, looking for work—sacrifice \$11 billion. And under their proposal, essentially people earning over \$1 million sacrifice nothing, nothing. They don't pay for this bill, while seniors and everybody else indicated here, Federal workers and the unemployed, do.

The SPEAKER pro tempore (Mr. LATOURETTE). The time of the gentleman has expired.

Mr. MCGOVERN. I yield the gentleman an additional 30 seconds.

Mr. LEVIN. I will just say to the majority, get in the shoes of the unemployed. If you don't, I think those who deny it deserve their unemployment.

Mr. DREIER. Mr. Speaker, I am happy to yield 3 minutes to my distinguished colleague from the Committee on Financial Services, the gentleman from Fullerton, California (Mr. ROYCE).

Mr. ROYCE. Mr. Speaker, I rise in support of this rule. This is a question,

as it relates to this Keystone pipeline project, of whether we're serious about an economic recovery in this country. And frankly, it's a question about whether or not we're serious about our national security.

Now, we have a shovel-ready project here, the Keystone pipeline, that will create tens of thousands of jobs. By the Chamber's estimate and by the estimate of the unions involved in supporting this, it's actually hundreds of thousands in terms of the consequences of developing this resource and bringing it down from Alberta, Canada. These are good jobs, good jobs for men and women in this country that are involved in manufacturing pipe and earth movers.

And frankly, when you think about it, why, why do we keep delaying this at a time when unemployment is as high as it is? Because I can tell you, the Canadians aren't waiting. The Chinese are not waiting. Make no mistake about it, the Canadians will develop and export the oil they're developing in western Canada. The Prime Minister met with Hu Jintao of China, and the deal that they're talking about striking is one that accrues to the benefit of China at the expense of the United States. If this energy does not transit the United States and go to refineries here, it will go to China, and it will fuel their manufacturing sector.

□ 1410

That is what we are concerned about. We are concerned about throwing away this opportunity. I don't know about you, but it sure bothers me to see China playing in our hemisphere and the administration does not seem to care.

Americans have been told about the importance of energy independence. We have been on the hook, my friends, to Middle East producers for decades now; and we're sending billions every year to that cartel. And these countries in that cartel are unstable. They all collude to control prices, and we have a chance instead to get this oil from our allies, and we're being told by this administration and by the other side of the aisle that despite the jobs that this would create, that this is going to be stopped.

Well, today we have a chance to develop an energy resource in the Americas, working with our Canadian allies, creating good jobs, creating access to cheaper energy here. Energy in China is 20 percent higher than energy here in the United States. Why would we want to invert that? Why don't we want the cheaper source of energy here? Yet the administration stalls and gives the advantage to China.

I just want to tell you, colleagues, support this rule, support the underlying legislation. Take a stand for jobs. Take a stand for American security and consider the fact that China has al-

ready advantaged itself in Africa and Latin America and elsewhere at our expense.

Mr. MCGOVERN. Mr. Speaker, I yield 1½ minutes to the gentleman from New York (Mr. ENGEL).

Mr. ENGEL. Mr. Speaker, I thank the gentleman for yielding to me.

I rise today in strong opposition to this act and in opposition to the rule. It's a shame that the majority is playing legislative chicken with middle class tax cuts on a bill that will never be signed into law.

I'm open-minded on the Keystone pipeline, but it has no place in this bill. It's mixing apples with oranges. It's a poison pill. It's designed to kill it. The President has already said that he won't sign a bill like this. So what do my Republican colleagues do? They give us more so they can score some political points with their base.

The American people want us to meet in the middle. The American people want us to approve things to move the country forward. We need to pass a simple extension of middle class tax relief. We need to pass a simple extension of unemployment insurance. This is what we should do. This is what the American people want us to do. Unemployment is hovering around 9 percent. People need help, and we're not helping them.

This bill also forces millions of seniors to pay more for health care while giving the 300,000 wealthiest Americans another free pass. That's not right. This is unacceptable. We cannot solve our debt problem on the backs of working families.

Mr. Speaker, I have always prided myself as a moderate and someone who wants to work across the aisle. The chairman knows that. We have spoken many, many times. I plead with my colleagues on the other side of the aisle, I think the American people want us to do some good work in the closing days of this session. We need unemployment extension. We need a middle class tax cut extension. Let's not mix apples with oranges. Let's pass a clean bill and go home and say we did something good for the country.

Mr. DREIER. Mr. Speaker, I yield myself 1 minute, and I would be happy to engage my friend if he'd like to. Let me make a couple of comments.

First, I think that as we look at the issue of the Keystone XL pipeline, the notion of saying that somehow we're trying to appeal to our base when we know the most outspoken and enthusiastic supporters of the Keystone XL pipeline happen to be the labor unions, organized labor in this country. We know because they want to create jobs, and they are supportive of this so that we can create jobs.

People throw around terms like "poison pill," why are we using this issue. Because as we extend unemployment benefits to people who are unable to

find jobs, and as we extend the payroll tax holiday, we feel that it's absolutely essential that we get at the root cause of the problem. We have protracted unemployment in this country. Very, very sadly. We know it has gone on for an extended period of time—the end of the last administration into this administration. We all know that we were promised that if we passed the stimulus bill that the unemployment rate would not exceed 8 percent. Now it's at 8.6 percent. I'm gratified that it went from 9 percent to 8.6 percent. But why did it do that?

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. DREIER. I yield myself an additional 30 seconds, Mr. Speaker.

Because hundreds of thousands of Americans have chosen to give up even looking for work. And so we're saying, yes, we will agree to extend unemployment benefits; yes, we will agree to extending for another year the payroll tax holiday. But let's get at the root cause of the problem. So that's why we see these as being very closely intertwined.

It's true the President did say that he would reject this; but I believe if we can pass it through this House with bipartisan support, pass it through the United States Senate and get it to the President's desk, that extending unemployment benefits at this time of year especially, and that payroll tax holiday, with a measure that the President has indicated support for, dealing with the XL pipeline, that the President will, in fact, sign it.

With that, I reserve the balance of my time.

Mr. MCGOVERN. Mr. Speaker, I would like to insert in the RECORD a letter from William Samuel, the director of the government affairs department at the AFL-CIO, in strong opposition to H.R. 3630.

AMERICAN FEDERATION OF LABOR  
AND CONGRESS OF INDUSTRIAL OR-  
GANIZATIONS,

Washington, DC, December 13, 2011.

DEAR REPRESENTATIVE: On behalf of the AFL-CIO, I am writing to urge you to oppose the Middle Class Tax Relief and Job Creation Act of 2011 (H.R. 3630), which would replace a modest surtax on income over \$1 million with drastic benefit reductions for jobless workers, pay cuts for public employees, reduced premium assistance for low- and middle-income individuals buying health insurance, cutbacks in preventive health services, and higher premiums for many Medicare beneficiaries.

H.R. 3630 would cut the federal unemployment insurance (UI) program by more than half in 2012, reducing benefit eligibility by 14 weeks in every state and by 40 weeks in states with the highest unemployment rates. These benefit cuts would reduce economic activity by \$22 billion and cost 140,000 jobs.

Even more troubling, H.R. 3630 would fundamentally change the nature of unemployment insurance and erode the unemployment safety net for the future. Unemployment insurance (UI) is a social insurance program, to which workers make contributions in the



form of reduced wages. H.R. 3630 would change the nature of UI by allowing states to require jobless workers to “work off” their benefits, in effect allowing UI to be transformed into a workfare program. H.R. 3630 would further undermine social insurance by introducing means testing, which would surely be used to restrict UI eligibility to fewer and fewer workers over time.

The authors of this legislation do not seem to understand that America faces a continuing jobs crisis, and they seem to think that jobless workers—rather than Wall Street—are to blame for high unemployment and the lack of jobs. In addition to cutting unemployment benefits, H.R. 3630 would allow drug testing of all workers before they can receive benefits; require workers without a high school degree to be enrolled in classes before they can receive benefits; and make jobless workers pay out of their own pockets for reemployment services offered by the government.

In order to spare millionaires from having to pay one more penny in taxes, H.R. 3630 would also require federal employees to sacrifice even more than they have already. Not only would H.R. 3630 extend the current pay freeze for federal employees, but it would also raise \$37 billion in revenues by increasing federal employee pension contributions and reducing their retirement income.

H.R. 3630 would also have a substantial negative impact on the health care of working families. It would impose daunting subsidy repayment requirements on families whose economic circumstances improve, which would deter 170,000 people from accepting premium assistance under the Affordable Care Act, according to the Joint Tax Committee. As a result, thousands of middle- and lower-income families would be unable to afford health insurance. In addition, H.R. 3630 would increase Medicare premiums for at least 25 percent of all beneficiaries, requiring many in the middle class to pay substantially more, and would reduce federal support for new preventive services.

H.R. 3630 would protect the most privileged one percent of all Americans from having to pay one more penny in taxes, and it would do so by demanding still more sacrifice and pain from jobless workers, federal employees, and low- and middle-income families. The authors of H.R. 3630 obviously have more sympathy for millionaires than for the victims of the economic crisis caused by Wall Street. We urge you to vote against this cruel and selfish piece of legislation.

Sincerely,

WILLIAM SAMUEL,

*Director, Government Affairs Department.*

At this time I would like to yield 2 minutes to the gentleman from Virginia (Mr. CONNOLLY).

Mr. CONNOLLY of Virginia. Mr. Speaker, unrelated, partisan riders often have received scorn in the past. In 2008, for example, now-Speaker BOEHNER mentioned his strong distaste, stating: “Attaching these riders is the sort of stunt that has made Americans extremely cynical about Washington.” But when finally agreeing to vote on a payroll tax cut for 160 million Americans, this bill is riddled with riders.

Preventative health care, for example, improves wellness and lowers costs. When provided the opportunity for free preventative services, 70 percent of Medicare recipients enrolled.

But this bill cuts that care. Why? It's a rider.

What do payroll tax cuts and shipping more gasoline to China have in common? Republican Senator LINDSEY GRAHAM acknowledged this political gamesmanship saying: “I think we should debate the Keystone pipeline, and we should debate tax policy separately.” Sadly, it's another rider in this bill.

Finally, Republicans included a poison pill with actual poison—mercury, arsenic, and other toxins. What does gutting the Clean Air Act have to do with payroll tax cuts? Nothing. It's a rider.

I strongly support extending the payroll tax cut to help 160 million Americans; but first we need to cut the partisan riders.

Mr. DREIER. Mr. Speaker, I continue to reserve the balance of my time.

Mr. McGOVERN. I yield 2 minutes to the gentleman from Illinois (Mr. DAVIS).

Mr. DAVIS of Illinois. I thank the gentleman from Massachusetts for yielding.

Mr. Speaker, I rise in strong opposition to the rule and to the underlying bill. This rule rejected all attempts to amend the bill, limits the general debate time, and contains egregious provisions which allow States to apply measures such as drug testing; you've got to have a high school diploma or be enrolled in a GED program. Well, I can tell you, Mr. Speaker, that people who are addicted to drugs don't need testing. What they need is treatment. People who are sick need health care. People who are unemployed need a job and the opportunity to work, or they need benefits until such time as they can receive it.

This bill goes in the wrong direction. I strongly oppose it.

Mr. DREIER. Mr. Speaker, I am happy to yield 2 minutes to my very good friend from Omaha, Nebraska (Mr. TERRY).

Mr. TERRY. Thank you, Mr. Chairman.

I think coupling—putting the unemployment extension, the tax holiday, the doc fix, and a real jobs bill together—which is what the American people have been telling Congress for the entire year, that they want to see tangible job creation. There's no better job creator in the pipeline—pun intended—than Keystone XL.

□ 1420

It's a 1,700-mile, \$7 billion, shovel-ready project—not the fake shovel-ready in the stimulus, but real, ready, earnestly ready to start digging right now. The only holdup for Keystone pipeline's permit is the politics of the 2012 election. The process sits in the State Department.

So what we say is in this bill, State Department, use the information that

has been sitting on your desk collecting dust. You said you would make a decision by December 31. We just want you to make it 60 days after the permit's again requested, with the carve-out for the Nebraska exemption.

Why is it so important? Well, it really does displace 700,000 barrels of imported oil, almost the entire amount from Venezuela or about half from Saudi Arabia. It creates 20,000 jobs nearly instantaneously, 20,000 new jobs.

It seems to me that as we're talking about putting food on the table and Christmastime that this is meat and potatoes. The potatoes will sustain you like the unemployment insurance, but what people really want is the red meat of good, high-paying jobs, labor that they can go to. And I bet you that the AFL-CIO wants this Keystone pipeline built.

Mr. McGOVERN. Mr. Speaker, again, the AFL-CIO still opposes this bill.

At this time I would like to yield 2 minutes to the gentleman from Texas (Ms. JACKSON LEE).

Ms. JACKSON LEE of Texas. I thank the gentleman from Massachusetts. I don't think anyone disagrees with my good friend who discussed the Keystone pipeline that it would create jobs. There's nothing that has been said that would suggest that at the appropriate time of review that that project would not go forward.

But what we're talking about today is a crisis in the American public dealing with two major issues: continuing a tax relief and tax cut for working and middle class Americans, number one; and, number two, to keep 6 million Americans from rolling into the street and falling on their own spear for lack of unemployment insurance being extended, disallowing them to pay their mortgage, disallowing them to pay their rent, and, in essence, saying to them there is no light at the end.

It is also about Republicans and their commitment to the American people. In their pledge to America, the GOP leadership indicated in September that they would end the practice of packaging unpopular bills with must-pass legislation. This is must-pass legislation. And look what they're doing besides the pipeline provision that has been supported in a bipartisan manner yet this in the wrong process; they have got broadband spectrum; they are ending jobless benefits to the extent that they are requiring burdensome drug testing on college persons who can't find a job; they are suggesting that if you can't find a job, it's your own fault; changes to Medicare that are burdening senior citizens; and, on top of that, we've got an appropriations bill to deal with.

My friends, there is a simple way of doing this. The Payroll tax can be increased by the surtax on just the 300,000 top 1% of America for 10 years, allowing 160 million Americans to get payroll tax relief.

How do we help the 6 million persons who need unemployment insurance? We call it an emergency. It is an emergency.

How do we fix Medicare reimbursement for our doctors? We use the savings from the ending of the Iraq war. It's a simple, clean process, a simple vote to help Americans.

How can they violate their pledge, Mr. Speaker, of not putting everything under the Christmas tree on a bill that must pass on behalf of the American people? That's the challenge today.

I'm against the rule and the underlying bill.

Mr. DREIER. Mr. Speaker, may I inquire of my friend how many speakers he has on his side?

Mr. MCGOVERN. I have at least two more speakers.

Mr. DREIER. In light of that, Mr. Speaker, I will reserve the balance of my time.

Mr. MCGOVERN. Mr. Speaker, I would like to yield 1 minute to the gentlewoman from New York (Mrs. MALONEY).

Mrs. MALONEY. I thank the gentleman for yielding.

The President has announced that we cannot leave Congress without passing an extension of the middle class tax cut and an extension of unemployment benefits.

Now, originally, the "no new taxes" folks in the GOP Republican Senate said that they couldn't do that, that they were going to let the middle class tax increase expire, they were going to let the taxes increase on the middle class, but they were going to refuse to raise taxes on the superrich. Now, if you were not superrich, this was bad news for 99 percent of all Americans; and they spoke out, and they said they would like this tax cut.

Now the Republicans have come back with all types of riders that the President does not support. We need a clean bill.

The payroll tax cut that the Democrats are supporting would mean that a typical middle class family would have 1,000 extra dollars to spend.

The SPEAKER pro tempore. The time of the gentlewoman has expired.

Mr. MCGOVERN. I yield the gentlewoman an additional 30 seconds.

Mrs. MALONEY. The nonpartisan Congressional Budget Office found that the payroll tax cut is one of the most powerful tools that we could use to increase the number of full-time jobs. The other policy option that they supported for stimulating the economy was extending the unemployment benefits.

So it's time for our colleagues across the aisle to get with the spirit of this season. Pass the tax cut without the harmful riders; pass the extension of unemployment benefits; and—excuse my Dickens—stop with all the humbug and let's get forward with helping the

economy and helping the American people.

Mr. DREIER. I continue to reserve the balance of my time.

Mr. MCGOVERN. Mr. Speaker, at this time I would like to yield 1½ minutes to the gentleman from Pennsylvania (Mr. FATTAH).

Mr. FATTAH. I thank the gentleman and I thank the House.

There is a time, a place, and a season for everything. I would argue to the House that this is not the time for us to be playing around with the financial fortunes of 160 million Americans that are enjoying a tax cut today that we'd like to extend and the President would like to extend going forward over the next year.

Now we've had some 21 consecutive months of private sector job growth in this country. Now, I know that the President has almost had to lift this economy single-handedly since the GOP has decided they don't want to do anything to help move the American economy forward; but the idea that you would actually stand in the way of, at a minimum, keeping this tax cut in place, and to do it in the holiday season—as we prepare our Christmas tree at home and my wife and daughters have been decorating it—we all need to understand that in this Christmas season that it is wrong for us to approach the holidays and to create this uncertainty.

We've got so much concern about uncertainty in the business community but no concern about uncertainty in the homes of 160 million Americans.

Now, if we want to pass any bill on any day, you have a majority, you can do it. You don't have to merge the pipeline with this tax cut. You don't have to tie the fortunes of 160 million Americans' economic fortune together with the pipeline.

We could move this today. The President is prepared to sign it. I would urge my colleagues, let's do this in the appropriate way.

Mr. MCGOVERN. I advise the gentleman from California that I am the last speaker.

Mr. DREIER. Then, Mr. Speaker, I will close after the gentleman does.

Mr. MCGOVERN. I yield myself the balance of my time.

The SPEAKER pro tempore. The gentleman from Massachusetts is recognized for 4½ minutes.

Mr. MCGOVERN. Mr. Speaker, I would like to place in the RECORD an article from Politico entitled, "GOP takes packaging path," talking about how my Republican friends have broken their Pledge to America.

[From Politico, Dec. 11, 2011]

GOP TAKES PACKAGING PATH

(By Jake Sherman)

The year-end rush to extend the payroll tax holiday has House Republicans struggling to keep up with a key promise from last year's election as they bundle together a

hodgepodge of issues before skipping town for Christmas.

In the Pledge to America, released by GOP leadership under much fanfare in September 2010, Republicans said they would "end the practice of packaging unpopular bills with 'must-pass' legislation to circumvent the will of the American people. Instead, we will advance major legislation one issue at a time," they said.

They'll be doing the exact opposite this week.

The year-end legislative package centered on extending the payroll tax has turned into a holiday tree filled with legislative ornaments ranging from the Keystone XL oil pipeline, the sale of broadband spectrum, an extension of jobless benefits, changes to Medicare and easing of certain environmental standards. On top of that, the House will also try to clear a nearly \$1 trillion catch-all year-end spending bill—the type of appropriations package that Speaker John Boehner (R-Ohio) himself has decried as inadequate.

Republicans bristle at the comparison, insisting they're in full compliance with their election-season promises, but the manner with which they're passing the legislation underscores larger issues Congress has to contend with as a winter chill settles on Washington: Republicans want to score political points from Democrats; the Senate is split; President Barack Obama is in reelection mode; and tax provisions are slated to expire as the Christmas recess looms.

A GOP leadership aide said the comparison is "a half-assed attempt at a 'gotcha' story—and it's weak even for POLITICO on a quiet Friday afternoon."

Michael Steel, a spokesman for Boehner, said the extension bill "does not fit the definition of 'must-pass' legislation—which generally refers to funding bills, or an increase in the debt limit—nor does it contain any 'unpopular' provisions. Therefore, it is entirely consistent with the Pledge to America."

Any number of Republicans, though, have said that the tax holiday must be extended, saying its expiration would amount a tax increase when it's least needed.

Whether it's a "must pass" or not, the package of bills is seen as critical for both parties: If Congress doesn't act, taxes will go up on more than 100 million families, jobless benefits will expire and doctors who treat Medicare patients will have their fees slashed.

Over the past week, the narrative has shifted significantly. Both Republicans and Democrats now say they want to extend the provisions, recognizing both the political and economic peril that would come from allowing the measures to run out.

The argument is now over how the government will pay for it and what will ride alongside it for Republicans to say they tried to create jobs.

It's all pretty familiar to Capitol Hill on-lookers and could help explain Congress's 9 percent approval rating. The year-end dash—Boehner says he wants the House to be done by Friday—mirrors Congress's work during the previous 10 months. There's political posturing on both sides and panicked legislating, all set against the backdrop of a looming holiday deadline.

Here's where things stand: Top GOP aides say the Republicans' Middle Class Tax Relief and Job Creation Act represents their last offer. The legislation extends the payroll tax holiday, jobless benefits and the "doc fix," in addition to other sweeteners. To blunt conservative angst about the bill and to offset



its cost, GOP leaders tacked on language to force President Barack Obama to restart the Keystone XL pipeline project, in addition to easing environmental standards on boilers and slashing money from the Democrats' health care law.

It will hit the House floor this week. Senate Republican leaders say it has enough steam to sail through the upper chamber. Senate Minority Leader Mitch McConnell (R-Ky.) said on "Fox News Sunday" that Democrats such as Sens. Barbara Mikulski of Maryland and Ron Wyden of Oregon support rolling back the boiler regulation. Some Democrats, including lawmakers from labor-friendly districts, support the pipeline construction.

But Senate Majority Leader Harry Reid (D-Nev.) said flatly that the House bill with the pipeline won't pass—and Democrats are weighing what bill to put on the floor this week.

"It's the highest priority of the president and the Democrats in Congress," Senate Majority Whip Dick Durbin of Illinois said of the payroll tax extension on NBC's "Meet the Press."

But there's still blowback on the pipeline issue.

Sen. Lindsey Graham (R-S.C.), also appearing on NBC, said flatly that the "pipeline is probably not gonna sell."

"At the end of the day, the payroll tax will get extended as it is now," Graham said. "It won't get expanded; it'll get extended. And we'll find a way to pay for it in a bipartisan fashion."

Senate Democrats say that's what they're trying to do. Democratic sources suggest the party might abandon its plan to institute a surtax on millionaires, eyeing instead a package with more palatable spending cuts to attract Republican support.

There are a few question marks on the House side. When the package was rolled out, the conference rallied behind Boehner. But should it fray, so might its support. Boehner told members in a closed meeting he wants all 242 House Republicans to support the bill.

If the Republican support does not stay intact, House Democrats will again be necessary for passage. It's an open question what they would support to offset the cost of the bill.

On Friday, House Minority Leader Nancy Pelosi (D-Calif.) was cool on changes to Medicare—including means testing for millionaires—and cutting unemployment benefits from 99 to 59 weeks.

"Some things [that] might be acceptable in terms of a big, bold and balanced plan are unacceptable if we're not only not going to the place where President Obama wants to go on the payroll tax cut, have a more modest proposal and on top of that, have consumers of Medicare pay the price," Pelosi said.

She minced no words when talking about the Keystone pipeline.

"This is not about the Keystone pipeline," she said. "The Keystone pipeline is a completely separate issue. People on both sides of the issue agree that this shouldn't be on this package. It's just not polite; it's a poison pill designed to sink the payroll tax cut."

Mr. Speaker, the House Republicans have designed a bill to fail, and it contains poison pills which will result in tax hikes for 160 million workers and the loss of hundreds of thousands of existing jobs. They say they're for extending the payroll tax cut for middle

class Americans, they say they want to help the unemployed, but yet they demand a ransom in order for us to get this passed. And the ransom that they are demanding is quite high.

You've heard from Members on our side of all the poison pills that are in this bill. I have introduced into the RECORD the statement from the administration saying that they would veto this bill, because it is so awful, if it comes to the desk of the President. We know that the United States Senate will not move on this bill.

So why are we wasting our time with precious few days left in the session? Why aren't we doing what most Americans want us to do, and that is to extend the payroll tax cut for middle class Americans and extend unemployment insurance for the millions of people who are out of work, through no fault of their own, because it's the right thing to do?

My friends on the other side of the aisle have no problem with bailing out big banks on Wall Street, but when it comes to helping middle class families and working people, they squawk.

□ 1430

You've heard over and over that this is the Christmas season; we're supposed to be generous in our hearts. I don't feel the generosity on the other side. I don't feel the compassion. I'm not sure if my colleagues understand how Americans are struggling, what it feels like to be out of work. People who are in their 50s and 60s who have lost their job and can't find another job, and my colleagues are trying to make it more difficult for them to be able to get benefits so they can keep their homes and put food on the table.

My friend from California talks about, well, Mr. LEVIN, the ranking member of the Ways and Means Committee, didn't submit a substitute, he only asked for one. Well, this bill, I will again remind everybody, was presented to us on Friday when Members were home. And we had an emergency Rules Committee—which bypasses the normal procedures and the normal time given for Members to be able to offer amendments. So, I mean, everything was stacked against anybody offering an amendment in advance.

Mr. Speaker, if we defeat the previous question, I will offer an amendment to the rule to make in order Mr. LEVIN's amendment in the nature of a substitute, which extends middle class tax relief, unemployment benefits, and the doc fix the right way.

I ask unanimous consent to insert the text of the amendment in the RECORD along with extraneous material immediately prior to the vote on the previous question.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. MCGOVERN. Mr. Speaker, I will just close again by urging my colleagues to stand with working people in this country, to stand with those who have lost their jobs through no fault of their own. I mean, it's so easy for the other side to stand with big oil companies and protect tax breaks for the wealthiest in this country. Let's have a little justice in our tax system, a little fairness.

I urge my colleagues to vote "no" and defeat the previous question so we can amend this bill and make it actually address these urgent issues in a thoughtful and reasonable way, I urge a "no" vote on the rule, and I yield back the balance of my time.

Mr. WAXMAN. Mr. Speaker, I oppose this closed rule, particularly because it does not allow for a Democratic substitute for critical year end legislation.

In a Democratic substitute we would have included a permanent repeal of the flawed physician payment formula in Medicare replacing it with a ten-year freeze. Each year members promise to look into this formula and address it—to provide certainty and stability for America's seniors in accessing their doctors. The House passed health reform bill did exactly that. Unfortunately it did not become law, but the Republicans did not even try to solve this problem. They did not offer legislation or have markups. The Republican bill punts the question for another 2 years.

In a Democratic substitute we would have included the Wireless Innovation and Public Safety Broadband Act that Representatives ESHOO and I sponsored. It keeps many of the same policy goals as the Republican legislation, but it would not undermine public safety by erecting a faulty governance model for a public safety broadband network, nor would it mandate the premature return of spectrum utilized for mission critical voice communications. The substitute also would have allowed the FCC necessary discretion to preserve unlicensed spectrum uses that preserve innovation and benefit consumers as well as protect consumers from monopolies.

In a Democratic substitute, we would not have included the poison pill of the Keystone XL tar sands pipeline provision.

In a Democratic substitute, we would not be asking modest income seniors and individuals with disabilities to foot the bill for tax relief—that's just robbing Peter to pay Paul. Seniors making over \$85,000 a year are already paying more for Medicare. High income earners already pay more all their lives for Medicare through the Medicare payroll tax which has no cap. The changes in the Republican bill restructure the Medicare program in problematic ways to pay for short term extensions.

In a Democratic substitute, we would not be creating an additional 170,000 uninsured people by increasing costs on working class individuals through the health care tax credit and subsidies in the Affordable Care Act.

In a Democratic substitute, we would not be taking the shortsighted step of reducing our commitment to public health and prevention activities. These activities help to prevent diseases like diabetes, heart disease, cancer, and obesity and can lower healthcare costs over the long run.

The Democratic substitute would be a fair extension of important programs and would be paid for by the withdrawal and downsizing of troops overseas through the overseas contingency fund.

Mr. DREIER. I yield myself the balance of my time.

The SPEAKER pro tempore. The gentleman from California is recognized for 8½ minutes.

Mr. DREIER. Mr. Speaker, I rise in strong support of the rule and the underlying legislation.

There is a way to ensure that President Obama will sign this legislation. There is a way to ensure that he will sign this legislation, and that way is if we have Democrats join with Republicans in an overwhelming bipartisan vote.

Now, the message that we've gotten is that they're poison pills—"hostage" is the term that both the President and my colleague have just used in trying to move forward the important provisions of expanding the payroll tax so that working Americans can keep more of their own money, and the doc fix to ensure that doctors are reimbursed and that Medicare beneficiaries are able to have access to the health care that they need. And of course for those at this time of year who are struggling and need their unemployment benefits expanded, there is a way to get that done. Our goal is to get at the root cause of the problem.

As I said in the opening, Mr. Speaker, right now our job is jobs. Our job is jobs. And that's exactly what we're trying to do. Tragically, tragically we are dealing with a protracted unemployment problem in this country. You know it's been going on for an extended period of time. The only reason that we saw the unemployment rate drop from 9 percent to 8.6 percent is that hundreds of thousands of Americans have given up looking for work.

Now, as we listen to people say that at this time of year we need to make sure that we create jobs, we have to make sure that there are opportunities out there. My friend from New Jersey (Mr. ANDREWS) was talking about the fact that there are four people looking for one job. Let's put into place the kinds of policies that will allow us to see the private sector create jobs. We cannot legislate full employment. We cannot legislate full employment, but what we can do is we can pass legislation that will lay the groundwork for America's entrepreneurs, for America's innovators to have success by creating job opportunities.

There are 27 pieces of legislation that we have passed from this House that is in the Republican majority that are now sitting in the Democratic-controlled Senate. Those measures—increasing access to capital for small business men and women to create opportunities, making sure that we decrease the regulatory burden, which we

all know has undermined job creation and economic growth in this country—these are the kinds of measures that are out there that we hope very much will be considered in the Senate.

Now, as we look at the issue of so-called "poison pills," which my California colleague, Ms. PELOSI, the distinguished minority leader, talked about—and I tried to engage in a discussion with her on the House floor. I yielded to her and she chose to walk off the floor rather than engaging in a discussion. I guess the reason is that it's sort of hard to claim that encouraging an individual to move towards GED qualification is a poison pill. Isn't it kind of hard to claim that saying that we should allow States to engage in drug testing for people who are on unemployment is a poison pill? Making sure we reimburse for overpayments to recapture those hard-earned tax dollars, how can that be a poison pill? These are commonsense proposals to deal with the fact that we have a \$15 trillion national debt.

And the American people know that Big Government is a problem. Just this morning I read the Gallup poll which shows that we are at near-record levels with Democrats, Republicans, and Independents being suspicious of Big Government. What we need to do is we need to unleash this potential that is out there, and this measure will do that.

Now, we keep hearing that politics is being played with this. Well, Mr. Speaker, we've gotten the word today that the majority leader of the United States Senate, Mr. REID, has chosen to prevent Members from signing the conference report for the absolutely essential spending bill that is out there, the minibus spending bill, because of this issue that's before us right now. If that isn't playing politics, I don't know what is.

Right now we're faced with the threat of a government shutdown on Friday. If the Democrats don't sign that appropriations conference report—which has been negotiated in good faith again between both Democrats and Republicans with the House and the Senate—we're going to be faced with a government shutdown that Leader REID will in fact have created by preventing Members from signing that conference report.

We need to come together and do that, sign that conference report, get that work done. This measure, this measure, once again, Mr. Speaker, will get at the core problem that we face, and that is the lack of jobs that exist.

The Keystone XL pipeline will create, as has been said, 20,000 to 25,000 jobs, if not more, immediately—immediately—and it will allow us to decrease our dependence on overseas oil. And it will allow us to work closely, as my friend Mr. ROYCE said, with our close ally to the north, Canada, rather

than see them—understandably—engage in a stronger relationship with China.

There are so many benefits to this, so many benefits all the way across the board that I believe that, since roughly 80 to 90 percent of the provisions in here have been proposed by President Obama—many of which were discussed in his jobs bill that 98 days ago he proposed here in his address to the Joint Session of Congress. We are bringing these items up. We keep being told, bring up the jobs bill, bring up the jobs bill. This measure does just that.

Mr. Speaker, I urge my Democratic colleagues to join with Republican colleagues so that we can do what the American people want us to do, especially at this time of year. As we go into the holiday season dealing with these issues, it would be a very important message to send around the United States of America and throughout the world.

I began, as we were debating the point of order, by raising the famous quote of William Shakespeare, and I'll close with that, Mr. Speaker: "In such business, action is eloquence."

The material previously referred to by Mr. MCGOVERN is as follows:

AN AMENDMENT TO H. RES. 491 OFFERED BY MR. MCGOVERN OF MASSACHUSETTS

(1) Strike "The previous question shall be considered as ordered on the bill, as amended, to final passage without intervening motion except:" and insert the following:

The previous question shall be considered as ordered on the bill, as amended, and on any amendment thereto, to final passage without intervening motion except:

(2) Strike "and (2)" and insert the following:

(2) the amendment in the nature of a substitute printed in the Congressional Record pursuant to clause 8 of rule XVIII and numbered 1, if offered by Representative Levin of Michigan or his designee, which shall be in order without intervention of any point of order, shall be considered as read, and which shall be separately debatable for 30 minutes equally divided and controlled by the proponent and an opponent; and (3)

(The information contained herein was provided by the Republican Minority on multiple occasions throughout the 110th and 111th Congresses.)

THE VOTE ON THE PREVIOUS QUESTION: WHAT IT REALLY MEANS

This vote, the vote on whether to order the previous question on a special rule, is not merely a procedural vote. A vote against ordering the previous question is a vote against the Republican majority agenda and a vote to allow the opposition, at least for the moment, to offer an alternative plan. It is a vote about what the House should be debating.

Mr. Clarence Cannon's Precedents of the House of Representatives (VI, 308-311), describes the vote on the previous question on the rule as "a motion to direct or control the consideration of the subject before the House being made by the Member in charge." To defeat the previous question is to give the opposition a chance to decide the subject before the House. Cannon cites the Speaker's

ruling of January 13, 1920, to the effect that “the refusal of the House to sustain the demand for the previous question passes the control of the resolution to the opposition” in order to offer an amendment. On March 15, 1909, a member of the majority party offered a rule resolution. The House defeated the previous question and a member of the opposition rose to a parliamentary inquiry, asking who was entitled to recognition. Speaker Joseph G. Cannon (R-Illinois) said: “The previous question having been refused, the gentleman from New York, Mr. Fitzgerald, who had asked the gentleman to yield to him for an amendment, is entitled to the first recognition.”

Because the vote today may look bad for the Republican majority they will say “the vote on the previous question is simply a vote on whether to proceed to an immediate vote on adopting the resolution . . . [and] has no substantive legislative or policy implications whatsoever.” But that is not what they have always said. Listen to the Republican Leadership Manual on the Legislative Process in the United States House of Representatives, (6th edition, page 135). Here’s how the Republicans describe the previous question vote in their own manual: “Although it is generally not possible to amend the rule because the majority Member controlling the time will not yield for the purpose of offering an amendment, the same result may be achieved by voting down the previous question on the rule. . . . When the motion for the previous question is defeated, control of the time passes to the Member who led the opposition to ordering the previous question. That Member, because he then controls the time, may offer an amendment to the rule, or yield for the purpose of amendment.”

In Deschler’s Procedure in the U.S. House of Representatives, the subchapter titled “Amending Special Rules” states: “a refusal to order the previous question on such a rule [a special rule reported from the Committee on Rules] opens the resolution to amendment and further debate.” (Chapter 21, section 21.2) Section 21.3 continues: “Upon rejection of the motion for the previous question on a resolution reported from the Committee on Rules, control shifts to the Member leading the opposition to the previous question, who may offer a proper amendment or motion and who controls the time for debate thereon.”

Clearly, the vote on the previous question on a rule does have substantive policy implications. It is one of the only available tools for those who oppose the Republican majority’s agenda and allows those with alternative views the opportunity to offer an alternative plan.

Mr. DREIER. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. MCGOVERN. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 and clause 9 of rule XX, this 15-minute vote on ordering the previous question will be followed by 5-minute votes on adoption of House Res-

olution 491, if ordered; and motions to suspend the rules with regard to H.R. 3246, if ordered, and S. 384, if ordered.

The vote was taken by electronic device, and there were—yeas 236, nays 182, not voting 15, as follows:

[Roll No. 918]

YEAS—236

Adams	Gosar	Olson
Aderholt	Gowdy	Palazzo
Akin	Granger	Paulsen
Alexander	Graves (GA)	Pearce
Amash	Graves (MO)	Pence
Amodei	Griffin (AR)	Petri
Austria	Griffith (VA)	Pitts
Bachus	Grimm	Platts
Barletta	Guinta	Poe (TX)
Bartlett	Guthrie	Pompeo
Barton (TX)	Hall	Posey
Bass (NH)	Harper	Price (GA)
Benishek	Harris	Quayle
Berg	Hartzler	Reed
Biggert	Hastings (WA)	Rehberg
Bilbray	Hayworth	Reichert
Bilirakis	Heck	Renacci
Bishop (UT)	Hensarling	Ribble
Black	Herger	Roeper
Blackburn	Herrera Beutler	Rigell
Bonner	Huelskamp	Rivera
Bono Mack	Huizenga (MI)	Roby
Boren	Hultgren	Roe (TN)
Boustany	Hunter	Rogers (AL)
Brooks	Hurt	Rogers (KY)
Broun (GA)	Issa	Rogers (MI)
Buchanan	Jenkins	Rohrabacher
Bucshon	Johnson (IL)	Rokita
Buerkle	Johnson (OH)	Rooney
Burgess	Johnson, Sam	Ros-Lehtinen
Burton (IN)	Jones	Roskam
Calvert	Jordan	Ross (FL)
Camp	Kelly	Royce
Campbell	King (IA)	Runyan
Canseco	King (NY)	Ryan (WI)
Cantor	Kingston	Scalise
Capito	Kinzinger (IL)	Schilling
Carter	Kline	Schmidt
Cassidy	Labrador	Schock
Chabot	Lamborn	Schweikert
Chaffetz	Lance	Scott (SC)
Coffman (CO)	Landry	Scott, Austin
Cole	Lankford	Sensenbrenner
Conaway	Latham	Sessions
Cravaack	LaTourette	Shimkus
Crawford	Latta	Shuster
Crenshaw	Lewis (CA)	Simpson
Culberson	LoBiondo	Smith (NE)
Davis (KY)	Long	Smith (NJ)
Denham	Lucas	Smith (TX)
Dent	Luetkemeyer	Southerland
DesJarlais	Lummis	Stearns
Diaz-Balart	Lungren, Daniel	Stivers
Dold	E.	Stutzman
Dreier	Manzullo	Sullivan
Duncan (SC)	Marchant	Terry
Duncan (TN)	Marino	Thompson (PA)
Ellmers	Matheson	Thornberry
Emerson	McCarthy (CA)	Tiberi
Farenthold	McCaul	Tipton
Fincher	McClintock	Turner (NY)
Fitzpatrick	McCotter	Turner (OH)
Flake	McHenry	Upton
Fleischmann	McIntyre	Walberg
Fleming	McKeon	Walden
Flores	McKinley	Walsh (IL)
Forbes	McMorris	Webster
Fortenberry	Rodgers	West
Fox	Meehan	Westmoreland
Franks (AZ)	Mica	Whitfield
Frelinghuysen	Miller (FL)	Wilson (SC)
Gallegly	Miller (MI)	Wittman
Gardner	Miller, Gary	Wolf
Garrett	Mulvaney	Womack
Gerlach	Murphy (PA)	Woodall
Gibbs	Neugebauer	Yoder
Gibson	Noem	Young (AK)
Gingrey (GA)	Nugent	Young (FL)
Gohmert	Nunes	Young (IN)
Goodlatte	Nunnelee	

NAYS—182

Ackerman	Andrews	Baldwin
Altmire	Baca	Barrow

Bass (CA)	Green, Gene	Pascarell
Becerra	Grijalva	Pelosi
Berkley	Hahn	Perlmutter
Berman	Hanabusa	Peters
Bishop (GA)	Hastings (FL)	Peterson
Bishop (NY)	Heinrich	Pingree (ME)
Blumenauer	Higgins	Polis
Boswell	Himes	Price (NC)
Brady (PA)	Hinchey	Quigley
Braley (IA)	Hinojosa	Rahall
Brown (FL)	Hirono	Rangel
Butterfield	Hochul	Reyes
Capps	Holden	Richardson
Capuano	Holt	Richmond
Cardoza	Honda	Ross (AR)
Carnahan	Hoyer	Rothman (NJ)
Carney	Inslee	Roybal-Allard
Carson (IN)	Israel	Ruppersberger
Castor (FL)	Jackson (IL)	Rush
Chandler	Jackson Lee	Ryan (OH)
Chu	(TX)	Sánchez, Linda
Cicilline	Johnson (GA)	T.
Clarke (MI)	Johnson, E. B.	Sanchez, Loretta
Clarke (NY)	Kaptur	Sarbanes
Clay	Keating	Schakowsky
Cleaver	Kildee	Schiff
Clyburn	Kind	Schrader
Cohen	Kissell	Schwartz
Connolly (VA)	Kucinich	Scott (VA)
Conyers	Langevin	Scott, David
Cooper	Larsen (WA)	Serrano
Costa	Lee (CA)	Sewell
Costello	Levin	Sherman
Courtney	Lewis (GA)	Shuler
Critz	Lipinski	Sires
Crowley	Loebach	Slaughter
Cuellar	Lofgren, Zoe	Smith (WA)
Cummings	Lowey	Speier
Davis (CA)	Lujan	Stark
Davis (IL)	Lynch	Sutton
DeFazio	Maloney	Thompson (CA)
DeGette	Markey	Thompson (MS)
DeLauro	Matsui	Tierney
Deutch	McCarthy (NY)	Tonko
Dicks	McCollum	Townes
Dingell	McDermott	Tsongas
Doggett	McGovern	Van Hollen
Donnelly (IN)	McNerney	Velázquez
Doyle	Meeks	Visclosky
Edwards	Michaud	Walz (MN)
Ellison	Miller (NC)	Wasserman
Engel	Miller, George	Schultz
Eshoo	Moore	Waters
Farr	Moran	Watt
Fattah	Murphy (CT)	Waxman
Frank (MA)	Nadler	Welch
Fudge	Neal	Wilson (FL)
Garamendi	Olver	Woolsey
Gonzalez	Owens	Yarmuth
Green, Al	Pallone	

NOT VOTING—15

□ 1504

Mr. LUJÁN, Ms. RICHARDSON, Mr. BERMAN, Ms. CLARKE of New York, and Mr. BECERRA changed their vote from “yea” to “nay.”

Mr. ROGERS of Alabama changed his vote from “nay” to “yea.”

So the previous question was ordered.

The result of the vote was announced as above recorded.

Stated against:

Mr. FILNER. Mr. Speaker, on rollcall 918, I was away from the Capitol due to prior commitments to my constituents. Had I been present, I would have voted “nay.”

Mrs. NAPOLITANO. Mr. Speaker, on Tuesday, December 13, 2011, I was absent during rollcall vote No. 918. Had I been present, I

would have voted “nay” on ordering the previous question of the rule, H. Res. 491, providing for consideration of H.R. 3630, to provide incentives for the creation of jobs, and for other purposes.

Mr. LARSON of Connecticut. Mr. Speaker, on Tuesday, December 13, 2011, I missed rollcall 918. Had I present, I would have voted “no.”

The SPEAKER pro tempore. The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

## RECORDED VOTE

Mr. McGOVERN. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 236, noes 180, not voting 17, as follows:

[Roll No. 919]

## AYES—236

Adams	Fitzpatrick	LaTourette
Aderholt	Flake	Latta
Akin	Fleischmann	Lewis (CA)
Alexander	Fleming	LoBiondo
Amash	Flores	Long
Amodei	Forbes	Lucas
Austria	Fortenberry	Luetkemeyer
Bachus	Fox	Lummis
Barletta	Franks (AZ)	Lungren, Daniel E.
Bartlett	Frelinghuysen	
Barton (TX)	Galleghy	Manzullo
Bass (NH)	Gardner	Marchant
Benish	Garrett	Marino
Berg	Gerlach	McCarthy (CA)
Biggert	Gibbs	McCaul
Bilbray	Gibson	McClintock
Billirakis	Greene (GA)	McCotter
Bishop (UT)	Goodlatte	McHenry
Black	Gosar	McIntyre
Blackburn	Gowdy	McKeon
Bonner	Granger	McKinley
Bono Mack	Graves (GA)	McMorris
Boren	Graves (MO)	Rodgers
Boustany	Griffith (VA)	Meehan
Brady (TX)	Grimm	Mica
Brooks	Guinea	Miller (FL)
Brown (GA)	Guthrie	Miller (MI)
Buchanan	Hall	Miller, Gary
Bucshon	Hanna	Mulvaney
Buerkle	Harper	Murphy (PA)
Burgess	Harris	Neugebauer
Burton (IN)	Hartzler	Noem
Calvert	Hastings (WA)	Nugent
Camp	Hayworth	Nunes
Campbell	Heck	Nunnelee
Canseco	Hensarling	Olson
Cantor	Herger	Palazzo
Capito	Herrera Beutler	Paulsen
Carter	Huelskamp	Pearce
Cassidy	Huizenga (MI)	Pence
Chabot	Hultgren	Petri
Chaffetz	Hunter	Pitts
Coffman (CO)	Hurt	Platts
Cole	Issa	Poe (TX)
Conaway	Jenkins	Pompeo
Cravack	Johnson (IL)	Posey
Crawford	Johnson (OH)	Price (GA)
Crenshaw	Johnson, Sam	Quayle
Culberson	Jones	Reed
Davis (KY)	Jordan	Rehberg
Denham	Kelly	Reichert
Dent	King (IA)	Renacci
DesJarlais	King (NY)	Ribble
Diaz-Balart	Kingston	Rigell
Dold	Kinzing (IL)	Rivera
Dreier	Kline	Roby
Duncan (SC)	Labrador	Roe (TN)
Duncan (TN)	Lamborn	Rogers (AL)
Ellmers	Lance	Rogers (KY)
Emerson	Landry	Rogers (MI)
Farenthold	Lankford	Rohrabacher
Fincher	Latham	Rokita

Rooney	Shuster
Ros-Lehtinen	Simpson
Roskam	Smith (NE)
Ross (FL)	Smith (NJ)
Royce	Smith (TX)
Runyan	Southerland
Ryan (WI)	Stearns
Scalise	Stivers
Schilling	Stutzman
Schmidt	Sullivan
Schock	Terry
Schweikert	Thompson (PA)
Scott (SC)	Thornberry
Scott, Austin	Tiberi
Sensenbrenner	Tipton
Sessions	Turner (NY)
Shimkus	Turner (OH)
Shuler	Upton

## NOES—180

Ackerman	Frank (MA)	Nadler
Altmire	Fudge	Neal
Andrews	Garamendi	Oliver
Baca	Gonzalez	Owens
Baldwin	Green, Al	Pallone
Barrow	Green, Gene	Pascarella
Bass (CA)	Grijalva	Pelosi
Becerra	Hahn	Perlmutter
Berkley	Hanabusa	Peters
Berman	Heinrich	Peterson
Bishop (GA)	Higgins	Pingree (ME)
Bishop (NY)	Himes	Polis
Blumenauer	Hinchey	Price (NC)
Boswell	Hinojosa	Quigley
Brady (PA)	Hirono	Rahall
Braley (IA)	Hochul	Rangel
Brown (FL)	Holden	Reyes
Butterfield	Holt	Richardson
Capps	Honda	Richmond
Capuano	Hoyer	Ross (AR)
Cardoza	Inslee	Rothman (NJ)
Carnahan	Israel	Roybal-Allard
Carney	Jackson (IL)	Ruppersberger
Carson (IN)	Jackson Lee	Rush
Castor (FL)	(TX)	Ryan (OH)
Chandler	Johnson (GA)	Sanchez, Linda T.
Chu	Johnson, E. B.	Sanchez, Loretta
Cicilline	Kaptur	Sarbanes
Clarke (MI)	Keating	Schakowsky
Clarke (NY)	Kildee	Schiff
Clay	Kind	Schrader
Cleaver	Kissell	Schwartz
Clyburn	Kucinich	Scott (VA)
Cohen	Langevin	Serrano
Connolly (VA)	Larsen (WA)	Sewell
Conyers	Larson (CT)	Sherman
Cooper	Lee (CA)	Sires
Costa	Levin	Slaughter
Costello	Lewis (GA)	Smith (WA)
Courtney	Lipinski	Speier
Critz	Loebach	Stark
Crowley	Lofgren, Zoe	Sutton
Cuellar	Lowe	Thompson (CA)
Cummings	Lujan	Thompson (MS)
Davis (CA)	Lynch	Tierney
Davis (IL)	Maloney	Tonko
DeFazio	Markey	Towns
DeGette	Matheson	Van Hollen
DeLauro	Matsui	Velázquez
Deutsch	McCarthy (NY)	Visclosky
Dicks	McCollum	Walz (MN)
Dingell	McDermott	Wasserman
Doggett	McGovern	Schultz
Donnelly (IN)	McNerney	Waters
Doyle	Meeks	Watt
Edwards	Michaud	Waxman
Ellison	Miller (NC)	Welch
Engel	Miller, George	Wilson (FL)
Eshoo	Moore	Woolsey
Farr	Moran	Yarmuth
Fattah	Murphy (CT)	

## NOT VOTING—17

Bachmann	Griffin (AR)	Pastor (AZ)
Coble	Gutierrez	Paul
Duffy	Hastings (FL)	Payne
Finer	Mack	Scott, David
Giffords	Myrick	Tsongas
Gohmert	Napolitano	

□ 1512

So the resolution was agreed to.  
The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. GRIFFIN of Arkansas. Mr. Speaker, on rollcall No. 919, my battery went out on my beeper, and so it never went off. As a result, I missed the vote. Had I been present, I would have voted “aye.”

Stated against:

Mr. FILNER. Mr. Speaker, on rollcall 919, I was away from the Capitol due to prior commitments to my constituents. Had I been present, I would have voted “no.”

Mrs. NAPOLITANO. Mr. Speaker, on Tuesday, December 13, 2011, I was absent during rollcall vote No. 919. Had I been present, I would have voted “no” on agreeing to the resolution, H. Res. 491, providing for consideration of H.R. 3630, to provide incentives for the creation of jobs, and for other purposes.

SPECIALIST PETER J. NAVARRO  
POST OFFICE BUILDING

The SPEAKER pro tempore. The unfinished business is the question on suspending the rules and passing the bill (H.R. 3246) to designate the facility of the United States Postal Service located at 15455 Manchester Road in Ballwin, Missouri, as the “Specialist Peter J. Navarro Post Office Building”.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. ISSA) that the House suspend the rules and pass the bill.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

## RECORDED VOTE

Mr. CICILLINE. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 415, not voting 18, as follows:

[Roll No. 920]

## AYES—415

Ackerman	Bishop (GA)	Canseco
Adams	Bishop (NY)	Cantor
Aderholt	Bishop (UT)	Capito
Akin	Black	Capps
Alexander	Blackburn	Capuano
Altmire	Blumenauer	Cardoza
Amash	Bonner	Carnahan
Amodei	Bono Mack	Carney
Andrews	Boren	Carson (IN)
Austria	Boswell	Carter
Baca	Boustany	Cassidy
Bachus	Brady (PA)	Castor (FL)
Baldwin	Brady (TX)	Chabot
Barletta	Braley (IA)	Chaffetz
Barrow	Brooks	Chandler
Bartlett	Brown (GA)	Chu
Barton (TX)	Brown (FL)	Cicilline
Bass (CA)	Buchanan	Clarke (MI)
Bass (NH)	Bucshon	Clarke (NY)
Becerra	Buerkle	Clay
Benish	Burgess	Cleaver
Berg	Burton (IN)	Clyburn
Berkley	Butterfield	Coffman (CO)
Berman	Calvert	Cohen
Biggert	Camp	Cole
Bilbray	Campbell	Conaway

Connolly (VA) Hinojosa  
Conyers Hochul  
Cooper Holden  
Costa Holt  
Costello Honda  
Courtney Hoyer  
Cravaack Huelskamp  
Crenshaw Huizenga (MI)  
Critz Hultgren  
Crowley Hunter  
Cuellar Hurt  
Culberson Israel  
Cummins Issa  
Davis (CA) Jackson (IL)  
Davis (IL) Jackson Lee  
Davis (KY) (TX)  
DeFazio Jenkins  
DeGette Johnson (GA)  
DeLauro Johnson (IL)  
Denham Johnson (OH)  
Dent Johnson, E. B.  
DesJarlais Johnson, Sam  
Deutch Jones  
Diaz-Balart Jordan  
Dicks Kaptur  
Dingell Keating  
Doggett Kelly  
Dold Kildee  
Donnelly (IN) Kind  
Doyle King (IA)  
Dreier King (NY)  
Duncan (SC) Kingston  
Duncan (TN) Kissell  
Edwards Kline  
Ellison Kucinich  
Ellmers Labrador  
Emerson Lamborn  
Engel Lance  
Eshoo Landry  
Farenthold Langevin  
Farr Lankford  
Fattah Larsen (WA)  
Fincher Larson (CT)  
Fitzpatrick Latham  
Flake LaTourette  
Fleischmann Latta  
Fleming Lee (CA)  
Flores Levin  
Forbes Lewis (CA)  
Fortenberry Lewis (GA)  
Foxy Lipinski  
Frank (MA) LoBiondo  
Franks (AZ) Loebach  
Frelinghuysen Lofgren, Zoe  
Fudge Long  
Gallegly Lowey  
Garamendi Lucas  
Gardner Luetkemeyer  
Garrett Lujan  
Gerlach Lummis  
Gibbs Lungren, Daniel  
Gibson E.  
Gingrey (GA) Lynch  
Gohmert Maloney  
Gonzalez Manzullo  
Goodlatte Marchant  
Gosar Marino  
Gowdy Markey  
Granger Matheson  
Graves (GA) Matsui  
Graves (MO) McCarthy (CA)  
Green, Al McCarthy (NY)  
Green, Gene McCaul  
Griffin (AR) McClintock  
Griffith (VA) McCollum  
Grimm McCotter  
Guinta McDermott  
Guthrie McGovern  
Hahn McHenry  
Hall McIntyre  
Hanabusa McKeon  
Hanna McKinley  
Harper McMorris  
Harris Rodgers  
Hartzler McNerney  
Hastings (FL) Meehan  
Hastings (WA) Meeks  
Hayworth Mica  
Heck Michaud  
Heinrich Miller (FL)  
Hensarling Miller (MI)  
Herger Miller (NC)  
Herrera Beutler Miller, Gary  
Higgins Miller, George  
Himes Moore  
Hinchey Moran

Mulvaney  
Murphy (CT)  
Murphy (PA)  
Nadler  
Neal  
Neugebauer  
Noem  
Nugent  
Nunes  
Hunter  
Nunnelee  
Olson  
Olver  
Owens  
Palazzo  
Pallone  
Pascarell  
Paulsen  
Pearce  
Pelosi  
Pence  
Perlmutter  
Peters  
Peterson  
Petri  
Pingree (ME)  
Pitts  
Platts  
Poe (TX)  
Polis  
Pompeo  
Posey  
Price (GA)  
Price (NC)  
Quayle  
Quigley  
Rahall  
Rangel  
Reed  
Rehberg  
Reichert  
Renacci  
Reyes  
Ribble  
Richardson  
Richmond  
Rigell  
Rivera  
Rohrabacher  
Rokita  
Rooney  
Ros-Lehtinen  
Roskam  
Ross (AR)  
Ross (FL)  
Rothman (NJ)  
Roybal-Allard  
Royce  
Runyan  
Ruppersberger  
Rush  
Ryan (OH)  
Ryan (WI)  
Sanchez, Linda  
T.  
Sanchez, Loretta  
Sarbanes  
Scalise  
Schakowsky  
Schiff  
Schilling  
Schmidt  
Schock  
Schradner  
Schwartz  
Schweikert  
Scott (SC)  
Scott (VA)  
Scott, Austin  
Scott, David  
Sensenbrenner  
Serrano  
Sessions  
Sewell  
Sherman  
Shimkus  
Shuler  
Shuster  
Simpson  
Sires  
Slaughter  
Smith (NE)

Smith (NJ)  
Smith (TX)  
Smith (WA)  
Southernland  
Speier  
Stark  
Stearns  
Stivers  
Stutzman  
Sullivan  
Sutton  
Terry  
Thompson (CA)  
Thompson (MS)  
Thompson (PA)  
Thornberry  
Tiberi  
Tierney

Bachmann  
Bilirakis  
Coble  
Crawford  
Duffy  
Filner

Tipton  
Tonko  
Towns  
Tsongas  
Turner (NY)  
Turner (OH)  
Upton  
Van Hollen  
Velázquez  
Visclosky  
Walberg  
Walden  
Walsh (IL)  
Walz (MN)  
Wasserman  
Schultz  
Waters  
Watt

## NOT VOTING—18

Giffords  
Grijalva  
Gutierrez  
Hirono  
Inslee  
Kinzinger (IL)

Waxman  
Webster  
Welch  
West  
Westmoreland  
Whitfield  
Wolf  
Wilson (FL)  
Wilson (SC)  
Wittman  
Wolfe  
Womack  
Woodall  
Woolsey  
Yarmuth  
Yoder  
Young (AK)  
Young (FL)  
Young (IN)

Mack  
Myrick  
Napolitano  
Pastor (AZ)  
Paul  
Payne

□ 1519

So (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for :

Mr. FILNER. Mr. Speaker, on rollcall 920, I was away from the Capitol due to prior commitments to my constituents. Had I been present, I would have voted “aye.”

Mrs. NAPOLITANO. Mr. Speaker, on Tuesday, December 13, 2011, I was absent during rollcall vote No. 920. Had I been present, I would have voted “aye” on the motion to suspend the rules and pass H.R. 3246, to designate the facility of the United States Postal Service located at 15455 Manchester Road in Ballwin, Missouri, as the “Specialist Peter J. Navarro Post Office Building.”

### U.S. POSTAL SERVICE BREAST CANCER RESEARCH AUTHORITY ACT

The SPEAKER pro tempore. The unfinished business is the question on suspending the rules and passing the bill (S. 384) to amend title 39, United States Code, to extend the authority of the United States Postal Service to issue a semipostal to raise funds for breast cancer research.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. ISSA) that the House suspend the rules and pass the bill.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

## RECORDED VOTE

Mr. HASTINGS of Washington. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 417, noes 1, not voting 15, as follows:

[Roll No. 921]

## AYES—417

Ackerman  
Adams  
Aderholt  
Akin  
Alexander  
Altmire  
Amodei  
Andrews  
Austria  
Baca  
Bachus  
Baldwin  
Barletta  
Barrow  
Bartlett  
Barton (TX)  
Bass (CA)  
Bass (NH)  
Becerra  
Benishke  
Berg  
Berkley  
Berman  
Biggert  
Bilbray  
Bilirakis  
Bishop (GA)  
Bishop (NY)  
Bishop (UT)  
Black  
Blackburn  
Blumenauer  
Bonner  
Bono Mack  
Boren  
Boswell  
Boustany  
Brady (PA)  
Brady (TX)  
Braley (IA)  
Brooks  
Broun (GA)  
Brown (FL)  
Buchanan  
Bucshon  
Buerkle  
Burgess  
Burton (IN)  
Butterfield  
Calvert  
Camp  
Campbell  
Canseco  
Cantor  
Capito  
Capps  
Capuano  
Cardoza  
Carnahan  
Carney  
Carson (IN)  
Carter  
Cassidy  
Castor (FL)  
Chabot  
Chaffetz  
Chandler  
Chu  
Cicilline  
Clarke (MI)  
Clarke (NY)  
Clay  
Cleaver  
Clyburn  
Coffman (CO)  
Cohen  
Cole  
Conaway  
Connolly (VA)  
Conyers  
Cooper  
Costa  
Costello  
Courtney  
Cravaack  
Crawford  
Crenshaw  
Critz  
Crowley  
Cuellar  
Culberson  
Cummins  
Davis (CA)

Davis (IL)  
Davis (KY)  
DeFazio  
DeGette  
DeLauro  
Denham  
Dent  
DesJarlais  
Deutch  
Diaz-Balart  
Dicks  
Dingell  
Doggett  
Dold  
Donnelly (IN)  
Doyle  
Dreier  
Duncan (SC)  
Duncan (TN)  
Edwards  
Ellison  
Ellmers  
Emerson  
Engel  
Eshoo  
Farenthold  
Farr  
Fattah  
Fincher  
Fitzpatrick  
Flake  
Fleischmann  
Fleming  
Flores  
Forbes  
Fortenberry  
Foxy  
Frank (MA)  
Franks (AZ)  
Frelinghuysen  
Fudge  
Gallegly  
Garamendi  
Gardner  
Garrett  
Gerlach  
Gibbs  
Gibson  
Gingrey (GA)  
Gohmert  
Gonzalez  
Goodlatte  
Gosar  
Gowdy  
Granger  
Graves (GA)  
Graves (MO)  
Green, Al  
Green, Gene  
Griffin (AR)  
Griffith (VA)  
Grimm  
Guinta  
Guthrie  
Hahn  
Hall  
Hanabusa  
Hanna  
Harper  
Harris  
Hartzler  
Hastings (FL)  
Hastings (WA)  
Hayworth  
Heck  
Heinrich  
Hensarling  
Herger  
Herrera Beutler  
Higgins  
Himes  
Hinchey

Hurt  
Inslee  
Israel  
Issa  
Jackson (IL)  
Jackson Lee  
(TX)  
Jenkins  
Johnson (GA)  
Johnson (IL)  
Johnson (OH)  
Johnson, E. B.  
Johnson, Sam  
Jones  
King (IA)  
King (NY)  
Kingston  
Kissell  
Kildee  
Kline  
Kucinich  
Labrador  
Lamborn  
Lance  
Landry  
Langevin  
Lankford  
Larsen (WA)  
Latham  
LaTourette  
Latta  
Lee (CA)  
Levin  
Lewis (CA)  
Lewis (GA)  
Lipinski  
LoBiondo  
Loebach  
Lofgren, Zoe  
Long  
Lowey  
Lucas  
Luetkemeyer  
Lujan  
Lummis  
Lungren, Daniel  
E.  
Lynch  
Maloney  
Manzullo  
Marchant  
Marino  
Markey  
Matheson  
Matsui  
McCarthy (CA)  
McCarthy (NY)  
McCaul  
McClintock  
McCollum  
McCotter  
McDermott  
McGovern  
McHenry  
McIntyre  
McKeon  
McKinley  
McMorris  
Rodgers  
McNerney  
Meehan  
Meeks  
Mica  
Michaud  
Miller (FL)  
Miller (MI)  
Miller (NC)  
Miller, Gary  
Miller, George  
Moore  
Moran  
Mulvaney  
Murphy (CT)  
Murphy (PA)  
Nadler  
Neal  
Neugebauer

Noem	Rooney	Stearns
Nugent	Ros-Lehtinen	Stivers
Nunes	Roskam	Stutzman
Nunnelee	Ross (AR)	Sullivan
Olson	Ross (FL)	Sutton
Olver	Rothman (NJ)	Terry
Owens	Roybal-Allard	Thompson (CA)
Palazzo	Royce	Thompson (MS)
Pallone	Runyan	Thompson (PA)
Pascarella	Ruppersberger	Thornberry
Paulsen	Rush	Tiberi
Pearce	Ryan (OH)	Tierney
Pelosi	Ryan (WI)	Tipton
Pence	Sánchez, Linda	Tonko
Perlmutter	T.	Towns
Peters	Sanchez, Loretta	Tsongas
Peterson	Sarbanes	Turner (NY)
Petri	Scalise	Upton
Pingree (ME)	Schakowsky	Van Hollen
Pitts	Schiff	Velázquez
Platts	Schilling	Visclosky
Poe (TX)	Schmidt	Walberg
Polis	Schock	Walden
Pompeo	Schrader	Walsh (IL)
Posey	Schwartz	Walz (MN)
Price (GA)	Schweikert	Wasserman
Price (NC)	Scott (SC)	Schultz
Quayle	Scott (VA)	Waters
Quigley	Scott, Austin	Watt
Rahall	Scott, David	Waxman
Rangel	Sensenbrenner	Webster
Reed	Serrano	Welch
Rehberg	Sessions	West
Reichert	Sewell	Westmoreland
Renacci	Sherman	Whitfield
Reyes	Shinkus	Wilson (FL)
Ribble	Shuler	Wilson (SC)
Richardson	Shuster	Wittman
Richmond	Simpson	Wolf
Rigell	Sires	Womack
Rivera	Slaughter	Woodall
Roby	Smith (NE)	Woolsey
Roe (TN)	Smith (NJ)	Yarmuth
Rogers (AL)	Smith (TX)	Yoder
Rogers (KY)	Smith (WA)	Young (AK)
Rogers (MI)	Southerland	Young (FL)
Rohrabacher	Speier	Young (IN)
Rokita	Stark	

## NOES—1

Amash

## NOT VOTING—15

Bachmann	Gutierrez	Napolitano
Coble	Honda	Pastor (AZ)
Duffy	Kinzinger (IL)	Paul
Filner	Mack	Payne
Giffords	Myrick	Turner (OH)

□ 1526

So (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. FILNER. Mr. Speaker, on rollcall 921, I was away from the Capitol due to prior commitments to my constituents. Had I been present, I would have voted "aye."

Mrs. NAPOLITANO. Mr. Speaker, on Tuesday, December 13, 2011, I was absent during rollcall vote No. 921. Had I been present, I would have voted "aye" on the motion to suspend the rules and pass S. 384, to amend title 39, United States Code, to extend the authority of the United States Postal Service to issue a semipostal to raise funds for breast cancer research.

#### RAISING A QUESTION OF THE PRIVILEGES OF THE HOUSE

Mr. DAVIS of Illinois. Mr. Speaker, pursuant to clause 2(a), paragraph 1 of rule IX, I rise to give notice of my in-

tention to offer a resolution to raise a question of the privileges of the House.

The form of the resolution is as follows:

Whereas although our Nation's economy is gradually improving after one of the worst economic crises in our Nation's history, the economic crisis remains a daily reality for the 13.3 million unemployed workers and for the millions of Americans experiencing record levels of food insecurity, poverty, and foreclosure;

Whereas the national unemployment rate is 8.6 percent, with over 42.8 percent of all unemployed workers, more than 5.7 million people, having been out of work for more than 6 months;

Whereas while there were 1.8 unemployed Americans for every job opening in December 2007, when the Great Recession began, data recently released by the Department of Labor show that, as of October 2011, there were over 4.3 unemployed Americans for every job opening;

Whereas data recently released by the Department of Labor show that, as of October 2011, there were 3.3 million job openings, which is well below the 4.8 million job openings in March 2007, when job openings were at their highest point during the most recent business cycle;

Whereas recent data demonstrate that most unemployed Americans no longer receive unemployment insurance benefits, reflecting the crisis that exists for the millions of Americans who have exhausted their benefits and still cannot find work, including the 100,000 Illinoisans estimated to have exhausted their benefits in 2010 and the additional 100,000 Illinoisans who, it is estimated, would exhaust their benefits in 2012 if current law were extended;

Whereas unemployment benefits are a critical lifeline for our citizens and our economy, including by keeping 3.2 million Americans (including nearly 1 million children) from falling into poverty in 2010 alone; generating \$2 in economic stimulus for every \$1 the Federal Government spent during this recession; and saving or creating 1.1 million jobs as of the fourth quarter of 2009 alone;

Whereas all Members of the House of Representatives have a responsibility to protect Americans and our country from physical and economic harm, especially during times of national crisis;

Whereas the recently-introduced Republican proposal to address the unemployment crisis facing our Nation fails to protect Americans by drastically cutting 40 weeks of unemployment assistance and imposing new restrictions that would make it more difficult and costly for employees to receive the benefits for which they have paid;

Whereas the Republican proposal fails to protect Americans by cutting the number of Federally-funded weeks of unemployment benefits from 73 to 33 in high unemployment States, abandoning over 1 million Americans in 2012 by slashing their benefits;

Whereas the Republican proposal would likely result in the following States, with elevated unemployment rates, losing 40 weeks of unemployment benefits in 2012: Alabama, California, Connecticut, the District of Columbia, Florida, Georgia, Illinois, Idaho, Indiana, Kentucky, Michigan, Missouri, Nevada, New Jersey, North Carolina, Ohio, Oregon, Rhode Island, South Carolina, Tennessee, Texas, and Washington;

Whereas the Republican proposal would cause all other States to lose between 14 and 34 weeks of Federal unemployment benefits;

Whereas the Republican proposal would erode the unemployment safety net by undermining the requirement that unemployment dollars fund unemployment benefits to help individual workers cover basic necessities, such as food and housing;

Whereas the Republican proposal would further erode the unemployment safety net by undermining the eligibility standard that unemployment benefits be determined solely on the basis of a claimant's unemployment;

Whereas the Republican proposal demands untested, punitive measures that hurt unemployed workers, including deducting money from one's unemployment check to pay for required reemployment assessments and delayed or prohibited benefits depending on educational attainment;

Whereas the Republican proposal would disproportionately harm groups of Americans who are hardest hit by unemployment and long-term unemployment, including older Americans, low-income Americans, Americans from racial and ethnic minority groups, and Americans without a high school diploma;

Whereas now that emergency assistance is about to expire, the Republican proposal reflects comfort with \$180 billion in tax breaks for the wealthiest 3 percent of Americans for 2012, but not the \$50 billion needed to help millions of the neediest Americans who still cannot find a job;

Whereas the Economic Policy Institute estimates that the Republican proposal would result in as much as \$22 billion in lost economic growth, and the Center for American Progress estimates that the Republican proposal would lead to a loss of approximately 275,000 jobs in 2012;

Whereas it will tarnish the dignity and integrity of the House proceedings if the House considers a bill that cuts critical emergency assistance to millions of Americans, hinders economic recovery, and disproportionately harms older Americans, Americans from racial and ethnic minority groups, low-income Americans, and Americans without a high school degree;

Whereas it will tarnish the dignity and integrity of the House proceedings if the Republican Leadership holds hostage the 2.5 million Americans who, the Department of Labor estimates, will lose their benefits by March 2012 if Congress fails to act, in order to push a radical agenda the American people have already rejected; and

Whereas failure to allow consideration of amendments to protect vulnerable Americans during consideration of a bill that substantially and permanently changes Federal unemployment benefits tarnishes the integrity of the legislative process: Now, therefore, be it

*Resolved*, That the House of Representatives—

(1) recognizes the immediate need to extend current emergency unemployment benefits to promote our Nation's economic recovery by stimulating purchases, creating jobs, and preventing the loss of jobs;

(2) recognizes the immediate need to extend current emergency unemployment benefits to help the approximately 6 million unemployed Americans who will lose benefits if current emergency unemployment benefits are not extended through 2012;

(3) disapproves of drastically limiting Federal unemployment benefits until economic growth is robust and the Nation is in a period of full employment; and

(4) calls on the Leadership of the House to bring to a vote a clean extension of all current emergency unemployment benefits for a

full year to protect the millions of Americans who will lose benefits if the current statute sunsets at the end of December 2011 or if H.R. 3630, as posted by the Committee on Rules on December 9, 2011, is enacted.

The SPEAKER pro tempore. The Chair would now entertain the resolution.

Does the gentleman from Illinois wish to offer it at this point?

Mr. DAVIS of Illinois. Yes, I do.

The SPEAKER pro tempore. The Clerk will report the resolution.

The Clerk read as follows:

Whereas although our Nation's economy is gradually improving after one of the worst economic crises in our Nation's history, the economic crisis remains a daily reality for the 13.3 million unemployed workers and for the millions of Americans experiencing record levels of food insecurity, poverty, and foreclosure;

Whereas the national unemployment rate is 8.6 percent, with over 42.8 percent of all unemployed workers, more than 5.7 million people, having been out of work for more than 6 months;

Whereas while there were 1.8 unemployed Americans for every job opening in December 2007, when the Great Recession began, data recently released by the Department of Labor show that, as of October 2011, there were over 4.3 unemployed Americans for every job opening;

Whereas data recently released by the Department of Labor show that, as of October 2011, there were 3.3 million job openings, which is well below the 4.8 million job openings in March 2007, when job openings were at their highest point during the most recent business cycle;

Whereas recent data demonstrate that most unemployed Americans no longer receive unemployment insurance benefits, reflecting the crisis that exists for the millions of Americans who have exhausted their benefits and still cannot find work, including the 100,000 Illinoisans estimated to have exhausted their benefits in 2010 and the additional 100,000 Illinoisans who, it is estimated, would exhaust their benefits in 2012 if current law were extended;

Whereas unemployment benefits are a critical lifeline for our citizens and our economy, including by keeping 3.2 million Americans (including nearly 1 million children) from falling into poverty in 2010 alone; generating \$2 in economic stimulus for every \$1 the Federal Government spent during this recession; and saving or creating 1.1 million jobs as of the fourth quarter of 2009 alone;

Whereas all Members of the House of Representatives have a responsibility to protect Americans and our country from physical and economic harm, especially during times of national crisis;

Whereas the recently-introduced Republican proposal to address the unemployment crisis facing our Nation fails to protect Americans by drastically cutting 40 weeks of unemployment assistance and imposing new restrictions that would make it more difficult and costly for employees to receive the benefits for which they have paid;

Whereas the Republican proposal fails to protect Americans by cutting the number of Federally-funded weeks of unemployment benefits from 73 to 33 in high unemployment States, abandoning over 1 million Americans in 2012 by slashing their benefits;

Whereas the Republican proposal would likely result in the following States, with elevated unemployment rates, losing 40

weeks of unemployment benefits in 2012: Alabama, California, Connecticut, the District of Columbia, Florida, Georgia, Illinois, Idaho, Indiana, Kentucky, Michigan, Missouri, Nevada, New Jersey, North Carolina, Ohio, Oregon, Rhode Island, South Carolina, Tennessee, Texas, and Washington;

Whereas the Republican proposal would cause all other States to lose between 14 and 34 weeks of Federal unemployment benefits;

Whereas the Republican proposal would erode the unemployment safety net by undermining the requirement that unemployment dollars fund unemployment benefits to help individual workers cover basic necessities, such as food and housing;

Whereas the Republican proposal would further erode the unemployment safety net by undermining the eligibility standard that unemployment benefits be determined solely on the basis of a claimant's unemployment;

Whereas the Republican proposal demands untested, punitive measures that hurt unemployed workers, including deducting money from one's unemployment check to pay for required reemployment assessments and delayed or prohibited benefits depending on educational attainment;

Whereas the Republican proposal would disproportionately harm groups of Americans who are hardest hit by unemployment and long-term unemployment, including older Americans, low-income Americans, Americans from racial and ethnic minority groups, and Americans without a high school diploma;

Whereas now that emergency assistance is about to expire, the Republican proposal reflects comfort with \$180 billion in tax breaks for the wealthiest 3 percent of Americans for 2012, but not the \$50 billion needed to help millions of the neediest Americans who still cannot find a job;

Whereas the Economic Policy Institute estimates that the Republican proposal would result in as much as \$22 billion in lost economic growth, and the Center for American Progress estimates that the Republican proposal would lead to a loss of approximately 275,000 jobs in 2012;

Whereas it will tarnish the dignity and integrity of the House proceedings if the House considers a bill that cuts critical emergency assistance to millions of Americans, hinders economic recovery, and disproportionately harms older Americans, Americans from racial and ethnic minority groups, low-income Americans, and Americans without a high school degree;

Whereas it will tarnish the dignity and integrity of the House proceedings if the Republican Leadership holds hostage the 2.5 million Americans who, the Department of Labor estimates, will lose their benefits by March 2012 if Congress fails to act, in order to push a radical agenda the American people have already rejected; and

Whereas failure to allow consideration of amendments to protect vulnerable Americans during consideration of a bill that substantially and permanently changes Federal unemployment benefits tarnishes the integrity of the legislative process: Now, therefore, be it

*Resolved*, That the House of Representatives—

(1) recognizes the immediate need to extend current emergency unemployment benefits to promote our Nation's economic recovery by stimulating purchases, creating jobs, and preventing the loss of jobs;

(2) recognizes the immediate need to extend current emergency unemployment benefits to help the approximately 6 million un-

employed Americans who will lose benefits if current emergency unemployment benefits are not extended through 2012;

(3) disapproves of drastically limiting Federal unemployment benefits until economic growth is robust and the Nation is in a period of full employment; and

(4) calls on the Leadership of the House to bring to a vote a clean extension of all current emergency unemployment benefits for a full year to protect the millions of Americans who will lose benefits if the current statute sunsets at the end of December 2011 or if H.R. 3630, as posted by the Committee on Rules on December 9, 2011, is enacted.

The SPEAKER pro tempore. Does the gentleman from Illinois wish to present argument on why the resolution is privileged under rule IX to take precedence over other questions?

Mr. DAVIS of Illinois. I do.

The SPEAKER pro tempore. The gentleman will present those arguments.

Mr. DAVIS of Illinois. Mr. Speaker, in order to qualify as a question of the privileges of the House under rule IX, the resolution must address "the rights of the House collectively, its safety, dignity, and the integrity of its proceedings."

The resolution I offer seeks to express the position of the House that the Republican proposal to address the unemployment crisis facing our Nation and the procedures used to bring it to the floor tarnish the dignity and integrity of the House proceedings and the integrity of the legislative process.

All Members of the House of Representatives have a responsibility to protect Americans and our country from physical and economic harm, especially during times of national crisis. Yet, contrary to this mandate, the Republican proposal to address the unemployment crisis threatens to damage our national economy as well as the well-being of millions of Americans.

By drastically cutting benefits—especially for employees and States hardest hit by unemployment—by 40 weeks and imposing punitive restrictions on access to benefits, the Republican proposal will almost certainly harm millions of Americans and our Nation's economic well-being.

The SPEAKER pro tempore. The Chair would remind the gentleman from Illinois that argument must be confined as to whether or not the matter is privileged under rule IX, and may not address the substance of the resolution.

Mr. DAVIS of Illinois. Thank you very much, Mr. Speaker.

Given the unemployment crisis that does in fact exist in our country, and given the great needs that exist for people to feel a sense of comfort and security, given the fact that older Americans, low-income Americans, Americans from racial and ethnic minority groups, and Americans with—

The SPEAKER pro tempore. The Chair would again ask the gentleman to address whether or not this resolution is privileged under rule IX.



Mr. DAVIS of Illinois. Mr. Speaker, it is my position and my belief that the Republican proposal tarnishes the legislative process by making substantial permanent changes to Federal unemployment benefits, and that, when passed—if passed—that the country will have experienced difficulties that could have been avoided.

The SPEAKER pro tempore. The Chair would ask the gentleman if he has any additional observations relative to the question of privilege, and not on the substance of the resolution.

Mr. DAVIS of Illinois. Mr. Speaker, let me thank you for your comments. Actually, I am at the end of my comments, and I would yield back the balance of my time.

The SPEAKER pro tempore. The Chair thanks the gentleman for his creativity.

Does any other Member wish to be heard on the question of privilege?

The Chair is prepared to rule.

As the Chair ruled in similar circumstances on October 2 and October 3, 2002, a resolution expressing the sentiment that Congress should act on a specified legislative measure does not constitute a question of privileges of the House under rule IX.

The mere invocation of legislative powers provided in the Constitution coupled with identification of a desired policy end does not meet the requirements of rule IX and is really a matter properly initiated through introduction in the hopper under clause 7 of rule XII.

Accordingly, the resolution offered by the gentleman from Illinois does not constitute a question of the privileges of the House under rule IX.

#### MIDDLE CLASS TAX RELIEF AND JOB CREATION ACT OF 2011

Mr. CAMP. Mr. Speaker, pursuant to House Resolution 491, I call up the bill (H.R. 3630) to provide incentives for the creation of jobs, and for other purposes, and ask for its immediate consideration.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Pursuant to House Resolution 491, the amendment printed in House Report 112-328 is considered adopted, and the bill, as amended, is considered read.

The text of the bill, as amended, is as follows:

H.R. 3630

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

(a) SHORT TITLE.—This Act may be cited as the “Middle Class Tax Relief and Job Creation Act of 2011”.

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title.

#### TITLE I—JOB CREATION INCENTIVES

##### Subtitle A—North American Energy Access

Sec. 1001. Short title.

Sec. 1002. Permit for Keystone XL Pipeline.

##### Subtitle B—EPA Regulatory Relief

Sec. 1101. Short title.

Sec. 1102. Legislative stay.

Sec. 1103. Compliance dates.

Sec. 1104. Energy recovery and conservation.

Sec. 1105. Other provisions.

##### Subtitle C—Extension of 100 Percent Expensing

Sec. 1201. Extension of allowance for bonus depreciation for certain business assets.

#### TITLE II—EXTENSION OF CERTAIN EXPIRING PROVISIONS AND RELATED MEASURES

##### Subtitle A—Extension of Payroll Tax Reduction

Sec. 2001. Extension of temporary employee payroll tax reduction through end of 2012.

##### Subtitle B—Unemployment Compensation

Sec. 2101. Short title.

#### PART 1—REFORMS OF UNEMPLOYMENT COMPENSATION TO PROMOTE WORK AND JOB CREATION

Sec. 2121. Consistent job search requirements.

Sec. 2122. Participation in reemployment services made a condition of benefit receipt.

Sec. 2123. State flexibility to promote the reemployment of unemployed workers.

Sec. 2124. Assistance and guidance in implementing self-employment assistance programs.

Sec. 2125. Improving program integrity by better recovery of overpayments.

Sec. 2126. Data standardization for improved data matching.

Sec. 2127. Drug testing of applicants.

#### PART 2—PROVISIONS RELATING TO EXTENDED BENEFITS

Sec. 2141. Short title.

Sec. 2142. Extension and modification of emergency unemployment compensation program.

Sec. 2143. Temporary extension of extended benefit provisions.

Sec. 2144. Additional extended unemployment benefits under the Railroad Unemployment Insurance Act.

#### PART 3—IMPROVING REEMPLOYMENT STRATEGIES UNDER THE EMERGENCY UNEMPLOYMENT COMPENSATION PROGRAM

Sec. 2161. Improved work search for the long-term unemployed.

Sec. 2162. Reemployment services and reemployment and eligibility assessment activities.

Sec. 2163. State flexibility to support long-term unemployed workers with improved reemployment services.

Sec. 2164. Promoting program integrity through better recovery of overpayments.

Sec. 2165. Restore State flexibility to improve unemployment program solvency.

##### Subtitle C—Medicare Extensions; Other Health Provisions

#### PART 1—MEDICARE EXTENSIONS

Sec. 2201. Physician payment update.

Sec. 2202. Ambulance add-ons.

Sec. 2203. Medicare payment for outpatient therapy services.

Sec. 2204. Work geographic adjustment.

#### PART 2—OTHER HEALTH PROVISIONS

Sec. 2211. Qualifying individual (QI) program.

Sec. 2212. Extension of Transitional Medical Assistance (TMA).

Sec. 2213. Modification to requirements for qualifying for exception to Medicare prohibition on certain physician referrals for hospitals.

#### PART 3—OFFSETS

Sec. 2221. Adjustments to maximum thresholds for recapturing overpayments resulting from certain Federally-subsidized health insurance.

Sec. 2222. Prevention and Public Health Fund.

Sec. 2223. Parity in Medicare payments for hospital outpatient department evaluation and management office visit services.

Sec. 2224. Reduction of bad debt treated as an allowable cost.

Sec. 2225. Rebasement of State DSH allotments for fiscal year 2021.

##### Subtitle D—TANF Extension

Sec. 2301. Short title.

Sec. 2302. Extension of program.

Sec. 2303. Data standardization.

Sec. 2304. Spending policies for assistance under State TANF programs.

Sec. 2305. Technical corrections.

#### TITLE III—FLOOD INSURANCE REFORM

Sec. 3001. Short title.

Sec. 3002. Extensions.

Sec. 3003. Mandatory purchase.

Sec. 3004. Reforms of coverage terms.

Sec. 3005. Reforms of premium rates.

Sec. 3006. Technical Mapping Advisory Council.

Sec. 3007. FEMA incorporation of new mapping protocols.

Sec. 3008. Treatment of levees.

Sec. 3009. Privatization initiatives.

Sec. 3010. FEMA annual report on insurance program.

Sec. 3011. Mitigation assistance.

Sec. 3012. Notification to homeowners regarding mandatory purchase requirement applicability and rate phase-ins.

Sec. 3013. Notification to members of congress of flood map revisions and updates.

Sec. 3014. Notification and appeal of map changes; notification to communities of establishment of flood elevations.

Sec. 3015. Notification to tenants of availability of contents insurance.

Sec. 3016. Notification to policy holders regarding direct management of policy by FEMA.

Sec. 3017. Notice of availability of flood insurance and escrow in RESPA good faith estimate.

Sec. 3018. Reimbursement for costs incurred by homeowners and communities obtaining letters of map amendment or revision.

Sec. 3019. Enhanced communication with certain communities during map updating process.

Sec. 3020. Notification to residents newly included in flood hazard areas.

Sec. 3021. Treatment of swimming pool enclosures outside of hurricane season.

Sec. 3022. Information regarding multiple perils claims.

Sec. 3023. FEMA authority to reject transfer of policies.

Sec. 3024. Appeals.

Sec. 3025. Reserve fund.

Sec. 3026. CDBG eligibility for flood insurance outreach activities and community building code administration grants.

Sec. 3027. Technical corrections.

Sec. 3028. Requiring competition for national flood insurance program policies.

Sec. 3029. Studies of voluntary community-based flood insurance options.

Sec. 3030. Report on inclusion of building codes in floodplain management criteria.

Sec. 3031. Study on graduated risk.

Sec. 3032. Report on flood-in-progress determination.

Sec. 3033. Study on repaying flood insurance debt.

Sec. 3034. No cause of action.



Sec. 3035. Authority for the corps of engineers to provide specialized or technical services.

**TITLE IV—JUMPSTARTING OPPORTUNITY WITH BROADBAND SPECTRUM ACT OF 2011**

Sec. 4001. Short title.  
Sec. 4002. Definitions.  
Sec. 4003. Rule of construction.  
Sec. 4004. Enforcement.  
Sec. 4005. National security restrictions on use of funds and auction participation.

**Subtitle A—Spectrum Auction Authority**

Sec. 4101. Deadlines for auction of certain spectrum.  
Sec. 4102. 700 MHz public safety narrowband spectrum and guard band spectrum.  
Sec. 4103. General authority for incentive auctions.  
Sec. 4104. Special requirements for incentive auction of broadcast TV spectrum.  
Sec. 4105. Administration of auctions by Commission.  
Sec. 4106. Extension of auction authority.  
Sec. 4107. Unlicensed use in the 5 GHz band.

**Subtitle B—Advanced Public Safety Communications**

**PART 1—NATIONAL IMPLEMENTATION**

Sec. 4201. Licensing of spectrum to Administrator.  
Sec. 4202. National Public Safety Communications Plan.  
Sec. 4203. Plan administration.  
Sec. 4204. Initial funding for Administrator.  
Sec. 4205. Study on emergency communications by amateur radio and impediments to amateur radio communications.

**PART 2—STATE IMPLEMENTATION**

Sec. 4221. Negotiation and approval of contracts.  
Sec. 4222. State implementation grant program.  
Sec. 4223. State Implementation Fund.  
Sec. 4224. Grants to States for network build-out.  
Sec. 4225. Wireless facilities deployment.

**PART 3—PUBLIC SAFETY TRUST FUND**

Sec. 4241. Public Safety Trust Fund.

**PART 4—NEXT GENERATION 9-1-1 ADVANCEMENT ACT OF 2011**

Sec. 4261. Short title.  
Sec. 4262. Findings.  
Sec. 4263. Purposes.  
Sec. 4264. Definitions.  
Sec. 4265. Coordination of 9-1-1 implementation.  
Sec. 4266. Requirements for multi-line telephone systems.  
Sec. 4267. GAO study of State and local use of 9-1-1 service charges.  
Sec. 4268. Parity of protection for provision or use of Next Generation 9-1-1 services.  
Sec. 4269. Commission proceeding on autodialing.  
Sec. 4270. NHTSA report on costs for requirements and specifications of Next Generation 9-1-1 services.  
Sec. 4271. FCC recommendations for legal and statutory framework for Next Generation 9-1-1 services.

**Subtitle C—Federal Spectrum Relocation**

Sec. 4301. Relocation of and spectrum sharing by Federal Government stations.  
Sec. 4302. Spectrum Relocation Fund.  
Sec. 4303. National security and other sensitive information.

**Subtitle D—Telecommunications Development Fund**

Sec. 4401. No additional Federal funds.  
Sec. 4402. Independence of the Fund.

**TITLE V—OFFSETS**

**Subtitle A—Guarantee Fees**

Sec. 5001. Guarantee Fees.

**Subtitle B—Social Security Provisions**

Sec. 5101. Information for administration of Social Security provisions related to noncovered employment.

**Subtitle C—Child Tax Credit**

Sec. 5201. Social Security number required to claim the refundable portion of the child tax credit.

**Subtitle D—Eliminating Taxpayer Benefits for Millionaires**

Sec. 5301. Ending unemployment and supplemental nutrition assistance program benefits for millionaires.

**Subtitle E—Federal Civilian Employees**

**PART 1—RETIREMENT ANNUITIES**

Sec. 5401. Short title.  
Sec. 5402. Retirement contributions.  
Sec. 5403. Amendments relating to secure annuity employees.  
Sec. 5404. Annuity supplement.

**PART 2—FEDERAL WORKFORCE**

Sec. 5421. Extension of pay limitation for Federal employees.  
Sec. 5422. Reduction of discretionary spending limits to achieve savings from Federal employee provisions.  
Sec. 5423. Reduction of revised discretionary spending limits to achieve savings from Federal employee provisions.

**Subtitle F—Health Care Provisions**

Sec. 5501. Increase in applicable percentage used to calculate Medicare part B and part D premiums for high-income beneficiaries.  
Sec. 5502. Temporary adjustment to the calculation of Medicare part B and part D premiums.

**TITLE VI—MISCELLANEOUS PROVISIONS**

Sec. 6001. Repeal of certain shifts in the timing of corporate estimated tax payments.  
Sec. 6002. Repeal of requirement relating to time for remitting certain merchandise processing fees.  
Sec. 6003. Points of order in the Senate.  
Sec. 6004. PAYGO scorecard estimates.

**TITLE I—JOB CREATION INCENTIVES**

**Subtitle A—North American Energy Access**

**SEC. 1001. SHORT TITLE.**

This subtitle may be cited as the “North American Energy Security Act”.

**SEC. 1002. PERMIT FOR KEYSTONE XL PIPELINE.**

(a) **IN GENERAL.**—Except as provided in subsection (b), not later than 60 days after the date of enactment of this Act, the President, acting through the Secretary of State, shall grant a permit under Executive Order 13337 (3 U.S.C. 301 note; relating to issuance of permits with respect to certain energy-related facilities and land transportation crossings on the international boundaries of the United States) for the Keystone XL pipeline project application filed on September 19, 2008 (including amendments).

(b) **EXCEPTION.**—

(1) **IN GENERAL.**—The President shall not be required to grant the permit under subsection (a) if the President determines that the Keystone XL pipeline would not serve the national interest.

(2) **REPORT.**—If the President determines that the Keystone XL pipeline is not in the national interest under paragraph (1), the President shall, not later than 15 days after the date of the determination, submit to the Committee on Foreign Relations of the Senate, the Committee on Foreign Affairs of the House of Representa-

tives, the majority leader of the Senate, the minority leader of the Senate, the Speaker of the House of Representatives, and the minority leader of the House of Representatives a report that provides a justification for determination, including consideration of economic, employment, energy security, foreign policy, trade, and environmental factors.

(3) **EFFECT OF NO FINDING OR ACTION.**—If a determination is not made under paragraph (1) and no action is taken by the President under subsection (a) not later than 60 days after the date of enactment of this Act, the permit for the Keystone XL pipeline described in subsection (a) that meets the requirements of subsections (c) and (d) shall be in effect by operation of law.

(c) **REQUIREMENTS.**—The permit granted under subsection (a) shall require the following:

(1) The permittee shall comply with all applicable Federal and State laws (including regulations) and all applicable industrial codes regarding the construction, connection, operation, and maintenance of the United States facilities.

(2) The permittee shall obtain all requisite permits from Canadian authorities and relevant Federal, State, and local governmental agencies.

(3) The permittee shall take all appropriate measures to prevent or mitigate any adverse environmental impact or disruption of historic properties in connection with the construction, operation, and maintenance of the United States facilities.

(4) For the purpose of the permit issued under subsection (a) (regardless of any modifications under subsection (d))—

(A) the final environmental impact statement issued by the Secretary of State on August 26, 2011, satisfies all requirements of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) and section 106 of the National Historic Preservation Act (16 U.S.C. 470f);

(B) any modification required by the Secretary of State to the Plan described in paragraph (5)(A) shall not require supplementation of the final environmental impact statement described in that paragraph; and

(C) no further Federal environmental review shall be required.

(5) The construction, operation, and maintenance of the facilities shall be in all material respects similar to that described in the application described in subsection (a) and in accordance with—

(A) the construction, mitigation, and reclamation measures agreed to by the permittee in the Construction Mitigation and Reclamation Plan found in appendix B of the final environmental impact statement issued by the Secretary of State on August 26, 2011, subject to the modification described in subsection (d);

(B) the special conditions agreed to between the permittee and the Administrator of the Pipeline Hazardous Materials Safety Administration of the Department of Transportation found in appendix U of the final environmental impact statement described in subparagraph (A);

(C) if the modified route submitted by the Governor of Nebraska under subsection (d)(3)(B) crosses the Sand Hills region, the measures agreed to by the permittee for the Sand Hills region found in appendix H of the final environmental impact statement described in subparagraph (A); and

(D) the stipulations identified in appendix S of the final environmental impact statement described in subparagraph (A).

(6) Other requirements that are standard industry practice or commonly included in Federal permits that are similar to a permit issued under subsection (a).

(d) **MODIFICATION.**—The permit issued under subsection (a) shall require—

(1) the reconsideration of routing of the Keystone XL pipeline within the State of Nebraska;

(2) a review period during which routing within the State of Nebraska may be reconsidered and the route of the Keystone XL pipeline through the State altered with any accompanying modification to the Plan described in subsection (c)(5)(A); and

(3) the President—

(A) to coordinate review with the State of Nebraska and provide any necessary data and reasonable technical assistance material to the review process required under this subsection; and

(B) to approve the route within the State of Nebraska that has been submitted to the Secretary of State by the Governor of Nebraska.

(e) **EFFECT OF NO APPROVAL.**—If the President does not approve the route within the State of Nebraska submitted by the Governor of Nebraska under subsection (d)(3)(B) not later than 10 days after the date of submission, the route submitted by the Governor of Nebraska under subsection (d)(3)(B) shall be considered approved, pursuant to the terms of the permit described in subsection (a) that meets the requirements of subsection (c) and this subsection, by operation of law.

#### Subtitle B—EPA Regulatory Relief

##### SEC. 1101. SHORT TITLE.

This subtitle may be cited as the “EPA Regulatory Relief Act of 2011”.

##### SEC. 1102. LEGISLATIVE STAY.

(a) **ESTABLISHMENT OF STANDARDS.**—In place of the rules specified in subsection (b), and notwithstanding the date by which such rules would otherwise be required to be promulgated, the Administrator of the Environmental Protection Agency (in this subtitle referred to as the “Administrator”) shall—

(1) propose regulations for industrial, commercial, and institutional boilers and process heaters, and commercial and industrial solid waste incinerator units, subject to any of the rules specified in subsection (b)—

(A) establishing maximum achievable control technology standards, performance standards, and other requirements under sections 112 and 129, as applicable, of the Clean Air Act (42 U.S.C. 7412, 7429); and

(B) identifying non-hazardous secondary materials that, when used as fuels or ingredients in combustion units of such boilers, process heaters, or incinerator units are solid waste under the Solid Waste Disposal Act (42 U.S.C. 6901 et seq.; commonly referred to as the “Resource Conservation and Recovery Act”) for purposes of determining the extent to which such combustion units are required to meet the emissions standards under section 112 of the Clean Air Act (42 U.S.C. 7412) or the emission standards under section 129 of such Act (42 U.S.C. 7429); and

(2) finalize the regulations on the date that is 15 months after the date of the enactment of this Act.

(b) **STAY OF EARLIER RULES.**—The following rules are of no force or effect, shall be treated as though such rules had never taken effect, and shall be replaced as described in subsection (a):

(1) “National Emission Standards for Hazardous Air Pollutants for Major Sources: Industrial, Commercial, and Institutional Boilers and Process Heaters”, published at 76 Fed. Reg. 15608 (March 21, 2011).

(2) “National Emission Standards for Hazardous Air Pollutants for Area Sources: Industrial, Commercial, and Institutional Boilers”, published at 76 Fed. Reg. 15554 (March 21, 2011).

(3) “Standards of Performance for New Stationary Sources and Emission Guidelines for Existing Sources: Commercial and Industrial Solid Waste Incineration Units”, published at 76 Fed. Reg. 15704 (March 21, 2011).

(4) “Identification of Non-Hazardous Secondary Materials That Are Solid Waste”, published at 76 Fed. Reg. 15456 (March 21, 2011).

(c) **INAPPLICABILITY OF CERTAIN PROVISIONS.**—With respect to any standard required

by subsection (a) to be promulgated in regulations under section 112 of the Clean Air Act (42 U.S.C. 7412), the provisions of subsections (g)(2) and (j) of such section 112 shall not apply prior to the effective date of the standard specified in such regulations.

##### SEC. 1103. COMPLIANCE DATES.

(a) **ESTABLISHMENT OF COMPLIANCE DATES.**—For each regulation promulgated pursuant to section 1012, the Administrator—

(1) shall establish a date for compliance with standards and requirements under such regulation that is, notwithstanding any other provision of law, not earlier than 5 years after the effective date of the regulation; and

(2) in proposing a date for such compliance, shall take into consideration—

(A) the costs of achieving emissions reductions;

(B) any non-air quality health and environmental impact and energy requirements of the standards and requirements;

(C) the feasibility of implementing the standards and requirements, including the time needed to—

(i) obtain necessary permit approvals; and

(ii) procure, install, and test control equipment;

(D) the availability of equipment, suppliers, and labor, given the requirements of the regulation and other proposed or finalized regulations of the Environmental Protection Agency; and

(E) potential net employment impacts.

(b) **NEW SOURCES.**—The date on which the Administrator proposes a regulation pursuant to section 1012(a)(1) establishing an emission standard under section 112 or 129 of the Clean Air Act (42 U.S.C. 7412, 7429) shall be treated as the date on which the Administrator first proposes such a regulation for purposes of applying the definition of a new source under section 112(a)(4) of such Act (42 U.S.C. 7412(a)(4)) or the definition of a new solid waste incineration unit under section 129(g)(2) of such Act (42 U.S.C. 7429(g)(2)).

(c) **RULE OF CONSTRUCTION.**—Nothing in this subtitle shall be construed to restrict or otherwise affect the provisions of paragraphs (3)(B) and (4) of section 112(i) of the Clean Air Act (42 U.S.C. 7412(i)).

##### SEC. 1104. ENERGY RECOVERY AND CONSERVATION.

Notwithstanding any other provision of law, and to ensure the recovery and conservation of energy consistent with the Solid Waste Disposal Act (42 U.S.C. 6901 et seq.; commonly referred to as the “Resource Conservation and Recovery Act”), in promulgating rules under section 1012(a) addressing the subject matter of the rules specified in paragraphs (3) and (4) of section 1012(b), the Administrator—

(1) shall adopt the definitions of the terms “commercial and industrial solid waste incineration unit”, “commercial and industrial waste”, and “contained gaseous material” in the rule entitled “Standards of Performance for New Stationary Sources and Emission Guidelines for Existing Sources: Commercial and Industrial Solid Waste Incineration Units”, published at 65 Fed. Reg. 75338 (December 1, 2000); and

(2) shall identify non-hazardous secondary material to be solid waste only if—

(A) the material meets such definition of commercial and industrial waste; or

(B) if the material is a gas, it meets such definition of contained gaseous material.

##### SEC. 1105. OTHER PROVISIONS.

(a) **ESTABLISHMENT OF STANDARDS ACHIEVABLE IN PRACTICE.**—In promulgating rules under section 1012(a), the Administrator shall ensure that emissions standards for existing and new sources established under section 112 or 129 of the Clean Air Act (42 U.S.C. 7412, 7429), as applicable, can be met under actual operating

conditions consistently and concurrently with emission standards for all other air pollutants regulated by the rule for the source category, taking into account variability in actual source performance, source design, fuels, inputs, controls, ability to measure the pollutant emissions, and operating conditions.

(b) **REGULATORY ALTERNATIVES.**—For each regulation promulgated pursuant to section 1012(a), from among the range of regulatory alternatives authorized under the Clean Air Act (42 U.S.C. 7401 et seq.) including work practice standards under section 112(h) of such Act (42 U.S.C. 7412(h)), the Administrator shall impose the least burdensome, consistent with the purposes of such Act and Executive Order No. 13563 published at 76 Fed. Reg. 3821 (January 21, 2011).

#### Subtitle C—Extension of 100 Percent Expensing

##### SEC. 1201. EXTENSION OF ALLOWANCE FOR BONUS DEPRECIATION FOR CERTAIN BUSINESS ASSETS.

(a) **EXTENSION OF 100 PERCENT BONUS DEPRECIATION.**—

(1) **IN GENERAL.**—Paragraph (5) of section 168(k) of the Internal Revenue Code of 1986 is amended—

(A) by striking “January 1, 2012” each place it appears and inserting “January 1, 2013”, and

(B) by striking “January 1, 2013” and inserting “January 1, 2014”.

(2) **CONFORMING AMENDMENTS.**—

(A) The heading for paragraph (5) of section 168(k) of such Code is amended by striking “PRE-2012 PERIODS” and inserting “PRE-2013 PERIODS”.

(B) Clause (ii) of section 460(c)(6)(B) of such Code is amended to read as follows:

“(ii) is placed in service—

“(I) after December 31, 2009, and before January 1, 2011 (January 1, 2012, in the case of property described in section 168(k)(2)(B)), or

“(II) after December 31, 2011, and before January 1, 2013 (January 1, 2014, in the case of property described in section 168(k)(2)(B)).”

(3) **EFFECTIVE DATE.**—The amendments made by this subsection shall apply to property placed in service after December 31, 2011.

(b) **EXPANSION OF ELECTION TO ACCELERATE AMT CREDITS IN LIEU OF BONUS DEPRECIATION.**—

(1) **IN GENERAL.**—Paragraph (4) of section 168(k) of such Code is amended to read as follows:

“(4) **ELECTION TO ACCELERATE AMT CREDITS IN LIEU OF BONUS DEPRECIATION.**—

“(A) **IN GENERAL.**—If a corporation elects to have this paragraph apply for any taxable year—

“(i) paragraph (1) shall not apply to any eligible qualified property placed in service by the taxpayer in such taxable year,

“(ii) the applicable depreciation method used under this section with respect to such property shall be the straight line method, and

“(iii) the limitation imposed by section 53(c) for such taxable year shall be increased by the bonus depreciation amount which is determined for such taxable year under subparagraph (B).

“(B) **BONUS DEPRECIATION AMOUNT.**—For purposes of this paragraph—

“(i) **IN GENERAL.**—The bonus depreciation amount for any taxable year is an amount equal to 20 percent of the excess (if any) of—

“(I) the aggregate amount of depreciation which would be allowed under this section for eligible qualified property placed in service by the taxpayer during such taxable year if paragraph (1) applied to all such property, over

“(II) the aggregate amount of depreciation which would be allowed under this section for eligible qualified property placed in service by the taxpayer during such taxable year if paragraph (1) did not apply to any such property.”

The aggregate amounts determined under subclauses (I) and (II) shall be determined without regard to any election made under subsection (b)(2)(D), (b)(3)(D), or (g)(7) and without regard to subparagraph (A)(ii).

“(i) **LIMITATION.**—The bonus depreciation amount for any taxable year shall not exceed the lesser of—

“(I) the minimum tax credit under section 53(b) for such taxable year determined by taking into account only the adjusted minimum tax for taxable years ending before January 1, 2012 (determined by treating credits as allowed on a first-in, first-out basis), or

“(II) 50 percent of the minimum tax credit under section 53(b) for the first taxable year ending after December 31, 2011.

“(iii) **AGGREGATION RULE.**—All corporations which are treated as a single employer under section 52(a) shall be treated—

“(I) as 1 taxpayer for purposes of this paragraph, and

“(II) as having elected the application of this paragraph if any such corporation so elects.

“(C) **ELIGIBLE QUALIFIED PROPERTY.**—For purposes of this paragraph, the term ‘eligible qualified property’ means qualified property under paragraph (2), except that in applying paragraph (2) for purposes of this paragraph—

“(i) ‘March 31, 2008’ shall be substituted for ‘December 31, 2007’ each place it appears in subparagraph (A) and clauses (i) and (ii) of subparagraph (E) thereof,

“(ii) ‘April 1, 2008’ shall be substituted for ‘January 1, 2008’ in subparagraph (A)(iii)(I) thereof, and

“(iii) only adjusted basis attributable to manufacture, construction, or production—

“(I) after March 31, 2008, and before January 1, 2010, and

“(II) after December 31, 2010, and before January 1, 2013, shall be taken into account under subparagraph (B)(ii) thereof.

“(D) **CREDIT REFUNDABLE.**—For purposes of section 6401(b), the aggregate increase in the credits allowable under part IV of subchapter A for any taxable year resulting from the application of this paragraph shall be treated as allowed under subpart C of such part (and not any other subpart).

“(E) **OTHER RULES.**—

“(i) **ELECTION.**—Any election under this paragraph may be revoked only with the consent of the Secretary.

“(ii) **PARTNERSHIPS WITH ELECTING PARTNERS.**—In the case of a corporation making an election under subparagraph (A) and which is a partner in a partnership, for purposes of determining such corporation’s distributive share of partnership items under section 702—

“(I) paragraph (1) shall not apply to any eligible qualified property, and

“(II) the applicable depreciation method used under this section with respect to such property shall be the straight line method.

“(iii) **CERTAIN PARTNERSHIPS.**—In the case of a partnership in which more than 50 percent of the capital and profits interests are owned (directly or indirectly) at all times during the taxable year by one corporation (or by corporations treated as 1 taxpayer under subparagraph (B)(iii)), each partner shall be treated as having an amount equal to such partner’s allocable share of the eligible property for such taxable year (as determined under regulations prescribed by the Secretary).

“(iv) **SPECIAL RULE FOR PASSENGER AIRCRAFT.**—In the case of any passenger aircraft, the written binding contract limitation under paragraph (2)(A)(iii)(I) shall not apply for purposes of subparagraphs (B)(i)(I) and (C).”

(2) **EFFECTIVE DATE.**—The amendment made by this subsection shall apply to taxable years ending after December 31, 2011.

(3) **TRANSITIONAL RULE.**—In the case of a taxable year beginning before January 1, 2012, and ending after December 31, 2011, the bonus depreciation amount determined under paragraph (4) of section 168(k) of Internal Revenue Code of 1986 for such year shall be the sum of—

(A) such amount determined under such paragraph as in effect on the date before the date of enactment of this Act taking into account only property placed in service before January 1, 2012, and

(B) such amount determined under such paragraph as amended by this Act taking into account only property placed in service after December 31, 2011.

## **TITLE II—EXTENSION OF CERTAIN EXPIRING PROVISIONS AND RELATED MEASURES**

### **Subtitle A—Extension of Payroll Tax Reduction**

#### **SEC. 2001. EXTENSION OF TEMPORARY EMPLOYEE PAYROLL TAX REDUCTION THROUGH END OF 2012.**

Subsection (c) of section 601 of the Tax Relief, Unemployment Insurance Reauthorization, and Job Creation Act of 2010 is amended by striking ‘calendar year 2011’ and inserting ‘calendar years 2011 and 2012’.

### **Subtitle B—Unemployment Compensation**

#### **SEC. 2101. SHORT TITLE.**

This subtitle may be cited as the ‘Extended Benefits, Reemployment, and Program Integrity Improvement Act’.

### **PART I—REFORMS OF UNEMPLOYMENT COMPENSATION TO PROMOTE WORK AND JOB CREATION**

#### **SEC. 2121. CONSISTENT JOB SEARCH REQUIREMENTS.**

(a) **IN GENERAL.**—Section 303(a) of the Social Security Act is amended by adding at the end the following:

“(11)(A) A requirement that, as a condition of eligibility for regular compensation for any week, a claimant must be able to work, available to work, and actively seeking work.

“(B) For purposes of this paragraph, the term ‘actively seeking work’ means, with respect to an individual, that such individual is actively engaged in a systematic and sustained effort to obtain work, as determined based on evidence (whether in electronic format or otherwise) satisfactory to the State agency charged with the administration of the State law.

“(C) The specific requirements that must be met in order to satisfy this paragraph shall be established by the State agency, and shall include at least the following:

“(i) Registration for employment services within 10 days after making initial application for regular compensation.

“(ii) Posting a resume, record, or other application for employment on such database as the State agency may require.

“(iii) Applying for work in such manner as the State agency may require.”

(b) **EFFECTIVE DATE.**—The amendment made by subsection (a) shall apply to weeks beginning after the end of the first session of the State legislature which begins after the date of enactment of this Act.

#### **SEC. 2122. PARTICIPATION IN REEMPLOYMENT SERVICES MADE A CONDITION OF BENEFIT RECEIPT.**

(a) **SOCIAL SECURITY ACT.**—Paragraph (10) of section 303(a) of the Social Security Act is amended to read as follows:

“(10)(A) A requirement that, as a condition of eligibility for regular compensation for any week and in addition to State work search requirements—

“(i) a claimant shall meet the minimum educational requirements set forth in subparagraph (B); and

“(ii) any claimant who has been referred to reemployment services shall participate in such services.

“(B) For purposes of this paragraph, an individual shall not be considered to have met the minimum educational requirements of this subparagraph unless such individual—

“(i) has earned a high school diploma;

“(ii) has earned the General Educational Development (GED) credential or other State-recognized equivalent (including by meeting recognized alternative standards for individuals with disabilities); or

“(iii) is enrolled and making satisfactory progress in classes leading to satisfaction of clause (i) or (ii).

“(C) The requirements of subparagraph (B) may be waived for an individual to the extent that the State agency charged with the administration of the State law deems such requirements to be unduly burdensome.”

(b) **INTERNAL REVENUE CODE OF 1986.**—Paragraph (8) of section 3304(a) of the Internal Revenue Code of 1986 is amended to read as follows:

“(8) compensation shall not be denied to an individual for any week in which the individual is enrolled and making satisfactory progress in education or training which has been previously approved by the State agency;”

(c) **EFFECTIVE DATE.**—The amendments made by this section shall apply to weeks beginning after the end of the first session of the State legislature which begins after the date of enactment of this Act.

#### **SEC. 2123. STATE FLEXIBILITY TO PROMOTE THE REEMPLOYMENT OF UNEMPLOYED WORKERS.**

Title III of the Social Security Act (42 U.S.C. 501 and following) is amended by adding at the end the following:

##### **“DEMONSTRATION PROJECTS**

“SEC. 305. (a) The Secretary of Labor may enter into agreements, with up to 10 States per year that submit an application described in subsection (b), for the purpose of allowing such States to conduct demonstration projects to test and evaluate measures designed—

“(1) to expedite the reemployment of individuals who have established a benefit year and are otherwise eligible to claim unemployment compensation under the State law of such State; or

“(2) to improve the effectiveness of a State in carrying out its State law with respect to reemployment.

“(b) The Governor of any State desiring to conduct a demonstration project under this section shall submit an application to the Secretary of Labor. Any such application shall include—

“(1) a general description of the proposed demonstration project, including the authority (under the laws of the State) for the measures to be tested, as well as the period of time during which such demonstration project would be conducted;

“(2) if a waiver under subsection (c) is requested, a statement describing the specific aspects of the project to which the waiver would apply and the reasons why such waiver is needed;

“(3) a description of the goals and the expected programmatic outcomes of the demonstration project, including how the project would contribute to the objective described in subsection (a)(1), subsection (a)(2), or both;

“(4) assurances (accompanied by supporting analysis) that the demonstration project would operate for a period of at least 1 calendar year and not result in any increased net costs to the State’s account in the Unemployment Trust Fund;

“(5) a description of the manner in which the State—

“(A) will conduct an impact evaluation, using a methodology appropriate to determine the effects of the demonstration project; and

“(B) will determine the extent to which the goals and outcomes described in paragraph (3) were achieved; and

“(6) assurances that the State will provide any reports relating to the demonstration project, after its approval, as the Secretary of Labor may require.

“(c) The Secretary of Labor may waive any of the requirements of section 3304(a)(4) of the Internal Revenue Code of 1986 or of paragraph (1) or (5) of section 303(a), to the extent and for the period the Secretary of Labor considers necessary to enable the State to carry out a demonstration project under this section.

“(d) A demonstration project under this section—

“(1) may be commenced any time after the date of enactment of this section;

“(2) may not be approved for a period of time greater than 3 years, subject to extension upon request of the Governor of the State involved for such additional period as the Secretary of Labor may agree to, except that in no event may a demonstration project under this section be conducted after the end of the 5-year period beginning on the date of enactment of this section; and

“(3) may not be extended without sufficient data to show that the project—

“(A) did not increase the net cost to the State's account in the Unemployment Trust Fund during the initial demonstration period; and

“(B) may be reasonably projected not to increase the net cost to the State's account in the Unemployment Trust Fund during the extended period requested.

“(e) The Secretary of Labor shall, in the case of any State for which an application is submitted under subsection (b)—

“(1) notify the State as to whether such application has been approved or denied within 30 days after receipt of a complete application; and

“(2) provide public notice of the decision within 10 days after providing notification to the State in accordance with paragraph (1).

Public notice under paragraph (2) may be provided through the Internet or other appropriate means. Any application under this section that has not been denied within the 30-day period described in paragraph (1) shall be deemed approved, and public notice of any approval under this sentence shall be provided within 10 days thereafter.

“(f) The Secretary of Labor may terminate a demonstration project under this section if the Secretary determines that the State has violated the substantive terms or conditions of the project.

“(g) Funding certified under section 302(a) may be used for an approved demonstration project.”.

#### **SEC. 2124. ASSISTANCE AND GUIDANCE IN IMPLEMENTING SELF-EMPLOYMENT ASSISTANCE PROGRAMS.**

(a) *IN GENERAL.*—For purposes of assisting States in establishing, improving, and administering self-employment assistance programs, the Secretary shall—

(1) develop model language that may be used by States in enacting such programs, as well as periodically review and revise such model language;

(2) provide technical assistance and guidance in establishing, improving, and administering such programs; and

(3) establish reporting requirements for States in regard to such programs, including reporting on—

(A) the number of businesses and jobs created, both directly and indirectly, by self-employment assistance programs; and

(B) the estimated Federal and State tax revenues collected from such businesses and their employees.

(b) *MODEL LANGUAGE AND GUIDANCE.*—The model language, guidance, and reporting requirements developed by the Secretary pursuant to subsection (a) shall—

(1) allow sufficient flexibility for States and participating individuals; and

(2) ensure accountability and program integrity.

(c) *CONSULTATION.*—In developing the model language, guidance, and reporting requirements pursuant to subsection (a), the Secretary shall consult with employers, labor organizations, State agencies, and other relevant program experts.

(d) *ENTREPRENEURIAL TRAINING PROGRAMS.*—The Secretary shall coordinate with the Administrator of the Small Business Administration to ensure that adequate funding is reserved and made available for the provision of entrepreneurial training to individuals participating in self-employment assistance programs.

#### **SEC. 2125. IMPROVING PROGRAM INTEGRITY BY BETTER RECOVERY OF OVERPAYMENTS.**

(a) *USE OF UNEMPLOYMENT COMPENSATION TO REPAY OVERPAYMENTS.*—Section 3304(a)(4)(D) of the Internal Revenue Code of 1986 and section 303(g)(1) of the Social Security Act are amended by striking “may” and inserting “shall”.

(b) *USE OF UNEMPLOYMENT COMPENSATION TO REPAY FEDERAL ADDITIONAL COMPENSATION OVERPAYMENTS.*—Section 303(g)(3) of the Social Security Act is amended by inserting “Federal additional compensation,” after “trade adjustment allowances,”.

(c) *EFFECTIVE DATE.*—The amendments made by this section shall apply to weeks beginning after the end of the first session of the State legislature which begins after the date of enactment of this Act.

#### **SEC. 2126. DATA STANDARDIZATION FOR IMPROVED DATA MATCHING.**

(a) *IN GENERAL.*—Title IX of the Social Security Act is amended by adding at the end the following:

##### **“DATA STANDARDIZATION FOR IMPROVED DATA MATCHING**

##### **“Standard Data Elements**

“SEC. 911. (a)(1) The Secretary of Labor, in consultation with an interagency work group which shall be established by the Office of Management and Budget, and considering State and employer perspectives, shall, by rule, designate standard data elements for any category of information required under title III or this title.

“(2) The standard data elements designated under paragraph (1) shall, to the extent practicable, be nonproprietary and interoperable.

“(3) In designating standard data elements under this subsection, the Secretary of Labor shall, to the extent practicable, incorporate—

“(A) interoperable standards developed and maintained by an international voluntary consensus standards body, as defined by the Office of Management and Budget, such as the International Organization for Standardization;

“(B) interoperable standards developed and maintained by intergovernmental partnerships, such as the National Information Exchange Model; and

“(C) interoperable standards developed and maintained by Federal entities with authority over contracting and financial assistance, such as the Federal Acquisition Regulations Council.

##### **“Data Standards for Reporting**

“(b)(1) The Secretary of Labor, in consultation with an interagency work group established by the Office of Management and Budget, and considering State and employer perspectives, shall, by rule, designate data reporting standards to govern the reporting required under title III or this title.

“(2) The data reporting standards required by paragraph (1) shall, to the extent practicable—

“(A) incorporate a widely-accepted, non-proprietary, searchable, computer-readable format;

“(B) be consistent with and implement applicable accounting principles; and

“(C) be capable of being continually upgraded as necessary.

“(3) In designating reporting standards under this subsection, the Secretary of Labor shall, to the extent practicable, incorporate existing non-proprietary standards, such as the eXtensible Business Reporting Language.”.

(b) *EFFECTIVE DATE.*—The amendment made by this section shall apply after September 30, 2012.

#### **SEC. 2127. DRUG TESTING OF APPLICANTS.**

Section 303 of the Social Security Act is amended by adding at the end the following:

“(k)(1) Nothing in this Act or any other provision of Federal law shall be considered to prevent a State from—

“(A) testing an applicant for unemployment compensation for the unlawful use of controlled substances as a condition for receiving such compensation; or

“(B) denying such compensation to such applicant on the basis of the result of such testing.

“(2) For purposes of this subsection—

“(A) the term ‘unemployment compensation’ has the meaning given such term in subsection (d)(2)(A); and

“(B) the term ‘controlled substance’ has the meaning given such term in section 102 of the Controlled Substances Act (21 U.S.C. 802).”.

#### **PART 2—PROVISIONS RELATING TO EXTENDED BENEFITS**

##### **SEC. 2141. SHORT TITLE.**

This part may be cited as the “Unemployment Benefits Extension Act of 2011”.

##### **SEC. 2142. EXTENSION AND MODIFICATION OF EMERGENCY UNEMPLOYMENT COMPENSATION PROGRAM.**

(a) *EXTENSION.*—Section 4007 of the Supplemental Appropriations Act, 2008 (Public Law 110-252; 26 U.S.C. 3304 note) is amended—

(1) in subsection (a)—

(A) by striking “Except as provided in subsection (b), an” and inserting “An”; and

(B) by striking “January 3, 2012” and inserting “January 31, 2013”; and

(2) by amending subsection (b) to read as follows:

“(b) *TERMINATION.*—No compensation under this title shall be payable for any week subsequent to the last week described in subsection (a).”.

(b) *MODIFIED TIERS OF EMERGENCY UNEMPLOYMENT COMPENSATION.*—

(1) *IN GENERAL.*—Section 4002 of the Supplemental Appropriations Act, 2008 (Public Law 110-252; 26 U.S.C. 3304 note) is amended by striking subsections (b) through (e) and inserting the following:

“(b) *FIRST-TIER EMERGENCY UNEMPLOYMENT COMPENSATION.*—

“(1) *IN GENERAL.*—The amount established in an account under subsection (a) shall be an amount (in this title referred to as ‘first-tier emergency unemployment compensation’) equal to the lesser of—

“(A) 80 percent of the total amount of regular compensation (including dependents’ allowances) payable to the individual during the individual’s benefit year under the State law; or

“(B) 20 times the individual’s average weekly benefit amount for the benefit year.

“(2) *WEEKLY BENEFIT AMOUNT.*—For purposes of this subsection, an individual’s weekly benefit amount for any week is the amount of regular compensation (including dependents’ allowances) under the State law payable to such individual for such week for total unemployment.

“(c) *SECOND-TIER EMERGENCY UNEMPLOYMENT COMPENSATION.*—

“(1) IN GENERAL.—If, at the time that the amount established in an individual’s account under subsection (b)(1) is exhausted or at any time thereafter, such individual’s State is in an extended benefit period (as determined under paragraph (2)), such account shall be augmented by an amount (in this title referred to as ‘second-tier emergency unemployment compensation’) equal to the lesser of—

“(A) 50 percent of the total amount of regular compensation (including dependents’ allowances) payable to the individual during the individual’s benefit year under the State law; or

“(B) 13 times the individual’s average weekly benefit amount (as determined under subsection (b)(2)) for the benefit year.

“(2) EXTENDED BENEFIT PERIOD.—For purposes of paragraph (1), a State shall be considered to be in an extended benefit period, as of any given time, if—

“(A) such a period would then be in effect for such State, under the Federal-State Extended Unemployment Compensation Act of 1970, if section 203(d) of such Act—

“(i) were applied by substituting ‘4’ for ‘5’ each place it appears; and

“(ii) did not include the requirement under paragraph (1)(A) thereof; or

“(B) such a period would then be in effect for such State, under the Federal-State Extended Unemployment Compensation Act of 1970, if—

“(i) section 203(f) of such Act were applied to such State (regardless of whether or not the State by law had provided for such application); and

“(ii) such section 203(f)—

“(I) were applied by substituting ‘6.0’ for ‘6.5’ in paragraph (1)(A)(i) thereof; and

“(II) did not include the requirement under paragraph (1)(A)(ii) thereof.

“(3) LIMITATION.—The account of an individual may be augmented not more than once under this subsection.”.

(2) TECHNICAL AND CONFORMING AMENDMENTS.—Section 4002 of the Supplemental Appropriations Act, 2008 (Public Law 110–252; 26 U.S.C. 3304 note), as amended by paragraph (1), is further amended—

(A) by striking subsection (f); and

(B) by redesignating subsection (g) as subsection (d).

(C) ORDER OF PAYMENTS REQUIREMENT.—

(1) IN GENERAL.—Section 4001(e) of the Supplemental Appropriations Act, 2008 (Public Law 110–252; 26 U.S.C. 3304 note) is amended to read as follows:

“(e) COORDINATION RULE.—An agreement under this section shall not apply (or shall cease to apply) with respect to a State upon a determination by the Secretary that, under the State law or other applicable rules of such State, the payment of extended compensation for which an individual is otherwise eligible may or must be deferred until after the payment of any emergency unemployment compensation under section 4002, as amended by the Unemployment Benefits Extension Act of 2011, for which the individual is concurrently eligible.”.

(2) TECHNICAL AND CONFORMING AMENDMENTS.—Section 4001(b)(2) of such Act is amended—

(A) by striking “or extended compensation”; and

(B) by striking “(except as provided under subsection (e))”.

(d) FUNDING.—Section 4004(e)(1) of the Supplemental Appropriations Act, 2008 (Public Law 110–252; 26 U.S.C. 3304 note) is amended—

(1) in subparagraph (F), by striking “and” at the end; and

(2) by inserting after subparagraph (G) the following:

“(H) the amendments made by section 2302 of the Unemployment Benefits Extension Act of 2011; and”.

(e) EFFECTIVE DATES; TRANSITION RULES RELATING TO SUBSECTION (b).—

(1) IN GENERAL.—The amendments made by—

(A) subsection (a) shall take effect as if included in the enactment of the Tax Relief, Unemployment Insurance Reauthorization, and Job Creation Act of 2010 (Public Law 111–312);

(B) subsections (b) and (c) shall take effect on December 28, 2011, and shall apply with respect to weeks of unemployment beginning after that date; and

(C) subsection (d) shall take effect on the date of enactment of this Act.

(2) TRANSITION RULES FOR THE APPLICATION OF THE AMENDMENTS MADE BY SUBSECTION (b) IN THE CASE OF INDIVIDUALS HAVING RESIDUAL AMOUNTS IN THEIR ACCOUNT.—

(A) EXHAUSTION OF RESIDUAL AMOUNTS.—In the case of an individual who, as of any time during the last week ending before January 3, 2012, has amounts remaining in an account established under section 4002 of the Supplemental Appropriations Act, 2008, emergency unemployment compensation shall continue to be payable to such individual from the amounts so remaining, subject to section 4007(b) of such Act, as amended by this subtitle.

(B) NON-AUGMENTATION RULE.—

(i) IN GENERAL.—Except as provided in clause (ii), after exhausting the amounts remaining in the individual’s account under subparagraph (A), no augmentation (or further augmentation) to such account may be made.

(ii) EXCEPTION.—In the case of an individual whose residual amounts (as described in subparagraph (A)) represent amounts that were established in such individual’s account under section 4002(b) of the Supplemental Appropriations Act, 2008, as in effect before the date of enactment of this Act, no augmentation to such account may be made except in accordance with section 4002(c) of such Act, as amended by this subtitle.

(3) TRANSITION RULES FOR THE APPLICATION OF THE AMENDMENTS MADE BY SUBSECTION (b) IN THE CASE OF INDIVIDUALS BETWEEN TIERS.—

(A) IN GENERAL.—In the case of an individual for whom an emergency unemployment compensation account has been established under section 4002 of the Supplemental Appropriations Act, 2008, as in effect before the date of enactment of this Act, but who is not covered by paragraph (2), no augmentation (or further augmentation) to such account shall be allowable, except as provided in subparagraph (B).

(B) EXCEPTION.—

(i) RULE.—In the case of a first-tier exhaustee, augmentation shall be allowable in a manner similar to that described in paragraph (2)(B)(ii).

(ii) DEFINITION.—For purposes of this subparagraph, the term “first-tier exhaustee” means an individual—

(I) who is described in subparagraph (A); and

(II) whose emergency unemployment compensation account—

(aa) has been exhausted of amounts described in section 4002(b) of the Supplemental Appropriations Act, 2008, as in effect before the enactment of this Act; but

(bb) has never been augmented.

(4) WEEK DEFINED.—For purposes of this subsection, the term “week” has the meaning given such term under section 4006 of the Supplemental Appropriations Act, 2008.

SEC. 2143. TEMPORARY EXTENSION OF EXTENDED BENEFIT PROVISIONS.

(a) IN GENERAL.—Section 2005 of the Assistance for Unemployed Workers and Struggling Families Act, as contained in Public Law 111–5 (26 U.S.C. 3304 note), is amended—

(1) by striking “January 4, 2012” each place it appears and inserting “January 31, 2013”; and

(2) in subsection (c), by striking “June 11, 2012” and inserting “January 31, 2013”.

(b) EXTENSION OF MATCHING FOR STATES WITH NO WAITING WEEK.—Section 5 of the Unemployment Compensation Extension Act of 2008 (Public Law 110–449; 26 U.S.C. 3304 note) is amended by striking “June 10, 2012” and inserting “January 31, 2013”.

(c) EXTENSION OF MODIFICATION OF INDICATORS UNDER THE EXTENDED BENEFIT PROGRAM.—Section 203 of the Federal-State Extended Unemployment Compensation Act of 1970 (26 U.S.C. 3304 note) is amended—

(1) in subsection (d), by striking “December 31, 2011” and inserting “January 31, 2013”; and

(2) in subsection (f)(2), by striking “December 31, 2011” and inserting “January 31, 2013”.

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect as if included in the enactment of the Tax Relief, Unemployment Insurance Reauthorization, and Job Creation Act of 2010 (Public Law 111–312; 26 U.S.C. 3304 note).

SEC. 2144. ADDITIONAL EXTENDED UNEMPLOYMENT BENEFITS UNDER THE RAILROAD UNEMPLOYMENT INSURANCE ACT.

(a) EXTENSION.—Section 2(c)(2)(D)(iii) of the Railroad Unemployment Insurance Act, as added by section 2006 of the American Recovery and Reinvestment Act of 2009 (Public Law 96 111–5) and as amended by section 9 of the Worker, Homeownership, and Business Assistance Act of 2009 (Public Law 111–92) and section 505 of the Tax Relief, Unemployment Insurance Reauthorization, and Job Creation Act of 2010 (Public Law 111–312), is amended—

(1) by striking “June 30, 2011” and inserting “June 30, 2012”; and

(2) by striking “December 31, 2011” and inserting “January 31, 2013”.

(b) CLARIFICATION ON AUTHORITY TO USE FUNDS.—Funds appropriated under either the first or second sentence of clause (iv) of section 2(c)(2)(D) of the Railroad Unemployment Insurance Act shall be available to cover the cost of additional extended unemployment benefits provided under such section 2(c)(2)(D) by reason of the amendments made by subsection (a) as well as to cover the cost of such benefits provided under such section 2(c)(2)(D), as in effect on the day before the date of enactment of this Act.

PART 3—IMPROVING REEMPLOYMENT STRATEGIES UNDER THE EMERGENCY UNEMPLOYMENT COMPENSATION PROGRAM

SEC. 2161. IMPROVED WORK SEARCH FOR THE LONG-TERM UNEMPLOYED.

(a) IN GENERAL.—Section 4001(b) of the Supplemental Appropriations Act, 2008 (Public Law 110–252; 26 U.S.C. 3304 note) is amended—

(1) by striking “and” at the end of paragraph (2);

(2) by striking the period at the end of paragraph (3) and inserting “; and”; and

(3) by adding at the end the following:

“(4) are able to work, available to work, and actively seeking work.”.

(b) ACTIVELY SEEKING WORK.—Section 4001 of such Act is amended by adding at the end the following:

“(h) ACTIVELY SEEKING WORK.—

“(1) IN GENERAL.—For purposes of subsection (b)(4), the term ‘actively seeking work’ means, with respect to any individual, that such individual is actively engaged in a systematic and sustained effort to obtain work, as determined based on evidence (whether in electronic format or otherwise) satisfactory to the State agency charged with the administration of the State law.

“(2) SPECIFIC REQUIREMENTS.—The specific requirements that must be met in order to satisfy subsection (b)(4), to the extent that it relates to actively seeking work, shall be established by the State agency, and shall include the following:

“(A) Registration for employment services within 30 days after the date on which occurs whichever of the following events occurs first, in the case of the individual referred to in paragraph (1):

“(i) The submission of the claim on the basis of which amounts described in section 4002(b) (as amended by the Unemployment Benefits Extension Act of 2011) first become payable to such individual.

“(ii) The submission of the claim on the basis of which amounts described in section 4002(c) (as amended by the Unemployment Benefits Extension Act of 2011) first become payable to such individual.

“(B) Posting a resume, record, or other application for employment on such database as the State agency may require.

“(C) Applying, in such manner as the State agency may require, for work.”.

**SEC. 2162. REEMPLOYMENT SERVICES AND REEMPLOYMENT AND ELIGIBILITY ASSESSMENT ACTIVITIES.**

(a) IN GENERAL.—

(1) PROVISION OF SERVICES AND ACTIVITIES.—Section 4001 of the Supplemental Appropriations Act, 2008 (Public Law 110–252; 26 U.S.C. 3304 note) is amended by inserting after subsection (h) (as added by section 2161) the following:

“(i) PROVISION OF SERVICES AND ACTIVITIES.—

“(1) IN GENERAL.—An agreement under this section shall require the following:

“(A) The State which is party to such agreement shall provide reemployment services and reemployment and eligibility assessment activities to each individual—

“(i) who, on or after the 30th day after the date of enactment of the Extended Benefits, Reemployment, and Program Integrity Improvement Act, begins receiving amounts described in subsection (b) and (c) of 4002 of the Supplemental Appropriations Act of 2008, as amended by the Extended Benefits, Reemployment, and Program Integrity Improvement Act; and

“(ii) while such individual continues to receive emergency unemployment compensation under this title.

“(B) As a condition of eligibility for emergency unemployment compensation for any week—

“(i) a claimant shall meet the minimum educational requirements set forth in section 303(a)(10)(B) of the Social Security Act;

“(ii) a claimant who has been duly referred to reemployment services shall participate in such services; and

“(iii) a claimant shall be actively seeking work (determined applying subsection (h)).

“(2) DESCRIPTION OF SERVICES AND ACTIVITIES.—The reemployment services and in-person reemployment and eligibility assessment activities provided to individuals receiving emergency unemployment compensation described in paragraph (1)—

“(A) shall include—

“(i) the provision of labor market and career information;

“(ii) an assessment of the skills of the individual;

“(iii) orientation to the services available through the one-stop centers established under title I of the Workforce Investment Act of 1998; and

“(iv) review of the eligibility of the individual for emergency unemployment compensation relating to the job search activities of the individual; and

“(B) may include the provision of—

“(i) comprehensive and specialized assessments;

“(ii) individual and group career counseling;

“(iii) training services;

“(iv) additional reemployment services; and

“(v) job search counseling and the development or review of an individual reemployment

plan that includes participation in job search activities and appropriate workshops.

“(3) PARTICIPATION REQUIREMENT.—As a condition of continuing eligibility for emergency unemployment compensation for any week, an individual who has been referred to reemployment services or reemployment and eligibility assessment activities under this subsection shall participate in such services or activities, unless the State agency responsible for the administration of State unemployment compensation law determines that—

“(A) such individual has completed participating in such services or activities; or

“(B) there is justifiable cause for failure to participate or to complete participating in such services or activities, as determined in accordance with guidance to be issued by the Secretary.”.

(2) ISSUANCE OF GUIDANCE.—Not later than 30 days after the date of enactment of this Act, the Secretary shall issue guidance on the implementation of the reemployment services and reemployment and eligibility assessment activities required to be provided under the amendment made by paragraph (1).

(b) FUNDING.—Section 4002 of the Supplemental Appropriations Act, 2008 (Public Law 110–252; 26 U.S.C. 3304 note), as amended by section 2142(b), is further amended by adding at the end the following:

“(e) OPTIONAL FUNDING FOR REEMPLOYMENT SERVICES AND REEMPLOYMENT AND ELIGIBILITY ASSESSMENT ACTIVITIES.—In order to carry out section 4001(i)(2), a State may withhold up to \$5 from any amount otherwise payable to an individual under this title for any week.”.

**SEC. 2163. STATE FLEXIBILITY TO SUPPORT LONG-TERM UNEMPLOYED WORKERS WITH IMPROVED REEMPLOYMENT SERVICES.**

Title IV of the Supplemental Appropriations Act, 2008 (Public Law 110–252; 26 U.S.C. 3304 note) is amended by adding at the end the following:

**“DEMONSTRATION PROJECTS**

“SEC. 4008. (a) The Secretary may enter into an agreement under this section, with any State which has an agreement with the Secretary under section 4001 and which submits an application under subsection (b), for the purpose of allowing such State to divert, in any month, a number of emergency unemployment compensation beneficiaries not to exceed 20 percent of the total number of beneficiaries, attributable to such State and receiving emergency unemployment compensation for the first week of such month, to conduct demonstration projects to test and evaluate measures designed—

“(1) to expedite the reemployment of individuals who establish initial eligibility for unemployment compensation under the State law of such State; or

“(2) to improve the effectiveness of a State in carrying out its State law with respect to reemployment.

“(b) The Governor of any State desiring to conduct a demonstration project under this section shall submit an application to the Secretary. Any such application shall include—

“(1) a description of the activities to be carried out by the State to assist in the reemployment of eligible individuals to be served in accordance with this part, including activities the State intends to carry out and an estimate of the amounts the State intends to allocate to those respective activities;

“(2) a description of the performance outcomes to be achieved by the State through the activities carried out under this part, including the employment outcomes to be achieved by participants and the processes the State will use to track performance, consistent with guidance provided by the Secretary regarding such outcomes and processes;

“(3) the timelines for implementation of the activities described in the application and the number of emergency unemployment compensation claimants expected to be enrolled in such activities for each quarter;

“(4) assurances that the State will participate in the evaluation activities carried out by the Secretary under this section;

“(5) assurances that the State will provide appropriate reemployment services to individuals participating in the demonstration project;

“(6) assurances that the State will report such information as the Secretary may require relating to fiscal, performance and other matters, including employment outcomes;

“(7) the specific aspects of the project to which the waiver would apply and the reasons why such waiver is needed;

“(8) a description of the goals and the expected programmatic outcomes of the demonstration project, including how the project would contribute to the objective described in subsection (a)(1), subsection (a)(2), or both;

“(9) assurances (accompanied by supporting analysis) that the demonstration project would not result in any increased net costs to the emergency unemployment compensation program;

“(10) a description of the manner in which the State—

“(A) will conduct an impact evaluation, using a control or comparison group or other valid methodology, of the demonstration project; and

“(B) will determine the extent to which the goals and outcomes described in paragraph (8) were achieved; and

“(11) assurances that the State will provide any reports relating to the demonstration project, after its approval, as the Secretary may require.

“(c) Activities that may be pursued under a demonstration project under this section, including—

“(1) subsidies for employer-provided training, such as wage subsidies;

“(2) work sharing or short-time compensation; and

“(3) enhanced employment strategies, which may include services such as—

“(A) assessments, counseling, and other intensive services that are provided by staff on a one-to-one basis and may be customized to meet the reemployment needs of emergency unemployment compensation claimants and individuals;

“(B) comprehensive assessments designed to identify alternative career paths;

“(C) case management;

“(D) reemployment services that are provided more frequently and more intensively than such reemployment services have previously been provided by the State;

“(E) self-employment assistance programs;

“(F) services that are designed to enhance communication skills, interviewing skills, and other skills that would assist in obtaining reemployment;

“(G) direct disbursements to employers who hire individuals receiving emergency unemployment compensation to cover part of the cost of wages that exceed the unemployed individual's prior benefit level; and

“(H) other innovative activities which use a strategy that is different from the reemployment strategies described above and which are designed to facilitate the reemployment of individuals receiving emergency unemployment compensation.

“(d) The Secretary shall, in the case of any State for which an application is submitted under subsection (b)—

“(1) notify the State as to whether such application has been approved or denied within 30 days after receipt of a complete application; and

“(2) provide public notice of the decision within 10 days after providing notification to the State in accordance with paragraph (1).



Public notice under paragraph (2) may be provided through the Internet or other appropriate means. Any application under this section that has not been denied within such 30 days shall be deemed approved, and public notice of any approval under this sentence shall be provided within 10 days thereafter.

“(e) The Secretary may terminate a demonstration project under this section if the Secretary determines that the State has violated the substantive terms or conditions of the project.

“(f) Authority to carry out a demonstration project under this section shall terminate with respect to any State after compensation under this title ceases to be payable with respect to such State.”.

**SEC. 2164. PROMOTING PROGRAM INTEGRITY THROUGH BETTER RECOVERY OF OVERPAYMENTS.**

Section 4005(c)(1) of the Supplemental Appropriations Act, 2008 (Public Law 110-252; 26 U.S.C. 3304 note) is amended—

(1) by striking “may” and inserting “shall”;

(2) by striking “exceed” and inserting “be less than”;

(3) by striking “made.” and inserting “made, unless the amount to be repaid is less than 50 percent of the weekly benefit amount.”.

**SEC. 2165. RESTORE STATE FLEXIBILITY TO IMPROVE UNEMPLOYMENT PROGRAM SOLVENCY.**

Subsection (g) of section 4001 of the Supplemental Appropriations Act, 2008 (Public Law 110-252; 26 U.S.C. 3304 note) is repealed.

**Subtitle C—Medicare Extensions; Other Health Provisions**

**PART 1—MEDICARE EXTENSIONS**

**SEC. 2201. PHYSICIAN PAYMENT UPDATE.**

(a) IN GENERAL.—Section 1848(d) of the Social Security Act (42 U.S.C. 1395w-4(d)) is amended by adding at the end the following new paragraph:

“(13) UPDATE FOR 2012 AND 2013.—

“(A) IN GENERAL.—Subject to paragraphs (7)(B), (8)(B), (9)(B), (10)(B), (11)(B), and (12)(B), in lieu of the update to the single conversion factor established in paragraph (1)(C) that would otherwise apply for 2012 and for 2013, the update to the single conversion factor shall be 1.0 percent for the year.

“(B) NO EFFECT ON COMPUTATION OF CONVERSION FACTOR FOR 2014 AND SUBSEQUENT YEARS.—The conversion factor under this subsection shall be computed under paragraph (1)(A) for 2014 and subsequent years as if subparagraph (A) had never applied.”.

(b) MANDATED STUDIES ON PHYSICIAN PAYMENT REFORM.—

(1) STUDY BY SECRETARY ON OPTIONS FOR BUNDLED OR EPISODE-BASED PAYMENT.—

(A) IN GENERAL.—The Secretary of Health and Human Services shall conduct a study that examines options for bundled or episode-based payments, to cover physicians' services currently paid under the physician fee schedule under section 1848 of the Social Security Act (42 U.S.C. 1395w-4), for one or more prevalent chronic conditions (such as cancer, diabetes, and congestive heart failure) or episodes of care for one or more major procedures (such as medical device implantation). In conducting the study the Secretary shall consult with medical professional societies and other relevant stakeholders. The study shall include an examination of related private payer payment initiatives.

(B) REPORT.—Not later than January 1, 2013, the Secretary shall submit to the Committees on Ways and Means and Energy and Commerce of the House of Representatives and the Committee on Finance in the Senate a report on the study conducted under this paragraph. The Secretary shall include in the report recommendations on suitable alternative payment options for services paid under such fee schedule and on associated

implementation requirements (such as timelines, operational issues, and interactions with other payment reform initiatives).

(2) GAO STUDY OF PRIVATE PAYER INITIATIVES.—

(A) IN GENERAL.—The Comptroller General of the United States shall conduct a study that examines initiatives of private entities offering or administering health insurance coverage, group health plans, or other private health benefit plans to base or adjust physician payment rates under such coverage or plans for performance on quality and efficiency as well as demonstration of care delivery improvement activities (such as adherence to evidence based guidelines and patient shared decision making programs). In conducting such study, the Comptroller General shall consult, to the extent appropriate, with medical professional societies and other relevant stakeholders.

(B) REPORT.—Not later than January 1, 2013, the Comptroller General shall submit to the Committees on Ways and Means and Energy and Commerce of the House of Representatives and the Committee on Finance in the Senate a report on the study conducted under this paragraph. Such report shall include an assessment of applicability of the payer initiatives described in subparagraph (A) to the Medicare program and recommendations on modifications to existing Medicare performance-based payment initiatives.

(3) MEDPAC STUDY OF ALIGNING PAYMENT INCENTIVES.—Not later than March 1, 2013, the Medicare Payment Advisory Commission shall conduct a study, and submit to the Committees on Ways and Means and Energy and Commerce of the House of Representatives and the Committee on Finance in the Senate a report, that examines the feasibility of aligning private payer quality and efficiency programs with those in the Medicare program. In conducting such study, the Medicare Payment Advisory Commission shall consult with medical professional societies and other relevant stakeholders. Such report shall include recommendations on how to achieve such alignment.

(4) COLLABORATION.—The Secretary, Comptroller General, and Commission may collaborate to the extent beneficial in conducting their respective studies and submitting their respective reports under this subsection.

(c) STUDY AND REVIEW OF MEASURES TO IMPROVE PHYSICIAN PAYMENTS, HEALTH OUTCOMES, AND EFFICIENCY.—During the 112th Congress, the Committees on Energy and Commerce and Ways and Means of the House of Representatives and the Committee on Finance in the Senate shall each study and review value-based measures and practice arrangements which may improve health outcomes and efficiency in the Medicare program to the end of replacing the Medicare sustainable growth rate in a fiscally responsible manner and establishing a sustainable payment system. In conducting such study and review, the committees shall solicit comments from stakeholder physician groups, including State medical associations.

**SEC. 2202. AMBULANCE ADD-ONS.**

(a) GROUND AMBULANCE.—Section 1834(l)(13)(A) of the Social Security Act (42 U.S.C. 1395m(l)(13)(A)), as amended by section 106(a) of the Medicare and Medicaid Extenders Act of 2010 (Public Law 111-309), is amended—

(1) in the matter preceding clause (i), by striking “2012” and inserting “2013”; and

(2) in each of clauses (i) and (ii), by striking “2012” and inserting “2013” each place it appears.

(b) SUPER RURAL AMBULANCE.—Section 1834(l)(12)(A) of the Social Security Act (42 U.S.C. 1395m(l)(12)(A)), as amended by section 106(c) of the Medicare and Medicaid Extenders Act of 2010 (Public Law 111-309), is amended in

the first sentence by striking “2012” and inserting “2013”.

(c) GAO REPORT UPDATE.—Not later than October 1, 2012, the Comptroller General of the United States shall update the GAO report GAO-07-383 (relating to Ambulance Providers: Costs and Expected Medicare Margins Vary Greatly) to reflect current costs for ambulance providers.

(d) MEDPAC REPORT.—The Medicare Payment Advisory Commission shall conduct a study of—

(1) the appropriateness of the add-on payments for ambulance providers under paragraphs (12)(A) and (13)(A) of section 1834(l) of the Social Security Act (42 U.S.C. 1395m(l));

(2) the effect these additional payments have on the Medicare margins of ambulance providers; and

(3) whether there is a need to reform the Medicare ambulance fee schedule under such section and, if so, what should such reforms be, including rolling the add-on payments into the base rate.

Not later than July 1, 2012, the Commission shall submit to the Committees on Ways and Means and Energy and Commerce of the House of Representatives and the Committee on Finance of the Senate a report on such study and shall include in the report such recommendations as the Commission deems appropriate.

(e) EFFECTIVE DATE.—The amendments made by subsections (a) and (b) shall apply to ambulance services furnished on or after January 1, 2012.

**SEC. 2203. MEDICARE PAYMENT FOR OUTPATIENT THERAPY SERVICES.**

(a) APPLICATION OF ADDITIONAL REQUIREMENTS.—Section 1833(g)(5) of the Social Security Act (42 U.S.C. 1395l(g)(5)) is amended—

(1) by inserting “(A)” after “(5)”;

(2) by striking “December 31, 2011” and inserting “December 31, 2013”;

(3) in the first sentence, by inserting “and if the requirement of subparagraph (B) is met” after “medically necessary”;

(4) in the second sentence, by inserting “made in accordance with such requirement” after “receipt of the request”; and

(5) by adding at the end the following new subparagraphs:

“(B) In the case of outpatient therapy services for which an exception is requested under the first sentence of subparagraph (A), the claim for such services contains an appropriate modifier (such as the KX modifier used as of the date of the enactment of this subparagraph) indicating that such services are medically necessary as justified by appropriate documentation in the medical record involved.

“(C)(i) In applying this paragraph with respect to a request for an exception with respect to expenses that would be incurred for outpatient therapy services (including services described in subsection (a)(8)(B)) that would exceed the threshold described in clause (ii) for a year, the request for such an exception, for services furnished on or after July 1, 2012, shall be subject to a manual medical review process that is similar to the manual medical review process used for certain exceptions under this paragraph in 2006.

“(ii) The threshold under this clause for a year is \$3,700. Such threshold shall be applied separately—

“(I) for physical therapy services and speech-language pathology services; and

“(II) for occupational therapy services.”.

(b) APPLICATION OF THERAPY CAP TO THERAPY FURNISHED AS PART OF HOSPITAL OUTPATIENT SERVICES.—Paragraphs (1) and (3) of section 1833(g) of such Act are each amended by striking “but not described in section 1833(a)(8)(B)” and inserting “but (with respect to services furnished before July 1, 2012) not described in subsection (a)(8)(B)”.

(c) **REQUIREMENT FOR INCLUSION ON CLAIMS OF NPI OF PHYSICIAN WHO REVIEWS THERAPY PLAN.**—Section 1842(t) of such Act (42 U.S.C. 1395u(t)) is amended—

(1) by inserting “(1)” after “(t)”; and  
(2) by adding at the end the following new paragraph:

“(2) Each request for payment, or bill submitted, for therapy services described in paragraph (1) or (3) of section 1833(g) furnished on or after July 1, 2012, for which payment may be made under this part shall include the national provider identifier of the physician who periodically reviews the plan for such services under section 1861(p)(2).”

(d) **IMPLEMENTATION.**—The Secretary of Health and Human Services shall implement such claims processing edits and issue such guidance as may be necessary to implement the amendments made by this section in a timely manner. Notwithstanding any other provision of law, the Secretary may implement the amendments made by this section by program instruction. Of the amount of funds made available to the Secretary for fiscal year 2012 for program management for the Centers for Medicare & Medicaid Services, not to exceed \$7,500,000 shall be available for such fiscal year to carry out section 1833(g)(5)(C) of the Social Security Act (relating to manual medical review), as added by subsection (a). Of the amount of funds made available to the Secretary for fiscal year 2013 for such program management, not to exceed \$7,500,000 shall be available for such fiscal year to carry out such section.

(e) **EFFECTIVE DATE.**—The amendments made by subsection (a) shall apply to services furnished on or after January 1, 2012.

(f) **MEDPAC REPORT ON IMPROVED MEDICARE THERAPY BENEFITS.**—Not later than March 1, 2013, the Medicare Payment Advisory Commission shall submit to the Committees on Energy and Commerce and Ways and Means of the House of Representatives and to the Committee on Finance of the Senate a report making recommendations on how to improve the outpatient therapy benefit under part B of title XVIII of the Social Security Act. The report shall include recommendations on how to reform the payment system for such outpatient therapy services under such part so that the benefit is better designed to reflect individual acuity, condition, and therapy needs of the patient. Such report shall include an examination of private sector initiatives relating to outpatient therapy benefits.

(g) **COLLECTION OF ADDITIONAL DATA.**—

(1) **STRATEGY.**—The Secretary of Health and Human Services shall implement, beginning on January 1, 2013, a claims-based data collection strategy that is designed to assist in reforming the Medicare payment system for outpatient therapy services subject to the limitations of section 1833(g) of the Social Security Act. Such strategy shall be designed to provide for the collection of data on patient function during the course of therapy services in order to better understand patient condition and outcomes.

(2) **CONSULTATION.**—In proposing and implementing such strategy, the Secretary shall consult with relevant stakeholders.

(h) **GAO REPORT ON MANUAL MEDICAL REVIEW PROCESS IMPLEMENTATION.**—Not later than May 1, 2013, the Comptroller General of the United States shall submit to the Committees on Energy and Commerce and Ways and Means of the House of Representatives and to the Committee on Finance of the Senate a report on the implementation of the manual medical review process referred to in section 1833(g)(5)(C) of the Social Security Act. Such report shall include aggregate data on the number of individuals and claims subject to such process, the number of reviews conducted under such process, and the outcome of such reviews.

#### SEC. 2204. WORK GEOGRAPHIC ADJUSTMENT.

(a) **IN GENERAL.**—Section 1848(e)(1)(E) of the Social Security Act (42 U.S.C. 1395w-4(e)(1)(E)) is amended by striking “January 1, 2012” and inserting “January 1, 2013”.

(b) **REPORT.**—Not later than June 1, 2012, the Medicare Payment Advisory Commission shall submit to the Committees on Ways and Means and Energy and Commerce of the House of Representatives and the Committee on Finance of the Senate a report that assesses whether any geographic adjustment is needed under section 1848 of the Social Security Act (42 U.S.C. 1395w-4) to distinguish the difference in work effort by geographic area and, if so, what that level should be and where it should be applied. The report shall also assess the impact of the work geographic adjustment under such section, including the extent to which the floor impacts access to care.

#### PART 2—OTHER HEALTH PROVISIONS

##### SEC. 2211. QUALIFYING INDIVIDUAL (QI) PROGRAM.

(a) **EXTENSION.**—Section 1902(a)(10)(E)(iv) of the Social Security Act (42 U.S.C. 1396a(a)(10)(E)(iv)) is amended by striking “December 2011” and inserting “December 2012”.

(b) **EXTENDING TOTAL AMOUNT AVAILABLE FOR ALLOCATION.**—Section 1933(g) of such Act (42 U.S.C. 1396u-3(g)) is amended—

(1) in paragraph (2)—

(A) by striking “and” at the end of subparagraph (O);

(B) in subparagraph (P), by striking the period at the end and inserting a semicolon; and  
(C) by adding at the end the following new subparagraphs:

“(Q) for the period that begins on January 1, 2012, and ends on September 30, 2012, the total allocation amount is \$450,000,000; and

“(R) for the period that begins on October 1, 2012, and ends on December 31, 2012, the total allocation amount is \$280,000,000.”; and

(2) in paragraph (3), in the matter preceding subparagraph (A), by striking “or (P)” and inserting “(P), or (R)”.

##### SEC. 2212. EXTENSION OF TRANSITIONAL MEDICAL ASSISTANCE (TMA).

(a) **EXTENSION.**—Sections 1902(e)(1)(B) and 1925(f) of the Social Security Act (42 U.S.C. 1396a(e)(1)(B), 1396r-6(f)) are each amended by striking “December 31, 2011” and inserting “December 31, 2012”.

(b) **EXTENDING APPLICATION OF TERMINATION OF ELIGIBILITY BASED ON INCOME TO INITIAL EXTENSION PERIOD.**—

(1) **INCOME REPORTING REQUIREMENTS.**—Subsection (b)(2)(B)(i) of section 1925 of such Act (42 U.S.C. 1396r-6) is amended—

(A) by striking “additional extended assistance under this subsection” and inserting “continued extended assistance under subsection (a)”; and

(B) by inserting “(and, in the case of a State that makes an election under subsection (a)(5), the 7th month and the 11th month)” after “4th month”.

(2) **TERMINATION.**—Subsection (a)(3) of such section is amended—

(A) in subparagraph (B)—

(i) by inserting “or (D)” after “subparagraph (A)”; and

(ii) by striking the period at the end and inserting the following: “, which notice shall include (in the case of termination under subparagraph (D)(ii), relating to no continued earnings) a description of how the family may reestablish eligibility for medical assistance under the State plan. No termination shall be effective under subparagraph (D) earlier than 10 days after the date of mailing of such notice.”;

(B) in subparagraph (C)—

(i) by designating the matter beginning with “With respect to” as a clause (i) with the head-

ing “DEPENDENT CHILDREN.—” and appropriate indentation; and

(ii) by adding at the end the following new clause:

“(ii) **MEDICALLY NEEDED.**—With respect to an individual who would cease to receive medical assistance because of subparagraph (D) but who may be eligible for assistance under the State plan because the individual is within a category of person for which medical assistance under the State plan is available under section 1902(a)(10)(C) (relating to medically needy individuals), the State may not discontinue such assistance under such subparagraph until the State has determined that the individual is not eligible for assistance under the plan.”; and

(C) by adding at the end the following new subparagraph:

“(D) **QUARTERLY INCOME REPORTING AND TEST.**—Subject to subparagraphs (B) and (C), extension of assistance during the 6-month period described in paragraph (1) to a family shall terminate (during the period) at the close of the 4th month of the 6-month period (or 4th, 7th, or 11th month in case of a State that makes an election under paragraph (5)) if—

“(i) the family fails to report to the State, by the 21st day of such month, the information required under subsection (b)(2)(B)(i), unless the family has established, to the satisfaction of the State, good cause for the failure to report on a timely basis;

“(ii) the caretaker relative had no earnings in one or more of the previous 3 months, unless such lack of any earnings was due to an involuntary loss of employment, illness, or other good cause, established to the satisfaction of the State; or

“(iii) the State determines that the family’s average gross monthly earnings (less such costs for such child care as is necessary for the employment of the caretaker relative) during the immediately preceding 3-month period exceed 185 percent of the official poverty line (as defined by the Office of Management and Budget, and revised annually in accordance with section 673(2) of the Omnibus Budget Reconciliation Act of 1981) applicable to a family of the size involved.

Information described in clause (i) shall be subject to the restrictions on use and disclosure of information provided under section 402(a)(9). Instead of terminating a family’s extension under clause (i), a State, at its option, may provide for suspension of the extension until the month after the month in which the family reports information required under subsection (b)(2)(B)(i), but only if the family’s extension has not otherwise been terminated under clause (ii) or (iii). The State shall make determinations under clause (iii) for a family each time a report under subsection (b)(2)(B)(i) for the family is received.”.

(3) **EFFECTIVE DATE.**—

(A) **IN GENERAL.**—The amendments made by this subsection shall, subject to subparagraph (B), apply to assistance furnished for months beginning with January 2012.

(B) **TRANSITION FOR CURRENT BENEFICIARIES.**—

(i) **IN GENERAL.**—Subject to clause (ii), such amendments shall not apply to any individual who is receiving extended assistance under subsection (a) of section 1925 of the Social Security Act for December 2011 during the period of assistance that includes such month.

(ii) **SPECIAL RULE FOR INDIVIDUALS ELIGIBLE FOR 12 MONTHS EXTENDED ASSISTANCE.**—In the case of a State that makes an election under paragraph (5) of such section, such amendments shall apply to an individual who is receiving such extended assistance for such month if such month is within the first 6 months of the 12-month period referred to in such paragraph but



only with respect to the second 6 months of such 12-month period.

**SEC. 2213. MODIFICATION TO REQUIREMENTS FOR QUALIFYING FOR EXCEPTION TO MEDICARE PROHIBITION ON CERTAIN PHYSICIAN REFERRALS FOR HOSPITALS.**

(a) *IN GENERAL.*—Section 1877(i) of the Social Security Act (42 U.S.C. 1395nn(i)) is amended—

(1) in paragraph (1)(A)—

(A) in the matter preceding clause (i), by striking “had”;

(B) in clause (i), by inserting “had” before “physician ownership”;

(C) by amending clause (ii) to read as follows:

“(ii) either—

“(I) had a provider agreement under section 1866 in effect on such date; or

“(II) was under construction on such date.”;

and

(2) in paragraph (3)—

(A) by amending subparagraph (E) to read as follows:

“(E) *APPLICABLE HOSPITAL.*—In this paragraph, the term ‘applicable hospital’ means a hospital that does not discriminate against beneficiaries of Federal health care programs and does not permit physicians practicing at the hospital to discriminate against such beneficiaries.”; and

(B) in subparagraph (F)(iii), by striking “subparagraph (E)(iii)” and inserting “subparagraph (E)”.

(b) *EFFECTIVE DATE.*—The amendments made by subsection (a) shall be effective as if as if included in the enactment of subsection (i) of section 1877 of the Social Security Act (42 U.S.C. 1395nn).

**PART 3—OFFSETS**

**SEC. 2221. ADJUSTMENTS TO MAXIMUM THRESHOLDS FOR RECAPTURING OVERPAYMENTS RESULTING FROM CERTAIN FEDERALLY-SUBSIDIZED HEALTH INSURANCE.**

The table specified in clause (i) of section 36B(f)(2)(B) of the Internal Revenue Code of 1986 is amended to read as follows:

<i>“If the household income (expressed as a percent of poverty line) is:</i>	<i>The applicable dollar amount is:</i>
Less than 100 percent	\$600
At least 100 percent and less than 150 percent	\$800
At least 150 percent but less than 200 percent	\$1,000
At least 200 percent but less than 250 percent	\$1,500
At least 250 percent but less than 300 percent	\$2,200
At least 300 percent but less than 350 percent	\$2,500
At least 350 percent but less than 400 percent	\$3,200.”.

**SEC. 2222. PREVENTION AND PUBLIC HEALTH FUND.**

Section 4002(b) of the Patient Protection and Affordable Care Act (42 U.S.C. 300u–11(b)) is amended—

(1) in paragraph (3), by adding at the end “and”; and

(2) by striking each of paragraphs (4) through (6) and inserting the following:

“(4) for fiscal year 2013 and each subsequent fiscal year, \$640,000,000.”.

**SEC. 2223. PARITY IN MEDICARE PAYMENTS FOR HOSPITAL OUTPATIENT DEPARTMENT EVALUATION AND MANAGEMENT OFFICE VISIT SERVICES.**

Section 1833(t) of the Social Security Act (42 U.S.C. 1395l(t)) is amended—

(1) in paragraph (3)—

(A) in subparagraph (D), by striking “The Secretary” and inserting “Subject to subparagraph (H), the Secretary”;

(B) by adding at the end the following new subparagraph:

“(H) *PARITY IN FEE SCHEDULE AMOUNT FOR SPECIFIED EVALUATION AND MANAGEMENT SERVICES.*—

“(i) *IN GENERAL.*—In the case of covered OPD services that are specified evaluation and management services furnished during 2012 or a subsequent year, there shall be substituted for the medicare OPD fee schedule amount established under subparagraph (D) for such services and year, before application of any geographic or other adjustment, an amount equal to the product of the conversion factor established under section 1848(d) for such year and the amount by which—

“(I) the non-facility practice expense relative value units under the fee schedule under section 1848 for such year for physicians’ services that are such specified evaluation and management services; exceeds

“(II) the facility practice expense relative value unit under such fee schedule for such year and services.

“(ii) *BUDGET NEUTRALITY.*—In determining the adjustments under paragraph (9)(B) for 2012 or a subsequent year, the Secretary shall not take into account under such paragraph or paragraph (2)(E) any changes in expenditures that result from the application of this subparagraph.

“(iii) *SPECIFIED EVALUATION AND MANAGEMENT SERVICES DEFINED.*—For the purposes of this subparagraph, the term ‘specified evaluation and management services’ means the HCPCS codes in the range 99201 through 99215

as of January 1, 2011 (and such codes as subsequently modified by the Secretary).”; and

(2) in paragraph (9)(B), by striking “If the Secretary” and inserting “Subject to paragraph (3)(H)(ii), if the Secretary”.

**SEC. 2224. REDUCTION OF BAD DEBT TREATED AS AN ALLOWABLE COST.**

(a) *HOSPITALS.*—Section 1861(v)(1)(T) of the Social Security Act (42 U.S.C. 1395x(v)(1)(T)) is amended—

(1) in clause (iii), by striking “and” at the end;

(2) in clause (iv)—

(A) by striking “a subsequent fiscal year” and inserting “fiscal years 2001 through 2012”; and

(B) by striking the period at the end and inserting “, and”; and

(3) by adding at the end the following:

“(v) for cost reporting periods beginning during fiscal year 2013, by 35 percent of such amount otherwise allowable,

“(vi) for cost reporting periods beginning during fiscal year 2014, by 40 percent of such amount otherwise allowable, and

“(vii) for cost reporting periods beginning during a subsequent fiscal year, by 45 percent of such amount otherwise allowable.”.

(b) *SKILLED NURSING FACILITIES.*—Section 1861(v)(1)(V) of such Act (42 U.S.C. 1395x(v)(1)(V)) is amended—

(1) in the matter preceding clause (i), by striking “with respect to cost reporting periods beginning on or after October 1, 2005” and inserting “and (beginning with respect to cost reporting periods beginning during fiscal year 2013) for covered skilled nursing services described in section 1888(e)(2)(A) furnished by hospital providers of extended care services (as described in section 1883)”;

(2) in clause (i), by striking “reduced by” and all that follows through “allowable; and” and inserting the following: “reduced by—

“(I) for cost reporting periods beginning on or after October 1, 2005, but before fiscal year 2013, 30 percent of such amount otherwise allowable;

“(II) for cost reporting periods beginning during fiscal year 2013, by 35 percent of such amount otherwise allowable;

“(III) for cost reporting periods beginning during fiscal year 2014, by 40 percent of such amount otherwise allowable; and

“(IV) for cost reporting periods beginning during a subsequent fiscal year, by 45 percent of such amount otherwise allowable; and”;

(3) in clause (ii), by striking “such section shall not be reduced.” and inserting “such section—

“(I) for cost reporting periods beginning on or after October 1, 2005, but before fiscal year 2013, shall not be reduced;

“(II) for cost reporting periods beginning during fiscal year 2013, shall be reduced by 15 percent of such amount otherwise allowable;

“(III) for cost reporting periods beginning during fiscal year 2014, shall be reduced by 30 percent of such amount otherwise allowable; and

“(IV) for cost reporting periods beginning during a subsequent fiscal year, shall be reduced by 45 percent of such amount otherwise allowable.”.

(c) *CERTAIN OTHER PROVIDERS.*—Section 1861(v)(1) of such Act (42 U.S.C. 1395x(v)(1)) is amended by adding at the end the following new subparagraph:

“(W)(i) In determining such reasonable costs for providers described in clause (ii), the amount of bad debts otherwise treated as allowable costs which are attributable to deductibles and coinsurance amounts under this title shall be reduced—

“(I) for cost reporting periods beginning during fiscal year 2013, by 15 percent of such amount otherwise allowable;

“(II) for cost reporting periods beginning during fiscal year 2014, by 30 percent of such amount otherwise allowable; and

“(III) for cost reporting periods beginning during a subsequent fiscal year, by 45 percent of such amount otherwise allowable.

“(ii) A provider described in this clause is a provider of services not described in subparagraph (T) or (V), a supplier, or any other type of entity that receives payment for bad debts under the authority under subparagraph (A).”.

(d) *CONFORMING AMENDMENT FOR HOSPITAL SERVICES.*—Section 4008(c) of the Omnibus Budget Reconciliation Act of 1987, as amended by section 8402 of the Technical and Miscellaneous Revenue Act of 1988 and section 6023 of the Omnibus Budget Reconciliation Act of 1989, is amended by adding at the end the following new sentence: “Effective for cost reporting periods beginning on or after October 1, 2012, the provisions of the previous two sentences shall not apply.”.

**SEC. 2225. REBASING OF STATE DSH ALLOTMENTS FOR FISCAL YEAR 2021.**

Section 1923(f) of the Social Security Act (42 U.S.C. 1396r–4(f)) is amended—

(1) by redesignating paragraph (8) as paragraph (9);

(2) in paragraph (3)(A) by striking “paragraphs (6) and (7)” and inserting “paragraphs (6), (7), and (8)”; and

(3) by inserting after paragraph (7) the following new paragraph:

“(8) REBASING OF STATE DSH ALLOTMENTS FOR FISCAL YEAR 2021.—With respect to fiscal 2021 and each subsequent fiscal year, for purposes of applying paragraph (3)(A) to determine the DSH allotment for a State, the amount of the DSH allotment for the State under paragraph (3) for fiscal year 2020 shall be treated as if it were such amount as reduced under paragraph (7).”.

#### Subtitle D—TANF Extension

#### SEC. 2301. SHORT TITLE.

This subtitle may be cited as the “Welfare Integrity and Data Improvement Act”.

#### SEC. 2302. EXTENSION OF PROGRAM.

(a) FAMILY ASSISTANCE GRANTS.—Section 403(a)(1) of the Social Security Act (42 U.S.C. 603(a)(1)) is amended—

(1) in subparagraph (A), by striking “each of fiscal years 1996” and all that follows through “2003” and inserting “fiscal year 2012”; and

(2) in subparagraph (B)—

(A) by inserting “(as in effect just before the enactment of the Welfare Integrity and Data Improvement Act)” after “this paragraph” the 1st place it appears; and

(B) by inserting “(as so in effect)” after “this paragraph” the 2nd place it appears; and

(3) in subparagraph (C), by striking “2003” and inserting “2012”.

(b) HEALTHY MARRIAGE PROMOTION AND RESPONSIBLE FATHERHOOD GRANTS.—Section 403(a)(2)(D) of such Act (42 U.S.C. 603(a)(2)(D)) is amended by striking “2011” and inserting “2012”.

(c) MAINTENANCE OF EFFORT REQUIREMENT.—Section 409(a)(7) of such Act (42 U.S.C. 609(a)(7)) is amended—

(1) in subparagraph (A), by striking “fiscal year” and all that follows through “2012” and inserting “a fiscal year”; and

(2) in subparagraph (B)(ii)—

(A) by striking “for fiscal years 1997 through 2011.”; and

(B) by striking “407(a) for the fiscal year,” and inserting “407(a).”.

(d) TRIBAL GRANTS.—Section 412(a) of such Act (42 U.S.C. 612(a)) is amended in each of paragraphs (1)(A) and (2)(A) by striking “each of fiscal years 1997” and all that follows through “2003” and inserting “fiscal year 2012”.

(e) STUDIES AND DEMONSTRATIONS.—Section 413(h)(1) of such Act (42 U.S.C. 613(h)(1)) is amended by striking “each of fiscal years 1997 through 2002” and inserting “fiscal year 2012”.

(f) CENSUS BUREAU STUDY.—Section 414(b) of such Act (42 U.S.C. 614(b)) is amended by striking “each of fiscal years 1996” and all that follows through “2003” and inserting “fiscal year 2012”.

(g) CHILD CARE ENTITLEMENT.—Section 418(a)(3) of such Act (42 U.S.C. 618(a)(3)) is amended by striking “appropriated” and all that follows and inserting “appropriated \$2,917,000,000 for fiscal year 2012.”.

(h) GRANTS TO TERRITORIES.—Section 1108(b)(2) of such Act (42 U.S.C. 1308(b)(2)) is amended by striking “for fiscal years 1997 through 2003” and inserting “fiscal year 2012”.

(i) PREVENTION OF DUPLICATE APPROPRIATIONS FOR FISCAL YEAR 2012.—Expenditures made pursuant to the Short-Term TANF Extension Act (Public Law 112-35) or section 403(b) of the Social Security Act for fiscal year 2012 shall be charged to the applicable appropriation or authorization provided by the amendments made by this section for such fiscal year.

(j) EFFECTIVE DATE.—This section and the amendments made by this section shall take effect on the date of the enactment of this Act.

#### SEC. 2303. DATA STANDARDIZATION.

(a) IN GENERAL.—Section 411 of the Social Security Act (42 U.S.C. 611) is amended by adding at the end the following:

“(d) DATA STANDARDIZATION.—

“(1) STANDARD DATA ELEMENTS.—

“(A) DESIGNATION.—The Secretary, in consultation with an interagency work group which shall be established by the Office of Management and Budget, and considering State and tribal perspectives, shall, by rule, designate standard data elements for any category of information required to be reported under this part.

“(B) REQUIREMENTS.—In designating the standard data elements, the Secretary shall, to the extent practicable—

“(i) ensure that the data elements are nonproprietary and interoperable;

“(ii) incorporate interoperable standards developed and maintained by an international voluntary consensus standards body, as defined by the Office of Management and Budget, such as the International Organization for Standardization;

“(iii) incorporate interoperable standards developed and maintained by intergovernmental partnerships, such as the National Information Exchange Model; and

“(iv) incorporate interoperable standards developed and maintained by Federal entities with authority over contracting and financial assistance, such as the Federal Acquisition Regulatory Council.

“(2) DATA REPORTING STANDARDS.—

“(A) DESIGNATION.—The Secretary, in consultation with an interagency work group established by the Office of Management and Budget, and considering State and tribal perspectives, shall, by rule, designate standards to govern the data reporting required under this part.

“(B) REQUIREMENTS.—In designating the data reporting standards, the Secretary shall, to the extent practicable, incorporate existing nonproprietary standards, such as the eXtensible Business Reporting Language. Such standards shall, to the extent practicable—

“(i) incorporate a widely-accepted, nonproprietary, searchable, computer-readable format;

“(ii) be consistent with and implement applicable accounting principles; and

“(iii) be capable of being continually upgraded as necessary.”.

(b) APPLICABILITY.—The amendments made by this subsection shall apply with respect to information required to be reported on or after October 1, 2012.

#### SEC. 2304. SPENDING POLICIES FOR ASSISTANCE UNDER STATE TANF PROGRAMS.

(a) STATE REQUIREMENT.—Section 408(a) of the Social Security Act (42 U.S.C. 608(a)) is amended by adding at the end the following:

“(12) STATE REQUIREMENT TO PREVENT UNAUTHORIZED SPENDING OF BENEFITS.—

“(A) IN GENERAL.—A State to which a grant is made under section 403 shall maintain policies and practices as necessary to prevent assistance provided under the State program funded under this part from being used in any transaction in—

“(i) any liquor store;

“(ii) any casino, gambling casino, or gaming establishment; or

“(iii) any retail establishment which provides adult-oriented entertainment in which performers disrobe or perform in an unclothed state for entertainment.

“(B) DEFINITIONS.—For purposes of subparagraph (A)—

“(i) LIQUOR STORE.—The term ‘liquor store’ means any retail establishment which sells exclusively or primarily intoxicating liquor. Such term does not include a grocery store which sells both intoxicating liquor and groceries including

staple foods (within the meaning of section 3(r) of the Food and Nutrition Act of 2008 (7 U.S.C. 2012(r))).

“(ii) CASINO, GAMBLING CASINO, OR GAMING ESTABLISHMENT.—The terms ‘casino’, ‘gambling casino’, and ‘gaming establishment’ do not include a grocery store which sells groceries including such staple foods and which also offers, or is located within the same building or complex as, casino, gambling, or gaming activities.”.

(b) PENALTY.—Section 409(a) of such Act (42 U.S.C. 609(a)) is amended by adding at the end the following:

“(16) PENALTY FOR FAILURE TO ENFORCE SPENDING POLICIES.—

“(A) IN GENERAL.—If, within 2 years after the date of the enactment of this paragraph, any State has not reported to the Secretary on such State’s implementation of the policies and practices required by section 408(a)(12), or the Secretary determines that any State has not implemented and maintained such policies and practices, the Secretary shall reduce, by an amount equal to 5 percent of the State family assistance grant, the grant payable to such State under section 403(a)(1) for—

“(i) the fiscal year immediately succeeding the year in which such 2-year period ends; and

“(ii) each succeeding fiscal year in which the State does not demonstrate that such State has implemented and maintained such policies and practices.

“(B) REDUCTION OF APPLICABLE PENALTY.—The Secretary may reduce the amount of the reduction required under subparagraph (A) based on the degree of noncompliance of the State.

“(C) STATE NOT RESPONSIBLE FOR INDIVIDUAL VIOLATIONS.—Fraudulent activity by any individual in an attempt to circumvent the policies and practices required by section 408(a)(12) shall not trigger a State penalty under subparagraph (A).”.

(c) CONFORMING AMENDMENT.—Section 409(c)(4) of such Act (42 U.S.C. 609(c)(4)) is amended by striking “or (13)” and inserting “(13), or (16)”.

#### SEC. 2305. TECHNICAL CORRECTIONS.

(a) Section 404(d)(1)(A) of the Social Security Act (42 U.S.C. 604(d)(1)(A)) is amended by striking “subtitle 1 of Title” and inserting “Subtitle A of title”.

(b) Sections 407(c)(2)(A)(i) and 409(a)(3)(C) of such Act (42 U.S.C. 607(c)(2)(A)(i) and 609(a)(3)(C)) are each amended by striking “403(b)(6)” and inserting “403(b)(5)”.

(c) Section 409(a)(2)(A) of such Act (42 U.S.C. 609(a)(2)(A)) is amended by moving clauses (i) and (ii) 2 ems to the right.

(d) Section 409(c)(2) of such Act (42 U.S.C. 609(c)(2)) is amended by inserting a comma after “appropriate”.

(e) Section 411(a)(1)(A)(ii)(III) of such Act (42 U.S.C. 611(a)(1)(A)(ii)(III)) is amended by striking the last close parenthesis.

### TITLE III—FLOOD INSURANCE REFORM

#### SEC. 3001. SHORT TITLE.

This title may be cited as the “Flood Insurance Reform Act of 2011”.

#### SEC. 3002. EXTENSIONS.

(a) EXTENSION OF PROGRAM.—Section 1319 of the National Flood Insurance Act of 1968 (42 U.S.C. 4026) is amended by striking “September 30, 2011” and inserting “September 30, 2016”.

(b) EXTENSION OF FINANCING.—Section 1309(a) of such Act (42 U.S.C. 4016(a)) is amended by striking “September 30, 2011” and inserting “September 30, 2016”.

#### SEC. 3003. MANDATORY PURCHASE.

(a) AUTHORITY TO TEMPORARILY SUSPEND MANDATORY PURCHASE REQUIREMENT.—

(1) IN GENERAL.—Section 102 of the Flood Disaster Protection Act of 1973 (42 U.S.C. 4012a) is amended by adding at the end the following new subsection:

“(i) **AUTHORITY TO TEMPORARILY SUSPEND MANDATORY PURCHASE REQUIREMENT.**—

“(1) **FINDING BY ADMINISTRATOR THAT AREA IS AN ELIGIBLE AREA.**—For any area, upon a request submitted to the Administrator by a local government authority having jurisdiction over any portion of the area, the Administrator shall make a finding of whether the area is an eligible area under paragraph (3). If the Administrator finds that such area is an eligible area, the Administrator shall, in the discretion of the Administrator, designate a period during which such finding shall be effective, which shall not be longer in duration than 12 months.

“(2) **SUSPENSION OF MANDATORY PURCHASE REQUIREMENT.**—If the Administrator makes a finding under paragraph (1) that an area is an eligible area under paragraph (3), during the period specified in the finding, the designation of such eligible area as an area having special flood hazards shall not be effective for purposes of subsections (a), (b), and (e) of this section, and section 202(a) of this Act. Nothing in this paragraph may be construed to prevent any lender, servicer, regulated lending institution, Federal agency lender, the Federal National Mortgage Association, or the Federal Home Loan Mortgage Corporation, at the discretion of such entity, from requiring the purchase of flood insurance coverage in connection with the making, increasing, extending, or renewing of a loan secured by improved real estate or a mobile home located or to be located in such eligible area during such period or a lender or servicer from purchasing coverage on behalf of a borrower pursuant to subsection (e).

“(3) **ELIGIBLE AREAS.**—An eligible area under this paragraph is an area that is designated or will, pursuant to any issuance, revision, updating, or other change in flood insurance maps that takes effect on or after the date of the enactment of the Flood Insurance Reform Act of 2011, become designated as an area having special flood hazards and that meets any one of the following 3 requirements:

“(A) **AREAS WITH NO HISTORY OF SPECIAL FLOOD HAZARDS.**—The area does not include any area that has ever previously been designated as an area having special flood hazards.

“(B) **AREAS WITH FLOOD PROTECTION SYSTEMS UNDER IMPROVEMENTS.**—The area was intended to be protected by a flood protection system—

“(i) that has been decertified, or is required to be certified, as providing protection for the 100-year frequency flood standard;

“(ii) that is being improved, constructed, or reconstructed; and

“(iii) for which the Administrator has determined measurable progress toward completion of such improvement, construction, reconstruction is being made and toward securing financial commitments sufficient to fund such completion.

“(C) **AREAS FOR WHICH APPEAL HAS BEEN FILED.**—An area for which a community has appealed designation of the area as having special flood hazards in a timely manner under section 1363.

“(4) **EXTENSION OF DELAY.**—Upon a request submitted by a local government authority having jurisdiction over any portion of the eligible area, the Administrator may extend the period during which a finding under paragraph (1) shall be effective, except that—

“(A) each such extension under this paragraph shall not be for a period exceeding 12 months; and

“(B) for any area, the cumulative number of such extensions may not exceed 2.

“(5) **ADDITIONAL EXTENSION FOR COMMUNITIES MAKING MORE THAN ADEQUATE PROGRESS ON FLOOD PROTECTION SYSTEM.**—

“(A) **EXTENSION.**—

“(i) **AUTHORITY.**—Except as provided in subparagraph (B), in the case of an eligible area for

which the Administrator has, pursuant to paragraph (4), extended the period of effectiveness of the finding under paragraph (1) for the area, upon a request submitted by a local government authority having jurisdiction over any portion of the eligible area, if the Administrator finds that more than adequate progress has been made on the construction of a flood protection system for such area, as determined in accordance with the last sentence of section 1307(e) of the National Flood Insurance Act of 1968 (42 U.S.C. 4014(e)), the Administrator may, in the discretion of the Administrator, further extend the period during which the finding under paragraph (1) shall be effective for such area for an additional 12 months.

“(ii) **LIMIT.**—For any eligible area, the cumulative number of extensions under this subparagraph may not exceed 2.

“(B) **EXCLUSION FOR NEW MORTGAGES.**—

“(i) **EXCLUSION.**—Any extension under subparagraph (A) of this paragraph of a finding under paragraph (1) shall not be effective with respect to any excluded property after the origination, increase, extension, or renewal of the loan referred to in clause (ii)(II) for the property.

“(ii) **EXCLUDED PROPERTIES.**—For purposes of this subparagraph, the term ‘excluded property’ means any improved real estate or mobile home—

“(I) that is located in an eligible area; and

“(II) for which, during the period that any extension under subparagraph (A) of this paragraph of a finding under paragraph (1) is otherwise in effect for the eligible area in which such property is located—

“(aa) a loan that is secured by the property is originated; or

“(bb) any existing loan that is secured by the property is increased, extended, or renewed.

“(6) **RULE OF CONSTRUCTION.**—Nothing in this subsection may be construed to affect the applicability of a designation of any area as an area having special flood hazards for purposes of the availability of flood insurance coverage, criteria for land management and use, notification of flood hazards, eligibility for mitigation assistance, or any other purpose or provision not specifically referred to in paragraph (2).

“(7) **REPORTS.**—The Administrator shall, in each annual report submitted pursuant to section 1320, include information identifying each finding under paragraph (1) by the Administrator during the preceding year that an area is an area having special flood hazards, the basis for each such finding, any extensions pursuant to paragraph (4) of the periods of effectiveness of such findings, and the reasons for such extensions.”.

(2) **NO REFUNDS.**—Nothing in this subsection or the amendments made by this subsection may be construed to authorize or require any payment or refund for flood insurance coverage purchased for any property that covered any period during which such coverage is not required for the property pursuant to the applicability of the amendment made by paragraph (1).

(b) **TERMINATION OF FORCE-PLACED INSURANCE.**—Section 102(e) of the Flood Disaster Protection Act of 1973 (42 U.S.C. 4012a(e)) is amended—

(1) in paragraph (2), by striking “insurance.” and inserting “insurance, including premiums or fees incurred for coverage beginning on the date on which flood insurance coverage lapsed or did not provide a sufficient coverage amount.”;

(2) by redesignating paragraphs (3) and (4) as paragraphs (5) and (6), respectively; and

(3) by inserting after paragraph (2) the following new paragraphs:

“(3) **TERMINATION OF FORCE-PLACED INSURANCE.**—Within 30 days of receipt by the lender

or servicer of a confirmation of a borrower's existing flood insurance coverage, the lender or servicer shall—

“(A) terminate the force-placed insurance; and

“(B) refund to the borrower all force-placed insurance premiums paid by the borrower during any period during which the borrower's flood insurance coverage and the force-placed flood insurance coverage were each in effect, and any related fees charged to the borrower with respect to the force-placed insurance during such period.

“(4) **SUFFICIENCY OF DEMONSTRATION.**—For purposes of confirming a borrower's existing flood insurance coverage, a lender or servicer for a loan shall accept from the borrower an insurance policy declarations page that includes the existing flood insurance policy number and the identity of, and contact information for, the insurance company or agent.”.

(c) **USE OF PRIVATE INSURANCE TO SATISFY MANDATORY PURCHASE REQUIREMENT.**—Section 102(b) of the Flood Disaster Protection Act of 1973 (42 U.S.C. 4012a(b)) is amended—

(1) in paragraph (1)—

(A) by striking “lending institutions not to make” and inserting “lending institutions—

“(A) not to make”;

(B) in subparagraph (A), as designated by subparagraph (A) of this paragraph, by striking “less.” and inserting “less; and”;

(C) by adding at the end the following new subparagraph:

“(B) to accept private flood insurance as satisfaction of the flood insurance coverage requirement under subparagraph (A) if the coverage provided by such private flood insurance meets the requirements for coverage under such subparagraph.”;

(2) in paragraph (2), by inserting after “provided in paragraph (1).” the following new sentence: “Each Federal agency lender shall accept private flood insurance as satisfaction of the flood insurance coverage requirement under the preceding sentence if the flood insurance coverage provided by such private flood insurance meets the requirements for coverage under such sentence.”;

(3) in paragraph (3), in the matter following subparagraph (B), by adding at the end the following new sentence: “The Federal National Mortgage Association and the Federal Home Loan Mortgage Corporation shall accept private flood insurance as satisfaction of the flood insurance coverage requirement under the preceding sentence if the flood insurance coverage provided by such private flood insurance meets the requirements for coverage under such sentence.”; and

(4) by adding at the end the following new paragraph:

“(5) **PRIVATE FLOOD INSURANCE DEFINED.**—In this subsection, the term ‘private flood insurance’ means a contract for flood insurance coverage allowed for sale under the laws of any State.”.

#### SEC. 3004. REFORMS OF COVERAGE TERMS.

(a) **MINIMUM DEDUCTIBLES FOR CLAIMS.**—Section 1312 of the National Flood Insurance Act of 1968 (42 U.S.C. 4019) is amended—

(1) by striking “The Director is” and inserting the following: “(a) **IN GENERAL.**—The Administrator is”;

(2) by adding at the end the following:

“(b) **MINIMUM ANNUAL DEDUCTIBLES.**—

“(1) **SUBSIDIZED RATE PROPERTIES.**—For any structure that is covered by flood insurance under this title, and for which the chargeable rate for such coverage is less than the applicable estimated risk premium rate under section 1307(a)(1) for the area (or subdivision thereof) in which such structure is located, the minimum annual deductible for damage to or loss of such structure shall be \$2,000.

“(2) **ACTUARIAL RATE PROPERTIES.**—For any structure that is covered by flood insurance under this title, for which the chargeable rate for such coverage is not less than the applicable estimated risk premium rate under section 1307(a)(1) for the area (or subdivision thereof) in which such structure is located, the minimum annual deductible for damage to or loss of such structure shall be \$1,000.”

(b) **CLARIFICATION OF RESIDENTIAL AND COMMERCIAL COVERAGE LIMITS.**—Section 1306(b) of the National Flood Insurance Act of 1968 (42 U.S.C. 4013(b)) is amended—

(1) in paragraph (2)—

(A) by striking “in the case of any residential property” and inserting “in the case of any residential building designed for the occupancy of from one to four families”; and

(B) by striking “shall be made available to every insured upon renewal and every applicant for insurance so as to enable such insured or applicant to receive coverage up to a total amount (including such limits specified in paragraph (1)(A)(i)) of \$250,000” and inserting “shall be made available, with respect to any single such building, up to an aggregate liability (including such limits specified in paragraph (1)(A)(i)) of \$250,000”; and

(2) in paragraph (4)—

(A) by striking “in the case of any nonresidential property, including churches,” and inserting “in the case of any nonresidential building, including a church,”; and

(B) by striking “shall be made available to every insured upon renewal and every applicant for insurance, in respect to any single structure, up to a total amount (including such limit specified in subparagraph (B) or (C) of paragraph (1), as applicable) of \$500,000 for each structure and \$500,000 for any contents related to each structure” and inserting “shall be made available with respect to any single such building, up to an aggregate liability (including such limits specified in subparagraph (B) or (C) of paragraph (1), as applicable) of \$500,000, and coverage shall be made available up to a total of \$500,000 aggregate liability for contents owned by the building owner and \$500,000 aggregate liability for each unit within the building for contents owned by the tenant”.

(c) **INDEXING OF MAXIMUM COVERAGE LIMITS.**—Subsection (b) of section 1306 of the National Flood Insurance Act of 1968 (42 U.S.C. 4013(b)) is amended—

(1) in paragraph (4), by striking “and” at the end;

(2) in paragraph (5), by striking the period at the end and inserting “; and”;

(3) by redesignating paragraph (5) as paragraph (7); and

(4) by adding at the end the following new paragraph:

“(8) each of the dollar amount limitations under paragraphs (2), (3), (4), (5), and (6) shall be adjusted effective on the date of the enactment of the Flood Insurance Reform Act of 2011, such adjustments shall be calculated using the percentage change, over the period beginning on September 30, 1994, and ending on such date of enactment, in such inflationary index as the Administrator shall, by regulation, specify, and the dollar amount of such adjustment shall be rounded to the next lower dollar; and the Administrator shall cause to be published in the Federal Register the adjustments under this paragraph to such dollar amount limitations; except that in the case of coverage for a property that is made available, pursuant to this paragraph, in an amount that exceeds the limitation otherwise applicable to such coverage as specified in paragraph (2), (3), (4), (5), or (6), the total of such coverage shall be made available only at chargeable rates that are not less than the estimated premium rates for such cov-

erage determined in accordance with section 1307(a)(1).”.

(d) **OPTIONAL COVERAGE FOR LOSS OF USE OF PERSONAL RESIDENCE AND BUSINESS INTERRUPTION.**—Subsection (b) of section 1306 of the National Flood Insurance Act of 1968 (42 U.S.C. 4013(b)), as amended by the preceding provisions of this section, is further amended by inserting after paragraph (4) the following new paragraphs:

“(5) the Administrator may provide that, in the case of any residential property, each renewal or new contract for flood insurance coverage may provide not more than \$5,000 aggregate liability per dwelling unit for any necessary increases in living expenses incurred by the insured when losses from a flood make the residence unfit to live in, except that—

“(A) purchase of such coverage shall be at the option of the insured;

“(B) any such coverage shall be made available only at chargeable rates that are not less than the estimated premium rates for such coverage determined in accordance with section 1307(a)(1); and

“(C) the Administrator may make such coverage available only if the Administrator makes a determination and causes notice of such determination to be published in the Federal Register that—

“(i) a competitive private insurance market for such coverage does not exist; and

“(ii) the national flood insurance program has the capacity to make such coverage available without borrowing funds from the Secretary of the Treasury under section 1309 or otherwise;

“(6) the Administrator may provide that, in the case of any commercial property or other residential property, including multifamily rental property, coverage for losses resulting from any partial or total interruption of the insured’s business caused by damage to, or loss of, such property from a flood may be made available to every insured upon renewal and every applicant, up to a total amount of \$20,000 per property, except that—

“(A) purchase of such coverage shall be at the option of the insured;

“(B) any such coverage shall be made available only at chargeable rates that are not less than the estimated premium rates for such coverage determined in accordance with section 1307(a)(1); and

“(C) the Administrator may make such coverage available only if the Administrator makes a determination and causes notice of such determination to be published in the Federal Register that—

“(i) a competitive private insurance market for such coverage does not exist; and

“(ii) the national flood insurance program has the capacity to make such coverage available without borrowing funds from the Secretary of the Treasury under section 1309 or otherwise;”.

(e) **PAYMENT OF PREMIUMS IN INSTALLMENTS FOR RESIDENTIAL PROPERTIES.**—Section 1306 of the National Flood Insurance Act of 1968 (42 U.S.C. 4013) is amended by adding at the end the following new subsection:

“(d) **PAYMENT OF PREMIUMS IN INSTALLMENTS FOR RESIDENTIAL PROPERTIES.**—

“(1) **AUTHORITY.**—In addition to any other terms and conditions under subsection (a), such regulations shall provide that, in the case of any residential property, premiums for flood insurance coverage made available under this title for such property may be paid in installments.

“(2) **LIMITATIONS.**—In implementing the authority under paragraph (1), the Administrator may establish increased chargeable premium rates and surcharges, and deny coverage and establish such other sanctions, as the Administrator considers necessary to ensure that insureds purchase, pay for, and maintain cov-

erage for the full term of a contract for flood insurance coverage or to prevent insureds from purchasing coverage only for periods during a year when risk of flooding is comparatively higher or canceling coverage for periods when such risk is comparatively lower.”.

(f) **EFFECTIVE DATE OF POLICIES COVERING PROPERTIES AFFECTED BY FLOODS IN PROGRESS.**—Paragraph (1) of section 1306(c) of the National Flood Insurance Act of 1968 (42 U.S.C. 4013(c)) is amended by adding after the period at the end the following: “With respect to any flood that has commenced or is in progress before the expiration of such 30-day period, such flood insurance coverage for a property shall take effect upon the expiration of such 30-day period and shall cover damage to such property occurring after the expiration of such period that results from such flood, but only if the property has not suffered damage or loss as a result of such flood before the expiration of such 30-day period.”.

#### SEC. 3005. REFORMS OF PREMIUM RATES.

(a) **INCREASE IN ANNUAL LIMITATION ON PREMIUM INCREASES.**—Section 1308(e) of the National Flood Insurance Act of 1968 (42 U.S.C. 4015(e)) is amended by striking “10 percent” and inserting “20 percent”.

(b) **PHASE-IN OF RATES FOR CERTAIN PROPERTIES IN NEWLY MAPPED AREAS.**—

(1) **IN GENERAL.**—Section 1308 of the National Flood Insurance Act of 1968 (42 U.S.C. 4015) is amended—

(A) in subsection (a), in the matter preceding paragraph (1), by inserting “or notice” after “prescribe by regulation”; and

(B) in subsection (c), by inserting “and subsection (g)” before the first comma; and

(C) by adding at the end the following new subsection:

“(g) **5-YEAR PHASE-IN OF FLOOD INSURANCE RATES FOR CERTAIN PROPERTIES IN NEWLY MAPPED AREAS.**—

“(1) **5-YEAR PHASE-IN PERIOD.**—Notwithstanding subsection (c) or any other provision of law relating to chargeable risk premium rates for flood insurance coverage under this title, in the case of any area that was not previously designated as an area having special flood hazards and that, pursuant to any issuance, revision, updating, or other change in flood insurance maps, becomes designated as such an area, during the 5-year period that begins, except as provided in paragraph (2), upon the date that such maps, as issued, revised, updated, or otherwise changed, become effective, the chargeable premium rate for flood insurance under this title with respect to any covered property that is located within such area shall be the rate described in paragraph (3).

“(2) **APPLICABILITY TO PREFERRED RISK RATE AREAS.**—In the case of any area described in paragraph (1) that consists of or includes an area that, as of date of the effectiveness of the flood insurance maps for such area referred to in paragraph (1) as so issued, revised, updated, or changed, is eligible for any reason for preferred risk rate method premiums for flood insurance coverage and was eligible for such premiums as of the enactment of the Flood Insurance Reform Act of 2011, the 5-year period referred to in paragraph (1) for such area eligible for preferred risk rate method premiums shall begin upon the expiration of the period during which such area is eligible for such preferred risk rate method premiums.

“(3) **PHASE-IN OF FULL ACTUARIAL RATES.**—With respect to any area described in paragraph (1), the chargeable risk premium rate for flood insurance under this title for a covered property that is located in such area shall be—

“(A) for the first year of the 5-year period referred to in paragraph (1), the greater of—

“(i) 20 percent of the chargeable risk premium rate otherwise applicable under this title to the property; and

“(ii) in the case of any property that, as of the beginning of such first year, is eligible for preferred risk rate method premiums for flood insurance coverage, such preferred risk rate method premium for the property;

“(B) for the second year of such 5-year period, 40 percent of the chargeable risk premium rate otherwise applicable under this title to the property;

“(C) for the third year of such 5-year period, 60 percent of the chargeable risk premium rate otherwise applicable under this title to the property;

“(D) for the fourth year of such 5-year period, 80 percent of the chargeable risk premium rate otherwise applicable under this title to the property; and

“(E) for the fifth year of such 5-year period, 100 percent of the chargeable risk premium rate otherwise applicable under this title to the property.

“(4) COVERED PROPERTIES.—For purposes of the subsection, the term ‘covered property’ means any residential property occupied by its owner or a bona fide tenant as a primary residence.”.

(2) REGULATION OR NOTICE.—The Administrator of the Federal Emergency Management Agency shall issue an interim final rule or notice to implement this subsection and the amendments made by this subsection as soon as practicable after the date of the enactment of this Act.

(c) PHASE-IN OF ACTUARIAL RATES FOR CERTAIN PROPERTIES.—

(1) IN GENERAL.—Section 1308(c) of the National Flood Insurance Act of 1968 (42 U.S.C. 4015(c)) is amended—

(A) by redesignating paragraph (2) as paragraph (7); and

(B) by inserting after paragraph (1) the following new paragraphs:

“(2) COMMERCIAL PROPERTIES.—Any nonresidential property.

“(3) SECOND HOMES AND VACATION HOMES.—Any residential property that is not the primary residence of any individual.

“(4) HOMES SOLD TO NEW OWNERS.—Any single family property that—

“(A) has been constructed or substantially improved and for which such construction or improvement was started, as determined by the Administrator, before December 31, 1974, or before the effective date of the initial rate map published by the Administrator under paragraph (2) of section 1360(a) for the area in which such property is located, whichever is later; and

“(B) is purchased after the effective date of this paragraph, pursuant to section 3005(c)(3)(A) of the Flood Insurance Reform Act of 2011.

“(5) HOMES DAMAGED OR IMPROVED.—Any property that, on or after the date of the enactment of the Flood Insurance Reform Act of 2011, has experienced or sustained—

“(A) substantial flood damage exceeding 50 percent of the fair market value of such property; or

“(B) substantial improvement exceeding 30 percent of the fair market value of such property.

“(6) HOMES WITH MULTIPLE CLAIMS.—Any severe repetitive loss property (as such term is defined in section 1366(j)).”.

(2) TECHNICAL AMENDMENTS.—Section 1308 of the National Flood Insurance Act of 1968 (42 U.S.C. 4015) is amended—

(A) in subsection (c)—

(i) in the matter preceding paragraph (1), by striking “the limitations provided under paragraphs (1) and (2)” and inserting “subsection (e)”; and

(ii) in paragraph (1), by striking “, except” and all that follows through “subsection (e)”; and

(B) in subsection (e), by striking “paragraph (2) or (3)” and inserting “paragraph (7)”.  
(3) EFFECTIVE DATE AND TRANSITION.—

(A) EFFECTIVE DATE.—The amendments made by paragraphs (1) and (2) shall apply beginning upon the expiration of the 12-month period that begins on the date of the enactment of this Act, except as provided in subparagraph (B) of this paragraph.

(B) TRANSITION FOR PROPERTIES COVERED BY FLOOD INSURANCE UPON EFFECTIVE DATE.—

(i) INCREASE OF RATES OVER TIME.—In the case of any property described in paragraph (2), (3), (4), (5), or (6) of section 1308(c) of the National Flood Insurance Act of 1968, as amended by paragraph (1) of this subsection, that, as of the effective date under subparagraph (A) of this paragraph, is covered under a policy for flood insurance made available under the national flood insurance program for which the chargeable premium rates are less than the applicable estimated risk premium rate under section 1307(a)(1) of such Act for the area in which the property is located, the Administrator of the Federal Emergency Management Agency shall increase the chargeable premium rates for such property over time to such applicable estimated risk premium rate under section 1307(a)(1).

(ii) AMOUNT OF ANNUAL INCREASE.—Such increase shall be made by increasing the chargeable premium rates for the property (after application of any increase in the premium rates otherwise applicable to such property), once during the 12-month period that begins upon the effective date under subparagraph (A) of this paragraph and once every 12 months thereafter until such increase is accomplished, by 20 percent (or such lesser amount as may be necessary so that the chargeable rate does not exceed such applicable estimated risk premium rate or to comply with clause (iii)).

(iii) PROPERTIES SUBJECT TO PHASE-IN AND ANNUAL INCREASES.—In the case of any pre-FIRM property (as such term is defined in section 578(b) of the National Flood Insurance Reform Act of 1974), the aggregate increase, during any 12-month period, in the chargeable premium rate for the property that is attributable to this subparagraph or to an increase described in section 1308(e) of the National Flood Insurance Act of 1968 may not exceed 20 percent.

(iv) FULL ACTUARIAL RATES.—The provisions of paragraphs (2), (3), (4), (5), and (6) of such section 1308(c) shall apply to such a property upon the accomplishment of the increase under this subparagraph and thereafter.

(d) PROHIBITION OF EXTENSION OF SUBSIDIZED RATES TO LAPSED POLICIES.—Section 1308 of the National Flood Insurance Act of 1968 (42 U.S.C. 4015), as amended by the preceding provisions of this title, is further amended—

(1) in subsection (e), by inserting “or subsection (h)” after “subsection (c)”; and

(2) by adding at the end the following new subsection:

“(h) PROHIBITION OF EXTENSION OF SUBSIDIZED RATES TO LAPSED POLICIES.—Notwithstanding any other provision of law relating to chargeable risk premium rates for flood insurance coverage under this title, the Administrator shall not provide flood insurance coverage under this title for any property for which a policy for such coverage for the property has previously lapsed in coverage as a result of the deliberate choice of the holder of such policy, at a rate less than the applicable estimated risk premium rates for the area (or subdivision thereof) in which such property is located.”.

(e) RECOGNITION OF STATE AND LOCAL FUNDING FOR CONSTRUCTION, RECONSTRUCTION, AND IMPROVEMENT OF FLOOD PROTECTION SYSTEMS IN DETERMINATION OF RATES.—

(1) IN GENERAL.—Section 1307 of the National Flood Insurance Act of 1968 (42 U.S.C. 4014) is amended—

(A) in subsection (e)—

(i) in the first sentence, by striking “construction of a flood protection system” and inserting “construction, reconstruction, or improvement of a flood protection system (without respect to the level of Federal investment or participation)”; and

(ii) in the second sentence—

(I) by striking “construction of a flood protection system” and inserting “construction, reconstruction, or improvement of a flood protection system”; and

(II) by inserting “based on the present value of the completed system” after “has been expended”; and

(B) in subsection (f)—

(i) in the first sentence in the matter preceding paragraph (1), by inserting “(without respect to the level of Federal investment or participation)” before the period at the end;

(ii) in the third sentence in the matter preceding paragraph (1), by inserting “, whether coastal or riverine,” after “special flood hazard”; and

(iii) in paragraph (1), by striking “a Federal agency in consultation with the local project sponsor” and inserting “the entity or entities that own, operate, maintain, or repair such system”.

(2) REGULATIONS.—The Administrator of the Federal Emergency Management Agency shall promulgate regulations to implement this subsection and the amendments made by this subsection as soon as practicable, but not more than 18 months after the date of the enactment of this Act. Paragraph (3) may not be construed to annul, alter, affect, authorize any waiver of, or establish any exception to, the requirement under the preceding sentence.

#### SEC. 3006. TECHNICAL MAPPING ADVISORY COUNCIL.

(a) ESTABLISHMENT.—There is established a council to be known as the Technical Mapping Advisory Council (in this section referred to as the “Council”).

(b) MEMBERSHIP.—

(1) IN GENERAL.—The Council shall consist of—

(A) the Administrator of the Federal Emergency Management Agency (in this section referred to as the “Administrator”), or the designee thereof;

(B) the Director of the United States Geological Survey of the Department of the Interior, or the designee thereof;

(C) the Under Secretary of Commerce for Oceans and Atmosphere, or the designee thereof;

(D) the commanding officer of the United States Army Corps of Engineers, or the designee thereof;

(E) the chief of the Natural Resources Conservation Service of the Department of Agriculture, or the designee thereof;

(F) the Director of the United States Fish and Wildlife Service of the Department of the Interior, or the designee thereof;

(G) the Assistant Administrator for Fisheries of the National Oceanic and Atmospheric Administration of the Department of Commerce, or the designee thereof; and

(H) 14 additional members to be appointed by the Administrator of the Federal Emergency Management Agency, who shall be—

(i) an expert in data management;

(ii) an expert in real estate;

(iii) an expert in insurance;

(iv) a member of a recognized regional flood and storm water management organization;

(v) a representative of a State emergency management agency or association or organization for such agencies;

(vi) a member of a recognized professional surveying association or organization;

(vii) a member of a recognized professional mapping association or organization;

(viii) a member of a recognized professional engineering association or organization;

(ix) a member of a recognized professional association or organization representing flood hazard determination firms;

(x) a representative of State national flood insurance coordination offices;

(xi) representatives of two local governments, at least one of whom is a local levee flood manager or executive, designated by the Federal Emergency Management Agency as Cooperating Technical Partners; and

(xii) representatives of two State governments designated by the Federal Emergency Management Agency as Cooperating Technical States.

(2) **QUALIFICATIONS.**—Members of the Council shall be appointed based on their demonstrated knowledge and competence regarding surveying, cartography, remote sensing, geographic information systems, or the technical aspects of preparing and using flood insurance rate maps. In appointing members under paragraph (1)(H), the Administrator shall ensure that the membership of the Council has a balance of Federal, State, local, and private members, and includes an adequate number of representatives from the States with coastline on the Gulf of Mexico and other States containing areas identified by the Administrator of the Federal Emergency Management Agency as at high-risk for flooding or special flood hazard areas.

(c) **DUTIES.**—

(1) **NEW MAPPING STANDARDS.**—Not later than the expiration of the 12-month period beginning upon the date of the enactment of this Act, the Council shall develop and submit to the Administrator and the Congress proposed new mapping standards for 100-year flood insurance rate maps used under the national flood insurance program under the National Flood Insurance Act of 1968. In developing such proposed standards the Council shall—

(A) ensure that the flood insurance rate maps reflect true risk, including graduated risk that better reflects the financial risk to each property; such reflection of risk should be at the smallest geographic level possible (but not necessarily property-by-property) to ensure that communities are mapped in a manner that takes into consideration different risk levels within the community;

(B) ensure the most efficient generation, display, and distribution of flood risk data, models, and maps where practicable through dynamic digital environments using spatial database technology and the Internet;

(C) ensure that flood insurance rate maps reflect current hydrologic and hydraulic data, current land use, and topography, incorporating the most current and accurate ground and bathymetric elevation data;

(D) determine the best ways to include in such flood insurance rate maps levees, decertified levees, and areas located below dams, including determining a methodology for ensuring that decertified levees and other protections are included in flood insurance rate maps and their corresponding flood zones reflect the level of protection conferred;

(E) consider how to incorporate restored wetlands and other natural buffers into flood insurance rate maps, which may include wetlands, groundwater recharge areas, erosion zones, meander belts, endangered species habitat, barrier islands and shoreline buffer features, riparian forests, and other features;

(F) consider whether to use vertical positioning (as defined by the Administrator) for flood insurance rate maps;

(G) ensure that flood insurance rate maps differentiate between a property that is located in a flood zone and a structure located on such

property that is not at the same risk level for flooding as such property due to the elevation of the structure;

(H) ensure that flood insurance rate maps take into consideration the best scientific data and potential future conditions (including projections for sea level rise); and

(I) consider how to incorporate the new standards proposed pursuant to this paragraph in existing mapping efforts.

(2) **ONGOING DUTIES.**—The Council shall, on an ongoing basis, review the mapping protocols developed pursuant to paragraph (1), and make recommendations to the Administrator when the Council determines that mapping protocols should be altered.

(3) **MEETINGS.**—In carrying out its duties under this section, the Council shall consult with stakeholders through at least 4 public meetings annually, and shall seek input of all stakeholder interests including State and local representatives, environmental and conservation organizations, insurance industry representatives, advocacy groups, planning organizations, and mapping organizations.

(d) **PROHIBITION ON COMPENSATION.**—Members of the Council shall receive no additional compensation by reason of their service on the Council.

(e) **CHAIRPERSON.**—The Administrator shall serve as the Chairperson of the Council.

(f) **STAFF.**—

(1) **FEMA.**—Upon the request of the Council, the Administrator may detail, on a nonreimbursable basis, personnel of the Federal Emergency Management Agency to assist the Council in carrying out its duties.

(2) **OTHER FEDERAL AGENCIES.**—Upon request of the Council, any other Federal agency that is a member of the Council may detail, on a nonreimbursable basis, personnel to assist the Council in carrying out its duties.

(g) **POWERS.**—In carrying out this section, the Council may hold hearings, receive evidence and assistance, provide information, and conduct research, as the Council considers appropriate.

(h) **TERMINATION.**—The Council shall terminate upon the expiration of the 5-year period beginning on the date of the enactment of this Act.

(i) **MORATORIUM ON FLOOD MAP CHANGES.**—

(1) **MORATORIUM.**—Except as provided in paragraph (2) and notwithstanding any other provision of this title, the National Flood Insurance Act of 1968, or the Flood Disaster Protection Act of 1973, during the period beginning upon the date of the enactment of this Act and ending upon the submission by the Council to the Administrator and the Congress of the proposed new mapping standards required under subsection (c)(1), the Administrator may not make effective any new or updated rate maps for flood insurance coverage under the national flood insurance program that were not in effect for such program as of such date of enactment, or otherwise revise, update, or change the flood insurance rate maps in effect for such program as of such date.

(2) **LETTERS OF MAP CHANGE.**—During the period described in paragraph (1), the Administrator may revise, update, and change the flood insurance rate maps in effect for the national flood insurance program only pursuant to a letter of map change (including a letter of map amendment, letter of map revision, and letter of map revision based on fill).

#### **SEC. 3007. FEMA INCORPORATION OF NEW MAPPING PROTOCOLS.**

(a) **NEW RATE MAPPING STANDARDS.**—Not later than the expiration of the 6-month period beginning upon submission by the Technical Mapping Advisory Council under section 3006 of the proposed new mapping standards for flood insurance rate maps used under the national

flood insurance program developed by the Council pursuant to section 3006(c), the Administrator of the Federal Emergency Management Agency (in this section referred to as the “Administrator”) shall establish new standards for such rate maps based on such proposed new standards and the recommendations of the Council.

(b) **REQUIREMENTS.**—The new standards for flood insurance rate maps established by the Administrator pursuant to subsection (a) shall—

(1) delineate and include in any such rate maps—

(A) all areas located within the 100-year flood plain; and

(B) areas subject to graduated and other risk levels, to the maximum extent possible;

(2) ensure that any such rate maps—

(A) include levees, including decertified levees, and the level of protection they confer;

(B) reflect current land use and topography and incorporate the most current and accurate ground level data;

(C) take into consideration the impacts and use of fill and the flood risks associated with altered hydrology;

(D) differentiate between a property that is located in a flood zone and a structure located on such property that is not at the same risk level for flooding as such property due to the elevation of the structure;

(E) identify and incorporate natural features and their associated flood protection benefits into mapping and rates; and

(F) identify, analyze, and incorporate the impact of significant changes to building and development throughout any river or coastal water system, including all tributaries, which may impact flooding in areas downstream; and

(3) provide that such rate maps are developed on a watershed basis.

(c) **REPORT.**—If, in establishing new standards for flood insurance rate maps pursuant to subsection (a) of this section, the Administrator does not implement all of the recommendations of the Council made under the proposed new mapping standards developed by the Council pursuant to section 3006(c), upon establishment of the new standards the Administrator shall submit a report to the Committee on Financial Services of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate specifying which such recommendations were not adopted and explaining the reasons such recommendations were not adopted.

(d) **IMPLEMENTATION.**—The Administrator shall, not later than the expiration of the 6-month period beginning upon establishment of the new standards for flood insurance rate maps pursuant to subsection (a) of this section, commence use of the new standards and updating of flood insurance rate maps in accordance with the new standards. Not later than the expiration of the 10-year period beginning upon the establishment of such new standards, the Administrator shall complete updating of all flood insurance rate maps in accordance with the new standards, subject to the availability of sufficient amounts for such activities provided in appropriation Acts.

(e) **TEMPORARY SUSPENSION OF MANDATORY PURCHASE REQUIREMENT FOR CERTAIN PROPERTIES.**—

(1) **SUBMISSION OF ELEVATION CERTIFICATE.**—Subject to paragraphs (2) and (3) of this subsection, subsections (a), (b), and (e) of section 102 of the Flood Disaster Protection Act of 1973 (42 U.S.C. 4012a), and section 202(a) of such Act, shall not apply to a property located in an area designated as having a special flood hazard if the owner of such property submits to the Administrator an elevation certificate for such property showing that the lowest level of the



primary residence on such property is at an elevation that is at least three feet higher than the elevation of the 100-year flood plain.

(2) **REVIEW OF CERTIFICATE.**—The Administrator shall accept as conclusive each elevation certificate submitted under paragraph (1) unless the Administrator conducts a subsequent elevation survey and determines that the lowest level of the primary residence on the property in question is not at an elevation that is at least three feet higher than the elevation of the 100-year flood plain. The Administrator shall provide any such subsequent elevation survey to the owner of such property.

(3) **DETERMINATIONS FOR PROPERTIES ON BORDERS OF SPECIAL FLOOD HAZARD AREAS.**—

(A) **EXPEDITED DETERMINATION.**—In the case of any survey for a property submitted to the Administrator pursuant to paragraph (1) showing that a portion of the property is located within an area having special flood hazards and that a structure located on the property is not located within such area having special flood hazards, the Administrator shall expeditiously process any request made by an owner of the property for a determination pursuant to paragraph (2) or a determination of whether the structure is located within the area having special flood hazards.

(B) **PROHIBITION OF FEE.**—If the Administrator determines pursuant to subparagraph (A) that the structure on the property is not located within the area having special flood hazards, the Administrator shall not charge a fee for reviewing the flood hazard data and shall not require the owner to provide any additional elevation data.

(C) **SIMPLIFICATION OF REVIEW PROCESS.**—The Administrator shall collaborate with private sector flood insurers to simplify the review process for properties described in subparagraph (A) and to ensure that the review process provides for accurate determinations.

(4) **TERMINATION OF AUTHORITY.**—This subsection shall cease to apply to a property on the date on which the Administrator updates the flood insurance rate map that applies to such property in accordance with the requirements of subsection (d).

#### SEC. 3008. TREATMENT OF LEVEES.

Section 1360 of the National Flood Insurance Act of 1968 (42 U.S.C. 4101) is amended by adding at the end the following new subsection:

“(k) **TREATMENT OF LEVEES.**—The Administrator may not issue flood insurance maps, or make effective updated flood insurance maps, that omit or disregard the actual protection afforded by an existing levee, floodwall, pump or other flood protection feature, regardless of the accreditation status of such feature.”.

#### SEC. 3009. PRIVATIZATION INITIATIVES.

(a) **FEMA AND GAO REPORTS.**—Not later than the expiration of the 18-month period beginning on the date of the enactment of this Act, the Administrator of the Federal Emergency Management Agency and the Comptroller General of the United States shall each conduct a separate study to assess a broad range of options, methods, and strategies for privatizing the national flood insurance program and shall each submit a report to the Committee on Financial Services of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate with recommendations for the best manner to accomplish such privatization.

(b) **PRIVATE RISK-MANAGEMENT INITIATIVES.**—

(1) **AUTHORITY.**—The Administrator of the Federal Emergency Management Agency may carry out such private risk-management initiatives under the national flood insurance program as the Administrator considers appropriate to determine the capacity of private insurers, reinsurers, and financial markets to assist communities, on a voluntary basis only, in managing

the full range of financial risks associated with flooding.

(2) **ASSESSMENT.**—Not later than the expiration of the 12-month period beginning on the date of the enactment of this Act, the Administrator shall assess the capacity of the private reinsurance, capital, and financial markets by seeking proposals to assume a portion of the program's insurance risk and submit to the Congress a report describing the response to such request for proposals and the results of such assessment.

(3) **PROTOCOL FOR RELEASE OF DATA.**—The Administrator shall develop a protocol to provide for the release of data sufficient to conduct the assessment required under paragraph (2).

(c) **REINSURANCE.**—The National Flood Insurance Act of 1968 is amended—

(1) in section 1331(a)(2) (42 U.S.C. 4051(a)(2)), by inserting “, including as reinsurance of insurance coverage provided by the flood insurance program” before “, on such terms”;

(2) in section 1332(c)(2) (42 U.S.C. 4052(c)(2)), by inserting “or reinsurance” after “flood insurance coverage”;

(3) in section 1335(a) (42 U.S.C. 4055(a))—

(A) by inserting “(1)” after “(a)”;

(B) by adding at the end the following new paragraph:

“(2) The Administrator is authorized to secure reinsurance coverage of coverage provided by the flood insurance program from private market insurance, reinsurance, and capital market sources at rates and on terms determined by the Administrator to be reasonable and appropriate in an amount sufficient to maintain the ability of the program to pay claims and that minimizes the likelihood that the program will utilize the borrowing authority provided under section 1309.”;

(4) in section 1346(a) (12 U.S.C. 4082(a))—

(A) in the matter preceding paragraph (1), by inserting “, or for purposes of securing reinsurance of insurance coverage provided by the program,” before “of any or all of”;

(B) in paragraph (1)—

(i) by striking “estimating” and inserting “Estimating”;

(ii) by striking the semicolon at the end and inserting a period;

(C) in paragraph (2)—

(i) by striking “receiving” and inserting “Receiving”;

(ii) by striking the semicolon at the end and inserting a period;

(D) in paragraph (3)—

(i) by striking “making” and inserting “Making”;

(ii) by striking “; and” and inserting a period;

(E) in paragraph (4)—

(i) by striking “otherwise” and inserting “Otherwise”;

(ii) by redesignating such paragraph as paragraph (5); and

(F) by inserting after paragraph (3) the following new paragraph:

“(4) Placing reinsurance coverage on insurance provided by such program.”;

(5) in section 1370(a)(3) (42 U.S.C. 4121(a)(3)), by inserting before the semicolon at the end the following: “, is subject to the reporting requirements of the Securities Exchange Act of 1934, pursuant to section 13(a) or 15(d) of such Act (15 U.S.C. 78m(a), 78o(d)), or is authorized by the Administrator to assume reinsurance on risks insured by the flood insurance program”.

(d) **ASSESSMENT OF CLAIMS-PAYING ABILITY.**—

(1) **ASSESSMENT.**—Not later than September 30 of each year, the Administrator of the Federal Emergency Management Agency shall conduct an assessment of the claims-paying ability of the national flood insurance program, including the program's utilization of private sector reinsurance and reinsurance equivalents, with and

without reliance on borrowing authority under section 1309 of the National Flood Insurance Act of 1968 (42 U.S.C. 4016). In conducting the assessment, the Administrator shall take into consideration regional concentrations of coverage written by the program, peak flood zones, and relevant mitigation measures.

(2) **REPORT.**—The Administrator shall submit a report to the Congress of the results of each such assessment, and make such report available to the public, not later than 30 days after completion of the assessment.

#### SEC. 3010. FEMA ANNUAL REPORT ON INSURANCE PROGRAM.

Section 1320 of the National Flood Insurance Act of 1968 (42 U.S.C. 4027) is amended—

(1) in the section heading, by striking “REPORT TO THE PRESIDENT” and inserting “ANNUAL REPORT TO CONGRESS”;

(2) in subsection (a)—

(A) by striking “biennially”;

(B) by striking “the President for submission to”;

(C) by inserting “not later than June 30 of each year” before the period at the end;

(3) in subsection (b), by striking “biennial” and inserting “annual”;

(4) by adding at the end the following new subsection:

“(c) **FINANCIAL STATUS OF PROGRAM.**—The report under this section for each year shall include information regarding the financial status of the national flood insurance program under this title, including a description of the financial status of the National Flood Insurance Fund and current and projected levels of claims, premium receipts, expenses, and borrowing under the program.”.

#### SEC. 3011. MITIGATION ASSISTANCE.

(a) **MITIGATION ASSISTANCE GRANTS.**—Section 1366 of the National Flood Insurance Act of 1968 (42 U.S.C. 4104c) is amended—

(1) in subsection (a), by striking the last sentence and inserting the following: “Such financial assistance shall be made available—

“(1) to States and communities in the form of grants under this section for carrying out mitigation activities;

“(2) to States and communities in the form of grants under this section for carrying out mitigation activities that reduce flood damage to severe repetitive loss structures; and

“(3) to property owners in the form of direct grants under this section for carrying out mitigation activities that reduce flood damage to individual structures for which 2 or more claim payments for losses have been made under flood insurance coverage under this title if the Administrator, after consultation with the State and community, determines that neither the State nor community in which such a structure is located has the capacity to manage such grants.”;

(2) by striking subsection (b);

(3) in subsection (c)—

(A) by striking “flood risk” and inserting “multi-hazard”;

(B) by striking “provides protection against” and inserting “examines reduction of”;

(C) by redesignating such subsection as subsection (b);

(4) by striking subsection (d);

(5) in subsection (e)—

(A) in paragraph (1), by striking the paragraph designation and all that follows through the end of the first sentence and inserting the following:

“(1) **REQUIREMENT OF CONSISTENCY WITH APPROVED MITIGATION PLAN.**—Amounts provided under this section may be used only for mitigation activities that are consistent with mitigation plans that are approved by the Administrator and identified under subparagraph (4).”;

(B) by striking paragraphs (2), (3), and (4) and inserting the following new paragraphs:

“(2) **REQUIREMENTS OF TECHNICAL FEASIBILITY, COST EFFECTIVENESS, AND INTEREST OF NFIF.**—The Administrator may approve only mitigation activities that the Administrator determines are technically feasible and cost-effective and in the interest of, and represent savings to, the National Flood Insurance Fund. In making such determinations, the Administrator shall take into consideration recognized benefits that are difficult to quantify.

“(3) **PRIORITY FOR MITIGATION ASSISTANCE.**—In providing grants under this section for mitigation activities, the Administrator shall give priority for funding to activities that the Administrator determines will result in the greatest savings to the National Flood Insurance Fund, including activities for—

“(A) severe repetitive loss structures;

“(B) repetitive loss structures; and

“(C) other subsets of structures as the Administrator may establish.”;

(C) in paragraph (5)—

(i) by striking all of the matter that precedes subparagraph (A) and inserting the following:

“(4) **ELIGIBLE ACTIVITIES.**—Eligible activities may include—”;

(ii) by striking subparagraphs (E) and (H);

(iii) by redesignating subparagraphs (D), (F), and (G) as subparagraphs (E), (G), and (H);

(iv) by inserting after subparagraph (C) the following new subparagraph:

“(D) elevation, relocation, and floodproofing of utilities (including equipment that serve structures);”;

(v) by inserting after subparagraph (E), as so redesignated by clause (iii) of this subparagraph, the following new subparagraph:

“(F) the development or update of State, local, or Indian tribal mitigation plans which meet the planning criteria established by the Administrator, except that the amount from grants under this section that may be used under this subparagraph may not exceed \$50,000 for any mitigation plan of a State or \$25,000 for any mitigation plan of a local government or Indian tribe;”;

(vi) in subparagraph (H); as so redesignated by clause (iii) of this subparagraph, by striking “and” at the end; and

(vii) by adding at the end the following new subparagraphs:

“(I) other mitigation activities not described in subparagraphs (A) through (G) or the regulations issued under subparagraph (H), that are described in the mitigation plan of a State, community, or Indian tribe; and

“(J) personnel costs for State staff that provide technical assistance to communities to identify eligible activities, to develop grant applications, and to implement grants awarded under this section, not to exceed \$50,000 per State in any Federal fiscal year, so long as the State applied for and was awarded at least \$1,000,000 in grants available under this section in the prior Federal fiscal year; the requirements of subsections (d)(1) and (d)(2) shall not apply to the activity under this subparagraph.”;

(D) by adding at the end the following new paragraph:

“(6) **ELIGIBILITY OF DEMOLITION AND REBUILDING OF PROPERTIES.**—The Administrator shall consider as an eligible activity the demolition and rebuilding of properties to at least base flood elevation or greater, if required by the Administrator or if required by any State regulation or local ordinance, and in accordance with criteria established by the Administrator.”; and

(E) by redesignating such subsection as subsection (c);

(6) by striking subsections (f), (g), and (h) and inserting the following new subsection:

“(d) **MATCHING REQUIREMENT.**—The Administrator may provide grants for eligible mitigation activities as follows:

“(1) **SEVERE REPETITIVE LOSS STRUCTURES.**—In the case of mitigation activities to severe repetitive loss structures, in an amount up to 100 percent of all eligible costs.

“(2) **REPETITIVE LOSS STRUCTURES.**—In the case of mitigation activities to repetitive loss structures, in an amount up to 90 percent of all eligible costs.

“(3) **OTHER MITIGATION ACTIVITIES.**—In the case of all other mitigation activities, in an amount up to 75 percent of all eligible costs.”;

(7) in subsection (i)—

(A) in paragraph (2)—

(i) by striking “certified under subsection (g)” and inserting “required under subsection (d)”;

and

(ii) by striking “3 times the amount” and inserting “the amount”; and

(B) by redesignating such subsection as subsection (e);

(8) in subsection (j)—

(A) in paragraph (1), by striking “Riegle Community Development and Regulatory Improvement Act of 1994” and inserting “Flood Insurance Reform Act of 2011”;

(B) by redesignating such subsection as subsection (f); and

(9) by striking subsections (k) and (m) and inserting the following new subsections:

“(g) **FAILURE TO MAKE GRANT AWARD WITHIN 5 YEARS.**—For any application for a grant under this section for which the Administrator fails to make a grant award within 5 years of the date of application, the grant application shall be considered to be denied and any funding amounts allocated for such grant applications shall remain in the National Flood Mitigation Fund under section 1367 of this title and shall be made available for grants under this section.

“(h) **LIMITATION ON FUNDING FOR MITIGATION ACTIVITIES FOR SEVERE REPETITIVE LOSS STRUCTURES.**—The amount used pursuant to section 1310(a)(8) in any fiscal year may not exceed \$40,000,000 and shall remain available until expended.

“(i) **DEFINITIONS.**—For purposes of this section, the following definitions shall apply:

“(1) **COMMUNITY.**—The term ‘community’ means—

“(A) a political subdivision that—

“(i) has zoning and building code jurisdiction over a particular area having special flood hazards; and

“(ii) is participating in the national flood insurance program; or

“(B) a political subdivision of a State, or other authority, that is designated by political subdivisions, all of which meet the requirements of subparagraph (A), to administer grants for mitigation activities for such political subdivisions.

“(2) **REPETITIVE LOSS STRUCTURE.**—The term ‘repetitive loss structure’ has the meaning given such term in section 1370.

“(3) **SEVERE REPETITIVE LOSS STRUCTURE.**—The term ‘severe repetitive loss structure’ means a structure that—

“(A) is covered under a contract for flood insurance made available under this title; and

“(B) has incurred flood-related damage—

“(i) for which 4 or more separate claims payments have been made under flood insurance coverage under this title, with the amount of each such claim exceeding \$15,000, and with the cumulative amount of such claims payments exceeding \$60,000; or

“(ii) for which at least 2 separate claims payments have been made under such coverage, with the cumulative amount of such claims exceeding the value of the insured structure.”.

(b) **ELIMINATION OF GRANTS PROGRAM FOR REPETITIVE INSURANCE CLAIMS PROPERTIES.**—Chapter I of the National Flood Insurance Act

of 1968 is amended by striking section 1323 (42 U.S.C. 4030).

(c) **ELIMINATION OF PILOT PROGRAM FOR MITIGATION OF SEVERE REPETITIVE LOSS PROPERTIES.**—Chapter III of the National Flood Insurance Act of 1968 is amended by striking section 1361A (42 U.S.C. 4102a).

(d) **NATIONAL FLOOD INSURANCE FUND.**—Section 1310(a) of the National Flood Insurance Act of 1968 (42 U.S.C. 4017(a)) is amended—

(1) in paragraph (6), by inserting “and” after the semicolon;

(2) in paragraph (7), by striking the semicolon and inserting a period; and

(3) by striking paragraphs (8) and (9).

(e) **NATIONAL FLOOD MITIGATION FUND.**—Section 1367 of the National Flood Insurance Act of 1968 (42 U.S.C. 4104d) is amended—

(1) in subsection (b)—

(A) by striking paragraph (1) and inserting the following new paragraph:

“(1) in each fiscal year, from the National Flood Insurance Fund in amounts not exceeding \$90,000,000 to remain available until expended, of which—

“(A) not more than \$40,000,000 shall be available pursuant to subsection (a) of this section only for assistance described in section 1366(a)(1);

“(B) not more than \$40,000,000 shall be available pursuant to subsection (a) of this section only for assistance described in section 1366(a)(2); and

“(C) not more than \$10,000,000 shall be available pursuant to subsection (a) of this section only for assistance described in section 1366(a)(3).”;

(B) in paragraph (3), by striking “section 1366(i)” and inserting “section 1366(e)”;

(2) in subsection (c), by striking “sections 1366 and 1323” and inserting “section 1366”;

(3) by redesignating subsections (d) and (e) as subsections (f) and (g), respectively; and

(4) by inserting after subsection (c) the following new subsections:

“(d) **PROHIBITION ON OFFSETTING COLLECTIONS.**—Notwithstanding any other provision of this title, amounts made available pursuant to this section shall not be subject to offsetting collections through premium rates for flood insurance coverage under this title.

“(e) **CONTINUED AVAILABILITY AND REALLOCATION.**—Any amounts made available pursuant to subparagraph (A), (B), or (C) of subsection (b)(1) that are not used in any fiscal year shall continue to be available for the purposes specified in such subparagraph of subsection (b)(1) pursuant to which such amounts were made available, unless the Administrator determines that reallocation of such unused amounts to meet demonstrated need for other mitigation activities under section 1366 is in the best interest of the National Flood Insurance Fund.”.

(f) **INCREASED COST OF COMPLIANCE COVERAGE.**—Section 1304(b)(4) of the National Flood Insurance Act of 1968 (42 U.S.C. 4011(b)(4)) is amended—

(1) by striking subparagraph (B); and

(2) by redesignating subparagraphs (C), (D), and (E) as subparagraphs (B), (C), and (D), respectively.

**SEC. 3012. NOTIFICATION TO HOMEOWNERS REGARDING MANDATORY PURCHASE REQUIREMENT APPLICABILITY AND RATE PHASE-INS.**

Section 201 of the Flood Disaster Protection Act of 1973 (42 U.S.C. 4105) is amended by adding at the end the following new subsection:

“(f) **ANNUAL NOTIFICATION.**—The Administrator, in consultation with affected communities, shall establish and carry out a plan to notify residents of areas having special flood hazards, on an annual basis—

“(1) that they reside in such an area;

“(2) of the geographical boundaries of such area;



“(3) of whether section 1308(g) of the National Flood Insurance Act of 1968 applies to properties within such area;

“(4) of the provisions of section 102 requiring purchase of flood insurance coverage for properties located in such an area, including the date on which such provisions apply with respect to such area, taking into consideration section 102(i); and

“(5) of a general estimate of what similar homeowners in similar areas typically pay for flood insurance coverage, taking into consideration section 1308(g) of the National Flood Insurance Act of 1968.”.

**SEC. 3013. NOTIFICATION TO MEMBERS OF CONGRESS OF FLOOD MAP REVISIONS AND UPDATES.**

Section 1360 of the National Flood Insurance Act of 1968 (42 U.S.C. 4101), as amended by the preceding provisions of this title, is further amended by adding at the end the following new subsection:

“(1) **NOTIFICATION TO MEMBERS OF CONGRESS OF MAP MODERNIZATION.**—Upon any revision or update of any floodplain area or flood-risk zone pursuant to subsection (f), any decision pursuant to subsection (f)(1) that such revision or update is necessary, any issuance of preliminary maps for such revision or updating, or any other significant action relating to any such revision or update, the Administrator shall notify the Senators for each State affected, and each Member of the House of Representatives for each congressional district affected, by such revision or update in writing of the action taken.”.

**SEC. 3014. NOTIFICATION AND APPEAL OF MAP CHANGES; NOTIFICATION TO COMMUNITIES OF ESTABLISHMENT OF FLOOD ELEVATIONS.**

Section 1363 of the National Flood Insurance Act of 1968 (42 U.S.C. 4104) is amended by striking the section designation and all that follows through the end of subsection (a) and inserting the following:

“SEC. 1363. (a) In establishing projected flood elevations for land use purposes with respect to any community pursuant to section 1361, the Director shall first propose such determinations—

“(1) by providing the chief executive officer of each community affected by the proposed elevations, by certified mail, with a return receipt requested, notice of the elevations, including a copy of the maps for the elevations for such community and a statement explaining the process under this section to appeal for changes in such elevations;

“(2) by causing notice of such elevations to be published in the Federal Register, which notice shall include information sufficient to identify the elevation determinations and the communities affected, information explaining how to obtain copies of the elevations, and a statement explaining the process under this section to appeal for changes in the elevations;

“(3) by publishing in a prominent local newspaper the elevations, a description of the appeals process for flood determinations, and the mailing address and telephone number of a person the owner may contact for more information or to initiate an appeal; and

“(4) by providing written notification, by first class mail, to each owner of real property affected by the proposed elevations of—

“(A) the status of such property, both prior to and after the effective date of the proposed determination, with respect to flood zone and flood insurance requirements under this Act and the Flood Disaster Protection Act of 1973;

“(B) the process under this section to appeal a flood elevation determination; and

“(C) the mailing address and phone number of a person the owner may contact for more information or to initiate an appeal.”.

**SEC. 3015. NOTIFICATION TO TENANTS OF AVAILABILITY OF CONTENTS INSURANCE.**

The National Flood Insurance Act of 1968 is amended by inserting after section 1308 (42 U.S.C. 4015) the following new section:

**“SEC. 1308A. NOTIFICATION TO TENANTS OF AVAILABILITY OF CONTENTS INSURANCE.**

“(a) **IN GENERAL.**—The Administrator shall, upon entering into a contract for flood insurance coverage under this title for any property—

“(1) provide to the insured sufficient copies of the notice developed pursuant to subsection (b); and

“(2) require the insured to provide a copy of the notice, or otherwise provide notification of the information under subsection (b) in the manner that the manager or landlord deems most appropriate, to each such tenant and to each new tenant upon commencement of such a tenancy.

“(b) **NOTICE.**—Notice to a tenant of a property in accordance with this subsection is written notice that clearly informs a tenant—

“(1) whether the property is located in an area having special flood hazards;

“(2) that flood insurance coverage is available under the national flood insurance program under this title for contents of the unit or structure leased by the tenant;

“(3) of the maximum amount of such coverage for contents available under this title at that time; and

“(4) of where to obtain information regarding how to obtain such coverage, including a telephone number, mailing address, and Internet site of the Administrator where such information is available.”.

**SEC. 3016. NOTIFICATION TO POLICY HOLDERS REGARDING DIRECT MANAGEMENT OF POLICY BY FEMA.**

Part C of chapter II of the National Flood Insurance Act of 1968 (42 U.S.C. 4081 et seq.) is amended by adding at the end the following new section:

**“SEC. 1349. NOTIFICATION TO POLICY HOLDERS REGARDING DIRECT MANAGEMENT OF POLICY BY FEMA.**

“(a) **NOTIFICATION.**—Not later than 60 days before the date on which a transferred flood insurance policy expires, and annually thereafter until such time as the Federal Emergency Management Agency is no longer directly administering such policy, the Administrator shall notify the holder of such policy that—

“(1) the Federal Emergency Management Agency is directly administering the policy;

“(2) such holder may purchase flood insurance that is directly administered by an insurance company; and

“(3) purchasing flood insurance offered under the National Flood Insurance Program that is directly administered by an insurance company will not alter the coverage provided or the premiums charged to such holder that otherwise would be provided or charged if the policy was directly administered by the Federal Emergency Management Agency.

“(b) **DEFINITION.**—In this section, the term ‘transferred flood insurance policy’ means a flood insurance policy that—

“(1) was directly administered by an insurance company at the time the policy was originally purchased by the policy holder; and

“(2) at the time of renewal of the policy, direct administration of the policy was or will be transferred to the Federal Emergency Management Agency.”.

**SEC. 3017. NOTICE OF AVAILABILITY OF FLOOD INSURANCE AND ESCROW IN RESPA GOOD FAITH ESTIMATE.**

Subsection (c) of section 5 of the Real Estate Settlement Procedures Act of 1974 (12 U.S.C. 2604(c)) is amended by adding at the end the fol-

lowing new sentence: “Each such good faith estimate shall include the following conspicuous statements and information: (1) that flood insurance coverage for residential real estate is generally available under the national flood insurance program whether or not the real estate is located in an area having special flood hazards and that, to obtain such coverage, a home owner or purchaser should contact the national flood insurance program; (2) a telephone number and a location on the Internet by which a home owner or purchaser can contact the national flood insurance program; and (3) that the escrowing of flood insurance payments is required for many loans under section 102(d) of the Flood Disaster Protection Act of 1973, and may be a convenient and available option with respect to other loans.”.

**SEC. 3018. REIMBURSEMENT FOR COSTS INCURRED BY HOMEOWNERS AND COMMUNITIES OBTAINING LETTERS OF MAP AMENDMENT OR REVISION.**

(a) **IN GENERAL.**—Section 1360 of the National Flood Insurance Act of 1968 (42 U.S.C. 4101), as amended by the preceding provisions of this title, is further amended by adding at the end the following new subsection:

“(m) **REIMBURSEMENT.**—

“(1) **REQUIREMENT UPON BONA FIDE ERROR.**—If an owner of any property located in an area described in section 102(i)(3) of the Flood Disaster Protection Act of 1973, or a community in which such a property is located, obtains a letter of map amendment, or a letter of map revision, due to a bona fide error on the part of the Administrator of the Federal Emergency Management Agency, the Administrator shall reimburse such owner, or such entity or jurisdiction acting on such owner’s behalf, or such community, as applicable, for any reasonable costs incurred in obtaining such letter.

“(2) **REASONABLE COSTS.**—The Administrator shall, by regulation or notice, determine a reasonable amount of costs to be reimbursed under paragraph (1), except that such costs shall not include legal or attorneys fees. In determining the reasonableness of costs, the Administrator shall only consider the actual costs to the owner or community, as applicable, of utilizing the services of an engineer, surveyor, or similar services.”.

(b) **REGULATIONS.**—Not later than 90 days after the date of the enactment of this Act, the Administrator of the Federal Emergency Management Agency shall issue the regulations or notice required under section 1360(m)(2) of the National Flood Insurance Act of 1968, as added by the amendment made by subsection (a) of this section.

**SEC. 3019. ENHANCED COMMUNICATION WITH CERTAIN COMMUNITIES DURING MAP UPDATING PROCESS.**

Section 1360 of the National Flood Insurance Act of 1968 (42 U.S.C. 4101), as amended by the preceding provisions of this title, is further amended by adding at the end the following new subsection:

“(n) **ENHANCED COMMUNICATION WITH CERTAIN COMMUNITIES DURING MAP UPDATING PROCESS.**—In updating flood insurance maps under this section, the Administrator shall communicate with communities located in areas where flood insurance rate maps have not been updated in 20 years or more and the appropriate State emergency agencies to resolve outstanding issues, provide technical assistance, and disseminate all necessary information to reduce the prevalence of outdated maps in flood-prone areas.”.

**SEC. 3020. NOTIFICATION TO RESIDENTS NEWLY INCLUDED IN FLOOD HAZARD AREAS.**

Section 1360 of the National Flood Insurance Act of 1968 (42 U.S.C. 4101), as amended by the preceding provisions of this title, is further

amended by adding at the end the following new subsection:

“(o) **NOTIFICATION TO RESIDENTS NEWLY INCLUDED IN FLOOD HAZARD AREA.**—In revising or updating any areas having special flood hazards, the Administrator shall provide to each owner of a property to be newly included in such a special flood hazard area, at the time of issuance of such proposed revised or updated flood insurance maps, a copy of the proposed revised or updated flood insurance maps together with information regarding the appeals process under section 1363 of the National Flood Insurance Act of 1968 (42 U.S.C. 4104).”

**SEC. 3021. TREATMENT OF SWIMMING POOL ENCLOSURES OUTSIDE OF HURRICANE SEASON.**

Chapter I of the National Flood Insurance Act of 1968 (42 U.S.C. 4001 et seq.) is amended by adding at the end the following new section:

**“SEC. 1325. TREATMENT OF SWIMMING POOL ENCLOSURES OUTSIDE OF HURRICANE SEASON.**

“In the case of any property that is otherwise in compliance with the coverage and building requirements of the national flood insurance program, the presence of an enclosed swimming pool located at ground level or in the space below the lowest floor of a building after November 30 and before June 1 of any year shall have no effect on the terms of coverage or the ability to receive coverage for such building under the national flood insurance program established pursuant to this title, if the pool is enclosed with non-supporting breakaway walls.”

**SEC. 3022. INFORMATION REGARDING MULTIPLE PERILS CLAIMS.**

Section 1345 of the National Flood Insurance Act of 1968 (42 U.S.C. 4081) is amended by adding at the end the following new subsection:

“(d) **INFORMATION REGARDING MULTIPLE PERILS CLAIMS.**—

“(1) **IN GENERAL.**—Subject to paragraph (2), if an insured having flood insurance coverage under a policy issued under the program under this title by the Administrator or a company, insurer, or entity offering flood insurance coverage under such program (in this subsection referred to as a ‘participating company’) has wind or other homeowners coverage from any company, insurer, or other entity covering property covered by such flood insurance, in the case of damage to such property that may have been caused by flood or by wind, the Administrator and the participating company, upon the request of the insured, shall provide to the insured, within 30 days of such request—

“(A) a copy of the estimate of structure damage;

“(B) proofs of loss;

“(C) any expert or engineering reports or documents commissioned by or relied upon by the Administrator or participating company in determining whether the damage was caused by flood or any other peril; and

“(D) the Administrator’s or the participating company’s final determination on the claim.

“(2) **TIMING.**—Paragraph (1) shall apply only with respect to a request described in such paragraph made by an insured after the Administrator or the participating company, or both, as applicable, have issued a final decision on the flood claim involved and resolution of all appeals with respect to such claim.”

**SEC. 3023. FEMA AUTHORITY TO REJECT TRANSFER OF POLICIES.**

Section 1345 of the National Flood Insurance Act of 1968 (42 U.S.C. 4081) is amended by adding at the end the following new subsection:

“(e) **FEMA AUTHORITY TO REJECT TRANSFER OF POLICIES.**—Notwithstanding any other provision of this Act, the Administrator may, at the discretion of the Administrator, refuse to accept the transfer of the administration of policies for

coverage under the flood insurance program under this title that are written and administered by any insurance company or other insurer, or any insurance agent or broker.”

**SEC. 3024. APPEALS.**

(a) **TELEVISION AND RADIO ANNOUNCEMENT.**—Section 1363 of the National Flood Insurance Act of 1968 (42 U.S.C. 4104) is amended—

(1) in subsection (a), by inserting after “determinations” by inserting the following: “by notifying a local television and radio station,”; and

(2) in the first sentence of subsection (b), by inserting before the period at the end the following: “and shall notify a local television and radio station at least once during the same 10-day period”.

(b) **EXTENSION OF APPEALS PERIOD.**—Subsection (b) of section 1363 of the National Flood Insurance Act of 1968 (42 U.S.C. 4104(b)) is amended—

(1) by striking “(b) The Director” and inserting “(b)(1) The Administrator”; and

(2) by adding at the end the following new paragraph:

“(2) The Administrator shall grant an extension of the 90-day period for appeals referred to in paragraph (1) for 90 additional days if an affected community certifies to the Administrator, after the expiration of at least 60 days of such period, that the community—

“(A) believes there are property owners or lessees in the community who are unaware of such period for appeals; and

“(B) will utilize the extension under this paragraph to notify property owners or lessees who are affected by the proposed flood elevation determinations of the period for appeals and the opportunity to appeal the determinations proposed by the Administrator.”

(c) **APPLICABILITY.**—The amendments made by subsections (a) and (b) shall apply with respect to any flood elevation determination for any area in a community that has not, as of the date of the enactment of this Act, been issued a Letter of Final Determination for such determination under the flood insurance map modernization process.

**SEC. 3025. RESERVE FUND.**

(a) **ESTABLISHMENT.**—Chapter I of the National Flood Insurance Act of 1968 is amended by inserting after section 1310 (42 U.S.C. 4017) the following new section:

**“SEC. 1310A. RESERVE FUND.**

“(a) **ESTABLISHMENT OF RESERVE FUND.**—In carrying out the flood insurance program authorized by this title, the Administrator shall establish in the Treasury of the United States a National Flood Insurance Reserve Fund (in this section referred to as the ‘Reserve Fund’) which shall—

“(1) be an account separate from any other accounts or funds available to the Administrator; and

“(2) be available for meeting the expected future obligations of the flood insurance program.

“(b) **RESERVE RATIO.**—Subject to the phase-in requirements under subsection (d), the Reserve Fund shall maintain a balance equal to—

“(1) 1 percent of the sum of the total potential loss exposure of all outstanding flood insurance policies in force in the prior fiscal year; or

“(2) such higher percentage as the Administrator determines to be appropriate, taking into consideration any circumstance that may raise a significant risk of substantial future losses to the Reserve Fund.

“(c) **MAINTENANCE OF RESERVE RATIO.**—

“(1) **IN GENERAL.**—The Administrator shall have the authority to establish, increase, or decrease the amount of aggregate annual insurance premiums to be collected for any fiscal year necessary—

“(A) to maintain the reserve ratio required under subsection (b); and

“(B) to achieve such reserve ratio, if the actual balance of such reserve is below the amount required under subsection (b).

“(2) **CONSIDERATIONS.**—In exercising the authority under paragraph (1), the Administrator shall consider—

“(A) the expected operating expenses of the Reserve Fund;

“(B) the insurance loss expenditures under the flood insurance program;

“(C) any investment income generated under the flood insurance program; and

“(D) any other factor that the Administrator determines appropriate.

“(3) **LIMITATIONS.**—In exercising the authority under paragraph (1), the Administrator shall be subject to all other provisions of this Act, including any provisions relating to chargeable premium rates and annual increases of such rates.

“(d) **PHASE-IN REQUIREMENTS.**—The phase-in requirements under this subsection are as follows:

“(1) **IN GENERAL.**—Beginning in fiscal year 2012 and not ending until the fiscal year in which the ratio required under subsection (b) is achieved, in each such fiscal year the Administrator shall place in the Reserve Fund an amount equal to not less than 7.5 percent of the reserve ratio required under subsection (b).

“(2) **AMOUNT SATISFIED.**—As soon as the ratio required under subsection (b) is achieved, and except as provided in paragraph (3), the Administrator shall not be required to set aside any amounts for the Reserve Fund.

“(3) **EXCEPTION.**—If at any time after the ratio required under subsection (b) is achieved, the Reserve Fund falls below the required ratio under subsection (b), the Administrator shall place in the Reserve Fund for that fiscal year an amount equal to not less than 7.5 percent of the reserve ratio required under subsection (b).

“(e) **LIMITATION ON RESERVE RATIO.**—In any given fiscal year, if the Administrator determines that the reserve ratio required under subsection (b) cannot be achieved, the Administrator shall submit a report to the Congress that—

“(1) describes and details the specific concerns of the Administrator regarding such consequences;

“(2) demonstrates how such consequences would harm the long-term financial soundness of the flood insurance program; and

“(3) indicates the maximum attainable reserve ratio for that particular fiscal year.

“(f) **AVAILABILITY OF AMOUNTS.**—The reserve ratio requirements under subsection (b) and the phase-in requirements under subsection (d) shall be subject to the availability of amounts in the National Flood Insurance Fund for transfer under section 1310(a)(10), as provided in section 1310(f).”

(b) **FUNDING.**—Subsection (a) of section 1310 of the National Flood Insurance Act of 1968 (42 U.S.C. 4017(a)) is amended—

(1) in paragraph (8), by striking “and” at the end;

(2) in paragraph (9), by striking the period at the end and inserting “; and”; and

(3) by adding at the end the following new paragraph:

“(10) for transfers to the National Flood Insurance Reserve Fund under section 1310A, in accordance with such section.”

**SEC. 3026. CDBG ELIGIBILITY FOR FLOOD INSURANCE OUTREACH ACTIVITIES AND COMMUNITY BUILDING CODE ADMINISTRATION GRANTS.**

Section 105(a) of the Housing and Community Development Act of 1974 (42 U.S.C. 5305(a)) is amended—

(1) in paragraph (24), by striking “and” at the end;

(2) in paragraph (25), by striking the period at the end and inserting a semicolon; and

(3) by adding at the end the following new paragraphs:

“(26) supplementing existing State or local funding for administration of building code enforcement by local building code enforcement departments, including for increasing staffing, providing staff training, increasing staff competence and professional qualifications, and supporting individual certification or departmental accreditation, and for capital expenditures specifically dedicated to the administration of the building code enforcement department, except that, to be eligible to use amounts as provided in this paragraph—

“(A) a building code enforcement department shall provide matching, non-Federal funds to be used in conjunction with amounts used under this paragraph in an amount—

“(i) in the case of a building code enforcement department serving an area with a population of more than 50,000, equal to not less than 50 percent of the total amount of any funds made available under this title that are used under this paragraph;

“(ii) in the case of a building code enforcement department serving an area with a population of between 20,001 and 50,000, equal to not less than 25 percent of the total amount of any funds made available under this title that are used under this paragraph; and

“(iii) in the case of a building code enforcement department serving an area with a population of less than 20,000, equal to not less than 12.5 percent of the total amount of any funds made available under this title that are used under this paragraph,

except that the Secretary may waive the matching fund requirements under this subparagraph, in whole or in part, based upon the level of economic distress of the jurisdiction in which is located the local building code enforcement department that is using amounts for purposes under this paragraph, and shall waive such matching fund requirements in whole for any recipient jurisdiction that has dedicated all building code permitting fees to the conduct of local building code enforcement; and

“(B) any building code enforcement department using funds made available under this title for purposes under this paragraph shall empanel a code administration and enforcement team consisting of at least 1 full-time building code enforcement officer, a city planner, and a health planner or similar officer; and

“(27) provision of assistance to local governmental agencies responsible for floodplain management activities (including such agencies of Indians tribes, as such term is defined in section 4 of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4103)) in communities that participate in the national flood insurance program under the National Flood Insurance Act of 1968 (42 U.S.C. 4001 et seq.), only for carrying out outreach activities to encourage and facilitate the purchase of flood insurance protection under such Act by owners and renters of properties in such communities and to promote educational activities that increase awareness of flood risk reduction; except that—

“(A) amounts used as provided under this paragraph shall be used only for activities designed to—

“(i) identify owners and renters of properties in communities that participate in the national flood insurance program, including owners of residential and commercial properties;

“(ii) notify such owners and renters when their properties become included in, or when they are excluded from, an area having special flood hazards and the effect of such inclusion or exclusion on the applicability of the mandatory flood insurance purchase requirement under section 102 of the Flood Disaster Protection Act of 1973 (42 U.S.C. 4012a) to such properties;

“(iii) educate such owners and renters regarding the flood risk and reduction of this risk in their community, including the continued flood risks to areas that are no longer subject to the flood insurance mandatory purchase requirement;

“(iv) educate such owners and renters regarding the benefits and costs of maintaining or acquiring flood insurance, including, where applicable, lower-cost preferred risk policies under this title for such properties and the contents of such properties;

“(v) encourage such owners and renters to maintain or acquire such coverage;

“(vi) notify such owners of where to obtain information regarding how to obtain such coverage, including a telephone number, mailing address, and Internet site of the Administrator of the Federal Emergency Management Agency (in this paragraph referred to as the ‘Administrator’) where such information is available; and

“(vii) educate local real estate agents in communities participating in the national flood insurance program regarding the program and the availability of coverage under the program for owners and renters of properties in such communities, and establish coordination and liaisons with such real estate agents to facilitate purchase of coverage under the National Flood Insurance Act of 1968 and increase awareness of flood risk reduction;

“(B) in any fiscal year, a local governmental agency may not use an amount under this paragraph that exceeds 3 times the amount that the agency certifies, as the Secretary, in consultation with the Administrator, shall require, that the agency will contribute from non-Federal funds to be used with such amounts used under this paragraph only for carrying out activities described in subparagraph (A); and for purposes of this subparagraph, the term ‘non-Federal funds’ includes State or local government agency amounts, in-kind contributions, any salary paid to staff to carry out the eligible activities of the local governmental agency involved, the value of the time and services contributed by volunteers to carry out such services (at a rate determined by the Secretary), and the value of any donated material or building and the value of any lease on a building;

“(C) a local governmental agency that uses amounts as provided under this paragraph may coordinate or contract with other agencies and entities having particular capacities, specialties, or experience with respect to certain populations or constituencies, including elderly or disabled families or persons, to carry out activities described in subparagraph (A) with respect to such populations or constituencies; and

“(D) each local government agency that uses amounts as provided under this paragraph shall submit a report to the Secretary and the Administrator, not later than 12 months after such amounts are first received, which shall include such information as the Secretary and the Administrator jointly consider appropriate to describe the activities conducted using such amounts and the effect of such activities on the retention or acquisition of flood insurance coverage.”

#### SEC. 3027. TECHNICAL CORRECTIONS.

(a) FLOOD DISASTER PROTECTION ACT OF 1973.—The Flood Disaster Protection Act of 1973 (42 U.S.C. 4002 et seq.) is amended—

(1) by striking “Director” each place such term appears, except in section 102(f)(3) (42 U.S.C. 4012a(f)(3)), and inserting “Administrator”; and

(2) in section 201(b) (42 U.S.C. 4105(b)), by striking “Director’s” and inserting “Administrator’s”.

(b) NATIONAL FLOOD INSURANCE ACT OF 1968.—The National Flood Insurance Act of 1968 (42 U.S.C. 4001 et seq.) is amended—

(1) by striking “Director” each place such term appears and inserting “Administrator”; and

(2) in section 1363 (42 U.S.C. 4104), by striking “Director’s” each place such term appears and inserting “Administrator’s”.

(c) FEDERAL FLOOD INSURANCE ACT OF 1956.—Section 15(e) of the Federal Flood Insurance Act of 1956 (42 U.S.C. 2414(e)) is amended by striking “Director” each place such term appears and inserting “Administrator”.

#### SEC. 3028. REQUIRING COMPETITION FOR NATIONAL FLOOD INSURANCE PROGRAM POLICIES.

(a) REPORT.—Not later than the expiration of the 90-day period beginning upon the date of the enactment of this Act, the Administrator of the Federal Emergency Management Agency, in consultation with insurance companies, insurance agents and other organizations with which the Administrator has contracted, shall submit to the Congress a report describing procedures and policies that the Administrator shall implement to limit the percentage of policies for flood insurance coverage under the national flood insurance program that are directly managed by the Agency to not more than 10 percent of the aggregate number of flood insurance policies in force under such program.

(b) IMPLEMENTATION.—Upon submission of the report under subsection (a) to the Congress, the Administrator shall implement the policies and procedures described in the report. The Administrator shall, not later than the expiration of the 12-month period beginning upon submission of such report, reduce the number of policies for flood insurance coverage that are directly managed by the Agency, or by the Agency’s direct servicing contractor that is not an insurer, to not more than 10 percent of the aggregate number of flood insurance policies in force as of the expiration of such 12-month period.

(c) CONTINUATION OF CURRENT AGENT RELATIONSHIPS.—In carrying out subsection (b), the Administrator shall ensure that—

(1) agents selling or servicing policies described in such subsection are not prevented from continuing to sell or service such policies; and

(2) insurance companies are not prevented from waiving any limitation such companies could otherwise enforce to limit any such activity.

#### SEC. 3029. STUDIES OF VOLUNTARY COMMUNITY-BASED FLOOD INSURANCE OPTIONS.

(a) STUDIES.—The Administrator of the Federal Emergency Management Agency and the Comptroller General of the United States shall each conduct a separate study to assess options, methods, and strategies for offering voluntary community-based flood insurance policy options and incorporating such options into the national flood insurance program. Such studies shall take into consideration and analyze how the policy options would affect communities having varying economic bases, geographic locations, flood hazard characteristics or classifications, and flood management approaches.

(b) REPORTS.—Not later than the expiration of the 18-month period beginning on the date of the enactment of this Act, the Administrator of the Federal Emergency Management Agency and the Comptroller General of the United States shall each submit a report to the Committee on Financial Services of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate on the results and conclusions of the study such agency conducted under subsection (a), and each such report shall include recommendations for the best manner to incorporate voluntary community-based flood insurance options into the national flood insurance program and for a strategy to implement such options that would

encourage communities to undertake flood mitigation activities.

**SEC. 3030. REPORT ON INCLUSION OF BUILDING CODES IN FLOODPLAIN MANAGEMENT CRITERIA.**

Not later than the expiration of the 6-month period beginning on the date of the enactment of this Act, the Administrator of the Federal Emergency Management Agency shall conduct a study and submit a report to the Committee on Financial Services of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate regarding the impact, effectiveness, and feasibility of amending section 1361 of the National Flood Insurance Act of 1968 (42 U.S.C. 4102) to include widely used and nationally recognized building codes as part of the floodplain management criteria developed under such section, and shall determine—

(1) the regulatory, financial, and economic impacts of such a building code requirement on homeowners, States and local communities, local land use policies, and the Federal Emergency Management Agency;

(2) the resources required of State and local communities to administer and enforce such a building code requirement;

(3) the effectiveness of such a building code requirement in reducing flood-related damage to buildings and contents;

(4) the impact of such a building code requirement on the actuarial soundness of the National Flood Insurance Program;

(5) the effectiveness of nationally recognized codes in allowing innovative materials and systems for flood-resistant construction;

(6) the feasibility and effectiveness of providing an incentive in lower premium rates for flood insurance coverage under such Act for structures meeting whichever of such widely used and nationally recognized building code or any applicable local building code provides greater protection from flood damage;

(7) the impact of such a building code requirement on rural communities with different building code challenges than more urban environments; and

(8) the impact of such a building code requirement on Indian reservations.

**SEC. 3031. STUDY ON GRADUATED RISK.**

(a) **STUDY.**—The National Academy of Sciences shall conduct a study exploring methods for understanding graduated risk behind levees and the associated land development, insurance, and risk communication dimensions, which shall—

(1) research, review, and recommend current best practices for estimating direct annualized flood losses behind levees for residential and commercial structures;

(2) rank such practices based on their best value, balancing cost, scientific integrity, and the inherent uncertainties associated with all aspects of the loss estimate, including geotechnical engineering, flood frequency estimates, economic value, and direct damages;

(3) research, review, and identify current best floodplain management and land use practices behind levees that effectively balance social, economic, and environmental considerations as part of an overall flood risk management strategy;

(4) identify examples where such practices have proven effective and recommend methods and processes by which they could be applied more broadly across the United States, given the variety of different flood risks, State and local legal frameworks, and evolving judicial opinions;

(5) research, review, and identify a variety of flood insurance pricing options for flood hazards behind levees which are actuarially sound and based on the flood risk data developed

using the top three best value approaches identified pursuant to paragraph (1);

(6) evaluate and recommend methods to reduce insurance costs through creative arrangements between insureds and insurers while keeping a clear accounting of how much financial risk is being borne by various parties such that the entire risk is accounted for, including establishment of explicit limits on disaster aid or other assistance in the event of a flood; and

(7) taking into consideration the recommendations pursuant to paragraphs (1) through (3), recommend approaches to communicating the associated risks to community officials, homeowners, and other residents.

(b) **REPORT.**—Not later than the expiration of the 12-month period beginning on the date of the enactment of this Act, the National Academy of Sciences shall submit a report to the Committees on Financial Services and Science, Space, and Technology of the House of Representatives and the Committees on Banking, Housing, and Urban Affairs and Commerce, Science and Transportation of the Senate on the study under subsection (a) including the information and recommendations required under such subsection.

**SEC. 3032. REPORT ON FLOOD-IN-PROGRESS DETERMINATION.**

The Administrator of the Federal Emergency Management Agency shall review the processes and procedures for determining that a flood event has commenced or is in progress for purposes of flood insurance coverage made available under the national flood insurance program under the National Flood Insurance Act of 1968 and for providing public notification that such an event has commenced or is in progress. In such review, the Administrator shall take into consideration the effects and implications that weather conditions, such as rainfall, snowfall, projected snowmelt, existing water levels, and other conditions have on the determination that a flood event has commenced or is in progress. Not later than the expiration of the 6-month period beginning upon the date of the enactment of this Act, the Administrator shall submit a report to the Congress setting forth the results and conclusions of the review undertaken pursuant to this section and any actions undertaken or proposed actions to be taken to provide for a more precise and technical determination that a flooding event has commenced or is in progress.

**SEC. 3033. STUDY ON REPAYING FLOOD INSURANCE DEBT.**

Not later than the expiration of the 6-month period beginning on the date of the enactment of this Act, the Administrator of the Federal Emergency Management Agency shall submit a report to the Congress setting forth a plan for repaying within 10 years all amounts, including any amounts previously borrowed but not yet repaid, owed pursuant to clause (2) of subsection (a) of section 1309 of the National Flood Insurance Act of 1968 (42 U.S.C. 4016(a)(2)).

**SEC. 3034. NO CAUSE OF ACTION.**

No cause of action shall exist and no claim may be brought against the United States for violation of any notification requirement imposed upon the United States by this title or any amendment made by this title.

**SEC. 3035. AUTHORITY FOR THE CORPS OF ENGINEERS TO PROVIDE SPECIALIZED OR TECHNICAL SERVICES.**

(a) **IN GENERAL.**—Notwithstanding any other provision of law, upon the request of a State or local government, the Secretary of the Army may evaluate a levee system that was designed or constructed by the Secretary for the purposes of the National Flood Insurance Program established under chapter 1 of the National Flood Insurance Act of 1968 (42 U.S.C. 4011 et seq.).

(b) **REQUIREMENTS.**—A levee system evaluation under subsection (a) shall—

(1) comply with applicable regulations related to areas protected by a levee system;

(2) be carried out in accordance with such procedures as the Secretary, in consultation with the Administrator of the Federal Emergency Management Agency, may establish; and

(3) be carried out only if the State or local government agrees to reimburse the Secretary for all cost associated with the performance of the activities.

**TITLE IV—JUMPSTARTING OPPORTUNITY WITH BROADBAND SPECTRUM ACT OF 2011**

**SEC. 4001. SHORT TITLE.**

This title may be cited as the “Jumpstarting Opportunity with Broadband Spectrum Act of 2011” or the “JOBS Act of 2011”.

**SEC. 4002. DEFINITIONS.**

In this title:

(1) **700 MHZ D BLOCK SPECTRUM.**—The term “700 MHz D block spectrum” means the portion of the electromagnetic spectrum between the frequencies from 758 megahertz to 763 megahertz and between the frequencies from 788 megahertz to 793 megahertz.

(2) **700 MHZ PUBLIC SAFETY GUARD BAND SPECTRUM.**—The term “700 MHz public safety guard band spectrum” means the portion of the electromagnetic spectrum between the frequencies from 768 megahertz to 769 megahertz and between the frequencies from 798 megahertz to 799 megahertz.

(3) **700 MHZ PUBLIC SAFETY NARROWBAND SPECTRUM.**—The term “700 MHz public safety narrowband spectrum” means the portion of the electromagnetic spectrum between the frequencies from 769 megahertz to 775 megahertz and between the frequencies from 799 megahertz to 805 megahertz.

(4) **ADMINISTRATOR.**—The term “Administrator” means the entity selected under section 4203(a) to serve as Administrator of the National Public Safety Communications Plan.

(5) **ASSISTANT SECRETARY.**—The term “Assistant Secretary” means the Assistant Secretary of Commerce for Communications and Information.

(6) **BOARD.**—The term “Board” means the Public Safety Communications Planning Board established under section 4202(a)(1).

(7) **BROADCAST TELEVISION LICENSEE.**—The term “broadcast television licensee” means the licensee of—

(A) a full-power television station; or

(B) a low-power television station that has been accorded primary status as a Class A television licensee under section 73.6001(a) of title 47, Code of Federal Regulations.

(8) **BROADCAST TELEVISION SPECTRUM.**—The term “broadcast television spectrum” means the portions of the electromagnetic spectrum between the frequencies from 54 megahertz to 72 megahertz, from 76 megahertz to 88 megahertz, from 174 megahertz to 216 megahertz, and from 470 megahertz to 698 megahertz.

(9) **COMMERCIAL MOBILE DATA SERVICE.**—The term “commercial mobile data service” means any mobile service (as defined in section 3 of the Communications Act of 1934 (47 U.S.C. 153)) that is—

(A) a data service;

(B) provided for profit; and

(C) available to the public or such classes of eligible users as to be effectively available to a substantial portion of the public, as specified by regulation by the Commission.

(10) **COMMERCIAL MOBILE SERVICE.**—The term “commercial mobile service” has the meaning given such term in section 332 of the Communications Act of 1934 (47 U.S.C. 332).

(11) **COMMERCIAL STANDARDS.**—The term “commercial standards” means the technical standards followed by the commercial mobile service and commercial mobile data service industries for network, device, and Internet Protocol connectivity. Such term includes standards

developed by the Third Generation Partnership Project (3GPP), the Institute of Electrical and Electronics Engineers (IEEE), the Alliance for Telecommunications Industry Solutions (ATIS), the Internet Engineering Task Force (IETF), and the International Telecommunication Union (ITU).

(12) **COMMISSION.**—The term “Commission” means the Federal Communications Commission.

(13) **EMERGENCY CALL.**—The term “emergency call” means any real-time communication with a public safety answering point or other emergency management or response agency, including—

(A) through voice, text, or video and related data; and

(B) nonhuman-initiated automatic event alerts, such as alarms, telematics, or sensor data, which may also include real-time voice, text, or video communications.

(14) **FORWARD AUCTION.**—The term “forward auction” means the portion of an incentive auction of broadcast television spectrum under section 4104(c).

(15) **INCENTIVE AUCTION.**—The term “incentive auction” means a system of competitive bidding under subparagraph (G) of section 309(j)(8) of the Communications Act of 1934, as added by section 4103.

(16) **MULTICHANNEL VIDEO PROGRAMMING DISTRIBUTOR.**—The term “multichannel video programming distributor” has the meaning given such term in section 602 of the Communications Act of 1934 (47 U.S.C. 522).

(17) **NATIONAL PUBLIC SAFETY COMMUNICATIONS PLAN.**—The term “National Public Safety Communications Plan” or “Plan” means the plan adopted under section 4202(c).

(18) **NEXT GENERATION 9-1-1 SERVICES.**—The term “Next Generation 9-1-1 services” means an IP-based system comprised of hardware, software, data, and operational policies and procedures that—

(A) provides standardized interfaces from emergency call and message services to support emergency communications;

(B) processes all types of emergency calls, including voice, text, data, and multimedia information;

(C) acquires and integrates additional emergency call data useful to call routing and handling;

(D) delivers the emergency calls, messages, and data to the appropriate public safety answering point and other appropriate emergency entities;

(E) supports data or video communications needs for coordinated incident response and management; and

(F) provides broadband service to public safety answering points or other first responder entities.

(19) **NTIA.**—The term “NTIA” means the National Telecommunications and Information Administration.

(20) **PUBLIC SAFETY ANSWERING POINT.**—The term “public safety answering point” has the meaning given such term in section 222 of the Communications Act of 1934 (47 U.S.C. 222).

(21) **PUBLIC SAFETY BROADBAND SPECTRUM.**—The term “public safety broadband spectrum” means the portion of the electromagnetic spectrum between the frequencies from 763 megahertz to 768 megahertz and between the frequencies from 793 megahertz to 798 megahertz.

(22) **PUBLIC SAFETY COMMUNICATIONS.**—The term “public safety communications” means communications by providers of public safety services.

(23) **PUBLIC SAFETY SERVICES.**—The term “public safety services” has the meaning given such term in section 337 of the Communications Act of 1934 (47 U.S.C. 337).

(24) **REVERSE AUCTION.**—The term “reverse auction” means the portion of an incentive auc-

tion of broadcast television spectrum under section 4104(a), in which a broadcast television licensee may submit bids stating the amount it would accept for voluntarily relinquishing some or all of its broadcast television spectrum usage rights.

(25) **SPECTRUM LICENSED TO THE ADMINISTRATOR.**—The term “spectrum licensed to the Administrator” means the portion of the electromagnetic spectrum that the Administrator is licensed to use under section 4201(a).

(26) **STATE.**—The term “State” has the meaning given such term in section 3 of the Communications Act of 1934 (47 U.S.C. 153).

(27) **STATE PUBLIC SAFETY BROADBAND COMMUNICATIONS NETWORK.**—The term “State public safety broadband communications network” means a broadband network for public safety communications established by a State Public Safety Broadband Office, in accordance with the National Public Safety Communications Plan, using the spectrum licensed to the Administrator.

(28) **STATE PUBLIC SAFETY BROADBAND OFFICE.**—The term “State Public Safety Broadband Office” means an office established or designated under section 4221(a).

(29) **ULTRA HIGH FREQUENCY.**—The term “ultra high frequency” means, with respect to a television channel, that the channel is located in the portion of the electromagnetic spectrum between the frequencies from 470 megahertz to 698 megahertz.

(30) **VERY HIGH FREQUENCY.**—The term “very high frequency” means, with respect to a television channel, that the channel is located in the portion of the electromagnetic spectrum between the frequencies from 54 megahertz to 72 megahertz, from 76 megahertz to 88 megahertz, or from 174 megahertz to 216 megahertz.

#### SEC. 4003. RULE OF CONSTRUCTION.

Each range of frequencies described in this title shall be construed to be inclusive of the upper and lower frequencies in the range.

#### SEC. 4004. ENFORCEMENT.

(a) **IN GENERAL.**—The Commission shall implement and enforce this title as if this title is a part of the Communications Act of 1934 (47 U.S.C. 151 et seq.). A violation of this title, or a regulation promulgated under this title, shall be considered to be a violation of the Communications Act of 1934, or a regulation promulgated under such Act, respectively.

(b) **EXCEPTIONS.**—

(1) **OTHER AGENCIES.**—Subsection (a) does not apply in the case of a provision of this title that is expressly required to be carried out by an agency (as defined in section 551 of title 5, United States Code) other than the Commission.

(2) **NTIA REGULATIONS.**—The Assistant Secretary may promulgate such regulations as are necessary to implement and enforce any provision of this title that is expressly required to be carried out by the Assistant Secretary.

#### SEC. 4005. NATIONAL SECURITY RESTRICTIONS ON USE OF FUNDS AND AUCTION PARTICIPATION.

(a) **USE OF FUNDS.**—No funds made available by section 4102 or subtitle B may be used to make payments under a contract to a person described in subsection (c).

(b) **AUCTION PARTICIPATION.**—A person described in subsection (c) may not participate in a system of competitive bidding under section 309(j) of the Communications Act of 1934 (47 U.S.C. 309(j))—

(1) that is required to be conducted by this title; or

(2) in which any spectrum usage rights for which licenses are being assigned were made available under clause (i) of subparagraph (G) of paragraph (8) of such section, as added by section 4103.

(c) **PERSON DESCRIBED.**—A person described in this subsection is a person who has been, for

reasons of national security, barred by any agency of the Federal Government from bidding on a contract, participating in an auction, or receiving a grant.

#### Subtitle A—Spectrum Auction Authority

#### SEC. 4101. DEADLINES FOR AUCTION OF CERTAIN SPECTRUM.

(a) **CLEARING CERTAIN FEDERAL SPECTRUM.**—

(1) **IN GENERAL.**—The President shall—

(A) not later than 3 years after the date of the enactment of this Act, begin the process of withdrawing or modifying the assignment to a Federal Government station of the electromagnetic spectrum described in paragraph (2); and

(B) not later than 30 days after completing the withdrawal or modification, notify the Commission that the withdrawal or modification is complete.

(2) **SPECTRUM DESCRIBED.**—The electromagnetic spectrum described in this paragraph is the following:

(A) The frequencies between 1755 megahertz and 1780 megahertz, except that if—

(i) the Secretary of Commerce—

(I) determines that such frequencies cannot be reallocated for non-Federal use because incumbent Federal operations cannot be eliminated, relocated to other spectrum, or accommodated through other means;

(II) identifies other spectrum for reallocation for non-Federal use that the Secretary of Commerce determines can reasonably be expected to produce a comparable amount of net auction proceeds; and

(III) submits to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Energy and Commerce of the House of Representatives a report that identifies such spectrum and explains the determinations under subclauses (I) and (II); and

(ii) not later than 1 year after the date of the submission of such report, there is enacted a law approving the substitution of the spectrum identified under clause (i)(II) for the frequencies between 1755 megahertz and 1780 megahertz;

the spectrum described in this subparagraph shall be the spectrum identified under such clause.

(B) The 15 megahertz of spectrum between 1675 megahertz and 1710 megahertz identified under paragraph (3).

(C) The frequencies between 3550 megahertz and 3650 megahertz, except for the geographic exclusion zones (as such zones may be amended) identified in the report of the NTIA published in October 2010 and entitled “An Assessment of Near-Term Viability of Accommodating Wireless Broadband Systems in 1675–1710 MHz, 1755–1780 MHz, 3500–3650 MHz, and 4200–4220 MHz, 4380–4400 MHz Bands”.

(3) **IDENTIFICATION BY SECRETARY OF COMMERCE.**—Not later than 1 year after the date of the enactment of this Act, the Secretary of Commerce shall submit to the President a report identifying 15 megahertz of spectrum between 1675 megahertz and 1710 megahertz for reallocation from Federal use to non-Federal use.

(b) **REALLOCATION AND AUCTION.**—

(1) **IN GENERAL.**—Notwithstanding paragraph (15)(A) of section 309(j) of the Communications Act of 1934 (47 U.S.C. 309(j)), not later than 3 years after the date of the enactment of this Act, the Commission shall, except as provided in paragraph (4)—

(A) allocate the spectrum described in paragraph (2) for commercial use; and

(B) through a system of competitive bidding under such section, grant new initial licenses for the use of such spectrum, subject to flexible-use service rules.

(2) **SPECTRUM DESCRIBED.**—The spectrum described in this paragraph is the following:

(A) The frequencies between 1915 megahertz and 1920 megahertz, paired with the frequencies between 1995 megahertz and 2000 megahertz.

(B) The frequencies described in subsection (a)(2)(A).

(C) The frequencies between 2155 megahertz and 2180 megahertz.

(D) The 15 megahertz of spectrum identified under subsection (a)(3), paired with 15 megahertz of contiguous spectrum to be identified by the Commission.

(E) The frequencies described in subsection (a)(2)(C).

(3) PROCEEDS TO COVER 110 PERCENT OF FEDERAL RELOCATION OR SHARING COSTS.—Nothing in paragraph (1) shall be construed to relieve the Commission from the requirements of section 309(j)(16)(B) of the Communications Act of 1934 (47 U.S.C. 309(j)(16)(B)).

(4) DETERMINATION BY COMMISSION.—If the Commission determines that either band of frequencies described in paragraph (2)(A) cannot be used without causing harmful interference to commercial mobile service licensees in the frequencies between 1930 megahertz and 1995 megahertz, the Commission may not—

(A) allocate for commercial use under paragraph (1)(A) either band described in paragraph (2)(A); or

(B) grant licenses under paragraph (1)(B) for the use of either band described in paragraph (2)(A).

(c) AUCTION PROCEEDS.—Section 309(j)(8) of the Communications Act of 1934 (47 U.S.C. 309(j)(8)) is amended—

(1) in subparagraph (A), by striking “(D), and (E),” and inserting “(D), (E), (F), and (G),”;

(2) in subparagraph (C)(i), by striking “subparagraph (E)(ii)” and inserting “subparagraphs (D)(ii), (E)(ii), (F), and (G)”;

(3) in subparagraph (D)—

(A) by striking the heading and inserting “PROCEEDS FROM REALLOCATED FEDERAL SPECTRUM”;

(B) by striking “Cash” and inserting the following:

“(i) IN GENERAL.—Except as provided in clause (ii), cash”;

(C) by adding at the end the following:

“(ii) CERTAIN OTHER PROCEEDS.—Notwithstanding subparagraph (A) and except as provided in subparagraph (B), in the case of proceeds (including deposits and upfront payments from successful bidders) attributable to the auction of eligible frequencies described in paragraph (2) of section 113(g) of the National Telecommunications and Information Administration Organization Act that are required to be auctioned by section 4101(b)(1)(B) of the Jumpstarting Opportunity with Broadband Spectrum Act of 2011, such portion of such proceeds as is necessary to cover the relocation or sharing costs (as defined in paragraph (3) of such section 113(g)) of Federal entities relocated from such eligible frequencies shall be deposited in the Spectrum Relocation Fund. The remainder of such proceeds shall be deposited in the Public Safety Trust Fund established by section 4241(a)(1) of the Jumpstarting Opportunity with Broadband Spectrum Act of 2011.”; and

(4) by adding at the end the following:

“(F) CERTAIN PROCEEDS DESIGNATED FOR PUBLIC SAFETY TRUST FUND.—Notwithstanding subparagraph (A) and except as provided in subparagraphs (B) and (D)(ii), the proceeds (including deposits and upfront payments from successful bidders) from the use of a system of competitive bidding under this subsection pursuant to section 4101(b)(1)(B) of the Jumpstarting Opportunity with Broadband Spectrum Act of 2011 shall be deposited in the Public Safety Trust Fund established by section 4241(a)(1) of such Act.”.

**SEC. 4102. 700 MHZ PUBLIC SAFETY NARROWBAND SPECTRUM AND GUARD BAND SPECTRUM.**

(a) REALLOCATION AND AUCTION.—

(1) IN GENERAL.—On the date that is 5 years after a certification by the Administrator to the Commission of the availability of standards for public safety voice over broadband, the Commission shall, notwithstanding paragraph (15)(A) of section 309(j) of the Communications Act of 1934 (47 U.S.C. 309(j))—

(A) reallocate the 700 MHz public safety narrowband spectrum and the 700 MHz public safety guard band spectrum for commercial use; and

(B) begin a system of competitive bidding under such section to grant new initial licenses for the use of such spectrum.

(2) AUCTION PROCEEDS.—Notwithstanding subparagraphs (A) and (C)(i) of paragraph (8) of such section, not more than \$1,000,000,000 of the proceeds (including deposits and upfront payments from successful bidders) from the use of a system of competitive bidding pursuant to paragraph (1)(B) shall be available to the Assistant Secretary to carry out subsection (b) and shall remain available until expended.

(b) GRANTS FOR PUBLIC SAFETY RADIO EQUIPMENT.—

(1) IN GENERAL.—From amounts made available under subsection (a)(2), the Assistant Secretary shall make grants to States for the acquisition of public safety radio equipment.

(2) APPLICATION.—The Assistant Secretary may only make a grant under this subsection to a State that submits an application at such time, in such form, and containing such information and assurances as the Assistant Secretary may require.

(3) QUARTERLY REPORTS.—

(A) FROM GRANTEES TO NTIA.—A State receiving grant funds under this subsection shall, not later than 3 months after receiving such funds and not less frequently than quarterly thereafter until the date that is 1 year after all such funds have been expended, submit to the Assistant Secretary a report on the use of grant funds by such State.

(B) FROM NTIA TO CONGRESS.—Not later than 6 months after making the first grant under this subsection and not less frequently than quarterly thereafter until the date that is 18 months after all such funds have been expended by the grantees, the Assistant Secretary shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Energy and Commerce of the House of Representatives a report that—

(i) summarizes the reports submitted by grantees under subparagraph (A); and

(ii) describes and evaluates the use of grant funds disbursed under this subsection.

(c) CONFORMING AMENDMENTS.—Section 337(a) of the Communications Act of 1934 (47 U.S.C. 337(a)) is amended—

(1) in the matter preceding paragraph (1)—

(A) by striking “Not later than January 1, 1998, the” and inserting “The”; and

(B) by inserting “for either public safety services or commercial use,” after “inclusive,”;

(2) in paragraph (1)—

(A) by striking “24 megahertz” and inserting “Not more than 34 megahertz”; and

(B) by striking “, in consultation with the Secretary of Commerce and the Attorney General; and” and inserting a period; and

(3) in paragraph (2), by striking “36 megahertz” and inserting “Not more than 40 megahertz”.

**SEC. 4103. GENERAL AUTHORITY FOR INCENTIVE AUCTIONS.**

Section 309(j)(8) of the Communications Act of 1934, as amended by section 4101(c), is further amended by adding at the end the following:

“(G) INCENTIVE AUCTIONS.—

“(i) IN GENERAL.—Notwithstanding subparagraph (A) and except as provided in subparagraph (B), the Commission may encourage a li-

censee to relinquish voluntarily some or all of its licensed spectrum usage rights in order to permit the assignment of new initial licenses subject to flexible-use service rules by sharing with such licensee a portion, based on the value of the relinquished rights as determined in the reverse auction required by clause (ii)(I), of the proceeds (including deposits and upfront payments from successful bidders) from the use of a competitive bidding system under this subsection.

“(ii) LIMITATIONS.—The Commission may not enter into an agreement for a licensee to relinquish spectrum usage rights in exchange for a share of auction proceeds under clause (i) unless—

“(I) the Commission conducts a reverse auction to determine the amount of compensation that licensees would accept in return for voluntarily relinquishing spectrum usage rights; and

“(II) at least two competing licensees participate in the reverse auction.

“(iii) TREATMENT OF REVENUES.—Notwithstanding subparagraph (A) and except as provided in subparagraph (B), the proceeds (including deposits and upfront payments from successful bidders) from any auction, prior to the end of fiscal year 2021, of spectrum usage rights made available under clause (i) that are not shared with licensees under such clause shall be deposited as follows:

“(I) \$3,000,000,000 of the proceeds from the incentive auction of broadcast television spectrum required by section 4104 of the Jumpstarting Opportunity with Broadband Spectrum Act of 2011 shall be deposited in the TV Broadcaster Relocation Fund established by subsection (d)(1) of such section.

“(II) All other proceeds shall be deposited—

“(aa) prior to the end of fiscal year 2021, in the Public Safety Trust Fund established by section 4241(a)(1) of such Act; and

“(bb) after the end of fiscal year 2021, in the general fund of the Treasury, where such proceeds shall be dedicated for the sole purpose of deficit reduction.

“(iv) CONGRESSIONAL NOTIFICATION.—At least 3 months before any incentive auction conducted under this subparagraph, the Chairman of the Commission, in consultation with the Director of the Office of Management and Budget, shall notify the appropriate committees of Congress of the methodology for calculating the amounts that will be shared with licensees under clause (i).

“(v) DEFINITION.—In this subparagraph, the term ‘appropriate committees of Congress’ means—

“(I) the Committee on Commerce, Science, and Transportation of the Senate;

“(II) the Committee on Appropriations of the Senate;

“(III) the Committee on Energy and Commerce of the House of Representatives; and

“(IV) the Committee on Appropriations of the House of Representatives.”.

**SEC. 4104. SPECIAL REQUIREMENTS FOR INCENTIVE AUCTION OF BROADCAST TV SPECTRUM.**

(a) REVERSE AUCTION TO IDENTIFY INCENTIVE AMOUNT.—

(1) IN GENERAL.—The Commission shall conduct a reverse auction to determine the amount of compensation that each broadcast television licensee would accept in return for voluntarily relinquishing some or all of its broadcast television spectrum usage rights in order to make spectrum available for assignment through a system of competitive bidding under subparagraph (G) of section 309(j)(8) of the Communications Act of 1934, as added by section 4103.

(2) ELIGIBLE RELINQUISHMENTS.—A relinquishment of usage rights for purposes of paragraph (1) shall include the following:



(A) Relinquishing all usage rights with respect to a particular television channel without receiving in return any usage rights with respect to another television channel.

(B) Relinquishing all usage rights with respect to an ultra high frequency television channel in return for receiving usage rights with respect to a very high frequency television channel.

(C) Relinquishing usage rights in order to share a television channel with another licensee.

(3) **CONFIDENTIALITY.**—The Commission shall take all reasonable steps necessary to protect the confidentiality of Commission-held data of a licensee participating in the reverse auction under paragraph (1), including withholding the identity of such licensee until the reassignments and reallocations (if any) under subsection (b)(1)(B) become effective, as described in subsection (f)(2).

(4) **PROTECTION OF CARRIAGE RIGHTS OF LICENSEES SHARING A CHANNEL.**—A broadcast television station that voluntarily relinquishes spectrum usage rights under this subsection in order to share a television channel and that possessed carriage rights under section 338, 614, or 615 of the Communications Act of 1934 (47 U.S.C. 338; 534; 535) on November 30, 2010, shall have, at its shared location, the carriage rights under such section that would apply to such station at such location if it were not sharing a channel.

(b) **REORGANIZATION OF BROADCAST TV SPECTRUM.**—

(1) **IN GENERAL.**—For purposes of making available spectrum to carry out the forward auction under subsection (c)(1), the Commission—

(A) shall evaluate the broadcast television spectrum (including spectrum made available through the reverse auction under subsection (a)(1)); and

(B) may, subject to international coordination along the border with Mexico and Canada—

(i) make such reassignments of television channels as the Commission considers appropriate; and

(ii) reallocate such portions of such spectrum as the Commission determines are available for reallocation.

(2) **FACTORS FOR CONSIDERATION.**—In making any reassignments or reallocations under paragraph (1)(B), the Commission shall make all reasonable efforts to preserve, as of the date of the enactment of this Act, the coverage area and population served of each broadcast television licensee, as determined using the methodology described in OET Bulletin 69 of the Office of Engineering and Technology of the Commission.

(3) **NO INVOLUNTARY RELOCATION FROM UHF TO VHF.**—In making any reassignments under paragraph (1)(B)(i), the Commission may not involuntarily reassign a broadcast television licensee—

(A) from an ultra high frequency television channel to a very high frequency television channel; or

(B) from a television channel between the frequencies from 174 megahertz to 216 megahertz to a television channel between the frequencies from 54 megahertz to 88 megahertz.

(4) **PAYMENT OF RELOCATION COSTS.**—

(A) **IN GENERAL.**—Except as provided in subparagraph (B), from amounts made available under subsection (d)(2), the Commission shall reimburse costs reasonably incurred by—

(i) a broadcast television licensee that was reassigned under paragraph (1)(B)(i) from one ultra high frequency television channel to a different ultra high frequency television channel, from one very high frequency television channel to a different very high frequency television channel, or, in accordance with subsection (g)(1)(B), from a very high frequency television channel to an ultra high frequency television

channel, in order for the licensee to relocate its television service from one channel to the other; or

(ii) a multichannel video programming distributor in order to continue to carry the signal of a broadcast television licensee that—

(I) is described in clause (i);

(II) voluntarily relinquishes spectrum usage rights under subsection (a) with respect to an ultra high frequency television channel in return for receiving usage rights with respect to a very high frequency television channel; or

(III) voluntarily relinquishes spectrum usage rights under subsection (a) to share a television channel with another licensee.

(B) **REGULATORY RELIEF.**—In lieu of reimbursement for relocation costs under subparagraph (A), a broadcast television licensee may accept, and the Commission may grant as it considers appropriate, a waiver of the service rules of the Commission to permit the licensee, subject to interference protections, to make flexible use of the spectrum assigned to the licensee to provide services other than broadcast television services. Such waiver shall only remain in effect while the licensee provides at least 1 broadcast television program stream on such spectrum at no charge to the public.

(C) **LIMITATION.**—The Commission may not make reimbursements under subparagraph (A) for lost revenues.

(D) **DEADLINE.**—The Commission shall make all reimbursements required by subparagraph (A) not later than the date that is 3 years after the completion of the forward auction under subsection (c)(1).

(5) **LOW-POWER TELEVISION USAGE RIGHTS.**—Nothing in this subsection shall be construed to alter the spectrum usage rights of low-power television stations.

(c) **FORWARD AUCTION.**—

(1) **AUCTION REQUIRED.**—The Commission shall conduct a forward auction in which—

(A) the Commission assigns licenses for the use of the spectrum that the Commission reallocates under subsection (b)(1)(B)(ii); and

(B) the amount of the proceeds that the Commission shares under clause (i) of section 309(j)(8)(G) of the Communications Act of 1934 with each licensee whose bid the Commission accepts in the reverse auction under subsection (a)(1) is not less than the amount of such bid.

(2) **MINIMUM PROCEEDS.**—

(A) **IN GENERAL.**—If the amount of the proceeds from the forward auction under paragraph (1) is not greater than the sum described in subparagraph (B), no licenses shall be assigned through such forward auction, no reassignments or reallocations under subsection (b)(1)(B) shall become effective, and the Commission may not revoke any spectrum usage rights by reason of a bid that the Commission accepts in the reverse auction under subsection (a)(1).

(B) **SUM DESCRIBED.**—The sum described in this subparagraph is the sum of—

(i) the total amount of compensation that the Commission must pay successful bidders in the reverse auction under subsection (a)(1);

(ii) the costs of conducting such forward auction that the salaries and expenses account of the Commission is required to retain under section 309(j)(8)(B) of the Communications Act of 1934 (47 U.S.C. 309(j)(8)(B)); and

(iii) the estimated costs for which the Commission is required to make reimbursements under subsection (b)(4)(A).

(C) **ADMINISTRATIVE COSTS.**—The amount of the proceeds from the forward auction under paragraph (1) that the salaries and expenses account of the Commission is required to retain under section 309(j)(8)(B) of the Communications Act of 1934 (47 U.S.C. 309(j)(8)(B)) shall be sufficient to cover the costs incurred by the

Commission in conducting the reverse auction under subsection (a)(1), conducting the evaluation of the broadcast television spectrum under subparagraph (A) of subsection (b)(1), and making any reassignments or reallocations under subparagraph (B) of such subsection, in addition to the costs incurred by the Commission in conducting such forward auction.

(3) **FACTOR FOR CONSIDERATION.**—In conducting the forward auction under paragraph (1), the Commission shall consider assigning licenses that cover geographic areas of a variety of different sizes.

(d) **TV BROADCASTER RELOCATION FUND.**—

(1) **ESTABLISHMENT.**—There is established in the Treasury of the United States a fund to be known as the TV Broadcaster Relocation Fund.

(2) **PAYMENT OF RELOCATION COSTS.**—Any amounts borrowed under paragraph (3)(A) and any amounts in the TV Broadcaster Relocation Fund that are not necessary for reimbursement of the general fund of the Treasury for such borrowed amounts shall be available to the Commission to make the payments required by subsection (b)(4)(A).

(3) **BORROWING AUTHORITY.**—

(A) **IN GENERAL.**—Beginning on the date when any reassignments or reallocations under subsection (b)(1)(B) become effective, as provided in subsection (f)(2), and ending when \$1,000,000,000 has been deposited in the TV Broadcaster Relocation Fund, the Commission may borrow from the Treasury of the United States an amount not to exceed \$1,000,000,000 to use toward the payments required by subsection (b)(4)(A).

(B) **REIMBURSEMENT.**—The Commission shall reimburse the general fund of the Treasury, without interest, for any amounts borrowed under subparagraph (A) as funds are deposited into the TV Broadcaster Relocation Fund.

(4) **TRANSFER OF UNUSED FUNDS.**—If any amounts remain in the TV Broadcaster Relocation Fund after the date that is 3 years after the completion of the forward auction under subsection (c)(1), the Secretary of the Treasury shall—

(A) prior to the end of fiscal year 2021, transfer such amounts to the Public Safety Trust Fund established by section 424(a)(1); and

(B) after the end of fiscal year 2021, transfer such amounts to the general fund of the Treasury, where such amounts shall be dedicated for the sole purpose of deficit reduction.

(e) **NUMERICAL LIMITATION ON AUCTIONS AND REORGANIZATION.**—The Commission may not complete more than one reverse auction under subsection (a)(1) or more than one reorganization of the broadcast television spectrum under subsection (b).

(f) **TIMING.**—

(1) **CONTEMPORANEOUS AUCTIONS AND REORGANIZATION PERMITTED.**—The Commission may conduct the reverse auction under subsection (a)(1), any reassignments or reallocations under subsection (b)(1)(B), and the forward auction under subsection (c)(1) on a contemporaneous basis.

(2) **EFFECTIVENESS OF REASSIGNMENTS AND REALLOCATIONS.**—Notwithstanding paragraph (1), no reassignments or reallocations under subsection (b)(1)(B) shall become effective until the completion of the reverse auction under subsection (a)(1) and the forward auction under subsection (c)(1), and, to the extent practicable, all such reassignments and reallocations shall become effective simultaneously.

(3) **DEADLINE.**—The Commission may not conduct the reverse auction under subsection (a)(1) or the forward auction under subsection (c)(1) after the end of fiscal year 2021.

(4) **LIMIT ON DISCRETION REGARDING AUCTION TIMING.**—Section 309(j)(15)(A) of the Communications Act of 1934 (47 U.S.C. 309(j)(15)(A)) shall not apply in the case of an auction conducted under this section.

(g) **LIMITATION ON REORGANIZATION AUTHORITY.**—

(1) **IN GENERAL.**—During the period described in paragraph (2), the Commission may not—

(A) involuntarily modify the spectrum usage rights of a broadcast television licensee or reassign such a licensee to another television channel except—

(i) in accordance with this section; or

(ii) in the case of a violation by such licensee of the terms of its license or a specific provision of a statute administered by the Commission, or a regulation of the Commission promulgated under any such provision; or

(B) reassign a broadcast television licensee from a very high frequency television channel to an ultra high frequency television channel, unless such a reassignment will not decrease the total amount of ultra high frequency spectrum made available for reallocation under this section.

(2) **PERIOD DESCRIBED.**—The period described in this paragraph is the period beginning on the date of the enactment of this Act and ending on the earliest of—

(A) the first date when the reverse auction under subsection (a)(1), the reassignments and reallocations (if any) under subsection (b)(1)(B), and the forward auction under subsection (c)(1) have been completed;

(B) the date of a determination by the Commission that the amount of the proceeds from the forward auction under subsection (c)(1) is not greater than the sum described in subsection (c)(2)(B); or

(C) September 30, 2021.

(h) **PROTEST RIGHT INAPPLICABLE.**—The right of a licensee to protest a proposed order of modification of its license under section 316 of the Communications Act of 1934 (47 U.S.C. 316) shall not apply in the case of a modification made under this section.

(i) **COMMISSION AUTHORITY.**—Nothing in subsection (b) shall be construed to—

(1) expand or contract the authority of the Commission, except as otherwise expressly provided; or

(2) prevent the implementation of the Commission's "White Spaces" Second Report and Order and Memorandum Opinion and Order (FCC 08-260, adopted November 4, 2008) in the spectrum that remains allocated for broadcast television use after the reorganization required by such subsection.

#### **SEC. 4105. ADMINISTRATION OF AUCTIONS BY COMMISSION.**

Section 309(j) of the Communications Act of 1934 (47 U.S.C. 309(j)) is amended by adding at the end the following new paragraphs:

"(17) **CERTAIN CONDITIONS ON AUCTION PARTICIPATION PROHIBITED.**—Notwithstanding any other provision of law, the Commission may not prevent a person from participating in a system of competitive bidding under this subsection if such person—

"(A) meets the technical, financial, and character qualifications required by sections 303(l)(1), 308(b), and 310 to hold a license; or

"(B) could meet such qualifications prior to the grant of the license.

"(18) **CERTAIN LICENSING CONDITIONS PROHIBITED.**—In assigning licenses through a system of competitive bidding under this subsection, the Commission may not impose any condition on the licenses assigned through such system that—

"(A) limits the ability of a licensee to manage the use of its network, including management of the use of applications, services, or devices on its network, or to prioritize the traffic on its network as it chooses; or

"(B) requires a licensee to sell access to its network on a wholesale basis."

#### **SEC. 4106. EXTENSION OF AUCTION AUTHORITY.**

Section 309(j)(11) of the Communications Act of 1934 (47 U.S.C. 309(j)(11)) is amended by striking "2012" and inserting "2021".

#### **SEC. 4107. UNLICENSED USE IN THE 5 GHZ BAND.**

(a) **MODIFICATION OF COMMISSION REGULATIONS TO ALLOW CERTAIN UNLICENSED USE.**—

(1) **IN GENERAL.**—Subject to paragraph (2), not later than 1 year after the date of the enactment of this Act, the Commission shall begin a proceeding to modify part 15 of title 47, Code of Federal Regulations, to allow unlicensed U-NII devices to operate in the 5350–5470 MHz band.

(2) **REQUIRED DETERMINATIONS.**—The Commission may make the modification described in paragraph (1) only if the Commission determines that—

(A) licensed users will be protected by technical solutions, including use of existing, modified, or new spectrum-sharing technologies and solutions, such as dynamic frequency selection; and

(B) the primary mission of Federal spectrum users in the 5350–5470 MHz band will not be compromised by the introduction of unlicensed devices.

(b) **STUDY BY NTIA.**—

(1) **IN GENERAL.**—The Assistant Secretary, in consultation with the Commission, shall conduct a study evaluating known and proposed spectrum-sharing technologies and the risk to Federal users if unlicensed U-NII devices were allowed to operate in the 5350–5470 MHz band.

(2) **SUBMISSION.**—Not later than 8 months after the date of the enactment of this Act, the Assistant Secretary shall submit the study required by paragraph (1) to—

(A) the Commission; and

(B) the Committee on Energy and Commerce of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate.

(c) **5350–5470 MHz BAND DEFINED.**—In this section, the term "5350–5470 MHz band" means the portion of the electromagnetic spectrum between the frequencies from 5350 megahertz to 5470 megahertz.

### **Subtitle B—Advanced Public Safety Communications**

#### **PART 1—NATIONAL IMPLEMENTATION**

#### **SEC. 4201. LICENSING OF SPECTRUM TO ADMINISTRATOR.**

(a) **IN GENERAL.**—Not later than 60 days after the initial selection under section 4203(a) of an entity to serve as Administrator, the Commission shall assign to the Administrator a license for the exclusive use of the public safety broadband spectrum and the 700 MHz D block spectrum.

(b) **TERM OF LICENSE AND LICENSE CONDITIONS.**—

(1) **INITIAL LICENSE.**—The initial license assigned under subsection (a) shall be for a term of 10 years.

(2) **RENEWAL OF LICENSE.**—Prior to the expiration of the term of the initial license assigned under subsection (a) or the expiration of any renewal of such license, if the Administrator wishes to continue serving as Administrator after the license expires, the Administrator shall submit to the Commission an application for the renewal of such license in accordance with the Communications Act of 1934 (47 U.S.C. 151 et seq.) and any applicable Commission regulations. Such renewal application shall demonstrate that, during the term of the license that the Administrator is seeking to renew, the Administrator has fulfilled its duties and obligations under this title and the Communications Act of 1934 and has complied with all applicable Commission regulations. A renewal of the initial license granted under subsection (a) or any renewal of such license shall be for a term not to exceed 10 years.

(3) **USE OF SPECTRUM.**—Except as provided in section 4221(d), the license assigned under subsection (a) and any renewal of such license shall prohibit the Administrator from using the public safety broadband spectrum or the 700 MHz D block spectrum for any purpose other than authorizing the operation of State public safety broadband communications networks in accordance with the National Public Safety Communications Plan.

(4) **LIMITATION ON LICENSE CONDITIONS.**—The Commission may not place any conditions on the license assigned under subsection (a) or any renewal of such license or, with respect to the spectrum governed by such license, otherwise prohibit any action of the Administrator, a State Public Safety Broadband Office, or an entity with which such an Office has entered into a contract under section 4221(b)(1)(D), except as necessary to—

(A) protect other users from harmful interference;

(B) ensure that such spectrum is used in accordance with the National Public Safety Communications Plan; or

(C) enforce a provision of this title or the Communications Act of 1934 (47 U.S.C. 151 et seq.) that governs the use of such spectrum.

(5) **LICENSE CONDITIONED ON SERVICE AS ADMINISTRATOR.**—If an entity ceases to serve as Administrator, the Commission shall, as soon as practicable after the Assistant Secretary selects a different entity to serve as Administrator under section 4203(a)(2), transfer to such different entity the license assigned under subsection (a) or any renewal of such license.

(c) **ELIMINATION OF D BLOCK AUCTION REQUIREMENT.**—Notwithstanding section 309(j)(15)(C)(v) of the Communications Act of 1934 (47 U.S.C. 309(j)(15)(C)(v)), the Commission may not assign a license for the use of the 700 MHz D block spectrum except under subsection (a).

(d) **DEFINITION OF PUBLIC SAFETY SERVICES.**—Section 337(f)(1) of the Communications Act of 1934 (47 U.S.C. 337(f)(1)) is amended—

(1) in subparagraph (A), by striking "to protect the safety of life, health, or property" and inserting "to provide law enforcement, fire and rescue response, or emergency medical assistance (including such assistance provided by ambulance services, hospitals, and urgent care facilities)"; and

(2) in subparagraph (B)—

(A) in clause (i), by inserting "or tribal organizations (as defined in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b))" before the semicolon; and

(B) in clause (ii), by inserting "or a tribal organization" after "a governmental entity".

(e) **CONFORMING AMENDMENTS.**—Section 337(d)(3) of the Communications Act of 1934 (47 U.S.C. 337(d)(3)) is amended—

(1) in the matter preceding subparagraph (A), by striking "public safety services licensees and commercial licensees";

(2) in subparagraph (A), by inserting "public safety services licensees and commercial licensees" before "to aggregate"; and

(3) in subparagraph (B), by inserting "commercial licensees" before "to disaggregate".

#### **SEC. 4202. NATIONAL PUBLIC SAFETY COMMUNICATIONS PLAN.**

(a) **ESTABLISHMENT OF PUBLIC SAFETY COMMUNICATIONS PLANNING BOARD.**—

(1) **IN GENERAL.**—Not later than 180 days after the date of the enactment of this Act, the Commission shall establish a board to be known as the Public Safety Communications Planning Board.

(2) **MEMBERSHIP.**—The membership of the Board shall be as follows:

(A) **FEDERAL MEMBERS.**—

(i) **IN GENERAL.**—Four Federal members as follows:



(I) The Chairman of the Commission, or a designee.

(II) The Assistant Secretary, or a designee.

(III) The Director of the Office of Emergency Communications in the Department of Homeland Security, or a designee.

(IV) The Director of the National Institute of Standards and Technology, or a designee.

(ii) **DESIGNEES.**—If a Federal official designates a designee under clause (i), such designee shall be an officer or employee of the agency of the official who is subordinate to the official, except that the Chairman of the Commission may designate another Commissioner of the Commission or an officer or employee of the Commission.

(B) **NON-FEDERAL MEMBERS.**—Nine non-Federal members as follows:

(i) Two members who represent providers of commercial mobile data service, with one representing providers that have nationwide coverage areas and one representing providers that have regional coverage areas.

(ii) Two members who represent manufacturers of mobile wireless network equipment.

(iii) Five members who represent the interests of State and local governments, chosen to reflect geographic and population density differences across the United States, as follows:

(I) Two members who represent the public safety interests of the States.

(II) One member who represents State and local public safety employees.

(III) Two members who represent other interests of State and local governments, to be determined by the Chairman of the Commission.

(3) **SELECTION OF NON-FEDERAL MEMBERS.**—

(A) **NOMINATION.**—For each non-Federal member of the Board, the group that is represented by such member shall, by consensus, nominate an individual to serve as such member and submit the name of the nominee to the Chairman of the Commission.

(B) **APPOINTMENT.**—The Chairman of the Commission shall appoint the non-Federal members of the Board from the nominations submitted under subparagraph (A). If a group fails to reach consensus on a nominee or to submit a nomination for a member that represents such group, or if the nominee is not qualified under subparagraph (C), the Chairman shall select a member to represent such group.

(C) **QUALIFICATIONS.**—Each non-Federal member appointed under subparagraph (B) shall meet at least 1 of the following criteria:

(i) **PUBLIC SAFETY EXPERIENCE.**—Knowledge of and experience in Federal, State, local, or tribal public safety or emergency response.

(ii) **TECHNICAL EXPERTISE.**—Technical expertise regarding broadband communications, including public safety communications.

(iii) **NETWORK EXPERTISE.**—Expertise in building, deploying, and operating commercial telecommunications networks.

(iv) **FINANCIAL EXPERTISE.**—Expertise in financing and funding telecommunications networks.

(4) **TERMS OF APPOINTMENT.**—

(A) **LENGTH.**—

(i) **FEDERAL MEMBERS.**—The term of office of each Federal member of the Board shall be 3 years, except that such term shall end when such member no longer holds the Federal office by reason of which such member is a member of the Board (or, in the case of a designee, the Federal official who designated such designee no longer holds the office by reason of which such designation was made or the designee is no longer an officer, employee, or Commissioner as described in paragraph (2)(A)(ii)).

(ii) **NON-FEDERAL MEMBERS.**—The term of office of each non-Federal member of the Board shall be 3 years.

(B) **STAGGERED TERMS.**—With respect to the initial non-Federal members of the Board—

(i) three members shall serve for a term of 3 years;

(ii) three members shall serve for a term of 2 years; and

(iii) three members shall serve for a term of 1 year.

(C) **VACANCIES.**—

(i) **EFFECT OF VACANCIES.**—A vacancy in the membership of the Board shall not affect the Board's powers, subject to paragraph (8), and shall be filled in the same manner as the original member was appointed.

(ii) **APPOINTMENT TO FILL VACANCY.**—A member of the Board appointed to fill a vacancy occurring prior to the expiration of the term for which that member's predecessor was appointed shall be appointed for the remainder of the predecessor's term.

(iii) **EXPIRATION OF TERM.**—A non-Federal member of the Board whose term has expired may serve until such member's successor has taken office, or until the end of the calendar year in which such member's term has expired, whichever is earlier.

(5) **CHAIR.**—

(A) **SELECTION.**—The Chair of the Board shall be selected by the Board from among the members of the Board.

(B) **TERM.**—The term of office of the Chair of the Board shall run from the date when the Chair is selected until the date when the term of the Chair as a member of the Board expires.

(6) **REMOVAL OF CHAIR AND NON-FEDERAL MEMBERS.**—

(A) **BY BOARD.**—The members of the Board may, by majority vote—

(i) remove the Chair of the Board from the position of Chair for conduct determined to be detrimental to the Board; or

(ii) remove from the Board any non-Federal member of the Board for conduct determined to be detrimental to the Board.

(B) **BY CHAIRMAN OF THE COMMISSION.**—The Chairman of the Commission may, for good cause—

(i) remove the Chair of the Board from the position of Chair; or

(ii) remove from the Board any non-Federal member of the Board.

(7) **ANNUAL MEETINGS.**—In addition to any other meetings necessary to carry out the duties of the Board under this section, the Board shall meet—

(A) subject to the call of the Chair; and

(B) annually to consider the most recent report submitted by the Administrator under section 4203(f)(1).

(8) **QUORUM.**—Seven members of the Board, including not fewer than 6 non-Federal members, shall constitute a quorum.

(9) **RESOURCES.**—The Commission shall provide the Board with the staff, administrative support, and facilities necessary to carry out the duties of the Board under this section.

(10) **PROHIBITION AGAINST COMPENSATION.**—A member of the Board shall serve without pay but shall be allowed a per diem allowance for travel expenses, at rates authorized for an employee of an agency under subchapter I of chapter 57 of title 5, United States Code, while away from the home or regular place of business of the member in the performance of the duties of the Board. Compensation of a Federal member of the Board for service in the Federal office or employment by reason of which such member is a member of the Board shall not be considered compensation under this paragraph.

(11) **FEDERAL ADVISORY COMMITTEE ACT INAPPLICABLE.**—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Board.

(b) **DEVELOPMENT OF PLAN BY BOARD.**—

(1) **IN GENERAL.**—Not later than 1 year after the date on which the Board is established under subsection (a)(1), the Board shall submit

to the Commission a detailed proposal for a National Public Safety Communications Plan to govern the use of the spectrum licensed to the Administrator in order to meet long-term public safety communications needs.

(2) **LIMITATION ON RECOMMENDATIONS.**—The Board may not make any recommendations for requirements generally applicable to providers of commercial mobile service or private mobile service (as defined in section 332 of the Communications Act of 1934 (47 U.S.C. 332)).

(c) **CONSIDERATION OF PLAN BY COMMISSION.**—

(1) **IN GENERAL.**—Not later than 90 days after the date of the submission of the proposal by the Board under subsection (b)(1), the Commission shall complete a single proceeding to—

(A) adopt such proposal, without modification, as the National Public Safety Communications Plan; or

(B) reject such proposal.

(2) **PROCEDURES IF PLAN REJECTED.**—If the Commission rejects such proposal under paragraph (1)(B), the Board shall, not later than 90 days thereafter, submit to the Commission a revised proposal. Such revised proposal shall be treated as a proposal submitted by the Board under subsection (b)(1).

(3) **REVISIONS TO PLAN.**—

(A) **SUBMISSION.**—The Board shall periodically submit to the Commission proposals for revisions to the Plan.

(B) **CONSIDERATION BY COMMISSION.**—Not later than 90 days after the submission of such a proposal, the Commission shall complete a single proceeding to—

(i) revise the Plan in accordance with such proposal, without modification of the proposal; or

(ii) reject such proposal.

(d) **REQUIREMENTS FOR PLAN.**—The Plan shall include the following requirements:

(1) **DEPLOYMENT STANDARDS.**—The Plan shall—

(A) require each State public safety broadband communications network to be interconnected and interoperable with all other such networks;

(B) require each State public safety broadband communications network to be based on a network architecture that evolves with technological advancements;

(C) require all State public safety broadband communications networks to be based on the same commercial standards;

(D) require each State public safety broadband communications network to be deployed as networks are typically deployed by providers of commercial mobile data service;

(E) promote competition in the public safety equipment market by requiring equipment for use on the State public safety broadband communications networks to be—

(i) built to open, nonproprietary, commercial standards;

(ii) capable of being used by any provider of public safety services and accessed by devices manufactured by multiple vendors; and

(iii) backward-compatible with prior generations of commercial mobile service and commercial mobile data service networks to the extent typically deployed by providers of commercial mobile service and commercial mobile data service; and

(F) require each State public safety broadband communications network to be integrated with public safety answering points, or the equivalent of public safety answering points, and with networks for the provision of Next Generation 9-1-1 services.

(2) **STATE-SPECIFIC REQUIREMENTS.**—The Plan shall require each State Public Safety Broadband Office to include in requests for proposals for the construction, management, maintenance, and operation of the State public safety broadband communications network of such State—

(A) specifications for the construction and deployment of such network, including—

(i) build timetables, which shall take into consideration the time needed to build out to rural areas;

(ii) required coverage areas, including rural and nonurban areas;

(iii) minimum service levels; and

(iv) specific performance criteria;

(B) the technical and operational requirements for such network;

(C) the practices, procedures, and standards for the management and operation of such network;

(D) the terms of service for the use of such network; and

(E) specifications for ongoing compliance review and monitoring of—

(i) the construction, management, maintenance, and operation of such network;

(ii) the practices and procedures of the entities operating on such network; and

(iii) the necessary training needs of network users.

(e) DEVELOPMENT OF BASELINE REQUEST FOR PROPOSALS.—

(1) DEVELOPMENT BY BOARD.—Not later than 1 year after the date on which the Board is established under subsection (a)(1), the Board shall submit to the Commission a draft baseline request for proposals for each State to use in developing its request for proposals for the construction, management, maintenance, and operation of a State public safety broadband communications network.

(2) CONSIDERATION BY COMMISSION.—

(A) IN GENERAL.—Not later than 90 days after the date of the submission of the draft baseline request for proposals by the Board under paragraph (1), the Commission shall complete a single proceeding to—

(i) adopt such draft, without modification; or

(ii) reject such draft.

(B) PROCEDURES IF DRAFT REJECTED.—If the Commission rejects such draft under subparagraph (A)(ii), the Board shall, not later than 60 days thereafter, submit to the Commission a revised draft baseline request for proposals. Such revised draft shall be treated as a draft submitted by the Board under paragraph (1).

(3) REVISIONS.—

(A) SUBMISSION.—The Board shall periodically submit to the Commission draft revisions to the baseline request for proposals adopted under paragraph (2)(A)(i).

(B) CONSIDERATION BY COMMISSION.—Not later than 90 days after the submission of such a draft revision, the Commission shall complete a single proceeding to—

(i) revise the baseline request for proposals in accordance with such draft revision, without modification of such draft revision; or

(ii) reject such draft revision.

#### SEC. 4203. PLAN ADMINISTRATION.

(a) SELECTION OF ADMINISTRATOR.—

(1) IN GENERAL.—The Assistant Secretary shall, through an open, transparent request-for-proposals process, select an entity to serve as the Administrator of the Plan. The Assistant Secretary shall commence such process not later than 120 days after the date of the adoption of the Plan by the Commission under section 4202(c)(1)(A).

(2) REPLACEMENT.—If an entity ceases to serve as Administrator under a contract awarded under paragraph (1) or this paragraph, the Assistant Secretary shall, through an open, transparent request-for-proposals process, select another entity to serve as Administrator.

(b) POWERS AND DUTIES OF ADMINISTRATOR.—The Administrator shall—

(1) review and coordinate the implementation of the Plan and the construction, management, maintenance, and operation of the State public

safety broadband communications networks, in accordance with the Plan, under contracts entered into by the State Public Safety Broadband Offices;

(2) transmit to each State Public Safety Broadband Office the baseline request for proposals adopted by the Commission under section 4202(e)(2)(A)(i) and any revisions to such baseline request for proposals adopted by the Commission under section 4202(e)(3)(B)(i);

(3) review and approve or disapprove, in accordance with section 4221(c), each contract proposed by a State Public Safety Broadband Office for the construction, management, maintenance, and operation of a State public safety broadband communications network;

(4) give public notice of each decision to approve or disapprove such a contract and of any other decision of the Administrator with respect to such a contract, a State Public Safety Broadband Office, or a State public safety broadband communications network;

(5) in consultation with State Public Safety Broadband Offices, conduct assessments for inclusion in the annual report required by subsection (f)(1) of—

(A) progress on construction and adoption of the State public safety broadband communications networks; and

(B) the management, maintenance, and operation of such networks; and

(6) conduct such audits as are necessary to ensure—

(A) with respect to contracts described in paragraph (3), the integrity of the contracting process and the adequate performance of such contracts; and

(B) that the State public safety broadband communications networks are constructed, managed, maintained, and operated in accordance with the Plan.

(c) LIMITATION ON POWERS OF ADMINISTRATOR.—The Administrator may not—

(1) take any action unless this title expressly confers on the Administrator the power to take such action or such action is necessary to carry out a power that this title expressly confers on the Administrator; or

(2) prohibit or refuse to approve any action of a State Public Safety Broadband Office or with respect to a State public safety broadband communications network unless such action would violate the Plan or the license terms of the spectrum licensed to the Administrator.

(d) REVIEW OF DECISIONS OF ADMINISTRATOR.—

(1) IN GENERAL.—The United States District Court for the District of Columbia shall have exclusive jurisdiction to review decisions of the Administrator.

(2) FILING OF PETITION.—Any party aggrieved by a decision of the Administrator may seek review of such decision by filing a petition for review with the court not later than 30 days after the date on which public notice is given of such decision.

(3) CONTENTS OF PETITION.—The petition shall contain a concise statement of the following:

(A) The nature of the proceedings as to which review is sought.

(B) The grounds on which relief is sought.

(C) The relief prayed.

(4) ATTACHMENT TO PETITION.—The petitioner shall attach to the petition, as an exhibit, a copy of the decision of the Administrator on which review is sought.

(5) SERVICE.—The clerk shall serve a true copy of the petition on the Administrator, the Assistant Secretary, and the Commission by registered mail, with request for a return receipt.

(6) STANDARD OF REVIEW.—The court may affirm or vacate a decision of the Administrator on review. The court may vacate a decision of the Administrator only—

(A) where the decision was procured by corruption, fraud, or undue means;

(B) where there was actual partiality or corruption in the Administrator;

(C) where the Administrator was guilty of misconduct in refusing to hear evidence pertinent and material to the decision or of any other misbehavior by which the rights of any party have been prejudiced; or

(D) where the Administrator exceeded the powers conferred on it by this title or otherwise did not arguably construe or apply the Plan in making its decision.

(7) REVIEW BY NTIA PROHIBITED.—The Assistant Secretary shall take such action as is necessary to ensure that the Administrator complies with the requirements of this title, the Plan, and the terms of the contract entered into under subsection (a), but the Assistant Secretary may not vacate or otherwise modify a decision by the Administrator with respect to a third party.

(e) AUDITS OF USE OF FEDERAL FUNDS BY ADMINISTRATOR.—Not later than 1 year after entering into a contract to serve as Administrator, and annually thereafter, the Administrator shall provide to the Assistant Secretary a statement, audited by an independent auditor, that details the use during the preceding fiscal year of any Federal funds received by the Administrator in connection with its service as Administrator.

(f) ANNUAL REPORT BY ADMINISTRATOR.—

(1) IN GENERAL.—Not later than 1 year after entering into a contract to serve as Administrator, and annually thereafter, the Administrator shall submit a report covering the preceding fiscal year to—

(A) the Committee on Energy and Commerce of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate;

(B) the Assistant Secretary;

(C) the Commission; and

(D) the Board.

(2) REQUIRED CONTENT.—The report required by paragraph (1) shall include—

(A) a comprehensive and detailed description of—

(i) the results of assessments conducted under subsection (b)(5) and audits conducted under subsection (b)(6);

(ii) the activities of the Administrator in its capacity as Administrator; and

(iii) the financial condition of the Administrator; and

(B) such recommendations or proposals for legislative or administrative action as the Administrator considers appropriate.

#### SEC. 4204. INITIAL FUNDING FOR ADMINISTRATOR.

(a) BORROWING AUTHORITY.—Prior to the end of fiscal year 2021, the Assistant Secretary may borrow from the general fund of the Treasury of the United States not more than \$40,000,000 to enter into a contract with an entity to serve as Administrator under section 4203(a).

(b) REIMBURSEMENT.—The Assistant Secretary shall reimburse the general fund of the Treasury, without interest, for any amounts borrowed under subsection (a) from funds made available from the Public Safety Trust Fund established by section 4241(a)(1), as such funds become available.

#### SEC. 4205. STUDY ON EMERGENCY COMMUNICATIONS BY AMATEUR RADIO AND IMPEDIMENTS TO AMATEUR RADIO COMMUNICATIONS.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Commission, in consultation with the Office of Emergency Communications in the Department of Homeland Security, shall—

(1) complete a study on the uses and capabilities of amateur radio service communications in emergencies and disaster relief; and

(2) submit to the Committee on Energy and Commerce of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report on the findings of such study.

(b) **CONTENTS.**—The study required by subsection (a) shall include—

(1)(A) a review of the importance of emergency amateur radio service communications relating to disasters, severe weather, and other threats to lives and property in the United States; and

(B) recommendations for—

(i) enhancements in the voluntary deployment of amateur radio operators in disaster and emergency communications and disaster relief efforts; and

(ii) improved integration of amateur radio operators in the planning and furtherance of initiatives of the Federal Government; and

(2)(A) an identification of impediments to enhanced amateur radio service communications, such as the effects of unreasonable or unnecessary private land use restrictions on residential antenna installations; and

(B) recommendations regarding the removal of such impediments.

(c) **EXPERTISE.**—In conducting the study required by subsection (a), the Commission shall use the expertise of stakeholder entities and organizations, including the amateur radio, emergency response, and disaster communications communities.

## PART 2—STATE IMPLEMENTATION

### SEC. 4221. NEGOTIATION AND APPROVAL OF CONTRACTS.

(a) **STATE PUBLIC SAFETY BROADBAND OFFICES.**—Each State desiring to establish a State public safety broadband communications network shall establish or designate a State Public Safety Broadband Office.

(b) **NEGOTIATION BY STATES.**—

(1) **IN GENERAL.**—Each State Public Safety Broadband Office shall—

(A) use the baseline request for proposals transmitted under section 4203(b)(2) to develop a request for proposals for the construction, management, maintenance, and operation of a State public safety broadband communications network;

(B) negotiate a contract with a private-sector entity for such construction, management, maintenance, and operation;

(C) transmit such contract to the Administrator for approval; and

(D) if the Administrator approves such contract, enter into such contract with such entity.

(2) **FACTORS FOR CONSIDERATION.**—In developing a request for proposals under paragraph (1)(A) and negotiating a proposed contract under paragraph (1)(B), the State Public Safety Broadband Office shall take into consideration the following:

(A) The most efficient and effective use and integration by State, local, and tribal providers of public safety services within such State of the spectrum licensed to the Administrator and the infrastructure, equipment, and other architecture associated with the State public safety broadband communications network to satisfy the wireless communications and data services needs of such providers.

(B) The particular assets and specialized needs of such providers. Such assets may include available towers and infrastructure. Such needs may include the projected number of users, preferred buildout timeframes, special coverage needs, special hardening, reliability, security, and resiliency needs, local user priority assignments, and integration needs of public safety answering points and emergency operations centers.

(C) Whether any entities that are not providers of public safety services should have

emergency access to the State public safety broadband communications network, as described in subsection (e).

(D) Whether the State public safety broadband communications network provides for the selection on a localized basis of network options that remain consistent with the Plan.

(E) How to ensure the reliability, security, and resiliency of the State public safety broadband communications network, including through measures for—

(i) protecting and monitoring the cybersecurity of the network; and

(ii) managing supply chain risks to the network.

(3) **PARTNERSHIPS.**—

(A) **IN GENERAL.**—In choosing from among the entities that respond to the request for proposals developed under paragraph (1)(A), the State Public Safety Broadband Office shall—

(i) select a provider of commercial mobile service or commercial mobile data service; and

(ii) give additional consideration to providers of commercial mobile service or commercial mobile data service whose proposals include a partnership with a utility provider.

(B) **JOINT VENTURES.**—For purposes of subparagraph (A), a joint venture that includes a provider of commercial mobile service or commercial mobile data service shall be considered to be such a provider.

(c) **REVIEW BY ADMINISTRATOR.**—

(1) **IN GENERAL.**—Upon receiving from a State Public Safety Broadband Office a contract negotiated under subsection (b), the Administrator shall either approve or disapprove such contract but may not make any changes to its terms.

(2) **DISAPPROVAL.**—In the case of disapproval under paragraph (1), the State Public Safety Broadband Office may renegotiate the contract, negotiate a contract with another entity that responded to the Office's request for proposals, or issue a new request for proposals.

(d) **PUBLIC-PRIVATE PARTNERSHIPS.**—Notwithstanding any limitation in section 337 of the Communications Act of 1934 (47 U.S.C. 337), a contract entered into between a State Public Safety Broadband Office and a private entity under subsection (b)(1)(D) may permit—

(1) such entity to obtain access to the spectrum licensed to the Administrator in such State for services that are not public safety services; or

(2) the State Public Safety Broadband Office to share with such entity equipment or infrastructure of the State public safety broadband communications network, including antennas and towers.

(e) **EMERGENCY ACCESS BY NON-PUBLIC SAFETY ENTITIES.**—

(1) **IN GENERAL.**—Notwithstanding any limitation in section 337 of the Communications Act of 1934 (47 U.S.C. 337), as expressly permitted by the terms of a contract entered into under subsection (b)(1)(D) for the construction, management, maintenance, and operation of a State public safety broadband communications network, the Administrator may enter into agreements with entities in such State that are not providers of public safety services to permit such entities to obtain access on a secondary, preemptible basis to the State public safety broadband communications network of such State in order to facilitate interoperability between such entities and providers of public safety services in protecting the safety of life, health, and property during emergencies and during preparation for and recovery from emergencies, including during emergency drills, exercises, and tests.

(2) **PREEMPTION.**—The Administrator shall ensure that, under any agreement entered into under paragraph (1), providers of public safety services may preempt use of the State public

safety broadband communications network by an entity with which the Administrator has entered into such agreement.

(f) **MULTI-STATE NEGOTIATION.**—The State Public Safety Broadband Offices of more than one State may form a consortium for purposes of developing a request for proposals and negotiating and entering into a contract for the construction, management, maintenance, and operation of a State public safety broadband communications network for such States. While such Offices remain in the consortium, such States shall be treated as a single State, such Offices shall be treated as a single Office of a single State, and such network shall be treated as the State public safety broadband communications network of a single State.

### SEC. 4222. STATE IMPLEMENTATION GRANT PROGRAM.

(a) **IN GENERAL.**—From amounts made available under section 4223(b), the Assistant Secretary shall, in consultation with the Administrator, make grants to State Public Safety Broadband Offices to assist such Offices in carrying out the duties of such Offices under this part, except for making payments under contracts entered into under section 4221(b)(1)(D).

(b) **APPLICATION.**—The Assistant Secretary may only make a grant under this section to a State Public Safety Broadband Office that submits an application at such time, in such form, and containing such information and assurances as the Assistant Secretary may require.

(c) **MATCHING REQUIREMENTS; FEDERAL SHARE.**—

(1) **IN GENERAL.**—The Federal share of the cost of any activity carried out using a grant under this section may not exceed 80 percent of the eligible costs of carrying out that activity, as determined by the Assistant Secretary.

(2) **WAIVER.**—The Assistant Secretary may waive, in whole or in part, the requirements of paragraph (1) if the State Public Safety Broadband Office has demonstrated financial hardship.

(d) **PROGRAMMATIC REQUIREMENTS.**—Not later than 1 year after the date of the adoption of the Plan by the Commission under section 4202(c)(1)(A), the Assistant Secretary, in consultation with the Board, shall establish requirements relating to the grant program to be carried out under this section, including the following:

(1) Defining eligible costs for purposes of subsection (c)(1).

(2) Determining the scope of eligible activities for grant funding under this section.

(3) Prioritizing grants for activities that ensure coverage in rural as well as urban areas.

### SEC. 4223. STATE IMPLEMENTATION FUND.

(a) **ESTABLISHMENT.**—There is established in the Treasury of the United States a fund to be known as the State Implementation Fund.

(b) **AMOUNTS AVAILABLE FOR STATE IMPLEMENTATION GRANT PROGRAM.**—Any amounts borrowed under subsection (c)(1) and any amounts in the State Implementation Fund that are not necessary to reimburse the general fund of the Treasury for such borrowed amounts shall be available to the Assistant Secretary to implement section 4222.

(c) **BORROWING AUTHORITY.**—

(1) **IN GENERAL.**—Prior to the end of fiscal year 2021, the Assistant Secretary may borrow from the general fund of the Treasury such sums as may be necessary, but not to exceed \$100,000,000, to implement section 4222.

(2) **REIMBURSEMENT.**—The Assistant Secretary shall reimburse the general fund of the Treasury, without interest, for any amounts borrowed under paragraph (1) as funds are deposited into the State Implementation Fund.

(d) **TRANSFER OF UNUSED FUNDS.**—If there is a balance remaining in the State Implementation Fund on September 30, 2021, the Secretary

of the Treasury shall transfer such balance to the general fund of the Treasury, where such balance shall be dedicated for the sole purpose of deficit reduction.

#### **SEC. 4224. GRANTS TO STATES FOR NETWORK BUILDOUT.**

(a) **ESTABLISHMENT.**—From amounts made available from the Public Safety Trust Fund established by section 4241(a)(1), the Assistant Secretary shall make grants to State Public Safety Broadband Offices for payments under contracts entered into under section 4221(b)(1)(D).

(b) **APPLICATION.**—The Assistant Secretary may only make a grant under this section to a State Public Safety Broadband Office that submits an application at such time, in such form, and containing such information and assurances as the Assistant Secretary may require.

##### **(c) QUARTERLY REPORTS.**

(1) **FROM GRANTEEES TO NTIA.**—Not later than 3 months after receiving a grant under this section and not less frequently than quarterly thereafter until the date that is 1 year after all such funds have been expended, a State Public Safety Broadband Office shall submit to the Assistant Secretary a report on—

(A) the use of grant funds by such Office; and

(B) the construction, management, maintenance, and operation of the State public safety broadband communications network of such State.

(2) **FROM NTIA TO CONGRESS.**—Not later than 6 months after making the first grant under this section and not less frequently than quarterly thereafter until the date that is 18 months after all such funds have been expended by the grantees, the Assistant Secretary shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Energy and Commerce of the House of Representatives a report that—

(A) summarizes the reports submitted by grantees under paragraph (1); and

(B) describes and evaluates—

(i) the use of grant funds disbursed under this section; and

(ii) the construction, management, maintenance, and operation of the State public safety broadband communications networks under the contracts under which grantees make payments using grant funds.

#### **SEC. 4225. WIRELESS FACILITIES DEPLOYMENT.**

##### **(a) FACILITY MODIFICATIONS.**

(1) **IN GENERAL.**—Notwithstanding section 704 of the Telecommunications Act of 1996 (Public Law 104-104) or any other provision of law, a State or local government may not deny, and shall approve, any eligible facilities request for a modification of an existing wireless tower or base station that does not substantially change the physical dimensions of such tower or base station.

(2) **ELIGIBLE FACILITIES REQUEST.**—For purposes of this subsection, the term “eligible facilities request” means any request for modification of an existing wireless tower or base station that involves—

(A) collocation of new transmission equipment;

(B) removal of transmission equipment; or

(C) replacement of transmission equipment.

##### **(b) FEDERAL EASEMENTS AND RIGHTS-OF-WAY.**

(1) **GRANT.**—If an executive agency, a State, a political subdivision or agency of a State, or a person, firm, or organization applies for the grant of an easement or right-of-way to, in, over, or on a building or other property owned by the Federal Government for the right to install, construct, and maintain wireless service antenna structures and equipment and backhaul transmission equipment, the executive agency having control of the building or other

property may grant to the applicant, on behalf of the Federal Government, an easement or right-of-way to perform such installation, construction, and maintenance.

(2) **APPLICATION.**—The Administrator of General Services shall develop a common form for applications for easements and rights-of-way under paragraph (1) for all executive agencies that shall be used by applicants with respect to the buildings or other property of each such agency.

##### **(3) FEE.**

(A) **IN GENERAL.**—Notwithstanding any other provision of law, the Administrator of General Services shall establish a fee for the grant of an easement or right-of-way pursuant to paragraph (1) that is based on direct cost recovery.

(B) **EXCEPTIONS.**—The Administrator of General Services may establish exceptions to the fee amount required under subparagraph (A)—

(i) in consideration of the public benefit provided by a grant of an easement or right-of-way; and

(ii) in the interest of expanding wireless and broadband coverage.

(4) **USE OF FEES COLLECTED.**—Any fee amounts collected by an executive agency pursuant to paragraph (3) may be made available, as provided in appropriations Acts, to such agency to cover the costs of granting the easement or right-of-way.

##### **(c) MASTER CONTRACTS FOR WIRELESS FACILITY SITINGS.**

(1) **IN GENERAL.**—Notwithstanding section 704 of the Telecommunications Act of 1996 or any other provision of law, and not later than 60 days after the date of the enactment of this Act, the Administrator of General Services shall—

(A) develop 1 or more master contracts that shall govern the placement of wireless service antenna structures on buildings and other property owned by the Federal Government; and

(B) in developing the master contract or contracts, standardize the treatment of the placement of wireless service antenna structures on building rooftops or facades, the placement of wireless service antenna equipment on rooftops or inside buildings, the technology used in connection with wireless service antenna structures or equipment placed on Federal buildings and other property, and any other key issues the Administrator of General Services considers appropriate.

(2) **APPLICABILITY.**—The master contract or contracts developed by the Administrator of General Services under paragraph (1) shall apply to all publicly accessible buildings and other property owned by the Federal Government, unless the Administrator of General Services decides that issues with respect to the siting of a wireless service antenna structure on a specific building or other property warrant non-standard treatment of such building or other property.

(3) **APPLICATION.**—The Administrator of General Services shall develop a common form or set of forms for wireless service antenna structure siting applications under this subsection for all executive agencies that shall be used by applicants with respect to the buildings and other property of each such agency.

(d) **EXECUTIVE AGENCY DEFINED.**—In this section, the term “executive agency” has the meaning given such term in section 102 of title 40, United States Code.

#### **PART 3—PUBLIC SAFETY TRUST FUND**

##### **SEC. 4241. PUBLIC SAFETY TRUST FUND.**

(a) **ESTABLISHMENT OF PUBLIC SAFETY TRUST FUND.**

(1) **IN GENERAL.**—There is established in the Treasury of the United States a trust fund to be known as the Public Safety Trust Fund.

(2) **AVAILABILITY.**—Amounts deposited in the Public Safety Trust Fund shall remain available

through fiscal year 2021. Any amounts remaining in the Fund after the end of such fiscal year shall be deposited in the general fund of the Treasury, where such amounts shall be dedicated for the sole purpose of deficit reduction.

(b) **USE OF FUND.**—As amounts are deposited in the Public Safety Trust Fund, such amounts shall be used to make the following deposits or payments in the following order of priority:

(1) **REPAYMENT OF AMOUNT BORROWED FOR ADMINISTRATION OF NATIONAL PUBLIC SAFETY COMMUNICATIONS PLAN.**—An amount not to exceed \$40,000,000 shall be available to the Assistant Secretary to reimburse the general fund of the Treasury for any amounts borrowed under section 4204(a).

(2) **STATE IMPLEMENTATION FUND.**—\$100,000,000 shall be deposited in the State Implementation Fund established by section 4223(a).

(3) **BUILDOUT OF STATE PUBLIC SAFETY BROADBAND COMMUNICATIONS NETWORKS.**—\$4,960,000,000 shall be available to the Assistant Secretary to carry out section 4224.

(4) **DEFICIT REDUCTION.**—\$20,400,000,000 shall be deposited in the general fund of the Treasury, where such amount shall be dedicated for the sole purpose of deficit reduction.

(5) **9-1-1, E9-1-1, AND NEXT GENERATION 9-1-1 IMPLEMENTATION GRANTS.**—\$250,000,000 shall be available to the Assistant Secretary and the Administrator of the National Highway Traffic Safety Administration to carry out the grant program under section 158 of the National Telecommunications and Information Administration Organization Act, as amended by section 4265 of this title.

(6) **BUILDOUT OF STATE PUBLIC SAFETY BROADBAND COMMUNICATIONS NETWORKS AND DEFICIT REDUCTION.**—Of the remaining amounts deposited in the Fund—

(A) 10 percent of any such amounts, not to exceed \$1,500,000,000, shall be available to the Assistant Secretary to carry out section 4224; and

(B) 90 percent of any such amounts (or 100 percent of any such amounts after amounts made available under subparagraph (A) exceed \$1,500,000,000) shall be deposited in the general fund of the Treasury, where such amounts shall be dedicated for the sole purpose of deficit reduction.

(c) **INVESTMENT.**—Amounts in the Public Safety Trust Fund shall be invested in accordance with section 9702 of title 31, United States Code, and any interest on, and proceeds from, any such investment shall be credited to, and become a part of, the Fund.

#### **PART 4—NEXT GENERATION 9-1-1 ADVANCEMENT ACT OF 2011**

##### **SEC. 4261. SHORT TITLE.**

This part may be cited as the “Next Generation 9-1-1 Advancement Act of 2011”.

##### **SEC. 4262. FINDINGS.**

Congress finds that—

(1) for the sake of the public safety of our Nation, a universal emergency service number (9-1-1) that is enhanced with the most modern and state-of-the-art telecommunications capabilities possible, including voice, data, and video communications, should be available to all citizens wherever they live, work, and travel;

(2) a successful migration to Next Generation 9-1-1 service communications systems will require greater Federal, State, and local government resources and coordination;

(3) any funds that are collected from fees imposed on consumer bills for the purposes of funding 9-1-1 services, enhanced 9-1-1 services, or Next Generation 9-1-1 services should only be used for the purposes for which the funds are collected;

(4) it is a national priority to foster the migration from analog, voice-centric 9-1-1 and current generation emergency communications systems to a 21st century, Next Generation, IP-

based emergency services model that embraces a wide range of voice, video, and data applications;

(5) ensuring 9-1-1 access for all citizens includes improving access to 9-1-1 systems for the deaf, hard of hearing, deaf-blind, and individuals with speech disabilities, who increasingly communicate with non-traditional text, video, and instant-messaging communications services, and who expect those services to be able to connect directly to 9-1-1 systems;

(6) a coordinated public educational effort on current and emerging 9-1-1 system capabilities and proper use of the 9-1-1 system is essential to the operation of effective 9-1-1 systems;

(7) Federal policies and funding should enable the transition to Internet Protocol-based (IP-based) Next Generation 9-1-1 systems, and Federal 9-1-1 and emergency communications laws and regulations must keep pace with rapidly changing technology to ensure an open and competitive 9-1-1 environment based on the most advanced technology available; and

(8) Federal policies and grant programs should reflect the growing convergence and integration of emergency communications technology, such that State interoperability plans and Federal funding in support of such plans are made available for all aspects of Next Generation 9-1-1 service and emergency communications systems.

#### SEC. 4263. PURPOSES.

The purposes of this part are—

(1) to focus Federal policies and funding programs to ensure a successful migration from voice-centric 9-1-1 systems to IP-enabled, Next Generation 9-1-1 emergency response systems that use voice, data, and video services to greatly enhance the capability of 9-1-1 and emergency response services;

(2) to ensure that technologically advanced 9-1-1 and emergency communications systems are universally available and adequately funded to serve all Americans; and

(3) to ensure that all 9-1-1 and emergency response organizations have access to—

- (A) high-speed broadband networks;
- (B) interconnected IP backbones; and
- (C) innovative services and applications.

#### SEC. 4264. DEFINITIONS.

In this part, the following definitions shall apply:

(1) 9-1-1 SERVICES AND E9-1-1 SERVICES.—The terms “9-1-1 services” and “E9-1-1 services” shall have the meaning given those terms in section 158 of the National Telecommunications and Information Administration Organization Act (47 U.S.C. 942), as amended by this part.

(2) MULTI-LINE TELEPHONE SYSTEM.—The term “multi-line telephone system” or “MLTS” means a system comprised of common control units, telephone sets, control hardware and software and adjunct systems, including network and premises based systems, such as Centrex and VoIP, as well as PBX, Hybrid, and Key Telephone Systems (as classified by the Commission under part 68 of title 47, Code of Federal Regulations), and includes systems owned or leased by governmental agencies and non-profit entities, as well as for profit businesses.

(3) OFFICE.—The term “Office” means the 9-1-1 Implementation Coordination Office established under section 158 of the National Telecommunications and Information Administration Organization Act (47 U.S.C. 942), as amended by this part.

#### SEC. 4265. COORDINATION OF 9-1-1 IMPLEMENTATION.

Section 158 of the National Telecommunications and Information Administration Organization Act (47 U.S.C. 942) is amended to read as follows:

#### “SEC. 158. COORDINATION OF 9-1-1, E9-1-1, AND NEXT GENERATION 9-1-1 IMPLEMENTATION.”

“(a) 9-1-1 IMPLEMENTATION COORDINATION OFFICE.—

“(1) ESTABLISHMENT AND CONTINUATION.—The Assistant Secretary and the Administrator of the National Highway Traffic Safety Administration shall—

“(A) establish and further a program to facilitate coordination and communication between Federal, State, and local emergency communications systems, emergency personnel, public safety organizations, telecommunications carriers, and telecommunications equipment manufacturers and vendors involved in the implementation of 9-1-1 services; and

“(B) establish a 9-1-1 Implementation Coordination Office to implement the provisions of this section.

“(2) MANAGEMENT PLAN.—

“(A) DEVELOPMENT.—The Assistant Secretary and the Administrator shall develop a management plan for the grant program established under this section, including by developing—

“(i) plans related to the organizational structure of such program; and

“(ii) funding profiles for each fiscal year of the duration of such program.

“(B) SUBMISSION TO CONGRESS.—Not later than 90 days after the date of enactment of the Next Generation 9-1-1 Advancement Act of 2011, the Assistant Secretary and the Administrator shall submit the management plan developed under subparagraph (A) to—

“(i) the Committees on Commerce, Science, and Transportation and Appropriations of the Senate; and

“(ii) the Committees on Energy and Commerce and Appropriations of the House of Representatives.

“(3) PURPOSE OF OFFICE.—The Office shall—

“(A) take actions, in concert with coordinators designated in accordance with subsection (b)(3)(A)(ii), to improve coordination and communication with respect to the implementation of 9-1-1 services, E9-1-1 services, and Next Generation 9-1-1 services;

“(B) develop, collect, and disseminate information concerning practices, procedures, and technology used in the implementation of 9-1-1 services, E9-1-1 services, and Next Generation 9-1-1 services;

“(C) advise and assist eligible entities in the preparation of implementation plans required under subsection (b)(3)(A)(iii);

“(D) receive, review, and recommend the approval or disapproval of applications for grants under subsection (b); and

“(E) oversee the use of funds provided by such grants in fulfilling such implementation plans.

“(4) REPORTS.—The Assistant Secretary and the Administrator shall provide an annual report to Congress by the first day of October of each year on the activities of the Office to improve coordination and communication with respect to the implementation of 9-1-1 services, E9-1-1 services, and Next Generation 9-1-1 services.

“(b) 9-1-1, E9-1-1, AND NEXT GENERATION 9-1-1 IMPLEMENTATION GRANTS.—

“(1) MATCHING GRANTS.—The Assistant Secretary and the Administrator, acting through the Office, shall provide grants to eligible entities for—

“(A) the implementation and operation of 9-1-1 services, E9-1-1 services, migration to an IP-enabled emergency network, and adoption and operation of Next Generation 9-1-1 services and applications;

“(B) the implementation of IP-enabled emergency services and applications enabled by Next Generation 9-1-1 services, including the establishment of IP backbone networks and the application layer software infrastructure needed to

interconnect the multitude of emergency response organizations; and

“(C) training public safety personnel, including call-takers, first responders, and other individuals and organizations who are part of the emergency response chain in 9-1-1 services.

“(2) MATCHING REQUIREMENT.—The Federal share of the cost of a project eligible for a grant under this section shall not exceed 80 percent. The non-Federal share of the cost shall be provided from non-Federal sources unless waived by the Assistant Secretary and the Administrator.

“(3) COORDINATION REQUIRED.—In providing grants under paragraph (1), the Assistant Secretary and the Administrator shall require an eligible entity to certify in its application that—

“(A) in the case of an eligible entity that is a State government, the entity—

“(i) has coordinated its application with the public safety answering points located within the jurisdiction of such entity;

“(ii) has designated a single officer or governmental body of the entity to serve as the coordinator of implementation of 9-1-1 services, except that such designation need not vest such coordinator with direct legal authority to implement 9-1-1 services, E9-1-1 services, or Next Generation 9-1-1 services or to manage emergency communications operations;

“(iii) has established a plan for the coordination and implementation of 9-1-1 services, E9-1-1 services, and Next Generation 9-1-1 services; and

“(iv) has integrated telecommunications services involved in the implementation and delivery of 9-1-1 services, E9-1-1 services, and Next Generation 9-1-1 services; or

“(B) in the case of an eligible entity that is not a State, the entity has complied with clauses (i), (iii), and (iv) of subparagraph (A), and the State in which it is located has complied with clause (ii) of such subparagraph.

“(4) CRITERIA.—Not later than 120 days after the date of enactment of the Next Generation 9-1-1 Advancement Act of 2011, the Assistant Secretary and the Administrator shall issue regulations, after providing the public with notice and an opportunity to comment, prescribing the criteria for selection for grants under this section. The criteria shall include performance requirements and a timeline for completion of any project to be financed by a grant under this section. The Assistant Secretary and the Administrator shall update such regulations as necessary.

“(c) DIVERSION OF 9-1-1 CHARGES.—

“(1) DESIGNATED 9-1-1 CHARGES.—For the purposes of this subsection, the term ‘designated 9-1-1 charges’ means any taxes, fees, or other charges imposed by a State or other taxing jurisdiction that are designated or presented as dedicated to deliver or improve 9-1-1 services, E9-1-1 services, or Next Generation 9-1-1 services.

“(2) CERTIFICATION.—Each applicant for a matching grant under this section shall certify to the Assistant Secretary and the Administrator at the time of application, and each applicant that receives such a grant shall certify to the Assistant Secretary and the Administrator annually thereafter during any period of time during which the funds from the grant are available to the applicant, that no portion of any designated 9-1-1 charges imposed by a State or other taxing jurisdiction within which the applicant is located are being obligated or expended for any purpose other than the purposes for which such charges are designated or presented during the period beginning 180 days immediately preceding the date of the application and continuing through the period of time during which the funds from the grant are available to the applicant.

“(3) CONDITION OF GRANT.—Each applicant for a grant under this section shall agree, as a

condition of receipt of the grant, that if the State or other taxing jurisdiction within which the applicant is located, during any period of time during which the funds from the grant are available to the applicant, obligates or expends designated 9–1–1 charges for any purpose other than the purposes for which such charges are designated or presented, eliminates such charges, or redesignates such charges for purposes other than the implementation or operation of 9–1–1 services, E9–1–1 services, or Next Generation 9–1–1 services, all of the funds from such grant shall be returned to the Office.

“(4) **PENALTY FOR PROVIDING FALSE INFORMATION.**—Any applicant that provides a certification under paragraph (2) knowing that the information provided in the certification was false shall—

“(A) not be eligible to receive the grant under subsection (b);

“(B) return any grant awarded under subsection (b) during the time that the certification was not valid; and

“(C) not be eligible to receive any subsequent grants under subsection (b).

“(d) **FUNDING AND TERMINATION.**—

“(1) **IN GENERAL.**—From the amounts made available to the Assistant Secretary and the Administrator under section 4241(b)(5) of the Jumpstarting Opportunity with Broadband Spectrum Act of 2011, the Assistant Secretary and the Administrator are authorized to provide grants under this section through the end of fiscal year 2021. Not more than 5 percent of such amounts may be obligated or expended to cover the administrative costs of carrying out this section.

“(2) **TERMINATION.**—Effective on October 1, 2021, the authority provided by this section terminates and this section shall have no effect.

“(e) **DEFINITIONS.**—In this section, the following definitions shall apply:

“(1) **9–1–1 SERVICES.**—The term ‘9–1–1 services’ includes both E9–1–1 services and Next Generation 9–1–1 services.

“(2) **E9–1–1 SERVICES.**—The term ‘E9–1–1 services’ means both phase I and phase II enhanced 9–1–1 services, as described in section 20.18 of the Commission’s regulations (47 C.F.R. 20.18), as in effect on the date of enactment of the Next Generation 9–1–1 Advancement Act of 2011, or as subsequently revised by the Commission.

“(3) **ELIGIBLE ENTITY.**—

“(A) **IN GENERAL.**—The term ‘eligible entity’ means a State or local government or a tribal organization (as defined in section 4(l) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b(l))).

“(B) **INSTRUMENTALITIES.**—The term ‘eligible entity’ includes public authorities, boards, commissions, and similar bodies created by 1 or more eligible entities described in subparagraph (A) to provide 9–1–1 services, E9–1–1 services, or Next Generation 9–1–1 services.

“(C) **EXCEPTION.**—The term ‘eligible entity’ does not include any entity that has failed to submit the most recently required certification under subsection (c) within 30 days after the date on which such certification is due.

“(4) **EMERGENCY CALL.**—The term ‘emergency call’ refers to any real-time communication with a public safety answering point or other emergency management or response agency, including—

“(A) through voice, text, or video and related data; and

“(B) nonhuman-initiated automatic event alerts, such as alarms, telematics, or sensor data, which may also include real-time voice, text, or video communications.

“(5) **NEXT GENERATION 9–1–1 SERVICES.**—The term ‘Next Generation 9–1–1 services’ means an IP-based system comprised of hardware, software, data, and operational policies and procedures that—

“(A) provides standardized interfaces from emergency call and message services to support emergency communications;

“(B) processes all types of emergency calls, including voice, data, and multimedia information;

“(C) acquires and integrates additional emergency call data useful to call routing and handling;

“(D) delivers the emergency calls, messages, and data to the appropriate public safety answering point and other appropriate emergency entities;

“(E) supports data or video communications needs for coordinated incident response and management; and

“(F) provides broadband service to public safety answering points or other first responder entities.

“(6) **OFFICE.**—The term ‘Office’ means the 9–1–1 Implementation Coordination Office.

“(7) **PUBLIC SAFETY ANSWERING POINT.**—The term ‘public safety answering point’ has the meaning given the term in section 222 of the Communications Act of 1934 (47 U.S.C. 222).

“(8) **STATE.**—The term ‘State’ means any State of the United States, the District of Columbia, Puerto Rico, American Samoa, Guam, the United States Virgin Islands, the Northern Mariana Islands, and any other territory or possession of the United States.”.

#### **SEC. 4266. REQUIREMENTS FOR MULTI-LINE TELEPHONE SYSTEMS.**

(a) **IN GENERAL.**—Not later than 270 days after the date of the enactment of this Act, the Administrator of General Services, in conjunction with the Office, shall issue a report to Congress identifying the 9–1–1 capabilities of the multi-line telephone system in use by all Federal agencies in all Federal buildings and properties.

(b) **COMMISSION ACTION.**—

(1) **IN GENERAL.**—Not later than 90 days after the date of the enactment of this Act, the Commission shall issue a public notice seeking comment on the feasibility of requiring MLTS manufacturers to include within all such systems manufactured or sold after a date certain, to be determined by the Commission, one or more mechanisms to provide a sufficiently precise indication of a 9–1–1 caller’s location, while avoiding the imposition of undue burdens on MLTS manufacturers, providers, and operators.

(2) **SPECIFIC REQUIREMENT.**—The public notice under paragraph (1) shall seek comment on the National Emergency Number Association’s “Technical Requirements Document On Model Legislation E9–1–1 for Multi-Line Telephone Systems” (NENA 06–750, Version 2).

#### **SEC. 4267. GAO STUDY OF STATE AND LOCAL USE OF 9–1–1 SERVICE CHARGES.**

(a) **IN GENERAL.**—Not later than 60 days after the date of the enactment of this Act, the Comptroller General of the United States shall initiate a study of—

(1) the imposition of taxes, fees, or other charges imposed by States or political subdivisions of States that are designated or presented as dedicated to improve emergency communications services, including 9–1–1 services or enhanced 9–1–1 services, or related to emergency communications services operations or improvements; and

(2) the use of revenues derived from such taxes, fees, or charges.

(b) **REPORT.**—Not later than 18 months after initiating the study required by subsection (a), the Comptroller General shall prepare and submit a report on the results of the study to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Energy and Commerce of the House of Representatives setting forth the findings, conclusions, and recommendations, if any, of the study, including—

(1) the identity of each State or political subdivision that imposes such taxes, fees, or other charges; and

(2) the amount of revenues obligated or expended by that State or political subdivision for any purpose other than the purposes for which such taxes, fees, or charges were designated or presented.

#### **SEC. 4268. PARITY OF PROTECTION FOR PROVISION OR USE OF NEXT GENERATION 9–1–1 SERVICES.**

(a) **IMMUNITY.**—A provider or user of Next Generation 9–1–1 services, a public safety answering point, and the officers, directors, employees, vendors, agents, and authorizing government entity (if any) of such provider, user, or public safety answering point, shall have immunity and protection from liability under Federal and State law to the extent provided in subsection (b) with respect to—

(1) the release of subscriber information related to emergency calls or emergency services;

(2) the use or provision of 9–1–1 services, E9–1–1 services, or Next Generation 9–1–1 services; and

(3) other matters related to 9–1–1 services, E9–1–1 services, or Next Generation 9–1–1 services.

(b) **SCOPE OF IMMUNITY AND PROTECTION FROM LIABILITY.**—The scope and extent of the immunity and protection from liability afforded under subsection (a) shall be the same as that provided under section 4 of the Wireless Communications and Public Safety Act of 1999 (47 U.S.C. 615a) to wireless carriers, public safety answering points, and users of wireless 9–1–1 service (as defined in paragraphs (4), (3), and (6), respectively, of section 6 of that Act (47 U.S.C. 615b)) with respect to such release, use, and other matters.

#### **SEC. 4269. COMMISSION PROCEEDING ON AUTODIALING.**

(a) **IN GENERAL.**—Not later than 90 days after the date of the enactment of this Act, the Commission shall initiate a proceeding to create a specialized Do-Not-Call registry for public safety answering points.

(b) **FEATURES OF THE REGISTRY.**—The Commission shall issue regulations, after providing the public with notice and an opportunity to comment, that—

(1) permit verified public safety answering point administrators or managers to register the telephone numbers of all 9–1–1 trunks and other lines used for the provision of emergency services to the public or for communications between public safety agencies;

(2) provide a process for verifying, no less frequently than once every 7 years, that registered numbers should continue to appear upon the registry;

(3) provide a process for granting and tracking access to the registry by the operators of automatic dialing equipment;

(4) protect the list of registered numbers from disclosure or dissemination by parties granted access to the registry; and

(5) prohibit the use of automatic dialing or “robocall” equipment to establish contact with registered numbers.

(c) **ENFORCEMENT.**—The Commission shall—

(1) establish monetary penalties for violations of the protective regulations established pursuant to subsection (b)(4) of not less than \$100,000 per incident nor more than \$1,000,000 per incident;

(2) establish monetary penalties for violations of the prohibition on automatically dialing registered numbers established pursuant to subsection (b)(5) of not less than \$10,000 per call nor more than \$100,000 per call; and

(3) provide for the imposition of fines under paragraphs (1) or (2) that vary depending upon whether the conduct leading to the violation was negligent, grossly negligent, reckless, or



willful, and depending on whether the violation was a first or subsequent offence.

**SEC. 4270. NHTSA REPORT ON COSTS FOR REQUIREMENTS AND SPECIFICATIONS OF NEXT GENERATION 9-1-1 SERVICES.**

(a) *IN GENERAL.*—Not later than 1 year after the date of the enactment of this Act, the Administrator of the National Highway Traffic Safety Administration, in consultation with the Commission, the Secretary of Homeland Security, and the Office, shall prepare and submit a report to Congress that analyzes and determines detailed costs for specific Next Generation 9-1-1 service requirements and specifications.

(b) *PURPOSE OF REPORT.*—The purpose of the report required under subsection (a) is to serve as a resource for Congress as it considers creating a coordinated, long-term funding mechanism for the deployment and operation, accessibility, application development, equipment procurement, and training of personnel for Next Generation 9-1-1 services.

(c) *REQUIRED INCLUSIONS.*—The report required under subsection (a) shall include the following:

(1) How costs would be broken out geographically and/or allocated among public safety answering points, broadband service providers, and third-party providers of Next Generation 9-1-1 services.

(2) An assessment of the current state of Next Generation 9-1-1 service readiness among public safety answering points.

(3) How differences in public safety answering points' access to broadband across the country may affect costs.

(4) A technical analysis and cost study of different delivery platforms, such as wireline, wireless, and satellite.

(5) An assessment of the architectural characteristics, feasibility, and limitations of Next Generation 9-1-1 service delivery.

(6) An analysis of the needs for Next Generation 9-1-1 services of persons with disabilities.

(7) Standards and protocols for Next Generation 9-1-1 services and for incorporating Voice over Internet Protocol and "Real-Time Text" standards.

**SEC. 4271. FCC RECOMMENDATIONS FOR LEGAL AND STATUTORY FRAMEWORK FOR NEXT GENERATION 9-1-1 SERVICES.**

Not later than 1 year after the date of the enactment of this Act, the Commission, in coordination with the Secretary of Homeland Security, the Administrator of the National Highway Traffic Safety Administration, and the Office, shall prepare and submit a report to Congress that contains recommendations for the legal and statutory framework for Next Generation 9-1-1 services, consistent with recommendations in the National Broadband Plan developed by the Commission pursuant to the American Recovery and Reinvestment Act of 2009, including the following:

(1) A legal and regulatory framework for the development of Next Generation 9-1-1 services and the transition from legacy 9-1-1 to Next Generation 9-1-1 networks.

(2) Legal mechanisms to ensure efficient and accurate transmission of 9-1-1 caller information to emergency response agencies.

(3) Recommendations for removing jurisdictional barriers and inconsistent legacy regulations including—

(A) proposals that would require States to remove regulatory roadblocks to Next Generation 9-1-1 services development, while recognizing existing State authority over 9-1-1 services;

(B) eliminating outdated 9-1-1 regulations at the Federal level; and

(C) preempting inconsistent State regulations.

**Subtitle C—Federal Spectrum Relocation**

**SEC. 4301. RELOCATION OF AND SPECTRUM SHARING BY FEDERAL GOVERNMENT STATIONS.**

(a) *IN GENERAL.*—Section 113 of the National Telecommunications and Information Administration Organization Act (47 U.S.C. 923) is amended—

(1) in subsection (g)—

(A) by striking the heading and inserting "RELOCATION OF AND SPECTRUM SHARING BY FEDERAL GOVERNMENT STATIONS";

(B) by amending paragraph (1) to read as follows:

"(1) *ELIGIBLE FEDERAL ENTITIES.*—Any Federal entity that operates a Federal Government station authorized to use a band of eligible frequencies described in paragraph (2) and that incurs relocation or sharing costs because of planning for an auction of spectrum frequencies or the reallocation of spectrum frequencies from Federal use to exclusive non-Federal use or to shared use shall receive payment for such relocation or sharing costs from the Spectrum Relocation Fund, in accordance with this section and section 118. For purposes of this paragraph, Federal power agencies exempted under subsection (c)(4) that choose to relocate from the frequencies identified for reallocation pursuant to subsection (a) are eligible to receive payment under this paragraph."

(C) by amending paragraph (2)(B) to read as follows:

"(B) any other band of frequencies reallocated from Federal use to exclusive non-Federal use or to shared use after January 1, 2003, that is assigned by competitive bidding pursuant to section 309(j) of the Communications Act of 1934 (47 U.S.C. 309(j))."

(D) by amending paragraph (3) to read as follows:

"(3) *RELOCATION OR SHARING COSTS DEFINED.*—

"(A) *IN GENERAL.*—For purposes of this section and section 118, the term 'relocation or sharing costs' means the costs incurred by a Federal entity in connection with the auction of spectrum frequencies previously assigned to such entity or the sharing of spectrum frequencies assigned to such entity (including the auction or a planned auction of the rights to use spectrum frequencies on a shared basis with such entity) in order to achieve comparable capability of systems as before the relocation or sharing arrangement. Such term includes, with respect to relocation or sharing, as the case may be—

"(i) the costs of any modification or replacement of equipment, spares, associated ancillary equipment, software, facilities, operating manuals, training, or compliance with regulations that are attributable to relocation or sharing;

"(ii) the costs of all engineering, equipment, software, site acquisition, and construction, as well as any legitimate and prudent transaction expense, including term-limited Federal civil servant and contractor staff necessary to carry out the relocation or sharing activities of a Federal entity, and reasonable additional costs incurred by the Federal entity that are attributable to relocation or sharing, including increased recurring costs associated with the replacement of facilities;

"(iii) the costs of research, engineering studies, economic analyses, or other expenses reasonably incurred in connection with—

"(I) calculating the estimated relocation or sharing costs that are provided to the Commission pursuant to paragraph (4)(A);

"(II) determining the technical or operational feasibility of relocation to 1 or more potential relocation bands; or

"(III) planning for or managing a relocation or sharing arrangement (including spectrum coordination with auction winners);

"(iv) the one-time costs of any modification of equipment reasonably necessary—

"(I) to accommodate non-Federal use of shared frequencies; or

"(II) in the case of eligible frequencies reallocated for exclusive non-Federal use and assigned through a system of competitive bidding under section 309(j) of the Communications Act of 1934 (47 U.S.C. 309(j)) but with respect to which a Federal entity retains primary allocation or protected status for a period of time after the completion of the competitive bidding process, to accommodate shared Federal and non-Federal use of such frequencies for such period; and

"(v) the costs associated with the accelerated replacement of systems and equipment if the acceleration is necessary to ensure the timely relocation of systems to a new frequency assignment or the timely accommodation of sharing of Federal frequencies.

"(B) *COMPARABLE CAPABILITY OF SYSTEMS.*—For purposes of subparagraph (A), comparable capability of systems—

"(i) may be achieved by relocating a Federal Government station to a new frequency assignment, by relocating a Federal Government station to a different geographic location, by modifying Federal Government equipment to mitigate interference or use less spectrum, in terms of bandwidth, geography, or time, and thereby permitting spectrum sharing (including sharing among relocated Federal entities and incumbents to make spectrum available for non-Federal use) or relocation, or by utilizing an alternative technology; and

"(ii) includes the acquisition of state-of-the-art replacement systems intended to meet comparable operational scope, which may include incidental increases in functionality."

(E) in paragraph (4)—

(i) in the heading, by striking "RELOCATIONS COSTS" and inserting "RELOCATION OR SHARING COSTS";

(ii) by striking "relocation costs" each place it appears and inserting "relocation or sharing costs"; and

(iii) in subparagraph (A), by inserting "or sharing" after "such relocation";

(F) in paragraph (5)—

(i) by striking "relocation costs" and inserting "relocation or sharing costs"; and

(ii) by inserting "or sharing" after "for relocation"; and

(G) by amending paragraph (6) to read as follows:

"(6) *IMPLEMENTATION OF PROCEDURES.*—The NTIA shall take such actions as necessary to ensure the timely relocation of Federal entities' spectrum-related operations from frequencies described in paragraph (2) to frequencies or facilities of comparable capability and to ensure the timely implementation of arrangements for the sharing of frequencies described in such paragraph. Upon a finding by the NTIA that a Federal entity has achieved comparable capability of systems, the NTIA shall terminate or limit the entity's authorization and notify the Commission that the entity's relocation has been completed or sharing arrangement has been implemented. The NTIA shall also terminate such entity's authorization if the NTIA determines that the entity has unreasonably failed to comply with the timeline for relocation or sharing submitted by the Director of the Office of Management and Budget under section 118(d)(2)(C)."

(2) by redesignating subsections (h) and (i) as subsections (k) and (l), respectively; and

(3) by inserting after subsection (g) the following:

"(h) *DEVELOPMENT AND PUBLICATION OF RELOCATION OR SHARING TRANSITION PLANS.*—

"(I) *DEVELOPMENT OF TRANSITION PLAN BY FEDERAL ENTITY.*—Not later than 240 days before the commencement of any auction of eligible frequencies described in subsection (g)(2), a

Federal entity authorized to use any such frequency shall submit to the NTIA and to the Technical Panel established by paragraph (3) a transition plan for the implementation by such entity of the relocation or sharing arrangement. The NTIA shall specify, after public input, a common format for all Federal entities to follow in preparing transition plans under this paragraph.

“(2) CONTENTS OF TRANSITION PLAN.—The transition plan required by paragraph (1) shall include the following information:

“(A) The use by the Federal entity of the eligible frequencies to be auctioned, current as of the date of the submission of the plan.

“(B) The geographic location of the facilities or systems of the Federal entity that use such frequencies.

“(C) The frequency bands used by such facilities or systems, described by geographic location.

“(D) The steps to be taken by the Federal entity to relocate its spectrum use from such frequencies or to share such frequencies, including timelines for specific geographic locations in sufficient detail to indicate when use of such frequencies at such locations will be discontinued by the Federal entity or shared between the Federal entity and non-Federal users.

“(E) The specific interactions between the eligible Federal entity and the NTIA needed to implement the transition plan.

“(F) The name of the officer or employee of the Federal entity who is responsible for the relocation or sharing efforts of the entity and who is authorized to meet and negotiate with non-Federal users regarding the transition.

“(G) The plans and timelines of the Federal entity for—

“(i) using funds received from the Spectrum Relocation Fund established by section 118;

“(ii) procuring new equipment and additional personnel needed for relocation or sharing;

“(iii) field-testing and deploying new equipment needed for relocation or sharing; and

“(iv) hiring and relying on contract personnel, if any, needed for relocation or sharing.

“(H) Factors that could hinder fulfillment of the transition plan by the Federal entity.

“(3) TECHNICAL PANEL.—

“(A) ESTABLISHMENT.—There is established within the NTIA a panel to be known as the Technical Panel.

“(B) MEMBERSHIP.—

“(i) NUMBER AND APPOINTMENT.—The Technical Panel shall be composed of 3 members, to be appointed as follows:

“(I) One member to be appointed by the Director of the Office of Management and Budget (in this subsection referred to as ‘OMB’).

“(II) One member to be appointed by the Assistant Secretary.

“(III) One member to be appointed by the Chairman of the Commission.

“(ii) QUALIFICATIONS.—Each member of the Technical Panel shall be a radio engineer or a technical expert.

“(iii) INITIAL APPOINTMENT.—The initial members of the Technical Panel shall be appointed not later than 180 days after the date of the enactment of the Jumpstarting Opportunity with Broadband Spectrum Act of 2011.

“(iv) TERMS.—The term of a member of the Technical Panel shall be 18 months, and no individual may serve more than 1 consecutive term.

“(v) VACANCIES.—Any member appointed to fill a vacancy occurring before the expiration of the term for which the member's predecessor was appointed shall be appointed only for the remainder of that term. A member may serve after the expiration of that member's term until a successor has taken office. A vacancy shall be filled in the manner in which the original appointment was made.

“(vi) NO COMPENSATION.—The members of the Technical Panel shall not receive any compensation for service on the Technical Panel. If any such member is an employee of the agency of the official that appointed such member to the Technical Panel, compensation in the member's capacity as such an employee shall not be considered compensation under this clause.

“(C) ADMINISTRATIVE SUPPORT.—The NTIA shall provide the Technical Panel with the administrative support services necessary to carry out its duties under this subsection and subsection (i).

“(D) REGULATIONS.—Not later than 180 days after the date of the enactment of the Jumpstarting Opportunity with Broadband Spectrum Act of 2011, the NTIA shall, after public notice and comment and subject to approval by the Director of OMB, adopt regulations to govern the workings of the Technical Panel.

“(E) CERTAIN REQUIREMENTS INAPPLICABLE.—The Federal Advisory Committee Act (5 U.S.C. App.) and sections 552 and 552b of title 5, United States Code, shall not apply to the Technical Panel.

“(4) REVIEW OF PLAN BY TECHNICAL PANEL.—

“(A) IN GENERAL.—Not later than 30 days after the submission of the plan under paragraph (1), the Technical Panel shall submit to the NTIA and to the Federal entity a report on the sufficiency of the plan, including whether the plan includes the information required by paragraph (2) and an assessment of the reasonableness of the proposed timelines and estimated relocation or sharing costs, including the costs of any proposed expansion of the capabilities of a Federal system in connection with relocation or sharing.

“(B) INSUFFICIENCY OF PLAN.—If the Technical Panel finds the plan insufficient, the Federal entity shall, not later than 90 days after the submission of the report by the Technical panel under subparagraph (A), submit to the Technical Panel a revised plan. Such revised plan shall be treated as a plan submitted under paragraph (1).

“(5) PUBLICATION OF TRANSITION PLAN.—Not later than 120 days before the commencement of the auction described in paragraph (1), the NTIA shall make the transition plan publicly available on its website.

“(6) UPDATES OF TRANSITION PLAN.—As the Federal entity implements the transition plan, it shall periodically update the plan to reflect any changed circumstances, including changes in estimated relocation or sharing costs or the timeline for relocation or sharing. The NTIA shall make the updates available on its website.

“(7) CLASSIFIED AND OTHER SENSITIVE INFORMATION.—

“(A) CLASSIFIED INFORMATION.—If any of the information required to be included in the transition plan of a Federal entity is classified information (as defined in section 798(b) of title 18, United States Code), the entity shall—

“(i) include in the plan—

“(I) an explanation of the exclusion of any such information, which shall be as specific as possible; and

“(II) all relevant non-classified information that is available; and

“(ii) discuss as a factor under paragraph (2)(H) the extent of the classified information and the effect of such information on the implementation of the relocation or sharing arrangement.

“(B) REGULATIONS.—Not later than 180 days after the date of the enactment of the Jumpstarting Opportunity with Broadband Spectrum Act of 2011, the NTIA, in consultation with the Director of OMB and the Secretary of Defense, shall adopt regulations to ensure that the information publicly released under paragraph (5) or (6) does not contain classified information or other sensitive information.

“(i) DISPUTE RESOLUTION PROCESS.—

“(1) IN GENERAL.—If a dispute arises between a Federal entity and a non-Federal user regarding the execution, timing, or cost of the transition plan submitted by the Federal entity under subsection (h)(1), the Federal entity or the non-Federal user may request that the NTIA establish a dispute resolution board to resolve the dispute.

“(2) ESTABLISHMENT OF BOARD.—

“(A) IN GENERAL.—If the NTIA receives a request under paragraph (1), it shall establish a dispute resolution board.

“(B) MEMBERSHIP AND APPOINTMENT.—The dispute resolution board shall be composed of 3 members, as follows:

“(i) A representative of the Office of Management and Budget (in this subsection referred to as ‘OMB’), to be appointed by the Director of OMB.

“(ii) A representative of the NTIA, to be appointed by the Assistant Secretary.

“(iii) A representative of the Commission, to be appointed by the Chairman of the Commission.

“(C) CHAIR.—The representative of OMB shall be the Chair of the dispute resolution board.

“(D) VACANCIES.—Any vacancy in the dispute resolution board shall be filled in the manner in which the original appointment was made.

“(E) NO COMPENSATION.—The members of the dispute resolution board shall not receive any compensation for service on the board. If any such member is an employee of the agency of the official that appointed such member to the board, compensation in the member's capacity as such an employee shall not be considered compensation under this subparagraph.

“(F) TERMINATION OF BOARD.—The dispute resolution board shall be terminated after it rules on the dispute that it was established to resolve and the time for appeal of its decision under paragraph (7) has expired, unless an appeal has been taken under such paragraph. If such an appeal has been taken, the board shall continue to exist until the appeal process has been exhausted and the board has completed any action required by a court hearing the appeal.

“(3) PROCEDURES.—The dispute resolution board shall meet simultaneously with representatives of the Federal entity and the non-Federal user to discuss the dispute. The dispute resolution board may require the parties to make written submissions to it.

“(4) DEADLINE FOR DECISION.—The dispute resolution board shall rule on the dispute not later than 30 days after the request was made to the NTIA under paragraph (1).

“(5) ASSISTANCE FROM TECHNICAL PANEL.—The Technical Panel established under subsection (h)(3) shall provide the dispute resolution board with such technical assistance as the board requests.

“(6) ADMINISTRATIVE SUPPORT.—The NTIA shall provide the dispute resolution board with the administrative support services necessary to carry out its duties under this subsection.

“(7) APPEALS.—A decision of the dispute resolution board may be appealed to the United States Court of Appeals for the District of Columbia Circuit by filing a notice of appeal with that court not later than 30 days after the date of such decision. Each party shall bear its own costs and expenses, including attorneys' fees, for any appeal under this paragraph.

“(8) REGULATIONS.—Not later than 180 days after the date of the enactment of the Jumpstarting Opportunity with Broadband Spectrum Act of 2011, the NTIA shall, after public notice and comment and subject to approval by OMB, adopt regulations to govern the working of any dispute resolution boards established under paragraph (2)(A) and the role of the Technical Panel in assisting any such board.



“(9) CERTAIN REQUIREMENTS INAPPLICABLE.—The Federal Advisory Committee Act (5 U.S.C. App.) and sections 552 and 552b of title 5, United States Code, shall not apply to a dispute resolution board established under paragraph (2)(A).”

“(j) RELOCATION PRIORITIZED OVER SHARING.—

“(1) IN GENERAL.—In evaluating a band of frequencies for possible reallocation for exclusive non-Federal use or shared use, the NTIA shall give priority to options involving reallocation of the band for exclusive non-Federal use and shall choose options involving shared use only when it determines, in consultation with the Director of the Office of Management and Budget, that relocation of a Federal entity from the band is not feasible because of technical or cost constraints.

“(2) NOTIFICATION OF CONGRESS WHEN SHARING CHOSEN.—If the NTIA determines under paragraph (1) that relocation of a Federal entity from the band is not feasible, the NTIA shall notify the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Energy and Commerce of the House of Representatives of the determination, including the specific technical or cost constraints on which the determination is based.”

(b) CONFORMING AMENDMENT.—Section 309(j) of the Communications Act of 1934, as amended by section 4105, is further amended by striking “relocation costs” each place it appears and inserting “relocation or sharing costs”.

#### SEC. 4302. SPECTRUM RELOCATION FUND.

Section 118 of the National Telecommunications and Information Administration Organization Act (47 U.S.C. 928) is amended—

(1) by striking “relocation costs” each place it appears and inserting “relocation or sharing costs”;

(2) by amending subsection (c) to read as follows:

“(c) USE OF FUNDS.—The amounts in the Fund from auctions of eligible frequencies are authorized to be used to pay relocation or sharing costs of an eligible Federal entity incurring such costs with respect to relocation from or sharing of those frequencies.”;

(3) in subsection (d)—

(A) in paragraph (2)—

(i) in subparagraph (A), by inserting “or sharing” before the semicolon;

(ii) in subparagraph (B), by inserting “or sharing” before the period at the end;

(iii) by redesignating subparagraphs (A) and (B) as subparagraphs (B) and (C), respectively; and

(iv) by inserting before subparagraph (B), as so redesignated, the following:

“(A) unless the eligible Federal entity has submitted a transition plan to the NTIA as required by paragraph (1) of section 113(h), the Technical Panel has found such plan sufficient under paragraph (4) of such section, and the NTIA has made available such plan on its website as required by paragraph (5) of such section”;

(B) by striking paragraph (3); and

(C) by adding at the end the following:

“(3) TRANSFERS FOR PRE-AUCTION COSTS.—

“(A) IN GENERAL.—Subject to subparagraph (B), the Director of OMB may transfer to an eligible Federal entity, at any time (including prior to a scheduled auction), such sums as may be available in the Fund to pay relocation or sharing costs related to pre-auction estimates or research, as such costs are described in section 113(g)(3)(A)(iii).

“(B) NOTIFICATION.—No funds may be transferred pursuant to subparagraph (A) unless—

“(i) the notification provided under paragraph (2)(C) includes a certification from the Director of OMB that—

“(I) funds transferred before an auction will likely allow for timely implementation of reloca-

tion or sharing, thereby increasing net expected auction proceeds by an amount not less than the time value of the amount of funds transferred; and

“(II) the auction is intended to occur not later than 5 years after transfer of funds; and

“(iii) the transition plan submitted by the eligible Federal entity under section 113(h)(1) provides—

“(I) to the fullest extent possible, for sharing and coordination of eligible frequencies with non-Federal users, including reasonable accommodation by the eligible Federal entity for the use of eligible frequencies by non-Federal users during the period that the entity is relocating its spectrum uses (in this clause referred to as the ‘transition period’);

“(II) for non-Federal users to be able to use eligible frequencies during the transition period in geographic areas where the eligible Federal entity does not use such frequencies;

“(III) that the eligible Federal entity will, during the transition period, make itself available for negotiation and discussion with non-Federal users not later than 30 days after a written request therefor; and

“(IV) that the eligible Federal entity will, during the transition period, make available to a non-Federal user with appropriate security clearances any classified information (as defined in section 798(b) of title 18, United States Code) regarding the relocation process, on a need-to-know basis, to assist the non-Federal user in the relocation process with such eligible Federal entity or other eligible Federal entities.

“(C) APPLICABILITY TO CERTAIN COSTS.—

“(i) IN GENERAL.—The Director of OMB may transfer under subparagraph (A) not more than \$10,000,000 for costs incurred after June 28, 2010, but before the date of the enactment of the Jumpstarting Opportunity with Broadband Spectrum Act of 2011.

“(ii) SUPPLEMENT NOT SUPPLANT.—Any amounts transferred by the Director of OMB pursuant to clause (i) shall be in addition to any amounts that the Director of OMB may transfer for costs incurred on or after the date of the enactment of the Jumpstarting Opportunity with Broadband Spectrum Act of 2011.

“(4) REVERSION OF UNUSED FUNDS.—Any amounts in the Fund that are remaining after the payment of the relocation or sharing costs that are payable from the Fund shall revert to and be deposited in the general fund of the Treasury, for the sole purpose of deficit reduction, not later than 8 years after the date of the deposit of such proceeds to the Fund, unless within 60 days in advance of the reversion of such funds, the Director of OMB, in consultation with the NTIA, notifies the congressional committees described in paragraph (2)(C) that such funds are needed to complete or to implement current or future relocation or sharing arrangements.”;

(4) in subsection (e)—

(A) in paragraph (1)(B)—

(i) in clause (i), by striking “subsection (d)(2)(A)” and inserting “subsection (d)(2)(B)”;

(ii) in clause (ii), by striking “subsection (d)(2)(B)” and inserting “subsection (d)(2)(C)”;

(B) in paragraph (2)—

(i) by striking “entity’s relocation” and inserting “relocation of the entity or implementation of the sharing arrangement by the entity”;

(ii) by inserting “or the implementation of such arrangement” after “such relocation”;

(iii) by striking “subsection (d)(2)(A)” and inserting “subsection (d)(2)(B)”;

(5) by adding at the end the following:

“(f) ADDITIONAL PAYMENTS FROM FUND.—

“(1) AMOUNTS AVAILABLE.—Notwithstanding subsections (c) through (e), after the date of the

enactment of the Jumpstarting Opportunity with Broadband Spectrum Act of 2011, there are appropriated from the Fund and available to the Director of OMB for use in accordance with paragraph (2) not more than 10 percent of the amounts deposited in the Fund from auctions occurring after such date of enactment of licenses for the use of spectrum vacated by eligible Federal entities.

“(2) USE OF AMOUNTS.—

“(A) IN GENERAL.—The Director of OMB, in consultation with the NTIA, may use amounts made available under paragraph (1) to make payments to eligible Federal entities that are implementing a transition plan submitted under section 113(h)(1) in order to encourage such entities to complete the implementation more quickly, thereby encouraging timely access to the eligible frequencies that are being reallocated for exclusive non-Federal use or shared use.

“(B) CONDITIONS.—In the case of any payment by the Director of OMB under subparagraph (A)—

“(i) such payment shall be based on the market value of the eligible frequencies, the timeliness with which the eligible Federal entity clears its use of such frequencies, and the need for such frequencies in order for the entity to conduct its essential missions;

“(ii) the eligible Federal entity shall use such payment for the purposes specified in clauses (i) through (v) of section 113(g)(3)(A) to achieve comparable capability of systems affected by the reallocation of eligible frequencies from Federal use to exclusive non-Federal use or to shared use;

“(iii) such payment may not be made if the amount remaining in the Fund after such payment will be less than 10 percent of the winning bids in the auction of the spectrum with respect to which the Federal entity is incurring relocation or sharing costs; and

“(iv) such payment may not be made until 30 days after the Director of OMB has notified the congressional committees described in subsection (d)(2)(C).”

#### SEC. 4303. NATIONAL SECURITY AND OTHER SENSITIVE INFORMATION.

Part B of title I of the National Telecommunications and Information Administration Organization Act (47 U.S.C. 921 et seq.) is amended by adding at the end the following:

#### “SEC. 119. NATIONAL SECURITY AND OTHER SENSITIVE INFORMATION.

“(a) DETERMINATION.—If the head of an Executive agency (as defined in section 105 of title 5, United States Code) determines that public disclosure of any information contained in a notification or report required by section 113 or 118 would reveal classified national security information, or other information for which there is a legal basis for nondisclosure and the public disclosure of which would be detrimental to national security, homeland security, or public safety or would jeopardize a law enforcement investigation, the head of the Executive agency shall notify the Assistant Secretary of that determination prior to the release of such information.

“(b) INCLUSION IN ANNEX.—The head of the Executive agency shall place the information with respect to which a determination was made under subsection (a) in a separate annex to the notification or report required by section 113 or 118. The annex shall be provided to the subcommittee of primary jurisdiction of the congressional committee of primary jurisdiction in accordance with appropriate national security stipulations but shall not be disclosed to the public or provided to any unauthorized person through any means.”.

### Subtitle D—Telecommunications Development Fund

#### SEC. 4401. NO ADDITIONAL FEDERAL FUNDS.

Section 309(j)(8)(C)(iii) of the Communications Act of 1934 (47 U.S.C. 309(j)(8)(C)(iii)) is amended to read as follows:

“(iii) the interest accrued to the account shall be deposited in the general fund of the Treasury, where such amount shall be dedicated for the sole purpose of deficit reduction.”.

#### SEC. 4402. INDEPENDENCE OF THE FUND.

Section 714 of the Communications Act of 1934 (47 U.S.C. 614) is amended—

(1) by striking subsection (c) and inserting the following:

“(c) INDEPENDENT BOARD OF DIRECTORS.—The Fund shall have a Board of Directors consisting of 5 people with experience in areas including finance, investment banking, government banking, communications law and administrative practice, and public policy. The Board of Directors shall select annually a Chair from among the directors. A nominating committee, comprised of the Chair and 2 other directors selected by the Chair, shall appoint additional directors. The Fund’s bylaws shall regulate the other aspects of the Board of Directors, including provisions relating to meetings, quorums, committees, and other matters, all as typically contained in the bylaws of a similar private investment fund.”;

(2) in subsection (d)—

(A) by striking “(after consultation with the Commission and the Secretary of the Treasury)”;

(B) by striking paragraph (1); and

(C) by redesignating paragraphs (2) through (4) as paragraphs (1) through (3), respectively; and

(3) in subsection (g), by striking “subsection (d)(2)” and inserting “subsection (d)(1)”.

### TITLE V—OFFSETS

#### Subtitle A—Guarantee Fees

#### SEC. 5001. GUARANTEE FEES.

Subpart A of part 2 of subtitle A of title XIII of the Housing and Community Development Act of 1992 is amended by adding after section 1326 (12 U.S.C. 4546) the following new section:

#### “SEC. 1327. ENTERPRISE GUARANTEE FEES.

“(a) DEFINITIONS.—For purposes of this section, the following definitions shall apply:

“(1) GUARANTEE FEE.—The term ‘guarantee fee’—

“(A) means a fee described in subsection (b); and

“(B) includes—

“(i) the guaranty fee charged by the Federal National Mortgage Association with respect to mortgage-backed securities; and

“(ii) the management and guarantee fee charged by the Federal Home Loan Mortgage Corporation with respect to participation certificates.

“(2) AVERAGE FEES.—The term ‘average fees’ means the average contractual fee rate of single-family guaranty arrangements by an enterprise entered into during 2011, plus the recognition of any up-front cash payments over an estimated average life, expressed in terms of basis points. Such definition shall be interpreted in a manner consistent with the annual report on guarantee fees by the Federal Housing Finance Agency.

“(b) INCREASE.—

“(1) IN GENERAL.—

“(A) PHASED INCREASE REQUIRED.—Subject to subsection (c), the Director shall require each enterprise to charge a guarantee fee in connection with any guarantee of the timely payment of principal and interest on securities, notes, and other obligations based on or backed by mortgages on residential real properties designed principally for occupancy of from 1 to 4 families, consummated after the date of enactment of this section.

“(B) AMOUNT.—The amount of the increase required under this section shall be determined by the Director to appropriately reflect the risk of loss, as well the cost of capital allocated to similar assets held by other fully private regulated financial institutions, but such amount shall be not less than an average increase of 10 basis points for each origination year or book year above the average fees imposed in 2011 for such guarantees. The Director shall prohibit an enterprise from offsetting the cost of the fee to mortgage originators, borrowers, and investors by decreasing other charges, fees, or premiums, or in any other manner.

“(2) AUTHORITY TO LIMIT OFFER OF GUARANTEE.—The Director shall prohibit an enterprise from consummating any offer for a guarantee to a lender for mortgage-backed securities, if—

“(A) the guarantee is inconsistent with the requirements of this section; or

“(B) the risk of loss is allowed to increase, through lowering of the underwriting standards or other means, for the primary purpose of meeting the requirements of this section.

“(3) DEPOSIT IN TREASURY.—To the extent that amounts are received from fee increases imposed under this section that are necessary to comply with the minimum increase required by this subsection, such amounts shall be deposited directly into the United States Treasury, and shall be available only to the extent provided in subsequent appropriations Acts. Such fees shall not be considered a reimbursement to the Federal Government for the costs or subsidy provided to an enterprise.

“(c) PHASE-IN.—

“(1) IN GENERAL.—The Director may provide for compliance with subsection (b) by allowing each enterprise to increase the guarantee fee charged by the enterprise gradually over the 2-year period beginning on the date of enactment of this section, in a manner sufficient to comply with this section. In determining a schedule for such increases, the Director shall—

“(A) provide for uniform pricing among lenders;

“(B) provide for adjustments in pricing based on risk levels; and

“(C) take into consideration conditions in financial markets.

“(2) RULE OF CONSTRUCTION.—Nothing in this subsection shall be interpreted to undermine the minimum increase required by subsection (b).

“(d) INFORMATION COLLECTION AND ANNUAL ANALYSIS.—The Director shall require each enterprise to provide to the Director, as part of its annual report submitted to Congress—

“(1) a description of—

“(A) changes made to up-front fees and annual fees as part of the guarantee fees negotiated with lenders; and

“(B) changes to the riskiness of the new borrowers compared to previous origination years or book years; and

“(2) an assessment of how the changes in the guarantee fees described in paragraph (1) met the requirements of subsection (b).

“(e) ENFORCEMENT.—

“(1) REQUIRED ADJUSTMENTS.—Based on the information from subsection (d) and any other information the Director deems necessary, the Director shall require an enterprise to make adjustments in its guarantee fee in order to be in compliance with subsection (b).

“(2) NONCOMPLIANCE PENALTY.—An enterprise that has been found to be out of compliance with subsection (b) for any 2 consecutive years shall be precluded from providing any guarantee for a period, determined by rule of the Director, but in no case less than 1 year.

“(3) RULE OF CONSTRUCTION.—Nothing in this subsection shall be interpreted as preventing the Director from initiating and implementing an

enforcement action against an enterprise, at a time the Director deems necessary, under other existing enforcement authority.

“(f) AUTHORITY FOR OTHER INCREASES.—Nothing in this section may be construed to prohibiting, restricting, or limiting increases, other than pursuant to this section, in the guarantee fees charged by an enterprise.

“(g) EXPIRATION.—The provisions of this section shall expire on October 1, 2021.”.

### Subtitle B—Social Security Provisions

#### SEC. 5101. INFORMATION FOR ADMINISTRATION OF SOCIAL SECURITY PROVISIONS RELATED TO NONCOVERED EMPLOYMENT.

(a) COLLECTION.—Subsection (d) of section 6047 of the Internal Revenue Code of 1986 is amended by redesignating paragraph (2) as paragraph (3) and by inserting after paragraph (1) the following new paragraph:

“(2) DEFERRED COMPENSATION PLANS OF A STATE.—

“(A) IN GENERAL.—In the case of any employer deferred compensation plan (as defined in section 3405(e)(5)) of a State, a political subdivision thereof, or any agency or instrumentality of any of the foregoing, the Secretary shall in such forms or regulations require, to the extent such information is known or should be known, the identification of any designated distribution (as defined in section 3405(e)(1)) if paid to any participant or beneficiary of such plan based in whole or in part upon an individual’s earnings for service in the employ of any such governmental entity.

“(B) STATE.—For purposes of subparagraph (A), the term ‘State’ includes the District of Columbia, the Commonwealth or Puerto Rico, the Virgin Island, Guam, and American Samoa.”.

(b) DISCLOSURE.—Paragraph (1) of section 6103(l) of such Code is amended by striking “and” at the end of subparagraph (B), by striking the period at the end of subparagraph (C) and inserting “; and”, and by adding at the end the following:

“(D) any designated distribution described in section 6047(d)(2) to the Social Security Administration for purposes of its administration of the Social Security Act.”.

(c) EFFECTIVE DATES.—

(1) SUBSECTION (a).—The amendments made by subsection (a) shall apply to distributions made after December 31, 2012.

(2) SUBSECTION (b).—The amendment made by subsection (b) shall apply to disclosures made after December 31, 2012.

### Subtitle C—Child Tax Credit

#### SEC. 5201. SOCIAL SECURITY NUMBER REQUIRED TO CLAIM THE REFUNDABLE PORTION OF THE CHILD TAX CREDIT.

(a) IN GENERAL.—Subsection (d) of section 24 of the Internal Revenue Code of 1986 is amended by adding at the end the following new paragraph:

“(5) IDENTIFICATION REQUIREMENT WITH RESPECT TO TAXPAYER.—

“(A) IN GENERAL.—Paragraph (1) shall not apply to any taxpayer for any taxable year unless the taxpayer includes the taxpayer’s Social Security number on the return of tax for such taxable year.

“(B) JOINT RETURNS.—In the case of a joint return, the requirement of subparagraph (A) shall be treated as met if the Social Security number of either spouse is included on such return.”.

(b) OMISSION TREATED AS MATHEMATICAL OR CLERICAL ERROR.—Subparagraph (1) of section 6213(g)(2) of such Code is amended to read as follows:

“(1) an omission of a correct Social Security number required under section 24(d)(5) (relating to refundable portion of child tax credit), or a correct TIN under section 24(e) (relating to child tax credit), to be included on a return.”.

(c) CONFORMING AMENDMENT.—Subsection (e) of section 24 of such Code is amended by inserting “WITH RESPECT TO QUALIFYING CHILDREN” after “IDENTIFICATION REQUIREMENT” in the heading thereof.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after the date of the enactment of this Act.

**Subtitle D—Eliminating Taxpayer Benefits for Millionaires**

**SEC. 5301. ENDING UNEMPLOYMENT AND SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM BENEFITS FOR MILLIONAIRES.**

(a) ENDING UNEMPLOYMENT BENEFITS FOR MILLIONAIRES.—

(1) IN GENERAL.—Subtitle E of the Internal Revenue Code of 1986 is amended by adding at the end the following new chapter:

**“CHAPTER 56—EXCESS UNEMPLOYMENT COMPENSATION**

“Sec. 5895. Excess unemployment compensation.

**“SEC. 5895. EXCESS UNEMPLOYMENT COMPENSATION.**

“(a) IMPOSITION OF TAX.—There is hereby imposed a tax equal to 100 percent of the excess unemployment compensation received by a taxpayer in any taxable year.

“(b) EXCESS UNEMPLOYMENT COMPENSATION.—For purposes of this section, the term ‘excess unemployment compensation’ means, with respect to any State, the amount which bears the same ratio (not to exceed 1) to the amount of unemployment compensation received by the taxpayer from such State in the taxable year as—

“(1) the excess of—  
“(A) the taxpayer’s adjusted gross income for such taxable year, over

“(B) \$750,000 (\$1,500,000 in the case of a joint return), bears to

“(2) \$250,000 (\$500,000 in the case of a joint return).

“(c) ADDITIONAL DEFINITIONS.—For purposes of this section—

“(1) ADJUSTED GROSS INCOME.—The term ‘adjusted gross income’ has the meaning given such term by section 62.

“(2) UNEMPLOYMENT COMPENSATION.—The term ‘unemployment compensation’ has the meaning given such term by section 85(b).

“(d) ADMINISTRATIVE PROVISIONS.—For purposes of the deficiency procedures of subtitle F, any tax imposed by this section shall be treated as a tax imposed by subtitle A.

“(e) TRANSFER OF TAX RECEIPTS.—With respect to excess unemployment compensation received by any taxpayer from a State, there is hereby appropriated to the unemployment fund (as defined in section 3306(f)) of such State, an amount equal to the amount of the tax imposed under subsection (a) on such excess unemployment compensation received in the Treasury.”.

(2) TAX NOT DEDUCTIBLE.—Section 275(a) of the Internal Revenue Code of 1986 is amended by inserting after paragraph (6) the following new paragraph:

“(7) Tax imposed by section 5895.”.

(3) CLERICAL AMENDMENT.—The table of chapters for subtitle E of the Internal Revenue Code of 1986 is amended by adding at the end the following new item:

**“CHAPTER 56—EXCESS UNEMPLOYMENT COMPENSATION”.**

(4) EFFECTIVE DATE.—The amendments made by this subsection shall apply to unemployment compensation received in taxable years beginning after December 31, 2011.

(b) ENDING SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM BENEFITS FOR MILLIONAIRES.—

(1) IN GENERAL.—Section 6 of the Food and Nutrition Act of 2008 (7 U.S.C. 2015) is amended by adding at the end the following:

“(r) DISQUALIFICATION FOR RECEIPT OF ASSETS OF AT LEAST \$1,000,000.—Any household in which a member receives income or assets with a fair market value of at least \$1,000,000 shall, immediately on the receipt of the assets, become ineligible for further participation in the program until the date on which the household meets the income eligibility and allowable financial resources standards under section 5.”.

(2) CONFORMING AMENDMENTS.—Section 5(a) of the Food and Nutrition Act of 2008 (7 U.S.C. 2014(a)) is amended in the second sentence by striking “sections 6(b), 6(d)(2), and 6(g)” and inserting “subsections (b), (d)(2), (g), and (r) of section 6”.

**Subtitle E—Federal Civilian Employees  
PART 1—RETIREMENT ANNUITIES**

**SEC. 5401. SHORT TITLE.**

This part may be cited as the “Securing Annuities for Federal Employees Act of 2011”.

**SEC. 5402. RETIREMENT CONTRIBUTIONS.**

(a) CIVIL SERVICE RETIREMENT SYSTEM.—

(1) INDIVIDUAL CONTRIBUTIONS.—Section 8334(a)(1)(A) of title 5, United States Code, is amended—

(A) by striking “(a)(1)(A) The” and inserting “(a)(1)(A)(i) Except as provided in clause (ii), the”; and

(B) by adding at the end the following:

“(ii) The percentage of basic pay to be deducted and withheld under clause (i) shall—

“(I) for each of calendar years 2013, 2014, and 2015, be equal to the percentage that applied in the preceding calendar year (as increased under this subclause, if applicable), plus an additional 0.5 percentage point; and

“(II) for each calendar year after 2015, be equal to the applicable percentage for calendar year 2015 (as determined under subclause (I)).”.

(2) GOVERNMENT CONTRIBUTIONS.—Section 8334(a)(1)(B) of title 5, United States Code, is amended—

(A) in clause (i), by striking “Except as provided in clause (ii),” and inserting “Except as provided in clause (ii) or (iii),”; and

(B) by adding at the end the following:

“(iii) The amount to be contributed under clause (i) shall, with respect to a period in any calendar year specified in subparagraph (A)(ii), be equal to—

“(I) the amount that would otherwise apply under clause (i), reduced by

“(II) the amount by which the withholding under subparagraph (A) exceeds the amount which would (but for clause (ii) of such subparagraph) otherwise have been withheld under such subparagraph from the basic pay of the employee or elected official involved with respect to such period.”.

(3) OFFSET RULE.—Section 8334(k) of title 5, United States Code, is amended by adding at the end the following:

“(5) This subsection shall be applied in a manner consistent with subsections (a)(1)(A)(ii) and (a)(1)(B)(iii) of section 8334.”.

(b) FEDERAL EMPLOYEES’ RETIREMENT SYSTEM.—Section 8422(a) of title 5, United States Code, is amended—

(1) in paragraph (1), by striking “paragraph (2).” and inserting “this subsection.”; and

(2) by adding at the end the following:

“(4) Notwithstanding any other provision of this subsection, the percentage to be deducted and withheld under this subsection shall—

“(A) for each of calendar years 2013, 2014, and 2015, be equal to the percentage that applied in the preceding calendar year under this subsection (including this subparagraph, if applicable), plus an additional 0.5 percentage point; and

“(B) for each calendar year after 2015, be equal to the applicable percentage for calendar year 2015 (as determined under subparagraph (A)).”.

(c) FOREIGN SERVICE.—For provisions of law requiring maintenance of existing conformity—

(1) between the Civil Service Retirement System and the Foreign Service Retirement System, and

(2) between the Federal Employees’ Retirement System and the Foreign Service Pension System,

see section 827 of the Foreign Service Act of 1980 (22 U.S.C. 4067).

(d) CIARDS.—

(1) COMPATIBILITY WITH CSRS.—In order to carry out the purposes of this section with respect to the Central Intelligence Agency Retirement and Disability System, the authority under section 292 of the Central Intelligence Agency Retirement Act (50 U.S.C. 2141) shall be applied.

(2) APPLICABILITY OF FERS.—For provisions of law providing for the application of the Federal Employees’ Retirement System with respect to employees of the Central Intelligence Agency, see title III of the Central Intelligence Agency Retirement Act (50 U.S.C. 2151 and following).

(e) TVA.—Section 3 of the Tennessee Valley Authority Act of 1933 (16 U.S.C. 831b) is amended by adding at the end the following:

“(c) The chief executive officer shall prescribe any regulations which may be necessary in order to carry out the purposes of the Securing Annuities for Federal Employees Act of 2011 with respect to any defined benefit plan covering employees of the Tennessee Valley Authority.”.

**SEC. 5403. AMENDMENTS RELATING TO SECURE ANNUITY EMPLOYEES.**

(a) DEFINITION OF SECURE ANNUITY EMPLOYEE.—Section 8401 of title 5, United States Code, is amended—

(1) in paragraph (35), by striking “and” at the end;

(2) in paragraph (36), by striking the period and inserting “; and”; and

(3) by adding at the end the following:

“(37) the term ‘secure annuity employee’ means an employee or Member who—

“(A) first becomes subject to this chapter after December 31, 2012; and

“(B) at the time of first becoming subject to this chapter, does not have at least 5 years of civilian service creditable under the Civil Service Retirement System or any other retirement system for Government employees.”.

(b) INDIVIDUAL CONTRIBUTIONS.—Section 8422(a) of title 5, United States Code (as amended by section 2(b)) is further amended—

(1) in paragraph (4) (as added by section 2(b)), in the matter before subparagraph (A), by inserting “and except in the case of a secure annuity employee,” after “this subsection”; and

(2) by adding after paragraph (4) (as so added) the following:

“(5) Notwithstanding any other provision of this subsection, in the case of a secure annuity employee, the percentage to be deducted and withheld shall be computed under paragraphs (1) through (3), except that the applicable percentage under paragraph (3) for civilian service shall—

“(A) in the case of a secure annuity employee who is an employee, be equal to 10.2 percent; and

“(B) in the case of a secure annuity employee who is not subject to subparagraph (A), 10.7 percent.”.

(c) AVERAGE PAY.—Section 8401(3) of title 5, United States Code, is amended—

(1) by striking “(3)” and inserting “(3)(A)”; and

(2) by adding “except that” after the semicolon; and

(3) by adding at the end the following:

“(B) in the case of a secure annuity employee, the term ‘average pay’ has the meaning determined applying subparagraph (A)—

“(i) by substituting ‘5 consecutive years’ for ‘3 consecutive years’; and

“(ii) by substituting ‘5 years’ for ‘3 years’.”.

(d) **COMPUTATION OF BASIC ANNUITY.**—Section 8415 of title 5, United States Code, is amended—

(1) by striking subsections (a) through (e) and inserting the following:

“(a) Except as otherwise provided in this section, the annuity of an employee retiring under this subchapter is—

“(1) except as provided under paragraph (2), 1 percent of that individual’s average pay multiplied by such individual’s total service; or

“(2) in the case of a secure annuity employee, 0.7 percent of that individual’s average pay multiplied by such individual’s total service.

“(b) The annuity of a Member, or former Member with title to a Member annuity, retiring under this subchapter is computed under subsection (a), except that if the individual has had at least 5 years of service as a Member or Congressional employee, or any combination thereof, so much of the annuity as is computed with respect to either such type of service (or a combination thereof), not exceeding a total of 20 years, shall be computed—

“(1) except as provided under paragraph (2), by multiplying 1.7 percent of the individual’s average pay by the years of such service; or

“(2) in the case of an individual who is a secure annuity employee, by multiplying 1.4 percent of the individual’s average pay by the years of such service.

“(c) The annuity of a Congressional employee, or former Congressional employee, retiring under this subchapter is computed under subsection (a), except that if the individual has had at least 5 years of service as a Congressional employee or Member, or any combination thereof, so much of the annuity as is computed with respect to either such type of service (or a combination thereof), not exceeding a total of 20 years, shall be computed—

“(1) except as provided under paragraph (2), by multiplying 1.7 percent of the individual’s average pay by the years of such service; or

“(2) in the case of an individual who is a secure annuity employee, by multiplying 1.4 percent of the individual’s average pay by the years of such service.

“(d) The annuity of an employee retiring under subsection (d) or (e) of section 8412 or under subsection (a), (b), or (c) of section 8425 is—

“(1) except as provided under paragraph (2)—

“(A) 1.7 percent of that individual’s average pay multiplied by so much of such individual’s total service as does not exceed 20 years; plus

“(B) 1 percent of that individual’s average pay multiplied by so much of such individual’s total service as exceeds 20 years; or

“(2) in the case of an individual who is a secure annuity employee—

“(A) 1.4 percent of that individual’s average pay multiplied by so much of such individual’s total service as does not exceed 20 years; plus

“(B) 0.7 percent of that individual’s average pay multiplied by so much of such individual’s total service as exceeds 20 years.

“(e) The annuity of an air traffic controller or former air traffic controller retiring under section 8412(a) is computed under subsection (a), except that if the individual has had at least 5 years of service as an air traffic controller as defined by section 2109(1)(A)(i), so much of the annuity as is computed with respect to such type of service shall be computed—

“(1) except as provided under paragraph (2), by multiplying 1.7 percent of the individual’s average pay by the years of such service; or

“(2) in the case of an individual who is a secure annuity employee, by multiplying 1.4 percent of the individual’s average pay by the years of such service.”; and

(2) in subsection (h)—

(A) in paragraph (1), by striking “subsection (a)” and inserting “subsection (a)(1)”; and

(B) in paragraph (2), in the matter following subparagraph (B), by striking “or customs and border protection officer” and inserting “customs and border protection officer, or secure annuity employee.”.

#### SEC. 5404. ANNUITY SUPPLEMENT.

Section 8421(a) of title 5, United States Code, is amended—

(1) in paragraph (1), by striking “paragraph (3)” and inserting “paragraphs (3) and (4)”; and

(2) in paragraph (2), by striking “paragraph (3)” and inserting “paragraphs (3) and (4)”; and

(3) by adding at the end the following:

“(4)(A) Except as provided in subparagraph (B), no annuity supplement under this section shall be payable in the case of an individual whose entitlement to annuity is based on such individual’s separation from service after December 31, 2012.

“(B) Nothing in this paragraph applies in the case of an individual separating under subsection (d) or (e) of section 8412.”.

### PART 2—FEDERAL WORKFORCE

#### SEC. 5421. EXTENSION OF PAY LIMITATION FOR FEDERAL EMPLOYEES.

(a) **IN GENERAL.**—Section 147 of the Continuing Appropriations Act, 2011 (Public Law 111–242), as amended by section 1(a) of the Continuing Appropriations and Surface Transportation Extensions Act, 2011 (Public Law 111–322; 124 Stat. 3518), is further amended—

(1) in subsection (b)(1), by striking “December 31, 2012” and inserting “December 31, 2013”; and

(2) in subsection (c), by striking “December 31, 2012” and inserting “December 31, 2013”.

(b) **APPLICATION TO LEGISLATIVE BRANCH.**—

(1) **MEMBERS OF CONGRESS.**—The extension of the pay limit for Federal employees through December 31, 2013, as established pursuant to the amendments made by subsection (a), shall apply to Members of Congress in accordance with section 601(a) of the Legislative Reorganization Act of 1946 (2 U.S.C. 31).

(2) **OTHER LEGISLATIVE BRANCH EMPLOYEES.**—

(A) **LIMIT IN PAY.**—Notwithstanding any other provision of law, no cost of living adjustment required by statute with respect to a legislative branch employee which (but for this subparagraph) would otherwise take effect during the period beginning on the date of enactment of this Act and ending on December 31, 2013, shall be made.

(B) **DEFINITION.**—In this paragraph, the term “legislative branch employee” means—

(i) an employee of the Federal Government whose pay is disbursed by the Secretary of the Senate or the Chief Administrative Officer of the House of Representatives; and

(ii) an employee of any office of the legislative branch who is not described in clause (i).

#### SEC. 5422. REDUCTION OF DISCRETIONARY SPENDING LIMITS TO ACHIEVE SAVINGS FROM FEDERAL EMPLOYEE PROVISIONS.

Section 251(c) of the Balanced Budget and Emergency Deficit Control Act of 1985 is amended to read as follows:

“(c) **DISCRETIONARY SPENDING LIMIT.**—As used in this part, the term ‘discretionary spending limit’ means—

“(1) with respect to fiscal year 2013—

“(A) for the security category, \$685,000,000,000 in new budget authority; and

“(B) for the nonsecurity category, \$359,000,000,000 in new budget authority;

“(2) with respect to fiscal year 2014, for the discretionary category, \$1,063,000,000,000 in new budget authority;

“(3) with respect to fiscal year 2015, for the discretionary category, \$1,083,000,000,000 in new budget authority;

“(4) with respect to fiscal year 2016, for the discretionary category, \$1,104,000,000,000 in new budget authority;

“(5) with respect to fiscal year 2017, for the discretionary category, \$1,128,000,000,000 in new budget authority;

“(6) with respect to fiscal year 2018, for the discretionary category, \$1,153,000,000,000 in new budget authority;

“(7) with respect to fiscal year 2019, for the discretionary category, \$1,178,000,000,000 in new budget authority;

“(8) with respect to fiscal year 2020, for the discretionary category, \$1,204,000,000,000 in new budget authority; and

“(9) with respect to fiscal year 2021, for the discretionary category, \$1,230,000,000,000 in new budget authority;

as adjusted in strict conformance with subsection (b).”.

#### SEC. 5423. REDUCTION OF REVISED DISCRETIONARY SPENDING LIMITS TO ACHIEVE SAVINGS FROM FEDERAL EMPLOYEE PROVISIONS.

Paragraph (2) of section 251A of the Balanced Budget and Emergency Deficit Control Act of 1985 is amended to read as follows:

“(2) **REVISED DISCRETIONARY SPENDING LIMITS.**—The discretionary spending limits for fiscal years 2013 through 2021 under section 251(c) shall be replaced with the following:

“(A) For fiscal year 2013—

“(i) for the security category, \$546,000,000,000 in budget authority; and

“(ii) for the nonsecurity category, \$499,000,000,000 in budget authority.

“(B) For fiscal year 2014—

“(i) for the security category, \$556,000,000,000 in budget authority; and

“(ii) for the nonsecurity category, \$507,000,000,000 in budget authority.

“(C) For fiscal year 2015—

“(i) for the security category, \$566,000,000,000 in budget authority; and

“(ii) for the nonsecurity category, \$517,000,000,000 in budget authority.

“(D) For fiscal year 2016—

“(i) for the security category, \$577,000,000,000 in budget authority; and

“(ii) for the nonsecurity category, \$527,000,000,000 in budget authority.

“(E) For fiscal year 2017—

“(i) for the security category, \$590,000,000,000 in budget authority; and

“(ii) for the nonsecurity category, \$538,000,000,000 in budget authority.

“(F) For fiscal year 2018—

“(i) for the security category, \$603,000,000,000 in budget authority; and

“(ii) for the nonsecurity category, \$550,000,000,000 in budget authority.

“(G) For fiscal year 2019—

“(i) for the security category, \$616,000,000,000 in budget authority; and

“(ii) for the nonsecurity category, \$562,000,000,000 in budget authority.

“(H) For fiscal year 2020—

“(i) for the security category, \$630,000,000,000 in budget authority; and

“(ii) for the nonsecurity category, \$574,000,000,000 in budget authority.

“(I) For fiscal year 2021—

“(i) for the security category, \$644,000,000,000 in budget authority; and

“(ii) for the nonsecurity category, \$586,000,000,000 in budget authority.”.

### Subtitle F—Health Care Provisions

#### SEC. 5501. INCREASE IN APPLICABLE PERCENTAGE USED TO CALCULATE MEDICARE PART B AND PART D PREMIUMS FOR HIGH-INCOME BENEFICIARIES.

(a) **IN GENERAL.**—Section 1839(i)(3)(C)(i) of the Social Security Act (42 U.S.C. 1395r(i)(3)(C)(i)) is amended—

(1) by striking “IN GENERAL.—” and inserting “IN GENERAL.—(I) For calendar years prior to 2017.”; and

(2) by adding at the end the following new subclause:

“(II) For calendar year 2017 and each subsequent calendar year:

<b>“If the modified adjusted gross is:</b>	<b>The applicable percentage is:</b>
More than \$80,000 but not more than \$100,000 .....	40.25 percent
More than \$100,000 but not more than \$150,000 .....	57.5 percent
More than \$150,000 but not more than \$200,000 .....	74.75 percent
More than \$200,000 .....	90 percent.”.

(b) CONFORMING AMENDMENT.—Section 1839(i)(3)(A)(i) of the Social Security Act (42 U.S.C. 1395r(i)(3)(A)(i)) is amended, by inserting “and year” after “individual”.

**SEC. 5502. TEMPORARY ADJUSTMENT TO THE CALCULATION OF MEDICARE PART B AND PART D PREMIUMS.**

(a) IN GENERAL.—Section 1839(i)(6) of the Social Security Act (42 U.S.C. 1395r(i)(6)) is amended in the matter preceding subparagraph (A) by striking “December 31, 2019” and inserting “December 31 of the first year after the year in which at least 25 percent of individuals enrolled under this part are subject to a reduction under this subsection to the monthly amount of the premium subsidy applicable to the premium under this section.”.

(b) APPLICATION OF INFLATION ADJUSTMENT.—Section 1839(i)(5) of the Social Security Act (42 U.S.C. 1395r(i)(5)) is amended—

(1) in subparagraph (A), by striking “In the case” and inserting “Subject to subparagraph (C), in the case”; and

(2) by adding at the end the following new subparagraph:

“(C) TREATMENT OF YEARS AFTER TEMPORARY ADJUSTMENT PERIOD.—In applying subparagraph (A) for the first year beginning after the period described in paragraph (6) and for each subsequent year, the 12-month period ending with August 2006 described in clause (ii) of such subparagraph shall be deemed to be the 12-month period ending with August of the last year of such period described in paragraph (6).”.

**TITLE VI—MISCELLANEOUS PROVISIONS**

**SEC. 6001. REPEAL OF CERTAIN SHIFTS IN THE TIMING OF CORPORATE ESTIMATED TAX PAYMENTS.**

The following provisions of law (and any modification of any such provision which is contained in any other provision of law) shall not apply with respect to any installment of corporate estimated tax:

(1) Section 201(b) of the Corporate Estimated Tax Shift Act of 2009.

(2) Section 561 of the Hiring Incentives to Restore Employment Act.

(3) Section 505 of the United States-Korea Free Trade Agreement Implementation Act.

(4) Section 603 of the United States-Colombia Trade Promotion Agreement Implementation Act.

(5) Section 502 of the United State-Panama Trade Promotion Agreement Implementation Act.

**SEC. 6002. REPEAL OF REQUIREMENT RELATING TO TIME FOR REMITTING CERTAIN MERCHANDISE PROCESSING FEES.**

(a) REPEAL.—The Trade Adjustment Assistance Extension Act of 2011 (title II of Public Law 112-40; 125 Stat. 402) is amended by striking section 263.

(b) CLERICAL AMENDMENT.—The table of contents for such Act is amended by striking the item relating to section 263.

**SEC. 6003. POINTS OF ORDER IN THE SENATE.**

(a) POINT OF ORDER TO PROTECT THE SOCIAL SECURITY TRUST FUND.—

(1) Notwithstanding any other provision of law, it shall not be in order in the Senate to consider any measure that extends the dates ref-

erenced in section 601(c) of the Tax Relief, Unemployment Insurance Reauthorization, and Job Creation Act of 2010 (26 U.S.C. 1401 note).

(2) The provisions of this subsection may be waived in the Senate only by the affirmative vote of two-thirds of the Members, duly chosen and sworn.

(b) POINT OF ORDER AGAINST AN EMERGENCY DESIGNATION.—Section 314 of the Congressional Budget Act of 1974 is amended by—

(1) redesignating subsection (e) as subsection (f); and

(2) inserting after subsection (d) the following: “(e) SENATE POINT OF ORDER AGAINST AN EMERGENCY DESIGNATION.—

“(1) IN GENERAL.—When the Senate is considering a bill, resolution, amendment, motion, amendment between the Houses, or conference report, if a point of order is made by a Senator against an emergency designation in that measure, that provision making such a designation shall be stricken from the measure and may not be offered as an amendment from the floor.

“(2) SUPERMAJORITY WAIVER AND APPEALS.—

“(A) WAIVER.—Paragraph (1) may be waived or suspended in the Senate only by an affirmative vote of three-fifths of the Members, duly chosen and sworn.

“(B) APPEALS.—Appeals in the Senate from the decisions of the Chair relating to any provision of this subsection shall be limited to 1 hour, to be equally divided between, and controlled by, the appellant and the manager of the bill or joint resolution, as the case may be. An affirmative vote of three-fifths of the Members of the Senate, duly chosen and sworn, shall be required to sustain an appeal of the ruling of the Chair on a point of order raised under this subsection.

“(3) DEFINITION OF AN EMERGENCY DESIGNATION.—For purposes of paragraph (1), a provision shall be considered an emergency designation if it designates any item pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

“(4) FORM OF THE POINT OF ORDER.—A point of order under paragraph (1) may be raised by a Senator as provided in section 313(e) of the Congressional Budget Act of 1974.

“(5) CONFERENCE REPORTS.—When the Senate is considering a conference report on, or an amendment between the Houses in relation to, a bill, upon a point of order being made by any Senator pursuant to this section, and such point of order being sustained, such material contained in such conference report shall be deemed stricken, and the Senate shall proceed to consider the question of whether the Senate shall recede from its amendment and concur with a further amendment, or concur in the House amendment with a further amendment, as the case may be, which further amendment shall consist of only that portion of the conference report or House amendment, as the case may be, not so stricken. Any such motion in the Senate shall be debatable. In any case in which such point of order is sustained against a conference report (or Senate amendment derived from such conference report by operation of this subsection), no further amendment shall be in order.”.

**SEC. 6004. PAYGO SCORECARD ESTIMATES.**

(a) BUDGETARY EFFECTS.—Neither scorecard maintained by the Office of Management and

Budget pursuant to section 4(d) of the Statutory Pay-As-You-Go Act of 2010 (2 U.S.C. 933) shall include the budgetary effects of this Act if such budgetary effects do not increase the deficit for the period of fiscal years 2012 through 2021 as determined by the estimate submitted for printing in the Congressional Record pursuant to section 4(d) of such Act.

(b) DEFICIT.—The increase or decrease in the deficit in the estimate submitted for printing referred to in subsection (a) shall be determined on the basis of—

(1) the change in total outlays and total revenue of the Federal Government, including off-budget effects, that would result from this Act;

(2) the estimate of the effects of the changes to the discretionary spending limits set forth in section 251 of the Balanced Budget and Emergency Deficit Control Act of 1985 in this Act; and

(3) the estimate of the change in net income to the National Flood Insurance Program by this Act.

The SPEAKER pro tempore. The gentleman from Michigan (Mr. CAMP) and the gentleman from Michigan (Mr. LEVIN) each will control 45 minutes.

The Chair recognizes the gentleman from Michigan (Mr. CAMP).

**GENERAL LEAVE**

Mr. CAMP. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days in which to revise and extend their remarks and to include extraneous material on the subject of the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. CAMP. Mr. Speaker, I yield myself such time as I may consume.

There are four important facts everyone should know about the Middle Class Tax Relief and Job Creation Act:

First, it will strengthen our economy and help get Americans back to work by lowering the tax burden for middle class families and job providers alike;

Second, it prevents massive cuts to doctors working in the Medicare program to protect America's seniors and those with disabilities—providing more stability in the doctor payment schedule than there has been in a decade;

Third, it adopts a number of the President's legislative initiatives, which represents the bipartisan cooperation Americans are demanding; and

Fourth, it's fully paid for with spending cuts, not job-killing tax hikes. The CBO tables show the bill is fully offset and saves about \$1 billion. And when you add in the flood insurance provisions, the savings are closer to \$6 billion.

So it will help families struggling in this economy; it will help the unemployed get and keep a job; it helps seniors; it's bipartisan; and it is paid for.

The House should—and I expect it will—overwhelmingly pass this measure, and the Senate should quickly pass it so Americans can get what they truly want this holiday season—something that helps create jobs while helping those most in need.

While this bill includes the priorities of a number of committees, many of the provisions in H.R. 3630 are within the purview of the Ways and Means Committee.

This bill will extend for 1 year the payroll tax holiday to help middle class families struggling in this economy, while fully protecting the Social Security trust fund.

□ 1550

Mr. Speaker, I have a letter from the Social Security Chief Actuary confirming this fact that I would like to place in the RECORD.

SOCIAL SECURITY ADMINISTRATION,  
OFFICE OF THE CHIEF ACTUARY,  
Baltimore, MD, December 12, 2011.

Hon. DAVE CAMP,  
Chairman, Committee on Ways and Means,  
House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: We have reviewed the language in the "Middle Class Tax Relief and Job Creation Act of 2011" (H.R. 3630), which you introduced on December 9, 2011. We estimate that the enactment of this bill would reduce (improve) the long range actuarial deficit of the Old Age and Survivors Insurance and Disability Insurance (OASDI) program by about 0.01 percent of taxable payroll. All estimates are based on the intermediate assumptions of the 2011 Trustees Report. Sections 2001 and 5101 would have a direct effect on the OASDI program, as described below.

Section 2001 of the bill, "Extension of Temporary Employee Payroll Tax Reduction through End of 2012" would extend through 2012 the provisions of subsection (c) of section 601 of the "Tax Relief, Unemployment Insurance Reauthorization, and Job Creation Act of 2010." Enactment of section 2001 would have a negligible effect on the financial status of the program in both the near term and the long term. We estimate that the projected level of the OASI and DI Trust Funds would be unaffected by enactment of this provision.

Specifically, this provision would make the following changes for payroll tax rates and OASDI financing in 2012: (1) for wages and salaries paid in calendar year 2012 and self-employment earnings in calendar year 2012, reduce the OASDI payroll tax rate by 2.0 percentage points, (2) transfer revenue from the General Fund of the Treasury to the OASI and DI Trust Funds so that total revenue for the trust funds would be unaffected by this provision, and (3) credit earnings to the records of workers for the purpose of determining future benefits payable from the trust funds so that such benefits would be unaffected by this provision. For wage and salary earnings, the 2.0-percent rate reduction would apply to the employee share of the payroll tax rate. For self-employment earnings, the personal income tax deduction for the OASDI payroll tax would be 59.6 percent of the portion of such taxes

attributable to self-employment earnings for 2012.

Section 5101 of the bill, "Information for Administration of Social Security Provisions Related to Noncovered Employment," would require that all State and local governments report to the Secretary of the Treasury all distributions from any employer deferred compensation plan made after December 31, 2012. This requirement would make available to the Treasury and the Social Security Administration any amount of such distributions that is based on earnings from employment with State and local governments that was not covered under the OASDI program. This required reporting by State and local governments would effectively eliminate most noncompliance with individual reporting of distributions from deferred compensation plans that results in the application of the windfall elimination provision and the government pension offset provision for OASDI benefits. Enactment of section 5101 of the bill would reduce (improve) the long-range OASDI actuarial deficit by about 0.01 percent of payroll.

We estimate that other sections of the bill would have no direct effects on the OASDI program. Please let me know if we may be of any further assistance.

Sincerely,

STEPHEN C. GOSS,  
Chief Actuary.

Without an extension, a worker earning \$50,000 would see his or her take-home pay decline by a \$1,000 in 2012, as compared to 2011.

Employers are helped too. Through an extension of 100 percent expensing, job creators down the supply chain will see more demand for their products. This will help boost economic activity and job creation. The President has endorsed both of these tax policies.

The bill will also extend unemployment benefits that are scheduled to expire at the end of the month, but does so while permanently reforming the program and adopting the President's plan to wind down recent expansions of the program.

Since 2008 extensions of unemployment benefits have added \$180 billion to the debt. We're putting an end to that deficit spending. This program is fully paid for, and it contains significant reforms, such as allowing States to screen and test unemployment insurance recipients for drug abuse, overturning a 1960s-era Labor Department directive; requiring all unemployed recipients to search for work; be in a GED program if they have not finished high school, with reasonable exceptions; and participate in re-employment services.

It also implements program integrity measures such as new data standardization to crack down on waste, fraud, and abuse. And just as we did in connection with welfare reform, we're giving the States flexibility to design their own re-employment programs similar to the sorts of programs the President has touted, like Georgia Works and wage subsidies.

Why are we making these reforms instead of just passing a straight extension? Because we know that a pay-

check is better than an unemployment check. These bipartisan reforms will help get Americans back to work while providing them with assistance during hard times, and that should truly be the focus of unemployment programs, getting people back to work.

In addition to reforming UI, we extend Federal benefits but reduce the maximum number of weeks of all benefits from 99 weeks to 59 weeks in most States by mid-2012. This reflects a more normal level typically available following recessions.

I should point out that phasing out 20 of those weeks is the President's policy. As a result of this extension, an estimated 5 million out-of-work Americans will receive an average of about \$7,000 in assistance they need in this tough economy. A "no" vote today is a vote to deny those Americans who are out of work those benefits.

We also end UI for millionaires. The bill simply says if you earn \$1 million you have to pay back your unemployment benefits. Though not in the jurisdiction of the Ways and Means Committee, the bill applies a similar policy to food stamps. Together, these policies save taxpayers \$20 million.

Additional savings are found by freezing the pay of Members of Congress and other civilian government workers for 1 year.

Next, the legislation prevents a 27 percent cut to doctors serving Medicare patients and replaces it with a 1 percent payment update in 2012 and 2013. The 2-year update is the longest that Congress has provided since 2004, which will give us time to develop a permanent solution.

In addition to the Medicare doc fix, the legislation reforms and extends temporary Medicare payment programs. Since 2002, Congress has blindly extended as many as a dozen of these programs. Given that we're running a \$1 trillion deficit and borrowing 40 cents out of every dollar we spend, the American taxpayer simply cannot afford to have Congress skip out on doing proper oversight. That's why we're extending only four of these provisions, and we're making reforms to some and requiring additional studies from the Centers for Medicare and Medicaid Services and the Government Accountability Office to get better data on how they're working.

These programs are the therapy caps exceptions process, premium assistance for low-income seniors, ambulance payment add-ons, and geographic payment adjustments for physician office visits, sometimes called GPCL.

In the health care field, the legislation also adopts a recommendation from President Obama that reduces subsidies to high-income seniors by requiring them to pay a greater share of their part B and D premiums. This single change reduces spending by \$31 billion in the next decade.



It saves \$13.4 billion in wasteful overpayments of exchange subsidies, similar to previous good government changes enacted by overwhelming bipartisan majorities and signed into law by the President, and repeals provisions in current law that hurt physician-owned hospitals.

With regard to the Nation's primary welfare program, the legislation extends through September 30, 2012, Temporary Assistance for Needy Families, TANF, which is set to expire on December 31st of this year. The TANF extension includes bipartisan, bicameral reforms to ensure that taxpayer funds are protected from abuse. Those reforms include improvements to program integrity, and closing the current strip club loophole so that welfare funds cannot be accessed at ATMs in strip clubs, liquor stores, and casinos.

In California alone, nearly \$4 million in State-issued cash benefits was withdrawn from ATMs in casinos between January 2007 and May 2010. Another \$20,000 in benefits was withdrawn from ATMs in adult entertainment establishments. I think we can all agree that this reform makes sense for taxpayers and for those on welfare.

Finally, the legislation takes two additional steps to better protect taxpayer dollars. First, it makes necessary changes to the additional child tax credit program by requiring the individual, or at least one spouse, to include a Social Security number on their tax return to claim the credit, just as you would have to do when filing for the earned income tax credit. This will reduce Federal spending by \$10 billion in the next decade alone.

Second, this legislation reduces Social Security overpayments by improving coordination with States and local governments, incorporating another recommendation from President Obama.

The Middle Class Tax Relief and Job Creation Act incorporates more than a dozen proposals that the President has either offered, supported, or has signed into law in one variation or another. In fact, more than 90 percent of the bill is paid for with such policies.

The list of job-creating provisions and those that help families is almost too long to list, but let me highlight just a few. A bipartisan payroll tax cut for every working American that also protects Social Security; a bipartisan energy project, Keystone XL, that will create more than 100,000 jobs and is supported by both employers and unions; a bipartisan tax cut for small and large businesses to invest now in new machinery and equipment to grow their businesses and create jobs; bipartisan reforms to make sense of Federal regulations like boiler MACT, which will protect as many as 20,000 jobs; bipartisan health care reforms that will help ensure a strong health care industry; a bipartisan push for spectrum

auctions that will unleash new growth and create new jobs in the technology sector; bipartisan reforms that help Americans find work faster, instead of just giving them an unemployment check.

The list goes on and on but, in short, this bill is about jobs, jobs, jobs, creating jobs and helping Americans find a job. It's paid for, it is bipartisan, and it will help get our economy back on track. I strongly urge my colleagues to vote in favor of the Middle Class Tax Relief and Job Creation Act.

I reserve the balance of my time.

Mr. LEVIN. Mr. Speaker, I yield myself such time as I may consume.

There are fewer than 3 weeks until the new year, and yet, here they go again. Republicans are seeking a path of confrontation instead of collaboration. If Republicans were serious, truly serious about trying to come together on behalf of American families, they would have reached out to Democrats in this House. They've done nothing of the sort. They've made a sham out of bipartisanship.

Instead, they, once again, targeted millions of seniors and middle class families for cuts without asking essentially anything of millionaires and billionaires. They've singled out Medicare premium increases that permanently increase seniors' costs by \$31 billion.

The bill also, when you look at it carefully, spends \$300 million on a special interest provision that helps a handful of specialty hospitals while cutting billions from community hospitals.

They've targeted the unemployed, slashing 40 weeks of unemployment insurance, impacting millions of families still struggling under the weight of the worst economic downturn since the Great Depression. Twenty-two jurisdictions, 22, with the highest unemployment rates would be hit the hardest: Alabama, California, Connecticut, D.C., Florida, Georgia, Illinois, Idaho, Indiana, Kentucky, Michigan, Missouri, Nevada, New Jersey, North Carolina, Ohio, Oregon, Rhode Island, South Carolina, Tennessee, Texas, and Washington.

□ 1600

The result would be in the State that Mr. CAMP and I come from, Michigan, a maximum of 46 weeks of unemployment insurance.

And what do they ask of the wealthiest Americans? Basically nothing. Not even after the wealthiest 1 percent saw their incomes nearly triple in the last three decades while salaries for middle class families barely budged.

On average, there are more than four unemployed Americans for every job opening. Never, on official records in our Nation's history, have there been so many unemployed Americans out of work for so long. There is nothing normal about this recession. Nothing normal.

One gentleman from my district, Phil of Clinton Township, put it this way, "I am by no means unintelligent. I am by no means lazy. And I am by no means giving up."

The unemployed are not people who can ante up \$10,000 bets or spend lavishly on jewelry at Tiffany. These are families scraping by, on average, on less than \$300 a week trying to keep food on the table, a roof over their heads, and clothes on their backs and the backs of their children as they look for work.

Republicans are out of touch with the families of America. I hope after today's exercise that is going nowhere in the Senate and which the President opposes, House Republicans will get serious about addressing very pressing end-of-year issues on behalf of the American people.

I reserve the balance of my time.

Mr. CAMP. Mr. Speaker, at this time I would note that the Ways and Means Committee has held 16 different hearings or markups on provisions contained in this legislation.

I yield 2 minutes to the distinguished chairman of the Health Subcommittee, the gentleman from California (Mr. HERGER).

Mr. HERGER. Mr. Speaker, it's critically important that we act to prevent physicians' Medicare payments from being cut by 27.4 percent on December 31. Such a drastic cut will result in many physicians ending their participation in the Medicare program, and many senior citizens would no longer be able to obtain the medical care they need.

The bill before us would prevent cuts under Medicare's sustainable growth rate, or SGR, formula for the next 2 years with physicians receiving a 1 percent inflation update in each of those years.

As I've said before, we need to do away with the SGR once and for all so that doctors do not have to constantly worry about cuts to their Medicare payments. I'm disappointed that we've run out of time to consider permanent reform this year, but the Ways and Means committee has been carefully examining different options for replacing the SGR, and I'm hopeful that we can move forward with these efforts next year.

For now, this legislation gives physicians the longest period of payment since 2004, and it is fully paid for with reforms to Medicare and other Federal health programs. Many of these reforms have bipartisan support and were included in the President's deficit reduction proposal. I hope we will have a strong bipartisan vote for this bill.

Mr. LEVIN. Mr. Speaker, I yield 1 minute to the gentleman from Washington (Mr. McDERMOTT).

Mr. McDERMOTT. Well, it's getting close to the Christmas tree, and here we come finally getting around to dealing with unemployment with the most

drastic attack on the unemployment system that we've had since 1933 without any hearings. I hear people talk about the Ways and Means Committee has talked about this. There hasn't been a single hearing on the proposal that's put here before us on the end of the session cutting a Federal program from 73 weeks to 33 weeks. You're taking 40 weeks of unemployment away from people who have thought this country cared, and it turns out the Republicans don't care at all.

This is bait and switch. This is like going on a used car lot and the guy shows you a Chevrolet over here and says, That's a thousand bucks.

The SPEAKER pro tempore (Mr. THORNBERRY). The time of the gentleman has expired.

Mr. LEVIN. I yield the gentleman an additional 30 seconds.

Mr. McDERMOTT. By the time you find another car that's worth nothing, that's been in a wreck, you drive out thinking you had the thousand-dollar car you were getting.

This is a phony attack on unemployment. Nobody should think of it as anything else. The press releases will say, We extended unemployment benefits. Yeah. Well, you pulled the rug out from under the long-term unemployment. This is not the usual unemployment. This is unemployment where we have the highest long-term unemployment in the history of this country in the last 50 years.

It's a bad bill. Vote "no."

Mr. CAMP. Mr. Speaker, I yield 3 minutes to a member of the Ways and Means Committee, the distinguished gentleman from Texas (Mr. SAM JOHNSON), who is an author of the reform to the refundable child tax credit.

Mr. SAM JOHNSON of Texas. I thank the gentleman for yielding.

Mr. Speaker, I rise in support of this bill.

I'd like to begin by thanking the leadership and the chairman for including in this bill a provision of mine that will help eliminate waste, fraud, and abuse with respect to the refundable child tax credit. This simple common-sense provision will save the American taxpayer \$9.4 billion by stopping illegal immigrants from getting the refundable child tax credit.

I first introduced this provision as a bill in January 2010 and reintroduced it this past May. My legislation is based on the good work of the Treasury Inspector General for Tax Administration which said in its report on the credit that although the law prohibits aliens residing without authorization in the United States from receiving most Federal public benefits, an increasing number of these individuals are filing tax returns claiming this refundable credit.

According to the IG, illegal immigrants bilked \$4.2 billion from the U.S. taxpayers last year. I think that it's time that we fixed it.

Currently, if individuals do not have a Social Security number, the IRS will give them an individual taxpayer identification number to get the credit. This provision will root out waste, fraud, and abuse by the IRS simply requiring individuals to provide their Social Security number in order to claim this refundable credit.

Mr. Speaker, there has been a lot of debate regarding the extension of the payroll tax cut and Social Security. Given this debate, as chairman of the Social Security Subcommittee, I would like to take this opportunity to briefly talk about the importance of securing this program's future.

Last year marked the first time since 1983 that Social Security paid out more in benefits than it took in in payroll taxes; 1983 was also the last major reform of Social Security. As a result, over the next 10 years, Social Security will be in the red by over half a trillion dollars. As a result, Social Security must rely on general revenues to pay back with interest the Social Security surpluses that Washington has spent. That means Treasury has to borrow more. According to the CBO, we do so at our own economic peril.

□ 1610

Mr. Speaker, the American people want, need, and deserve a fact-based conversation about how we can fairly and responsibly fix Social Security for good. That would send a powerful signal that we are serious about getting our fiscal house in order. Let's do it now.

Mr. LEVIN. It is now my privilege to yield 2 minutes to another distinguished member of our committee, the gentleman from Massachusetts (Mr. NEAL).

Mr. NEAL. I thank the gentleman for yielding.

Mr. Speaker, I am in opposition to this so-called Middle Class Tax Relief and Job Creation Act, largely because it's neither. The gentleman from Michigan (Mr. CAMP) is correct. He says there have been 16 hearings at the Ways and Means Committee, but never once has there been a conversation. That's the important matter for us to consider.

There has been no give-and-take in this legislation. This was brought to the floor today in the manner of ramming it through the House in order to protect talking points as we move into the new year. If we don't act, 160 million Americans are going to see a tax increase, with working American families seeing a tax increase of up to \$1,000 in 2012. We need to extend unemployment insurance to assist millions of unemployed Americans, and we need to fix the Medicare physician payment rate to ensure that seniors have access to their doctors.

I am also opposed to this proposal that they offer today. While I support

eliminating the scheduled reduction of 27 percent in Medicare payments to physicians, this is the wrong way to do it—offsetting it by taking \$17 billion away from hospital funding.

Now people in America rightly ask: How come it's so difficult to get something done in Congress?

We're going to quibble today with the 8.6 percent of American families who are without work about extending their unemployment benefits. Yet, just 3 years ago, after the company was run into the ground, the head of Merrill Lynch left with—left with—\$69 million. At Hewlett-Packard a month ago, the head of the company was dismissed for nonperformance, not in the way the unemployed are dismissed, which is by somebody escorting them to the door, but dismissed with \$10 million worth of salary and \$13 million of stock. At Enron, everybody at the top held out, and they locked down that stock so people at the bottom couldn't get out.

That's what this is about today.

Picking on the unemployed, 15 million members of the American family without work, as we proceed to this holiday season? We need a tax holiday for middle-income Americans, and that's what we should be doing today.

Mr. CAMP. I yield 1 minute to a distinguished member of the Ways and Means Committee, the gentleman from Texas (Mr. BRADY).

Mr. BRADY of Texas. No bill is perfect but this has much to admire in it.

Moving the unemployed back into the workforce after a year makes sense—so does allowing States to drug test, stopping taxpayer fraud, helping small businesses invest in equipment, paying local doctors fairly for treating our seniors, telling the President "he can't wait" to approve the thousands of jobs created by the Keystone pipeline, and spending cuts and entitlement reforms so we don't add to the dangerous deficit. All of that is very good.

Like many in Congress, I am very troubled about reducing Social Security revenue another year. The bill's authors have responsibly included reforms that fill this hole and then some; but over the long term, cutting Social Security contributions makes an already fragile program more fragile.

So in support, I want my constituents to know that 2012 is it. I will not support another extension of the Social Security tax holiday. Instead, I will work to replace it with tax relief of an equal amount that doesn't impact Social Security or that doesn't make it harder to preserve this program for future generations.

Mr. LEVIN. It is now my special privilege to yield 2 minutes to a leader in our party, the gentleman from South Carolina (Mr. CLYBURN).

Mr. CLYBURN. I thank the gentleman from Michigan for yielding me this time.

Mr. Speaker, I rise in strong opposition to this outrageously partisan and



unfair bill. The clock is ticking; working families are worrying; and my Republican friends are playing political games.

This bill cuts unemployment benefits for hardworking folks who have lost their jobs through no fault of their own. My home State and district contain some of the hardest-hit families and communities in this country, and it is unfair to blame these folks for the economic hard times they are experiencing. This bill proposes drug testing for unemployed workers drawing from insurance funds they have paid into. That is unfair and insulting. I don't see anyone in the Republican majority demanding drug testing for folks who receive oil and gas subsidies.

The President will veto this bill if it ever reaches his desk. This political game that's being played is just another round of the brinksmanship we have seen time and again this year.

We need to pass a clean extension of the payroll tax cut for working Americans. We need to pass a clean extension of the unemployment insurance for those who have lost their jobs. We need to pass a clean extension of the SGR doc fix so Medicare patients will know their doctors will be there for them.

We need for my Republican friends to stop playing political games with people's lives. I urge my colleagues to vote against this partisan bill.

Mr. CAMP. Mr. Speaker, I would just note that this legislation incorporates more than a dozen proposals that the President has either offered, supported, or signed into law. In fact, more than 90 percent of the bill is paid for with such policies.

With that, I would yield 3 minutes to a distinguished member of the Ways and Means Committee, the gentleman from Kentucky (Mr. DAVIS).

Mr. DAVIS of Kentucky. I thank the chairman for yielding.

Mr. Speaker, I rise in support of H.R. 3630, and tire of the empty rhetoric that I hear over and over again. As the chairman just pointed out, this bill includes many provisions that your party's President recommended. This is a bipartisan piece of legislation, and we are politicizing something at the expense of working families, which is a sad thing to see happen in this Chamber.

The legislation includes important provisions designed to promote job creation; but I would like to focus on the bill's provisions to reform and improve unemployment insurance, or UI.

These commonsense reforms expect UI recipients to search for work and to make progress towards a GED or other training they need to get back to work. We let States make reasonable exceptions, but the message is clear: UI needs to change to do a better job of helping people get back to work.

The bill also lets States apply for waivers of Federal law so they can test

better ways to engage the unemployed. Our colleagues are right—there are too many long-term unemployed today, and we need to hold government programs more accountable for helping more of them find work sooner, including through wage subsidies and other innovative approaches that have received bipartisan support.

Also contained in this bill is a program integrity provision to improve data standards in the UI program in order to help it operate more efficiently and effectively across States and to help it better coordinate with other programs. This same provision was included in the bipartisan child welfare legislation signed by President Obama in September and is included in another section of this bill covering the Temporary Assistance for Needy Families program.

H.R. 3630 also makes reasonable reductions in temporary Federal UI benefits while extending that program for another year and maintaining up to 59 weeks of benefits by the middle of 2012:

First, it ends 20 weeks of Federal benefits that were added to the program when the national unemployment rate was at 9.9 percent, or well above today's 8.6 percent. Second, we adopt the President's call to phase out a second 20 weeks of Federal UI benefits in the early months of 2012.

So, instead of cutting or slashing and so on, as many of my colleagues on the other side of the aisle dubiously claim, the facts show that the UI benefits extended in this bill would aid over 5 million people at a cost of \$34 billion—all paid for through other savings. That's an average of almost \$7,000 in Federal help for every person aided.

In fact, with this bill, the total UI spending since the start of 2008 will stretch to an astounding \$546 billion. That's not a typo. UI spending has totaled over a half a trillion dollars in the past 5 years. That's over five times—listen to this—over five times as much as it would cost to put a man on the Moon in today's dollars.

I urge the support of this much needed legislation and, most importantly, of its long needed reforms so that the UI program does a better job in helping Americans get back to work sooner.

□ 1620

Mr. LEVIN. Mr. Speaker, I yield myself 10 seconds.

I must say, to talk about a man on the Moon and to essentially disregard the needs of millions of people who are on the ground unemployed in this country is, I think, unconscionable.

I now yield 2 minutes to the gentleman from Oregon (Mr. BLUMENAUER), another member of our committee.

Mr. BLUMENAUER. I thank the gentleman from Michigan.

A year ago, our Republican friends talked about reforming the process so

that we wouldn't have legislation that was in a "must-pass" category that was laden with items that were unrelated or unnecessarily complicated. Well, here we are, less than a year after they adopted their rules, and we have legislation that is just that. Unemployment insurance has always been, I think, in times of economic stress, when benefits are threatened to expire, must-pass legislation. If you ask the American public, being able to keep \$1,000 or more in the pockets of the average family, by keeping the payroll tax reduction, that would be must-pass legislation. And the SGR, the sustainable growth rate problem, to avoid a draconian cut in physician reimbursement—which I mercifully say I did not support when it was proposed by my Republican friends and enacted into law some 15 years ago—that is certainly must-pass legislation.

And here we have a hodgepodge of jamming all of these together, plus—wait a minute—the Keystone pipeline, a variety of things that are complicated, expensive, and unfair, jammed together in a must-pass legislative situation.

Mr. Speaker, I am opposed to draconian cuts in benefit levels. In a State like mine, it's going to be very hard on rural and small-town America, where those extended benefits make a big difference. The jobs aren't there. Now you may force some of these people who don't have a high school education to start a training program, which you are not willing to pay for.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. LEVIN. I yield the gentleman an additional 30 seconds.

Mr. BLUMENAUER. You are going to impose very significant cuts on hospitals. For example, the evaluation and management cap is going to impact dramatically hospitals that a number of us represent. It is going to scale up much higher costs for senior citizens who don't think they're high-income.

With all due respect, I think it's the wrong approach to serious problems that we face. We ought to deal with them one at a time in a balanced and thoughtful way, reject this Christmas tree, and do it right.

Mr. CAMP. I yield 2 minutes to the gentleman from Georgia (Mr. KINGSTON).

Mr. KINGSTON. Mr. Speaker, I would like to enter into a colloquy with the distinguished chairman.

Mr. Chairman, I thank you for including language in this bill that would remove current barriers for States to strengthen the unemployment insurance program through optional drug testing. By doing so, we can help increase individuals' ability to gain future employment and help ensure benefits are not being used to finance an individual's drug dependency. It is my understanding that the intent of this

language is to provide flexibility to States to establish drug screening methods if they so choose.

I yield to the gentleman from Michigan.

Mr. CAMP. That is correct. The language in the bill provides States with the option to screen and test UI program applicants for illegal drug use.

Mr. KINGSTON. Thank you.

I would like to call States' attention to drug screening assessments approved by the National Institutes of Health that identify individuals as having a high probability of drug use. Under the bill I introduced, individuals deemed by those assessments to be high risk would be required to complete and pass a drug test in order to receive benefits.

General tax dollars help fund payments after 26 weeks. So people who are unemployed should be looking for a job and should not become voluntarily ineligible by taking illegal drugs. In this tough budgetary environment, we must maximize tax dollar spending efficiently and effectively. I appreciate your commitment to hold a hearing on this issue no later than the spring, and I thank you for pointing toward further action.

Mr. CAMP. That is a helpful reminder, especially to those States that look to take advantage of how this legislation removes current bureaucratic barriers preventing them from doing that sort of screening and testing, if they so choose.

Mr. KINGSTON. I look forward to working with the committee on this proposal. I thank the chairman and the subcommittee chairman, Mr. DAVIS, for their support and their discussions of this language.

I thank the gentleman for engaging in this colloquy.

Mr. LEVIN. Mr. Speaker, I yield 3 minutes to our distinguished minority whip, the gentleman from Maryland (Mr. HOYER).

Mr. HOYER. I thank the gentleman for yielding, and I rise in opposition to this bill.

We are now in overtime. The scheduled date for ending this session was December 8. That date, of course, was substantially later than we normally suggest ending the session. Notwithstanding that fact, we did not meet that deadline.

In the Pledge to America, our Republican colleagues, when they were running for office to seek the majority—which they got—they pledged to America that they would not put non-germane items in must-pass bills. That, apparently, was a campaign pledge not to be honored in practice. In the Pledge to America, they also said that we needed to do appropriation bills one after another. That, apparently, was a pledge to be honored during the campaign but not in practice.

So we have ourselves confronted with a bill that must pass. We must not

leave this city and our responsibilities without extending unemployment insurance. We must not leave Washington, D.C., for this holiday season, delivering a block of coal in the stockings of our constituents by failing to continue the tax cut from their payroll taxes. And we must not leave Washington, D.C., without affecting a continuation of the proper reimbursement of doctors to ensure that Medicare patients will be able to get their doctors' services.

We have three items to focus on to get done and nine appropriation bills. Now one of those appropriation bills has not even been reported out of subcommittee in this House, the Labor-Health bill. It hasn't been considered by the subcommittee. It hasn't been considered by the full committee. It hasn't been considered by this House. So we have a lot of business to do in essentially the next 72 hours.

What are we confronted with? We are confronted with a bill of over 350 pages, filed just a few days ago. We have heard a lot about reading the bills. I would be shocked if any Member has read this bill, shocked.

By contrast, the bill that was so criticized, the Affordable Care Act, was up for review for over a year, hundreds of hearings and essentially thousands of meetings around this country. This has not had a single town meeting, a single hearing, and a single perspective around this country.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. LEVIN. I yield the whip an additional 1 minute.

Mr. HOYER. I thank the gentleman for yielding.

So, my Tea Party friends, I am sure you lament the fact and think this bill ought not be passed. But I haven't seen you. I haven't heard you. I haven't gotten a letter from you.

I tell my friends on the Republican side of the aisle, I have demonstrated throughout this year that when we had the opportunity to work together, I worked to get the votes so that together, we could pass legislation that was necessary to run this country. So I don't take a back seat to anybody in this Chamber willing to work together in a bipartisan fashion. But this bill was not worked together in a bipartisan fashion. This bill seeks to poke a finger in the eye of the President of the United States, who has said, I will veto this bill, not because of the three things that I said were absolutely essential but because of something that is not essential to pass. Now the majority leader lamented last week that this would create 5,000 jobs if we passed the Keystone pipeline project. But a bill that would create at least a million jobs, the American Jobs Act, lays languishing in the bowels of the committee.

□ 1630

The SPEAKER pro tempore. The time of the gentleman has again expired.

Mr. LEVIN. I yield the gentleman an additional 30 seconds.

Mr. HOYER. So I can conclude. Yes, the gentleman asked for regular order. I lament the fact that we are not pursuing regular order. We could act in a responsible, bipartisan fashion to accomplish the three objectives I set forth and the appropriations bills; but, no, we're playing politics. We're pandering to a base. We're having a pretense that this bill can pass. It cannot.

Let us defeat this bill and then let us come together in a responsible fashion as the American public wants us to do and act on their behalf, not on the behalf of our politics.

Mr. CAMP. Mr. Speaker, I yield 1½ minutes to the gentleman from Montana (Mr. REHBERG).

Mr. REHBERG. As the sponsor of the Keystone pipeline language, I support H.R. 3630. And, no, it doesn't put a block of coal in the socks. It puts a barrel of oil in a pipeline. In fact, it puts 150,000 barrels of oil in the pipeline daily.

The American people need jobs. They want Congress to work together to help the private sector create those jobs. Keystone XL is shovel-ready. It will create thousands of jobs. All we need is a Federal permit, something that has already taken 3 years.

So why have the President and his allies in the Senate said no to these jobs? It's not for the cost; the project is privately funded to the tune of \$7 billion. It's not to protect the environment; this pipeline will utilize the cleanest and safest new technology available, making it the safest pipeline in America. And it's not private property concerns because 97 percent of the landowners came to friendly settlements in earlier Keystone efforts. Frankly, there is no excuse. This is pure politics. With thousands of jobs hanging in the balance, it's time to put politics aside and do the right thing.

Mr. LEVIN. It is my privilege to yield 2 minutes to the gentleman from Texas (Mr. DOGGETT), who is the lead sponsor on our unemployment insurance bill.

Mr. DOGGETT. I thank the gentleman.

This proposal certainly does represent a visit from the ghost of Christmas past—last Christmas to be specific—when Republicans stood here and said only a lump of coal for the unemployed until you stuff every stocking to overflowing.

Well, today's Republican bill would eliminate up to 40 weeks of unemployment coverage with the biggest cuts coming in States like mine, Texas, with high unemployment rates. That means that next year over 3 million unemployed Americans and their families will be shortchanged if this bill is

enacted. Long-term unemployment in America today has not been this high, for this long, in 60 years. We have over 6 million fewer jobs now than when the recession began and more than four workers for every job opening. And in 10 States, this bill responds by making it possible to no longer require that unemployment insurance funds are used for unemployment insurance benefits.

Under the Democratic alternative that I have introduced, unemployment would be available only to those who are actively searching for a job, getting job training, or who are out there in a temporary layoff situation. Nor is an unemployment check any substitute for a paycheck. As *The New York Times* editorialized this morning: "When was the last time any Republican lawmaker tried to live on \$289 a week, the amount of the average unemployment benefit?"

And this same measure also offers a lump of coal for Medicare. I believe in seeking efficiencies in Medicare. That's one reason why we voted for the Affordable Care Act, to ensure that billions of dollars were saved. But the billions that are cut from other health care providers in today's bill come on top of across-the-board cuts that are already enacted and will be effective within about the next year.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. LEVIN. I yield the gentleman an additional 15 seconds.

Mr. DOGGETT. At some point, cuts to hospitals and nursing homes mean that seniors and the disabled will be unable to access the quality care that they need. And this bill's \$8 billion cut to preventable chronic disease programs like heart disease and diabetes is shortsighted and will cost us more in the long run than it saves.

Mr. CAMP. Mr. Speaker, I yield 1 minute to the gentleman from Ohio (Mr. RENACCI).

Mr. RENACCI. I thank the gentleman for yielding. I would like to thank Chairman CAMP and Chairman DAVIS for their hard work on the much-needed reforms to our unemployment insurance program.

The Bureau of Labor Statistics reported today that there are over 3.3 million job openings in America. According to studies earlier this year, 22 percent of American businesses and 57 percent of small businesses are looking for employees and are ready to hire, if they can just find the right people. Matching willing employers with able workers is an absolute must.

In this uncertain economy, helping to cover the risk of training a new employee will help the unemployed back to work. Using unemployment dollars to subsidize the training of a new employee to reenter the workforce is just good public policy.

In June, I was proud to introduce the bipartisan-supported EMPLOY Act, to

give States the flexibility to do precisely this. I remain very proud today that my concept is included in this package.

Support this bill, which gives States like Ohio the flexibility to use unemployment dollars for job-training services, and I want to thank the chairmen for working with me.

Mr. LEVIN. I yield 2 minutes to a very distinguished member of our committee, the gentleman from Georgia (Mr. LEWIS).

Mr. LEWIS of Georgia. Mr. Speaker, I want to thank my friend, my colleague, Mr. LEVIN, for yielding. And thank you for all of your great and good work.

Mr. Speaker, I rise in strong opposition to this bill. It is a very sad day for this body. Day in and day out, unemployed Americans beat the pavement applying for jobs everywhere and anywhere, sending hundreds of resumes applying for many jobs. These people lost their jobs through no fault of their own. They don't want a handout. They want a job.

In Atlanta we had a job fair where more than 4,500 people from as far away as New York showed up with the hope of just getting an interview. This bill is an insult to them. It is an affront to their dignity. It says that millions of Americans do not want to work or they are not searching hard enough for a job.

Instead of extending unemployment benefits before the holiday break, giving equal treatment for struggling Americans, as we do for the wealthy and large corporations, this legislation strips the program down to its bones. It's not right. It's not fair. It is not just.

This body represents the people, and we should not stomp on the souls of our fellow citizens. We can do better. We must do better. We must do better for the sake of our fellow citizens.

Mr. Speaker, is this the spirit of the season? Last night we offered an amendment to the Rules Committee that the Republicans refused to even consider. These amendments said, in effect, stop the politics, stop the games. Stand up for the people, for the people that voted for us, for our people that need our help. They are depending on us.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. LEVIN. I yield the gentleman an additional 30 seconds.

Mr. LEWIS of Georgia. Mr. Speaker, we should stay here, stay here, don't go home until we can meet their expectations. We must come together and do what is right, and do it now. I urge all of my colleagues to oppose this bad bill and come together, pass a long-term, clean extension of unemployment benefits. That's the thing to do.

Mr. CAMP. Mr. Speaker, I yield myself such time as I may consume.

We think it is important to extend unemployment benefits, and that's what this bill does; but we do it with commonsense reforms, reforms that will help those who are unemployed get not just a paycheck from the government, but get a job and get a paycheck from the private sector.

□ 1640

These commonsense reforms are things like requiring unemployment insurance recipients to search for work and, if they don't have a GED, to get a GED. But we have a commonsense exception provision so that if you're an older worker and you've been a pipe fitter for 30 years, well, obviously, a GED isn't going to help you in your job search. But for those who are younger and who don't have the skills they need, it's clear that if you have that certificate, your chances of losing your job are much less.

And, third, we think they should participate in services to get them reemployed. Those are important. States need more flexibility in this area to get waivers from the Federal Government so they can enter in reemployment programs. There are many ideas in the States out there. We aren't mandating this from Washington. We want the States to be the laboratories of invention here.

We also think it's important to allow States to screen applicants for drugs. There's been a 1960s Department of Labor ruling that says States can't even look at this area. But with screening, you can get workers the proper help so they're not bounced from a job because they fail a drug test or don't get hired because they fail a drug test. These are all important, commonsense reforms, and they will help reduce our unemployment rates. They will help people get jobs.

And let me just say, in terms of job search, it is important that there be requirements in legislation to do that. Florida, for example, now requires those claiming benefits to report online each week five jobs they've applied for or to meet with a jobs counselor. The result? In the first 3 months of the new law, 65 percent of the claimants did not meet that obligation. Well, they need to be out there assisting in finding jobs that they need.

Now, those are then keeping those resources for those who truly are unemployed and who truly can't find a job. In this era of limited resources, we need to make sure that they're used in the best, most effective and most efficient possible way. And these commonsense reforms give States the flexibility to design programs that meet the needs of their State, whether it be in drug screening, whether it be in searching for work, whether it be in employment services, or even States

designing programs that allow the employers to receive part of the unemployment check so the workers get hired.

Those are the kinds of innovations that don't happen in Washington because they're saying, Extend the 99 weeks as is. Well, we can't afford to continue to deficit spend, as the other party did, \$180 billion worth, since 2008, of unpaid-for unemployment benefits.

This is an important program. It's an important program that must be extended. It should be extended, and it will be extended if my colleagues vote for this legislation. And I urge support.

Mr. Speaker, I reserve the balance of my time.

Mr. LEVIN. I yield myself 30 seconds.

Mr. CAMP, we've just received information from the Department of Labor that the Republican bill would cut unemployment benefits for 3.3 million Americans next year compared to an extension of current law. In the name of reform, don't cut the rug out from the unemployed of this country who are looking for work. That is, in one word, inexcusable—inexcusable.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair would remind all Members to direct their remarks to the Chair.

Mr. LEVIN. I yield 2 minutes to the gentleman from New Jersey (Mr. PASCRELL).

Mr. PASCRELL. Mr. Speaker, I want to commend Mr. CAMP and Mr. LEVIN for working hard on these issues. I think they do try to put the country before the party. But this bill is terrible. It is terrible.

The holidays must have come early for the majority. What we have here is a serious proposal? It's a stocking stuffed to the brim with ideology. And I thought we could put that aside and put the country first, more important than parties, more important than ideology.

I agree with you. Let's weed out those people who literally are crooks and try to steal from the public trough and take advantage of unemployment. I went to an unemployment office yesterday in my area, in my district, in a major city, Paterson. I went to the unemployment center. I looked through all of those folks that were waiting online and working and looking and seeking work and being trained for specific jobs, particularly in health care. I looked through those records. And if you think you're going to reduce the amount of money that Americans have to spend to help their brothers and sisters, you are dead wrong. Dead wrong.

What we've done in the Bush tax cuts, they were for the least needy. Now we're talking about the most needy. The unemployment rate in New Jersey is 9.1 percent. The average in the United States is 8.6 percent.

I'm asking you, I'm begging you, let's get beyond this.

And why didn't we put employers in this? What if employers had their part shaved like the employee that we are suggesting here? How many jobs would be created if the employer had not to pay 6.2 and, instead, 4.2 percent? And I agree with the President. That should have been reduced to 3.1 percent. We could put a lot of people to work.

A thousand dollars maybe in your pocket or my pocket or your pocket, Mr. Speaker, may not be the end all, but \$1,000 in many people's who work every day for a living, who love this country, is an insult. And we're just making matters worse, Mr. Speaker. We're not making them better.

Mr. CAMP. Mr. Speaker, I ask unanimous consent for Mr. UPTON to control 15 minutes of the time.

The SPEAKER pro tempore. Is there objection?

Without objection, the gentleman from Michigan (Mr. UPTON) will control 15 minutes.

There was no objection.

Mr. UPTON. Mr. Speaker, I yield myself 2 minutes.

This bill does a lot of things. It has real reforms. It's driven in large part by the unemployment reforms and extending the payroll tax cut, and it's all paid for.

Most Americans don't really want unemployment. They want a job. The spectrum provisions in this bill help our first responders with the allocation of the D block and creates perhaps as many as 100,000 jobs. The Keystone pipeline decision is part of this bill, too. It requires the President to review and make a decision, either way, within 60 days of enactment.

Just this morning, there were a number of press accounts that perhaps Iran will soon be conducting exercises to close the Straits of Hormuz. The Keystone pipeline will connect Canadian oil sands with refineries here in the United States, adding 20,000 private sector jobs and perhaps as many as 118,000 indirect jobs. It reduces our reliance on non-North American oil, which is a good thing. And it brings perhaps as many as 1 million barrels of oil a day—1 million barrels a day—into the United States that we don't have to import from someplace else. Canada is going to develop this no matter what. And that oil, 1 million barrels a day, is either going to come to the United States or it's going to a place like China. We want it here.

This is a good thing. It creates jobs. It reduces our reliance on oil from overseas. It is something that ought to be part of this bill, and it is. I would urge my colleagues to support it.

I reserve the balance of my time.

Mr. LEVIN. I yield 2 minutes to another member of our committee, a distinguished, active member indeed, the gentleman from New York (Mr. CROWLEY).

Mr. CROWLEY. I thank my colleague and friend from the State of Michigan (Mr. LEVIN) for yielding me this time.

Mr. Speaker, I rise in strong opposition to H.R. 3630.

Today the Republican Party's true colors are fully exposed and on display—and it isn't pretty. The GOP argues time and time again against tax increases, but now it's clear. Their policy only applies when we are talking about increasing taxes on those making over \$1 million a year.

Now, I don't begrudge anyone from making a buck in this country. I do, however, begrudge those who want to help America's wealthiest at the expense of America's middle class, especially when working people are hurting as much as they are right now.

Where is the shared sacrifice? Where is the shared responsibility? I believe Americans of all economic classes want a Federal Government that has a vision for our future and a vision for how to keep America strong.

□ 1650

That is why Democrats have a plan to provide an immediate cut in middle class taxes. We are pushing to cut the payroll tax in half for all working people, as well as expand it to small businesses, the engine creator of jobs in America.

Unfortunately, this GOP bill denies any payroll tax relief to small businesses. My friends on the other side of the aisle argue taxes impede growth, hurt American businesses, and stunt our economy. But apparently those arguments don't apply when we're talking about lowering taxes for the middle class or small businesses.

President Obama and the Democratic Party are championing cutting the payroll tax in half for all workers; my Republican colleagues refuse to even consider that. Democrats want to expand and enhance the payroll tax cut for employers, yet there's no such relief for small businesses in this bill.

But aside from what is not in this bill, I also want to object to what is in this bill—a new tax on senior citizens. If this bill is signed into law, seniors' premiums for Medicare will go up, and go up dramatically.

The true colors of the Republicans are clear.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. LEVIN. I yield the gentleman an additional 15 seconds.

Mr. CROWLEY. Seniors making \$40,000 a year are considered wealthy and deserve to see their Medicare costs go up; but a small, temporary income tax surcharge on people earning over \$1 million a year, that's not acceptable?

Let's reject this bill. Hardworking Americans deserve better. They deserve middle class tax relief that doesn't come at the expense of our seniors.

Mr. UPTON. May I inquire of the Chair how much time is available on each side?

The SPEAKER pro tempore. The gentleman from Michigan (Mr. UPTON) has 13 minutes remaining. The gentleman from Michigan (Mr. LEVIN) has 19 minutes remaining. The gentleman from Michigan (Mr. CAMP) has 4½ minutes remaining.

Mr. UPTON. At this point, I will yield 2 minutes to the chairman of the Communications Subcommittee, the gentleman from Oregon (Mr. WALDEN).

Mr. WALDEN. I thank the chairman.

Mr. Speaker, the American people have waited long enough for this Congress to act to create jobs. This legislation does that. It does that through the Jump-Starting Opportunity With Broadband Spectrum Act of 2011. There is no reason to delay this bill any further.

This unleashes spectrum, both licensed and unlicensed, that when put into service will unleash new technologies, new innovations. And the chairman of the Federal Communications Commission said this part of the bill we're debating today could create as many as 700,000 new jobs. Other estimates say between 300,000 and 700,000 American jobs.

It generates upwards of \$16 billion for companies who want to buy this broadband and pay the taxpayers for it because it is America's spectrum. And it does something that the Democrats, when they were in charge of the House for 4 years, failed to do: It makes this spectrum available, and it begins the process of building out an interoperable public safety broadband network as called for by the 9/11 Commission.

Now, this legislation didn't just drop out of the sky. It was thoughtfully and creatively crafted, and it finds the right balances. Its provisions were improved as the result of input and counsel from five separate public hearings we held, 11 months of negotiations, and discussions with Members of both sides of the aisle, the FCC, and the NTIA. But at some point the American people say stop talking and get it done, and that's what this legislation does as part of this bigger bill.

Hardworking middle class taxpayers want transparency and accountability; they don't want a blank check to anybody. So this legislation has the proper protections for the taxpayers. It builds out the public safety network. It creates 300,000 to 700,000 American jobs. Our economy needs the help, Americans need the jobs, and we need to generate revenue for the American taxpayer in a productive way, as this does. This legislation does all of these things and does them well. I urge support of this legislation.

Mr. LEVIN. Mr. Speaker, I yield 1 minute to the distinguished gentleman from Ohio (Mr. KUCINICH).

Mr. KUCINICH. As I am preparing to speak, I'm thinking about a debate we had 3 years ago where banks received \$700 billion, about the Fed 1 month ago

printing \$7.7 trillion for banks in this country and abroad, and here we're telling the American people who happen to be unemployed, you know, we're thinking of cutting benefits 40 weeks.

People want work, not welfare. People want work, not unemployment compensation. But when people do not have work, unemployment insurance is essential. It is a lifeline. And this legislation significantly cuts unemployment insurance, that safety net that millions rely on. It reduces the number of weeks unemployed workers are eligible for by as much as 40 weeks.

We need more jobs, and yet we have more long-term unemployed. We know the unemployment rate is actually higher because people have stopped looking for work. Nearly 14 million Americans are out of work, and among the long-term unemployed, more than half have been out of work for over a year.

The problem is not a lack of effort for those seeking a job, the problem is a lack of jobs. Let's get America back to work, not be cutting unemployment compensation.

Mr. UPTON. Mr. Speaker, I yield 2 minutes to the chairman of the Health Subcommittee, the gentleman from Pennsylvania (Mr. PITTS).

Mr. PITTS. Mr. Speaker, we are all well aware of the inadequacies of the sustainable growth rate formula as a payment policy for reimbursing physicians. Unfortunately, the greatest threat—arguably—facing the Medicare program, if not the entire health care system, was left out of the new health reform law.

In 2010, Congress passed five temporary fixes to a pending physician payment cut. Some were retroactive and some lasted mere weeks. In other words, Congress kicked the can down the road five times last year.

Physician practices need more certainty than week-to-week patches. When this legislation becomes law, it will be the first multiyear fix to Medicare physician rates since 2003. Instead of just addressing the next oncoming payment cliff, the Middle Class Tax Relief and Job Creation Act provides a level of stability and predictability in payments for providers not seen in years and will allow Congress and the administration to work together to develop a long-term answer to the Medicare sustainable growth rate.

This 2-year fix, with a 1 percent increase in the next 2 years, is the first step in a long-term solution to eliminate the SGR and develop a more equitable and affordable Medicare payment policy for physicians. Not voting for this and supporting this 2-year fix may leave physicians facing just a 1-year patch, or more kicking the can down the road with no plan on how to move forward.

I urge my colleagues to support this legislation.

Mr. LEVIN. Mr. Speaker, it is my privilege to yield 1 minute to the very distinguished gentlelady from California, LYNN WOOLSEY.

Ms. WOOLSEY. I thank the gentleman for yielding.

Well, I've walked in the shoes of those who are needy. I know what it's like to go without. I know what it's like to struggle. Forty years ago I found myself—no fault of my own—a single mother with three young children all under the age of 5 and barely a dime to my name. I was one of the lucky ones; I had a good education. And so I was able to get a job, and I didn't need unemployment benefits. But my job wasn't enough to feed those three little kids. I needed AFDC just to make ends meet.

Nobody asked me to take a drug test, nobody asked if I had a GED. I was in trouble, and a generous, compassionate government helped me get back on my feet. That was over 40 years ago, my friends. And I can assure you that my children and I have more than paid back for that generous help that we received.

The Republican bill is not consistent with American values as I've lived them and understood them during my 74 years on this Earth. We're all in this together, I believe. There but for the grace of God go I.

The SPEAKER pro tempore. The time of the gentlewoman has expired.

Mr. LEVIN. I yield the gentlelady an additional 30 seconds.

Ms. WOOLSEY. It's time for this Congress to stop coddling millionaires and start standing up for all families and all children who are suffering in today's economy.

Mr. UPTON. Mr. Speaker, may I inquire again on the time? I think we're a couple of minutes ahead.

The SPEAKER pro tempore. The gentleman from Michigan (Mr. UPTON) has 9 minutes remaining. The gentleman from Michigan (Mr. LEVIN) has 16¾ minutes remaining. The gentleman from Michigan (Mr. CAMP) retains 4½ minutes.

Mr. UPTON. I reserve the balance of my time.

□ 1700

Mr. LEVIN. I yield 1 minute to the gentlewoman from Alabama (Ms. SEWELL).

Ms. SEWELL. I thank the ranking member for allowing me this time.

Today I rise in strong opposition to H.R. 3630, which makes dramatic and harmful changes to the Emergency Unemployment Compensation program. It makes significant cuts to Medicare that would hurt our Nation's seniors. This bill contains political and controversial language that should be discussed and debated in separate legislation.

Before Congress breaks for this year, we need to pass a bill that solely focuses on extending relief to the unemployed workers and middle class Americans who are still suffering in this recovering economy. This is not the time to play with the livelihood of millions of Americans.

Our voters sent us here to make their lives better, not more difficult. We were sent here to create jobs and stimulate the economy and protect our most vulnerable. To accomplish these goals, it will require a willing and compromising spirit.

The folks of the Seventh Congressional District of Alabama, that I am so proud to represent, want me to put people before politics and do what is in their best interest and not partisan interests. The American people expect and deserve more, not less from us. Therefore, I urge my colleagues to vote "no" on H.R. 3630.

Mr. LEVIN. Mr. Speaker, I ask unanimous consent that the gentleman from California (Mr. WAXMAN) control 10 minutes of my time.

The SPEAKER pro tempore. Is there objection?

Without objection, the gentleman from California will control 10 minutes of the time.

There was no objection.

Mr. UPTON. Mr. Speaker, I yield 2 minutes to the chairman of the Environment and the Economy Subcommittee, the gentleman from Illinois (Mr. SHIMKUS).

Mr. SHIMKUS. Thank you, Mr. Chairman.

My friend from Ohio came down and he said, you know, what we need, what America needs, is jobs. And so that's the important aspect of bringing the Keystone XL pipeline into this debate. Don't listen to me; listen to my friends in organized labor.

Brent Bookers, director of the construction department of Laborers International Union of North America, said in testimony: "For many members of the Laborers, this project is not just a pipeline; it's a lifeline."

David Barnett, United Association of Journeymen and Apprentices said: "The fact of the matter is Keystone XL would, upon completion, be the most environmentally safe pipeline anywhere in America."

And then Jeffrey Soth of the International Union of Operating Engineers said: "Without the Keystone XL pipeline, American crude oil from the Bakken Formation, the fastest-growing oil field in the United States, will continue to move out of the region in the most dangerous, most expensive way possible, by tanker truck."

Folks, this is about jobs. We're fortunate to be able to place this in this bill, 20,000 immediate jobs, 110,000 additional jobs.

I stood outside a refinery and I asked people, Where do you think the crude

oil comes in, and how does the refined product go out? In any refinery in this country it's done through pipelines. So the Keystone XL pipeline is a job creator. Organized labor is strongly behind this. It creates 20,000 immediate jobs.

And you know what, it's the best form of stimulus because we're not borrowing money, and it's not a government project.

So I appreciate what my colleagues have done, including it in this bill. I thank them. My organized labor friends thank you.

Mr. WAXMAN. Mr. Speaker, I yield myself 3 minutes.

I strongly oppose this legislation as presently structured and urge its defeat. There's no question that we must extend the payroll tax breaks, which puts money in the hands of most Americans so they can spend it and get our economy moving. We must make sure that unemployed people have the insurance so that they have a lifeline so they can pay their bills while they're looking for jobs. We have to keep our promises to those under Medicare to allow physicians to be adequately reimbursed.

But the price that the Republicans are imposing through this legislation is simply unacceptable. It contains dangerous poison pills, a series of riders and legislative provisions that could never pass the Senate or be signed by the President. The Republicans are trying to cram them through the back door by holding this bill hostage.

Now, doesn't that sound familiar, Republicans holding things hostage? It's what they did when we had to raise the debt ceiling or default on our debts, and they held that bill hostage to try to get some of their demands.

The provisions to pay for the Medicare reimbursement for doctors would cause 170,000 people who are now covered to be uninsured. We'd increase the already high out-of-pocket cost for Medicare beneficiaries, and subject a full quarter of Medicare beneficiaries to significantly higher premiums.

Reducing our commitment to public health and prevention activities is a prescription for more diabetes, heart disease, cancer, and obesity. But that's what the Republicans would have us do in this bill.

The Keystone XL tar sands pipeline has nothing to do with this legislation. It has to do with environmental concerns that the President is presently reviewing in an orderly manner. The Republicans would have the whole process short-circuited by demanding that he come to the conclusion that the Canadian pipeline owners, and maybe the Koch brothers, would like. But it would short circuit a conscientious review of what this would do throughout this country and how it would affect our environment.

The spectrum provisions are flawed. While they provide for spectrum auc-

tion incentives, the deployment of a public safety broadband network, and address spectrum usage by Federal agencies, there are many shortcomings in the governance provisions of how the public safety network would work, and how the spectrum auctions would take place. There are also extraneous provisions that undercut the open Internet and limit the FCC's ability to provide competitive safeguards. And, funding levels threaten to shortchange the public safety network itself.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. WAXMAN. I yield myself another 30 seconds.

This bill is filled with loopholes and riders and special interest provisions. It's a very bad process to bring this bill to the House floor. Some of the provisions that came out of our committee never had full committee consideration.

So I urge Members to defeat the bill. Let's get down to doing what needs to be done. Don't hold important measures that must pass hostage. Let's work together and get a decent bill and pass it into law.

I reserve the balance of my time.

Mr. UPTON. Mr. Speaker, I yield 2 minutes to cochair of the Doc Caucus and a member of the Health Subcommittee, the gentleman from Georgia, Dr. PHIL GINGREY.

Mr. GINGREY of Georgia. Mr. Speaker, I thank the gentleman for yielding.

Physicians will see a 27.4 percent decrease in Medicare payments if we fail to act before the new year. If Congress fails to act, seniors may find that no physician in their area can afford to accept their Medicare card. That is not the holiday cheer our seniors deserve.

This bill is not perfect. As a medical doctor, I would prefer to be voting today on a permanent fix to this flawed physician payment formula in Medicare known as SGR, but I do not have that choice.

My choice, Mr. Speaker, is simple: vote for the physician fix or vote against it. Vote in support of my former patients who need access to their doctor when they're sick, or vote against them.

Vote to open up spectrum availability and bolster job creation within a growing telecommunications marketplace, or vote against it.

Vote for timely approval of the Keystone XL pipeline and, yes, create 20,000 immediate jobs, along with domestic energy independence, or vote against that.

Allow the EPA to enact job-killing Boiler MACT rules on every State and every industry in the United States, or vote to rein them in.

Today I'll be voting "yes" for the constituents of the 11th District of Georgia and for my country.

□ 1710

Mr. WAXMAN. Mr. Speaker, I yield 2 minutes to the gentleman from Massachusetts (Mr. MARKEY).

Mr. MARKEY. Last year the Republicans refused to extend unemployment benefits unless the Bush tax cuts were extended for millionaires and billionaires. Well, here they go again, Mr. Speaker.

This year, the Republicans are trying to prevent continuation of jobless benefits and the payroll tax cut unless their wish list of goodies for America's biggest polluters is granted in full. During this Christmas season, instead of gold, frankincense, and myrrh, the Republicans are bearing gifts of arsenic and mercury and oil on behalf of their planet-polluting patrons, Big Oil and Big Coal. The GOP used to stand for "Grand Old Party." Now it stands for "Gang of Polluters." Now it stands for the "Gas and Oil Party."

This Republican bill: One, blocks and indefinitely delays standards that would reduce hazardous air pollution like lead and cancer-causing substances that are released from industrial boilers and sent to the lungs of the children of America;

Two, rushes approval for the Keystone pipeline that will bring the dirtiest oil on the planet through the United States so it can be reexported to other countries while hurting our health and our environment here; and

Three, cuts much needed Medicare payments to hospitals to care for the sickest in our country.

The Republicans are presenting a false choice to the American people. We should not have to choose between toxic chemicals and tax relief for American workers. We should not have to choose between pollution and prosperity.

In this Republican-controlled House of Representatives, billionaires, Big Oil, big bankers benefit while the rest of America bears the burden. Enough is enough.

We know we need to pass the middle class tax cuts. We know we need to extend unemployment benefits. If we fail to act, Congress will leave a giant legislative lump of coal in the stockings of struggling Americans. It is unacceptable, bad for children, bad for the elderly, bad for the unemployed, and bad for America.

Mr. UPTON. Mr. Speaker, I yield 2 minutes to the gentleman from Nebraska (Mr. TERRY).

Mr. TERRY. Mr. Speaker, it just seems logical that as we have a bill to extend unemployment insurance for those unemployed that we also have a measure for them to become employed, and that's the Keystone pipeline. It is a \$7 billion infrastructure project that is ready to start today, employing as many as 20,000 laborers—mostly union labor, by the way.

Now, not only will it employ, but the delays of the State Department and the

White House in permitting this project are costing jobs.

And I refer to Little Rock Fox Channel 16. There's their online story that says:

"Layoffs and a brief company shutdown is what employees face at Wellspun Tubular Company, which makes steel pipes for the oil industry.

"Company leaders say miles of pipeline are on the property, and that has caused five dozen employees to lose their jobs. The pipes would be part of the Keystone oil pipeline, which is a project running from Canada to Texas."

The President has said that he would veto this bill extending unemployment and his tax holiday if this Keystone jobs bill was put in it. Mr. President, this is about creating jobs. Please join us.

Also, they said that the State Department may have to say no because they're rushed. But this is the same State Department that back in June testified before our committee that they could have the decision made on this pipeline by December 31.

The environmental studies have been there for months. This application has been with the State Department for 3½ years. The State Department has everything they need to make a correct recommendation for the President.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Members are again reminded to direct their remarks to the Chair.

Mr. WAXMAN. Mr. Speaker, I am pleased at this time to yield 2 minutes to the man who's going to be the chairman of the Health Subcommittee when the public gets a chance next year to vote out the Keystone Kops overreaching Republicans who are doing it again to the American people, the gentleman from New Jersey (Mr. PALLONE).

Mr. PALLONE. Thank you, Mr. WAXMAN.

The gentleman from California (Mr. WAXMAN) had said before that essentially the Republicans putting up this bill are not serious. They know that this bill is not going to pass the Senate. They know that the President won't sign it. And when I heard my colleagues on the other side talk about how, well, we have a deadline of December 31 and basically said, Take it or leave it, well, they're not serious. That's not the way this House and this Congress works.

If you want to get something done by this December 31 deadline, you need to work with the Democrats, work with the Senate, and come up with something. And I know that's not what's happening here today. I mean, this idea that basically you say we're going to give you extended unemployment benefits but we're going to cut back on the number of weeks or that we're going to extend the payroll tax and we're going

to come up with a doc fix, but we're going to pay for it dismantling the Affordable Care Act.

First, the Republicans cut the tax credits to help make insurance affordable, resulting in 170,000 additional people becoming uninsured; then they slash the public health and prevention fund, damaging efforts to realign the Nation's approach to health care; then they cut hospitals, affecting services that seniors depend on; and, finally, they increase the premiums under Medicare, resulting in millions of middle class seniors having to pay more for health care.

Now, we have a Democratic substitute that they wouldn't allow in order, and that Democratic substitute takes a very different approach. Unlike the Republicans, the Democratic substitute simply extends tax cuts for 160 million Americans. It extends unemployment insurance to help Americans stay afloat financially while they're out seeking work. And it ensures doctors in Medicare don't face large reductions next year and maintains access for seniors with a permanent SGR fix. And it does all of this by asking 300,000 people making more than a million dollars a year to pay their fair share and by capturing offshore contingency funds.

So if you want to actually pass something, put our substitute in order and we will meet that deadline of December 31 and actually do things that help people create jobs and reduce the deficit and make the doctors available so that if a senior wants to go to a doctor, they'll be able to do it.

Look at our substitute and don't continue with this sham.

Mr. UPTON. Mr. Speaker, I yield 1 minute to the gentleman from Virginia (Mr. GRIFFITH).

Mr. GRIFFITH of Virginia. Mr. Speaker, I hear my colleagues speaking about what will pass. Let me tell you that the Boiler MACT provisions of this bill would pass the Senate if only they were allowed to get a vote. Forty-one members of the Democrat Party voted for Boiler MACT in this House; 12 Members of the Senate of the Democrat Party are co-patrons of similar language in the Senate.

The Boiler MACT provisions of this bill help hospitals deal with their increasing costs. It helps universities. It does help business, but it helps businesses large and small.

The bill requires reasonable regulations, and it requires reasonable time in which to comply with those regulations. Currently, they're only allowed 3 years plus possibly a 4th if allowed by the EPA administrator. The bill will allow 5 years plus reasonable time. And when you're trying to change the way you've been doing things, sometimes you need a little more time to get things done than 3 years.

It was interesting in committee, the EPA came in and was talking to us



about projects they were trying to get done and money they'd left on the table. They couldn't get their projects done in 3 years. How do they expect American businesses to do so and provide jobs?

Mr. WAXMAN. Mr. Speaker, I am pleased to yield 2 minutes to the gentlelady from California, the next chair of the Telecommunications Subcommittee, Ms. ESHOO.

Ms. ESHOO. I thank the ranking member of the committee.

Mr. Speaker, within this bill are provisions on spectrum that will define our Nation's ability to lead the world in wireless broadband deployment. It will also define how we will finally provide our first responders with a nationwide interoperable broadband network that the 9/11 Commission called for.

□ 1720

I appreciate Chairman WALDEN's work with the minority, including the agreement on authorizing voluntary incentive spectrum auctions, reallocating the D-block for public safety, and providing the initial funding for Next Generation 9-1-1.

I do have four concerns, and I want to point them out:

The first pertains to the treatment of unlicensed spectrum. Unlicensed spectrum has created an innovative space for entrepreneurs, enabling Wi-Fi, Bluetooth and thousands of other devices and services—all meaning jobs. In fact, last month, the Consumer Federation of America released a new study which found the consumer benefits of unlicensed spectrum surpassing \$50 billion, that's with a "b," per year. Prohibiting the FCC, which is the expert agency, from using some of our Nation's best airwaves for unlicensed use, as the House language does, is simply foolhardy.

Secondly, I am very concerned about how the bill treats the spectrum public safety needs to create and manage a nationwide interoperable broadband network. The Republican bill, on the one hand, gives; but on the other hand, it takes away. This is not a solution, and I don't believe it's fair to public safety in our country.

Thirdly, the bill encourages the development of 50 separate networks instead of one nationwide network. Past experiences demonstrate that a state-based approach fails to achieve interoperability. I think it's going to cost money, and I don't think it's going to work.

Lastly, the provisions that restrict the FCC's ability to preserve competition and promote an open Internet simply do not belong in this legislation.

The SPEAKER pro tempore. The time of the gentlewoman has expired.

Mr. WAXMAN. I yield the gentlelady an additional 30 seconds.

Ms. ESHOO. I think our country is counting on us to make smart and bi-

partisan choices, but I am sorry to say that I don't think this bill meets the standard. I do believe that the Senate accomplished these goals in S. 911. I believe we can too but not through this bill. So I urge opposition to it for the reasons I've stated.

Mr. UPTON. Mr. Speaker, at this point I will yield 1 of my 2 remaining minutes to the gentleman from Colorado (Mr. GARDNER).

Mr. GARDNER. I thank the chairman of the Energy and Commerce Committee for the time.

We've all heard about the need to address jobs, to act on jobs, so here we are today to address the issue of job creation for so many in this country who are currently unemployed. Perhaps to some, the creation of jobs is just a pipe dream; but to many Republicans and Democrats, job creation is a Keystone pipeline. It's not a pipe dream.

In Colorado alone, the Alberta oil sands could create as many as 6,000 jobs in the next 4 years, and the Keystone pipeline is an important part of that. We hear over and over again of the need to create jobs, of the need to address the issue of job creation. Yet here we are, hearing opposition to job creation.

For every dollar we spend on oil from Saudi Arabia, 50 cents is returned to the U.S. economy. For every dollar spent on Canadian oil, 90 cents is returned to the domestic economy. It's because, in Canada's oil fields, American products are used en masse—Case loaders, Michelin tires, Wolverine boots, Ford trucks. The list goes on. This is not the way it is in countries thousands of miles away.

I urge this Congress not to put politics before paychecks. Pass this bill.

The SPEAKER pro tempore. The time of the gentleman from California has expired. The gentleman from Michigan (Mr. LEVIN) has 5¾ minutes remaining. The gentleman from Michigan (Mr. UPTON) has 1½ minutes remaining. The gentleman from Michigan (Mr. CAMP) has 4½ minutes remaining.

Mr. UPTON. Mr. Speaker, I yield 1 minute to the gentleman from Texas (Mr. OLSON).

Mr. OLSON. I thank the chairman for yielding.

Mr. Speaker, at a time when our economy is struggling to recover, it's stunning to think that my friends on the other side of the aisle would deny an opportunity to reduce our reliance on Middle Eastern oil and create thousands of American jobs.

The Keystone XL pipeline does both. The project has been exhaustively studied and revised to ensure its safety. Our economy needs a safe, reliable source of energy. Canada can provide it, and it wants to provide it to help us reduce our reliance on Middle East oil while strengthening our national secu-

rity. Twenty thousand new American jobs will be created to build this pipeline.

Mr. Speaker, I urge my colleagues to pass this bill. Approve the Keystone XL pipeline now.

Mr. UPTON. Mr. Speaker, I ask unanimous consent that all of my remaining time be given back to the gentleman from the great State of Michigan (Mr. CAMP).

The SPEAKER pro tempore. Without objection, the gentleman from Michigan (Mr. CAMP) will have an additional 30 seconds.

There was no objection.

Mr. CAMP. Mr. Speaker, I yield 1 minute to the distinguished gentleman from Louisiana (Mr. SCALISE).

Mr. SCALISE. I thank the gentleman from Michigan for yielding.

I think one of the strongest components of this bill that we're bringing to the floor today is the jobs component that's contained in the Keystone pipeline bill.

If you'll look at what we're trying to do right now, we've got some options here. The American people are clamoring for jobs. We've got the ability to force President Obama to get off the sidelines. The President has been good about running all around the country, giving these political speeches and campaigning. He's talking about jobs, and he's talking about the middle class. Yet here we have an opportunity to create 20,000 middle class jobs in America, and the President is saying "no." The President said he'll veto the bill over this one provision.

Now, think about that. There is a bill that deals with unemployment benefits, and the President is saying he'd rather people be unemployed than to actually get jobs. They would much rather have jobs than be unemployed. Yet there is the ability to create 20,000 American jobs with the Keystone pipeline, and the President is turning his back on those middle class families.

There is over \$7 billion of private investment. We can increase America's energy security. If that oil comes from Canada, our dependence on Middle Eastern oil can drop dramatically. We can eliminate a million barrels a day when this comes online, and we can reduce our dependence on Middle Eastern oil.

Let's create American jobs. What does President Obama have against 20,000 American jobs? I urge a "yes" vote.

Mr. LEVIN. Mr. Speaker, it is my privilege to yield 2 minutes to the distinguished gentleman from New York, (CHARLES RANGEL).

Mr. RANGEL. I was walking through the Cannon Building to get to one of the television stations when an older gentleman stopped me and asked me whether or not they were going to provide the unemployment tax benefits to them. He was trying to find out why we

were gridlocked and what the problem was. I assumed he was from my district, but he was from some part of Texas.

He heard my explanation as to why we were not just passing what Democrats believe in and what Republicans say they don't have a problem with. I told him it was about the Keystone pipeline, and he says, What the hell is that?

That made me think, of all the people at this time of the year who are going to sleep tonight with limited resources and with all of the polls that are saying that Congress is out of touch with the needs of America, they're not talking about Republicans; they're talking about the Congress—Republicans and Democrats.

Is anyone telling me that providing a tax break for people who work hard every day has to be connected with a pipeline? If you worked every day and, through no fault of your own, you lost your job when you'd paid into a fund from which you were supposed to get some comfort, are you telling them that we need the Keystone pipeline?

Let's get real. This is a political thing that's being done not to deliver on the promise that we made to the American people. So let me make a plea:

For all of the people who are in need, for all of the people who are looking for a little break from Big Government, for all of the people whom we made these promises to, say that we couldn't do it because of the Keystone pipeline. If you think that makes any sense, then we are just a disgrace to the American people.

If you want a Keystone pipeline, bring it to the floor. Let's debate it and vote up or down. But to hold hostage the American people who are suffering is just plain wrong.

□ 1730

Mr. CAMP. Mr. Speaker, I yield 1 minute to the distinguished gentleman from Illinois (Mrs. BIGGERT).

Mrs. BIGGERT. I thank the gentleman for yielding.

Mr. Speaker, I rise in support of H.R. 3630. I appreciate the efforts of the chairman and my colleagues who serve on the relevant committees in crafting a package that responds to the needs of all Americans right now.

The bill addresses the urgent struggles of the unemployed and small business owners. It recognizes that we cannot dig our way out of a recession with more taxes and higher deficits. Whether you are a job creator or a job seeker, the bill extends critical assistance at a time when millions of Americans need it most. The bill does all this and more without adding one penny to the deficit. Important government reforms and cost-saving measures were included in the bill to reduce the debt and implement long overdue reforms.

It's also important to note that this compromise takes steps to protect the Social Security Trust Fund.

Mr. Speaker, this bill is a smart step towards job creation and economic certainty. I urge my colleagues to support the bill.

Mr. LEVIN. I yield 1 minute to our distinguished leader, the gentlelady from California (Ms. PELOSI).

Ms. PELOSI. I thank the gentleman for yielding. I commend him for his extraordinary leadership on behalf of America's working families. He has demonstrated a long-term, consistent dedication to their well-being.

Mr. Speaker, I return to the floor. I spoke on the rule earlier. But I listened attentively to the debate, and I think a few points need to be made, and I will do that very briefly.

It is clear that the Republicans, in using the pipeline, are trying to change the subject. The subject at hand is, we have a proposal from the President of the United States which has within it proposals that have had bipartisan support over a period of time on how to have a payroll tax cut that benefits many middle-income families in our country, that respects that some people are out of work through no fault of their own and need unemployment insurance, and that our seniors want to have the doctor of their choice, and that issue has to be addressed here. The fact is is that because of the way the rules were set up—not to go into process—but the Republicans said, You are not even going to be able to bring the President's and the Democratic proposals to the floor. Instead, we are going to bring ours to the floor. But so that the public doesn't really understand the difference between the two, we are going to have a smokescreen go out there, a smokescreen of confusion by talking about the pipeline. And this is very interesting because this isn't about the pipeline.

We, as other speakers have said, could have a vote on the pipeline at any time, to vote it up or vote it down, consider what it means for jobs and the impact on the environment. And it doesn't reduce dependence on foreign oil. But nonetheless, that is a subject for debate at another time. I, myself, have not made a public statement one way or another. But many of our colleagues have. They are either supporting it or they are not, but that is not the point of the legislation. Many who support the pipeline are opposing this bill because they know it is being used. It is being used. And some of our friends in labor want this pipeline built. But I assure you that they want unemployment insurance for workers who, again, through no fault of their own, are out of work.

So let's just take a few points here. The proponents of this bill who are using the pipeline as a smokescreen and as an excuse say that it will create

20,000 jobs. Let's hope that that is correct. But what it's doing is standing in the way of the President's proposal, which will create 600,000 jobs, which will make an impact of 600,000 jobs on our economy. That's from the macroeconomic advisers. It will make the difference of 600,000 jobs. So while they are professing these 20,000 jobs, which may be a legitimate number—and let's say it's the highest number they could come up with, let's have that debate on another day. You may see a very big, strong vote on the floor for the pipeline, or you may not. So the point is, 20,000 jobs—if that's the argument—versus 600,000 jobs.

The other point is that the President's proposal affects 160 million Americans; 160 million Americans will have a payroll tax cut, according to his proposal, in a substantial way. This is not, as the Republicans want to do, to throw a bone to the middle class. This is about a thriving middle class. It's about a payroll tax cut that does what it sets out to do, puts \$1,500 in the pockets of America's families who need it and spend it and, in doing so, injects demand, demand, demand into our economy, which further creates jobs. And how that is paid for is by a surtax on those making over \$1 million a year.

So 160 million people affected; a surcharge on 300,000 of the wealthiest people in America. We don't begrudge them their wealth, their success. That's important. I don't think that any one of those 300,000 people would begrudge the 160 million Americans their payroll tax cut. But I do think it is the extremists on the Republican side in the House of Representatives who have an ideological point of view, and that is what is at work here. It isn't about those 300,000 begrudging the 160 million, and it isn't about the 160 million begrudging the 300,000. So let's understand the numbers here.

I want to reference the chairman's bill. Who sacrifices under the Republican bill? Seniors suffer \$31 billion. Instead of a surcharge on the 300,000 wealthiest people in our country making over \$1 million a year, the Republicans pay for the payroll tax by taking \$31 billion from seniors. Federal workers sacrifice \$40 billion. Unemployed Americans sacrifice \$11 billion. Billionaires sacrifice zero. I think all Americans are willing to do their fair share. We all have to do our part, take responsibility, zero. So again, 20,000 jobs, 600,000 jobs; 160 million Americans, 300,000 Americans; \$31 billion from Medicare.

The President's proposal and the Democratic plan that mirror each other reduce the deficit by \$300 billion. And according to the Congressional Budget Office—and I will read from a Congressional Budget Office letter to Mr. CAMP. The independent, nonpartisan Budget Office of the House, writing to Mr. CAMP said, "According

to Congressional Budget Office's and Joint Tax Committee's estimates, enacting H.R. 3630—the bill before us—“would change revenues and direct spending to produce increases in the deficit of \$166.8 billion in fiscal year 2012 and \$25.3 billion over the 2012–2021 period.”

So let's just take the lower number, \$25 billion in the life of the bill. That's what the CBO says about the bill before us. That's why earlier today, there was a motion to say that this was not in keeping with being revenue-neutral, as the Republicans espouse and we agree.

So again, the numbers: 20,000 jobs with the pipeline—and that may be a good thing, but this is not the place. This is a smokescreen. This is a distraction. This is a change of subject. This is the masters of confusion so you don't know what really is at stake here.

You couldn't possibly be sincere about a payroll tax cut that makes the middle class thrive if you put an obstacle like that in front of it and call it a jobs bill to create 600,000 jobs. One hundred sixty million Americans benefit from this. Please don't tax 300,000; instead, take \$31 billion from our seniors. Reduce the deficit by \$300 billion; increase the deficit by \$25 billion. The numbers are clear. They speak for themselves.

I urge my colleagues to vote “no.” I hope that we can come to the table and share a view that this middle-income tax cut is worth doing without obstacles to its being signed into law, and that we can do it soon. I say it over and over again: Christmas is coming. For some, the goose is getting fat; for others, there are very slim prospects. Let's change that. Let's do the people's work. Let's get this done. I urge a “no” vote.

□ 1740

Mr. CAMP. Mr. Speaker, I yield myself 30 seconds.

If the distinguished minority leader had read the next paragraph of the letter to me by the Congressional Budget Office, she would have read that the bill in its entirety reduces the deficit by \$1 billion.

Mr. Speaker, I would like to insert the entirety of the letter to me from the Congressional Budget Office into the RECORD.

U.S. CONGRESS,  
CONGRESSIONAL BUDGET OFFICE,  
Washington, DC, December 9, 2011.

Hon. DAVE CAMP,  
Chairman, Committee on Ways and Means,  
House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office (CBO) and the staff of the Joint Committee on Taxation (JCT) have reviewed H.R. 3630, the Middle Class Tax Relief and Job Creation Act of 2011, as introduced on December 9, 2011. The attached tables provide CBO's and JCT's estimates of the legislation's budgetary effects.

Table 1 presents a summary of the expected impact on deficits from changes in revenues and direct spending, along with estimated changes from reductions in existing caps on discretionary funding (those effects are subject to future appropriation actions).

According to CBO's and JCT's estimates, enacting H.R. 3630 would change revenues and direct spending to produce increases in the deficit of \$166.8 billion in fiscal year 2012 and \$25.3 billion over the 2012–2021 period.

Relative to discretionary spending projected under current law and assuming compliance with the current-law caps on discretionary appropriations for the next 10 years, CBO estimates that the proposed changes in discretionary funding caps under H.R. 3630 would lead to a reduction in projected discretionary spending of \$26.2 billion over the 2012–2021 period (as shown in the bottom panel of Table 1).

Table 2 provides detail on the changes in revenues and direct spending for the major provisions of the legislation. Enacting the bill would reduce revenues by \$88.3 billion

over the 2012–2021 period and reduce direct spending by \$63.1 billion over that period, according to CBO's and JCT's estimates. Those changes are the budgetary effects that would be expected to occur directly from enactment of H.R. 3630, while proposed changes in spending subject to appropriation are contingent upon enactment of future legislation.

Table 3 shows the estimated impact of H.R. 3630 under the Statutory Pay-As-You-Go Act of 2010 (S-PAYGO Act). Under that act, budget-reporting and enforcement procedures apply to changes in the on-budget deficit from changes in revenues and direct spending. Those procedures call for automatic reductions in certain direct spending programs if there are positive balances in either the 5-year or 10-year compilations of pay-as-you-go budgetary effects.

Following the specifications in the S-PAYGO Act, which allows for an adjustment to reflect the continuation of current rates on the payments to physicians under Medicare, CBO estimates that on-budget changes in direct spending and revenues subject to the pay-as-you-go considerations would increase deficits by \$136.6 billion over the 2012–2016 period and would reduce deficits by \$4.0 billion over the 2012–2021 period.

H.R. 3630 would direct the Office of Management and Budget to exclude from its scorecard of balances under the S-PAYGO Act any estimated deficit reduction for the 10-year period spanning fiscal years 2012 through 2021. The bill also specifies that the estimate submitted for printing in the Congressional Record should reflect three types of effects that are not included under the S-PAYGO Act: off-budget effects, projected changes in discretionary spending from changes in the caps on new appropriations, and estimated changes in net income of the National Flood Insurance Program (but those adjustments are not included in Table 3 because the provision has not been enacted into law).

If you wish further details on this estimate, we will be pleased to provide them.

Sincerely,

ROBERT A. SUNSHINE  
(For Douglas W. Elmendorf, Director).

Enclosure.

**TABLE 1. BUDGETARY EFFECTS OF H.R. 3630, THE MIDDLE CLASS TAX RELIEF AND JOB CREATION ACT OF 2011, AS INTRODUCED ON DECEMBER 9, 2011**

(Millions of dollars, by fiscal year)

	2012	2013	2014	2015	2016	2017	2018	2019	2020	2021	2012–2016	2012–2021
CHANGES IN REVENUES												
TOTAL CHANGES IN REVENUES <sup>a</sup> .....	–130,060	–46,650	–11,275	13,292	40,564	13,696	9,302	3,497	11,916	7,373	–134,129	–88,346
On-budget revenues ...	–39,143	–16,344	–11,270	13,302	40,582	13,717	9,325	3,522	11,942	7,401	–12,873	33,034
Off-budget revenues <sup>b</sup> .....	–90,917	–30,306	–5	–11	–18	–21	–23	–25	–26	–28	–121,257	–121,380
CHANGES IN DIRECT SPENDING												
TOTAL CHANGES IN DIRECT SPENDING:												
Estimated Budget Authority .....	36,839	24,915	–1,936	–12,494	–13,041	–15,491	–16,940	–17,368	–19,939	–27,481	34,283	–62,936
Estimated Outlays <sup>c</sup> ...	36,699	24,915	–1,931	–12,485	–12,991	–15,451	–16,919	–17,363	–20,043	–27,520	34,207	–63,089
On-budget outlays <sup>b</sup> .....	127,616	55,221	–1,931	–12,273	–12,586	–14,914	–16,372	–16,846	–19,547	–27,044	156,047	61,324
Off-budget outlays <sup>b</sup> .....	–90,917	–30,306	0	–212	–405	–537	–547	–517	–496	–476	–121,840	–124,413
NET INCREASE OR DECREASE (–) IN DEFICITS FROM REVENUES AND DIRECT SPENDING												
NET CHANGES IN DEFICITS .....	166,759	71,565	9,344	–25,776	–53,555	–29,147	–26,222	–20,861	–31,958	–34,893	168,337	25,257
On-budget deficit change .....	166,759	71,565	9,339	–25,575	–53,167	–28,631	–25,698	–20,368	–31,488	–34,445	168,920	28,290
Off-budget deficit change <sup>b</sup> .....	0	0	5	–201	–387	–516	–524	–492	–470	–448	–583	–3,033
CHANGES IN SPENDING SUBJECT TO APPROPRIATION FROM CHANGES IN CAPS ON DISCRETIONARY FUNDING												
TOTAL CHANGES IN DISCRETIONARY SPENDING:												
Estimated Authorization Level .....	0	–2,000	–3,000	–3,000	–3,000	–3,000	–3,000	–4,000	–4,000	–4,000	–11,000	–29,000

**TABLE 1. BUDGETARY EFFECTS OF H.R. 3630, THE MIDDLE CLASS TAX RELIEF AND JOB CREATION ACT OF 2011, AS INTRODUCED ON DECEMBER 9, 2011—Continued**

(Millions of dollars, by fiscal year)

	2012	2013	2014	2015	2016	2017	2018	2019	2020	2021	2012-2016	2012-2021
Estimated Outlays ....	0	-1,214	-2,279	-2,765	-2,992	-3,160	-3,276	-3,386	-3,506	-3,632	-9,250	-26,210

Sources: Congressional Budget Office and the staff of the Joint Committee on Taxation.

Note: Components may not sum to totals because of rounding.

<sup>a</sup> For revenues, positive numbers indicate a decrease in the deficit; negative numbers indicate an increase in the deficit.<sup>b</sup> The bill would modify and extend the payroll-tax holiday for one year, causing a reduction in off-budget revenues credited to the Social Security trust funds. The bill also would transfer from the Treasury to the Social Security trust funds an amount equal to that off-budget revenue loss. The off-budget receipt would offset the lost revenue and, thus, section 2001 would have no net off-budget effect. (Other sections in the bill would have an off-budget effect.)<sup>c</sup> Title III of the bill would raise premiums for certain subsidized flood insurance policies, increasing net income to the National Flood Insurance Program by \$4.9 billion. However, because many policies would continue to be subsidized and the program would continue to face significant interest costs for borrowing over the past decade, CBO expects that additional receipts collected under this legislation would be spent to cover future program shortfalls, resulting in no net effect on the budget over the 2012-2021 period.**TABLE 2. EFFECTS ON REVENUES AND DIRECT SPENDING OF H.R. 3630, THE MIDDLE CLASS TAX RELIEF AND JOB CREATION ACT OF 2011, AS INTRODUCED ON DECEMBER 9, 2011**

(Millions of dollars, by fiscal year)

	2012	2013	2014	2015	2016	2017	2018	2019	2020	2021	2012-2016	2012-2021
CHANGES IN REVENUES												
Extension of 100 Percent Expensing .....	-38,299	-17,648	15,174	10,730	8,430	6,564	4,181	2,523	1,397	944	-21,613	-6,005
Election to Accelerate AMT Credits .....	-1,526	-801	32	32	42	58	64	64	66	69	-2,221	-1,899
Extension of Payroll Tax Reduction (On-budget) .....	919	670	0	0	0	0	0	0	0	0	1,589	1,589
Extension of Payroll Tax Reduction (Off-budget) .....	-90,917	-30,306	0	0	0	0	0	0	0	0	-121,223	-121,223
Unemployment Compensation .....	0	24	78	78	58	21	13	-7	-12	-12	238	241
Tax on Unemployment Benefits for High Earners .....	-2	-6	-8	-11	-13	-13	-14	-14	-13	-14	-40	-107
Federal Employee Retirement Contributions .....	0	1,182	2,366	3,497	4,007	4,338	4,701	5,101	5,511	5,950	11,051	36,652
Health Care Provisions (on-budget) .....	0	0	82	172	278	340	380	410	438	464	532	2,563
Health Care Provisions (off-budget) .....	0	0	-5	-11	-18	-21	-23	-25	-26	-28	-34	-157
Repeal of Corporate Tax Timing Shift .....	-235	235	-28,993	-1,196	27,780	2,409	0	-4,555	4,555	0	-2,409	0
Total Changes in Revenues <sup>a</sup> .....	-130,060	-46,650	-11,275	13,292	40,564	13,696	9,302	3,497	11,916	7,373	-134,129	-88,346
On-budget revenues ...	-39,143	-16,344	-11,270	13,302	40,582	13,717	9,325	3,522	11,942	7,401	-12,873	33,034
Off-budget revenues <sup>b</sup> .....	-90,917	-30,306	-5	-11	-18	-21	-23	-25	-26	-28	-121,257	-121,380
CHANGES IN DIRECT SPENDING (Outlays)												
Title II—Extension of Certain Expiring Provisions and Related Measures:												
Extension of Payroll Tax Reduction (On-budget) <sup>b</sup> .....	90,917	30,306	0	0	0	0	0	0	0	0	121,223	121,223
Extension of Payroll Tax Reduction (Off-budget) <sup>b</sup> .....	-90,917	-30,306	0	0	0	0	0	0	0	0	-121,223	-121,223
Unemployment Compensation .....	23,620	10,705	-15	-15	-15	-15	-15	-15	-15	-15	34,280	34,205
Physician Payment Update .....	11,340	19,280	5,660	-1,350	40	810	1,040	940	680	410	34,970	38,850
Other Medicare Extensions and Health Provisions .....	1,484	1,037	-2,056	-3,429	-4,395	-4,770	-5,084	-5,392	-5,685	-10,078	-7,359	-38,368
Subtotal, Title II .....	36,444	31,022	3,589	-4,794	-4,370	-3,975	-4,059	-4,467	-5,020	-9,683	61,891	34,687
Title III—Flood Insurance Reform <sup>c</sup> .....	0	-70	-150	220	0	0	0	0	0	0	0	0
Title IV—Auction and Use of Spectrum .....	1,420	1,460	-445	-3,231	-3,895	-4,395	-3,444	-2,590	-726	-641	-4,691	-16,487
Title V—Offsets:												
Fannie Mae and Freddie Mac Guarantee Fees .....	-1,300	-4,600	-4,000	-3,500	-3,300	-3,300	-3,700	-3,900	-4,000	-4,100	-16,700	-35,700
Social Security Provisions Related to Noncovered Employment (off-budget) .....	0	0	0	-212	-405	-537	-547	-517	-496	-476	-617	-3,190
Require Social Security Number for Child Tax Credit .....	0	-2,606	-823	-820	-832	-848	-856	-864	-872	-872	-5,081	-9,393
Ending Unemployment Compensation and Supplemental Nutrition Assistance for Millionaires .....	-15	-14	-12	-12	-11	-12	-12	-12	-13	-14	-64	-127
Federal Civilian Employees .....	0	-25	-90	-136	-178	-214	-243	-267	-300	-340	-429	-1,793
Health Care Provisions .....	0	0	0	0	0	-2,170	-4,058	-4,746	-8,616	-11,394	0	-30,984
Subtotal, Title V .....	-1,315	-7,245	-4,925	-4,680	-4,726	-7,081	-9,416	-10,306	-14,297	-17,196	-22,891	-81,187
Title VI—Miscellaneous Provisions (Repeal Timing Shift for Merchandise Processing Fees) ....	150	-252	0	0	0	0	0	0	0	0	-102	-102
Total Changes in Direct Spending .....	36,699	24,915	-1,931	-12,485	-12,991	-15,451	-16,919	-17,363	-20,043	-27,520	34,207	-63,089

**TABLE 2. EFFECTS ON REVENUES AND DIRECT SPENDING OF H.R. 3630, THE MIDDLE CLASS TAX RELIEF AND JOB CREATION ACT OF 2011, AS INTRODUCED ON DECEMBER 9, 2011—Continued**

(Millions of dollars, by fiscal year)

	2012	2013	2014	2015	2016	2017	2018	2019	2020	2021	2012–2016	2012–2021
On-budget outlays	127,616	55,221	–1,931	–12,273	–12,586	–14,914	–16,372	–16,846	–19,547	–27,044	156,047	61,324
Off-budget outlays	–90,917	–30,306	0	–212	–405	–537	–547	–517	–496	–476	–121,840	–124,413

Sources: Congressional Budget Office and the staff of the Joint Committee on Taxation.

Note: AMT = Alternative Minimum Tax; components may not sum to totals because of rounding.

<sup>a</sup> For revenues, positive numbers indicate a decrease in the deficit; negative numbers indicate an increase in the deficit.<sup>b</sup> The bill would modify and extend the payroll-tax holiday for one year, causing a reduction in off-budget revenues credited to the Social Security trust funds. The bill also would transfer from the Treasury to the Social Security trust funds an amount equal to that off-budget revenue loss. The off-budget receipt would offset the lost revenue and, thus, section 2001 would have no net off-budget effect. (Other sections in the bill would have an off-budget effect.)<sup>c</sup> Title III would raise premiums for certain subsidized flood insurance policies, increasing net income to the National Flood Insurance Program by \$4.9 billion. However, because many policies would continue to be subsidized and the program would continue to face significant interest costs for borrowing over the past decade, CBO expects that additional receipts collected under this legislation would be spent to cover future program shortfalls, resulting in no net effect on the budget over the 2012–2021 period.**TABLE 3. CBO ESTIMATE OF THE STATUTORY PAY-AS-YOU-GO EFFECTS OF H.R. 3630, THE MIDDLE CLASS TAX RELIEF AND JOB CREATION ACT OF 2011, AS INTRODUCED ON DECEMBER 9, 2011**

(Millions of dollars, by fiscal year)

	2012	2013	2014	2015	2016	2017	2018	2019	2020	2021	2012–2016	2012–2021
NET INCREASE OR DECREASE (–) IN THE ON-BUDGET DEFICIT												
Total On-Budget Changes	166,759	71,565	9,339	–25,575	–53,167	–28,631	–25,698	–20,368	–31,488	–34,445	168,920	28,290
Less:												
Current-Policy Adjustment for Medicare Payments to Physicians <sup>a</sup>	10,160	17,080	5,040	0	0	0	0	0	0	0	32,280	32,280
Statutory Pay-As-You-Go Impact	156,599	54,485	4,299	–25,575	–53,167	–28,631	–25,698	–20,368	–31,488	–34,445	136,640	–3,990
Memorandum:												
Changes in Outlays <sup>a</sup>	117,456	38,141	–6,971	–12,273	–12,586	–14,914	–16,372	–16,846	–19,547	–27,044	123,767	29,044
Changes in Revenues	–39,143	–16,344	–11,270	13,302	40,582	13,717	9,325	3,522	11,942	7,401	–12,873	33,034

<sup>a</sup> Section 7(c) of the Statutory Pay-As-You-Go Act of 2010 provides for current-policy adjustments related to Medicare payments to physicians.

Notes: Components may not sum to totals because of rounding.

Sources: Congressional Budget Office and Joint Committee on Taxation.

I would also note that the first bullet on the distinguished minority leader's chart was exactly the President's proposal. The President has asked to increase premiums on wealthy seniors; the President does.

So it is interesting the minority leader is criticizing the President's own proposal, which is put directly into this bill.

I reserve the balance of my time and would tell my colleague that I am prepared to close.

Mr. LEVIN. Mr. Speaker, I yield myself the balance of my time.

The SPEAKER pro tempore. The gentleman from Michigan is recognized for 2¾ minutes.

Mr. LEVIN. I want to start by reading one of the 400-plus communications we received. This is from Jackie of Amherst, New Hampshire: "Unemployment benefits helped me make ends meet while I was using my savings and 401(k) to keep up with everything. Now they are gone. My savings are long gone. My 401(k) is almost gone. I am watching everything I worked so hard for, for my entire adult life, slip away from me. I am 50."

In the name of reform, what the House Republicans are doing is to retreat, to retreat from assisting the unemployed through no fault of their own. According to the data received from the Department of Labor, 3.3 million Americans would lose weeks of unemployment benefits under this bill compared to an extension of current law.

The President has made his position clear. The Statement of Administra-

tion Policy says: "The administration strongly opposes H.R. 3630. With only days left before taxes go up for 160 million hardworking American, H.R. 3630 plays politics at the expense of middle class families.

"Instead of working together to find a balanced approach that will actually pass both Houses of Congress, H.R. 3630 instead represents a choice to refight old political battles over health care and introduce ideological issues into what should be a simple debate about cutting taxes for the middle class.

"If the President were presented with H.R. 3630, he would veto the bill."

In good conscience, we should not support this bill. Remembering the 3.3 million who would have their benefits cut under this bill, there should be a resounding "no." A resounding "no."

I yield back the balance of my time.

Mr. CAMP. Mr. Speaker, I yield myself the balance of my time.

The SPEAKER pro tempore. The gentleman from Michigan is recognized for 2½ minutes.

Mr. CAMP. This bill will strengthen our economy and help get Americans back to work by lowering the tax burden for middle class families and job providers.

It prevents massive cuts to doctors working in the Medicare program to protect American seniors and those with disabilities, providing more stability in the doctor payment schedule than there has been in a decade.

It adopts 12 of the President's legislative initiatives, which represents the bipartisan cooperation Americans are

demanding, and includes an increase in Medicare premiums for the wealthy, as the President requested.

It will extend Federal unemployment programs to 5 million Americans, those still struggling after the President's failed stimulus program. I'm still waiting for the 3.5 million jobs that were promised and the 6 percent unemployment rate. But we ensure in this bill that they get the assistance they need.

And under this bill, more than 1 year of benefits will be available. It's fully paid for with spending reductions, spending cuts, not job-killing tax hikes.

Commonsense reforms and savings in this bill include things like actually requiring those who receive an unemployment check to look for work and get a GED if they don't have a high school diploma, require undocumented workers who are seeking refundable—that's cash—tax credits to actually have a valid Social Security number, just like is required in the earned income tax credit.

And the bill freezes pay for Members of Congress and other nonmilitary government personnel. This legislation also protects critical programs by reducing the Federal tax subsidies that go to wealthier Americans. We put an end to millionaires and billionaires receiving unemployment benefits and food stamps, saving over \$20 million.

We also adopt the President's plan to reduce subsidies to high-income seniors by requiring them to pay a greater share of their Medicare premium. That reduces Federal spending by \$31 billion.

All told, this bill incorporates more than a dozen proposals the President has either offered, supported, or has signed into law in one variation or another. In fact, 90 percent of this bill is paid for with those policies.

I urge support of this legislation. This bill is about strengthening our economy, helping Americans find a job. It doesn't add one dime to the debt. It is bipartisan, and it will help get our economy back on track. Please vote "yes" for this bill.

I yield back the balance of my time.

Mr. HOLT. Mr. Speaker, instead of creating jobs—which is what the American people want and need from this body—we are here discussing a measure that has no chance of becoming law. Instead of working toward commonsense solutions to solve our jobs crisis and get Americans back to work, we are once again playing political games.

Mr. Speaker, we should not allow last year's one-year mistake to become a permanent attack on Social Security and the livelihood of its beneficiaries. Social Security should not be used as a rainy-day fund or a political bargaining chip. It should come as no surprise that President Roosevelt described it best. He said, "We put these payroll contributions there so as to give the contributors a legal, moral, and political right to collect their pensions and their unemployment benefits. With those taxes in there, no damn politician can ever scrap my social security program." Let's cut payroll taxes for 160 million Americans but make up the lost revenue by temporarily eliminating the cap on wages taxed for Social Security. As much as we need economic stimulus now, we will need Social Security for decades to come.

What else does this legislation do, Mr. Speaker? It contains irrelevant and controversial provisions like the Keystone Pipeline, which the President has promised to veto. It requires millions of American seniors to pay more for health care, while doing nothing to ask the wealthiest among us to pay their fair share. It reduces by 40 weeks the maximum length of unemployment benefits and cuts completely the benefits for millions of Americans who need this vital lifeline through no fault of their own. This bill cuts funding for preventative health care and endangers the health of our children by blocking air quality standards that will help combat pediatric asthma. It also fails to take seriously the question of Medicare reimbursement to physicians and instead simply puts a temporary patch on a problem that needs long-term reform.

But perhaps more important, Mr. Speaker, is to consider what this bill fails to do. This bill fails to address tax relief that could actually benefit middle-class families, expand our workforce, and grow our economy. This bill does nothing to address the Alternative Minimum Tax, which will affect more than 30 million Americans next year. It fails to provide tax relief for our Nation's teachers. It does nothing to address the need to invest in research and development. I have authored legislation to expand and make permanent the R&D tax credit and to promote increased investment in research-intensive small businesses. These measures are proven job creators, yet they have not been brought forward for consider-

ation by this body because the majority has blocked any attempt to include meaningful amendments. This is just another example of how a closed rule produces bad legislation.

Mr. Speaker, many of the provisions contained in this legislation make little sense to middle-class families. So why are we here debating it? Why are we wasting time on a measure that is sure to fail? I urge my colleagues to join me in demanding a measure that provides commonsense tax relief for middle-class families, protects Social Security, and helps put the unemployed back to work.

Ms. JACKSON LEE of Texas. Mr. Speaker, I rise today to oppose H.R. 3630, "Middle Class Tax Relief and Job Creation Act of 2011." This legislation sends the wrong message at the worst time for Americans. As we approach a new year, my colleagues on the other side of the aisle have once again targeted millions of seniors and middle class families for cuts without asking essentially anything of millionaires and billionaires.

They have singled out Medicare premium increases that permanently increase seniors' costs by \$31 billion. The bill also, when you look at it carefully, spends \$300 million on a special interest provision that helps a handful of specialty hospitals while cutting billions from community hospitals.

Republicans have targeted the unemployed, slashing 40 weeks of unemployment insurance, impacting millions of families still struggling under the weight of the worst economic downturn since the Great Depression. Twenty-two jurisdictions with the highest unemployment rates would be hit the hardest: Alabama, California, Connecticut, DC, Florida, Georgia, Illinois, Idaho, Indiana, Kentucky, Michigan, Missouri, Nevada, New Jersey, North Carolina, Ohio, Oregon, Rhode Island, South Carolina, Tennessee, Texas, and Washington. The result would be that in the state that Mr. CAMP and I come from—Michigan—the bill would cut unemployment insurance to 46 weeks.

Essentially the sacrifice will be borne by middle class and low income Americans, as the wealthiest among us have not been asked to join in this shared sacrifice. Not even after the wealthiest 1 percent saw their incomes nearly triple in the last three decades while salaries for middle class families barely budged.

There are more than four unemployed Americans for every job opening. Never on record in our Nation's history have there been so many unemployed Americans out of work for so long. There is nothing normal about this recession. Republicans are clearly out of touch with the needs of American families.

I am committed to producing tangible results in suffering communities through legislation that creates jobs, fosters minority business opportunities, and builds a foundation for the future. Every American deserves the right to be gainfully employed or own a successful business and I know we are all committed to that right and will not rest until all Americans have access to economic opportunity.

According to a report released by the Department of Labor late this afternoon, 3.3 million Americans would lose unemployment benefits as a result of the GOP bill compared to a continuation of current law. In the State of Texas alone 227,381 people will lose their sole source of income by the end of January.

This bill stands as a shining example of not keeping a pledge given to the American people. A little over a year ago, Republican leadership released to the public their Pledge to America in which they told the American people that they would "end the practice of packaging unpopular bills with 'must-pass' legislation to circumvent the will of the American people. [Further] Instead, [Republicans] will advance major legislation one issue at a time." This is what my colleagues stated less than one year ago. But before this body today they have presented us with a package that is the exact opposite of that pledge. This bill is riddled with provisions that I cannot support. I will not support needlessly adding to the burdens already being borne by hard working Americans. This is an inconsistent message being given to the American people. The Republicans need to honor their pledge to the American people.

This bill will reduce the current Payroll Tax Cut by 2 percent and addresses the Sustainable Growth Rate (SGR) for two years, providing a 1 percent update for both 2012 and 2013 and resulting in a scheduled 37 percent cut in 2014. It extends the Emergency Unemployment Compensation Program until January, 2013 but lowers the amount of time benefits are provided from 99 weeks currently to 59 weeks.

It also includes permanent provisions allowing drug testing of applicants and would allow states to require a high school diploma or being enrolled in classes for a GED to be eligible for benefits. The bill offsets the costs of these extensions by significantly increasing both the amount of Medicare premiums paid by high-income beneficiaries and the number of beneficiaries required to pay these higher premiums, and by cutting Medicare provider rates.

In addition, it prohibits immigrants without social security numbers from receiving the refundable portion of the Child Tax Credit. It further offsets the bill by freezing federal employee pay for an additional year through 2013, and increases fees charged by Fannie Mae and Freddie Mac to lenders. It also includes frequency Spectrum sales to help offset the cost of the bill, but with provisions related to net neutrality included in the language.

H.R. 3630 is a direct assault on the jobless. This legislation sends the wrong message at the worst time for Americans who are looking for employment, who are concerned about losing their homes and who are doing everything in their power to feed themselves and their families, and their neighbors.

If we allow these unemployment insurance benefits to expire in the next 17 days—there will be millions of people who will not be able to pay their mortgage or their rent in January and could find themselves homeless by February.

We are throwing millions of Americans out of their life boats, into an ocean without a life preserver. This is senseless. If those benefits run out, millions of people who've lost their jobs could see their sole source of income end in January. And this could have an effect on the larger economy.

While the bill extends the payroll tax deduction, it limits the availability of federally funded

unemployment assistance, and includes punitive provisions for the least skilled jobless workers.

If there is a single federal program that is absolutely critical to people in communities all across this Nation at this time, it would be unemployment compensation benefits. Unemployed Americans must have a means to subsist, while continuing to look for work that in many parts of the country is just not there. Families have to feed children.

According to the U.S. Bureau of Labor Statistics the state of Texas continues to have the largest year-over-year job increase in the country with a total of 253,200 jobs. However, there are still thousands of Texans like thousands of other Americans in dire need of a job.

The bill being brought to the Floor by my Republican Colleagues does not adequately address the needs of the unemployed.

The plan put forth by my Republican colleagues has provisions to slash the duration of federal unemployment benefits by 40 weeks. Since 2008, federal programs expiring in January have provided up to 73 weeks of compensation for workers who use up 26 weeks of state benefits.

In addition, the version heading to the House Floor would slash an additional 20 weeks of federal Emergency Unemployment Compensation and it would let states reduce benefits even further. It would also impose a uniform federal work search requirement and disqualify high school dropouts not actively pursuing GEDs and millionaires from receiving benefits. The unemployment reforms, sweeping as they are, may be lost amid other features of the Republican package.

A worker advocacy group recently described the drug testing element as the "most disturbing" part of the Republican unemployment reforms. "Devising new ways to insult the unemployed only distracts from the current debate over how to best restore the nation's economy to strong footing and the discussion over how to best support the unemployed and get them back to work."

The requirement to insist that to qualify for benefits that a person has earned should require a GED or a high school diploma will have a negative impact on minorities.

The labor force participation rate for persons without a high school diploma is 20 percentage points lower than the labor force participation rate for high school graduates.

Nationally, approximately 70 percent of all students graduate from high school, but African-American and Hispanic students have a 55 percent or less chance of graduating from high school.

Only 52 percent of students in the 50 largest cities in the United States graduate from high school. That rate is below the national high school graduation rate of 70 percent, and also falls short of the 60 percent average for urban districts across the Nation.

What is needed is job training programs that are funded rather than penalties for those who for a multitude of reasons have not attained a high school diploma or GED.

Unemployed workers, many of whom rely on public transportation, need to be able to get to potential employers' places of work. Utility payments must be paid. Most people

use their unemployment benefits to pay for the basics. No one is getting rich from unemployment benefits, because the weekly benefit checks are solely providing for basic food, medicine, gasoline and other necessary things many individuals with no other means of income are not able to afford.

Personal and family savings have been exhausted and 401Ks have been tapped, leaving many individuals and families desperate for some type of assistance until the economy improves and additional jobs are created. The extension of unemployment benefits for the long-term unemployed is an emergency. You do not play with people's lives when there is an emergency. We are in a crisis. Just ask someone who has been unemployed and looking for work, and they will tell you the same.

With a national unemployment rate of 9.1 percent, preventing and prolonging people from receiving unemployment benefits is a national tragedy. In the City of Houston, the unemployment rate stands at 8.6 percent as almost 250,000 individuals remain unemployed.

Indeed, I cannot tell you how difficult it has been to explain to my constituents who are unemployed that there will be no further extension of unemployment benefits until the Congress acts. Whether the justification for inaction is the size of the debt or the need for deficit reduction, it is clear that it is more prudent to act immediately to give individuals and families looking for work a means to survive.

Currently, individuals who are seeking work find it to be like hunting for a needle in a haystack. For every job available today, there are four people who are currently unemployed. You can not fit a square peg in a round hole and point fingers at the three other people who when that job is filled is left unemployed. Lets be realistic there are currently 7 million fewer jobs in the economy today compared to when this recession began.

#### UNEMPLOYMENT INSURANCE

Current law provides federal unemployment insurance benefits for up to 99 weeks, depending on the pervasiveness of unemployment in the state. The so-called Middle Class Tax Relief and Job Creation Act of 2011 reduces this to a maximum of 59 weeks in hardest hit states. Such a move fails to consider the weak jobs market and the harm reducing unemployment benefits would inflict on families and the national and local economies. Unemployment has been above 8 percent since April 2009, and the percent (43 percent in November 2011) of unemployed workers who have been without a job for six months or more has remained at record levels for 31 months.

This simply does not make sense. Reducing workers benefits does not solve the long-term unemployment crisis. It is illogical to reduce benefits at a time when long-term unemployment has broken records and is setting new ones.

My Republican colleagues not only cut the amount of unemployment benefits available by nearly fifty percent, this bill also includes provisions that would reduce access to and stigmatize those who receive unemployment insurance.

#### HIGH SCHOOL DIPLOMA OR GED REQUIREMENT FOR UNINSURANCE BENEFITS

This legislation denies unemployment insurance benefits to the most vulnerable workers, those without a high school diploma or GEDs, if they can't demonstrate they are enrolled in a program leading to a credential. Workers with less than a high school diploma are unemployed at significantly higher rates than workers with a bachelor's degree (13.2 percent v. 4.4 percent).

I understand the rationale behind wanting to advance the skills of our nation's work force. Believe me the hardships faced by those who have not attained a GED or high school diploma are indisputable.

The labor force participation rate for persons without a high school diploma is 20 percentage points lower than the labor force participation rate for high school graduates.

Nationally, approximately 70 percent of all students graduate from high school, but African-American and Hispanic students have a 55 percent or less chance of graduating from high school. If this measure passes, African-Americans and Hispanics will be hit the hardest. They have already been hit the hardest by this recession. And now we are throwing them out of their life boat!

Only 52 percent of students in the 50 largest cities in the United States graduate from high school. That rate is below the national high school graduation rate of 70 percent, and also falls short of the 60 percent average for urban districts across the Nation.

Over his or her lifetime, a high school dropout earns, on average, about \$260,000 less than a high school graduate, and about \$1 million less than a college graduate.

However, I vehemently disagree with how to address increasing the skills of our workforce. I do not believe we should blame those who for a variety of reasons were not able to attain a high school diploma or GED. We should not punish them by excluding them from benefits that they have earned! We should be focused on programs to encourage and retrain our workforce. Programs like those offered by organizations like the National Urban League.

#### DRUG TESTING REQUIREMENT FOR UNEMPLOYMENT INSURANCE

To make matters worse, this message also allows states to require drug testing as a condition of receiving unemployment insurance, a condition that is highly controversial and possibly unconstitutional when imposed on all applicants or recipients.

This is an additional stigma to the jobless. It implies that all they are doing are sitting around the house doing drugs. It is part of a systematic strategy of blaming the jobless for their predicament rather than focusing on building the economy so that there are more jobs for which they can apply. This is demeaning, demoralizing, and not how hard working Americans who have lost their jobs should be treated.

Republicans have not cited any data suggesting that drug use contributes to joblessness or that there is an elevated rate of drug abuse among the unemployed.

We must act now to extend unemployment insurance and remove these dastardly provisions that do nothing more than insult the integrity of the jobless. We have 17 days to act.



On Dec. 31, federal unemployment insurance benefits are set to expire, which means nearly 2 million will be cut off from unemployment insurance early next year if Congress doesn't act within the next 19 days. We must heed the immediate needs of their constituents who are worried about how they will meet their basic needs if they can't find a job and lose their unemployment insurance, and they should pass a clean bill that extends unemployment insurance and the payroll tax cut, vital lifelines for families struggling in this tough economy.

Under current law, states are not allowed to deny workers unemployment insurance for reasons other than on-the-job misconduct, fraud or earning too much money from part-time work.

Currently, 9.8 million people are receiving unemployment insurance in some form. In addition, an estimated 4.4 million families are receiving assistance through the Temporary Assistance for Needy Families program. Millions more get other kinds of aid.

The drug testing requirement is burdensome and onerous. Under current federal law an individual can not be required to pay for their own drug test. No funds have been extended to pay for drug testing. States that require drug tests will have to utilize administrative funds.

Testing costs around \$25.00, there are currently 15 million people going through the system, as unemployment is granted in weekly increments this could result in millions of tests being taken a week at an astronomical cost to the state.

States will have to pay to process an additional 15 million urine samples if drug testing for unemployment insurance is required.

Unemployment is at its highest in twenty-five years, the economy is in a downward spiral, millions of people are just getting by and government wants to further degrade them. There is no evidence to support that this requirement is effective. There is no evidence to support that the average person who applies for UI is an illegal drug user. The inference that those who need this benefit must be screened for drugs is offensive. Hardworking Americans are depending on a benefit they worked to attain.

#### UNEMPLOYMENT INSURANCE HELPS THE ECONOMY

A study was conducted the research firm IMPAQ International and the Urban Institute found Unemployment Insurance benefits:

Reduced the fall in GDP by 18.3%. This resulted in nominal GDP being \$175 billion higher in 2009 than it would have been without unemployment insurance benefits.

In total, unemployment insurance kept GDP \$315 billion higher from the start of the recession through the second quarter of 2010; kept an average of 1.6 million Americans on the job in each quarter: at the low point of the recession, 1.8 million job losses were averted by UI benefits, lowering the unemployment rate by approximately 1.2 percentage points; made an even more positive impact than in previous recessions, thanks to the aggressive, bipartisan effort to expand unemployment insurance benefits and increase eligibility during both the Bush and Obama Administrations. "There is reason to believe," said the study, "that for this particular recession, the UI program provided stronger stabilization of real output than

in many past recessions because extended benefits responded strongly."

For every dollar spent on unemployment insurance, this study found an increase in economic activity of two dollars.

According to the Economic Policy Institute that extending unemployment benefits could prevent the loss of over 500,000 jobs.

If Congress fails to act before the end of the year, Americans who have lost their jobs through no fault of their own will begin losing their unemployment benefits in January. By mid-February, 2.1 million will have their benefits cut off, and by the end of 2012 over 6 million will lose their unemployment benefits.

Congress has never allowed emergency unemployment benefits to expire when the unemployment rate is anywhere close to its current level of 9.1 percent.

Republicans seem to want to blame the unemployed for unemployment. But the truth is there are over four unemployed workers for every available job, and there are nearly 7 million fewer jobs in the economy today compared to when the recession started in December 2007.

The legislation introduced today would continue the current Federal unemployment programs through next year.

This extension not only will help the unemployed, but it also will promote economic recovery. The Congressional Budget Office has declared that unemployment benefits are "both timely and cost-effective in spurring economic activity and employment." The Economic Policy Institute has estimated that preventing UI benefits from expiring could prevent the loss of over 500,000 jobs.

In addition to continuing the Federal unemployment insurance programs for one year, the bill would provide some immediate assistance to States grappling with insolvency problems within their own UI programs.

The legislation would relieve insolvent States from interest payments on Federal loans for one year and place a one-year moratorium on higher Federal unemployment taxes that are imposed on employers in States with outstanding loans.

According to preliminary estimates, these solvency provisions will stop \$5 billion in tax hikes on employers in nearly two dozen States, as well as provide \$1.5 billion in interest relief. The legislation also provides a solvency bonus to those States not borrowing from the Federal government.

We must extend unemployment compensation. This will send a message to the nation's unemployed, that this Congress is dedicated to helping those trying to help themselves.

Until the economy begins to create more jobs at a much faster pace, and the various stimulus programs continue to accelerate project activity in local communities, we cannot sit idly and ignore the unemployed.

We cannot now, or ever, allow partisan politics to keep us from addressing the needs of American families, the unemployed and seniors. I encourage my colleagues on the other side of the aisle to drop these harmful policy riders.

Mr. DAVIS of Illinois. Mr. Speaker, I submit for your consideration opposition to drug testing and screening of unemployment insurance recipients and applicants as proposed in H.R.

3630 Middle Class Tax Relief and Job Creation Act of 2011. Never before has there been a greater need to ease the pain of millions of Americans attempting to make ends meet post economic/financial crisis and anemic jobs market. Daily, we are reminded of the rippling effects of these man-made disasters. Indeed, today's headline "America's Youngest Outcasts" shines the light on 1.6 million (one and 45 children) children homeless in 2010, a 38% spike from 2007. Yesterday's headline connected to dots and charted a direct correlation between the percentage of children living in poverty and unemployment rate. What will tomorrow's headline read with proposed unemployment insurance drug testing and screening?

Mandatory drug testing falls into the category of ill-conceived barriers. Implementing laws requiring mandatory "suspicionless" drug testing and screening for families is punitive and is not premised on any reasonable rationale. Such random testing is not only reckless and based on insidious stereotypes but mostly a costly and an inefficient way of identifying recipients in need of drug and substance abuse treatment. Additionally, imposing further sanctions on unemployment insurance recipients and applicants who've depleted savings or assets and at risk or in foreclosure will have harsh effects on children.

Our children's wellbeing is a measurement of our Nation's wellbeing. Lest anyone get carried away with the notion that unemployment insurance is a means of funding the purchase and usage of drugs, the fact is unemployment insurance promotes opportunity for the next generation.

The unrelenting partisan campaign to impose drug testing and screening requirements on the unemployed will be devastating. Beyond the toll on individuals, creating barriers to much needed unemployment insurance will have huge fiscal and social consequences. Congress can ill-afford to take a passive approach to helping millions of Americans waiting along the sidelines uncertain about employment opportunities. In these trying times we must hold fast to the words of James Madison, The Father of the Constitution, charging us to "promote the general Welfare. . . to ourselves and posterity." To do so otherwise is not only a disservice to our Constitution, but also a disservice to all Americans.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I rise to speak in opposition to H.R. 3630. I support the extension of the payroll tax holiday and Emergency Unemployment Compensation, but the current version forces us to make unfair, and unnecessary choices between those individuals in this country who are most in need.

This legislation would make drastic cuts to health care programs. If enacted, H.R. 3630 would cut over \$21 billion from Affordable Care Act programs, effectively increasing the number of uninsured Americans by 170,000. H.R. 3630 would also cut \$8 billion from the Prevention and Public Health Trust Fund, and over \$21 billion from Medicare provider rates. Mr. Speaker, as a registered nurse, I know that these cuts will fall largely on hospitals, and effectively cut off access to healthcare to the elderly, the sick, and the uninsured.

To suggest that this bill is an authentic attempt by the majority to resolve a lapse of

benefits that will occur if not extended is simply disingenuous. The majority has attached controversial provisions that have no chance of being considered by the Senate, and would be promptly vetoed by the President.

It was my hope to offer an amendment to H.R. 3630 that would address the increase we have seen in the number of children and others living in poverty. Unfortunately, my Republican colleagues have barred any amendments to this flawed piece of legislation.

Failure to extend these benefits will have immediate and drastic effects on American middle class families. We should not risk tax increases on these families, or cut off unemployment benefits for those out of work. I cannot support this bill as it is not consistent with American values.

Mr. CARNAHAN. Mr. Speaker, I rise in opposition to H.R. 3630, the Middle Class Tax Relief and Job Creation Act.

I apologize that I was not able to vote on the question of consideration of the resolution for the Rule on H.R. 3630. I was in an important meeting with constituents at the time the vote was called and was not able to make it to the capitol in time. Had I been available, I would have voted "no" on this resolution so the House could work on a serious proposal to extend the payroll tax holiday, unemployment insurance, and Medicare payments.

H.R. 3630 makes cuts to essential programs, such as education, healthcare, and energy and contains several poison pill policy riders unrelated to the crucial issues of payroll tax and unemployment insurance that make this bill a political stunt, not a legitimate policy proposal. This bill as currently constructed is not about tax cuts for the middle class or creating jobs, rather, it is about political ideologies and severing bi-partisan agreements.

H.R. 3630 will severely cut unemployment insurance and federal employee benefits at a time when our economy cannot afford the damage these cuts will inflict. We need to focus on cutting taxes for the middle class and closing loopholes so that big corporations and the ultra-rich pay their fair share.

Furthermore, H.R. 3630 includes cuts to hospitals which would devastate the patients and the communities these hospitals serve. Specifically, the plan calls for significant cuts to funding for hospital outpatient care and Medicare "bad debt" that helps hospitals care for low-income seniors. At the same time, the measure fails to include expiring provisions that help provide care in rural America. In my district in Saint Louis, hospitals are an important source of jobs, like many communities throughout America. I cannot support a bill that would surely lead to cut backs in not only services for our seniors, but also to cuts in jobs in my community.

I strongly oppose this legislation, and hope to work on a serious compromise that provides real relief for the middle class and creates jobs for Americans.

Mr. CONYERS. Mr. Speaker, I rise in opposition to H.R. 3630, an unacceptable, tone deaf response to the legitimate needs of the American people.

Unless Congress acts this month, millions of hardworking Americans—nearly 2 million in January alone and over 6 million in 2012—will

be cut off from the emergency lifeline provided by unemployment insurance. In my home State of Michigan, over 160,000 jobless Americans would be left adrift, without any way to weather the worst job market since the Great Depression.

Providing unemployment benefits during periods of economic crisis should be a no brainer. These benefits help keep the economy afloat and give job seekers the time necessary to find work in a tight job market. As such, previous Congresses have always come together to pass these benefits on a bipartisan and bicameral basis. In fact, since the unemployment insurance system was created, Congress has never cut back on federally-funded extended benefits when unemployment was over 7.2 percent.

Yet, this is exactly what this unacceptable proposal from the Republican Majority would do. H.R. 3630 would cut back the maximum weeks of unemployment benefits from 99 weeks to 59 weeks for current beneficiaries in Michigan. According to the National Employment Law Project, the proposed cuts could mean a loss of up to \$22 billion in economic activity next year and approximately 140,000 jobs lost nationally in 2012.

Additionally, the bill would add additional unnecessary restrictions on those seeking benefits. Applicants would be required to have a high school diploma, or use benefits to pay for the pursuit of a GED. It would also further humiliate those seeking unemployment benefits by requiring the unemployed to take drug tests in order to receive benefits. Insinuating that people are remaining unemployed because they're using illegal drugs is the height of ignorance and exemplifies how out of touch the Majority is when it comes to understanding the plight of Americans trying to survive the Great Recession. If anyone deserves to be drug tested, it's the Wall Street executives whose recklessness and irrational gambling problem caused the massive unemployment problem in the first place.

H.R. 3630 isn't a serious effort to extend these provisions. Instead, it's a package that's filled with riders and controversial cuts that won't pass the Senate. The bill includes language that would:

Create indefinite delay to standards that protect people's health from industrial boilers and incinerators, which would prevent up to 8,100 premature deaths, avoid 52,000 asthma attacks, and 5,100 heart attacks each year;

Short-circuit the review of the controversial Keystone XL Tar Sands Pipeline;

Make millions of seniors, some with incomes as low as \$80,000 a year, pay substantially more for their health care under Medicare—increasing the health care costs of these seniors by \$31 billion over 10 years;

Impose a pay freeze and benefit cuts that would take more than \$53 billion out of the pockets of federal workers;

Cut \$10.6 billion in Medicare "bad debt" payments, which help hospitals cover out of pocket costs that low-income seniors are unable to afford;

Cut \$6.8 billion for hospital outpatient payments for emergency room visits;

Cut \$4.1 billion to Medicaid DSH payments for hospitals that treat high numbers of uninsured patients; and

Relax restrictions on self-referral to physician owned hospitals, which would result in increased utilization of services and higher costs for the Medicare program.

The time is long past for partisan gamesmanship. In two short weeks, in addition to unemployment benefits running out, the taxes of middle class families in Michigan are scheduled to increase by \$1,800 and cuts in the reimbursements for doctors who participate in Medicare will kick in.

It is clear that the Majority needs to take a break from its war on the environment, seniors, and the uninsured and join with Democrats to create jobs and grow our economy.

Mrs. DAVIS of California. Mr. Speaker, it's nice to hear the House Majority finally talking about the importance of infrastructure jobs. They claim this bill will create thousands of jobs from one project—the Keystone Pipeline extension.

However, America has infrastructure needs in all corners of the nation and this bill ignores those needs.

In San Diego County, where my district sits, there has been a 3-percent loss in construction jobs dropping it to 226th out of 337 metro areas. This is according to a report just released by the Associated General Contractors of America.

And San Diego was not alone. The report noted that 145 other metro areas suffered losses in construction jobs.

The reason for this drop in jobs, you may ask? The contractors say it is because Congress is lagging in passing infrastructure and transportation bills.

Despite being touted as a jobs bill, H.R. 3630 fails to address other critical infrastructure projects to rebuild our schools, roads, and bridges.

Mr. Speaker, this House should be debating a real infrastructure bill that will provide needed jobs and meet our infrastructure needs.

Mr. DINGELL. Mr. Speaker, today I rise with disappointment over the legislative package put before us. As American families struggle to heat their homes, find jobs in their communities, and save for retirement or their children's education, my colleagues on the other side of the aisle are using this package to provide assistance to these families to insert controversial policy riders. Like all members of the U.S. House of Representatives, I agree that we must pass a sensible solution to fix the way providers are paid under Medicare, an unemployment extension, and tax relief for middle-class families, but I cannot in good conscience support H.R. 3630 as written.

Like my colleagues, I agree strongly that we must address the Sustainable Growth Rate, ensuring that our medical providers are paid sufficiently for the coverage they provide under Medicare. However, H.R. 3630 will address this problem for only the next two years, leaving us to once again deal with a massive payment cut—37 percent—in 2014. I believe strongly that we must come together and find a way to permanently address the way we pay our doctors rather than kicking the can down the road time after time. Further, I cannot stomach though the drastic cuts to our healthcare programs. H.R. 3630 will pay for these extenders by increasing Medicare premiums for some beneficiaries and increasing

the number of beneficiaries required to pay increased premiums. It also cuts over \$21 billion from Affordable Care Act programs, endangering the implementation of health reform, increasing the number of uninsured by 170,000 people, and breaking our promise to American families, seniors and children that they will have access to affordable health coverage.

In another act of blatant cynicism, my Republican colleagues seem to be blaming the recession on the unemployed by slashing their benefits. America's working families didn't cause our country's economic troubles, yet the Republicans seem bent on making them pay all the same. We're not out of this recession, and my friends on the other side of the aisle want us to swallow an unheard-of 40-week reduction in benefits for people struggling to make ends meet? As if that weren't enough, Republicans seek to ensure that state agencies can engage in all manner of bureaucratic rascality to deny the truly needy the benefits they must have to keep the heat on and put food on the table. This GOP strategy to keep America down so they can win elections next year sickens me. The people in Michigan are hurting badly and need more help, not less. The Republicans' solution to the economic woes of working men and women would do Ebenezer Scrooge proud.

The final nail in this legislative coffin is the decision by the Majority to roll back efforts to protect our environment. I believe it is important that the Clean Air Act's health-based and air quality standards be protected. The federal government has a system already in place to keep our air clean and maintain the health of our citizens and rather than dismantle this system, we must bolster it. I agree any solution to air pollution issues must represent an equitable balance among all affected industries and parties. The existing Clean Air Act is such a solution and before we take any steps to alter it, as the so-called "EPA Regulatory Relief Act" does, we need to know we have developed something much better to put in its place. In hearings on this and other bills to change the Clean Air Act, I've asked my colleagues to come up with real solutions but instead their only idea is to indefinitely postpone Clean Air requirements without any regard to air quality or health effects. As we work to improve our fragile economy, it is important that we support businesses so they can have the tools to create and maintain jobs and put Americans back to work. However, it is also important that we not cede ground in our efforts to keep our air clean; the health of our citizens is too important.

Mr. Speaker, this bill is yet another in a long list of partisan bills that my Republican colleagues have brought to the House floor with the knowledge and understanding that it is dead on arrival in the Senate. If Congress is to govern properly—by producing balanced plans to reduce our deficit, investing in our Nation's infrastructure, and creating jobs—then we must set aside the extreme ideological agenda and come together for a common cause. The American people want and need the federal government working to restore our economy, increase our competitiveness in the global marketplace, and provide American families with the opportunity to succeed. When this bill fails to move in the Senate, I hope my

Republican colleagues will realize that we cannot spend the rest of the 112th Congress legislating from the fringes of the political spectrum.

Mr. VAN HOLLEN. Mr. Speaker, I support extending the current payroll tax cut for 160 million working Americans. I support protecting the lifeline of unemployment insurance for those who remain out of work through no fault of their own. And I support fixing the broken Sustainable Growth Rate formula for physicians who participate in Medicare—which is precisely why I oppose this bill.

Everyone in this Chamber knows it won't pass the Senate. The President has said he won't sign it. In short, it has exactly zero chance of getting enacted into law.

Now, several weeks ago, that scenario sounded like it was actually the preferred outcome for a majority of my friends on the other side of the aisle. The Republican leadership stated that it opposed extending the payroll tax cut and unemployment insurance. If the Republican leadership has changed its mind and is now sincere about protecting the middle class, it's time to dispense with the posturing, throw out the poison pills, stop scapegoating the federal workforce and start seriously negotiating a package that can receive bicameral, bipartisan support.

Mr. GEORGE MILLER of California. Mr. Speaker, 1.1 million Californians stand to lose their unemployment benefits if Congress fails to do its job.

And the bill before us today is the perfect example of Congress failing to do its job—yet again.

Let's be clear what's going on here.

Republicans in Congress have opposed every effort by President Obama and Democrats in Congress to create more American jobs and to rescue our economy from the worst recession to since the Great Depression.

They even opposed extending the payroll tax cut that the President signed into law last year that expires at the end of this year. That tax cut is worth \$1,000 to the average American. If Congress does not extend the payroll tax cut, Congress will be increasing taxes on middle class workers by \$1,000.

Republicans in Congress have also opposed extending unemployment insurance for the millions of workers who have not been able to find work for no fault of their own.

First, they block efforts to create jobs. Then they oppose extending to them unemployment insurance.

Unbelievable.

Now, they are feeling enormous public pressure to extend the payroll tax cut and unemployment insurance benefits. Democrats would pay for the cost of the payroll tax cut for middle class workers by slightly increasing taxes on people who earn more than \$1 million per year.

Republicans refuse to increase taxes by any amount on people who earn more than \$1 million a year.

Instead, they propose paying for the payroll tax cut by cutting unemployment insurance benefits.

Unbelievable.

Their bill cuts 40 weeks of unemployment insurance benefits from people in my state of California, and in 20 other states as well.

We wouldn't need long-term unemployment insurance if Republicans were serious about solving America's economic problems, but they are not serious about solving problems. In fact, they refuse.

No new jobs under their watch.

No new taxes on people who earn more than \$1 million per year under their watch.

But, it's ok to cut unemployment benefits that help create jobs and keep food on middle class families' tables.

Now, to add to the indignity of it all, Republicans want to drug test those who lost their jobs through no fault of their own.

Have the Republicans in control of Congress forgotten how we got into this recession in the first place?

It was Wall Street that recklessly drove our nation's economy into the ditch. And millions lost their jobs because of it.

And the crisis persists in part because the majority refuses to do anything about it.

You'd think that the unemployed caused the job crisis.

The unemployed didn't sell toxic securities. They didn't sell trillions of dollars of phony credit default swaps. They didn't blow up the global economy.

No, that was Wall Street aided by lax oversight from Washington.

If the Republicans want to drug test people who get benefits from the federal government, I suggest they look at Wall Street bank executives who drove our economy into the ditch in the first place.

Congress should not demonize the unemployed who are desperate to get back to work. Unbelievable.

Mr. Speaker, Congress has a job to do. It is our responsibility to work together to help put Americans back to work, to ensure our tax policy is fair and balanced, and to make sure that Americans have unemployment insurance benefits to help carry them and their families through while they are looking for work.

This bill would cut unemployment benefits by 40 weeks for the unemployed in California and 20 other states, and then it would require drug tests for those who do get benefits. This bill should be rejected.

Mr. STARK. Mr. Speaker, I rise in strong opposition to H.R. 3630, which would be better entitled "the House Republicans' ultimate year-end wish list."

This Republican bill is an affront to senior citizens, middle class workers, and low-income families—at a time when Americans are enduring the toughest economy since the Great Depression.

As this bill details, Republicans would have seniors permanently pay increased Medicare premiums for just one year of a payroll tax cut for working Americans and a one-year gutted extension of unemployment insurance.

This bill is wrongheaded, it's heartless, and it's bad for our fragile economic recovery.

Republicans want one in four Medicare beneficiaries to start paying significantly higher Medicare premiums. If their proposal were fully in effect today it would hit people with \$40,000 in annual income—those aren't the rich.

They ignore the reality that wealthier seniors already pay more for Medicare benefits today—and they've also paid more in Medicare taxes during their working years. Republicans should be honest about their goal here.

This isn't to make the rich pay more, it is designed to undermine Medicare's guaranteed benefits for ALL of America's senior citizens and people with disabilities and get the government out of the business of guaranteeing health benefits.

Republicans have also tucked in a special interest giveaway that costs \$300 million. They would undo parts of the health reform law in order to give physician-owned hospitals more room to grow and to line their pockets. We already know these facilities have caused patient deaths and run up Medicare costs with unnecessary use of tests and procedures. This Republican handout is bad for Americans' health, but it's great for these special interest friends of the Republicans.

The Medicare provisions and giveaways are enough to oppose this legislation. Unfortunately, this bill is also a vehicle to attack working families and environmental protections.

This bill would eliminate 40 weeks of unemployment insurance benefits for workers in my state of California and many other states. Not only do House Republicans want to pull the rug out from unemployed people searching for work, they also want them to submit to the indignity of having to take a drug test to qualify for benefits. Not only are you out of a job, you are also a presumed drug user in the eyes of Republicans.

America may want to drug test House leaders for including terrible anti-environmental policy riders that are entirely unrelated to either tax cuts, unemployment insurance, or Medicare. In order to sweeten the pot for the more radical members of the Speaker's caucus, this legislation would block the EPA from reducing mercury pollution. It would also usurp Presidential authority and approve the Keystone tar sands pipeline without proper review.

We need to get down to the business of extending unemployment insurance, protecting seniors and preserving the middle class. This dangerous bill, once again, shows Republican's willingness to hang the middle class and senior citizens out to dry to further their special interest agenda.

Mr. WOLF. Mr. Speaker, while I support comprehensive tax reform, I do not support the flawed legislation presently before us. I have repeatedly said it is long past time to close tax loopholes, end the practice of tax earmarks and lower tax rates on American families and employers. I support a long-term "doc fix" to ensure that doctors continue to accept Medicare patients. I support the Keystone XL pipeline and efforts to reform unemployment insurance, all of which are included in this bill. However, these are not the central issues of the legislation we are considering today.

The issue today, as defined by both political parties and the president, is whether or not a temporary—and costly—one-year payroll tax "holiday" should expire at the end of the month. The real issue is whether it is responsible for Washington to further shortchange the Social Security Trust Fund at a time when it is already on an unsustainable path.

This "holiday" is a raid on Social Security, which is already going broke. Social Security is unique because it is paid for through a dedicated tax on workers who will receive future benefits. The money paid today funds benefits

for existing retirees, and ensures future benefits. Because you pay now, a future retiree will pay your benefits. That is why, until last year, this revenue stream was considered sacrosanct by both political parties.

Raw facts demonstrate that Social Security is on an unsustainable path. Today's medical breakthroughs were simply not envisioned when the system was created in 1935. For example, in 1950, the average American lived for 68 years and 16 workers supported one retiree. Today, the average life expectancy is 78 and three workers support one retiree. Three and a half million people received Social Security in 1950; 55 million receive it today. Every day since January 1, 2011, over 10,000 baby-boomers turned 65. This trend will continue every day for the next 19 years. Do these numbers sound sustainable to anyone?

I recently asked a group of McLean High School students and a group of young James Madison University alumni whether they believed that they would receive Social Security benefits when they retire. Not one hand was raised. Not a single one.

The Social Security Actuary has said that by 2037 the trust fund will be unable to pay full benefits. When this time is reached, everyone will receive an across the board cut of 22 percent, regardless of how much money they paid into the system.

Let me repeat. Under our current path, within 15 years all Social Security benefits will be cut by 22 percent.

Granting another tax holiday is unwise. It puts the existing benefits of those 55 million Americans who currently receive Social Security at risk to continue a failed "stimulus" policy.

Last December, when unemployment stood at 9.4 percent, the president touted the "holiday" as a one-year measure that would help cure our economic ills and would spur economic growth.

Yet here we are again. After spending most of the year above 9 percent, unemployment has dropped to 8.6 percent. But that belies the primary driver of this change: 315,000 Americans simply stopped looking for work. Nobody can say with a straight face that the payroll tax "holiday" has had a meaningful impact on the unemployment rate, nor would it if extended for another year.

Does it make sense that everyone, regardless of income, will get money from this "stimulus?" Does anyone think that Warren Buffet changed his buying habits as a result of this temporary suspension? Or General Electric's CEO, Jeffery Immelt, who is also head of President Obama's Council on Jobs and Competitiveness?

I opposed the legislation creating the Social Security tax "holiday" last year for similar reasons. I just cannot support an extension that further compromises the stability of the Social Security Trust Fund.

Real structural reforms are needed to stabilize Social Security. Past experience shows that Congress will spend the next 10 years figuring out how to spend the money designated as offsets for today's bill on other projects. It won't be used to pay for the bill. Knowing this, I cannot in good faith support a measure to raid the trust fund without comprehensive reform to the system.

The expiring payroll tax "holiday" is costing Americans \$112 billion. To pay for it, we are borrowing money from nations such as China, which is spying on us, where human rights are an afterthought, and Catholic bishops, Protestant ministers and Tibetan monks are jailed for practicing their faith, and oil-exporting countries such as Saudi Arabia, which funded the radical madrasahs on the Afghan-Pakistan border resulting in the rise of the Taliban and al Qaeda.

Our national debt is over \$15 trillion. It is projected to reach \$17 trillion next year and \$21 trillion in 2021. We have annual deficits of approximately \$1 trillion. We have unfunded obligations and liabilities of \$62 trillion.

We all know what needs to be done and that is why I have supported every serious effort to resolve this crisis, including the Bowles-Simpson recommendations, the Ryan Budget, the "Gang of Six," the "Cut, Cap and Balance" plan and the Budget Control Act.

I also was among the bipartisan group of 103 members of Congress who urged the supercommittee to "go big" and identify \$4 trillion in savings. I voted for the Balanced Budget Amendment to the Constitution, which would have established critical institutional reforms to ensure that the Federal Government lives within its means. In addition, since 2006, I have introduced my own bipartisan legislation, the SAFE Commission, multiple times.

While none of these solutions were perfect, they all took the necessary steps to rebuild and protect our economy. In order to solve this problem, everything must be on the table for consideration—all entitlement spending, all domestic discretionary spending, including defense spending, and tax reform, particularly changes to make the tax code more simple and fair and to end the practice of tax earmarks that cost hundreds of billions of dollars.

Because the extension of the payroll tax "holiday" is not part of a comprehensive tax and entitlement reform package, it ignores the bigger picture: everything must be on the table to enact sweeping reforms to right our fiscal ship of state.

Does anyone really think that this will only be a one-year extension? I suspect that at this time next year Congress will once again be considering another costly extension. And what will happen the year after that?

If past precedent holds, the 10-year price tag of this "holiday" will come to about \$1.2 trillion. The supercommittee was unable to agree to any deficit reduction plan, let alone their \$1.2 trillion goal. The consequences of this failure will be severe.

Air Force Chief of Staff General Norton Schwartz said that the coming across-the-board cuts to our defense capabilities, as a result of the supercommittee's failure, are akin to having major surgery performed by a plumber. The Commonwealth of Virginia will feel particular pain from these defense cuts. Bloomberg Government reported that Virginia is the number one recipient of defense spending.

How will the Congress pay for this extended tax cut and still make the needed cuts to our deficit and debt?

I feel as if Washington exists in a parallel universe. After months of passionately debating the importance of reducing the debt, the

president and Congress are now using all the “easy” and “quick” offsets to extend a one-year temporary tax break that’s barely, if at all, improved the economic indicators.

Senator TOM COBURN recently said that “the question the American people ought to ask is where is the backbone in Washington to actually pay for these extensions in the year the money’s spent.” I think it’s clear that the backbone doesn’t exist.

Leadership starts at the top, and the president has repeatedly failed to address our Nation’s deficit. Earlier this month, the president drew a line in the sand and said Congress shouldn’t go home until the payroll holiday is extended.

He has not drawn that line for the doc fix, which is necessary to ensure that doctors will accept Medicare patients.

He has not done that for unemployment benefits.

He has done the opposite on the Keystone XL pipeline, postponing the decision for yet another year, until after the next election.

Above all, he has not drawn a line in the sand for a comprehensive deficit reduction plan. In fact, he has spent most of the year running from serious deficit reduction efforts, including the one proposed by his own fiscal commission. He has not proposed significant changes to entitlement programs or embraced comprehensive tax reform.

We need look no further than the riots in Europe to see the destructive impact that results from the crushing reality of a government unable to deliver promised entitlements to its citizens. There have been riots in Belgium, Spain, France, Ireland, England, Italy, Latvia, and Greece. And yet we are considering a proposal that moves us closer to Europe’s instability.

Instead of using these bipartisan offsets to pay down our deficit, we’re increasing spending and using these offsets to maintain our unacceptable levels of debt. The American people should be deeply troubled that Congress and the president cannot find any bipartisan agreement to save our country, but they can still come together to increase spending and shortchange Social Security. There is something fundamentally wrong with this picture.

Compounding my belief that the tax “holiday” will not be fully paid for, I do not agree with some of the offset measures that have been included, absent comprehensive reform.

Some would have the one-year tax “holiday” financed through a long-term, structural attack on federal employees. Federal employees work side-by-side on the front lines with our military personnel fighting the Global War on Terror in locations such as Iraq and Afghanistan. They put their lives at risk daily to defend our national interests.

The first American killed in Afghanistan, Mike Spann, was a CIA agent and a constituent from my congressional district. CIA, FBI, DEA agents, and State Department employees are serving side-by-side with our military in the fight against the Taliban. Border Patrol and Immigration and Customs Enforcement agents are working to stop the flow of illegal immigrants and drugs across our borders.

The medical researchers at NIH working to develop cures for cancer, diabetes, Alz-

heimer’s and autism are all dedicated federal employees. Dr. Francis Collins, the physician who mapped the human genome and serves as director of the National Institutes of Health, is a federal employee.

The National Weather Service meteorologist, who tracks hurricanes, and the FDA inspector working to stop a salmonella outbreak, are federal employees. The ATF agents who were in Blacksburg immediately following last week’s shooting are federal employees. These are but a few examples of the vital jobs performed by federal employees.

We can’t balance the budget through discretionary cuts alone. We have to address the spiraling costs of entitlements, because, to paraphrase the infamous bank robber Willie Sutton, that’s where the money is. If you care about cancer research, if you care about national defense, if you care about road improvements or if you care about the poor, you should care about entitlement reform. We must reform these programs to preserve them for future generations. Otherwise, they will be made unrecognizable through forced, significant cuts or eliminated altogether.

Last December, the leaders of the president’s bipartisan fiscal commission, Erskine Bowles and former Senator Alan Simpson, wrote to the president and leaders of Congress, “Our growing national debt poses a dire threat to this nation’s future. Ever since the economic downturn, Americans have had to make tough choices about how to make ends meet. Now it’s time for leaders in Washington to do the same.”

Mr. Speaker, I cannot support this measure and will vote “no” as I did last December. Let’s put these offsets towards real deficit reduction and move forward with serious efforts to deal with our unsustainable spending.

Ms. FUDGE. Mr. Speaker, I rise today to strongly oppose this rule and the underlying bill. H.R. 3630 allows States to fund reemployment programs with money that would otherwise be in the pockets of the unemployed.

My amendment mandates transparency and accountability. It requires States to make public the amount of money taken from the checks of unemployed Americans.

This is not the time to divert funds away from those most in need in order to fund reemployment programs. Let me be clear, it’s not that I am against reemployment programs.

But those who are unemployed need every dollar. And at a time when our economy is starting to recover, we need the unemployed to remain consumers. Every dollar of unemployment payments generates up to one dollar and ninety cents in economic growth.

I mentioned Karen from Cleveland on the House floor last week. Karen was laid off in March. Her unemployment check is allowing her to pay her mortgage and buy prescriptions she needs to maintain her health. She has completely used up her savings.

If Karen’s check were to decrease, or disappear, the consequences would be devastating.

Karen, like millions of Americans, depends on unemployment insurance to stay in their homes, and buy needed medicine. It will create an endless cycle of medical bills and homeless shelters.

For all the unemployed mothers who provide for their children. For unemployed seniors

who are not quite old enough for Social Security.

For all the unemployed Americans, whose funds are low and debts are high, trying to keep their lives together as they navigate the most difficult time period since the Great Depression.

Let’s cut the partisan posturing and extend unemployment insurance without unnecessary riders.

Mr. MCKINLEY. Mr. Speaker, I voted to protect the Social Security Trust Fund by opposing H.R. 3630 and would like to take this opportunity to discuss my decision. This bill was a patchwork of many policies that were thrown together at the last hour and created a flawed piece of legislation that I could not support.

Primarily, the corner stone of this legislation—the extension of the payroll tax reduction—did not create jobs for the last year it has been in effect. Over the past five months, I have been vocal in my opposition to the President’s unproductive plan. Since, I do support a long-term “doc fix” to ensure that doctors continue to accept Medicare patients, I do not support the \$17 billion cut from hospital payments, including those that are essential to help hospitals care for low-income Medicare patients. I do support the Keystone XL pipeline and efforts to reform unemployment insurance; however, these were not the central issues of the legislation we considered yesterday.

Over the last several days, I have conducted numerous town hall-like meetings to discuss this legislation with constituents. As a result of these conversations with everyday West Virginians, it was apparent to me that breaking from both President Obama and even my own party on this bill was the right thing to do.

Washington just doesn’t get it. This tax cut has been in effect for the last year and it clearly did not improve the economy. And at what cost? For the second year in a row, this bill would take another \$180 billion from Social Security with a promise to be paid back over the years, all to give the average West Virginia worker an extra \$30 in his or her paycheck every two weeks. That’s not a jobs plan—it’s a re-election plan. We have seen these same unsuccessful economic plans for the past three years, and for those three years they have failed miserably. Does it make sense to continue to make choices that we know from experience do not work?

I will concede that after spending most of this past year above 9 percent, unemployment has dropped to 8.6 percent. But the primary driver of this change is simply that 315,000 Americans simply stopped looking for work. Also, at this time of year, the retail industry increases their staff by almost 50 percent; those people will be back on unemployment benefits in February. Nobody can say that the payroll tax “holiday” has had a meaningful impact on the unemployment rate thus far, nor will it likely prove beneficial if extended for another year.

We’ve all been told that Social Security’s finances are in trouble, yet President Obama’s plan makes the situation worse. We cannot continue to send mixed messages to senior citizens and current workers. They need to be able to trust that Social Security will be there

for them. If we do not stop extending this payroll tax cut, then Social Security will cease to be a guarantee and instead become another typical government program reliant entirely on politicians' whims.

That's not fair for our seniors or current workers who are currently paying into Social Security. So the question becomes, if not now, when we will stop raiding Social Security?

H.R. 3630 is just another temporary tax reduction that only produces more uncertainty for employers and fails to protect our seniors. Real structural reforms are needed to stabilize Social Security. Past experience shows that Congress will spend the next 10 years figuring out how to spend the money designated as offsets for today's bill on other projects. It won't be used to pay for the bill; I could not in good faith support a measure that will raid the trust fund without comprehensive reform to the system.

As Andrew Biggs, a resident scholar at the American Enterprise Institute, said, "People don't generally respond well to temporary tax cuts so it's unlikely you're going to see a strong economic response." House Budget Committee Chairman PAUL RYAN has likened the payroll tax cut to "sugar-high economics." And Chris Edwards, a tax scholar at the Cato Institute, said that the president's plan "is based on faulty Keynesian theories and misplaced confidence in the government's ability to micromanage short-run growth." Perpetuating the president's failed economic policies, especially if we have to rob Social Security to do it, has to stop.

Additionally, the reductions in federal reimbursements to hospitals that are contained in this legislation are not acceptable. Hospitals in northern West Virginia are already being paid at some of the lowest Medicare rates in the country; we should not be making it even harder for the hospitals to provide quality healthcare to our seniors.

Again, since this bill was loaded up at the last minute with several items which I have already strongly supported throughout this Congress—including jumpstarting the Keystone Pipeline, relaxing EPA regulations on boilers, extending and reforming unemployment benefits and other government programs, and preventing a scheduled 27% cut to doctors' Medicare reimbursement rates—it is simply unacceptable to continue the president's misguided economic theories at seniors' expense.

This bill has a long way to go despite the short timeframe in which Congress is operating, and if significant changes are made, it may be worth another look. But I came to Washington to get something done, create jobs, and restore common sense to the process. Unfortunately this particular bill fails that test.

Mr. GENE GREEN of Texas. Mr. Speaker, during this Season of Giving, when our nation should be reflecting on the need of friends and neighbors who are out of work and struggling to provide for their loved ones, this chamber will vote today to cut unemployment benefits for one million of our fellow Americans.

The House Majority's bill, H.R. 3630, would eliminate several tiers of benefits, created under the Emergency Unemployment Compensation program, which has provided up to 99 weeks of support for those who lost their jobs through no fault of their own.

If this legislation becomes law, the maximum potential unemployment benefit will fall to 59 weeks.

This legislation would also allow states, many of which are struggling to balance their budgets, to reduce the average weekly amount available to beneficiaries.

I am strongly opposed to any reduction in emergency unemployment insurance.

This Congress cannot and must not adjourn for the holidays and go home to tell our unemployed neighbors that the richest country on earth cannot find a place in their heart to help them in their time of need.

Mr. Speaker, unfortunately I am not able to support H.R. 3630 even though I am a strong supporter of moving the Keystone XL Project along and would support the language included in this bill if considered separately.

The Keystone XL project makes both energy and economic sense for our country, and I hope that the Administration could find a way to allow for construction to commence in some of the states while simultaneously revisiting the route in Nebraska.

I urge my colleagues to stand in support of the millions of our fellow Americans struggling to find work and to oppose this legislation.

Mr. KINGSTON. Mr. Speaker, I rise today in support of the language included in this bill that would remove current barriers for states to strengthen the unemployment program through optional drug testing. The purpose of the unemployment insurance program is to be a safety net, a bridge to reemployment. However, when beneficiaries choose to abuse illegal drugs they are no longer at their competitive best within the jobs market.

That is why I have proposed legislation, H.R. 3601 the "Ensuring Quality in the Unemployment Insurance Program (EQUIP) Act," that would require screenings for applicants of unemployment insurance. Applicants would be screened using a non-invasive questionnaire that has a 94 percent accuracy rate. If identified as likely to use drugs, an applicant for unemployment would be required to pass a drug test as a condition of benefits. This non-invasive practice has been upheld by state courts in New Jersey, Texas and Indiana. A federal court in West Virginia upheld that state's practice of screening applicants for Social Security Disability Insurance.

The screening would not increase federal spending. The estimated cost is \$12 per person. This would be more than offset by reducing the \$7.5 billion budget for the controversial Independent Payment Advisory Board (IPAB) and Consumers Operated and Oriented Plan (CO-OPs), which was established to ration health care expenditures.

At one of the several listening sessions I had with business owners earlier this year, I had an employer tell me of an overwhelming response for job openings. There was just one problem: half the people who applied could not even pass a drug test. Another told me about an employee they had to temporarily lay off when times were tight. A month later when he contacted his former employee to offer him a new position, he declined because unemployment was paying the bills. With our budget woes of more than \$15 trillion in debt, how can we justify using unemployment insurance to pay someone not to work when they have

voluntarily taken themselves out of the hiring pool? That is what we are doing when someone on unemployment is using drugs.

Under the current system, workers can earn up to 26 weeks through employer contribution but are eligible for 99 weeks of benefits under current law. Your tax dollars make up the difference. Maximizing efficiency and effectiveness of programs like unemployment insurance has to be our society's goal.

Drug screening beneficiaries incentivizes individuals to not abuse drugs, which would otherwise render them unfit to be employed. Some have said this proposal asks too much of those who have lost their jobs, but asking someone who is unemployed to do his or her part by staying eligible to work is common sense, not draconian.

I look forward to working with the Committee on this proposal and a hearing in the spring.

Ms. RICHARDSON. Mr. Speaker, I rise today in strong opposition to H.R. 3630, the GOP Tax Extenders Package. This bill does nothing to create jobs, support the middle class or stimulate our economy. Instead, the Republicans have decided to play politics at the expense of ninety-nine percent of American families.

As we wrap up this year's legislative business, individuals receiving unemployment insurance benefits, physicians anxiously awaiting certainty that they will be adequately reimbursed for treatment they deliver to Medicare patients and millions of middle class families facing a tax increase are depending on us to put politics aside and act responsibly. Unfortunately, the GOP Tax Extenders Package is mere political theater that takes an irresponsible approach to solving these issues.

Mr. Speaker, President Obama called on Congress to extend the payroll tax deduction in order to save working Americans an average of \$1,500 over the next year. If Congress does not act by the end of the year, American families making an average of \$50,000 per year will see their taxes raised \$1,000. At a time when the average American is struggling to make ends meet, it is essential that we extend the payroll tax cut to ensure that middle class American families can spend the money they've earned. Lowering the rate Americans contribute to Social Security out of their paychecks will help stimulate consumer spending, create jobs and revive our economy.

While the Republican bill we are considering today extends the current payroll tax cut by two percent and addresses the SGR "doc fix" for two years, there are a number of ideological poison pills attached to this bill that simply make this measure unacceptable. First, the bill cuts Medicare provider rates by over \$21 billion and significantly increases the number of Medicare beneficiaries required to pay higher premiums for services they need.

Second, the bill would cut over \$21 billion from Affordable Care Act programs, which will increase the ranks of the uninsured by 170,000 Americans. Although we are making progress in ensuring that more Americans have access to quality and affordable health insurance plans, the Republicans are recklessly attempting to roll back provisions of the Affordable Care Act that have proven successful at increasing access to healthcare. The

Prevention and Public Health Trust Fund, an essential piece of the Affordable Care Act tasked with promoting healthy lifestyles and prevention treatment to keep Americans healthy, would suffer a deleterious \$8 billion cut.

Further, this bill would roll back the amount of time benefits are provided to recipients of emergency unemployment compensation. The current program allows beneficiaries to receive unemployment compensation for up to 99 weeks; however, the Republican Tax Extenders Package would lower that amount of time to 59 weeks. As we are all aware, the current job market is extraordinarily bleak. With the unemployment level in my district hovering around twenty percent, shortening the length of time benefits are provided would have a devastating impact on those who rely on unemployment compensation as their main source of income.

Mr. Speaker, cutting back emergency unemployment compensation from 99 to 59 weeks hurts the most vulnerable members of our society. That is why I submitted an amendment to this legislation that would extend current unemployment benefits for 2012, if the implementation of subtitle B of title II is found to have a disproportionately adverse effect on workers aged 55 and older by the Secretary of Labor. Had my amendment been made in order and adopted, it would have provided much needed relief to job-seeking seniors in this tough economic environment.

Time is running out. Republican brinksmanship on must-pass legislation continues to damage job creation and create uncertainty for businesses and the markets. In their Pledge to America, House Republicans promised to focus on jobs and keep extraneous and controversial provisions out of must-pass legislation. This bill is yet another example of their broken promises to the American people.

For all these reasons I cannot support H.R. 3630, and I urge my colleagues to join me in voting against this bill.

Mrs. MALONEY. Mr. Speaker, the House Republican Majority has done nothing to create jobs during the first session of the 112th Congress and now they're adding further injustice by hurting the millions of Americans who have lost their jobs through no fault of their own. The Republican unemployment insurance proposal would cut in half the total number of weeks of benefits provided, harm those States with the highest rates of prolonged unemployment, and allow unemployment funds to be used for other purposes.

If Congress does not act on an extension of unemployment benefits, more than one million Americans could lose their unemployment benefits next year. This is compounded by the Economic Policy Institute's findings that the drop in consumer demand resulting from expired unemployment benefits would cost the U.S. economy more than half a million jobs. This is unacceptable. According to the Congressional Budget Office providing federal unemployment benefits is one of the most effective ways to help boost the economy—in fact, for every dollar of benefits, nearly \$2 in economic growth goes into the surrounding community. We should be working to support American families instead of causing more damage.

This bill should be about extending tax incentives and not pushing through the Majority's anti-environment agenda. This legislation includes a provision that bypasses the Keystone XL pipeline environmental review process by requiring the President to make a decision whether to approve the project within 60 days, even though a final route has not yet been proposed. It is responsible and critical that the Administration complete a proper assessment of the health risks and potential toxic contamination to the surrounding communities posed by the pipeline. Any effort to rush this process and compel a decision before a thorough review should not stand.

The Majority also is attempting to block air quality standards that have been thoroughly reviewed. The EPA is more than a decade late on issuing emissions standards requiring incinerators and boilers to reduce toxic air pollutants. While this would impact less than 1 percent of all boilers in the U.S., the Republican Majority is again attempting to nullify and delay the discharge limits. The pollutants from these emissions are linked to asthma, cancer, and heart disease, with the EPA estimating that the pollution reductions required by the rules would prevent up to 8,100 premature deaths, 52,000 asthma attacks, and 5,100 heart attacks each year and yield \$12 to \$30 in health benefits for every dollar spent to meet the standards. Such controversial provisions as the pipeline and the emissions standards have no place in tax legislation.

The issue of spectrum allocation should not be pushed through at the end of this session. While H.R. 3630 grants the Federal Communications Commission the authority to conduct incentive auctions, it does not ensure proper oversight of the process. This is especially concerning as it relates to the public safety network. In the immediate aftermath of September 11th the importance of a strong and consistent public safety network was clear—first responders and emergency workers must be able to communicate in emergency and disaster situations. There is an insufficient amount of funds to research, build, and develop the public safety communications network as well as no requirement that the network providing for effective governance and national operability.

Finally, while I wholeheartedly believe that we must fix the Medicare Sustainable Growth Rate Physician payment formula (or "doc fix"), we cannot do it on the backs of the hospitals. This bill would cut Medicare hospital outpatient reimbursement rates to equalize them with rates for services provided in physician offices. The proposal is misguided because it ignores the significant differences in cost structures between hospitals and physician offices, including the added costs hospitals incur for caring for the uninsured. All of these cuts are on top of \$155 billion in hospitals cuts from the Affordable Care Act (ACA) and more than \$40 billion in cuts just created by sequestration. Hospitals simply cannot sustain these cuts and patient care will suffer if they are forced to do so.

Ms. MCCOLLUM. Mr. Speaker, I rise today in opposition to the so-called Middle Class Tax Relief and Job Creation Act (H.R. 3630). The title of this bill is misleading at best. H.R. 3630 does not create jobs or relieve the struggles of

the middle class. Instead, it drastically reduces federal benefits for the unemployed and slashes health care funding by over \$17 billion. Moreover, it contains highly partisan and controversial policy riders that would have no chance of becoming law if considered under regular order.

Let me be clear. Congress must extend the payroll tax cut and offset the extension responsibly. Federal unemployment benefits, in their current form, must be extended before the end of the year. We must prevent a 27.4 percent cut to Medicare physician payments that jeopardize seniors' access to necessary health services. Action is urgently needed to address these issues. However, the House Republican proposal before us today unjustly places the burden of paying for these fixes on those in our society who can least afford it: the unemployed, low-income families, and seniors.

In this bill, House Republicans cut the weeks of unemployment insurance by more than half: from 99 to 59 weeks. Over 43,000 out-of-work Minnesotans will lose unemployment insurance as a result of this change. This is economically counter-productive and morally wrong. This provision will do real harm to Minnesota families and undermine our fragile economic recovery. The result of this cut would be more foreclosures, more repossessions, more homelessness and more anguish for struggling mothers, fathers and children.

Remarkably, my Republican colleagues are heaping insult on this injury by inserting a provision to allow drug testing of applicants for unemployment insurance. Notably, this provision does not apply to the millions of Americans who receive federal funding through other programs and tax benefits. With this ridiculous provision, Republicans are telling millions of unemployed Americans they are untrustworthy and irresponsible. Republicans are choosing to waste taxpayer funds on a big-government drug testing program instead of providing much-needed support to families struggling with unemployment. I could not disagree more with the shameful priorities expressed through the inclusion of this provision.

H.R. 3630 also cuts more than \$17 billion in federal funding from hospitals and health providers. This cut will reduce reimbursements for outpatient services, cut payments for unpaid health care debts, shrink the prevention and public health fund, and impose an increase in Medicare Part B premiums for certain beneficiaries. These cuts threaten to restrict access of low-income Minnesotans and seniors to needed health care services.

The House Republican majority had other options for offsetting the costs of H.R. 3630. Among those options was a small and temporary increase on the amount of taxes paid by those Americans least affected by the Great Recession. House Democrats will attempt to improve H.R. 3630 today during floor debate by replacing cuts to health care and unemployment insurance with a 3.6 percent surcharge on incomes over \$1 million a year. At a time when income inequality in America is at an all-time high, this is a necessary step to restore economic fairness and opportunity. I will support this motion when it comes to a vote this afternoon.



This Democratic motion is also important because it includes language requiring Members of Congress to publicly disclose their personal trading activity in the stock market. Increasing transparency to prevent Members of Congress from inappropriately profiting from insider knowledge is a common-sense reform that should be immediately enacted. If these improvements to H. R. 3630 are not included, I urge my colleagues to join me in opposing the legislation.

This bill is likely to be a missed opportunity for true compromise. It does important things, such as extending the payroll tax cut for 160 million Americans and preventing a 27.4 percent cut to Minnesota physician reimbursements with a two-year fix. In addition, it extends the physician work geographic adjustment, which ensures Minnesota providers are not additionally penalized by the Medicare payment system. Yet, the decision to pay for these measures with cuts to seniors, low-income families and unemployed Americans was entirely avoidable and thus, completely unacceptable.

The SPEAKER pro tempore. All time for debate on the bill has expired.

Pursuant to House Resolution 491, the previous question is ordered on the bill, as amended.

The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

#### MOTION TO RECOMMIT

Mr. VAN HOLLEN. Mr. Speaker, I have a motion to recommit at the desk.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. VAN HOLLEN. Yes, I am.

Mr. CAMP. Mr. Speaker, I reserve a point of order.

The SPEAKER pro tempore. A point of order is reserved.

The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. Van Hollen moves to recommit the bill, H.R. 3630, to the Committee on Ways and Means, with instructions to report the same back to the House forthwith, with the following amendment:

Add at the end of the bill the following:

#### TITLE VII—ADDITIONAL PROVISIONS

##### SEC. 701. EXTENSION AND EXPANSION OF PAYROLL TAX CUT FOR MIDDLE CLASS FAMILIES.

(a) EXTENSION.—For provision extending the payroll tax cut for middle class families, see section 2001.

(b) INCREASED RELIEF.—

(1) IN GENERAL.—Subsection (a) of section 601 of the Tax Relief, Unemployment Insurance Reauthorization, and Job Creation Act of 2010 (26 U.S.C. 1401 note) is amended—

(A) by inserting “(9.3 percent for calendar year 2012)” after “10.40 percent” in paragraph (1), and

(B) in paragraph (2)—

(i) by striking “(including)” and inserting “(3.1 percent in the case of calendar year 2012), including” after “4.2 percent”, and

(ii) by striking “(Code)” and inserting “(Code)”.

(2) COORDINATION WITH INDIVIDUAL DEDUCTION FOR EMPLOYMENT TAXES.—Subparagraph

(A) of section 601(b)(2) of such Act is amended by inserting “(66.67 percent for taxable years which begin in 2012)” after “59.6 percent”.

(c) TECHNICAL AMENDMENTS.—Paragraph (2) of section 601(b) of the Tax Relief, Unemployment Insurance Reauthorization, and Job Creation Act of 2010 (26 U.S.C. 1401 note) is amended—

(1) by inserting “of such Code” after “164(f)”,

(2) by inserting “of such Code” after “1401(a)” in subparagraph (A), and

(3) by inserting “of such Code” after “1401(b)” in subparagraph (B).

##### SEC. 702. EXTENDING THE ALLOWANCE FOR BONUS DEPRECIATION FOR CERTAIN BUSINESS ASSETS.

For provision extending the allowance for bonus depreciation for certain business assets, see section 1201.

##### SEC. 703. PREVENTING A REDUCTION IN PAYMENTS TO DOCTORS.

For provision preventing a reduction in payments to doctors, see section 2201.

##### SEC. 704. ENSURING THAT MILLIONAIRES PAY THEIR FAIR SHARE.

(a) IN GENERAL.—Subchapter A of chapter 1 of the Internal Revenue Code of 1986 is amended by adding at the end the following new part:

#### “PART VIII—SURTAX ON MILLIONAIRES

“Sec. 59B. Surtax on millionaires.

##### “SEC. 59B. SURTAX ON MILLIONAIRES.

“(a) GENERAL RULE.—In the case of a taxpayer other than a corporation for any taxable year beginning after 2011 and before 2021, there is hereby imposed (in addition to any other tax imposed by this subtitle) a tax equal to 3.6 percent of so much of the modified adjusted gross income of the taxpayer for such taxable year as exceeds the threshold amount.

“(b) THRESHOLD AMOUNT.—For purposes of this section—

“(1) IN GENERAL.—The threshold amount is \$1,000,000.

“(2) INFLATION ADJUSTMENT.—

“(A) IN GENERAL.—In the case of any taxable year beginning after 2012, the \$1,000,000 amount under paragraph (1) shall be increased by an amount equal to—

“(i) such dollar amount, multiplied by

“(ii) the cost-of-living adjustment determined under section 1(f)(3) for the calendar year in which the taxable year begins, determined by substituting ‘calendar year 2011’ for ‘calendar year 1992’ in subparagraph (B) thereof.

“(B) ROUNDING.—If any amount as adjusted under paragraph (1) is not a multiple of \$10,000, such amount shall be rounded to the next highest multiple of \$10,000.

“(3) MARRIED FILING SEPARATELY.—In the case of a married individual filing separately for any taxable year, the threshold amount shall be one-half of the amount otherwise in effect under this subsection for the taxable year.

“(c) MODIFIED ADJUSTED GROSS INCOME.—For purposes of this section, the term ‘modified adjusted gross income’ means adjusted gross income reduced by any deduction (not taken into account in determining adjusted gross income) allowed for investment interest (as defined in section 163(d)). In the case of an estate or trust, adjusted gross income shall be determined as provided in section 67(e).

“(d) SPECIAL RULES.—

“(1) NONRESIDENT ALIEN.—In the case of a nonresident alien individual, only amounts taken into account in connection with the

tax imposed under section 871(b) shall be taken into account under this section.

“(2) CITIZENS AND RESIDENTS LIVING ABROAD.—The dollar amount in effect under subsection (b) shall be decreased by the excess of—

“(A) the amounts excluded from the taxpayer’s gross income under section 911, over

“(B) the amounts of any deductions or exclusions disallowed under section 911(d)(6) with respect to the amounts described in subparagraph (A).

“(3) CHARITABLE TRUSTS.—Subsection (a) shall not apply to a trust all the unexpired interests in which are devoted to one or more of the purposes described in section 170(c)(2)(B).

“(4) NOT TREATED AS TAX IMPOSED BY THIS CHAPTER FOR CERTAIN PURPOSES.—The tax imposed under this section shall not be treated as tax imposed by this chapter for purposes of determining the amount of any credit under this chapter or for purposes of section 55.”.

(b) CLERICAL AMENDMENT.—The table of parts for subchapter A of chapter 1 of the Internal Revenue Code of 1986 is amended by adding at the end the following new item:

“PART VIII. SURTAX ON MILLIONAIRES.”.

(c) SECTION 15 NOT TO APPLY.—The amendment made by subsection (a) shall not be treated as a change in a rate of tax for purposes of section 15 of the Internal Revenue Code of 1986.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2011.

##### SEC. 705. PREVENTING INSIDER TRADING BY MEMBERS OF CONGRESS.

(a) NONPUBLIC INFORMATION RELATING TO CONGRESS AND OTHER FEDERAL EMPLOYEES.—

(1) COMMODITIES TRANSACTIONS.—Section 4c of the Commodity Exchange Act (7 U.S.C. 6c) is amended by adding at the end the following:

“(h) NONPUBLIC INFORMATION RELATING TO CONGRESS.—Not later than 270 days after the date of enactment of this subsection, the Commission shall by rule prohibit any person from buying or selling any commodity for future delivery or swap while such person is in possession of material nonpublic information, as defined by the Commission, relating to any pending or prospective legislative action relating to such commodity if—

“(1) such information was obtained by reason of such person being a Member or employee of Congress; or

“(2) such information was obtained from a Member or employee of Congress, and such person knows that the information was so obtained.

“(i) NONPUBLIC INFORMATION RELATING TO OTHER FEDERAL EMPLOYEES.—

“(1) RULEMAKING.—Not later than 270 days after the date of enactment of this subsection, the Commission shall by rule prohibit any person from buying or selling any commodity for future delivery or swap while such person is in possession of material nonpublic information derived from Federal employment and relating to such commodity if—

“(A) such information was obtained by reason of such person being an employee of an agency, as such term is defined in section 551(1) of title 5, United States Code; or

“(B) such information was obtained from such an employee, and such person knows that the information was so obtained.

“(2) MATERIAL NONPUBLIC INFORMATION.—For purposes of this subsection, the term ‘material nonpublic information’ means any information that an employee of an agency

(as such term is defined in section 551(1) of title 5, United States Code) gains by reason of Federal employment and that such employee knows or should know has not been made available to the general public, including information that—

“(A) is routinely exempt from disclosure under section 552 of title 5, United States Code, or otherwise protected from disclosure by statute, Executive order, or regulation;

“(B) is designated as confidential by an agency; or

“(C) has not actually been disseminated to the general public and is not authorized to be made available to the public on request.”.

(2) SECURITIES TRANSACTIONS.—Section 10 of the Securities Exchange Act of 1934 is amended by adding at the end the following:

“(d) NONPUBLIC INFORMATION RELATING TO CONGRESS.—Not later than 270 days after the date of enactment of this subsection, the Commission shall by rule prohibit any person from buying or selling the securities or security-based swaps of any issuer while such person is in possession of material nonpublic information, as defined by the Commission, relating to any pending or prospective legislative action relating to such issuer if—

“(1) such information was obtained by reason of such person being a Member or employee of Congress; or

“(2) such information was obtained from a Member or employee of Congress, and such person knows that the information was so obtained.

“(e) NONPUBLIC INFORMATION RELATING TO OTHER FEDERAL EMPLOYEES.—

“(1) RULEMAKING.—Not later than 270 days after the date of enactment of this subsection, the Commission shall by rule prohibit any person from buying or selling the securities or security-based swaps of any issuer while such person is in possession of material nonpublic information derived from Federal employment and relating to such issuer if—

“(A) such information was obtained by reason of such person being an employee of an agency, as such term is defined in section 551(1) of title 5, United States Code; or

“(B) such information was obtained from such an employee, and such person knows that the information was so obtained.

“(2) MATERIAL NONPUBLIC INFORMATION.—For purposes of this subsection, the term ‘material nonpublic information’ means any information that an employee of an agency (as such term is defined in section 551(1) of title 5, United States Code) gains by reason of Federal employment and that such employee knows or should know has not been made available to the general public, including information that—

“(A) is routinely exempt from disclosure under section 552 of title 5, United States Code, or otherwise protected from disclosure by statute, Executive order, or regulation;

“(B) is designated as confidential by an agency; or

“(C) has not actually been disseminated to the general public and is not authorized to be made available to the public on request.”.

(b) COMMITTEE HEARINGS ON IMPLEMENTATION.—

(1) IN GENERAL.—The Committee on Agriculture of the House of Representatives shall hold a hearing on the implementation by the Commodity Futures Trading Commission of subsections (h) and (i) of section 4c of the Commodity Exchange Act (as added by subsection (a)(2) of this section), and the Committee on Financial Services of the House of Representatives shall hold a hearing on the

implementation by the Securities Exchange Commission of subsections (d) and (e) of section 10 of the Securities Exchange Act of 1934 (as added by subsection (a)(1) of this section).

(2) EXERCISE OF RULEMAKING AUTHORITY.—Paragraph (1) is enacted—

(A) as an exercise of the rulemaking power of the House of Representatives and, as such, shall be considered as part of the rules of the House, and such rules shall supersede any other rule of the House only to the extent that rule is inconsistent therewith; and

(B) with full recognition of the constitutional right of the House to change such rules (so far as relating to the procedure in the House) at any time, in the same manner, and to the same extent as in the case of any other rule of the House.

(c) TIMELY REPORTING OF FINANCIAL TRANSACTIONS.—

(1) REPORTING REQUIREMENT.—Section 103 of the Ethics in Government Act of 1978 is amended by adding at the end the following subsection:

“(1) Within 90 days after the purchase, sale, or exchange of any stocks, bonds, commodities futures, or other forms of securities that are otherwise required to be reported under this Act and the transaction of which involves at least \$1000 by any Member of Congress or officer or employee of the legislative branch required to so file, that Member, officer, or employee shall file a report of that transaction with the Clerk of the House of Representatives in the case of a Representative in Congress, a Delegate to Congress, or the Resident Commissioner from Puerto Rico, or with the Secretary of the Senate in the case of a Senator.”.

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall apply to transactions occurring on or after the date that is 90 days after the date of the enactment of this Act.

(d) DISCLOSURE OF POLITICAL INTELLIGENCE ACTIVITIES UNDER LOBBYING DISCLOSURE ACT.—

(1) DEFINITIONS.—Section 3 of the Lobbying Disclosure Act of 1995 (2 U.S.C. 1602) is amended—

(A) in paragraph (2)—

(i) by inserting after “lobbying activities” each place that term appears the following: “or political intelligence activities”; and

(ii) by inserting after “lobbyists” the following: “or political intelligence consultants”; and

(B) by adding at the end the following new paragraphs:

“(17) POLITICAL INTELLIGENCE ACTIVITIES.—The term ‘political intelligence activities’ means political intelligence contacts and efforts in support of such contacts, including preparation and planning activities, research, and other background work that is intended, at the time it is performed, for use in contacts, and coordination with such contacts and efforts of others.

“(18) POLITICAL INTELLIGENCE CONTACT.—

“(A) DEFINITION.—The term ‘political intelligence contact’ means any oral or written communication (including an electronic communication) to or from a covered executive branch official or a covered legislative branch official, the information derived from which is intended for use in analyzing securities or commodities markets, or in informing investment decisions, and which is made on behalf of a client with regard to—

“(i) the formulation, modification, or adoption of Federal legislation (including legislative proposals);

“(ii) the formulation, modification, or adoption of a Federal rule, regulation, Exec-

utive order, or any other program, policy, or position of the United States Government; or

“(iii) the administration or execution of a Federal program or policy (including the negotiation, award, or administration of a Federal contract, grant, loan, permit, or license).

“(B) EXCEPTION.—The term ‘political intelligence contact’ does not include a communication that is made by or to a representative of the media if the purpose of the communication is gathering and disseminating news and information to the public.

“(19) POLITICAL INTELLIGENCE FIRM.—The term ‘political intelligence firm’ means a person or entity that has 1 or more employees who are political intelligence consultants to a client other than that person or entity.

“(20) POLITICAL INTELLIGENCE CONSULTANT.—The term ‘political intelligence consultant’ means any individual who is employed or retained by a client for financial or other compensation for services that include one or more political intelligence contacts.”.

(2) REGISTRATION REQUIREMENT.—Section 4 of the Lobbying Disclosure Act of 1995 (2 U.S.C. 1603) is amended—

(A) in subsection (a)—

(i) in paragraph (1)—

(I) by inserting after “whichever is earlier,” the following: “or a political intelligence consultant first makes a political intelligence contact,”; and

(II) by inserting after “such lobbyist” each place that term appears the following: “or consultant”;

(ii) in paragraph (2), by inserting after “lobbyists” each place that term appears the following: “or political intelligence consultants”; and

(iii) in paragraph (3)(A)—

(I) by inserting after “lobbying activities” each place that term appears the following: “and political intelligence activities”; and

(II) in clause (i), by inserting after “lobbying firm” the following: “or political intelligence firm”;

(B) in subsection (b)—

(i) in paragraph (3), by inserting after “lobbying activities” each place that term appears the following: “or political intelligence activities”;

(ii) in paragraph (4)—

(I) in the matter preceding subparagraph (A), by inserting after “lobbying activities” the following: “or political intelligence activities”; and

(II) in subparagraph (C), by inserting after “lobbying activity” the following: “or political intelligence activity”;

(iii) in paragraph (5), by inserting after “lobbying activities” each place that term appears the following: “or political intelligence activities”;

(iv) in paragraph (6), by inserting after “lobbyist” each place that term appears the following: “or political intelligence consultant”; and

(v) in the matter following paragraph (6), by inserting “or political intelligence activities” after “such lobbying activities”;

(C) in subsection (c)—

(i) in paragraph (1), by inserting after “lobbying contacts” the following: “or political intelligence contacts”; and

(ii) in paragraph (2)—

(I) by inserting after “lobbying contact” the following: “or political intelligence contact”; and

(II) by inserting after “lobbying contacts” the following: “and political intelligence contacts”; and

(D) in subsection (d), by inserting after “lobbying activities” each place that term

appears the following: "or political intelligence activities".

(3) **REPORTS BY REGISTERED POLITICAL INTELLIGENCE CONSULTANTS.**—Section 5 of the Lobbying Disclosure Act of 1995 (2 U.S.C. 1604) is amended—

(A) in subsection (a), by inserting after "lobbying activities" the following: "and political intelligence activities";

(B) in subsection (b)—

(i) in paragraph (2)—

(I) in the matter preceding subparagraph (A), by inserting after "lobbying activities" the following: "or political intelligence activities";

(II) in subparagraph (A)—

(aa) by inserting after "lobbyist" the following: "or political intelligence consultant"; and

(bb) by inserting after "lobbying activities" the following: "or political intelligence activities";

(III) in subparagraph (B), by inserting after "lobbyists" the following: "and political intelligence consultants"; and

(IV) in subparagraph (C), by inserting after "lobbyists" the following: "or political intelligence consultants";

(ii) in paragraph (3)—

(I) by inserting after "lobbying firm" the following: "or political intelligence firm"; and

(II) by inserting after "lobbying activities" each place that term appears the following: "or political intelligence activities"; and

(iii) in paragraph (4), by inserting after "lobbying activities" each place that term appears the following: "or political intelligence activities"; and

(C) in subsection (d)(1), in the matter preceding subparagraph (A), by inserting "or a political intelligence consultant" after "a lobbyist".

(4) **DISCLOSURE AND ENFORCEMENT.**—Section 6(a) of the Lobbying Disclosure Act of 1995 (2 U.S.C. 1605) is amended—

(A) in paragraph (3)(A), by inserting after "lobbying firms" the following: "or political intelligence consultants, political intelligence firms,";

(B) in paragraph (7), by striking "or lobbying firm" and inserting "lobbying firm, political intelligence consultant, or political intelligence firm"; and

(C) in paragraph (8), by striking "or lobbying firm" and inserting "lobbying firm, political intelligence consultant, or political intelligence firm".

(5) **RULES OF CONSTRUCTION.**—Section 8(b) of the Lobbying Disclosure Act of 1995 (2 U.S.C. 1607(b)) is amended by striking "or lobbying contacts" and inserting "lobbying contacts, political intelligence activities, or political intelligence contacts".

(6) **IDENTIFICATION OF CLIENTS AND COVERED OFFICIALS.**—Section 14 of the Lobbying Disclosure Act of 1995 (2 U.S.C. 1609) is amended—

(A) in subsection (a)—

(i) in the heading, by inserting "OR POLITICAL INTELLIGENCE" after "LOBBYING";

(ii) by inserting "or political intelligence contact" after "lobbying contact" each place that term appears; and

(iii) in paragraph (2), by inserting "or political intelligence activity, as the case may be" after "lobbying activity";

(B) in subsection (b)—

(i) in the heading, by inserting "OR POLITICAL INTELLIGENCE" after "LOBBYING";

(ii) by inserting "or political intelligence contact" after "lobbying contact" each place that term appears; and

(iii) in paragraph (2), by inserting "or political intelligence activity, as the case may be" after "lobbying activity"; and

(C) in subsection (c), by inserting "or political intelligence contact" after "lobbying contact".

(7) **ANNUAL AUDITS AND REPORTS BY COMPTROLLER GENERAL.**—Section 26 of the Lobbying Disclosure Act of 1995 (2 U.S.C. 1614) is amended—

(A) in subsection (a)—

(i) by inserting "political intelligence firms, political intelligence consultants," after "lobbying firms"; and

(ii) by striking "lobbying registrations" and inserting "registrations";

(B) in subsection (b)(1)(A), by inserting "political intelligence firms, political intelligence consultants," after "lobbying firms"; and

(C) in subsection (c), by inserting "or political intelligence consultant" after "a lobbyist".

(e) **EFFECTIVE DATE.**—Subject to subsection (c)(2), this section and the amendments made by this section shall take effect at the end of the 90-day period beginning on the date of the enactment of this Act.

#### **SEC. 706. FREEZE ON MEMBER COLA AND PENSION REFORM.**

For provision freezing Member COLA and effecting pension reform, see section 5421(b)(1) and part 1 of subtitle E of title V, respectively.

Mr. VAN HOLLEN (during the reading). Mr. Speaker, I ask unanimous consent to suspend the reading of the bill.

Mr. CAMP. I object.

The SPEAKER pro tempore. Objection is heard.

The Clerk will continue to read.

The Clerk continued to read.

Mr. CAMP (during the reading). Mr. Speaker, I ask unanimous consent to dispense with the reading.

The SPEAKER pro tempore. Is there objection?

Without objection, the remainder of the motion is considered read.

There was no objection.

The SPEAKER pro tempore. The gentleman from Michigan continues to reserve a point of order.

The gentleman from Maryland is recognized for 5 minutes on his motion.

Mr. VAN HOLLEN. Thank you very much, Mr. Speaker.

It was just a few weeks ago that our Republican colleagues in the House and the Senate said they didn't want to do any payroll tax cut for working Americans. They were opposed to any payroll tax cut for the 160 million working Americans, and at the same time they were arguing vigorously in support of protecting tax breaks for the very wealthy in this country. They had been very clear: They don't want to ask the very wealthiest to simply go back to paying the same tax rates that they were paying during the Clinton administration—a time when the economy was booming and 20 million jobs were created. They don't want to do that, but they were prepared to increase the payroll tax on 160 million working Americans. Well, they realized that that didn't sound so good to the American people, and so we are here today.

□ 1810

And what the Republican proposal does is two things: It inserts into their bill poison pills which the President has said he will not sign, and they know he said that.

What will the result be? It will be the same result that our Republican colleagues wanted 2 weeks ago, which is no payroll tax cut for 160 million Americans.

But what they could not bring themselves to do, Mr. Speaker, was pay for that payroll tax cut for 160 million by asking very wealthy people, millionaires and billionaires, to share a little bit more in the responsibility for reducing our deficit. They didn't want to do that, and so their bill cuts other people.

For example, their bill would cut the pension of the folks who helped track down Osama Bin Laden. Thank you very much for helping us track down Osama Bin Laden. We're going to cut your pension. We're going to cut your pension and that of other hardworking men and women who protect this country every day in that way.

Who else are we going to ask to pay for it? Well, let's ask seniors who earn \$80,000 or so. Let's increase their premiums. We don't want to ask folks over \$1 million to pay a little bit more, share a little bit more responsibility. Let's ask seniors at \$80,000 a year.

And you know what? Let's change the current unemployment compensation law from what it would be if we extended current law. Let's change it in a way where folks who are out of work, through no fault of their own, they're looking every day for a job, let's give them less than what they would get if we extended the current unemployment compensation.

So those are all the gymnastics that bring us here today, simply because the majority doesn't want to ask the folks at the very top to pay a little more. What our motion to recommit does is say, we need to have shared responsibility in this country. Let's work together to bring down the deficit.

We all know from independent economists that increasing the payroll tax cut will raise another 300,000 jobs; so, in fact, our motion to recommit increases that. And it also does other things to hold Members of this body accountable.

So the choice is simple. Do we want to ask folks at the very top to help reduce our deficit and provide that payroll tax cut, and do we want to hold this body accountable?

On that issue, I defer to the gentleman from New York, the ranking member of the Rules Committee.

Ms. SLAUGHTER. Mr. Speaker, I am going to make an offer that no one can refuse or no one should refuse.

I'm pleased that the STOCK Act is something we can finally vote on today in this Congress. The STOCK Act has

bipartisan support from 231 Members of Congress, a majority of the House, ranging from freshman Members to senior Members from both sides of the aisle.

The bill has been around since 2006, and we do not need to study it another day. A critical part of the bill is the registration of the political intelligence industry. The burgeoning K Street industry gathers information from Members and staff in order to enrich their Wall Street clients, and it has been completely unregulated.

We will finally regulate, through the STOCK Act, this lucrative industry, and ensure that Members of Congress and their staffs come to Washington to serve their constituents and not fatten their own bank accounts. There are 535 of us privileged enough to serve in this Congress, and we must hold ourselves accountable to the highest standards.

The American people have shown an incredible interest in the STOCK Act. If you fail to vote for this motion today, you're going to tell them that you're not interested in their concerns. None of us on either side of the aisle want to do that.

So I urge my colleagues to vote in favor of today's motion to recommit to pass this bill that has been around for years and needs passing very badly, and to hold ourselves accountable to the American people and to the letter of the law.

The SPEAKER pro tempore. The time of the gentleman from Maryland has expired.

Mr. CAMP. Mr. Speaker, I withdraw my reservation and seek time in opposition to the motion to recommit.

The SPEAKER pro tempore. The reservation is withdrawn.

The gentleman from Michigan is recognized for 5 minutes.

Mr. CAMP. Mr. Speaker, this motion to recommit is a further illustration of the glaring differences in priorities between Republicans and Democrats. Republicans have brought a plan to the floor today that is about protecting taxpayers and creating American jobs. And instead of joining us in that important task, my Democratic friends are offering yet another politically motivated motion.

In fact, one senior Democratic aide recently said to the press, and I quote, "MTRs are all political." You can read it right here.

My colleagues and the American people should not be fooled. They should not be distracted by these political games.

Make no mistake. Our bill extends the payroll tax cut for every employee in this country. And if my friends on the other side of the aisle choose to vote against it, they are supporting a tax increase on every American who collects a paycheck.

This motion contains a massive 10-year tax increase. It increases taxes on

employers, on small businesses, on investors, the very people we need paying more paychecks, not more taxes. In fact, this exact provision has been defeated multiple times in the U.S. Senate by Republicans and Democrats alike in a bipartisan effort.

Our bill is about strengthening our economy, getting Americans back to work through commonsense reforms to the unemployment insurance program. It will ensure American seniors and the disabled are protected by preventing massive cuts to doctors working in the Medicare program. And it will be paid for with fiscally responsible reforms, not job-killing tax hikes.

I urge my colleagues, vote against this motion to recommit and vote for the underlying bill.

I yield back the balance of my time. The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

#### RECORDED VOTE

Mr. VAN HOLLEN. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. Pursuant to clause 8 and clause 9 of rule XX, this 15-minute vote on the motion to recommit will be followed by 5-minute votes on passage, if ordered, and the motion to suspend the rules on H.R. 2767, if ordered.

The vote was taken by electronic device, and there were—ayes 183, noes 244, not voting 6, as follows:

[Roll No. 922]

#### AYES—183

Ackerman	Cooper	Heinrich
Altmire	Costa	Higgins
Andrews	Costello	Himes
Baca	Courtney	Hinchey
Baldwin	Critz	Hinojosa
Bass (CA)	Crowley	Hirono
Becerra	Cuellar	Hochul
Berkley	Cummings	Holden
Berman	Davis (CA)	Holt
Bishop (GA)	Davis (IL)	Honda
Bishop (NY)	DeFazio	Hoyer
Blumenauer	DeGette	Inslee
Boswell	DeLauro	Israel
Brady (PA)	Deutch	Jackson (IL)
Braley (IA)	Dicks	Jackson Lee
Brown (FL)	Dingell	(TX)
Butterfield	Doggett	Johnson (GA)
Capps	Donnelly (IN)	Johnson, E. B.
Capuano	Doyle	Kaptur
Cardoza	Edwards	Keating
Carnahan	Ellison	Kildee
Carney	Engel	Kind
Carson (IN)	Eshoo	Kissell
Castor (FL)	Farr	Kucinich
Chandler	Fattah	Langevin
Chu	Frank (MA)	Larsen (WA)
Cicilline	Fudge	Larson (CT)
Clarke (MI)	Garamendi	Lee (CA)
Clarke (NY)	Gonzalez	Levin
Clay	Green, Al	Lewis (GA)
Cleaver	Green, Gene	Lipinski
Clyburn	Grijalva	Loeb
Cohen	Hahn	Loeb
Connolly (VA)	Hanabusa	Lofgren, Zoe
Conyers	Hastings (FL)	Lowe
		Lujan

Lynch	Perlmutter	Sewell
Maloney	Peters	Sherman
Markey	Pingree (ME)	Shuler
Matsui	Polis	Sires
McCarthy (NY)	Price (NC)	Slaughter
McCollum	Quigley	Smith (WA)
McDermott	Rahall	Speier
McGovern	Rangel	Stark
McIntyre	Reyes	Sutton
McNerney	Richardson	Thompson (CA)
Meeks	Richmond	Thompson (MS)
Michaud	Rothman (NJ)	Tierney
Miller (NC)	Roybal-Allard	Tonko
Miller, George	Ruppersberger	Towns
Moore	Rush	Tsongas
Moran	Ryan (OH)	Van Hollen
Murphy (CT)	Sánchez, Linda	Velázquez
Nadler	T.	Walz (MN)
Napolitano	Sanchez, Loretta	Wasserman
Neal	Sarbanes	Schultz
Oliver	Schakowsky	Waters
Owens	Schiff	Watt
Pallone	Schrader	Waxman
Pascarell	Schwartz	Welch
Pastor (AZ)	Scott (VA)	Wilson (FL)
Payne	Scott, David	Woolsey
Pelosi	Serrano	Yarmuth

#### NOES—244

Adams	Fleischmann	Long
Aderholt	Fleming	Lucas
Akin	Flores	Luetkemeyer
Alexander	Forbes	Lummis
Amash	Fortenberry	Lungren, Daniel
Amodei	Fox	E.
Austria	Franks (AZ)	Mack
Bachus	Frelinghuysen	Manzullo
Barletta	Gallely	Marchant
Barrow	Gardner	Marino
Bartlett	Garrett	Matheson
Barton (TX)	Gerlach	McCarthy (CA)
Bass (NH)	Gibbs	McCaul
Benishek	Gibson	McClintock
Berg	Gingrey (GA)	McCotter
Biggart	Gohmert	McHenry
Billbray	Goodlatte	McKeon
Bilirakis	Gosar	McKinley
Bishop (UT)	Gowdy	McMorris
Black	Granger	Rodgers
Blackburn	Graves (GA)	Meehan
Bonner	Graves (MO)	Mica
Bono Mack	Griffin (AR)	Miller (FL)
Boren	Griffith (VA)	Miller (MI)
Boustany	Grimm	Miller, Gary
Brady (TX)	Guinta	Mulvaney
Brooks	Guthrie	Murphy (PA)
Broun (GA)	Hall	Myrick
Buchanan	Hanna	Neugebauer
Bucshon	Harper	Noem
Buerkle	Harris	Nugent
Burgess	Hartzler	Nunes
Burton (IN)	Hastings (WA)	Nunnelee
Calvert	Hayworth	Olson
Camp	Heck	Palazzo
Campbell	Hensarling	Paulsen
Canseco	Herger	Pearce
Cantor	Herrera Beutler	Pence
Capito	Huelskamp	Peterson
Carter	Huizenga (MI)	Petri
Cassidy	Hultgren	Pitts
Chabot	Hunter	Platts
Chaffetz	Hurt	Poe (TX)
Coffman (CO)	Issa	Pompeo
Cole	Jenkins	Posey
Conaway	Johnson (IL)	Price (GA)
Cravaack	Johnson (OH)	Quayle
Crawford	Johnson, Sam	Reed
Crenshaw	Jones	Rehberg
Culberson	Jordan	Reichert
Davis (KY)	Kelly	Renacci
Denham	King (IA)	Ribble
Dent	King (NY)	Rigell
DesJarlais	Kingston	Rivera
Diaz-Balart	Kinzinger (IL)	Roby
Dold	Kline	Roe (TN)
Dreier	Labrador	Rogers (AL)
Duffy	Lamborn	Rogers (KY)
Duncan (SC)	Lance	Rogers (MI)
Duncan (TN)	Landry	Rohrabacher
Ellmers	Lankford	Rokita
Emerson	Latham	Rooney
Farenthold	LaTourette	Ros-Lehtinen
Fincher	Latta	Roskam
Fitzpatrick	Lewis (CA)	Ross (AR)
Flake	LoBiondo	Ross (FL)

Royce  
Runyan  
Ryan (WI)  
Scalise  
Schilling  
Schmidt  
Schock  
Schweikert  
Scott (SC)  
Scott, Austin  
Sensenbrenner  
Sessions  
Shimkus  
Shuster  
Simpson  
Smith (NE)

Smith (NJ)  
Smith (TX)  
Southerland  
Stearns  
Stivers  
Stutzman  
Sullivan  
Terry  
Thompson (PA)  
Thornberry  
Tiberi  
Tipton  
Turner (NY)  
Turner (OH)  
Upton  
Visclosky

Walberg  
Walden  
Walsh (IL)  
Webster  
West  
Westmoreland  
Whitfield  
Wilson (SC)  
Wittman  
Wolf  
Womack  
Woodall  
Yoder  
Young (AK)  
Young (FL)  
Young (IN)

Hayworth  
Heck  
Hensarling  
Herger  
Herrera Beutler  
Huelskamp  
Huizenga (MI)  
Hultgren  
Hunter  
Hurt  
Issa  
Jenkins  
Johnson (OH)  
Johnson, Sam  
Jones  
Jordan  
Kelly  
King (IA)  
King (NY)  
Kingston  
Kinzinger (IL)  
Kline  
Labrador  
Lamborn  
Lance  
Landry  
Lankford  
Latham  
LaTourette  
Latta  
Lewis (CA)  
LoBiondo  
Loeb sack  
Long  
Lucas  
Luetkemeyer  
Lungren, Daniel  
E.  
Mack  
Manzullo  
Marchant  
Marino  
Matheson  
McCarthy (CA)  
McCaul  
McCotter  
McHenry

McKeon  
McMorris  
Rodgers  
Meehan  
Mica  
Miller (FL)  
Miller (MI)  
Miller, Gary  
Mulvaney  
Murphy (PA)  
Myrick  
Noem  
Nugent  
Nunes  
Nunnelee  
Olson  
Palazzo  
Paulsen  
Pearce  
Pence  
Petri  
Pitts  
Platts  
Poe (TX)  
Pompeo  
Posey  
Price (GA)  
Quayle  
Reed  
Rehberg  
Reichert  
Renacci  
Ribble  
Rigell  
Rivera  
Roe (TN)  
Rogers (AL)  
Rogers (KY)  
Rogers (MI)  
Rohrabacher  
Rokita  
Rooney  
Ros-Lehtinen  
Roskam  
Ross (AR)  
Ross (FL)

Royce  
Runyan  
Ryan (WI)  
Scalise  
Schilling  
Schmidt  
Schock  
Schweikert  
Scott (SC)  
Scott, Austin  
Sensenbrenner  
Sessions  
Shimkus  
Shuster  
Simpson  
Smith (NE)  
Smith (NJ)  
Smith (TX)  
Southerland  
Stearns  
Stivers  
Stutzman  
Sullivan  
Terry  
Thompson (PA)  
Thornberry  
Tiberi  
Tipton  
Turner (NY)  
Turner (OH)  
Upton  
Walberg  
Walden  
Walsh (IL)  
Walz (MN)  
Webster  
West  
Westmoreland  
Whitfield  
Wilson (SC)  
Wittman  
Womack  
Yoder  
Young (AK)  
Young (FL)  
Young (IN)

Pelosi  
Perlmutter  
Peters  
Peterson  
Pingree (ME)  
Polis  
Price (NC)  
Quigley  
Rahall  
Rangel  
Reyes  
Richardson  
Richmond  
Rothman (NJ)  
Roybal-Allard  
Ruppersberger  
Rush  
Ryan (OH)  
Sánchez, Linda  
T.

Sanchez, Loretta  
Sarbanes  
Schakowsky  
Schiff  
Schrader  
Schwartz  
Scott (VA)  
Scott, David  
Serrano  
Sewell  
Sherman  
Shuler  
Sires  
Slaughter  
Smith (WA)  
Speier  
Stark  
Sutton  
Thompson (CA)  
Thompson (MS)

Bachmann  
Coble

#### NOT VOTING—6

Filner  
Giffords

Gutierrez  
Paul

#### □ 1841

Messrs. FLAKE, PALAZZO, and MURPHY of Pennsylvania changed their vote from “aye” to “no.”

Messrs. HINCHEY, ALTMIRE, Ms. SPEIER, and Mr. CLEAVER changed their vote from “no” to “aye.”

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

Stated against:

Mr. FILNER. Mr. Speaker, on rollcall 922, I was away from the Capitol due to prior commitments to my constituents. Had I been present, I would have voted “aye.”

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

#### RECORDED VOTE

Mr. LEVIN. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 234, noes 193, not voting 6, as follows:

[Roll No. 923]

#### AYES—234

Adams  
Aderholt  
Akin  
Alexander  
Amodei  
Austria  
Bachus  
Barletta  
Barrow  
Bartlett  
Bass (NH)  
Benishkek  
Berg  
Biggert  
Bilbray  
Bilirakis  
Bishop (UT)  
Black  
Blackburn  
Bonner  
Bono Mack  
Boren  
Boswell  
Boustany  
Brady (TX)  
Brady (IA)  
Broun (GA)  
Buchanan  
Bucshon  
Buerkle  
Burgess  
Burton (IN)

Calvert  
Camp  
Canseco  
Cantor  
Capito  
Cardoza  
Carter  
Cassidy  
Chabot  
Chaffetz  
Coffman (CO)  
Cole  
Conaway  
Crawford  
Crenshaw  
Culberson  
Davis (KY)  
Denham  
Dent  
DesJarlais  
Diaz-Balart  
Dold  
Donnelly (IN)  
Dreier  
Duffy  
Duncan (SC)  
Duncan (TN)  
Eilms  
Emerson  
Farenthold  
Fincher

Fitzpatrick  
Fleischmann  
Fleming  
Flores  
Forbes  
Foxy  
Franks (AZ)  
Frelinghuysen  
Gallegly  
Gardner  
Gerlach  
Gibbs  
Gibson  
Gingrey (GA)  
Gohmert  
Goodlatte  
Gosar  
Gowdy  
Granger  
Graves (GA)  
Graves (MO)  
Griffin (AR)  
Griffith (VA)  
Grimm  
Guinta  
Guthrie  
Hall  
Hanna  
Harper  
Harris  
Hartzler  
Hastings (WA)

Ackerman  
Altmire  
Amash  
Andrews  
Baca  
Baldwin  
Barton (TX)  
Bass (CA)  
Becerra  
Berkley  
Berman  
Bishop (GA)  
Bishop (NY)  
Blumenauer  
Brady (PA)  
Brooks  
Brown (FL)  
Butterfield  
Campbell  
Capps  
Capuano  
Carnahan  
Carney  
Carson (IN)  
Castor (FL)  
Chandler  
Chu  
Cicilline  
Clarke (MI)  
Clarke (NY)  
Clay  
Cleaver  
Clyburn  
Cohen  
Connolly (VA)  
Conyers  
Cooper  
Costa  
Costello  
Courtney  
Critz  
Crowley  
Cuellar  
Cummings  
Davis (CA)  
Davis (IL)

#### NOES—193

DeFazio  
DeGette  
DeLauro  
Deutch  
Dicks  
Dingell  
Doggett  
Doyle  
Edwards  
Ellison  
Engel  
Eshoo  
Farr  
Fattah  
Flake  
Fortenberry  
Frank (MA)  
Fudge  
Garamendi  
Garrett  
Gonzalez  
Green, Al  
Green, Gene  
Grijalva  
Hahn  
Hanabusa  
Hastings (FL)  
Heinrich  
Higgins  
Himes  
Hinchey  
Hinojosa  
Hirono  
Hochul  
Holden  
Holt  
Honda  
Hoyer  
Inslee  
Israel  
Jackson (IL)  
Jackson Lee  
(TX)  
Johnson (GA)  
Johnson (IL)  
Johnson, E. B.

Kaptur  
Keating  
Kildee  
Kind  
Kissell  
Kucinich  
Langevin  
Larsen (WA)  
Larson (CT)  
Lee (CA)  
Levin  
Lewis (GA)  
Lipinski  
Lofgren, Zoe  
Lowey  
Lujan  
Lummis  
Lynch  
Maloney  
Markey  
Matsui  
McCarthy (NY)  
McClintock  
McCormack  
McDermott  
McGovern  
McIntyre  
McKinley  
McNerney  
Meeks  
Michaud  
Miller (NC)  
Miller, George  
Moore  
Moran  
Murphy (CT)  
Nadler  
Napolitano  
Neal  
Neugebauer  
Oliver  
Owens  
Pallone  
Pascarelli  
Pastor (AZ)  
Payne

#### NOT VOTING—6

Bachmann  
Coble

Filner  
Giffords

Gutierrez  
Paul

#### □ 1851

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated against:

Mr. FILNER. Mr. Speaker, on rollcall 923, I was away from the Capitol due to prior commitments to my constituents. Had I been present, I would have voted “no.”

#### WILLIAM T. TRANT POST OFFICE BUILDING

The SPEAKER pro tempore. The unfinished business is the question on suspending the rules and passing the bill (H.R. 2767) to designate the facility of the United States Postal Service located at 8 West Silver Street in Westfield, Massachusetts, as the “William T. Trant Post Office Building”.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. ISSA) that the House suspend the rules and pass the bill.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

#### RECORDED VOTE

Mr. PAULSEN. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 420, noes 0, not voting 13, as follows:

[Roll No. 924]

#### AYES—420

Ackerman  
Adams  
Aderholt  
Akin  
Alexander  
Altmire  
Amash  
Amodei  
Andrews  
Austria  
Baca  
Bachus

Baldwin  
Barletta  
Barrow  
Bartlett  
Barton (TX)  
Bass (CA)  
Bass (NH)  
Becerra  
Benishkek  
Berg  
Berkley  
Berman

Biggert  
Bilbray  
Bilirakis  
Bishop (GA)  
Bishop (NY)  
Bishop (UT)  
Black  
Blackburn  
Blumenauer  
Bonner  
Bono Mack  
Boren

Boswell  
Boustany  
Brady (TX)  
Braley (IA)  
Brooks  
Broun (GA)  
Brown (FL)  
Buchanan  
Bucshon  
Buerkle  
Burgess  
Burton (IN)  
Butterfield  
Calvert  
Camp  
Campbell  
Canseco  
Cantor  
Capito  
Capps  
Capuano  
Cardoza  
Carnahan  
Carney  
Carson (IN)  
Carter  
Cassidy  
Castor (FL)  
Chabot  
Chaffetz  
Chandler  
Chu  
Cicilline  
Clarke (MI)  
Clarke (NY)  
Clay  
Cleaver  
Clyburn  
Coffman (CO)  
Cohen  
Cole  
Conaway  
Connolly (VA)  
Conyers  
Cooper  
Costa  
Costello  
Courtney  
Cravaack  
Crawford  
Critz  
Crowley  
Cuellar  
Culberson  
Cummings  
Davis (CA)  
Davis (IL)  
Davis (KY)  
DeFazio  
DeGette  
DeLauro  
Denham  
Dent  
DesJarlais  
Deutch  
Diaz-Balart  
Dicks  
Dingell  
Dold  
Donnelly (IN)  
Doyle  
Dreier  
Duffy  
Duncan (SC)  
Duncan (TN)  
Edwards  
Ellison  
Ellmers  
Emerson  
Engel  
Eshoo  
Farenthold  
Farr  
Fattah  
Fincher  
Fitzpatrick  
Flake  
Fleischmann  
Fleming  
Flores  
Forbes  
Fortenberry  
Foxx  
Frank (MA)  
Franks (AZ)  
Frelinghuysen

Fudge  
Gallegly  
Garamendi  
Gardner  
Garrett  
Gerlach  
Gibbs  
Gibson  
Gingrey (GA)  
Gohmert  
Gonzalez  
Goodlatte  
Gosar  
Gowdy  
Granger  
Graves (GA)  
Graves (MO)  
Green, Al  
Green, Gene  
Griffin (AR)  
Griffith (VA)  
Grijalva  
Grimm  
Guinta  
Guthrie  
Hahn  
Hall  
Hanabusa  
Hanna  
Harper  
Harris  
Hartzler  
Hastings (FL)  
Hastings (WA)  
Hayworth  
Heck  
Heinrich  
Hensarling  
Herger  
Herrera Beutler  
Higgins  
Himes  
Hinchey  
Hinojosa  
Hirono  
Hochul  
Holden  
Holt  
Honda  
Hoyer  
Huelskamp  
Huizenga (MI)  
Hultgren  
Hunter  
Inslee  
Israel  
Issa  
Jackson (IL)  
Jackson Lee  
(TX)  
Jenkins  
Johnson (GA)  
Johnson (IL)  
Johnson (OH)  
Johnson, E. B.  
Johnson, Sam  
Jones  
Jordan  
Kaptur  
Keating  
Kelly  
Kildee  
Kind  
King (IA)  
King (NY)  
Kingston  
Kinzinger (IL)  
Kissell  
Kline  
Kucinich  
Labrador  
Lamborn  
Lance  
Langevin  
Lankford  
Larson (CT)  
Latham  
LaTourette  
Latta  
Lee (CA)  
Levin  
Lewis (CA)  
Lewis (GA)  
Lipinski  
LoBiondo  
Loebsock

Lofgren, Zoe  
Long  
Lowey  
Lucas  
Luetkemeyer  
Lujan  
Lummis  
Lungren, Daniel  
E.  
Lynch  
Mack  
Maloney  
Manzullo  
Marchant  
Marino  
Markey  
Matheson  
Matsui  
McCarthy (CA)  
McCarthy (NY)  
McCaul  
McClintock  
McCollum  
McCotter  
McDermott  
McGovern  
McHenry  
McIntyre  
McKeon  
McKinley  
McMorris  
Rodgers  
McNerney  
Meehan  
Meeks  
Mica  
Michaud  
Miller (FL)  
Miller (MI)  
Miller (NC)  
Miller, Gary  
Miller, George  
Moore  
Moran  
Mulvaney  
Murphy (CT)  
Murphy (PA)  
Nadler  
Napolitano  
Neal  
Neugebauer  
Noem  
Nugent  
Nunes  
Nunnelee  
Olson  
Olver  
Owens  
Palazzo  
Pallone  
Pascrell  
Pastor (AZ)  
Paulsen  
Payne  
Pearce  
Pelosi  
Pence  
Perlmutter  
Peters  
Peterson  
Petri  
Pingree (ME)  
Pitts  
Platts  
Poe (TX)  
Polis  
Pompeo  
Posey  
Price (GA)  
Price (NC)  
Quayle  
Quigley  
Rahall  
Rangel  
Reed  
Rehberg  
Reichert  
Renacci  
Reyes  
Ribble  
Richardson  
Richmond  
Rigell  
Rivera  
Roby  
Roe (TN)

Rogers (AL)  
Rogers (KY)  
Rogers (MI)  
Rohrabacher  
Rokita  
Rooney  
Ros-Lehtinen  
Roskam  
Ross (AR)  
Ross (FL)  
Rothman (NJ)  
Roybal-Allard  
Royce  
Runyan  
Ruppersberger  
Rush  
Ryan (OH)  
Ryan (WI)  
Sanchez, Linda  
T.  
Sanchez, Loretta  
Sarbanes  
Schalise  
Schakowsky  
Schiff  
Schilling  
Schmidt  
Schock  
Schradler  
Schwartz  
Schweikert  
Scott (SC)  
Scott (VA)  
Scott, Austin

Scott, David  
Sensenbrenner  
Serrano  
Sessions  
Sewell  
Sherman  
Shimkus  
Shuler  
Shuster  
Simpson  
Sires  
Slaughter  
Smith (NE)  
Smith (NJ)  
Smith (TX)  
Smith (WA)  
Southerland  
Speier  
Stark  
Stearns  
Stivers  
Stutzman  
Sullivan  
Sutton  
Terry  
Thompson (CA)  
Thompson (MS)  
Thompson (PA)  
Thornberry  
Tiberi  
Tierney  
Tipton  
Tonko  
Towns

Tsongas  
Turner (NY)  
Turner (OH)  
Upton  
Van Hollen  
Velázquez  
Visclosky  
Walberg  
Walden  
Walsh (IL)  
Walz (MN)  
Wasserman  
Schultz  
Waters  
Watt  
Waxman  
Webster  
Welch  
West  
Westmoreland  
Whitfield  
Wilson (FL)  
Wilson (SC)  
Wittman  
Wolf  
Womack  
Woodall  
Woolsey  
Yarmuth  
Yoder  
Young (AK)  
Young (FL)  
Young (IN)

## NOT VOTING—13

Bachmann  
Brady (PA)  
Coble  
Crenshaw  
Doggett

Filner  
Giffords  
Gutierrez  
Hurt  
Landry

Larsen (WA)  
Myrick  
Paul

□ 1859

So (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. FILNER. Mr. Speaker, on rollcall 924, I was away from the Capitol due to prior commitments to my constituents. Had I been present, I would have voted "yes."

# REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF CONFERENCE REPORT ON H.R. 1540, NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2012

Mr. BISHOP of Utah, from the Committee on Rules, submitted a privileged report (Rept. No. 112-330) on the resolution (H. Res. 493) providing for consideration of the conference report to accompany the bill (H.R. 1540) to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; and providing for proceedings during the period from December 16, 2011 through January 16, 2012, which was referred to the House Calendar and ordered to be printed.

## REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 3521

Mr. HONDA. Mr. Speaker, I ask unanimous consent to have my name removed as a cosponsor of H.R. 3521.

The SPEAKER pro tempore (Mr. BROOKS). Is there objection to the request of the gentleman from California?

There was no objection.

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on motions to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote incurs objection under clause 6 of rule XX.

Record votes on postponed questions will be taken later.

## FALLEN HEROES OF 9/11 ACT

Mr. FITZPATRICK. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3421) to award Congressional Gold Medals in honor of the men and women who perished as a result of the terrorist attacks on the United States on September 11, 2001.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 3421

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

### SECTION 1. SHORT TITLE.

This Act may be cited as the "Fallen Heroes of 9/11 Act".

### SEC. 2. CONGRESSIONAL FINDINGS.

Congress finds that—

(1) the tragic deaths at the World Trade Center, at the Pentagon, and in rural Pennsylvania on September 11, 2001, have forever changed our Nation;

(2) the officers, emergency workers, and other employees of State and local government agencies, including the Port Authority of New York and New Jersey, and of the United States government and others, who responded to the attacks on the World Trade Center in New York City and perished as a result of the tragic events of September 11, 2001 (including those who are missing and presumed dead), took heroic and noble action on that day;

(3) the officers, emergency rescue workers, and employees of local and United States government agencies, who responded to the attack on the Pentagon in Washington, DC, took heroic and noble action to evacuate the premises and prevent further casualties of Pentagon employees;

(4) the passengers and crew of United Airlines Flight 93, recognizing the imminent danger that the aircraft that they were aboard posed to large numbers of innocent men, women and children, American institutions, and the symbols of American democracy, took heroic and noble action to ensure that the aircraft could not be used as a weapon; and

(5) given the unprecedented nature of the attacks against the United States of America and the need to properly demonstrate the

support of the country for those who lost their lives to terrorism, it is fitting that their sacrifice be recognized with the award of an appropriate medal.

### SEC. 3. CONGRESSIONAL GOLD MEDAL.

#### (a) AWARD.—

(1) AUTHORIZED.—The Speaker of the House of Representatives and the President pro tempore of the Senate shall make appropriate arrangements for the award, on behalf of Congress, of 3 gold medals of appropriate design in honor of the men and women who perished as a result of the terrorist attacks on the United States on September 11, 2001.

(2) DISPLAY.—Following the award of the gold medals referred to in paragraph (1), one gold medal shall be given to each of—

(A) the Flight 93 National Memorial in Pennsylvania,

(B) the National September 11 Memorial and Museum in New York, and

(C) the Pentagon Memorial at the Pentagon, with the understanding that each medal is to be put on permanent, appropriate display.

(3) DESIGN AND STRIKING.—For the purposes of the awards referred to in paragraph (1), the Secretary of the Treasury shall strike 3 designs of the gold medals with suitable emblems, devices, and inscriptions, to be determined by the Secretary.

(b) DUPLICATE MEDALS.—Under such regulations as the Secretary may prescribe, the Secretary may strike and sell duplicates in bronze of the gold medals struck under this Act, at a price sufficient to cover the costs of the medals, including labor, materials, dyes, use of machinery, and overhead expenses.

(c) NATIONAL MEDALS.—Medals struck pursuant to this Act are national medals for purposes of chapter 51 of title 31, United States Code.

(d) PROCEEDS OF SALE.—Amounts received from the sale of duplicate bronze medals under subsection (b) shall be deposited in the United States Mint Public Enterprise Fund.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Pennsylvania (Mr. FITZPATRICK) and the gentleman from New York (Mr. MEEKS) each will control 20 minutes.

The Chair recognizes the gentleman from Pennsylvania.

#### GENERAL LEAVE

Mr. FITZPATRICK. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and to add extraneous material on this bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. FITZPATRICK. Mr. Speaker, I would like to submit an exchange of letters with the Ways and Means Committee regarding this bill.

HOUSE OF REPRESENTATIVES,  
COMMITTEE ON WAYS AND MEANS,  
LONGWORTH HOUSE OFFICE BUILDING,

Washington, DC, December 13, 2011.

Hon. SPENCER BACHUS,  
Chairman, Committee on Financial Services,  
Rayburn House Office Building, Wash-  
ington, DC.

DEAR CHAIRMAN BACHUS: I am writing concerning H.R. 3421, the "Fallen Heroes of 9/11 Act," which is scheduled for Floor action today.

As you know, the Committee on Ways and Means maintains jurisdiction over matters that concern raising revenue. H.R. 3421 contains a provision that provides for the sale of duplicate medals, and thus falls within the jurisdiction of the Committee on Ways and Means.

However, as part of our ongoing understanding regarding commemorative coin and medal bills and in order to expedite this bill for floor consideration, the Committee will forgo action. This is being done with the understanding that it does not in any way prejudice the Committee with respect to the appointment of conferees or its jurisdictional prerogatives on this or similar legislation in the future.

I would appreciate your response to this letter, confirming this understanding with respect to H.R. 3421, and would ask that a copy of our exchange of letters on this matter be included in the Congressional Record during Floor consideration.

Sincerely,

DAVE CAMP,  
Chairman.

HOUSE OF REPRESENTATIVES,  
COMMITTEE ON FINANCIAL SERVICES,  
Washington, DC, December 13, 2011.

Hon. DAVE CAMP,  
Chairman, Committee on Ways and Means,  
Longworth House Office Building, Wash-  
ington, DC.

DEAR CHAIRMAN CAMP: I am writing in response to your letter regarding H.R. 3421, the Fallen Heroes of 9/11 Act, which is scheduled under for Floor consideration under suspension of the rules on Tuesday, December 13, 2011.

I wish to confirm our mutual understanding on this bill. As you know, section 3 of the bill relates to the proceeds of the sale of the medals. I acknowledge your committee's jurisdictional interest in such proceeds as revenue matters and appreciate your willingness to forego action by the Committee on Ways and Means on H.R. 3421 in order to allow the bill to come to the Floor expeditiously. Also, I agree that your decision to forego further action on this bill will not prejudice the Committee on Ways and Means with respect to its jurisdictional prerogatives on this or similar legislation. Therefore, I would support your request for conferees on those provisions within your jurisdiction should this bill be the subject of a House-Senate conference.

I will include this exchange of letters in the Congressional Record when this bill is considered by the House. Thank you again for your assistance and if you should need anything further, please do not hesitate to contact Natalie McGarry of my staff at 202-225-7502.

Sincerely,

SPENCER BACHUS,  
Chairman.

I yield 3 minutes to the author and sponsor of this bill, the gentleman from Pennsylvania (Mr. SHUSTER).

Mr. SHUSTER. I thank the gentleman for yielding.

I rise today in support of the Fallen Heroes of 9/11 Act, which I introduced earlier this year in honor of the 10th anniversary of September 11. I represent Shanksville, Pennsylvania, the area where Flight 93 went down, and, more importantly, where the first counterattack of the war on terror occurred.

It has been an honor for me to work closely with the Families of Flight 93 over the years on key initiatives, including funding the Flight 93 National Memorial and awarding the 9/11 heroes a Congressional Gold Medal. The Fallen Heroes of 9/11 Act would award one collective Congressional Gold Medal to honor the heroes that perished on 9/11, to be displayed at each memorial site—the Flight 93 National Memorial in Pennsylvania, the National September 11 Memorial and Museum in New York, and the Pentagon Memorial. The tragic deaths at the World Trade Center, at the Pentagon, and in rural Pennsylvania on September 11, 2001, have forever changed our Nation.

The officers, emergency workers, and other employees of State and local government agencies, including the Port Authority of New York and New Jersey, and of the United States Government and others, who responded to the attacks on the World Trade Center in New York City and perished as a result of the tragic events of September 11, 2001, took heroic and noble action on that day.

The officers, emergency rescue workers and employees of local and United States Government agencies who responded to the attack on the Pentagon and Washington took heroic and noble action to evacuate the premises and prevent further casualties of the Pentagon employees.

And the passengers and crew of United Airlines Flight 93, recognizing the imminent danger that the aircraft that they had boarded posed to large numbers of innocent men, women, and children, American institutions, and the symbols of American democracy, took heroic and noble action to ensure that that aircraft could not be used as a weapon.

Given the unprecedented nature of the attacks against the United States of America and the need to properly demonstrate the support of the country for those who lost their lives to terrorism, it is fitting that their sacrifice be recognized with the award of an appropriate medal.

Awarding this medal would give Congress and the American people an opportunity to further pay tribute and honor the heroic men and women that lost their lives that day. There would be no better gift this holiday season to those who lost loved ones than passing this bill and officially recognizing those that lost their lives that fateful day.

Mr. Speaker, I urge all my colleagues to support this bill, the Fallen Heroes of 9/11 Act, and I want to thank the over 350 Members I believe it was that signed on to this bill to make it possible that we're here today, going to pass this and hopefully send it to the President.

Mr. MEEKS. Mr. Speaker, I yield myself such time as I may consume.



This year represents the 10th year since our country was attacked by terrorists and it forever changed our Nation. The events that took place on September 11, 2001, will be forever embedded into every American soul. I, being a New Yorker, on that day can recall with vivid memory that I was in the city because it was an Election Day in New York, a beautiful day in New York, and being pulled to the television by some individuals that our Nation was under attack. I could then look out from the venue where I was and literally see the two towers. Then getting on the phone to talk to individuals, many and some of whom were racing to the scene of the tragedy—not racing from it. Our first responders were racing to it because they wanted to help their fellow human beings. These were heroes, indeed, and we use the word “heroes” sometimes as a manner of course. But if you want to talk about a heroic act, when and in the time of crisis, individuals willing to put their own lives on the line to help a fellow human being, I tell you, the first responders, the officers, the emergency workers and others indeed are truly American heroes.

When you think about what took place, what must have taken place on that fateful day, for the passengers and the crew of the United Airlines Flight 93, think about what they must have gone through knowing that there had been planes already attacking our Nation, but yet they made a decision to sacrifice their lives and to make sure that the plane would go down so that no one, no other lives would be destroyed. That is the true meaning of a hero.

Think about the government employees, both local and the United States Government, who responded to the attack on the Pentagon in Washington, D.C., who took courageous steps to protect fellow Americans. They were heroes. And that is why on this 10th anniversary, H.R. 3421, where we would have three coins to commemorate those heroes, those sheroes of the day that the United States of America was attacked by terrorists, is a way that we can come together and say we shall never forget, and we shall honor those individuals who left their families because of a vicious act but also in attempting to save many other American lives.

And so, Mr. Speaker, I say that I thank all of the 328 cosponsors who united together to say to those heroes, we shall never forget you, we shall never stop thanking you, we will always, always hold your name up high, and these coins are the commemoratives of those acts so that children yet unborn will know of your heroic acts, and they shall never ever perish from the minds of an American citizen, whether they are here today or whether they will be born tomorrow.

I reserve the balance of my time.

Mr. FITZPATRICK. Mr. Speaker, I yield myself such time as I may consume.

I rise today also in support of H.R. 3421, the Fallen Heroes of 9/11 Act, introduced November 14 by the gentleman from Pennsylvania (Mr. SHUSTER). Remarkably in the short 4 weeks since its introduction, it has obtained almost 330 cosponsors from this House of Representatives.

□ 1910

The bill before us recognizes the heroism of the men and women who died on September 11, 2001, that day just over a decade ago that changed this country and in fact changed this world and changed it forever. At three sites—seemingly unconnected on that clear, bright morning—thousands of brave men and women died in the most agonizing way and before our eyes. Each of them was a hero, and this bill awards a Congressional Gold Medal in their memory.

There will be three designs, one for each of the attack sites in New York City, at the Pentagon, and in the Commonwealth of Pennsylvania. And the medals struck for those sites will be displayed at the museums there that preserve the memories of that frightful day.

After the award of the medals, bronze copies of the medals will be available for purchase at a nominal price. Each design, which should be reviewed by the Citizens Coinage Advisory Committee and the Commission on Fine Arts, is to capture the horror of that day and the majesty of those heroic deaths.

This medal will be the second and final Congressional Gold Medal to be approved during this session of the 112th Congress.

Mr. Speaker, I urge immediate passage of this bill, and I reserve the balance of my time.

Mr. MEEKS. I yield 1 minute to the gentlelady from the great State of New York, (CAROLYN MALONEY).

Mrs. MALONEY. Mr. Speaker, I rise in strong support of H.R. 3421, the Fallen Heroes of 9/11 Act.

After 9/11, I have never seen this body so united and determined; and this same determination and united spirit is behind the bill that we are passing today, with well over 300 cosponsors.

This year marked the 10th anniversary of that tragic day where we had innocent Americans murdered on our soil, invaded; the first act of terrorism that we are confronting and combating today in this Congress.

The bill will symbolize in the gold coin the 9/11 site in New York, the site at the Pentagon, the heroic flight over Pennsylvania, and will have the gold coin put on display in the museums in these three locations.

On 9/11, we lost thousands and thousands of Americans, innocent Ameri-

cans, who did what we did today, went up and went to work and were murdered because they were Americans. It was outrageous. We will never forget. This is another way that we can memorialize the heroic actions, the heroes and heroines that worked hard to try to protect them, and really recognize how outrageous it was that an American citizen was murdered just for being an American.

Since 9/11, thousands and thousands more have lost their health. And I thank this body for acting in the last Congress to provide health care and compensation and monitoring for those who risked their lives to save the lives of others.

No other act has changed this country as much as 9/11. We totally reorganized our priorities, created a Homeland Security Department, totally reorganized our intelligence gathering, and implemented 43 of the 53 recommendations of the 9/11 Commission. It was this Congress at its best.

The 9/11 Commission report, which was a bipartisan product, came forward with concrete recommendations. Their report sold more copies than “Harry Potter.” It was an important report, and this Congress took that report and enacted those recommendations into law. With that same bipartisan spirit, we should be attacking the economic challenges that we confront today.

I compliment my colleagues on both sides of the aisle for sponsoring and working on this legislation. It will mean a great deal to the men and women that I have the honor of representing to have a bronze coin that they can purchase to remember, to have their input into the artistic framing of the message for these three tragedies in our country. It is thoughtful, it is purposeful, and it is historic. I thank my colleagues.

Mr. FITZPATRICK. I reserve the balance of my time and inform the gentleman from New York that I am prepared to close.

Mr. MEEKS. Mr. Speaker, I yield myself the balance of my time.

Being a New Yorker, I still, to this day, as I walk the streets of downtown Manhattan, cannot believe that the Twin Towers are not there. I taught my daughters how to navigate the streets of New York looking up at those towers as some look up to see the North Star. I will never really, in my heart, conceive of the towers not being there, even as we build this great memorial.

But when I think about the families, how they must feel—if I just utilized them as a tool for my daughters and they’re gone—but when you think about the families whose loved ones are gone, we have to do everything in our power so they know that we will always be thinking of the ones that are not able to have dinner with them this evening.

These coins—when tourists come to visit the various sites or when individuals want to purchase them for the commemorative event so they can always remember these heroes—are a symbol of the United States House of Representatives and Congress that in these kinds of times we do come together and we will work together in a bipartisan manner to salute Americans and others, because some lost their lives who were not American citizens, that we shall never forget. And we thank them for their courage, we thank them for their heroism, and we thank the families for the sacrifices that they have made as a result of not having those loved ones.

Let me also thank my colleagues and Mr. SHUSTER for introducing this bill and working collectively together in a spirit of being Americans. I thank my colleagues on the other side of the aisle.

Mr. Speaker, I yield back the balance of my time.

Mr. FITZPATRICK. Mr. Speaker, I represent Bucks County, Pennsylvania, which is the home of a 9/11 memorial for Pennsylvanians, for Americans, for all those killed on September 11, 2001. It is also the home of Ellen Saracini, widow of Captain Victor Saracini, who was the pilot of United Flight 175, which was crashed into the south tower at approximately 9:03 that morning.

He went to work, along with 2,973 other men and women lost on September 11, never imagining that they would not be returning home. For Ellen Saracini and for the other 17 families from Bucks County who lost a loved family member on that day, I want to thank my friend and colleague from Pennsylvania (Mr. SHUSTER) for offering this bill. I was proud to help him introduce it, and I humbly ask my colleagues to support it.

Mr. Speaker, I yield back the balance of my time.

Mr. VAN HOLLEN. Mr. Speaker, I rise in support of H.R. 3421, a bill to award Congressional Gold Medals to the heroes of 9/11.

During the attacks on the United States on September 11th, 2,996 Americans lost their lives at the World Trade Center, the Pentagon and in a field in rural Pennsylvania. Many more might have perished had hundreds of law enforcement officers, emergency workers and State and local government employees, not sprung into action to help evacuate the World Trade Center and the Pentagon and, in the case of the passengers and crew of United Airlines Flight 93, averted greater disaster by sacrificing themselves.

The three gold medals this legislation awards, will be permanently displayed at the Flight 93 National Memorial in Pennsylvania, the National September 11 Memorial in New York and the Memorial at the Pentagon as a constant and visible reminder of the exceptional acts of heroism exercised on that tragic day.

As a cosponsor of H.R. 3421, I encourage my colleagues to join me in support of the

many heroic men and women who put themselves in harm's way on September 11th, 2001 with this Congressional Gold Medal.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Pennsylvania (Mr. FITZPATRICK) that the House suspend the rules and pass the bill, H.R. 3421.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. MEEKS. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

The point of no quorum is considered withdrawn.

□ 1920

#### UNITED STATES MARSHALS SERVICE 225TH ANNIVERSARY COMMEMORATIVE COIN ACT

Mr. JONES. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 886) to require the Secretary of the Treasury to mint coins in commemoration of the 225th anniversary of the establishment of the Nation's first Federal law enforcement agency, the United States Marshals Service, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 886

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "United States Marshals Service 225th Anniversary Commemorative Coin Act".

#### SEC. 2. FINDINGS.

The Congress hereby finds as follows:

(1) The United States Marshals, the first Federal law enforcement officers in America, were established under section 27 of the Act of Congress entitled "Chapter XX.—An Act to Establish the Judicial Courts of the United States" and enacted on September 24, 1789 (commonly referred to as the "Judiciary Act of September 24, 1789"), during the 1st Session of the 1st Congress, and signed into law by the 1st President of the United States, George Washington.

(2) George Washington had carefully considered the appointments to the Judicial Branch long before the enactment of the Judiciary Act of September 24, 1789, and nominated the first 11 United States Marshals on September 24, and the remaining two Marshals on September 25, 1789. The Senate confirmed all 13 on September 26, 1789, 2 days after the Judiciary Act was signed into law.

(3) In 1969, by order of the Department of Justice, the United States Marshals Service was created, and achieved Bureau status in 1974. The United States Marshals Service has had major significance in the history of the United States, and has directly contributed to the safety and preservation of this Nation, by serving as an instrument of civil authority used by all 3 branches of the United States Government.

(4) One of the original 13 United States Marshals, Robert Forsyth of Georgia, a 40-year-old veteran of the Revolutionary War, was the first civilian official of the United States Government, and the first of many United States Marshals and deputies, to be killed in the line of duty when he was shot on January 11, 1794, while trying to serve civil process.

(5) The United States Marshals Service Commemorative Coin will be the first commemorative coin to honor the United States Marshals Service.

(6) The United States should pay tribute to the Nation's oldest Federal law enforcement agency, the United States Marshals Service, by minting and issuing commemorative coins, as provided in this Act.

(7) A commemorative coin will bring national and international attention to the lasting legacy of this Nation's oldest Federal law enforcement agency.

(8) The proceeds from a surcharge on the sale of such commemorative coins will assist the financing of national museums and charitable organizations.

#### SEC. 3. COIN SPECIFICATIONS.

(a) DENOMINATIONS.—In commemoration of the 225th anniversary of the establishment of the United States Marshals Service, the Secretary of the Treasury (hereafter in this Act referred to as the "Secretary") shall mint and issue the following coins:

(1) \$5 GOLD COINS.—Not more than 100,000 \$5 gold coins, which shall—

(A) weigh 8.359 grams;

(B) have a diameter of 0.850 inches; and

(C) contain 90 percent gold and 10 percent alloy.

(2) \$1 SILVER COINS.—Not more than 500,000 \$1 coins, which shall—

(A) weigh 26.73 grams;

(B) have a diameter of 1.500 inches; and

(C) contain 90 percent silver and 10 percent alloy.

(3) HALF DOLLAR CLAD COINS.—Not more than 750,000 half dollar coins, which shall—

(A) weigh 11.34 grams;

(B) have a diameter of 1.205 inches; and

(C) be minted to the specifications for half dollar coins contained in section 5112(b) of title 31 United States Code.

(b) LEGAL TENDER.—The coins minted under this Act shall be legal tender, as provided in section 5103 of title 31, United States Code.

(c) NUMISMATIC ITEMS.—For purposes of section 5134 of title 31, United States Code, all coins minted under this Act shall be considered to be numismatic items.

#### SEC. 4. DESIGN OF COINS.

(a) DESIGN REQUIREMENTS.—

(1) IN GENERAL.—The design of the coins minted under this Act shall be emblematic of the 225 years of exemplary and unparalleled achievements of the United States Marshals Service.

(2) DESIGNATION AND INSCRIPTIONS.—On each coin minted under this Act there shall be—

(A) a designation of the value of the coin;

(B) an inscription of—

(i) the mint date "2015"; and

(ii) the years 1789 and 2014; and

(C) inscriptions of the words "Liberty", "In God We Trust", "United States of America", and "E Pluribus Unum", and such other inscriptions as the Secretary may determine to be appropriate for the designs of the coins.

(3) COIN IMAGES.—

(A) \$5 GOLD COINS.—

(i) OVERSE.—The obverse of the \$5 coins issued under this Act shall bear an image of

the United States Marshals Service Star (also known as "America's Star").

(ii) **REVERSE.**—The reverse of the \$5 coins issued under this Act shall bear a design emblematic of the sacrifice and service of the men and women of the United States Marshals Service who lost their lives in the line of duty and include the Marshals Service motto "Justice, Integrity, Service."

(B) **\$1 SILVER COINS.**—

(i) **OBVERSE.**—The obverse of the \$1 coins issued under this Act shall bear an image of the United States Marshals Service Star (also known as "America's Star").

(ii) **REVERSE.**—The reverse of the \$1 silver coins issued under this Act shall bear an image emblematic of the United States Marshals legendary status in America's cultural landscape. The image should depict Marshals as the lawmen of our frontiers, including their geographic, political, or cultural history, and shall include the Marshals Service motto "Justice, Integrity, Service."

(C) **HALF DOLLAR CLAD COINS.**—

(i) **OBVERSE.**—The obverse of the half dollar clad coins issued under this Act shall bear an image emblematic of the United States Marshals Service and its history.

(ii) **REVERSE.**—The reverse of the half dollar clad coins issued under this Act shall bear an image consistent with the role that the United States Marshals played in a changing nation, as they were involved in some of the most pivotal social issues in American history. The image should show the ties that the Marshals have to the United States Constitution, with themes including—

(I) the Whiskey Rebellion and the rule of law;

(II) slavery and the legacy of inequality; and

(III) the struggle between labor and capital.

(4) **REALISTIC AND HISTORICALLY ACCURATE DEPICTIONS.**—The images for the designs of coins issued under this Act shall be selected on the basis of the realism and historical accuracy of the images and on the extent to which the images are reminiscent of the dramatic and beautiful artwork on coins of the so-called "Golden Age of Coinage" in the United States, at the beginning of the 20th Century, with the participation of such noted sculptors and medallist artists as James Earle Fraser, Augustus Saint-Gaudens, Victor David Brenner, Adolph A. Weinman, Charles E. Barber, and George T. Morgan.

(b) **SELECTION.**—The design for the coins minted under this Act shall be—

(1) selected by the Secretary, after consultation with the Director of the United States Marshals Service and the Commission of Fine Arts; and

(2) reviewed by the Citizens Coin Advisory Committee.

#### SEC. 5. ISSUANCE OF COINS.

(a) **QUALITY OF COINS.**—Coins minted under this Act shall be issued in proof quality and uncirculated quality.

(b) **MINT FACILITY.**—Only 1 facility of the United States Mint may be used to strike any particular combination of denomination and quality of the coins minted under this Act.

(c) **COMMENCEMENT OF ISSUANCE.**—The Secretary may issue coins, to the public, minted under this Act beginning on or after January 1, 2015, except for a limited number to be issued prior to such date to the Director of the United States Marshals Service and employees of the Service for display and presentation during the 225th Anniversary celebration.

(d) **TERMINATION OF MINTING AUTHORITY.**—No coins may be minted under this Act after December 31, 2015.

#### SEC. 6. SALE OF COINS.

(a) **SALE PRICE.**—The coins issued under this Act shall be sold by the Secretary at a price equal to the sum of—

(1) the face value of the coins;

(2) the surcharge provided in section 7(a) with respect to such coins; and

(3) the cost of designing and issuing the coins (including labor, materials, dies, use of machinery, overhead expenses, marketing, and shipping).

(b) **PREPAID ORDERS.**—

(1) **IN GENERAL.**—The Secretary shall accept prepaid orders for the coins minted under this Act before the issuance of such coins.

(2) **DISCOUNT.**—Sale prices with respect to prepaid orders under paragraph (1) shall be at a reasonable discount.

#### SEC. 7. SURCHARGES.

(a) **IN GENERAL.**—All sales of coins minted under this Act shall include a surcharge as follows:

(1) A surcharge of \$35 per coin for the \$5 gold coin.

(2) A surcharge of \$10 per coin for the \$1 silver coin.

(3) A surcharge of \$3 per coin for the half dollar coin.

(b) **DISTRIBUTION.**—Subject to section 5134(f) of title 31, United States Code, the Secretary shall promptly distribute all surcharges received from the sale of coins issued under this Act as follows:

(1) The first \$5,000,000 available for distribution under this section, to the U.S. Marshals Museum, Inc., also known as the United States Marshals Museum, for the preservation, maintenance, and display of artifacts and documents.

(2) Of amounts available for distribution after the payment under paragraph (1)—

(A) One third shall be distributed to the National Center for Missing & Exploited Children, to be used for finding missing children and combating child sexual exploitation.

(B) One third shall be distributed to the Federal Law Enforcement Officers Association Foundation, to be used—

(i) to provide financial assistance for—

(I) surviving family members of Federal law enforcement members killed in the line of duty;

(II) Federal law enforcement members who have become disabled; and

(III) Federal law enforcement employees and their families in select instances, such as severe trauma or financial loss, where no other source of assistance is available;

(ii) to provide scholarships to students pursuing a career in the law enforcement field; and

(iii) to provide selective grants to charitable organizations.

(C) One third shall be distributed to the National Law Enforcement Officers Memorial Fund, to support the construction of the National Law Enforcement Museum and the preservation and display of its artifacts.

(c) **AUDITS.**—All organizations, associations, and funds shall be subject to the audit requirements of section 5134(f)(2) of title 31, United States Code, with regard to the amounts received under subsection (b).

(d) **LIMITATION.**—Notwithstanding subsection (a), no surcharge may be included with respect to this issuance under this Act of any coin during a calendar year if, as of the time of such issuance, the issuance of such coin would result in the number of com-

memorative coin programs issued during such year to exceed the annual 2 commemorative coin program issuance limitation under section 5112(m)(1) of title 31, United States Code (as in effect on the date of the enactment of this Act). The Secretary of the Treasury may issue guidance to carry out this subsection.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from North Carolina (Mr. JONES) and the gentleman from New York (Mr. MEEKS) each will control 20 minutes.

The Chair recognizes the gentleman from North Carolina.

#### GENERAL LEAVE

Mr. JONES. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days in which to revise and extend their remarks and to add extraneous material on this bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

Mr. JONES. Mr. Speaker, I would like to submit an exchange of letters with the Ways and Means Committee regarding this bill.

HOUSE OF REPRESENTATIVES,  
COMMITTEE ON WAYS AND MEANS,  
Washington, DC, December 13, 2011.

Hon. SPENCER BACHUS,  
Chairman, Committee on Financial Services,  
Washington, DC.

DEAR CHAIRMAN BACHUS, I am writing concerning H.R. 886, the "United States Marshals Service 225th Commemorative Coin Act," which is scheduled for Floor action today.

As you know, the Committee on Ways and Means maintains jurisdiction over matters that concern raising revenue. H.R. 886 contains a provision that establishes a surcharge for the sale of commemorative coins that are minted under the bill, and this falls within the jurisdiction of the Committee on Ways and Means.

However, as part of our ongoing understanding regarding commemorative coin bills and in order to expedite this bill for Floor consideration, the Committee will forgo action. This is being done with the understanding that it does not in any way prejudice the Committee with respect to the appointment of conferees or its jurisdictional prerogatives on this or similar legislation in the future.

I would appreciate your response to this letter, confirming this understanding with respect to H.R. 886, and would ask that a copy of our exchange of letters on this matter be included in the Congressional Record during Floor consideration.

Sincerely,

DAVE CAMP,  
Chairman.

HOUSE OF REPRESENTATIVES,  
COMMITTEE ON FINANCIAL SERVICES,  
Washington, DC, December 13, 2011.

Hon. DAVE CAMP,  
Chairman, Committee on Ways and Means,  
House of Representatives, Washington, DC.

DEAR CHAIRMAN CAMP: I am writing in response to your letter regarding H.R. 886, the United States Marshals Service 225th Anniversary Commemorative Coin Act, which is scheduled under for Floor consideration under suspension of the rules on Tuesday, December 13, 2011.

I wish to confirm our mutual understanding on this bill. As you know, section 7 of the bill establishes a surcharge for the sale of commemorative coins that are minted under the bill. I acknowledge your committee's jurisdictional interest in such surcharges as revenue matters and appreciate your willingness to forego action by the Committee on Ways and Means on H.R. 886 in order to allow the bill to come to the Floor expeditiously. Also, I agree that your decision to forego further action on this bill will not prejudice the Committee on Ways and Means with respect to its jurisdictional prerogatives on this or similar legislation. Therefore, I would support your request for conferees on those provisions within your jurisdiction should this bill be the subject of a House-Senate conference.

I will include this exchange of letters in the Congressional Record when this bill is considered by the House. Thank you again for your assistance and if you should need anything further, please do not hesitate to contact Natalie McGarry of my staff at 202-225-7502.

Sincerely,

SPENCER BACHUS,  
*Chairman.*

I yield such time as he may consume to the gentleman from Arkansas (Mr. WOMACK), the sponsor of the bill.

Mr. WOMACK. I thank the gentleman for yielding.

Mr. Speaker, in 2005 16 cities competed for the right to become the home of the U.S. Marshals Museum. The city in my district, Fort Smith, was one of the two finalists and was ultimately chosen for many reasons, one of which was its strong historical connection to the U.S. Marshals Service.

Fort Smith was, for many years, the seat of justice, not only for the western district of Arkansas but Indian territory as well. More marshals and deputies have been killed in the line of duty out of the western district of Arkansas than any other district in the country. Most were killed riding out under famed Judge Isaac C. Parker, immortalized by the novel, "True Grit," and the movies by the same name.

A few months ago, Mr. Speaker, I introduced legislation to mint a coin to commemorate the 225th anniversary of the U.S. Marshals Service. Today I'm pleased to be standing here with the opportunity to urge my fellow Members, many of whom are cosponsors of this bill, to join me in honoring a truly deserving institution.

The proceeds from the sale of these coins will assist in the preservation and maintenance of artifacts and documents which will be displayed in the U.S. Marshals Museum. Additional proceeds will go to the Federal Law Enforcement Officers Association, the National Law Enforcement Museum, and the National Center for Missing and Exploited Children.

The museum, which will overlook the beautiful Arkansas River, will consist of 20,000 square feet of exhibit space to highlight pivotal moments in the history of the U.S. Marshals Service, such as the "Going Snake Massacre" of

April 15, 1872, which left one deputy and seven posse men dead in the bloodiest day in Marshals history. This event will be the central exhibit of this museum.

A Hall of Honor for fallen marshals will also be part of the more than \$50 million facility, paying tribute to those killed in the line of duty, from Robert Forsythe in 1794 to Deputy Marshals Derek Hotsinpiller and John Perry in 2011.

In addition to serving as a symbol and constant reminder of the character and tradition of one of America's greatest institutions, this commemorative coin will allow the U.S. Marshals Museum to honor past marshals like Bass Reeves, who, in 1875, was commissioned as one of the first African American deputy marshals west of the Mississippi River. Reeves was a skilled gunslinger, who, on one occasion, brought in 19 horse thieves to the Federal jail in Fort Smith, all by himself.

But as the Nation's oldest law enforcement agency, Bass Reeves is only one of many characters etched into the storied history of the U.S. Marshals Service, including the famous Three Guardsmen of the Oklahoma Territory, Wild Bill Hickok, the Earp brothers, Virgil, Morgan, and, briefly, Wyatt, along with Doc Holliday during the shootout at the OK Corral.

Today that same grit and courage defines the Marshals Service.

U.S. marshals were in Oxford, Mississippi, to protect James Meredith when he became the first African American to attend the University of Mississippi. U.S. marshals were in the State of Washington when convicted Soviet spy Christopher Boyce was captured when he escaped from prison. And U.S. marshals were in Oklahoma and New York to administer justice following the terrorist attacks that took the lives of innocent Americans.

Since 1789 the U.S. Marshals Service has served this country with dedication and distinction, upholding its creed of justice, integrity, and service. And today, U.S. marshals continue to play an integral role in the security of our country. They assist when tragedy strikes. They ensure the safety and well-being of Federal officials, and they track down and apprehend some of the most dangerous fugitives, murderers, sex offenders, and gang members, with little regard for their own safety.

Mr. Speaker, the U.S. Marshals Service has meant so much to so many. Over the course of history, more than 250 marshals have given that ultimate sacrifice. They have selflessly given their own lives to protect our way of life. This coin will serve as a token of our appreciation and a symbol of their sacrifice.

Mr. Speaker, there are a lot of people to thank, including the 300-plus cosponsors of this legislation who, with

their cosponsorship, made considering of this bill possible.

I want to thank Chairman BACHUS for his support in moving this bill forward through committee.

I want to thank my friend MIKE ROSS of the Fourth District of Arkansas for his personal involvement in seeking cosponsors for this legislation and his unfailing support for the construction of this museum.

I want to thank the gentleman from Arizona, ED PASTOR. ED took this legislation to the Hispanic Caucus and got widespread support there.

Thanks also to the late Ray Baker, the mayor of Fort Smith, who was in the early beginnings of the development of this museum project, and current mayor, Sandy Sanders.

I want to thank the CEO of the Marshals Museum Organization, Jim Dunn and Jim Johnson, and very soon they will be conducting nationwide campaigns to see that the funding is possible to construct this museum.

Mr. Speaker, I'm proud to have sponsored this legislation.

I also want to thank my friend, JOHN BOOZMAN, my predecessor who began this process in a previous Congress and I know will work very hard in the Senate to champion this legislation through the other body.

I'm proud to have been the sponsor, but more than anything, I'm proud of what the U.S. Marshals Service means to our country. And I am anxiously looking forward to the construction of this museum so that we can showcase the museum, the institution of the Marshals Service, and the great city of Fort Smith and the Third District of Arkansas to all who will come and see.

Mr. MEEKS. Mr. Speaker, I yield myself such time as I may consume.

I am proud to support H.R. 886, the United States Marshals Service 225th Anniversary Commemorative Coin Act.

This bill honors our Nation's oldest Federal law enforcement agency and requires the Secretary of the Treasury to mint three different coins to celebrate the Marshals' 225th anniversary.

The first President of the United States of America, George Washington, had the privilege of nominating the first 13 marshals, who were then confirmed by the Senate. Since those days of the early Republic, the Marshals have continued their brave service to the Nation. Among the duties the Marshals have undertaken include combating counterfeiting from 1789 to 1865, when the Secret Service was established; conducting the national census, from 1790 to 1879; and confiscating property used by the Confederacy during the Civil War.

Today, there is a U.S. marshal in each of the 94 Federal districts, protecting the legal system. As a former prosecutor, I can attest to the importance that marshals play in our judiciary system. U.S. marshals, among

their other duties, protect the Federal judiciary, allowing our country to maintain a system of fairness and integrity. They also protect witnesses and jurors, enabling citizens to engage in a high duty of serving their communities.

The U.S. marshals have so many great accomplishments. But one that's of special consideration for me, as a young child, one of the greatest accomplishments that I can recall is doing their service during the civil rights era, when the rule of law was under threat in the South. When riots broke out over the enrollment of James Meredith, a young African American student at Ole Miss, it was the U.S. marshals Service that protected him with a 24-hour detail for an entire year.

□ 1930

One cannot underestimate the role they played in helping desegregate the South and promoting our great Nation to the point where we are today to where even in fact the 44th President of the United States of America is an African American.

So I am pleased to pay tribute to the Marshals Service by supporting this act, and I urge my colleagues to do the same.

I reserve the balance of my time.

Mr. JONES. I have no further speakers; so I reserve the balance of my time.

Mr. MEEKS. Mr. Speaker, I yield such time as he may consume to the gentleman from Arkansas (Mr. ROSS).

Mr. ROSS of Arkansas. Mr. Speaker, I rise today in support of H.R. 886, the United States Marshals Service 225th Anniversary Commemorative Coin Act. I'm proud to be an original cosponsor of this bill and to work very closely with my colleague from Arkansas, Mr. WOMACK, to issue a commemorative coin honoring the 225th anniversary of the United States Marshals Service in helping to raise money for the U.S. Marshals museum in Fort Smith, Arkansas. The very first Congress with its very first bill created the U.S. Marshals Service when President George Washington signed the Judiciary Act of 1789. This was the same bill that created the entire Federal judicial system, and today the U.S. Marshals Service remains the Nation's oldest Federal law enforcement agency.

My home State of Arkansas has a proud chapter in the history of the U.S. Marshals Service. As a young State, Arkansas sat on the western edge of a growing Nation in the late 1800s, and it would be the U.S. marshals and their deputies based out of Fort Smith, Arkansas, that had jurisdiction over 74,000 square miles, an area where countless numbers of dangerous criminals fled into Indian territory to escape prosecution.

Home to Judge Parker's courthouse, Fort Smith became the center of law

and order in the Western United States throughout much of the late 19th century.

Charles Portis' 1968 novel "True Grit" first introduced Fort Smith, Arkansas, to many Americans and its role in the history of the U.S. Marshals Service. An Arkansan born and raised in El Dorado, Arkansas, in my congressional district, Charles Portis later saw his novel turned into the 1969 movie starring Arkansas native and recording artist, singer Glen Campbell, and John Wayne as U.S. Marshal Rooster Cogburn; and more recently, the 2010 remake of the movie featuring Jeff Bridges in the same role.

The importance of Fort Smith, Arkansas, to the U.S. Marshals Service is in part why the city will also be home to the U.S. Marshals museum, to be funded partly by sales from the U.S. Marshals Service 225th Anniversary Commemorative Coin. When finished, the U.S. Marshals museum will be a world class national museum with over 20,000 square feet helping to share the history and legacy of the U.S. Marshals Service.

Most importantly, it will serve as a memorial for all of those within the U.S. Marshals Service who gave their lives in service to our country.

Today more than 4,000 U.S. marshals, deputy marshals, and criminal investigators make up the modern U.S. Marshals Service, carrying out many of the duties first assigned to them more than two centuries ago.

Our U.S. marshals and deputy marshals protect the Federal judicial system, apprehend Federal fugitives, seize property, house and transport Federal prisoners, and operate the witness security program. They continue to risk their lives to preserve and protect law and order, the very basic tenet of our American democracy and, yes, our way of life.

Mr. Speaker, this bill, which will not add a single dime to the deficit, will allow our Nation to recognize, honor, and thank the sacrifices that so many U.S. marshals and deputy marshals have made to this country over the past 225 years. It will also generate revenue from the U.S. Marshals Service 225th anniversary Commemorative Coin sales to help build a museum in their honor in Fort Smith, Arkansas, so that this generation and the generations that follow will know the truly American story of the U.S. Marshals Service.

So, Mr. Speaker, I'm proud to join my colleague from Arkansas (Mr. WOMACK) in offering up a bipartisan bill, and I'm asking you to join me in voting for H.R. 886, the United States Marshals Service 225th Anniversary Commemorative Coin Act. Again I'd like to thank the gentleman from Arkansas, Mr. WOMACK, for his steadfast leadership and hard work to see this day become a reality.

Mr. MEEKS. Mr. Speaker, as we close, it is important for us to remember the history of our great country. And by celebrating the 225th anniversary of the United States Marshals Service, that's exactly what we're doing. By creating this museum for the preservation and the maintenance and the display of artifacts and documents—and it is important—the money, the first \$5 million in surcharge proceeds, will do just that.

But the money that's additionally raised will be utilized for great purposes. The National Center for Missing and Exploited Children will be beneficiaries, and the Federal Law Enforcement Officers Association Foundation will be beneficiaries, and the National Law Enforcement Officers Memorial Fund will be beneficiaries. And they would have to raise matching funds for a coin that is sold. These coins are for sale.

So we will be able to commemorate the United States Marshals and the service that they have rendered to this country, and in addition thereto be able to support three much-needed organizations for individuals who really need the support of those three organizations.

So I ask all of my colleagues to join us on H.R. 886, the United States Marshals Service 225th Anniversary Commemorative Coin Act, and vote "aye."

I yield back the balance of my time.

Mr. JONES. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from North Carolina (Mr. JONES) that the House suspend the rules and pass the bill, H.R. 886, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. MEEKS. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

□ 1940

#### DRUG TRAFFICKING SAFE HARBOR ELIMINATION ACT OF 2011

Mr. SMITH of Texas. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 313) to amend the Controlled Substances Act to clarify that persons who enter into a conspiracy within the United States to possess or traffic illegal controlled substances outside the United States, or engage in conduct within the United States to aid or abet drug trafficking outside the United States, may be criminally prosecuted in the United States, and for other purposes, as amended.

The Clerk read the title of the bill.  
The text of the bill is as follows:

H.R. 313

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE.**

*This Act may be cited as the “Drug Trafficking Safe Harbor Elimination Act of 2011”.*

**SEC. 2. AMENDMENTS TO THE CONTROLLED SUBSTANCES ACT TO CLARIFY CONSPIRACIES CONDUCTED WITHIN THE UNITED STATES MAY BE CRIMINALLY PROSECUTED IN THE UNITED STATES.**

*Section 406 of the Controlled Substances Act (21 U.S.C. 846) is amended by—*

*(1) inserting “(a)” before “Any”; and*

*(2) inserting at the end the following:*

*“(b) Whoever, within the United States, conspires with one or more persons, or aids or abets one or more persons, regardless of where such other persons are located, to engage in conduct at any place outside the United States that would constitute a violation of this title, other than a violation of section 404(a), if committed within the United States, shall be subject to the same penalties that would apply to such conduct if it were to occur within the United States.”.*

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Texas (Mr. SMITH) and the gentleman from Virginia (Mr. SCOTT) each will control 20 minutes.

The Chair recognizes the gentleman from Texas.

**GENERAL LEAVE**

Mr. SMITH of Texas. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous materials on H.R. 313, as amended, currently under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. SMITH of Texas. Mr. Speaker, I yield myself such time as I may consume.

H.R. 313, the Drug Trafficking Safe Harbor Elimination Act of 2011, introduced by the gentleman from California (Mr. SCHIFF) and me, closes a loophole in Federal law.

Drug traffickers are currently exempt from prosecution in the United States when they conspire to traffic drugs outside of the United States. This bill clarifies Congress' intent that the drug trafficking conspiracy statute should be given extraterritorial application. A Federal criminal case demonstrates how the loophole is being exploited.

In 1998 two individuals conspired with members of a large Colombian drug trafficking organization and a Saudi Arabian prince. The goal of the conspiracy was to traffic 2,000 kilograms of cocaine, worth over \$100 million, from South America to Europe. Several meetings among the co-conspirators occurred in Miami, Florida, and elsewhere around the world.

Specifically while in Miami, they planned in detail to purchase the cocaine in Colombia and ship it to Europe for distribution.

The prince used his royal jet under the cover of diplomatic immunity to transport the cocaine from Venezuela to Paris, France. Although part of the cocaine was seized by law enforcement authorities in France and Spain, about 1,000 kilograms of cocaine were distributed and sold in the Netherlands, Italy, and elsewhere in Europe.

In 2005 two of the conspirators were convicted of drug trafficking and conspiracy in the Federal district court in Florida, and each was sentenced to over 20 years in prison. However, in 2007 the U.S. Court of Appeals for the Eleventh Circuit vacated their convictions. The court reasoned that there is no violation of Federal law when, absent congressional intent, the object of the conspiracy is to possess and distribute controlled substances outside of the United States. This is true even though meetings and negotiations to further the crime occurred on U.S. soil.

Crime is usually a territorial issue, specific to the place where the crime occurs. However, drug trafficking is inherently global in nature now more than ever. In fact, two other provisions of the Controlled Substances Act are already explicitly extraterritorial as they relate to narcoterrorism, terrorism financed through drug trafficking and the foreign manufacture of drugs for importation into the United States. The primary anti-money laundering statute used in drug trafficking cases is also extraterritorial.

Three years ago, Congress enacted the Federal Maritime Drug Law Enforcement Act in response to the increase in use of vessels to traffic drugs around the world. Congress gave this law express extraterritorial effect.

Congress stated “that trafficking in controlled substances aboard vessels is a serious international problem and is universally condemned. Moreover, such trafficking presents a specific threat to the security and societal well-being of the United States.”

The United States is a signatory to two major international drug-control treaties. Of the 194 countries in the world today, 184 are parties to the 1961 Convention on Narcotic Drugs, which acts as the foundation for most of the world's drug trafficking laws. Drug trafficking is a global problem, universally condemned by law-abiding nations.

Some argue that a person should not be subject to the new conspiracy offense created by this bill unless his conduct is expressly illegal in every country where the drug trafficking occurs. Such a requirement is rarely, if ever, imposed on extraterritorial statutes.

In fact, my colleagues on the other side of the aisle are proponents of a

number of extraterritorial laws that contain no requirement that the conduct be illegal in the country where it occurs. Such crimes include genocide, the recruitment or use of child soldiers, or the use of semi-submersible submarines.

These laws are significantly broader than the bill before us today because they do not require any illegal conduct to occur inside the United States. H.R. 313, however, does require that the conspiracy to traffic drugs take place here in the U.S. This legislation is narrowly tailored to reach drug trafficking conspiracies that occur on U.S. soil, but which promote the global distribution of drugs. To require the government to prove that the crime violated foreign law would also render this law essentially ineffective.

Drugs are not simply manufactured in one country and sold in another. Drug shipments make several stops along the way to their final destinations. For instance, cocaine is manufactured and processed in Colombia. It will likely be shipped by ground to Venezuela. It may then be put in a shipping container, transit several Caribbean islands, and then be sent to Africa or Europe. It could be off-loaded in Spain, divided up into smaller, but substantial, shipments and wind up in a dozen European countries. The proceeds from this multi-million-dollar shipment will make their way through the banking systems of a dozen other countries before being delivered to Colombia.

The government should not be required to prove that each of these acts violated each country's laws to prove that the traffickers plotted their conspiracies inside the U.S.

This bill, as amended in the Judiciary Committee with unanimous bipartisan support, excludes conspiracies to possess drugs. This legislation aims to eliminate the safe harbor for drug traffickers and distributors whose primary motive is financial gain. If we do not pass this bill, we continue to invite drug traffickers to plan their schemes within our borders.

The United States should not provide a safe haven for the world's drug traffickers to plot their international drug trafficking operations. This common-sense bill prevents drug traffickers from benefiting from their legal exemption from prosecution, and it tells drug traffickers not to plot their illegal activities in the U.S. If they do, they will be brought to justice.

I do want to thank Mr. SCHIFF again for sponsoring this legislation with me, and I urge my colleagues to support this bill.



CONGRESS OF THE UNITED STATES,  
HOUSE OF REPRESENTATIVES, COM-  
MITTEE ON ENERGY AND COM-  
MERCE,

*Washington, DC, October 26, 2011.*

Hon. LAMAR SMITH,  
*Chairman, Committee on the Judiciary, Wash-  
ington, DC.*

DEAR CHAIRMAN SMITH: I am writing concerning H.R. 313, the "Drug Trafficking Safe Harbor Elimination Act of 2011," which was ordered to be reported out of your Committee on October 6, 2011. I wanted to notify you that the Committee on Energy and Commerce will forgo action on H.R. 313 so that it may proceed expeditiously to the House floor for consideration.

This is being done with the understanding that the Committee on Energy and Commerce is not waiving any of its jurisdiction, and the Committee will not in any way be prejudiced with respect to the appointment of conferees or its jurisdictional prerogatives on this or similar legislation.

I would appreciate your response to this letter, confirming this understanding, and ask that a copy of our exchange of letters on this matter be included in the Congressional Record during consideration of H.R. 313 on the House floor.

Sincerely,

FRED UPTON,  
*Chairman.*

CONGRESS OF THE UNITED STATES,  
HOUSE OF REPRESENTATIVES, COM-  
MITTEE ON THE JUDICIARY,

*Washington, DC, October 26, 2011.*

Hon. FRED UPTON,  
*Chairman, House Committee on Energy and  
Commerce, Washington, DC.*

DEAR CHAIRMAN UPTON: Thank you for your letter regarding H.R. 313, the "Drug Trafficking Safe Harbor Elimination Act of 2011," which was reported favorably by the Committee on the Judiciary on October 6, 2011. This bill was also referred to the Committee on Energy and Commerce.

I am most appreciative of your decision to discharge the Committee on Energy and Commerce from consideration of H.R. 313 so that it may move expeditiously to the House floor. I agree that while you are waiving formal consideration of the bill, the Committee on Energy and Commerce is in no way waiving its jurisdiction over the subject matter contained in the bill. In addition, if a conference is necessary on this bill, I will support any request to have the Committee on Energy and Commerce represented.

Finally, I would be pleased to include our exchange of letters in the Congressional Record during floor consideration of this bill.

Sincerely,

LAMAR SMITH,  
*Chairman.*

I reserve the balance of my time.

Mr. SCOTT of Virginia. Mr. Speaker, I yield myself such time as I may consume.

I rise in opposition to H.R. 313, a bill that does not make us any safer. In our zealotness to make drug laws as tough as possible, we are now considering an expansion of Federal criminal law to conspiracies to engage in drug activity that occur completely out of the United States.

The reason this bill has been introduced, as the gentleman from Texas has pointed out, is at least partly due

to the Eleventh Circuit Court of Appeals decision in 2007 in the Lopez-Vanegas case. The court overturned the conviction of two people who formed an agreement in the United States to transport cocaine from Venezuela to France. The court ruled that current law only applies to conspiracies to distribute drugs in which some of the activity occurs in the United States. Under this bill, some of the conspiracies could be prosecuted even if the drug activity that is the subject of the conspiracy is not illegal where the transaction is going to take place.

For example, the use and the production and the distribution of marijuana for medicinal purposes are all legal in a number of countries, including Canada. Canadians and other citizens involved in legal medical marijuana programs in their countries could face Federal prosecution if they visit the United States and engage in agreements here in the United States or advance or finance their businesses in Canada. They could be discussing legal transactions in Canada, but the activity is illegal in the United States.

So the agreement in the United States under this bill would constitute an illegal conspiracy, and it would be subject to all of the criminal penalties for drug transactions. In fact, someone would be better off just going to Canada and engaging in the legal drug activity rather than simply making arrangements for the activity by discussing it in the United States.

□ 1950

Unfortunately, the committee failed to adopt an amendment to exclude discussions of activity that may be illegal in the United States but would be legal everywhere that the transaction is to take place.

Now, if one believes that we do have an interest in covering some of these conspiracies under United States law, we should at least confine the law to cover large-scale trafficking. Unfortunately, the committee failed to adopt an amendment to do that, so even small transactions get caught up by this bill, transactions that are legal where they are occurring. And when they get caught up in discussing transactions that are legal where they take place, they're subject to draconian mandatory minimum sentences.

I would note that it is an unfortunate fact that, under our criminal law, we rely too much on mandatory minimums. This bill would subject even more people to them.

Mandatory minimum sentences have been extensively studied, and the conclusions on all of those studies show that the mandatory minimums are unjust; they cause prison overcrowding and are a waste of taxpayers' money. The Federal prison population is currently over 210,000 inmates, nearly a fivefold increase in just a few decades;

and that explosion in population is due, to a large extent, to mandatory minimums.

Mandatory minimums do not account for the individual circumstances of the crime or the defendant. The judicial counsel has warned us that, if a mandatory minimum sentence is appropriate, it can be imposed without a mandatory minimum. But with the mandatory minimum, if it violates common sense, it has to be imposed anyway.

In the past few years, numerous high-profile conservative leaders have expressed opposition to mandatory minimum sentencing laws. Some of those conservative expressions came from the Americans for Tax Reform president, Grover Norquist; the American Civil Rights Institute president, Ward Connerly; National Rifle Association president, David Keene; and Justice Fellowship president, Pat Nolan, all of whom have called mandatory sentences into question.

This bill is seemingly an effort to leave no stone unturned in prohibiting any drug transaction from occurring anywhere, even if it doesn't impact the United States. There may be some parts of the bill that are worthwhile. It covers, of course, multimillion-dollar international drug conspiracies, but it also covers small transactions. And to the extent that people will be subject to long mandatory minimums for doing something that is legal, for talking about something that is legal where it is to take place, this bill makes no sense and should be defeated.

I reserve the balance of my time.

Mr. SMITH of Texas. Mr. Speaker, we are prepared to close; so I will reserve the balance of my time.

Mr. SCOTT of Virginia. I yield such time as he may consume to the gentleman from California (Mr. SCHIFF).

Mr. SCHIFF. Mr. Speaker, I thank the gentleman from Virginia for yielding. I am pleased to join with my friend, the distinguished chairman of the Judiciary Committee, in supporting this bipartisan bill. Chairman SMITH has been a leader on this issue, and we worked together on it in a prior Congress.

This bill targets a narrow loophole in the Controlled Substances Act which has been exploited by drug traffickers, and the case that particularly brings home this problem is the case that the chairman mentioned.

In 1998 two individuals conspired with Colombian drug cartels to traffic 2,000 kilos of cocaine from South America to Europe. They met in Miami to work out the details of this \$100 million transaction. In 2005, following an extensive Federal investigation, they were convicted of drug trafficking and conspiracy and were sentenced to around 24 years in prison, each.

However, in 2007 the 11th Circuit Court of Appeals overturned these convictions. The court found that the way



Congress had worded the conspiracy portion of the Controlled Substances Act meant that the conspiracy had to involve trafficking drugs to or from the United States, a condition that was not satisfied in that case. The result of the court's finding is that, in the United States, a drug trafficker can plan and coordinate the shipment of millions of dollars of drugs between our friends and allies yet be beyond the reach of our Nation's laws.

Mr. Speaker, I think this is clearly wrong and not the intent of Congress in passing the Controlled Substances Act. H.R. 313 would close that loophole. In doing so, it doesn't break new ground. Many criminal laws currently on our books have extra territorial reach, including some portions of the Controlled Substances Act itself.

Drug trafficking, by its very nature, is a global problem, and the laws and treaties that fight it must take that into consideration. When we look at the damage the drug cartels have inflicted in countries like Colombia and Mexico, not to mention the devastation their trade causes in the United States, the case for this bill becomes quite clear.

The bill is narrowly crafted to apply only to those who conspire to traffic or distribute narcotics. And with the adoption of the manager's amendment in the Judiciary Committee, it was narrowed further to address concerns that conspiracy charges could apply to only those who sought to possess narcotics overseas. The bill will not open anyone to prosecution for simply discussing the possession of narcotics overseas. It deals only with commerce, not simply speech—the trafficking and distribution of drugs.

Once again, I want to thank Chairman SMITH for his leadership on this important bill, and I urge that we pass the measure.

Mr. SCOTT of Virginia. Mr. Speaker, I yield such time as he may consume to the gentleman from Tennessee (Mr. COHEN).

Mr. COHEN. I want to thank the gentleman from Virginia (Mr. SCOTT) for the time. I also want to thank the gentleman from Texas, the chairman of the Judiciary Committee, for the way he runs his committee. He is an outstanding chairman and a gentleman.

And I appreciate the fact that in this bill, on which the gentleman from Virginia has given much of the argument that I, otherwise, would have made about its failings, that Mr. SMITH did accept an amendment to take the possession charges out of it. So possession of drugs is not in it, and that was an improvement.

But, nevertheless, one of the amendments that we did discuss in committee that still bothers me is that the activities could have been entirely legal in the country where they took place. Amsterdam or Holland—Holland

is the country which I was thinking of—the Netherlands. And we discussed it in committee. Mr. SCOTT mentioned medical marijuana being legal in Canada as well as in Israel. But a lot of drugs are legal and transactions in Holland. And if two Americans talked on the phone about going to Holland and buying some marijuana and maybe trading it with somebody else in Holland where it would be legal, it would be a violation of the law in the United States based on this particular statute. And that's what's called an overly broad law, when it captures conduct that it really isn't intended to do.

I don't think—and I hope that the people who voted for this didn't intend for it to criminalize speech when the actions in the country where the act took place were legal. I hope they wouldn't have been thinking that. And on the Judiciary Committee, in particular, we should be very, very circumscribed in what we pass because we're taking people's liberty from them. And "liberty" is one of the words inscribed up here, I think, in front of the panel. It is one of the things America holds so dear.

This Thursday, we are going to be celebrating the 220th passage of the Bill of Rights. And the Bill of Rights gives people the freedom of speech and quite a few freedoms from government oppression and government activities.

To suggest that this is a loophole, I think, is a mistake. I think it was not intended by this Congress to criminalize behavior, particularly behavior that was legal in the country where it took place.

In the situation that the gentleman from Texas describes, where some people got together in Miami to discuss drugs from Colombia that were flown from Venezuela to France and purchased in the Netherlands, Italy, and elsewhere, I don't think that they were in Miami because they thought that was a loophole. I think they were in Miami because they liked Miami. And why wouldn't you? Miami is a great place. They weren't there because it was a loophole. They just happened to be there. And I don't think anybody foresaw that as being illegal conduct. They could have discussed that in Paris or in Caracas or anywhere else. They didn't facilitate the crime, per se. What they did was illegal in all those different countries, and they could have been prosecuted there.

I would submit to you, also, that this Nation and this world almost came to its knees because of derivatives and financial instruments created here in the United States, created here—not just talked about on Wall Street. But it had a global effect because those derivatives affected banks in Europe and all around the world. And as we almost came to our knees because of the criminal activities of people making lots of money with greed, Gekko greed,

other people around the world suffered as well economically. But we're not rushing here to criminalize talks between people in Washington and Wall Street and people in Paris about derivatives, about subprime loans, about ways to make money at the expense of poor people and possibly bring the world to its knees economically; that, we're not discussing. But we are discussing the possibility of putting people in jail for going to Amsterdam and talking about buying some marijuana. Something smells foul, and that's why I oppose the bill.

□ 2000

Mr. SCOTT of Virginia. Mr. Speaker, I yield myself such time as I may consume.

Just finally, we can cover the international drug conspiracies with a reasonably drawn bill. Unfortunately, this bill not only covers the international drug conspiracies, but also, as the gentleman from Tennessee has pointed out, those who are ensnared by doing things that are legal where they occur, but if you agree to do it in the United States, it is all of a sudden a drug conspiracy that'll subject you to all kinds of mandatory minimums.

I would hope that we would defeat this bill, start from scratch and draw a bill that covers what ought to be covered and leaves out what ought not be covered. Agreeing to go to Canada or go to Amsterdam to do something which is legal ought not be a criminal conspiracy in the United States.

With that, Mr. Speaker, I hope we will defeat the bill, and I yield back the balance of my time.

Mr. SMITH of Texas. Mr. Speaker, let me try again to address some of the concerns of two of my colleagues on the Judiciary Committee. I want to re-emphasize that extraterritorial laws do not require that the conduct be illegal in foreign countries.

Congress has enacted numerous laws with extraterritorial effect. Our decision to do so rarely, if ever, hinges on whether the conduct is also criminalized in the foreign country.

Once again, terrorism, drug-related money laundering, genocide, child soldiers—these are all extraterritorial offenses that do not require that the conduct also be against the law in a foreign country.

Moreover, most extraterritorial statutes don't even require that the criminal engage in any illegal conduct inside the United States either. If they engage in terrorism or money laundering or genocide in a foreign country and simply come into the U.S., they can be prosecuted.

The issue of conduct being criminal in a foreign country is not addressed in extraterritorial laws but in extradition treaties.

Also, extradition treaties do not require that conduct be illegal in foreign

countries. Before the U.S. can extradite anyone for violation of U.S. law, it must first establish “dual criminality” as required by most extradition treaties.

Dual criminality is the principle that a crime in one country has to be a crime in a country extraditing you.

If a drug trafficker engages in a conspiracy here in the U.S., but is later apprehended in a foreign country, the government will have to establish that dual criminality to extradite him back to the U.S.

The extradition laws and treaties among the countries of the world properly provide for this. This principle is rightly excluded from this legislation because it already exists in Federal law.

Finally, Mr. Speaker, I want to also emphasize that the Obama administration clearly supports this legislation. The Department of Justice supported similar legislation in the last Congress, and the Department of Justice stands by its position, as expressed in the 2010 views letters, and supports this legislation tonight.

I urge my colleagues to support this very strong bipartisan piece of legislation, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas (Mr. SMITH) that the House suspend the rules and pass the bill, H.R. 313, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

## IRAN THREAT REDUCTION ACT OF 2011

Ms. ROS-LEHTINEN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1905) to strengthen Iran sanctions laws for the purpose of compelling Iran to abandon its pursuit of nuclear weapons and other threatening activities, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 1905

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

### SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the “Iran Threat Reduction Act of 2011”.

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

- Sec. 1. Short title; table of contents.
- Sec. 2. Findings.
- Sec. 3. Statement of policy.

### TITLE I—IRAN ENERGY SANCTIONS

- Sec. 101. Findings.
- Sec. 102. Sense of Congress.
- Sec. 103. Declaration of policy.
- Sec. 104. Multilateral regime.

- Sec. 105. Imposition of sanctions.
- Sec. 106. Description of sanctions.
- Sec. 107. Advisory opinions.
- Sec. 108. Termination of sanctions.
- Sec. 109. Duration of sanctions.
- Sec. 110. Reports required.
- Sec. 111. Determinations not reviewable.
- Sec. 112. Definitions.
- Sec. 113. Effective date.
- Sec. 114. Repeal.

### TITLE II—IRAN FREEDOM SUPPORT

- Sec. 201. Codification of sanctions.
- Sec. 202. Liability of parent companies for violations of sanctions by foreign subsidiaries.
- Sec. 203. Declaration of Congress regarding United States policy toward Iran.
- Sec. 204. Assistance to support democracy in Iran.
- Sec. 205. Imposition of sanctions on certain persons who are responsible for or complicit in human rights abuses committed against citizens of Iran or their family members after the June 12, 2009, elections in Iran.
- Sec. 206. Clarification of sensitive technologies for purposes of procurement ban.
- Sec. 207. Comprehensive strategy to promote internet freedom and access to information in Iran.

### TITLE III—IRAN REGIME AND IRAN’S ISLAMIC REVOLUTIONARY GUARD CORPS ACCOUNTABILITY

- Sec. 301. Iran’s Islamic Revolutionary Guard Corps.
- Sec. 302. Additional export sanctions against Iran.
- Sec. 303. Sanctions against affiliates of Iran’s Islamic Revolutionary Guard Corps.
- Sec. 304. Measures against foreign persons or entities supporting Iran’s Islamic Revolutionary Guard Corps.
- Sec. 305. Special measures against foreign countries supporting Iran’s Islamic Revolutionary Guard Corps.
- Sec. 306. Authority of State and local governments to restrict contracts or licenses for certain sanctionable persons.
- Sec. 307. Iranian activities in Iraq and Afghanistan.
- Sec. 308. United States policy toward Iran.
- Sec. 309. Definitions.
- Sec. 310. Rule of construction.

### TITLE IV—IRAN FINANCIAL SANCTIONS; DIVESTMENT FROM CERTAIN COMPANIES THAT INVEST IN IRAN; AND PREVENTION OF DIVERSION OF CERTAIN GOODS, SERVICES, AND TECHNOLOGIES TO IRAN

- Sec. 401. Iran financial sanctions.
- Sec. 402. Divestment from certain companies that invest in Iran.
- Sec. 403. Prevention of diversion of certain goods, services, and technologies to Iran.

### TITLE V—SECURITIES AND EXCHANGE COMMISSION

- Sec. 501. Disclosures to the Securities and Exchange Commission relating to sanctionable activities.

### TITLE VI—GENERAL PROVISIONS

- Sec. 601. Denial of visas for certain persons of the Government of Iran.
- Sec. 602. Inadmissibility of certain aliens who engage in certain activities with respect to Iran.

- Sec. 603. Amendments to civil and criminal penalties provisions under the International Emergency Economic Powers Act.

- Sec. 604. Exclusion of certain activities.

- Sec. 605. Regulatory authority.

- Sec. 606. Sunset.

### SEC. 2. FINDINGS.

Congress makes the following findings:

(1) Successive administrations have clearly identified the unacceptability of the Iranian regime’s pursuit of nuclear weapons capabilities and the danger that pursuit presents to the United States, to our friends and allies, and to global security.

(2) In May 1995, President Clinton stated that “The specter of an Iran armed with weapons of mass destruction and the missiles to deliver them haunts not only Israel but the entire Middle East and ultimately all the rest of us as well. The United States and, I believe, all the Western nations have an overriding interest in containing the threat posed by Iran.”

(3) In the 2006 State of the Union Address, President Bush stated that “The Iranian government is defying the world with its nuclear ambitions, and the nations of the world must not permit the Iranian regime to gain nuclear weapons. America will continue to rally the world to confront these threats.”

(4) In February 2009, President Obama committed the Administration to “developing a strategy to use all elements of American power to prevent Iran from developing a nuclear weapon”.

(5) Iran is a major threat to United States national security interests, not only exemplified by Tehran’s nuclear program but also by its material assistance to armed groups in Iraq and Afghanistan, to the Palestinian group Hamas, to Lebanese Hezbollah, the Government of Syria, and to other extremists that seek to undermine regional stability. These capabilities provide the regime with potential asymmetric delivery vehicles and mechanisms for nuclear or other unconventional weapons.

(6) Iran’s growing inventory of ballistic missile and other destabilizing types of conventional weapons provides the regime the capabilities to enhance its power projection throughout the region and undermine the national security interests of the United States and its friends and allies.

(7) Were Iran to achieve a nuclear weapons capability, it would, inter alia—

(A) likely lead to the proliferation of such weapons throughout the region, where several states have already indicated interest in nuclear programs, and would dramatically undercut 60 years of United States efforts to stop the spread of nuclear weapons;

(B) greatly increase the threat of nuclear terrorism;

(C) significantly expand Iran’s already-growing influence in the region;

(D) insulate the regime from international pressure, giving it wider scope further to oppress its citizens and pursue aggression regionally and globally;

(E) embolden all Iranian-supported terrorist groups, including Hamas and Hezbollah; and

(F) directly threaten several United States friends and allies, especially Israel, whose very right to exist has been denied successively by every leader of the Islamic Republic of Iran and which Iranian President Ahmadinejad says should be “wiped off the map”.

(8) Successive Congresses have clearly recognized the threat that the Iranian regime and its policies present to the United States,

to our friends and allies, and to global security, and responded with successive bipartisan legislative initiatives.

(9) The extent of the Iranian threat is greater today than when the Iran and Libya Sanctions Act of 1996 was signed into law, now known as the Iran Sanctions Act of 1996. That landmark legislation imposed sanctions on foreign companies investing in Iran's energy infrastructure in an effort to undermine the strategic threat from Iran, by cutting off investment in its petroleum sector and thereby denying the regime its economic lifeline and its ability to pursue a nuclear program.

(10) Laws such as the Iran and Libya Sanctions Act of 1996, which was retitled the Iran Sanctions Act of 1996, paved the way for the enactment of similar laws, such as the Iran, North Korea and Syria Nonproliferation Act, the Iran-Iraq Arms Non-Proliferation Act of 1992, the Iran Freedom Support Act, and the Comprehensive Iran Sanctions, Accountability, and Divestment Act of 2010.

(11) United States sanctions on Iran have hindered Iran's ability to attract capital, material, and technical support for its petroleum sector, creating financial difficulties for the regime.

(12) In the Joint Explanatory Statement of the Committee of Conference to the Comprehensive Iran Sanctions, Accountability, and Divestment Act of 2010 (Public Law 111-195; 50 U.S.C. 1701 note) issued on June 23, 2010, the Members of the Committee of Conference noted that "Although [the Iran Sanctions Act] was enacted more than a decade ago, no Administration has sanctioned a foreign entity for investing \$20 million or more in Iran's energy sector, despite a number of such investments. Indeed, on only one occasion, in 1998, did the Administration make a determination regarding a sanctions-triggering investment, but the Administration waived sanctions against the offending persons. Conferees believe that the lack of enforcement of relevant enacted sanctions may have served to encourage rather than deter Iran's efforts to pursue nuclear weapons."

(13) The Joint Explanatory Statement also noted that "The effectiveness of this Act will depend on its forceful implementation. The Conferees urge the President to vigorously impose the sanctions provided for in this Act."

(14) The Comprehensive Iran Sanctions, Accountability, and Divestment Act of 2010 mandates among other provisions that the President initiate investigations of potentially sanctionable activity under the Iran Sanctions Act of 1996. Although more than 16 months have passed since enactment of this legislation, Congress has not received notice of the imposition of sanctions on any entities that do significant business in the United States, despite multiple reports of potentially sanctionable activity by such entities. Although, in accordance with the Comprehensive Iran Sanctions, Accountability, and Divestment Act of 2010, some potentially sanctionable entities have been persuaded to wind down and end their involvement in Iran, others have not.

(15) It is unlikely that Iran can be compelled to abandon its pursuit of nuclear weapons unless sanctions are fully and effectively implemented.

### SEC. 3. STATEMENT OF POLICY.

It shall be the policy of the United States to—

(1) prevent Iran from—

(A) acquiring or developing nuclear weapons and associated delivery capabilities;

(B) developing its unconventional weapons and ballistic missile capabilities; and

(C) continuing its support for foreign terrorist organizations and other activities aimed at undermining and destabilizing its neighbors and other nations; and

(2) fully implement all multilateral and bilateral sanctions against Iran in order to deprive the Government of Iran of necessary resources and to compel the Government of Iran to—

(A) abandon and verifiably dismantle its nuclear capabilities;

(B) abandon and verifiably dismantle its ballistic missile and unconventional weapons programs; and

(C) cease all support for foreign terrorist organizations and other activities aimed at undermining and destabilizing its neighbors and other nations.

## TITLE I—IRAN ENERGY SANCTIONS

### SEC. 101. FINDINGS.

Congress makes the following findings:

(1) The efforts of the Government of Iran to achieve nuclear weapons capability and to acquire other unconventional weapons and the means to deliver them, both through ballistic missile and asymmetric means, and its support for foreign terrorist organizations and other extremists endanger the national security and foreign policy interests of the United States and those countries with which the United States shares common strategic and foreign policy objectives.

(2) The objectives of preventing the proliferation of nuclear and other unconventional weapons and countering the activities of foreign terrorist organizations and other extremists through existing multilateral and bilateral initiatives require further efforts to deny Iran the financial means to sustain its nuclear, chemical, biological, and missile weapons programs and its active support for terrorism.

(3) The Government of Iran uses its diplomatic facilities and quasi-governmental institutions outside of Iran to support foreign terrorist organizations and other extremists, and assist its unconventional weapons and missile programs, including its nuclear program.

### SEC. 102. SENSE OF CONGRESS.

It is the sense of Congress that the goal of compelling Iran to abandon its pursuit of nuclear weapons and other threatening activities can be achieved most effectively through full implementation of all sanctions enacted into law, including those sanctions set out in this title.

### SEC. 103. DECLARATION OF POLICY.

Congress declares that it is the policy of the United States to deny Iran the ability to support acts of foreign terrorist organizations and extremists and develop unconventional weapons and ballistic missiles. A critical means of achieving that goal is sanctions that limit Iran's ability to develop its energy resources, including its ability to explore for, extract, refine, and transport by pipeline its hydrocarbon resources, in order to limit the funds Iran has available for pursuing its objectionable activities.

### SEC. 104. MULTILATERAL REGIME.

(a) MULTILATERAL NEGOTIATIONS.—In order to further the objectives of section 103 of this Act, Congress urges the President immediately to initiate diplomatic efforts, both in appropriate international fora such as the United Nations, and bilaterally with allies of the United States, to expand the multilateral sanctions regime regarding Iran, including—

(1) qualitatively expanding the United Nations Security Council sanctions regime against Iran;

(2) qualitatively expanding the range of sanctions by the European Union, South Korea, Japan, Australia, and other key United States allies;

(3) further efforts to limit Iran's development of petroleum resources and import of refined petroleum; and

(4) initiatives aimed at increasing non-Iranian crude oil product output for current purchasers of Iranian petroleum and petroleum byproducts.

(b) REPORTS TO CONGRESS.—Not later than 180 days after the date of the enactment of this Act, and annually thereafter, the President shall submit to the appropriate congressional committees a report on the extent to which diplomatic efforts described in subsection (a) have been successful. Each report shall include—

(1) the countries that have agreed to undertake measures to further the objectives of section 103 of this Act with respect to Iran, and a description of those measures; and

(2) the countries that have not agreed to measures described in paragraph (1), and, with respect to those countries, other measures the President recommends that the United States take to further the objectives of section 103 of this Act with respect to Iran.

(c) INTERIM REPORT ON MULTILATERAL SANCTIONS; MONITORING.—Not later than 90 days after the date of the enactment of this Act, the President shall submit to the appropriate congressional committees a report on—

(1) the countries that have established legislative or administrative standards providing for the imposition of trade sanctions on persons or their affiliates that conduct business or have investments in Iran;

(2) the extent and duration of each instance of the application of such sanctions; and

(3) the disposition of any decision with respect to such sanctions by the World Trade Organization or its predecessor organization.

### (d) INVESTIGATIONS.—

(1) IN GENERAL.—The President shall initiate an investigation into the possible imposition of sanctions under section 105 of this Act against a person upon receipt by the United States of credible information indicating that such person is engaged in an activity described in such section.

(2) DETERMINATION AND NOTIFICATION.—Not later than 180 days after the date on which an investigation is initiated under paragraph (1), the President shall (unless paragraph (6) applies) determine, pursuant to section 105 of this Act, if a person has engaged in an activity described in such section and shall notify the appropriate congressional committees of the basis for any such determination.

### (3) BRIEFING.—

(A) IN GENERAL.—Not later than 30 days after the date of the enactment of this Act, and at the end of every 3-month period thereafter, the President, acting through the Secretary of State, shall brief the appropriate congressional committees regarding investigations initiated under this subsection.

(B) FORM.—The briefings required under subparagraph (A) shall be provided in unclassified form, but may be provided in classified form.

### (4) SUBMISSION OF INFORMATION.—

(A) IN GENERAL.—The Secretary of State shall, in accordance with section 15(b) of the State Department Basic Authorities Act of

1956 (22 U.S.C. 2680(b)), provide to the appropriate congressional committees all requested information relating to investigations or reviews initiated under this title, including the number, scope, and dates of such investigations or reviews.

(B) FORM.—The information required under subparagraph (A) shall be provided in unclassified form, but may contain a classified annex.

(5) TERMINATION.—Subject to paragraph (6), the President may, on a case-by-case basis, terminate an investigation of a person initiated under this subsection.

(6) SPECIAL RULE.—

(A) IN GENERAL.—The President need not initiate an investigation, and may terminate an investigation, on a case-by-case basis under this subsection if the President certifies in writing to the appropriate congressional committees 15 days prior to the determination that—

(i) the person whose activity was the basis for the investigation is no longer engaging in the activity or is divesting all holdings and terminating the activity within one year from the date of the certification; and

(ii) the President has received reliable assurances that the person will not knowingly engage in an activity described in section 105(a) of this Act in the future.

(B) APPLICATION OF SANCTIONS.—The President shall apply the sanctions described in section 106(a) of this Act in accordance with section 105(a) of this Act to a person described in subparagraph (A) if—

(i) the person fails to verifiably divest all holdings and terminate the activity described in subparagraph (A) of this paragraph within one year from the date of certification of the President under subparagraph (A); or

(ii) the person has been previously designated pursuant to section 4(e)(3) of the Iran Sanctions Act of 1996, as in effect on the day before the date of the enactment of this Act, and fails to verifiably divest all holdings and terminate the activity described in subparagraph (A) within 180 days from the date of enactment of this Act.

(C) REPORT.—Not later than 90 days after the date of enactment of this Act, the President shall transmit to the appropriate congressional committees a report on the actions taken by persons previously designated pursuant to section 4(e)(3) of the Iran Sanctions Act of 1996, as in effect on the day before the date of the enactment of this Act, to verifiably divest all holdings and terminate the activity described in subparagraph (A).

#### SEC. 105. IMPOSITION OF SANCTIONS.

(a) SANCTIONS WITH RESPECT TO THE DEVELOPMENT OF PETROLEUM RESOURCES OF IRAN, PRODUCTION OF REFINED PETROLEUM PRODUCTS IN IRAN, AND EXPORTATION OF REFINED PETROLEUM PRODUCTS TO IRAN.—

(1) DEVELOPMENT OF PETROLEUM RESOURCES OF IRAN.—

(A) IN GENERAL.—Except as provided in subsection (f), the President shall impose a majority of the sanctions described in section 106(a) of this Act with respect to a person if the President determines that the person knowingly, on or after the date of the enactment of this Act—

(i) makes an investment described in subparagraph (B) of \$20,000,000 or more; or

(ii) makes a combination of investments described in subparagraph (B) in a 12-month period if each such investment is of at least \$5,000,000 and such investments equal or exceed \$20,000,000 in the aggregate.

(B) INVESTMENT DESCRIBED.—An investment described in this subparagraph is an in-

vestment that directly and significantly contributes to the enhancement of Iran's ability to develop petroleum resources.

(2) PRODUCTION OF REFINED PETROLEUM PRODUCTS.—

(A) IN GENERAL.—Except as provided in subsection (f), the President shall impose a majority of the sanctions described in section 106(a) of this Act with respect to a person if the President determines that the person knowingly, on or after the date of the enactment of this Act, sells, leases, or provides to Iran goods, services, technology, information, or support described in subparagraph (B)—

(i) any of which has a fair market value of \$1,000,000 or more; or

(ii) that, during a 12-month period, have an aggregate fair market value of \$5,000,000 or more.

(B) GOODS, SERVICES, TECHNOLOGY, INFORMATION, OR SUPPORT DESCRIBED.—Goods, services, technology, information, or support described in this subparagraph are goods, services, technology, information, or support that could directly and significantly facilitate the maintenance or expansion of Iran's domestic production of refined petroleum products, including any direct and significant assistance with respect to the construction, modernization, or repair of petroleum refineries or associated infrastructure, including construction of port facilities, railways, and roads, the primary use of which is to support the delivery of refined petroleum products.

(3) EXPORTATION OF REFINED PETROLEUM PRODUCTS TO IRAN.—

(A) IN GENERAL.—Except as provided in subsection (f), the President shall impose a majority of the sanctions described in section 106(a) of this Act with respect to a person if the President determines that the person knowingly, on or after the date of the enactment of this Act—

(i) sells or provides to Iran refined petroleum products—

(I) that have a fair market value of \$1,000,000 or more; or

(II) that, during a 12-month period, have an aggregate fair market value of \$5,000,000 or more; or

(ii) sells, leases, or provides to Iran goods, services, technology, information, or support described in subparagraph (B)—

(I) any of which has a fair market value of \$1,000,000 or more; or

(II) that, during a 12-month period, have an aggregate fair market value of \$5,000,000 or more.

(B) GOODS, SERVICES, TECHNOLOGY, INFORMATION, OR SUPPORT DESCRIBED.—Goods, services, technology, information, or support described in this subparagraph are goods, services, technology, information, or support that could directly and significantly contribute to the enhancement of Iran's ability to import refined petroleum products, including—

(i) except as provided in subparagraph (C), underwriting or entering into a contract to provide insurance or reinsurance for the sale, lease, or provision of such goods, services, service contracts, technology, information, or support;

(ii) financing or brokering such sale, lease, or provision;

(iii) bartering or contracting by which the parties exchange goods for goods, including the insurance or reinsurance of such exchanges;

(iv) purchasing, subscribing to, or facilitating the issuance of sovereign debt of the Government of Iran, including governmental bonds; or

(v) providing ships or shipping services to deliver refined petroleum products to Iran.

(C) EXCEPTION FOR UNDERWRITERS AND INSURANCE PROVIDERS EXERCISING DUE DILIGENCE.—The President may not impose sanctions under this paragraph with respect to a person that provides underwriting services or insurance or reinsurance if the President determines that the person has exercised due diligence in establishing and enforcing official policies, procedures, and controls to ensure that the person does not underwrite or enter into a contract to provide insurance or reinsurance for the sale, lease, or provision of goods, services, technology, information, or support described in subparagraph (B).

(4) PURCHASE, SUBSCRIPTION TO, OR FACILITATION OF THE ISSUANCE OF IRANIAN SOVEREIGN DEBT.—Except as provided in subsection (f), the President shall impose a majority of the sanctions described in section 106(a) of this Act with respect to a person if the President determines that the person knowingly, on or after the date of the enactment of this Act, purchases, subscribes to, or facilitates the issuance of—

(A) sovereign debt of the Government of Iran, including governmental bonds; or

(B) debt of any entity owned or controlled by the Government of Iran, including bonds.

(b) MANDATORY SANCTIONS WITH RESPECT TO DEVELOPMENT OF WEAPONS OF MASS DESTRUCTION OR OTHER MILITARY CAPABILITIES.—

(1) IN GENERAL.—The President shall impose a majority of the sanctions described in section 106(a) of this Act if the President determines that a person, on or after the date of the enactment of this Act, has knowingly exported, transferred, permitted, hosted, or otherwise facilitated transshipment that may have enabled a person to export, transfer, or transship to Iran or otherwise provided to Iran any goods, services, technology, or other items that would contribute materially to the ability of Iran to—

(A) acquire or develop chemical, biological, or nuclear weapons or related technologies; or

(B) acquire or develop destabilizing numbers and types of advanced conventional weapons.

(2) ADDITIONAL MANDATORY SANCTIONS RELATING TO TRANSFER OF NUCLEAR TECHNOLOGY.—

(A) IN GENERAL.—Except as provided in subparagraphs (B) and (C), in any case in which a person is subject to sanctions under paragraph (1) because of an activity described in that paragraph that relates to the acquisition or development of nuclear weapons or related technology or of missiles or advanced conventional weapons that are designed or modified to deliver a nuclear weapon, no license may be issued for the export, and no approval may be given for the transfer or retransfer to the country the government of which has primary jurisdiction over the person, of any nuclear material, facilities, components, or other goods, services, or technology that are or would be subject to an agreement for cooperation between the United States and that government.

(B) EXCEPTION.—The sanctions described in subparagraph (A) shall not apply with respect to a country the government of which has primary jurisdiction over a person that engages in an activity described in that subparagraph if the President determines and notifies the appropriate congressional committees that the government of the country—

(i) does not know or have reason to know about the activity; or

(ii) has taken, or is taking, all reasonable steps necessary to prevent a recurrence of the activity and to penalize the person for the activity.

(C) **INDIVIDUAL APPROVAL.**—Notwithstanding subparagraph (A), the President may, on a case-by-case basis, approve the issuance of a license for the export, or approve the transfer or retransfer, of any nuclear material, facilities, components, or other goods, services, or technology that are or would be subject to an agreement for cooperation, to a person in a country to which subparagraph (A) applies (other than a person that is subject to the sanctions under paragraph (1)) if the President—

(i) determines that such approval is vital to the national security interests of the United States; and

(ii) not later than 15 days before issuing such license or approving such transfer or retransfer, submits to the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate the justification for approving such license, transfer, or retransfer.

(D) **CONSTRUCTION.**—The restrictions in subparagraph (A) shall apply in addition to all other applicable procedures, requirements, and restrictions contained in the Atomic Energy Act of 1954 and other related laws.

(E) **DEFINITION.**—In this paragraph, the term “agreement for cooperation” has the meaning given that term in section 11 b. of the Atomic Energy Act of 1954 (42 U.S.C. 2014(b)).

(F) **APPLICABILITY.**—The sanctions described in subparagraph (A) shall apply only in a case in which a person is subject to sanctions under paragraph (1) because of an activity described in such paragraph in which such person engages on or after the date of the enactment of this Act.

(C) **PERSONS AGAINST WHICH THE SANCTIONS ARE TO BE IMPOSED.**—The sanctions described in subsections (a) and (b)(1) shall be imposed on—

(1) any person the President determines has carried out the activities described in subsection (a) or (b), respectively; and

(2) any person that—

(A) is a successor entity to the person referred to in paragraph (1);

(B) owns or controls the person referred to in paragraph (1), if the person that owns or controls the person referred to in paragraph (1) had actual knowledge or should have known that the person referred to in paragraph (1) engaged in the activities referred to in that paragraph; or

(C) is owned or controlled by, or under common ownership or control with, the person referred to in paragraph (1), if the person owned or controlled by, or under common ownership or control with (as the case may be), the person referred to in paragraph (1) knowingly engaged in the activities referred to in that paragraph.

For purposes of this title, any person or entity described in this subsection shall be referred to as a “sanctioned person”.

(d) **PUBLICATION IN FEDERAL REGISTER.**—The President shall cause to be published in the Federal Register a current list of persons and entities on whom sanctions have been imposed under this title. The removal of persons or entities from, and the addition of persons and entities to, the list, shall also be so published.

(e) **PUBLICATION OF PROJECTS.**—The President shall cause to be published in the Federal Register a list of all significant projects that have been publicly tendered in the oil and gas sector in Iran.

(f) **EXCEPTIONS.**—The President shall not be required to apply or maintain the sanctions under subsection (a) or (b)—

(1) in the case of procurement of defense articles or defense services—

(A) under existing contracts or subcontracts, including the exercise of options for production quantities to satisfy requirements essential to the national security of the United States;

(B) if the President determines in writing that the person to which the sanctions would otherwise be applied is a sole source supplier of the defense articles or services, that the defense articles or services are essential, and that alternative sources are not readily or reasonably available; or

(C) if the President determines in writing that such articles or services are essential to the national security under defense cooperation agreements;

(2) in the case of procurement, to eligible products, as defined in section 308(4) of the Trade Agreements Act of 1979 (19 U.S.C. 2518(4)), of any foreign country or instrumentality designated under section 301(b) of that Act (19 U.S.C. 2511(b));

(3) to products, technology, or services provided under contracts entered into before the date on which the President publishes in the Federal Register the name of the person on whom the sanctions are to be imposed;

(4) to—

(A) spare parts which are essential to United States products or production;

(B) component parts, but not finished products, essential to United States products or production; or

(C) routine servicing and maintenance of products, to the extent that alternative sources are not readily or reasonably available;

(5) to information and technology essential to United States products or production; or

(6) to medicines, medical supplies, or other humanitarian items.

#### SEC. 106. DESCRIPTION OF SANCTIONS.

(a) **IN GENERAL.**—The sanctions to be imposed on a sanctioned person under section 105 of this Act are as follows:

(1) **EXPORT-IMPORT BANK ASSISTANCE FOR EXPORTS TO SANCTIONED PERSONS.**—The President may direct the Export-Import Bank of the United States to not give approval for the issuance of any guarantee, insurance, extension of credit, or participation in the extension of credit in connection with the export of any goods or services to any sanctioned person.

(2) **EXPORT SANCTION.**—The President may order the United States Government not to issue any specific license and not to grant any other specific permission or authority to export any goods or technology to a sanctioned person under—

(A) the Export Administration Act of 1979 (as continued in effect pursuant to the International Emergency Economic Powers Act);

(B) the Arms Export Control Act;

(C) the Atomic Energy Act of 1954; or

(D) any other law that requires the prior review and approval of the United States Government as a condition for the export or reexport of goods or services.

(3) **LOANS FROM UNITED STATES FINANCIAL INSTITUTIONS.**—The United States Government may prohibit any United States financial institution from making loans or providing credits to any sanctioned person totaling more than \$10,000,000 in any 12-month period unless such person is engaged in activities to relieve human suffering and the loans or credits are provided for such activities.

(4) **PROHIBITIONS ON FINANCIAL INSTITUTIONS.**—The following prohibitions may be imposed against a sanctioned person that is a financial institution:

(A) **PROHIBITION ON DESIGNATION AS PRIMARY DEALER.**—Neither the Board of Governors of the Federal Reserve System nor the Federal Reserve Bank of New York may designate, or permit the continuation of any prior designation of, such financial institution as a primary dealer in United States Government debt instruments.

(B) **PROHIBITION ON SERVICE AS A REPOSITORY OF GOVERNMENT FUNDS.**—Such financial institution may not serve as agent of the United States Government or serve as repository for United States Government funds.

The imposition of either sanction under subparagraph (A) or (B) shall be treated as one sanction for purposes of section 105 of this Act, and the imposition of both such sanctions shall be treated as 2 sanctions for purposes of section 105 of this Act.

(5) **PROCUREMENT SANCTION.**—The United States Government may not procure, or enter into any contract for the procurement of, any goods or services from a sanctioned person.

(6) **FOREIGN EXCHANGE.**—The President may prohibit any transactions in foreign exchange that are subject to the jurisdiction of the United States and in which the sanctioned person has any interest.

(7) **BANKING TRANSACTIONS.**—The President may prohibit any transfers of credit or payments between financial institutions or by, through, or to any financial institution, to the extent that such transfers or payments are subject to the jurisdiction of the United States and involve any interest of the sanctioned person.

(8) **PROPERTY TRANSACTIONS.**—The President may prohibit any person from—

(A) acquiring, holding, withholding, using, transferring, withdrawing, transporting, or exporting any property that is subject to the jurisdiction of the United States and with respect to which a sanctioned person has any interest;

(B) dealing in or exercising any right, power, or privilege with respect to such property; or

(C) conducting any transaction involving such property.

(9) **GROUND FOR EXCLUSION.**—The Secretary of State may deny a visa to, and the Secretary of Homeland Security may deny admission into the United States to, any alien whom the Secretary of State determines is an alien who, on or after the date of the enactment of this Act, is a—

(A) corporate officer, principal, or shareholder with a controlling interest of a person against whom sanctions have been imposed under subsection (a) or (b);

(B) corporate officer, principal, or shareholder with a controlling interest of a successor entity to or a parent or subsidiary of such a sanctioned person;

(C) corporate officer, principal, or shareholder with a controlling interest of an affiliate of such a sanctioned person, if such affiliate engaged in a sanctionable activity described in subsection (a) or (b) and if such affiliate is controlled in fact by such sanctioned person; or

(D) spouse, minor child, or agent of a person inadmissible under subparagraph (A), (B), or (C).

(10) **SANCTIONS ON PRINCIPAL EXECUTIVE OFFICERS.**—The President may impose on the principal executive officer or officers of any sanctioned person, or on persons performing

similar functions and with similar authorities as such officer or officers, any of the sanctions under this subsection. The President shall include on the list published under section 105(d) of this Act the name of any person against whom sanctions are imposed under this paragraph.

(11) **ADDITIONAL SANCTIONS.**—The President may impose additional sanctions, as appropriate, in accordance with the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.).

(b) **ADDITIONAL MEASURE RELATING TO GOVERNMENT CONTRACTS.**—

(1) **MODIFICATION OF FEDERAL ACQUISITION REGULATION.**—The Federal Acquisition Regulation issued pursuant to section 1303 of title 41, United States Code, shall require a certification from each person that is a prospective contractor that such person and any person owned or controlled by the person does not engage in any activity for which sanctions may be imposed under section 105 or section 304 of this Act.

(2) **REMEDIES.**—

(A) **IN GENERAL.**—If the head of an executive agency determines that a person has submitted a false certification under paragraph (1) after the date on which the Federal Acquisition Regulation is revised to implement the requirements of this subsection, the head of that executive agency shall terminate a contract with such person or debar or suspend such person from eligibility for Federal contracts for a period of not less than 2 years. Any such debarment or suspension shall be subject to the procedures that apply to debarment and suspension under the Federal Acquisition Regulation under subpart 9.4 of part 9 of title 48, Code of Federal Regulations.

(B) **INCLUSION ON LIST OF PARTIES EXCLUDED FROM FEDERAL PROCUREMENT AND NON-PROCUREMENT PROGRAMS.**—The Administrator of General Services shall include on the List of Parties Excluded from Federal Procurement and Nonprocurement Programs maintained by the Administrator under part 9 of the Federal Acquisition Regulation issued pursuant to section 1303 of title 41, United States Code, each person that is debarred, suspended, or proposed for debarment or suspension by the head of an executive agency on the basis of a determination of a false certification under subparagraph (A).

(3) **CLARIFICATION REGARDING CERTAIN PRODUCTS.**—The remedies specified in paragraph (2) shall not apply with respect to the procurement of eligible products, as defined in section 308(4) of the Trade Agreements Act of 1974 (19 U.S.C. 2518(4)), of any foreign country or instrumentality designated under section 301(b) of such Act (19 U.S.C. 2511(b)).

(4) **RULE OF CONSTRUCTION.**—This subsection shall not be construed to limit the use of other remedies available to the head of an executive agency or any other official of the Federal Government on the basis of a determination of a false certification under paragraph (1).

(5) **WAIVER.**—The President may, on a case-by-case basis, waive the requirement that a person make a certification under paragraph (1) if the President determines and certifies in writing to the appropriate congressional committees that failure to exercise such waiver authority would pose an unusual and extraordinary threat to the vital national security interests of the United States.

(6) **EXECUTIVE AGENCY DEFINED.**—In this subsection, the term “executive agency” has the meaning given such term in section 133 of title 41, United States Code.

(7) **APPLICABILITY.**—The revisions to the Federal Acquisition Regulation required under paragraph (1) shall apply with respect to contracts for which solicitations are issued on or after the date that is 90 days after the date of the enactment of this Act.

#### **SEC. 107. ADVISORY OPINIONS.**

The Secretary of State may, upon the request of any person, issue an advisory opinion to such person as to whether a proposed activity by such person would subject such person to sanctions under this title. Any person who relies in good faith on such an advisory opinion which states that such proposed activity would not subject such person to such sanctions, and any such person who thereafter engages in such activity, shall not be made subject to such sanctions on account of such activity.

#### **SEC. 108. TERMINATION OF SANCTIONS.**

(a) **CERTIFICATION.**—The requirement under section 105 of this Act to impose sanctions shall no longer have force or effect with respect to Iran if the President determines and certifies to the appropriate congressional committees that Iran—

(1) has ceased and verifiably dismantled its efforts to design, develop, manufacture, or acquire—

(A) a nuclear explosive device or related materials and technology;

(B) chemical and biological weapons; and

(C) ballistic missiles and ballistic missile launch technology;

(2) no longer provides support for acts of international terrorism; and

(3) poses no threat to the national security, interests, or allies of the United States.

(b) **NOTIFICATION.**—The President shall notify the appropriate congressional committees not later than 15 days before making the certification described in subsection (a).

#### **SEC. 109. DURATION OF SANCTIONS.**

(a) **DELAY OF SANCTIONS.**—

(1) **CONSULTATIONS.**—If the President makes a determination described in section 105 of this Act with respect to a foreign person, Congress urges the President to initiate consultations immediately with the government with primary jurisdiction over such foreign person with respect to the imposition of sanctions under such section.

(2) **ACTIONS BY GOVERNMENT OF JURISDICTION.**—In order to pursue consultations under paragraph (1) with the government concerned, the President may delay for up to 90 days the imposition of sanctions under section 105 of this Act. Following such consultations, the President shall immediately impose on the foreign person referred to in paragraph (1) such sanctions unless the President determines and certifies to Congress that the government has taken specific and effective actions, including, as appropriate, the imposition of appropriate penalties to terminate the involvement of the foreign person in the activities that resulted in the determination by the President under section 105 of this Act concerning such foreign person and the foreign person is no longer engaged in such activities.

(b) **DURATION OF SANCTIONS.**—A sanction imposed under section 105 of this Act shall remain in effect—

(1) for a period of not less than 2 years beginning on the date on which such sanction is imposed; or

(2) until such time as the President determines and certifies to Congress that the person whose activities were the basis for imposing such sanction is no longer engaging in such activities and that the President has received reliable assurances that such person will not knowingly engage in such activities

in the future, except that such sanction shall remain in effect for a period of at least one year.

(c) **WAIVER.**—

(1) **AUTHORIZATION.**—

(A) **IN GENERAL.**—The President may waive the requirements in section 105(a) or 105(b)(2) of this Act to impose a sanction or sanctions, and may waive, on a case-by-case basis, the continued imposition of a sanction or sanctions under subsection (b) of this section, if the President determines and so reports to the appropriate congressional committees 15 days prior to the exercise of waiver authority that failure to exercise such waiver authority would pose an unusual and extraordinary threat to the vital national security interests of the United States.

(B) **CONTENTS OF REPORT.**—Any report under subparagraph (A) shall provide a specific and detailed rationale for a determination made pursuant to such paragraph, including—

(i) a description of the conduct that resulted in the determination under section 105(a) or section 105(b)(2) of this Act, as the case may be;

(ii) in the case of a foreign person, an explanation of the efforts to secure the cooperation of the government with primary jurisdiction over such person to terminate or, as appropriate, penalize the activities that resulted in the determination under section 105(a) or 105(b)(2) of this Act, as the case may be;

(iii) an estimate of the significance of the conduct of the person concerned in contributing to the ability of Iran to develop petroleum resources, produce refined petroleum products, or import refined petroleum products; and

(iv) a statement as to the response of the United States in the event that the person concerned engages in other activities that would be subject to a sanction or sanctions under section 105(a) or 105(b)(2) of this Act, as the case may be.

(2) **WAIVER WITH RESPECT TO PERSONS IN COUNTRIES THAT COOPERATE IN MULTILATERAL EFFORTS WITH RESPECT TO IRAN.**—

(A) **IN GENERAL.**—The President may, on a case-by-case basis, waive for a period of not more than 12 months the application of section 105(a) of this Act with respect to a person if the President, at least 30 days before the waiver is to take effect—

(i) certifies to the appropriate congressional committees that—

(I) the government with primary jurisdiction over the person is closely cooperating with the United States in multilateral efforts to prevent Iran from—

(aa) acquiring or developing chemical, biological, or nuclear weapons or related technologies; or

(bb) acquiring or developing destabilizing numbers and types of advanced conventional weapons; and

(II) such a waiver is vital to the national security interests of the United States; and

(ii) submits to the appropriate congressional committees a report identifying—

(I) the person with respect to which the President waives the application of sanctions; and

(II) the actions taken by the government described in clause (i)(I) to cooperate in multilateral efforts described in that clause.

(B) **SUBSEQUENT RENEWAL OF WAIVER.**—At the conclusion of the period of a waiver under subparagraph (A), the President may renew the waiver—

(i) if the President determines, in accordance with subparagraph (A), that the waiver is appropriate; and

(ii) for subsequent periods of not more than 12 months each.

(3) PUBLICATION IN THE FEDERAL REGISTER.—Not later than 15 days after any waiver authority is exercised pursuant to paragraph (1) or (2) of this subsection, the name of the person or entity with respect to which sanctions are being waived shall be published in the Federal Register.

#### SEC. 110. REPORTS REQUIRED.

(a) REPORT ON CERTAIN INTERNATIONAL INITIATIVES.—Not later than 180 days after the date of the enactment of this Act and every 180 days thereafter, the President shall transmit to the appropriate congressional committees a report describing—

(1) the efforts of the President to mount a multilateral campaign to persuade all countries to pressure Iran to cease its nuclear, chemical, biological, and missile weapons programs and its support of acts of international terrorism;

(2) the efforts of the President to persuade other governments to ask Iran to reduce in the countries of such governments the presence of Iranian diplomats and representatives of other government and military or quasi-governmental institutions of Iran, and to withdraw any such diplomats or representatives who participated in the takeover of the United States Embassy in Tehran, Iran, on November 4, 1979, or the subsequent holding of United States hostages for 444 days;

(3) the extent to which the International Atomic Energy Agency has established regular inspections of all nuclear facilities in Iran, including those facilities presently under construction; and

(4) Iran's use of Iranian diplomats and representatives of other government and military or quasi-governmental institutions of Iran to promote acts of international terrorism or to develop or sustain Iran's nuclear, chemical, biological, or missile weapons programs.

(b) REPORT ON EFFECTIVENESS OF ACTIONS UNDER THIS ACT.—Not later than 180 days after the date of the enactment of this Act and annually thereafter, the President shall transmit to Congress a report that describes—

(1) the extent to which actions relating to trade taken pursuant to this title have—

(A) been effective in achieving the policy objective described in section 103 of this Act and any other foreign policy or national security objectives of the United States with respect to Iran; and

(B) affected humanitarian interests in Iran, the country in which a sanctioned person is located, or in other countries; and

(2) the impact of actions relating to trade taken pursuant to this title on other national security, economic, and foreign policy interests of the United States, including relations with countries friendly to the United States, and on the United States economy. The President may include in such reports the President's recommendation on whether or not this Act should be terminated or modified.

(c) OTHER REPORTS.—The President shall ensure the continued transmittal to Congress of reports describing—

(1) the nuclear and other military capabilities of Iran, as required under section 601(a) of the Nuclear Non-Proliferation Act of 1978 and section 1607 of the National Defense Authorization Act for Fiscal Year 1993; and

(2) the support provided by Iran for acts of international terrorism, as part of the Department of State's annual reports on international terrorism.

(d) REPORTS ON GLOBAL TRADE RELATING TO IRAN.—Not later than 180 days after the date of the enactment of the this Act and annually thereafter, the President shall transmit to the appropriate congressional committees a report, with respect to the most recent 12-month period for which data are available, on the dollar value amount of trade, including in the energy sector, between Iran and each country maintaining membership in the Group of 20 Finance Ministers and Central Bank Governors.

#### SEC. 111. DETERMINATIONS NOT REVIEWABLE.

A determination to impose sanctions under this title shall not be reviewable in any court.

#### SEC. 112. DEFINITIONS.

In this title:

(1) ACT OF INTERNATIONAL TERRORISM.—The term “act of international terrorism” has the meaning given such term in section 2331 of title 18, United States Code.

(2) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term “appropriate congressional committees” means—

(A) the Committee on Ways and Means, the Committee on Banking and Financial Services, the Committee on Financial Services, and the Committee on Foreign Affairs of the House of Representatives; and

(B) the Committee on Finance, the Committee on Banking, Housing, and Urban Affairs, and the Committee on Foreign Relations of the Senate.

(3) COMPONENT PART.—The term “component part” has the meaning given such term in section 11A(e)(1) of the Export Administration Act of 1979 (50 U.S.C. App. 2410a(e)(1)).

(4) CREDIBLE INFORMATION.—The term “credible information” means, with respect to a person, such person's public announcement of an investment described in section 105 of this Act, Iranian governmental announcements of such an investment, reports to stockholders, annual reports, industry reports, Government Accountability Office products, State and local government reports, and trade publications.

(5) DEVELOP AND DEVELOPMENT.—The terms “develop” and “development” mean the exploration for, or the extraction, refining, or transportation by pipeline of, petroleum resources.

(6) FINANCIAL INSTITUTION.—The term “financial institution” includes—

(A) a depository institution (as defined in section 3(c)(1) of the Federal Deposit Insurance Act), including a branch or agency of a foreign bank (as defined in section 1(b)(7) of the International Banking Act of 1978);

(B) a credit union;

(C) a securities firm, including a broker or dealer;

(D) an insurance company, including an agency or underwriter; and

(E) any other company that provides financial services including joint ventures with Iranian entities both inside and outside of Iran and partnerships or investments with Iranian government-controlled entities or affiliated entities.

(7) FINISHED PRODUCT.—The term “finished product” has the meaning given such term in section 11A(e)(2) of the Export Administration Act of 1979 (50 U.S.C. App. 2410a(e)(2)).

(8) FOREIGN PERSON.—The term “foreign person” means—

(A) an individual who is not a United States person or an alien lawfully admitted for permanent residence into the United States; or

(B) a corporation, partnership, joint venture, cooperative venture, or other non-

governmental entity which is not a United States person.

(9) FOREIGN TERRORIST ORGANIZATION.—The term “foreign terrorist organization” means an organization designated by the Secretary of State as a foreign terrorist organization in accordance with section 219(a) of the Immigration and Nationality Act (8 U.S.C. 1189(a)).

(10) GOODS AND TECHNOLOGY.—The terms “goods” and “technology” have the meanings given such terms in section 16 of the Export Administration Act of 1979 (50 U.S.C. App. 2415).

(11) INVESTMENT.—The term “investment” means any of the following activities if any of such activities is undertaken pursuant to an agreement, or pursuant to the exercise of rights under such an agreement, that is entered into with the Government of Iran or a nongovernmental entity in Iran, on or after the date of the enactment of this Act:

(A) The entry into a contract that includes responsibility for the development of petroleum resources located in Iran, or the entry into a contract providing for the general supervision and guarantee of another person's performance of such a contract.

(B) The purchase of a share of ownership, including an equity interest, in the development described in subparagraph (A).

(C) The entry into a contract providing for the participation in royalties, earnings, or profits in the development described in subparagraph (A), without regard to the form of such participation.

(D) The provision of goods, services, or technology related to petroleum resources.

(12) IRAN.—The term “Iran” includes any agency or instrumentality of Iran.

(13) IRANIAN DIPLOMATS AND REPRESENTATIVES OF OTHER GOVERNMENT AND MILITARY OR QUASI-GOVERNMENTAL INSTITUTIONS OF IRAN.—The term “Iranian diplomats and representatives of other government and military or quasi-governmental institutions of Iran” includes employees, representatives, or affiliates of Iran's—

(A) Foreign Ministry;

(B) Ministry of Intelligence and Security;

(C) Revolutionary Guard Corps and affiliated entities;

(D) Crusade for Reconstruction;

(E) Qods (Jerusalem) Forces;

(F) Interior Ministry;

(G) Foundation for the Oppressed and Disabled;

(H) Prophet's Foundation;

(I) June 5th Foundation;

(J) Martyr's Foundation;

(K) Islamic Propagation Organization; and

(L) Ministry of Islamic Guidance.

(14) KNOWINGLY.—The term “knowingly”, with respect to conduct, a circumstance, or a result means that a person has actual knowledge, or should have known, of the conduct, the circumstance, or the result of such conduct, circumstance, or result.

(15) NUCLEAR EXPLOSIVE DEVICE.—The term “nuclear explosive device” means any device, whether assembled or disassembled, that is designed to produce an instantaneous release of an amount of nuclear energy from special nuclear material (as defined in section 11(aa) of the Atomic Energy Act of 1954 (42 U.S.C. 2014(aa))) that is greater than the amount of energy that would be released from the detonation of one pound of trinitrotoluene (TNT).

(16) PERSON.—

(A) IN GENERAL.—The term “person” means—

(i) a natural person;



(ii) a corporation, business association, partnership, society, trust, financial institution, insurer, underwriter, guarantor, or any other business organization, any other non-governmental entity, organization, or group, and any governmental entity operating as a business enterprise; and

(iii) any successor to any entity described in clause (ii).

(B) **EXCLUSION.**—The term “person” does not include a government or governmental entity that is not operating as a business enterprise.

(17) **PETROLEUM RESOURCES.**—The term “petroleum resources” includes petroleum and natural gas resources, refined petroleum products, oil or liquefied natural gas, oil or liquefied natural gas tankers, and products used to construct or maintain pipelines used to transport oil or liquefied natural gas.

(18) **REFINED PETROLEUM PRODUCTS.**—The term “refined petroleum products” means diesel, gasoline, jet fuel (including naphtha-type and kerosene-type jet fuel), and aviation gasoline.

(19) **UNITED STATES OR STATE.**—The terms “United States” and “State” mean the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, American Samoa, Guam, the United States Virgin Islands, and any other territory or possession of the United States.

(20) **UNITED STATES PERSON.**—The term “United States person” means—

(A) a natural person who is a citizen of the United States or who owes permanent allegiance to the United States; and

(B) a corporation or other legal entity that is organized under the laws of the United States or any State if a natural person described in subparagraph (A) owns more than 50 percent of the outstanding capital stock or other beneficial interest in such corporation or legal entity.

#### **SEC. 113. EFFECTIVE DATE.**

This title shall take effect on the date of the enactment of this Act and shall apply with respect to an investment or activity described in subsection (a) or (b) of section 105 of this Act that is commenced on or after such date of enactment.

#### **SEC. 114. REPEAL.**

(a) **IN GENERAL.**—The Iran Sanctions Act of 1996 (50 U.S.C. 1701 note) is repealed.

(b) **CONFORMING AMENDMENTS.**—The Comprehensive Iran Sanctions, Accountability, and Divestment Act of 2010 (Public Law 111-195; 22 U.S.C. 8501 et seq.) is amended—

(1) in section 103(b)(3)(E), by striking “section 14 of the Iran Sanctions Act of 1996 (Public Law 104-172; 50 U.S.C. 1701 note)” and inserting “section 112 of the Iran Threat Reduction Act of 2011”; and

(2) in section 111(a)(1), by striking “section 5 of the Iran Sanctions Act of 1996, as amended by section 102 of this Act” and inserting “section 105 of the Iran Threat Reduction Act of 2011”; and

(3) in section 112(3), by striking “Iran Sanctions Act of 1996, as amended by section 102 of this Act,” and inserting “Iran Threat Reduction Act of 2011”; and

(4) in section 201(2), by striking “section 14 of the Iran Sanctions Act of 1996 (Public Law 104-172; 50 U.S.C. 1701 note)” and inserting “section 112 of the Iran Threat Reduction Act of 2011”.

(c) **REFERENCES.**—Any reference in a law, regulation, document, or other record of the United States to the Iran Sanctions Act of 1996 shall be deemed to be a reference to this title.

(d) **FEDERAL ACQUISITION REGULATION.**—Notwithstanding the repeal made by sub-

section (a), the modification to the Federal Acquisition Regulation made pursuant to section 6(b)(1) of the Iran Sanctions Act of 1996 shall continue in effect until the modification to such Regulation that is made pursuant to section 106(b)(1) of this Act takes effect.

### **TITLE II—IRAN FREEDOM SUPPORT SEC. 201. CODIFICATION OF SANCTIONS.**

United States sanctions with respect to Iran imposed pursuant to—

(1) sections 1 and 3 of Executive Order 12957,

(2) sections 1(e), 1(g), and 3 of Executive Order 12959,

(3) sections 2, 3, and 5 of Executive Order 13059,

(4) sections 1, 5, 6, 7, and 8 of Executive Order 13553, or

(5) sections 1, 2, and 5 of Executive Order 13574,

as in effect on September 1, 2011, shall remain in effect until the President certifies to the appropriate congressional committees, at least 90 days before the removal of such sanctions, that the Government of Iran has verifiably dismantled its nuclear weapons program, its biological and chemical weapons programs, its ballistic missile development programs, and ceased its support for international terrorism.

### **SEC. 202. LIABILITY OF PARENT COMPANIES FOR VIOLATIONS OF SANCTIONS BY FOREIGN SUBSIDIARIES.**

(a) **DEFINITIONS.**—In this section:

(1) **ENTITY.**—The term “entity” means a partnership, association, trust, joint venture, corporation, or other organization.

(2) **OWN OR CONTROL.**—The term “own or control” means, with respect to an entity—

(A) to hold more than 50 percent of the equity interest by vote or value in the entity;

(B) to hold a majority of seats on the board of directors of the entity; or

(C) to otherwise control the actions, policies, or personnel decisions of the entity.

(3) **SUBSIDIARY.**—The term “subsidiary” means an entity that is owned or controlled by a United States person.

(4) **UNITED STATES PERSON.**—The term “United States person” means—

(A) a natural person who is a citizen, resident, or national of the United States; and

(B) an entity that is organized under the laws of the United States, any State or territory thereof, or the District of Columbia, if natural persons described in subparagraph (A) own or control the entity.

(b) **IN GENERAL.**—A United States person shall be subject to a penalty for a violation of the provisions of Executive Order 12959 (50 U.S.C. 1701 note) or Executive Order 13059 (50 U.S.C. 1701 note), or any other prohibition on transactions with respect to Iran imposed under the authority of the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.), if the President determines that a subsidiary of the United States person that is established or maintained outside the United States engages in an act that, if committed in the United States or by a United States person, would violate such provisions.

(c) **EFFECTIVE DATE.**—

(1) **IN GENERAL.**—Subsection (b) shall take effect on the date of the enactment of this Act and apply with respect to acts described in subsection (b)(2) that are—

(A) commenced on or after the date of the enactment of this Act; or

(B) except as provided in paragraph (2), commenced before such date of enactment, if such acts continue on or after such date of enactment.

(2) **EXCEPTION.**—Subsection (b) shall not apply with respect to an act described in

paragraph (1)(B) by a subsidiary owned or controlled by a United States person if the United States person divests or terminates its business with the subsidiary not later than 90 days after the date of the enactment of this Act.

### **SEC. 203. DECLARATION OF CONGRESS REGARDING UNITED STATES POLICY TOWARD IRAN.**

It shall be the policy of the United States to support those individuals in Iran seeking a free, democratic government that respects the rule of law and protects the rights of all citizens.

### **SEC. 204. ASSISTANCE TO SUPPORT DEMOCRACY IN IRAN.**

(a) **ASSISTANCE AUTHORIZED.**—The President is authorized to provide financial and political assistance (including the award of grants) to foreign and domestic individuals, organizations, and entities that support democracy and the promotion of democracy in Iran. Such assistance may include the award of grants to eligible independent prodemocracy broadcasting organizations and new media that broadcast into Iran.

(b) **ELIGIBILITY FOR ASSISTANCE.**—Financial and political assistance authorized under this section shall be provided only to an individual, organization, or entity that—

(1) officially opposes the use of violence and terrorism and has not been designated as a foreign terrorist organization under section 219(a) of the Immigration and Nationality Act (8 U.S.C. 1189(a)) at any time during the preceding 4 years;

(2) advocates the adherence by Iran to non-proliferation regimes for nuclear, chemical, and biological weapons and materiel;

(3) is dedicated to democratic values and supports the adoption of a democratic form of Government in Iran;

(4) is dedicated to respect for human rights, including the fundamental equality of women;

(5) works to establish equality of opportunity for all people; and

(6) supports freedom of the press, freedom of speech, freedom of association, and freedom of religion.

(c) **FUNDING.**—Financial and political assistance authorized under this section may only be provided using funds available to the Middle East Partnership Initiative (MEPI), the Broader Middle East and North Africa Initiative, the Human Rights and Democracy Fund, and the Near East Regional Democracy Fund.

(d) **NOTIFICATION.**—Not later than 15 days before each obligation of assistance under this section, and in accordance with the procedures under section 634A of the Foreign Assistance Act of 1961 (22 U.S.C. 2394-1), the President shall notify the Committee on Foreign Affairs and the Committee on Appropriations of the House of Representatives and the Committee on Foreign Relations and the Committee on Appropriations of the Senate of such obligation of assistance. Such notification shall include, as practicable, a description of the types of programs supported by such assistance and an identification of the recipients of such assistance.

(e) **SENSE OF CONGRESS REGARDING DIPLOMATIC ASSISTANCE.**—It is the sense of Congress that—

(1) contacts should be expanded with opposition groups in Iran that meet the criteria for eligibility for assistance under subsection (b);

(2) support for those individuals seeking democracy in Iran should be expressed by United States representatives and officials in all appropriate international fora; and

(3) officials and representatives of the United States should—

(A) strongly and unequivocally support indigenous efforts in Iran calling for free, transparent, and democratic elections; and

(B) draw international attention to violations by the Government of Iran of human rights, freedom of religion, freedom of assembly, and freedom of the press.

**SEC. 205. IMPOSITION OF SANCTIONS ON CERTAIN PERSONS WHO ARE RESPONSIBLE FOR OR COMPLICIT IN HUMAN RIGHTS ABUSES COMMITTED AGAINST CITIZENS OF IRAN OR THEIR FAMILY MEMBERS AFTER THE JUNE 12, 2009, ELECTIONS IN IRAN.**

(a) LIST OF PERSONS WHO ARE RESPONSIBLE FOR OR COMPLICIT IN CERTAIN HUMAN RIGHTS ABUSES; SANCTIONS ON SUCH PERSONS.—

(1) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the President shall transmit to the appropriate congressional committees a list of all persons who are senior officials of the Government of Iran, including the Supreme Leader, the President, Members of the Cabinet, Members of the Assembly of Experts, Members of the Ministry of Intelligence Services, or any Member of the Iranian Revolutionary Guard Corps with the rank of brigadier general and above, including members of paramilitary organizations such as Ansar-e-Hezbollah and Basij-e Mostaz'afin.

(2) CERTIFICATION.—The President shall impose on the persons specified in the list under paragraph (1) the sanctions described in subsection (b). The President shall exempt any such person from such imposition if the President determines and certifies to the appropriate congressional committees that such person, based on credible evidence, is not responsible for or complicit in, or responsible for ordering, controlling, or otherwise directing, the commission of serious human rights abuses against citizens of Iran or their family members on or after June 12, 2009, regardless of whether such abuses occurred in Iran.

(3) UPDATES OF LIST.—The President shall transmit to the appropriate congressional committees an updated list under paragraph (1)—

(A) not later than every 60 days beginning after the date of the initial transmittal under such paragraph; and

(B) as new information becomes available.

(4) FORM OF REPORT; PUBLIC AVAILABILITY.—

(A) FORM.—The list required under paragraph (1) shall be submitted in unclassified form but may contain a classified annex.

(B) PUBLIC AVAILABILITY.—The unclassified portion of the list required under paragraph (1) shall be made available to the public and posted on the Web sites of the Department of the Treasury and the Department of State.

(5) CONSIDERATION OF DATA FROM OTHER COUNTRIES AND NONGOVERNMENTAL ORGANIZATIONS.—In preparing the list required under paragraph (1), the President shall consider credible data already obtained by other countries and nongovernmental organizations, including organizations in Iran, that monitor the human rights abuses of the Government of Iran.

(b) SANCTIONS DESCRIBED.—The sanctions described in this subsection are ineligibility for a visa to enter the United States and sanctions described in section 106 of this Act, subject to such regulations as the President may prescribe, including regulatory exceptions to permit the United States to comply with the Agreement between the United Nations and the United States of America regarding the Headquarters of the United Na-

tions, signed June 26, 1947, and entered into force November 21, 1947, and other applicable international obligations.

(c) TERMINATION OF SANCTIONS.—The provisions of this section shall terminate on the date on which the President determines and certifies to the appropriate congressional committees that the Government of Iran—

(1) has unconditionally released all political prisoners, including the citizens of Iran detained in the aftermath of the June 12, 2009, presidential election in Iran;

(2) has ceased its practices of violence, unlawful detention, torture, and abuse of citizens of Iran while engaging in peaceful political activity;

(3) has conducted a transparent investigation into the killings, arrests, and abuse of peaceful political activists that occurred in the aftermath of the June 12, 2009, presidential election in Iran and prosecuted the individuals responsible for such killings, arrests, and abuse; and

(4) has—

(A) established an independent judiciary; and

(B) is respecting the human rights and basic freedoms recognized in the Universal Declaration of Human Rights.

**SEC. 206. CLARIFICATION OF SENSITIVE TECHNOLOGIES FOR PURPOSES OF PROCUREMENT BAN.**

The Secretary of State shall—

(1) not later than 90 days after the date of the enactment of this Act, issue guidelines to further describe the goods, services, and technologies that will be considered “sensitive technologies” for purposes of section 106 of the Comprehensive Iran Sanctions, Accountability, and Divestment Act of 2010 (22 U.S.C. 8515), and publish those guidelines in the Federal Register;

(2) determine the types of goods, services, and technologies that enable any indigenous capabilities that Iran has to disrupt and monitor information and communications in that country, and consider adding descriptions of those items to the guidelines; and

(3) periodically review, but in no case less than once each year, the guidelines and, if necessary, amend the guidelines on the basis of technological developments and new information regarding transfers of goods, services, and technologies to Iran and the development of Iran's indigenous capabilities to disrupt and monitor information and communications in Iran.

**SEC. 207. COMPREHENSIVE STRATEGY TO PROMOTE INTERNET FREEDOM AND ACCESS TO INFORMATION IN IRAN.**

(a) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act and annually thereafter, the Secretary of State shall submit to the Committee on Foreign Affairs and the Committee on Appropriations of the House of Representatives and the Committee on Foreign Relations and the Committee on Appropriations of the Senate a comprehensive strategy to—

(1) help the people of Iran produce, access, and share information freely and safely via the Internet, including in Farsi and regional languages;

(2) support the development of counter-censorship technologies that enable the citizens of Iran to undertake Internet activities without interference from the Government of Iran;

(3) increase the capabilities and availability of secure mobile communications among human rights and democracy activists in Iran;

(4) provide resources for digital safety training for media, unions, and academic and civil society organizations in Iran;

(5) increase the amount of accurate Internet content in local languages in Iran;

(6) increase emergency resources for the most vulnerable human rights advocates seeking to organize, share information, and support human rights in Iran;

(7) expand surrogate radio, television, live stream, and social network communications inside Iran, including by assisting United States telecommunications and software companies to comply with the United States export licensing process for such purposes;

(8) expand activities to safely assist and train human rights, civil society, and union activists in Iran to operate effectively and securely;

(9) defeat all attempts by the Government of Iran to jam or otherwise deny international satellite broadcasting signals, including by identifying foreign providers of jamming technology;

(10) expand worldwide United States embassy and consulate programming for and outreach to Iranian dissident communities;

(11) expand access to proxy servers for democracy activists in Iran; and

(12) discourage telecommunication and software companies from facilitating Internet censorship by the Government of Iran.

(b) ELIGIBILITY FOR ASSISTANCE.—Assistance authorized under the comprehensive strategy required under subsection (a) shall be provided only to an individual, organization, or entity that meets the eligibility criteria in section 204(b) of this Act for financial and political assistance authorized under section 204(a) of this Act.

(c) FORM.—The comprehensive strategy required under subsection (a) shall be submitted in unclassified form and may include a classified annex.

**TITLE III—IRAN REGIME AND IRAN'S ISLAMIC REVOLUTIONARY GUARD CORPS ACCOUNTABILITY**

**SEC. 301. IRAN'S ISLAMIC REVOLUTIONARY GUARD CORPS.**

(a) TRANSACTIONS WITH IRAN'S ISLAMIC REVOLUTIONARY GUARD CORPS.—No United States person shall knowingly conduct any commercial transaction or financial transaction with, or make any investment in—

(1) any person or entity owned or controlled by Iran's Islamic Revolutionary Guard Corps;

(2) any instrumentality, subsidiary, affiliate, or agent of Iran's Islamic Revolutionary Guard Corps; or

(3) any project, activity, or business owned or controlled by Iran's Islamic Revolutionary Guard Corps.

(b) TRANSACTIONS WITH CERTAIN FOREIGN PERSONS.—No United States person shall knowingly conduct any commercial transaction or financial transaction with, or make any investment in, any foreign person or foreign entity that conducts any transaction with or makes any investment with Iran's Islamic Revolutionary Guard Corps, which, if conducted or made by a United States person, would constitute a violation of subsection (a).

(c) PENALTIES.—Any United States person who violates subsection (a) or (b) shall be subject to 1 or more of the criminal penalties under the authority of section 206(c) of the International Emergency Economic Powers Act (50 U.S.C. 1705).

(d) WAIVER.—

(1) IN GENERAL.—The President is authorized to waive the restrictions in subsection (a) or (b) on a case-by-case basis if the President determines and notifies the appropriate congressional committees that failure to exercise such waiver authority would pose an

unusual and extraordinary threat to the national security interests of the United States.

(2) **PUBLICATION IN THE FEDERAL REGISTER.**—Not later than 15 days after any waiver authority is exercised pursuant to paragraph (1) of this subsection, the name of the person with respect to which sanctions are being waived shall be published in the Federal Register.

(e) **AMENDMENTS TO CODE OF FEDERAL REGULATIONS.**—Not later than 30 days after the date of the enactment of this Act, the President shall amend part 544 of title 31, Code of Federal Regulations (“Weapons of Mass Destruction Proliferators Sanctions Regulations”), to incorporate the provisions of this section.

(f) **DEFINITIONS.**—In this section, the terms “foreign person”, “knowingly”, and “United States person” have the meanings given such terms in section 112 of this Act.

#### **SEC. 302. ADDITIONAL EXPORT SANCTIONS AGAINST IRAN.**

(a) **IN GENERAL.**—Notwithstanding section 103(b)(2)(B)(iv) of the Comprehensive Iran Sanctions, Accountability, and Divestment Act of 2010 (Public Law 111-195; 22 U.S.C. 8512(b)(2)(B)(iv)) or section 1606 of the Iran-Iraq Arms Non-Proliferation Act of 1992 (Public Law 102-484; 50 U.S.C. 1701 note) or any other provision of law, effective on the date of the enactment of this Act—

(1) licenses to export or reexport goods, services, or technology for the repair or maintenance of aircraft of United States origin to Iran may not be issued, and any such license issued before such date of enactment is no longer valid; and

(2) goods, services, or technology described in paragraph (1) may not be exported or reexported to Iran.

(b) **RULE OF CONSTRUCTION.**—Nothing in this section shall be construed to repeal or otherwise supersede the requirements of section 740.15(d)(4) of title 15, Code of Federal Regulations (relating to reexports of vessels subject to the Export Administration Regulations).

#### **SEC. 303. SANCTIONS AGAINST AFFILIATES OF IRAN'S ISLAMIC REVOLUTIONARY GUARD CORPS.**

(a) **IN GENERAL.**—Not later than 90 days after the date of the enactment of this Act, and as appropriate thereafter, the President shall identify in, and, in the case of a foreign person or foreign entity not already so designated, shall designate for inclusion in the Annex to Executive Order 13382 (70 Fed. Reg. 38567; relating to blocking property of weapons of mass destruction proliferators and their supporters) and shall apply all applicable sanctions of the United States pursuant to Executive Order 13382 to each foreign person or foreign entity for which there is a reasonable basis for determining that the person or entity is as an agent, alias, front, instrumentality, official, or affiliate of Iran's Islamic Revolutionary Guard Corps or is an individual serving as a representative of Iran's Islamic Revolutionary Guard Corps.

(b) **PRIORITY FOR INVESTIGATION.**—In carrying out this section, the President shall give priority to investigating foreign persons and foreign entities identified under section 560.304 of title 31, Code of Federal Regulations (relating to the definition of the Government of Iran) and foreign persons and foreign entities for which there is a reasonable basis to suspect that the person or entity has conducted or attempted to conduct one or more sensitive transactions or activities described in subsection (c).

(c) **SENSITIVE TRANSACTION OR ACTIVITY.**—A sensitive transaction or activity referred to in subsection (b) is—

(1) a transaction to facilitate the manufacture, import, export, or transfer of items needed for the development of nuclear, chemical, biological, or advanced conventional weapons, including ballistic missiles;

(2) an attempt to interfere in the internal affairs of Iraq or Afghanistan, or equip or train, or encourage violence by, individuals or groups opposed to the governments of those countries;

(3) a transaction relating to the manufacture, procurement, or sale of goods, services, and technology relating to Iran's energy sector, including the development of the energy resources of Iran, export of petroleum products, and import of refined petroleum and refining capacity available to Iran;

(4) a transaction relating to the procurement of sensitive technologies (as defined in section 106(c) of the Comprehensive Iran Sanctions, Accountability, and Divestment Act of 2010 (Public Law 111-195; 22 U.S.C. 8515(c)); or

(5) a financial transaction or series of transactions valued at more than \$1,000,000 in the aggregate in any 12-month period involving a non-Iranian financial institution.

(d) **INADMISSIBILITY TO UNITED STATES.**—The Secretary of State shall deny a visa to, and the Secretary of Homeland Security shall deny admission into the United States to, any alien who, on or after the date of the enactment of this Act, is a foreign person designated for inclusion in the Annex to Executive Order 13382 pursuant to subsection (a).

(e) **RULE OF CONSTRUCTION.**—Nothing in this section shall be construed to remove any sanction of the United States in force against Iran's Islamic Revolutionary Guard Corps as of the date of the enactment of this Act by reason of the fact that Iran's Islamic Revolutionary Guard Corps is an entity of the Government of Iran.

#### **SEC. 304. MEASURES AGAINST FOREIGN PERSONS OR ENTITIES SUPPORTING IRAN'S ISLAMIC REVOLUTIONARY GUARD CORPS.**

(a) **IDENTIFICATION AND NOTIFICATION.**—The President shall notify the appropriate congressional committees in any case in which the President determines that there is credible information indicating that a foreign person or foreign entity, on or after the date of the enactment of this Act, knowingly—

(1) provides material support to Iran's Islamic Revolutionary Guard Corps or any foreign person or foreign entity that is identified pursuant to section 303(a) of this Act as an agent, alias, front, instrumentality, official, or affiliate of Iran's Islamic Revolutionary Guard Corps or an individual serving as a representative of Iran's Islamic Revolutionary Guard Corps; or

(2) conducts any commercial transaction or financial transaction with Iran's Islamic Revolutionary Guard Corps or any such person or entity.

(b) **WAIVER.**—

(1) **IN GENERAL.**—Notwithstanding any other provision of this title and subject to paragraph (2), the President is not required to make any identification or designation of or determination with respect to a foreign person or foreign entity for purposes of this title if doing so would cause damage to the national security of the United States through the divulgence of sources and methods of intelligence or other critical classified information.

(2) **NOTICE TO CONGRESS.**—The President shall notify Congress of any exercise of the authority of paragraph (1) and shall include in the notification an identification of the foreign person or foreign entity, including a description of the activity or transaction

that would have caused the identification, designation, or determination for purposes of this title.

(c) **SANCTIONS.**—

(1) **IN GENERAL.**—The President shall apply to each foreign person or foreign entity identified in a notice under subsection (a) for a period determined by the President a majority of the sanctions described in section 106(a) of this Act.

(2) **TERMINATION.**—The President may terminate the sanctions applied to a foreign person or foreign entity pursuant to paragraph (1) if the President determines that the person or entity no longer engages in the activity or activities for which the sanctions were imposed and has provided assurances to the United States Government that it will not engage in the activity or activities in the future.

(d) **IEEPA SANCTIONS.**—The President may exercise the authorities provided under subparagraphs (A) and (C) of section 203(a)(1) of the International Emergency Economic Powers Act (50 U.S.C. 1702(a)(1)) to impose additional sanctions on each foreign person or foreign entity identified pursuant to subsection (a), for such time as the President may determine, without regard to section 202 of that Act.

(e) **WAIVER.**—The President may waive the application of any measure described in subsection (c) with respect to a foreign person or foreign entity if the President—

(1)(A) determines that the person or entity has ceased the activity that resulted in the notification under subsection (a) with respect to the person or entity (as the case may be) and has taken measures to prevent its recurrence; or

(B) determines and so reports to the appropriate congressional committees 15 days prior to the exercise of waiver authority that failure to exercise such waiver authority would pose an unusual and extraordinary threat to the vital national security interests of the United States; and

(2) submits to the appropriate congressional committees a report that contains the reasons for the determination.

(f) **FOREIGN PERSON DEFINED.**—In this section, the term “foreign person” has the meaning given the term in section 112 of this Act.

#### **SEC. 305. SPECIAL MEASURES AGAINST FOREIGN COUNTRIES SUPPORTING IRAN'S ISLAMIC REVOLUTIONARY GUARD CORPS.**

(a) **SANCTIONS.**—With respect to any foreign entity identified pursuant to section 304(a) of this Act that is an agency of the government of a foreign country, the President shall, in addition to applying to the entity the sanctions described in section 304(c) of this Act, apply to the agency of the government of the foreign country the following measures:

(1) No assistance shall be provided to the agency of the government of the foreign country under the Foreign Assistance Act of 1961, or any successor Act, or the Arms Export Control Act, or any successor Act, other than assistance that is intended to benefit the people of the foreign country directly and that is not provided through governmental agencies or entities of the foreign country.

(2) The United States shall oppose any loan or financial or technical assistance to the agency of the government of the foreign country by international financial institutions in accordance with section 701 of the International Financial Institutions Act (22 U.S.C. 262d).

(3) The United States shall deny to the agency of the government of the foreign

country any credit or financial assistance by any department, agency, or instrumentality of the United States Government.

(4) The United States Government shall not approve the sale to the agency of the government of the foreign country any defense articles or defense services or issue any license for the export of items on the United States Munitions List.

(5) No exports to the agency of the government of the foreign country shall be permitted of any goods or technologies controlled for national security reasons under the Export Administration Regulations.

(6) At the earliest practicable date, the Secretary of State shall terminate, in a manner consistent with international law, the authority of any air carrier that is controlled in fact by the agency of the government of the foreign country to engage in air transportation (as defined in section 40102(5) of title 49, United States Code).

(7) Additional restrictions may be imposed in accordance with the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.).

(b) **TERMINATION.**—The President may terminate the sanctions applied to an entity or government of a foreign country pursuant to subsection (a) if the President determines that the entity or government, as the case may be, no longer engages in the activity or activities for which the sanctions were imposed and has provided assurances to the United States Government that it will not engage in the activity or activities in the future.

(c) **WAIVER.**—The President may waive the application of any measure described in subsection (a) with respect to an entity or government of a foreign country if the President—

(1)(A) determines that the entity or government, as the case may be, has ceased the activity that resulted in the notification under section 304(a) of this Act with respect to the entity or government and has taken measures to prevent its recurrence; or

(B) determines and so reports to the appropriate congressional committees 15 days prior to the exercise of waiver authority that failure to exercise such waiver authority would pose an unusual and extraordinary threat to the vital national security interests of the United States; and

(2) submits to the appropriate congressional committees a report that contains the reasons for the determination.

**SEC. 306. AUTHORITY OF STATE AND LOCAL GOVERNMENTS TO RESTRICT CONTRACTS OR LICENSES FOR CERTAIN SANCTIONABLE PERSONS.**

Notwithstanding any other provision of law, a State or local government may adopt and enforce measures to prohibit the State or local government, as the case may be, from entering into or renewing any contract with, or granting to or renewing any license for persons that conduct business operations in Iran described in section 309 of this Act.

**SEC. 307. IRANIAN ACTIVITIES IN IRAQ AND AFGHANISTAN.**

(a) **FREEZING OF ASSETS.**—In accordance with subsection (b), all property and interests in property of the foreign persons described in Executive Orders 13382 and 13224, or their affiliates, that are in the United States, that on or after the date of the enactment of this Act come within the United States, or that on or after the date of the enactment of this Act come within the possession or control of United States persons, are blocked and may not be transferred, paid, exported, withdrawn, or otherwise dealt in

with respect to any such person determined by the Secretary of State, in consultation with the Secretary of the Treasury and the Secretary of Defense to—

(1) have committed, or to pose a significant risk of committing, an act or acts of violence that have the purpose or effect of threatening United States efforts to promote security and stability in Iraq and Afghanistan;

(2) have knowingly and materially assisted, sponsored, or provided financial, material, logistical, or technical support for, or goods or services in support of, such an act or acts of violence or any person or entity whose property and interests in property are blocked pursuant to this subsection; or

(3) be owned or controlled by, or to have acted or purported to act for or on behalf of any person whose property and interests in property are blocked pursuant to this subsection.

(b) **DESCRIPTION OF PROHIBITIONS.**—The prohibitions described in subsection (a) include—

(1) the making of any contribution or provision of funds, goods, or services by, to, or for the benefit of any person whose property and interests in property are blocked; and

(2) the receipt of any contribution or provision of funds, goods, or services from any such person.

(c) **FINDINGS.**—Congress finds that—

(1) an increase in both the quantity and quality of Iranian arms shipments and technological expertise to the Iraqi insurgents, the Taliban, other terrorist organizations and criminal elements has the potential to significantly change the battlefield in both Iraq and Afghanistan, and lead to a large increase in United States, International Security Assistance Force, Coalition and Iraqi and Afghan casualties; and

(2) an increase in Iranian activity and influence in Iraq threatens the safety and welfare of the residents of Camp Ashraf.

(d) **STATEMENT OF POLICY.**—It shall be the policy of the United States to urge the Government of Iraq to—

(1) uphold its commitments to the United States to ensure the continued well-being of those individuals living in Camp Ashraf;

(2) prevent the involuntary return of such individuals to Iran in accordance with the United States Embassy Statement on Transfer of Security Responsibility for Camp Ashraf of December 28, 2008; and

(3) not close Camp Ashraf until the United Nations High Commission for Refugees can complete its process, recognize as political refugees the residents of Camp Ashraf who do not wish to go back to Iran, and resettle them in third countries.

(e) **DEFINITIONS.**—In this section, the terms “foreign person” and “United States person” have the meanings given such terms in section 112 of this Act.

**SEC. 308. UNITED STATES POLICY TOWARD IRAN.**

(a) **NATIONAL STRATEGY REQUIRED.**—The President shall develop a strategy, to be known as the “National Strategy to Counter Iran”, that provides strategic guidance for activities that support the objective of addressing, countering, and containing the threats posed by Iran.

(b) **ANNUAL REPORT.**—

(1) **IN GENERAL.**—Not later than January 30 of each year, the President shall transmit to the appropriate congressional committees a report on the current and future strategy of the United States toward Iran, and the implementation of the National Strategy to Counter Iran required under subsection (a).

(2) **FORM.**—If the President considers it appropriate, the report required under this sub-

section, or appropriate parts thereof, may be transmitted in classified form.

(c) **MATTERS TO BE INCLUDED.**—The report required under subsection (b) shall include a description of the security posture and objectives of Iran, including at least the following:

(1) A description and assessment of Iranian grand strategy and security strategy, including—

(A) the goals of Iran’s grand strategy and security strategy, and strategic objectives; and

(B) Iranian strategy to achieve such objectives in the Middle East, Europe, Africa, Western Hemisphere, and Asia.

(2) An assessment of the capabilities of Iran’s conventional forces and Iran’s unconventional forces, including—

(A) the size and capabilities of Iran’s conventional forces and Iran’s unconventional forces;

(B) an analysis of the formal and informal national command authority for Iran’s conventional forces and Iran’s unconventional forces;

(C) the size and capability of Iranian foreign and domestic intelligence and special operations units, including the Iranian Revolutionary Guard Corps-Quds Force;

(D) a description and analysis of Iranian military doctrine;

(E) the types and amount of support, including funding, lethal and nonlethal supplies, and training, provided to groups designated by the United States as foreign terrorist organizations and regional militant groups; and

(F) an estimate of the levels of funding and funding and procurement sources by Iran to develop and support Iran’s conventional forces and Iran’s unconventional forces.

(3) An assessment of Iranian strategy and capabilities related to nuclear, unconventional, and missile forces development, including—

(A) a summary and analysis of nuclear weapons capabilities;

(B) an estimate of the amount and sources of funding expended by, and an analysis of procurement networks utilized by, Iran to develop its nuclear weapons capabilities;

(C) a summary of the capabilities of Iran’s unconventional weapons and Iran’s ballistic missile forces and Iran’s cruise missile forces, including developments in the preceding year, the size of Iran’s ballistic missile forces and Iran’s cruise missile forces, and the locations of missile launch sites;

(D) a detailed analysis of the effectiveness of Iran’s unconventional weapons and Iran’s ballistic missile forces and Iran’s cruise missile forces; and

(E) an estimate of the amount and sources of funding expended by, and an analysis of procurement networks utilized by, Iran on programs to develop a capability to develop unconventional weapons and Iran’s ballistic missile forces and Iran’s cruise missile forces.

(4) The Government of Iran’s economic strategy, including—

(A) sources of funding for the activities of the Government of Iran described in this section;

(B) the role of the Government of Iran in the formal and informal sector of the domestic Iranian economy;

(C) evasive and other efforts by the Government of Iran to circumvent international and bilateral sanctions regimes;

(D) the effect of bilateral and multilateral sanctions on the ability of Iran to implement its grand strategy and security strategy described in paragraph (1); and

(E) Iran's strategy and efforts to leverage economic and political influence, cooperation, and activities in the Middle East Europe, Africa, Western Hemisphere, and Asia.

(5) Key vulnerabilities identified in paragraph (1), and an implementation plan for the National Strategy to Counter Iran required under subsection (a).

(6) The United States strategy to—

(A) address and counter the capabilities of Iran's conventional forces and Iran's unconventional forces;

(B) disrupt and deny Iranian efforts to develop or augment capabilities related to nuclear, unconventional, and missile forces development;

(C) address the Government of Iran's economic strategy to enable the objectives described in this subsection; and

(D) exploit key vulnerabilities identified in this subsection.

(7) An implementation plan for United States strategy described in under paragraph (6).

(d) CLASSIFIED ANNEX.—The reports required under subsection (b) shall be in unclassified form to the greatest extent possible, and may include a classified annex where necessary.

(e) APPROPRIATE CONGRESSIONAL COMMITTEES.—In this section, the term “appropriate congressional committees” means—

(1) the Committee on Foreign Affairs, the Committee on Armed Services, the Committee on Appropriations, the Committee on Ways and Means, and the Permanent Select Committee on Intelligence of the House of Representatives; and

(2) the Committee on Foreign Relations, the Committee on Armed Services, the Committee on Appropriations, the Committee on Finance, and the Permanent Select Committee on Intelligence of the Senate.

#### SEC. 309. DEFINITIONS.

Except as otherwise provided, in this title:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term “appropriate congressional committees” means—

(A) the Committee on Foreign Affairs, the Committee on Appropriations, the Committee on Ways and Means, and the Permanent Select Committee on Intelligence of the House of Representatives; and

(B) the Committee on Foreign Relations, the Committee on Appropriations, the Committee on Finance, and the Permanent Select Committee on Intelligence of the Senate.

(2) IRAN'S BALLISTIC MISSILE FORCES.—The term “Iran's ballistic missile forces” includes ballistic missiles, goods, and associated equipment and those elements of the Government of Iran that employ such ballistic missiles, goods, and associated equipment.

(3) IRAN'S BALLISTIC MISSILE AND UNCONVENTIONAL WEAPONS.—The term “Iran's ballistic missile and unconventional weapons” means Iran's ballistic missile forces and chemical, biological, and radiological weapons programs.

(4) IRAN'S CRUISE MISSILE FORCES.—The term “Iran's cruise missile forces” includes cruise missile forces, goods, and associated equipment and those elements of the Government of Iran that employ such cruise missiles capable of flights less than 500 kilometers, goods, and associated equipment.

(5) IRAN'S CONVENTIONAL FORCES.—The term “Iran's conventional forces”—

(A) means military forces of Iran designed to conduct operations on sea, air, or land, other than Iran's unconventional forces and Iran's ballistic missile forces and Iran's cruise missile forces; and

(B) includes Iran's Army, Air Force, Navy, domestic law enforcement, and elements of the Iran's Islamic Revolutionary Guard Corps, other than Iran's Islamic Revolutionary Guard Corps-Quds Force.

(6) IRAN'S UNCONVENTIONAL FORCES.—The term “Iran's unconventional forces”—

(A) means forces of Iran that carry out missions typically associated with special operations forces; and

(B) includes—

(i) the Iran's Islamic Revolutionary Guard Corps-Quds Force;

(ii) paramilitary organizations;

(iii) formal and informal intelligence agencies and entities; and

(iv) any organization that—

(I) has been designated as a foreign terrorist organization under section 219(a) of the Immigration and Nationality Act (8 U.S.C. 1189(a));

(II) receives assistance from Iran; and

(III) is assessed—

(aa) as being willing in some or all cases of carrying out attacks on behalf of Iran; or

(bb) as likely to carry out attacks in response to an attack by another country on Iran or its interests.

(7) AFFILIATE.—The term “affiliate” means any individual or entity that controls, is controlled by, or is under common control with, the company, including without limitation direct and indirect subsidiaries of the company.

(8) BUSINESS OPERATIONS.—The term “business operations” means—

(A) carrying out any of the activities described in section 105(a) and (b) of this Act that are sanctionable under such section;

(B) providing sensitive technology (as defined in section 106(c) of the Comprehensive Iran Sanctions, Accountability, and Divestment Act of 2010 (Public Law 111-195; 22 U.S.C. 8515(c))) to the Government of Iran; and

(C) carrying out any of the activities described in section 304(a) of this Act.

(9) COMPANY.—The term “company” means—

(A) a sole proprietorship, organization, association, corporation, partnership, limited liability company, venture, or other entity, its subsidiary or affiliate; and

(B) includes a company owned or controlled by the government of a foreign country, that is established or organized under the laws of, or has its principal place of business in, such foreign country and includes United States subsidiaries of the same.

(10) ENTITY.—The term “entity” means a sole proprietorship, a partnership, limited liability corporation, association, trust, joint venture, corporation, or other organization.

(11) EXECUTIVE AGENCY.—The term “executive agency” has the meaning given the term in section 133 of title 41, United States Code.

(12) GOVERNMENT OF IRAN.—The term “Government of Iran” includes the Government of Iran, any political subdivision, agency, or instrumentality thereof, and any person owned or controlled by, or acting for or on behalf of, the Government of Iran.

(13) PETROLEUM RESOURCES.—The term “petroleum resources” has the meaning given the term in section 112 of this Act.

(14) SENSITIVE TECHNOLOGY.—The term “sensitive technology” has the meaning given the term in section 106(c) of the Comprehensive Iran Sanctions, Accountability, and Divestment Act of 2010 (Public Law 111-195; 22 U.S.C. 8515(c)).

#### SEC. 310. RULE OF CONSTRUCTION.

Nothing in this title shall be construed to limit the authority of the President to oth-

erwise designate foreign persons or foreign entities for inclusion in the Annex to Executive Order 13382 (70 Fed. Reg. 38567; relating to blocking property of weapons of mass destruction proliferators and their supporters).

#### TITLE IV—IRAN FINANCIAL SANCTIONS; DIVESTMENT FROM CERTAIN COMPANIES THAT INVEST IN IRAN; AND PREVENTION OF DIVERSION OF CERTAIN GOODS, SERVICES, AND TECHNOLOGIES TO IRAN

##### SEC. 401. IRAN FINANCIAL SANCTIONS.

(a) FINANCIAL INSTITUTION CERTIFICATION.—Section 104(e) of the Comprehensive Iran Sanctions, Accountability, and Divestment Act of 2010 (Public Law 111-195; 22 U.S.C. 8513(e)) is amended by adding at the end the following new paragraph:

“(3) CERTIFICATION.—Not later than 90 days after the date of the enactment of this paragraph, the Secretary of the Treasury shall prescribe regulations to require any person wholly owned or controlled by a domestic financial institution to provide positive certification to the Secretary if such person is engaged in corresponding relations or business activity with a foreign person or financial institution that facilitates transactions from persons and domestic financial institutions described in subsection (d).”

(b) CENTRAL BANK OF IRAN.—Section 104(c) of the Comprehensive Iran Sanctions, Accountability, and Divestment Act of 2010 (22 U.S.C. 8513(a)) is amended by adding at the end the following:

“(4) CENTRAL BANK OF IRAN.—

“(A) DETERMINATION.—Not later than 30 days after the date of the enactment of this paragraph, the President shall determine whether the Central Bank of Iran has—

“(i) provided financial services in support of, or otherwise facilitated, the ability of Iran to—

“(I) acquire or develop chemical, biological or nuclear weapons, or related technologies;

“(II) construct, equip, operate, or maintain nuclear enrichment facilities; or

“(III) acquire or develop ballistic missiles, cruise missiles, or destabilizing types and amounts of conventional weapons; or

“(ii) facilitated a transaction or provided financial services for—

“(I) Iran's Islamic Revolutionary Guard Corps; or

“(II) a financial institution whose property or interests in property are subject to sanctions imposed pursuant to the International Emergency Economic Powers Act—

“(aa) in connection with Iran's proliferation of weapons of mass destruction or delivery systems for weapons of mass destruction; or

“(bb) Iran's support for acts of international terrorism.

“(B) SUBMISSION TO CONGRESS.—The President shall submit the determination made under subparagraph (A) in writing to the Congress, together with the reasons therefor.

“(C) IMPOSITION OF SANCTIONS.—

“(i) IN GENERAL.—If the President determines under subparagraph (A) that the Central Bank of Iran has engaged in any of the activities described in that paragraph, the President shall apply to the Central Bank of Iran sanctions pursuant to the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.), including blocking of property and restrictions or prohibitions on financial transactions and the exportation of property.

“(ii) EFFECTIVE PERIOD OF DESIGNATION.—The President shall maintain the sanctions imposed under clause (i) until such time as the President determines and certifies in writing to the Congress that the Central

Bank of Iran is no longer engaged in any of the activities described in subparagraph (A)."

(c) CONTINUATION IN EFFECT.—Sections 104, 106, 107, 108, 109, 110, 111, and 115 of the Comprehensive Iran Sanctions, Accountability, and Divestment Act of 2010 shall remain in effect until the President makes the certification described in section 606(a) of this Act.

**SEC. 402. DIVESTMENT FROM CERTAIN COMPANIES THAT INVEST IN IRAN.**

Title II of the Comprehensive Iran Sanctions, Accountability, and Divestment Act of 2010 shall remain in effect until the President makes the certification described in section 606(a) of this Act.

**SEC. 403. PREVENTION OF DIVERSION OF CERTAIN GOODS, SERVICES, AND TECHNOLOGIES TO IRAN.**

Title III of the Comprehensive Iran Sanctions, Accountability, and Divestment Act of 2010 shall remain in effect until the President makes the certification described in section 606(a) of this Act.

**TITLE V—SECURITIES AND EXCHANGE COMMISSION**

**SEC. 501. DISCLOSURES TO THE SECURITIES AND EXCHANGE COMMISSION RELATING TO SANCTIONABLE ACTIVITIES.**

(a) IN GENERAL.—Section 13 of the Securities Exchange Act of 1934 (15 U.S.C. 78m) is amended by adding at the end the following new subsection:

"(r) DISCLOSURE OF CERTAIN ACTIVITIES RELATING TO IRAN, TERRORISM, AND THE PROLIFERATION OF WEAPONS OF MASS DESTRUCTION.—

"(1) IN GENERAL.—The Commission shall, by rule, require any issuer described in paragraph (2) to disclose on a quarterly basis a detailed description of each activity described in paragraph (2) engaged in by the issuer or its affiliates during the period covered by the report, including—

"(A) the nature and extent of the activity;

"(B) the revenues, if any, attributable to the activity; and

"(C) whether the issuer or the affiliate of the issuer (as the case may be) intends to continue the activity.

"(2) ISSUER DESCRIBED.—An issuer is described in this paragraph if the issuer is required to file reports with the Commission under subsection (a) and the issuer or any of its affiliates has, during the period covered by the report—

"(A) engaged in an activity described in section 105 of the Iran Threat Reduction Act of 2011 for which sanctions may be imposed;

"(B) knowingly engaged in an activity described in subsection (c)(2) of section 104 of the Comprehensive Iran Sanctions, Accountability, and Divestment Act of 2010 (Public Law 111-195; 22 U.S.C. 8513) or knowingly violated regulations prescribed under subsection (d)(1) or (e)(1) of such section 104; or

"(C) knowingly conducted any transaction or dealing with—

"(i) any person the property and interests in property of which are blocked pursuant to Executive Order 13224 (66 Fed. Reg. 49079; relating to blocking property and prohibiting transacting with persons who commit, threaten to commit, or support terrorism);

"(ii) any person the property and interests in property of which are blocked pursuant to Executive Order 13382 (70 Fed. Reg. 38567; relating to blocking of property of weapons of mass destruction proliferators and their supporters); or

"(iii) any person on the list contained in Appendix A to part 560 of title 31, Code of Federal Regulations (commonly known as the 'Iranian Transactions Regulations')."

"(3) SUNSET.—The provisions of this subsection and the rules issued by the Commission under paragraph (1) shall terminate on the date that is 30 days after the date on which the President makes the certification described in section 401(a) of the Comprehensive Iran Sanctions, Accountability, and Divestment Act of 2010 (22 U.S.C. 8551(a)).

"(4) INVESTIGATION OF DISCLOSURES.—When an issuer reports, pursuant to this subsection, that it or any of its affiliates has engaged in any activity described in paragraph (2), the President shall—

"(A) initiate an investigation into the possible imposition of sanctions under the Iran Threat Reduction Act of 2011, section 104 of the Comprehensive Iran Sanctions, Accountability, and Divestment Act of 2010 (22 U.S.C. 8513), the Executive Orders or regulations specified in paragraph (2)(C), or any other provision of law; and

"(B) not later than 180 days after initiating such an investigation, make a determination with respect to whether sanctions should be imposed with respect to the issuer or the affiliate of the issuer (as the case may be)."

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect with respect to reports required to be filed with the Securities and Exchange Commission after the date that is 90 days after the date of the enactment of this Act.

**TITLE VI—GENERAL PROVISIONS**

**SEC. 601. DENIAL OF VISAS FOR CERTAIN PERSONS OF THE GOVERNMENT OF IRAN.**

(a) IN GENERAL.—Except as necessary to meet United States obligations under the Agreement between the United Nations and the United States of America regarding the Headquarters of the United Nations, signed June 26, 1947, and entered into force November 21, 1947, and other applicable international treaty obligations, the Secretary of State shall deny a visa to, and the Secretary of Homeland Security shall deny admission into the United States to, a person of the Government of Iran pursuant to section 6(j)(1)(A) of the Export Administration Act of 1979 (as in effect pursuant to the International Emergency Economic Powers Act; 50 U.S.C. 1701 et seq.), section 40(d) of the Arms Export Control Act (22 U.S.C. 2780(d)), and section 620A of the Foreign Assistance Act of 1961 (22 U.S.C. 2371), including a person who is a senior official of the Government of Iran who is specified in the list under section 205(a)(1), if the Secretary determines that such person—

(1) is an agent, instrumentality, or official of, is affiliated with, or is serving as a representative of the Government of Iran; and

(2) presents a threat to the United States or is affiliated with terrorist organizations.

(b) RESTRICTION ON MOVEMENT.—The Secretary of State shall restrict in Washington, D.C., and at the United Nations in New York City, the travel to only within a 25-mile radius of Washington, D.C., or the United Nations headquarters building, respectively, of any person identified in subsection (a).

(c) RESTRICTION ON CONTACT.—No person employed with the United States Government may contact in an official or unofficial capacity any person that—

(1) is an agent, instrumentality, or official of, is affiliated with, or is serving as a representative of the Government of Iran; and

(2) presents a threat to the United States or is affiliated with terrorist organizations.

(d) WAIVER.—The President may waive the requirements of subsection (c) if the President determines and so reports to the appropriate congressional committees 15 days

prior to the exercise of waiver authority that failure to exercise such waiver authority would pose an unusual and extraordinary threat to the vital national security interests of the United States.

**SEC. 602. INADMISSIBILITY OF CERTAIN ALIENS WHO ENGAGE IN CERTAIN ACTIVITIES WITH RESPECT TO IRAN.**

(a) IN GENERAL.—Section 212(a)(3) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(3)) is amended by adding at the end the following:

"(H) INDIVIDUALS WHO ENGAGE IN CERTAIN ACTIVITIES WITH RESPECT TO IRAN.—

"(i) IN GENERAL.—Subject to clause (iii), any alien described in clause (ii) is inadmissible.

"(ii) ALIENS DESCRIBED.—An alien described in this clause is an alien who the Secretary of State determines—

"(I) engages in—

"(aa) an activity for which sanctions may be imposed pursuant to section 105(a) of the Iran Threat Reduction Act of 2011;

"(bb) an activity—

"(AA) relating to the proliferation by Iran of weapons of mass destruction or the means of delivery of such weapons; and

"(BB) for which sanctions may be imposed pursuant to Executive Order 13382 (70 Fed. Reg. 38567) (or any successor thereto);

"(cc) an activity—

"(AA) relating to support for international terrorism by the Government of Iran; and

"(BB) for which sanctions may be imposed pursuant to Executive Order 13224 (66 Fed. Reg. 49079) (or any successor thereto); or

"(dd) any other activity with respect to Iran for which sanctions may be imposed pursuant to any other provision of law;

"(II) is the chief executive officer, president, or other individual in charge of overall management of, a member of the board of directors of, or a shareholder with a controlling interest in, an entity that engages in an activity described in subclause (I); or

"(III) is a spouse or minor child of—

"(aa) an alien who engages in an activity described in subclause (I); or

"(bb) the chief executive officer, president, or other individual in charge of overall management of, a member of the board of directors of, or a shareholder with a controlling interest in, an entity that engages in an activity described in subclause (I).

"(iii) NOTICE; WAIVER WITH RESPECT TO CERTAIN ENTITIES.—

"(I) NOTICE.—The Secretary of State may notify an alien the Secretary determines may be inadmissible under this subparagraph—

"(aa) that the alien may be inadmissible; and

"(bb) of the reason for the inadmissibility of the alien.

"(II) WAIVER.—The President may waive the application of this subparagraph and admit an alien to the United States if—

"(aa) the alien is described in subclause (II) or (III)(bb) of clause (ii);

"(bb) the entity that engaged in the activity that would otherwise result in the inadmissibility of the alien under this subparagraph is no longer engaging the activity or has taken significant steps toward stopping the activity; and

"(cc) the President has received reliable assurances that the entity will not knowingly engage in an activity described in clause (ii)(I) again."

(b) REGULATIONS.—Section 428 of the Homeland Security Act of 2002 (6 U.S.C. 236) is amended by adding at the end the following:



“(j) REGULATIONS WITH RESPECT TO INADMISSIBILITY OF ALIENS WHO ENGAGE IN CERTAIN TRANSACTIONS WITH IRAN.—Not later than 180 days after the date of the enactment of this subsection, the Secretary shall issue regulations and guidelines for interpreting and enforcing the prohibition under subparagraph (H) of section 212(a)(3) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(3)) on the admissibility of aliens who engage in certain sanctionable activities with respect to Iran.”.

**SEC. 603. AMENDMENTS TO CIVIL AND CRIMINAL PENALTIES PROVISIONS UNDER THE INTERNATIONAL EMERGENCY ECONOMIC POWERS ACT.**

(a) IN GENERAL.—Section 206 of the International Emergency Economic Powers Act (50 U.S.C. 1705) is amended—

(1) in subsection (a), by striking “attempt to violate, conspire to violate” and inserting “attempt or conspire to violate”;

(2) in subsection (b), by striking “not to exceed” and all that follows and inserting “that is not less than twice the value of the transaction that is the basis of the violation.”; and

(3) in subsection (c) to read as follows:

“(c) CRIMINAL PENALTIES.—A person who willfully commits, attempts or conspires to commit, or aids or abets in the commission of, an unlawful act described in subsection (a) shall be fined not less than \$1,000,000, imprisoned for not more than 20 years, or both. A person other than a natural person shall be fined in an amount not less than the greater of half of the value of the transaction that is the basis of the violation or \$1,000,000.”.

(b) EFFECTIVE DATE.—The amendments made by this section take effect on the date of the enactment of this Act and apply with respect to any violation of section 206(a) of the International Emergency Economic Powers Act (50 U.S.C. 1705(a)) that occurs on or after such date of enactment.

**SEC. 604. EXCLUSION OF CERTAIN ACTIVITIES.**

Nothing in this Act or any amendment made by this Act shall apply to—

(1) activities subject to the reporting requirements of title V of the National Security Act of 1947; or

(2) involving a natural gas development and pipeline project initiated prior to the date of enactment of this Act—

(A) to bring gas from Azerbaijan to Europe and Turkey;

(B) in furtherance of a production sharing agreement or license awarded by a sovereign government, other than the Iranian government, before the date of enactment of this Act; and

(C) for the purpose of providing energy security and independence from Russia and other governments engaged in activities subject to sanctions under this Act.

**SEC. 605. REGULATORY AUTHORITY.**

(a) IN GENERAL.—The President shall, not later than 90 days after the date of the enactment of this Act, promulgate regulations as necessary for the implementation of this Act and the amendments made by this Act.

(b) CONSULTATION WITH CONGRESS.—Not less than 10 days prior to the promulgation of regulations under subsection (a), the President shall notify the appropriate congressional committees of the proposed regulations and the provisions of this Act and the amendments made by this Act that the regulations are implementing.

**SEC. 606. SUNSET.**

(a) SUNSET.—The provisions of this Act and the amendments made by this Act shall terminate, and shall cease to be effective, on the date that is 30 days after the date on

which the President certifies to Congress that Iran—

(1) has ceased and verifiably dismantled its efforts to design, develop, manufacture, or acquire—

(A) a nuclear explosive device or related materials and technology;

(B) chemical and biological weapons; and

(C) ballistic missiles and ballistic missile launch technology;

(2) no longer provides support for acts of international terrorism; and

(3) poses no threat to United States national security, interests, or allies.

(b) NOTIFICATION.—The President shall notify the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate not later than 15 days before making a certification described in subsection (a).

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Florida (Ms. ROS-LEHTINEN) and the gentleman from California (Mr. BERMAN) each will control 20 minutes.

Mr. KUCINICH. Mr. Speaker, I rise to claim time in opposition.

The SPEAKER pro tempore. Does the gentleman from California oppose the motion?

Mr. BERMAN. I do not oppose the motion.

The SPEAKER pro tempore. On that basis, the gentleman from Ohio will control 20 minutes in opposition.

The Chair recognizes the gentlewoman from Florida.

Ms. ROS-LEHTINEN. Mr. Speaker, I ask unanimous consent that the gentleman from California (Mr. BERMAN) be allowed to control half of the time in the affirmative.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Florida?

There was no objection.

GENERAL LEAVE

Ms. ROS-LEHTINEN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on this bill.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Florida?

There was no objection.

Ms. ROS-LEHTINEN. Mr. Speaker, I yield myself such time as I may consume.

I rise in strong support of the Iran Threat Reduction Act, which I introduced together with the distinguished ranking member of our committee, the gentleman from California (Mr. BERMAN). I would also like to thank the gentleman from California (Mr. SHERMAN), the ranking member of the Subcommittee on Terrorism, Nonproliferation and Trade, for his key contributions on this bill.

As is well known and articulated in the Declaration of National Emergency continued by successive U.S. Presidents, the Iranian regime poses an unusual and extraordinary threat to the national security, foreign policy, and economy of the United States.

The revelation in October of Iran's plot to assassinate the Saudi ambassador to the United States on our soil and in the process murder and maim countless Americans is a stark reminder of the regime's desire of a world without America. The exemplary work of U.S. officials foiled their plot, but the regime's threat remains. We would be naive to think that they will not try again.

Meanwhile, Tehran continues to call for the destruction of our ally, Israel, while denying the Holocaust and making every effort to isolate the Jewish state. Ahmadinejad is more than willing to put Iran's money where his mouth is, providing weapons, money, and support for several terrorist groups, including Hezbollah and Hamas, which are waging war against Israel and our allies in the Middle East.

And last month, the International Atomic Energy Agency released a report providing extensive evidence that Tehran has been working on nuclear weapons for years, despite repeated calls for the regime to abandon these efforts. Their hostility is evident, and their intentions are crystal clear. We clearly understand the urgency of the Iranian threat.

Many of our closest allies understand this sense of urgency—from the Israelis to the British and the Canadians. We tried the olive branch of engagement, negotiation, and diplomacy. And what did we get, Mr. Speaker? Diatribes against the United States and our allies and a plot to shed blood on our soil.

The resolution passed by the IAEA Board of Governors in November does not even begin to cover the ground that we need. The resolution had no deadline for compliance by the regime and no consequence, just rhetoric. We need overwhelming, crippling sanctions against Iranian officials and their nuclear program; and we need those sanctions to be fully implemented with serious penalties for their violation.

□ 2010

We must undermine the foundations of the Iranian regime in order to compel it to abandon its deadly path. The Iran Threat Reduction Act closes loopholes in existing sanctions against Iran's energy and financial sectors, sanctions senior Iranian regime officials and expands sanctions against those who help rogue regimes expand their dangerous weapons programs.

I hope that our Members join us in stopping this dangerous regime in its tracks.

Mr. Speaker, I would like to place in the RECORD my correspondence with the chairmen of other committees of referral on this bill.



HOUSE OF REPRESENTATIVES,  
COMMITTEE ON THE JUDICIARY,  
Washington, DC, November 4, 2011.

Hon. ILEANA ROS-LEHTINEN,  
Chairman, House Committee on Foreign Affairs,  
Rayburn House Office Building, Wash-  
ington, DC.

DEAR CHAIRMAN ROS-LEHTINEN: I am writing concerning H.R. 1905, the "Iran Threat Reduction Act of 2011," which the Committee on Foreign Affairs reported favorably. As a result of your having consulted with us on provisions in H.R. 1905 that fall within the Rule X jurisdiction of the Committee on the Judiciary, we are able to agree to discharging our Committee from further consideration of this bill in order that it may proceed expeditiously to the House floor for consideration.

The Judiciary Committee takes this action with our mutual understanding that by foregoing consideration of H.R. 1905 at this time, we do not waive any jurisdiction over subject matter contained in this or similar legislation, and that our Committee will be appropriately consulted and involved as the bill or similar legislation moves forward so that we may address any remaining issues in our jurisdiction. Our Committee also reserves the right to seek appointment of an appropriate number of conferees to any House-Senate conference involving this or similar legislation, and requests your support for any such request.

I would appreciate your response to this letter confirming this understanding with respect to H.R. 1905, and would ask that a copy of our exchange of letters on this matter be included in the Congressional Record during floor consideration.

Sincerely,

LAMAR SMITH,  
Chairman.

HOUSE OF REPRESENTATIVES,  
COMMITTEE ON FOREIGN AFFAIRS,  
Washington, DC, November 4, 2011.

Hon. LAMAR SMITH,  
Chairman, House Committee on the Judiciary  
Rayburn House Office Building, Wash-  
ington, DC.

DEAR CHAIRMAN SMITH: Thank you for your letter concerning H.R. 1905, the Iran Threat Reduction Act of 2011, and for your agreement to discharge the Committee on the Judiciary from further consideration of this bill so that it may proceed expeditiously to the House floor.

I am writing to confirm our mutual understanding that, by foregoing consideration of H.R. 1905 at this time, you are not waiving any jurisdiction over the subject matter in that bill or similar legislation. I look forward to continuing to consult with your Committee as such legislation moves ahead, and would be glad to support a request by your Committee for conferees to a House-Senate conference on this, or any similar, legislation.

I will seek to place a copy of our exchange of letters on this matter into the Congressional Record during floor consideration of H.R. 1905.

Sincerely,

ILEANA ROS-LEHTINEN,  
Chairman.

HOUSE OF REPRESENTATIVES,  
COMMITTEE ON FOREIGN AFFAIRS,  
Washington, DC, November 16, 2011.

Hon. DARRELL E. ISSA,  
Chairman, Committee on Oversight and Govern-  
ment Reform, Rayburn House Office Build-  
ing, Washington, DC.

DEAR CHAIRMAN ISSA: Thank you for your cooperation with the Foreign Affairs Com-

mittee regarding H.R. 1905, the Iran Threat Reduction Act of 2011.

I am writing to confirm the agreement between the Foreign Affairs Committee and the Oversight and Government Reform Committee regarding the final text of those sections of H.R. 1905 which the Parliamentarian has indicated involve the jurisdiction of your Committee. In agreeing to waive consideration of that bill, this Committee understands that the Oversight and Government Reform Committee is not waiving jurisdiction over the relevant provisions in that bill or any other related matter. I will seek to place a copy of this letter and your response in the Congressional Record during floor consideration of the bill. Additionally, I will support your request for an appropriate appointment of outside conferees from your Committee in the event of a House-Senate conference on this or similar legislation should such a conference be convened.

Thank you again for your consideration and assistance in this matter.

Sincerely,

ILEANA ROS-LEHTINEN,  
Chairman.

HOUSE OF REPRESENTATIVES, COM-  
MITTEE ON OVERSIGHT AND GOV-  
ERNMENT REFORM,  
Washington, DC, November 18, 2011.

Hon. ILEANA ROS-LEHTINEN,  
Chairwoman, Committee on Foreign Affairs,  
Rayburn House Office Building, Wash-  
ington, DC.

DEAR MADAM CHAIRWOMAN: Thank you for your letter concerning H.R. 1905, the Iran Threat Reduction Act of 2011. I concur in your judgment that provisions of the bill are within the jurisdiction of the Oversight and Government Reform Committee.

I am willing to waive this committee's right to consider the bill. In so doing, I do not waive its jurisdiction over the subject matter of the bill. I appreciate your commitment to insert this exchange of letters into the committee report and the Congressional Record, and your support for outside conferees from the Committee should a conference be convened.

Sincerely,

DARRELL ISSA,  
Chairman.

HOUSE OF REPRESENTATIVES,  
COMMITTEE ON FOREIGN AFFAIRS,  
Washington, DC, November 21, 2011.

Hon. SPENCER BACHUS,  
Chairman, Committee on Financial Services,  
Rayburn House Office Building, Wash-  
ington, DC.

DEAR CHAIRMAN BACHUS: Thank you for your cooperation with the Foreign Affairs Committee regarding H.R. 1905, the Iran Threat Reduction Act of 2011.

I am writing to confirm the agreement between the Foreign Affairs Committee and the Financial Services Committee regarding the final text of those sections of H.R. 1905 which the Parliamentarian has indicated involve the jurisdiction of your Committee. In agreeing to waive consideration of that bill, this Committee understands that the Financial Services Committee is not waiving jurisdiction over the relevant provisions in that bill or any other related matter. I will seek to place a copy of this letter and your response in the Congressional Record during floor consideration of the bill. Additionally, I will support your request for an appropriate appointment of outside conferees from your Committee in the event of a House-Senate conference on this or similar legislation should such a conference be convened.

Thank you again for your consideration and assistance in this matter.

Sincerely,

ILEANA ROS-LEHTINEN,  
Chairman.

HOUSE OF REPRESENTATIVES,  
COMMITTEE ON FINANCIAL SERVICES,  
Washington, DC, November 23, 2011.

Hon. ILEANA ROS-LEHTINEN,  
Chairman, Committee on Foreign Affairs, U.S.  
House of Representatives, Rayburn House  
Office Building, Washington, DC.

DEAR CHAIRMAN ROS-LEHTINEN: I am writing concerning H.R. 1905, the Iran Threat Reduction Act of 2011. Based on the agreement made by the staff of our two committees regarding H.R. 1905 and in the interest of permitting your Committee to proceed expeditiously with the bill, I am willing to forego at this time the consideration of provisions in this bill that fall under the jurisdiction of the Committee on Financial Services under Rule X of the Rules of the House of Representatives.

The Committee on Financial Services takes this action with our mutual understanding that by foregoing consideration of H.R. 1905 at this time, we do not waive any jurisdiction over the subject matter contained in this or similar legislation, and that our Committee will be appropriately consulted and involved as the bill or similar legislation moves forward. Our Committee reserves the right to seek appointment of an appropriate number of conferees to any House-Senate conference involving this or similar legislation, and requests your support for any such requests.

Further, I ask that a copy of our exchange of letters on this matter be included in the Congressional Record during floor consideration of this bill. I look forward to working with you as this important measure moves through the legislative process.

Sincerely,

SPENCER BACHUS,  
Chairman.

HOUSE OF REPRESENTATIVES,  
COMMITTEE ON WAYS AND MEANS,  
Washington, DC, December 5, 2011.

Hon. ILEANA ROS-LEHTINEN,  
Chairman, Committee on Foreign Affairs, Ray-  
burn House Office Building, Washington,  
DC.

DEAR CHAIRMAN ROS-LEHTINEN: I am writing regarding H.R. 1905, the "Iran Threat Reduction Act of 2011," which was favorably reported out of your Committee on November 2, 2011. I commend you on your efforts to make sure that the United States is better able to address the critical threats that Iran poses.

There have been productive conversations between the staffs of our Committees, during which we have proposed changes to provisions within the jurisdiction of the Committee on Ways and Means in the bill to clarify the intent and scope of the bill with respect to compliance with U.S. international trade obligations, thereby reducing our exposure to trade sanctions and retaliation against our exporters. I believe that compliance with our trade obligations makes for a more credible U.S. response to Iran's behavior and helps us develop a stronger multilateral response to Iran. Accordingly, I appreciate your commitment to address the concerns raised by the Committee on Ways and Means in sections 106, 205, 304, 305, 309 and 401 in H.R. 1905.

Assuming these issues are resolved satisfactorily, in order to expedite floor consideration of the bill, the Committee on Ways and

Means will forgo action on H.R. 1905. Further, the Committee will not oppose the bill's consideration on the suspension calendar, based on our understanding that you will work with the Committee as the legislative process moves forward in the House of Representatives and in the Senate, to ensure that the Committee's concerns continue to be addressed. This is also being done with the understanding that it does not in any way prejudice the Committee with respect to the appointment of conferees or its jurisdictional prerogatives on this or similar legislation.

I would appreciate your response to this letter, confirming this understanding with respect to H.R. 1905, and would ask that a copy of our exchange of letters on this matter be included in the Congressional Record during Floor consideration.

Sincerely,

DAVE CAMP,  
Chairman.

HOUSE OF REPRESENTATIVES,  
COMMITTEE ON FOREIGN AFFAIRS,  
Washington, DC, December 5, 2011.

Hon. DAVE CAMP,  
Chairman, Committee on Ways and Means,  
Longworth HOB, Washington, DC.

DEAR CHAIRMAN CAMP: Thank you for your cooperation with the Foreign Affairs Committee regarding H.R. 1905, the Iran Threat Reduction Act of 2011.

I am writing to confirm the agreement between the Foreign Affairs Committee and the Committee on Ways and Means regarding the final text of those sections of H.R. 1905 which the Parliamentarian has indicated involve the jurisdiction of your Committee. In agreeing to waive consideration of that bill, this Committee understands that the Committee on Ways and Means is not waiving jurisdiction over the relevant provisions in that bill or any other related matter. I will seek to place a copy of this letter and your response in the Congressional Record during floor consideration of the bill. Additionally, I will support your request for an appropriate appointment of outside conferees from your Committee in the event of a House-Senate conference on this or similar legislation should such a conference be convened.

Thank you again for your consideration and assistance in this matter.

Sincerely,

ILEANA ROS-LEHTINEN,  
Chairman.

With that, Mr. Speaker, I reserve the balance of my time.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Ohio.

Mr. KUCINICH. I would like to place in the RECORD an article from the Christian Science Monitor entitled, "Used-car salesman as Iran proxy? Why assassination plot doesn't add up for experts," and also from Mother Jones, "Four Things You Need to Know About the Iran Bomb Plot."

[From The Christian Science Monitor—  
CSMonitor.com, Oct. 12, 2011]

USED-CAR SALESMAN AS IRAN PROXY? WHY  
ASSASSINATION PLOT DOESN'T ADD UP FOR  
EXPERTS

(By Scott Peterson)

The U.S. has blamed the specialist Qods Force in an Iran assassination plot. But those who track the group say the plot doesn't reflect the careful planning, efficiency, and strategy the Qods Force is known for.

How careful is Iran's Qods Force when it comes to covert operations abroad?

This wing of the Revolutionary Guard was accused by U.S. military commanders in Iraq in 2007 and 2008 of jeopardizing the efforts of more than 150,000 American troops on the ground, of backing militias of all stripes, and of exercising strong influence on Baghdad's rulers.

Yet how many Iranian Qods Force operatives did that take? One U.S. diplomat posted to Baghdad at the time had the consensus answer: There were just eight Qods Force men in all of Iraq.

#### IN PICTURES: IRAN'S MILITARY MIGHT

Indeed, the Qods Force has a reputation for careful, methodical work—as well as effective use of local proxies, and ultimately their pragmatic deployment by Tehran as covert tools to expand Iran's influence across a region in flux. That explains why Iran experts are raising questions about fresh U.S. charges of an Iran-backed bomb plot, this time to kill the Saudi ambassador to Washington and blow up the Saudi and Israeli embassies.

A criminal complaint filed by U.S. prosecutors on Tuesday charge Mansour Arbabsiar—a naturalized U.S. citizen with an Iranian passport from Corpus Christi, Texas—and Gholam Shakuri, "an Iran-based member of Iran's Qods Force," with plotting to kill the Saudi diplomat on U.S. soil in an operation "directed by factions of the Iranian government."

#### DETAILS OF ALLEGED PLOT

Those who know Iran well are skeptical, but do not rule out any possibility. Mr. Arbabsiar may have arranged for \$100,000 to be transferred from Iran as a downpayment of \$1.5 million for the hit, as U.S. charges indicate.

Arbabsiar may also have boasted to one alleged accomplice in the plot—an associate of Mexico's Zeta drug cartel, who also happened to be an informant of the U.S. Drug Enforcement Administration—that his cousin was a "big general" in the Iranian military.

While also describing a series of potential attacks to the associate, he may even have stated—apparently in secretly taped conversations—that mass American casualties as a result were not a problem: "They want that guy [the ambassador] done [killed], if the hundred go with him f\* k 'em," reads the legal complaint.

#### WHY THE PLOT DOESN'T ADD UP

But Iran specialists who have followed the Islamic Republic for years say that many details in the alleged plot just don't add up.

"It's a very strange case, it doesn't really fit Iran's mode of operation," says Alireza Nader, an Iran analyst at the Rand Corp. in Arlington, Va., and coauthor of studies about the Revolutionary Guard.

"When you look at Iranian use of terrorism, it has some very specific objectives, whether it's countering the United States in Iraq or Afghanistan, or retaliating against perceived Israeli actions," says Mr. Nader.

"This [plot] doesn't seem to serve Iran's interests in any conceivable way," says Nader. "Assassinating the Saudi ambassador would increase international pressure against Iran, could be considered an act of war . . . by Saudi Arabia, it could really destabilize the government in Iran; and this is a political system that is interested in its own survival."

#### NO APPARENT COST-BENEFIT ANALYSIS

Iran has been trying to evade sanctions, strengthen relations with non-Western part-

ners, while continuing with its nuclear program, notes Nader.

He says it is "difficult" to believe that either Qassim Soleimani—the canny commander of the Qods Force—or Iran's deliberative supreme religious leader, Ayatollah Seyyed Ali Khamenei, would order such an attack that "would put all of Iran's objectives and strategies at risk."

That view has been echoed by many Iran watchers, who are raising doubts about the assassination plot allegations.

"This plot, if true, departs from all known Iranian policies and procedures," writes Gary Sick, an Iran expert at Columbia University and principal White House aide during the 1979 Iranian revolution and hostage crisis.

While Iran may have many reasons to be angry at the U.S. and Saudi Arabia, Mr. Sick notes in a posting on the Gulf2000/Columbia experts list that he moderates, "it is difficult to believe that they would rely on a non-Islamic criminal gang to carry out this most sensitive of all possible missions."

Relying on "at least one amateur and a Mexican criminal drug gang that is known to be riddled with both Mexican and U.S. intelligence agents" appears to be sloppy, adds Sick. "Whatever else may be Iran's failings, they are not noted for utter disregard of the most basic intelligence tradecraft."

The odd set of details means that the usual cost-benefit calculation that experts often attribute to Tehran's decisionmaking does not apply here, says Muhammad Sahimi, in an analysis for the Tehran Bureau website.

At a time when pressure is building on Iran over "gross human rights violations," sanctions are showing signs of working, Iran is "deeply worried about the fate of its strategic partner in Syria . . . tensions with Turkey are increasing . . . and a fierce power struggle is under way within Iran," says Mr. Sahimi, "it is essentially impossible to believe that the IRI [Islamic Republic of Iran] would act in such a way as to open a major new front against itself."

#### PREVIOUS ASSASSINATIONS ONLY TARGETED IRANIANS

Sahimi also notes that, even at the height of the regime's assassinations of opponents in the past, it did not target non-Iranians.

"It is keenly aware that it is under the American microscope," says Sahimi, making even less likely Iran embarking "on such a useless assassination involving a low-level, non-player individual."

Such reservations are not the same ones given by Iranian officials when they dismiss the charges of a murder plot. But analysts suggest more information will need to be revealed before judgment can be made.

"Iran does have a history of terrorism, but they also like to go through proxies—and true and tested proxies, not necessarily just anybody," says Nader of Rand, citing Hezbollah in Lebanon, for example, or Iraqi Shiite insurgents trained in Iranian camps.

The man arrested by U.S. law enforcement at JFK airport on Sept. 29 does not seem to fit that mold.

#### NOT YOUR AVERAGE PROXY

Arbabsiar, a former used car salesman, would appear to have been a surprise choice of the Qods Force. Yet he apparently traveled several times to Mexico to recruit drug-cartel hit men, had \$100,000 from Iran paid into a U.S. account and promised much more, and discussed the plot on a normal telephone.

"The Iranian modus operandi is only to trust sensitive plots to their own employees,

or to trusted proxies such as Hezbollah, Saudi Hezbollah, Hamas, the Sadr faction in Iraq, Iran-friendly extremist Muslims in Afghanistan and other pro-Iranian Muslim groups," wrote Kenneth Katzman of the Congressional Research Service on Gulf2000 on Wednesday.

"Are we to believe that this Texas car seller was a Qods sleeper agent for many years resident in the U.S.? Ridiculous," said Mr. Katzman, who authored a study of the Revolutionary Guard in the 1990s. "They (the Iranian command system) never ever use such has-beens or loosely connected people for sensitive plots such as this."

And what kind of man is he? The Associated Press spoke to Arbabsiar's friend and former Texas business partner David Tomscha, who said he was "sort of a hustler." The Iranian-American, the AP reported, "was likable, albeit a bit lazy."

"He's no mastermind," Mr. Tomscha told the AP. "I can't imagine him thinking up a plan like that. I mean, he didn't seem all that political. He was more of a businessman."

[From Mother Jones, Oct. 12, 2011]

#### 4 THINGS YOU NEED TO KNOW ABOUT THE IRAN BOMB PLOT

(By Adam Serwer)

The assassination was never going to take place. On Tuesday, FBI Director Robert Mueller described Iranian American Mansour Arbabsiar's alleged plot to assassinate the Saudi Ambassador to the United States as straight out of a "Hollywood script." In a sense he was right—because the plot was controlled from the beginning by the FBI. According to the criminal complaint, when Arbabsiar traveled to Mexico in May 2011, to allegedly find an assassin from the ranks of Mexican drug cartels, he ended up talking to a paid DEA informant who dodged drug charges in exchange for cooperating with authorities. In keeping with previous sting cases, the FBI was careful to record statements from Arbabsiar dismissing the possibility of numerous civilian casualties, something that makes an entrapment defense all but impossible to mount.

The US thinks Iran is responsible. The criminal complaint states that Arbabsiar believed his cousin, Ali Gholam Shakuri, was a member of the al-Quds Force, an elite faction of Iran's Revolutionary Guards. Under interrogation, Arbabsiar allegedly identified two men who were "known to the United States to be senior members of the Quds Force," one of whom allegedly met with Arbabsiar and Shakuri in Iran to discuss the operation. Despite the al-Quds Force's reputation for lethal effectiveness however, Arbabsiar and his cousin don't come off as any more competent than the average target of an FBI sting. They discuss the plot in ham-handed "code" in telephone conversations, and Shakuri allegedly wires \$100,000 to an American bank controlled by the FBI. That's not exactly the kind of subtlety you expect from an "elite unit" made up of Iranian Revolutionary Guard's "most skilled warriors," a group so effective that attacks in Iraq were attributed to them on the basis of their lethality and sophistication. (Iran's government has denied involvement.)

So much for Miranda rights halting interrogation. Arbabsiar was arrested in late September, but he wasn't brought before a judge until Tuesday. That's because when he was arrested at the airport upon returning from another trip to Mexico, he "knowingly and voluntarily waived his Miranda rights and his right to speedy presentment." Not only

did he cooperate with interrogators, he flipped and implicated his cousin Shakuri by calling him and discussing the plot while the FBI was listening in. And all without waterboarding.

So, about targeted killing . . . The New York Times' Charlie Savage recently reported on the contents of the legal memo authorizing the targeting of recently killed radical cleric Anwar al-Awlaki, which concluded that "Mr. Awlaki could be legally killed, if it was not feasible to capture him, because intelligence agencies said he was taking part in the war between the United States and Al Qaeda and posed a significant threat to Americans, as well as because Yemeni authorities were unable or unwilling to stop him." Iran could make similar arguments about the Saudi ambassador if they felt so inclined, if they wanted to justify the plot, true or otherwise. All of which is to say that those rules may not be enough of a framework to prevent a future in which other countries that acquire drone technology decide to use them to eliminate their stated enemies as frequently as the U.S. does.

I would also like to place in the RECORD a quote from Mr. Greg Thielmann, the former State Department and Senate Intelligence Committee analyst who says that "studies are still going on, but there's nothing that indicates Iran is really building a bomb."

Mr. Speaker, U.S. policy towards Iran for the last three decades has primarily taken the form of economic sanctions, threats, and isolationism. While U.S. sanctions have been effective at hurting Iran's economy and ordinary Iranian people, it can be argued that U.S. policy over the last 30 years has not been effective at creating any meaningful change in the conduct of the Iranian Government.

I would like to place in the RECORD a reprint from Foreign Affairs magazine, November 2011, which cites the ineffectiveness of the United States sanctions policy.

[From Brookings, Dec. 13, 2011, Reprinted by permission of Foreign Affairs, November 2011, Vol 87, No 6. Copyright 2011 by the Council on Foreign Relations, Inc.]

#### THE SELF-LIMITING SUCCESS OF IRAN SANCTIONS

(By Suzanne Maloney, Senior Fellow, Foreign Policy, Saban Center for Middle East Policy; Ray Takeyh, Senior Fellow for Middle Eastern Studies, Council on Foreign Relations)

Since the 1979 revolution that ousted Iran's pro-American monarchy and replaced it with a theocratic regime hostile to the West, the United States has sought to temper Iran's geopolitical ambitions through a combination of tough rhetoric and economic sanctions. After more than 30 years, the cycle is as unsurprising as it is ineffective; the United States and its allies orchestrate stringent economic measures through the United Nations, and then await concessions that somehow never materialize. Indeed, as UN prescriptions have amassed and Iran's trade with its traditional partners withers, there is no indication that the theocratic state is prepared to adjust its aspirations with respect to either its nuclear programme or its claims to regional power.

A closer look reveals that the international community missed a critical turning point in Iran's international orientation, and squandered the single obvious opportunity to shift Iranian policies towards a more constructive direction. In the 1990s, Iran appeared to be on the verge of discarding its radical patrimony, at least with respect to its foreign policy, much as other revolutionary states such as China and Vietnam have done. The end of the long war with Iraq and the death of the Islamic Republic's charismatic founder facilitated a period of reconstruction, a respite from the state's existential insecurities, and a predictable reconsideration of the regime's ideological verities. By the end of the decade, a reformist cadre led by President Muhammad Khatami sought to rejoin the international community by conceding to its mandates and adhering to its conventions. At the dawn of the twenty-first century, Iran finally appeared ready to usher in its own Thermidorian Reaction.

Yet this prospect appeared to fade after the election of hardliner Mahmoud Ahmadinejad to succeed Khatami in 2005. In the succeeding years, the Islamic Republic has regressed towards policies that resemble the worst excesses of its zealous early years: at home, unambiguous repression of any dissent and an insistence on absolute fealty to an aging clerical tyrant; abroad, provocative policies towards its neighbours and belligerence towards Washington. Unexpectedly, it has been a younger generation of Iranian politicians—Ahmadinejad and his cohort—who have rejected the nascent pragmatism of their elders; these children of the revolution are seeking to revive its mandates rather than to restrain them.

At the same moment as Iran's formidable new right wing came to the fore, the region began an even more dramatic set of political transformations, first with the US interventions to Iran's east and west that removed the theocracy's most menacing adversaries, and later with the advent of a powerful, far-reaching movement for democratic accountability across the Arab world. As a result of these intersecting trends, Iran's paranoid, combative leadership has been emboldened to take advantage of the opportunities to be found in an uncertain regional environment with a shifting balance of power. For this reason, the threats posed by Iran's domestic and regional policies loom ever larger for Washington and the broader international community.

To date, however, the Obama administration has stuck to the essential framework of the carrot-and-stick diplomacy it adopted upon taking office in 2009—an approach that differs merely in style from that of the Bush administration during its second term. This self-described 'dual-track' strategy relies on economic pressure to persuade Tehran to enter negotiations and moderate its policies, consistent with the basic American formula for dealing with Iran since 1979. The achievements of such an approach have always been open to question.

Even as the Obama administration has imposed the broadest and most robust multilateral restrictions on Iran in history, all of Tehran's most disturbing policies, including its aggressive nuclear programme, proceed apace. Sanctions have imposed heavy financial and political costs on the Islamic Republic, but they have not convinced Iranian leaders that their interests would be better served by relinquishing their nuclear ambitions, abandoning their other reckless policies, or even opening a serious dialogue with

Washington. This obduracy is a function of the complex political transformation within Iran over the course of the past decade, the regime's well-honed capabilities for evading and insulating itself against sanctions, and of course the momentous changes that have swept the broader region. As a result, in dealing with the Islamic Republic of 2011 economic sanctions can have little expectation of achieving meaningful changes in Tehran's policies. This article examines the history of sanctioning the Islamic Republic, and argues that despite their increasing severity, sanctions have failed to achieve their intended policy results thanks to the regime's capacity for resisting international pressure. Moreover, the rise of a new generation of hard-liners and the uncertain aftermath of the Arab Spring has exacerbated the regime's aversion to compromise.

U.S. policy towards Iran has failed to ensure a peaceful Iran that aids regional security. Yet today we are considering legislation that significantly restricts any efforts by the U.S. Government, including Members of Congress, to engage Iran diplomatically, and it further hurts ordinary Iranian people by imposing indiscriminate sanctions. Proponents of the Iran Threat Reduction Act claim that it's a last ditch effort to prevent military confrontation with Iran. Yet, this bill takes away the most effective tool to prevent war—diplomacy. As the United States only now begins to extricate itself from the highly questionable military campaigns in Iraq and Afghanistan, we cannot allow the United States to be plunged into yet another disastrous war.

I oppose nuclear proliferation for military purposes for all countries and believe that sanctions have proven to be a failed policy. We must rely on diplomacy, not outlaw it, and avoid taking steps which push us closer to military confrontation.

I reserve the balance of my time.

Mr. BERMAN. Mr. Speaker, I yield myself 2 minutes.

This bill may represent our last chance to find a peaceful means to pressure the Iranian regime into stopping its nuclear weapons program. Within the next year, possibly in the next 6 months, this program may become irreversible unless we act now.

We know that sanctions are having an impact in Iran. President Ahmadinejad recently said that Iranian banks "cannot make international transactions anymore." Just this weekend, Iran's Central Bank governor said "the situation of sanctions is harder than a physical fight." With this bill before us today, we intend to make his fight much harder.

No sanctions can be deemed truly effective until Iran ends its nuclear weapons program. We know that Iran is steadily increasing its stockpile of low-enriched uranium, moving its centrifuges to a hardened underground facility and making progress in other ways towards a nuclear-weapons capability. We need to do more and faster.

H.R. 1905 builds on past efforts by imposing sanctions on foreign commercial enterprises that do business with Iran's Islamic Revolutionary Guards Corps, by widening the scope of sanctions on human-rights abusers, and by other means. But one of the most important elements of this bill is my measure to impose sanctions on Iran's Central Bank, which provides key financial support for Iran's nuclear-weapons and terrorism activities. This measure would cut Iran entirely off from the world's banking system, dealing an unprecedented blow to Iran's economy.

This may cause short-term difficulties for the world's oil market. And it may rattle some of our allies. But it is necessary because stopping Iran's nuclear program is of paramount strategic importance—and we are running out of time.

Mr. Speaker, our absolute goal must be to stop Iran's nuclear weapons program. That's the goal of this bill. We may have only a few more months to deal peacefully with this crisis. There is no time to lose.

I urge my colleagues to support this bill.

I reserve the balance of my time.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Ohio.

Mr. KUCINICH. Mr. Speaker, I would like to place in the RECORD an article from the Washington Post ombudsman entitled, "Getting ahead of the facts on Iran," which states that the IAEA report does not say Iran has a bomb nor does it say it is building one.

[From The Washington Post, December 9, 2011]

#### GETTING AHEAD OF THE FACTS ON IRAN

(By Patrick B. Pexton)

Headlines are tricky and difficult. They're written quickly, with print and Web publishing deadlines always looming, and with space limitations, yet headline writers try to be creative, informative, and occasionally, humorous.

Few readers remember the hundreds of well-crafted headlines that entice yet describe a story accurately. But when a headline is bad, it sticks with you, like a burr you can't get out of your sock.

So it was with recent headlines that appeared on one of The Post's online photo galleries.

I was bombarded—about 1,500 e-mails—with complaints about this headline (it was an organized campaign, but more about that in a minute).

The photo slideshow depicted Iran's nuclear research facilities and originally had a headline and subhead that readers felt were misleading: "Iran's quest to possess nuclear weapons, the main headline said, followed by this subhead: "Intelligence shows that Iran received foreign assistance to overcome key hurdles in acquiring a nuclear weapon, according to the International Atomic Energy Agency."

The gallery was linked to two stories by The Post's national intelligence reporter, Joby Warrick, one on Nov. 6 and one on Nov. 8 describing the latest IAEA report, in which

the U.N. agency said that Iran's drive for nuclear technology has military aspects that could bring it to the threshold of a nuclear bomb.

"But the IAEA report does not say Iran has a bomb, nor does it say it is building one, only that its multiyear effort pursuing nuclear technology is sophisticated and broad enough that it could be consistent with building a bomb.

Iran steadfastly denies it is aiming for a nuclear bomb and says its program is aimed at civilian nuclear energy and research. Of course, Tehran could be lying. But no one knows for sure.

This is what the U.S. director of national intelligence, James R. Clapper, told the Senate Armed Services Committee in March: "We continue to assess [that] Iran is keeping open the option to develop nuclear weapons in part by developing various nuclear capabilities that better position it to produce such weapons, should it choose to do so. We do not know, however, if Iran will eventually decide to build nuclear weapons."

So are there 1,500 Post readers so attuned to headlines that they wrote me spontaneously to object? Well, no.

This was an effort organized by a left-leaning nonprofit group called Just Foreign Policy. On the group's board, among others, are Julian Bond, longtime NAACP chairman, and Tom Hayden, former California legislator and 1960s activist. Founded in 2006, Just Foreign Policy is a shoestring operation, and it has no staff in Washington.

Robert Naiman, a recent master's degree graduate from the University of Illinois, runs the group's online campaigns from his home in Urbana.

"We're not a super-sophisticated operation," Naiman acknowledged with a chuckle. But it is savvy enough to use the Web effectively. "We try to inform and agitate," he added. The group works mainly to end the wars in Iraq and Afghanistan and to prevent new ones, such as with Iran.

"Most of what I do is read the newspaper and try to tell people about what I read," Naiman said. "I stumbled on the headline, and was astonished, even knowing The Post's editorial line on Iran. I'm old-fashioned. The editorial page is one thing and the news is the other. The gallery headlines belonged more in the former and not the latter."

So he spotlighted the headline on the top of Just Foreign Policy's home page, with this message: "U.S. media helped railroad the nation into war with Iraq by treating unproven claims about Iraq's alleged [weapons of mass destruction] program as facts. Now we're seeing the same behavior concerning Iran."

Visitors to Naiman's site could click on a link that sent a pre-written e-mail urging yours truly to fact-check the headline. Daily Kos and other left-leaning Web sites picked it up, adding fuel to the fire. Pretty soon, the ombudsman's inbox was crammed.

I think Naiman and his Web army were right. The headline and subhead were misleading.

Photo galleries generally are built by photo editors and then passed to copy editors for captions and headlines. I couldn't identify exactly where in the process these headlines went wrong, but when I raised the issue it was quickly fixed.

In a Web-driven world, one bad headline can check the globe in minutes and undermine The Post's credibility. It can also play into the hands of those who are seeking further confrontation with Iran.

I would like to place in the RECORD an article, "Experts Cast Doubt on Iran

Sanction Strategy” which raises questions about the Iranian stockpile and how much enriched uranium they actually have.

EXPERTS CAST DOUBT ON IRAN SANCTIONS  
STRATEGY

Monday, November 28, 2011  
(By Ardavon Naimi)

WASHINGTON, DC.—“We have succeeded in imposing the strongest sanctions to date on the Iranian regime,” said Tom Donilon, National Security Advisor, last week at the Brookings Institution. Donilon, addressing the administration’s concerns regarding Iran’s nuclear program in light of the latest IAEA report, stated that sanctions have isolated Iran internationally, helped delay Iran’s nuclear program, and facilitated divisions inside Iran’s political establishment.

But according to some of the experts participating in a panel discussion preceding Donilon’s keynote address, the sanctions have largely punished ordinary Iranians and have united, not divided, political factions in Iran.

According to Kevan Harris, U.S. Institute of Peace Jennings Randolph peace scholar and Ph.D. candidate at the Johns Hopkins University, the sanctions are “not as smart as we think.”

Harris described the effects of sanctions inside of Iran. “Sanctions are having an impact . . . in what I like to call ‘trickle down’ sanctions.” Sanctions affect the ability of certain banks and large enterprises to obtain foreign exchange and goods, consequently affecting small and medium sized enterprises inside Iran—such as the construction and automobile industry. This process has resulted in the rising cost of business. This trickling down helps to rise “unemployed to a certain extent, and also decreases wages,” affecting everyday Iranians.

Harris challenged the assumption that sanctions facilitate divisions inside Iran’s political elite. “If you threaten countries . . . all of a sudden they have a real big incentive to start working together,” said Harris. “At high peaks of perceived external threat, the discourse of unity raises and the discourse of factionalism dies down.”

We spend a lot of resources on sanctions . . . political and economic . . . we need to ask ourselves, what’s the cost benefit of that versus spending resources on diplomatic options.”

Ray Takeyh, Senior Fellow for Middle Eastern studies at the Council on Foreign Relations believes that “Iran’s nuclear program is driven by domestic political factors.” Yet, Takeyh takes the argument against sanctions a step further. He believes that Iran’s nuclear program is actually the Islamic Republic’s only perceived path to “international legitimacy.” By withstanding sanctions and obtaining a nuclear weapon, Iran would “extract tributes from international concession.” “This program . . . may be beyond diplomatic mediation . . . underpinned by economic coercion,” said Takeyh.

Harris challenged Takeyh’s assertion, stating “if the goal of the program is their perceived only path to international legitimacy, then it seems like an alternative policy would be to provide a different path to international legitimacy for Iran that they don’t perceive as open.”

Charles Ferguson, President of the Federation of American Scientists, discussed the latest IAEA report on Iran’s nuclear program. “Is there anything really new in the annex of the IAEA report?” asked Ferguson,

“you have to say, not really. There’s not a whole lot of new stuff in there.” Although there are reasons for concern regarding Iran’s ongoing efforts, Ferguson says that “most of the things that are documented, that we know well, happened prior to 2004.”

Iran continues to build up its stockpile of 19.75 percent enriched uranium, yet Ferguson acknowledges that “even at 20 percent enrichment, it’s still going to take a few hundred kilos of that amount of material to have enough for one bomb . . . and Iran so far according to the IAEA, has something like 80 kilograms enriched to that level.” Even when factoring in Iran’s 4900 kilograms of 3.5 percent low enriched uranium, Ferguson concludes that it is “still not enough material to provide Iran with a true break-out capability.” Ferguson suggested that the best response to Iran’s defiance is not further isolation, but creating openings for dialogue to facilitate increased safeguards and limits on Iran’s nuclear program.

Mr. Speaker, I yield 4 minutes to the distinguished gentleman from Oregon (Mr. BLUMENAUER).

Mr. BLUMENAUER. I appreciate the gentleman’s courtesy in permitting me to speak on the bill. We will postulate that Iran has been a terrible actor and that having nuclear weapons is a threat to international stability and something that we should resist.

I am concerned about the legislation that is before us being potentially counterproductive in two areas. It’s not something that we ought to be coming forward with here at 8:15 at night on the unanimous consent calendar. There are legitimate issues here, and there is controversy. My friend from California said, well, there may be disruptions in the oil markets. Well, I think of what has motivated people in terms of their concern about what has happened; according to an article in the Wall Street Journal, new sanctions could raise the price of gas in the United States by a dollar a gallon. An article in The New York Times estimated it could cost Americans \$100 billion a year. This is not inconsequential. At a time when our economy is in tough shape, when we are concerned about being able to move forward, we ought to think carefully about doing something.

Now, if it would stop nuclear weapons for Iran, it might be worth it. There’s no evidence that that is the case. We look only at the failed policy with Cuba where we have had massive efforts at sanctioning Cuba, a little, tiny island off the American coast, and what we have done, most independent experts agree, is that we have propped up Castro. We have given him a reason. If we had been freely trading and interacting with the Cuban people, I think Castro would have been a thing of the past.

Being careful about what we do with Iran matters. But I’m deeply concerned about language here that would prohibit any official or unofficial capacity—having no person employed by the United States contacting in an official or unofficial capacity.

My reading of this is that it is inappropriate to tie the hands of the administration to require 15 days’ notice to exercise a waiver authority. Where we have been successful in the past, for example, in defusing a real nuclear problem with Cuba, there was actual engagement with the administration. President Kennedy and others were able to work dealing with the real problem, dealing with the Soviet Union, our adversaries, people who could actually destroy us.

I am deeply concerned that we not forestall opportunities to engage in diplomacy, which needs to be a part of any reasonable sanction policy going forward trying to deal with Iran.

□ 2020

From my vantage point, I think we need to be careful about how we move forward dealing with sanctions policies: sanctions first, ask questions later. My hope is that we’ll have an opportunity to deal with this issue with the gravity that it requires, have interaction on the floor, be careful about what we’re doing going forward with the economic impacts and the fact that it may very well likely further embolden this administration, the administration of Iran. I don’t think that’s something that is appropriate to us.

Ms. ROS-LEHTINEN. Mr. Speaker, I yield myself such time as I may consume.

A nuclear Iran is unacceptable. Our fundamental strategic objective must be to stop Iran before it obtains nuclear weapons capabilities and to compel it to permanently dismantle its pursuit of such weapons. That is the test we face. And if we fail, it will come as no consolation to the families of the victims of past and future Iranian attacks or to our allies.

We don’t know how much time we have left. In its report on Iran’s nuclear program last November, the International Atomic Energy Agency stated that not only has Iran continued to make significant progress regarding its nuclear program, but the IAEA said that it had uncovered solid evidence that Iran has been working on a nuclear explosive device as well.

Given the Iranian regime’s history of concealing its clandestine nuclear activities, Tehran may very well be closer to a nuclear weapons capability than we even assume. Some estimates now place them a mere 6 months to a year away from having all the ingredients in place to build a nuclear weapon. Every day they move closer and closer to realizing their nuclear ambitions, and our nightmare scenario moves closer and closer to becoming a reality.

The Iranian regime is not interested in any outcome other than a nuclear Iran, though they are happy to use negotiations to buy time to make progress in their nuclear program. Yet we know that when sanctions have

been applied, even limited sanctions, they have had an impact on the Iranian regime.

It is time to build on this lesson and apply crippling sanctions against the regime and its enablers. That is the purpose of the bill before us, the Iran Threat Reduction Act, which our Foreign Affairs Committee adopted unanimously last month. This legislation updates and strengthens previous Iran sanctions laws so that the United States can take effective action to address the multiple threats posed by the regime in Tehran.

The bill closes loopholes in the energy and financial sanctions that are in place now and counters the regime's efforts to evade them, including by targeting the Central Bank of Iran. The bill also focuses on the Iranian Revolutionary Guard Corps and the senior Iranian regime officials.

Over 350 Members of Congress have cosponsored this strongly bipartisan legislation. Let us meet our responsibilities to the American people and protect the security of our Nation from this growing threat.

With that, I reserve the balance of my time.

Mr. KUCINICH. I realize, Mr. Speaker, that there are a number of people who want to speak on this who are in favor of this resolution. In order to make sure that everyone is provided a chance, although I may disagree with what Mr. SHERMAN is about to say, I'll defend his right to speak, and so I yield 4 minutes to the gentleman from California (Mr. SHERMAN).

Mr. SHERMAN. I thank the gentleman for his generous grant of time, especially because he will probably disagree with almost everything I have to say.

I'd like to thank Chairman ILEANA ROS-LEHTINEN for bringing together the best ideas of so many Members—and, of course, of her own—to move toward another important step toward dissuading Iran from developing nuclear weapons and for her ability to build a coalition that has over 300 Members cosponsoring this bill.

We have to create circumstances where the regime in Tehran has to choose between its nuclear weapons program and regime survival. We owe a special debt of gratitude to the mullahs who are running Iran, because it is their incompetence and their corruption that creates a risk to regime survival even at a time of very high oil prices. And we owe a debt of gratitude to the Iranian people, who rose upon against this regime in the summer of 2009 and whose desire for freedom poses a real threat to regime survival.

Looking at the particulars of this bill, I want to thank the chairwoman for including in this bill, in title III, provisions dealing with the Iran Revolutionary Guard Corps. These are based on the Revolutionary Guard Corps Des-

ignation Implementation Act, which I introduced in 2009 along with the chairwoman, ED ROYCE, and DAN BURTON. This title III makes it clear to foreign companies that, if they do business with the Iran Revolutionary Guard Corps, they cannot do business in the United States.

I also want to thank the chairwoman for cosponsoring, both last year and this year, my bill, the Stop Iran's Nuclear Program Act, and for including many of those provisions in this legislation that's before us today, in particular, including a provision that would sanction those companies that loan money to Iran, whether in dollars or in euros or in any other currency, that tell the foreign incorporated subsidiaries of U.S. multinational corporations that they, too, cannot do business with Iran.

To build upon the provision that CHUCK SCHUMER and I were able to write and was included in CISADA, which was adopted last year, to indicate that those who give Iran the technologies to suppress the Internet and to apprehend dissidents through the Internet will be sanctioned. Companies should not be providing that kind of technology to Iran. Now, this bill would require the State Department to actually implement those provisions by designating the technologies that cannot be sold to Iran.

This bill also includes the provision of the Stop Iran's Nuclear Weapons Program Act that allows States to do even more to help this Federal policy, by providing that those insurance companies that are helping Iran may not be able to do business in their particular State.

Finally, I want to point out that this bill includes provisions aimed at the Central Bank of Iran, but that is not a reason for us not to also pass the Menendez-Kirk language that's in the Defense authorization bill.

The Menendez-Kirk language would, like this bill, sanction those U.S. banks that violate our law by doing business with Iran and would freeze those assets that the Central Bank of Iran has foolishly left in the United States or may have done so. But the key thing about the Kirk-Menendez language is that it tells European and Asian and other non-U.S. banks that they must stop their business with the Central Bank of Iran and virtually all the major banks of Iran as well. It imposes secondary sanctions. And I believe the Kirk-Menendez language will make it difficult for Iran to sell oil or to buy anything with its oil revenue.

I urge the passage of this bill, the Kirk-Menendez language, and other sanctions against Iran.

Mr. BERMAN. Mr. Speaker, I am very pleased to yield 2 minutes to the Democratic whip for the House, the gentleman from Maryland (Mr. HOYER).

Mr. HOYER. I thank the gentleman from California (Mr. BERMAN) for yield-

ing. I also want to thank him and my dear friend ILEANA ROS-LEHTINEN for their leadership on this bill. I know that Mr. BERMAN, in particular, is very focused on the central bank and sanctioning of them, and so I thank him for his leadership.

Mr. Speaker, last month the IAEA released a report on Iran's covert nuclear program that was troubling, to say the least. Not only is Iran continuing to enrich uranium, but they're also believed to be pursuing the development of delivery technologies to create a warhead that could threaten Israel and our allies in Europe and the Persian Gulf, not to mention the over 200,000 Americans that are in the region.

□ 2030

On top of these dangerous risks, Iran's continued nuclear development runs the risk, of course, of launching a nuclear arms race in the Middle East. Indeed, just last week, a former Saudi Arabian Ambassador to the United States, Prince Turki Al-Faisal, confirmed our worst fears, suggesting that his country might begin to pursue a nuclear capability in response to Iranian nuclear development.

Iran has continued its sponsorship of terrorism against our ally, Israel, and carries out gross human rights abuses against its own people. Sanctions against Iran's energy, transportation, and financial sectors are intended to, and I believe, will make clear to Iran the steep costs of its choices. That is why I am in strong support of this resolution, the Iran Threat Reduction Act and the Iran, North Korea, and Syria Nonproliferation Reform and Modernization Act, and I urge my colleagues to vote "yes" on both.

We know from history that ignoring the threats of leaders, ignoring their building up of capabilities to threaten the rest of the world, is done so at great peril and at great cost.

I urge my colleagues to support this very important piece of legislation. I thank Mr. BERMAN and Ms. ILEANA ROS-LEHTINEN.

Mr. KUCINICH. Could I ask, Mr. Speaker, how much time all parties have remaining?

The SPEAKER pro tempore. The gentleman from Ohio has 9¾ minutes, the gentleman from California has 6 minutes, and the gentleman from Florida has 3½ minutes.

Mr. KUCINICH. Mr. Speaker, I yield myself such time as I may consume.

I would like to place in the RECORD an article from the Arms Control Association which states that the IAEA board resolution avoided direct censure of Iran, and did not declare Iran to be in noncompliance with its nonproliferation activities.



[From armscontrol.org, Nov. 8, 2011]

THE IAEA'S IRAN REPORT: ASSESSMENT AND IMPLICATIONS

The IAEA report and annex released today provides disturbing and "credible" additional details regarding Iranian nuclear warhead development efforts that have allowed Tehran to acquire some of the expertise needed to build nuclear weapons, should it decide to do so.

The broad outline in the IAEA's latest report on the military dimensions of Iran's program is not new, but rather, provides greater detail regarding weapons-related activities outlined in previous public reports.

The IAEA report and annex reinforce what the nonproliferation community has recognized for some time: that Iran engaged in various nuclear weapons development activities until 2003, then stopped many of them, but continued other.

The activities documented in the IAEA report, including research related to nuclear warheads, underscore that Tehran's claims that it is only seeking the peaceful use of nuclear energy are false.

Iran's warhead work also contradicts its obligation not to pursue nuclear weapons under the nuclear Nonproliferation Treaty (NPT), under which states parties commit "not to seek or receive any assistance in the manufacture of nuclear weapons or other nuclear explosive devices."

The report suggests that Iran is working to shorten the timeframe to building the bomb once and if it makes that decision. But it remains apparent that a nuclear-armed Iran is still not imminent nor is it inevitable.

The report should prompt greater international pressure on Tehran to respond more fully to the IAEA's questions, allow for more extensive inspections of its nuclear facilities, engage more seriously in talks on its nuclear program, and to agree to confidence building steps to help resolve the crisis.

COMPARISON OF THE IAEA'S FINDINGS WITH PUBLIC U.S. INTELLIGENCE ASSESSMENTS

Because the IAEA report is based largely on intelligence the United States and other IAEA member states have been sharing with the agency for some time, in addition to the agency's own investigations, the information in the report likely provides greater insight into current U.S. assessments about Iran's nuclear program.

The U.S. intelligence community appears to stand by the judgment made in the 2007 NIE that Iran had a nuclear weapons program that was halted in the fall of 2003. Moreover, in his testimony before a Senate committee in March 2011, U.S. Director of National Intelligence James Clapper confirmed that the intelligence community still had a high level of confidence that Iran has not yet made a decision to restart its nuclear weapons program.

Because the weapons program is believed to refer to the series of projects the IAEA report details, Clapper's statement is not inconsistent with the notion that some weapons-related R&D has resumed which is not part of a determined, integrated weapons-development program of the type that Iran maintained prior to 2003.

Consistent with the finding of the 2007 U.S. National Intelligence Estimate, the IAEA report says that a comprehensive weapons program (known as the AMAD Plan) "was stopped rather abruptly pursuant to a 'halt order,'" in late 2003, but that some of the program's activities were resumed later. Key personnel are still involved in those renewed activities apparently tying up loose ends re-

garding their prior research and development work.

SUMMARY OF KEY IAEA FINDINGS ON WEAPONS-RELATED ACTIVITIES

The IAEA deserves credit for continuing to press the issue and to present this important information to the IAEA Board of Governors in spite of Tehran's unwillingness to cooperate with the investigation. This resolve helps to bolster the integrity of the agency and show that countries cannot simply get away with nonproliferation violations by denial and obfuscation.

According to the report, Iran was engaged in an effort prior to the end of 2003 which ran the full range of nuclear weapons development, from acquiring the raw nuclear material to working on a weapon they could eventually deliver via a missile. Just as important as the type of work being carried out is how that work was organized. The series of projects that made up Iran's nuclear program appears to have been overseen by "senior Iranian figures" and engaged in "working level correspondence" consistent with a coordinated program.

Key components of this program include:

**Fissile Material Production:** As documented in previous reports, Iran ran an undeclared effort to produce uraniumtetrafluoride (also known as Green Salt), a precursor for the uranium used in the enrichment process. The affiliation between this project and other projects directly related to warhead development suggests that Iran's nuclear weapons program included both fissile material production and warhead development. Although the report does not detail a uranium enrichment effort as part of the AMAD Plan, the secret nature of the Natanz enrichment plant prior to 2002 suggests that it was originally intended to produce the highly enriched uranium (HEU) for weapons.

**High Explosives Testing:** Iran's experiments involving exploding bridgewire (EBW) detonators and the simultaneous firing of explosives around a hemispherical shape points to work on nuclear warhead design. The agency says that the type of high explosives testing matches an existing nuclear weapon design. Iran admits to carrying out such work, but claims it is for conventional military purposes and disputes some of the technical details.

**Warhead Design Verification:** Iran carried out experiments using high explosives to test the validity of its warhead design and engaged in preparatory work to carry out a full-scale underground nuclear test explosion.

**Shahab-3 Re-entry Vehicle:** Documentation reviewed by the IAEA has suggested that, as late as 2003, Iran sought to develop a nuclear warhead small enough to fit on the Shahab-3 missile. Confronted with some of the studies, Iran admitted to the IAEA that such work would constitute nuclear weapons development, but Tehran denies carrying out the research.

The IAEA admits that it has less information regarding warhead-related work Iran has continued to pursue since 2003, but the report has provided some insight into the type of activities that Iran subsequently resumed, which seems to be focused on warhead design verification. The act that the agency was able to detail some of the organizational changes that have taken place since 2003, including the current position of the person who formerly oversaw the AMAD Plan, suggests that intelligence agencies still have considerable insight into Iran's nuclear program. Tehran will likely be con-

cerned about its inability to hide such important information and will likely engage in further restructuring following this report, which may delay its efforts once again.

Considering the IAEA's reliance on intelligence information from states, it went through considerable length to demonstrate why it thought this information was credible. It was not just a matter of acquiring consistent information from over 10 countries, but it seems some of the most incriminating evidence comes from the AQ Khan network, which Iran admits it relied upon. The information from the Khan network includes details about nuclear warhead designs the network gave Iran that match up to the research and experiments detailed in the intelligence information.

THE IAEA BOARD OF GOVERNORS NEEDS TO RESPOND

The report will be considered by the IAEA Board of Governors at its next meeting Nov. 17-18, along with a draft resolution censuring Iran for violating its nonproliferation commitments. The Board's 35 members cannot ignore Iran's warhead development activities or Tehran's refusal to cooperate with the IAEA's investigation into that work. It must also insist that Iran improve its cooperation with the agency prior to the next board meeting.

A consensus response is unlikely given existing divisions among the 35 countries, and in particular, Cuba's current membership on the board. Beijing and Moscow have also unfortunately played an unhelpful role prior to the release of the report by calling on Director-General Yukiya Amano to limit the information detailed it contains.

However, it is important that the board's response receives support from as many countries as possible to demonstrate to Tehran that it cannot engage in work directly related to nuclear weapons with impunity.

In particular, developing countries on the IAEA Board of Governors should no longer treat the Iran nuclear issue as a test case for preserving the right to the peaceful uses of nuclear energy. Rather, it is time that all states insist that Iran stop abusing that right for the development of a nuclear weapons capability and take meaningful steps to cooperate with the IAEA and suspend enrichment work, particularly enrichment of uranium at the 20% level.

RIGHTS AND RESPONSIBILITIES

Iran cannot complain that Western states are trying to deny the Islamic Republic its nuclear "rights." The U.S. position, consistent with the 2006 offer by the P5+1, has been that Iran could resume enrichment some time in the future after it reestablishes confidence with the international community that it is not pursuing nuclear weapons.

As Secretary of State Hillary Rodham Clinton explained it to the House Committee on Foreign Affairs on March 1, 2011, it is the U.S. Government's position is that "under very strict conditions" and "having responded to the international community's concerns," Iran would have a "right" to enrich uranium under IAEA inspections.

In response to the IAEA's report, the international community should redouble efforts to implement existing U.N. Security Council-mandated sanctions on Iran's nuclear and missile sectors and, if Iran remains unwilling to cooperate with the IAEA and ignore the Security Council, further isolate Iran diplomatically and economically.

MAINTAIN PRESSURE AND ENGAGE

In response to the report, the White House has appropriately underscored that the



United States continues to focus on using diplomatic channels to pressure Iran to abandon its sensitive nuclear activities.

To keep open the option for an effective negotiated resolution to the crisis, President Barack Obama should also reiterate the willingness of the United States and its P5+1 partners to follow-through on the recent letter from the EU's Catherine Ashton to Iran's leaders offering to engage them in further talks to address the nuclear program.

Continuing pressure through targeted sanctions against Iran's nuclear and missile sectors, coupled with the pursuit of a negotiated agreement to resolve serious concerns over Iran's sensitive nuclear activities and to limit its uranium enrichment capacity provides the best chance of preventing a nuclear-armed Iran.

Talk of military strikes against Iranian nuclear and military targets is unhelpful and counterproductive. Military strikes by the United States and/or Israel would only achieve a temporary delay in Iran's nuclear activities, convince Iran's leadership to openly pursue nuclear weapons, rally domestic support behind a corrupt regime, and would result in costly long-term consequences for U.S. and regional security and the U.S. and global economy.

Ultimately, resolving the nuclear issue will require sufficient pressure and inducement to convince Iran that it stands more to gain from forgoing a nuclear-weapons option and much to lose from any decision to build them.

My friend from Oregon earlier mentioned the question of oil prices, and it's something that we ought to be concerned about.

I would like to place in the RECORD an article from Slate that says that this sanction could lead to an increase in the price of gasoline that could be as much as \$1.25 a gallon.

[From Slate, Dec. 2, 2011]

WILL SANCTIONS AGAINST IRAN RAISE GAS PRICES?

(By Brian Palmer)

The Senate unanimously passed a bill Thursday that would impose economic sanctions on Iran, over the objection of the White House. One of the administration's complaints was that the move could increase oil prices. How much could sanctioning Iran cost us at the pump?

The nightmare scenario would be an additional \$1.25 per gallon. Iran produces just over 5 percent of the world's crude, which doesn't seem like a lot. But oil demand is price-insensitive—people and businesses refuse to change their fuel-buying habits until the costs go way up. That means a reduction in supply will have a disproportionate effect on prices. In the past, price increases have been about 10 times greater than their precipitating drops in production. Based on the same historical data, and given that oil is currently hovering at around \$100 per barrel, a complete shutdown of Iranian exports could force prices as high as \$150. (That's 5 percent, times the tenfold multiplier, times the current price of \$100.) Since a one-dollar change in the cost of a barrel of oil usually translates to a two-and-a-half-cent surge in retail gas prices, cutting Iran off from world oil markets could increase the price of gasoline by a dollar and a quarter.

This theoretical scenario is extremely unlikely, however. The Senate bill permits the president to delay the sanctions if there isn't adequate supply on the market. In addition,

the bill would make it harder for foreign banks to deal with the Iranian central bank, which acts as a middle man in oil transactions. But it wouldn't make buying Iranian crude impossible, and sanctioned countries have historically found ways to sell their oil. (Consider, for example, the oil for food program that undermined sanctions against Iraq. The Senate sanctions against Iran also have a humanitarian exemption.) There hasn't been a truly effective, worldwide boycott of a country's oil exports since 1951-53, when Iran nationalized its oil industry. As long as Iranian oil continues to flow to Asia and parts of Europe, the sanctions would have a relatively small impact on prices.

There's also the possibility that Saudi Arabia could make up for some of the banned Iranian oil, as it did during the first and second Persian Gulf wars. The Saudis wouldn't be able to plug the gap entirely, because they don't have as much excess capacity as they used to. They could soften the blow, though.

There is one long-shot scenario that should be mentioned, in which oil prices go even higher than \$150 per barrel. When pressured in the past, Iran has threatened to block oil deliveries through the Strait of Hormuz. Around 17 percent of oil traded globally passes through that waterway.

While such an occurrence could theoretically lead to \$8-per-gallon gasoline, based on the historic relationship between supply and price, it's a practical impossibility. Demand would drop significantly at those dizzying prices, causing the cost of a barrel of oil to increase more in proportion with changes to supply. More importantly, the economic shock of such a scenario would likely trigger a naval response from the U.S. and its allies.

Mr. Speaker, an article in the Wall Street Journal raises this question as well. It says that crude flirts with \$100 a barrel on geopolitical unrest. And it also quotes a commodity strategist at the Standard Bank in London as saying the timing of an Iranian embargo could hardly be worse. Relatively small disruptions could cause spikes in oil prices.

A director of the Treasury Department's Office of Foreign Assets Control, Mr. Adam Szubin, stated that there are real scenarios in which an oil spike might hit. This is from an article: U.S. officials warn that new sanctions could be a boon to Iran. There's another article that cites that, and an article from The New York Times which states that U.S. officials have declared they'd hold Iran accountable for a purported plot, but they've now decided that a proposed move against Iran's central bank would disrupt international oil markets and further damage the reeling American and world economies. I think that's something that we ought to be concerned about; that if, in fact, we are moving forward with sanctions, sanctions which will have an effect on the price of oil, is this the timing to do that kind of thing, and are we prepared in this Congress to accept the responsibility for a sharp increase in the price of oil?

Here's a quote from a blog called San Francisco Gate quoting the Undersec-

retary of State, Wendy Sherman, telling the Senate Foreign Relations Committee, "There's absolutely a risk the price of oil would go up, which would mean that Iran, would, in fact, have more money to fuel its nuclear ambitions, not less."

Mr. Speaker, I reserve the balance of my time.

Mr. BERMAN. Mr. Speaker, I am very pleased to yield 1 minute to the gentleman from New York (Mr. ENGEL), a senior member of the committee, a leader in these efforts for many years, the ranking member of the Western Hemisphere Subcommittee.

Mr. ENGEL. I rise in strong support of this legislation.

Under no circumstances should Iran be allowed to develop a nuclear weapon. This is a dangerous regime which supports terrorism and calls for the destruction of Israel. And every day they're getting closer to weaponizing a stockpile of enriched uranium.

No amount of naivete or wishful thinking will get the Iranian regime to back down. They are liars, and diplomacy hasn't worked and won't work. They'll only play for time.

We heard the same arguments about not putting the sanctions on the apartheid regime in South Africa. Now we hear that oil is going to go sky high.

Well, you know what? I think morality is more important than the price of oil. I think morality says that this terrible regime should not be allowed to have nuclear weapons, should not be allowed to wipe Israel off the face of the Earth, should not be allowed to do the horrible things that it does.

This important bill imposes tough sanctions on Iran's Islamic Revolutionary Guard Corps and against the Central Bank of Iran, and the Iranians have to know our sanctions will only be increased if they don't back off soon.

We have bipartisan support here. People say Congress doesn't work together. We worked together on this. This is important. We need to pass this bill.

Mr. KUCINICH. Mr. Speaker, I yield myself 1 minute.

I would respectfully respond to my friend from New York that the price of oil is, in fact, a moral question.

I want to raise the question of the constitutionality of this particular proposal. I believe that it's unconstitutional because it is an unconstitutional abridgement of freedom of speech and freedom of association. It is an unconstitutional abridgement of the right of free expression by Federal employees. It is a violation of whistleblower protections which have been granted a constitutional basis; that, in fact, it violates our own speech and debate clause of the Constitution of the United States because we have an obligation to inquire and to ask questions; that it violates the Constitution's separation of powers and challenges the

President's power to engage in foreign diplomacy; that it is operationally impossible; that you can have even Admiral Mullen, former Chair of the Joint Chiefs, point out that with the miscommunications that can occur from a lack of diplomacy, we could be putting our own people at risk.

In fact, there was an article that was published that deals with a scenario that would happen in the Gulf where there are run-ins between American and Iranian vessels. The no contact provision, if enacted, could outlaw the U.S. Navy's bridge-to-bridge communications with Iranian vessels.

I reserve the balance of my time.

Mr. BERMAN. Mr. Speaker, I am very pleased to yield 2 minutes to the gentleman from Florida (Mr. DEUTCH), someone who has provided a major contribution to this legislation that's now before the House.

Mr. DEUTCH. I thank the ranking member, my friend, Mr. BERMAN.

The legislation before us today will give the United States the tools to impose the most stringent, the most crippling sanctions aimed at cracking down on what is the greatest threat to international security, a nuclear armed Iran.

The Iran Threat Reduction Act builds on the already significant steps this Congress took, along with our partners in the EU and at the United Nations last year, to dramatically ratchet up pressure on the Iranian regime in order to thwart its illicit quest for nuclear weapons. The bill comes on the heels of the IAEA report that confirmed what we already knew—the Iranian regime is pursuing nuclear weapons. It comes on the heels of the foiled Iranian assassination plot and the dangerous attack coordinated by the regime on the British Embassy. And it comes even as the Iranian regime contributes to the brutal crackdown on the Syrian people that has left over 5,000 dead, so that the regime can continue to use Syria as a conduit for routing weapons to Hezbollah and Hamas to be used against Israel.

Mr. Speaker, I am proud to have authored two provisions contained in this bill. And I would like to thank the bill's sponsors, Chairman ROS-LEHTINEN and Ranking Member BERMAN, for working with me to include the Iran Transparency and Accountability Act and the Iran Human Rights Democracy Promotion Act.

□ 2040

The requirements of these provisions put the onus of determining the extent and nature of a company's involvement in Iran on that company by requiring the disclosure of all material business with Iran on its SEC filings. This forced disclosure will accelerate the imposition of sanctions.

Mr. Speaker, this legislation also includes mandatory sanctions on those

who perpetrate the most egregious human rights abuses. This regime's use of intimidation and brutality to suppress its opposition must be stopped, and the United States must stand with the people of Iran in their quest for democracy and freedom. Mr. Speaker, a nuclear armed Iran is unacceptable, and we cannot permit it to happen. We must make it clear that we are serious, determined, and aggressive in our approach to halt Iran's illegal, destabilizing, and dangerous pursuit of weapons of mass destruction.

Mr. KUCINICH. Mr. Speaker, I yield myself such time as I may consume.

I would like to place in the RECORD an article by Seymour Hersh which cites the IAE's report suggesting, according to the Arms Control Association, that Iran is working to shorten a time frame to build a bomb once and if it makes the decision. But it remains apparent that a nuclear-armed Iran is still not imminent, nor is it inevitable.

[The New Yorker Online Only Daily Comment, November 18, 2011]

IRAN AND THE I.A.E.A.

(Posted by Seymour M. Hersh)

The first question in last Saturday night's Republican debate on foreign policy dealt with Iran, and a newly published report by the International Atomic Energy Agency. The report, which raised renewed concern about the "possible existence of undeclared nuclear facilities and material in Iran," struck a darker tone than previous assessments. But it was carefully hedged. On the debate platform, however, any ambiguity was lost. One of the moderators said that the I.A.E.A. report had provided "additional credible evidence that Iran is pursuing a nuclear weapon" and asked what various candidates, upon winning the Presidency, would do to stop Iran. Herman Cain said he would assist those who are trying to overthrow the government. Newt Gingrich said he would coordinate with the Israeli government and maximize covert operations to block the Iranian weapons program. Mitt Romney called the state of Iran's nuclear program Obama's "greatest failing, from a foreign-policy standpoint" and added, "Look, one thing you can know . . . and that is if we reelect Barack Obama Iran will have a nuclear weapon." The Iranian bomb was a sure thing Saturday night.

I've been reporting on Iran and the bomb for The New Yorker for the past decade, with a focus on the repeatedly inability of the best and the brightest of the Joint Special Operations Command to find definitive evidence of a nuclear-weapons production program in Iran. The goal of the high-risk American covert operations was to find something physical—a "smoking calutron," as a knowledgeable official once told me—to show the world that Iran was working on warheads at an undisclosed site, to make the evidence public, and then to attack and destroy the site.

The Times reported, in its lead story the day after the report came out, that I.A.E.A. investigators "have amassed a trove of new evidence that, they say, makes a 'credible' case" that Iran may be carrying out nuclear-weapons activities. The newspaper quoted a Western diplomat as declaring that "the level of detail is unbelievable. . . . The report describes virtually all the steps to make

a nuclear warhead and the progress Iran has achieved in each of those steps. It reads like a menu." The Times set the tone for much of the coverage. (A second Times story that day on the I.A.E.A. report noted, more cautiously, that "it is true that the basic allegations in the report are not substantially new, and have been discussed by experts for years.")

But how definitive, or transformative, were the findings? The I.A.E.A. said it had continued in recent years "to receive, collect and evaluate information relevant to possible military dimensions of Iran's nuclear program" and, as a result, it has been able "to refine its analysis." The net effect has been to create "more concern." But Robert Kelley, a retired I.A.E.A. director and nuclear engineer who previously spent more than thirty years with the Department of Energy's nuclear-weapons program, told me that he could find very little new information in the I.A.E.A. report. He noted that hundreds of pages of material appears to come from a single source: a laptop computer, allegedly supplied to the I.A.E.A. by a Western intelligence agency, whose provenance could not be established. Those materials, and others, "were old news," Kelley said, and known to many journalists. "I wonder why this same stuff is now considered 'new information' by the same reporters."

A nuanced assessment of the I.A.E.A. report was published by the Arms Control Association (A.C.A.), a nonprofit whose mission is to encourage public support for effective arms control. The A.C.A. noted that the I.A.E.A. did "reinforce what the non-proliferation community has recognized for some times: that Iran engaged in various nuclear weapons development activities until 2003, then stopped many of them, but continued others." (The American intelligence community reached the same conclusion in a still classified 2007 estimate.) The I.A.E.A.'s report "suggests," the A.C.A. paper said, that Iran "is working to shorten the time-frame to build the bomb once and if it makes that decision. But it remains apparent that a nuclear-armed Iran is still not imminent nor is it inevitable." Greg Thielmann, a former State Department and Senate Intelligence Committee analyst who was one of the authors of the A.C.A. assessment, told me, "There is troubling evidence suggesting that studies are still going on, but there is nothing that indicates that Iran is really building a bomb." He added, "Those who want to drum up support for a bombing attack on Iran sort of aggressively misrepresented the report."

Joseph Cirincione, the president of the Ploughshare Fund, a disarmament group, who serves on Hillary Clinton's International Security Advisory Board, said, "I was briefed on most of this stuff several years ago at the I.A.E.A. headquarters in Vienna. There's little new in the report. Most of this information is well known to experts who follow the issue." Cirincione noted that "post-2003, the report only cites computer modelling and a few other experiments." (A senior I.A.E.A. official similarly told me, "I was underwhelmed by the information.")

The report did note that its on-site camera inspection process of Iran's civilian nuclear enrichment facilities—mandated under the Nuclear Non-Proliferation Treaty, to which Iran is a signatory—"continues to verify the non-diversion of declared nuclear material." In other words, all of the low enriched uranium now known to be produced inside Iran is accounted for; if highly enriched uranium is being used for the manufacture of a bomb,

it would have to have another, unknown source.

The shift in tone at the I.A.E.A. seems linked to a change at the top. The I.A.E.A.'s report had extra weight because the Agency has had a reputation for years as a reliable arbiter on Iran. Mohammed ElBaradei, who retired as the I.A.E.A.'s Director General two years ago, was viewed internationally, although not always in Washington, as an honest broker—a view that lead to the awarding of a Nobel Peace Prize in 2005. ElBaradei's replacement is Yukiya Amano of Japan. Late last year, a classified U.S. Embassy cable from Vienna, the site of the I.A.E.A. headquarters, described Amano as being "ready for prime time." According to the cable, which was obtained by WikiLeaks, in a meeting in September, 2009, with Glyn Davies, the American permanent representative to the I.A.E.A., said, "Amano reminded Ambassador on several occasions that he would need to make concessions to the G-77 [the group of developing countries], which correctly required him to be fair-minded and independent, but that he was solidly in the U.S. court on every strategic decision, from high-level personnel appointments to the handling of Iran's alleged nuclear weapons program." The cable added that Amano's "willingness to speak candidly with U.S. interlocutors on his strategy . . . bodes well for our future relationship."

It is possible, of course, that Iran has simply circumvented the reconnaissance efforts of America and the I.A.E.A., perhaps even building Dick Cheney's nightmare: a hidden underground nuclear-weapons fabrication facility. Iran's track record with the I.A.E.A. has been far from good: its leadership began construction of its initial uranium facilities in the nineteen-eighties without informing the Agency, in violation of the nonproliferation treaty. Over the next decade and a half, under prodding from ElBaradei and the West, the Iranians began acknowledging their deceit and opened their enrichment facilities, and their records, to I.A.E.A. inspectors.

The new report, therefore, leaves us where we've been since 2002, when George Bush declared Iran to be a member of the Axis of Evil—with lots of belligerent talk but no definitive evidence of a nuclear-weapons program.

I would ask how much time is left on all sides.

The SPEAKER pro tempore (Mr. SCHWEIKERT). The gentleman from Ohio has 6 minutes. The gentlewoman from Florida has 3½ minutes. The gentleman from California has 3 minutes.

Mr. KUCINICH. I reserve the balance of my time.

Ms. ROS-LEHTINEN. Mr. Speaker, I yield 2 minutes to the gentleman from Texas (Mr. OLSON), an esteemed member of the Committee on Energy and Commerce.

Mr. OLSON. I thank the chair of the Committee on Foreign Affairs and the ranking member for the opportunity to speak here tonight on H.R. 1905.

Mr. Speaker, I rise tonight in strong support of H.R. 1905, the Iran Threat Reduction Act. While Iranian leadership continues to give public assurances that their nuclear program is for peaceful purposes, their words don't match their actions.

A recent International Atomic Energy Agency report makes it clear that

Iran is developing advanced delivery systems for nuclear weapons. Mr. Speaker, the only reason why Iran would develop advanced delivery systems is to have the means to deliver a nuclear bomb on peaceful neighbors like Israel. This outcome is unacceptable, and the United States must continue to enact tougher sanctions to ensure that this never happens.

H.R. 1905 will add new sanctions targeting the Central Bank of Iran, making it difficult for foreign companies to do business with Iran. H.R. 1905 will also increase sanctions on members of the Iranian Revolutionary Guard Corps.

Mr. Speaker, the biggest threat to world peace is the religious fanatics in Iran having a nuclear bomb. Iran's acquisition of nuclear weapons simply cannot happen. Not on our watch. I implore my colleagues to support this bipartisan legislation which will force Iran to abandon its quest for nuclear weapons.

Mr. KUCINICH. Mr. Speaker, I yield myself such time as I may consume.

I would like to place in the RECORD a letter from 26 organizations that urge Congress to oppose the provision restricting contact with Iranian officials.

DECEMBER 8, 2011.

DEAR REPRESENTATIVE: We urge you to oppose the provision restricting contact with Iranian officials in the Iran sanctions bill H.R. 1905 and to work with your colleagues to remove it from the bill when it comes to the House floor. We are concerned that Section 601c of this legislation would undermine prospects for a diplomatic resolution of Iran's disputed nuclear program, increasing the threat of war.

This provision was inserted into the bill during committee markup, after most of the cosponsors had already signed onto H.R. 1905. Section 601c of H.R. 1905 would expressly prohibit contact between U.S. government officials and certain Iranian officials, as noted below:

(c) Restriction on contact.—No person employed with the United States Government may contact in an official or unofficial capacity any person that—(1) is an agent, instrumentality, or official of, is affiliated with, or is serving as a representative of the Government of Iran; and (2) presents a threat to the United States or is affiliated with terrorist organizations. (d) Waiver.—The President may waive the requirements of subsection (c) if the President determines and so reports to the appropriate congressional committees 15 days prior to the exercise of waiver authority that failure to exercise such waiver authority would pose an unusual and extraordinary threat to the vital national security interests of the United States.

If this provision were to be enacted into law, it could have a chilling effect on any diplomatic engagement that this or any future administration might wish to pursue to address Iran's nuclear program, its role in exacerbating or de-escalating regional conflicts, and its failure to respect the human rights of its citizens. It would also place restrictions on members of Congress, likely precluding the potential for inter-parliamentary dialogue with Iranian parliamentarians.

As Ambassadors Thomas Pickering and William Luers have pointed out, this provi-

sion also raises "serious constitutional issues over the separation of powers". For the administration to exercise its waiver authority, the President would have to certify 15 days in advance that the failure to do so would "pose an unusual and extraordinary threat to the vital national security interests of the United States".

At a time of heightened tensions between the U.S. and Iran, sustained and flexible diplomacy is an essential tool to prevent war. Just before he retired from the position of Chairman of the Joint Chiefs of Staff, Admiral Mullen called for an established channel of communications with Iran, noting that: "We haven't had a connection with Iran since 1979. Even in the darkest days of the Cold War we had links of the Soviet Union . . . If something happens it's virtually assured that we won't get it right, that there will be miscalculations which would be extremely dangerous in that part of world . . . I think any channel would be terrific."

We urge every member of Congress to oppose Section 601c of H.R. 1905 speak out on the House floor against efforts designed to constrain diplomatic engagement with Iran.

Sincerely,

Friends Committee on National Legislation; Americans for Peace Now; Arms Control Association; Center for Interfaith Engagement, Eastern Mennonite University; Church of the Brethren; Council for a Livable World; Fellowship of Reconciliation; Just Foreign Policy; Lancaster Interchurch Peace Witness; Mainstream Media Project; Maryknoll Office for Global Concerns; Mennonite Central Committee; Minnesota Peace Project.

Middle East Peace Now; National Iranian American Council; New Internationalism Project, Institute for Policy Studies; Peace Action; Peace Action West; Peace Catalyst International; Progressive Democrats for America; Project on Middle East Democracy; Student Peace Alliance; United Church of Christ, Justice and Witness Ministries; United Methodist Church, General Board of Church and Society; Women's Action for New Directions; 3P Human Security; Partners for Peacebuilding Policy.

It's interesting that what we're actually suggesting here is taking diplomacy off the table. I was here for the debate in Iraq. I led the effort in this Congress in challenging the then-Bush administration's assertions that Iraq had weapons of mass destruction which they intended to use against the United States. I was here. I don't know how many of you were here. But I saw a case being made for war, and that case was based on exaggerations and unfortunately in some cases distortions and lies.

We have to be very careful that we're not setting the stage for still another war. We must be very careful that when we assert a certain level of preparedness on the part of Iran with respect to their nuclear capability that we aren't actually shutting the door that needs to be open in order to try to resolve any difficulty between our nations. We can say, well, we want to get them back to the table, but then don't talk to them.

I reserve the balance of my time.

Mr. BERMAN. Mr. Speaker, I am very pleased to yield 1 minute to one of the cofounders of the Iran Working Group, someone who has brought the issue of Iran, its policies, and particularly its nuclear weapons program, to the attention of this body and the public, the gentleman from New Jersey (Mr. ANDREWS).

Mr. ANDREWS. I'd like to thank the chairlady from Florida and the ranking member, Mr. BERMAN from California, for their very forceful and effective advocacy.

Iran made a choice to ignore international standards and comity and secretly develop a nuclear weapon. Iran made a choice to eschew sincere diplomatic efforts to come up with a deal, an agreement where they could have their civilian nuclear energy program but have the fuel manufactured outside of Iran. Now, Iran must, in my view, be confronted with a choice as to whether it will enjoy economic stability or give up its nuclear weapons ambitions.

I think the time is here to force that choice upon the Iranians. I think it's unfortunate it has to be done, but it has to be done. We cannot let the world's most horrific weapon fall into the hands of one of the world's most horrendous regimes. For that reason, I strongly support the legislation by Ms. ROS-LEHTINEN and Mr. BERMAN and urge a "yes" vote.

Mr. KUCINICH. Mr. Speaker, I yield myself such time as I may consume.

I want to say I have respect for all of my colleagues who are concerned about nuclear proliferation. We all ought to be concerned about nuclear proliferation. We can start with our own country. Right now we've set the stage for continuing to develop nuclear weapons. It's very difficult to be able to have a strong position of standing on this issue if we have one set of rules for ourselves and another set of rules for the rest of the world.

I don't want to see a nuclear proliferation in Iran, but I think that if we want to have a standing where people want to take what we say, we have to be consistent. We have to make sure that what we do is consistent with what we say.

I reserve the balance of my time.

Ms. ROS-LEHTINEN. I have no further requests for time, and I reserve the balance of my time to close.

Mr. BERMAN. Mr. Speaker, I am pleased to yield 1 minute to my distinguished colleague and good friend who's been very active on these issues, the gentleman from New Jersey (Mr. PALLONE).

Mr. PALLONE. Thank you, Mr. BERMAN.

I want to take issue with my colleague from Ohio. I don't think there is a comparison between the situation in Iraq and Iran because it has become abundantly clear that Iran is pursuing nuclear weapons; and a nuclear Iran

would not only threaten the United States but democratic nations all across the globe.

The legislation before us builds on the comprehensive Iran Sanctions Act passed last Congress and imposes new and stronger sanctions, and this bill is the next logical step in U.S. policy to prevent Iran from acquiring nuclear weapons.

The Iranian President, a Holocaust denier, has stated that a nuclear Iran would use the weapons at its disposal and has even called for the destruction of the State of Israel. And I don't think we can let a nuclear Iran become a reality.

I would urge my colleagues to vote "yes" on H.R. 1905.

□ 2050

Mr. KUCINICH. I would ask how much time is remaining.

The SPEAKER pro tempore. The gentleman from Ohio has 6 minutes remaining.

Mr. KUCINICH. I would respectfully suggest to my friend from New Jersey that the certainty that Congress had in the debate in October of 2002 with respect to Iraq is very much paralleled with the certainty that some of my friends here have about not only Iran's intention to have a bomb but an intention to use it. That's why we need diplomacy. That's why the provisions of this bill in section 603(c), which say U.S. Government employees can't have any contact with Iranians, is really upside down.

Mr. BERMAN. Will the gentleman yield?

Mr. KUCINICH. I yield to the gentleman from California.

Mr. BERMAN. I appreciate that very much.

Just on this one issue, there is nothing in this bill that prohibits Americans from having contact with Iranians. There is nothing in this bill that prohibits the President of the United States or his Secretary of State or such other emissaries or agencies he chooses from engaging diplomatically on the issue of ending Iran's nuclear weapons program. I would not support a bill that prohibited that.

Mr. KUCINICH. In reclaiming my time, section 603(c) was added in committee. Was it stripped from the bill?

Mr. BERMAN. I appreciate the gentleman for yielding.

Section 603 was not stripped from the bill, and section 603 does not prohibit the administration from engaging diplomatically on this issue.

Mr. KUCINICH. I reclaim my time.

Perhaps the President is not restricted, which is good for the gentleman to say; but the very clear and plain reading of that is that it says no U.S. Government employee.

I reserve the balance of my time.

The SPEAKER pro tempore. At this time, the Chair needs to make a time correction.

The remaining time for the gentleman from Ohio is 2 minutes.

Mr. BERMAN. Mr. Speaker, I think I am the last speaker on my side of our side who intends to speak on this issue. How much time remains?

The SPEAKER pro tempore. The gentleman from California has 1 minute remaining, and the gentleman from Ohio has 2 minutes remaining.

Mr. BERMAN. The chairman of the committee, the gentlelady from Florida, has the right to close. Am I correct in that assumption?

The SPEAKER pro tempore. Yes.

Mr. BERMAN. Is the gentleman from Ohio, if I may ask through the Chair, the last speaker on his side?

Mr. KUCINICH. Correct.

Mr. BERMAN. Mr. Speaker, in that case I yield myself the balance of my time.

The SPEAKER pro tempore. The gentleman from California is recognized for 1 minute.

Mr. BERMAN. Again, I would like to repeat that this crisis only ends one of three ways.

Iran gets a nuclear weapons capability, and don't listen to straw man arguments. No one is saying Iran today has a nuclear bomb, but the IAEA has made it perfectly clear they are pursuing a nuclear weapons capability. Once they have that capability, they throw out the inspectors; they shut off the cameras; and they get the bomb.

Either we stop them from getting the bomb; we have a military confrontation; or we have a diplomatic resolution where they end their nuclear weapons program through diplomacy.

The provision the gentleman cited does not prohibit diplomacy by the President or his emissaries. Time will not permit me to read the statute, itself, right now, but I would be happy to show any of my members why diplomacy is still allowed.

This is not a unilateral effort. This administration and this Congress, in working with them, have pursued a multilateral effort with the international community to stop Iran from getting a nuclear weapon, and we will continue to do that.

I yield back the balance of my time.

Mr. KUCINICH. I yield myself 1 minute.

I am quoting from an article in The Hill, which I cited earlier:

Section 601 would prohibit U.S. Government employees in any official or unofficial capacity from contacting anyone who is affiliated with the Iranian Government who presents a threat to the United States or is affiliated with a terrorist organization.

Look, if you want to stop war, you have to have communication with people. I mean, if you look back to the Cuban Missile Crisis, which is one of the gravest crises of the 20th century, it was the fact that the United States and Russia were able to engage in a communication.

So we have to be very careful that we don't pass any kind of a law that would restrict, not just First Amendment rights and not just freedom of association, but would restrict the basic kind of diplomacy that's used, because everyone here knows that diplomacy is not just leaders talking to leaders. All kinds of backdoor diplomacy goes on, and I think that that needs to be taken into consideration.

I reserve the balance of my time.

Ms. ROS-LEHTINEN. As I said, Mr. Speaker, I am going to close; so the gentleman from Ohio must use his time.

I reserve the balance of my time.

The SPEAKER pro tempore. The gentleman from Ohio has 1 minute remaining.

Mr. KUCINICH. I thank my colleagues very much, for whom I have the greatest respect, for the opportunity to discuss this; although I painfully must disagree with you here.

Broad sanctions against Iran can only further isolate Iran from the international community and cause the regime to be increasingly secretive. The sanctions actually play directly into the hands of the Iranian Government. They directly undermine the efforts of the Iranian people, who have courageously challenged their government often at the cost of their lives. The sanctions could be seen as a gift to the regime, not just a political gift for polarization within their country to cross opposition, but also an economic gift because the price of oil will go up, and Iran will cash in on that.

Section 302 of this bill revokes the President's authority to license the export of civilian aircraft parts and repairs for Iranian civil aircraft, authority which would ensure the safety of flight for humanitarian purposes. This provision recklessly places the lives of Iranian Americans in danger. We ought to defeat this bill and stand for diplomacy.

I yield back the balance of my time.

Ms. ROS-LEHTINEN. Mr. Speaker, I yield myself such time as I may consume.

Iran remains the world's leading state sponsor of terrorism. According to our Treasury Department, Iran is a critical transit point for funding to support al Qaeda in Afghanistan and Pakistan. This network serves as the core pipeline through which al Qaeda moves money, facilitators, and operatives from across the Middle East to South Asia, including al Qaeda's operational commander. Also, Tehran is providing key support to the regime in Damascus, another state sponsor of terrorism that is of proliferation concern and which is currently engaged in the violent repression of the people of Syria.

Iran is also directly responsible for the deaths of many Americans. It continues to sponsor violent extremist

groups in Iraq and Afghanistan that have killed our men and women in uniform. Just last week, a Federal judge found that the Iranian regime provided material aid and support for al Qaeda's 1998 attacks on the U.S. Embassies in Kenya and Tanzania.

Just imagine what an emboldened Iran would do if allowed to obtain nuclear weapons and the means by which to deliver them. Remember what the regime has already said that it wants to do. Ahmadinejad has openly proclaimed that Iran seeks a world without America and Zionism; and Iran's so-called supreme leader has stated that Iran is prepared to transfer the experience, knowledge, and technology of its scientists.

We should take them at their word and impose crippling sanctions on this regime, and it starts tonight, Mr. Speaker, with this bill, H.R. 1905, the Iran Threat Reduction Act. Let's pass it tonight.

I yield back the balance of my time.

Mr. GARRETT. Mr. Speaker, last year, when we passed the Comprehensive Iran Sanctions and Divestment Act, I came to the floor stating that we must go further. Our stated goal then, as it is now, was to protect Americans, our allies, and the Iranians who suffer under a tyrannical regime. We have made it clear that it is unacceptable for Iran to develop nuclear weapons.

While a step in the right direction, last year's version of Iran Sanctions gave too much flexibility to the administration and included vast loopholes that weakened the law's effectiveness. As I speak now, the Obama administration has only applied sanctions to ten foreign companies and has given leeway to companies operating in Iran. Iran has continued development of nuclear weapons and poses an even greater threat to America and her allies.

Today's bill, H.R. 1905, the Iran Threat Reduction Act, takes the threat of Iran's nuclear program seriously. This legislation would mandate sanctions against the Central Bank of Iran. It would also impose sanctions on foreign banks that continue to do business with the Iranian Central Bank. Just last week the Senate unanimously supported sanctioning the Iranian Central Bank. As the House and Senate are deeply divided on other major issues, we all believe that Iran is a threat that must be dealt with swiftly and that the Central Bank must be sanctioned. H.R. 1905 also would reassert that it is U.S. policy to ensure Iran does not obtain the ability to produce nuclear weapons. Finally, the bill would close the loophole in current U.S. law that allows foreign subsidiaries of U.S. corporations to bypass U.S. sanctions.

Will this legislation single-handedly prevent a nuclear Iran from emerging? Likely it will not. We may have waited too long for our actions today to single-handedly dismantle Iran's nuclear ambitions. However, with this legislation, allies are already indicating they will follow our lead and potentially sanction the Iranian Central Bank as well. As we show the rest of the world we take this threat seriously, they will too. I urge my colleagues to support this measure.

Mr. GEORGE MILLER of California. Mr. Speaker, I rise in support of the Iran Threat Reduction Act, though I do have concerns about new language added to the bill in the Committee on Foreign Affairs. It is my hope that this language will be corrected before this bill advances.

The passage last year of the Comprehensive Iran Sanctions, Accountability, and Divestment Act (CISADA) was a key step in the effort to prevent Iran from gaining the ability to develop a nuclear weapon and it is important that we continue to apply pressure to the Iranian regime.

It is clear that if President Ahmadinejad and his regime were allowed to access a nuclear weapon, Iran would pose a significant threat to global stability and security and a threat to the security of the State of Israel.

This bill is an appropriate next step as we work to increase pressure on Iran to end its nuclear program and end its open hostility toward Israel and the United States. By authorizing new sanctions against Iran and by imposing sanctions against additional activities, this bill successfully expands on the precedent set by CISADA and sends the right message to Iran and to the international community.

However, as I said, changes were made to this bill during the committee process that raise questions about whether or not the bill inappropriately limits the ability of any American President and his or her entire Administration to conduct diplomacy with Iran. This new language could end up jeopardizing American security by preventing our diplomats from resolving minor issues before they become more serious disputes.

The Obama Administration, for example, has done an excellent job to this point in addressing the threat of a nuclear Iran. Just last month, the Administration imposed additional sanctions on Iran, including labeling Iran as a "primary money-laundering concern." The Administration should also be commended for ensuring the success of sanctions by securing the cooperation of the international community in imposing serious sanctions that had not even been considered by many of our allies until President Obama's pressure led them to toughen their stance against Iran. It makes no sense to tie the Administration's hands now, particularly given the successful efforts by President Obama to toughen the international community's stand against Iran.

The lead Democratic sponsor of this bill and the senior Democrat on the Foreign Affairs Committee, my good friend Mr. BERMAN, has made clear that he does not believe that this bill should limit the President's ability to conduct diplomacy as he sees fit, and I agree with that assessment. Like Mr. BERMAN, I believe that this issue must be clarified in conference to ensure that this bill does not inadvertently exacerbate problems that it is intended to fix.

I believe that it is imperative that we continue working constructively with our allies to strengthen sanctions against Iran and so I urge my colleagues to support this bill and to ensure going forward that it is implemented in a productive way.

Mr. WAXMAN. Mr. Speaker, I strongly support this legislation whose purpose is to deny Iran both the ability to support terrorist organizations and to develop nuclear weapons and ballistic missiles.

I want to express my strong admiration and support for Representative HOWARD BERMAN, the ranking member of the House Foreign Affairs Committee. Without Representative BERMAN's forceful and steadfast leadership, this legislation to impose the most stringent sanctions yet on Iran would not have come before us. We are standing firm against Iran because of Representative BERMAN's ceaseless efforts to forge a bipartisan consensus to act against the grave threat to Israel and other allies that is posed by Iran and its leadership.

Iran is a growing danger to peace and stability in the Middle East and beyond. Its nuclear program in and of itself is the most dangerous threat to peace in the world today. Together with its support for Hamas in Gaza, Hezbollah in Lebanon and the Syrian regime, Iran is an ongoing and growing danger to the region and the world.

Iran's unremitting hostility to the United States, to Israel and others requires the most forceful response.

It is clear that Iran's leaders are determined to acquire a nuclear weapon. All of the independent international assessments, including from the International Atomic Energy Agency, attest to a steady progression to weaponize its uranium assets. At the same time, Iran is perfecting its medium and long-range missile capabilities.

Together, these initiatives can only have one purpose: at the least, to enable Iran to exercise nuclear blackmail in pursuit of its extreme agenda. But this also means that Iran will have the Iranian people's capability to actually use a nuclear weapon, and bring a catastrophe upon us all—and upon the Iranian people.

This is unacceptable. Iran's nuclear program must be stopped. Iran simply must not be permitted to acquire a nuclear weapon.

President Obama has been exceptionally clear on Iran. Just last week, on December 8, President Obama again was emphatic in stating U.S. policy:

“... What I can say with respect to Iran, I think it's very important to remember, particularly given some of the political noise out there, that this administration has systematically imposed the toughest sanctions on Iraq—on Iran ever.

“When we came into office, the world was divided, Iran was unified and moving aggressively on its own agenda. Today, Iran is isolated, and the world is unified in applying the toughest sanctions that Iran has ever experienced. And it's having an impact inside of Iran. And that's as a consequence of the extraordinary work that's been done by our national security team.

“Now, Iran understands that they have a choice: They can break that isolation by acting responsibly and foreswearing the development of nuclear weapons, which would still allow them to pursue peaceful nuclear power, like every other country that's a member of the Non-Proliferation Treaty, or they can continue to operate in a fashion that isolates them from the entire world. And if they are pursuing nuclear weapons, then I have said very clearly, that is contrary to the national security interests of the United States; it's contrary to the national security interests of our allies, including Israel; and we are going to work with the world community to prevent that.”

With respect to what the United States is willing to do to prevent Iran from acquiring nuclear weapons, President Obama said, “No options off the table means I'm considering all options.”

The best way to avoid getting to that point is to do everything we can to impose the harshest pressure on Iran in order to make its present nuclear course unsustainable to the regime.

The Iran Threat Reduction Act will put into force the strongest sanctions yet against Iran. It imposes sanctions on Iran's oil industry, including sanctions on the importation of gasoline, which Iran desperately needs. There are increased sanctions on defense products and technology.

Sanctions are also imposed on the Central Bank of Iran and across the financial and banking sectors. Because Iran is pursuing a nuclear weapon, it will become exceedingly impossible for Iran to engage in international commerce.

The best alternative to the present regime is to encourage Iranians opposed to its brutal repression to continue to work for democracy and freedom. To this end, this bill provides financial and political assistance to individuals and organizations that support democracy in Iran.

In addition, the legislation specifically targets for sanctions those who are part of, or associated with, the Islamic Revolutionary Guard Corps—the Iranian regime's arm of repression who wantonly violate the human rights of the Iranian people.

Taken together, these measures constitute the imposition of crippling sanctions against the Iranian government and those who do business with it.

This bill delivers one message to the Iran's leaders: stop now.

We cannot tolerate an Iran armed with nuclear weapons, and the means to deliver them against Israel and other countries, such as Saudi Arabia, in the Middle East.

The very best strategy to stop Iran's nuclear program is to make business and commerce in Iran untenable for as long as Iran is pursuing a nuclear capability, and to target the regime's repressive elements—the Revolutionary Guard—with massive penalties.

By every indication, time—and patience—with Iran is growing shorter. This legislation is the least we can do to bring relentless pressure on Iran to change course.

I support this bill and once again thank Representative HOWARD BERMAN for his courageous leadership in helping us face the most dangerous foreign policy crisis in the world today.

Mr. HOLT. Mr. Speaker, the recent IAEA report on Iran's nuclear program indicates that Iran continues to pursue a clandestine nuclear weapons program. Specifically, the IAEA's November 2011 report noted that Iran has carried out a number of activities that are relevant to the development of a nuclear explosive device. These include efforts, some successful, to procure nuclear related and dual-use equipment and materials by military related individuals; efforts to develop undeclared pathways for the production of nuclear material; the acquisition of nuclear weapons development information and documentation from a clandestine

nuclear supply network; and work on the development of an indigenous design of a nuclear weapon including the testing of components.

These are ominous developments that the House simply cannot ignore.

I am glad that the House is considering this legislation. I recognize that sanctions like this are crude instruments, but the threatening actions of the government of Iran must be countered. This bill will help increase diplomatic pressure on Iran by further tightening sanctions, particularly on entities associated with Iran's Revolutionary Guard Corps (IRGC), which is a key player in Iran's nuclear weapons acquisition effort. The IRGC's activities are a key reason why this legislation is necessary.

I recognize that this legislation is not perfect. I am particularly troubled by a provision that was added during the committee markup that would make it extremely difficult for American officials to meet directly or indirectly with some Iranian officials. I vote for this with the expectation that this particular provision will be modified before it goes to the President for his signature.

Today we are also considering H.R. 2105, which would strengthen our nonproliferation regime against Iran, North Korea, and Syria. It's worth remembering that Syria had an undeclared nuclear facility under construction at the time it was bombed a few years ago. This bill would impose a series of new constraints on countries that may be thinking about, or are known or suspected to be, supplying proliferation-related technology to any of these three states. One provision would prohibit U.S. nuclear cooperation with a country that is assisting the nuclear program of Iran, North Korea, or Syria, or is transferring advanced conventional weapons to such countries.

I regret that these bills are necessary. I wish that our past peaceful, diplomatic efforts had produced changes in their proliferation-related behavior. Unfortunately, they have not. These rogue regimes are willing to tolerate considerable international isolation as they continue to pursue prohibited weapons programs. But I believe there is a point at which the diplomatic and economic isolation will begin to threaten their hold on power, and it is when that point is reached that we will likely have our best chance of peacefully disarming these rogue states. That is why I still believe that diplomacy, backed by enforceable sanctions, can ultimately achieve the goal we all share, and why I will support these bills.

Mr. VAN HOLLEN. Mr. Speaker, I rise in support of H.R. 1905, the Iran Threat Reduction Act.

I thank Chairwoman ROS-LEHTINEN and Ranking Member BERMAN for crafting this important, bipartisan bill. H.R. 1905 was reported out of the Foreign Affairs Committee by voice vote and comes to the floor with over 350 cosponsors—of which I am one.

We must make it clear to Iran that any pursuit of a nuclear weapons program is unacceptable. This bill is designed to significantly strengthen the hand of the Obama Administration in applying economic pressure on the Iranian regime.

Specifically, the bill targets Iran's petroleum sector by expanding the activities that could



trigger sanctions to include making certain petroleum resource agreements with Iran. It also requires the President, subject to a national security waiver, to impose sanctions on entities doing business with the Central Bank of Iran if he determines the Central Bank is linked to the Iranian nuclear program. The measure also requires penalties filing with the Securities and Exchange Commission to disclose business ties with Iran.

By most accounts, the sanctions passed by Congress last year have ratcheted up pressure on the Iranian government. But Iran continues to increase its stockpile of enriched uranium. This measure is necessary to give the President the tools to penalize the Iranian regime for its continual refusal to heed the objections of the international community.

I encourage my colleagues who have not already expressed support for H.R. 1905 to join me in support of the bill.

Mr. MORAN. Mr. Speaker, in June 2010 President Obama signed into law the most far-reaching and carefully targeted sanctions ever imposed on Iran. Later that same month, the Administration also succeeded in bringing the United Nations Security Council to issue further, multilateral sanctions. In May, the United Nations issued a report demonstrating that these multilateral sanctions were having a serious, deleterious impact on Iran's ability to pursue nuclear weapons.

The reason these sanctions are having such an impact is that they have garnered the cooperation of allies around the world, who saw that this Administration was willing to engage Iran. If those allies now deem that we are turning back from that posture of engagement, and returning to the unilateralism of the Bush Administration, I am concerned that our effort to isolate the Iranian regime will collapse. It is the comprehensive diplomacy of the Obama Administration that has unified our European allies and brought them on board. That could end.

And in addition, the sanctions called for by H.R. 1905, are less targeted and more indiscriminate. They will have an impact, but that impact will not be directly related to our justified concern over human rights or Iran's nuclear military goals. Rather, they would hurt Iranians of all walks of life, including those we hope will become an effective opposition to the current leadership. The recent IAEA report shows that Iran is not complying with its obligations under the treaty. We urgently need to keep a united front on the goal of preventing Iran from advancing its nuclear military capability. These sanctions could undermine that effort.

This bill is the wrong move for the global economy as well. In the middle of a very fragile economic recovery, these new sanctions could wreak havoc in the world oil market, right in the middle of winter, a time of our highest consumption. Already, we see oil prices rising. According to the Wall Street Journal, new sanctions could increase the price of oil by up to \$1 per gallon. That would be terrible for U.S. consumers, businesses and the economy. But it would be very good for Iran's leaders.

In fact, the sanctions would do more to help Iran's Supreme Leader and President than hurt them. Last week, the fierce competition

between President Ahmadinejad and Ayatollah Khamenei was threatening to boil over when an embezzlement scandal roiled the Iranian leadership. The Washington Post reported this week that President Ahmadinejad admitted that the country is having a hard time with sanctions, and that now is not the time to shake things up in the government. In other words, external pressure unified rival factions, and helped the repressive regime to achieve a united front.

These sanctions could also hurt Iranian Americans. Sanctions on Iran's Central Bank will make it hard for Iranian Americans to send money to relatives in Iran. That could mean that an Iranian living in the United States has no legal way of helping his parents or grandparents. It could force them to pursue unsafe and illegal channels to send legal remittances to family members. That would be a terrible injustice, and it would be bad for U.S. interests. The Iranian American community is our best way to reach out to people in Iran, and we should not be making it harder for them to do so.

The sanctions could also hurt innocent Iranians in other ways. Aside from making it harder to import food and medicine, this bill bans the licensing of sales of spare parts for civilian airliners. Iran's airlines are already among the most dangerous in the world because of the difficulty in maintaining them under sanctions. Over 1,000 people have died in air crashes in the last ten years.

Lastly, this bill is wrong because it would be an expression to the world that the United States is not interested in having a relationship with the people of Iran. As it stands now, we have very little understanding of what is really happening inside Iran. The Obama Administration has strengthened our capacity to know what is happening inside the country by adding to a network of diplomats in missions around the world focusing on developments in Iran.

But we have a long way to go. Recently Admiral Mike Mullen said that this absence of contact is hurting us. At a Carnegie Endowment for International Peace event shortly before he retired, the Chairman of the Joint Chiefs of Staff said: "Even in the darkest days of the Cold War, we had links to the Soviet Union. We are not talking to Iran, so we don't understand each other."

I agree with Admiral Mullen: we need more contact with Iran—about Afghanistan, the drug trade, and human rights—not less. Ambassador Tom Pickering, in a recent Newsweek essay, also criticized this bill because of the constitutional questions it raises about the separation of powers.

CISADA sanctions and U.N. measures are having a serious effect, and intensifying rifts in Iran's leadership. This bill would close those rifts as Iran's leaders circle their wagons, and would give them an excuse as to why things are bad on the economic front. I can't support it as it is written.

Mr. YOUNG of Indiana. Mr. Speaker, I rise today in support of H.R. 1905, the Iran Threat Reduction Act of 2011. This bill promises to meet the threat the Islamic Republic of Iran poses and takes significant, tangible steps in limiting Iran's uranium enrichment and targeting Iran's nefarious activities.

The latest United Nations weapons inspectors' disclosure and International Atomic Energy Agency report on the Islamic Republic of Iran are substantial. The Iranian nuclear weapons program is in direct contravention to Iran's ratification of the Non-Proliferation Treaty, endangers regional stability, and poses an unfathomable threat to international security. The Iranian Regime has defied international order and expectations in its undeniable pursuit of nuclear weapons and its close relationship with foreign terrorist organizations.

That is why the Iran Threat Reduction Act of 2011 is so important. These sanctions are right and just based on irrefutable evidence of malice on the international stage. We must declare that it is United States policy to deny, at every juncture, the ability for Iran to fund and pursue its nuclear program and its policy of inciting violence abroad. The Iranian regime's continuous circumvention of past sanctions and continued noncompliance require more aggressive actions.

The only way to ensure the Iranian regime cannot circumvent international will is to take definitive actions. The sanctions in the Iran Threat Reduction Act in conjunction with the language in the National Defense Authorization Act for 2012 to formally sanction the Central Bank of Iran, CBI, are the steps required at this moment to impede the progress of Iran's ambitions. By sanctioning the CBI and creating accountability to those that deal with Iran, we limit the Iranian leadership's ability to function and directly curtail the infrastructures that sustain Iran's illicit nuclear ambitions and its state sponsorship of terrorist organizations.

I urge my colleagues to support the Iran Threat Reduction Act of 2011 and stand with me against the threat posed by the Iranian nuclear program and Iran's known links to various terrorist organizations.

Mr. MARKEY. Mr. Speaker, let's start with what we know:

First, Iran is actively seeking nuclear weapons, and the international community has ratcheted up sanctions to prevent Tehran from getting the bomb.

Second, Iran is attempting to circumvent these sanctions, with Iranian nationals establishing front companies in other countries to get around U.N. restrictions.

Just this year, a grand jury indicted a firm established by Iranians but operating in Istanbul for allegedly procuring materials for Iran's ballistic missile program.

Third, we must be vigilant about companies that deliberately hide their ties to Iran.

But what about companies that don't even try to conceal their Iranian connections?

In October, this Congress passed H.R. 1904, the Southeast Arizona Land Exchange and Conservation Act. This bill will allow Rio Tinto, a foreign company that does business with Iran, to obtain public land in Arizona so that it can mine for copper here in the United States.

But when Republicans in this chamber had a chance to join Democrats to ensure these business ties between Rio Tinto and Iran were severed as a condition of doing business on our land, every single member of the Republican majority voted no.

With the threat of nuclear weapons landing in the hands of Ahmadinejad, the stakes are



simply too high to change the rules when the majority sees fit.

Vote yes on H.R. 1905 today, and we must insist on strong nuclear nonproliferation conditions in H.R. 1904.

Mr. BLUMENAUER. Mr. Speaker, this statement is submitted as an extension of my remarks on the House floor, December 13, 2011, discussing H.R. 1905, the Iran Threat Reduction Act of 2011:

I thank my friend from California, the Ranking Member of the House Foreign Affairs Committee, for discussing Section 601(c) of the Iran Threat Reduction Act of 2011 with me.

Despite his helpful words, I still have strong reservations about language used in this legislation.

Specifically with the language in Section 601(c) of this bill, which states that:

“No person employed with the United States Government may contact in an official or unofficial capacity any person that is an agent, instrumentality, or official of, is affiliated with, or is serving as a representative of the Government of Iran; and presents a threat to the United States or is affiliated with terrorist organizations.”

As most of my colleagues would agree, the whole of the Iranian government is itself a “threat” to the United States. Further, Iran actively supports terrorist organizations such as Hamas and Hezbollah, both listed as Foreign Terrorist Organizations by the State Department. It would be strange logic indeed to disassociate any of the officials who work for Iran from a “threat” to the U.S. It would appear impossible to comply with this language.

Given the inability to comply with this language, this leaves the waiver provision by the President as the only means to initiating contact with Iran. Diplomacy tied to a 15-day countdown is ineffective at best and extremely dangerous at worst. Luckily, this restriction on the Executive Power to conduct the country's foreign policy is likely unconstitutional. This waiver is, on its face, questionable, unnecessarily ties the hands of our President, and is poor policy.

Congress would be better served in these challenging times to do its own job, rather than making it harder for the President to do his.

Mr. CROWLEY. Mr. Speaker, I rise today in support of the Iran Threat Reduction Act of 2011.

I want to thank both the Chairman and the Ranking Member of the Committee on Foreign Affairs for their efforts on passing this important legislation.

I am a proud co-sponsor of this bill.

Iran's efforts to obtain nuclear capabilities and its support for terrorism form one of our most serious foreign policy challenges.

And, the Iranian regime's treatment of its own people horrifies the world.

This legislation sends a strong message to the Iranian government—there is a price to pay for ignoring the will of the international community.

It is no secret that Iran has been a destabilizing and dangerous force in the Middle East.

From repeatedly threatening our ally Israel to providing support for attacks on U.S. troops in the region, Iran has sought at every turn to thwart U.S. and international efforts.

Let's be clear though—while the Iranian government conceives of these actions, it is the cruel and twisted core of the Iranian regime—the Iran Revolutionary Guard Corps—that executes its daily threats and brutalities. That's why it is so important that this measure targets the IRGC.

This legislation isn't all that we must do. It is also time for tough and lasting pressure on those who do business with the Central Bank of Iran.

The world must not allow Iran to obtain nuclear capabilities, for the sake of the region and the world.

Mrs. MALONEY. Mr. Speaker, Iran's quest for nuclear weapons puts the entire globe at risk.

Iran has proven itself to be less than truthful in its discussions about its nuclear weapons program. It hid its nuclear enrichment facility in Qom from the International Atomic Energy Agency (IAEA). It told the world it was enriching uranium for non-military purposes, but the enrichment site at Qom and elsewhere appear to have no civilian application.

And while sanctions have had some impact, Iran has persisted in its efforts to obtain nuclear weapons. Iran has also succeeded in evading the impact of existing sanctions by creating one front company after another to shield its activities.

What's particularly troubling, is that at the same time as it is building its nuclear program, Iran has continued to threaten its neighbors. It has armed and funded Hezbollah and Hamas, which are dedicated to eradicating the state of Israel. In 2005, Iran's President Mahmoud Ahmadinejad said that Israel should be wiped off the face of the map. In 2008, he said: “The people of the region would not miss the narrowest opportunity to annihilate this false regime.”

But Israel is not Iran's only target. In November a senior commander of Iran's Revolutionary Guard threatened to bomb NATO bases in Turkey. Iran is currently threatening to close the straits of Hormuz, which will affect shipping, with particular impact on the crude oil exported from Saudi Arabia, Iran, the United Arab Emirates, Kuwait and Iraq and liquid natural gas from Qatar.

Given Iran's success in developing a nuclear program, a number of its neighbors have suggested that they may follow suit, creating further instability in the region. Earlier this month, Turki al-Faisal, who has served as the Saudi intelligence chief and as ambassador to the United States, suggested that Saudi Arabia may seek nuclear weapons. Wikileaks revealed that Egypt's leaders told U.S. officials that Egypt would acquire nuclear weapons if Iran did. This lends greater urgency to the need to persuade Iran to end its nuclear ambitions.

Nuclear weapons are particularly threatening when held by a nation whose leaders have no apparent respect for human life. Iran has an unrivaled record of human rights abuses, from the imprisonment of people of the Ba'hai faith, to the use of the death penalty against minors, to the use of torture and amputation against prisoners, to discrimination against women, to the suppression and murder of members of the democracy movement. With thousands of its citizens murdered, tor-

tured or imprisoned, Iran's record of human rights abuses is among the worst in the world.

History shows that when dictators threaten their neighbors, there's good reason to fear. And given Iran's history of threats, its dedicated progress in enriching uranium, its evident determination to hide its nuclear program from the world and its abysmal human rights record, the world should do everything possible to hinder it from obtaining nuclear weapons.

That's why I strongly support H.R. 1905, the Iran Threat Reduction Act, which would implement a commonsense enhancement of existing sanctions—by providing greater options to sanction entities doing business with the Central Bank of Iran; by expanding the types petroleum-related activities that could trigger sanctions to include certain petroleum resource agreements with Iran, purchasing Iranian debt and supporting port facility construction and management; by imposing sanctions on individuals involved in human rights abuses or terrorism; by imposing sanctions on those who do business with Iran's Revolutionary Guard; by allowing states or other organizations to divest from Iran; by identifying those entities that are helping Iran evade sanctions, among other things.

I urge my colleagues to join me in voting in support of H.R. 1905.

Ms. MOORE. Mr. Speaker, let's be clear. Iran activities are troubling and our Nation must continue to work to build an international coalition to pressure and isolate Iran until it verifiably ends such activities. The policies we use to effect our goals are as important as the rhetoric about being tough on Iran.

I vote for this legislation while noting it has flaws that must be addressed in the other body, in cooperation with the Administration. I will speak to some of those needed changes in a minute. However, I think other provisions such as language targeting government officials who commit human rights abuses and the provisions aimed at stopping Iran's Revolutionary Guard from trying to evade current U.S. and multilateral sanctions make sense. When the U.S. and our international allies work together, our efforts on Iran, including sanctions and diplomacy, are more effective and stronger. The same can be said when the Congress and the Administration are working together.

We should not confuse support for this bill with the fact that there exists a vast divergence of views in this Congress on the best policy to deal with the threat posed by Iran. However, the Republican majority determines the schedule and has made a choice to bring this bill up under a procedure that prevents any Member with other ideas (either to make the bill stronger or weaker depending on your view) from making further changes to it.

Even with my yes vote, I believe this legislation is in need of improvement. Sending a strong message is one thing but enacting an effective policy that supports that message is another. And this bill must be improved so our policy can match the strong message.

Where can this bill be improved? I have long been concerned and I have expressed those concerns on this floor before about unilateral sanctions. Treasury Secretary Geithner said last year, “to be truly effective in ending

Iran's proliferation activities and Iran's support for terrorism, we need to have in place a concerted, international approach. This is not something the United States can do alone. We need other countries to move with us." I concur wholeheartedly.

Yet, I know that the Administration has warned some provisions, like mandatory Iranian Central Bank Sanctions, may end up splintering the international coalition that it worked relentlessly to build as exemplified by passage of last year's UN Security Council Sanction Resolution. In a recent letter, Secretary Geithner made clear his concerns that sanctioning the Central Bank of Iran could negatively affect "many of our closest allies and largest trading partners." Again, the most likely to be adversely affected by this bill are our closest allies, the ones we depend on to pressure Iran.

Why would this be so? According to Secretary Geithner, "rather than motivating these countries to join us in increasing pressure on Iran, they are more likely to resent our actions and resist following our lead—a consequence that would serve the Iranians more than it harms them." The Administration has suggested ways to achieve the goals of this bill while ensuring we don't cripple the international coalition and consensus that it has worked so hard to build against Iran. Congress should listen. A piece of legislation that results in fewer countries working with us to isolate Iran and bring a verifiable end to its troubling nuclear activities is not a victory in my book.

Another provision in the bill—added in Committee—would prohibit U.S. diplomatic or other contact, whether intentionally or incidentally, with certain Iranian government officials. Whether intended by its authors or not, concerns have been raised about negative impact on our diplomatic efforts. I urge the Senate to remove this provision. It adds nothing to the bill's effectiveness but brings unnecessary confusion and controversy.

H.R. 1905 would also require the President to report, after its enactment, on negative impacts the bill would cause on our relations with friendly nations and on the U.S. economy. I think this gets it backwards. We need to get a better bill that addresses those concerns up front, rather than wait until after we have shattered the international coalition.

Again, I support a strong and unified international effort against Iran with U.S. leadership but my continued support for this legislation requires those in Senate (who will have the opportunity to amend it unlike the House did) to work with the Administration to address possible negative impacts on our diplomatic efforts, economy, and the Iranian people. This occurred last year to get CISADA passed and I hope we repeat it again this time.

Lastly, no one should take passage of this legislation as a sign that diplomacy is off the table and that the only option going forward is a military strike. We need to invest in diplomacy—maybe now more than ever—and to continue to work with our international allies and others interested in peace and stability in the region.

Ms. LEE of California. Mr. Speaker, while I am deeply concerned about Iran's capacity to develop nuclear weapons and I support tar-

geted sanctions against Iran, I voted no on H.R. 1905, the Iran Threat Reduction Act of 2011 because I do not believe it would accomplish its stated goal of reducing the threat from Iran.

I am concerned that at a time when more nuanced diplomatic tools are needed to successfully address this important and multifaceted effort to prevent Iran from developing nuclear weapons, this legislation would dangerously limit the flexibility of the U.S. Government to engage directly with Iran to turn back these efforts. The Administration has made it clear that the Comprehensive Iran Sanctions Accountability and Divestment Act (CISADA), enacted just last year after careful deliberation by both the House and Senate, is an adequate and effective tool for addressing the threat potentially posed through multilateral negotiations with Iran. I have spoken directly with officials at the State Department and they tell me they are very concerned that piling on additional sanctions could have the counterproductive result of sending the already destabilized economies of our European allies into a tailspin and threaten the stability of the global economic recovery.

I am also troubled by the 601(c) provision inserted during mark-up of the bill, which takes the unprecedented step of restricting dialogue between U.S. and Iranian officials. The controversial provision would prohibit contact between U.S. diplomats and any Iranian official who "would pose an unusual and extraordinary threat to the vital national security interests of the United States." This is dangerous and would have prohibited the efforts that secured the release of two of my constituents, Sarah Shourd and Shane Bauer, along with their friend and fellow U.C. Berkeley alumnus Josh Fattal, who were detained for years in Iran after being arrested while hiking near Iran's border with Northern Iraq. Furthermore, not only is it unclear how restricting negotiations with Iran on its nuclear program would advance our security interests, it should be clear that taking this option off the table is counterproductive in addressing the very real threats that Iran presents.

It is my hope that my colleagues will address these issues in conference and return a bill for final passage that considers what it takes to effectively undertake national security strategy execution. It is time for us to stop posturing and to understand that far from a reward to withhold, diplomacy is a critical tool for protecting United States national security interests.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Florida (Ms. ROS-LEHTINEN) that the House suspend the rules and pass the bill, H.R. 1905, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Ms. ROS-LEHTINEN. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

□ 2100

# IRAN, NORTH KOREA, AND SYRIA NONPROLIFERATION REFORM AND MODERNIZATION ACT OF 2011

Ms. ROS-LEHTINEN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2105) to provide for the application of measures to foreign persons who transfer to Iran, North Korea, and Syria certain goods, services, or technology, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 2105

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

## SECTION 1. SHORT TITLE AND TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Iran, North Korea, and Syria Nonproliferation Reform and Modernization Act of 2011".

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

- Sec. 1. Short title and table of contents.
- Sec. 2. Statement of policy.
- Sec. 3. Reports on proliferation relating to Iran, North Korea, and Syria.
- Sec. 4. Application of measures to certain foreign persons.
- Sec. 5. Determination exempting a foreign person from the application of certain measures.
- Sec. 6. Restrictions on nuclear cooperation with countries aiding proliferation by Iran, North Korea, or Syria.
- Sec. 7. Identification of countries that enable proliferation to or from Iran, North Korea, or Syria.
- Sec. 8. Prohibition on United States assistance to countries assisting proliferation activities by Iran, North Korea, or Syria.
- Sec. 9. Restriction on extraordinary payments in connection with the International Space Station.
- Sec. 10. Exclusion from the United States of senior officials of foreign persons who have aided proliferation relating to Iran.
- Sec. 11. Prohibition on certain vessels landing in the United States; enhanced inspections.
- Sec. 12. Sanctions with respect to critical defense resources provided to or acquired from Iran, North Korea, or Syria.
- Sec. 13. Definitions.
- Sec. 14. Repeal of Iran, North Korea, and Syria Nonproliferation Act.

## SEC. 2. STATEMENT OF POLICY.

It shall be the policy of the United States to fully implement and enforce sanctions against Iran, North Korea, and Syria for their proliferation activities and policies.

## SEC. 3. REPORTS ON PROLIFERATION RELATING TO IRAN, NORTH KOREA, AND SYRIA.

(a) REPORTS.—Not later than 90 days after the date of the enactment of this Act and every 120 days thereafter, the President shall transmit to the appropriate congressional committees a report identifying every foreign person with respect to whom there is credible information indicating that such person—

(1) on or after January 1, 1999, transferred to or acquired from Iran, on or after January

1, 2005, transferred to or acquired from Syria, or on or after January 1, 2006, transferred to or acquired from North Korea—

(A) goods, services, or technology listed on—

(i) the Nuclear Suppliers Group Guidelines for the Export of Nuclear Material, Equipment and Technology (published by the International Atomic Energy Agency as Information Circular INFCIRC/254/Rev. 3/Part 1, and subsequent revisions) and Guidelines for Transfers of Nuclear-Related Dual-Use Equipment, Material, and Related Technology (published by the International Atomic Energy Agency as Information Circular INFCIRC/254/Rev. 3/Part 2, and subsequent revisions);

(ii) the Missile Technology Control Regime Equipment and Technology Annex of June 11, 1996, and subsequent revisions;

(iii) the lists of items and substances relating to biological and chemical weapons the export of which is controlled by the Australia Group;

(iv) the Schedule One or Schedule Two list of toxic chemicals and precursors the export of which is controlled pursuant to the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction; or

(v) the Wassenaar Arrangement list of Dual Use Goods and Technologies and Munitions list of July 12, 1996, and subsequent revisions; or

(B) goods, services, or technology not listed on any list specified in subparagraph (A) but which nevertheless would be, if such goods, services, or technology were United States goods, services, or technology, prohibited for export to Iran, North Korea, or Syria, as the case may be, because of the potential of such goods, services or technology to make a material contribution to the development of nuclear, biological, or chemical weapons, or of ballistic or cruise missile systems or destabilizing types and amounts of conventional weapons;

(2) except as provided in subsection (b), on or after the date of the enactment of this Act, acquired materials mined or otherwise extracted within the territory or control of Iran, North Korea, or Syria, as the case may be, for purposes relating to the nuclear, biological, or chemical weapons, or ballistic or cruise missile development programs of Iran, North Korea, or Syria, as the case may be;

(3) on or after the date of the enactment of this Act, transferred to Iran, Syria, or North Korea goods, services, or technology that could assist efforts to extract or mill uranium ore within the territory or control of Iran, North Korea, or Syria, as the case may be;

(4) on or after the date of the enactment of this Act, provided to Iran, Syria, or North Korea destabilizing types and amounts of conventional weapons and technical assistance; or

(5) on or after the date of the enactment of this Act, provided a vessel, insurance or reinsurance, or any other shipping service for the transportation of goods to or from Iran, North Korea, or Syria for purposes relating to the nuclear, biological, or chemical weapons, or ballistic or cruise missile development programs of Iran, North Korea, or Syria, as the case may be.

(b) EXCEPTIONS.—Any foreign person who—

(1) was identified in a report transmitted in accordance with subsection (a) on account of a particular transfer, or

(2) has engaged in a transfer on behalf of, or in concert with, the Government of the United States,

shall not be identified on account of that same transfer in any report submitted thereafter under this section, except to the degree that new information has emerged indicating that the particular transfer at issue may have continued, or been larger, more significant, or different in nature than previously reported under this section.

(c) TRANSMISSION IN CLASSIFIED FORM.—If the President considers it appropriate, reports transmitted in accordance with subsection (a), or appropriate parts thereof, may be transmitted in classified form.

(d) CONTENT OF REPORTS.—Each report required under subsection (a) shall contain, with respect to each foreign person identified in each such report, a brief description of the type and quantity of the goods, services, or technology transferred by such person to Iran, North Korea, or Syria, the circumstances surrounding such transfer, the usefulness to the nuclear, biological, or chemical weapons, or ballistic or cruise missile development programs of Iran, North Korea, or Syria of such transfer, and the probable awareness or lack thereof of the transfer on the part of the government with primary jurisdiction over such person.

(e) ADDITIONAL CONTENTS OF REPORTS.—Each report under subsection (a) shall contain a description, with respect the transfer or acquisition of the goods, services, or technology described in such subsection, of the actions taken by foreign governments to assist in interdicting such transfer or acquisition.

(f) EXPEDITING SANCTIONS FOR NUCLEAR, CHEMICAL, BIOLOGICAL AND MISSILE PROLIFERATION TRANSFERS TO IRAN.—

(1) IN GENERAL.—Notwithstanding the requirement to submit the report under subsection (a), the President shall establish a process to assess information in the possession of the President on an ongoing basis regarding possible transfers to Iran of goods, services, or technology relating to nuclear, chemical, or biological weapons or ballistic missiles in accordance with the requirements of subsection (a).

(2) APPLICATION OF SANCTIONS.—Upon a determination of the President that credible information exists that a transfer described in paragraph (1) has occurred, the President shall apply the sanctions to the foreign person that made the transfer in accordance with the requirements of section 4 of this Act.

(g) REQUIREMENT FOR PLAN TO EXPEDITE IMPLEMENTATION OF REPORTING AND SANCTIONS.—Not later than 180 days after the date of the enactment of this Act, the President shall transmit to the appropriate congressional committees a plan, to include any necessary legislation, to expedite the implementation of this Act with regard to the reports required under subsection (a) and the sanctions under section 4 of this Act.

#### SEC. 4. APPLICATION OF MEASURES TO CERTAIN FOREIGN PERSONS.

(a) APPLICATION OF MEASURES.—

(1) IN GENERAL.—Subject to section 5, the President shall apply, for a period of not less than two years, the measures specified in subsection (b) with respect to each foreign person identified in a report transmitted under section 3(a).

(2) RELATED PERSONS.—Subject to section 5, the President may apply, for a period of not less than two years, the measures specified in subsection (b) with respect to one or more of the following:

(A) Each person that is a successor, subunit, or subsidiary of a foreign person referred to in paragraph (1).

(B) Each person that owns more than 50 percent of, or controls in fact—

(i) a foreign person referred to in paragraph (1); or

(ii) a person described in subparagraph (A).

(b) DESCRIPTION OF MEASURES.—The measures referred to in subsection (a) are the following:

(1) EXECUTIVE ORDER 12938 PROHIBITIONS.—The measures specified in the first sentence of subsection (b) and subsections (c) and (d) of section 4 of Executive Order 12938 (50 U.S.C. 1701 note; relating to proliferation of weapons of mass destruction) prohibiting any department or agency of the United States Government from procuring, or entering into any contract for the procurement of, any goods or services from any foreign person described in subsection (a) of section 4 of Executive Order 12938.

(2) ARMS EXPORT PROHIBITION.—Prohibition on United States Government sales to a person described in subsection (a) of any item on the United States Munitions List and termination of sales to such person of any defense articles, defense services, or design and construction services under the Arms Export Control Act (22 U.S.C. 2751 et seq.).

(3) DUAL USE EXPORT PROHIBITION.—Denial of licenses and suspension of existing licenses for the transfer to a person described in subsection (a) of items the export of which is controlled under the Export Administration Act of 1979 (50 U.S.C. App. 2401 et seq.), as in effect pursuant to the International Emergency Economic Powers Act, or the Export Administration Regulations.

(4) INVESTMENT PROHIBITION.—Prohibition on any investment by a United States person in property, including entities, owned or controlled by a person described in subsection (a).

(5) FINANCING PROHIBITION.—Prohibition on any approval, financing, or guarantee by a United States person, wherever located, of a transaction by a person described in subsection (a).

(6) FINANCIAL ASSISTANCE PROHIBITION.—Denial by the United States Government of any credit, credit guarantees, grants, or other financial assistance by any agency of the United States Government to a person described in subsection (a).

(c) EFFECTIVE DATE.—Measures applied pursuant to subsection (a) shall be effective with respect to a foreign person no later than—

(1) 90 days after the report identifying the foreign person is submitted, if the report is submitted on or before the date required by section 3(a);

(2) 90 days after the date required by section 3(a) for submitting the report, if the report identifying the foreign person is submitted within 60 days after that date; or

(3) on the date that the report identifying the foreign person is submitted, if that report is submitted more than 60 days after the date required by section 3(a).

(d) PUBLICATION IN FEDERAL REGISTER.—

(1) IN GENERAL.—The Secretary of the Treasury shall publish in the Federal Register notice of the application against a person of measures pursuant to subsection (a).

(2) CONTENT.—Each notice published in accordance with paragraph (1) shall include the name and address (where known) of each person to which measures have been applied pursuant to subsection (a).

#### SEC. 5. DETERMINATION EXEMPTING A FOREIGN PERSON FROM THE APPLICATION OF CERTAIN MEASURES.

(a) IN GENERAL.—The application of any measure described in section 4(b) to a person

described in section 4(a) shall cease to be effective beginning 15 days after the date on which the President determines and certifies to the appropriate congressional committees, on the basis of information provided by such person or otherwise obtained by the President, that—

(1) in the case of a transfer or acquisition of goods, services, or technology described in section 3(a)(1)—

(A) such person did not, on or after January 1, 1999, knowingly transfer to or acquire from Iran, North Korea, or Syria, as the case may be, such goods, services, or technology the apparent transfer of which caused such person to be identified in a report submitted pursuant to section 3(a);

(B) the goods, services, or technology the transfer of which caused such person to be identified in a report submitted pursuant to section 3(a) did not contribute to the efforts of Iran, North Korea, or Syria, as the case may be, to develop—

(i) nuclear, biological, or chemical weapons, or ballistic or cruise missile systems, or weapons listed on the Wassenaar Arrangement Munitions List of July 12, 1996, or any subsequent revision of such List; or

(ii) destabilizing types or amounts of conventional weapons or acquire technical assistance;

(C) such person is subject to the primary jurisdiction of a government that is an adherent to one or more relevant nonproliferation regimes, such person was identified in a report submitted pursuant to section 3(a) with respect to a transfer of goods, services, or technology described in section 3(a)(1)(A), and such transfer was made in accordance with the guidelines and parameters of all such relevant regimes of which such government is an adherent; or

(D) the government with primary jurisdiction over such person has imposed meaningful penalties on such person on account of the transfer of such goods, services, or technology that caused such person to be identified in a report submitted pursuant to section 3(a);

(2) in the case of an acquisition of materials mined or otherwise extracted within the territory of Iran, North Korea, or Syria, as the case may be, described in section 3(a)(2) for purposes relating to the nuclear, biological, or chemical weapons, or ballistic or cruise missile development programs of Iran, North Korea, or Syria, as the case may be, such person did not acquire such materials; or

(3) in the case of the provision of a vessel, insurance or reinsurance, or another shipping service for the transportation of goods to or from Iran, North Korea, or Syria, as the case may be, described in section 3(a)(3) for purposes relating to the nuclear, biological, or chemical weapons, or ballistic or cruise missile development programs of Iran, North Korea, or Syria, as the case may be, such person did not provide such a vessel or service.

(b) OPPORTUNITY TO PROVIDE INFORMATION.—Congress urges the President—

(1) in every appropriate case, to contact in a timely fashion each person described in section 3(a), or the government with primary jurisdiction over such person, in order to afford such person, or such government, the opportunity to provide explanatory, exculpatory, or other additional information with respect to the transfer that caused such person to be identified in a report submitted pursuant to section 3(a); and

(2) to exercise the authority described in subsection (a) in all cases in which informa-

tion obtained from each person described in section 3(a), or from the government with primary jurisdiction over such person, establishes that the exercise of such authority is warranted.

(c) FORM OF TRANSMISSION.—

(1) IN GENERAL.—Except as provided in paragraph (2), the determination and report of the President under subsection (a) shall be transmitted in unclassified form.

(2) EXCEPTION.—The determination and report of the President under subsection (a) may be transmitted in classified form if the President certifies to the appropriate congressional committees that it is vital to the national security interests of the United States to do so.

#### **SEC. 6. RESTRICTIONS ON NUCLEAR COOPERATION WITH COUNTRIES AIDING PROLIFERATION BY IRAN, NORTH KOREA, OR SYRIA.**

(a) IN GENERAL.—

(1) RESTRICTIONS.—Notwithstanding any other provision of law, on or after the date of the enactment of this Act—

(A) no agreement for cooperation between the United States and the government of any country that is assisting the nuclear program of Iran, North Korea, or Syria, or transferring advanced conventional weapons or missiles to Iran, North Korea, or Syria may be submitted to the President or to Congress pursuant to section 123 of the Atomic Energy Act of 1954 (42 U.S.C. 2153),

(B) no such agreement may enter into force with respect to such country,

(C) no license may be issued for export directly or indirectly to such country of any nuclear material, facilities, components, or other goods, services, or technology that would be subject to such agreement, and

(D) no approval may be given for the transfer or retransfer directly or indirectly to such country of any nuclear material, facilities, components, or other goods, services, or technology that would be subject to such agreement,

until the President makes the determination and report under paragraph (2).

(2) DETERMINATION AND REPORT.—The determination and report referred to in paragraph (1) are a determination and report by the President, submitted to the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate, that—

(A) Iran, North Korea, or Syria, as the case may be, has ceased its efforts to design, develop, or acquire a nuclear explosive device or related materials or technology; or

(B) the government of the country that is assisting the nuclear programs of Iran, North Korea, or Syria, as the case may be, or transferring advanced conventional weapons or missiles to Iran, North Korea, or Syria, as the case may be—

(i) has suspended all nuclear assistance to Iran, North Korea, or Syria, as the case may be, and all transfers of advanced conventional weapons and missiles to Iran, North Korea, or Syria, as the case may be; and

(ii) is committed to maintaining that suspension until Iran, North Korea, or Syria, as the case may be, has implemented measures that would permit the President to make the determination described in subparagraph (A).

(b) RULES OF CONSTRUCTION.—The restrictions described in subsection (a)(1)—

(1) shall apply in addition to all other applicable procedures, requirements, and restrictions described in the Atomic Energy Act of 1954 and other applicable Acts;

(2) shall not be construed as affecting the validity of an agreement for cooperation be-

tween the United States and the government of a country that is in effect on the date of the enactment of this Act; and

(3) shall not be construed as applying to assistance for the Bushehr nuclear reactor, unless such assistance is determined by the President to be contributing to the efforts of Iran to develop nuclear weapons.

(c) DEFINITIONS.—In this section:

(1) AGREEMENT FOR COOPERATION.—The term “agreement for cooperation” has the meaning given that term in section 11 b. of the Atomic Energy Act of 1954 (42 U.S.C. 2014 b.).

(2) ASSISTING THE NUCLEAR PROGRAM OF IRAN, NORTH KOREA, OR SYRIA.—The term “assisting the nuclear program of Iran, North Korea, or Syria” means the intentional transfer to Iran, North Korea, or Syria by a government, or by a person subject to the jurisdiction of a government with the knowledge and acquiescence of that government, of goods, services, or technology listed on the Nuclear Suppliers Group Guidelines for the Export of Nuclear Material, Equipment and Technology (published by the International Atomic Energy Agency as Information Circular INFCIRC/254/Rev. 3/Part 1, and subsequent revisions), or the Nuclear Suppliers Group Guidelines for Transfers of Nuclear-Related Dual-Use Equipment, Material, and Related Technology (published by the International Atomic Energy Agency as Information Circular INFCIRC/254/Rev. 3/Part 2, and subsequent revisions).

(3) COUNTRY THAT IS ASSISTING THE NUCLEAR PROGRAMS OF IRAN, NORTH KOREA, OR SYRIA OR TRANSFERRING ADVANCED CONVENTIONAL WEAPONS OR MISSILES TO IRAN, NORTH KOREA, OR SYRIA.—The term “country that is assisting the nuclear program of Iran, North Korea, or Syria or transferring advanced conventional weapons or missiles to Iran, North Korea, or Syria” means any country determined by the President to be assisting the nuclear program of Iran, North Korea, or Syria or transferring advanced conventional weapons or missiles to Iran, North Korea, or Syria.

(4) TRANSFER.—The term “transfer” means the conveyance of technological or intellectual property, or the conversion of intellectual or technological advances into marketable goods, services, or articles of value, developed and generated in one place, to another through illegal or illicit means to a country, the government of which the Secretary of State has determined, for purposes of section 6(j)(1)(A) of the Export Administration Act of 1979 (as in effect pursuant to the International Emergency Economic Powers Act; 50 U.S.C. 1701 et seq.), section 40(d) of the Arms Export Control Act (22 U.S.C. 2780(d)), and section 620A of the Foreign Assistance Act of 1961 (22 U.S.C. 2371), is a government that has repeatedly provided support for acts of international terrorism.

(5) TRANSFERRING ADVANCED CONVENTIONAL WEAPONS OR MISSILES TO IRAN, NORTH KOREA, OR SYRIA.—The term “transferring advanced conventional weapons or missiles to Iran, North Korea, or Syria” means the intentional transfer to Iran, North Korea, or Syria by a government, or by a person subject to the jurisdiction of a government with the knowledge and acquiescence of that government, of goods, services, or technology listed on—

(A) the Wassenaar Arrangement list of Dual Use Goods and Technologies and Munitions list of July 12, 1996, and subsequent revisions; or

(B) the Missile Technology Control Regime Equipment and Technology Annex of June 11, 1996, and subsequent revisions.

**SEC. 7. IDENTIFICATION OF COUNTRIES THAT ENABLE PROLIFERATION TO OR FROM IRAN, NORTH KOREA, OR SYRIA.**

(a) **ANNUAL REPORT.**—The President shall transmit to the appropriate congressional committees and make available to the public on an annual basis a report that identifies each foreign country that allows one or more foreign persons under the jurisdiction of such country to engage in activities described in section 3 that are sanctionable under section 4 despite requests by the United States Government to the government of such country to prevent such activities.

(b) **FORM.**—The report required under subsection (a) shall be submitted in unclassified form, but may contain a classified annex if necessary.

**SEC. 8. PROHIBITION ON UNITED STATES ASSISTANCE TO COUNTRIES ASSISTING PROLIFERATION ACTIVITIES BY IRAN, NORTH KOREA, OR SYRIA.**

(a) **IN GENERAL.**—The President shall prohibit assistance (other than humanitarian assistance) under the Foreign Assistance Act of 1961 and shall not issue export licenses for defense articles or defense services under the Arms Export Control Act to a foreign country the government of which the President has received credible information is assisting Iran, North Korea, or Syria in the acquisition, development, or proliferation of weapons of mass destruction or ballistic missiles.

(b) **RESUMPTION OF ASSISTANCE.**—The President is authorized to provide assistance described in subsection (a) to a foreign country subject to the prohibition in subsection (a) if the President determines and notifies the appropriate congressional committees that there is credible information that the government of the country is no longer assisting Iran, North Korea, or Syria in the acquisition, development, or proliferation of weapons of mass destruction or ballistic missiles.

(c) **DEFINITION.**—In this section, the term “assisting” means providing material or financial support of any kind, including purchasing of material, technology or equipment from Iran, North Korea, or Syria.

**SEC. 9. RESTRICTION ON EXTRAORDINARY PAYMENTS IN CONNECTION WITH THE INTERNATIONAL SPACE STATION.**

(a) **RESTRICTION.**—

(1) **IN GENERAL.**—Notwithstanding any other provision of law, no agency of the United States Government may make extraordinary payments in connection with the International Space Station to the Russian Aviation and Space Agency, any organization or entity under the jurisdiction or control of the Russian Aviation and Space Agency, or any other organization, entity, or element of the Government of the Russian Federation, unless, during the fiscal year in which such extraordinary payments are to be made, the President has made the determination described in subsection (b), and reported such determination to the Committee on Foreign Affairs and the Committee on Science, Space, and Technology of the House of Representatives and the Committee on Foreign Relations and the Committee on Commerce, Science, and Transportation of the Senate.

(2) **WAIVER.**—If the President is unable to make the determination described in subsection (b) with respect to a fiscal year in which extraordinary payments in connection with the International Space Station are to be made, the President is authorized to waive the application of paragraph (1) on a case-by-case basis with respect to the fiscal year if not less than 15 days prior to the date

on which the waiver is to take effect the President submits to the appropriate congressional committees a report that contains—

(A) the reasons why the determination described in subsection (b) cannot be made;

(B) the amount of the extraordinary payment to be made under the waiver;

(C) the steps being undertaken by the United States to ensure compliance by the Russian Federation with the conditions described in subsection (b); and

(D) a determination of the President that the waiver is vital to the national interests of the United States.

(b) **DETERMINATION REGARDING RUSSIAN COOPERATION IN PREVENTING PROLIFERATION RELATING TO IRAN, NORTH KOREA, AND SYRIA.**—The determination referred to in subsection (a) is a determination by the President that—

(1) it is the policy of the Government of the Russian Federation (including the law enforcement, export promotion, export control, and intelligence agencies of such Government) to oppose the proliferation to or from Iran, North Korea, and Syria of weapons of mass destruction and missile systems capable of delivering such weapons;

(2) the Government of the Russian Federation (including the law enforcement, export promotion, export control, and intelligence agencies of such Government) has demonstrated and continues to demonstrate a sustained commitment to seek out and prevent the transfer to or from Iran, North Korea, and Syria of goods, services, and technology that could make a material contribution to the nuclear, biological, or chemical weapons, or of ballistic or cruise missile systems development programs of Iran; and

(3) neither the Russian Aviation and Space Agency, nor any organization or entity under the jurisdiction or control of the Russian Aviation and Space Agency, has, during the one-year period ending on the date of the determination under this subsection made transfers to or from Iran, North Korea, or Syria reportable under section 3(a) (other than transfers with respect to which a determination pursuant to section 5 has been or will be made).

(c) **PRIOR NOTIFICATION.**—Not less than five days before making a determination under this section, the President shall notify the Committee on Foreign Affairs and the Committee on Science, Space, and Technology of the House of Representatives and the Committee on Foreign Relations and the Committee on Commerce, Science, and Transportation of the Senate of the President's intention to make such a determination.

(d) **WRITTEN JUSTIFICATION.**—A determination of the President under this section shall include a written justification describing in detail the facts and circumstances supporting the President's conclusion.

(e) **TRANSMISSION IN CLASSIFIED FORM.**—If the President considers it appropriate, a determination of the President under this section, a prior notification under subsection (c), and a written justification under subsection (d), or appropriate parts thereof, may be transmitted in classified form.

(f) **EXCEPTION FOR CREW SAFETY.**—

(1) **EXCEPTION.**—The National Aeronautics and Space Administration may make extraordinary payments in connection with the International Space Station to the Russian Aviation and Space Agency or any organization or entity under the jurisdiction or control of the Russian Aviation and Space Agency, or any subcontractor thereof, that would otherwise be prohibited under this section if

the President notifies Congress in writing that such payments are necessary to prevent the imminent loss of life of or grievous injury to individuals aboard the International Space Station.

(2) **REPORT.**—Not later than 30 days after notifying Congress that the National Aeronautics and Space Administration will make extraordinary payments under paragraph (1), the President shall transmit to Congress a report describing—

(A) the extent to which the provisions of subsection (b) had been met as of the date of notification; and

(B) the measures that the National Aeronautics and Space Administration is taking to ensure that—

(i) the conditions posing a threat of imminent loss of life of or grievous injury to individuals aboard the International Space Station necessitating the extraordinary payments are not repeated; and

(ii) it is no longer necessary to make extraordinary payments in order to prevent imminent loss of life of or grievous injury to individuals aboard the International Space Station.

(g) **SERVICE MODULE EXCEPTION.**—

(1) **IN GENERAL.**—The National Aeronautics and Space Administration may make extraordinary payments in connection with the International Space Station to the Russian Aviation and Space Agency, any organization or entity under the jurisdiction or control of the Russian Aviation and Space Agency, or any subcontractor thereof, that would otherwise be prohibited under this section for the construction, testing, preparation, delivery, launch, or maintenance of the Service Module, and for the purchase (at a total cost not to exceed \$14,000,000) of the pressure dome for the Interim Control Module and the Androgynous Peripheral Docking Adapter and related hardware for the United States propulsion module, if—

(A) the President has notified Congress at least five days before making such payments;

(B) no report has been made under section 3(a) with respect to an activity of the entity to receive such payment, and the President has no credible information of any activity that would require such a report; and

(C) the United States will receive goods or services of value to the United States commensurate with the value of the extraordinary payments made.

(2) **DEFINITION.**—For purposes of this subsection, the term “maintenance” means activities that cannot be performed by the National Aeronautics and Space Administration and which must be performed in order for the Service Module to provide environmental control, life support, and orbital maintenance functions which cannot be performed by an alternative means at the time of payment.

(3) **TERMINATION.**—This subsection shall cease to be effective on the date that is 60 days after the date on which a United States propulsion module is in place at the International Space Station.

(h) **EXCEPTION.**—No agency of the United States Government may make extraordinary payments in connection with the International Space Station, or any other payments in connection with the International Space Station, to any foreign person subject to measures applied pursuant to section 4 of Executive Order 12938 (November 14, 1994), as amended by Executive Order 13094 (July 28, 1998).

(i) **REPORT ON CERTAIN PAYMENTS RELATED TO INTERNATIONAL SPACE STATION.**—

(1) IN GENERAL.—The President shall, together with each report submitted under section 3(a), transmit to the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives a report that identifies each Russian entity or person to whom the United States Government has, since November 22, 2005, made a payment in cash or in kind for work to be performed or services to be rendered under the Agreement Concerning Cooperation on the Civil International Space Station, with annex, signed at Washington January 29, 1998, and entered into force March 27, 2001, or any protocol, agreement, memorandum of understanding, or contract related thereto.

(2) CONTENT.—Each report transmitted under paragraph (1) shall include—

(A) the specific purpose of each payment made to each entity or person identified in such report; and

(B) with respect to each such payment, the assessment of the President that the payment was not prejudicial to the achievement of the objectives of the United States Government to prevent the proliferation of ballistic or cruise missile systems in Iran and other countries that have repeatedly provided support for acts of international terrorism, as determined by the Secretary of State under section 620A(a) of the Foreign Assistance Act of 1961 (22 U.S.C. 2371(a)), section 6(j) of the Export Administration Act of 1979 (50 U.S.C. App. 2405(j)), or section 40(d) of the Arms Export Control Act (22 U.S.C. 2780(d)).

**SEC. 10. EXCLUSION FROM THE UNITED STATES OF SENIOR OFFICIALS OF FOREIGN PERSONS WHO HAVE AIDED PROLIFERATION RELATING TO IRAN.**

Except as provided in subsection (b), the Secretary of State shall deny a visa to, and the Secretary of Homeland Security shall exclude from the United States, any alien whom the Secretary of State determines is an alien who, on or after the date of the enactment of this Act, is a—

(1) corporate officer, principal, or shareholder with a controlling interest of a foreign person identified in a report submitted pursuant to section 3(a);

(2) corporate officer, principal, or shareholder with a controlling interest of a successor entity to, or a parent or subsidiary of, a foreign person identified in such a report;

(3) corporate officer, principal, or shareholder with a controlling interest of an affiliate of a foreign person identified in such a report, if such affiliate engaged in the activities referred to in such report, and if such affiliate is controlled in fact by the foreign person identified in such report; or

(4) spouse, minor child, or agent of a person excludable under paragraph (1), (2), or (3).

**SEC. 11. PROHIBITION ON CERTAIN VESSELS LANDING IN THE UNITED STATES; ENHANCED INSPECTIONS.**

The Ports and Waterways Safety Act (33 U.S.C. 1221 et seq.) is amended by adding at the end the following:

**“SEC. 16. PROHIBITION ON CERTAIN VESSELS LANDING IN THE UNITED STATES; ENHANCED INSPECTIONS.**

“(a) CERTIFICATION REQUIREMENT.—

“(1) IN GENERAL.—Beginning on the date of enactment of the Iran, North Korea, and Syria Nonproliferation Reform and Modernization Act of 2011, before a vessel arrives at a port in the United States, the owner, charterer, operator, or master of the vessel shall certify that the vessel did not enter a port in Iran, North Korea, or Syria during the 180-day period ending on the date of ar-

rival of the vessel at the port in the United States.

“(2) FALSE CERTIFICATIONS.—The Secretary shall prohibit from landing at a port in the United States for a period of at least 2 years—

“(A) any vessel for which a false certification was made under section (a); and

“(B) any other vessel owned or operated by a parent corporation, partnership, association, or individual proprietorship of the vessel for which the false certification was made.

“(b) ENHANCED INSPECTIONS.—The Secretary shall—

“(1) identify foreign ports at which vessels have landed during the preceding 12-month period that have also landed at ports in Iran, North Korea, or Syria during that period; and

“(2) inspect vessels arriving in the United States from foreign ports identified under paragraph (1) to establish whether the vessel was involved, during the 12-month period ending on the date of arrival of the vessel at the port in the United States, in any activity that would be subject to sanctions under the Iran, North Korea, and Syria Nonproliferation Reform and Modernization Act of 2011.”.

**SEC. 12. SANCTIONS WITH RESPECT TO CRITICAL DEFENSE RESOURCES PROVIDED TO OR ACQUIRED FROM IRAN, NORTH KOREA, OR SYRIA.**

(a) IN GENERAL.—The President shall apply the sanctions described in subsection (b) to any person the President determines is, on or after the date of the enactment of this Act, providing to, or acquiring from, Iran, North Korea, or Syria any good or technology that the President determines is used, or is likely to be used, for military applications.

(b) SANCTIONS DESCRIBED.—The sanctions described in this subsection are, with respect to a person described in subsection (a), the following:

(1) FOREIGN EXCHANGE.—Prohibiting any transactions in foreign exchange that are subject to the jurisdiction of the United States and in which that person has any interest.

(2) BANKING TRANSACTIONS.—Prohibiting any transfers of credit or payments between financial institutions or by, through, or to any financial institution, to the extent that such transfers or payments are subject to the jurisdiction of the United States and involve any interest of that person.

(3) PROPERTY TRANSACTIONS.—Prohibiting any person from—

(A) acquiring, holding, withholding, using, transferring, withdrawing, transporting, or exporting any property that is subject to the jurisdiction of the United States and with respect to which the person described in subsection (a) has any interest;

(B) dealing in or exercising any right, power, or privilege with respect to such property; or

(C) conducting any transaction involving such property.

(4) LOAN GUARANTEES.—Prohibiting the head of any Federal agency from providing a loan guarantee to that person.

(5) ADDITIONAL SANCTIONS.—Additional sanctions, as appropriate, in accordance with the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.).

(c) RESTRICTIONS ON EXPORT LICENSES FOR NUCLEAR COOPERATION AND CERTAIN LOAN GUARANTEES.—Before issuing a license for the exportation of any article pursuant to an agreement for cooperation under section 123 of the Atomic Energy Act of 1954 (42 U.S.C. 2153) or approving a loan guarantee or any

other assistance provided by the United States Government with respect to a nuclear energy project, the Secretary of Energy, the Secretary of Commerce, and the Nuclear Regulatory Commission shall certify to Congress that issuing the license or approving the loan guarantee or other assistance (as the case may be) will not permit the transfer of any good or technology described in subsection (a) to Iran, North Korea, or Syria.

(d) EXCEPTION.—The sanctions described in subsection (b) shall not apply to the repayment or other satisfaction of a loan or other obligation incurred under a program of the Export-Import Bank of the United States, as in effect as of the date of the enactment of this Act.

**SEC. 13. DEFINITIONS.**

In this Act:

(1) ADHERENT TO RELEVANT NONPROLIFERATION REGIME.—A government is an “adherent” to a “relevant nonproliferation regime” if such government—

(A) is a member of the Nuclear Suppliers Group with respect to a transfer of goods, services, or technology described in section 3(a)(1)(A)(i);

(B) is a member of the Missile Technology Control Regime with respect to a transfer of goods, services, or technology described in section 3(a)(1)(A)(ii), or is a party to a binding international agreement with the United States that was in effect on January 1, 1999, to control the transfer of such goods, services, or technology in accordance with the criteria and standards set forth in the Missile Technology Control Regime;

(C) is a member of the Australia Group with respect to a transfer of goods, services, or technology described in section 3(a)(1)(A)(iii);

(D) is a party to the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction with respect to a transfer of goods, services, or technology described in section 3(a)(1)(A)(iv); or

(E) is a member of the Wassenaar Arrangement with respect to a transfer of goods, services, or technology described in section 3(a)(1)(A)(v).

(2) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term “appropriate congressional committees” means the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations and the Committee on Banking, Housing, and Urban Affairs of the Senate.

(3) EXTRAORDINARY PAYMENTS IN CONNECTION WITH THE INTERNATIONAL SPACE STATION.—The term “extraordinary payments in connection with the International Space Station” means payments in cash or in kind made or to be made by the United States Government—

(A) for work on the International Space Station which the Government of the Russian Federation pledged at any time to provide at its expense, or

(B) for work on the International Space Station, or for the purchase of goods or services relating to human space flight, that are not required to be made under the terms of a contract or other agreement that was in effect on January 1, 1999, as such terms were in effect on such date, except that such term does not mean payments in cash or in kind made or to be made by the United States Government before December 31, 2020, for work to be performed or services to be rendered before such date necessary to meet United States obligations



under the Agreement Concerning Cooperation on the Civil International Space Station, with annex, signed at Washington January 29, 1998, and entered into force March 27, 2001, or any protocol, agreement, memorandum of understanding, or contract related thereto.

(4) **FOREIGN PERSON.**—The term “foreign person” means—

(A) a natural person who is an alien;

(B) a corporation, business association, partnership, society, trust, or any other non-governmental entity, organization, or group, successor, subunit, or subsidiary organized under the laws of a foreign country or that has its principal place of business in a foreign country; and

(C)(i) any foreign government; or

(ii) any foreign government agency or entity.

(5) **KNOWINGLY.**—The term “knowingly”, with respect to conduct, a circumstance, or a result, means that a person has actual knowledge, or should have known, of the conduct, the circumstance, or the result of such conduct, circumstance, or result.

(6) **ORGANIZATION OR ENTITY UNDER THE JURISDICTION OR CONTROL OF THE RUSSIAN AVIATION AND SPACE AGENCY.**—

(A) **DEFINITION.**—The term “organization or entity under the jurisdiction or control of the Russian Aviation and Space Agency” means an organization or entity that—

(i) was made part of the Russian Space Agency upon its establishment on February 25, 1992;

(ii) was transferred to the Russian Space Agency by decree of the Government of the Russian Federation on July 25, 1994, or May 12, 1998;

(iii) was or is transferred to the Russian Aviation and Space Agency or Russian Space Agency by decree of the Government of the Russian Federation at any other time before, on, or after March 14, 2000; or

(iv) is a joint stock company in which the Russian Aviation and Space Agency or Russian Space Agency has at any time held controlling interest.

(B) **EXTENSION.**—Any organization or entity described in subparagraph (A) shall be deemed to be under the jurisdiction or control of the Russian Aviation and Space Agency regardless of whether—

(i) such organization or entity, after being part of or transferred to the Russian Aviation and Space Agency or Russian Space Agency, is removed from or transferred out of the Russian Aviation and Space Agency or Russian Space Agency; or

(ii) the Russian Aviation and Space Agency or Russian Space Agency, after holding a controlling interest in such organization or entity, divests its controlling interest.

(7) **SUBSIDIARY.**—The term “subsidiary” means an entity (including a partnership, association, trust, joint venture, corporation, or other organization) of a parent company that controls, directly or indirectly, the other entity.

(8) **TRANSFER OR TRANSFERRED.**—The term “transfer” or “transferred”, with respect to a good, service, or technology, includes—

(A) the conveyance of technological or intellectual property; and

(B) the conversion of technological or intellectual advances into marketable goods, services, or technology of value that is developed and generated in one location and transferred to another location through illegal or illicit means.

(9) **UNITED STATES PERSON.**—The term “United States person” means—

(A) a natural person who is a citizen or resident of the United States; or

(B) an entity that is organized under the laws of the United States or any State or territory thereof.

(10) **VESSEL.**—The term “vessel” has the meaning given such term in section 1081 of title 18, United States Code. Such term also includes aircraft, regardless of whether or not the type of aircraft at issue is described in such section.

(11) **TECHNICAL ASSISTANCE.**—The term “technical assistance” means providing of advice, assistance, and training pertaining to the installation, operation, and maintenance of equipment for destabilizing types and forms of conventional weapons.

#### **SEC. 14. REPEAL OF IRAN, NORTH KOREA, AND SYRIA NONPROLIFERATION ACT.**

(a) **REPEAL.**—The Iran, North Korea, and Syria Nonproliferation Act (50 U.S.C. 1701 note) is repealed.

(b) **REFERENCES.**—Any reference in a law, regulation, document, or other record of the United States to the Iran, North Korea, and Syria Nonproliferation Act shall be deemed to be a reference to this Act.

The **SPEAKER** pro tempore. Pursuant to the rule, the gentlewoman from Florida (Ms. **ROS-LEHTINEN**) and the gentleman from California (Mr. **BERMAN**) each will control 20 minutes.

Mr. **KUCINICH**. Mr. Speaker, I rise to claim time in opposition.

The **SPEAKER** pro tempore. Does the gentleman from California favor the motion?

Mr. **BERMAN**. I do support the motion, Mr. Speaker.

The **SPEAKER** pro tempore. On that basis the gentleman from Ohio will control the 20 minutes in opposition.

Ms. **ROS-LEHTINEN**. Mr. Speaker, I ask unanimous consent that the gentleman from California (Mr. **BERMAN**) be allowed to control one-half of the time in the affirmative.

The **SPEAKER** pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

The **SPEAKER** pro tempore. The gentlewoman from Florida will control 10 minutes; the gentleman from California will control 10 minutes; and the gentleman from Ohio will control 20 minutes.

The Chair recognizes the gentleman from Florida.

#### **GENERAL LEAVE**

Ms. **ROS-LEHTINEN**. I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on this bill.

The **SPEAKER** pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

Ms. **ROS-LEHTINEN**. Mr. Speaker, I yield myself such time as I may consume.

I rise in strong support of the Iran, North Korea, and Syria Nonproliferation Reform and Modernization Act which I introduced, together with the ranking member of the Foreign Affairs Committee's Subcommittee on Terrorism, Nonproliferation, and Trade,

my good friend from California (Mr. **SHERMAN**). I would also like to thank the ranking member of the full committee, the gentleman from California, for his significant contributions to this legislation.

Mr. Speaker, Iran, North Korea, and Syria are key elements in an expanding global proliferation network. North Korea has long been a willing merchant of death for anyone with cash and has played a crucial role in the development of Iran's nuclear and ballistic missile program. But Iran is only one of many customers. In 2010, the U.N. Security Council released a report saying that North Korea continues to market and export its nuclear and ballistic technology. The most prominent example of North Korea's proliferation activities is its construction of the clandestine Syrian nuclear reactor that, thankfully, was destroyed by an Israeli air strike in the year 2007. Reports indicate that the reactor was based on a North Korean model capable of producing plutonium for nuclear weapons and that the project was financed by Iran.

But Syria's nuclear ambitions are apparently even greater than suspected. Just last month, the International Atomic Energy Agency reportedly identified a previously unknown nuclear facility in northeastern Syria, indicating that the regime in Damascus may have been pursuing two separate paths to a nuclear weapon, one based on uranium enrichment and the other on reprocessing plutonium. One thing is clear, as with the first nuclear facility, this second one could only have been built with outside help. So it is obvious that once one of these regimes gets its hands on weapons of mass destruction, they will all have access; and then this deadly capacity is certain to spread even further.

But the proliferation efforts of North Korea, Iran, and Syria are by no means limited to nuclear weapons. There is an active trade between these countries and advanced conventional weapons as well, including ballistic missiles. In the year 2010, an aircraft loaded with North Korean conventional weapons was intercepted in Thailand, reportedly on its way to Iran in violation of multiple Security Council resolutions of the U.N. And there have been several interdictions of Iranian weapons reportedly destined for Syria. Clearly these represent just the tip of the iceberg.

These weapons are not intended to be placed in storage. They will be used against us and against our allies. North Korea has continued to violently assault our ally South Korea, repeatedly attacking its military forces out of the blue and murdering civilians almost at will. And it is throwing vast resources into developing weapons capable of striking U.S. targets, the latest being a



mobile intercontinental ballistic missile which could eventually be added to its list of items for sale.

We are witnessing the Syrian regime shooting down its own people in the streets. Allowing President Assad and his thugs access to nuclear technology could exponentially multiply his regime's ability to spread destruction far beyond its borders.

We know that Iran has no problem striking down innocent people in that country who dare to stand up to the regime. And Tehran continues to be a leading state sponsor of terrorism, providing weapons, money, and support to terrorist groups like Hamas, Hezbollah, and even al Qaeda. This means that preventing any and every part of this proliferation network from gaining access to the weapons they need to threaten anyone is of utmost importance.

Iran, North Korea, and Syria are not just helping each other. Much of the progress they have achieved on the array of weapons programs is thanks to the assistance from other foreign sources. The most recent report of the IAEA on Iran revealed that Iran has been engaged in extensive efforts to develop nuclear weapons and that these efforts include acquiring equipment, materials, and information related to nuclear weapons development. It has stated that Iran has also actively been working on a design for a nuclear weapon, including testing components.

Finally, the IAEA report revealed that Iran has received crucial help on its nuclear weapons design from foreign experts. Just 2 weeks ago, on December 2, Russian officials were quoted in news reports admitting that Russia had supplied Syria's Assad with cruise missiles. According to the news reports: "Israel fears the cruise missiles could fall into the hands of Hezbollah militants in neighboring Lebanon." Just think of all of the countries that have been named in these short remarks.

China is not far behind, as a recent report of the U.S.-China Economic and Security Review Commission indicates. The China Commission report emphasizes the enormous damage to U.S. interests being done by China's massive sale of weapons to Iran, including short-range cruise missiles.

H.R. 2105 seeks to cut off the supply networks to Iran, to Syria, and to North Korea. It updates and strengthens measures to prevent the proliferation of goods, services, or technology relating to nuclear, biological, chemical, and other advanced weapons, such as ballistic missiles. It expands sanctions on individuals, on businesses, on countries engaged in assisting proliferation, embracing financial transactions, properties, and visas, among many other penalties.

It also imposes restrictions on nuclear cooperation with countries that

are assisting the nuclear programs of Iran, North Korea, or Syria because no country that is helping an enemy of the United States should receive any help from us.

But it is not enough to put these laws on the books. They must be fully implemented and consistently enforced if they are to have the intended effect. I call upon the President to use the tools that Congress is giving to him to stop these countries from spreading their instruments of destruction even further. North Korea has already detonated two nuclear devices. Iran is getting closer to a nuclear weapon every day. Syria is following in its footsteps. Their stockpiles of weapons of mass destruction are growing, as their ballistic missile capabilities are growing. And their arsenals of other advanced weapons are being made available to enemies of the U.S. and its allies. We must act decisively to end this threat before it spreads even further.

Mr. Speaker, I would like to place in the RECORD my correspondence and joint statements with the chairmen of other committees of referral on this bill.

HOUSE OF REPRESENTATIVES,  
COMMITTEE ON THE JUDICIARY,  
Washington, DC, November 4, 2011.

Hon. ILEANA ROS-LEHTINEN,  
Chairman, House Committee on Foreign Affairs,  
Washington, DC.

DEAR CHAIRMAN ROS-LEHTINEN: I am writing concerning H.R. 2105, the "Iran, North Korea, and Syria Nonproliferation Reform and Modernization Act of 2011," which the Committee on Foreign Affairs reported favorably. As a result of your having consulted with us on provisions in H.R. 2105 that fall within the Rule X jurisdiction of the Committee on the Judiciary, we are able to agree to discharging our Committee from further consideration of this bill in order that it may proceed expeditiously to the House floor for consideration.

The Judiciary Committee takes this action with our mutual understanding that by foregoing consideration of H.R. 2105 at this time, we do not waive any jurisdiction over subject matter contained in this or similar legislation, and that our Committee will be appropriately consulted and involved as the bill or similar legislation moves forward so that we may address any remaining issues in our jurisdiction. Our Committee also reserves the right to seek appointment of an appropriate number of conferees to any House-Senate conference involving this or similar legislation, and requests your support for any such request.

I would appreciate your response to this letter confirming this understanding with respect to H.R. 2105, and would ask that a copy of our exchange of letters on this matter be included in the Congressional Record during floor consideration.

Sincerely,

LAMAR SMITH,  
Chairman.

HOUSE OF REPRESENTATIVES,  
COMMITTEE ON FOREIGN AFFAIRS,  
Washington, DC, November 4, 2011.

Hon. LAMAR SMITH,  
Chairman, House Committee on the Judiciary,  
Washington, DC.

DEAR CHAIRMAN SMITH: Thank you for your letter concerning H.R. 2105, the Iran, North

Korea, and Syria Nonproliferation Reform and Modernization Act of 2011, and for your agreement to discharge the Committee on the Judiciary from further consideration of this bill so that it may proceed expeditiously to the House floor.

I am writing to confirm our mutual understanding that, by forgoing consideration of H.R. 2105 at this time, you are not waiving any jurisdiction over the subject matter in that bill or similar legislation. I look forward to continuing to consult with your Committee as such legislation moves ahead, and would be glad to support a request by your Committee for conferees to a House-Senate conference on this, or any similar, legislation.

I will seek to place a copy of our exchange of letters on this matter into the Congressional Record during floor consideration of H.R. 2105

Sincerely,

ILEANA ROS-LEHTINEN,  
Chairman.

HOUSE OF REPRESENTATIVES, COM-  
MITTEE ON TRANSPORTATION AND  
INFRASTRUCTURE,

Washington, DC, November 9, 2011.

Hon. ILEANA ROS-LEHTINEN,  
Chairman, Committee on Foreign Affairs, Wash-  
ington, DC.

DEAR CHAIRMAN ROS-LEHTINEN: I write concerning H.R. 2105, the "Iran, North Korea, and Syria Nonproliferation Reform and Modernization Act of 2011." As you know, the Committee on Transportation and Infrastructure also received a referral on H.R. 2105 when the bill was introduced on June 3, 2011. As a result of your consultation with me on provisions in H.R. 2105 that fall within the Rule X jurisdiction of the Committee on Transportation and Infrastructure, we will forgo Committee action on the bill.

The Committee on Transportation and Infrastructure takes this action with our mutual understanding that by forgoing consideration of H.R. 2105 at this time, we do not waive any jurisdiction over subject matter contained in this or similar legislation, and that our Committee will be appropriately consulted and involved as the bill or similar legislation moves forward so that we may address any remaining issues in our jurisdiction. The Committee on Transportation and Infrastructure also reserves the right to seek appointment of an appropriate number of conferees to any House-Senate conference involving this or similar legislation, and requests your support for any such request.

I would appreciate your response to this letter confirming this understanding with respect to H.R. 2105, and would ask that a copy of our exchange of letters on this matter be included in the Congressional Record during floor consideration.

Sincerely,

JOHN L. MICA,  
Chairman.

HOUSE OF REPRESENTATIVES,  
COMMITTEE ON FOREIGN AFFAIRS,  
Washington, DC, November 9, 2011.

Hon. JOHN L. MICA,  
Chairman, Committee on Transportation and  
Infrastructure, Washington, DC.

DEAR MR. CHAIRMAN: thank you for your cooperation with the Foreign Affairs Committee regarding H.R. 2105, the Iran, North Korea, and Syria Nonproliferation Reform and Modernization Act of 2011.

I am writing to confirm the agreement between the Foreign Affairs Committee and the Transportation and Infrastructure Committee regarding the final text of those sections of H.R. 2105 which the Parliamentary

has indicated involve the jurisdiction of your Committee. In agreeing to waive consideration of that bill, this Committee understands that the Transportation and Infrastructure Committee is not waiving jurisdiction over the relevant provisions in that bill or any other related matter. I will seek to place a copy of this letter and your response in the Congressional Record during floor consideration of the bill.

Thank you again for your consideration and assistance in this matter.

Sincerely,

ILEANA ROS-LEHTINEN,  
*Chairman.*

HOUSE OF REPRESENTATIVES,  
COMMITTEE ON SCIENCE, SPACE, AND  
TECHNOLOGY,

*Washington, DC, November 10, 2011.*

Hon. ILEANA ROS-LEHTINEN,  
*Chairman, Committee on Foreign Affairs, Wash-  
ington, DC.*

DEAR CHAIRMAN ROS-LEHTINEN: I am writing to you regarding H.R. 2105, the Iran, North Korea, and Syria Nonproliferation Reform and Modernization Act of 2011. This legislation was initially referred to the Committee on Foreign Affairs, and in addition to the Committee on Science, Space, and Technology (among others). The bill contains provisions that fall within the jurisdiction of the Committee on Science, Space, and Technology.

H.R. 2105 has been marked up by the Committee on Foreign Affairs. Based on discussions that the staff of our two committees have had regarding this legislation and in the interest of permitting your Committee to proceed expeditiously to floor consideration of this important legislation, I am willing to waive further consideration of this bill. I do so with the understanding that by waiving consideration of the bill, the Committee on Science, Space, and Technology does not waive any future jurisdictional claim of the subject matters contained in the bill which fall within its Rule X jurisdiction.

Additionally, the Committee on Science, Space, and Technology expressly reserves its authority to seek conferees on any provision within its jurisdiction during any House-Senate conference that may be convened on this, or any similar legislation. I ask for your commitment to support any request by the Committee for conferees on H.R. 2105, as well as any similar or related legislation.

Further, I ask that a copy of this letter and your response be included in the report on H.R. 2105 and in the Congressional Record during consideration of this bill.

I would also like to take this opportunity to thank you for the positive negotiations between our Committees, the result is an improved bill. I look forward to working with you as this important measure moves through the legislative process.

Sincerely,

RALPH M. HALL,  
*Chairman.*

HOUSE OF REPRESENTATIVES,  
COMMITTEE ON FOREIGN AFFAIRS,  
*Washington, DC, November 9, 2011.*

Hon. RALPH M. HALL,  
*Chairman, Committee on Science, Space, and  
Technology, Washington, DC.*

DEAR CHAIRMAN HALL: Thank you for your cooperation with the Foreign Affairs Committee regarding H.R. 2105, the Iran, North Korea, and Syria Nonproliferation Reform and Modernization Act of 2011.

I am writing to confirm the agreement between the Foreign Affairs Committee and

the Science, Space, and Technology Committee regarding the final text of those sections of H.R. 2105 which the Parliamentarian has indicated involve the jurisdiction of your Committee. In agreeing to waive consideration of that bill, this Committee understands that the Science, Space, and Technology Committee is not waiving jurisdiction over the relevant provisions in that bill or any other related matter. I will seek to place a copy of this letter and your response in the Congressional Record during floor consideration of the bill.

Thank you again for your consideration and assistance in this matter.

Sincerely,

ILEANA ROS-LEHTINEN,  
*Chairman.*

JOINT STATEMENT OF CHAIRMAN ROS-LEHTINEN OF THE COMMITTEE ON FOREIGN AFFAIRS AND CHAIRMAN HALL OF THE COMMITTEE ON SCIENCE, SPACE, AND TECHNOLOGY ON H.R. 2105, THE "IRAN, NORTH KOREA, AND SYRIA NONPROLIFERATION REFORM AND MODERNIZATION ACT OF 2011"

The Committee on Foreign Affairs and the Committee on Science, Space, and Technology affirm the national policy of fully utilizing the International Space Station and recognize the role of international partners in sustaining that enterprise. Consistent with Public Law 111-267, the "National Aeronautics and Space Administration Authorization Act of 2010", the Committees support the national policy of relying on, and fostering development of, United States' owned and operated cargo and crew services to the International Space Station, including those provided by commercial carriers, where such services exist and are certified for flight by the appropriate agencies.

HOUSE OF REPRESENTATIVES,  
COMMITTEE ON FOREIGN AFFAIRS,  
*Washington, DC, November 16, 2011.*

Hon. DARRELL E. ISSA,  
*Chairman, Committee on Oversight and Govern-  
ment Reform, Washington, DC.*

DEAR CHAIRMAN ISSA: Thank you for your cooperation with the Foreign Affairs Committee regarding H.R. 2105, the Iran, North Korea, and Syria Nonproliferation Reform and Modernization Act of 2011.

I am writing to confirm the agreement between the Foreign Affairs Committee and the Oversight and Government Reform Committee regarding the final text of those sections of H.R. 2105 which the Parliamentarian has indicated involve the jurisdiction of your Committee. In agreeing to waive consideration of that bill, this Committee understands that the Oversight and Government Reform Committee is not waiving jurisdiction over the relevant provisions in that bill or any other related matter. I will seek to place a copy of this letter and your response in the Congressional Record during floor consideration of the bill. Additionally, I will support your request for an appropriate appointment of outside conferees from your Committee in the event of a House-Senate conference on this or similar legislation should such a conference be convened.

Thank you again for your consideration and assistance in this matter.

Sincerely,

ILEANA ROS-LEHTINEN,  
*Chairman.*

HOUSE OF REPRESENTATIVES, COM-  
MITTEE ON OVERSIGHT AND GOV-  
ERNMENT REFORM,

*Washington, DC, November 18, 2011.*

Hon. ILEANA ROS-LEHTINEN,  
*Chairwoman, Committee on Foreign Affairs,  
Washington, DC.*

DEAR MADAM CHAIRWOMAN: Thank you for your letter concerning H.R. 2105, the Iran, North Korea and Syria Non-proliferation Reform and Modernization Act of 2011. I concur in your judgment that provisions of the bill are within the jurisdiction of the Oversight and Government Reform Committee.

I am willing to waive this committee's right to consider the bill. In so doing, I do not waive its jurisdiction over the subject matter of the bill. I appreciate your commitment to insert this exchange of letters into the committee report and the Congressional Record, and your support for outside conferees from the Committee should a conference be convened.

Sincerely,

DARRELL ISSA,  
*Chairman.*

HOUSE OF REPRESENTATIVES,  
COMMITTEE ON FINANCIAL SERVICES,  
*Washington, DC, November 23, 2011.*

Hon. ILEANA ROS-LEHTINEN,  
*Chairman, Committee on Foreign Affairs, Wash-  
ington, DC.*

DEAR CHAIRMAN ROS-LEHTINEN: I am writing concerning H.R. 2105, the Iran, North Korea, and Syria Nonproliferation Reform and Modernization Act of 2011. Based on the agreement made by the staff of our two committees regarding H.R. 2105 and in the interest of permitting your Committee to proceed expeditiously with the bill, I am willing to forego at this time the consideration of provisions in this bill that fall under the jurisdiction of the Committee on Financial Services under Rule X of the Rules of the House of Representatives.

The Committee on Financial Services takes this action with our mutual understanding that by foregoing consideration of H.R. 2105 at this time, we do not waive any jurisdiction over the subject matter contained in this or similar legislation, and that our Committee will be appropriately consulted and involved as the bill or similar legislation moves forward. Our Committee reserves the right to seek appointment of an appropriate number of conferees to any House-Senate conference involving this or similar legislation, and requests your support for any such requests.

Further, I ask that a copy of our exchange of letters on this matter be included in the Congressional Record during floor consideration of this bill. I look forward to working with you as this important measure moves through the legislative process.

Sincerely,

SPENCER BACHUS,  
*Chairman.*

HOUSE OF REPRESENTATIVES,  
COMMITTEE ON FOREIGN AFFAIRS,  
*Washington, DC, November 23, 2011.*

Hon. SPENCER BACHUS,  
*Chairman, Committee on Financial Services,  
Washington, DC.*

DEAR CHAIRMAN BACHUS: Thank you for your cooperation with the Foreign Affairs Committee regarding H.R. 2105, the Iran, North Korea, and Syria Nonproliferation Reform and Modernization Act of 2011.

I am writing to confirm the agreement between the Foreign Affairs Committee and your Committee regarding the final text of

those sections of H.R. 2105 which the Parliamentarian has indicated involve the jurisdiction of your Committee. In agreeing to waive consideration of that bill, this Committee understands that your Committee is not waiving jurisdiction over the relevant provisions in that bill or any other related matter. I will seek to place a copy of this letter and your response in the Congressional Record during floor consideration of the bill. Additionally, I will support your request for an appropriate appointment of outside conferees from your Committee in the event of a House-Senate conference on this or similar legislation should such a conference be convened.

Thank you again for your consideration and assistance on this matter.

Sincerely,

ILEANA ROS-LEHTINEN,  
Chairman.

HOUSE OF REPRESENTATIVES,  
COMMITTEE ON WAYS AND MEANS,  
Washington, DC, December 5, 2011.

Hon. ILEANA ROS-LEHTINEN,  
Chairman, Committee on Foreign Affairs, Washington, DC.

DEAR CHAIRMAN ROS-LEHTINEN: I am writing regarding H.R. 2105, the "Iran, North Korea, and Syria Nonproliferation Reform and Modernization Act of 2011," which was favorably reported out of your Committee on November 2, 2011. I commend you on your efforts to make sure that the United States is better able to address the critical threats that Iran, North Korea, and Syria pose.

There have been productive conversations between the staffs of our Committees, during which we have proposed changes to provisions within the jurisdiction of the Committee on Ways and Means in the bill to clarify the intent and scope of the bill with respect to compliance with U.S. international trade obligations, thereby reducing our exposure to trade sanctions and retaliation against our exporters. I believe that compliance with our trade obligations makes for a more credible U.S. response to Iran's behavior and helps us develop a stronger multilateral response to Iran. Accordingly, I appreciate your commitment to address the concerns raised by the Committee on Ways and Means in sections 4 and 10 in H.R. 2105.

Assuming these issues are resolved satisfactorily, in order to expedite floor consideration of the bill, the Committee on Ways and Means will forgo action on H.R. 2105. Further, the Committee will not oppose the bill's consideration on the suspension calendar, based on our understanding that you will work with the Committee as the legislative process moves forward in the House of Representatives and in the Senate, to ensure that the Committee's concerns continue to be addressed. This is also being done with the understanding that it does not in any way prejudice the Committee with respect to the appointment of conferees or its jurisdictional prerogatives on this or similar legislation.

I would appreciate your response to this letter, confirming this understanding with respect to H.R. 2105, and would ask that a copy of our exchange of letters on this matter be included in the Congressional Record during Floor consideration.

Sincerely,

DAVE CAMP,  
Chairman.

HOUSE OF REPRESENTATIVES,  
COMMITTEE ON FOREIGN AFFAIRS,  
Washington, DC, December 5, 2011.

Hon. DAVE CAMP,  
Chairman, Committee on Ways and Means,  
Washington, DC.

DEAR CHAIRMAN CAMP: Thank you for your cooperation with the Foreign Affairs Committee regarding H.R. 2105, the Iran, North Korea, and Syria Nonproliferation Reform and Modernization Act of 2011.

I am writing to confirm the agreement between the Foreign Affairs Committee and the Committee on Ways and Means regarding the final text of those sections of 2105 which the Parliamentarian has indicated involve the jurisdiction of your Committee. In agreeing to waive consideration of that bill, this Committee understands that the Committee on Ways and Means is not waiving jurisdiction over the relevant provisions in that bill or any other related matter. I will seek to place a copy of this letter and your response in the Congressional Record during floor consideration of the bill. Additionally, I will support your request for an appropriate appointment of outside conferees from your Committee in the event of a House-Senate conference on this or similar legislation should such a conference be convened.

Thank you again for your consideration and assistance in this matter.

Sincerely,

ILEANA ROS-LEHTINEN,  
Chairman.

I strongly urge my colleagues to support this bill, and I reserve the balance of my time.

Mr. KUCINICH. Mr. Speaker, I yield myself such time as I may consume.

We're rapidly moving from Iran sanctions to sanctioning the world here.

I stand in support of nonproliferation. I think that this country should be leading the world towards nuclear abolition. Let us not forget that when the Soviet Union fell, there was one country that got rid of its nuclear weapons, Ukraine.

□ 2110

And Ukraine today, while there are political problems there, they still stand strong as a nation among nations for having taken that direction.

We need to be encouraging all of the nations of the world to get rid of their nuclear weapons. But if we don't do that and we instead say: We will keep our nuclear weapons, and half a dozen other nations and more can keep their nuclear weapons, but you, you, you and you, you cannot have nuclear weapons, actually what we're doing is we're setting the stage for more proliferation. It is the inconsistent U.S. policy on nuclear proliferation that has actually brought us to this moment.

So I have a great deal of sympathy for my colleagues who don't want to see more nuclear proliferation among certain nations, but I would ask them to join me in taking a stand for nuclear abolition among all nations.

I reserve the balance of my time.

Mr. BERMAN. Mr. Speaker, I yield myself 2 minutes.

INKSNA, enacted in the year 2000, has forced the United States Govern-

ment to review all intelligence for credible evidence regarding sensitive transfers of goods and services related to WMD, missiles, or conventional weapons, and made such transfers sanctionable acts.

While the reports required by INKSNA are 2 years behind schedule—an ongoing problem that has plagued successive administrations—we have frequently seen new rounds of sanctions against companies and individuals who are more interested in making a buck than in protecting global security interests.

The specific details of sanctioned transfers are classified. Press reports, however, indicate that INKSNA sanctions have been imposed, for example, on Chinese entities for selling carbon fiber and pressure transducers which could assist Iran in building more advanced gas centrifuges. Multiple Russian, Chinese, and even European weapons exporters have been sanctioned, presumably for the transfer of arms to Iran and Syria, and Chinese chemical supply companies have been repeatedly sanctioned.

I'd like to thank the chairman for agreeing to include my amendment to further strengthen INKSNA. This amendment requires the administration to develop a special mechanism to speed up the process of imposing sanctions regarding transfers of sensitive technology related to weapons of mass destruction or ballistic missiles to Iran.

In addition, the amendment requires the President to publicly identify those countries that are allowing such transfers of sensitive technology to occur, despite repeated requests by the U.S. Government to prevent such activities. I would expect China would be listed on the first report as a government that directly, indirectly, or through inaction, enables its firms to engage in sensitive transfers to Iran, Syria, or North Korea.

Mr. Speaker, I support this bill and urge my colleagues to do the same, and I reserve the balance of my time.

Mr. KUCINICH. Mr. Speaker, I will once again yield time to a colleague who I may disagree with, but he is entitled to 3 minutes, and I will yield 3 minutes to the gentleman from California (Mr. SHERMAN).

Mr. SHERMAN. I thank the gentleman from Ohio for his generosity, especially because he will probably disagree with most of what I have to say.

As to the consistency of America's nonproliferation policy, I believe we are consistent. We are consistent with the nonproliferation treaty, which I believe is the most important peace treaty of our lifetime. It identifies five states as nuclear states. Three major nations in this world did not sign and do not benefit from the treaty. But Iran, North Korea, and Syria all agreed, as non-nuclear states, agreed

not to develop nuclear weapons, and all of them have violated that agreement.

I want to commend Chairman ROS-LEHTINEN for putting forward this outstanding bill, one of the toughest non-proliferation bills ever to come before Congress. I am the lead Democratic cosponsor of this bill, and I want to thank her for the opportunity to work with her on this important legislation.

Iran, Syria, and North Korea are proliferators of nuclear weapons technology, and work together to threaten U.S. interests and allies around the globe.

This bill includes an important provision that I put forward in a bill that I introduced in May of 2009. That is, it poses sanctions against those firms that provide North Korea, Iran, or Syria with equipment or technology relevant to mining or milling uranium. Iran in particular is facing a uranium shortage, and has been searching for foreign sources of uranium as well as trying to improve its own domestic capacity to mine uranium. Under this bill, anyone who assists that effort would be subject to penalties.

This bill includes other very important provisions. The U.S.-China Economic Security Review Commission identified a loophole in current law that arguably exempts from sanctions Chinese companies that are providing short-range, anti-naval cruise missiles to Iran. I think it is critically important that we protect our naval crews, especially when Iran has recently conducted exercises to game the possibility of shutting the Strait of Hormuz, which is so critical to world oil supplies. We need to do everything we can in this Congress to protect our naval crews from Iranian weapons acquired from China.

Also, following on the shipping sanctions that have been put into place against Iranian shipping firms, this bill would go further. It effectively bars from any U.S. port any ship that has visited North Korea, Iran, or Syria in the last 2 years.

The bill would also close a loophole in existing sanctions. It would require that sanctions be imposed on the parent entity when one of its subsidiaries engages in sanctionable activity.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. KUCINICH. I yield the gentleman an additional minute.

Mr. SHERMAN. I thank the gentleman.

Again, this is one of the strongest, perhaps the strongest nonproliferation bill to come before Congress, and I urge its adoption.

Ms. ROS-LEHTINEN. Mr. Speaker, I have no further requests for time, and I reserve the balance of my time to close.

Mr. BERMAN. Mr. Speaker, I am very pleased to yield 2 minutes to my friend from New York, the ranking

member of the Western Hemisphere Subcommittee of the Foreign Affairs Committee, Mr. ENGEL.

Mr. ENGEL. I thank my friend for yielding time to me.

I rise in strong support of H.R. 2105, the Iran, North Korea, and Syria Non-proliferation Reform and Modernization Act of 2011.

Madam Chair, many years ago we sponsored legislation to slap sanctions on Syria. I'm sorry to say we were clairvoyant, but here it is nearly 10 years later, and some things never change. So here we are back again when Syria is murdering its own people, saying that we were right back in 2003 and 2004, and sanctions are what is necessary in order to prevent this regime from murdering its own people and threatening others with destruction. And so I'm happy to join with you and Mr. BERMAN in doing this.

When nuclear, chemical, or biological weapons get in the hand of regimes which lead these rogue states, it's not only a danger to the U.S., it is a danger to all our allies in the Middle East, Asia, and around the world.

What this important bill does is it strengthens existing U.S. sanctions against foreign entities that provide nuclear, chemical, or biological weapons components to Iran, North Korea, and Syria. When Israel destroyed a Syrian facility, we found that that facility was planned and arranged and done by North Korea. So there is this collusion of these rogue regimes all throughout the world.

Importantly, for the first time, this bill imposes sanctions on foreign entities that provide to or acquire from these countries any goods or technology that could be used for military applications. So I, therefore, strongly support this bill in the hope that we can prevent Iran, Syria, and North Korea from getting their hands on more unconventional weapons.

And I say again, people say Republicans and Democrats can't agree on anything. This is something that we agree on because we understand that it is not only a threat to the United States, but it's a threat to the entire world when these rogue regimes have these kinds of weapons of mass destruction.

□ 2120

Mr. KUCINICH. Mr. Speaker, I yield myself such time as I may consume.

The Congressional Quarterly House Action Report on this legislation states the following: that the measure, however, exempts such restrictions for assistance for the Bushehr nuclear reactor in Iran which is being developed with the aid of Russian entities unless the President determines such assistance is contributing to Iran's development of nuclear weapons.

Now, that is very interesting because what that means is that it is not axio-

matic that the mere presence of nuclear power capability necessarily means that Iran is developing nuclear weapons. As a matter of fact, you wouldn't have that provision unless the President had the authority to be able to make a finding with respect to the development of nuclear weapons by Iran.

I reserve the balance of my time.

Mr. BERMAN. Mr. Speaker, I am very pleased to yield 2 minutes to a former member of the House Foreign Affairs Committee and member of the Appropriations Committee, the gentleman from California (Mr. SCHIFF).

Mr. SCHIFF. I thank the gentleman for yielding, and I want to thank the chair and ranking member for all the leadership on this issue.

I rise in support of both the Iran Threat Reduction Act as well as the Iran, North Korea, and Syria Non-proliferation Reform and Modernization Act. Both of these bills have at their heart and core the same purpose, and that is to prevent some of the most dangerous, terrorism-sponsoring and proliferating nations—nations like Iran, North Korea, and Syria—from obtaining a nuclear weapons capability or proliferating that capability.

Now, why is that so important? Well, in the case of Iran, Iran's acquisition of the bomb would empower that dictatorial regime to carry out what it has threatened to do, that is, to potentially wipe Israel off the face of the map. It would also, I think, very likely result in a nuclear arms race in the Middle East.

And I believe that we will be judged as a country and as a Congress on whether we take every possible step, every diplomatic step, every step through sanctions to prevent Iran from acquiring the bomb and all the potentially disastrous consequences that could have. And this legislation, by particularly going after Iran's Central Bank, will be the most devastating of all economic sanctions on Iran.

We saw the concern manifest in Iran when Britain passed similar sanctions. Plainly, they are terrified of the impact this would have. This is the strongest leverage we could bring against Iran's nuclear program, and I strongly urge its passage.

We also have a deep national security interest in going after any potential proliferation of nuclear materials and technology. We have already seen in Syria a dictator's willingness to murder thousands of his own people. We have also seen a regime in Damascus willing to engage in a surreptitious nuclear program in violation of international law and agreement.

I urge passage of both bills.

Mr. KUCINICH. Could I ask how much time remains?

The SPEAKER pro tempore. The gentleman from Ohio has 14¼ minutes; the gentleman from California has 4 minutes remaining; and the gentlewoman

from Florida has 2½ minutes remaining.

Mr. KUCINICH. I yield myself such time as I may consume.

Dr. Robert Pape from Harvard's Journal of International Security has been quoted as saying the following: Sanctions have failed to achieve their objectives in 95.7 percent of cases since World War I, and sanctions are more than three times more likely to end in military conflict than success.

So what we have here is that sanctions inevitably equal a failure of diplomacy, and war becomes a failure of sanctions. So we must ask ourselves, while we stand here for nonproliferation, something that I agree with, how do we stop the nonproliferation of war? Particularly, how do we forestall any possibility of a nuclear war?

Now, Lawrence Korb was the Assistant Secretary of Defense in the Reagan administration, and he serves now as a senior fellow at the Center for American Progress. Last month, he submitted an article to the Plain Dealer in Cleveland, and I want to quote from it because it's relevant not only to this debate, but it is relevant to the economic stress this country is feeling right now.

He says that since the second term of the Reagan administration, nuclear weapons have been of declining strategic relevance, but our budget barely reflects that. Our country is slated to spend \$700 billion over the next 10 years on nuclear weapons programs. This is unsustainable, a directionless budget driven in large part by inertia and the pressure from Members of Congress to preserve programs in their own States at the expense of the country as a whole. Military leaders agree that spending on these programs is disconnected from a strategic vision and that we are at risk of wasting a vast amount of money.

General James Cartwright, former Vice Chairman of the Joint Chiefs of Staff, has argued we haven't really exercised the mental gymnastics, the intellectual capital on what is required for nuclear deterrence yet. I'm pleased that it's starting.

Other leaders from the Pentagon have also identified nuclear weapons programs as an area to make cuts. The commander of the U.S. Strategic Command, General Robert Kehler, has pointed to the unsustainability of this spending. We're not going to be able to go forward, he said, with weapons systems that cost what weapons systems cost today. A case in point is a long-range strike bomber; a case in point is the Trident submarine replacement. The list goes on.

The savings to the American taxpayer could be considerable. The long-range penetrating bomber will cost \$50 billion over the next 10 years and fills no need that isn't already filled by our existing fleet of B-52 and B-2 bombers.

Rightsizing our fleet of nuclear-armed Trident subs to eight or fewer from 12 and building no more than eight new nuclear-armed subs would save approximately \$26 billion over the next decade and help close the budget deficit and reduce Russia's incentive to maintain a large nuclear arsenal in the bargain, and we will still have a nuclear arsenal vastly superior to any other and remain a deterrent capacity second to none. Fiscal conservatives have also targeted the nuclear weapons budget as a clear area for cuts.

Senator TOM COBURN voted against the new START arms control treaty last December but now advocates spending cuts that would lower the number of nuclear weapons below new START numbers.

The point is that, far from saying we shouldn't have other nations proliferating, we should start with ourselves here. Let's start cutting back these nuclear programs. Let's take a stand that all nations should get rid of their nuclear weapons. Let's move forward to see what a world would like look like without nuclear weapons instead of just saying, well, there are some nations that shouldn't have nuclear weapons.

Mr. Speaker, how much time do I have remaining?

The SPEAKER pro tempore. The gentleman from Ohio has 9¾ minutes.

Mr. KUCINICH. I yield myself an additional 5 minutes.

One of the most troubling aspects of this legislation is, and it may be the area of the legislation that has not received much attention but it needs to have attention right now, and that is that this legislation puts this country at odds with Russia in a way that I think is actually against the interests of world peace. It goes on to call out the Russian Federation specifically with respect to saying that they're assisting these nuclear programs. This really, in a sense, is a confession of how far away we've gone from the mark of START I and START II, about how far we've gone away from that time when President Reagan met with Premier Gorbachev to talk about what we can do to start to build down these nuclear weapons.

I remember when Vladimir Putin, who is now being reviled, when Vladimir Putin made the offer to President George W. Bush to start to get rid of nuclear weapons, and, unfortunately, his efforts were rebuffed.

□ 2130

We should be engaging Russia directly on getting rid of nuclear weapons. Instead, what we have here is a restriction on payments in connection with the International Space Station. That's in here. You know, remember, the International Space Station was the centerpiece of U.S.-Russia cooperation. We held that out as proving that

we could work together on Earth as it is in heaven. We showed that that space station was a platform for cooperation and peace between Russia and the United States.

What we're doing here is we're saying in effect that all extraordinary payments in connection with the International Space Station to Russian Aviation and Space Agency, any organization or entity under the jurisdiction or control of Russian Aviation and Space Agency, would basically be restricted.

Mr. BERMAN. Will the gentleman yield just on this question?

Mr. KUCINICH. I yield to the gentleman from California.

Mr. BERMAN. I appreciate that.

Two points just on this issue: one is the language the gentleman originally read with respect to Russia was amended out of the bill in committee.

Mr. KUCINICH. Well, I thank the gentleman for pointing that out.

Mr. BERMAN. Secondly, this language with respect to funding on the Russian flights to the space station is an extension of the authority, not an elimination of the authority, to engage and provide funding for that purpose. So I understand why the gentleman said what he did, but in reality—

Mr. KUCINICH. I'm asking you, when you say this was amended out, it was amended out with respect to the citation of the Russian Federation—

Mr. BERMAN. Yes.

Mr. KUCINICH. As well as the section which spoke directly to the restrictions on the payments.

Mr. BERMAN. The restrictions on payments is an extension of time, and it also has a waiver. The first reference to Russia was eliminated from the bill.

Mr. KUCINICH. Okay. Well, I appreciate your pointing that out. But I would yield to my friend for a question.

Does this legislation, or does it not, have a reference to the International Space Station and Russia? Is there a reference to it?

Mr. BERMAN. Yes.

Mr. KUCINICH. And is there any kind of restriction being placed on Russia with respect to payments in connection with the International Space Station?

I yield to the gentleman from California.

Mr. BERMAN. There is language in the bill with respect to restrictions. There is a waiver in the bill for those restrictions, and there is an extension of non-applicability of those provisions until 2020.

Mr. KUCINICH. I would reclaim my time and respectfully suggest to my friend from California that even if you're extending the non-applicability, our friends in Russia will read this as being an attempt to try to put Russia in a position where we are forcing them to put at risk the International Space Station if in fact they wish to have a different kind of diplomacy than we have.

I reserve the balance of my time.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. BERMAN. May I inquire of the Chair how much time I have.

The SPEAKER pro tempore. The gentleman from California has 4 minutes.

Mr. BERMAN. I am only going to use a moment of the time simply to address the issue that my friend from Ohio talked about with respect to sanctions.

The focus on unilateral sanctions without international support versus effective multilateral sanctions, that distinction was not made by my friend from Ohio. The fact is that this administration and this Congress, through legislation, working in coordination with the members of the Security Council, our friends in the European Union, our allies in Asia, have put together a multilateral level of sanctions that has never been seen before.

And old studies regarding the effectiveness of unilateral sanctions in terms of altering a country's behavior are not applicable in this situation because we are deeply committed to the understanding that we will estop this kind of proliferation in which we have the support of all of the countries of the world who are committed to and adhere to the nonproliferation treaty.

And I suggest with that that I should yield back the balance of my time.

Mr. KUCINICH. May I ask how much time I have left.

The SPEAKER pro tempore. The gentleman from Ohio has 4¾ minutes, and the gentlewoman from Florida has 2½ minutes.

Mr. KUCINICH. Does the gentlelady wish to close?

Ms. ROS-LEHTINEN. Yes. As I have stated before and will continue to state, I will reserve my time to close.

Mr. KUCINICH. It's time for the United States as a Nation to change its direction, to begin to see ourselves as a Nation among nations, not a Nation above nations, to begin to set aside war as an instrument of policy, to be sensitive to the power that we have so that we're not attempting to use our force in a way that would punish someone militarily who doesn't agree with us.

The underlying premise that my friends here have of nonproliferation is something I agree with, but where we depart from agreement is where we're focusing on nonproliferation among only a few countries.

I will say it again: we need a new direction in America. It's a direction where we stand for peace, not the kind of peace which is some airy-fairy notion, and not just looking at peace as the absence of war, but peace as an active presence and the capacity we have to pursue the science of human relations, and to be able to use diplomacy to get to a place where we all feel secure.

But we don't have that today. So what we do is we try to find our security through straitjacketing other nations with sanctions that inevitably are bound to fail and which inevitably turn the people of the countries who we're sanctioning against us and help to strengthen the hands of the regime that's being sanctioned.

We need to, as a Nation, take a stand for nuclear abolition once and for all. We need to, as a Nation, get rid of this idea that war is acceptable. We need to determine that we can get strength and be a strong Nation through peace. Strength through peace is the approach that we ought to be taking, have a national security strategy that involves strength through peace and let our diplomacy, let our pursuit of diplomacy guide us in taking our relations with other nations to a new level.

This isn't naive. I stood here challenging the war in Iraq, and I was right about that. And I can tell you that this Congress took a direction that wasted \$5 trillion, the lives of almost 5,000 of our troops, tens of thousands of troops injured, millions of Iraqis dead. Why don't we try diplomacy rather than sanctions? It's something that we really haven't tried, and it's time that we did.

Mr. Speaker, I yield back the balance of my time.

Ms. ROS-LEHTINEN. Mr. Speaker, to close on this bill, I am pleased to give our remaining time to the gentleman from California (Mr. ROYCE), who is the chairman of our Subcommittee on Foreign Affairs on Terrorism, Nonproliferation and Trade and has been a leader in this sanctions legislation for a mighty long time.

Mr. ROYCE. Mr. Speaker, last week we had a headline in the newspaper that I think underscores the importance of this legislation, and what that headline said was that North Korea is making a missile able to hit the United States.

□ 2140

Now, the reason we're concerned about Iran's activities here in proliferation is because Iran announces they want to kill us. That tends to get our attention. And as a consequence, we begin to think, what could we do to sanction their central bank in order to make it very, very difficult for them to proceed down this road?

Well, let's go back for a minute to this North Korea story, remembering already that we've seen North Korea, proliferate and attempt to give nuclear capability to Syria. We've seen North Korea proliferate to Iran and Pakistan with their missile capabilities. And the story reported that North Korea is moving ahead to build its first road mobile intercontinental ballistic missile. And of course, mobile missiles are very difficult to find. You can't locate them. They're made to be hidden.

And with these developments, the Secretary of Defense said North Korea is in the process of becoming a direct threat to the United States. That's former Secretary of Defense Gates.

No one who has closely watched North Korea is surprised by these developments. And because we haven't seriously sanctioned North Korea in the way of—I mean, we tried sanctioning the Bank of Delta Asia for a short period of time and, frankly, it worked, and then we lifted those sanctions.

I want you to think about this. Pyongyang builds a nuclear reactor in Syria, no real consequences. North Korea unveils an advanced uranium enrichment plant, no real consequences. Kim Jong-Il torpedoes a South Korean ship, no real consequences.

Fully implementing this legislation could impose costs on North Korea or on Iran. But just as with the previous legislation, the administration isn't aggressively confronting this North Korean threat.

Now, I'm going to share with you my concern over all of this. If history is a guide, we'll pass these bills, we'll take them up tomorrow. They'll pass out of the House by tremendous margins. Then we'll wait. We'll wait for the other body to act. Then the Obama administration will press for these sanctions to be scaled back, as it continues to do. And this is what happened last Congress, and my concern is that that is what happens here now. We've got to push this now.

Mr. MARKEY. Mr. Speaker, North Korea has nuclear weapons. Iran is developing nuclear weapons. Al-Qaeda wants to acquire nuclear weapons. The threat we face is very, very real.

Sanctions are important to help prevent the spread of nuclear weapons, but they are not enough. America must lead by example.

The U.S. recently signed the New START treaty, requiring reductions to our nuclear arsenal. Yet, we still plan to spend hundreds of billions of dollars on new nuclear weapons and related programs over the next decade.

Why do we allow this wasteful spending to continue? Because some Republicans in this Chamber treat the nuclear weapons budget as a sacred cow, never to be questioned or scrutinized. This is ridiculous.

Wasteful nuclear weapons spending actually harms national security. It sends the message to Iran, North Korea, and Syria that while we don't want you to have these weapons, we are not willing to make cuts ourselves. This is the wrong message to send.

You cannot argue temperance from a barstool.

The central deal in the Nuclear Nonproliferation Treaty was that the non-weapons states agreed to forgo the right to get the bomb. The weapons states in return, agreed to negotiate measures leading to disarmament.

That should be our goal, and we can take an important step in this direction by reducing unnecessary nuclear weapons spending.

The SPEAKER pro tempore. The question is on the motion offered by



the gentlewoman from Florida (Ms. ROS-LEHTINEN) that the House suspend the rules and pass the bill, H.R. 2105, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Ms. ROS-LEHTINEN. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

#### CALLING FOR REPATRIATION OF POW/MIAS AND ABDUCTEES FROM KOREAN WAR

Ms. ROS-LEHTINEN. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 376) calling for the repatriation of POW/MIAs and abductees from the Korean War, as amended.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

##### H. RES. 376

Whereas 61 years have passed since communist North Korea invaded the Republic of Korea, thereby initiating the Korean War on June 25, 1950;

Whereas during the Korean War, nearly 1.8 million members of the United States Armed Forces served in theater along with the forces of the Republic of Korea and 20 other Allied nations under the United Nations Command to defend freedom and democracy in the Korean Peninsula;

Whereas 58 years have passed after the signing of the ceasefire agreement at Panmunjom on July 27, 1953, and the peninsula still technically remains in a state of war;

Whereas talks for a peace treaty began on July 10, 1951, but were prolonged for two years due to disagreement between the United Nations and North Korea regarding the repatriation of prisoners of war (POWs);

Whereas the repatriation of Korean War POWs did not begin until September 4, 1953, at Freedom Village, Panmunjom;

Whereas the majority of surviving United Nations POWs were repatriated or turned over to the Neutral Nations Repatriation Commission in accordance with Section 3 of the Armistice Agreement, but the United Nations Command noted a significant discrepancy between the Command's estimate of POWs and the number given by North Korea;

Whereas the Defense Prisoner of War/Missing Personnel Office of the Department of Defense (DPMO) lists more than 8,000 members of the United States Armed Forces as POWs or missing in action who are unaccounted for from the Korean War, including an estimated 5,500 in North Korea;

Whereas many South Korean POWs were never reported as POWs during the negotiations, and it is estimated as many as 73,000 South Korean POWs were not repatriated;

Whereas the Joint Field Activities conducted by the United States between 1996 and 2005 yielded over 220 sets of remains that are still being processed for identification at Joint Prisoners of War, Missing in Action Accounting Command in Hawaii;

Whereas the United States recovery operations in North Korea were suspended on May 25, 2005, because of disagreements over communications facilities;

Whereas North Korea has consistently refused to discuss the POW issue, and the exact number of South Korean POWs who were detained in North Korea after the war is unknown, as is the number of those still alive in North Korea;

Whereas approximately 100,000 South Korean civilians (political leaders, public employees, lawyers, journalists, scholars, farmers, etc.) were forcibly abducted by the North Korean Army during the Korean War, but North Korea has neither admitted the abductions occurred nor accounted for or repatriated the civilians;

Whereas many young South Korean men were forcibly conscripted into the North Korean Army during the Korean War;

Whereas North Korea's abduction of South Korean civilians was carried out under a well-planned scheme to make up the shortage of North Korea's own needed manpower, and to communize South Korea;

Whereas during the Korean War Armistice Commission Conference, the United Nations Command, led by the United States, negotiated strongly to seek that South Korean civilians abducted by North Korea be exchanged for Communist POWs held by the United Nations;

Whereas North Korea persistently delayed in POW/civilian internee negotiations, refusing to acknowledge that they had committed a war crime of civilian abduction, with a result that in the armistice talks Korean War abductees were re-classified "displaced persons" and, consequently, not a single person among them has been able to return home;

Whereas the South Korean families of the civilians abducted by North Korea six decades ago have endured extreme pain and suffering due to the prolonged separation and due to the knowledge that North Korea has neither admitted that the abductions occurred nor accounted for or repatriated these civilians;

Whereas former South Korean POWs and abductees who escaped from North Korea have provided valuable and credible information on sightings of American and South Korean POWs in concentration camps;

Whereas tens of thousands of friends and families of the POW/MIAs and abductees from the Korean War, including the National Alliance of POW/MIA Families, POW/MIA Freedom Fighters, the Coalition of Families of Korean & Cold War POW/MIAs, the International Korean War Memorial Foundation POW Affairs Committee, Rolling Thunder, Inc., the Korean War Abductees Family Union, the Korea National Red Cross, World Veterans Federation, and the National Assembly of Republic of Korea, have called for full accounting of the POW/MIAs and abductees by North Korea; and

Whereas July 27, 2011, is the National Korean War Veterans Armistice Day, which is a day of remembrance and recognition of Korean War veterans and those persons who never returned home from the Korean War: Now, therefore, be it

*Resolved*, That the House of Representatives—

(1) recognizes that there are South Korean prisoners of war (POWs) and civilian abductees from the Korean War who are still alive in North Korea and want to be repatriated;

(2) takes note of the U.S.-North Korean agreement of October 20, 2011, on resuming operations to search for and recover remains

of American POW/MIAs and calls upon the United States Government to continue to explore the possibility that there could be American POW/MIAs still alive inside North Korea;

(3) recommends that the United States and South Korean Governments jointly investigate reports of sightings of American POW/MIAs;

(4) encourages North Korea to repatriate any American and South Korean POWs to their home countries to reunite with their families under the International Humanitarian Law set forth in the Geneva Convention relative to the treatment of Prisoners of War;

(5) calls upon North Korea to admit to the abduction of more than 100,000 South Korean civilians and reveal the status of the abductees; and

(6) calls upon North Korea to agree to the family reunions and immediate repatriation of the abductees under the International Humanitarian Law set forth in the Geneva Convention relative to the Protection of Civilian Persons in Time of War.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Florida (Ms. ROS-LEHTINEN) and the gentleman from California (Mr. BERMAN) each will control 20 minutes.

The Chair recognizes the gentlewoman from Florida.

##### GENERAL LEAVE

Ms. ROS-LEHTINEN. I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous materials on this resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Florida?

There was no objection.

Ms. ROS-LEHTINEN. Mr. Speaker, I yield myself such time as I may consume.

I am so pleased to rise in strong support of House Resolution 376, calling for the repatriation of POWs, MIAs, and abductees from the Korean War. It is fitting that this resolution was introduced by one of the House's own Korean war vets, Congressman CHARLIE RANGEL. He hasn't had a bad day since.

Mr. RANGEL received a Purple Heart for the wounds he received in fighting his way out of an ambush by Chinese forces in subzero temperatures in the early months of the Korean War. Mr. RANGEL also received a Bronze Star for his valor.

Mr. RANGEL shares this with Members SAM JOHNSON, HOWARD COBLE, and JOHN CONYERS, Korean veterans all, a personal knowledge of how crucial this resolution is in addressing unresolved issues from that long ago conflict.

Another person who understands the critical importance of this resolution is the President of the Korean War Abductees Families Union, who flew almost halfway across the globe from Seoul, Korea to be here and witness the consideration of this resolution on the House floor. Ms. Lee was a mere 18-month-old baby when her father was taken away by the North Koreans, not to be seen again for the past 6 decades.



Mr. Speaker, General MacArthur, returning from the Korean front in 1951, famously told the U.S. Congress and the American people that "old soldiers never die, they just fade away." How sadly ironic that some of the old soldiers of the Korean conflict in which General MacArthur served have indeed faded away into a North Korean gulag.

But through this resolution, we clearly demonstrate that these old soldiers will not be allowed to just fade away into the fog of war. This resolution reminds us that 8,000 Americans missing in action in Korea remain unaccounted for, and that an estimated 73,000 South Korean POWs were not repatriated and were held in North Korea against their will.

In addition, approximately 100,000 South Korean citizens were forcibly abducted by North Korea during the Korean conflict.

The recent U.S.-North Korea agreement to resume the search for the remains of an estimated 5,500 U.S. soldiers lost inside North Korea is welcomed by American families, those who have endured 60 years of unresolved grief over the loss of their loved ones.

It is our hope that the procedures for payment of the cost of the MIA recovery by our Department of Defense are more transparent than the delivery of suitcases full of dollars to North Korean generals, as was done in the past.

We have also the highest respect for the Joint Prisoners of War, Missing in Action Accounting Command in Hawaii, which processes our soldiers' remains once they make that final journey home from Korea. I am certain that those who seek to identify remains are aware of Ronald Reagan's famous adage, "trust, but verify."

And this applies doubly to North Korea. Let us not forget that only a few years ago, Pyongyang provided our Japanese allies with the purported remains of a 13-year old schoolgirl abducted to North Korea many years before, which turned out to be bogus.

We do not want to see any of our POW/MIA families so cruelly tricked by North Korea. Pyongyang must come clean on its past armistice violations and war crimes by returning any remaining POW and MIA remains and abductees to their waiting loved ones.

By adopting this important resolution, the House will not only recognize the valor of those who served during the Korean War, like Mr. RANGEL before us, but will honor those who serve today on the Cold War's last frontier along the DMZ.

I strongly urge all of my colleagues to support this important resolution, and I reserve the balance of my time, Mr. Speaker.

I am pleased to rise in strong support of House Resolution 376, "Calling for the repatriation of POW/MIAs and abductees from the Korean War."

It is fitting that this resolution was introduced by one of the House's own Korean War veterans, Congressman CHARLES RANGEL.

Mr. RANGEL received a purple heart for the wounds he received in fighting his way out of a ambush by Chinese forces in subzero temperatures in the early months of the Korean War.

Mr. RANGEL also received a bronze star for his valor.

Mr. RANGEL shares with Members SAM JOHNSON, HOWARD COBLE, and JOHN CONYERS, Korean War veterans all, a personal knowledge of how crucial this resolution is in addressing unresolved issues from that long-ago conflict. Another person who understands the critical importance of this resolution is Miss Lee Mi-il, President of the Korean War Abductee Families Union, who flew almost halfway across the globe from Seoul, Korea to be here and witness the consideration of this resolution on the House Floor.

Miss Lee has spent the last decade working on the abduction issue as chronicled in a recent New York Times article.

She was a mere eighteen month-old baby when her father was taken away by the North Koreans, not to be seen again for the past six decades.

Miss Lee's 89 year-old mother is still waiting at the family home for the return of her long-missing husband.

As the North Korean famine in the mid-nineties led to a breakdown of control both inside North Korea and along the Chinese border, the world was shocked by the sudden emergence of a number of old men who wandered into China.

These were old South Korean soldiers, allies of the United States, held secretly and against their wills for decades, in violation of the Armistice, as virtual slaves in North Korean coal mines.

General MacArthur, returning from the Korean front in 1951 famously told the U.S. Congress and the American people that "old soldiers never die, they just fade away."

How sadly ironic that some of the old soldiers of that Korean conflict in which General MacArthur served have indeed faded away—into a North Korean gulag.

And so they became the forgotten old soldiers of that conflict long labeled "the forgotten war."

We must be completely assured by the continued efforts of our government and our allies that there is not one old American soldier among these South Korean POWs still captive bound in the North Korean gulag!

By this resolution we clearly demonstrate that these old soldiers will not be allowed to just fade away into the fog of war.

This resolution reminds us that 8,000 American MIAs from Korea remain unaccounted for and that an estimated 73,000 South Korean POWs were not repatriated and were held in North Korea against their wills.

In addition, approximately one hundred thousand South Korean citizens were forcibly abducted by North Korea during the Korean conflict.

This forced wartime abduction of civilians by North Korea represents a crime for which Pyongyang must both accept responsibility and make restitution, including providing for

the safe return of all surviving victims to their homes.

The recent U.S.-North Korea agreement to resume the search for the remains of an estimated 5,500 U.S. soldiers lost inside North Korea is welcomed by the American families who have endured sixty years of unresolved grief over the loss of their loved ones.

It is our hope that the procedures for payment of the costs of MIA recovery by our Department of Defense are more transparent than the delivery of suitcases full of dollars to North Korean generals as was done in the past.

We also have the highest respect for the Joint Prisoners of War, Missing in Action Accounting Command in Hawaii which processes our soldiers' remains once they make the final journey home from Korea.

I am certain that those who seek to identify remains are aware of Ronald Reagan's famous adage "trust but verify."

This applies doubly to North Korea.

Let us not forget that only a few years ago Pyongyang provided our Japanese allies with the purported remains of a thirteen year-old school girl abducted to North Korea many years before.

This girl's family faced the additional pain of being victimized by North Korea a second time when Japanese forensic experts concluded that those remains were bogus.

We do not want to see any of our POW/MIA families so cruelly tricked by North Korea!

Pyongyang must come clean on its past Armistice violations and war crimes by returning any remaining POWs, MIA remains and abductees to their waiting loved ones!

By adopting this resolution, the House will not only recognize the valor of those who served during the Korean War but will honor those who serve today on the Cold War's last frontier along the DMZ.

I strongly urge all my colleagues to support this resolution.

Mr. BERMAN. Mr. Speaker, I rise in strong support of House Resolution 376, calling for the repatriation of POWs, MIAs, and abductees from the Korean War.

I am going to yield 5 minutes to the sponsor of this legislation, the gentleman from New York (Mr. RANGEL), himself a Korean War veteran, as our chairman has mentioned, to open the debate on this issue.

□ 2150

Mr. RANGEL. Let me thank so much for the sensitivity and support that the gentlelady from Florida and chairman of this committee, for the strong support and the friendship that you've extended not only to me but to the people that you have felt their pain even though the hostilities are over, and the courtesy that Ranking Member BERMAN has given in allowing me to open the discussion on this important debate.

As most of you know, in 1950 the Communist North Koreans invaded South Korea, crossing a line that Russia and the United States had settled in what they called the 38th Parallel.

Well, you can separate a geographic area, but you cannot separate a people that have the same background, the same language, and the same culture.

Nor can you engage in a war and insist that you are not going to abide by the international obligations that even in those types of hostilities most nations abide by. We have had close to 2 million American soldiers, men and women, in Korea with allies and friends in the United Nations to stop this hostile communist unwarranted takeover of South Korea. In that war over 50,000 Americans were killed; double that number were wounded; and we had thousands of people that were just taken as prisoners of war, or they were missing in action.

There was a time that the regime in North Korea was helping the State Department and the United States in finding where these bodies are located and with some success. When you lose a loved one, at some point in time it has to come to closure, and when you know that the people could have these bodies and for evil intent not respond to the basic human needs of those who suffered so much, it seems to me that this Congress and the executive branch should insist that a part of our priorities in dealing with North Korea is that they allow and cooperate with us in finding the remains of those people who fought for this great country and because their families and their friends have suffered so much pain.

As it relates to the South Koreans, they even sacrificed more lives. They were not hostile. They were not bothering anybody when this hostility came to such an extent that the whole world, almost, condemned it. And of course the Second Infantry Division that I served in in 1950 was the first to lead the United States and face the enemy and joining with our allies we were able to drive them to the North Korean border with China.

As most of you know, the Chinese entered with hundreds of thousands of people, tens of thousands of volunteers, and we found that many lives were lost.

In the course of this, South Koreans that were not in North Korea, they were in the northern part of their country. South Koreans that were captured, South Koreans that fought, South Koreans that were professors, workmen and what-not, were captured, held hostage and the worst of all, separated from their families and friends.

As I said, you can politically separate a country. You can draw an imaginary line on the map, but the truth of the matter is that the South Koreans have suffered long enough. They have really become our friends. They have become the sentinel of democracy in this part of the world. They have become one of our strongest trading partners, and we never have to ask them for help. They're always there.

When Korea is in trouble, we will be there for them; when America is in trouble, we don't have to call on South Korea.

So I want to thank the committee members and this Congress and this Nation not to forget our friends, and especially not to forget those who still mourn those who gave up their lives for their great countries, both for South Korea and for the United States of America. And we hope that through this effort, the State Department will resume looking for the Americans who put themselves in harm's way and their families have no knowledge where they are.

We would like to thank Ms. LEE and all of the people who have come here to convince us that these families have to be reunited, and America will see that it is done. I thank you for the courtesy.

Mr. BERMAN. Mr. Speaker, I yield myself such time as I may consume.

I rise in strong support of House Resolution 376, calling for the repatriation of POWs, MIAs, and abductees from the Korean War, and I yield myself as much time as I may consume.

I'd like to thank the sponsor of this legislation, the gentleman from New York, Mr. RANGEL—himself a Korean War veteran—and the Chairman of the Foreign Affairs Committee, Ms. ROS-LEHTINEN, for their leadership on this issue.

This resolution calls attention to one of the most tragic issues still lingering from the Korean War: the fate of soldiers taken prisoner during the war and missing in action, and civilian South Korean citizens abducted by North Korea.

The Defense Department lists almost 8,000 American service members from the Korean War who remain unaccounted for to this day. In my home state of California, there are 614 individuals whose final status is unknown.

For the families of those American POWs or MIAs, they must carry on their lives without the benefit of having final closure or peace.

Between 1996 and 2005, the Defense Department conducted joint field activities in both South and North Korea that resulted in the recovery of over 220 sets of remains. Recovery operations in North Korea were suspended in 2005, but recently this past October, the United States and North Korea agreed to resume operations next year to search for and recover the remains of American POWs and MIAs.

This resolution shows our solidarity with our troops who were captured or went missing during the Korean War, and affirms that we will never forget our duty to bring them home.

A second element of this resolution takes note of South Korean POWs and civilian abductees from the Korean War.

The exact number of South Korean POWs held in North Korea after the war is unknown, but it is estimated that as many as 73,000 South Korean prisoners were not repatriated to the South following the war. Some of them may still be alive in North Korea.

North Korea also abducted tens of thousands of South Korean civilians, mainly civil servants, teachers, writers, judges, and busi-

ness people during the war. North Korea has continued to deny that it abducted these civilians and that any of them may still exist, despite testimony proving otherwise.

With this resolution, the House of Representatives formally recognizes the existence of South Korean POWs and civilian abductees from the Korean War who may still be alive in North Korea and want to return to their families in the South.

We call on North Korea to admit to abducting the thousands of South Korean civilians and reveal their status. The North also should allow family reunions and immediate repatriation of the abductees under the Geneva Convention.

The United States stands with the people of South Korea in remembering these abductees from the Korean War. We must not forget their plight, and we will continue working for their reunification with their families, still scarred by the lingering pain and tragedy of war.

I urge my colleagues to support this resolution.

I yield back the balance of my time.

Ms. ROS-LEHTINEN. Mr. Speaker, for our closing speaker, I am pleased to recognize for such time as he may consume my good friend from California (Mr. ROYCE), the chairman of the Foreign Affairs Subcommittee on Terrorism, Nonproliferation, and Trade and a cosponsor of this important resolution.

Mr. ROYCE. I rise in support of this resolution.

Several of our colleagues—SAM JOHNSON, HOWARD COBLE, JOHN CONYERS, and its author CHARLIE RANGEL—bravely fought in this war and deserve our recognition tonight. Even if he hasn't had a bad day since, they deserve our recognition.

Mr. Speaker, the Korean War as we often know is called the Forgotten War, but those who fought it and our South Korean allies haven't forgotten this war. And by moving this legislation forward tonight, we're signaling that the House has not forgotten this war. And as much as anything, I believe this resolution demonstrates the shared commitment, the shared sacrifice that serves as the foundation of that U.S.-South Korea alliance.

We've all seen lots change in those six decades since our colleagues fought in that war; but with U.S. support, South Korea has transformed into a modern leading economy in the world today, but you still go north of that 38th Parallel—I've been north of that 38th Parallel—and they still live literally in darkness.

It's been more than 60 years since the start of the Korean war; and after all of that time, our Department of Defense lists more than 8,000 American servicemen as POWs who are missing in action. The number of South Koreans is estimated to be many times that because as many as 100,000 South Koreans were forcibly conscripted into the North Korean Army.

For our veterans and for their families, it is well past time for a full accounting which is what this resolution calls for.

Indeed, as this resolution states, there are still South Korean prisoners of war and civilian abductees from the Korean war who are still alive in North Korea and want to be repatriated back to the South.

For the sake of those impacted, I urge passage of this resolution.

Mr. FALEOMAVAEGA. Mr. Speaker, I rise today in support of H. Res. 376. H. Res. 376 was authored, introduced and sponsored by a true American hero—my good friend, the Honorable CHARLES RANGEL—and I am proud to be an original cosponsor.

H. Res. 376 calls for the repatriation of POW/MIAs and abductees from the Korean War, and I know this legislation is near and dear to Congressman RANGEL's heart, as was the Resolution he introduced last year to recognize the 60th anniversary of the Korean War. Last year's Resolution, which was passed by Congress and signed by the President, should have borne CHARLIE RANGEL's name, but due to back and forth between the House and Senate he did not receive the credit he deserved. I stand to credit him now.

In a black unit led mostly by white officers, acting Sergeant CHARLES RANGEL was awarded a Purple Heart and a Bronze Star for his heroic service in the Korean War, having led his comrades from behind enemy lines in circumstances few of us have ever known. I commend the Honorable CHARLES RANGEL for his valor, sacrifice and courage.

I also thank the Korean American community in Los Angeles and New York, and especially Mr. Dongsuk Kim, founder and former President of the Korean American Voters' Council; Mr. Mi-il Lee, President of the Korean War Abductees' Family Union (KWAFU); and Dr. Hong-Sik Shin for their tireless efforts in support of this Resolution. Their leadership in pushing this forward is the reason why I believe this historic Resolution will pass the House today.

On behalf of all those who served and sacrificed, I urge my colleagues to vote in favor of H. Res. 376.

Mr. HOLT. Mr. Speaker, I rise in support of this bill, and I thank the gentleman from New York, Representative RANGEL, for offering it.

Every year for decades, the Congress has appropriated millions of dollars for the Pentagon to go around the world and recover the remains of our fallen. Those involved in the effort know that theirs is a solemn and vital mission, one that everyone who serves in this House strongly supports. It makes one proud to be an American knowing that we will go to great lengths to leave no soldier behind.

Unfortunately, this laudable effort to recover the remains of those long deceased has not been matched by the same level of care and concern at the Dover Port Mortuary in recent years. I know the truth of this through a courageous constituent of mine, Lynn Smith of Frenchtown, New Jersey. Lynn's late husband, Sergeant First Class Scott Smith, was killed by an improvised explosive device in Iraq in 2006.

More than a year after Scott's body was returned home to her and his parents, Lynn dis-

covered that additional remains were subsequently recovered—then incinerated, mixed with medical waste, and dumped in a landfill in King George County, Virginia. As Lynn suspected, and as we now know, that practice was performed on the unclaimed additional remains of at least 273 other servicemembers. There were a number of other incidents of desecration or mishandling of remains that took place at Dover that were subsequently exposed by three Dover employees, who took the dangerous step of becoming whistleblowers and reporting their allegations to the Office of Special Counsel. Make no mistake—those whistleblowers are true public servants, and I thank them.

I have made it clear to Air Force officials that they must never allow this kind of outrage to happen again, and that those who retaliated against the whistleblowers should be dismissed from government service. If we can get our MIA recovery and identification process right, the same high standards must apply at Dover.

Mr. Speaker, I thank the gentleman from New York for offering this bill and I urge its swift passage.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Florida (Ms. ROS-LEHTINEN) that the House suspend the rules and agree to the resolution, H. Res. 376, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the resolution, as amended, was agreed to.

A motion to reconsider was laid on the table.

□ 2200

#### URGING TURKEY TO SAFEGUARD ITS CHRISTIAN HERITAGE

Mr. ROYCE. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 306) urging the Republic of Turkey to safeguard its Christian heritage and to return confiscated church properties, as amended.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

##### H. RES. 306

*Resolved*, That it is the sense of the House of Representatives that the Secretary of State, in all official contacts with Turkish leaders and other Turkish officials, should emphasize that Turkey should—

(1) end all forms of religious discrimination;

(2) allow the rightful church and lay owners of Christian church properties, without hindrance or restriction, to organize and administer prayer services, religious education, clerical training, appointments, and succession, religious community gatherings, social services, including ministry to the needs of the poor and infirm, and other religious activities;

(3) return to their rightful owners all Christian churches and other places of worship, monasteries, schools, hospitals, monuments, relics, holy sites, and other religious properties, including movable properties,

such as artwork, manuscripts, vestments, vessels, and other artifacts; and

(4) allow the rightful Christian church and lay owners of Christian church properties, without hindrance or restriction, to preserve, reconstruct, and repair, as they see fit, all Christian churches and other places of worship, monasteries, schools, hospitals, monuments, relics, holy sites, and other religious properties within Turkey.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. ROYCE) and the gentleman from California (Mr. BERMAN) each will control 20 minutes.

Mr. WHITFIELD. Mr. Speaker, I rise to oppose the resolution and to claim time in opposition to the resolution.

The SPEAKER pro tempore. Does the gentleman from California (Mr. BERMAN) favor the motion?

Mr. BERMAN. I do.

The SPEAKER pro tempore. On that basis the gentleman from Kentucky will control 20 minutes in opposition.

The Chair recognizes the gentleman from California (Mr. ROYCE).

Mr. ROYCE. Mr. Speaker, I yield half of my time to the gentleman from California (Mr. BERMAN) and ask unanimous consent that he may be able to control that time.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

##### GENERAL LEAVE

Mr. ROYCE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and to include extraneous material on this resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. ROYCE. I yield myself such time as I may consume.

Let me begin by quoting Thomas Jefferson. He said, "In our early struggles for liberty, religious freedom could not fail to become a primary object."

Jefferson was a very smart man, and he understood that the core foundation of democracy relied on individual differences and opinions without fear of intimidation. This concept is one that we, as Americans, have benefited from since our founding. Religious freedom has played an integral part of our continued success as a country. Very sadly, this is a freedom that so many countries like Turkey still struggle to realize.

Today we are considering House Resolution 306, which I authored with Ranking Member HOWARD BERMAN, urging the Republic of Turkey to safeguard its Christian heritage and to return confiscated church properties to their rightful owners.

Unfortunately, the U.S. Commission on International Religious Freedom has had to put Turkey on its watch list for 3 straight years now. The commission reports that the Turkish Government's formal, longstanding efforts to

control religion by imposing suffocating regulations and by denying full legal status to religious institutions results in serious religious freedom violations. The government has failed to take decisive action to correct the climate of impunity against religious minorities and to make the necessary institutional reforms to reverse these conditions. Now, those are the words of the commission, itself, on this subject.

Religious tolerance has long been a problem for Turkey. Turkey has yet to remedy the desecration of the religious properties of over 2 million Armenians and Greeks and Assyrians and Syrians over the last 100 years. Until these obligations are fulfilled, religious freedom will remain illusive and, frankly, relations with the United States will suffer. Prime Minister Erdogan recently issued a decree to return confiscated church properties that were taken after 1936, but the majority of confiscated religious properties, of course, were taken prior to 1936.

We are sending a signal today that Turkey should reassess the cutoff date, and I would suggest that outside pressure and actions like we are taking here today and reports like that of the religious commission have helped with what progress we have seen to date.

The United States has a vested interest to advance religious freedom. Turkey's claims of being a secular country are not enough in dealing with the day-to-day discriminatory harassment that religious minorities face there, for actions speak louder than words. There are very few religious minorities in Turkey. These are men and women struggling to practice their faiths, and they need added protection.

So this resolution urges Turkey to end all forms of religious discrimination, to allow rightful churches to organize and train and teach and practice religious activities without hindrance or restriction, and to return church properties and relics to their rightful owners—whether they be places of worship or monasteries or schools or hospitals or holy sites or other artifacts. Lastly, this resolution allows religious minority groups to own religious properties so that they can preserve and reconstruct and repair religious properties as they see fit.

Religious freedom is a fundamental human right, so I urge the passage of House Resolution 306, which urges the Republic of Turkey to safeguard its Christian heritage and to return confiscated church properties.

I reserve the balance of my time.

Mr. WHITFIELD. Mr. Speaker, I yield myself such time as I may consume.

I have read H. Res. 306. Certainly, there is nothing in the language of this resolution that very many people would oppose. It basically says that it is the sense of the House of Representatives that the Secretary of State, in all

official contacts with Turkish leaders and other Turkish officials, should emphasize that Turkey should end all forms of religious discrimination. It then goes on from there.

Now, this resolution, in a way, reminds me of asking one, Do you still beat your children? Because whatever one answers, one is going to be condemned. So the mere fact that the resolution is being introduced would leave an objective observer with the opinion that religious freedom is being systematically denied in Turkey.

Let's just look at a few of the facts. On September 13, 2011, during a briefing on the release of the U.S. Department of State's International Religious Freedom report, Secretary Clinton praised Turkey's recent steps in enhancing religious freedom. We've also seen Turkey take serious steps in improving the climate for religious tolerance. The Turkish Government issued a decree in August that invited non-Muslims to reclaim churches and synagogues that were confiscated 75 years ago.

This was the language of Secretary Clinton: I applaud Prime Minister Erdogan's very important commitment to doing so.

In its 13th annual Report on International Religious Freedom, the U.S. Department of State also underscored Turkey's recent efforts. During the reporting period, the government took steps to improve religious freedom. Notably, the government permitted religious services to be held annually at historic Christian sites that had been turned into State museums after decades of disuse.

These positive statements have shown that Turkey has good intentions in pursuing religious freedom; and I might say that, last year, the Turkish Prime Minister issued a circular that emphasized the rights of all Turkish people, Muslim and non-Muslim, to enjoy their religious cultures and identities. Prime Minister Erdogan has urged all government institutions to act in accordance with this message.

So I think it's quite clear that, while this resolution has no binding legal effect and while it has no authority over Turkey whatsoever, we can see that Turkey is taking specific steps to ensure religious freedom in its country and that it's doing so without any prodding from the U.S.

With that, I reserve the balance of my time.

Mr. BERMAN. Mr. Speaker, I rise in strong support of H. Res. 306, and I yield 3 minutes to one who has been a leader in this effort for a very long time, my colleague and neighbor from California (Mr. SCHIFF).

Mr. SCHIFF. I thank the gentleman from California for yielding and for his leadership on this important issue.

From the spring of 1915 and continuing for the next 8 years, the forces of the Ottoman Empire—police and

military—engaged in a genocide of the Armenian people living within the borders of their dying empire.

When it was over, more than 1.5 million men, women, and children had been killed in the first genocide of the 20th century. They were beaten, shot, marched to their deaths through scorching deserts or across frigid mountains and were left where they fell. Families and entire communities were destroyed as the Ottomans did everything in their power to make a people disappear.

□ 2210

But the physical near-annihilation of the Armenian people was not enough to satisfy the Turks' desire to wreak vengeance on Armenia, which was the first nation in the world to adopt Christianity as its official religion in AD 301. Their campaign against the Armenians was broader and was aimed at destroying not only the Armenian people but also their history, their culture, and their faith.

When Ottoman forces began to massacre their Armenian neighbors 95 years ago, there were nearly 2,000 Armenian churches in what is now Turkey. Fewer than 100 remain standing and fully functioning today. One of the world's oldest Christian communities has, in significant part, disappeared from its ancestral homeland.

While the Armenian genocide stands as a singular event, the persecution of the Armenians has continued and much of it centers on the Armenians' status as a Christian minority in an overwhelmingly Muslim country, where discriminatory laws are used to confiscate church property and prevent free worship. And other Christian communities, especially the Greek Orthodox, have also been the victims of Turkish intolerance.

In northern Cyprus, which was invaded by the Turkish army in 1974, churches have been left to rot, cemeteries have been desecrated or fallen into disrepair, and priests are forbidden from accessing the churches they prayed in as children.

Earlier this year, the U.S. Commission on International Religious Freedom noted in its 2011 report, "The Turkish Government continues to impose serious limitations on freedom of religion or belief, thereby threatening the continued vitality and survival of minority religious communities in Turkey."

Ours is a Nation that has prized freedom of religion. For more than two centuries, we have stood for tolerance of other faiths. And American diplomats, Members of Congress, and Presidents have consistently pressed other governments to respect and protect their minorities. This resolution is in the finest tradition of advocacy for those whose voices have been silenced. And I am proud to be an original cosponsor and to join my colleagues, especially the gentlemen from California,

Mr. ROYCE and Mr. BERMAN, the ranking member of the Foreign Affairs Committee, a friend who has been a leader on these issues throughout his years of service in the House. I urge a "yes" vote.

Mr. WHITFIELD. I reserve the balance of my time.

Mr. BERMAN. Mr. Speaker, I yield myself 2½ minutes.

The Christian communities of Turkey, once populous and prosperous, have now for many decades been victims of discrimination. The result has been a drastic decline in the Christian population. Whereas well over 2 million Christians lived in Anatolia a century ago, today there are only a few thousand, less than 1 percent of Turkey's population.

Although Christians clearly constitute no threat to the majority, the various Christian communities remain the victims of unceasing discrimination. Their churches have been desecrated, their properties confiscated, and they are denied the right to practice their religion as they see fit or to train their clergy. Through this resolution, we are asking that Turkey rectify this terrible situation.

Much of the worst damage to—and confiscation of—Christian properties was done in the earlier decades of the Turkish Republic, but it continues to some extent today. Some 3 months after the introduction of this resolution in June, Turkish Prime Minister Erdogan responded with a decree that would return a small percentage of the property confiscated from religious minorities as well as provide compensation for property that was seized and later sold. This is too little and too late. It doesn't even begin to make up for the years of loss and the damaging impact on the minority communities, but it does appear to be a step in the right direction. We will watch its implementation closely.

Meanwhile, the Turkish Government must also address the many other forms of discrimination that Christians in Turkey endure. Every church in Turkey suffers petty harassment, at a minimum, and is forced to apply to central authorities for authorization to do any type of repairs or construction, requests that often linger for months and years without government action. Moreover, Turkey recognizes certain Christian groups as legitimate but not others. If you belong to one of the unauthorized groups, such as Evangelicals, you can't even build a church.

This resolution calls on Turkey to make good on all past transgressions and allow true freedom of religion—to achieve the standards of democratic behavior to which it says, and to which I believe, it aspires. We want Turkey to allow its Christian citizens to worship exactly as they want and to allow them to train their clergy exactly as they want.

I reserve the balance of my time.

Mr. WHITFIELD. Mr. Speaker, I yield myself 4 minutes.

I might say that Turkey certainly has been a valuable ally of the United States for many years. As we all know, it is the only Muslim nation in NATO. It has been a vital partner to the United States in the war on terror in both Iraq and in Afghanistan. And just recently, Turkey agreed to host a NATO radar defense system directed toward Iran. Turkey also is becoming an increasingly important commercial partner.

But I wanted to also point out, about 3 years ago, without any input from the U.S. Congress, the Secretary of State, or anyone else in the Federal Government, the director of religious affairs in Turkey on his own initiation had one of his religious scholars of the Muslim faith spend a semester at Wesley Theological Seminary here in Washington, D.C. During that semester, there was a dialogue between members of the Christian faith and members of the Muslim faith. And during that time, there was not any finger-pointing. There was no accusing the other side of being mean-spirited or anything else, but it was simply an exchange of ideas. That was at the initiative of the directorate of religious affairs in Turkey.

I might also point out that in October, the archbishop of the Armenian Orthodox Church re-consecrated St. Giragos, an Armenian church near Lake Van in Turkey. That church has recently been renovated.

I would also say that on November 11, 2010, Turkish authorities returned a former orphanage on Princess Island to the Greek Orthodox Patriarchate following a decision by the European Court on Human Rights. On this occasion, the attorney representing the Patriarchate declared, "This marks a first in Europe. Turkey became the first country to implement a decision of the ECHR by returning the property. This should be an example for other countries."

So I think it's very clear that Turkey is moving in the right direction. They do not need to be condemned, in my view. They are a vital ally of the U.S. With that, I reserve the balance of my time.

Mr. ROYCE. I yield 2 minutes to the gentleman from California (Mr. SHERMAN).

Mr. BERMAN. Mr. Speaker, I would like to add an additional 30 seconds to the gentleman from California from my allotted time.

The SPEAKER pro tempore. The gentleman from California is recognized for 2½ minutes.

Mr. SHERMAN. Thank you.

The adoption of H. Res. 306 would add the powerful voice of the United States Congress to the defense of religious freedom for Christians in present-day

Turkey and reinforce the traditional leadership of Congress in defending freedom of faith around the world.

I want to identify myself with the comments of the gentleman from California (Mr. SCHIFF) on putting this resolution in context by noting the Armenian genocide and how that sets the stage for everything we're talking about here.

□ 2220

H. Res. 306 is urgently needed to address the destruction of Christian religious heritage as a result of the Turkish Government's theft, desecration and disregard of ancient Christian sites and churches, many of them holding great significance to Christian heritage.

The United States Commission on International Religious Freedom raises the following alarm in its 2001 report: "The Turkish Government continues to impose serious limitations on freedom of religion or belief, thereby threatening the continued vitality and survival of minority religious communities in Turkey."

Churches in Turkey have been desecrated. The adoption of H. Res. 306 would support the Christian communities within Turkey that remain vulnerable and are forced to endure restrictions on their right to practice their faith in freedom. For example, and this is just one example, of the over 2,000 Armenian churches that existed in the early 1900s, less than 100 remain standing and fully functioning today.

This resolution is supported by the co-chairs of the Armenian, Hellenic, and Human Rights Caucuses. The U.S. Commission on International Religious Freedom has for 3 years straight placed Turkey on its watch list.

In 2009, Bartholomew I, the Ecumenical Christian Orthodox Patriarch of Constantinople, appeared on CBS's "60 Minutes" and reported that Turkey's Christians were second-class citizens and that he personally felt "crucified" by a state that wanted his church to die out.

Church property is routinely confiscated through discriminatory laws. The United States Commission on Religious Freedom reported that over the previous 5 decades, the Turkish state has, using convoluted regulations and undemocratic laws, confiscated hundreds of religious minority properties, primarily those belonging to the Greek Orthodox community, as well as the Armenian Orthodox, Catholics, and Jews.

It is time to add the voice of the American Congress in an effort to make sure that Turkey meets its international responsibilities.

Mr. ROYCE. Mr. Speaker, I reserve the balance of my time to close.

Mr. WHITFIELD. Mr. Speaker, I yield myself such time as I may consume.

I may make one other comment about Turkey. We all know that with the Arab Spring and the movement toward more free governments in the Middle East, that Prime Minister Erdogan has been one of the real leaders. He has spoken up against Syria. He has spoken up against Egypt. He has spoken against Tunisia and other countries and has been a real leader in trying to bring about a measure of freedom in that area.

I might also say that the time period that has been discussed earlier, about the early 1900s, of course during World War I when a lot of these things took place, the Ottoman Empire was fighting for its existence at that time. There were a lot of atrocities that took place on both sides.

But as I said, this resolution, there is certainly not anything in this resolution for anyone to oppose; but I think we should recognize that Turkey is making great strides, that they are returning properties, that they are taking a step, as has been pointed out by Secretary of State Clinton and by the religious watch organizations and others.

Mr. BERMAN had requested that I yield some time, and I would be happy to yield time.

Mr. BERMAN. I would be very grateful if the gentleman would yield 2 minutes to my friend from New York, a distinguished member of the Foreign Affairs Committee, Mr. ENGEL.

Mr. WHITFIELD. I would be happy to yield.

The SPEAKER pro tempore. The gentleman from New York is recognized for 2 minutes.

Mr. ENGEL. I thank the gentleman from California and also the gentleman from Kentucky for yielding to me.

I rise in support of the resolution.

Mr. Speaker, I have become increasingly concerned with the direction of Turkey in the past few years. It has elected an Islamist government which has pushed the country toward Iran and into conflict with Israel. While I am relieved that Ankara is now taking a strong stand against the repression in Syria, finally, much needs to change in Turkey. In particular, Turkey, which has such a profound connection with the birth and growth of Christianity, has today expropriated church properties, harassed worshipers, and refused to grant full legal status to some Christian groups.

In fact, the U.S. Commission on International Religious Freedom placed Turkey on its watch list for the third straight year, and concluded that "the Turkish Government continues to impose serious limitations on freedom of religion or belief, thereby threatening the continued vitality and survival of religious communities in Turkey."

I, therefore, rise in strong support of H. Res. 306, which urges Turkey to re-

turn stolen Christian churches to the Armenian, Greek, Assyrian and Syriac communities and to end discrimination against surviving Christians.

Mr. WHITFIELD. Mr. Speaker, I reserve the balance of my time.

Mr. BERMAN. I am pleased to yield 2½ minutes to the gentleman from New Jersey (Mr. PALLONE), the cochair of the Armenian Caucus.

Mr. PALLONE. Thank you, Mr. BERMAN.

Mr. Speaker, I am proud to rise in support of H. Res. 306, urging the Republic of Turkey to safeguard its Christian heritage and to return confiscated church properties. As an original cosponsor of this resolution, I believe that its adoption is critically important to showing that the U.S. Congress will not remain silent while countries such as Turkey violate basic religious freedoms.

This resolution is needed because the sad reality is that minority religious communities in Turkey daily face oppressive policies propagated by the Turkish Government. The U.S. Commission on International Religious Freedom has found that the "Turkish Government's formal, long-standing efforts to control religion by imposing suffocating regulations and by denying full legal status to religious institutions results in serious religious freedom violations." The commission has recommended that the U.S. urge Turkey to comply with its international commitments regarding freedom of religion or belief, and that is exactly what this resolution does.

Now, many within Turkey today and many more have fled religious persecution over the past century, knowing the frightening consequences that religious persecution has had on Christians and their churches. Each year the Armenian Issues Caucus, which I co-chair, gathers to commemorate the Armenian genocide. Over a million Armenians were killed in the genocide over 90 years ago, but Armenians in Turkey and their churches and landmarks and cemeteries continue to be targets for Turkish persecution.

I wanted to mention to my colleague, and I respect my colleague from Kentucky a great deal, but the fact of the matter is that Turkey has never admitted that the genocide has occurred. You mentioned that during World War I there were problems on both sides. But the fact of the matter is that over 1 million Armenians were massacred and their churches and everything continue to be targets today.

The resolution further calls on Turkey to stop its oppressive policies towards the education of Greek priests and its overt attempts to pressure the Ecumenical Patriarchate to leave his home country. Can you imagine, they're asking the Patriarch of the Greek Orthodox Church to leave Turkey where he and the Patriarchate have been for, I don't know, 2,000 years.

So I really believe if you believe we should have freedom to practice your religion without interference of oppressive governments, then you should vote "yes" on this resolution. The fact of the matter is that Turkey continues to do all of these things. The suggestion I know my colleague from Kentucky has made that somehow they're doing a better job, I mean, it is just very token and there are just as many instances where they continue the oppression compared to those few where maybe they've tried.

Mr. BERMAN. Mr. Speaker, I yield myself the balance of my time.

The SPEAKER pro tempore. The gentleman is recognized for 1½ minutes.

Mr. BERMAN. We want Turkey to follow through on its commitment to return confiscated property of Christian communities and to provide compensation for properties that can't be recovered. We want Christian communities in Turkey to enjoy the same rights and privileges that religious minorities enjoy in this country.

□ 2230

We want Turkey to acknowledge the Armenian genocide. This is not too much to ask. In fact, that is the minimum we must ask if Turkey is ever to join the ranks of the world's fully free nations.

I commend my good friend and colleague, Mr. ROYCE, for introducing this resolution and working with me closely on this critical issue, and I urge all my colleagues to join me in supporting this resolution.

Mr. WHITFIELD. Mr. Speaker, I yield myself such time as I may consume.

I might also say that in order to ensure the future viability of the Orthodox Church, the appointment of non-Turkish citizen metropolitans to the Patriarchate's Holy Synod have been explicitly permitted in Turkey since 2004. Furthermore, in 2010, Turkey offered citizenship to metropolitans of foreign nationality who chose to apply. Additionally, issues regarding the residence permits of foreign clergy have been resolved.

I might also point out that I had mentioned earlier that the directorate of religious affairs in Turkey had made available one of the religious scholars in Turkey to conduct a seminar at Wesley Theological Seminary. I would also mention to the body that the South Korean Methodist Church has been evangelizing in parts of Turkey, and they have a church in Antakya, which is one of the early Christian church sites that is located in Turkey, one of many, and they have been practicing their religion in Antakya.

And so I would say that I don't want people to leave here with the impression that Turkey is deliberately out there trying to deny religious freedom, because that simply is not the case.



Now, maybe they have a way to go; but as I've said, there is certainly nothing in this resolution that refers to anything about a genocide. This is simply talking about religious freedom. And I wanted to simply point out the steps that Turkey has been taking and continues to take.

With that, I reserve the balance of my time.

Mr. ROYCE. In closing, Mr. Speaker, religious freedom is a foundation necessary, I believe, for any democracy. It's a freedom we here in America can enjoy, and, frankly, it is embedded so deeply in our culture that many of us tend to take these freedoms for granted. But, unfortunately, this same scenario does not exist around this globe, and I just have to tell you, Turkey has been identified on the religious freedom watch list for 3 straight years. I wish that weren't the case, but it is.

Frankly, I believe that what progress has come comes at least in part—in part—due to this type of pressure from religious freedom reports or from resolutions. The U.S. Commission on International Religious Freedom allows us to gather nonpartisan information on countries that violate these fundamental human rights. And it's my understanding that in 2008 the Government of Turkey claimed they would return confiscated properties, but out of 1,400 claims, less than 100 were approved.

Now, we have close relations with Turkey. We have common interests. And this is a friendly urging that it do more on this important issue and, frankly, one that Turkey itself has committed to improving on. But, that said, with some of the statements made here today, I have to comment on an issue of which I have some personal knowledge, or memory.

When I was a young boy, I remember very well an Armenian in our community, a very elderly Armenian, who was the sole Armenian in his village to survive the Armenian genocide. And the reason he survived was because one of his neighbors hid him. And he told me the story of the atrocities that occurred there.

Now, for our Ambassador, Henry Morgenthau, who detailed what was going on while he was Ambassador to the Ottoman Empire, this was not something that happened in theory. It was a genocide that cost a million and a half human lives. And the fact that even today Turkey does not acknowledge the existence of that Armenian genocide in the Ottoman Empire, I think, should still give us pause. When we're dealing with the remnants of the population of what was once a sizeable percentage of the population of that area, when we're dealing with a question of what remains, 1 percent Greek and Armenian heritage and ethnicity that remains in Turkey today, I think it is only proper that when we have

this kind of report that comes back to us from the U.S. Commission on International Religious Freedom, and it details the fact that for 3 years running, rather than make progress, we have seen backsliding, I think it is time for this body to take the position and send the message: Return that confiscated property to its rightful owners; allow that small minority that remains, that wants to practice their faith, allow them to practice their faith and allow them to continue in their schools so that the next generation that wishes to follow in that tradition can do so. That's the request here.

Mr. Speaker, I yield back the balance of my time.

Mr. WHITFIELD. In conclusion, I would just say and reiterate once again that, in the 13th Annual Report on International Religious Freedom, the U.S. Department of State also underscored Turkey's recent efforts during the reporting period, the government took steps, important steps, to improve religious freedom. These positive statements have replaced the status of no change in the situation regarding the religious freedom in Turkey.

With that, I yield back the balance of my time.

Mr. COHEN. Mr. Speaker, as a co-chair of the Congressional Caucus on Turkey and Turkish Americans, I rise to question the necessity for consideration of H. Res. 306, urging the Republic of Turkey to safeguard its Christian heritage and to return confiscated church properties, especially in light of recent developments undertaken by the Turkish government. The current government of Turkey has taken steps to deal with the issue of religious properties.

By amending its Law on Foundations in August 2011, Turkey's statute has been improved and expanded, providing that the "immovable properties, cemeteries and fountains" of non-Muslim religious entities—referred to as community foundations in Turkey—recorded in Turkey's 1936 Declaration, and "registered in the name of Turkish public institutions," will be returned to the entities upon request. Additionally, provisions are made for the Turkish Treasury or the Directorate General of Foundations to compensate non-Muslim entities for properties that are currently registered in the name of third parties. Accordingly, those communities for whom the law is applicable will be able to have their properties registered in their own names, or be compensated.

In addition to this great step forward, Turkey has eased its citizenship requirements for Orthodox senior clergy, and in compliance with the judgment of the European Court of Human Rights, returned to the Ecumenical Patriarchate its orphanage on the Princes' Islands.

Praising the Turkish government on September 13, 2011, Secretary of State Hillary Rodham Clinton said, "We have also seen Turkey take serious steps to improve the climate for religious tolerance. The Turkish government issued a decree in August that invited non-Muslims to reclaim churches and synagogues that were confiscated 75 years ago. I applaud Prime Minister Erdogan's very important commitment in doing so."

H. Res 306 was first introduced on June 15, 2011, and does not recognize the developments on the ground since that time, nor does it take a regional approach to these questions. If Turkey is singled out, it should be for praise regarding progress that has been made.

Mr. GRIMM. Mr. Speaker, I applaud Congressman ROYCE for introducing H. Res. 306, Urging the Republic of Turkey to Safeguard its Christian Heritage and to Return Confiscated Church Properties, and thank him for his leadership in ensuring this important legislation is considered by the full House of Representatives. As a cosponsor of this resolution I strongly support its passage and encourage my fellow members to join me in voting in favor of this bill.

While Turkey considers itself a secular democracy, in reality this is simply not the case. The United States Commission on International Religious Freedom has classified Turkey one of the world's top violators of religious freedom. Out of a population of roughly 76.8 million people, the country's religious make-up is 99 percent Muslim (mainly Sunni) and 1 percent Christian, Bahai, and Jewish.

Regulations imposed upon minority religious groups, specifically Christians who make up less than 1 percent of the nation's population, serve to deny religious equality within Turkey. For example, national identification cards have a line item that displays one's religion, and while people are allowed to omit their religion on their I.D. card, it clearly marks individuals as non-Muslim.

Despite Turkey's obligations under the Universal Declaration of Human Rights and the 1923 Treaty of Lausanne, the government has not recognized minority religious communities, such as the Ecumenical Patriarchate of the Greek Orthodox Church, as independent entities with full legal status. The Turkish government's policies go so far as to deny non-Muslim communities the rights to train religious clergy, offer religious education, and own and maintain places of worship, leading to the decline, and in some cases the virtual disappearance, of these important religious and historical communities.

Through its expropriation of church properties, continued harassment of worshippers, and refusal to grant full legal status under Turkish law to some Christian groups, the Republic of Turkey has failed to fulfill its obligation as a signatory to the Universal Declaration of Human Rights, which requires "freedom of thought, conscience, and religion."

This resolution "Urging the Republic of Turkey to Safeguard its Christian Heritage and to Return Confiscated Church Properties" calls upon the government of Turkey to end religious discrimination, cease all restrictions on gatherings for religious prayer and education, and return stolen church property. On behalf of my Greek, Cypriot and Armenian American constituents in New York's 13th Congressional district, I strongly support the passage of this important resolution and encourage my colleagues to stand against religious persecution throughout the world.

Ms. BERKLEY. Mr. Speaker, I rise today in support of H. Res. 306, urging the Republic of Turkey to safeguard its Christian heritage and to return confiscated church properties.

Sadly, this resolution is necessary in order to address the tragic destruction of Christian



religious heritage in Turkey. The U.S. Commission on International Religious Freedom (USCIRF), which has put Turkey on its "watch list" for three straight years, said earlier this year that "the Turkish government continues to impose serious limitations on freedom of religion or belief, thereby threatening the continued vitality and survival of minority religious communities in Turkey."

Churches in Turkey have been desecrated and destroyed. Just a century ago, there were over 2,000 Armenian churches in Turkey, but less than 100 remain standing and fully functioning today.

Discriminatory laws in Turkey have led to confiscation of church property. The USCIRF has reported, "Over the previous five decades, the [Turkish] state has, using convoluted regulations and undemocratic laws to confiscate hundreds of religious minority properties, primarily those belonging to the Greek Orthodox community, as well as Armenian Orthodox, Catholics, and Jews. . . . The state also has closed seminaries, denying these communities the right to train clergy."

In particular, the Turkish government has closed the Halki Theological School for over three decades, despite repeated protests from the United States and Christians from around the world. The school had been a primary training center for educating future Greek priests and Church leaders, and, as a result, its closure is having terrible effects on those of the Greek Orthodox faith.

As a Nation founded on the principles of religious liberty, we must stand up against desecration of churches in Turkey, the closing of seminaries, the intimidation of religious minorities and the confiscation of the Ecumenical Patriarch's property. I urge support for this resolution.

Ms. FOXX. Mr. Speaker, I'm thinking about why Congress is raising the issue of Christian properties in Turkey at a time when that country has already addressed these concerns. It is very unfortunate that at a time when our country is facing so many challenges, that we are focusing on an issue that should be settled internally by a foreign country. I strongly support religious freedom but this is not an appropriate issue for the United States Congress to be involved in.

Last August, while Congress was in recess, the Turkish Government took the decision to return to non-Muslim community foundations the immovable properties registered in the name of Turkish public institutions, or compensate (at market rates) those foundations if such properties are held by third parties.

Secretary Clinton publicly praised and "applauded" Turkey and Prime Minister Erdogan for this "serious step to improve the climate for religious tolerance" during a briefing on the release of State Department International Religious Freedom Report. The Report itself emphasizes Turkey's "steps to improve religious freedom." Furthermore, during the American Turkish Council 2011 Annual Conference, Secretary Clinton said: "I was particularly impressed by Prime Minister Erdogan's statement during Ramadan that property would be returned to religious minority groups, and we also hope to see other positive steps, such as reopening of the Halki Seminary."

The simple truth is that we shouldn't single out one country when we know there are simi-

lar issues throughout the world. If we're going to be involved with calling attention to the faults of one country, we are setting a dangerous precedent where the House of Representatives can be distracted by focusing on the problems existing anywhere else in the world. We need to be promoting religious freedom and tolerance all over the world and this resolution does not accomplish that goal. A better use of our time and energy would be for all of us to foster stronger bilateral relations with all of our allies.

Mr. MORAN. Mr. Speaker, as a strong supporter of religious freedom, I share the desire of many of my colleagues that our international relationships and foreign policy should reflect our values. A legacy of intolerance and violent conflict is still palpable in Turkey, decades after the upheavals and population transfers that took place as the Ottoman Empire collapsed. Greeks, Armenians, Assyrians, and others still live with this legacy, and for many decades Turkey's government failed to account for it or to take any steps to recognize it.

Yet, Turkey is undergoing profound and very hopeful changes today. The current Turkish leadership demonstrates an understanding of these changes. They are challenging entrenched, conservative orthodoxies and facing the past in ways that I believe we should encourage. That is why I cannot support the resolution before us today. It is out of step with the reality of today's Turkey, the U.S.-Turkish alliance, and the political realities in the Eastern Mediterranean.

I am concerned that H. Res. 306 would not only send the wrong signal, it would cause the deterioration of a relationship with an important ally without advancing the laudable goal of religious freedom.

The fact is, the Turkish government is moving in the right direction on this issue, and of their own accord. Prime Minister Erdogan of Turkey announced last August that his government would return hundreds of properties that were confiscated from religious minorities by the state or other parties since 1936, and would pay compensation for properties that were seized and later sold.

I don't think such a gesture should be repaid by a sense of Congress that claims that "the Republic of Turkey has been responsible for the destruction and theft of much of the Christian heritage within its borders" and which accuses our strongest Muslim ally of "official and unofficial acts of discrimination, intolerance, and intimidation." This is a government that has fought beside our soldiers in Afghanistan, and has provided training, overflight and logistical support that have been critical to the United States in Iraq.

While we debate this resolution, we can't ignore the fact that Turkey has taken important steps forward regarding civil and political rights, and is even now developing a new constitution to reflect Turkey's diverse society and its aspirations to become a more active member of the global community. This orientation should be encouraged. The resolution before us, in my view, does nothing to encourage Turkey on that path, regardless of what its backers are claiming.

Only in the last few months, Turkey has taken some very difficult and controversial

steps that support the foreign policy of the United States. Perhaps the best example, and least well-known, is in Libya. While U.S. and N.A.T.O. forces were protecting Libyan civilians from a depraved dictator, the Republic of Turkey agreed to serve as a "protecting power" on behalf of the United States. In that capacity they represented the United States in Libya, including acting as consular officers on behalf of U.S. citizens in Libya and looking after American diplomatic facilities in the country. They also fully supported our goal of protecting the Libyan opposition, and pledged financial and material support to NATO to bring about a free, democratic, secure, stable, and united Libya. Is this how we repay them?

Another example of Turkey's positive role in the Mediterranean region is their government's decision to host a U.S. radar warning system in the southeastern region of the country. This is a landmark agreement for the alliance. NATO Secretary General Anders Fogh Rasmussen called the installation a "critical contribution" to the Alliance's efforts to address the growing threat of proliferation. This effort is not inconsistent with Turkey's leadership on issues of international security—only last month Turkey hosted an important international security conference on Afghanistan, and Turkey continues to participate in military and civilian efforts in Iraq and Afghanistan.

And Turkey has also demonstrated a willingness to challenge undemocratic and despotic neighbors, despite the risk to its own economic interests. The Turkish government has imposed sanctions on the Assad regime in Syria, and erected trade barriers that will make it harder for the dictatorship to remain in place. And the Erdogan government has also distanced itself from Iran by pushing for secular, democratic governments in Egypt, Tunisia and Syria. These are not easy steps for the Turkish government to take—Iran and Syria account for much of Turkey's eastern border and a large part of its trade. But they are pushing ahead, because they share our concern for democratic values. Turkey's government is showing that there can be no real peace without moral principles.

The resolution before us seems utterly ignorant of these critical developments. I cannot support it, despite my profound wish that Turkey fully embrace the full diversity represented within its borders. Further, I would like to see the current government of Turkey—as well as the governments of Greece and Armenia—fully and fairly recognize the enduring pain that conflict and hatred have wrought in its territory. I feel that under Prime Minister Erdogan, that process of acceptance and accountability has begun. We in the United States Congress can support a process of authentic reconciliation, and we should.

Turkey is our strong ally and friend. By shoring up our friendship, we can have discussions about the shortcomings we see in our ally. But this resolution fails to meet the basic standard of an enduring alliance, and therefore must oppose it.

Mr. MEEKS. Mr. Speaker, I rise today to speak on H. Res. 306, urging the Republic of Turkey to safeguard its Christian heritage and to return confiscated church properties.

I believe that it is important for Secretary Clinton to discuss issues of religious freedom

and equality with her Turkish counterparts, but I regret that Congress often fails to acknowledge the rapidly developing situation in Turkey, where the relationship between religion and state is evolving in positive and dynamic ways.

As a devout Christian and American, I believe that all religions should be treated equally, with dignity and respect, both here in the United States and abroad, and as such, I wish the resolution before us today would have offered a more balanced perspective, acknowledging the positive steps taken by the Turkish government.

Turkey is home to many faiths, and I believe that Turks take questions and concerns about religious freedom and equality very seriously. Turks are no strangers to religious restrictions, discrimination and prejudice, which confront many of their communities abroad.

I would like to commend the government of Turkey for its recent reform of The Law on Foundations, which enables the return of or compensation for immovable properties significant to religious minority communities. Congress should also acknowledge that Turkey has preserved or restored many sites of importance to religious minorities in recent years, and we should encourage the continuation of this important work.

I applaud the Turkish government for easing restrictions on the Greek Orthodox community and the Ecumenical Patriarch, initiatives that have been welcomed by the Hellenic communities in Turkey and the United States and improved relations between Turkey and Greece.

In another example of forward movement that Congress has yet to recognize, the Armenian Orthodox Patriarch led worship services in the historic Armenian church on Akhtamar Island near Van for the first time since World War I, attended by thousands of pilgrims from Turkey and abroad.

Congress should welcome Prime Minister Erdogan's commitment to return property to religious minority communities and recognize Turkey's status as a majority Muslim, democratic, secular state where all religions are equal.

The latest International Religious Freedom Report published by the State Department lists areas where the Turkish government has made significant advances, while calling for improvements in areas such as the reopening of the Halki Seminary on the island of Heybeli.

Further improvement is always possible, and as Turkey moves forward with constitutional reform efforts, I am confident that this process will recognize religious freedom, equality and plurality as universal values that should be upheld in every corner of the world.

Mr. CONNOLLY of Virginia. Mr. Speaker, the text of House Resolution 306 could lead to false conclusions about Turkey. Make no mistake: Turkey has taken concrete steps to improve religious freedom through a series of meaningful initiatives. Moreover, Turkey is a secular, modernized NATO ally that provides indispensable military and diplomatic support to the United States and our allies. Its efforts with respect to religious inclusion are welcome and worthy of recognition.

In September, for example, Secretary Clinton praised Turkey's continued progress in enhancing religious freedom, stating:

We have also seen Turkey take serious steps to improve the climate for religious tolerance. The Turkish government issued a decree in August that invited non-Muslims to reclaim churches and synagogues that were confiscated 75 years ago. I applaud Prime Minister Erdogan's very important commitment to doing so.

Long before H. Res. 306 was introduced, the Turkish Government was enhancing religious freedom. For example:

In May 2010, the Prime Ministry issued a circular underlining that Turkey's non-Muslim citizens share with all other Turkish citizens the right to enjoy and maintain their own identities and cultures in parallel with the national identity and culture of Turkey.

The Greek Orthodox Patriarchate in Istanbul recently has been permitted to conduct masses at religiously significant venues that had been rendered museums due to disuse.

In November 2010, Turkish authorities returned a former orphanage to the Greek Orthodox Patriarchate following a decision by the European Court of Human Rights (ECHR). The attorney representing the Patriarchate declared, "This marks a first in Europe. Turkey became the first country to implement a decision of the ECHR by returning the property. This should be an example for other countries."

Since the original text of H. Res. 306 was introduced, Turkey amended its Law on Foundations to state that immovable properties, cemeteries, and fountains (of the non-Muslim community foundations registered in the name of Turkish public institutions) will be returned to the relevant non-Muslim community foundations, upon those non-Muslim foundations' request.

On a larger scale, Turkey has been an indispensable ally and friend of the United States since it joined NATO almost 60 years ago (in 1952). Given Turkey's strategic location and maintenance of the second largest military in NATO, this should come as no surprise. Currently, NATO is installing radar systems in Turkey and Romania as part of the regional anti-ballistic missile defense system. Moreover, when NATO passed Resolution 1973, which enforced a no-fly zone in Libya, Turkey helped lead a NATO-led coalition, after playing a major role in deliberations with the United States and other key allies. Turkey also had a key role in negotiating the release of four New York Times reporters who were captured during fighting in Libya.

With regard to U.S. operations in Afghanistan, Turkey:

Has made available its Konya Air Base and other airports for the deployment of aircraft and allies' cargo aircraft in support of ISAF operations.

Has deployed five Operational Mentoring and Liaison Teams (OMLT) and has also conducted in-place training of 8,000 Afghan National Army (ANA) members and training in Turkey for an additional 1,000 Afghan troops.

Turkey established two civilian-led Provincial Reconstruction Teams (PRTs) in Wardak and Jawzjan, and opened a branch of the Turkish International Cooperation Agency in Kabul, from which it runs a number of humanitarian assistance and economic development projects.

Turkey stations over 1,700 U.S. military personnel under the U.S.-Turkey Defense and

Economic Cooperation Agreement. Incirlik Air Base, which houses about 1,500 U.S. military personnel, is a transit point for 68% of air logistical support for Iraq and Afghanistan. Each year, an average of 2,000 American C-17 aircraft and an average of 1,460 KC-135 refueling tankers fly through the Turkish air base. Turkey's support is not limited to access of its air bases; its Mersin port on the Mediterranean is part of the U.S.'s supply network to Afghanistan.

In a time when several Muslim majority countries are undergoing upheaval, Turkey provides an ideal model to its neighbors. It is a secular, modern, Muslim majority state that is a significant NATO ally. In its domestic affairs, Turkey is again a model for its neighbors. According to the State Department's 13th Annual Report on Religious Freedom,

During the reporting period, the [Turkish] government took steps to improve religious freedom. Notably the government permitted religious services to be held annually in historic Christian sites that had been turned into state museums after decades of disuse.

As a friend of Turkey, the United States ought to continue to recognize Turkey's initiatives on religious freedom and encourage Turkey to continue its progress. This is what allies do.

Mr. CARNAHAN. Mr. Speaker, I rise to speak on H. Res. 306, regarding religious freedom in Turkey, a longtime friend and ally of the United States.

The value we in America place on freedom of religion goes to the very heart of American democracy, and we have a strong interest in promoting religious freedom globally. As with other indicators of democracy and human rights, nations that respect religious tolerance generally enjoy greater economic prosperity and social stability. While I support this resolution and encourage further progress on religious freedom in Turkey, I also believe we must seek to support these standards in an even-handed manner.

I would like to emphasize the importance of U.S.-Turkish relations. From Turkey's critical support in Afghanistan and elsewhere, as a uniquely positioned NATO ally and their substantial humanitarian contributions in response to famine in the Horn of Africa to Turkey's efforts in support of the Syrian people as the Assad regime's brutality intensifies, Turkey continues to be a strong partner in addressing some of the world's most vexing problems. As revolutionary calls for democratic governance sound throughout the Middle East and North Africa, we must continue to work closely with Turkey, whose position as a democratic, majority Muslim country can play a positive role in transitions in the region.

Moreover, I would like to acknowledge the positive steps that the Turkish government has taken to address issues of religious freedom and tolerance. This August, the Turkish government issued a decree inviting non-Muslims to reclaim churches and synagogues that were confiscated 75 years ago and has eased some citizenship requirements on Orthodox clergy. Unfortunately, H. Res. 306 omits recognition of these important commitments. While issues remain, particularly with regard to the Ecumenical Patriarch, I am encouraged by the efforts that have been made and hope for further progress.

As a member of the Congressional Caucus on Turkey and Turkish Americans, I look forward to the ongoing alliance between our countries.

Ms. HAHN. Mr. Speaker, I rise today in support of House Resolution 306 that the House passed earlier this week.

Wherever we see repression, wherever we see atrocities being swept under the rug, we have a moral duty to speak out. Members of NATO are no exception.

Today in Turkey, beautiful and historic Armenian churches, monuments and monasteries lie in ruins—broken not by the sands of time, but by desecration, theft and dynamite.

For too long, the U.S. has allowed Turkey to elude responsibility for the destruction of Armenian churches. With this resolution, Congress sends a stern message to Turkey's Prime Minister, Recep Erdogan—the United States will not tolerate Turkish assaults on Armenian heritage and religious freedom.

The passage of House Resolution 306 earlier this week was an important step towards justice for the Armenian people, but our work is unfinished. Until the U.S. and Turkey officially recognize the Armenian Genocide for what it was, I will continue to fight to correct the staggering injustice of soft-peddling the murder of 1.5 million men, women and children.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. ROYCE) that the House suspend the rules and agree to the resolution, H. Res. 306, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the resolution, as amended, was agreed to.

A motion to reconsider was laid on the table.

#### MERRY CHRISTMAS FROM WELLS FARGO

(Ms. ZOE LOFGREN of California asked and was given permission to address the House for 1 minute and to revise and extend her remarks and include extraneous material.)

Ms. ZOE LOFGREN of California. Mr. Speaker, the extraneous material is a letter I'm sending to Wells Fargo Bank about Mrs. Darlene Bowland, a 68-year-old mother fighting cancer and Wells Fargo Bank.

Darlene lived in a modest home in San Jose for 41 years until she was evicted a week before Thanksgiving. At the time, Darlene was too weak from chemotherapy to pack up her own boxes. We appealed to the bank. They knew about her cancer and her chemotherapy, but they didn't care. She owned her home free and clear at one time but was a victim of a pay loan, a way to confuse her and basically steal her home.

Mr. Speaker, Wells Fargo earned record profits last quarter, and in 2010 the CEO, John Stumpf, earned more than \$17 million in compensation. This

Christmas, Mrs. Bowland will be couch surfing with chemotherapy, while Mr. Stumpf will be enjoying his \$17 million salary and her home in San Jose stays vacant.

Merry Christmas from Wells Fargo.

CONGRESS OF THE UNITED STATES,  
HOUSE OF REPRESENTATIVES,  
Washington, DC, December 13, 2011.

Re Ms. Darlene Bowland

Mr. JOHN G. STUMPF,

Chief Executive Officer, Wells Fargo, Montgomery St., San Francisco, CA.

DEAR MR. STUMPF: Darlene Bowland is a 68-year-old woman fighting cancer and Wells Fargo Bank. She lived alone in a modest home in San Jose, California until she was evicted by Wells Fargo Bank a week before Thanksgiving, even though she had no place else to go. Wells Fargo Bank knew all about Darlene's tragic circumstances, but apparently did not care.

Darlene lived in her home for 41 years and at one time owned it free and clear. She and her former husband raised their children there. Although Darlene lost her small cleaning business to the recession a few years ago and now struggles to make ends meet, she was proud of her house. She spent what little energy she had after her cancer treatments tending to her garden. That's where she found some measure of peace.

Not anymore.

Darlene is just one of many victims of a World Savings loan product called a "pick-a-pay" that she was tricked into and could not afford. Make no mistake. Darlene is a victim. Pick-a-pay loans were designed to trap unwary homeowners into owing more than they borrowed, assuring the banks that sold them a captive audience that would need to continually refinance or face foreclosure. These unscrupulous banks and loan brokers used the voluminous, complex and impossible to understand loan documents that make up a pick-a-pay loan to steal Darlene's house in broad daylight.

Wells Fargo was able to file an unlawful detainer and get a summary judgment that allowed them to evict Darlene, even though Darlene had sued Wells Fargo claiming she was defrauded. She was too weak from chemotherapy to pack up her own boxes.

Wells Fargo earned record profits last quarter. Your 2010 compensation was more than \$17 million. Do you know this woman with cancer is now couch-surfing because you've evicted her through foreclosure on her home just before the holidays? Instead of waking up in her house Christmas morning, Darlene's house will instead sit vacant.

Sincerely,

ZOE LOFGREN,  
Member of Congress.

#### ADJOURNMENT

Mr. ROYCE. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 10 o'clock and 37 minutes p.m.), under its previous order, the House adjourned until tomorrow, Wednesday, December 14, 2011, at 10 a.m. for morning-hour debate.

#### BUDGETARY EFFECTS OF PAYGO LEGISLATION

Pursuant to section 6004 of H.R. 3630 (112th Congress), Mr. RYAN (WI) is re-

quired to submit a statement in the record, prior to the vote on passage, on the budgetary and deficit effects of H.R. 3630, the Middle Class Tax Relief and Job Creation Act of 2011, for printing in the CONGRESSIONAL RECORD.

Section 6004 of H.R. 3630 provides that the Office of Management and Budget should not take into account the budgetary effects for the purposes of the Statutory Pay-As-You-Go Act (PL 111-139) if the bill would not increase the deficit for the period of fiscal years 2012 through 2021.

Section 6005 of H.R. 3630 provides that the decrease in the deficit is determined on the basis of the change in total outlays and total revenue of the Federal government, including the estimated off-budget effects, the estimated effects of the changes to the discretionary spending limits set forth in section 251 of the Balanced Budget and Emergency Deficit Control Act of 1985, and the estimate of the change in net income to the National Flood Insurance Program, resulting from the enactment of H.R. 3630. Based on the estimates provided by the Congressional Budget Office on H.R. 3630, taking those effects into account, the legislation would reduce the deficit by \$5.833 billion for the period of fiscal years 2012 through 2021. As a result, the effects of this legislation should not be taken into account for the purposes of statutory pay-as-you-go.

#### EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XIV, executive communications were taken from the Speaker's table and referred as follows:

4276. A letter from the Secretary of the Commission, Commodity Futures Trading Commission, transmitting the Commission's "Major" final rule — Derivatives Clearing Organization General Provisions and Core Principles (RIN: 3038-AC98) received November 29, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4277. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Saflufenacil; Pesticide Tolerances [EPA-HQ-OPP-2010-1026; FRL-9325-2] received December 2, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4278. A letter from the Chief Counsel, Department of Homeland Security, transmitting the Department's final rule — Final Flood Elevation Determinations [Docket ID: FEMA-2011-0002] received November 21, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

4279. A letter from the Assistant General Counsel for Regulatory Affairs, Consumer Product Safety Commission, transmitting the Commission's "Major" final rule — Testing and Labeling Pertaining to Product Certification [CPSC Docket No.: CPSC-2010-0038] received November 30, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4280. A letter from the Assistant General Counsel for Legislation, Regulations and Energy Efficiency, Department of Energy,

transmitting the Department's "Major" final rule — Energy Conservation Program: Energy Conservation Standards for Fluorescent Lamp Ballasts [Docket Number: EE-2007-BT-STD-0016] (RIN: 1904-AB50) received December 2, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4281. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Indiana; Redesignation of Lake and Porter Counties to Attainment of the Fine Particulate Matter Standard [EPA-R05-OAR-2008-0395; FRL-9499-6] received December 2, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4282. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Ohio and Indiana; Redesignation of the Ohio and Indiana Portions Cincinnati-Hamilton Area to Attainment of the 1997 Annual Standard for Fine Particulate Matter [EPA-R05-OAR-2011-0017; EPA-R05-OAR-2011-0106; FRL-9499-7] received December 2, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4283. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Interim Final Determination To Defer Sanctions, San Joaquin Valley Unified Air Pollution Control District [EPA-R09-OAR-2011-0881; FRL-9499-4] received December 2, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4284. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Revocation of the Significant New Use Rule on a Certain Chemical Substance [EPA-HQ-OPPT-2011-0109; FRL-8892-2] (RIN: 2070-AB27) received December 2, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4285. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Significant New Use Rules on Certain Chemical Substances; Withdrawal of Two Chemical Substances [EPA-HQ-OPPT-2010-1075; FRL-9329-5] (RIN: 2070-AB27) received December 2, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4286. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Transportation Conformity Rule: MOVES Regional Grace Period Extension [EPA-HQ-OAR-2011-0393; FRL-9499-1] (RIN: 2060-AR03) received December 2, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4287. A letter from the Director, Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting the Commission's final rule — Enhancements to Emergency Preparedness Regulations [NRC-2008-0122] (RIN: 3150-AI10) received November 17, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4288. A letter from the Program Manager, Department of Health and Human Services, transmitting the Department's final rule — Privacy Act; Exempt Record System (RIN: 0906-AA91) received November 23, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Oversight and Government Reform.

4289. A letter from the Federal Register Liaison Officer, Department of Commerce, transmitting the Department's final rule — Revision of Patent Term Adjustment Provisions Relating to Information Disclosure Statements [Docket No.: PTO-P-2011-0014] (RIN: 0651-AC56) received December 2, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

4290. A letter from the Senior Program Analyst, Department of Transportation, transmitting the Department's final rule — Amendment of Class E Airspace; Valley City, ND [Docket No.: FAA-2011-0605; Airspace Docket No.: 11-AGL-13] received November 22, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4291. A letter from the Senior Program Analyst, Department of Transportation, transmitting the Department's final rule — Amendment of Class E Airspace; Nuiqsut, AK [Docket No.: FAA-2011-0759; Airspace Docket No.: 11-AAL-12] received November 22, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4292. A letter from the Federal Register Liaison Officer, Department of the Treasury, transmitting the Department's final rule — Approval of Grape Variety Names for American Wines [Docket No.: TTB-2011-0002; T.D. TTB-95; Re: Notice No. 116] (RIN: 1513-AA42) received December 5, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4293. A letter from the Federal Register Liaison Officer, Department of the Treasury, transmitting the Department's final rule — Expansions of the Russian River Valley and Northern Sonoma Viticultural Areas [Docket No.: TTB-2008-0009; T.D. TTB-97; Re: Notice Nos. 90 and 91] (RIN: 1513-AB57) received December 5, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4294. A letter from the Federal Register Liaison Officer, Department of the Treasury, transmitting the Department's final rule — Establishment of the Pine Mountain-Cloverdale Peak Viticultural Area [Docket No.: TTB-2010-0003; T.D. TTB-96; Notice Nos. 105, 107, and 112] (RIN: 1513-AB41) received December 5, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4295. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Treasury Inflation-Protected Securities Issued at a Premium [TD 9561] (RIN: 1545-BK46) received December 2, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4296. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — 2011 Base Period T-Bill Rate (Rev. Rul. 2011-30) received December 2, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

## REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. BISHOP of Utah: Committee on Rules. House Resolution 493. Resolution providing for consideration of the conference report to accompany the bill (H.R. 1540) to authorize

appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; and providing for proceedings during the period from December 16, 2011, through January 16, 2012 (Rept. 112-330). Referred to the House Calendar.

## PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. GRIJALVA (for himself and Mr. ELLISON):

H.R. 3638. A bill to create American jobs and reduce the deficit, and for other purposes; to the Committee on Ways and Means, and in addition to the Committees on Education and the Workforce, Natural Resources, Agriculture, the Judiciary, Science, Space, and Technology, Energy and Commerce, Oversight and Government Reform, Small Business, Transportation and Infrastructure, Financial Services, Veterans' Affairs, the Budget, Armed Services, and Foreign Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. NUGENT:

H.R. 3639. A bill to amend the Ethics in Government Act of 1978 to require federally elected officials to place their stocks, bonds, commodities futures, and other forms of securities in a blind trust; to the Committee on Oversight and Government Reform, and in addition to the Committee on House Administration, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. DENHAM (for himself and Mr. FARR):

H.R. 3640. A bill to authorize the Secretary of the Interior to acquire not more than 18 acres of land and interests in land in Mariposa, California, and for other purposes; to the Committee on Natural Resources.

By Mr. FARR (for himself and Mr. DENHAM):

H.R. 3641. A bill to establish Pinnacles National Park in the State of California as a unit of the National Park System, and for other purposes; to the Committee on Natural Resources.

By Ms. EDDIE BERNICE JOHNSON of Texas (for herself and Ms. EDWARDS):

H.R. 3642. A bill to amend the National Institute of Standards and Technology Act to require the Director of the National Institute of Standards and Technology to document operational requirements, assist with national voluntary consensus standards, and conduct technology research to advance a nationwide interoperable public safety broadband network, and for other purposes; to the Committee on Science, Space, and Technology, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. COOPER:

H.R. 3643. A bill to provide that Members of Congress may not receive pay after October

1 of any fiscal year in which Congress has not approved a concurrent resolution on the budget and passed the regular appropriations bills; to the Committee on House Administration.

By Mr. GARRETT (for himself, Mr. BACHUS, Mr. HENSARLING, Mr. SCHWEIKERT, Mr. NEUGEBAUER, Mrs. BIGGERT, and Mrs. CAPITO):

H.R. 3644. A bill to increase standardization, transparency, and to ensure the rule of law in the mortgage-backed security system, and for other purposes; to the Committee on Financial Services.

By Ms. SUTTON (for herself, Mr. LIPINSKI, Mr. JONES, Mr. HASTINGS of Florida, Mr. ANDREWS, Ms. KAPTUR, Mr. RYAN of Ohio, Mr. COURTNEY, Mr. YARMUTH, Mr. MURPHY of Connecticut, Mr. HOLDEN, Mr. CRITZ, and Mr. GENE GREEN of Texas):

H.R. 3645. A bill to require consideration of the impacts of a public interest waiver from the Buy America requirement on domestic manufacturing employment for certain transportation provisions; to the Committee on Transportation and Infrastructure.

By Ms. SUTTON (for herself, Mr. TURNER of Ohio, Mr. CONYERS, Ms. LINDA T. SANCHEZ of California, Ms. ZOE LOFGREN of California, Mr. RYAN of Ohio, Mr. LIPINSKI, Mr. STARK, Mr. JONES, Mr. MICHAUD, Mr. ISRAEL, Mr. PETERS, Mr. HASTINGS of Florida, Mr. COURTNEY, Mr. ANDREWS, Ms. KAPTUR, Mr. JOHNSON of Georgia, Mr. HOLDEN, Mr. YARMUTH, Mr. MURPHY of Connecticut, Mr. CRITZ, Ms. SCHAKOWSKY, Mr. GENE GREEN of Texas, and Mr. SARBANES):

H.R. 3646. A bill to require foreign manufacturers of products imported into the United States to establish registered agents in the United States who are authorized to accept service of process against such manufacturers, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committees on Ways and Means, and Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. SUTTON (for herself, Mr. LIPINSKI, Mr. HASTINGS of Florida, Ms. KAPTUR, Mr. RYAN of Ohio, Mr. HOLDEN, Mr. MURPHY of Connecticut, Mr. YARMUTH, Mr. ANDREWS, Mr. CRITZ, and Mr. GENE GREEN of Texas):

H.R. 3647. A bill to improve transparency and accountability in the waiver process of the Buy America requirement for certain transportation provisions; to the Committee on Transportation and Infrastructure.

By Mr. BISHOP of New York (for himself and Mr. LANDRY):

H.R. 3648. A bill to amend the Water Resources Development Act of 1986 to ensure that annual expenditures from the Harbor Maintenance Trust Fund to pay for operation and maintenance costs are allocated equitably among eligible harbor projects, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. BACA:

H.R. 3649. A bill to expand the Officer Next Door and Teacher Next Door initiatives of the Department of Housing and Urban Development to include fire fighters and rescue personnel, and for other purposes; to the Committee on Financial Services.

By Ms. JACKSON LEE of Texas:

H.R. 3650. A bill to prohibit institutions of higher education and nonprofit organizations

that fail to report incidents of sexual abuse of a minor from receiving Federal funds, and for other purposes; to the Committee on Education and the Workforce.

By Mr. BARROW:

H.R. 3651. A bill to amend the Truth in Lending Act to exempt certain creditors from the escrow account requirement for higher-priced mortgage loans, and for other purposes; to the Committee on Financial Services.

By Mr. DESJARLAIS:

H.R. 3652. A bill to amend the Food and Nutrition Act of 2008 to repeal the authority to make performance-based bonus payments to States; to the Committee on Agriculture.

By Mr. DOGGETT (for himself, Mr. CROWLEY, Mr. LEWIS of Georgia, Mr. STARK, Mr. MCDERMOTT, Mr. BLUMENAUER, Mr. PASCRELL, Mr. NEAL, Mr. RANGEL, and Mr. BECERRA):

H.R. 3653. A bill to establish a commission to develop a national strategy and recommendations for reducing fatalities resulting from child abuse and neglect; to the Committee on Education and the Workforce.

By Ms. HOCHUL:

H.R. 3654. A bill to adopt technology allowing 9-1-1 call centers to receive and respond to emergency text messages, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ROYCE (for himself, Mr. CANSECO, Mr. JONES, Mr. PAUL, Mr. HENSARLING, and Mrs. BACHMANN):

H.R. 3655. A bill to amend the Sarbanes-Oxley Act of 2002 to provide additional exemptions from the internal control auditing requirements for smaller and newer public companies; to the Committee on Financial Services.

By Mr. SESSIONS:

H.R. 3656. A bill to amend the Internal Revenue Code of 1986 to provide for death and disability protection for loans from qualified employer plans; to the Committee on Ways and Means, and in addition to the Committee on Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. TERRY (for himself, Mr. BARTON of Texas, and Mr. BURGESS):

H.R. 3657. A bill to clarify the authority of the Chairman of the Nuclear Regulatory Commission to act on behalf of the Commission during emergencies, and for other purposes; to the Committee on Energy and Commerce.

By Mr. DOLD (for himself, Mr. FRANK of Massachusetts, Mr. GARDNER, and Mr. HUIZENGA of Michigan):

H. Res. 494. A resolution expressing support for designation of the first Tuesday in June as National Cancer Survivor Beauty and Support Day; to the Committee on Oversight and Government Reform.

#### CONSTITUTIONAL AUTHORITY STATEMENT

Pursuant to clause 7 of rule XII of the Rules of the House of Representatives, the following statements are submitted regarding the specific powers granted to Congress in the Constitution to enact the accompanying bill or joint resolution.

By Mr. GRIJALVA:

H.R. 3638.

Congress has the power to enact this legislation pursuant to the following:  
U.S. Const. art. I, §§1 and 8.

By Mr. NUGENT:

H.R. 3639.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 5 of the United States Constitution, which sets the rules for how Congress operates.

By Mr. DENHAM:

H.R. 3640.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8, Clause 1

The Court invoked "the great power of taxation to be exercised for the common defence and general welfare" to sustain the right of the Federal Government to acquire land within a state for use as a national park. [160 U.S. at 681]

By Mr. FARR:

H.R. 3641.

Congress has the power to enact this legislation pursuant to the following:

Art. I, Sec. 8 U.S. Constitution

By Ms. EDDIE BERNICE JOHNSON of Texas:

H.R. 3642.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8 of the Constitution of the United States.

By Mr. COOPER:

H.R. 3643.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 6 of the Constitution of the United States.

By Mr. GARRETT:

H.R. 3644.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 3 grants Congress the power "To regulate Commerce with foreign Nations, and among the several States, and with the Indian Tribes." Additionally, Article I, Section 8, Clause 18 grants Congress the authority "To make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by this Constitution in the Government of the United States, or in any Department or Officer thereof"

By Ms. SUTTON:

H.R. 3645.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8 of the United States Constitution.

By Ms. SUTTON:

H.R. 3646.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8 of the United States Constitution.

By Ms. SUTTON:

H.R. 3647.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8 of the United States Constitution.

By Mr. BISHOP of New York:

H.R. 3648.

Congress has the power to enact this legislation pursuant to the following:

Article I, Sec. 8, Clause 3

By Mr. BACA:

H.R. 3649.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 3.

By Ms. JACKSON LEE of Texas:

H.R. 3650.

Congress has the power to enact this legislation pursuant to the following:

Commerce Clause of the Constitution Article I Sec. 8.

By Mr. BARROW:

H.R. 3651.

Congress has the power to enact this legislation pursuant to the following:

Article I Section 8 Clause 3, the Commerce Clause.

By Mr. DESJARLAIS:

H.R. 3652.

Congress has the power to enact this legislation pursuant to the following:

The constitutional authority on which this bill rests is the power of Congress to make all laws which shall be necessary and proper for carrying into execution the foregoing powers, and all other powers vested by this Constitution in the Government of the United States, as enumerated in Article I, Section 8, Clause 18 of the United States Constitution.

By Mr. DOGGETT:

H.R. 3653.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8 of the Constitution that grants Congress the authority, "To make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by this Constitution in the Government of the United States, or in any Department or Officer thereof."

By Ms. HOCHUL:

H.R. 3654.

Congress has the power to enact this legislation pursuant to the following:

The power of the Congress to provide for the general welfare, to regulate commerce, and to make all laws which shall be necessary and proper for carrying into execution Federal powers, as enumerated in section 8 of article I of the Constitution of the United States.

By Mr. ROYCE:

H.R. 3655.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, clause 3

By Mr. SESSIONS:

H.R. 3656.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, clause 3

By Mr. TERRY:

H.R. 3657.

Congress has the power to enact this legislation pursuant to the following:

Commerce Clause: Article 1, Section 8, Clause 3

#### ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 85: Ms. LEE of California.

H.R. 104: Mr. GOHMERT.

H.R. 181: Ms. CHU.

H.R. 191: Mr. LANGEVIN.

H.R. 210: Mr. CLARKE of Michigan.

H.R. 365: Mr. BERMAN.

H.R. 396: Mr. BILIRAKIS.

H.R. 469: Ms. MATSUI and Mr. GONZALEZ.

H.R. 502: Ms. HIRONO.

H.R. 616: Mr. POLIS.

H.R. 724: Ms. CHU.

H.R. 733: Mr. SERRANO.

H.R. 780: Ms. BALDWIN.

H.R. 835: Mr. WELCH, Mr. ROE of Tennessee, Mr. MICHAUD, Mr. PAULSEN, Mr. HOLDEN, and Mr. CLEAVER.

H.R. 883: Mr. GONZALEZ.

H.R. 920: Mr. GRAVES of Georgia.

H.R. 942: Mr. POSEY.

H.R. 1148: Mr. CARNAHAN, Mr. LATHAM, Mr. BERMAN, Ms. BORDALLO, Mr. UPTON, Mr. WILSON of South Carolina, Mr. RUNYAN, Ms. DEGETTE, Mr. GARDNER, and Ms. BUERKLE.

H.R. 1171: Mr. FALCOMA and Mr. KUCINICH.

H.R. 1193: Mr. BILIRAKIS.

H.R. 1206: Mr. WEST.

H.R. 1219: Mr. GONZALEZ and Mr. RUNYAN.

H.R. 1221: Mr. DEFAZIO.

H.R. 1234: Ms. TSONGAS.

H.R. 1259: Mr. YOUNG of Alaska.

H.R. 1288: Mr. LIPINSKI and Ms. BASS of California.

H.R. 1364: Mr. JOHNSON of Illinois.

H.R. 1370: Mr. BILBRAY, Mr. GRIMM, Mr. GERLACH, Mr. SCALISE, and Mrs. MILLER of Michigan.

H.R. 1385: Mr. LIPINSKI.

H.R. 1386: Ms. SPEIER.

H.R. 1418: Ms. BROWN of Florida and Mr. PASCRELL.

H.R. 1426: Mr. KEATING, Mr. OWENS, and Ms. HAYWORTH.

H.R. 1440: Mr. POLIS.

H.R. 1463: Mr. ENGEL.

H.R. 1498: Mr. THOMPSON of California.

H.R. 1499: Mrs. HARTZLER and Mr. RUPERSBERGER.

H.R. 1513: Mr. YARMUTH, Mr. CLEAVER, Mr. MICHAUD, Mr. BUCHANAN, Ms. LORETTA SANCHEZ of California, Mr. MARKEY, Mr. SCOTT of Virginia, and Mr. BECERRA.

H.R. 1546: Mr. THORNBERRY.

H.R. 1558: Mr. BOUSTANY and Mr. SMITH of Texas.

H.R. 1639: Mr. FLEISCHMANN and Mr. GARDNER.

H.R. 1654: Mr. RIBBLE.

H.R. 1681: Mr. BACA.

H.R. 1687: Mr. TURNER of New York and Ms. ROS-LEHTINEN.

H.R. 1697: Ms. BROWN of Florida and Mr. LANDRY.

H.R. 1704: Mr. SHERMAN and Mrs. LOWEY.

H.R. 1834: Mrs. ROBY.

H.R. 1848: Mr. POMPEO.

H.R. 1865: Mr. BOUSTANY.

H.R. 1878: Mr. CLEAVER.

H.R. 1897: Mr. HASTINGS of Florida, Mr. COOPER, and Mr. RUPERSBERGER.

H.R. 1903: Mr. SCOTT of Virginia.

H.R. 1905: Mr. BOUSTANY, Mr. SHIMKUS, Mr. HINOJOSA, Mr. BACHUS, Mr. TURNER of Ohio, and Mr. YOUNG of Indiana.

H.R. 1936: Ms. JENKINS and Mr. TOWNS.

H.R. 1964: Mr. DOLD.

H.R. 2001: Mr. STIVERS and Mr. AMODEI.

H.R. 2041: Mr. POMPEO.

H.R. 2069: Mr. OWENS and Mr. ROONEY.

H.R. 2071: Mr. BERG and Mr. PAULSEN.

H.R. 2105: Mr. POMPEO, Mr. GRIFFIN of Arkansas, Mr. LAMBORN, Mr. DUNCAN of South Carolina, Mr. ROGERS of Michigan, Mr. YOUNG of Indiana, Mr. ADERHOLT, Mrs. McMORRIS RODGERS, Mrs. SCHMIDT, Mr. PENCE, Mr. DOLD, Mr. COFFMAN of Colorado, Mr. MURPHY of Pennsylvania, Mr. MARCHANT, and Mr. TURNER of Ohio.

H.R. 2106: Mr. MCCOTTER.

H.R. 2182: Mrs. McMORRIS RODGERS.

H.R. 2288: Mr. LANGEVIN.

H.R. 2310: Mr. BACA.

H.R. 2335: Mr. SULLIVAN.

H.R. 2376: Ms. WOOLSEY.

H.R. 2412: Mrs. MCCARTHY of New York.

H.R. 2414: Mr. SULLIVAN.

H.R. 2453: Mr. CALVERT, Mr. CARTER, Ms. GRANGER, Mr. CANSECO, Mr. LUCAS, Mr. FINCHER, Mr. CRAWFORD, Mr. PRICE of Georgia, Mr. SENSENBRENNER, Mr. RYAN of Wisconsin, Mrs. McMORRIS RODGERS, Mr. DIAZ-BALART, Mr. MICA, Mr. SCOTT of South Carolina, Mr. POMPEO, Mr. HALL, Mr. KUCINICH, Mr. DANIEL E. LUNGREN of California, Mrs. SCHMIDT, Mr. WALBERG, Mr. HULTGREN, Mr. JOHNSON of Illinois, Mr. WILSON of South Carolina, Mr. REICHERT, Mr. FORBES, Mr. TURNER of Ohio, Mr. TIBERI, Mr. BERG, Mr. SULLIVAN, Mr. SAM JOHNSON of Texas, Mr. SCALISE, Mr. ROKITA, Mr. KELLY, Mr. BARLETTA, Mr. MARINO, Mr. SOUTHERLAND, Mr. MARCHANT, Mr. ROONEY, Mr. WEST, Mr. BONNER, Mr. HUNTER, Mr. SCHILLING, Mr. BILIRAKIS, Mr. POSEY, Mr. ROSS of Florida, Mr. BUCHANAN, Mr. GOHMERT, Mr. WITTMAN, Mr. SMITH of Nebraska, Mr. LATHAM, Mr. HARPER, Mr. BROOKS, Mr. DOLD, Mr. BARTLETT, Mr. DUNCAN of Tennessee, Ms. ROS-LEHTINEN, Mrs. ELLMERS, Mr. GERLACH, Mr. PLATTS, Mr. GOSAR, Mr. BURTON of Indiana, Mr. UPTON, Mr. BISHOP of Utah, Mr. BILBRAY, Mr. LATTA, Mr. TIPTON, Mr. SESSIONS, Mrs. LUMMIS, Mr. AUSTRIA, Mr. SHULER, Mr. WOODALL, Mr. DUNCAN of South Carolina, Mr. SHIMKUS, Mr. WEBSTER, Mr. PEARCE, Mr. HECK, Mr. LEWIS of California, and Mr. GALLEGLY.

H.R. 2459: Mr. YODER.

H.R. 2499: Mr. GONZALEZ.

H.R. 2514: Mr. SMITH of Texas and Mr. AMODEI.

H.R. 2569: Mr. SHIMKUS and Mr. COBLE.

H.R. 2595: Ms. MOORE and Mr. MCINTYRE.

H.R. 2659: Mr. MORAN.

H.R. 2672: Mr. RANGEL and Mr. MCKINLEY.

H.R. 2683: Mr. MCCAUL.

H.R. 2701: Mr. COHEN.

H.R. 2900: Mr. HARRIS.

H.R. 2935: Mr. JACKSON of Illinois.

H.R. 2966: Mr. GIBSON, Mr. MICHAUD, Ms. SCHWARTZ, Mr. CLAY, Mr. MEEKS, and Mr. CUMMINGS.

H.R. 2969: Ms. BROWN of Florida.

H.R. 2978: Mr. GRAVES of Georgia, Mr. ADERHOLT, Mrs. SCHMIDT, Mr. STUTZMAN, Mr. GOHMERT, Mr. BISHOP of Utah, and Mr. PALAZZO.

H.R. 2982: Mr. KUCINICH and Mrs. MCCARTHY of New York.

H.R. 3151: Ms. LORETTA SANCHEZ of California.

H.R. 3200: Mrs. CAPITO and Mr. RICHMOND.

H.R. 3206: Mr. BUCSHON.

H.R. 3207: Mr. GRIFFITH of Virginia and Mr. YODER.

H.R. 3210: Mr. RYAN of Ohio.

H.R. 3244: Mr. SULLIVAN.

H.R. 3245: Mr. KLINE.

H.R. 3261: Mr. QUAYLE.

H.R. 3276: Mr. ROONEY, Mr. DEUTCH, Mr. HASTINGS of Florida, Ms. BROWN of Florida, Ms. WASSERMAN SCHULTZ, Mr. NUGENT, Mr. STEARNS, Mr. RIVERA, Mr. POSEY, and Ms. WILSON of Florida.

H.R. 3298: Mr. HINOJOSA and Mr. SHERMAN. H.R. 3313: Mr. MICHAUD, Mr. MCGOVERN, and Mr. REYES.

H.R. 3368: Mr. YARMUTH.

H.R. 3376: Mr. CANSECO.

H.R. 3379: Mr. KLINE.

H.R. 3393: Ms. BUERKLE.

H.R. 3395: Mr. KINZINGER of Illinois and Mrs. MYRICK.

H.R. 3401: Mr. JONES.

H.R. 3407: Mr. KLINE.

H.R. 3421: Mrs. NOEM, Mr. CONNOLLY of Virginia, Mr. LEWIS of Georgia, and Ms. LINDA T. SANCHEZ of California.

H.R. 3435: Ms. BROWN of Florida and Mr. NADLER.

H.R. 3437: Mr. GUTIERREZ and Mr. BACA.  
 H.R. 3444: Mr. CALVERT.  
 H.R. 3454: Mr. ROGERS of Alabama.  
 H.R. 3458: Mr. HULTGREN and Mr. FARR.  
 H.R. 3521: Mr. MCCLINTOCK, Mr. RIBBLE, and Mr. KINZINGER of Illinois.  
 H.R. 3527: Mr. BARROW.  
 H.R. 3538: Mr. NUNNELEE and Mr. KLINE.  
 H.R. 3540: Mr. JONES.  
 H.R. 3548: Mr. LONG.  
 H.R. 3549: Mr. RIBBLE.  
 H.R. 3550: Mr. TIBERI.  
 H.R. 3568: Mr. BOREN, Mr. FALOMAVAEGA, Mr. RANGEL, Ms. RICHARDSON, Mr. LUJÁN, and Ms. LEE of California.  
 H.R. 3572: Mr. PEARCE, Mr. LARSON of Connecticut, Ms. SPEIER, and Mr. CICILLINE.  
 H.R. 3573: Mr. FILNER.  
 H.R. 3575: Mr. RIBBLE, Mr. KINZINGER of Illinois, and Mr. PAULSEN.  
 H.R. 3576: Mr. DUNCAN of South Carolina.  
 H.R. 3578: Mr. DUNCAN of South Carolina and Mr. KINZINGER of Illinois.  
 H.R. 3579: Mr. MCCLINTOCK.  
 H.R. 3581: Mr. RIBBLE and Mr. KINZINGER of Illinois.  
 H.R. 3582: Mr. RIBBLE, Mr. KINZINGER of Illinois, and Mr. PAULSEN.  
 H.R. 3583: Mr. KINZINGER of Illinois.  
 H.R. 3589: Mr. LANKFORD.  
 H.R. 3590: Mr. WELCH.  
 H.R. 3601: Mr. BILIRAKIS, Mrs. ROBY, and Mr. SENSENBRENNER.  
 H.R. 3608: Mr. HULTGREN.  
 H.R. 3616: Mr. LATTA.  
 H.R. 3623: Mr. AUSTRIA.  
 H.R. 3626: Mr. CLAY, Mr. TOWNS, and Mr. COURTNEY.  
 H.R. 3636: Ms. DELAURO.  
 H.J. Res. 88: Mr. GENE GREEN of Texas.  
 H.J. Res. 90: Mr. WELCH and Mr. LARSEN of Washington.  
 H. Con. Res. 84: Mr. KUCINICH.  
 H. Con. Res. 87: Mr. MILLER of Florida.  
 H. Con. Res. 89: Mr. PASCRELL and Mr. GONZALEZ.  
 H. Res. 111: Mr. DENT and Mr. CONNOLLY of Virginia.  
 H. Res. 220: Mr. DANIEL E. LUNGREN of California.  
 H. Res. 291: Mr. GOHMERT.  
 H. Res. 341: Mr. CICILLINE.  
 H. Res. 356: Mr. TURNER of New York, Mr. RIVERA, Mr. POE of Texas, and Mrs. ELLMERS.  
 H. Res. 367: Mrs. MCCARTHY of New York.  
 H. Res. 376: Mr. LEWIS of Georgia and Mr. HINOJOSA.  
 H. Res. 489: Mr. ALEXANDER, Mr. LANKFORD, Mr. CANSECO, Mr. BISHOP of Utah, Mr. ADERHOLT, Mrs. HARTZLER, Mrs. CAPITO, Mr. GRIFFIN of Arkansas, Mr. PITTS, Mr. NEUGEBAUER, Mr. RAHALL, Mr. GINGREY of Georgia, Mr. NUNNELEE, Mr. OLSON, Mr. SAM JOHNSON of Texas, Mr. CRENSHAW, Mr. BURTON of Indiana, Mr. SCOTT of South Carolina, and Mr. PEARCE.  
 H. Res. 490: Mr. WILSON of South Carolina, Mr. BOUSTANY, and Mr. HALL.  
 H. Res. 492: Mrs. McMORRIS RODGERS.

#### DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H.R. 3521: Mr. HONDA.

#### AMENDMENTS

Under clause 8 of rule XVIII, proposed amendments were submitted as follows:

H.R. 3630

OFFERED BY: MR. LEVIN

AMENDMENT NO. 1: Strike all after the enacting clause and insert the following:

#### SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the “Middle Class Fairness and Putting America Back To Work Act of 2011.”

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.

Sec. 2. Paygo scorecard estimates.

#### DIVISION A—TAX, HEALTH, TANF, UI, AND OCO PROVISIONS

##### TITLE I—TAX PROVISIONS

Sec. 101. Temporary extension and expansion of employee payroll tax relief.

Sec. 102. Extension of allowance for bonus depreciation for certain business assets.

Sec. 103. Surtax on millionaires.

##### TITLE II—HEALTH AND TANF PROVISIONS

###### Subtitle A—Health

Sec. 201. Repeal of SGR; 10-year freeze in physician payment rates.

Sec. 202. Extension of MMA section 508 reclassifications.

Sec. 203. Extension of Medicare work geographic adjustment floor.

Sec. 204. Extension of exceptions process for Medicare therapy caps.

Sec. 205. Extension of payment for technical component of certain physician pathology services.

Sec. 206. Extension of ambulance add-ons.

Sec. 207. Extension of physician fee schedule mental health add-on payment.

Sec. 208. Extension of outpatient hold harmless provision.

Sec. 209. Extending minimum payment for bone mass measurement.

Sec. 210. Extension of the qualifying individual (QI) program.

Sec. 211. Extension of Transitional Medical Assistance (TMA).

###### Subtitle B—Extension of TANF Program Through Fiscal Year 2012

Sec. 221. Short title.

Sec. 222. Extension of program.

##### TITLE III—EXTENSION OF UNEMPLOYMENT PROGRAMS

Sec. 301. Short title.

Sec. 302. Temporary extension of unemployment insurance provisions.

Sec. 303. Modification of indicators under the extended benefit program.

Sec. 304. Additional extended unemployment benefits under the Railroad Unemployment Insurance Act.

Sec. 305. Emergency designations.

##### TITLE IV—SAVINGS FROM OVERSEAS CONTINGENCY OPERATIONS

Sec. 401. Overseas contingency and related activities.

##### DIVISION B—WIRELESS INNOVATION AND PUBLIC SAFETY ACT OF 2011

Sec. 1001. Short title.

Sec. 1002. Definitions.

Sec. 1003. Rule of construction.

Sec. 1004. Enforcement.

##### TITLE I—ALLOCATION AND ASSIGNMENT OF PUBLIC SAFETY BROADBAND SPECTRUM

Sec. 1101. Reallocation of 700 MHz D block spectrum for public safety use.

Sec. 1102. Assignment of license to Corporation.

Sec. 1103. Ensuring efficient and flexible use of 700 MHz public safety narrowband spectrum.

Sec. 1104. Sharing of public safety broadband spectrum and network.

Sec. 1105. Commission rules.

Sec. 1106. FCC report on efficient use of public safety spectrum.

##### TITLE II—ADVANCED PUBLIC SAFETY COMMUNICATIONS

###### Subtitle A—Public Safety Broadband Network

Sec. 1201. Establishment and operation of Public Safety Broadband Corporation.

Sec. 1202. Public safety broadband network.

Sec. 1203. Program Management Office.

Sec. 1204. Representation before standards setting entities.

Sec. 1205. GAO report on satellite broadband.

Sec. 1206. Access to Federal supply schedules.

Sec. 1207. Federal infrastructure sharing.

Sec. 1208. Initial funding for Corporation.

Sec. 1209. Permanent self-funding of Corporation and duty to collect certain fees.

###### Subtitle B—State, Local, and Tribal Planning and Implementation

Sec. 1211. State, Local, and Tribal Planning and Implementation Fund.

Sec. 1212. State, local, and tribal planning and implementation grant program.

Sec. 1213. Public safety wireless facilities deployment.

###### Subtitle C—Public Safety Communications Research and Development

Sec. 1221. NIST-directed public safety wireless communications research and development.

###### Subtitle D—Next Generation 9-1-1 Services

Sec. 1231. Definitions.

Sec. 1232. Coordination of 9-1-1 implementation.

Sec. 1233. Requirements for multi-line telephone systems.

Sec. 1234. GAO study of State and local use of 9-1-1 service charges.

Sec. 1235. Parity of protection for provision or use of next generation 9-1-1 service.

Sec. 1236. Commission proceeding on autodialing.

Sec. 1237. NHTSA report on costs for requirements and specifications of Next Generation 9-1-1 services.

Sec. 1238. FCC recommendations for legal and statutory framework for Next Generation 9-1-1 services.

##### TITLE III—SPECTRUM AUCTION AUTHORITY

Sec. 1301. Deadlines for auction of certain spectrum.

Sec. 1302. Incentive auction authority.

##### TITLE IV—PUBLIC SAFETY TRUST FUND

Sec. 1401. Public Safety Trust Fund.

##### TITLE V—SPECTRUM POLICY

Sec. 1501. Spectrum inventory.

Sec. 1502. Federal spectrum planning.

Sec. 1503. Reallocating Federal spectrum for commercial purposes and Federal spectrum sharing.

Sec. 1504. Study on spectrum efficiency through receiver standards.

Sec. 1505. Study on unlicensed use in the 5 GHz band.

Sec. 1506. Report on availability of wireless equipment for the 700 MHz band.

##### SEC. 2. PAYGO SCORECARD ESTIMATES.

(a) BUDGETARY EFFECTS.—Neither scorecard maintained by the Office of Management and Budget pursuant to section 4(d) of



the Statutory Pay-As-You-Go Act of 2010 (2 U.S.C. 933) shall include the budgetary effects of this Act if such budgetary effects do not increase the deficit for any applicable period as determined by the estimate submitted for printing in the Congressional Record pursuant to section 4(d) of such Act.

(b) DEFICIT.—The increase or decrease in the deficit in the estimate submitted for printing referred to in subsection (a) shall be determined on the basis of—

(1) the change in total outlays and total revenue of the Federal Government, including off-budget effects, that would result from this Act; and

(2) the estimate of the effects of the changes to the discretionary spending limits set forth in section 251 of the Balanced Budget and Emergency Deficit Control Act of 1985 in this Act.

## **DIVISION A—TAX, HEALTH, TANF, UI, AND OCO PROVISIONS**

### **TITLE I—TAX PROVISIONS**

#### **SEC. 101. TEMPORARY EXTENSION AND EXPANSION OF EMPLOYEE PAYROLL TAX RELIEF.**

(a) EXTENSION.—Section 601(c) of the Tax Relief, Unemployment Insurance Reauthorization, and Job Creation Act of 2010 (26 U.S.C. 1401 note) is amended by striking “year 2011” and inserting “years 2011 and 2012”.

(b) INCREASED RELIEF.—

(1) IN GENERAL.—Subsection (a) of section 601 of the Tax Relief, Unemployment Insurance Reauthorization, and Job Creation Act of 2010 (26 U.S.C. 1401 note) is amended—

(A) by inserting “(9.3 percent for calendar year 2012)” after “10.40 percent” in paragraph (1), and

(B) in paragraph (2)—

(i) by striking “(including)” and inserting “(3.1 percent in the case of calendar year 2012), including” after “4.2 percent”, and

(ii) by striking “Code)” and inserting “Code”.

(2) COORDINATION WITH INDIVIDUAL DEDUCTION FOR EMPLOYMENT TAXES.—Subparagraph (A) of section 601(b)(2) of such Act is amended by inserting “(66.67 percent for taxable years which begin in 2012)” after “59.6 percent”.

(c) TECHNICAL AMENDMENTS.—Paragraph (2) of section 601(b) of the Tax Relief, Unemployment Insurance Reauthorization, and Job Creation Act of 2010 (26 U.S.C. 1401 note) is amended—

(1) by inserting “of such Code” after “164(f)”,

(2) by inserting “of such Code” after “1401(a)” in subparagraph (A), and

(3) by inserting “of such Code” after “1401(b)” in subparagraph (B).

#### **SEC. 102. EXTENSION OF ALLOWANCE FOR BONUS DEPRECIATION FOR CERTAIN BUSINESS ASSETS.**

(a) EXTENSION OF 100 PERCENT BONUS DEPRECIATION.—

(1) IN GENERAL.—Paragraph (5) of section 168(k) of the Internal Revenue Code of 1986 is amended—

(A) by striking “January 1, 2012” each place it appears and inserting “January 1, 2013”, and

(B) by striking “January 1, 2013” and inserting “January 1, 2014”.

(2) CONFORMING AMENDMENTS.—

(A) The heading for paragraph (5) of section 168(k) of such Code is amended by striking “PRE-2012 PERIODS” and inserting “PRE-2013 PERIODS”.

(B) Clause (ii) of section 460(c)(6)(B) of such Code is amended to read as follows:

“(ii) is placed in service—

“(I) after December 31, 2009, and before January 1, 2011 (January 1, 2012, in the case of property described in section 168(k)(2)(B)), or

“(II) after December 31, 2011, and before January 1, 2013 (January 1, 2014, in the case of property described in section 168(k)(2)(B)).”.

(3) EFFECTIVE DATE.—The amendments made by this subsection shall apply to property placed in service after December 31, 2011.

(b) EXPANSION OF ELECTION TO ACCELERATE AMT CREDITS IN LIEU OF BONUS DEPRECIATION.—

(1) IN GENERAL.—Paragraph (4) of section 168(k) of such Code is amended to read as follows:

“(4) ELECTION TO ACCELERATE AMT CREDITS IN LIEU OF BONUS DEPRECIATION.—

“(A) IN GENERAL.—If a corporation elects to have this paragraph apply for any taxable year—

“(i) paragraph (1) shall not apply to any eligible qualified property placed in service by the taxpayer in such taxable year,

“(ii) the applicable depreciation method used under this section with respect to such property shall be the straight line method, and

“(iii) the limitation imposed by section 53(c) for such taxable year shall be increased by the bonus depreciation amount which is determined for such taxable year under subparagraph (B).

“(B) BONUS DEPRECIATION AMOUNT.—For purposes of this paragraph—

“(i) IN GENERAL.—The bonus depreciation amount for any taxable year is an amount equal to 20 percent of the excess (if any) of—

“(I) the aggregate amount of depreciation which would be allowed under this section for eligible qualified property placed in service by the taxpayer during such taxable year if paragraph (1) applied to all such property, over

“(II) the aggregate amount of depreciation which would be allowed under this section for eligible qualified property placed in service by the taxpayer during such taxable year if paragraph (1) did not apply to any such property.

The aggregate amounts determined under subclauses (I) and (II) shall be determined without regard to any election made under subsection (b)(2)(D), (b)(3)(D), or (g)(7) and without regard to subparagraph (A)(ii).

“(ii) LIMITATION.—The bonus depreciation amount for any taxable year shall not exceed the lesser of—

“(I) the minimum tax credit under section 53(b) for such taxable year determined by taking into account only the adjusted minimum tax for taxable years ending before January 1, 2012 (determined by treating credits as allowed on a first-in, first-out basis), or

“(II) 50 percent of the minimum tax credit under section 53(b) for the first taxable year ending after December 31, 2011.

“(iii) AGGREGATION RULE.—All corporations which are treated as a single employer under section 52(a) shall be treated—

“(I) as 1 taxpayer for purposes of this paragraph, and

“(II) as having elected the application of this paragraph if any such corporation so elects.

“(C) ELIGIBLE QUALIFIED PROPERTY.—For purposes of this paragraph, the term ‘eligible qualified property’ means qualified property under paragraph (2), except that in applying paragraph (2) for purposes of this paragraph—

“(i) ‘March 31, 2008’ shall be substituted for ‘December 31, 2007’ each place it appears in subparagraph (A) and clauses (i) and (ii) of subparagraph (E) thereof,

“(ii) ‘April 1, 2008’ shall be substituted for ‘January 1, 2008’ in subparagraph (A)(iii)(I) thereof, and

“(iii) only adjusted basis attributable to manufacture, construction, or production—

“(I) after March 31, 2008, and before January 1, 2010, and

“(II) after December 31, 2010, and before January 1, 2013, shall be taken into account under subparagraph (B)(ii) thereof.

“(D) CREDIT REFUNDABLE.—For purposes of section 6401(b), the aggregate increase in the credits allowable under part IV of subchapter A for any taxable year resulting from the application of this paragraph shall be treated as allowed under subpart C of such part (and not any other subpart).

“(E) OTHER RULES.—

“(i) ELECTION.—Any election under this paragraph may be revoked only with the consent of the Secretary.

“(ii) PARTNERSHIPS WITH ELECTING PARTNERS.—In the case of a corporation making an election under subparagraph (A) and which is a partner in a partnership, for purposes of determining such corporation’s distributive share of partnership items under section 702—

“(I) paragraph (1) shall not apply to any eligible qualified property, and

“(II) the applicable depreciation method used under this section with respect to such property shall be the straight line method.

“(iii) CERTAIN PARTNERSHIPS.—In the case of a partnership in which more than 50 percent of the capital and profits interests are owned (directly or indirectly) at all times during the taxable year by one corporation (or by corporations treated as 1 taxpayer under subparagraph (B)(iii)), each partner shall be treated as having an amount equal to such partner’s allocable share of the eligible property for such taxable year (as determined under regulations prescribed by the Secretary).

“(iv) SPECIAL RULE FOR PASSENGER AIRCRAFT.—In the case of any passenger aircraft, the written binding contract limitation under paragraph (2)(A)(iii)(I) shall not apply for purposes of subparagraphs (B)(i)(I) and (C).”.

(2) EFFECTIVE DATE.—The amendment made by this subsection shall apply to taxable years ending after December 31, 2011.

(3) TRANSITIONAL RULE.—In the case of a taxable year beginning before January 1, 2012, and ending after December 31, 2011, the bonus depreciation amount determined under paragraph (4) of section 168(k) of Internal Revenue Code of 1986 for such year shall be the sum of—

(A) such amount determined under such paragraph as in effect on the date before the date of enactment of this Act taking into account only property placed in service before January 1, 2012, and

(B) such amount determined under such paragraph as amended by this Act taking into account only property placed in service after December 31, 2011.

#### **SEC. 103. SURTAX ON MILLIONAIRES.**

(a) IN GENERAL.—Subchapter A of chapter 1 of the Internal Revenue Code of 1986 is amended by adding at the end the following new part:

### **“PART VIII—SURTAX ON MILLIONAIRES**

“Sec. 59B. Surtax on millionaires.

**“SEC. 59B. SURTAX ON MILLIONAIRES.**

“(a) GENERAL RULE.—In the case of a taxpayer other than a corporation for any taxable year beginning after 2012 and before 2022, there is hereby imposed (in addition to any other tax imposed by this subtitle) a tax equal to 2.4 percent of so much of the modified adjusted gross income of the taxpayer for such taxable year as exceeds the threshold amount.

“(b) THRESHOLD AMOUNT.—For purposes of this section—

“(1) IN GENERAL.—The threshold amount is \$1,000,000.

“(2) INFLATION ADJUSTMENT.—

“(A) IN GENERAL.—In the case of any taxable year beginning after 2013, the \$1,000,000 amount under paragraph (1) shall be increased by an amount equal to—

“(i) such dollar amount, multiplied by

“(ii) the cost-of-living adjustment determined under section 1(f)(3) for the calendar year in which the taxable year begins, determined by substituting ‘calendar year 2011’ for ‘calendar year 1992’ in subparagraph (B) thereof.

“(B) ROUNDING.—If any amount as adjusted under paragraph (1) is not a multiple of \$10,000, such amount shall be rounded to the next highest multiple of \$10,000.

“(3) MARRIED FILING SEPARATELY.—In the case of a married individual filing separately for any taxable year, the threshold amount shall be one-half of the amount otherwise in effect under this subsection for the taxable year.

“(c) MODIFIED ADJUSTED GROSS INCOME.—For purposes of this section, the term ‘modified adjusted gross income’ means adjusted gross income reduced by any deduction (not taken into account in determining adjusted gross income) allowed for investment interest (as defined in section 163(d)). In the case of an estate or trust, adjusted gross income shall be determined as provided in section 67(e).

“(d) SPECIAL RULES.—

“(1) NONRESIDENT ALIEN.—In the case of a nonresident alien individual, only amounts taken into account in connection with the tax imposed under section 871(b) shall be taken into account under this section.

“(2) CITIZENS AND RESIDENTS LIVING ABROAD.—The dollar amount in effect under subsection (a) shall be decreased by the excess of—

“(A) the amounts excluded from the taxpayer’s gross income under section 911, over

“(B) the amounts of any deductions or exclusions disallowed under section 911(d)(6) with respect to the amounts described in subparagraph (A).

“(3) CHARITABLE TRUSTS.—Subsection (a) shall not apply to a trust all the unexpired interests in which are devoted to one or more of the purposes described in section 170(c)(2)(B).

“(4) NOT TREATED AS TAX IMPOSED BY THIS CHAPTER FOR CERTAIN PURPOSES.—The tax imposed under this section shall not be treated as tax imposed by this chapter for purposes of determining the amount of any credit under this chapter or for purposes of section 55.”

(b) CLERICAL AMENDMENT.—The table of parts for subchapter A of chapter 1 of the Internal Revenue Code of 1986 is amended by adding at the end the following new item:

“PART VIII. SURTAX ON MILLIONAIRES.”.

(c) SECTION 15 NOT TO APPLY.—The amendment made by subsection (a) shall not be treated as a change in a rate of tax for purposes of section 15 of the Internal Revenue Code of 1986.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2012.

## **TITLE II—HEALTH AND TANF PROVISIONS**

### **Subtitle A—Health**

#### **SEC. 201. REPEAL OF SGR; 10-YEAR FREEZE IN PHYSICIAN PAYMENT RATES.**

(a) SUNSET OF THE MEDICARE SUSTAINABLE GROWTH RATE (SGR) FORMULA.—Section 1848(f) of the Social Security Act (42 U.S.C. 1395w-4(f)) is amended—

(1) in paragraph (1)(B), by inserting “(ending with 2011)” after “each succeeding year”; and

(2) in paragraph (2), by inserting “and ending with 2011” after “beginning with 2000” in the matter preceding subparagraph (A).

(b) 10-YEAR FREEZE IN RATES.—Section 1848(d) of the Social Security Act (42 U.S.C. 1395w-4(d)) is amended by adding at the end the following new paragraph:

“(13) UPDATES FOR 2012 THROUGH 2021.—In lieu of the update to the single conversion factor established in paragraph (1)(C) that would otherwise apply for a year beginning with 2012 and ending with 2021, the update to the single conversion factor shall be zero percent.”

(c) TREATMENT IN OUT-YEARS.—Section 1848(d) of such Act is further amended by adding at the end the following new paragraph:

“(14) UPDATES FOR YEARS BEGINNING WITH 2022.—In lieu of the update to the single conversion factor established in paragraph (1)(C) that would otherwise apply for a year beginning with 2022, the update to the single conversion factor shall be 1 plus the Secretary’s estimate of the percentage increase in the MEI (as defined in section 1842(i)(3)) for the year (divided by 100).”

#### **SEC. 202. EXTENSION OF MMA SECTION 508 RECLASSIFICATIONS.**

(a) IN GENERAL.—Section 106(a) of division B of the Tax Relief and Health Care Act of 2006 (42 U.S.C. 1395 note), as amended by section 117 of the Medicare, Medicaid, and SCHIP Extension Act of 2007 (Public Law 110-173), section 124 of the Medicare Improvements for Patients and Providers Act of 2008 (Public Law 110-275), sections 3137(a) and 10317 of the Patient Protection and Affordable Care Act (Public Law 111-148), and section 102(a) of the Medicare and Medicaid Extenders Act of 2010 (Public Law 111-309), is amended by striking “September 30, 2011” and inserting “September 30, 2013”.

(b) SPECIAL RULE FOR FISCAL YEAR 2012.—

(1) IN GENERAL.—Subject to paragraph (2), for purposes of implementation of the amendment made by subsection (a), including for purposes of the implementation of paragraph (2) of section 117(a) of the Medicare, Medicaid, and SCHIP Extension Act of 2007 (Public Law 110-173), during fiscal year 2012, the Secretary of Health and Human Services shall use the hospital wage index that was promulgated by the Secretary of Health and Human Services in the Federal Register on August 18, 2011 (76 Fed. Reg. 51476), and any subsequent corrections.

(2) EXCEPTION.—Beginning on April 1, 2012, in determining the wage index applicable to hospitals that qualify for wage index reclassification, the Secretary shall include the average hourly wage data of hospitals whose reclassification was extended pursuant to the amendment made by subsection (a) only if including such data results in a higher applicable reclassified wage index. Any revision to hospital wage indexes made as a result of this paragraph shall not be effected in a budget neutral manner.

(c) ADJUSTMENT FOR CERTAIN HOSPITALS IN FISCAL YEAR 2012.—

(1) IN GENERAL.—In the case of a subsection (d) hospital (as defined in subsection (d)(1)(B) of section 1886 of the Social Security Act (42 U.S.C. 1395ww)) with respect to which—

(A) a reclassification of its wage index for purposes of such section was extended pursuant to the amendment made by subsection (a); and

(B) the wage index applicable for such hospital for the period beginning on October 1, 2011, and ending on March 31, 2012, was lower than for the period beginning on April 1, 2012, and ending on September 30, 2012, by reason of the application of subsection (b)(2); the Secretary shall pay such hospital an additional payment that reflects the difference between the wage index for such periods.

(2) TIMEFRAME FOR PAYMENTS.—The Secretary shall make payments required under paragraph (1) by not later than December 31, 2012.

#### **SEC. 203. EXTENSION OF MEDICARE WORK GEOGRAPHIC ADJUSTMENT FLOOR.**

Section 1848(e)(1)(E) of the Social Security Act (42 U.S.C. 1395w-4(e)(1)(E)) is amended by striking “before January 1, 2012” and inserting “before January 1, 2014”.

#### **SEC. 204. EXTENSION OF EXCEPTIONS PROCESS FOR MEDICARE THERAPY CAPS.**

(a) APPLICATION OF ADDITIONAL REQUIREMENTS.—Section 1833(g)(5) of the Social Security Act (42 U.S.C. 1395l(g)(5)) is amended—

(1) by inserting “(A)” after “(5)”; and

(2) by striking “December 31, 2011” and inserting “December 31, 2013”;

(3) in the first sentence, by inserting “and if the requirement of subparagraph (B) is met” after “medically necessary”;

(4) in the second sentence, by inserting “made in accordance with such requirement” after “receipt of the request”; and

(5) by adding at the end the following new subparagraphs:

“(B) In the case of outpatient therapy services for which an exception is requested under the first sentence of subparagraph (A), the claim for such services contains an appropriate modifier (such as the KX modifier used as of the date of the enactment of this subparagraph) indicating that such services are medically necessary as justified by appropriate documentation in the medical record involved.

“(C)(i) In applying this paragraph with respect to a request for an exception with respect to expenses that would be incurred for outpatient therapy services that would exceed the threshold described in clause (ii) for a year, the request for such an exception, for services furnished on or after July 1, 2012, shall be subject to a manual medical review process that is similar to the manual medical review process used for certain exceptions under this paragraph in 2006.

“(ii) The threshold under this clause for a year is \$3,700. Such threshold shall be applied separately—

“(I) for physical therapy services and speech-language pathology services; and

“(II) for occupational therapy services.”.

(b) REQUIREMENT FOR INCLUSION ON CLAIMS OF NPI OF PHYSICIAN WHO REVIEWS THERAPY PLAN.—Section 1842(t) of such Act (42 U.S.C. 1395u(t)) is amended—

(1) by inserting “(1)” after “(t)”; and

(2) by adding at the end the following new paragraph:

“(2) Each request for payment, or bill submitted, for therapy services described in paragraph (1) or (3) of section 1833(g) furnished on or after July 1, 2012, for which payment may be made under this part shall include the national provider identifier of the physician who periodically reviews the plan for such services under section 1861(p)(2).”.

(c) **IMPLEMENTATION.**—The Secretary of Health and Human Services shall implement such claims processing edits and issue such guidance as may be necessary to implement the amendments made by this section in a timely manner. Notwithstanding any other provision of law, the Secretary may implement the amendments made by this section by program instruction.

(d) **EFFECTIVE DATE.**—The amendments made by subsection (a) shall apply to services furnished on or after January 1, 2012.

(e) **COLLECTION OF ADDITIONAL DATA.**—

(1) **STRATEGY.**—The Secretary of Health and Human Services shall implement, beginning on January 1, 2013, a claims-based data collection strategy that is designed to assist in reforming the Medicare payment system for outpatient therapy services subject to the limitations of section 1833(g) of the Social Security Act. Such strategy shall be designed to provide for the collection of data on patient function during the course of therapy services in order to better understand patient condition and outcomes.

(2) **CONSULTATION.**—In proposing and implementing such strategy, the Secretary shall consult with relevant stakeholders.

**SEC. 205. EXTENSION OF PAYMENT FOR TECHNICAL COMPONENT OF CERTAIN PHYSICIAN PATHOLOGY SERVICES.**

Section 542(c) of the Medicare, Medicaid, and SCHIP Benefits Improvement and Protection Act of 2000 (as enacted into law by section 1(a)(6) of Public Law 106-554), as amended by section 732 of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003 (42 U.S.C. 1395w-4 note), section 104 of division B of the Tax Relief and Health Care Act of 2006 (42 U.S.C. 1395w-4 note), section 104 of the Medicare, Medicaid, and SCHIP Extension Act of 2007 (Public Law 110-173), section 136 of the Medicare Improvements for Patients and Providers Act of 2008 (Public Law 110-275), section 3104 of the Patient Protection and Affordable Care Act (Public Law 111-148), and section 105 of the Medicare and Medicaid Extenders Act of 2010 (Public Law 111-309), is amended by striking “and 2011” and inserting “2011, 2012, and 2013”.

**SEC. 206. EXTENSION OF AMBULANCE ADD-ONS.**

(a) **GROUND AMBULANCE.**—Section 1834(l)(13)(A) of the Social Security Act (42 U.S.C. 1395m(l)(13)(A)) is amended—

(1) in the matter preceding clause (i), by striking “2012” and inserting “2014”; and

(2) in each of clauses (i) and (ii), by striking “January 1, 2012” and inserting “January 1, 2014” each place it appears.

(b) **AIR AMBULANCE.**—Section 146(b)(1) of the Medicare Improvements for Patients and Providers Act of 2008 (Public Law 110-275), as amended by sections 3105(b) and 10311(b) of Public Law 111-148 and section 106(b) of the Medicare and Medicaid Extenders Act of 2010 (Public Law 111-309), is amended by striking “December 31, 2011” and inserting “December 31, 2013”.

(c) **SUPER RURAL AMBULANCE.**—Section 1834(l)(12)(A) of the Social Security Act (42 U.S.C. 1395m(l)(12)(A)) is amended by striking “2012” and inserting “2014”.

**SEC. 207. EXTENSION OF PHYSICIAN FEE SCHEDULE MENTAL HEALTH ADD-ON PAYMENT.**

Section 138(a)(1) of the Medicare Improvements for Patients and Providers Act of 2008 (Public Law 110-275), as amended by section 3107 of the Patient Protection and Affordable Care Act (Public Law 111-148) and section 107 of the Medicare and Medicaid Extenders Act of 2010 (Public Law 111-309), is amended by striking “December 31, 2011” and inserting “December 31, 2013”.

**SEC. 208. EXTENSION OF OUTPATIENT HOLD HARMLESS PROVISION.**

Section 1833(t)(7)(D)(i) of the Social Security Act (42 U.S.C. 1395l(t)(7)(D)(i)), as amended by section 3121(a) of the Patient Protection and Affordable Care Act (Public Law 111-148) and section 108 of the Medicare and Medicaid Extenders Act of 2010 (Public Law 111-309), is amended—

(1) in subclause (II)—

(A) in the first sentence, by striking “2012” and inserting “2014”; and

(B) in the second sentence, by striking “or 2011” and inserting “2011, 2012, or 2013”; and

(2) in subclause (III)—

(A) in the first sentence, by striking “2009, and” and all that follows through “for which” and inserting “2009, and before January 1, 2014, for which”; and

(B) in the second sentence, by striking “2010, and” and all that follows through “the preceding” and inserting “2010, and before January 1, 2014, the preceding”.

**SEC. 209. EXTENDING MINIMUM PAYMENT FOR BONE MASS MEASUREMENT.**

(a) **IN GENERAL.**—Section 1848 of the Social Security Act (42 U.S.C. 1395w-4) is amended—

(1) in subsection (b)—

(A) in paragraph (4)(B), by striking “for 2010 and 2011” and inserting “for each of 2010 through 2013”; and

(B) in paragraph (6)—

(i) in the matter preceding subparagraph (A), by striking “and 2011” and inserting “, 2011, 2012, and 2013”; and

(ii) in subparagraph (C), by striking “and 2011” and inserting “, 2011, 2012, and 2013”; and

(2) in subsection (c)(2)(B)(iv)(IV), by striking “or 2011” and inserting “, 2011, 2012, or 2013”.

(b) **IMPLEMENTATION.**—Notwithstanding any other provision of law, the Secretary may implement the amendments made by subsection (a) by program instruction or otherwise.

**SEC. 210. EXTENSION OF THE QUALIFYING INDIVIDUAL (QI) PROGRAM.**

(a) **EXTENSION.**—Section 1902(a)(10)(E)(iv) of the Social Security Act (42 U.S.C. 1396a(a)(10)(E)(iv)) is amended by striking “December 2011” and inserting “December 2013”.

(b) **EXTENDING TOTAL AMOUNT AVAILABLE FOR ALLOCATION.**—Section 1933(g) of such Act (42 U.S.C. 1396u-3(g)) is amended—

(1) in paragraph (2)—

(A) by striking “and” at the end of subparagraph (O);

(B) in subparagraph (P), by striking the period at the end and inserting a semicolon; and

(C) by adding at the end the following new subparagraphs:

“(Q) for the period that begins on January 1, 2012, and ends on September 30, 2012, the total allocation amount is \$450,000,000;

“(R) for the period that begins on October 1, 2012, and ends on December 31, 2012, the total allocation amount is \$280,000,000;

“(S) for the period that begins on January 1, 2013, and ends on September 30, 2013, the total allocation amount is \$550,000,000; and

“(T) for the period that begins on October 1, 2013, and ends on December 31, 2013, the total allocation amount is \$300,000,000.”; and

(2) in paragraph (3), in the matter preceding subparagraph (A), by striking “or (P)” and inserting “(P), (R), or (T)”.

**SEC. 211. EXTENSION OF TRANSITIONAL MEDICAL ASSISTANCE (TMA).**

Sections 1902(e)(1)(B) and 1925(f) of the Social Security Act (42 U.S.C. 1396a(e)(1)(B), 1396r-6(f)) are each amended by striking “De-

cember 31, 2011” and inserting “December 31, 2013”.

**Subtitle B—Extension of TANF Program Through Fiscal Year 2012**

**SEC. 221. SHORT TITLE.**

This subtitle may be cited as the “TANF Continuation Act of 2011”.

**SEC. 222. EXTENSION OF PROGRAM.**

(a) **FAMILY ASSISTANCE GRANTS.**—Section 403(a)(1) of the Social Security Act (42 U.S.C. 603(a)(1)) is amended—

(1) in subparagraph (A), by striking “each of fiscal years 1996” and all that follows through “2003” and inserting “fiscal year 2012”; and

(2) in subparagraph (B)—

(A) by inserting “(as in effect just before the enactment of the TANF Continuation Act of 2011)” after “this paragraph” the 1st place it appears; and

(B) by inserting “(as so in effect)” after “this paragraph” the 2nd place it appears; and

(3) in subparagraph (C), by striking “2003” and inserting “2012”.

(b) **HEALTHY MARRIAGE PROMOTION AND RESPONSIBLE FATHERHOOD GRANTS.**—Section 403(a)(2)(D) of such Act (42 U.S.C. 603(a)(2)(D)) is amended by striking “2011” and inserting “2012”.

(c) **SUPPLEMENTAL GRANTS FOR POPULATION INCREASES IN CERTAIN STATES.**—Section 403(a)(3)(H) of such Act (42 U.S.C. 603(a)(3)(H)) is amended—

(1) in clause (i), by striking “each of fiscal years 2002 and 2003” and inserting “fiscal year 2012”; and

(2) by striking clause (ii) and inserting the following:

“(ii) subparagraph (G) shall be applied as if ‘fiscal year 2012’ were substituted for ‘fiscal year 2001’; and”;

(3) in clause (iii), by striking “each of” and all that follows and inserting “fiscal year 2012 such sums as are necessary for grants under this subparagraph in a total amount not to exceed \$319,000,000.”.

(d) **MAINTENANCE OF EFFORT REQUIREMENT.**—Section 409(a)(7) of such Act (42 U.S.C. 609(a)(7)) is amended—

(1) in subparagraph (A), by striking “fiscal year” and all that follows through “2013” and inserting “a fiscal year”; and

(2) in subparagraph (B)(ii)—

(A) by striking “for fiscal years 1997 through 2012.”; and

(B) by striking “407(a) for the fiscal year,” and inserting “407(a).”.

(e) **TRIBAL GRANTS.**—Section 412(a) of such Act (42 U.S.C. 612(a)) is amended in each of paragraphs (1)(A) and (2)(A) by striking “each of fiscal years 1997” and all that follows through “2003” and inserting “fiscal year 2012”.

(f) **STUDIES AND DEMONSTRATIONS.**—Section 413(h)(1) of such Act (42 U.S.C. 613(h)(1)) is amended by striking “each of fiscal years 1997 through 2002” and inserting “fiscal year 2012”.

(g) **CENSUS BUREAU STUDY.**—Section 414(b) of such Act (42 U.S.C. 614(b)) is amended by striking “each of fiscal years 1996” and all that follows through “2003” and inserting “fiscal year 2012”.

(h) **CHILD CARE ENTITLEMENT.**—Section 418(a)(3) of such Act (42 U.S.C. 618(a)(3)) is amended by striking “appropriated” and all that follows and inserting “appropriated \$2,917,000,000 for fiscal year 2012.”.

(i) **GRANTS TO TERRITORIES.**—Section 1108(b)(2) of such Act (42 U.S.C. 1308(b)(2)) is amended by striking “for fiscal years 1997 through 2003” and inserting “fiscal year 2012”.

(j) PREVENTION OF DUPLICATE APPROPRIATIONS FOR FISCAL YEAR 2012.—Expenditures made pursuant to the Short-Term TANF Extension Act (Public Law 112-35) or section 403(b) of the Social Security Act for fiscal year 2012 shall be charged to the applicable appropriation or authorization provided by the amendments made by this section for such fiscal year.

(k) EFFECTIVE DATE.—This section and the amendments made by this section shall take effect on the date of the enactment of this Act.

### TITLE III—EXTENSION OF UNEMPLOYMENT PROGRAMS

#### SEC. 301. SHORT TITLE.

This title may be cited as the “Emergency Unemployment Compensation Extension Act of 2011”.

#### SEC. 302. TEMPORARY EXTENSION OF UNEMPLOYMENT INSURANCE PROVISIONS.

(a) IN GENERAL.—(1) Section 4007 of the Supplemental Appropriations Act, 2008 (Public Law 110-252; 26 U.S.C. 3304 note) is amended—

(A) by striking “January 3, 2012” each place it appears and inserting “January 3, 2013”;

(B) in the heading for subsection (b)(2), by striking “JANUARY 3, 2012” and inserting “JANUARY 3, 2013”; and

(C) in subsection (b)(3), by striking “June 9, 2012” and inserting “June 8, 2013”.

(2) Section 2005 of the Assistance for Unemployed Workers and Struggling Families Act, as contained in Public Law 111-5 (26 U.S.C. 3304 note; 123 Stat. 444), is amended—

(A) by striking “January 4, 2012” each place it appears and inserting “January 4, 2013”; and

(B) in subsection (c), by striking “June 11, 2012” and inserting “June 11, 2013”.

(3) Section 5 of the Unemployment Compensation Extension Act of 2008 (Public Law 110-449; 26 U.S.C. 3304 note) is amended by striking “June 10, 2012” and inserting “June 10, 2013”.

(b) FUNDING.—Section 4004(e)(1) of the Supplemental Appropriations Act, 2008 (Public Law 110-252; 26 U.S.C. 3304 note) is amended—

(1) in subparagraph (F), by striking “and” at the end; and

(2) by inserting after subparagraph (G) the following:

“(H) the amendments made by section 302(a)(1) of the Emergency Unemployment Compensation Extension Act of 2011; and”.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect as if included in the enactment of the Tax Relief, Unemployment Insurance Reauthorization, and Job Creation Act of 2010 (Public Law 111-312).

#### SEC. 303. MODIFICATION OF INDICATORS UNDER THE EXTENDED BENEFIT PROGRAM.

(a) EXTENSION.—Section 203 of the Federal-State Extended Unemployment Compensation Act of 1970 (26 U.S.C. 3304 note) is amended—

(1) in subsection (d), by striking “December 31, 2011” and inserting “December 31, 2012”; and

(2) in subsection (f)(2), by striking “December 31, 2011” and inserting “December 31, 2012”.

(b) INDICATOR.—Section 203(d) of the Federal-State Extended Unemployment Compensation Act of 1970 (26 U.S.C. 3304 note) is amended by adding at the end the following: “Effective with respect to compensation for weeks of unemployment beginning on or after January 1, 2012 (or, if later, the date established pursuant to State law) and ending

on or before December 31, 2012, the State may by statute, regulation, or other issuance having the force and effect of law provide that the determination of whether there has been a State ‘on’ or ‘off’ indicator beginning or ending any extended benefit period shall be made under this subsection, disregarding subparagraph (A) of paragraph (1) and as if paragraph (2) had been amended by striking ‘either subparagraph (A) or’.”.

(c) ALTERNATIVE TRIGGER.—Section 203(f) of the Federal-State Extended Unemployment Compensation Act of 1970 (26 U.S.C. 3304 note) is amended—

(1) by redesignating paragraph (3) as paragraph (4); and

(2) by inserting after paragraph (2) the following:

“(3) Effective with respect to compensation for weeks of unemployment beginning on or after January 1, 2012 (or, if later, the date established pursuant to State law) and ending on or before December 31, 2012, the State may by statute, regulation, or other issuance with the force and effect of law provide that the determination of whether there has been a State ‘on’ or ‘off’ indicator beginning or ending any extended benefit period shall be made under this subsection, disregarding clause (ii) of paragraph (1)(A) and as if paragraph (1)(B) had been amended by striking ‘either the requirements of clause (i) or (ii)’ and inserting ‘the requirements of clause (i)’.”.

#### SEC. 304. ADDITIONAL EXTENDED UNEMPLOYMENT BENEFITS UNDER THE RAILROAD UNEMPLOYMENT INSURANCE ACT.

(a) EXTENSION.—Section 2(c)(2)(D)(iii) of the Railroad Unemployment Insurance Act, as added by section 2006 of the American Recovery and Reinvestment Act of 2009 (Public Law 111-5) and as amended by section 9 of the Worker, Homeownership, and Business Assistance Act of 2009 (Public Law 111-92) and section 505 of the Tax Relief, Unemployment Insurance Reauthorization, and Job Creation Act of 2010 (Public Law 111-312), is amended—

(1) by striking “June 30, 2011” and inserting “June 30, 2012”; and

(2) by striking “December 31, 2011” and inserting “December 31, 2012”.

(b) CLARIFICATION ON AUTHORITY TO USE FUNDS.—Funds appropriated under either the first or second sentence of clause (iv) of section 2(c)(2)(D) of the Railroad Unemployment Insurance Act shall be available to cover the cost of additional extended unemployment benefits provided under such section 2(c)(2)(D) by reason of the amendments made by subsection (a) as well as to cover the cost of such benefits provided under such section 2(c)(2)(D), as in effect on the day before the date of the enactment of this Act.

#### SEC. 305. EMERGENCY DESIGNATIONS.

(a) STATUTORY PAYGO.—This title is designated as an emergency requirement pursuant to section 4(g) of the Statutory Pay-As-You-Go Act of 2010 (Public Law 111-139; 2 U.S.C. 933(g)).

(b) SENATE.—In the Senate, this title is designated as an emergency requirement pursuant to section 403(a) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

(c) HOUSE OF REPRESENTATIVES.—In the House of Representatives, every provision of this title is expressly designated as an emergency for purposes of cut-go principles.

### TITLE IV—SAVINGS FROM OVERSEAS CONTINGENCY OPERATIONS

#### SEC. 401. OVERSEAS CONTINGENCY AND RELATED ACTIVITIES.

(a) IN GENERAL.—Section 251(b)(2) of the Balanced Budget and Emergency Deficit

Control Act of 1985 (2 U.S.C. 901(b)(2)) is amended by adding at the end the following new subparagraph:

“(E) OVERSEAS CONTINGENCY AND RELATED ACTIVITIES.—

“(i) CAP ADJUSTMENT.—If a bill or joint resolution making appropriations for a fiscal year is enacted that specifies an amount for overseas contingency and related activities for that fiscal year after taking into account any other bills or joint resolutions enacted for that fiscal year that specify an amount for overseas contingency and related activities, but do not exceed in the aggregate the amounts specified in clause (ii), then the adjustments for that fiscal year shall be the additional new budget authority provided in that Act for such activities for that fiscal year.

“(ii) LEVELS.—The levels for overseas contingency and related activities specified in this subparagraph are as follows:

“(I) For fiscal year 2013, \$83,000,000,000 in budget authority.

“(II) For fiscal year 2014, \$50,000,000,000 in budget authority.

“(III) For fiscal year 2015, \$50,000,000,000 in budget authority.

“(IV) For fiscal year 2016, \$50,000,000,000 in budget authority.

“(V) For fiscal year 2017, \$50,000,000,000 in budget authority.

“(VI) For fiscal year 2018, \$50,000,000,000 in budget authority.

“(VII) For fiscal year 2019, \$50,000,000,000 in budget authority.

“(VIII) For fiscal year 2020, \$50,000,000,000 in budget authority.

“(IX) For fiscal year 2021, \$50,000,000,000 in budget authority.”.

(b) BREACH.—Section 251(a)(2) of such Act (2 U.S.C. 901(a)(2)) is amended to read as follows:

“(2) ELIMINATING A BREACH.—

“(A) IN GENERAL.—Each non-exempt account within a category shall be reduced by a dollar amount calculated by multiplying the enacted level of sequesterable budgetary resources in that account by the uniform percentage necessary to eliminate a breach within that category.

“(B) OVERSEAS CONTINGENCIES.—Any amount of budget authority for overseas contingency operations and related activities for fiscal years 2013 through 2021 in excess of the levels set in subsection 251(b)(2)(E) shall be counted in determining whether a breach has occurred in the security category and the nonsecurity category on a proportional basis to the total spending for overseas contingency operations in the security category and the nonsecurity category.”.

(c) CONFORMING AMENDMENT.—Section 251(b)(2)(A) of such Act (2 U.S.C. 901(b)(2)(A)) is amended to read as follows:

“(A) EMERGENCY APPROPRIATIONS.—If, for any fiscal year, appropriations for discretionary accounts are enacted that the Congress designates as emergency requirements in statute on an account by account basis and the President subsequently so designates, the adjustment shall be the total of such appropriations in discretionary accounts designated as emergency requirements.”.

### DIVISION B—WIRELESS INNOVATION AND PUBLIC SAFETY ACT OF 2011

#### SEC. 1001. SHORT TITLE.

This division may be cited as the “Wireless Innovation and Public Safety Act of 2011”.

#### SEC. 1002. DEFINITIONS.

In this division:

(1) **700 MHZ D BLOCK SPECTRUM.**—The term “700 MHz D block spectrum” means the portion of the electromagnetic spectrum between the frequencies from 758 megahertz to 763 megahertz and between the frequencies from 788 megahertz to 793 megahertz.

(2) **APPROPRIATE COMMITTEES OF CONGRESS.**—Except as otherwise specifically provided, the term “appropriate committees of Congress” means—

(A) the Committee on Commerce, Science, and Transportation of the Senate; and

(B) the Committee on Energy and Commerce of the House of Representatives.

(3) **ASSISTANT SECRETARY.**—The term “Assistant Secretary” means the Assistant Secretary of Commerce for Communications and Information.

(4) **COMMERCIAL MOBILE DATA SERVICE.**—The term “commercial mobile data service” means any mobile service (as defined in section 3 of the Communications Act of 1934 (47 U.S.C. 153)) that is—

(A) a data service, which may include mobile broadband Internet access service and Internet Protocol-based applications;

(B) provided for profit; and

(C) available to the public or to such classes of eligible users as to be effectively available to the public.

(5) **COMMERCIAL MOBILE SERVICE.**—The term “commercial mobile service” has the meaning given such term in section 332(d)(1) of the Communications Act of 1934 (47 U.S.C. 332(d)(1)).

(6) **COMMERCIAL STANDARDS.**—The term “commercial standards” means the technical standards followed by the commercial mobile service and commercial mobile data service industries for network, device, and Internet Protocol connectivity. Such term includes standards developed by the Third Generation Partnership Project (3GPP), the Institute of Electrical and Electronics Engineers (IEEE), the Alliance for Telecommunications Industry Solutions (ATIS), and the Internet Engineering Task Force (IETF).

(7) **COMMISSION.**—The term “Commission” means the Federal Communications Commission.

(8) **CORE NETWORK.**—The term “core network” means the core network described in section 1202(b)(1).

(9) **FEDERAL ENTITY.**—The term “Federal entity” has the meaning given such term in section 113(i) of the National Telecommunications and Information Administration Organization Act (47 U.S.C. 923(i)).

(10) **GOVERNOR.**—The term “Governor” means the Governor or other chief executive officer of a State.

(11) **GUARD BAND SPECTRUM.**—The term “guard band spectrum” means the portion of the electromagnetic spectrum between the frequencies from 768 megahertz to 769 megahertz and between the frequencies from 798 megahertz to 799 megahertz.

(12) **INDIAN TRIBE.**—The term “Indian tribe” has the meaning given such term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b).

(13) **NARROWBAND SPECTRUM.**—The term “narrowband spectrum” means the portion of the electromagnetic spectrum between the frequencies from 769 megahertz to 775 megahertz and between the frequencies from 799 megahertz to 805 megahertz.

(14) **NIST.**—The term “NIST” means the National Institute of Standards and Technology.

(15) **NTIA.**—The term “NTIA” means the National Telecommunications and Information Administration.

(16) **PROGRAM MANAGEMENT OFFICE.**—The term “Program Management Office” means the office established under section 1203(a).

(17) **PUBLIC SAFETY ANSWERING POINT.**—The term “public safety answering point” has the meaning given such term in section 222 of the Communications Act of 1934 (47 U.S.C. 222).

(18) **PUBLIC SAFETY BROADBAND NETWORK.**—The term “public safety broadband network” means the network described in section 1202.

(19) **PUBLIC SAFETY BROADBAND CORPORATION.**—The term “Public Safety Broadband Corporation” or “Corporation” means the corporation established under section 1201(a)(1).

(20) **PUBLIC SAFETY BROADBAND SPECTRUM.**—The term “public safety broadband spectrum” means—

(A) the portion of the electromagnetic spectrum between the frequencies from 763 megahertz to 768 megahertz and between the frequencies from 793 megahertz to 798 megahertz; and

(B) the 700 MHz D block spectrum.

(21) **PUBLIC SAFETY COMMUNICATIONS RESEARCH PROGRAM.**—The term “Public Safety Communications Research Program” means the program that is housed within the Department of Commerce Labs in Boulder, Colorado, and that is a joint effort between the Office of Law Enforcement Standards of NIST and the Institute for Telecommunication Sciences of the NTIA.

(22) **PUBLIC SAFETY ENTITY.**—The term “public safety entity” means an entity that provides public safety services.

(23) **PUBLIC SAFETY SERVICES.**—The term “public safety services” has the meaning given such term in section 337(f)(1) of the Communications Act of 1934 (47 U.S.C. 337(f)(1)).

(24) **RADIO ACCESS NETWORK.**—The term “radio access network” means the radio access network described in section 1202(b)(2).

(25) **STATE.**—The term “State” means any of the 50 States, the District of Columbia, the Commonwealth of Puerto Rico, the United States Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands.

(26) **STATE PUBLIC SAFETY BROADBAND OFFICE.**—The term “State Public Safety Broadband Office” means an office established under section 1212(d).

(27) **TRIBAL.**—The term “tribal” means, when used with respect to any entity, that such entity is a tribal organization (as defined in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b)).

#### SEC. 1003. RULE OF CONSTRUCTION.

Each range of frequencies described in this division shall be construed to be inclusive of the upper and lower frequencies in the range.

#### SEC. 1004. ENFORCEMENT.

(a) **IN GENERAL.**—The Commission shall implement and enforce this division as if this division is a part of the Communications Act of 1934 (47 U.S.C. 151 et seq.). A violation of this division, or a regulation promulgated under this division, shall be considered to be a violation of the Communications Act of 1934, or a regulation promulgated under such Act, respectively.

(b) **EXCEPTION.**—Subsection (a) does not apply in the case of a provision of this division that is expressly required to be carried out by an agency (as defined in section 551 of title 5, United States Code) other than the Commission.

### TITLE I—ALLOCATION AND ASSIGNMENT OF PUBLIC SAFETY BROADBAND SPECTRUM

#### SEC. 1101. REALLOCATION OF 700 MHZ D BLOCK SPECTRUM FOR PUBLIC SAFETY USE.

(a) **IN GENERAL.**—The Commission shall reallocate the 700 MHz D block spectrum for use by public safety entities in accordance with the provisions of this division.

(b) **QUANTITY OF SPECTRUM ALLOCATED FOR PUBLIC SAFETY USE.**—Section 337(a) of the Communications Act of 1934 (47 U.S.C. 337(a)) is amended—

(1) by striking “Not later than January 1, 1998, the” and inserting “The”;

(2) in paragraph (1), by striking “24” and inserting “34”; and

(3) in paragraph (2), by striking “36” and inserting “26”.

#### SEC. 1102. ASSIGNMENT OF LICENSE TO CORPORATION.

(a) **IN GENERAL.**—Not later than the date that is 30 days after the date of the incorporation of the Public Safety Broadband Corporation under section 1201(a), the Commission shall revoke the license for the public safety broadband spectrum and the guard band spectrum and assign a new, single license for the public safety broadband spectrum and the guard band spectrum to the Corporation for the purpose of ensuring the construction, management, maintenance, and operation of the public safety broadband network.

(b) **TERM.**—

(1) **INITIAL LICENSE.**—The initial license assigned under subsection (a) shall be for a term of 10 years.

(2) **RENEWAL OF LICENSE.**—Prior to the expiration of the term of the initial license assigned under subsection (a) or the expiration of any renewal of such license, the Corporation shall submit to the Commission an application for the renewal of such license in accordance with the Communications Act of 1934 (47 U.S.C. 151 et seq.) and any applicable Commission regulations. Such renewal application shall demonstrate that, during the term of the license that the Corporation is seeking to renew, the Corporation has fulfilled its duties and obligations under this division and the Communications Act of 1934 and has complied with all applicable Commission regulations. A renewal of the initial license granted under subsection (a) or any renewal of such license shall be for a term not to exceed 10 years.

(c) **DEFINITION OF PUBLIC SAFETY SERVICES.**—Section 337(f)(1) of the Communications Act of 1934 (47 U.S.C. 337(f)(1)) is amended—

(1) in subparagraph (A), by striking “to protect the safety of life, health, or property” and inserting “to provide law enforcement, fire and rescue response, or emergency medical assistance (including such assistance provided by ambulance services, hospitals, and urgent care facilities)”;

(2) in subparagraph (B)—

(A) in clause (i), by inserting “or tribal organizations (as defined in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b))” before the semicolon; and

(B) in clause (ii), by inserting “or a tribal organization” after “a governmental entity”.

#### SEC. 1103. ENSURING EFFICIENT AND FLEXIBLE USE OF 700 MHZ PUBLIC SAFETY NARROWBAND SPECTRUM.

(a) **LICENSE REQUIREMENTS.**—The Commission may not renew a license to use the narrowband spectrum after the date of the

enactment of this Act, or grant an application for an initial license to use such spectrum after the date that is 3 years after such date of enactment, unless the licensee or applicant demonstrates that failure of the Commission to renew such license or grant such application will—

(1) cause considerable economic hardship; or

(2) adversely impact the ability of the licensee or applicant to provide public safety services.

(b) **INVENTORY.**—Not later than 6 months after the date of the enactment of this Act, the Commission shall complete and submit to the appropriate committees of Congress a State-by-State inventory of the use of the narrowband spectrum, current as of such date of enactment, including the numbers of base stations that are deployed and in day-to-day operation, the approximate number of users, the extent of interoperability among the deployed stations, and the approximate per-unit costs of mobile equipment.

(c) **FLEXIBLE USE.**—In order to promote efficient spectrum use, the Commission may allow the narrowband spectrum and the guard band spectrum to be used in a flexible manner, including for public safety broadband communications, subject to such technical and interference protection measures as the Commission may require.

#### **SEC. 1104. SHARING OF PUBLIC SAFETY BROADBAND SPECTRUM AND NETWORK.**

(a) **EMERGENCY ACCESS BY NON-PUBLIC SAFETY ENTITIES.**—

(1) **IN GENERAL.**—Notwithstanding any limitation in section 337 of the Communications Act of 1934 (47 U.S.C. 337), upon the request of a State Public Safety Broadband Office, the Corporation may enter into agreements with entities in such State that are not public safety entities to permit such entities to obtain access on a secondary, preemptible basis to the public safety broadband spectrum in order to facilitate interoperability between such entities and public safety entities in protecting the safety of life, health, and property during emergencies and during preparation for and recovery from emergencies, including during emergency drills, exercises, and tests.

(2) **PREEMPTION.**—The Corporation shall ensure that, under any agreements entered into under paragraph (1), public safety entities may preempt use of the public safety broadband spectrum by the entities with which the Corporation has entered into such agreements.

(b) **PUBLIC-PRIVATE PARTNERSHIPS.**—Notwithstanding any limitation in section 337 of the Communications Act of 1934 (47 U.S.C. 337), the Corporation may permit a private entity with which the Corporation contracts on behalf of public safety entities to construct, manage, maintain, or operate the core network or the radio access network, upon the request of such private entity, to—

(1) obtain access to the public safety broadband spectrum for services that are not public safety services; or

(2) share equipment or infrastructure of the public safety broadband network, including antennas and towers.

(c) **APPROVAL BY COMMISSION.**—The Corporation may not enter into an agreement under subsection (a) or (b)(1) without the approval of the Commission.

(d) **REINVESTMENT.**—The Corporation shall use any funds the Corporation receives under the agreements entered into under subsections (a) and (b) to cover the administrative expenses of the Corporation for the fis-

cal year in which such funds are received and shall use any excess for the construction, management, maintenance, and operation of the public safety broadband network.

(e) **ACCESS BY FEDERAL DEPARTMENTS AND AGENCIES.**—Notwithstanding any limitation in section 337 of the Communications Act of 1934 (47 U.S.C. 337), the Corporation shall enter into such written agreements as are necessary to permit Federal departments and agencies to have shared access to the public safety broadband spectrum on an equivalent basis in order to protect the safety of life, health, and property.

(f) **PROHIBITION ON OFFERING COMMERCIAL SERVICES.**—The Corporation may not offer, provide, or market commercial telecommunications services or information services directly to the public.

#### **SEC. 1105. COMMISSION RULES.**

(a) **IN GENERAL.**—In order to carry out the provisions of this division, the Commission shall—

(1) adopt technical rules necessary to sufficiently manage spectrum use in bands adjacent to the public safety broadband spectrum;

(2) adopt rules requiring commercial mobile service providers and commercial mobile data service providers to offer roaming and priority access services to public safety entities at commercially reasonable terms and conditions if—

(A) the equipment of the public safety entity is technically compatible with the network of the commercial provider;

(B) the commercial provider is reasonably compensated; and

(C) such access does not unreasonably preempt or otherwise terminate or degrade existing voice conversations or data sessions;

(3) adopt technical rules governing the operation of the public safety broadband network in areas near the international borders of the United States;

(4) adopt rules ensuring the commercial availability of devices capable of operating in the public safety broadband spectrum, known as Band Class 14, at costs comparable to those of similar devices that are designed to operate in spectrum allocated for commercial use; and

(5) consider the adoption of such other rules as the Commission determines are necessary.

(b) **DEADLINE.**—The Commission shall adopt the rules required by paragraphs (1) through (4) of subsection (a) not later than 180 days after the date of the enactment of this Act.

(c) **CONSULTATION.**—In adopting rules under subsection (a) (or considering the adoption of rules under paragraph (5) of such subsection), the Commission shall consult with the Director of the Office of Emergency Communications in the Department of Homeland Security, the Assistant Secretary, the Director of NIST, and the Public Safety Communications Research Program.

#### **SEC. 1106. FCC REPORT ON EFFICIENT USE OF PUBLIC SAFETY SPECTRUM.**

(a) **IN GENERAL.**—Not later than 180 days after the date of the enactment of this Act and every 2 years thereafter, the Commission shall, in consultation with the Assistant Secretary and the Director of NIST, conduct a study and submit to the appropriate committees of Congress a report on the spectrum allocated for public safety use.

(b) **CONTENTS.**—The report required by subsection (a) shall include—

(1) an examination of how such spectrum is being used;

(2) recommendations on how such spectrum may be used more efficiently;

(3) an assessment of the feasibility of public safety entities relocating from other bands to the public safety broadband spectrum; and

(4) an assessment of whether any spectrum made available by the relocation described in paragraph (3) could be returned to the Commission for reassignment through auction, including through use of incentive auction authority under subparagraph (G) of section 309(j)(8) of the Communications Act of 1934, as added by section 1302(a).

## **TITLE II—ADVANCED PUBLIC SAFETY COMMUNICATIONS**

### **Subtitle A—Public Safety Broadband Network**

#### **SEC. 1201. ESTABLISHMENT AND OPERATION OF PUBLIC SAFETY BROADBAND CORPORATION.**

(a) **ESTABLISHMENT.**—

(1) **IN GENERAL.**—There is authorized to be established a private, nonprofit corporation to be known as the Public Safety Broadband Corporation, which will not be an agency or establishment of the United States Government or the District of Columbia government.

(2) **GOVERNING LAW.**—The Corporation shall be subject to the provisions of this division and, to the extent consistent with this division, the District of Columbia Nonprofit Corporation Act (sec. 29–301.01 et seq., D.C. Official Code). The Corporation shall have the usual powers conferred upon a nonprofit corporation by the District of Columbia Nonprofit Corporation Act.

(3) **INCORPORATION.**—The members of the initial Board of Directors of the Corporation shall serve as the incorporators of the Corporation and shall take the necessary steps to establish the Corporation under the District of Columbia Nonprofit Corporation Act. The Corporation shall notify the Commission of the date of its incorporation as soon as possible after such incorporation.

(4) **INITIAL BYLAWS.**—The members of the initial Board of Directors of the Corporation shall establish the initial bylaws of the Corporation.

(5) **RESIDENCE.**—The Corporation shall have its place of business in the District of Columbia and shall be considered, for purposes of venue in civil actions, to be a resident of the District of Columbia.

(b) **BOARD OF DIRECTORS.**—

(1) **MEMBERSHIP AND APPOINTMENT.**—The management of the Corporation shall be vested in a Board of Directors, which shall consist of 15 members, as follows:

(A) **FEDERAL MEMBERS.**—Four Federal members, or their designees, as follows:

(i) The Secretary of Commerce.

(ii) The Secretary of Homeland Security.

(iii) The Director of the Office of Management and Budget.

(iv) The Attorney General of the United States.

(B) **NON-FEDERAL PUBLIC-SECTOR MEMBERS.**—Seven non-Federal public-sector members, representing both urban and rural interests, appointed by the Secretary of Commerce, as follows:

(i) **STATE GOVERNORS.**—Two members, each of whom is the Governor of a State, or their designees.

(ii) **LOCAL AND TRIBAL GOVERNMENT MEMBERS.**—Two members, each of whom is the chief executive officer of a political subdivision of a State or an Indian tribe, or their designees.

(iii) **PUBLIC SAFETY ENTITY EMPLOYEES.**—Three members, each of whom is employed by a public safety entity and possesses one or more of the following qualifications:



(I) Experience with emergency preparedness and response.

(II) Technical expertise with public safety radio communications.

(III) Operational experience with 9-1-1 emergency services.

(IV) Training in hospital or urgent medical care.

(C) PRIVATE-SECTOR MEMBERS.—Four private-sector members, appointed by the Secretary of Commerce, each of whom has extensive experience implementing commercial standards in the design, development, and operation of commercial mobile data service networks.

(2) INDEPENDENCE OF NON-FEDERAL PUBLIC-SECTOR AND PRIVATE-SECTOR MEMBERS.—

(A) IN GENERAL.—Each non-Federal public-sector member and each private-sector member of the Board of Directors appointed under paragraph (1) shall be independent and neutral.

(B) INDEPENDENCE DETERMINATION.—In order to be considered independent for purposes of this paragraph, a member of the Board—

(i) may not, other than in the capacity of such member as a member of the Board or a committee thereof, accept any consulting, advisory, or other compensatory fee from the Corporation; and

(ii) shall be disqualified from any deliberation involving any transaction of the Corporation in which such member has a financial interest in the outcome.

(3) FEDERAL EMPLOYMENT STATUS.—The non-Federal public-sector members and the private-sector members of the Board of Directors shall not, by reason of membership on the Board, be considered to be officers or employees of the United States Government or the District of Columbia government.

(4) CITIZENSHIP.—Each non-Federal public-sector member and each private-sector member of the Board of Directors shall be a citizen of the United States.

(5) TERMS OF APPOINTMENT.—

(A) INITIAL APPOINTMENT DEADLINE.—The initial non-Federal public-sector members and the initial private-sector members of the Board of Directors shall be appointed not later than 180 days after the date of the enactment of this Act.

(B) TERMS.—

(i) LENGTH.—

(I) FEDERAL MEMBERS.—Each Federal member of the Board of Directors shall serve as a member of the Board for the life of the Corporation.

(II) NON-FEDERAL PUBLIC-SECTOR AND PRIVATE-SECTOR MEMBERS.—The term of office of each non-Federal public-sector member and each private-sector member of the Board of Directors shall be 3 years. Such a member may not serve more than 2 full terms consecutively.

(i) EXPIRATION OF TERM.—Any non-Federal public-sector member or private-sector member of the Board of Directors whose term has expired may serve until such member's successor has taken office, or until the end of the calendar year in which such member's term has expired, whichever is earlier.

(iii) APPOINTMENT TO FILL VACANCY.—A non-Federal public-sector member or private-sector member of the Board of Directors appointed to fill a vacancy occurring prior to the expiration of the term for which that member's predecessor was appointed shall be appointed for the remainder of the predecessor's term.

(iv) STAGGERED TERMS.—With respect to the initial non-Federal public-sector members and the initial private-sector members of the Board of Directors—

(I) four members shall serve for a term of 3 years;

(II) four members shall serve for a term of 2 years; and

(III) three members shall serve for a term of 1 year.

(C) EFFECT OF VACANCIES.—A vacancy in the membership of the Board of Directors shall not affect the Board's powers and shall be filled in the same manner as the original member was appointed.

(6) CHAIR.—

(A) SELECTION.—The Chair of the Board of Directors shall be selected by the Secretary of Commerce from among the non-Federal public-sector members and the private-sector members of the Board.

(B) TERM.—The term of office of the Chair of the Board of Directors shall be 2 years, and an individual may not serve more than 2 consecutive terms.

(7) REMOVAL.—

(A) BY SECRETARY OF COMMERCE.—The Secretary of Commerce may remove, for good cause—

(i) the Chair of the Board of Directors; or  
(ii) any non-Federal public-sector member or private-sector member of the Board of Directors.

(B) BY BOARD.—The members of the Board of Directors may, by majority vote—

(i) remove any non-Federal public-sector member or private-sector member of the Board for conduct determined by the Board to be detrimental to the Board or to the Corporation; or

(ii) request that the Secretary of Commerce exercise his or her authority to remove the Chair of the Board for conduct determined to be detrimental to the Board or to the Corporation.

(8) MEETINGS.—

(A) FREQUENCY.—The Board of Directors shall meet in accordance with the bylaws of the Corporation—

(i) at the call of the Chair of the Board; and  
(ii) not less frequently than once each quarter.

(B) TRANSPARENCY.—Meetings of the Board of Directors, and meetings of any committees of the Board, shall be open to the public. The Board may, by majority vote, close any such meeting only for the time necessary to preserve the confidentiality of commercial or financial information that is privileged or confidential, to discuss personnel matters, or to discuss legal matters affecting the Corporation, including pending or potential litigation.

(9) QUORUM.—Eight members of the Board of Directors, including not fewer than 6 non-Federal public-sector members or private-sector members, shall constitute a quorum.

(10) ATTENDANCE.—Members of the Board of Directors may attend meetings of the Corporation and vote in person, via telephone conference, or via video conference.

(11) BYLAWS.—A majority of the members of the Board of Directors may amend the bylaws of the Corporation.

(12) PROHIBITION AGAINST COMPENSATION.—A member of the Board of Directors shall serve without pay, and shall not otherwise benefit, directly or indirectly, as a result of the member's service to the Corporation, but shall be allowed a per diem allowance for travel expenses, at rates authorized for an employee of an agency under subchapter I of chapter 57 of title 5, United States Code, while away from the home or regular place of business of the member in the performance of the duties of the Corporation.

(c) CHIEF EXECUTIVE OFFICER AND EMPLOYEES.—

(1) IN GENERAL.—The Corporation shall have 1 officer, a Chief Executive Officer, and such employees as may be necessary to carry out the duties and responsibilities of the Corporation under this title and title I, for such terms, and at such rates of compensation in accordance with paragraph (5), as the Board of Directors of the Corporation considers appropriate. The Chief Executive Officer and the employees shall serve at the pleasure of the Board of Directors.

(2) QUALIFICATIONS OF CEO.—The Chief Executive Officer shall have extensive experience in the deployment, management, or design of commercial mobile data service networks.

(3) CITIZENSHIP.—The Chief Executive Officer and the employees of the Corporation shall be citizens of the United States.

(4) NONPOLITICAL NATURE OF APPOINTMENT.—No political test or qualification may be used in selecting, appointing, promoting, or taking other personnel actions with respect to the Chief Executive Officer or the agents or employees of the Corporation.

(5) COMPENSATION.—

(A) IN GENERAL.—The Board of Directors may fix the compensation of the Chief Executive Officer and the employees hired under this subsection, as necessary to carry out the duties and responsibilities of the Corporation under this title and title I, except that—

(i) the rate of compensation for the Chief Executive Officer or any employee may not exceed the maximum rate of basic pay established under section 5382 of title 5, United States Code, for a member of the Senior Executive Service; and

(ii) notwithstanding any other provision of law except clause (i), or any bylaw of the Corporation, all rates of compensation, including benefit plans and salary ranges, for the Chief Executive Officer and the employees shall be jointly approved by a majority of the Federal members of the Board.

(B) LIMITATION ON OTHER COMPENSATION.—Neither the Chief Executive Officer nor any employee of the Corporation may receive any salary or other compensation (except for compensation for service on boards of directors of other organizations that do not receive funds from the Corporation, on committees of such boards, and in similar activities for such organizations) from any sources other than the Corporation for services rendered during the period of the employment of the Chief Executive Officer or employee, respectively, by the Corporation.

(C) SERVICE ON OTHER BOARDS.—Service by the Chief Executive Officer or any employee of the Corporation on a board of directors of another organization, on a committee of such a board, or in a similar activity for such an organization shall be subject to annual advance approval by the Board of Directors.

(D) FEDERAL EMPLOYMENT STATUS.—Neither the Chief Executive Officer nor any employee of the Corporation shall be considered to be an officer or employee of the United States Government or the District of Columbia government.

(d) SELECTION OF AGENTS, CONSULTANTS, AND EXPERTS.—

(1) IN GENERAL.—The Board shall select parties to serve as its agents, consultants, and experts in a fair, transparent, and objective manner.

(2) FINAL AND BINDING.—If the selection of an agent, consultant, or expert satisfies the requirements of paragraph (1), the selection of such agent, consultant, or expert shall be final and binding.

(e) NONPROFIT AND NONPOLITICAL NATURE OF CORPORATION.—



(1) **STOCK.**—The Corporation shall have no power to issue any shares of stock, or to declare or pay any dividends.

(2) **PROFIT.**—No part of the income or assets of the Corporation shall inure to the benefit of any director, officer, employee, or any other individual associated with the Corporation, except as salary or reasonable compensation for services.

(3) **POLITICS.**—The Corporation may not contribute to or otherwise support any political party or candidate for elective public office.

(4) **PROHIBITION ON LOBBYING ACTIVITIES.**—The Corporation may not engage in lobbying activities (as defined in section 3(7) of the Lobbying Disclosure Act of 1995 (2 U.S.C. 1602(7))).

(f) **GENERAL POWERS.**—In addition to the powers granted to the Corporation by any other provision of law, the Corporation shall have the authority to do the following:

(1) To adopt and use a corporate seal.

(2) To have succession until dissolved by an Act of Congress.

(3) To prescribe, through the actions of the Board of Directors, bylaws not inconsistent with Federal law and the laws of the District of Columbia, regulating the manner in which the Corporation's general business may be conducted and the manner in which the privileges granted to the Corporation by law may be exercised.

(4) To exercise, through the actions of the Board of Directors, all powers specifically granted to the Corporation by the provisions of this title and title I, and such incidental powers as shall be necessary.

(5) To hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence as the Corporation considers necessary to carry out its responsibilities and duties.

(6) To obtain grants and funds from and make contracts with individuals, private companies, organizations, institutions, and Federal, State, regional, and local agencies.

(7) To accept, hold, administer, and utilize gifts, donations, and bequests of property, both real and personal, for the purposes of aiding or facilitating the work of the Corporation.

(8) To spend amounts obtained under paragraph (6) in a manner authorized by the Board, but only for purposes that will advance or enhance public safety communications consistent with this division.

(9) To establish reserve accounts with funds that the Corporation may receive from time to time that exceed the amounts required by the Corporation to timely pay its debt service and other obligations.

(10) To expend the funds placed in any reserve accounts established under paragraph (9) (including interest earned on any such amounts) in a manner authorized by the Board, but only for purposes that—

(A) will advance or enhance public safety communications consistent with this division; or

(B) are otherwise approved by an Act of Congress.

(11) To take such other actions as the Corporation, through the Board of Directors, may from time to time determine necessary, appropriate, or advisable to accomplish the purposes of this title and title I.

(g) **PRINCIPAL POWERS.**—In addition to the powers granted to the Corporation by any other provision of law, the Corporation shall have the power—

(1) to hold the single license for the public safety broadband spectrum and the guard band spectrum assigned by the Commission under section 1102(a);

(2) to take all actions necessary to ensure the construction, management, maintenance, and operation of the public safety broadband network, in consultation with Federal users of the network, public safety entities, the Commission, and the Technical and Operations Advisory Body established under subsection (h), including by—

(A) ensuring the use of commercial standards;

(B) issuing open, transparent, and competitive requests for proposals to private-sector entities for the purpose of constructing, managing, maintaining, and operating the public safety broadband network;

(C) entering into and overseeing the performance of contracts or agreements with private-sector entities to construct, manage, maintain, and operate the public safety broadband network;

(D) leveraging, to the maximum extent possible, existing commercial, private, and public infrastructure to reduce costs, supplement network capacity, and speed deployment of the network;

(E) entering into roaming and priority access agreements with providers of commercial mobile service and commercial mobile data service to allow users of the public safety broadband network to obtain such services across the networks of such providers;

(F) entering into sharing agreements under section 1104; and

(G) exercising discretion in using and disbursing the funds received under section 1401(b)(4); and

(3) to establish the Program Management Office and delegate functions to such Office, in accordance with section 1203.

(h) **TECHNICAL AND OPERATIONS ADVISORY BODY.**—

(1) **ESTABLISHMENT.**—In addition to such other standing or ad hoc committees, panels, or councils as the Board of Directors considers necessary, the Corporation shall establish a Technical and Operations Advisory Body, which shall provide advice to the Corporation with respect to operational and technical matters related to public safety communications and commercial mobile data service.

(2) **MEMBERSHIP.**—The Technical and Operations Advisory Body shall be composed of such representatives as the Board of Directors considers appropriate, including representatives of the following:

(A) Public safety entities.

(B) State, local, and tribal entities that use the public safety broadband network.

(C) Public safety answering points.

(D) One or more of the 10 regional organizational units of the Federal Emergency Management Agency.

(E) The Bureau of Indian Affairs.

(F) The Office of Science and Technology Policy.

(G) The Public Safety Communications Research Program.

(H) Providers of commercial mobile data service and vendors of equipment, devices, and software used to provide and access such service.

(i) **AUDITS AND REPORTS BY GAO.**—

(1) **AUDITS.**—

(A) **IN GENERAL.**—The financial transactions of the Corporation for any fiscal year during which Federal funds are available to finance any portion of its operations shall be audited annually by the Comptroller General of the United States in accordance with the principles and procedures applicable to commercial corporate transactions and under such rules and regulations as may be prescribed by the Comptroller General.

(B) **LOCATION.**—Any audit conducted under subparagraph (A) shall be conducted at the place or places where accounts of the Corporation are normally kept.

(C) **ACCESS TO CORPORATION BOOKS AND DOCUMENTS.**—

(i) **IN GENERAL.**—For purposes of an audit conducted under subparagraph (A), the representatives of the Comptroller General shall—

(I) have access to all books, accounts, records, reports, files, and all other papers, things, or property belonging to or in use by the Corporation that pertain to the financial transactions of the Corporation and are necessary to facilitate the audit; and

(II) be afforded full facilities for verifying transactions with the balances or securities held by depositories, fiscal agents, and custodians.

(ii) **REQUIREMENT.**—All books, accounts, records, reports, files, papers, and property of the Corporation shall remain in the possession and custody of the Corporation.

(2) **REPORTS.**—

(A) **IN GENERAL.**—The Comptroller General of the United States shall submit a report of each audit conducted under paragraph (1)(A) to—

(i) the appropriate committees of Congress;

(ii) the President; and

(iii) the Corporation.

(B) **CONTENTS.**—Each report submitted under subparagraph (A) shall contain—

(i) such comments and information as the Comptroller General determines necessary to inform Congress of the financial operations and condition of the Corporation;

(ii) any recommendations of the Comptroller General relating to the financial operations and condition of the Corporation; and

(iii) a description of any program, expenditure, or other financial transaction or undertaking of the Corporation that was observed during the course of the audit, which, in the opinion of the Comptroller General, has been carried on or made without the authority of law.

(j) **ANNUAL REPORT TO CONGRESS.**—

(1) **IN GENERAL.**—Not later than 1 year after the date of the enactment of this Act, and each year thereafter, the Corporation shall submit an annual report covering the preceding fiscal year to the appropriate committees of Congress.

(2) **REQUIRED CONTENT.**—The report required under paragraph (1) shall include—

(A) a comprehensive and detailed report of the operations, activities, financial condition, and accomplishments of the Corporation under this section;

(B) an analysis of the continued need for the Program Management Office and opportunities for reductions in staffing levels or scope of work in light of progress made in network deployment, including the requests for proposals process; and

(C) such recommendations or proposals for legislative or administrative action as the Corporation considers appropriate.

(3) **AVAILABILITY TO TESTIFY.**—The directors, employees, and agents and the Chief Executive Officer of the Corporation shall be available to testify before the appropriate committees of the Congress with respect to—

(A) the report required under paragraph (1);

(B) the report of any audit made by the Comptroller General under subsection (i); or

(C) any other matter which such committees may consider appropriate.

(k) **PROHIBITION AGAINST NEGOTIATION WITH FOREIGN GOVERNMENTS.**—The Corporation

may not negotiate or enter into any agreements with a foreign government on behalf of the United States.

(1) **USE OF MAILS.**—The Corporation may use the United States mails in the same manner and under the same conditions as the departments and agencies of the United States.

#### **SEC. 1202. PUBLIC SAFETY BROADBAND NETWORK.**

(a) **ESTABLISHMENT.**—The Corporation shall ensure the establishment of a nationwide, interoperable public safety broadband network.

(b) **NETWORK COMPONENTS.**—The public safety broadband network shall be based on a single, national network architecture that evolves with technological advancements and initially consists of the following:

(1) A core network that—  
(A) consists of national and regional data centers, and other elements and functions that may be distributed geographically, all of which shall be based on commercial standards; and

(B) provides the connectivity between—  
(i) the radio access network; and  
(ii) the public Internet or the public switched network, or both.

(2) A radio access network that—  
(A) is deployed on a State-by-State or multi-State basis;

(B) consists of all cell site equipment, antennas, and backhaul equipment, based on commercial standards, that are required to enable wireless communications with devices using the public safety broadband spectrum; and

(C) shall be developed, constructed, managed, maintained, and operated taking into account the plans developed in the State, local, and tribal planning and implementation grant program under section 1212.

(c) **DEPLOYMENT STANDARDS.**—The Corporation shall, through the administration of the requests-for-proposals process and oversight of contracts delegated to the Program Management Office—

(1) ensure that the core network and the radio access network are deployed as networks are typically deployed by commercial mobile data service providers;

(2) promote competition in the public safety equipment market by requiring that equipment for use on the public safety broadband network be—

(A) built to open, nonproprietary, commercial standards;

(B) capable of being used by any public safety entity and accessed by devices manufactured by multiple vendors; and

(C) backward-compatible with prior generations of commercial mobile service and commercial mobile data service networks to the extent typically deployed by providers of commercial mobile service and commercial mobile data service; and

(3) ensure that the public safety broadband network is integrated with public safety answering points, or the equivalent of public safety answering points, and with networks for the provision of Next Generation 9-1-1 services (as defined in section 1231).

(d) **PROCUREMENT.**—In all procurement related to the core network and the radio access network, the Corporation shall use an open, competitive bidding process that—

(1) details the required framework and architecture of such networks, the general specifications of the work requested, and the service-delivery responsibilities of successful bidders;

(2) provides for the award of subcontracts; and

(3) prohibits, except in the case of minor upgrades—

(A) sole-source contracts; and

(B) requirements for design proprietary to any individual vendor.

(e) **NETWORK INFRASTRUCTURE AND DEVICE CRITERIA.**—The Director of NIST, in consultation with the Corporation and the Commission, shall develop and periodically update a list of approved devices and components meeting appropriate protocols and standards. A device or component may not be used on the public safety broadband network unless it appears on such list.

#### **SEC. 1203. PROGRAM MANAGEMENT OFFICE.**

(a) **ESTABLISHMENT.**—The Corporation shall establish and staff a Program Management Office within the Corporation, or award a network management services contract to a private entity to establish and staff such an office. Any such contract shall be awarded through an open, competitive bidding process and shall be subject to approval by the Secretary of Commerce.

(b) **ACCOUNTABILITY.**—The actions of the Program Management Office shall be subject to review by the Corporation.

(c) **INDEPENDENCE.**—For the duration of any contract between the Program Management Office and the Corporation, the Program Management Office may not have a material financial interest in the outcome of any request for proposals of the Corporation or a material financial interest in any contract or agreement entered into by the Corporation.

(d) **DUTIES.**—Subject to the determination of the Corporation of the continuing need and appropriate scale of the Program Management Office, the Program Management Office shall—

(1) be responsible for carrying out the day-to-day activities of the Corporation, including ensuring uniformity of deployments of and upgrades to the public safety broadband network to preserve nationwide interoperability and economies of scale in network equipment and device costs;

(2) develop and recommend for adoption by the Corporation a nationwide plan for the deployment of the public safety broadband network;

(3) create a template for use by a State Public Safety Broadband Office receiving a grant under section 1212(a) in transmitting the plans developed under such section to the Program Management Office;

(4) create, for approval by the Corporation—

(A) baseline criteria for a request for proposals for the construction, management, maintenance, and operation of the core network; and

(B) baseline criteria for requests for proposals for the construction, management, maintenance, and operation of the radio access network;

(5) in consultation with State Public Safety Broadband Offices, evaluate responses to the requests for proposals described in paragraph (4);

(6) administer and oversee, and verify and validate the performance of, contracts entered into by the Corporation with entities the proposals of which the Corporation accepts;

(7) in consultation with State Public Safety Broadband Offices, the Office of Emergency Communications in the Department of Homeland Security, and the Commission, implement an awareness campaign in order to stimulate nationwide adoption of the public safety broadband network by public safety entities;

(8) in consultation with State Public Safety Broadband Offices, assess the progress of the construction and adoption of the public safety broadband network and report to the Corporation regarding such progress at such intervals as the Corporation requests, but no less frequently than biannually; and

(9) in consultation with State Public Safety Broadband Offices, develop a strategy for the Corporation on the distribution of public funding provided under section 1401(b)(4) for the construction, management, maintenance, and operation of the public safety broadband network.

(e) **DEVELOPMENT AND EVALUATION OF REQUESTS FOR PROPOSALS.**—In developing requests for proposals with respect to the core network and the radio access network, the Program Management Office shall, on a State-by-State or multi-State basis, seek proposals and recommend for acceptance by the Corporation proposals that—

(1) are based on commercial standards and are backward-compatible with existing commercial mobile service and commercial mobile data service networks;

(2) maximize use of existing infrastructure of commercial entities and of Federal, State, and tribal entities, including existing public safety infrastructure;

(3) provide for the selection on a localized basis of network options that remain consistent with the national network architecture;

(4) incorporate deployable network assets, vehicular repeaters, and other equipment as a means to provide additional coverage and capacity as may be required;

(5) ensure a nationwide level of interoperability;

(6) provide economies of scale in equipment and device costs comparable to those in the commercial marketplace, including the costs of devices capable of operating in Band Class 14;

(7) promote competition in the network equipment and device markets;

(8) ensure coverage of rural and underserved areas;

(9) take into account the need for the relocation of any incumbent public safety narrowband operations from the public safety broadband spectrum;

(10) enable technology upgrades at a pace comparable to that occurring in the commercial mobile service and commercial mobile data service marketplaces;

(11) ensure the reliability, security, and resiliency of the network, including through measures for—

(A) protecting and monitoring the cybersecurity of the network; and

(B) managing supply chain risks to the network; and

(12) incorporate results from the 700 MHz demonstration network managed by the Public Safety Communications Research Program.

(f) **CONSULTATION WITH TECHNICAL AND OPERATIONS ADVISORY BODY.**—In carrying out its responsibilities, the Program Management Office shall regularly meet and consult with the Technical and Operations Advisory Body established under section 1201(h).

#### **SEC. 1204. REPRESENTATION BEFORE STANDARDS SETTING ENTITIES.**

The Corporation, in consultation with the Director of NIST, the Commission, and the Technical and Operations Advisory Body established under section 1201(h), shall represent the interests of Federal departments and agencies and public safety entities using the public safety broadband network before any appropriate standards development organizations that address issues that in the

judgment of the Corporation are relevant and important to the public safety broadband network.

#### SEC. 1205. GAO REPORT ON SATELLITE BROADBAND.

Not later than 2 years after the date of the enactment of this Act, the Comptroller General of the United States shall conduct a study and submit to the appropriate committees of Congress a report on the current and future capabilities of fixed and mobile satellite broadband for use by public safety entities.

#### SEC. 1206. ACCESS TO FEDERAL SUPPLY SCHEDULES.

Section 502 of title 40, United States Code, is amended—

(1) by redesignating subsection (f) as subsection (g); and

(2) by inserting after subsection (e) the following new subsection:

“(f) USE OF SUPPLY SCHEDULES BY PUBLIC SAFETY BROADBAND CORPORATION FOR CERTAIN GOODS AND SERVICES.—

“(1) IN GENERAL.—The Administrator may provide, to the extent practicable, for the use by the Public Safety Broadband Corporation of Federal supply schedules for the following:

“(A) Roaming and priority access services offered by providers of commercial mobile service and commercial mobile data service.

“(B) Broadband network equipment, devices, and applications that are suitable for use on the public safety broadband network.

“(2) DEFINITIONS.—In this subsection—

“(A) the terms ‘commercial mobile data service’ and ‘public safety broadband network’ have the meanings given such terms in section 1002 of the Wireless Innovation and Public Safety Act of 2011;

“(B) the term ‘commercial mobile service’ has the meaning given such term in section 332(d)(1) of the Communications Act of 1934 (47 U.S.C. 332(d)(1)); and

“(C) the term ‘Public Safety Broadband Corporation’ means the corporation established under section 1201(a)(1) of the Wireless Innovation and Public Safety Act of 2011.”.

#### SEC. 1207. FEDERAL INFRASTRUCTURE SHARING.

The Administrator of General Services shall establish rules to allow the Corporation, on behalf of public safety entities, to have access to such components of Federal infrastructure as are appropriate for the construction and maintenance of the public safety broadband network.

#### SEC. 1208. INITIAL FUNDING FOR CORPORATION.

(a) IN GENERAL.—There is appropriated to the Assistant Secretary \$50,000,000 for use in accordance with subsection (b), to remain available until the commencement of incentive auctions to be carried out under subparagraph (G) of section 309(j)(8) of the Communications Act of 1934, as added by section 1302(a), or the auction of spectrum pursuant to subsection (a)(1) or (b)(1) of section 1301.

(b) USE OF FUNDS.—The Assistant Secretary shall use the funds appropriated under subsection (a)—

(1) for reasonable administrative expenses and other costs associated with the establishment of the Corporation; and

(2) subject to subsection (c), for transfer to the Corporation of an amount the Assistant Secretary considers necessary for the Corporation to carry out its duties and responsibilities under this title and title I prior to the 1st fiscal year for which the Corporation projects that the fees collected under section 1209 will be sufficient to cover the total expenses of the Corporation for such fiscal year.

(c) CONDITIONS.—The Assistant Secretary may not transfer any funds under subsection

(b)(2) unless the Corporation files with the Assistant Secretary—

(1) an estimated budget for the period between the filing and the beginning of the 1st fiscal year for which the Corporation projects that the fees collected under section 1209 will be sufficient to cover the total expenses of the Corporation for such fiscal year; and

(2) a statement of the anticipated use of the funds transferred.

(d) REINVESTMENT OF EXCESS FUNDS.—Beginning with the 1st fiscal year in which the Corporation collects fees under section 1209 in excess of the total expenses of the Corporation in carrying out its duties and responsibilities under this title and title I for such fiscal year, the Corporation shall use any remaining amount of the funds transferred under subsection (b)(2) only to ensure the construction, management, maintenance, and operation of the public safety broadband network.

#### SEC. 1209. PERMANENT SELF-FUNDING OF CORPORATION AND DUTY TO COLLECT CERTAIN FEES.

(a) IN GENERAL.—The Corporation is authorized to assess and collect the following fees:

(1) NETWORK USER FEES.—A user or subscription fee from each public safety entity and Federal department or agency that seeks access to or use of the public safety broadband network.

(2) SHARING ARRANGEMENT FEES.—A fee from each entity with which the Corporation enters into a sharing arrangement under section 1104.

(b) ESTABLISHMENT OF FEE AMOUNTS.—The total amount of the fees assessed for each fiscal year under this section shall be sufficient, and to the extent practicable shall not exceed the amount necessary, to cover the total expenses of the Corporation in carrying out its duties and responsibilities under this title and title I for such fiscal year.

(c) REQUIRED REINVESTMENT OF EXCESS FUNDS.—If, in a fiscal year, the Corporation collects fees under this section in excess of the total expenses of the Corporation in carrying out its duties and responsibilities under this title and title I for such fiscal year, the Corporation shall use the excess only to ensure the construction, management, maintenance, and operation of the public safety broadband network.

#### Subtitle B—State, Local, and Tribal Planning and Implementation

#### SEC. 1211. STATE, LOCAL, AND TRIBAL PLANNING AND IMPLEMENTATION FUND.

(a) ESTABLISHMENT.—There is established in the Treasury of the United States a fund to be known as the State, Local, and Tribal Planning and Implementation Fund.

(b) PURPOSE.—The Assistant Secretary shall establish and administer the grant program under section 1212 using the funds deposited in the State, Local, and Tribal Planning and Implementation Fund.

(c) CREDITING OF RECEIPTS.—There shall be deposited into or credited to the State, Local, and Tribal Planning and Implementation Fund—

(1) any amounts specified in section 1401; and

(2) any amounts borrowed by the Assistant Secretary under subsection (d).

(d) BORROWING AUTHORITY.—

(1) IN GENERAL.—The Assistant Secretary may borrow from the general fund of the Treasury beginning on October 1, 2011, such sums as may be necessary, but not to exceed \$250,000,000, to implement section 1212.

(2) REIMBURSEMENT.—The Assistant Secretary shall reimburse the general fund of

the Treasury, without interest, for any amounts borrowed under paragraph (1) as funds are deposited into the State, Local, and Tribal Planning and Implementation Fund.

#### SEC. 1212. STATE, LOCAL, AND TRIBAL PLANNING AND IMPLEMENTATION GRANT PROGRAM.

(a) ESTABLISHMENT OF GRANT PROGRAM.—The Assistant Secretary, in consultation with the Corporation, shall take such action as is necessary to establish a grant program to make grants to each State Public Safety Broadband Office established under subsection (d) to assist State, local, and tribal public safety entities within such State in carrying out the following activities:

(1) Identifying and planning the most efficient and effective use and integration by such entities of the spectrum and the infrastructure, equipment, and other architecture associated with the public safety broadband network to satisfy the wireless communications and data services needs of such entities.

(2) Identifying opportunities for creating a consortium with one or more other States to assist the Program Management Office in developing a single request for proposals to serve the common network requirements of the States in the consortium.

(3) Identifying the particular assets and specialized needs of the public safety entities located within such State for inclusion in requests for proposals with respect to the radio access network. Such assets may include available towers and infrastructure. Such needs may include the projected number of users, preferred buildout timeframes, special coverage needs, special hardening, reliability, security, and resiliency needs, local user priority assignments, and integration needs of public safety answering points and emergency operations centers.

(4) Transmitting the plans developed under this subsection to the Program Management Office using the template developed under section 1203(d)(3).

(b) MATCHING REQUIREMENTS; FEDERAL SHARE.—

(1) IN GENERAL.—The Federal share of the cost of any activity carried out using a grant under this section may not exceed 80 percent of the eligible costs of carrying out that activity, as determined by the Assistant Secretary, in consultation with the Corporation.

(2) WAIVER.—The Assistant Secretary may waive, in whole or in part, the requirements of paragraph (1) for good cause shown if the Assistant Secretary determines that such a waiver is in the public interest.

(c) PROGRAMMATIC REQUIREMENTS.—Not later than 6 months after the date of the incorporation of the Corporation under section 1201(a), the Assistant Secretary, in consultation with the Corporation, shall establish requirements relating to the grant program to be carried out under this section, including the following:

(1) Defining eligible costs for purposes of subsection (b)(1).

(2) Determining the scope of eligible activities for grant funding under this section.

(3) Prioritizing grants for activities that ensure coverage in rural as well as urban areas.

(d) STATE PUBLIC SAFETY BROADBAND OFFICES.—A State wishing to receive a grant under this section shall establish a State Public Safety Broadband Office to carry out the activities described in subsection (a). The Assistant Secretary may not accept a grant application unless such application certifies that the State has established such an office.

**SEC. 1213. PUBLIC SAFETY WIRELESS FACILITIES DEPLOYMENT.**

(a) IN GENERAL.—Notwithstanding section 704 of the Telecommunications Act of 1996 (Public Law 104-104) or any other provision of law, a State or local government may not deny, and shall approve, any eligible facilities request for a modification of an existing wireless tower that does not substantially change the physical dimensions of such tower.

(b) ELIGIBLE FACILITIES REQUEST.—In this section, the term “eligible facilities request” means a request that—

(1) is for a modification of an existing wireless tower that involves—

(A) collocation of new transmission equipment;

(B) removal of transmission equipment; or

(C) replacement of transmission equipment; and

(2) is made by an entity that enters into a contract with the Corporation to construct, manage, maintain, or operate the public safety broadband network for purposes of performing work under such contract.

**Subtitle C—Public Safety Communications Research and Development**

**SEC. 1221. NIST-DIRECTED PUBLIC SAFETY WIRELESS COMMUNICATIONS RESEARCH AND DEVELOPMENT.**

(a) IN GENERAL.—From amounts made available from the Public Safety Trust Fund established under section 1401, the Director of NIST, in consultation with the Commission, the Secretary of Homeland Security, and the National Institute of Justice of the Department of Justice, as appropriate, shall conduct research and assist with the development of standards, technologies, and applications to advance wireless public safety communications.

(b) REQUIRED ACTIVITIES.—In carrying out subsection (a), the Director of NIST, in consultation with the Corporation and the Technical and Operations Advisory Body established under section 1201(h), shall—

(1) document public safety wireless communications requirements;

(2) accelerate the development of the capability for communications between currently deployed public safety narrowband systems and the public safety broadband network;

(3) establish a research plan, and direct research, that addresses the wireless communications needs of public safety entities beyond what can be provided by the current generation of broadband technology;

(4) accelerate the development of mission critical voice communications, including device-to-device talkaround capability over broadband networks, public safety prioritization, authentication capabilities, and standard application programming interfaces, if necessary and practical;

(5) accelerate the development of communications technology and equipment that can facilitate the eventual migration of public safety narrowband communications to the public safety broadband network;

(6) ensure the development and testing of new, interoperable, nonproprietary broadband technologies (including applications, devices, and device components) that are designed to open standards to meet the needs of public safety entities;

(7) seek to develop technologies, standards, processes, and architectures that provide a significant improvement in network security, resiliency, and trustworthiness; and

(8) convene working groups of relevant government and commercial parties in carrying out paragraphs (1) through (7).

**Subtitle D—Next Generation 9-1-1 Services****SEC. 1231. DEFINITIONS.**

In this subtitle:

(1) 9-1-1 SERVICES, E9-1-1 SERVICES, NEXT GENERATION 9-1-1 SERVICES.—The terms “9-1-1 services, E9-1-1 services, and Next Generation 9-1-1 services” shall have the meaning given those terms in section 158 of the National Telecommunications and Information Administration Organization Act (47 U.S.C. 942), as amended by this division.

(2) EMERGENCY CALL.—The term “emergency call” has the meaning given such term in section 158 of the National Telecommunications and Information Administration Organization Act (47 U.S.C. 942), as amended by this division.

(3) MULTI-LINE TELEPHONE SYSTEM.—The term “multi-line telephone system” or “MLTS” means a system comprised of common control units, telephone sets, control hardware and software and adjunct systems, including network and premises based systems, such as Centrex and VoIP, as well as PBX, Hybrid, and Key Telephone Systems (as classified by the Commission under part 68 of title 47, Code of Federal Regulations) and includes systems owned or leased by governmental agencies and non-profit entities, as well as for profit businesses.

(4) OFFICE.—The term “Office” means the 9-1-1 Implementation Coordination Office established under section 158 of the National Telecommunications and Information Administration Organization Act (47 U.S.C. 942), as amended by this division.

(5) PUBLIC SAFETY ANSWERING POINT.—The term “public safety answering point” has the meaning given the term in section 222 of the Communications Act of 1934 (47 U.S.C. 222).

**SEC. 1232. COORDINATION OF 9-1-1 IMPLEMENTATION.**

Section 158 of the National Telecommunications and Information Administration Organization Act (47 U.S.C. 942) is amended to read as follows:

**“SEC. 158. COORDINATION OF 9-1-1, E9-1-1 AND NEXT GENERATION 9-1-1 IMPLEMENTATION.**

“(a) 9-1-1 IMPLEMENTATION COORDINATION OFFICE.—

“(1) ESTABLISHMENT AND CONTINUATION.—The Assistant Secretary and the Administrator of the National Highway Traffic Safety Administration shall—

“(A) establish and further a program to facilitate coordination and communication between Federal, State, and local emergency communications systems, emergency personnel, public safety organizations, telecommunications carriers, and telecommunications equipment manufacturers and vendors involved in the implementation of 9-1-1 services; and

“(B) establish a 9-1-1 Implementation Coordination Office to implement the provisions of this section.

“(2) MANAGEMENT PLAN.—

“(A) DEVELOPMENT.—The Assistant Secretary and the Administrator shall develop a management plan for the grant program established under this section, including by developing—

“(i) plans related to the organizational structure of such program; and

“(ii) funding profiles for each fiscal year of the 5-year duration of such program.

“(B) SUBMISSION TO CONGRESS.—Not later than 90 days after the date of enactment of the Wireless Innovation and Public Safety Act of 2011, the Assistant Secretary and the Administrator shall submit the management plan developed under subparagraph (A) to—

“(i) the Committees on Commerce, Science, and Transportation and Appropriations of the Senate; and

“(ii) the Committees on Energy and Commerce and Appropriations of the House of Representatives.

“(3) PURPOSE OF OFFICE.—The Office shall—

“(A) take actions, in concert with coordinators designated in accordance with subsection (b)(3)(A)(ii), to improve coordination and communication with respect to the implementation of 9-1-1 services, E9-1-1 services, and Next Generation 9-1-1 services;

“(B) develop, collect, and disseminate information concerning practices, procedures, and technology used in the implementation of 9-1-1 services, E9-1-1 services, and Next Generation 9-1-1 services;

“(C) advise and assist eligible entities in the preparation of implementation plans required under subsection (b)(3)(A)(iii);

“(D) receive, review, and recommend the approval or disapproval of applications for grants under subsection (b); and

“(E) oversee the use of funds provided by such grants in fulfilling such implementation plans.

“(4) REPORTS.—The Assistant Secretary and the Administrator shall provide an annual report to Congress by the first day of October of each year on the activities of the Office to improve coordination and communication with respect to the implementation of 9-1-1 services, E9-1-1 services, and Next Generation 9-1-1 services.

“(b) 9-1-1, E9-1-1 AND NEXT GENERATION 9-1-1 IMPLEMENTATION GRANTS.—

“(1) MATCHING GRANTS.—The Assistant Secretary and the Administrator, acting through the Office, shall provide grants to eligible entities for—

“(A) the implementation and operation of 9-1-1 services, E9-1-1 services, migration to an IP-enabled emergency network, and adoption and operation of Next Generation 9-1-1 services and applications;

“(B) the implementation of IP-enabled emergency services and applications enabled by Next Generation 9-1-1 services, including the establishment of IP backbone networks and the application layer software infrastructure needed to interconnect the multitude of emergency response organizations; and

“(C) training public safety personnel, including call-takers, first responders, and other individuals and organizations who are part of the emergency response chain in 9-1-1 services.

“(2) MATCHING REQUIREMENT.—The Federal share of the cost of a project eligible for a grant under this section shall not exceed 80 percent. The non-Federal share of the cost shall be provided from non-Federal sources unless waived by the Assistant Secretary and the Administrator.

“(3) COORDINATION REQUIRED.—In providing grants under paragraph (1), the Assistant Secretary and the Administrator shall require an eligible entity to certify in its application that—

“(A) in the case of an eligible entity that is a State government, the entity—

“(i) has coordinated its application with the public safety answering points located within the jurisdiction of such entity;

“(ii) has designated a single officer or governmental body of the entity to serve as the coordinator of implementation of 9-1-1 services, except that such designation need not vest such coordinator with direct legal authority to implement 9-1-1 services, E9-1-1 services, or Next Generation 9-1-1 services or to manage emergency communications operations;

“(iii) has established a plan for the coordination and implementation of 9-1-1 services, E9-1-1 services, and Next Generation 9-1-1 services; and

“(iv) has integrated telecommunications services involved in the implementation and delivery of 9-1-1 services, E9-1-1 services, and Next Generation 9-1-1 services; or

“(B) in the case of an eligible entity that is not a State, the entity has complied with clauses (i), (iii), and (iv) of subparagraph (A), and the State in which it is located has complied with clause (ii) of such subparagraph.

“(4) CRITERIA.—Not later than 120 days after the submission of the report required under section 1237 of the Wireless Innovation and Public Safety Act of 2011, the Assistant Secretary and the Administrator shall issue regulations, after providing the public with notice and an opportunity to comment, prescribing the criteria for selection for grants under this section. The criteria shall include performance requirements and a timeline for completion of any project to be financed by a grant under this section. The Assistant Secretary and the Administrator shall update such regulations as necessary.

“(c) DIVERSION OF 9-1-1 CHARGES.—

“(1) DESIGNATED 9-1-1 CHARGES.—For the purposes of this subsection, the term ‘designated 9-1-1 charges’ means any taxes, fees, or other charges imposed by a State or other taxing jurisdiction that are designated or presented as dedicated to deliver or improve 9-1-1 services, E9-1-1 services, or Next Generation 9-1-1 services.

“(2) CERTIFICATION.—Each applicant for a matching grant under this section shall certify to the Assistant Secretary and the Administrator at the time of application, and each applicant that receives such a grant shall certify to the Assistant Secretary and the Administrator annually thereafter during any period of time during which the funds from the grant are available to the applicant, that no portion of any designated 9-1-1 charges imposed by a State or other taxing jurisdiction within which the applicant is located are being obligated or expended for any purpose other than the purposes for which such charges are designated or presented during the period beginning 180 days immediately preceding the date of the application and continuing through the period of time during which the funds from the grant are available to the applicant.

“(3) CONDITION OF GRANT.—Each applicant for a grant under this section shall agree, as a condition of receipt of the grant, that if the State or other taxing jurisdiction within which the applicant is located, during any period of time during which the funds from the grant are available to the applicant, obligates or expends designated 9-1-1 charges for any purpose other than the purposes for which such charges are designated or presented, eliminates such charges, or re-designates such charges for purposes other than the implementation or operation of 9-1-1 services, E9-1-1 services, or Next Generation 9-1-1 services, all of the funds from such grant shall be returned to the Office.

“(4) PENALTY FOR PROVIDING FALSE INFORMATION.—Any applicant that provides a certification under paragraph (1) knowing that the information provided in the certification was false shall—

“(A) not be eligible to receive the grant under subsection (b);

“(B) return any grant awarded under subsection (b) during the time that the certification was not valid; and

“(C) not be eligible to receive any subsequent grants under subsection (b).

“(d) AUTHORIZATION AND TERMINATION.—

“(1) AUTHORIZATION.—

“(A) IN GENERAL.—There are authorized to be appropriated to the Secretary of Commerce, for the purposes of carrying out grants under this section, \$250,000,000 total for the 5-year period described in subparagraph (C).

“(B) LIMITATION.—Of the amounts made available to the Secretary of Commerce under this paragraph in a fiscal year, not more than 5 percent of such amounts may be obligated or expended to cover the administrative costs of carrying out this section.

“(C) PERIOD.—The 5-year period under subparagraph (A) begins on the first day of the fiscal year that begins following the date of the submission of the report required under section 1237 of the Wireless Innovation and Public Safety Act of 2011.

“(2) TERMINATION.—Effective on the day after the end of the 5-year period described in paragraph (1)(C), the authority provided by this section terminates and this section shall have no effect.

“(e) DEFINITIONS.—In this section:

“(1) 9-1-1 SERVICES.—The term ‘9-1-1 services’ includes both E9-1-1 services and Next Generation 9-1-1 services.

“(2) E9-1-1 SERVICES.—The term ‘E9-1-1 services’ means both phase I and phase II enhanced 9-1-1 services, as described in section 20.18 of the Commission’s regulations (47 C.F.R. 20.18), as in effect on the date of enactment of the Wireless Innovation and Public Safety Act of 2011, or as subsequently revised by the Commission.

“(3) ELIGIBLE ENTITY.—

“(A) IN GENERAL.—The term ‘eligible entity’ means a State or local government or a tribal organization (as defined in section 4(l) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b(1))).

“(B) INSTRUMENTALITIES.—The term ‘eligible entity’ includes public authorities, boards, commissions, and similar bodies created by 1 or more eligible entities described in subparagraph (A) to provide 9-1-1 service, E9-1-1 services, or Next Generation 9-1-1 services.

“(C) EXCEPTION.—The term ‘eligible entity’ does not include any entity that has failed to submit the most recently required certification under subsection (c) within 30 days after the date on which such certification is due.

“(4) EMERGENCY CALL.—The term ‘emergency call’ means any real-time communication with a public safety answering point or other emergency management or response agency, including—

“(A) through voice, text, or video and related data; and

“(B) nonhuman-initiated automatic event alerts, such as alarms, telematics, or sensor data, which may also include real-time voice, text, or video communications.

“(5) NEXT GENERATION 9-1-1 SERVICES.—The term ‘Next Generation 9-1-1 services’ means an IP-based system comprised of hardware, software, data, and operational policies and procedures that—

“(A) provides standardized interfaces from emergency call and message services to support emergency communications;

“(B) processes all types of emergency calls, including voice, text, data, and multimedia information;

“(C) acquires and integrates additional emergency call data useful to call routing and handling;

“(D) delivers the emergency calls, messages, and data to the appropriate public safety answering point and other appropriate emergency entities;

“(E) supports data or video communications needs for coordinated incident response and management; and

“(F) provides broadband service to public safety answering points or other first responder entities.

“(6) OFFICE.—The term ‘Office’ means the 9-1-1 Implementation Coordination Office.

“(7) PUBLIC SAFETY ANSWERING POINT.—The term ‘public safety answering point’ has the meaning given the term in section 222 of the Communications Act of 1934 (47 U.S.C. 222).

“(8) STATE.—The term ‘State’ means any State of the United States, the District of Columbia, Puerto Rico, American Samoa, Guam, the United States Virgin Islands, the Northern Mariana Islands, and any other territory or possession of the United States.”

#### SEC. 1233. REQUIREMENTS FOR MULTI-LINE TELEPHONE SYSTEMS.

(a) IN GENERAL.—Not later than 270 days after the date of the enactment of this Act, the Administrator of General Services, in conjunction with the Office, shall issue a report to Congress identifying the 9-1-1 capabilities of the multi-line telephone system in use by all Federal agencies in all Federal buildings and properties.

(b) COMMISSION ACTION.—

(1) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Commission shall issue a public notice seeking comment on the feasibility of requiring MLTS manufacturers to include within all such systems manufactured or sold after a date certain, to be determined by the Commission, one or more mechanisms to provide a sufficiently precise indication of a 9-1-1 caller’s location, while avoiding the imposition of undue burdens on MLTS manufacturers, providers, and operators.

(2) SPECIFIC REQUIREMENT.—The public notice under paragraph (1) shall seek comment on the National Emergency Number Association’s “Technical Requirements Document On Model Legislation E9-1-1 for Multi-Line Telephone Systems” (NENA 06-750, Version 2).

#### SEC. 1234. GAO STUDY OF STATE AND LOCAL USE OF 9-1-1 SERVICE CHARGES.

(a) IN GENERAL.—Not later than 60 days after the date of the enactment of this Act, the Comptroller General of the United States shall initiate a study of—

(1) the imposition of taxes, fees, or other charges imposed by States or political subdivisions of States that are designated or presented as dedicated to improve emergency communications services, including 9-1-1 services or enhanced 9-1-1 services, or related to emergency communications services operations or improvements; and

(2) the use of revenues derived from such taxes, fees, or charges.

(b) REPORT.—Not later than 18 months after initiating the study required by subsection (a), the Comptroller General shall prepare and submit a report on the results of the study to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Energy and Commerce of the House of Representatives setting forth the findings, conclusions, and recommendations, if any, of the study, including—

(1) the identity of each State or political subdivision that imposes such taxes, fees, or other charges; and

(2) the amount of revenues obligated or expended by that State or political subdivision for any purpose other than the purposes for which such taxes, fees, or charges were designated or presented.

**SEC. 1235. PARITY OF PROTECTION FOR PROVISION OR USE OF NEXT GENERATION 9-1-1 SERVICE.**

(a) **IMMUNITY.**—A provider or user of Next Generation 9-1-1 services, a public safety answering point, and the officers, directors, employees, vendors, agents, and authorizing government entity (if any) of such provider, user, or public safety answering point, shall have immunity and protection from liability under Federal and State law to the extent provided in subsection (b) with respect to—

(1) the release of subscriber information related to emergency calls or emergency services;

(2) the use or provision of 9-1-1 services, E9-1-1 services, or Next Generation 9-1-1 services; and

(3) other matters related to 9-1-1 services, E9-1-1 services, or Next Generation 9-1-1 services.

(b) **SCOPE OF IMMUNITY AND PROTECTION FROM LIABILITY.**—The scope and extent of the immunity and protection from liability afforded under subsection (a) shall be the same as that provided under section 4 of the Wireless Communications and Public Safety Act of 1999 (47 U.S.C. 615a) to wireless carriers, public safety answering points, and users of wireless 9-1-1 service (as defined in paragraphs (4), (3), and (6), respectively, of section 6 of that Act (47 U.S.C. 615b)) with respect to such release, use, and other matters.

**SEC. 1236. COMMISSION PROCEEDING ON AUTODIALING.**

(a) **IN GENERAL.**—Not later than 90 days after the date of the enactment of this Act, the Commission shall initiate a proceeding to create a specialized Do-Not-Call registry for public safety answering points.

(b) **FEATURES OF THE REGISTRY.**—The Commission shall issue regulations, after providing the public with notice and an opportunity to comment, that—

(1) permit verified public safety answering point administrators or managers to register the telephone numbers of all 9-1-1 trunks and other lines used for the provision of emergency services to the public or for communications between public safety agencies;

(2) provide a process for verifying, no less frequently than once every 7 years, that registered numbers should continue to appear upon the registry;

(3) provide a process for granting and tracking access to the registry by the operators of automatic dialing equipment;

(4) protect the list of registered numbers from disclosure or dissemination by parties granted access to the registry; and

(5) prohibit the use of automatic dialing or “robocall” equipment to establish contact with registered numbers.

(c) **ENFORCEMENT.**—The Commission shall—

(1) establish monetary penalties for violations of the protective regulations established pursuant to subsection (b)(4) of not less than \$100,000 per incident nor more than \$1,000,000 per incident;

(2) establish monetary penalties for violations of the prohibition on automatically dialing registered numbers established pursuant to subsection (b)(5) of not less than \$10,000 per call nor more than \$100,000 per call; and

(3) provide for the imposition of fines under paragraphs (1) or (2) that vary depending upon whether the conduct leading to the violation was negligent, grossly negligent, reckless, or willful, and depending on whether the violation was a first or subsequent offense.

**SEC. 1237. NHTSA REPORT ON COSTS FOR REQUIREMENTS AND SPECIFICATIONS OF NEXT GENERATION 9-1-1 SERVICES.**

(a) **IN GENERAL.**—Using amounts made available from the Public Safety Trust Fund under section 1401, not later than 1 year after the date of the enactment of this Act, the Administrator of the National Highway Traffic Safety Administration, in consultation with the Commission, the Secretary of Homeland Security, and the Office, shall prepare and submit to Congress a report that analyzes and determines detailed costs for specific Next Generation 9-1-1 service requirements and specifications.

(b) **CONTENTS.**—The report required under subsection (a) shall include the following:

(1) How costs would be allocated geographically or among public safety answering points, broadband service providers, and third-party providers of Next Generation 9-1-1 services.

(2) An assessment of the current state of Next Generation 9-1-1 service readiness among public safety answering points.

(3) How differences in public safety answering points' access to broadband across the United States may affect costs.

(4) A technical analysis and cost study of different delivery platforms, such as wireline, wireless, and satellite.

(5) An assessment of the architectural characteristics, feasibility, and limitations of Next Generation 9-1-1 service delivery.

(6) An analysis of the needs for Next Generation 9-1-1 service of persons with disabilities.

(7) Standards and protocols for Next Generation 9-1-1 service and for incorporating Voice over Internet Protocol and real-time text standards.

**SEC. 1238. FCC RECOMMENDATIONS FOR LEGAL AND STATUTORY FRAMEWORK FOR NEXT GENERATION 9-1-1 SERVICES.**

Not later than 1 year after the date of the enactment of this Act, the Commission, in coordination with the Secretary of Homeland Security, the Administrator of the National Highway Traffic Safety Administration, and the Office, shall prepare and submit a report to Congress that contains recommendations for the legal and statutory framework for Next Generation 9-1-1 services, consistent with recommendations in the National Broadband Plan developed by the Commission pursuant to the American Recovery and Reinvestment Act of 2009, including the following:

(1) A legal and regulatory framework for the development of Next Generation 9-1-1 services and the transition from legacy 9-1-1 to Next Generation 9-1-1 services.

(2) Legal mechanisms to ensure efficient and accurate transmission of 9-1-1 caller information to emergency management or response agencies.

(3) Recommendations for removing jurisdictional barriers and inconsistent legacy regulations, including—

(A) proposals that would require States to remove regulatory impediments to Next Generation 9-1-1 services development, while recognizing the appropriate role of the States;

(B) eliminating outdated 9-1-1 regulations at the Federal level; and

(C) preempting inconsistent State regulations.

**TITLE III—SPECTRUM AUCTION AUTHORITY****SEC. 1301. DEADLINES FOR AUCTION OF CERTAIN SPECTRUM.**

(a) **IN GENERAL.**—

(1) **AUCTION.**—The Commission shall, through competitive bidding under section 309(j) of the Communications Act of 1934 (47 U.S.C. 309(j)), assign licenses for the use of the electromagnetic spectrum described in paragraph (2) in accordance with the timetable set forth in paragraph (3).

(2) **SPECTRUM DESCRIBED.**—The spectrum described in this paragraph is the following:

(A) The frequencies from 2155 megahertz to 2180 megahertz.

(B) The frequencies from 1755 megahertz to 1780 megahertz, except that if—

(i) the President determines that such frequencies cannot be reallocated for non-Federal use due to the need to protect incumbent Federal operations from interference; and

(ii) the President identifies other spectrum the reallocation for non-Federal use of which better serves the public interest, convenience, and necessity and that can reasonably be expected to produce comparable auction receipts; the spectrum described in this subparagraph shall be the spectrum identified by the President under clause (ii).

(C) The frequencies from 1695 megahertz to 1710 megahertz, except for the geographic exclusion zones (as such zones may be amended) identified in the report of the NTIA published in October 2010 and entitled “An Assessment of Near-Term Viability of Accommodating Wireless Broadband Systems in 1675–1710 MHz, 1755–1780 MHz, 3500–3650 MHz, and 4200–4220 MHz, 4380–4400 MHz Bands”.

(D) Fifteen megahertz of contiguous spectrum identified by the Commission to be paired with the spectrum described in subparagraph (C).

(E) The frequencies from 1780 megahertz to 1850 megahertz, except that if—

(i) the President determines that such frequencies cannot be reallocated for non-Federal use due to the need to protect incumbent Federal operations from interference; and

(ii) the President identifies other spectrum the reallocation for non-Federal use of which better serves the public interest, convenience, and necessity and that can reasonably be expected to produce comparable auction receipts; the spectrum described in this subparagraph shall be the spectrum identified by the President under clause (ii).

(3) **TIMETABLE.**—Notwithstanding paragraph (15)(A) of such section 309(j), the Commission shall complete all actions necessary in order to—

(A) in the case of licenses for the use of the spectrum described in subparagraphs (A) and (B) of paragraph (2)—

(i) commence the bidding process not later than January 31, 2014; and

(ii) deposit the available proceeds in accordance with paragraph (8) of such section not later than June 30, 2014;

(B) in the case of licenses for the use of the spectrum described in subparagraphs (C) and (D) of paragraph (2)—

(i) commence the bidding process not later than January 31, 2018; and

(ii) deposit the available proceeds in accordance with paragraph (8) of such section not later than June 30, 2018; and

(C) in the case of licenses for the use of the spectrum described in subparagraph (E) of paragraph (2)—

(i) commence the bidding process not later than January 31, 2020; and

(ii) deposit the available proceeds in accordance with paragraph (8) of such section not later than June 30, 2020.

(4) **NOTIFICATION TO PRESIDENT.**—Not later than 6 months before each auction of frequencies under paragraph (1) in which any frequency assigned to a Federal Government station will be auctioned, the Commission shall notify the President of the date when such auction will begin and the frequencies to be auctioned.

(5) **WITHDRAWAL FROM FEDERAL USE.**—Notwithstanding section 1062(b) of the National Defense Authorization Act for Fiscal Year 2000 (Public Law 106-65; 47 U.S.C. 921 note), upon receipt of a notification from the Commission under paragraph (4) with respect to an auction of frequencies, the President shall withdraw the assignment to a Federal Government station of any such frequency.

(6) **DELAYED OR PHASED REALLOCATION OF CERTAIN FEDERAL SPECTRUM.**—If the President determines that reallocation for non-Federal use of the spectrum described in subparagraph (E) of paragraph (2) must be delayed or conducted in phases to ensure protection from interference of or continuity of incumbent Federal operations, the President may delay the withdrawal under paragraph (5) of the assignment of such spectrum to a Federal Government station until such time as the President considers necessary to ensure such protection, but in no case later than January 31, 2020.

(b) **AUCTION OF CERTAIN OTHER SPECTRUM.**—

(1) **AUCTION.**—In accordance with the timetable set forth in paragraph (2), the Commission shall assign through competitive bidding under section 309(j) of the Communications Act of 1934 (47 U.S.C. 309(j)), or reallocate for unlicensed use, the electromagnetic spectrum between the frequencies from 3550 megahertz to 3650 megahertz, except for the geographic exclusion zones (as such zones may be amended) identified in the report of the NTIA published in October 2010 and entitled “An Assessment of Near-Term Viability of Accommodating Wireless Broadband Systems in 1675–1710 MHz, 1755–1780 MHz, 3500–3650 MHz, and 4200–4220 MHz, 4380–4400 MHz Bands”.

(2) **TIMETABLE.**—Notwithstanding paragraph (15)(A) of such section, the Commission shall complete all actions necessary in order to—

(A) commence the bidding process, or commence reallocation for unlicensed use, not later than 3 years after the date of the enactment of this Act; and

(B) deposit the available proceeds in accordance with paragraph (8) of such section not later than 6 months thereafter.

(3) **NOTIFICATION TO PRESIDENT.**—Not later than 6 months before each auction of frequencies under paragraph (1), or the reallocation for unlicensed use of any frequency described in such paragraph, the Commission shall notify the President of the date when such auction will begin or such reallocation will occur and the frequencies to be auctioned or reallocated.

(4) **WITHDRAWAL FROM FEDERAL USE.**—Upon receipt of a notification from the Commission under paragraph (3) with respect to an auction or reallocation of frequencies, the President shall withdraw the assignment to a Federal Government station of any such frequency.

(c) **AUCTION PROCEEDS.**—Section 309(j)(8) of the Communications Act of 1934 (47 U.S.C. 309(j)(8)) is amended—

(1) in subparagraph (A), by striking “(B), (D), and (E),” and inserting “(B), (D), (E), (F), and (G),”;

(2) in subparagraph (C)—

(A) in clause (i), by striking “subparagraph (B)(ii)” and inserting “subparagraphs (D)(ii), (E)(ii), (F), and (G)(iv)”;

(B) in clause (iii)—

(i) by striking the period at the end and inserting a semicolon;

(ii) by striking “shall be” and inserting the following:

“(I) before the date of the enactment of the Wireless Innovation and Public Safety Act of 2011, shall be”; and

(iii) by adding at the end the following:

“(II) during the 10-year period beginning on the date of the enactment of the Wireless Innovation and Public Safety Act of 2011, shall be transferred to the Public Safety Broadband Corporation established under section 1201(a)(1) of such Act for use by the Corporation to carry out its duties and responsibilities under titles I and II of such Act; and

“(III) after such period, shall be transferred to the general fund of the Treasury for the sole purpose of deficit reduction.”;

(3) in subparagraph (D)—

(A) by striking the heading and inserting “PROCEEDS FROM REALLOCATED FEDERAL SPECTRUM”;

(B) by striking “Cash” and inserting the following:

“(i) **IN GENERAL.**—Except as provided in clause (ii), cash”; and

(C) by adding at the end the following:

“(ii) **CERTAIN OTHER PROCEEDS.**—Except as provided in subparagraph (B), in the case of proceeds (including deposits and upfront payments from successful bidders) attributable to the auction of eligible frequencies described in paragraph (2) of section 113(g) of the National Telecommunications and Information Administration Organization Act that are required to be auctioned by subsection (a)(1) or (b)(1) of section 1301 of the Wireless Innovation and Public Safety Act of 2011, such portion of such proceeds as is necessary to cover the relocation costs and sharing costs (as defined in paragraph (3) of such section 113(g)) of Federal entities relocated from or sharing such eligible frequencies shall be deposited in the Spectrum Relocation Fund. The remainder of such proceeds shall be deposited in the Public Safety Trust Fund established by section 1401(a)(1) of such Act.”; and

(4) by adding at the end the following new subparagraph:

“(F) **CERTAIN PROCEEDS DESIGNATED FOR PUBLIC SAFETY TRUST FUND.**—Except as provided in subparagraphs (B) and (D), the proceeds (including deposits and upfront payments from successful bidders) from the use of a system of competitive bidding under this subsection pursuant to subsections (a)(1) and (b)(1) of section 1301 of the Wireless Innovation and Public Safety Act of 2011 shall be deposited in the Public Safety Trust Fund established by section 1401(a)(1) of such Act.”

(d) **EXTENSION OF AUCTION AUTHORITY.**—Section 309(j)(11) of the Communications Act of 1934 (47 U.S.C. 309(j)(11)) is amended by striking “2012” and inserting “2021”.

#### **SEC. 1302. INCENTIVE AUCTION AUTHORITY.**

(a) **IN GENERAL.**—Section 309(j)(8) of the Communications Act of 1934, as amended by section 1301(c), is further amended by adding at the end the following new subparagraph:

“(G) **INCENTIVE AUCTION AUTHORITY.**—

“(i) **IN GENERAL.**—If the Commission determines that it is consistent with the public interest in utilization of the spectrum for a licensee to voluntarily relinquish some or all of its licensed rights for the use of spectrum in order to permit—

“(I) through competitive bidding under this subsection, the assignment of initial licenses subject to new service rules, on a flexible-use basis to the extent technologically feasible; or

“(II) the allocation of spectrum for unlicensed use;

the Commission may disburse to such licensee, from the proceeds from competitive bidding for any spectrum usage rights made available by reason of relinquishments under this subparagraph, an amount that the Commission considers appropriate, based on the value of the rights relinquished by such licensee.

“(ii) **FACTORS FOR CONSIDERATION.**—In considering whether to accept the voluntary relinquishment of licensed spectrum usage rights of a licensee and share proceeds with such licensee under clause (i), the Commission shall consider the following factors:

“(I) The conditions under which such licensee could maintain the license and whether such licensee is in compliance with the license terms.

“(II) The extent to which such relinquishment would serve the public interest, convenience, and necessity.

“(iii) **COVERAGE AREA REQUIREMENTS.**—In assigning licenses under this subparagraph, the Commission shall make all reasonable efforts to ensure that there is an adequate opportunity for applicants to submit bids for licenses covering both large and small geographic areas, as such areas are determined by the Commission.

“(iv) **TREATMENT OF REVENUES.**—Except as provided in subparagraph (B), all proceeds (including deposits and upfront payments from successful bidders) from the auction of spectrum usage rights made available by relinquishments under this subparagraph shall be deposited in the Public Safety Trust Fund established by section 1401(a)(1) of the Wireless Innovation and Public Safety Act of 2011.”

(b) **SPECIAL RULES FOR TELEVISION BROADCAST SPECTRUM.**—

(1) **GENERAL AUTHORITY TO REORGANIZE.**—In order to create a geographically contiguous band of spectrum across the United States, the Commission shall—

(A) create a framework to make available such portions of the television broadcast spectrum as the Commission considers appropriate; and

(B) require television broadcast station licensees and other licensees to relocate, as the Commission considers appropriate.

(2) **VOLUNTARY NATURE OF INCENTIVE AUCTIONS.**—Except as provided in paragraphs (3) and (4), reclamation or modification of spectrum usage rights of a television broadcast station licensee for the purpose of providing spectrum usage rights to carry out an incentive auction under subparagraph (G) of section 309(j)(8) of the Communications Act of 1934, as added by subsection (a), shall be on a voluntary basis.

(3) **RECLAMATION IN EXCHANGE FOR RIGHTS TO SUBSTANTIALLY EQUIVALENT SPECTRUM.**—

(A) **IN GENERAL.**—The Commission may reclaim the spectrum usage rights of a television broadcast station licensee for the purpose of providing spectrum usage rights to carry out an incentive auction under section 309(j)(8)(G) of the Communications Act of 1934 if the Commission assigns to such licensee the rights to use an identical amount of contiguous spectrum, in the same geographic market.

(B) **SUBSTANTIAL EQUIVALENCE.**—The Commission shall ensure, to the extent technically feasible, in the public interest, and



consistent with the goals of the auction, that spectrum usage rights assigned under subparagraph (A) enable a licensee to offer service that is substantially similar in service contour, population covered, and amount of harmful interference to the service offered by such licensee on the spectrum the rights to which are reclaimed by the Commission under such subparagraph.

(C) **RELOCATION COSTS.**—The costs incurred by a licensee in relocating to an identical amount of spectrum under subparagraph (A) shall be paid from the Incentive Auction Relocation Fund established by paragraph (6).

(4) **MODIFICATION OF RIGHTS AND COMPENSATION.**—

(A) **MODIFICATION.**—If the Commission determines that it is in the public interest to modify the spectrum usage rights of a television broadcast station licensee for the purpose of providing spectrum usage rights to carry out an incentive auction under section 309(j)(8)(G) of the Communications Act of 1934, the Commission may make the modification and compensate such licensee for the reduction in spectrum usage rights from the Incentive Auction Relocation Fund established by paragraph (6).

(B) **LEAST MODIFICATION TECHNICALLY FEASIBLE.**—To the extent technically feasible and in the public interest, in making a modification of the spectrum usage rights of a television broadcast station licensee under subparagraph (A), the Commission shall make reasonable efforts to—

(i) preserve the amount of population covered by the signal of such licensee within the service area of such licensee; and

(ii) avoid any substantial increase in harmful interference to the signal of such licensee as a result of the modification.

(5) **LIMITATIONS.**—

(A) **CO-LOCATION.**—In the reorganization of the television broadcast spectrum under this subsection—

(i) the Commission may not involuntarily co-locate multiple television broadcast station licensees on the same channel; and

(ii) each television broadcast station licensee voluntarily electing to be co-located shall have the carriage rights under sections 338, 614, and 615 of the Communications Act of 1934 (47 U.S.C. 338; 534; 535) that it would have had if it had been the sole television broadcast station licensee located at the shared location on November 30, 2010.

(B) **NO INVOLUNTARY RELOCATION FROM UHF TO VHF.**—In the reorganization of the television broadcast spectrum under this subsection, the Commission may not involuntarily reassign a licensee from a television channel located between 470 megahertz and 608 megahertz to a television channel located between 54 megahertz and 216 megahertz.

(6) **ESTABLISHMENT OF INCENTIVE AUCTION RELOCATION FUND.**—

(A) **IN GENERAL.**—There is established in the Treasury of the United States a fund to be known as the Incentive Auction Relocation Fund.

(B) **DEPOSITS.**—There shall be deposited in the Incentive Auction Relocation Fund the amounts specified in section 1401(b)(2).

(C) **AVAILABILITY.**—Amounts in the Incentive Auction Relocation Fund shall be available to the Assistant Secretary for use—

(i) without fiscal year limitation;

(ii) without further appropriation;

(iii) in the case of availability for payment of the costs of a particular television broadcast station licensee described in subparagraph (D)(i)(I), for a period not to exceed 18 months following the latest of—

(I) completion of the auction under section 309(j) of the Communications Act of 1934 (47

U.S.C. 309(j)) from which such amounts were derived;

(II) the issuance by the Commission to such licensee of a construction permit to allow such licensee to change channels or geographic locations; or

(III) notification by such licensee to the Assistant Secretary that such licensee has incurred or will incur costs as a result of such a change;

(iv) in the case of availability for payment of costs of a particular multichannel video programming distributor described in subparagraph (D)(i)(II), for a period not to exceed 18 months following the later of—

(I) completion of the auction under section 309(j) of the Communications Act of 1934 (47 U.S.C. 309(j)) from which such amounts were derived; or

(II) notification by such multichannel video programming distributor to the Assistant Secretary that such multichannel video programming distributor has incurred or will incur such costs; and

(v) before January 1, 2018.

(D) **USE OF FUNDS.**—

(i) **IN GENERAL.**—Amounts in the Incentive Auction Relocation Fund may only be used by the Assistant Secretary, in consultation with the Commission, to cover—

(I) the costs, including the costs of new equipment, installation, and construction (including the costs of tower, antenna, transmitter, and transmission line upgrades), incurred by television broadcast station licensees as a result of—

(aa) relocation to an identical amount of contiguous spectrum under paragraph (3); or

(bb) modification of spectrum usage rights under paragraph (4);

(II) the costs of multichannel video programming distributors (as defined in section 602(13) of the Communications Act of 1934 (47 U.S.C. 522(13))) to continue complying with any carriage obligations under sections 338, 614, and 615 of such Act (47 U.S.C. 338; 534; 535), if such costs were incurred as a result of—

(aa) voluntary relinquishment by television broadcast station licensees of spectrum usage rights under section 309(j)(8)(G) of such Act;

(bb) relocation of television broadcast station licensees to an identical amount of contiguous spectrum under paragraph (3); or

(cc) modification of the spectrum usage rights of television broadcast station licensees under paragraph (4); and

(III) the expenses incurred by the Assistant Secretary in administering the Fund.

(ii) **PROHIBITION.**—Amounts in the Incentive Auction Relocation Fund may not be used to cover—

(I) lost revenues; or

(II) costs incurred by a television broadcast station licensee as a result of a voluntary relinquishment of rights.

(iii) **REASONABLENESS.**—The Assistant Secretary may only make payments under clause (i) to cover costs that were reasonably incurred, as determined by the Assistant Secretary, in consultation with the Commission.

(7) **CONFIDENTIALITY.**—The Commission shall protect the confidentiality of the identity of a television broadcast station licensee offering to relinquish spectrum usage rights under section 309(j)(8)(G) of the Communications Act of 1934 until the relinquishment becomes effective.

(8) **DEADLINES FOR REORGANIZATION OF TELEVISION BROADCAST SPECTRUM.**—

(A) **RULEMAKING.**—Not later than 18 months after the date of the enactment of

this Act, the Commission shall complete a rulemaking proceeding to establish a process for carrying out the reorganization of the television broadcast spectrum under this subsection.

(B) **AUCTIONS.**—The Commission shall take all actions necessary in order to, with respect to the portions of the television broadcast spectrum made available through the reorganization under this subsection—

(i) not later than January 31, 2016—

(I) commence the bidding process under section 309(j)(8)(G) of the Communications Act of 1934 to assign initial licenses subject to new service rules, on a flexible-use basis to the extent technologically feasible; or

(II) allocate such spectrum for unlicensed use; and

(ii) not later than June 30, 2016, deposit the available proceeds in accordance with such section.

(9) **LIMITATION.**—During the period beginning on the date of the enactment of this Act and ending on June 30, 2016, the Commission may conduct only 1 process involving reorganization of the television broadcast spectrum under this subsection.

(10) **CERTAIN PROVISIONS INAPPLICABLE.**—The following provisions of the Communications Act of 1934 shall not apply in the case of the reorganization of television broadcast spectrum under this subsection or the auction under section 309(j)(8)(G) of such Act of the spectrum made available through such reorganization: section 307(b), the 2nd and 3rd sentences and subparagraphs (A) and (F) of section 309(j)(3), subparagraphs (A), (C), and (D) of section 309(j)(4), section 309(j)(15)(A), section 316, and section 331.

(11) **DEFINITIONS.**—In this subsection:

(A) **TELEVISION BROADCAST SPECTRUM.**—The term “television broadcast spectrum” means the portions of the electromagnetic spectrum between the frequencies from 54 megahertz to 72 megahertz, from 76 megahertz to 88 megahertz, from 174 megahertz to 216 megahertz, from 470 megahertz to 608 megahertz, and from 614 megahertz to 698 megahertz.

(B) **TELEVISION BROADCAST STATION LICENSEE.**—The term “television broadcast station licensee” means the licensee of—

(i) a full-power television station; or

(ii) low-power television station that has been accorded primary status as a Class A television licensee under section 73.6001(a) of title 47, Code of Federal Regulations.

(12) **EXPIRATION.**—The preceding paragraphs of this subsection, except paragraphs (6) and (11), shall not apply after June 30, 2016.

(c) **INCENTIVE AUCTIONS TO REPURPOSE CERTAIN MOBILE SATELLITE SERVICE SPECTRUM FOR TERRESTRIAL BROADBAND USE.**—

(1) **IN GENERAL.**—To the extent that the Commission makes available, after the date of the enactment of this Act, initial spectrum licenses for the use of some or all of the spectrum described in paragraph (2) for terrestrial broadband use, such licenses shall be assigned through a system of competitive bidding under section 309(j) of the Communications Act of 1934 (47 U.S.C. 309(j)), including, as appropriate, paragraph (8)(G) of such section.

(2) **SPECTRUM DESCRIBED.**—The spectrum described in this paragraph is the following:

(A) The frequencies from 1525 megahertz to 1544 megahertz, from 1545 megahertz to 1559 megahertz, from 1626.5 megahertz to 1645.5 megahertz, and from 1646.5 megahertz to 1660.5 megahertz (the L band).

(B) The frequencies from 1610 megahertz to 1626.5 megahertz and from 2483.5 megahertz to 2500 megahertz (the Big LEO band).

(C) The frequencies from 2000 megahertz to 2020 megahertz and from 2180 megahertz to 2200 megahertz (the S band).

(3) **RETENTION OF COMMISSION AUTHORITY.**—Nothing in this subsection shall modify or restrict the authority of the Commission to grant a waiver under section 316 of the Communications Act of 1934 (47 U.S.C. 316) to an existing mobile satellite service licensee to afford such licensee additional flexibility to provide terrestrial broadband services.

**TITLE IV—PUBLIC SAFETY TRUST FUND**  
**SEC. 1401. PUBLIC SAFETY TRUST FUND.**

(a) **ESTABLISHMENT OF PUBLIC SAFETY TRUST FUND.**—

(1) **IN GENERAL.**—There is established in the Treasury of the United States a trust fund to be known as the Public Safety Trust Fund.

(2) **DEPOSIT OF RECEIPTS.**—

(A) **IN GENERAL.**—There shall be deposited in the Public Safety Trust Fund the proceeds from the auction of spectrum required to be deposited in the Fund by subparagraphs (D)(ii), (F), and (G) of section 309(j)(8) of the Communications Act of 1934, as added by sections 1301(c)(3)(C), 1301(c)(4), and 1302(a), respectively.

(B) **AVAILABILITY.**—Amounts deposited in the Public Safety Trust Fund in accordance with subparagraph (A) shall remain available through fiscal year 2021. After the end of such fiscal year, such amounts shall be deposited in the general fund of the Treasury, where such amounts shall be dedicated for the sole purpose of deficit reduction.

(b) **USE OF FUND.**—Amounts deposited in the Public Safety Trust Fund shall be used in the following manner:

(1) **PAYMENT OF INCENTIVE AMOUNTS.**—

(A) **DISBURSALS.**—Amounts in the Public Safety Trust Fund shall be used to make the disbursements permitted by section 309(j)(8)(G)(i) of the Communications Act of 1934 to licensees who voluntarily relinquished licensed spectrum usage rights under such section.

(B) **NOTIFICATION TO CONGRESS.**—

(i) **IN GENERAL.**—At least 3 months before any incentive auction conducted under section 309(j)(8)(G) of the Communications Act of 1934, the Chairman of the Commission, in consultation with the Director of the Office of Management and Budget, shall notify the appropriate committees of Congress—

(I) of the methodology for calculating any disbursements described in subparagraph (A) that will be made from the proceeds of such auction; and

(II) that such methodology considers the value of the spectrum voluntarily relinquished in its current use and the timeliness with which the licensee cleared its use of such spectrum.

(ii) **DEFINITION.**—In this subparagraph, the term “appropriate committees of Congress” means—

(I) the Committee on Commerce, Science, and Transportation of the Senate;

(II) the Committee on Appropriations of the Senate;

(III) the Committee on Energy and Commerce of the House of Representatives; and

(IV) the Committee on Appropriations of the House of Representatives.

(2) **INCENTIVE AUCTION RELOCATION FUND.**—Not less than 5 percent but not more than \$1,000,000,000 of the amounts in the Public Safety Trust Fund shall be deposited in the Incentive Auction Relocation Fund established by section 1302(b)(6)(A).

(3) **STATE, LOCAL, AND TRIBAL PLANNING AND IMPLEMENTATION FUND.**—\$250,000,000 shall be deposited in the State, Local, and Tribal Planning and Implementation Fund established by section 1211(a).

(4) **PUBLIC SAFETY BROADBAND CORPORATION.**—\$11,000,000,000 shall be deposited with the Public Safety Broadband Corporation established under section 1201(a) for ensuring the construction, management, maintenance, and operation of the public safety broadband network.

(5) **PUBLIC SAFETY RESEARCH AND DEVELOPMENT.**—\$40,000,000 per year for each of the fiscal years 2012 through 2016 shall be made available for use by the Director of NIST to carry out the research program established under section 1221.

(6) **NHTSA REPORT ON NEXT GENERATION 9–1–1 SERVICES.**—\$2,000,000 shall be made available for fiscal years 2012 and 2013 for use by the Administrator of the National Highway Traffic Safety Administration to prepare the report on Next Generation 9–1–1 services required by section 1237.

(7) **DEFICIT REDUCTION.**—Any amounts remaining in the Public Safety Trust Fund after the deduction of the amounts required by paragraphs (1) through (6) shall be deposited in the general fund of the Treasury, where such amounts shall be dedicated for the sole purpose of deficit reduction.

(c) **INVESTMENT.**—Amounts in the Public Safety Trust Fund shall be invested in accordance with section 9702 of title 31, United States Code, and any interest on, and proceeds from, any such investment shall be credited to, and become a part of, the Fund.

**TITLE V—SPECTRUM POLICY**

**SEC. 1501. SPECTRUM INVENTORY.**

Part B of title I of the National Telecommunications and Information Administration Organization Act (47 U.S.C. 921 et seq.) is amended by adding at the end the following:

**“SEC. 119. SPECTRUM INVENTORY.**

“(a) **RADIO SPECTRUM INVENTORY.**—In order to promote the efficient use of the electromagnetic spectrum, the Assistant Secretary and the Commission shall coordinate and carry out each of the following activities not later than 1 year after the date of enactment of this section:

“(1) Except as provided in subsection (e), create an inventory of each radio spectrum band of frequencies listed in the United States Table of Frequency Allocations, from 225 megahertz to, at a minimum, 3.7 gigahertz, and to 10 gigahertz unless the Assistant Secretary and the Commission determine that the burden of expanding the inventory outweighs the benefit, that includes—

“(A) the radio services authorized to operate in each band of frequencies;

“(B) the identity of each Federal or non-Federal user within each such radio service authorized to operate in each band of frequencies;

“(C) the activities, capabilities, functions, or missions (including whether such activities, capabilities, functions, or missions are space-based, air-based, or ground-based) supported by the transmitters, end-user terminals or receivers, or other radio frequency devices authorized to operate in each band of frequencies;

“(D) the total amount of spectrum, by band of frequencies, assigned or licensed to each Federal or non-Federal user (in percentage terms and in sum) and the geographic areas covered by their respective assignments or licenses; and

“(E) to the greatest extent possible—

“(i) the approximate number of transmitters, end-user terminals or receivers, or other radio frequency devices authorized to operate, as appropriate to characterize the extent of use of each radio service in each band of frequencies;

“(ii) an approximation of the extent to which each Federal or non-Federal user is using, by geography, each band of frequencies, such as the amount and percentage of time of use, number of end users, or other measures as appropriate to the particular band and radio service;

“(iii) contour maps or other information that illustrates the coverage area, receiver performance, and other parameters relevant to an assessment of the availability of spectrum in each band;

“(iv) for each band or range of frequencies, the identity of each entity offering unlicensed services and the types and approximate number of unlicensed intentional radiators verified or certified by the Commission that are authorized to operate; and

“(v) for non-Federal users, any commercial names under which facilities-based service is offered to the public using the spectrum of the non-Federal user, including the commercial names under which the spectrum is being offered through resale.

“(2) Except as provided in subsection (e), create a centralized portal or Web site to make the inventory of the bands of frequencies required under paragraph (1) available to the public.

“(b) **USE OF AGENCY RESOURCES.**—In creating the inventory described in subsection (a)(1), the Assistant Secretary and the Commission shall first use agency resources, including existing databases, field testing, and recordkeeping systems, and only request information from Federal and non-Federal users if such information cannot be obtained using such agency resources.

“(c) **REPORTS.**—

“(1) **IN GENERAL.**—Except as provided in subsection (e), not later than 2 years after the date of enactment of this section and biennially thereafter, the Assistant Secretary and the Commission shall submit a report to the Committee on Commerce, Science, and Transportation of the Senate and to the Committee on Energy and Commerce of the House of Representatives containing—

“(A) the results of the inventory created under subsection (a)(1), including any update to the information in the inventory pursuant to subsection (d);

“(B) a description of any information the Assistant Secretary or the Commission determines is necessary for such inventory but that is unavailable; and

“(C) a description of any information not provided by any Federal or non-Federal user in accordance with subsections (e)(1)(B)(ii) and (e)(2)(C)(ii).

“(2) **RELOCATION REPORT.**—

“(A) **IN GENERAL.**—Except as provided in subsection (e), the Assistant Secretary and the Commission shall submit a report to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Energy and Commerce of the House of Representatives containing a recommendation of which spectrum, if any, should be reallocated or otherwise made available for shared access and an explanation of the basis for that recommendation.

“(B) **DEADLINES.**—The report required under subparagraph (A) shall be submitted not later than 2 years after the date of enactment of this section and every 2 years thereafter.

“(3) **INVENTORY REPORT.**—If the Assistant Secretary and the Commission have not conducted an inventory under subsection (a) to 10 gigahertz at least 90 days before the third report required under paragraph (1) is submitted, the Assistant Secretary and the Commission shall include an evaluation in

such report and in every report thereafter of whether the burden of expanding the inventory to 10 gigahertz outweighs the benefit until such time as the Assistant Secretary and the Commission have conducted the inventory to 10 gigahertz.

“(d) MAINTENANCE AND UPDATING OF INFORMATION.—After the creation of the inventory required by subsection (a)(1), the Assistant Secretary and the Commission shall make all reasonable efforts to maintain and update the information required under such subsection on a quarterly basis, including when there is a transfer or auction of a license or a change in a permanent assignment or license.

“(e) NATIONAL SECURITY AND PUBLIC SAFETY INFORMATION.—

“(1) NONDISCLOSURE.—

“(A) IN GENERAL.—If the head of an executive agency of the Federal Government determines that public disclosure of certain information held by that agency or a licensee of non-Federal spectrum and required by subsection (a), (c), or (d) would reveal classified national security information or other information for which there is a legal basis for nondisclosure and such public disclosure would be detrimental to national security, homeland security, or public safety, the agency head shall notify the Assistant Secretary of that determination and shall include descriptions of the activities, capabilities, functions, or missions (including whether they are space-based, air-based, or ground-based) supported by the information being withheld.

“(B) INFORMATION PROVIDED.—The agency head shall provide to the Assistant Secretary—

“(i) the publicly releasable information required by subsection (a)(1);

“(ii) to the maximum extent practicable, a summary description, suitable for public release, of the classified national security information or other information for which there is a legal basis for nondisclosure; and

“(iii) a classified annex, under appropriate cover, containing the classified national security information or other information for which there is a legal basis for nondisclosure that the agency head has determined must be withheld from public disclosure.

“(2) PUBLIC SAFETY NONDISCLOSURE.—

“(A) IN GENERAL.—If a licensee of non-Federal spectrum determines that public disclosure of certain information held by that licensee and required to be submitted by subsection (a), (c), or (d) would reveal information for which public disclosure would be detrimental to public safety, or the licensee is otherwise prohibited by law from disclosing the information, the licensee may petition the Commission for a partial or total exemption from inclusion on the centralized portal or Web site under subsection (a)(2) and in the report required by subsection (c).

“(B) BURDEN.—The licensee seeking an exemption under this paragraph bears the burden of justifying the exemption and shall provide clear and convincing evidence to support such an exemption.

“(C) INFORMATION REQUIRED.—If an exemption is granted under this paragraph, the licensee shall provide to the Commission—

“(i) the publicly releasable information required by subsection (a)(1) for the inventory;

“(ii) to the maximum extent practicable, a summary description, suitable for public release, of the information for which public disclosure would be detrimental to public safety or the licensee is otherwise prohibited by law from disclosing; and

“(iii) an annex, under appropriate cover, containing the information that the Com-

mission has determined should be withheld from public disclosure.

“(3) ADDITIONAL DISCLOSURE.—The annexes required under paragraphs (1)(B)(iii) and (2)(C)(iii) shall be provided to the congressional committees listed in subsection (c), but shall not be disclosed to the public under subsection (a) or subsection (d) or provided to any unauthorized person through any other means.

“(4) NATIONAL SECURITY COUNCIL CONSULTATION.—Prior to the release of the inventory under subsection (a), any updates to the inventory resulting from subsection (d), or the submission of a report under subsection (c)(1), the Assistant Secretary and the Commission shall consult with the National Security Council for a period not to exceed 30 days for the purposes of determining what additional information, if any, shall be withheld from the public.

“(f) PROPRIETARY INFORMATION.—In creating and maintaining the inventory, centralized portal or Web site, and reports under this section, the Assistant Secretary and the Commission shall follow their rules and practice regarding confidential and proprietary information. Nothing in this subsection shall be construed to compel the Commission to make publicly available any confidential or proprietary information.”.

#### SEC. 1502. FEDERAL SPECTRUM PLANNING.

(a) REVIEW OF EVALUATION PROCESS.—Not later than 6 months after the date of the enactment of this Act, the Comptroller General of the United States shall—

(1) conduct a review of the processes that Federal entities utilize to evaluate the spectrum needs of such entities;

(2) make recommendations on how to improve such processes; and

(3) submit to the appropriate committees of Congress a report on the review and recommendations made pursuant to paragraphs (1) and (2).

(b) REVISION OF EVALUATION PROCESS.—

(1) IN GENERAL.—Not later than 1 year after the date of the enactment of this Act, each Federal entity shall update or revise the process used by such entity to evaluate the proposed spectrum needs of such entity, or establish such a process, taking into account any applicable recommendations made in the report required by subsection (a).

(2) REQUIRED INCLUSIONS.—

(A) ANALYSIS OF OPTIONS.—Each process described in paragraph (1), whether newly established, updated, or revised, shall include an analysis and assessment of—

(i) the options available to the Federal entity to obtain communications services that are the most spectrum-efficient; and

(ii) the effective alternatives available to such entity that will permit the entity to continue to satisfy the mission requirements of the entity.

(B) ANALYSIS SUBMITTED TO NTIA.—The analysis and assessment carried out under subparagraph (A) shall be submitted by the Federal entity to the Assistant Secretary at the same time that the entity seeks certification or recertification, if applicable, of spectrum support from the NTIA pursuant to the requirements of the National Telecommunications and Information Administration Organization Act (47 U.S.C. 901 et seq.) and OMB Circular A-11.

(c) SPECTRUM PLANS OF FEDERAL ENTITIES.—

(1) IN GENERAL.—Not later than 2 years after the date of the enactment of this Act, and every 2 years thereafter, each Federal entity shall provide an entity-specific strategic spectrum plan to the Assistant Sec-

retary and the Director of the Office of Management and Budget.

(2) REQUIRED INCLUSIONS.—Each strategic spectrum plan submitted under paragraph (1) shall include—

(A) the spectrum requirements of the entity;

(B) the planned uses of new technologies or expanded services requiring spectrum over a period of time to be determined by the entity;

(C) suggested spectrum-efficient approaches to meeting the spectrum requirements identified under subparagraph (A); and

(D) progress reports on the activities of the entity to improve its spectrum management.

(d) CLASSIFIED NATIONAL SECURITY INFORMATION AND CERTAIN OTHER INFORMATION.—

(1) IN GENERAL.—The head of a Federal entity shall take the actions described in paragraph (2) if such head determines that disclosure of information required by subsection (c) would reveal—

(A) information that is classified in accordance with Executive Order 13526 (75 Fed. Reg. 707) or any successor Executive order establishing or modifying the uniform system for classifying, safeguarding, and declassifying national security information; or

(B) other information for which there is a legal basis for nondisclosure and the public disclosure of which would be detrimental to national security, homeland security, or public safety.

(2) ACTIONS DESCRIBED.—The actions described in this paragraph are the following:

(A) Notification to the Assistant Secretary of the determination under paragraph (1).

(B) Provision to the Assistant Secretary of—

(i) the publicly releasable information required by subsection (c);

(ii) to the maximum extent practicable, a summary description, suitable for public release, of the classified information or other information for which there is a legal basis for nondisclosure; and

(iii) a classified annex, under appropriate cover, containing the classified information or other information for which there is a legal basis for nondisclosure that the head of the Federal entity has determined must be withheld from public disclosure.

(3) ANNEX RESTRICTION.—The Assistant Secretary shall make an annex described in paragraph (2)(B)(iii) available to the Secretary of Commerce and the Director of the Office of Management and Budget. Neither the Assistant Secretary, the Secretary of Commerce, nor the Director of the Office of Management and Budget may make any such annex available to the public or to any unauthorized person through any other means.

(e) FEDERAL STRATEGIC SPECTRUM PLAN.—

(1) DEVELOPMENT AND SUBMISSION.—

(A) IN GENERAL.—The Secretary of Commerce shall develop a Federal Strategic Spectrum Plan, in coordination with the Assistant Secretary and the Director of the Office of Management and Budget.

(B) SUBMISSION TO CONGRESS.—Not later than 6 months after the date by which the initial entity-specific strategic spectrum plans are required to be submitted to the Assistant Secretary under subsection (c)(1), the Secretary of Commerce shall, consistent with the requirements set forth in subsection (d)(3), submit the Federal Strategic Spectrum Plan developed under subparagraph (A) to the appropriate committees of Congress.

(C) NONDISCLOSURE OF ANNEXES.—The Federal Strategic Spectrum Plan required to be submitted under subparagraph (B) shall be

submitted in unclassified form, but shall include, if appropriate, 1 or more annexes as provided for by subsection (d)(2)(B)(iii). No congressional committee may make any such annex available to the public or to any unauthorized person.

(D) CLASSIFIED ANNEXES.—If the Federal Strategic Spectrum Plan includes a classified annex as provided for by subsection (d)(2)(B)(iii), the Secretary of Commerce shall—

(i) submit the classified annex only to the appropriate committees of Congress with primary oversight jurisdiction for the user entities or licensees concerned; and

(ii) provide notice of the submission to the other appropriate committees of Congress.

(E) DEFINITION.—In this subsection, the term “appropriate committees of Congress” means the Committee on Commerce, Science, and Transportation of the Senate, the Committee on Energy and Commerce of the House of Representatives, and any other congressional committee with primary oversight jurisdiction for the user entity or licensees concerned.

(2) INCORPORATION OF ENTITY PLANS.—The Federal Strategic Spectrum Plan developed under paragraph (1)(A) shall incorporate, consistent with the requirements of subsection (d)(3), the initial entity-specific strategic spectrum plans submitted under subsection (c)(1).

(3) REQUIRED INCLUSIONS.—The Federal Strategic Spectrum Plan developed under paragraph (1)(A) shall include—

(A) information on how spectrum assigned to and used by Federal entities is being used;

(B) opportunities to increase efficient use of infrastructure and spectrum assigned to and used by Federal entities;

(C) an assessment of the future spectrum needs of the Federal Government; and

(D) plans to incorporate such needs in the frequency assignment, equipment certification, and review processes of the Assistant Secretary.

(4) UPDATES.—The Secretary of Commerce shall revise and update the Federal Strategic Spectrum Plan developed under paragraph (1)(A) to take into account the biennial submission of the entity-specific strategic spectrum plans submitted under subsection (c)(1).

(f) NATIONAL STRATEGIC SPECTRUM PLAN.—

(1) IN GENERAL.—Not later than 4 years after the date of the enactment of this Act, and every 4 years thereafter, the Assistant Secretary and the Commission, in consultation with other Federal departments and agencies, State, local, and tribal entities, and commercial spectrum interests, shall develop a quadrennial National Strategic Spectrum Plan.

(2) REQUIRED INCLUSION.—A National Strategic Spectrum Plan developed under paragraph (1) shall include the following:

(A) The Federal Strategic Spectrum Plan developed under paragraph (1)(A) of subsection (e), as updated under paragraph (4) of such subsection.

(B) Long-range spectrum planning for both Federal and non-Federal users, including commercial users and State and local government users.

(C) An identification of new technologies or expanded services requiring spectrum.

(D) An identification and analysis of the nature and characteristics of the new radio communication systems required and the nature and characteristics of the spectrum required.

(E) An identification and analysis of efficient approaches to meeting the future spectrum requirements of all users, including—

(i) requiring certain standards-based technologies that improve spectrum efficiencies;

(ii) spectrum sharing and reuse opportunities;

(iii) possible reallocation; and

(iv) any other approaches that promote efficient use of spectrum.

(F) An evaluation of current spectrum auction processes to determine the effectiveness of such processes in—

(i) promoting competition;

(ii) improving the efficiency of spectrum use; and

(iii) maximizing the full economic value of the spectrum to consumers, industry, and taxpayers.

#### SEC. 1503. REALLOCATING FEDERAL SPECTRUM FOR COMMERCIAL PURPOSES AND FEDERAL SPECTRUM SHARING.

(a) ELIGIBLE FEDERAL ENTITIES.—Section 113(g)(1) of the National Telecommunications and Information Administration Organization Act (47 U.S.C. 923(g)(1)) is amended to read as follows:

“(1) ELIGIBLE FEDERAL ENTITIES.—Any Federal entity that operates a Federal Government station authorized to use a band of frequencies specified in paragraph (2) and that incurs relocation costs or sharing costs because of planning for a potential auction of spectrum frequencies, a planned auction of spectrum frequencies, or the reallocation of spectrum frequencies from Federal use to exclusive non-Federal use or to shared use shall receive payment for such relocation costs or sharing costs from the Spectrum Relocation Fund, in accordance with section 118. For purposes of this paragraph, Federal power agencies exempted under subsection (c)(4) that choose to relocate from the frequencies identified for reallocation pursuant to subsection (a) are eligible to receive payment under this paragraph.”.

(b) ELIGIBLE FREQUENCIES.—Section 113(g)(2)(B) of the National Telecommunications and Information Administration Organization Act (47 U.S.C. 923(g)(2)(B)) is amended to read as follows:

“(B) any other band of frequencies reallocated from Federal use to non-Federal or shared use, whether for licensed or unlicensed use, after January 1, 2003, that is assigned—

“(i) by competitive bidding pursuant to section 309(j) of the Communications Act of 1934 (47 U.S.C. 309(j)); or

“(ii) as a result of an Act of Congress or any other administrative or executive direction.”.

(c) RELOCATION COSTS AND SHARING COSTS DEFINED.—Section 113(g)(3) of the National Telecommunications and Information Administration Organization Act (47 U.S.C. 923(g)(3)) is amended to read as follows:

“(3) RELOCATION COSTS AND SHARING COSTS DEFINED.—

“(A) IN GENERAL.—For purposes of this subsection, the term ‘relocation costs’ or ‘sharing costs’ means the costs incurred by a Federal entity in connection with the auction (or a potential or planned auction) of spectrum frequencies previously assigned to such entity, or the sharing of spectrum frequencies assigned to such entity (including the auction or a potential or planned auction of the rights to use spectrum frequencies on a shared basis with such entity), respectively, in order to achieve comparable capability of systems as before the relocation or the sharing arrangement. Such term includes, with respect to relocation or sharing, as the case may be—

“(i) the costs of any modification or replacement of equipment, spares, associated

ancillary equipment, software, facilities, operating manuals, training costs, or regulations that are attributable to relocation or sharing;

“(ii) the costs of all engineering, equipment, software, site acquisition, and construction, as well as any legitimate and prudent transaction expense, including term-limited Federal civil servant and contractor staff necessary to carry out the relocation or sharing activities of an eligible Federal entity, and reasonable additional costs incurred by the Federal entity that are attributable to relocation or sharing, including increased recurring costs associated with the replacement of facilities;

“(iii) the costs of research, engineering studies, economic analyses, or other expenses reasonably incurred in connection with—

“(I) calculating the estimated relocation costs or sharing costs that are provided to the Commission pursuant to paragraph (4);

“(II) determining the technical or operational feasibility of relocation to 1 or more potential relocation bands; or

“(III) planning for or managing a relocation or sharing project (including spectrum coordination with auction winners) or potential relocation or sharing project;

“(iv) the one-time costs of any modification of equipment reasonably necessary—

“(I) to accommodate commercial use of shared frequencies; or

“(II) in the case of eligible frequencies reallocated for exclusive commercial use and assigned through a competitive bidding process under section 309(j) of the Communications Act of 1934 (47 U.S.C. 309(j)) but with respect to which a Federal entity retains primary allocation or protected status for a period of time after the completion of the competitive bidding process, to accommodate shared Federal and non-Federal use of such frequencies for such period;

“(v) the costs associated with the accelerated replacement of systems and equipment if such acceleration is necessary to ensure the timely relocation of systems to a new frequency assignment or the timely accommodation of sharing of Federal frequencies; and

“(vi) the costs of the use of commercial systems (including systems not utilizing spectrum) to replace Federal systems discontinued or relocated pursuant to this Act, including lease (including lease of land), subscription, and equipment costs over an appropriate period, such as the anticipated life of an equivalent Federal system or other period determined by the Director of the Office of Management and Budget.

“(B) COMPARABLE CAPABILITY OF SYSTEMS.—For purposes of subparagraph (A), comparable capability of systems—

“(i) may be achieved by relocating a Federal Government station to a new frequency assignment, by relocating a Federal Government station to a different geographic location, by modifying Federal Government equipment to mitigate interference or use less spectrum, in terms of bandwidth, geography, or time, and thereby permitting spectrum sharing (including sharing among relocated Federal entities and incumbents to make spectrum available for non-Federal use) or relocation, or by utilizing an alternative technology; and

“(ii) includes the acquisition of state-of-the-art replacement systems intended to meet comparable operational scope, which may include incidental increases in functionality.”.

(d) CERTAIN PROCEDURAL REQUIREMENTS.—Section 113(g) of the National Telecommunications and Information Administration Organization Act (47 U.S.C. 923(g)) is amended—

(1) in paragraph (4)(A)—

(A) by inserting “or sharing costs” after “relocation costs”; and

(B) by inserting “or sharing” after “such relocation”;

(2) in paragraph (5)—

(A) by inserting “or sharing costs” after “relocation costs”; and

(B) by inserting “or sharing” after “for relocation”; and

(3) in paragraph (6)—

(A) in the 1st sentence, by inserting “and the timely implementation of arrangements for the sharing of such frequencies” before the period at the end;

(B) in the 2nd sentence—

(i) by striking “by relocating to a new frequency assignment or by utilizing an alternative technology”;

(ii) by inserting “or limit” after “terminate”; and

(iii) by inserting “or sharing arrangement has been implemented” before the period at the end; and

(C) in the 3rd sentence, by inserting “or sharing” after “relocation”.

(e) SPECTRUM SHARING AGREEMENTS.—Section 113(g) of the National Telecommunications and Information Administration Organization Act, as amended by subsection (d), is further amended by adding at the end the following:

“(7) SPECTRUM SHARING AGREEMENTS.—A Federal entity is permitted to allow access to its frequency assignments by a non-Federal entity upon approval of the NTIA, in consultation with the Director of the Office of Management and Budget. Such non-Federal entities shall comply with all applicable rules of the Commission and the NTIA, including any regulations promulgated pursuant to this section. Any remuneration associated with such access shall be deposited into the Spectrum Relocation Fund established under section 118. The costs incurred by a Federal entity as a result of allowing such access are sharing costs for which the entity is eligible for payment from the Fund for the purposes specified in paragraph (3). The revenue associated with such access shall be at least 110 percent of the estimated Federal costs.”.

(f) SPECTRUM RELOCATION FUND.—Section 118 of the National Telecommunications and Information Administration Organization Act (47 U.S.C. 928) is amended—

(1) in subsection (b), by inserting before the period at the end the following: “and any payments made by non-Federal entities for access to Federal spectrum pursuant to section 113(g)(7)”;

(2) by amending subsection (c) to read as follows:

“(c) USE OF FUNDS.—

“(1) FUNDS FROM AUCTIONS.—The amounts in the Fund from auctions of eligible frequencies are authorized to be used to pay relocation costs or sharing costs, as defined in section 113(g)(3), of an eligible Federal entity incurring such costs with respect to relocation from any eligible frequency or the sharing of such frequency.

“(2) FUNDS FROM PAYMENTS BY NON-FEDERAL ENTITIES.—The amounts in the Fund from payments by non-Federal entities for access to Federal spectrum pursuant to section 113(g)(7) are authorized to be used to pay the sharing costs, as defined in section 113(g)(3), of an eligible Federal entity incurring such costs with respect to such access.

“(3) TRANSFER OF FUNDS.—

“(A) IN GENERAL.—Subject to subparagraph (B), the Director of OMB may transfer at any time (including prior to any auction or contemplated auction or sharing initiative) such sums as may be available in the Fund to an eligible Federal entity to pay eligible relocation costs or sharing costs related to pre-auction estimates or research, as such costs are described in section 113(g)(3)(A)(iii).

“(B) NOTIFICATION.—No funds may be transferred pursuant to subparagraph (A) unless the notification provided under subsection (d)(2)(B) includes a certification from the Director of OMB that—

“(i) funds transferred before an auction will likely allow for timely implementation of relocation or sharing, thereby increasing net expected auction proceeds by an amount equal to or greater than the time value of the amount of funds transferred; and

“(ii) the auction is intended to occur not later than 5 years after transfer of funds.

“(C) APPLICABILITY.—

“(i) PRIOR COSTS INCURRED.—The Director of OMB may transfer up to \$10,000,000 from the Fund to eligible Federal entities for eligible relocation costs or sharing costs related to pre-auction estimates or research, as such costs are described in section 113(g)(3)(A)(iii), for costs incurred prior to the date of the enactment of the Wireless Innovation and Public Safety Act of 2011, but after June 28, 2010.

“(ii) SUPPLEMENT NOT SUPPLANT.—Any amounts transferred by the Director of OMB pursuant to clause (i) shall be in addition to any amounts that the Director of OMB may transfer for costs incurred after the date of the enactment of the Wireless Innovation and Public Safety Act of 2011.”;

(3) in subsection (d)—

(A) in paragraph (1), by inserting “and sharing costs” after “relocation costs”;

(B) in paragraph (2)—

(i) in subparagraph (A), by inserting “or sharing” before the semicolon; and

(ii) in subparagraph (B)—

(I) by inserting “or sharing costs” after “relocation costs”; and

(II) by inserting “or sharing” before the period at the end; and

(C) by amending paragraph (3) to read as follows:

“(3) REVERSION OF UNUSED FUNDS.—

“(A) IN GENERAL.—Any amounts in the Fund that are remaining after the payment of the relocation costs and sharing costs that are payable from the Fund shall revert to and be deposited in the general fund of the Treasury not later than 8 years after the date of the deposit of such proceeds to the Fund, unless within 60 days in advance of the reversion of such funds, the Director of OMB, in consultation with the NTIA, notifies the appropriate committees of Congress that such funds are needed to complete or to implement current or future relocations or sharing initiatives.

“(B) DEFINITION.—In this paragraph, the term ‘appropriate committees of Congress’ means—

“(i) the Committee on Appropriations of the Senate;

“(ii) the Committee on Commerce, Science, and Transportation of the Senate;

“(iii) the Committee on Appropriations of the House of Representatives; and

“(iv) the Committee on Energy and Commerce of the House of Representatives.”;

(4) in subsection (e)(2)—

(A) by inserting “or sharing costs” after “relocation costs”;

(B) by striking “entity’s relocation” and inserting “relocation of the entity or imple-

mentation of the sharing arrangement by the entity”;

(C) by inserting “or the implementation of such arrangement” after “such relocation”; and

(5) by adding at the end the following:

“(f) ADDITIONAL PAYMENTS FROM THE FUND.—

“(1) AMOUNTS AVAILABLE.—Notwithstanding subsections (c) through (e), after the date of the enactment of the Wireless Innovation and Public Safety Act of 2011, and following the credit of any amounts specified in subsection (b), there are hereby appropriated from the Fund and available to the Director of OMB—

“(A) up to 10 percent of the amounts deposited in the Fund from the auction of licenses for frequencies of spectrum vacated by Federal entities; and

“(B) up to 10 percent of the amounts deposited in the Fund by non-Federal entities for sharing of Federal spectrum.

“(2) USE OF AMOUNTS.—The Director of OMB, in consultation with the NTIA, may use such amounts to make payments to eligible Federal entities for the purpose of encouraging timely access to such spectrum, provided that—

“(A) any such payment by the Director of OMB is based on the market value of the spectrum, the timeliness with which the Federal entity cleared its use of such spectrum, and the need for such spectrum in order for the Federal entity to conduct its essential missions;

“(B) any such payment by the Director of OMB is used to carry out—

“(i) the purposes specified in clauses (i) through (vi) of section 113(g)(3)(A) to achieve enhanced capability for those systems affected by reallocation of Federal spectrum for commercial use, or by sharing of Federal frequencies with non-Federal entities; and

“(ii) other communications, radar, and spectrum-using investments not directly affected by such reallocation or sharing but essential for the missions of the Federal entity that is relocating its systems or sharing frequencies;

“(C) the amount remaining in the Fund after any such payment by the Director of OMB is not less than 10 percent of the winning bids in the relevant auction, or is not less than 10 percent of the payments from non-Federal entities in the relevant sharing agreement;

“(D) any such payment by the Director of OMB shall not be made until 30 days after the Director has notified the Committees on Appropriations and Commerce, Science, and Transportation of the Senate, and the Committees on Appropriations and Energy and Commerce of the House of Representatives; and

“(E) the Director of OMB shall make available from such amounts not more than \$3,000,000 per year for each of the fiscal years 2012 through 2016 for use by the Assistant Secretary in carrying out the spectrum management activities of the Assistant Secretary under title V of the Wireless Innovation and Public Safety Act of 2011.”.

(g) PUBLIC DISCLOSURE AND NONDISCLOSURE.—If the head of an executive agency of the Federal Government determines that public disclosure of any information contained in a notification or report required by section 113 or 118 of the National Telecommunications and Information Administration Organization Act (47 U.S.C. 923; 928) would reveal classified national security information or other information for which there is a legal basis for nondisclosure and

such public disclosure would be detrimental to national security, homeland security, public safety, or jeopardize law enforcement investigations, the head of the executive agency shall notify the Assistant Secretary of that determination prior to release of such classified information or other information. In that event, such classified information or other information shall be included in a separate annex, as needed. These annexes shall be provided to the subcommittee of primary jurisdiction of the congressional committee of primary jurisdiction in accordance with appropriate national security stipulations but shall not be disclosed to the public or provided to any unauthorized person through any other means.

**SEC. 1504. STUDY ON SPECTRUM EFFICIENCY THROUGH RECEIVER STANDARDS.**

(a) IN GENERAL.—The Comptroller General of the United States shall conduct a study on efforts to ensure that each transmission system that employs radio spectrum is designed and operated so that reasonable use of adjacent spectrum does not excessively impair the functioning of such system.

(b) REQUIRED CONSIDERATIONS.—At a minimum, the study required by subsection (a) shall consider—

(1) the value of—

(A) improving receiver standards as it relates to increasing spectral efficiency;

(B) improving operation of services in adjacent frequencies;

(C) narrowing the guard bands between adjacent spectrum use; and

(D) improving overall receiver performance for the end user;

(2) the role of manufacturers, commercial licensees, and government users with respect to their transmission systems and use of adjacent spectrum described in subsection (a);

(3) the feasibility of industry self-compliance with respect to the design and operational requirements of transmission systems and the reasonable use of adjacent spectrum described in subsection (a); and

(4) the value of action by the Commission and the Assistant Secretary to establish, by rule, technical requirements or standards for non-Federal and Federal use, respectively, with respect to the reasonable use of adjacent spectrum described in subsection (a).

(c) REPORT.—Not later than 1 year after the date of the enactment of this Act, the Comptroller General of the United States shall submit a report to the appropriate committees of Congress on the results of the study required by subsection (a).

(d) DEFINITION.—For purposes of this section, the term “transmission system” means any telecommunications, broadcast, satellite, commercial mobile service, or other communications system that employs radio spectrum.

**SEC. 1505. STUDY ON UNLICENSED USE IN THE 5 GHZ BAND.**

(a) IN GENERAL.—The Assistant Secretary and the Commission shall, in consultation with the Secretary of Transportation and other stakeholders, conduct a study evaluating known and proposed spectrum-sharing technologies and the risk to Federal and primary users if unlicensed U-NII devices were allowed to operate in the 5350–5470 MHz band and the 5850–5925 MHz band.

(b) SUBMISSION.—Not later than 8 months after the date of the enactment of this Act, the Assistant Secretary and the Commission, acting jointly or separately, shall report on their findings under subsection (a) to the appropriate committees of Congress.

(c) DEFINITIONS.—In this section:

(1) 5350–5470 MHZ BAND.—The term “5350–5470 MHz band” means the portion of the electromagnetic spectrum between the frequencies from 5350 megahertz to 5470 megahertz.

(2) 5850–5925 MHZ BAND.—The term “5850–5925 MHz band” means the portion of the electromagnetic spectrum between the frequencies from 5850 megahertz to 5925 megahertz.

(3) U-NII DEVICES.—The term “U-NII devices” has the meaning given such term in

section 15.403(s) of title 47, Code of Federal Regulations, except for the frequency bands specified in such section.

**SEC. 1506. REPORT ON AVAILABILITY OF WIRELESS EQUIPMENT FOR THE 700 MHZ BAND.**

(a) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, and every 6 months thereafter until January 1, 2016, the Commission shall prepare and submit to the appropriate committees of Congress a report on—

(1) the availability of wireless equipment capable of operating over all spectrum between the frequencies from 698 megahertz to 806 megahertz that is allocated by the Commission for paired commercial or public safety use; and

(2) the potential availability of wireless equipment capable of operating over spectrum made available through reorganization of the television broadcast spectrum under section 1302(b) and the auction of such spectrum under subparagraph (G) of section 309(j)(8) of the Communications Act of 1934, as added by section 1302(a).

(b) CONTENTS.—The Commission shall seek input from the commercial mobile data service industry and include in the report required by subsection (a) an assessment of—

(1) the technical feasibility, and the potential impact on costs, size, battery consumption, and any other factor the Commission considers appropriate, of making equipment capable of operating over some or all of the spectrum described in paragraph (1) of such subsection;

(2) the timeframe for when wireless equipment capable of operating over some or all of such spectrum will be available; and

(3) the feasibility of and progress towards making available wireless equipment that is capable of operating over some or all of the spectrum described in paragraph (2) of such subsection.

## EXTENSIONS OF REMARKS

HARVEY TEYLER TRIBUTE

**HON. SCOTT R. TIPTON**

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, December 13, 2011*

Mr. TIPTON. Mr. Speaker, I rise today in honor of Mr. Harvey Teyler, manager of the Alamosa Mosquito Control District. Mr. Teyler has been awarded the Special District Association of Colorado's 2011 Distinguished Manager of the Year Award.

Presented in September at the SDA's annual conference, this honor recognizes managers who have demonstrated outstanding leadership, dedication and service to their district. The SDI is an association consisting of over a thousand members who promote the effective and economical operation of special districts in Colorado. These districts function as a form of local government that provides basic services and public needs.

Mr. Teyler was recognized for increasing the Alamosa Mosquito Control District's quality of service under the motto "Effective and Efficient." He is well respected for his leadership style, a commitment to thoroughly educating and training his employees, and for never asking them to do something that he has not done himself.

Mr. Teyler leads the District's efforts to protect public health through the surveillance of mosquitoes, counting and identification, various methods of extermination, and West Nile Virus testing, all while adhering to environmentally sensitive practices. After humble origins in a shed with no utilities, the District now operates out of a fully furnished 5500 square foot facility. The citizens of Alamosa, known in the past to be overrun with mosquitoes, are certainly grateful for Mr. Teyler's dedication.

Mr. Teyler is also an active member of the Alamosa community, where he has been a part of the Kiwanis Club, the Blue Peaks organization for the mentally challenged, and the Ranch Advisory Board.

Mr. Speaker, it is an honor to recognize Harvey Teyler. I rise today to thank him for his public spirit and devotion to the health of Alamosa's Citizens.

HONORING BRIAN HUDSON OF THE  
PENNSYLVANIA HOUSING FI-  
NANCE AGENCY

**HON. CHAKA FATTAH**

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, December 13, 2011*

Mr. FATTAH. Mr. Speaker, Pennsylvanians in need of affordable housing, and those of us who advocate for quality, safe housing accessible to all, have a quiet superstar in our midst.

Since 2003, Brian A. Hudson Sr. has served as Executive Director and CEO of the Pennsylvania Housing Finance Agency, the agency that turns the portfolio of affordable housing programs into brick and mortar. His ascension to leadership is well deserved: he has worked at the agency for three decades.

Brian Hudson's work frequently brings him into Philadelphia where PHFA has accomplished near-miracles in public-private-non-profit partnerships and Brian Hudson is legendary for the art of the deal. Those deals provide affordable housing for seniors, for young families, for veterans, for low-income families, for individuals facing substance abuse and Philadelphians with disabilities.

Brian Hudson may not be well-known by the public but those who work with him and his agency hold the man in awe. Mr. Hudson's presence at a ribbon-cutting or turnkey dedication or groundbreaking is a welcome sight, and I've been pleased to share that podium with him on many occasions as an advocate in Congress for these critically needed programs. When Brian Hudson is on the scene, it means the hard work has been done, and it's been done right.

Most recently, on October 31, Mr. Hudson and I, joined by Mayor Michael Nutter and a "who's who" of business and community leaders as well as older residents who were already in residence, dedicated The Apartments at Cliveden in Philadelphia's Germantown neighborhood. The NewCourtland Network's latest development is a \$14.6 million project, launched with major help from Brian Hudson and PHFA, to provide 62 units of affordable, dignified, modern living for seniors 62 and older.

Brian Hudson's list of credits—and responsibilities—in the housing field is long and impressive. He has been a Director of the federally chartered Federal Home Loan Bank of Pittsburgh since 2007. He has served as Vice President and on the board of the National Council of State Housing Agencies. He is a member of the Consumer Advisory Council at The Federal Reserve System.

Since its founding in 1972, the Pennsylvania Housing Finance Agency has financed more than 130,000 houses and 54,000 apartment units while assisting 40,000 homeowners threatened with foreclosure.

In recent months Mr. Hudson's PHFA performed an astounding feat of public service under extreme deadline conditions. PHFA was able to administer and distribute more than \$100 million made available to Pennsylvanians under the Emergency Homeowners' Loan Program (EHLPP) by the U.S. Department of Housing and Urban Development—within less than six months.

I sponsored the EHLPP program in Congress and secured its inclusion in the Wall Street Reform Act. This emergency assistance was based on an earlier program, the Homeowners Emergency Mortgage Assistance Program

(HEMAP) that I developed as a young legislator in the Pennsylvania General Assembly in the early 1980s. That's just about the time a young housing whizkid named Brian Hudson came to work for PHFA, helping that agency turn HEMAP into the nation's premier state-based emergency mortgage assistance program.

Over a quarter century HEMAP provided more than \$433 million in emergency mortgage assistance loans. Nearly 90 percent of Pennsylvania homeowners receiving this assistance have avoided foreclosure. Those clients were Pennsylvanians who had been making their mortgage payments until, through no fault of their own, they lost a job or other income stream and tumbled toward default. Thanks to HEMAP, 17,000 Pennsylvania families were able to stay in their homes, get back on their feet, and even to repay HEMAP for that home-saving loan. In fact, over its lifetime, HEMAP actually turned a modest profit for the taxpayers!

That outstanding track record was worth duplicating, and it became the model for the EHLPP program I introduced. This federal program provided up to \$50,000, or 24 months, of continuing financial assistance, to families who were in danger of losing their homes due to lost income from involuntary unemployment, under-employment or medical expenses. Unfortunately we were able to fund EHLPP only for FY2011. Faced with the rapidly approaching Sept. 30, 2011, deadline and a complex set of regulations for homeowners in need of emergency assistance, Mr. Hudson oversaw the processing and approval of 3,056 applications in Pennsylvania, with distribution of \$108 million in emergency home-saving aid in less than six months. That's more than 10 percent of the EHLPP funds made available coast to coast.

We will be working to bring EHLPP back to life. Meanwhile, Brian Hudson and the Pennsylvania Housing Finance Agency have plenty of work to do. They've been funding a housing locator service for state residents dislocated by Hurricane Irene and Tropical Storm Lee. They are expediting affordable housing developments everywhere in the Commonwealth involving a myriad of municipal, state and federal programs.

The record builds, and tens of thousands of Pennsylvanians are already saying thank you. Through it all, the simple formula for success remains: Brian Hudson = Affordable Housing.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.



CELEBRATING THE WORK OF  
CAROL FIXMAN OF THE PHILA-  
DELPHIA EDUCATION FUND

**HON. CHAKA FATTAH**

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, December 13, 2011*

Mr. FATTAH. Mr. Speaker, on December 16, advocates for educational excellence in Philadelphia will be celebrating the service of a dear friend of mine, Carol Fixman, the soon-to-retire Executive Director of the Philadelphia Education Fund. Together, Carol and I have worked to make the dreams of Philadelphia's school children a reality and to brighten the future of our city.

Under Dr. Fixman's direction, the Ed Fund has been actively engaged in issues of school reform, teacher quality, college access, and community engagement in support of public education. Prior to her appointment at the Ed Fund, Dr. Fixman was Vice President for Academic Affairs and Dean of the Faculty at Philadelphia University, where she provided leadership for more than 40 undergraduate and graduate programs in business, design, architecture, engineering, science, and health.

She has held positions directing international programs at Temple University and at the Association to Advance Collegiate Schools of Business. She has also served as Director of the Philadelphia Education Fund's College Access Program and the Philadelphia Scholars, a citywide initiative to improve access to and success in postsecondary education for Philadelphia public school students. Dr. Fixman has played a critical role in GEAR UP, the nation's premier early college awareness and readiness program and CORE Scholars, a place-based scholarship program serving students in Philadelphia—two programs that I am proud to have launched, nationally and locally.

Dr. Fixman has a distinguished academic record in addition to her achievements in the field of education. She holds a Ph.D. and M.A. in German literature from Brown University and a B.A. in Russian literature from Indiana University (Bloomington).

I want to take this opportunity to acknowledge Carol Fixman's dedication and perseverance toward improving the quality of public education in the Philadelphia region so that underserved youth are prepared for college and careers and thank her for making Philadelphia a better place.

As she retires from the Philadelphia Education Fund, she will surely be missed by all. I urge this body to recognize her contributions and continue to support her work.

CONGRATULATING DR. DAVID  
HALTIWANGER

**HON. JOHN P. SARBANES**

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, December 13, 2011*

Mr. SARBANES. Mr. Speaker, I rise today to honor and congratulate Dr. David Haltiwanger for his tireless efforts on behalf of the health and well-being of people living with

HIV/AIDS and the lesbian, gay, bisexual and transgender community. In his work as a clinician, administrator, teacher and advocate, Dr. Haltiwanger has demonstrated a deep well of compassion, a vision for true inclusiveness and a commitment to using his voice and organizing the voices of others to improve the lives of those in Baltimore, in Maryland, and across the United States.

Dr. Haltiwanger has been involved in the fight against AIDS from the very beginning, first as support to friends and later as a therapist, clinical supervisor and administrator overseeing a range of mental health, substance abuse, health promotion and case management services at Chase Brexton Health Services, Maryland's largest community-based provider of healthcare services to people living with HIV/AIDS. At Chase Brexton, he served as Mental Health Director and later as Director of Clinical Programs and Public Policy. Even as his other responsibilities increased, Dr. Haltiwanger continued to see patients, giving him keen insight into the challenges on the ground and enabling him to be an especially effective advocate in Annapolis and here on Capitol Hill, where he has been a valuable resource to members and staff alike.

Dr. Haltiwanger has channeled his expertise and commitment into the work of two very important national organizations. He served for six years as a member of the Board of Directors of the Communities Advocating Emergency AIDS Relief (CAEAR) Coalition, a leading national voice for the treatment and care needs of people living with HIV/AIDS, and also as a Board Member and Co-Chair of the National Coalition for LGBT Health, which is committed to improving the health and well-being of LGBT individuals through federal advocacy focused on research, policy, education, and training.

In his work as an advocate, Dr. Haltiwanger has been especially committed to educating others in his community about the importance of participating in public policy issues and mentoring them in those efforts. Throughout his career, Dr. Haltiwanger has made an enormous impact on Baltimore and has changed the lives of countless individuals and families in the State of Maryland and beyond. As he retires from Chase Brexton, I would like to thank him for his many years of service and his visionary leadership.

CELEBRATING THE WORK OF  
THOMASENNIA AMOS OF THE  
PHILADELPHIA EDUCATION  
FUND

**HON. CHAKA FATTAH**

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, December 13, 2011*

Mr. FATTAH. Mr. Speaker, Philadelphia's educational advocacy community will be losing one of its most respected and versatile leaders with the retirement of Thomasennia Amos.

Thomasennia Amos is stepping down as the Director of the College Access Program at the Philadelphia Education Fund, where she has served the cause of public education since 1999. Ms. Amos also has directed the Student

Success Centers, a partnership between the College Access Program and the School District of Philadelphia to create a sustainable college-going culture within local neighborhood high schools. In addition, she has supervised the Scholarship Coordinator of the Ed Fund's Philadelphia Scholars.

Among her earlier assignments at the Ed Fund, it is noteworthy that she served as Director of the GEAR UP Initiative (Gaining Early Awareness and Readiness for Undergraduate Programs). GEAR UP, which I developed and guided into law in 1998, has been a national as well as local success story, impacting the educational prospects, jump-starting the higher education opportunities and improving the life chances of 12 million young people in 49 states plus U.S. territories. The GEAR UP partnership of the Ed Fund and the School District of Philadelphia has been a particularly fruitful one.

The Philadelphia Education Fund is simply the latest stop for Thomasennia Amos in her rich and varied career throughout my home town. Before joining the Ed Fund, Ms. Amos served as an instructional supervisor in the School District of Philadelphia. Throughout her career, she has worked in professional development, supporting new teachers and introducing and coaching instructional best practices to school communities. She served under several superintendents in a central office capacity.

Ms. Amos is a dedicated educator who has supported students and teachers in every region of the School District of Philadelphia. She has served as an Adjunct Faculty member at Temple University, University of Pennsylvania, Arcadia University, Drexel University, and Chestnut Hill College. She is also certified as a Principal, and has a strong personal commitment to improving education for Special Education students.

Ms. Amos holds an M.Ed. in Special Education from Arcadia University, and a B.S. in Elementary Education and K-12 Special Education from Pennsylvania State University. She has won countless honors for educational achievement and advocacy, including, in 2010, an award from the Philadelphia Alliance of Black School Administrators.

I ask my colleagues to join with me in congratulating Thomasennia Amos on a lifetime of hard work, dedication and success instilling generations of Philadelphia's young people, especially those from underserved communities with the tools, the will and the incentive to succeed. For an educator as talented as Ms. Amos, transitioning to retirement, this is the highest honor of all.

REMEMBERING MARY BOYCE

**HON. TIM RYAN**

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, December 13, 2011*

Mr. RYAN of Ohio. Mr. Speaker, today I rise to remember the life of Mary Boyce, who passed away on the morning of Thursday, December 1, 2011. Mary was the mother of my good friend Barry Boyce; my thoughts and prayers are with his family. She was a wonderful woman who lived life to the fullest and

always knew the importance of love and family. Therefore, on behalf of the family and friends of Mary, I would like to include her obituary, which appeared in the Public Opinion on December 2, 2011, in today's CONGRESSIONAL RECORD:

**MARY T. BOYCE OBITUARY**

Mary T. Boyce, 97, of The Village of Laurel Run, Fayetteville, died in the early morning on December 1, 2011. Mary was born in New York City, on January 15, 1914, to Cornelius (Neil) Gibbons, a New York City Police Sergeant, who was killed in the line of duty in 1924, and Mary Calhoun, both from County Donegal, Ireland. She graduated from Cathedral High School in Manhattan, 1932. She and her future husband, Donald C. Boyce, Jr., met while they were both working at the 1939 World's Fair, and they were married in New Orleans in 1941. Mary and her husband moved to Chambersburg, where he became personnel manager of T.B. Woods' Sons Company. Mary lived in Chambersburg from 1947 to 1949, and again from 1956 until 1982, shortly after Donald's death. Mary returned in 2006. In addition to raising her children, Mary worked at Sears & Roebuck and as a real estate and economic data gatherer for the Census Bureau.

During her time in Chambersburg, Mary was active in the Corpus Christi Catholic Church. She took part in the Red Stocking Revue and the garden club and was a dedicated member of the Chambersburg Country Club and played golf until age 88. She was a voracious reader and bridge player, a diligent letter writer, and an excellent cook. She kept track of the activities of her far-flung family on a daily basis until her final days. In April 2009, a video interview with Mary reflecting on her early life and memories of the Great Depression was featured on the New York Times website. The video may be viewed at the site's "The New York Times" section. Mary was predeceased by her eldest son, Donald, of New York City. She is survived by six children: Brian, of Virginia Beach; Neil, of New York City; Robert, of Fayetteville; Mary Jane, of Fairhope, Alabama; Margaret Anne, of Ashland, Oregon; and Barry, of Halifax, Nova Scotia. She is also survived by 14 grandchildren and 12 great-grandchildren.

**PERSONAL EXPLANATION**

**HON. JIM GERLACH**

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, December 13, 2011*

Mr. GERLACH. Mr. Speaker, unfortunately, on Monday December 12, 2011, I missed four recorded votes on the House floor. Had I been present, I would have voted "aye" on Rollcall 913, "aye" on Rollcall 914, "aye" on Rollcall 915, and "nay" on Rollcall 916.

**MONI PIZ WILSON**

**HON. ED PERLMUTTER**

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, December 13, 2011*

Mr. PERLMUTTER. Mr. Speaker, I rise today to recognize and applaud Moni Piz Wilson for her outstanding service to our community.

As owner and operator of Grandma's Frozen Egg Noodles, Moni carries the entrepreneurial spirit necessary to keep her business successful. Moni bought the business in 2001 without formal business training or experience running a company. She took her business from a small shop to one that delivers 200,000 cases of noodles each year.

Moni tackles all tasks with a get-it-done-today attitude. Her spirit for success is not constrained to her business, but extends to the Arvada community as well. Moni not only serves as Vice President of the Arvada Economic Development Association (AEDA) board of directors, but was instrumental in the Foot-hills Animal Shelter "Raising Capital" campaign to fund the construction of the new animal shelter.

Moni's success and community outreach won her the Lloyd J. King Entrepreneurial Spirit Award.

I extend my deepest congratulations to Moni Piz Wilson for her well deserved honor by the West Chamber serving Jefferson County. I have no doubt she will exhibit the same dedication and character in all her future accomplishments.

**PERSONAL EXPLANATION**

**HON. BOB FILNER**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, December 13, 2011*

Mr. FILNER. Mr. Speaker, on rollcall 916, I was away from the Capitol due to prior commitments to my constituents. Had I been present, I would have voted "no."

**CHRISTINE COOK**

**HON. ED PERLMUTTER**

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, December 13, 2011*

Mr. PERLMUTTER. Mr. Speaker, I rise today to recognize and applaud Christine Cook for her outstanding service to our community.

Christine is CEO of INGATHER Research, where she has been a huge influence on the market research industry, developing the first residential home in market research called "The Reality House." Several facilities across the Nation have mirrored her model and efforts of thinking outside the box. With Christine's help, INGATHER Research received BBB's Gold Star Award for Excellence for the past 4 years and has also been chosen as a "Colorado Company to Watch" by Colorado Biz Magazine.

Christine is a leader in the community. She has served as president of Colorado Chapter of BMA (Business Marketing Association), MRA (Marketing Research Association), Colorado Chapter of AMA (American Marketing Association), and Celiac Disease Foundation. In 2010 Christine was awarded the Communicator of the Year Award from the Business Marketing Association and the Colorado Ethics in Business Award.

I extend my deepest congratulations to Christine Cook for her well deserved honor by the West Chamber serving Jefferson County. I have no doubt she will exhibit the same dedication and character in all her future accomplishments.

**HONORING RICHARD L. COTTA**

**HON. DEVIN NUNES**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, December 13, 2011*

Mr. NUNES. Mr. Speaker, I rise today to honor Richard L. Cotta, a pillar of the California dairy industry, on the occasion of his retirement.

Mr. Cotta has spent virtually his entire career in all aspects of the dairy business; from dairy farming to dairy genetics and from dairy processing to dairy politics.

Mr. Cotta is a graduate, with honors, from California State Polytechnic University, San Luis Obispo, with a degree in dairy husbandry.

From 1980 to 1984 he was the CEO of United Dairymen of California, a producer trade organization, until it merged to form Western United Dairymen.

From 1984 to 1993, Mr. Cotta served as the CEO of Western United Dairymen, the largest producer trade association in California.

Since 2007, Mr. Cotta has held the title of President and CEO of California Dairies, Inc. (CDI). His career at CDI began in 1993 when he started as General Manager at San Joaquin Valley Dairymen, a dairy processing and marketing cooperative. In 1999, San Joaquin Valley Dairymen merged with Danish Creamery and California Milk Producers to form CDI. At this time, Mr. Cotta was named Senior Vice President of Producer Affairs and Government Relations, and held this position until he was named CEO in 2007. Under his leadership, CDI profits have reached record levels. Today, CDI is California's largest dairy provider and the 2nd largest in the United States.

Previously, Mr. Cotta worked as a sire analyst for American Breeders Service, a classifier for the Holstein Association of America and a principal in Genetics, Inc. For several years he was a dairy consultant with many successful dairies on feeding, breeding and management systems.

Mr. Cotta has testified before the U.S. Congress and the California Legislature on behalf of the dairy industry. At the request of the Secretary of Agriculture, he has participated in world trade missions to open foreign markets to U.S. dairy products.

Mr. Cotta currently owns and operates Cotta Farms and is a partner in Terra Bella Farms, both almond farming operations. He sits on the following boards: U.C. Davis Deans Advisory Council; California State University Chancellors Ag Advisory Council; Sacred Heart School Foundation; and the Innovation Center for U.S. Dairy. He is also on the Globalization Operating Committee for the U.S. Dairy Export Council.

Please join me in congratulating Mr. Richard L. Cotta on his retirement from California Dairies, Inc.

DR. REBECCA WIEBE

**HON. ED PERLMUTTER**

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, December 13, 2011*

Mr. PERLMUTTER. Mr. Speaker, I rise today to recognize and applaud Dr. Rebecca Wiebe for her outstanding service to our community.

Rebecca is a skilled surgeon and businesswoman as well as a wife and passionate community member. Rebecca dreamed of a facility where cancer patients could receive all medical needs under one roof. Her vision recently became reality when the Red Rocks Cancer Center in Golden opened its doors. Rebecca had her hand in every piece of the cancer center, from raising money to purchasing real estate and even outlining logistics on how the cancer center should run. Rebecca's vision not only is a beacon of light for cancer patients in Jefferson County, but has attracted several medical practices and helped create jobs in Golden.

Rebecca maintains a successful practice as a general surgeon. She is confident, compassionate and highly skilled. Rebecca is not only a leader in Jefferson County, but her leadership extends to the surgical community in Colorado as well where she is the chair of the Surgical Service Line at the Exempla Lutheran Medical Center.

I extend my deepest congratulations to Dr. Rebecca Wiebe for her well deserved honor by the West Chamber serving Jefferson County. I have no doubt she will exhibit the same dedication and character in all her future accomplishments.

## PERSONAL EXPLANATION

**HON. RICHARD L. HANNA**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, December 13, 2011*

Mr. HANNA. Mr. Speaker, on Monday, December 12, 2011, I was unable to be present for recorded votes. Had I been present, I would have voted "yes" on rollcall 913, "yes" on rollcall 914, "no" on rollcall 915, and "no" on rollcall 916.

KATHLEEN CURTIS

**HON. ED PERLMUTTER**

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, December 13, 2011*

Mr. PERLMUTTER. Mr. Speaker, I rise today to recognize and applaud Kathleen Curtis for her outstanding service to our community.

Kathleen is a woman that never rests. After losing her mother to cancer, Kathleen provides much sweat equity in fundraising for cancer treatment organizations by running marathons. She works a very busy daily schedule, but always has time to support the causes she cares for dearly.

Kathleen is a woman that never says no to a person in need. She and her husband have owned and worked for the Village Roaster for 28 years. Kathleen donates many products and services to nonprofits for special events, especially coffee.

I extend my deepest congratulations to Kathleen Curtis for her well deserved honor by the West Chamber serving Jefferson County. I have no doubt she will exhibit the same dedication and character in all her future accomplishments.

## HONORING THE COPPELL HIGH SCHOOL COWGIRL VOLLEYBALL TEAM

**HON. KENNY MARCHANT**

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, December 13, 2011*

Mr. MARCHANT. Mr. Speaker, it is with great pride that I recognize the Coppell High School Cowgirl volleyball team for winning the 2011 Texas state championship title.

The Cowgirls finished the season with a 42-8 record and the program's first ever state championship. Coppell High School competes in the University Interscholastic League Class 5A, the most competitive athletic class composed of the largest schools in Texas. The Cowgirls have appeared in the state tournament three times in their 29-year history. Their last appearance was 14 years ago.

Coppell had an exciting 2011 season, finishing second place in District 7-5A. With their second-place district standing, the Cowgirls went on to the bi-district game where they defeated Flower Mound High School with match scores of 22-25, 25-22, 25-12 and 25-19. Following the bi-district victory, the Cowgirls played Colleyville Heritage High School in the area championship. Coppell won the game with the match scores of 25-11, 25-9, 18-25 and 25-16.

In the regional tournament, the Cowgirls defeated the defending state champions, Hebron High School, in a dramatic five-game match. Coppell lost the first two matches, and in an amazing turnaround, the Cowgirls won the next three matches to advance to the regional tournament. The match scores for the Coppell-Hebron quarterfinal game were 22-25, 23-25, 28-26, 25-21 and 15-10.

In the regional semi-final game, Coppell swept Arlington High School with match scores of 25-23, 25-16 and 25-13. Prior to the Coppell-Arlington matchup, Arlington had been on a 17-match winning streak. Coppell continued their sweep by defeating Marcus High School in the regional championship in three matches. The Coppell-Marcus match scores were 22-20, 25-20 and 25-15.

The Cowgirls made it through the regional tournament to the state semi-finals, where they played San Antonio Johnson High School in a dramatic five-game match series. The Cowgirls took the win with the match scores 14-24, 25-16, 21-25, 25-20 and 15-10. In the Texas volleyball state finals, Coppell defeated McKinney Boyd High School to take the state championship title. The Coppell-McKinney Boyd match scores were 25-22, 25-19, 20-25 and 25-19.

I am extremely proud of the Coppell Cowgirl volleyball team. I would like to recognize each player on this state championship team: Megan Kennedy, Kristen Dickerson, Sarah Arnold, Erica Bohannon, Cassidy Pickrell, Kierra Hoist, Kylie Pickrell, Jordan Jones, Bear Bass, Chiaka Ogbogu, Lindsay Stivers, Mary-Kate Marshall and Kate Dicken. The team was guided by an exceptional coaching staff that included head coach Julie Green and assistant coaches Megan Geeslin, Megan Boyd and Robyn DeArmond. Lastly, the Cowgirls were taken special care of by their student trainers, Makenna Hares and Erin Gillen.

Mr. Speaker, on behalf of the 24th Congressional District of Texas, I ask all my distinguished colleagues to join me in congratulating the Coppell Cowgirl volleyball team on winning the state championship title.

VIONA MAE HADER

**HON. ED PERLMUTTER**

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, December 13, 2011*

Mr. PERLMUTTER. Mr. Speaker, I rise today to recognize and applaud Viona Mae Hader for her outstanding service to our community.

Viona is an inspirational and active member of the Golden community. She first moved to Golden in 1941 where she helped to establish and revitalize community events. In an effort to expand local trail rides, Viona helped revitalize the Buffalo Bill Days parade. She played an instrumental role in establishing the Foothills Art Center by purchasing the building and converting it into a gallery.

Viona is knowledgeable and observant. When she saw veterans receiving American flags for their service, she wondered how she could showcase these amazing soldiers' accomplishments. Soon after, she started the Flag Project at the Golden Cemetery. At the beginning, there were only eight flags, but now there are over 315 flags every Memorial Day, July 4th and Labor Day.

Viona is a pioneer. She was the first full-time employee of the Golden Chamber of Commerce and helped develop the first Golden tourist program. Among her many firsts, Viona is credited with writing the first History of Golden.

I extend my deepest congratulations to Viona Mae Hader for her well deserved honor by the West Chamber serving Jefferson County. I have no doubt she will exhibit the same dedication and character in all her future accomplishments.

## RECOGNIZING CONTRA COSTA COLLEGE PRESIDENT MCKINLEY "MACK" WILLIAMS

**HON. GEORGE MILLER**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, December 13, 2011*

Mr. GEORGE MILLER of California. Mr. Speaker, I rise to recognize Contra Costa College President McKinley "Mack" Williams and

congratulate him as he approaches his well earned retirement.

Born in San Francisco and raised in Richmond, California, McKinley attended local elementary schools and graduated from Richmond High School. He earned his Masters of Science degree in Counseling from San Francisco State University and a Masters of Arts degree in Clinical Psychology from the University of Colorado, Boulder. It was in Colorado that McKinley began his teaching career as a Professor of Ethnic Studies.

Upon his return to the Bay Area, McKinley worked as a marriage and family counselor as well as a Professor of Psychology at Merritt College. During his early career, McKinley served as a Director of Research and Planning and Dean of Instruction at Merritt College, as well as Dean of Instruction at the College of Alameda.

As a well-respected expert in his field, McKinley has presented professional papers at many conferences dealing with community colleges and conducted research on critical issues facing educators. In 1990, McKinley joined the administration of Contra Costa College as Dean of Instruction. In 2005 he was appointed Interim President until July of 2006 when he was named President of the college. The college faculty and staff as well as the students who attended Contra Costa College are justifiably proud of the development of programs under McKinley's leadership. He has assembled a staff of educators who day after day helped him deliver on the promise of a quality education for all. Dedicated to breaking barriers to education for all students, particularly African American males, McKinley Williams has made a decided difference in the lives of thousands of our Bay Area youth.

In addition to his commitment to higher education, McKinley has lent his time and talent to a wide variety of organizations in our community. He serves on the board of the Richmond Children's Foundation, on the Schools-To-Careers Advisory Board for West Contra Costa Unified School District, is a member of the Leadership Advisory Committee for El Cerrito High school and serves on the Executive Board of the National Consortium of Middle College High School. He is also one of the few honored male members of The Black Women Organized for Political Action and is a lead singer for the popular gospel group Consonance. He is active on both the Richmond and San Pablo Chambers of Commerce and an active member of the Richmond-Pinole Lions Club.

I am pleased to have this opportunity to publically recognize Costa Community College President McKinley Williams and thank him for his tireless work that has left an indelible imprint on our community. Through his leadership, he has ensured that students of all ages are well prepared for continuing education, new careers, and life. On behalf of our children, families and the communities served so well by his tenure I thank McKinley Williams, and wish him a healthy and happy retirement.

BUNNY MALM

### HON. ED PERLMUTTER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, December 13, 2011*

Mr. PERLMUTTER. Mr. Speaker, I rise today to recognize and applaud Bunny Malm for her outstanding service to our community.

Bunny has been active in the Lakewood community since it was first incorporated. Bunny served as Lakewood's first Charter Chairman of the city's Board of Adjustment. Among Bunny's many board positions in the Jefferson County community, she served two years as chairman of the Jefferson County Planning Commission. Bunny currently serves as a Board member of the Lakewood Historical Society and the West Colfax Community Association.

Bunny's get up and go attitude has led her to become a volunteer ambassador for the Lakewood-West Colfax Business Improvement District. When Bunny isn't busy working on one of her many board duties or volunteering at a local charitable group, she can be found picking up trash on West Colfax. That's who Bunny is—compassionate, outgoing and always willing to lend an extra hand.

I extend my deepest congratulations to Bunny Malm for her well deserved honor by the West Chamber serving Jefferson County. I have no doubt she will exhibit the same dedication and character in all her future accomplishments.

### PERSONAL EXPLANATION

### HON. JIM JORDAN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, December 13, 2011*

Mr. JORDAN. Mr. Speaker, I was absent from the House floor on Monday, December 12. Had I been present, I would have voted "aye" on rollcalls 913, 914, and 915, and "no" on rollcall 916.

AMY SHERMAN

### HON. ED PERLMUTTER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, December 13, 2011*

Mr. PERLMUTTER. Mr. Speaker, I rise today to recognize and applaud Amy Sherman for her outstanding service to our community.

Amy Sherman is a woman of integrity, vision, and perseverance. While serving ten years as the President of the West Chamber, Amy founded and helped develop many organizations geared to help businesses flourish in Jefferson County. These organizations include the Jefferson County Business Resource Center, the Rooney Valley Association, and the Celebrate Women of Jefferson County Event. Amy also started the tourism initiative named Experience Jefferson County.

Amy sees the bigger picture and is willing to take the risks necessary for her projects to

succeed. Due to her keen eye and purposeful spirit, Amy was awarded the Colorado Chamber of Commerce Executive of the Year in 2008.

Awards and congratulations are not what drive Amy; she strives to make every person's life in the community better. Whether sitting on one of 14 boards throughout her ten years as the West Chamber President, or volunteering with the Twin Connection to mentor a meth-addicted mother of twins, or chairing events for her children's school PTA, Amy focuses on the betterment of her community for now and many years to come.

I extend my deepest congratulations to Amy Sherman for her well deserved honor by the West Chamber serving Jefferson County. I have no doubt she will exhibit the same dedication and character in all her future accomplishments.

### PERSONAL EXPLANATION

### HON. BOB FILNER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, December 13, 2011*

Mr. FILNER. Mr. Speaker, on rollcall 915, I was away from the Capitol due to prior commitments to my constituents. Had I been present, I would have voted "no."

JENNIFER HERRICK

### HON. ED PERLMUTTER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, December 13, 2011*

Mr. PERLMUTTER. Mr. Speaker, I rise today to recognize and applaud Jennifer Herrick for her service to the people of Colorado.

Jennifer exudes the character of a caring citizen and passionate mother. She is a consistent foster mother to troubled, at-risk teens and rescue animals. As a foster mother, Jennifer cares for her foster children long after they have left her care, no matter where the children end up. As a rescue animal enthusiast, Jennifer is especially compassionate for larger breeds including Newfoundlands and Great Danes, and is a large contributor to Rocky Mountain animal rescue organizations.

Jennifer owns a small consignment shop in Evergreen named CRAVE. She is known for being environmentally conscious and community-friendly by donating unwanted items from her store to EChO (Evergreen Christian Outreach).

She is a large supporter of small businesses, by offering area retailers and organizations frequent discounts at her store. Jennifer also sends email notices to her customers asking that they shop locally and support their community.

I extend my deepest congratulations to Jennifer Herrick for her well deserved honor by the West Chamber serving Jefferson County. I have no doubt she will exhibit the same dedication and character in all her future accomplishments.

HONORING BAKER COLLEGE'S  
100TH YEAR OF EDUCATIONAL  
SUCCESS

**HON. DALE E. KILDEE**

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, December 13, 2011*

Mr. KILDEE. Mr. Speaker, I rise today to honor Baker College as it celebrates 100 years of educational success.

Baker Business University, as it was known then, was founded by Eldon E. Baker of Flint, Michigan in 1911. Mr. Baker focused on creating a school that provided higher education and training that would enable graduates to have a successful business career. Eldon Baker's vision remains a guiding light for Baker College and its students.

After years of success Baker Business University received regional accreditation from the North Central Association of Colleges and Schools, its three campuses merged to form the Baker College System. The following year Baker Junior College was authorized to grant a Bachelor of Business Administration degree and became what is known today as Baker College of Flint. Following the accreditation, Baker College of Flint made an \$11 million investment to renovate the former Mandeville School property. Today, that is the foundation for the state of the art campus that resides in Flint.

Presently, Baker College serves more than 40,000 students on 12 campuses, including Baker College Online, and in four satellite locations; grants certificates and associate, bachelor's and master's degrees in business, health sciences, education, human services, and various technical fields, as well as a doctorate of business administration. Baker College is a principal in the Greater Flint economy and tool for thousands to better themselves and their families.

Mr. Speaker, please join me in congratulating Baker College on 100 years of growth and success. I wish continued prosperity for the college, its employees, and most importantly the students.

MARIAN METSOPOULOS

**HON. ED PERLMUTTER**

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, December 13, 2011*

Mr. PERLMUTTER. Mr. Speaker, I rise today to recognize and applaud Marian Metsopoulos for her outstanding commitment to our community.

Marian is dedicated to preserving the history and heritage of Lakewood and Jefferson County. As a dedicated historian, Marian looks to the future and the generations impacted by her efforts to save the past.

Her passion extends to the arts as well, where she served as coordinator of the Foothills Arts Center for twenty four years. Marian was a pioneer in making the Foothills Arts Center a known name in the community. Her collaboration with local artists and business put the center on the map.

Marian's many accomplishments include support for heritage education, restoration projects for Lakewood's Heritage Center and the Buffalo Bill Museum and grave.

I extend my deepest congratulations to Marian Metsopoulos for her well deserved honor by the West Chamber serving Jefferson County. I have no doubt she will exhibit the same dedication and character in all her future accomplishments.

HONORING THE SOCIETY OF  
INNOVATORS CLASS OF 2011-2012

**HON. PETER J. VISCLOSKY**

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, December 13, 2011*

Mr. VISCLOSKY. Mr. Speaker, it is my distinct honor to commend Ivy Tech Community College Northwest and its regional partners, who recently celebrated their 7th Annual "Spirit of Innovation" Induction Ceremony, in which twenty-three individuals and sixteen teams were inducted as members of the 2011-2012 class of the Society of Innovators of Northwest Indiana. Individuals were selected from these new members and inducted as Society Fellows for their exceptional efforts in innovation. These individuals include: Mayor Jon Costas, Robert Johnson III, Julie Rizzo, Angela Hambling, and Janet Brown, Ph.D. Also honored was the Chanute Prize team recipient, IVDiagnostics at Entech, Valparaiso. For their outstanding efforts, these honorees were inducted during a prestigious event that took place in the Pavilion Ballrooms located at the Horseshoe Casino in Hammond, Indiana, on October 20, 2011.

The Society of Innovators of Northwest Indiana was created by Ivy Tech Northwest with the goal of highlighting and encouraging innovative individuals and groups within the not-for-profit, public, and private sectors, as well as building a "Culture of Innovation" in Northwest Indiana. The importance of innovation in Northwest Indiana, as well as globally, is crucial in today's ever-changing economy.

The five Fellows selected by the Society of Innovators were chosen for their remarkable diversity of innovation and the impact of their efforts throughout the community of Northwest Indiana. The 2011-2012 individuals named Society Fellows are as follows: Mayor Jon Costas, of Valparaiso, has worked hard to ensure that the City of Valparaiso is an innovative leader. Revitalizing the downtown area, creating a new urban park, improving the city's infrastructure, and launching a citywide bus service, as well as a commuter bus to Chicago, are some of the many outstanding projects completed under the direction of Mayor Costas. Robert Johnson III is the President/CEO of Cimcor, Inc., Merrillville. Robert developed cutting edge information technology security software that takes real time change detection to the next level by offering instant remediation of unauthorized changes. This security software system is used by the United States Army and the National Nuclear Security Administration, among others. Julie Rizzo is the President of US Greenworks, LLC and is also Executive Director of My Choice Recy-

cling, Saint John. Julie's network of granite recycling centers has saved an estimated five million pounds of granite and stone scraps from being dumped into landfills nationwide. Angela Hambling, Principal of Rolling Prairie Elementary School in La Porte County, created an offsite activities center that is used to improve the educational outcome of underserved minority students. Angela, along with school administrators and teachers, was able to help over 100 students this past year. As a result of this exceptional program, the school's status was raised to "exemplary." Janet Brown, Ph.D. is the Dean of the College of Nursing, Valparaiso University. Under Dr. Brown's direction, the College of Nursing's enrollment went from 25 students to 350 undergraduate students, 45 master's program students, and 28 doctoral students. Dr. Brown also initiated the overseas "cultural immersion" experiences for nursing students.

The recipient of the Chanute Prize for Team Innovation is: IVDiagnostics at Entech Innovation Center, Valparaiso. IVDiagnostics launched a new diagnostic tool to help in the fight against cancer by indentifying rare circulating tumor cells in vivo. This procedure is non-toxic and also helps to eliminate issues that arise in current methods, which calculate high false positives and negatives. Preclinical studies have been conducted at two medical centers which illustrate the effectiveness of this innovative technology.

Mr. Speaker, I ask you and my distinguished colleagues to join me in commending these outstanding innovators on being named Society Fellows and the Chanute Prize recipient. Their dedication and commitment to innovation is truly an inspiration. Their years of hard work have played a major role in shaping future development in Northwest Indiana and communities worldwide, and each recipient is worthy of the highest praise.

PERSONAL EXPLANATION

**HON. TIMOTHY V. JOHNSON**

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, December 13, 2011*

Mr. JOHNSON of Illinois. Mr. Speaker, on Tuesday, December 13, 2011, I was unable to attend the first vote of a Point of Order for Unfunded Mandate on H.R. 3630 raised by Representative MOORE. The Chair then called a Question of Consideration to Rule for H.R. 3630.

As you know, the House was not scheduled to be in Session this week and Monday evening I held a listening event with concerned citizens in the town of Savoy. I could not, in good conscience, cancel on a group that had been on my schedule for several months. On Tuesday, December 13, 2011, I was traveling from my district to Washington, DC, when this unanticipated Point of Order was raised.

Had I been present, my votes would have been as follows: for Question of Consideration of the Resolution, I would have voted "yea."

REMEMBERING MRS. GRACE  
TYSON

## HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, December 13, 2011*

Mr. VISCLOSKY. Mr. Speaker, it is with deep sadness but with great respect that I take this time to remember one of Northwest Indiana's finest citizens, Mrs. Grace Tyson, of East Chicago, Indiana. Mrs. Tyson's many contributions to the Northwest Indiana community as a civil servant and as a leader within her church are worthy of our deepest admiration. Grace passed away at the age of 103 on Friday, November 25, 2011, but the impact and influence she has had on her community will surely live on for generations to come.

Grace Tyson was born in Unity, Illinois, to Mary and Dee McCondle. She attended elementary school in Unity, Illinois, graduated from high school in Sandusky, Illinois, and later attended college in Carbondale, Illinois. In 1940, she married Charles Tyson and they settled down in the city of East Chicago, Indiana. Grace graduated with distinction from Beauty and Cosmetology School in Gary, Indiana, in 1945. Her lifelong career as a licensed cosmetologist and beautician lasted 51 years, until her retirement in 1996. Grace joined Saint Mark African Methodist Episcopal Zion Church in the early 1940s. She became a faithful member of the church and Missionary Society, holding the offices of President and Secretary.

Throughout her life, Mrs. Tyson gave of her time to serve those in need. She was very passionate about helping others, and her life was centered around this type of work. She was one of the very first individuals to serve as a volunteer driver for Meals on Wheels, a position she held for over five years. She was a member of the Women's Improvement Club of East Chicago, for which she served as President, Secretary, and Treasurer. Grace also became the area representative and delegate for senior citizens at the Statehouse in Indianapolis. For her truly impressive determination to improve the lives of so many, she was awarded the Governor's Proclamation for her years of service. Grace was known as a quiet, effective leader who served as a positive role model for many young men and women throughout the community of Northwest Indiana.

While Grace Tyson was always active in her community and her church, she cherished her time with her family the most. She leaves to cherish her memory her nieces, Mary Perry and Martha Brownlee; nephew, Tommy (Gwendolyn) Daniel; godson, Edward Williams; and special neighbor Anna Williams; as well as many grand nieces and nephews. She will also be greatly missed by her many friends, neighbors, club members, and caretakers.

Mr. Speaker, I respectfully ask that you and my other distinguished colleagues join me in honoring Grace Tyson for her outstanding devotion to her community in Northwest Indiana. Her unselfish and lifelong dedication to those in need is worthy of the highest commendation. Grace's selflessness was an inspiration

to us all, and I am proud to have represented her in Congress.

TRIBUTE TO JAMES MARK  
McNATT

## HON. LOUIE GOHMERT

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, December 13, 2011*

Mr. GOHMERT. Mr. Speaker, I rise today to pay tribute to Mr. James Mark McNatt, a remarkable Texan who died on July 31, 2011. James was born in Denton, TX to James Arby and Margaret Revell McNatt and in 1966 he married the love of his life, Judy Blankenship. James and Judy went on to raise three children in Carthage, TX and James was the proud grandfather to seven grandchildren.

As a young man, James served in the U.S. Army and was stationed in Germany for two years. In 2007 he retired from East Texas Medical Center in Carthage after 25 years of service. James was a respected member of the New Life Baptist Church and The Gideons International, and was known to have the perfect scripture for any situation.

James loved his life in Carthage, where he resided for 28 years. All three of his children went to Carthage High School, where James and Judy could always be found cheering in the stands, working in the concession stand, or helping behind the scenes. James never stopped being an active community member—whether it was volunteer work or running his snowcone stand in the summer. Judy has worked for the local radio station for 20 years.

In 2002, James was diagnosed with Parkinson's disease, but he never skipped a beat. James and Judy still continued to travel to see the grandchildren's dance recitals, cheer competitions, and soccer games and visit the Longview Fire Station where his son was a firefighter. James adamantly believed a cure for Parkinson's was possible and planned for guests of his memorial to make donations to the American Parkinson's Disease Association. James also served time on the board of the local American Heart Association chapter.

His family will remember James as a man of faith and perseverance. One who made it a priority to have the whole family together, making sure the annual White Elephant Gift Exchange was on the calendar and one who loved others unconditionally.

James is survived by his wife for 45 years, Judy McNatt, daughters Jennifer Mattingly and husband Chris, Jessica Huff and husband Bill, and son (James) Michael McNatt and wife Melinda. He is also survived by his grandchildren, Molly and Riley Mattingly; Baylee, Kennedy, Cooper and Hadley Huff; and Lani McNatt. In addition, James is survived by sisters Fran Ryals, Sissy Frady Hamlin, and brothers Buster McNatt and Bill McNatt. Finally, James leaves behind a large host of family and special friends throughout Texas and beyond.

TO RECOGNIZE THE CONTRIBU-  
TIONS OF BEN ETTLEMAN

## HON. GERALD E. CONNOLLY

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, December 13, 2011*

Mr. CONNOLLY of Virginia. Mr. Speaker, I rise to recognize Ben Ettleman, owner and Chief Executive Officer of Davis Industries and to congratulate him on the occasion of his 90th birthday.

Mr. Ettleman moved Davis Industries to the Lorton area in 1970, and, under his leadership, Davis Industries continues to be an involved and active community partner. When asked what advice he would give to a person entering business, he replied: "You must establish good relationships with your employees, your vendors, suppliers and manufacturers—but you must never forget to develop a good relationship with your community. That's vital!" Mr. Ettleman's life has been true to this philosophy; his robust support for area non-profits has been invaluable to the Lorton and greater Fairfax County communities.

Countless local and national programs and charities have benefited from Mr. Ettleman's leadership and direction. He allows his metal crushing site to be used in training the Fairfax County Fire and Rescue Department in the "Jaws of Life" program. He also helped found the "Police Unity Tour" to honor fallen officers. In response to the bombing of the federal building in Oklahoma City, Mr. Ettleman donated \$25,000 to help provide care for children who were burned as a result of the tragedy. He has provided critical leadership and financial support to local high school all-night graduation parties, renovations of public parks, food drives, holiday celebrations at local shelters, educational scholarships, little league teams, art programs, and even spay-and-neuter programs. The Lorton Community Action Center, Boys & Girls Club, Jewish National Fund, Georgetown University Parkinson's Research Center, Fairfax County Police and Fire and Rescue Departments, United Community Ministries, South County Little League, and the Lorton Arts Foundation are just a few of the many organizations that have been able to provide assistance, education, and public safety services to thousands of residents thanks to the leadership and generosity of Ben Ettleman.

Mr. Ettleman recently celebrated his 90th birthday on August 11, 2011, and in recognition of his many contributions and accomplishments, the Fairfax County Board of Supervisors has proclaimed the day as Ben Ettleman/Davis Industries Day in Fairfax County.

Mr. Speaker, I ask my colleagues to rise and join me in congratulating Mr. Ettleman on this prestigious recognition and wishing him a very happy birthday. I also want to thank him for his selfless contributions, which have benefited so many in our community. I hope that his record of leadership will serve as a model of community service to future generations.

IN SUPPORT OF THE FARM DUST  
REGULATION PREVENTION ACT  
AND THE SYNTHETIC DRUG CON-  
TROL ACT

**HON. NICK J. RAHALL II**

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, December 13, 2011*

Mr. RAHALL. Mr. Speaker, had I been present last Thursday, I would have voted for the Farm Dust Regulation Prevention Act, H.R. 1633, as well as the Synthetic Drug Control Act, H.R. 1254.

H.R. 1633 would prevent the EPA from issuing any new rule over the next year to regulate coarse particulate matter, or "nuisance dust." While there is no such regulation currently pending, the concerns of my constituency with respect to the possibility that such a rule could be used to prevent coal mining or may interfere with farming or construction activities prompt my support of this bill.

H.R. 1254 would expand the list of Schedule I narcotics under the Controlled Substances Act to include cannabimimetic agents, the chemicals that are commonly known as synthetic drugs. The bill would prohibit the sale, distribution, or use of those chemicals without a permit issued by the Drug Enforcement Administration (DEA).

Synthetic drugs, sometimes known by their street names as K2, Spice, and bath salts, imitate the hallucinogenic and stimulant effects of illegal drugs. Synthetic drugs can affect the brain in a manner that is similar to Schedule I drugs and are sold to consumers as harmless alternatives to marijuana, cocaine, or methamphetamines. There are numerous instances where the use of these drugs has resulted in agitation, anxiety, seizures, tremors, hallucinations, paranoia, and death.

Drug abuse is a serious health problem in southern West Virginia, one that threatens our communities, our homes, and our children. Too often, there is a misconception that these imitation drugs are not as dangerous as the Schedule I narcotics they seek to simulate. That's a gross distortion that this legislation seeks to correct. I believe we must be unrelenting in getting these designer drugs off the streets and out of the hands of our children. Passing this legislation will help us to send a clear moral message that these synthetic drugs carry with them deadly consequences—not just for the users, but for their families and communities.

IN RECOGNITION OF GEORGE  
PAKIDIS

**HON. GERALD E. CONNOLLY**

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, December 13, 2011*

Mr. CONNOLLY of Virginia. Mr. Speaker, I rise to recognize George Pakidis for his years of service in the fight against drunk driving.

Each year thousands of people are injured or killed by drunk drivers. The numbers of accidents and fatalities skyrocket during holiday seasons, especially Independence Day and

New Year's Eve. To help prevent these senseless tragedies, local business leaders worked with law enforcement and government agencies to develop programs that would keep intoxicated drivers off of our roads. George Pakidis is one of the leaders in this effort.

For 14 years, George has served on the Board of Washington Regional Alcohol Program (WRAP). Founded in 1982, WRAP is an award winning public-private coalition that seeks to prevent drunk driving, drugged driving, and underage drinking in the Washington metropolitan area through innovative education programs and advocacy. As Vice President of Red Top Cab, a regional taxi service based in Northern Virginia, George recognized an opportunity to decrease the number of instances of drunk driving by spearheading a free cab ride service known as SoberRide, which functions as part of the WRAP program. In the 12 years that George has been its Chairman, SoberRide has grown to include nine participating taxi companies and has kept more than 52,000 drunk drivers off of our roads. His innovative approach to this problem has prevented countless accidents and saved thousands of lives.

George will soon be retiring from Red Top Cab as well as from his positions with WRAP and SoberRide. His leadership and foresight will be greatly missed. During his tenure the number of accidents has declined significantly, and the regional alcohol-related traffic death rate is consistently lower than the national average.

Mr. Speaker, I ask that my colleagues join me in thanking George Pakidis for his immeasurable service to our community and for his efforts to eradicate drunk driving. Let us wish George continued success in his retirement.

HONORING OFFICER DERIEK  
WAYNE CROUSE

**HON. H. MORGAN GRIFFITH**

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, December 13, 2011*

Mr. GRIFFITH of Virginia. Mr. Speaker, I submit these remarks in memory of Officer Deriek Wayne Crouse, a loving father and husband and dedicated law enforcement officer. Officer Crouse was killed in the line of duty on Thursday, December 8, 2011.

My deepest sympathies are with the family of Officer Crouse, the Virginia Tech Police Department, and the entire Hokie Nation. A 4-year veteran of the Virginia Tech Police Department, Officer Crouse was devoted to serving and protecting the students at Virginia Tech. This tragic event is a stark reminder of the many dangers law enforcement personnel face on a daily basis.

He joined the Virginia Tech Police Department on October 27, 2007, and served in the patrol division. Officer Crouse received his law enforcement certification on February 12, 2008, from the Cardinal Criminal Justice Academy. He was trained as a Crisis Intervention Team (CIT) officer, General Instructor, Firearms Instructor, Defensive Tactics instructor and most recently completed training for Ad-

vance Law Enforcement Rapid Response and Mechanical and Ballistic Instructor. Since February 2011, Officer Crouse was a member of the Virginia Tech Police Emergency Response Team. In 2008, he also received an award for his commitment to the department's Driving Under the Influence efforts.

Before joining the Virginia Tech Police Department, Officer Crouse worked at the New River Valley Jail and the Montgomery County Sheriffs Department. He was a proud veteran of the United States Army.

Officer Crouse, formerly of Galax, resided in Christiansburg, VA. He is survived by his wife, Tina Akers Crouse; son, Dustin Crouse; stepchildren, Logan and Hayden Schack, and Tyler and Peyton Robinette; parents, Tony Crouse and Bonita Arnold; and brothers, Darris Upchurch and Kevin Crouse.

I am honored to pay tribute to this great man. Officer Crouse will be long remembered throughout the Virginia Tech and law enforcement communities. My continued prayers are with his family as they grieve this tragic loss. Southwest Virginia has truly lost one of its finest.

CELEBRATING THE 50TH ANNIVERSARY OF KING'S PARK AND THE  
4TH ANNUAL POTLUCK DINNER

**HON. GERALD E. CONNOLLY**

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, December 13, 2011*

Mr. CONNOLLY of Virginia. Mr. Speaker, it is my great honor to recognize the 50th Anniversary of the Kings Park Community, and the 4th Annual Potluck Dinner. The quality of life enjoyed by the residents of Kings Park is a testament to the strong community spirit that has existed for half a century.

King's Park is a community of 1100 homes located in central Fairfax County, in the heart of the 11th Congressional District of Virginia. Although this is a very large community, it maintains the feel of a true neighborhood or small town. Within the Kings Park boundaries, there are two elementary schools, a large public park, and a community swimming pool. The residents are well served by the local civic association; King's Park Civic Association (KPCA). KPCA publishes The Gazette news letter, helps to ensure the safety of the residents through its Neighborhood Watch and Block Captain programs, and sponsors community events such as the Annual Yard Sale, 4th of July Parade and Picnic, Children's Holiday Party, Senior's Lunch, and Community Potluck Dinner. In addition, KPCA oversees several citizen committees which address residents' concerns, provide assistance, and facilitate communication with the county on local governmental issues.

Fifty years ago, in 1960, the total population of Fairfax County was 261,417; in 2010 the population had more than quadrupled to 1,081,726. Despite this phenomenal growth, King's Park has retained its unique identity thanks to the efforts of the volunteers and community activists. The success of the King's Park Civic Association can be attributable to its ability to provide tangible benefits to its



residents, and to promote a spirit of collaboration and inclusion.

Mr. Speaker, I ask my colleagues to join me in recognizing the 50th anniversary of King's Park, and the 4th Annual potluck dinner organized by the King's Park Civic Association. I also thank the residents and members of the Kings Park Civic Association for their efforts to ensure that Kings Park remains a wonderful place to call home.

#### PERSONAL EXPLANATION

#### HON. BOB FILNER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, December 13, 2011*

Mr. FILNER. Mr. Speaker, on rollcall 914, I was away from the Capitol due to prior commitments to my constituents. Had I been present, I would have voted "yes."

#### RECOGNIZING THE 4TH ANNUAL LAFAYETTE VILLAGE ARBOR DAY CELEBRATION

#### HON. GERALD E. CONNOLLY

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, December 13, 2011*

Mr. CONNOLLY of Virginia. Mr. Speaker, I rise to celebrate Arbor Day 2011 and to recognize the Lafayette Village Community's annual neighborhood cleanup and tree planting.

Founded by J. Sterling Morton, the first Arbor Day was held in Nebraska April 10, 1872. Arbor Day has since grown to be celebrated in more than 30 countries around the world. Arbor Day recognizes and celebrates the value and beauty of trees in our communities, and it is observed by planting a new tree.

Lafayette Village is a community of 313 homes in Fairfax County, Virginia. This is its fourth annual Arbor/Earth Day ceremony, and tree planting is a longstanding tradition for Lafayette Village. In conjunction with the annual tree planting, Lafayette Village conducts a community cleanup as well. Children are encouraged to participate, which helps to instill the values of community service and teamwork.

Environmental stewardship leads to beautiful communities such as Lafayette Village. Hundreds of trees have been planted over the years as an affirmation of their commitment to this stewardship.

Mr. Speaker, I express my gratitude to the residents of Lafayette Village. Their efforts prove that beautifying a neighborhood requires only a generous amount of time and community spirit.

#### OUR UNCONSCIONABLE NATIONAL DEBT

#### HON. MIKE COFFMAN

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, December 13, 2011*

Mr. COFFMAN of Colorado. Mr. Speaker, on January 26, 1995, when the last attempt at

a balanced budget amendment passed the House by a bipartisan vote of 300–132, the national debt was \$4,801,405,175,294.28.

Today, it is \$15,054,018,277,569.01. We've added \$10,252,613,102,274.73 dollars to our debt in 16 years. This is \$10 trillion in debt our nation, our economy, and our children could have avoided with a balanced budget amendment.

#### RECOGNIZING THE RECIPIENTS OF THE 2011 LIFECIRCLE ALLIANCES KUDOS FOR CAREGIVERS AWARDS

#### HON. GERALD E. CONNOLLY

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, December 13, 2011*

Mr. CONNOLLY of Virginia. Mr. Speaker, I rise today to recognize the winners of the 2011 LifeCircle Alliances Kudos for Community Caregivers Awards. LifeCircle Alliances, a non-profit organization based in Fairfax County, Virginia, is a leader in promoting and enabling independent living for older and adults with developmental, intellectual, or physical disabilities, including our Wounded Warriors.

LifeCircle Alliances has created innovative public-private partnerships with its 45 members including businesses, individuals, educational facilities, philanthropic organizations and government agencies to showcase and raise money for creative and cost-effective long-term care solutions. The funds raised and the efforts of the LifeCircle partners help to create innovative long-term care initiatives, enhance existing programs, and address workforce, mobility and transportation issues. The goal of these efforts is independence for life; ensuring that our older adults and adults with disabilities are able to live independently and with dignity in their communities of choice.

The LifeCircle Alliances Kudos for Community Caregivers Award celebration recognizes the efforts of five outstanding caregivers, who provide dedicated care, day in and day out. The recipients of the 2011 Kudos Awards are:

Inas Eldarwish—For years, Inas and her husband Ayman provided care to their two disabled sons, Ahmed and Hazem. Sadly, Ahmed passed away several years ago. The grace with which Inas handled this tragic loss was remarkable. Through her mourning, she has remained a dedicated and selfless mom to Hazem supporting his interests and helping him reach his full potential.

The Belvoir Woods Healthcare Center Family Council at The Fairfax (BWHCC)—This council is comprised entirely of volunteer family caregivers of current or former BWHCC residents. Through their efforts, residents at Belvoir Woods enjoy guest speaker programs and quality of life resources such as dog therapy visits, loaner scooters, and wheelchairs. They also are able to keep in touch with out-of-area family and friends through the use of free Wi-Fi.

Linda Walthall and Family—Through considerable adversity Linda and Frank Walthall have provided exceptional care for the last 7 years to her elderly mother, who requires 24 hour supervision. It is this selfless devotion to

family that warrants her recognition as an exceptional caregiver.

Colonel Christine Ingle (Rtd)—Col. Ingle has served as a volunteer mentor and caregiver to our Wounded Warriors at Fort Belvoir. She recently has started a program for Veterans who are interested in pursuing careers in the healthcare field after their discharge from the Warrior Transition Unit.

Deborah Dodge—Despite personal obstacles, Deborah has gone above and beyond in single-handedly providing care to her adult son for the last 12 years. Deborah's son is severely ill, and requires 24/7 care. She has served on the Northern Virginia Mental Health Board, and is an exceptional caretaker and maintains her positive and cheerful attitude despite the hardships that she faces.

I congratulate today's winners and recognize each of them for their devotion and personal sacrifices. These individuals are examples of the many thousands of caregivers who put the needs of their families, friends and colleagues above their own. I also would like to applaud the efforts of LifeCircle Alliances. As a strong advocate for public-private partnerships, I commend LifeCircle Alliances for its creative approach to addressing these very important challenges within our community.

Mr. Speaker, I ask that my colleagues join me in paying tribute to today's awardees and in thanking the volunteers, staff, and partners of LifeCircle Alliance for their efforts in providing assistance to not only those in need of care, but to those who provide the care here in our community.

#### PERSONAL EXPLANATION

#### HON. RANDY HULTGREN

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, December 13, 2011*

Mr. HULTGREN. Mr. Speaker, on rollcall No. 904, the RECORD indicates that had I been present, I would have voted "no." This is a mistake. The RECORD should indicate that had I been present, I would have voted "aye."

#### COMMENDING ANTHONY GRIFFIN FOR RECEIVING CAREER EXCELLENCE AWARD

#### HON. GERALD E. CONNOLLY

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, December 13, 2011*

Mr. CONNOLLY of Virginia. Mr. Speaker, I rise today to recognize the many accomplishments of Anthony Griffin and commend him for receiving the International City/County Management Association's Award for Career Excellence in honor of Mark E. Keane. After a career as City Manager for Falls Church, Virginia, Tony came to Fairfax County in 1989.

In 2000 the Fairfax County Board of Supervisors, of which I was a member, appointed Tony as County Executive. As County Executive, Tony Griffin managed the day-to-day operations of a jurisdiction with more than 1 million residents and more than 11,000 employees. Tony presided over Fairfax County during

some of its more challenging times including 9/11, the 2001 anthrax attacks, the Beltway Sniper, Hurricane Isabel, the flooding of Cameron Run in 2006, the 2007 recession, Hurricane Irene, and Tropical Storm Lee. Throughout it all, he has continued to provide outstanding leadership to Fairfax. During his tenure, *Governing Magazine* named Fairfax County its Best Managed County in the Country. Fairfax has won numerous e-government awards including the Digital Counties Survey and the Best of the Web. *Time Magazine* referred to Fairfax as, "the economic success story of our time."

I was pleased to work with Tony Griffin during my 13 years on the Fairfax County Board of Supervisors and I know the value he brought. I urge my colleagues and the residents of Fairfax County, Virginia to join me in commending Anthony Griffin for receiving this Award for Career Excellence, and thank him for his years of dedication to making Fairfax a safe and vibrant community to live and work.

---

HONORING THE SHORT LIFE OF  
ANGELO ZOLTAN SCHWARTZ

---

**HON. MIKE ROGERS**

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, December 13, 2011*

Mr. ROGERS of Michigan. Mr. Speaker, I am honored, yet saddened today to come to the floor to honor the short life of Angelo Zoltan Schwartz. The son of Lawrence Sanson Schwartz IV and his wife Allison, Angelo suffered from a rare bone disease, Osteogenesis Imperfecta (OI). He was born on Monday, November 28, 2011 at 11:29 a.m., just one minute after his twin sister Cecilia Anne Schwartz. Angelo was 4 pounds 15 ounces and was delivered at INOVA Fairfax Hospital in Virginia.

OI, which is a condition causing extremely fragile bones, was the main cause of Angelo's shortened life. Due to this condition his rib cage was fractured in utero and he succumbed to respiratory failure on December 1, 2011 at 3:45 a.m. Over his 64 hours of life, Angelo made a huge impact on everyone who met him, including the nursing and hospital administration staff, who worked together to modify hospital policy to ensure that the Schwartz family could spend as much time together as possible.

Angelo is loved and will be missed by his entire family including his grandparents, Debrah and Barry Shulman of Fayetteville, New York; Joanne and Lawrence Schwartz III of Anaheim Hills, California; and his parents Allison and Lawrence Schwartz IV, and his sister Cecilia Anne Schwartz of Alexandria, Virginia.

TO RECOGNIZE THE 50TH ANNIVERSARY OF MANTUA ELEMENTARY SCHOOL

---

**HON. GERALD E. CONNOLLY**

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, December 13, 2011*

Mr. CONNOLLY of Virginia. Mr. Speaker, I rise today to recognize the 50th Anniversary of Mantua Elementary School. For half a century, Mantua Elementary has provided its students with a superior education and a solid foundation for lifelong learning and becoming productive and responsible citizens.

The school and community have a shared vision for elementary education based on Ernest Boyer's "Basic School" philosophy paired with tenets from DuFour's Professional Learning Communities. As part of the Basic School Network, Mantua focuses on proven elementary best practices; the school as a community, a curriculum with coherence, a climate for learning, and a commitment to character. Teachers and specialists at each grade level work in professional learning teams to assess their students' needs and design integrated curricula using the Basic School's eight commonalities: life cycle, use of symbols, group membership, time and space, the aesthetic, nature, producing and consuming, and living with purpose.

In addition, Mantua Elementary School offers programs in English for Speakers of Other Languages, Special Education for students who need additional assistance, Advanced Academics for exceptionally gifted and talented students, and Total Communication for students who are deaf or hearing impaired. These specialized programs when combined with the school's core educational philosophy ensure that every student is given access to a quality education. The result has been an award winning school and a vibrant, academically charged atmosphere that has enabled the children of our community to excel.

Mantua Elementary School has greatly benefitted under the leadership of its principal, Ms. Jan-Marie Fernandez, who has held this position since 2000. Ms. Fernandez is credited with applying brain-based research to instruction methods in order to improve literacy development for students with learning disabilities, and focus and attention issues. This innovative approach was one factor in Ms. Fernandez being named the 2010 Distinguished Principal by the Virginia Association of Elementary School Principals. As the parent of a child who attended Mantua Elementary School, I have personally witnessed her effectiveness as an administrator and an educator. She has led this large, very diverse school to great success and I thank her for her dedication and commitment to the students and to the community as a whole.

Mr. Speaker, I ask that my colleagues join me in recognizing Mantua Elementary School on the occasion of its 50th Anniversary and in congratulating the students, educators, administrators, and parents on working together as a team for the benefit of all.

HONORING JUDGE ELMER DAVIES, JR.

---

**HON. MARSHA BLACKBURN**

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, December 13, 2011*

Mrs. BLACKBURN. Mr. Speaker, there are citizens making up this great country who never cease to explore, to learn, to grow. Skilled in multiple crafts, these men and women add much to our communities and the quality of our lives. Mr. Speaker, I rise today to celebrate the life and legacy of one such Renaissance man, Judge Elmer Davies, Jr. Patriot, master of the law, and passionate culinary artist, Judge Davies left an indelible mark on his family and our community.

After receiving his law degree from Tulane Law School, and serving as a Reserve Colonel with the United States Marine Corps, Davies began his public service in the legal field and followed in the footsteps of his father, Judge Elmer Davies. President Roosevelt appointed Davies, Sr. to the United States District Court and he became the first Chief Judge of the Middle Tennessee District. Davies, Jr. served as District Attorney General from 1972 to 1982 and then as Circuit Court Judge from 1982 to 1989. Serving Tennesseans from Hickman, Lewis, Perry, and Williamson Counties, Davies cultivated a pristine and upstanding legal reputation.

Judge Davies certainly followed his passions; never settling to look from the outside onto a subject he loved. Wanting to learn more about the art of food, Davies went to France to study the culinary arts. Then seeking to serve folks in a very different way, Davies purchased a hotel in the South Pacific and lived his later years in service to one of his many dreams.

Mr. Speaker, I rise today in celebration of Judge Elmer Davies, Jr. and I ask my colleagues to join with me in honoring his legacy. May his life teach us all to serve with greater nobility and live out our dreams in service to others.

---

TO CONGRATULATE SANDI  
QUALLEY ON HER RETIREMENT

---

**HON. GERALD E. CONNOLLY**

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, December 13, 2011*

Mr. CONNOLLY of Virginia. Mr. Speaker, I rise today to recognize Ms. Sandi Qualley, Executive Director of the Hemophilia Association of the Capital Area (HACA), on the occasion of her retirement following 21 years of dedicated service to those individuals who suffer from bleeding disorders and their families.

HACA is a nonprofit organization that provides many needed services to people with bleeding disorders such as hemophilia and von Willebrand disease and their families. HACA serves more than 250 families in the Washington, D.C., metropolitan area, and it is a chapter of both Hemophilia Federation of America and the National Hemophilia Foundation, the two leading national hemophilia patient organizations. HACA's mission is to improve the quality of life for individuals suffering

from bleeding disorders and their families through education, advocacy, and member services in order to promote research and to raise the resources needed to achieve these goals.

Sandi has been instrumental in ensuring that HACA continues to deliver on its mission. It sends children with bleeding disorders to camps that are equipped to address their specific medical needs. HACA offers educational programming to members of the bleeding disorders community at all stages of life: Families with newly diagnosed infants, school-age children, adolescents, adults, and those now confronting the additional complications that advancing age can pose for an individual with a bleeding disorder. HACA also helps provide financial assistance to needy families and resources to other nonprofit organizations that work with the hemophilia community in an expanding global network.

Mr. Speaker, I ask my colleagues to join me in commending Sandi Qualley for her years of service and in congratulating her on the occasion of her retirement. Her distinguished service has greatly contributed to the advancement and improvement of care and treatment available to individuals suffering from bleed-related afflictions.

#### INTRODUCTION OF H.R. 3648, THE HARBOR FAIRNESS ACT OF 2011

**HON. TIMOTHY H. BISHOP**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, December 13, 2011*

Mr. BISHOP of New York. Mr. Speaker, today, I am introducing legislation to ensure that future expenditures for the maintenance of commercial harbors are equitably distributed, so that all communities—large and small—may optimize the economic benefits of their inland and coastal ports.

Over the past few administrations, far more funds have been collected by the Harbor Maintenance Trust Fund than have been expended on an annual basis—and unfortunately, the adverse signs of underfunding are becoming apparent. Year after year of insufficient maintenance dredging resources for coastal and inland ports has resulted in reduced depths at countless port facilities, and has all but passed over the dredging needs of moderately sized or smaller ports, such as Lake Montauk, in the New York's First Congressional District.

In recent years, there has been a concerted effort in Congress to fully utilize harbor maintenance funds in the Harbor Maintenance Trust Fund for the purpose they were collected. I am a strong supporter of these efforts because I have seen, firsthand, the adverse impacts of shoaled harbors on local and regional economies. When local harbors become filled with sediment, the corresponding reduction of commercial shipping can have a significant adverse impact on the national, regional, and local economies, as well as on the jobs that are directly and indirectly related to ports and shipping.

It is essential that Congress find a way to ensure that funds collected in the Harbor

Maintenance Trust Fund be fully allocated—not only to ensure the viability of commercial shipping, but also to realize the jobs that can be created for port workers and dredgers, as well as through businesses that rely on local harbors for their livelihoods.

However, even if annual collections to the Harbor Maintenance Trust Fund were fully utilized, there is reason to believe that, under the status quo decision process for where funds are expended, the needs of many of the moderate-to-small harbors would remain unmet.

According to information from the U.S. Army Corps of Engineers (Corps), there is a significant backlog of maintenance dredging activities necessary to restore fully authorized project dimensions of existing commercial navigation projects. According to the Corps, the estimated annual maintenance cost to restore authorized projects to their full widths and depths is \$2.3 billion during the first five years. Once this backlog is addressed, the Corps estimates that annual maintenance costs (for year 6 and beyond) would average around \$1.8 billion per year.

Based on the Corps' projection on maintenance dredging needs, it appears that the annual operation and maintenance needs identified by the Corps exceed the amounts that have been collected, annually, by the Harbor Maintenance Trust Fund. This means that, even if annual collections to the Trust Fund are fully allocated, there will be an unmet annual maintenance dredging need far into the future. It is that unmet annual maintenance dredging need that makes the Harbor Fairness Act of 2011 critical to mid-size and small commercial harbors, so that these harbors are not continually left behind.

Over the past few years, I have heard numerous examples of commercial harbors that were passed over for critical maintenance dredging funds from the Corps, in essence, because insufficient funds were made available for maintenance dredging needs. However, in my view, it has been the mid-size and small commercial harbors that have been disproportionately impacted by the lack of annual maintenance dredging funds.

For example, according to the Corps, the agency is currently responsible for maintenance dredging at 1,067 harbors, nationwide. Of this number, only 59 harbors (or 5 percent) are characterized as "high-use" harbors—on those that use at least 10 million tons of commerce annually. The remaining 1,008 harbors that fall under the Corps' maintenance dredging responsibility are characterized as "moderate" or "low-use" harbors.

However, when you look at the President's budget request for the past two fiscal years, it is easy to see the disparity in funding allocations among these categories of harbors.

For example, in the fiscal year 2012 budget request, "high-use" harbors received 66 percent of available funds, while "low-use" harbors received only 6 percent of the funds. This would mean that, under the status quo process for allocating maintenance dredging funding—which has been followed by both Democratic and Republican Presidential administrations—approximately 5 percent of eligible harbors received over 66 percent of the funds made available from the Harbor Maintenance Trust Fund.

Mr. Speaker, as the Representative of a Congressional district with small commercial harbors, the status quo must change.

To my community, the benefit of small and mid-size commercial harbors to the local economy is not proportional to their size. As a witness from New York's First Congressional District, Ms. Bonnie Brady, testified before the Subcommittee on Water Resources and Environment, the small commercial fishing ports on Long Island are responsible for 99 percent of New York's landed seafood catch—worth over \$49 million dollars at the dock.

That is why I am introducing the Harbor Fairness Act of 2011. This legislation attempts to balance the operation and maintenance needs of all commercial harbors, regardless of size, and to ensure that funding is equitably distributed between high-, moderate-, and low-use facilities.

First, the Harbor Fairness Act of 2011 would require the Corps to assess, on a biennial basis, the overall dredging needs of those commercial harbors that it is responsible for, including harbors used for commercial navigation, fishing, subsistence, domestic energy production, recreation, the transport of persons, and navigation safety.

This legislation would require the Corps to report its findings on operation and maintenance needs to the authorizing Committees of the House of Representatives and the Senate, as part of the President's budget submission to Congress. This information would be critical for Congress to comprehensively understand the overall operation and maintenance needs of all commercial harbors, as well as that portion of the national dredging need that would be deferred to future years due to lack of available funding.

In addition, the Harbor Fairness Act of 2011 would require the Administration to identify future allocations of operation and maintenance funds, on a harbor-by-harbor basis. This information will allow commercial harbors to more accurately plan future operation and maintenance expenditures, both short-term and long-term, and more efficiently make critical decisions on the most efficient way to maintain safe commercial shipping at local harbors.

The central focus of the Harbor Fairness Act of 2011 is the requirement that expenditures for maintenance dredging is equitably allocated among all eligible commercial harbors. To accomplish this, the legislation requires the Secretary of the Army: (1) to utilize the information obtained from the assessment of dredging needs; (2) to consider the national and regional significance of harbor operation and maintenance; and (3) to make allocation decisions on factors beyond simply the amount of cargo tonnage transiting through a commercial harbor.

While the Corps is completing its assessment of national maintenance dredging needs, this legislation establishes a short-term, minimum allocation for maintenance dredging at midsize and small commercial harbors. The 40 percent guaranteed allocation for mid-size and small commercial harbors for fiscal years 2012 and 2013 represents only a modest increase in the allocation for these harbors over the previous two fiscal years (33.7 percent in fiscal year 2012 and 33.4 percent for fiscal year 2011), in part to address the disproportionate

backlog faced by mid-size and small commercial harbors.

In addition, this mandatory allocation of 40 percent is temporary, and will be replaced in fiscal year 2014 by an allocation based on the actual maintenance dredging needs of all harbors, as identified by the Corps.

Mr. Speaker, the Harbor Fairness Act of 2011 recognizes the fundamental importance of all commercial harbors to the national, regional, and local economies. It calls for fairness in the allocation of critical maintenance dredging funds among large-, moderate-, and small-commercial harbors. But, most of all, it recognizes the importance of the nation's ports to America and to American workers. I urge my colleagues to join me in supporting this very important legislation.

#### RECOGNIZING THE WINNERS OF THE 2011 ELLY DOYLE PARK SERVICE AWARDS

##### HON. GERALD E. CONNOLLY

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, December 13, 2011*

Mr. CONNOLLY of Virginia. Mr. Speaker, I rise to recognize the recipients of the 2011 Elly Doyle Park Service Awards. These awards, sponsored by the Fairfax County Park Authority Board in cooperation with the Fairfax County Park Foundation Board, recognize individuals and organizations for their extraordinary contributions to our environment and public park system.

Fairfax County is regarded as one of the best places in the country in which to live, work, and raise a family, and our nationally-recognized park system has played a key role in that distinction. Our community has a strong commitment to promoting and preserving our environment, including our public parks and outdoor spaces. Each year thousands of volunteers donate their talents and time to protect our natural and cultural resources and enhance public educational and recreational services.

The Elly Doyle Service Awards were established in 1988 in honor of former board member Ellamae Doyle's many years of outstanding service. In addition, recipients have also been named for the 2011 Eakin Philanthropy Award, named in honor of the Eakin family who donated the first parcels of parkland to the Park Authority over 50 years ago, and the 2011 Sally Ormsby Environmental Stewardship Award, named after the late Sally Ormsby who was a champion of environmental stewardship. I congratulate each of the 2011 recipients of these prestigious awards.

2011 Eakin Philanthropy Award Recipients: Craig and Belinda Stevens for their generous financial support of numerous Park Foundation projects; and

Cox Communications, for their ongoing funding of the Summer Entertainment Series.

2011 Sally Ormsby Environmental Stewardship Award Recipient:

Stella Koch, in recognition of the central role she has played in many environmental issues including development of policies and preservation of our natural resources.

2011 Elly Doyle Service Award Recipients: Friends of the Hidden Oaks Nature Center—For their exceptional efforts in supporting programs, activities, and facilities at the Hidden Oaks Nature Center in Annandale.

Charles and Jacque Olin—For the establishment of the Analemma Society in 1998 and their efforts in creating Observatory Park at Turner Farm.

Chris Robichaux—For creating the Mason District Dog Opportunity Group in 2000 which worked with Park Authority staff to identify suitable parkland for an off-leash dog area.

2011 Elly Doyle Special Recognition Awards Recipients: Jim Franks, Lynne Glasser, John Hopkins, James Jamison, and Judy Kirby, and student honoree, Morgan Volpe.

I also commend the 18 individuals who comprise the Class of 2011 Outstanding Volunteers.

Mr. Speaker, I ask that my colleagues join me in congratulating and thanking these honorees for their demonstrated commitment to our open spaces and public parks. Fairfax County is able to enjoy a high quality of life because of the efforts of these individuals and they are deserving of our praise and appreciation.

#### HONORING DONNA GORITY

##### HON. BILL SHUSTER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, December 13, 2011*

Mr. SHUSTER. Mr. Speaker, I rise today to honor the career and mark the retirement of Blair County Commissioner Donna GORITY. Donna is a friend and colleague whose work has left an indelible mark on her community. It has been an honor to work with her over her extensive career in the Commissioner's office to help improve the lives of our shared constituents. I join many other local elected officials, friends and neighbors in wishing her well in her retirement.

It is difficult to fit in all of the things Donna has accomplished over her 28 years in public office. First and foremost, Donna has the distinction of serving as the first female member of the Blair County Board of Commissioners. Donna has long been known for being a champion for children and health and human services issues throughout the county. Over her time in office, Donna developed a track record as a strong advocate for funding the county's Human Services Office, which provides support for homeless families and juvenile delinquency prevention.

In addition, Donna has been deeply involved in a program that is also very important to me: Operation Our Town in Altoona, Pennsylvania. Operation Our Town is a successful partnership between businesses and communities throughout Central Pennsylvania whose mission is to rid neighborhoods of drugs and drug-related violent crime. Operation Our Town completes its mission through community policing and proven treatment and prevention techniques. I am proud to have had her as an ally in applying Operation Our Town's techniques to Altoona.

Donna has been the recipient of a number of awards over her career. She was recog-

nized as part of the "Outstanding Young Women in America" in 1978, was named Boss of the Year in 1986 by the American Business Women's Association, won the President's Award by the County Commissioner's Association of Pennsylvania in 1994, received the Leadership Award from the Blair County NAACP in 2003 and the Lifetime Achievement Award this year by Blair Countians for Drug Free Communities. Again, these are but a few of her accomplishments.

Mr. Speaker, I congratulate Donna GORITY on her successful 28 years in public office and wish her well in her retirement. She will leave Blair County's government and the people it represents in better shape than when she found it. In the end, I believe that should be the goal of every public servant. Without question, Donna accomplished that goal.

#### PERSONAL EXPLANATION

##### HON. BOB FILNER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, December 13, 2011*

Mr. FILNER. Mr. Speaker, on rollcall 913, I was away from the Capitol due to prior commitments to my constituents. Had I been present, I would have voted "yes."

#### IN RECOGNITION OF REV. DR. KENNY SMITH AND HIS 25 YEARS OF SERVICE TO FIRST BAPTIST CHURCH OF VIENNA

##### HON. GERALD E. CONNOLLY

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, December 13, 2011*

Mr. CONNOLLY of Virginia. Mr. Speaker, I rise today to recognize the Reverend Dr. Kenny Smith and to celebrate his 25 years of service to the First Baptist Church of Vienna.

Born in Atlanta, Georgia, Pastor Smith earned his Bachelor's Degree in 1977, his Master of Divinity Degree from Howard University in 1987, and his Doctor of Ministry Degree from Virginia Union University School of Theology in 1992.

In December 1986, Pastor Smith arrived in Vienna, Virginia, with his wife, the Reverend Dr. Mary Smith, and he assumed leadership of the First Baptist Church. A relatively small church at the time, the membership of First Baptist was fewer than 200. Under his guidance and stewardship, First Baptist has witnessed significant growth and now has more than 30 active ministries, which provide spiritual guidance for its members and the entire community. I have had the pleasure of worshipping at First Baptist Church of Vienna on many occasions, and I always have been moved by Pastor Smith's words of inspiration and faith.

Like so many men of faith, Pastor Smith does not confine his dedication to within the walls of the sanctuary. He has ministered to the poor and disadvantaged in Nigeria, Ghana, Haiti, Coahoma, Maryland, South Carolina and Biloxi, Mississippi. First Baptist

Church of Vienna contributed more than \$53,000 to aid the victims of the Haitian earthquake and donated 1,000 bottles of multiple vitamins to aid the medical effort. Partnering with a sister church, Pastor Smith and the First Baptist Church family assisted with the finance of two Habitat for Humanity homes, contributing in excess of \$42,000 for each home. He has established a Federal Credit Union with assets of more than \$1 million, which provides members with safe and fair financial services.

Pastor Smith has long been recognized as a leader in faith and community service. He serves or has formerly served as president of the Baptist General Convention, president of the Fairfax County Branch of the NAACP, moderator of the NOVA Baptist Association, adjunct professor at Howard Divinity School and Wesley Theological Seminary, board member of the First Baptist Church of Vienna Federal Credit Union, board member of the Vienna Church Coalition for Housing, board member of Habitat for Humanity of Northern Virginia, and as a trustee of Virginia Union University.

His many accolades from the community include the Omega Psi Phi Fraternity (Omicron Kappa Kappa) 2006 Citizen of the year award; the James F. Jenkins Pillars of Faith Award (2005); Outstanding Service Award, Fairfax County Branch, NAACP (2004); the Dean's Pastor's Award, Howard University School of Theology (1999); the Outstanding Achievement in Religion Award, Howard University Alumni Club of Northern Virginia (1999); the Religious Affairs Award, Fairfax County Branch, NAACP (1998); the Outstanding Leadership Award, Northern Virginia Baptist Association (1998); Community Service Award, Horizon Community Outreach Group (1996); the Golden Eagle Award, Fairfax County School System (1994); the Award of Merit presented by the Old Dominion Bar Association (1994); the 1992 Human Rights Award presented by the Fairfax County Human Rights Commission (1993); the D. B. Barton Award in Pastoral Theology (1987); and the Joseph H. Jackson Award (1986) for Academic Excellence. He also was selected for Who's Who in American Colleges and Universities (1986/1987).

Pastor Smith does not only preach his faith; he lives his faith. He and his wife, Reverend Dr. Mary Smith, lead by example in their dedication to God, the community, and mankind, and I am proud to call them my friends.

Mr. Speaker, I ask that my colleagues join me in congratulating Rev. Dr. Kenny Smith on the occasion of his Silver Anniversary as Pastor of First Baptist Church of Vienna and in wishing him continued success.

#### HONORING MARY DONOVAN

#### HON. LYNN C. WOOLSEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, December 13, 2011*

Ms. WOOLSEY. Mr. Speaker, I rise today to honor Mary Donovan, a valued Marin County employee who is retiring after over 36 years of service. As the Program Manager II of the

Employment and Training Branch within the Department of Health and Human Services and the Director of the Workforce Investment Board of Marin, Ms. Donovan's skilled management and expertise has made a significant contribution to the effectiveness of this department.

In September, 1975, Ms. Donovan began her career with the County as an Eligibility Worker and earned repeated promotions over the years. Along the way, she was recognized for her calmness under pressure, delegates work well, has ability in a leadership role and her truly amazing ability to change roles, assume new tasks, learn new programs, and gain the respect of all around her. In 1994, she was named Program Manager II and continued to make full use of all these skills.

In her years of work within the County Ms. Donovan has managed many social service/public assistance programs including Aid to Families with Dependent Children, Food Stamps, MediCal, County Medical Services Programs, Job Training Partnership Act, Workforce Investment Board, and CalWORKs Welfare to Work. While serving on the newly formed Marin Child Care Commission, she provided key expertise in the navigation of the new CalWORKS program.

Originally from Pittsburg, PA, Mary Donovan was the oldest of 13 children. She is very family oriented with three children, all of whom were born in Marin. Jared, the oldest, works in Washington, DC; Logan is an actor in Southern California, and Margo works to travel. Mary, too, plans on traveling as well as enjoying a healthy lifestyle.

Mr. Speaker, please join me in thanking Mary Donovan for her years of service and wishing her well in retirement.

#### HONORING CAPTAIN ERWIN J. KORCZYNSKI

#### HON. MIKE QUIGLEY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, December 13, 2011*

Mr. QUIGLEY. Mr. Speaker, on January 5th, Captain Erwin J. Korczynski passed away from prostate cancer. Today we honor Erwin as he was a great patriot and lead a selfless life.

Captain Erwin J. Korczynski was born in Chicago, Illinois on March 30, 1942. He was the product of first generation Polish American parents. His mother and father owned the Elm Hotel Restaurant in Chicago's Wicker Park Neighborhood from 1937 to 1947. His father also served as the Chief Chef on the Ann Rutledge train car operated by the Alton Railroad. Here he had the distinct honor of preparing meals for President Harry S. Truman aboard the Armed Forces Troop Trains. From 1947 to 1958 his parents became the owners of Helen's Food Shop, in the Gragin neighborhood of Chicago.

Captain Erwin J. Korczynski learned the value of public service while in Boy Scout Troop 153, eventually earning membership in Order of the Arrow by the Boy Scouting elite. He graduated from Chicago's Henry D. Lloyd Elementary School as a member of the class of 1956, and graduated from Chicago's Lane

Technical High School in the class of 1960. During his time at Lane Tech he "lettered" on six separate occasions, as well as winning many state championships during his four-year athletic endeavors.

Captain Erwin J. Korczynski marched in the Chicago Cavaliers Drum & Bugle Corps from 1956 to 1963 and served as a lifeguard at the Knollwood Country Club before Northern Illinois University. He was selected as Lifeguard of the Year for saving the life of a young swimmer. He later enrolled in the Priesthood at St. Ambrose Seminary in Davenport, Iowa, followed by his novitiate for the Christian Brothers at St. Mary's College in Winona, Minnesota.

In 1963, one year prior to graduation, he wanted to demonstrate his selfless commitment to serve our country during the Vietnam War, so he enlisted in the United States Marine Corps and was attached to Marine Attach Squadron, VMA 131. He attained the rank of Sergeant and was honorably discharged from active duty on December 1st, 1969.

Erwin then went on to receive Eastern Airlines Flight Academy training in Miami, Florida, obtaining the rank of Captain and was awarded a Type Rating in a Boeing 727 series 100-200-225. As Captain, Erwin flew for Eastern Airlines, Evergreen Airline of McMinnville, Oregon, Emirates Airlines of Dubai, UAE, Saudia Airlines of Jeddah, Saudi Arabia, Air Lanka of Colombo, Sri Lanka, USAfrica of Cape Town, South Africa, and Eva Airlines of Taipei, Taiwan.

From 1990 to 1991, Captain Erwin J. Korczynski acted as Pilot-in-Command, flying twenty-five missions during Operation Desert Shield and Desert Storm. Captain Erwin J. Korczynski must be saluted for his bravery, courage and aeronautical abilities. He volunteered to fly in the Persian Gulf, and so did with the highest level of distinction. For the second time in his life, he demonstrated his selfless commitment and patriotism to serve our country.

Mr. Speaker, Captain Erwin J. Korczynski is the shining example of the citizen-soldier. He supported our military actions while maintaining his civilian obligations and participated in the Civil Reserve Air Fleet (CRAF) Operation during Operation Desert Storm. Although an honorably discharged United States Marine, Captain Erwin J. Korczynski was not an activated reservist during this conflict and instead served as a volunteer.

His loving brother, Major Edwin J. "Ski" Korczynski, USAF/CAP, and Precinct Captain to Alderman Richard F. Mell, Chicago's 33rd Ward, summed up his identical twin brother's call to duty in a letter he sent to President Bush, stating that "from the first day of conflict, his brother cast his vote for our American traditions through his dedication and deeds, not merely a slip of paper." Through his actions, Captain Erwin J. Korczynski exemplified the ideals of the Colonial Army's soldiers who answered our fledgling Nation's call.

Captain Erwin J. Korczynski's dedication to service and patriotism kept him from retirement. Instead, equipped with his thirty-five plus years of aviation experience, he shared his knowledge and skills with young, soon-to-be airline pilots. Captain Erwin J. Korczynski sought out and obtained his certification as a

commercial airline Check Airman and Flight Instructor.

His remaining years, from age sixty thereafter, were spent as Airline Check Airman and Flight Instructor at the Gulfstream Flight Academy for Gulfstream Airlines based in Miami, Florida. Gulfstream Captain Erwin J. Korczynski trained hundreds of career starting airline pilots who admired and respected him for his zero tolerance flight and pilot standards. These new pilots coined the stories of his Marine Corps days, his Eastern Airline era, his six airline career and his world circles, as "Erwinisms"

Mr. Speaker, our nation will forever be indebted to Captain Erwin J. Korczynski's patriotism and unfailing bravery. He was a loved son, brother, soldier, and instructor who's dedication to serving our country will inspire generations to come. He is survived by his identical twin brother Edwin, wife Henrietta, daughters Elizabeth and Lieutenant/Navy JAG Kriesten, sons Ryan and Christian, granddaughter Emmalyn, daughter to Ryan and Diana, and all his friends.

A TRIBUTE TO DR. DOROTHY  
TRAVIS MOORE

**HON. GWEN MOORE**

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, December 13, 2011*

Ms. MOORE. Mr. Speaker, I rise to honor Dr. Dorothy Travis Moore an educator, author, minister, foster parent, mother, wife and visionary. In 1996, she founded Ceria M. Travis Academy, where she is CEO and President. The institution named in honor of her mother was started utilizing her personal savings to fund her passion to serve both the community and children. The school serves approximately 900 students enrolled at three campuses. Travis Academy began by educating central city boys in grades 6 through 8 with one student and one teacher. The school incorporated a girls program 10 years ago and has now expanded to grades K4 through 12.

Dr. Travis Moore is a veteran educator with over 35 years of experience and known nationally for her work with at risk students, both as a teacher and administrator. She was formerly a National Educational Consultant with the National School Safety Center. She fostered more than 11 children and has welcomed into her home international students from England, Mexico and Africa. She is the author of six books with the most recent project entitled "From Violence to Victory—The Passion to Educate."

Dr. Dorothy Travis Moore is a licensed minister and member of New Testament Church of Milwaukee. During the past 29 years, she has served in various capacities including Youth Fellowship Director and Sunday School Teacher. Currently she serves on the Associate Minister's Team. Dr. Travis Moore loves to preach the gospel of Jesus Christ and served as Director of Christian Education for the Wisconsin Full Gospel Baptist Church Fellowship. She is an international speaker at women's conferences, workshops, seminars and churches in the United States, the Caribbean and Europe.

Dr. Travis Moore received a Bachelor of Science Degree from the University of Wisconsin—LaCrosse, earned her Master of Arts Degree from Ball State University, Muncie Indiana and received Master's and Doctorate degrees in Christian Counseling from Grace Theological Seminary.

Dr. Travis Moore's honors include: "Top Principal of Leadership," "Who's Who Among Executives and Professionals in the United States," "The University of Wisconsin Distinguished Alumni Award," the prestigious "Rubies Award" from the Women of Excellence at Greater St. Stephens Full Gospel Baptist Church in New Orleans, LA, "The Women Who Shape Our World Award in Education" and the "2007 Pamela Bates Porch Outstanding Educator Award" from Alpha Kappa Alpha Sorority, Inc.

Mr. Speaker, this is why I pay tribute to Dr. Dorothy Travis Moore, a trailblazer who celebrates 15 years as CEO/Founder of Ceria M. Travis Academy and over 35 years of educating our youth. She has stated that her greatest joy is in serving the Lord and has truly followed one of her favorite Bible verses "I can do all things through Christ who strengthens me." I am proud to call Dr. Dorothy Travis Moore a lifelong friend to me and my family and proud that she works and educates children in the 4th Congressional District.

HONORING THE ARMY NATIONAL  
GUARD

**HON. MARSHA BLACKBURN**

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, December 13, 2011*

Mrs. BLACKBURN. Mr. Speaker, they are our neighbors, cousins, sisters, and friends. They are called upon to protect America at home and her interests abroad and do so with swiftness and dedication. From humble beginnings to one of the largest military forces in the world, the National Guard is the oldest component of the Armed Forces and I rise today to celebrate their 375th birthday.

Three regiments were established on December 13, 1636 by the Massachusetts General Court in Salem. The early colonies knew the freedoms they sought must be defended. Seeing a great need for the protection of able-bodied men, but having not the money to pay mercenaries, the North, South, and East regiments were organized with the promise to keep a ready state of mind and preparation to fight when needed. Almost four centuries later, the National Guard operates still by these same watchwords: ready and prepared. From the Mexican War to the Global War on Terror, the men and women of the National Guard have answered this nation's call to service.

For 375 years, the citizen-soldiers of the Army National Guard have protected and defended this great land in times of war, times of peace, and times of calamity. We are ever-thankful for their dedication and watchful eye as they work to protect freedom and freedom's cause. I rise today to honor the National Guard and ask my colleagues to join with me in celebrating the three and a quarter centuries of swift and noble response.

IN HONOR OF FORMER GEORGIA  
STATE SENATOR ROBERT  
LOFTON BROWN

**HON. SANFORD D. BISHOP, JR.**

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, December 13, 2011*

Mr. BISHOP of Georgia. Mr. Speaker, last week the state of Georgia lost one of its most committed community leaders, beloved public figures and dynamic elected officials with the death of former Georgia State Senator Robert Brown. Senator Brown was a close friend, confidant, and someone who I greatly admired not only for his notable legislative achievements on behalf of the people of Georgia but more importantly for his measured disposition, kind-hearted nature and uncompromising desire to help needy families and low-income communities.

On Wednesday, December 14, 2011, Senator Brown's family members, friends, colleagues, and his constituents will pay tribute to his legacy of achievement and outstanding efforts on behalf of working families during funeral services at Greater Zion Hill Baptist Church in Macon, Georgia.

Although we are all saddened by the unexpected and sudden passing of our friend and colleague, we can all take solace in remembering the positive, enduring impact that he had on our lives and the profound accomplishments that he achieved throughout his exemplary public service.

Senator Brown was born on January 30, 1950 to Joe Brown and Ruby Lofton Brown. He spent his formative years in Greenville, Georgia before moving to Macon to attend and eventually graduate from Mercer University. Following college, Senator Brown permanently settled in Macon and began to gradually establish himself as one of Middle Georgia's most respected political leaders.

While he will be remembered as a wise and thoughtful public figure, Senator Brown had to overcome many obstacles and conquer seemingly insurmountable challenges in his ascension to the status of becoming one of Georgia's most influential legislators. Despite two unsuccessful election attempts for a seat in the Georgia State House, he refused to give up and was eventually elected to the Bibb County School Board.

Following his tenure on the school board, he once again beat the odds and in 1991 won a highly competitive election for the Georgia State Senate. While in the Senate he was appointed as the Governor's Assistant Floor Leader before being elected to serve as that legislative body's Minority Leader. He served as Senate Minority Leader for six years and while in this position he effectively advanced initiatives that improved public education, consolidated overlapping government functions, and preserved historic landmarks cherished by local residents.

Senator Brown was preceded in death by his beloved parents and is survived by many cousins, close personal friends, an expansive network of professional colleagues and loyal constituents.

Mr. Speaker, it has been said that, "Service is the rent we pay for the space we occupy on

this earth.” There is no doubt that through his service, Senator Robert Lofton Brown paid his “rent” and the world is truly better because he

did.

Therefore, I ask my colleagues to join me today in paying tribute to the life of State Sen-

ator Robert Brown—an outstanding legislator, dedicated community advocate, loyal friend and faithful public servant.



## HOUSE OF REPRESENTATIVES—Wednesday, December 14, 2011

The House met at 10 a.m. and was called to order by the Speaker pro tempore (Mr. WEBSTER).

### DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,  
December 14, 2011.

I hereby appoint the Honorable DANIEL WEBSTER to act as Speaker pro tempore on this day.

JOHN A. BOEHNER,  
*Speaker of the House of Representatives.*

### MORNING-HOUR DEBATE

The SPEAKER pro tempore. Pursuant to the order of the House of January 5, 2011, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning-hour debate.

The Chair will alternate recognition between the parties, with each party limited to 1 hour and each Member other than the majority and minority leaders and the minority whip limited to 5 minutes each, but in no event shall debate continue beyond 11:50 a.m.

### AFGHANISTAN

The SPEAKER pro tempore. The Chair recognizes the gentleman from North Carolina (Mr. JONES) for 5 minutes.

Mr. JONES. Over this past weekend, a published article in a North Carolina paper was titled, "U.S. Envoy: Troops could stay in Afghanistan," subtitled, "The White House echoed that 2014 is not a deadline for total withdrawal." I would like to submit the article for the RECORD, Mr. Speaker.

I will read the last sentence of the article:

"At a conference in Bonn, Germany, last week, President Hamid Karzai and other Afghan officials called for political and military support for at least another decade."

This is coming from a man who, according to CNN, told a group of tribal elders last month, "America is powerful, has more money, but we are lions here. Lions have the habit of not liking strangers getting into their house." President Karzai continued by saying, "We want to say that Iran is our brother. During the years of jihad, Iran has been one of the best countries for hospitality for Afghans. They are our brother."

Mr. Speaker, it just amazes me that he keeps saying that he doesn't even like us, but when he needs us, then he likes us. Our young men and women in the military are over there, losing their legs, their arms—and dying. How in the world can we continue to spend \$10 billion a month when this man says that Iran is its friend—"they are our brother"?

The American people are sick and tired, quite frankly, of being in Afghanistan. Recently, when I spoke on the floor, I received a letter shortly thereafter from Jean Bonney Smith in Idaho regarding a recent floor speech that I gave. I want to quote a couple of comments. Then I would like to submit her letter for the RECORD, Mr. Speaker.

"Everything you said made perfect sense. These are things I've been thinking for 2 or 3 years, too. Karzai's most recent remarks were just the last slap in the face of the American people. How can you convince your fellow Republicans of these truths? We can't just stay on this 'War, Inc.' course, waiting for the next election. It is criminal to our troops."

There are so many people across this Nation who just wonder why we continue to support a corrupt leader in a country that will never, never change.

I hope, as we get into the new year, that those of us in both parties can find legislation, as I have worked with Representative MCGOVERN before, which we can submit in the House so that we can get this House behind getting our troops out, because, believe me, we'll be there for 5 to 10 more years. It's not fair and it's not right.

Beside me is a picture from the Greensboro News-Record. It was taken a few months ago, but this tells it all. The title reads, "Get Out," and there are soldiers taking a flag-draped transfer case off the plane.

It is time to bring our troops home from Afghanistan. It is time to fix the problems here in America, to create jobs in America. We can certainly use that \$10 billion a month that we are sending to Afghanistan and spend it right here on the American people and do what's right to get America back on its feet.

With that, Mr. Speaker, I will close as I always do:

From the bottom of my heart, God, please bless our men and women in uniform. God, please bless the families of our men and women in uniform. God, please hold in Your arms the families who have given a child, dying for freedom in Afghanistan and Iraq.

Mr. Speaker, I ask God to bless the House and Senate that we will do what's right in the eyes of God. I ask God to give strength, wisdom, and courage to President Obama.

And three times I will ask: God, please, God, please, God, please continue to bless America.

[From the News & Observer, Dec. 2011]

U.S. ENVOY: TROOPS COULD STAY IN  
AFGHANISTAN

(By Rod Nordland)

KABUL, AFGHANISTAN.—The U.S. ambassador to Afghanistan on Saturday raised the possibility that U.S. combat troops could stay in the country beyond the 2014 deadline that the White House had set for their withdrawal.

Ambassador Ryan Crocker, speaking with a small group of journalists, said that if the Afghan government wanted U.S. troops to stay longer, the withdrawal could be slowed. "They would have to ask for it," he said. "I could certainly see us saying, 'Yeah, makes sense.'"

He emphasized, however, that no such decision had been made.

White House officials said that Crocker's comments were consistent with its previously stated position.

"The president never excluded the possibility that there would be some U.S. forces here, but he stressed that security would be under Afghan lead by 2014," said Eileen O'Connor, the embassy spokeswoman.

Crocker's comments came as the administration is engaged in discussions with the Afghan government on what arrangements should be after 2014. At a conference in Bonn, Germany, last week, President Hamid Karzai and other Afghan officials called for political and military support for at least another decade.

### U.S. DEATHS

The Department of Defense recently confirmed the deaths of these American military personnel:

Sgt. 1st Class Clark A. Corley Jr., 35, of Oxnard, Calif., Spc. Ryan M. Lumley, 21, of Lakeland, Fla., and Spc. Thomas J. Mayberry, 21, of Springville, Calif., died Dec. 3, in Wardak province, Afghanistan, of wounds suffered when enemy forces attacked their unit with an improvised explosive device. They were assigned to the 2nd Battalion, 5th Infantry Regiment, 3rd Brigade Combat Team, Fort Bliss, Texas.

Sgt. Ryan D. Sharp, 28, of Idaho Falls, Idaho, died Dec. 3, at Landstuhl Regional Medical Center, Landstuhl, Germany, of wounds suffered Nov. 21 at Kandahar province, when insurgents attacked his unit with an improvised explosive device. He was assigned to the 2nd Battalion, 34th Armor Regiment, 1st Brigade Combat Team, 1st Infantry Division, Fort Riley, Kan.

JEAN BONNEY SMITH,  
1550 E. HOLLY STREET,  
Boise, ID, October 25, 2011.

To: Rep. WALTER JONES  
Re Your "General Speech" This morning

You were excellent on the House floor this morning, regarding ENDING THE WARS!

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Everything you said made perfect sense—Things I have been thinking for 2 or 3 years, too! Karzai's most recent remarks were just the last slap in our face!

How can you convince your fellow Republicans of these truths?

We can't just stay on this "War Inc.," course, *waiting for the next election*—it is criminal to our troops.

Thank you,

JEAN B. SMITH.

#### AMERICA'S UNSUSTAINABLE PATH

The SPEAKER pro tempore. The Chair recognizes the gentleman from Oregon (Mr. BLUMENAUER) for 5 minutes.

Mr. BLUMENAUER. One thing that most of the Occupy Wall Street protesters and the majority of the Tea Party advocates agree upon is that the United States is not on a sustainable path.

The economy is still floundering. We are in too many cases losing the competition to other countries in things like building, maintaining our infrastructure for the future and in keeping up with the advances of education. We have the world's most expensive health care system that leaves too many people without coverage and provides the Nation overall with mediocre results.

Americans get sick more often, take longer to get well, and die sooner than most of our European competitors; and half that cost is loaded on the backs of the employers and embedded in the prices of their products.

But perhaps the most glaring example of unsustainability is not our health care system or our tax system; it is the massive defense and security spending with escalating costs, which is, sadly, not strategically oriented.

We cannot continue to spend almost as much as the rest of the world, friend and foe alike, combined. Our military was stressed, and continues to be hobbled by the reckless action in Iraq and further challenged by the war in Afghanistan. Yet we have a defense reauthorization that we will be considering on the floor today that ignores the big picture, does not lay the foundation for a dramatic scaling back of open-ended spending commitments, especially in dealing with issues like a nuclear weapons system far more expensive and out of proportion to what we will ever need or use. There are patterns of deployment that cry out for reform.

There are long overdue elements to deal with cost-effectiveness and the environmental footprint. Energy costs of \$400 a gallon for fuel to the front, billions of dollars just for air-conditioning are symbols of a system that is not sustainable. We need key improvements. Unfortunately, we're on a path of trying to do more than we can or that we should do.

The greatest threat to our future is losing control of our ability to sustain the military because we can't sustain

the economy. Unlike the past, we feel now that we don't have enough money to train and educate our next generation. It is a problem now that American infrastructure is not keeping pace with the demands of our communities, let alone the global economy.

We should reject this blueprint. We should begin the process now of right-sizing the military, of getting rid of the burdensome nuclear overreach and patterns from the past—spending on things that would help us with the Cold War or World War II, maybe even do a slightly better job on the misguided mission in Iraq—but not the most pressing challenges for American security in this century.

We have the most powerful military in the world and will, by far, even if we invest substantially less. Our problem is that the American public is being ill-served by a government that is not investing in our future and in an economy that will not be able to sustain ever-increasing military commitments, to say nothing of the demands of investing in our communities and our people, especially the young.

□ 1010

I was, from the beginning, appalled at the burden we were asking of our young men and women to bear when we put them in the reckless Iraq adventure. People who are in the front deserve our best in terms of equipment and facilities. They and their families need to be well cared for, not just in the field but when they come home. We can do this, even in difficult times, if we get our priorities right. And we can get our priorities straight and the job done with less money.

The cuts initiated by Secretary Gates and the Obama administration, plus what would be required by sequestration, would only bring our defense establishment to the level of 2007, adjusted for inflation. There is no question that over the next 10 years, we can manage that transition and that we will have to do it. What is sad is that the bill we will be considering today doesn't make the progress we need to get us there.

#### A TRIBUTE TO PHYLLIS CAUSEY

The SPEAKER pro tempore. The Chair recognizes the gentleman from Kentucky (Mr. GUTHRIE) for 5 minutes.

Mr. GUTHRIE. Mr. Speaker, I rise today to pay tribute to a great friend and a remarkable Kentuckian, Mrs. Phyllis Causey. In January, after 39 years of honorable and selfless public service, she will retire.

Her Lewisburg High School yearbook in 1968 contained a prophecy for her, saying, "Phyllis will be in President Nixon's Cabinet in 10 years." And although President Nixon resigned while she was at basic training for the Army Reserve in '74 and she never did make

it to the White House, lucky for us, she still decided to follow her passion for politics and public service.

Phyllis graduated from Hopkinsville Community College in 1970 and received her bachelor's degree from Western Kentucky University in 1972. Upon her graduation, Phyllis worked for WKU for the following 23 years.

In 1995, she was hired as a field representative for Congressman Ron Lewis. And when I was elected to replace Congressman Lewis upon his retirement, Phyllis was kind enough to continue working for me.

While traveling as a candidate for Congress, I met so many individuals whose first question to me was, Are you going to keep Phyllis if you are elected? Their question was a testament to Phyllis' compassion, hard work, and dedication to the individuals in the counties she served. She was and still is irreplaceable.

Phyllis grew up on a farm in Logan County, where her parents taught her the value of hard work and the importance of giving and caring for others. And throughout the nearly 20 years I have known Phyllis, she has exemplified these values every day. She has been such an inspiration to me, and she has always been devoted to the causes she believes in—church, family, and friends.

Phyllis is an incredible wife, daughter, sister, and mother. I know her family—especially her husband, Larry—will be happy to have her around more often.

And although I will miss her, I know this is in no way a goodbye. I am positive she will continue to be active and touch the lives of those of us who have had the privilege of calling her a friend.

I ask my colleagues to join me in honoring Mrs. Phyllis Causey, who exemplifies what it means to be an American, a Kentuckian, a Christian, and a public servant.

#### THE PENTAGON MUST BE AUDITED

The SPEAKER pro tempore. The Chair recognizes the gentleman from Oregon (Mr. DEFazio) for 5 minutes.

Mr. DEFazio. Well, we've all heard of too big to fail when the Secretary of the Treasury Hank Paulson and President Bush bailed out a bunch of miscreants on Wall Street for their gambling and mistakes and putting taxpayers at risk, some principle that does not belong in the policy of this country. But now we have another one: Too big to be counted. Too big to be counted.

This year, the Pentagon will spend \$670 billion, about \$2 million a day, and it doesn't know where its money is. In fact, it often doesn't even know if it has spent money. Here are a few examples:

In March 2000, the Pentagon inspector general found that of the \$7.6 trillion—"t," trillion dollars—in accounting entries, about one-third of them—\$2.3 trillion, or \$8,000 for every man, woman, and child in America, was completely untraceable, completely untraceable. \$2.3 trillion, don't know where it went. Don't know if they bought something, if it was delivered. Who knows.

Then, in 2003, they found—and this is something I've talked about all through my years in Congress, the so-called inventory system at the Pentagon, which is absolutely absurd. The Army lost track of 56 airplanes, 32 tanks, and 36 missile command launch units. And while military leaders back in 2003 were scrambling around trying to find chemical and biological suits for our troops because of the risks in the Middle East, in Afghanistan, the Pentagon was selling suits at surplus on the Internet for 2 cents on the dollar. No suits for the troops. They're very expensive. Over here, we're selling them for 2 cents on the dollar to the general public. What is this all about?

Another year, they spent \$100 million for refundable airline tickets that they didn't use. Hey, what's \$100 million at the Pentagon? Chump change. They didn't ask for the refunds. They just stuck them in a drawer. That is \$100 million that didn't go to serve our national defense, supply our troops, or be saved and defray our deficit.

In fiscal year '10, half of the Pentagon's \$366 billion in contract awards were not competed. Half.

Now, these are pretty shocking numbers. And actually, the gentleman from New Jersey (Mr. GARRETT) and I on the floor here last spring got a little amendment in the Department of Defense bill to require that they conform to a 1994 law. In 1994, Congress said the Pentagon should be audited by 1997. Unfortunately, every year, the appropriators have said, Oh, no, no, no. That's too much to ask of the Pentagon.

Well, we got a little amendment in the bill here. We kind of snuck it by the DOD hawks over there who are protecting the incompetence over there, and they would have been audited. The Senate did the same thing. But to the rescue, the conference committee, behind closed doors. I was one of very few on the floor here who voted against closing the doors of the conference because they don't close the doors of the conference committee over there to talk about classified things that could risk our national security. They do it to cut deals like this.

So yesterday, they decided the Pentagon will not be audited. It can't be audited. In fact, the gentleman from Texas (Mr. CONAWAY), one of our colleagues, said it would be insulting to require that we audit the Pentagon in a mandatory way by 2014. I mean,

that's only 2 years from now. That's only a couple more trillion dollars from now. Boy, we wouldn't want to know where that money is going. We wouldn't want to know whether they are surplus-ing out stuff our troops need while they're paying for a contractor who didn't have to compete to buy the same stuff, and they say there is a shortage and we don't have enough. We wouldn't want to know these things. So we closed the conference and cut these stinking deals.

So here it is, once again, too big to be counted. This does not serve our men and women in uniform well. It does not serve the national defense needs of the United States of America, and it sure as heck doesn't serve the interests of the American taxpayers. The Pentagon must be audited like every other agency of Federal Government, and we should also throw in the Federal Reserve.

#### TRICIA MILLER, 2012 TEACHER OF THE YEAR

The SPEAKER pro tempore. The Chair recognizes the gentleman from Pennsylvania (Mr. THOMPSON) for 5 minutes.

Mr. THOMPSON of Pennsylvania. Mr. Speaker, first today, I rise today to congratulate Tricia Miller of Centre County on receiving the 2012 Pennsylvania Teacher of the Year award. An English teacher from the Penns Valley Area School District since 1994, Tricia is the first Centre County educator to receive the award in its 54-year history. In addition to teaching English, in 2009 Trish became the Penns Valley literacy coach for grades 7 through 12, where she has introduced new instructional strategies in the classroom.

Many variables go into a great education, but it's having great teachers that matter most. Tricia Miller is the type of teacher that goes above and beyond. She is tirelessly committed to high achievement and the success of her students, which she has demonstrated year after year.

Tricia Miller is deserving of this award and recognition. We thank her for her commitment to the teaching profession and are proud that she will go to represent the State in the National Teacher of the Year competition. Congratulations, Teacher Tricia Miller.

□ 1020

#### HOUSE PASSES EXTENSION LEGISLATION

Mr. Speaker, I also would like to take time this morning to address and celebrate a piece of legislation that we passed out of the House of Representatives last evening, largely, almost solely with just Republican support, but a bill that deserved bipartisan support because it's great for the entire Nation.

This is a bill that addresses many of the extension bills that were lingering

and will soon expire at the end of the year. In particular, there are three parts I just want to touch on briefly this morning that are incredibly important for the citizens of this Nation, and I think also parts that are transformational. And it's rare that we see a transformational piece of legislation out of this body.

First of all, the tax cuts. Tax cuts for all Americans. This is a tax cut that was actually paid for, not one that added to the national debt or certainly one that threatened in any way the integrity of the Social Security fund. I am very proud to be able to support this bill and to do it in a proper way, to pay for and allow the citizens of this country to keep money in their own pockets. Certainly they are better prepared to make decisions on how money is spent.

Secondly, the changes in the extension of the unemployment compensation. We have taken steps to move unemployment towards a workforce development program as opposed to just an entitlement program. Unemployment is important and should be used to return people to work, and the provisions of the bill that were approved yesterday do just that. It allows States to do drug screening. We've put a lot of money into retraining people for jobs when they are on unemployment or through the Workforce Investment Act only to find that there is a percentage that aren't eligible to work because they can't pass a drug test. This provision gives people a reason to clean their lives up. It takes it from 99 to 59 weeks, which is an appropriate move.

One of the last provisions, which I think is maybe one of the most important: If you are an individual and need unemployment compensation, and you don't have a high school degree or a GED, it requires you to enroll in a qualified GED program. Education is the key to success in this country.

Finally, as a part of this bill that I was proud to support, it provides 2 years of preventing an over 27 percent cut to the Medicare part B Medicare reimbursement rates for both hospitals and physicians.

As a former health care provider, manager within rural hospitals, I know how devastating those cuts would be, and I was very proud that not only did we address that, we did it with more certainty than has ever been done in the past since 1997, when we did that for a 2-year period.

Mr. Speaker, I am very appreciative of my colleagues for supporting this bill and passing it out of the House. And I would ask, Mr. Speaker, that the Senate give it the same full due diligence in quickly moving it out of that side of Congress so that the American people can benefit from all of the provisions within that extension package.

# END THE WAR IN AFGHANISTAN NOW

The SPEAKER pro tempore. The Chair recognizes the gentleman from Massachusetts (Mr. MCGOVERN) for 5 minutes.

Mr. MCGOVERN. Mr. Speaker, on Saturday The New York Times reported that our Ambassador in Afghanistan, Ryan C. Crocker, told a group of journalists that U.S. troops could stay in Afghanistan long past the President's 2014 deadline if the Afghan Government asked us to stay.

The very next day, The New York Times reported Afghan President Hamid Karzai blaming foreigners, including the United States, for the corruption that is so rampant in his government. He had the audacity to say this at an event marking International Anti-Corruption Day.

Afghanistan is one of the most corrupt countries on the face of the earth. Transparency International ranks Afghanistan as the second most corrupt government, right behind Somalia and North Korea, which tied for first place.

So I ask my colleagues, why should we shed a single drop more of blood, sacrifice the lives of our service men and women, for a corrupt government that doesn't even have the decency to take responsibility for its own failures.

Enough is enough. We have spent over \$440 billion on military operations alone in Afghanistan since 9/11. In 2012 we aim to spend another \$113 billion. By this time next year, our total spending on the war in Afghanistan, just the military operations, will be around \$557 billion. That's over half a trillion dollars.

And when I say "spend," I really mean borrow, because from day one of the Afghanistan war—and the Iraq war, for that matter—we have not paid for the military operations in these wars. We have borrowed nearly every single penny of that money, put it on the national credit card, let it rack up over a quarter of our cumulative deficit, and help explode our debt year after year for a decade.

Sadly, when it comes to paying for this war, too many in Washington are silent.

Mr. Speaker, over 1,800 service men and women have died in Afghanistan, 42 of them from Massachusetts. Over 14,000 wounded. Husbands, fathers, wives, and mothers. Sons and daughters, brothers and sisters. Homes created in families and communities that can never be filled, losses that will be felt for a generation or more.

Each month the tally of dead and wounded gets higher. 2010 was the deadliest year for American troops in the history of the Afghanistan war. And 2011, a close second.

We have become numb to the numbers. We don't even hear them any more. But these losses resonate around family kitchen tables in the homes of

the deployed every day and night of the year.

We all know that the human cost of the war is found not only on the battlefields of Afghanistan. It's also found in veterans hospitals and counseling clinics around the country. We continue to struggle with soaring rates of traumatic brain injuries, post-traumatic stress and suicides among our soldiers and our veterans. So many leave the service or try and carry on military careers wounded in both body and soul.

Even if we were to leave Afghanistan tomorrow—and I'm so very glad to see that our troops are coming home from Iraq—our war debt will continue for decades. And for what? For 10 years of support for a corrupt government in Afghanistan? Ten years of sacrificing our brave uniformed men and women? Ten years of borrowing money we never had? This war is no longer about going after al Qaeda—which I voted to do. Osama bin Laden is dead. Instead, we're now bogged down in a seemingly endless occupation in support of an incompetent and corrupt Karzai government. This is not what I voted for.

So yes, I'm really worried when I pick up the newspaper and read Ambassador Crocker saying we may be in Afghanistan for years beyond 2014. The American people are way ahead of the Congress and the White House on this issue. They want this war ended now. But it seems that Washington just doesn't get it. But when all is said and done, the responsibility for continuing or ending the war is right here in this Chamber. We approved this war, we must now take the responsibility to end it.

This is why, Mr. Speaker, I will vote against the conference report on the FY 2012 National Defense Authorization bill. The defense bill includes many good and important provisions, but it does nothing, absolutely nothing to wind down the war in Afghanistan.

It's way past time to bring our troops home from Afghanistan. I can't authorize any more funding that doesn't explicitly call on the President to plan and carry out the accelerated removal of our troops.

Bring them home, Mr. President. Bring them all home now.

[From the New York Times, Dec. 10, 2011]

U.S. TROOPS COULD STAY IN AFGHANISTAN  
PAST DEADLINE, ENVOY SAYS

(By Rod Nordland)

KABUL, AFGHANISTAN—The American ambassador to Afghanistan on Saturday raised the possibility that United States combat troops could stay in the country beyond the 2014 deadline that the White House had set for their withdrawal.

The ambassador, Ryan C. Crocker, speaking at a roundtable event with a small group of journalists, said that if the Afghan government wanted American troops to stay longer, the withdrawal could be slowed. "They would have to ask for it," he said. "I could certainly see us saying, 'Yeah, makes sense.'"

He emphasized, however, that no such decision had been made.

White House officials said that Mr. Crocker's comments were consistent with its previously stated position.

"The president never excluded the possibility that there would be some U.S. forces here, but he stressed that security would be under Afghan lead by 2014," said the embassy spokeswoman, Eileen O'Connor. "The president has always spoken of a responsible winding down of the efforts here, so talk of the possibility of some troops still being here post-2014 is not a change in policy."

But Mr. Crocker's comments were an explicit acknowledgment that the post-2014 forces may include combat troops, not just the trainers and advisers who had been publicly mentioned before.

His comments came as the administration was engaged in discussions with the Afghan government on arrangements after 2014. At a conference in Bonn, Germany, last week, President Hamid Karzai and other Afghan officials called for political and military support for at least another decade.

Referring to the NATO summit meeting in Lisbon last year at which Western leaders agreed to transfer security responsibility to Afghan forces by 2014, Mr. Crocker said: "There is nothing in the Lisbon declaration on 2014 that precludes an international military presence beyond 2014. That is to be determined by the parties, who could be numerous, not just us, as we get closer to that date."

In June, President Obama announced that American troop withdrawals would begin the following month, with 10,000 of the roughly 101,000 American troops then in the country to leave by Dec. 31, and an additional 23,000 to follow by the summer of 2012. "Our troops will continue coming home at a steady pace as Afghan security forces move into the lead," he said. "Our mission will change from combat to support. By 2014, this process of transition will be complete, and the Afghan people will be responsible for their own security." Of the first 10,000, 4,000 have left, according to a senior NATO official. In most of those cases, personnel who had been scheduled to leave were not replaced, the official said.

"We are on a timeline, as you know," Mr. Crocker said. "Ten thousand out by the end of the year, that is being met." With the additional 23,000 by September 2012, he added, "that basically recovers the surge"—the reinforcements Mr. Obama ordered two years ago.

"Beyond that, there are no decisions," he said, adding, "And as far as I'm aware, there are no formal recommendations yet."

Asked if that meant that the United States would not necessarily withdraw all combat troops by 2014, Mr. Crocker said, "I don't know what we're going to be doing in 2014."

Caitlin Hayden, a spokeswoman for the National Security Council, said that "the president will make decisions on the size and shape of our presence after 2014 at the appropriate time, based on our interests and in consultation with our Afghan and NATO partners."

"We have been clear that any post-2014 presence by the U.S. would be at the invitation of the Afghan government and aimed at ensuring that we are able to target terrorists and support a sovereign Afghan government so that our enemies can't outlast us," she added. "We have also been very clear that we do not seek permanent bases in Afghanistan or a long-term military presence that would be a threat to Afghanistan's neighbors."

Military leaders have been quietly pushing to keep as many troops in the country as they can during the next two years as a safeguard while responsibility is transferred to Afghan forces.

On Wednesday, The Wall Street Journal reported that Gen. John R. Allen, the United States and NATO commander in Afghanistan, had been promoting the view that the withdrawals should stop after next year, with the remaining 68,000 soldiers to be kept in Afghanistan through 2013, before cuts resume in 2014. The article said he had not formally recommended that course of action, however.

Mr. Crocker noted that General Allen had made it clear that trainers and advisers would be likely to remain after 2014. Mr. Crocker said that in some cases "major weapons systems will not reach Afghanistan" until after 2014, so Afghans will need assistance learning how to operate and maintain them.

He said he did not expect America's diplomatic presence to be reduced along with the military pullback. The number of civilian American government employees in Afghanistan increased more than threefold from 2009 to 2011, to more than 1,130, from 320.

"The decisions get made in Washington, but it's my intention that we're going to stay pretty steady," he said. "As the military does draw down, I think our role will even increase in importance."

[From the New York Times, Dec. 11, 2011]

#### KARZAI SAYS FOREIGNERS ARE RESPONSIBLE FOR CORRUPTION

(By Alissa J. Rubin)

KABUL, AFGHANISTAN.—President Hamid Karzai of Afghanistan blamed foreigners on Sunday for the corruption of Afghan officials and demanded that the United States extradite the former chief of the Afghan Central Bank in connection with the collapse of Kabul Bank, the country's largest financial institution.

The former governor of the Central Bank, Qadir Fitrat, is living in Virginia. He fled Afghanistan, saying he feared for his life after he was involved in making public the massive fraud at Kabul Bank and removing its senior management.

Neither of the top bank officers nor any of the major shareholders, who include a brother of Mr. Karzai's and a brother of the first vice president, Marshal Fahim, have been prosecuted, although all of them are still in Afghanistan.

Referring to Mr. Fitrat, Mr. Karzai said, "The government of the United States should cooperate and hand him over to us."

"Bring Fitrat and hand him over to Afghanistan to make clear who is to blame," he said. "But our hand can't reach to America."

Mr. Karzai made the remarks at an event sponsored by the United Nations to mark International Anti-Corruption Day. Afghanistan is one of the world's most corrupt countries, tying for second worst in rankings by Transparency International, which tracks perceptions of global corruption.

Several Western diplomats and officials working with the Afghan government said they were disappointed by Mr. Karzai's speech, in which he appeared to again shift much of the blame for corruption to foreigners. While foreigners are unquestionably involved in some of the corruption, they shared responsibility with the Afghans and were only peripherally involved in the Kabul Bank debacle.

Mr. Karzai also asked that foreigners who give aid to the country tell Afghan officials

if government officials or their relatives ask for bribes. Foreign governments have helped finance anticorruption efforts, but the Afghans have often squashed high-profile corruption prosecutions of senior officials. That has been a continuing effort by NATO to comb through military contracts with Afghan businesses to detect corruption and terminate contracts in which there has been manifest abuse. That effort has gone on largely behind the scenes, so it is difficult to tell if it has had much success.

Ryan C. Crocker, the American ambassador, said he believed that corruption was now being taken more seriously, although progress was slow and none of the main people responsible for the Kabul Bank fraud had been prosecuted. The Afghan government lost more than \$850 million in the bank's collapse. While some of that money has been recovered—more than expected, according to several officials—the government will probably have to pay \$450 million to \$500 million to cover losses.

"I am told they have a series of indictments that have been kept in the pending file as they concentrate on asset recovery," Mr. Crocker told reporters on Saturday. "Look, it's hardly a perfect world. And it isn't going to be for quite some time. What I look for is a trajectory: Is the line going up or down? Very cautiously and very incrementally, I see it going up. In other words, corruption is being taken more seriously at higher levels."

"Does that mean we've turned the corner? We'll see," he added.

Mr. Karzai's focus on Mr. Fitrat and his jab at the United States are the latest in a series of similar comments he has made about the fraud at Kabul Bank. In an interview with the German magazine Der Spiegel last week, he also blamed the United States for Kabul Bank's troubles, saying, "The Americans never told us about this."

"We believed a certain embassy was trying to create financial trouble for us," he said. "We felt the whole bank scam was created by foreign hands." Mr. Karzai declined to be specific, but the American Embassy is the only one that has deeply consulted with the Afghan banking system.

#### CONGRATULATING ROBERT GRIFFIN, III

The SPEAKER pro tempore. The Chair recognizes the gentleman from Texas (Mr. FLORES) for 5 minutes.

Mr. FLORES. Mr. Speaker, I rise today to congratulate a constituent of Texas District 17. His name is Robert Griffin, III, of Baylor University in Waco, Texas, and he is the recipient of the 2011 Heisman Memorial Trophy.

The son of two U.S. Army sergeants, RG3, as he is more popularly known, epitomizes what it means to be a student athlete and a role model for all Americans.

During the Baylor Bears' 2011 season, Robert threw for nearly 4,000 yards and had 45 touchdowns. His 72 percent completion rate placed him among the most accurate passers in the Nation, and he was the only player in the country who had at least 3,300 passing yards and 300 rushing yards.

□ 1030

He is one of only three players in Football Bowl Subdivision history with

10,000 career passing yards and 2,000 career rushing yards. He owns or shares 30 Baylor football records.

Among his awards and accolades in 2011 were the Chic Harley Award for the National Player of the Year, the Big 12 Player of the Year, first team All-American, the Davey O'Brien Award, and, of course, the 77th annual Heisman Memorial Trophy, awarded to the most outstanding player in college football each year. He did all of this while leading the Bears to their first nine-win regular season since 1986 and a berth in the Alamo Bowl in 2011.

What makes Robert such an excellent role model is that his success at Baylor has not only been on the field. Robert graduated from Baylor in 3 years with a 3.67 GPA and a degree in political science. He is currently in graduate school pursuing a master's in communication and plans to attend law school in the future. He is a six-time member of the Big 12 Commissioner's Honor Roll and a two-time Dean's List honoree. This year, he was named second team Academic All-American.

Robert is also very active in his community, regularly volunteering for several charities in the Waco area. Robert is also a world-class hurdler, and he hopes to qualify for the 2012 Olympic Team. I am personally proud of RG III because he is a fine Christian man and publicly professes his faith in God.

I also want to congratulate Baylor University and football coach Art Briles on a great 2011 football season. As Coach Briles says, "great things come with great effort," and the Baylor Nation should be justifiably proud of their football team and coaching staff for their great effort this year.

Before I close, I would like to wish all Americans a safe and fulfilling Christmas season and holiday season. I ask that all of us continue to pray for our country and our military men and women during these difficult times. Sic 'em, Bears.

#### THE OBLIGATION OF EVERY CITIZEN

The SPEAKER pro tempore. The Chair recognizes the gentleman from New York (Mr. RANGEL) for 5 minutes.

Mr. RANGEL. Mr. Speaker, as we move toward the close of this congressional session, I have been embarrassed at the number of people that have recognized me and ask, What's wrong with the government? What's wrong with the Congress? Why can't you people get along? And it's very difficult and embarrassing to tell them that you really need all parts of the government working together, pushing the boat forward and rowing in the same direction. And when you have somebody that's already said that their primary mission as Members of the United States Congress is to get rid of the President, how

that is interpreted legislatively is it means that the President cannot offer them anything that would look like he's accomplishing something positive because it would interfere with their primary goal, which is not economic growth, not jobs and not helping people out when they need a hand up, but it has to show that we want to get rid of Obama. And you can see that even the candidates that want to fill his job, they're not talking about what they're going to do, but the whole campaign is against the President.

Now, some people believe, as those on television, that for all practical purposes we should not expect that we'll be able to give assistance to our various communities throughout the country because the campaign has started, and so therefore no legislation is going to pass. That's just not so, and you don't have to wait until an election.

We haven't been sent down here just to please our voters for what happens in 2012. Each and every day, you have a right—and an obligation—to call the person that you have sent down here to Washington. And if you haven't, someone did. Everybody has a Member of this House and two Members in the other body. Why can't you pick up the phone to tell them that what they do in this year before the holidays and what they don't do is going to make a big difference in terms of how you vote when that opportunity comes? So you can put the pressure on.

And I might add this too. It is not just the voters that have this obligation to help those that are lesser among us, it's not those that are waiting for a little help, but the Republicans say that the only way you get the help is to cut back in health care, is to support the Keystone oil pipeline. All of these things, people don't go to sleep at night wondering about a pipeline. They want to know are they going to get any help from their government. And the issues really don't affect the very, very rich. They affect the very, very poor and those in the middle class that are being pushed into poverty where one out of five kids in the United States of America is born into poverty.

I am suggesting that this is not just a plea for economic justice or equity in how we tax people, but it is a moral issue that we should be hearing from our clergy. I'm not talking about Democrats and Republicans. I'm talking about Matthew, where Jesus said it's how you treat the lesser among us as to how you're going to be judged. And it's not just the Bible. It's not just the Old and New Testament. It's the Koran. It's the Torah. It's Muslims. It's Mormons. It's Christians and it's Jews. It's there. And it would seem to me if our clergy missed this wonderful opportunity before the Holy Spirit, not to tell us what to do but to tell us what they think is the right thing that we should be doing.

And so, as we move into the holidays, please don't think that we've got the other side convinced that they should give relief for unemployed people who paid into a system and who lost their jobs through no fault of their own. Please don't think that they want to protect Social Security and that they want to protect Medicaid and Medicare. No. That's our job to do it. But it's your job to remind us that we have this obligation to do it.

And so you're right if you stop us in the street and say that we've lost credibility—all of government, the President, the candidates for President, the Democrats and the Republicans. But what about you? Will you be able to say that you joined in this effort? Will you be able to say you made that telephone call or visited that office? I hope you do. And you can count on many of us that are waiting for that type of support. We need it.

Thank you. God bless America.

#### HOUSE HOLIDAY HUMBUGS

The SPEAKER pro tempore. The Chair recognizes the gentlewoman from Maryland (Ms. EDWARDS) for 5 minutes.

Ms. EDWARDS. Mr. Speaker, as families prepare for the holidays, many will gather to watch some of our favorite holiday movies. In my family, we always enjoyed watching "How the Grinch Stole Christmas," tuning into "A Christmas Carol," and one of my favorites, "It's a Wonderful Life."

Well, Mr. Speaker, it won't be necessary to visit the local Redbox or scour the TV Guide listings or order the movies on Netflix. Americans across this country can tune in to C-SPAN and watch our own version of the Grinch and Ebenezer Scrooge and Henry Potter, our House holiday humbugs right here on the floor of the House of Representatives.

The American people can only hope, however, that they can redeem themselves, our holiday humbugs, the way these characters did. But I fear that's not possible.

Yesterday, House Republicans brought to the floor a payroll tax credit and an unemployment insurance proposal trimmed in controversial riders and deceit. The holiday humbugs, the GOP leadership, decorated the payroll tax credit and unemployment insurance bill with a controversial Keystone pipeline rider to sweeten the deal for their caucus. But that wasn't enough. The majority gilded the proposal with cuts to essential health care reform funding, a freeze in Federal employee pay for yet another year, and a cut in the length of emergency unemployment insurance and blocking the administration from moving forward on environmental protections that will help our families breathe, drink, and live more healthfully.

Now, today, we heard from the House holiday humbugs that the big problem

facing the unemployed that House Republicans tried to fix yesterday was drug testing for the unemployed.

□ 1040

Well, Mr. Speaker, the problem for the unemployed isn't drugs, it's a job. And in the absence of a job, it's an unemployment check.

So for the holidays, my Republican colleagues put on their list a proposal that would dip further into the pockets of low and middle-income families that buy health insurance in the new health exchanges. And during this holiday season, at a time in our Nation's economy when consumption has grown by only 5 percent since June 2009, our Holiday Humbug proposal by Republicans would cut holes in the pockets of millions of our Nation's consumers.

The legislation passed in the House yesterday would freeze the compensation of 2.65 million Federal employees all across this country, Federal employees who are consumers, Mr. Speaker. So while the special interests and the Wall Street fat cats and the big oil companies are enjoying their large Christmas bonuses, Federal employees who have already contributed \$60 million in forgone pay for deficit reduction will be required to give up even more.

The Republican plan hits struggling families even harder. In fact, the bill passed yesterday by our holiday humbugs eliminates 40 weeks of unemployment insurance. The funding for this program not only helps families check off items on their Christmas list—things like rent, things like childcare, and things like groceries—but the funding brings money back into the American economy. In fact, the Congressional Budget Office estimates that every dollar of benefits spent on unemployment compensation generates about \$2 of additional economic activity. That's money directly into our economy.

The Republican proposal passed in the House yesterday would eliminate over \$22 billion in economic growth and result in the loss of 140,000 jobs in 2012. That's what happened in this House yesterday. My colleague, SANDER LEVIN from Michigan, recognized that the legislative "holiday gift" that the Republicans thought they were providing the American worker this Christmas is just one big lump of coal. Their proposal would leave millions of Americans out in the cold this holiday season while imposing additional barriers to receiving assistance and diminishing the protections of unemployed workers.

Throughout the day yesterday the holiday humbugs kept trying to point to places where we could compromise. Well, the American people are asking: Why not simply compromise on a clean extension of the payroll tax credit for 160 million workers and unemployment



insurance? Why not ensure that 160 million hardworking families can benefit from the average of \$1,000 they will receive from the payroll tax credit—again, right into the economy.

Yesterday the Republican majority decided they would rather risk raising taxes and digging into the pockets of families all across this country. Well, Mr. Speaker, not even Scrooge could do what we saw on the floor yesterday. In the end, our holiday humbugs—the Grinch, Mr. Scrooge, and even Mr. Potter—learned that there is redemption. It's time for our House Republicans to do the same. I urge the majority to instead bring to the floor a sensible and thoughtful piece of legislation to extend unemployment compensation and the payroll tax credit.

#### REPUBLICAN AGENDA

The SPEAKER pro tempore. The Chair recognizes the gentlewoman from Ohio (Ms. FUDGE) for 5 minutes.

Ms. FUDGE. Mr. Speaker, after a year of attempts to eliminate Medicare and obstruct any kind of jobs bill, the Republican agenda is clear: eliminate the deficit at any cost, including at the expense of our most vulnerable, while adversely impacting our economic recovery.

More than 1.6 million American children were homeless at some point in 2010. These are children under the age of 18 living in emergency shelters or in shared housing, and many are living on the street. Now, in 2011, the number of homeless children continues to increase. There are more homeless children today than after the natural disasters of Hurricanes Katrina and Rita. The recession's economic devastation has left 1 in 45 children homeless, millions of Americans are out of work, and we have pushed unemployment rates to levels not seen in decades.

We continue to see poverty soar. In 2010, nearly one in six Americans was living in poverty. As poverty surged to its highest level since 1993, median household incomes declined, which is why it is maddening to me that we in Congress can't agree or even come to a point where we can agree to compromise on policies that will help struggling Americans.

In the 49 weeks since the Republicans took control of this House they have failed to pass a single bill to encourage job growth. They pledged to focus on economic recovery, but they have failed to deliver. I have sponsored four jobs bills in the last 6 months, but none of them has been brought up for a vote. What the majority has done is try to advance their own political agenda. Their priority is clear: eliminate the deficit at any cost on the backs of the most vulnerable.

This year, Republicans proposed a budget that would privatize Medicare and make Medicaid a block grant, sac-

rificing care for our seniors, our sick, and our poor. The Republican budget slashed more than \$6 trillion—with a “t”—over the next decade from Medicaid, SNAP, Medicare, and many other programs supporting low- and middle-income Americans. The majority suggests these drastic changes while leaving in place tax cuts for the wealthiest and \$40 billion in Big Oil tax loopholes.

The majority's budget would devastate poor communities and middle class Americans. It pushes seniors into the hands of private insurance companies and forces them to pay more out-of-pocket expenses. What we need is a bold approach, Mr. Speaker, to maintaining these programs rather than finding ways to defund or derail them.

Almost 6 million workers have been unemployed for a year or more in this country, so we know there is a strong need to extend unemployment insurance. What we've seen this week makes me skeptical. Here we are at the end of one of the most unproductive congressional sessions we've had in recent history. In this end of the year drama, Republicans play the role of the Grinch who stole Christmas.

Yesterday, the House passed a bill that slashes unemployment insurance by 40 weeks in the States that are hardest hit, including my own home State of Ohio. If signed into law, beneficiaries without a high school degree would be denied insurance unless they use the benefits we're giving them to pay for getting their GED. The bill also allows States to force recipients to take drug tests.

In 2010, unemployment benefits kept 3.2 million Americans—including nearly 1 million children—from falling into poverty. I don't even want to imagine the magnitude of the problem if we fail to extend unemployment insurance now.

During this holiday season more than ever, Americans feel there is no way out. Last week, a woman in Texas, who was originally from the State of Ohio, killed herself and shot her two children because they were denied SNAP benefits. One of those children has died. Mr. Speaker, this is desperation, homelessness at its worst.

#### THE END OF THE IRAQ WAR: WELCOMED BUT TRAGICALLY OVERDUE

The SPEAKER pro tempore. The Chair recognizes the gentlewoman from California (Ms. WOOLSEY) for 5 minutes.

Ms. WOOLSEY. Mr. Speaker, since the spring of 2004 I've stood here in this very spot 415 times to call for an end to foreign wars and the start of a new, smarter approach to national security. In most of those speeches my tone has been one of insistence and beseeching. Seldom have I been able to echo good news or declare a sense of accomplish-

ment, but Mr. Speaker, today is different. As the President will reaffirm in a speech at Fort Bragg today—and it moves me almost beyond words to say this—the war in Iraq is finally over.

After 105 excruciating months, after so much heartbreak and despair, after so many shameful episodes—such as the “Mission Accomplished” banner, Abu Ghraib, the outing of Valerie Plame, and so much more—our troops are finally coming home from Iraq, all of them.

Much credit goes to President Obama for making good on his promise. When he was sworn into office, there were 142,000 U.S. servicemembers deployed to Iraq; by the time the calendar turns in 2012, there will be zero; zero.

□ 1050

But this day would not have come unless some very brave people had spoken up for peace at a time when the polls and the conventional wisdom said that President Bush and his Iraq policy were unassailable.

I've been proud to work in particular with my friends, Congresswoman BARBARA LEE and Congresswoman MAXINE WATERS, in establishing the Out of Iraq Caucus. Many of our colleagues on both sides of the aisle stood shoulder to shoulder with us, including our late friend, Jack Murtha, who's opposition to the war represented a major turning point in the Iraq debate.

Of course, no one displayed more courage than the heroic men and women who served in Iraq with honor and selflessness. They present the best our Nation has to offer. I only wish that their elected leaders had served them better over the last decade.

But, Mr. Speaker, we must be careful. We must be careful about turning this into an occasion of triumph or celebration. The end of the Iraq War is welcome, but tragically, overdue. Too much has been lost in precious American blood, in badly needed public treasure, and in our moral core as a Nation. The end of this war comes too late for nearly 4,500 Americans whose parents, spouses, children, and friends will miss them desperately this holiday season and every other day of the year.

Many thousands more are home from Iraq with broken minds and bodies, with scars they will carry for the rest of their days. We must keep our promise to them to provide the benefits that they so need and deserve.

I don't know how we atone for the deaths of thousands upon thousands of innocent Iraqi civilians. Our military occupation in Iraq is over, but our bilateral engagement with Iraq most certainly will go on. There is still plenty of human need in Iraq, and we must have an obligation to help alleviate that.

It is critical that the United States be a peaceful and constructive partner with Iraq, investing in development,



providing the civilian support that will empower its people, and strengthening its democratic institutions. Now is the moment. Now, more than ever, we must move to a smarter security in Iraq.

Finally, it is critical to remember that the end of the Iraq War does not mean we are a Nation at peace. The war in Afghanistan lingers on, violently and senselessly, still undermining our national security and weakening our country. We must, Mr. Speaker, move more quickly than ever to end that conflict.

It is time to bring our troops home, all of our troops, safely home, now.

#### ADMINISTRATIVE OVER-REGULATION

The SPEAKER pro tempore. The Chair recognizes the gentleman from Illinois (Mr. SHIMKUS) for 5 minutes.

Mr. SHIMKUS. Mr. Speaker, it's an honor to follow my friend and colleague from California who's retiring at the end of the Congress, which is another year. Even though we disagree probably too many times to count, no one questions her passion and her commitment, and her moral consciousness of doing the right thing. So give me a chance to publicly state that, and I look forward to serving with you in the final year together.

Mr. Speaker, I come to the floor to read a letter from a businessman in southwestern Illinois who is closing up the business.

But even more timely than that was a Wall Street Journal editorial today. I mean, I was bringing the letter down anyway, so then I decided, looking at the Wall Street Journal editorial. And it's titled, "Regulation For Dummies." The White House says its rulemaking isn't costly or unusual. The evidence shows otherwise.

First paragraph. "The White House is on the political offensive, and one of its chief claims is that it isn't the over-regulator of business and Republican lore. This line has been picked up by an impressionable columnist, so it's a good time to consider the evidence in some detail." So they go through the analysis.

It ends up by saying the evidence is so overwhelming that the Obama regulatory surge is one reason the current economic recovery has been so lackluster by historical standards. Rather than nurture an economy trying to rebuild confidence after the financial heart attack, the administration pushed through its now famous blitz of liberal policies on health care, financial services, energy, housing, education, and student loans, telecom, labor relations, transportation, and probably some other industries we've forgotten. Anyone who thinks this has only minimal impact on business has never been in business.

Now, the column was dated December 14. This letter was dated December 7.

"You are the finest customer that we have served or you are one of the finest professionals that have served these customers.

"After 61 years, of which 58 were wonderful years in the construction business and having been associated with the greatest of people, it's with much sadness and disappointment that we have to announce that we will be closing December 31, 2011.

"You all know that we served the private sector. We've enjoyed working with industry, aviation, and all private businesses and entrepreneurs. We always felt that you were the pulse of the whole USA. It's sad to say that, through no fault of yours, that this pulse has slowed to a level that can no longer sustain the quality of service we have always felt obligated and more desired to provide.

"Our government is wonderful in that it provides for our common defense, our highway infrastructures and a few other worthy endeavors. However, they are, in fact an expense, an expense that we should enjoy funding. Though when they lose sight of the true fact that we in the private enterprise pay the bills and do not support an environment in which we can flourish with the fruits of our hard work, the funding will soon cease to exist.

"Government cannot produce revenue or prosperity, but they, like us, could enjoy both if they look at themselves as any other hired service organization that has to be worth the money they are getting paid. That's the way all of us have to operate and what gives us pride in what we do.

"God bless you. Thank you. And we pray that we all find American leadership to restore the pulse and pressure of the great private sector and the American Entrepreneur again. You are the Heartbeat of America. Again, God bless you."

And so, these two written, one column, one letter, occurring simultaneously almost, highlighting the point that it is this regulatory regime pushed on by the executive branch that is, if not outright destroying jobs, it's making it very difficult for jobs to flourish. That's why in the bill last night we moved the Keystone XL pipeline, connected with the Boiler MACT. That's why we've done some other bills to, at least legislatively, put barriers into the excesses of the regulatory regime here from the executive branch.

Mr. Speaker, I think this was timely to come down to the floor and share this letter, and I thank you for the time.

#### RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until noon today.

Accordingly (at 10 o'clock and 58 minutes a.m.), the House stood in recess until noon.

□ 1200

#### AFTER RECESS

The recess having expired, the House was called to order by the Speaker at noon.

#### PRAYER

The Chaplain, the Reverend Patrick J. Conroy, offered the following prayer: Gracious God, we give You thanks for giving us another day.

You have blessed us with all good gifts, and with thankful hearts we express our gratitude. You have created us with opportunities to serve other people in their need, to share together in respect and affection, and to be faithful in the responsibilities we have been given.

We wish to acknowledge before You, O God, the sacrifice of so many American men and women and many allies during many years of our commitments in Iraq. We thank them, and You, for their service and ask for Your continued blessing upon them as they now live into a future more secure because of their efforts.

In this moment of prayer, please grant to the Members of this people's House the gifts of wisdom and discernment, that in their words and actions they will do justice, love with mercy, and walk humbly with You.

May all that is done this day be for Your greater honor and glory.

Amen.

#### THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

#### PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from Georgia (Mr. GRAVES) come forward and lead the House in the Pledge of Allegiance.

Mr. GRAVES of Georgia led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

#### MESSAGE FROM THE SENATE

A message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate has passed without amendment a bill of the House of the following title:

H.R. 2845. An act to amend title 49, United States Code, to provide for enhanced safety

and environmental protection in pipeline transportation, to provide for enhanced reliability in the transportation of the Nation's energy products by pipeline, and for other purposes.

The message also announced that the Senate has passed with amendments in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 2867. An act to reauthorize the International Religious Freedom Act of 1998, and for other purposes.

#### ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair will entertain up to 15 requests for 1-minute speeches on each side.

#### KEYSTONE WILL PRODUCE JOBS

(Mr. WILSON of South Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WILSON of South Carolina. Mr. Speaker, yesterday the President announced he will veto the payroll tax extension bill passed by House Republicans due to the inclusion of the Keystone pipeline construction. The President campaigns for jobs, but will sadly veto a jobs bill.

This fall, I was fortunate to visit Alberta, Canada, and witnessed firsthand the environmental safeguards to develop Canadian oil sands. The construction of this environmentally advanced pipeline will create at least 120,000 new American jobs without costing taxpayers a dime and will stimulate our economy.

Walter C. Jones in The Augusta Chronicle reports that refined oil products with no pipeline will be denied to South Carolinians at a north Augusta terminal. With a record unemployment rate of over 8 percent for 34 months and over 13 million Americans looking for jobs, it is very sad the President would veto legislation creating jobs.

In conclusion, God bless our troops, and we will never forget September the 11th in the global war on terrorism.

#### PRESERVING UASI CAPABILITY GAINS CAUCUS

(Mr. HIGGINS asked and was given permission to address the House for 1 minute.)

Mr. HIGGINS. Mr. Speaker, as a member of the Committee on Homeland Security, I rise to express my concern about the direction of the Urban Area Security Initiative program.

UASI was created to develop capabilities to prevent and to respond to attacks and catastrophes in our most vulnerable cities. The program has helped develop joint initiatives among local governments in my community of Buffalo-Niagara. We have an obligation to protect this investment and the ca-

pability gains developed across the country. Yet recent drastic cuts in the UASI funding have resulted in the elimination of 32 of the 64 urban areas from the program. That puts the preparedness and security capability gains we've achieved at risk.

In order to raise awareness of this problem, this week I formed the Preserving UASI Capability Gains Caucus with Congressman STEVE STIVERS of Columbus, Ohio. I also introduced legislation to preserve the capability gains achieved by communities like Buffalo that were dropped from the UASI program.

I urge my colleagues who represent UASI communities to join our caucus so that we can protect our capability gains and ensure our communities are properly secured.

#### THE PEOPLE WORRY ABOUT BIG GOVERNMENT

(Mr. POE of Texas asked and was given permission to address the House for 1 minute.)

Mr. POE of Texas. Mr. Speaker, some Americans worry about big labor; others worry about big business. But what really scares most Americans is the massive Federal Government snooping around, meddling and controlling every aspect of people's lives.

According to a Gallup Poll released this week, the overwhelming majority, 64 percent, of those surveyed think that Big Government will be the biggest threat to the country in the future. It's worth noting that about half of those people who participated were Democrats that agreed that Big Government is the problem. No surprise. When I meet with my neighbors in southeast Texas, their message for the Federal Government is clear: back off. Stop saddling expensive, job-killing, and unnecessary regulations on businesses.

The mere phrase, I'm from the Federal Government and I'm here to help you, brings fear and trepidation into the hearts and souls of small business owners and individuals throughout the fruited plain. After all, the Constitution says we the people are to control government, not the other way around. Government should not run roughshod over our personal liberty.

And that's just the way it is.

#### MIDDLE CLASS TAX RELIEF AND JOB CREATION ACT

(Mr. GENE GREEN of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GENE GREEN of Texas. Mr. Speaker, during this season of giving, when our Nation should be reflecting on the needs of our friends and neighbors who are out of work struggling to provide for their loved ones, this Cham-

ber yesterday voted to cut unemployment benefits for 1 million of our fellow Americans.

The House majority's bill would eliminate several tiers of benefits created under the Emergency Unemployment Compensation program, which has provided up to 99 weeks of support for those who lost their jobs through no fault of their own.

If this legislation becomes law, the maximum potential unemployment benefit will fall by 40 weeks. This legislation would also allow States, many of which are struggling to balance their budgets, to reduce the average weekly amount available to beneficiaries. With over 8 percent unemployment, I'm strongly opposed to any reduction in emergency unemployment insurance.

I am a proud supporter, though, of moving the XL pipeline project forward and supported it in separate legislation. The XL pipeline makes both energy and economic sense for our country, and I hope the administration will find a way to allow the construction to commence in some States while still revisiting the route in Nebraska.

I urge my colleagues to stand in support of the over 13 million Americans looking for work this holiday season and pass a clean extension of the unemployment insurance program.

#### KEYSTONE PIPELINE

(Mr. GRAVES of Georgia asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GRAVES of Georgia. Mr. Speaker, I rise to give thanks today to my House colleagues, who yesterday, in bipartisan fashion, moved to start construction on the Keystone XL pipeline, because this is truly a shovel-ready project that will provide good jobs and secure energy for Americans.

The Keystone pipeline will create nearly 100,000 private sector jobs once completed—20,000 of those jobs generated just to construct the pipeline, with 50 companies in Georgia benefiting from this. And once it's finished, this pipeline will pump 700,000 gallons of crude oil a day from our friend and neighbor, Canada, a good, reliable, and secure supply of oil.

The environmental impact statements have been completed and the path for the pipeline has been determined. The only thing standing in the way is politics. President Obama has postponed his decision on whether the private sector can build this pipeline until after the next election. If it's good enough after the election, surely it's good enough today.

Good jobs. Secure energy. No cost to the taxpayers. It's a no-brainer.

#### MAJORITY RISKING TAX CUTS

(Mr. SIREN asked and was given permission to address the House for 1 minute.)

Mr. SIREs. Mr. Speaker, yesterday the majority unwisely gambled with the economic security of the middle class. They voted on legislation that was designed to fail, fully knowing that it will be dead on arrival in the Senate and vetoed by the President.

By tying the extension of the payroll tax to controversial and unrelated policies, the majority is playing a dangerous game that could result in tax hikes for 160 million workers. Moreover, by attaching the Medicare doc fix to the same divisive policy, they have endangered seniors' access to their doctors.

We must support a clean extension of the payroll tax holiday and the unemployment insurance that is not paid for through increased health care costs for seniors or at the expense of public health. If we fail to pass a clean extension of the payroll tax holiday or unemployment benefits, the average American family will lose a tax break worth \$1,000 and our economy will lose \$30 billion as the unemployed will lose much needed assistance.

Now is not the time to play risky games with our economy. We must pass a clean extension of the payroll tax and continue assistance for the unemployed.

□ 1210

#### SUPPORT THE KEYSTONE XL PIPELINE PROJECT

(Mr. GINGREY of Georgia asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GINGREY of Georgia. Mr. Speaker, as my colleague from west Georgia, Congressman GRAVES, just said, the House took action yesterday to boost our economy and create jobs. And I stand before you now to implore Senate Democrats and President Obama, follow suit and to support the Keystone pipeline project. The pipeline, which has been delayed for more than 3 years by this administration, would be a critical step towards energy independence and job creation in the United States.

This pipeline would transport 1.4 million barrels of oil per day from Canada down to the gulf coast refineries, drastically reducing our reliance on Middle East imports and create, yes, more than 100,000 jobs nationwide. This does include Georgia, where Keystone fuel would be shipped by existing pipelines to terminals in Atlanta, Rome, Augusta, Athens, as well as to other east coast customers.

The time to act is now, Mr. Speaker. I urge my colleagues in the Senate and President Obama to allow production to begin.

#### HONORING CAPTAIN JAMES HENRY

(Mr. COURTNEY asked and was given permission to address the House for 1 minute.)

Mr. COURTNEY. Mr. Speaker, I rise today to honor an extraordinary American, fishing Captain James Henry from the town of Mystic, Connecticut. Captain Henry has just published his first book, "In a Fisherman's Language," at the age of 98.

What's even more extraordinary is that Captain Henry was illiterate until the age of 91. But after learning the inspiring story of George Dawson, the grandson of a slave who taught himself to read and write, at the age of 98, Captain Henry began his journey to literacy. A retired East Lyme English teacher and literacy volunteer from eastern Connecticut, Mark Hogan tutored Captain Henry along his journey and helped him edit his book.

"In a Fisherman's Language" artfully weaved together the life of this lobsterman, sharing his stories from his life on his grandfather's farm in Portugal, his work on the boats, a member of the Connecticut National Guard, a professional boxer, and a ship-fitter at Electric Boat shipyard.

What initially started as a small project has gained international attention. Selling the original 750 copies in just 2 weeks, he's been contacted by film producers, TV stations, and audio book companies, alike, who want to share his story with the world.

It has been quite a long journey from being unable to read and write to being a source of inspiration to young writers and a beacon of hope for those struggling with their own literacy.

I urge my colleagues to read this amazing book, and I salute Captain Henry for his amazing accomplishment.

#### REGULATIONS

(Mr. PITTS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PITTS. Mr. Speaker, throughout this year, House Republicans have been fighting for job creation, working to prevent the Federal Government from damaging our economy and job growth.

The present administration has tried to downplay the effect new regulations will have on companies struggling in the weak economy. Today's Wall Street Journal documents efforts of the White House Office on Information and Regulatory Affairs to muddy the waters about regulations.

The official Obama administration compilation of regulations ignores significant institutions such as the National Labor Relations Board and the Securities and Exchange Commission, yet the number of economically significant rules at all stages has risen to 149, a historic high.

Vast sections of industry are waiting to hear how the Federal Government will change the way they have to do business. How on earth can we expect them to hire new workers when they can't plan with this regulatory uncertainty?

The administration can try to manipulate the numbers, but there can be no doubt that the Federal regulatory juggernaut is holding back job growth.

#### THE PAYROLL TAX CUT

(Mr. SCHRADER asked and was given permission to address the House for 1 minute.)

Mr. SCHRADER. Well, folks, your Congress is at it again. Republicans have been talking about debt and deficit for the last year, and here we're going to add nearly \$200 billion in new spending to the deficit. Well, we're going to use a bunch of pay-fors that we're setting aside for the original deficit.

This is the most disingenuous group of folks that I've seen in a long time; and to be honest, a little bit on our side of the aisle. We've been railing about doing anything that would remotely affect Social Security, yet we're willing to pass another payroll tax cut that adds to the difficulty of funding our system.

Oh, no. We're going to issue some IOUs. I don't think there is a single American out there that believes that another IOU is a good thing for Social Security. We have got to stop borrowing against our Social Security.

Not only that, the payroll tax, you get only 60 cents back for every dollar you invest. I don't think that's a very good investment. President Bush tried that in 2008, and there was no change in consumption.

What we should be doing is focusing on unemployment, where you get \$1.60 back in economic activity for every dollar you put in, just like the President asked for. And we should have a more robust doc fix that makes sure seniors and doctors get paid what they need to keep Medicare solvent.

#### THE MIDDLE CLASS TAX RELIEF AND JOB CREATION ACT

(Mr. DESJARLAIS asked and was given permission to address the House for 1 minute.)

Mr. DESJARLAIS. Last night the House passed jobs bill number 28 that is now awaiting action from President Obama and the Democratic-controlled Senate.

The Middle Class Tax Relief and Job Creation Act will protect American workers from higher taxes while ensuring that resources are not taken from the Social Security trust fund to pay for this relief. Most importantly, this legislation includes a measure that will support the creation of more than

100,000 new American jobs by expediting the creation of the Keystone XL energy pipeline.

This Christmas season, Congress and the President have the opportunity to give the American people the gift of jobs and tax relief that they need without spending more money that we do not have.

It is time for President Obama to live up to his own rhetoric of “we can’t wait” and put partisan politics aside and get Americans back to work.

#### THE ANCIENT CHRISTIAN HERITAGE IN TURKEY

(Mr. SARBANES asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SARBANES. Mr. Speaker, I am saddened to report that the ancient Christian heritage in Turkey is being threatened with extinction.

When a government compromises the right of its citizens to peaceably assemble, the right of expression, and the right of independent thought, the people of such a country are not fully free. When a government takes the property of citizens without just compensation and due process of law, the people of that country are not free. And when a government discriminates against citizens on account of their religion and ethnic origins, again, freedom is denied.

While Turkey has taken some positive steps in recent times, freedom is not a matter of half measures. Our NATO ally must unequivocally and zealously defend the individual liberties of all its citizens.

I support passage of House Resolution 306 to urge the Republic of Turkey to safeguard its Christian heritage and to return confiscated church properties.

#### IT'S TIME TO STAND WITH THE AMERICAN WORKER

(Mr. HUIZENGA of Michigan asked and was given permission to address the House for 1 minute.)

Mr. HUIZENGA of Michigan. Mr. Speaker, I rise today to implore my colleagues in the Senate and to the President, it's time to stand with the American worker. We're talking about adding 20,000 jobs as we approved the Keystone pipeline coming from Alberta, Canada, down to the gulf shore. But Canada's already a leading source of our oil. They actually give us more oil and produce more oil than Saudi Arabia.

Michigan is actually an excellent example of what happens with that partnership. Enbridge, which is actually a competitor to TransCanada right now, is already looking at increasing its capacity and expanding its pipeline; Marathon Refineries, looking at expanding

its capacity to be able to handle these Canadian crudes.

We know that this inflow of Canadian oil is a positive thing. Zero taxpayer dollars are going to be used for this, and it will put thousands of our American workers back to work at a crucial time.

The oil will be extracted. The question is: Where is it going to go? Is it going to be shipped to the United States and create U.S. jobs, or is it going to Asia to help fund the engine to compete against us?

It's time to stand with the American worker, Mr. President.

□ 1220

#### END OF THE IRAQ WAR

(Ms. PELOSI asked and was given permission to address the House for 1 minute.)

Ms. PELOSI. Mr. Speaker, as we gather here, President Obama is at Fort Bragg honoring and thanking our men and women in uniform for their service in the war in Iraq and for the sacrifices they've been willing to make to keep us the home of the brave and the land of the free.

America's brave men and women in uniform have done everything that has been asked of them. They have performed with valor, with courage, with patriotism and a dedication to duty.

It is because of our troops and the leadership of President Obama that this month we will be able to say that the war in Iraq is over, our troops are coming home for the holidays with their families. As we thank our troops, we also thank the families of our men and women in uniform for the sacrifices they have been willing to make for our country.

President Obama promised to end the war in Iraq responsibly. Promise made, promise kept. When he took office, nearly 150,000 American troops were deployed in Iraq. This month our troop presence will wind down to just around a few thousand. In winding down the war, the President honored the wishes of the American people.

As we mark the end of the war, we honor the nearly 4,500 Americans who made the ultimate sacrifice in Iraq. Tens of thousands more have been wounded. We will never forget those who were lost in the war. We will forever be grateful to them and to their families.

I'm from Baltimore, Maryland. When my father was mayor, they built Baltimore stadium. What would they call it? The consensus name was Baltimore Memorial Stadium to honor those who made so much sacrifice for our country. General Pershing said, and that was engraved on Baltimore Memorial Stadium, “Time will not dim the glory of their deeds.” Time will not, indeed, dim the glory of those who served and sacrificed in Iraq.

I'm particularly proud to have presided over 4 years of a Congress that made more progress for our veterans and military families than has been made since the passage of the original GI Bill in 1944.

But our work is not done. On the battlefield, the military says we will leave no soldier behind. And when they come home, we promised, Democrats and Republicans working together, to leave no veteran behind.

Over a million of our men and women in uniform served in Iraq. We must honor their service with economic opportunities and the benefits they deserve. We must remember that our commitment to our veterans is not while they serve or even for life. It is a commitment forever, to them and their families.

We must build a future worthy of their sacrifice. As the war in Iraq comes to an end, we express our enormous gratitude to those who have served. Because of them, we express our great optimism for the future.

#### IRAN THREAT REDUCTION ACT

(Mr. HURT asked and was given permission to address the House for 1 minute.)

Mr. HURT. I rise today in support of the Iran Threat Reduction Act offered by Chairman ROS-LEHTINEN of the Foreign Affairs Committee, and I thank the chairman for her leadership on this issue.

Mr. Speaker, there is no doubt that Iran poses a threat to our Nation, our interests, and our allies. In the wake of the International Atomic Agency report, it is clear that the United States must take swift action to proactively enforce policies that will not only deter but completely disengage the Iranian regime from its hostile nuclear proliferation program.

This legislation will take steps to adequately address Iranian nuclear proliferation by taking aim at its primary source of funding, its energy sector, adding more rigorous financial and energy sanctions, including a provision that will allow judicial sanctions on those that conduct business in Iran's petroleum industry.

As Iranian nuclear threats continue to evolve, so should the United States' ability to address those threats. I urge my colleagues to support this important legislation.

#### EXTENDING UNEMPLOYMENT ASSISTANCE

(Mr. CICILLINE asked and was given permission to address the House for 1 minute.)

Mr. CICILLINE. Mr. Speaker, millions of hardworking Americans have lost their jobs in this economic crisis through no fault of their own. But rather than standing up and helping

struggling Americans, yesterday this Chamber advanced a bill doomed to fail because of all of the unrelated and controversial riders that were attached.

According to the Rhode Island State director of labor, for every two part- or full-time positions in Rhode Island there are seven applicants. There's an urgent need for Congress to extend Federal emergency unemployment compensation in my State with a total of 58,000 unemployed Rhode Islanders.

This social safety net provides a lifeline to struggling individuals, helping them to pay their mortgage and utilities as well as put food on the table for their families. Families like Betsy Hamel's in Jamestown, Rhode Island. Betsy supports her disabled husband and her severely disabled son but doesn't know how she'll make ends meet while continuing to look for work if unemployment assistance is not extended.

It's time to stop playing partisan games and stand up for the millions of Americans like Betsy and extend unemployment benefits now.

#### HONORING BORDER PATROL AGENT BRIAN TERRY

(Mr. QUAYLE asked and was given permission to address the House for 1 minute.)

Mr. QUAYLE. Mr. Speaker, 1 year ago today, U.S. Border Patrol Agent Brian Terry lost his life doing what he had done his entire life: serving his country. A native of Detroit, Brian Terry served with distinction in the U.S. Marine Corps and then as a police officer back home in Michigan. In 2007, Agent Terry was offered a job with the United States Border Patrol—a job he'd always dreamed of.

Agent Terry lost his life during a shootout with armed thugs in Rio Rico, Arizona—just north of the Mexican border. Shortly after his death, his sister, Michelle, told the Associated Press, "His dream all his life was to be a Federal agent. It was always, 'I want to be a cop. I want to get the bad guys.' It was his life. He said it was dangerous, but he loved what he did and wanted to make a difference."

Mr. Speaker, we will never forget Agent Terry and the sacrifice he made. We will continue to keep his family in our thoughts and prayers.

#### AFFORDABLE HEALTH CARE ACT

(Mrs. DAVIS of California asked and was given permission to address the House for 1 minute.)

Mrs. DAVIS of California. Mr. Speaker, as we hear from Members of this House every day, I thought it would be refreshing to bring the people's voice directly to this floor. So I asked my constituents to send me their thoughts that I could deliver as a 1-minute speech.

The following is from Susan Sigmund of San Diego, who sent me this on the Affordable Care Act to be reviewed by the Supreme Court. She offered: "Being given the opportunity to speak before you, I wanted to make these 60 seconds witty, timely, and relevant to all. Having failed at that, I will simply discuss my main concern right now. It's the future of the health care law. The Supreme Court could strike it down next year.

"I have a preexisting health condition and will die in about 3 years unless I am able to buy a health insurance policy. I'm sure I am one of many facing this bleak possibility.

"As I understand it, if the mandate section requiring a policy goes, so goes the provision barring preexisting condition discrimination. If the time comes, please do the honorable thing and vote to allow your constituents with preexisting conditions to buy health care insurance. Lives depend on it. Thank you."

Mr. Speaker, I want to thank Mrs. Sigmund for bringing to the House her thoughts on health care.

#### REBUILD THE AMERICAN DREAM FOR THE 99% ACT

(Mr. ELLISON asked and was given permission to address the House for 1 minute.)

Mr. ELLISON. Mr. Speaker, yesterday Members of the Congressional Progressive Caucus introduced an important bill, and it's called the "Rebuild the American Dream for the 99% Act." This bill, this important "Rebuild the American Dream for the 99% Act," would create 5 million jobs, Mr. Speaker, over 2 years, and cut the deficit by \$2 trillion over 10 years.

The "Rebuild the American Dream for the 99% Act" creates direct-hire programs to put Americans back to work; provides grants for on-the-job training and employment services; invests \$50 billion for infrastructure projects; creates a national infrastructure bank; improves "buy American" provisions; ends the practice of foreign currency manipulation; protects wounded veterans from job discrimination; extends unemployment insurance, including for people at 99 weeks; and supports the TANF emergency contingency fund to help States pay for the cost of hiring unemployed workers. We can do these things. The "Rebuild the American Dream Act for the 99% Act" does it.

□ 1230

#### H.R. 3650, ZERO TOLERANCE FOR CHILD SEXUAL ABUSE

(Ms. JACKSON LEE of Texas asked and was given permission to address the House for 1 minute.)

Ms. JACKSON LEE of Texas. Mr. Speaker, in the calamity of news re-

ports proliferating across America regarding the epidemic proportions of child sexual abuse, I introduce Zero Tolerance For Child Sexual Abuse, H.R. 3650. I ask my colleagues to join me for a national statement of abhorring and standing against the abuse of our children.

On a much happier topic, I thank our leader for her comments on our returning troops, and I look forward to introducing a resolution thanking and congratulating our returning troops, having one day or two days in which our Members will join me in wearing a yellow ribbon and, as well, commemorating the return of our wonderful troops and thanking their families from wherever they have come for this holiday season.

What greater gift than the men and women who have served on the front lines to honor us by their presence here in the holiday season. Our message should be "no silent State, no silent neighborhood, no silent community" in reference to honoring them as they come home.

#### OPPOSING H.R. 3630, MIDDLE CLASS TAX RELIEF AND JOB CREATION ACT

(Ms. SCHAKOWSKY asked and was given permission to address the House for 1 minute.)

Ms. SCHAKOWSKY. Why did I vote against H.R. 3630 yesterday? I could list many reasons, but I only have 1 minute so here are three.

One, the bill extends unemployment insurance for some jobless Americans and then drastically cuts months off of benefits for others, and it makes all who are unemployed jump through demeaning hoops in order to get any benefits.

Two, in order to reluctantly give the middle class a payroll tax break, it asks seniors and people with disabilities to pay more for Medicare, but it refuses to ask millionaires and billionaires to pay one more cent.

Three, the bill threatens public health by preventing the Environmental Protection Agency from regulating dangerous mercury and other emissions, and then it goes a step further by threatening the public health by cutting the Prevention and Public Health Fund.

H.R. 3630 is a political statement, not a serious proposal. What a statement to make—more support for dirty air and water, increased health care costs for middle-income people, and less help for those struggling to find jobs.

#### NO VETERAN DIES ALONE PROGRAM

(Mr. COSTA asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. COSTA. Mr. Speaker, I rise today to pay tribute to the No Veteran Dies Alone program at the veterans hospital in Fresno, California.

During the holiday season, it is appropriate to give thanks. Members of the military follow the sacred oath of "leave no man behind." The No Veteran Dies Alone program follows the ethos that ensures all veterans know that they are not forgotten in their remaining days.

Men and women, some of whom work at the hospital, volunteer their time to care for those who have worn the uniform of the U.S. military. This innovative volunteer program helps our veteran hospice patients spend their final days in friendship and warmth.

During the holiday season, may we seek to lead lives as compassionately as the volunteers who selflessly serve our veterans in the No Veteran Dies Alone program.

#### SUPPORTING THE PRIMARY CARE WORKFORCE ACCESS IMPROVEMENT ACT

(Mrs. McMORRIS RODGERS asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. McMORRIS RODGERS. I rise today to urge support for the Primary Care Workforce Access Improvement Act.

This bipartisan bill, which I've introduced with my colleague Mr. THOMPSON from California, will ensure that some of the most rural parts of our country will have greater access to doctors and that the high quality of health care that we value as Americans will continue. Right now, some areas of Washington State don't have enough doctors because there isn't enough funding for their residencies. Other areas, like Garfield County, simply have no doctors at all.

As cochair of the Congressional Rural Health Caucus, I can tell you this legislation directly helps by bringing more physicians to places like eastern Washington by providing creative avenues for funding our graduate medical education. It also helps solve the longer-term problem of too few doctors in rural areas, because studies show that, when people do their residencies in the rural areas, they're more likely to practice in the rural areas.

I urge the support of this legislation, and I thank Mr. THOMPSON for joining me in introducing it.

#### RELUCTANT OPPOSITION TO THE NATIONAL DEFENSE AUTHORIZATION ACT OF 2012

(Mr. MORAN asked and was given permission to address the House for 1 minute.)

Mr. MORAN. Mr. Speaker, I rise in reluctant opposition to the National

Defense Authorization Act of 2012, which we will be voting on today.

The bill does include provisions that are vital to our national defense, but it also includes provisions that present a false choice between our safety and our values.

Section 1021 would authorize the indefinite military detention of all terrorism suspects. Allowing the United States military to detain individuals, some of whom may be innocent, without charge or trial during this endless war on terrorism undermines our most defining principles as a Nation of individual freedom and justice for all.

Mr. Speaker, our civilian law enforcement agencies have proven themselves capable of apprehending, interrogating, and prosecuting terrorism suspects. In fact, civilian courts have overseen the successful prosecution of more than 400 terrorists—the military courts only six.

This Congress should not impose these law enforcement duties upon our troops. It is un-American and unconstitutional. We should reject the false choice between our short-term security and our long-term survival as the leader of the free world.

#### SUPPORT H.R. 1905, THE IRAN THREAT REDUCTION ACT

(Mr. WELCH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WELCH. I rise today in support of the Iran Threat Reduction Act.

Mr. Speaker, I believe in dialogue and I very much believe in diplomacy; but despite an unprecedented effort by President Obama in his speech to the Iranian people for outreach, the Iranian Government was unreciprocal in any kind of response. Instead, what we've seen is that they are pursuing the development of nuclear weapons full speed ahead. Last month, the International Atomic Energy Agency further confirmed in a report detailing efforts by the Iranian Government Iran's nuclear aspirations to acquire the skills needed to weaponize highly enriched uranium.

This is extremely dangerous. Iran has had a longstanding relationship with Hezbollah, which continues to condone violence as a political tactic; and Iran is continuing to be the major bulwark of support for the brutal crackdown by the Syrian Government on the democratic aspirations of its people.

I urge my colleagues to support the Iran Threat Reduction Act.

#### CONFERENCE REPORT ON H.R. 1540, NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2012

Mr. BISHOP of Utah. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 493 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 493

*Resolved*, That upon adoption of this resolution it shall be in order to consider the conference report to accompany the bill (H.R. 1540) to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes. All points of order against the conference report and against its consideration are waived. The conference report shall be considered as read. The previous question shall be considered as ordered on the conference report to its adoption without intervening motion except: (1) one hour of debate; and (2) one motion to recommend if applicable.

SEC. 2. It shall be in order at any time through the remainder of the first session of the One Hundred Twelfth Congress for the Speaker to entertain motions that the House suspend the rules, as though under clause 1(c) of rule XV, if the text of the measure proposed in a motion is made available to Members, Delegates, and the Resident Commissioner (including pursuant to clause 3 of rule XXIX) on the calendar day before consideration.

SEC. 3. On any legislative day of the first session of the One Hundred Twelfth Congress after December 16, 2011—

(a) the Journal of the proceedings of the previous day shall be considered as approved;

(b) the Chair may at any time declare the House adjourned to meet at a date and time, within the limits of clause 4, section 5, article I of the Constitution, to be announced by the Chair in declaring the adjournment; and

(c) bills and resolutions introduced during the period addressed by this section shall be numbered, listed in the Congressional Record, and when printed shall bear the date of introduction, but may be referred by the Speaker at a later time.

SEC. 4. On any legislative day of the second session of the One Hundred Twelfth Congress before January 17, 2012—

(a) the Speaker may dispense with organizational and legislative business;

(b) the Journal of the proceedings of the previous day shall be considered as approved if applicable; and

(c) the Chair at any time may declare the House adjourned to meet at a date and time, within the limits of clause 4, section 5, article I of the Constitution, to be announced by the Chair in declaring the adjournment.

SEC. 5. The Speaker may appoint Members to perform the duties of the Chair for the duration of the period addressed by sections 3 and 4 as though under clause 8(a) of rule I.

□ 1240

The SPEAKER pro tempore (Mr. YODER). The gentleman from Utah is recognized for 1 hour.

Mr. BISHOP of Utah. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from Florida (Mr. HASTINGS), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

GENERAL LEAVE

Mr. BISHOP of Utah. I ask unanimous consent that all Members may have 5 legislative days during which

they may revise and extend their remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Utah?

There was no objection.

Mr. BISHOP of Utah. Mr. Speaker, this resolution provides a standard conference report rule and other end-of-the-year housekeeping provisions.

H.R. 1540, the National Defense Authorization Act for 2012, has been considered in committee. It was debated on the House floor. It included 152 amendments made in order before passing this Chamber, and that was done in May with an overwhelming and bipartisan majority. It went through the Senate. And now we bring to you today a bipartisan conference report.

I have to commend the chairman of the Armed Services Committee, the gentleman from California (Mr. McKEON), as well as the ranking member, the gentleman from Washington (Mr. SMITH), for truly continuing the tradition of bipartisanship and mutual cooperation in the Armed Services Committee and in this particular bill.

There are some times when Congress has a reputation of being somewhat contentious and partisan, sometimes deservedly so. However, I have been a member of the Armed Services Committee myself for several years, and I recognize that they clearly understand Article I of the Constitution, which requires a common defense of our country; and in that particular committee, partisanship really has been checked at the door regarding the product of the Armed Services Committee, which is this annual Defense authorization bill.

In its essence, I think the process has been good, the efforts have been good, and it has made a significant issue that we are bringing here to the floor ready to pass in its final version from the conference committee. There are significant underlying issues that I think we will talk about during the course of the discussion on the rule and perhaps on the bill as well, but those things, I think, will be handled as they appear at that particular time.

With that, Mr. Speaker, I reserve the balance of my time.

Mr. HASTINGS of Florida. I thank my friend from Utah for yielding the time, and I yield myself such time as I may consume.

Mr. Speaker, it's been more than 10 years since the attacks of September 11. We have fought two wars and have engaged in military action in numerous other countries. Hundreds of thousands of people have died, and many more have been wounded. We have spent more than \$1 trillion. Osama bin Laden is dead, and the Obama administration officials have declared that al Qaeda is "operationally ineffective."

Here at home, we've reformed our national government, compromised our civil liberties, spent billions on a sur-

veillance state, and created a culture of paranoia in which, even in the last few days, a reality TV show about Muslim Americans is subjected to a campaign of hate and intolerance.

Before proceeding, let me commend the chairman and the ranking member of the relevant committee of jurisdiction that put this package together. I am fundamentally opposed to many aspects of it, but I am in tremendous agreement with their bipartisan efforts and the staffs of both of them and the other committee members for putting forth the effort to bring us to this point of discussion.

We should take this opportunity at this moment in our history to seriously and carefully deliberate our Nation's counterterrorism efforts. We ought to consider which policies are effective and which, in the end, only create more anti-American sentiment. We ought to consider which policies align with our national values and which, instead, undermine them. We ought to consider whether we should continue using the full thrust of the United States Armed Forces in country after country or whether a more nuanced approach might better serve our needs.

Unfortunately, the legislation before us does not attempt to answer these questions. Instead, it commits us to dive even further down the road of fear. It commits us to more war and more wasteful spending, and it commits us to ceding our freedoms and liberties on the mere suspicion of wrongdoing. This legislation erodes our society and our national security by militarizing our justice system and empowering the President to detain anyone in the United States, including American citizens, without charge or trial, without due process.

If this is going to continue to be the direction of our country, Mr. Speaker, we don't need a Democratic Party or a Republican Party or an Occupy Wall Street party or a Tea Party; we need a Mayflower party. If we are going to undermine the foundational principles of this great country, then we might as well sail away to someplace else.

This legislation establishes an authority for open-ended war anywhere in the world and against anyone. It commits us to seeing a "terrorist" in anyone who ever criticizes the United States in any country, including this one. The lack of definitions as to what constitutes "substantial support" and "associated forces" of al Qaeda and the Taliban mean that anyone could be accused of terrorism. Congress has not tried to curtail civil liberties like this since the McCarthy era; but here we are today, trying to return to an era of arbitrary justice, witch-hunts, and fearmongering.

While this measure includes an exemption for United States citizens, it does not protect them from indefinite detention. In one fell swoop, we have

set up a situation where American citizens could have their Fourth, Fifth, Sixth, Seventh, and Eighth Amendment rights violated on mere suspicions. And by placing suspected terrorists solely in the hands of the military, these provisions deny civilian law enforcement the ability to conduct effective counterterrorism efforts.

The fact of the matter is that our law enforcement agencies and civilian courts have proven over and over again that they are more than capable of handling counterterrorism cases. I had the distinct privilege in this country of serving as a Federal judge shepherding cases and protecting the interests of the United States and vital security interests during that period of time. And in every one of those cases—some 11 over the period of 9¼ years—all of the defendants were found guilty, and that is before 2001.

More than 400 suspected terrorists have already been tried in the Federal courts of the United States of America. We should not break something that already works. The idea that the executive branch's current powers are inadequate to fight terrorism is proven false by 10 years of successful counterterrorism efforts. The idea that the President—any President—needs a whole new expansion of his—and I hope one day soon—her powers is just wrong.

Most national security experts, Democrats and Republicans, are telling us not to adopt this language. Many officials responsible for our homeland security are telling us not to adopt this language. A lot of our military leaders are telling us not to adopt this language, Mr. Speaker. This legislation goes too far.

□ 1250

We spend billions of dollars every year on counterterrorism, but we weaken those efforts by tossing aside our own system of justice. We tell the American public that we are fighting overseas in order to protect our freedoms, but then we pass legislation that undermines those very same freedoms here in the people's House and at home.

And we tell the rest of the world to emulate our democratic traditions and our rule of law, but we disregard those values in a mad rush to find out how we can pretend to be the toughest on terrorism.

We won't defeat terrorism by using the military to lock up innocent people for the rest of their lives on the mere suspicion of wrongdoing. We will not defeat terrorism by claiming the entire world as a battlefield. And we will not defeat terrorism by replacing our rule of law with reckless, uncontrolled, and unaccountable powers.

Mr. Speaker, we need to have a more considered debate about the best way to conduct our defense and counterterrorism policies. This bill contains over \$600 billion in spending, runs to over



1,000 pages, and is coming to the floor less than 48 hours after it was filed.

While the detainee provisions in this legislation might have received the most attention in the last few days, there are plenty of other critical provisions that Members may have opinions about, and that's why on these kinds of measures we should have open rules.

I realize that I've said that Congress—and we are proving it at the end of this session—has a bad case of deadline-itis. But my friends in the Republican majority don't only have deadline-itis, they have deadline-ophila.

Yesterday we considered a poorly conceived extenders package that will harm the middle class and weaken our economy. Today we are considering controversial language in a defense bill that sets a dangerous precedent and will potentially harm the civil liberties of American citizens.

I appreciate that the Republican majority, many of whom are my friends, don't want their holiday season ruined by having to work. But that doesn't mean we have to ruin everyone else's holiday season by passing bad laws.

I reserve the balance of my time.

Mr. BISHOP of Utah. Mr. Speaker, the issues and accusations that were brought up by the gentleman from Florida will be something that we will address in the course of this debate, but I wish to do this in somewhat of a regular order. There are other issues, as he said, that are significant.

To address the first of those, I would like to yield 2 minutes to the gentleman from Arizona (Mr. QUAYLE).

Mr. QUAYLE. I thank the gentleman for yielding.

I rise in support of the rule and the conference report of the National Defense Authorization Act.

The NDAA includes a long-term reauthorization of the Small Business Innovation Research and Small Business Technology Transfer programs. I was proud to serve as a conferee for this important bill.

SBIR was originally signed into law by President Reagan and has been an effective tool supporting innovation among our small business community for nearly 30 years. Since its inception, this competitive grant program has enabled more than 100,000 research and development projects across the Nation and has helped spawn familiar companies such as Qualcomm, Sonicare, and Symantec.

Although this reauthorization of these programs isn't perfect, it improves them in a number of ways. It opens up the program for more small companies to participate. It increases the emphasis on commercialization of new technologies. Finally, it significantly strengthens the data collection and oversight requirements of the programs.

In my hometown of Phoenix, we have a thriving tech community. By passing

today's bill and providing long-term reauthorization, we will provide our small businesses the certainty they need to continue to innovate and grow and create jobs.

I would like to thank Chairman HALL and Chairman GRAVES for all of their work in ushering through this agreement.

Mr. HASTINGS of Florida. Mr. Speaker, I am very pleased at this time to yield 2 minutes to my good friend, the distinguished gentlewoman from California (Ms. LEE).

Ms. LEE of California. First let me thank the gentleman from Florida for yielding. He is a former member of the Intelligence Committee, and I just have to thank him for his tremendous leadership and for his opening statement which laid out many of the concerns that many of us have about this bill.

Mr. Speaker, I rise today in strong opposition to this very controversial bill that directly attacks the bedrock values of America. I'm talking about the constitutional guarantees of due process for those charged with crimes.

Now, against the wishes of President Obama; our Defense Secretary, Mr. Panetta; the Director of National Intelligence, Mr. Clapper; and FBI director, Mr. Mueller, this bill allows the Federal Government to seize suspected terrorists, including United States citizens, and hold them in indefinite detention.

Arresting citizens and holding them without trial violates the Fifth Amendment's due process guarantees. This bill fundamentally is un-American, and it threatens all of our liberties. We cannot allow those who seek to terrorize the American people to win by trashing the very civil liberties at the heart of our national identity. Giving up American ideals will not make us safer. This legislation undermines our national security and our democracy.

Mr. Speaker, I would like to enter into the RECORD this letter from 26 retired generals and admirals concerned about how the United States treats detainees. These veteran national security experts wrote this rare public letter denouncing the detention provisions.

I will conclude with the words of those honorable retired generals and flag officers who warned that this legislation "both reduces the options available to our Commander in Chief to incapacitate terrorists and violates the rule of law, and would seriously undermine the safety of the American people."

I ask my colleagues to defend the civil freedoms which we all cherish, to support our national security, to support our democracy, and to vote "no" on this very dangerous bill and this rule.

NOVEMBER 28, 2011.

DEAR SENATOR: We are members of a non-partisan group of forty retired generals and

admirals concerned about U.S. policy regarding enemy prisoner treatment and detention.

We write to urge you to vote for Amendment 1107 to the National Defense Authorization Act which would strike all of the controversial detention provisions in sections 1031, 1032 and 1033 and, in their place, mandate a process for Congress to consider whether any detention legislation is needed.

As retired general and flag officers, we clearly do not make this request lightly. It is clear, however, that there is significant disagreement over the impact on our national security of these provisions. There should be no disagreement that legislation which both reduces the options available to our Commander-in-Chief to incapacitate terrorists and violates the rule of law would seriously undermine the safety of the American people.

We appreciate that our leaders are constantly striving to make America more secure, but in doing so, we must be careful not to overreact and overreach, resulting in policies that will do more harm than good. At the very least, the current detention provisions merit public debate and should not be agreed to behind closed doors and tacked into legislation as important as our national defense bill.

Sincerely,

General Joseph P. Hoar, USMC (Ret.); General Charles C. Krulak, USMC (Ret.); General David M. Maddox, USA (Ret.); General William G. T. Tuttle Jr., USA (Ret.); Lieutenant General Robert G. Gard Jr., USA (Ret.); Lieutenant General Charles P. Otstott, USA (Ret.); Lieutenant General Harry E. Soyster (Ret.); Major General John Baptiste, USA (Ret.); Major General Paul D. Eaton, USA (Ret.); Major General Eugene Fox, USA (Ret.); Rear Admiral Don Guter, USN (Ret.); Major General William L. Nash, USA (Ret.); Major General Thomas J. Romig, USA (Ret.); Major General Murray G. Sagsveen, USA (Ret.); Major General Walter L. Stewart, Jr., ARNG (Ret.); Major General, Antonio 'Tony' M. Taguba, USA (Ret.); Brigadier General John Adams, USA (Ret.); Brigadier General David M. Brahms, USMC (Ret.); Brigadier General James Cullen, USA (Ret.); Brigadier General Evelyn P. Foote, USA (Ret.); Brigadier General Gerald E. Galloway, USA (Ret.); Brigadier General Leif H. Hendrickson, USMC (Ret.); Brigadier General David R. Irvine, USA (Ret.); Brigadier General John H. Johns, USA (Ret.); Brigadier General Anthony Verrengia, USAF (Ret.); Brigadier General Stephen N. Xenakis, USA (Ret.).

Mr. BISHOP of Utah. Mr. Speaker, I am pleased to yield 2 minutes to the gentleman from California (Mr. MCCLINTOCK).

Mr. MCCLINTOCK. I thank the gentleman for generously yielding to me to offer a dissenting view of section 1021 of the underlying conference report.

This is the section referenced by the gentleman from Florida that specifically affirms that the President has the authority to deny due process to any American the government charges with "substantially supporting al Qaeda, the Taliban or any associated forces," whatever that means.

Would "substantial support" of an "associated force" mean linking a Web

site to a Web site that links to an al Qaeda site? We don't know. The question before us is: Do we really want to find out?

We're told not to worry, the bill explicitly states that nothing in it shall alter existing law. But wait—there is no existing law that gives the President the power to ignore the Bill of Rights and detain Americans without due process. There is only an assertion by the last two Presidents that this power is inherent in an open-ended and ill-defined war on terrorism. But it is a power not granted by any act of Congress until now.

What this bill says is, what Presidents have only asserted, Congress now affirms in statute.

We're told this merely pushes the question to the Supreme Court to decide if indefinite detention is compatible with any remaining vestige of our Bill of Rights. Well, that's a good point if the court were the sole guardian of the Constitution. But it is not. If it were, there would be no reason to require every Member of Congress to swear to preserve, protect, and defend the Constitution. We are also its guardians.

And today we, who have sworn fealty to that Constitution, sit to consider a bill that affirms a power contained in no law and that has the full potential to crack the very foundation of American liberty.

Mr. HASTINGS of Florida. Mr. Speaker, I am very pleased to yield 3 minutes to my good friend, the gentleman from New Jersey (Mr. PASCRELL).

Mr. PASCRELL. Mr. Speaker, over 8 years since the start of the wars in Iraq and Afghanistan, we are still not properly addressing traumatic brain injury, also known as the signature injury of both wars.

□ 1300

I want to thank Chairman McKEON, Ranking Member SMITH, all the chairmen of the subcommittees, as well as members of this committee who are moving forward on this issue. I wish we had the same compromise as we would have on other issues. I commend them for compromising. That's what our Forefathers talked about. I'm glad to see that the Defense Centers of Excellence for Psychological Health and Brain Injury will move oversight to the Army where there will be an increased efficiency and attention for our soldiers.

But there are still problems with screening and treating our troops. Recently, NPR ran an expose on how the Department of Defense has tested over 500,000 soldiers with a predeployment cognitive test, but has performed fewer than 3,000 tests postdeployment to actually compare the results and see if our troops were injured in theater.

The fiscal 2008 National Defense Authorization bill, bipartisanly sup-

ported, Public Law 110-181, required predeployment and postdeployment screenings of a soldier's cognitive ability. Current policy is clearly violating the intent of the law. We must ensure that the same tool is used for pre- and postdeployment cognitive screenings. We can't gauge the cognitive health of our troops without comparing tests. Last year, my amendment to the NDAA for fiscal year 2011 to address this passed the House, but was not in the final bill. We need to correct this in the next year's Defense authorization before any more soldiers slip through the cracks. It has consequences within service; and when they get out of service, it has bigger consequences.

The Defense Department has raised concerns with the currently administered test, but has stated that it will not be able to select an alternative until 2015. That is not acceptable. The longer we wait, the longer our troops suffering from undiagnosed TBIs go untreated.

I am concerned that we are not providing proper oversight for those soldiers who could have been injured in theater before this policy took effect in 2010. Many of these soldiers remain on active duty, and we must ensure that they are tested and treated.

I fear we are doing a disservice to them and our Armed Forces by not addressing this problem in this bill, and I ask everyone to consider this. This is a critical, critical issue given little attention except by Mr. McKEON and Mr. SMITH.

I ask that you do review that.

Mr. BISHOP of Utah. I reserve the balance of my time.

Mr. HASTINGS of Florida. Mr. Speaker, I am pleased to yield 2 minutes to my good friend from Ohio (Mr. KUCINICH).

Mr. KUCINICH. Mr. Speaker, this bill authorizes permanent warfare anywhere in the world. It gives the President unchecked power to pursue war. It diminishes the role of this Congress.

The Founders saw article I, section 8 of the Constitution, which places in the hands of Congress the war power as essential to a check and balance against executive abuse of power. This legislation diminishes Congress' role in that regard.

This legislation authorizes the military to indefinitely detain individuals without charge or trial, including the detention of U.S. citizens on U.S. soil.

In short, what this bill does is it takes a wrecking ball to the United States Constitution and gives enormous power to the government or the State. I want friends on both sides of the aisle to understand this. We're giving the State more power over individuals with this bill. It's the wrong direction.

Our children deserve a world without end, not a war without end. Our children deserve a world where they know

that while their government will protect them, that it's not going to rule over them by invading their very thoughts and going, as the PATRIOT Act does, into their banking records or into their educational records.

We've got to keep the government out of people's lives and stop the government from getting more into war, which gives the government more control over people. This is a time we take a stand for the Constitution and a stand for a government which is smaller when it comes to matters of war.

Mr. BISHOP of Utah. Mr. Speaker, I yield myself such time as I may consume.

In the year we have been here discussing these things, we have talked a lot about budget problems that we have in this country. It is my contention that our budget is not just that we have been spending too much, but we have been spending on too much.

One of the things, though, that we should be spending on is, of course, military issues. Article I of the Constitution clearly states the defense of this country is a core constitutional responsibility, and for that there must be government workers who are required to do this. That is what it should, indeed, be.

Unfortunately, we have a President and an administration that has decided that there should be some financial restraints in this particular area. Indeed, it means reducing spending significantly on the military, not necessarily other areas. The result of this will be, as has been shown in testimony, that we will create an Army smaller than any Army we have had since World War II, a Navy at its smallest since World War I, and an Air Force that is smaller and older than at any time in this country. And to do that, there will at least be 100,000 uniformed jobs that will be cut, destroyed, and reduced.

There are some people who think that simply cutting a few soldiers, a few airmen, and a few sailors will be an easy solution to this issue. That is naive. It will not happen. What it means, though, is that, also, programs must be cut at the same time. We have acquisition which buys new materials for our soldiers, and we have sustainment which fixes it. That means in certain situations our maintenance and sustainment side will have even greater requirements of them because of the decisions the administration has foisted and we will be making in this and the appropriations bill to come later.

For example, the United States has owned air superiority ever since the Korean war, and we take it for granted. Yet the F-16s we fly to maintain that air superiority we were flying at 150 percent of their designed capacity when I was first elected to this Congress. And yet this is an administration that, even though we have that

deficit, decided not to build any more F-22s and are delaying the F-35, which does produce, and put our air superiority in jeopardy. You have to have a plane for an Air Force, and you have to have a boat for a Navy. And they cost some kind of money.

In each case, we will have the oldest equipment. That means when men and women go into battle to defend this country, we are equipping them with the oldest products they will ever have to protect themselves, and that old stuff requires massive maintenance if you're really going to do that.

But what we are requiring to do in this particular budget, if we go along with the President's request for making bigger and bigger cuts in the defense of this country, is taking those civilian employees that make that maintenance effort, that do that sustainment, and that make that equipment last longer than they were designed to last, we are taking them out of the picture.

The end result for the massive cuts we are looking at in the military, both proposed by the Obama administration and if, in effect, they go into effect because of rescission by the failed supercommittee, will be anywhere between 100,000 and a half million civilian employees—and this vital function in this constitutional function—that will lose their jobs. And if you go to the worst case scenario, it may even be 1 million employees.

Now, I mention that specifically because we have heard often and often, where are the jobs bills. This House has passed a number of jobs bills to promote private sector growth. Yet at the same time, we now have a situation where, indeed, the right hand does not know what the left hand is doing. There are those out there who are going around saying that we have to pass—and they are pillorying this Congress for not passing much bigger and bigger spending to create more and more government jobs in areas which are questionable if we should be there in the first place. But at the same time we are being pilloried for not doing that. We are being presented by the left hand with a proposal that will actually cut existing civilian jobs in areas where we were constitutionally required to have them and to maintain them.

If we don't find that at least inconsistent—and mind-bogglingly inconsistent—it is one of our problems in not facing the reality. We are always told pass more government jobs. And at the same time, the same people who are demanding that are saying, okay, now in this area, cut more government jobs. There is no consistency with that. And the sad part is the left hand, the one that is defending this country with the needs of the military—which is our constitutional responsibility—those are the ones which are appropriate, and

those are the jobs that are needed, and those are the jobs that are not being protected in the future.

We must make some decisions in Congress on what is significantly important to us, and this is an area in which we must make those decisions in the future. We must continue to talk about jobs; but we have to realize that if you want more jobs, you can't go about cutting the jobs, and, unfortunately, this administration is trying to play both of those ends, and it is unfortunate.

I reserve the balance of my time.

□ 1310

Mr. HASTINGS of Florida. Mr. Speaker, I yield myself such time as I may consume.

After my good friend from Utah spoke, I guess I say, Wow. Last night I reminded him that military people are government workers also. And toward that end, when we talk about cuts and my friend talked about passing on spending, I'm curious. When \$1 billion walks away in Iraq and nobody knows where it went, I'd ask my friend to tell those soldiers at Fort Bragg—where President and Mrs. Obama have spoken to them today—that are returning home why they were in Iraq and what is it that we protected by spending \$1 trillion. Why is it we are sending money to corrupt governments? And somewhere along the lines I think we will come up with some answers—that we had enough money to spend, but we spent it on things that we should not have.

Mr. Speaker, I am very pleased to yield 2 minutes to my very good friend from New Jersey (Mr. ANDREWS).

Mr. ANDREWS. Mr. Speaker, for many American families, they will only be able to celebrate this holiday if they forget about the burdens of their daily lives. Some are about to lose their jobs, others are about to close their businesses for the last time; some are worried they can't pay for their health care, others are worried that they're next in the layoff line.

This Congress has an opportunity on this day to address those problems. Yesterday the House took action on a bill that, frankly, isn't going to go anywhere to address these problems, and today is the day we ought to act on a bill that will.

On January 1, everyone who earns wages in this country is facing a tax increase if this Congress doesn't act, a \$1,000-a-year tax increase on the middle class. We should suspend that tax increase today.

Many people will lose their unemployment benefits. They will have no income, no check. And to those who say, well, they should go find a job, you should walk in the shoes of those who are in that predicament because here's what you would find: For every one job that's available in this country, there

are four people looking for it. So failing to extend unemployment benefits is craven, in my opinion.

On the 1st of January, doctors who take care of our seniors—our grandmothers, our grandfathers, our disabled citizens—will see a 23 percent cut in what Medicaid pays them if we do not act by December 31.

Now, yesterday's bill was deficient in so many ways, but here's two of the real big ones:

First of all, it attached extraneous provisions about whether to build an oil pipeline. Some people are for it, others are not. It doesn't belong in that bill; and

Second, a large way the bill was paid for was to blame the unemployed and to say we're going to pay for what's in that bill by cutting their benefits. That's wrong.

The SPEAKER. The time of the gentleman has expired.

Mr. HASTINGS of Florida. I yield the gentleman an additional 30 seconds.

Mr. ANDREWS. What we ought to be saying is we can hold down the taxes on the middle class, we can fairly extend benefits for the unemployed, we can make sure our doctors will continue to see our seniors and our disabled people if we ask the hedge fund managers and the millionaires and the billionaires of this country to pay just a little bit more.

We will give the House an opportunity this afternoon to vote on that bill. That's the bill we should be considering. If we do, we can then proceed immediately with passing this badly needed defense bill.

Mr. BISHOP of Utah. Mr. Speaker, the gentleman from New Jersey is right, yesterday the House did act in a bipartisan way. Now it's up to the Senate to act—amend, change, anything except just sitting there and not taking action.

I am pleased to yield 1 minute to the gentleman from Arizona (Mr. FLAKE).

Mr. FLAKE. I thank the gentleman for yielding.

Mr. Speaker, today I rise in support of section 1245 in the conference report to the NDAA that would require what we hope are crippling sanctions on the Central Bank of Iran. These provisions, offered as a bipartisan amendment in the other Chamber and approved by a unanimous vote, would severely limit the funding available for the Iranian regime to use in its pursuit of nuclear weapons. I have introduced similar legislation as a stand-alone bill here in Congress, and we also wrote a letter encouraging the conferees to accept this language. I am pleased that they did.

There is no silver bullet when it comes to stopping the Iranian regime from acquiring nuclear weapons, but if there is any sweet spot where we can make a difference, it is with the Central Bank of Iran. And so I am pleased

that this provision is in the bill, and I would urge adoption of that section all the way through the process. And I hope that this signals our intent certainly to ensure that Iran does not obtain nuclear weapons.

Mr. HASTINGS of Florida. Mr. Speaker, would you be so kind as to inform us as to the amount of time remaining on either side.

The SPEAKER. The gentleman from Florida has 10 minutes remaining. The gentleman from Utah has 18½ minutes remaining.

Mr. HASTINGS of Florida. Thank you very much, Mr. Speaker.

At this time, I am very pleased to yield 2 minutes to my friend, the distinguished woman from California (Mrs. DAVIS).

Mrs. DAVIS of California. Mr. Speaker, this is a positive bill for our military families, and when we move to the bill I'm going to take an opportunity to address that. But while we're on the rule, I have to express my immense disappointment that still, to this day, we, as a Congress, will not even bring to the table, we won't even look at the fact that if a military servicewoman is raped and becomes pregnant, she does not have access to an abortion procedure. Mr. Speaker, this is really an outrage.

We say that we want to help our servicewomen. We say that we are finally starting to treat them as the warriors that they are, and yet I ask you: How many women have to fight and die for our country in order to have the same rights as women sitting in Federal prison?

This is a slap in the face to all military women. They volunteer to train, they volunteer to deploy and fight for our country, and we repay them by treating them as less worthy than prisoners.

Honoring women in our military means changing this policy and treating them with respect. Haven't they earned this? It's well past time to show them that they have.

Mr. BISHOP of Utah. I reserve the balance of my time.

Mr. HASTINGS of Florida. Mr. Speaker, I yield myself such time as I may consume.

If we defeat the previous question, I will offer an amendment to the rule to provide that immediately after the House adopts this rule it will bring up the Middle Class Fairness and Putting America Back to Work Act of 2011, which extends middle class tax relief, unemployment benefits, and the Medicare reimbursement doc fix.

I ask unanimous consent to insert the text of the amendment in the RECORD along with extraneous material immediately prior to the vote on the previous question.

The SPEAKER. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. HASTINGS of Florida. Mr. Speaker, at this time I am very pleased to yield 2 minutes to the distinguished gentlelady from California (Ms. HAHN).

Ms. HAHN. I thank my colleague from Florida for giving me this time.

I want to encourage my friends and colleagues on both sides to defeat the previous question so that we can work together to pass a clean extension of unemployment benefits and the payroll tax cut.

You know, yesterday the House Chaplain began the day with a reminder that the holidays are a time of hope. And it is in that spirit of hope that Congress should embrace and put aside some of the politics that have darkened our recent discussions.

□ 1320

Last night my Republican friends passed legislation that, however well intended, has no chance of passing in the Senate. It did not receive my vote because, like many of my fellow Democrats in the House and the Senate, I don't believe that we should be debating controversial issues as part of those extensions.

If you believe that building a pipeline through the United States is a good idea, let's have that debate. If you believe that the EPA shouldn't regulate emissions from certain industries and machines, let's have that debate.

However, those issues cloud the need for extending unemployment benefits to those who can't find work. And it clouds the benefits for American families that would get an extension of the payroll tax cuts.

I want to work with my Republican friends to get this done. I know I'm new around here, but I think that means putting aside these other issues to debate them on their own merits.

Let's work together in a spirit of hope, vote against the previous question, and let's come back to the table and do what needs to be done.

Mr. HASTINGS of Florida. I would advise my friend from Utah that I am going to be the last speaker if he is ready to close.

Mr. BISHOP of Utah. I am prepared to close as well.

I continue to reserve the balance of my time.

Mr. HASTINGS of Florida. Mr. Speaker, I yield myself the balance of my time.

In the mad rush to get home for Christmas, we're delivering an early gift to those who criticize our country for failing to live up to our ideals.

With this legislation, we're undermining over 200 years of constitutional protections. We're returning American society to an age when an all-powerful executive can command unaccountable power over people's lives.

To codify in law the power of the President to indefinitely detain Amer-

ican citizens without charge or trial is an egregious affront to our Nation's system of justice. Franz Kafka wrote about it years ago, and it has been known as Kafkaesque.

Ten years after the attacks of September 11—10 years of war, of runaway defense spending, of the PATRIOT Act, torture, and extraordinary rendition—and we're still responding to the terrorist threat with a knee-jerk reaction, devoid of reason and common sense.

This legislation says that our law enforcement agencies do not work; that our judiciary, our court system does not work. This legislation says that the President can, alone, decide who is guilty or innocent.

I would remind my friends that Barack Obama may not be the President all the time. But no President should have untrammelled authority to determine innocence or guilt. It puts the lie to the judicial branch of our government and to the legislative branch of our government. This legislation goes too far.

If the Republican majority was serious about having this body carefully consider our Nation's defense policies, Members would have had more than 2 days to review the more than 1,000 pages covering \$600 billion in spending.

I urge my colleagues to vote against this rule and the underlying legislation, and I yield back the balance of my time.

Mr. BISHOP of Utah. Mr. Speaker, I yield myself the balance of my time.

This bill has gone through regular order as no other bill has. It went through its committee in regular order and was passed out in an overwhelmingly bipartisan vote, 60-1. It came on the floor with 152 amendments to be considered and was passed out with an overwhelming bipartisan vote. It went to the Senate, was passed out in an overwhelming bipartisan vote, and the conference report was signed by the conferees in a clear bipartisan effort.

This is one of those good bills that does authorize our military forces through fiscal year 2012, and it is significant.

But I would like, in closing, to talk about one of the issues that I think was brought up, and brought up with some exaggeration to the content of what is there that deals specifically with military detainees. I want this very clear because both Congressman McKEON, who is the chairman of the committee, Congressman SMITH, who is the ranking member of the committee, spoke at length in Rules Committee on this specific issue. They were asked about the issue; they addressed the issue.

Let me make this very clear. Anything in this law that deals with detainees does not change in any way, shape, or form existing law. It does not deny anyone habeas corpus opportunities. That is not waived in any way, shape, or form.

Let me quote from Mr. SMITH, the ranking Democrat on the committee, when talking about different things, he simply said that there is the possibility of indefinite detention without a normal criminal charge, but even if you do that, which, once again, the President said he won't do, but even if you did that in certain isolated circumstances where it could be necessary under the law of war, even if you do that, habeas corpus still applies, which means you have to have a hearing in front of a Federal judge to make your case under the law for why you have the right to detain this person. And to do that, you have to show there is a connection to al Qaeda and the Taliban, and you have to show there is a threat that they present. So habeas corpus applies to everyone, whether they are a citizen, illegal alien, or a noncitizen. Habeas corpus still applies.

It is very clear in both sections 1021 and 1022 that protections for American citizens are clearly stated in there. In the Senate, they added, in 1021, the words:

Nothing in this section shall be construed to affect existing law or authorities relating to the detention of U.S. citizens, lawful resident aliens of the United States, or any other persons who are captured or arrested in the United States.

In 1022 it makes it very clear, before somebody can be detained, there are two standards which must be met. First of all, there has to be association with an armed force that is in coordination and acting against the interests of the United States and, not just membership, they have to have participated in the course of planning or carrying out attacks or attempted attacks against the United States or its coalition partners.

You can't just go out and pick people off the streets. There has to be a standard. And everyone still gets habeas corpus rights in all of these events.

Let me quote again from the law, from the report, the bill that we are debating and discussing and voting:

"The requirement to detain a person in military custody under this section"—this power—"does not extend to citizens of the United States," which means you can't do this kind of detainment against a citizen or a lawful alien of the United States.

Only in this section, and in both sections, do you have to meet certain very restrictive criteria which are not different than what we are currently doing, which simply means in the past history of this United States, especially in some of our war times, there have been Presidents who we jokingly say used to throw people in jail who were opposed to them.

President Obama could still do that under existing statute, but he can't do it with this language in this particular bill. There are specifics that are set forth. There are specific protections

written for American citizens, specific protections written for illegal aliens of the United States. It is only a very restricted authority and a very restricted power, and it doesn't affect habeas corpus. It doesn't change existing law.

In essence, those people who worked in the committee on this bill have done a yeoman's work in coming up with a good bill. Those people who worked in the conference did a yeoman's work in coming up with a good conference report.

This is a good rule, which is a standard conference report rule. And with the only exception that we still must be very careful that if we follow the administration's advice and cut our military spending too much, not only are we putting our military in jeopardy and our equipment in jeopardy, but we are destroying jobs, which is what we don't want to be doing in this particular time period.

I would urge everyone to vote for this rule, and I would urge everyone to vote for the underlying bill.

□ 1330

The material previously referred to by Mr. HASTINGS of Florida is as follows:

AN AMENDMENT TO H. RES. 493 OFFERED BY MR. HASTINGS OF FLORIDA

SEC. 6. Immediately upon adoption of this resolution the Speaker shall, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of a bill consisting of the text of the amendment printed in the Congressional Record dated December 13, 2011 pursuant to clause 8 of rule XVIII and numbered 1, which will bear the title "to support the middle class and create jobs, and for other purposes". The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the Majority Leader and Minority Leader or their respective designees. After general debate the bill shall be considered for amendment under the five-minute rule. Each section of the bill shall be considered as read. All points of order against provisions in the bill are waived. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions. If the Committee of the Whole rises and reports that it has come to no resolution on the bill, then on the next legislative day the House shall, immediately after the third daily order of business under clause 1 of rule XIV, resolve into the Committee of the Whole for further consideration of the bill.

SEC. 7. Clause 1(c) of rule XIX shall not—apply to the consideration of the bill specified in section 6 of this resolution.

(The information contained herein was provided by the Republican Minority on multiple occasions throughout the 110th and 111th Congresses.)

THE VOTE ON THE PREVIOUS QUESTION: WHAT IT REALLY MEANS

This vote, the vote on whether to order the previous question on a special rule, is not merely a procedural vote. A vote against ordering the previous question is a vote against the Republican majority agenda and a vote to allow the opposition, at least for the moment, to offer an alternative plan. It is a vote about what the House should be debating.

Mr. Clarence Cannon's *Precedents of the House of Representatives* (VI, 308-311), describes the vote on the previous question on the rule as "a motion to direct or control the consideration of the subject before the House being made by the Member in charge." To defeat the previous question is to give the opposition a chance to decide the subject before the House. Cannon cites the Speaker's ruling of January 13, 1920, to the effect that "the refusal of the House to sustain the demand for the previous question passes the control of the resolution to the opposition" in order to offer an amendment. On March 15, 1909, a member of the majority party offered a rule resolution. The House defeated the previous question and a member of the opposition rose to a parliamentary inquiry, asking who was entitled to recognition. Speaker Joseph G. Cannon (R-Illinois) said: "The previous question having been refused, the gentleman from New York, Mr. Fitzgerald, who had asked the gentleman to yield to him for an amendment, is entitled to the first recognition."

Because the vote today may look bad for the Republican majority they will say "the vote on the previous question is simply a vote on whether to proceed to an immediate vote on adopting the resolution . . . [and] has no substantive legislative or policy implications whatsoever." But that is not what they have always said. Listen to the Republican Leadership Manual on the Legislative Process in the United States House of Representatives, (6th edition, page 135). Here's how the Republicans describe the previous question vote in their own manual: "Although it is generally not possible to amend the rule because the majority Member controlling the time will not yield for the purpose of offering an amendment, the same result may be achieved by voting down the previous question on the rule . . . When the motion for the previous question is defeated, control of the time passes to the Member who led the opposition to ordering the previous question. That Member, because he then controls the time, may offer an amendment to the rule, or yield for the purpose of amendment."

In Deschler's *Procedure in the U.S. House of Representatives*, the subchapter titled "Amending Special Rules" states: "a refusal to order the previous question on such a rule [a special rule reported from the Committee on Rules] opens the resolution to amendment and further debate." (Chapter 21, section 21.2) Section 21.3 continues: "Upon rejection of the motion for the previous question on a resolution reported from the Committee on Rules, control shifts to the Member leading the opposition to the previous question, who may offer a proper amendment or motion and who controls the time for debate thereon."

Clearly, the vote on the previous question on a rule does have substantive policy implications. It is one of the only available tools for those who oppose the Republican majority's agenda and allows those with alternative views the opportunity to offer an alternative plan.

Mr. BISHOP of Utah. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The SPEAKER. The question is on ordering the previous question.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. HASTINGS of Florida. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER. Pursuant to clause 9 of rule XX, the Chair will reduce to 5 minutes the minimum time for any electronic vote on the question of adoption.

The vote was taken by electronic device, and there were—yeas 235, nays 173, not voting 25, as follows:

## [Roll No. 925]

## YEAS—235

Adams	Fleming	Lucas
Aderholt	Flores	Luetkemeyer
Akin	Forbes	Lungren, Daniel
Alexander	Fortenberry	E.
Amash	Fox	Mack
Amodei	Franks (AZ)	Manzullo
Austria	Frelinghuysen	Marchant
Bachus	Gallely	Marino
Barletta	Gardner	Matheson
Bartlett	Garrett	McCarthy (CA)
Barton (TX)	Gerlach	McCaul
Bass (NH)	Gibbs	McClintock
Benishek	Gibson	McCotter
Berg	Gingrey (GA)	McHenry
Biggart	Goodlatte	McKeon
Bilbray	Gosar	McKinley
Bilirakis	Gowdy	McMorris
Bishop (UT)	Granger	Rodgers
Black	Graves (GA)	Meehan
Blackburn	Graves (MO)	Mica
Bonner	Griffin (AR)	Miller (FL)
Bono Mack	Griffith (VA)	Miller (MI)
Boren	Grimm	Miller, Gary
Boustany	Guinta	Mulvaney
Brady (TX)	Guthrie	Murphy (PA)
Brooks	Hall	Neugebauer
Broun (GA)	Hanna	Noem
Buchanan	Harper	Nugent
Buchson	Harris	Nunes
Buerkle	Hartzler	Nunnelee
Burgess	Hastings (WA)	Olson
Burton (IN)	Hayworth	Palazzo
Calvert	Heck	Paulsen
Camp	Hensarling	Pence
Campbell	Herger	Petri
Canseco	Herrera Beutler	Pitts
Cantor	Huelskamp	Platts
Capito	Huizenga (MI)	Poe (TX)
Carter	Hultgren	Pompeo
Cassidy	Hunter	Posey
Chabot	Hurt	Price (GA)
Chaffetz	Issa	Quayle
Coffman (CO)	Jenkins	Reed
Cole	Johnson (IL)	Rehberg
Conaway	Johnson (OH)	Reichert
Cravaack	Johnson, Sam	Renacci
Crawford	Jones	Ribble
Crenshaw	Jordan	Rigell
Culberson	Kelly	Rivera
Davis (KY)	King (IA)	Roby
Denham	King (NY)	Roe (TN)
Dent	Kingston	Rogers (AL)
DesJarlais	Kinzing (IL)	Rogers (KY)
Dold	Kissell	Rogers (MI)
Dreier	Kline	Rohrabacher
Duffy	Labrador	Rokita
Duncan (SC)	Lamborn	Rooney
Duncan (TN)	Lance	Ros-Lehtinen
Ellmers	Landry	Roskam
Emerson	Lankford	Ross (AR)
Farenthold	Latham	Ross (FL)
Fincher	Latta	Royce
Fitzpatrick	Lewis (CA)	Runyan
Flake	LoBiondo	Ryan (WI)
Fleischmann	Long	Scalise

Schilling	Smith (WA)
Schmidt	Southerland
Schock	Stearns
Schweikert	Stivers
Scott (SC)	Stutzman
Scott, Austin	Terry
Sensenbrenner	Thompson (PA)
Sessions	Thornberry
Shimkus	Tiberi
Shuster	Tipton
Simpson	Turner (NY)
Smith (NE)	Turner (OH)
Smith (NJ)	Upton
Smith (TX)	Walberg

Walden	Walsh (IL)
Walsh (IL)	Webster
West	Westmoreland
Whitfield	Wilson (SC)
Wittman	Wolf
Womack	Woodall
Yoder	Young (FL)
Young (FL)	Young (IN)

## NAYS—173

Ackerman	Fudge
Altmire	Garamendi
Andrews	Gonzalez
Baca	Green, Al
Baldwin	Green, Gene
Barrow	Grijalva
Becerra	Hahn
Berkley	Hanabusa
Berman	Hastings (FL)
Bishop (GA)	Heinrich
Bishop (NY)	Higgins
Blumenauer	Himes
Boswell	Hinche
Brady (PA)	Hinojosa
Braley (IA)	Hiron
Brown (FL)	Hochul
Butterfield	Holden
Capps	Honda
Capuano	Hoyer
Carman	Inlee
Carney	Israel
Carson (IN)	Jackson (IL)
Castor (FL)	Jackson Lee
Chandler	(TX)
Chu	Johnson (GA)
Cicilline	Johnson, E. B.
Clarke (MI)	Keating
Clarke (NY)	Kildee
Clay	Kind
Cleaver	Kucinich
Clyburn	Langevin
Cohen	Larsen (WA)
Connolly (VA)	Larson (CT)
Conyers	Lee (CA)
Cooper	Levin
Costa	Lewis (GA)
Costello	Lipinski
Courtney	Loebach
Critz	Lofgren, Zoe
Crowley	Lowe
Cuellar	Lujan
Cummings	Lynch
Davis (CA)	Maloney
Davis (IL)	Markey
DeFazio	Matsui
DeGette	McCarthy (NY)
DeLauro	McCollum
Deutch	McDermott
Dicks	McGovern
Dingell	McNerney
Doggett	Meeks
Donnelly (IN)	Michaud
Doyle	Miller (NC)
Edwards	Miller, George
Ellison	Moore
Engel	Moran
Eshoo	Murphy (CT)
Farr	Nadler
Fattah	Napolitano

Neal	Oliver
Owens	Pallone
Pascarella	Pastor (AZ)
Payne	Pelosi
Peters	Peters
Peterson	Pingree (ME)
Polis	Quigley
Rahall	Rahall
Rangel	Reyes
Richardson	Richmond
Rothman (NJ)	Roybal-Allard
Ruppersberger	Rush
Ryan (OH)	Sanchez, Linda
Sarbanes	T.
Schakowsky	Schiff
Schrader	Schwartz
Scott (VA)	Scott (VA)
Scott, David	Serrano
Sewell	Sewell
Sherman	Sires
Slaughter	Speier
Stark	Sutton
Thompson (CA)	Thompson (MS)
Tierney	Tonko
Towns	Tsongas
Walters	Van Hollen
Watt	Visclosky
Welch	Walz (MN)
Wilson (FL)	Wasserman
Woolsey	Schultz
Yarmuth	Waters

## NOT VOTING—25

Bachmann	Gutierrez	Perlmutter
Bass (CA)	Holt	Price (NC)
Cardoza	Kaptur	Sanchez, Loretta
Coble	LaTourette	Shuler
Diaz-Balart	Lummis	Sullivan
Flaner	McIntyre	Velázquez
Frank (MA)	Myrick	Young (AK)
Giffords	Paul	
Gohmert	Pearce	

□ 1354

Mr. HEINRICH changed his vote from “yea” to “nay.”

So the previous question was ordered.

The result of the vote was announced as above recorded.

Stated against:

Mr. FILNER. Mr. Speaker, on rollcall 925, I was away from the Capitol due to prior commitments to my constituents. Had I been present, I would have voted “nay.”

The SPEAKER pro tempore (Mr. YODER). The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

## RECORDED VOTE

Mr. HASTINGS of Florida. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—aye 245, noes 169, not voting 19, as follows:

## [Roll No. 926]

## AYES—245

Adams	Fleming	Luetkemeyer
Aderholt	Flores	Lummis
Akin	Forbes	Lungren, Daniel
Alexander	Fortenberry	E.
Amash	Fox	Mack
Amodei	Franks (AZ)	Manzullo
Andrews	Frelinghuysen	Marchant
Austria	Gallely	Marino
Bachus	Gardner	Matheson
Barletta	Garrett	McCarthy (CA)
Bartlett	Gerlach	McCaul
Barton (TX)	Gibbs	McClintock
Bass (NH)	Gibson	McCotter
Benishek	Gingrey (GA)	McHenry
Berg	Gohmert	McKeon
Biggart	Goodlatte	McKinley
Bilbray	Gosar	McMorris
Bilirakis	Gowdy	Rodgers
Bishop (UT)	Granger	Meehan
Black	Graves (GA)	Mica
Blackburn	Graves (MO)	Miller (FL)
Bonner	Griffin (AR)	Miller (MI)
Bono Mack	Griffith (VA)	Miller, Gary
Boren	Grimm	Mulvaney
Boustany	Guinta	Murphy (PA)
Brady (TX)	Guthrie	Neugebauer
Brooks	Hall	Noem
Broun (GA)	Hanna	Nugent
Buchanan	Harper	Nunes
Buchson	Harris	Nunnelee
Buerkle	Hartzler	Olson
Burgess	Hastings (WA)	Owens
Burton (IN)	Hayworth	Palazzo
Calvert	Heck	Paulsen
Camp	Hensarling	Pearce
Campbell	Herger	Pence
Canseco	Herrera Beutler	Perlmutter
Cantor	Hochul	Petri
Capito	Huelskamp	Pitts
Carter	Huizenga (MI)	Platts
Cassidy	Hultgren	Poe (TX)
Chabot	Hunter	Pompeo
Chaffetz	Hurt	Price (GA)
Chandler	Issa	Quayle
Coffman (CO)	Jenkins	Rahall
Cole	Johnson (IL)	Reed
Conaway	Johnson (OH)	Rehberg
Cravaack	Johnson, Sam	Reichert
Crawford	Jordan	Renacci
Crenshaw	Kelly	Ribble
Culberson	King (IA)	Rigell
Davis (KY)	King (NY)	Rivera
Denham	Kingston	Roby
Dent	Kinzing (IL)	Roe (TN)
DesJarlais	Kissell	Rogers (AL)
Dold	Kline	Rogers (KY)
Dreier	Labrador	Rogers (MI)
Duffy	Lamborn	Rohrabacher
Duncan (SC)	Lance	Rokita
Duncan (TN)	Landry	Rooney
Ellmers	Lankford	Ros-Lehtinen
Emerson	Latham	Roskam
Farenthold	Latta	Ross (AR)
Fincher	Lewis (CA)	Ross (FL)
Fitzpatrick	LoBiondo	Royce
Flake	Loebach	Runyan
Fleischmann	Long	Ryan (WI)
	Lucas	Scalise

Schilling  
Schmidt  
Schock  
Schweikert  
Scott (SC)  
Scott, Austin  
Sensenbrenner  
Sessions  
Shimkus  
Shuster  
Simpson  
Smith (NE)  
Smith (NJ)  
Smith (TX)  
Smith (WA)

## NOES—169

Ackerman  
Altmire  
Baca  
Baldwin  
Barrow  
Bass (CA)  
Becerra  
Berkley  
Berman  
Bishop (GA)  
Bishop (NY)  
Blumenauer  
Boswell  
Brady (PA)  
Braley (IA)  
Brown (FL)  
Butterfield  
Capps  
Capuano  
Cardoza  
Carnahan  
Carson (IN)  
Castor (FL)  
Chu  
Cicilline  
Clarke (MI)  
Clarke (NY)  
Clay  
Clever  
Clyburn  
Cohen  
Connolly (VA)  
Conyers  
Cooper  
Costa  
Costello  
Courtney  
Critz  
Crowley  
Cuellar  
Cummings  
Davis (CA)  
Davis (IL)  
DeFazio  
DeGette  
DeLauro  
Deutch  
Dicks  
Dingell  
Doggett  
Donnelly (IN)  
Doyle  
Edwards  
Ellison  
Engel  
Eshoo  
Farr  
Fattah

## NOT VOTING—19

Bachmann  
Coble  
Diaz-Balart  
Filner  
Frank (MA)  
Giffords  
Gutierrez

□ 1401

Ms. HOCHUL changed her vote from “no” to “aye.”

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated against:

Walsh (IL)  
Webster  
West  
Westmoreland  
Whitfield  
Wilson (SC)  
Wittman  
Wolf  
Womack  
Woodall  
Yoder  
Young (FL)  
Young (IN)

□ 1410

Mr. LARSON of Connecticut, Mr. Speaker, on rollcall No. 926, I was unavoidably detained. Had I been present, I would have voted “no.”

Mr. FILNER. Mr. Speaker, on rollcall 926, I was away from the Capitol due to prior commitments to my constituents. Had I been present, I would have voted “no.”

Mr. McKEON. Mr. Speaker, pursuant to House Resolution 493, I call up the conference report on the bill (H.R. 1540) to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes, and ask for its immediate consideration.

The Clerk read the title of the bill.

The SPEAKER pro tempore (Mr. LUCAS). Pursuant to House Resolution 493, the conference report is considered read.

(For conference report and statement, see proceedings of the House of December 12, 2011, at page 19369.)

The SPEAKER pro tempore. The gentleman from California (Mr. McKEON) and the gentleman from Washington (Mr. SMITH) each will control 30 minutes.

Mr. NADLER. Mr. Speaker, is the gentleman from Washington opposed to the conference report?

Mr. SMITH of Washington. No, I am not. I support the conference report.

Mr. NADLER. Mr. Speaker, I claim the time in opposition to the conference report.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XXII, the gentleman from California (Mr. McKEON), the gentleman from Washington (Mr. SMITH), and the gentleman from New York (Mr. NADLER) each will control 20 minutes.

The Chair recognizes the gentleman from California.

## GENERAL LEAVE

Mr. McKEON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the conference report to accompany H.R. 1540.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. McKEON. Mr. Speaker, I yield myself such time as I may consume.

I rise today in support of the Fiscal Year 2012 National Defense Authorization Act conference report. As you know, the NDAA is the key mechanism by which the Congress fulfills its primary constitutional responsibility to provide for the common defense, and this year will mark the 50th consecutive year we've completed our work. The NDAA passed the Armed Services

Committee with a vote of 60–1. It passed the full House by a wide margin of 322–96. Likewise, the Senate adopted its version of the bill by a vote of 93–7. We negotiated every provision in the two bills and have delivered this conference report using regular order. This is a bipartisan product from start to finish, with a wide base of support.

Let me further assure Members that the bill's authorization levels have been reduced to comply with the Budget Control Act. The bill would bring the total authorized funding for the national defense to \$554 billion for the base budget and \$115.5 billion for overseas contingency operations. This represents a \$19 billion reduction from last year's authorization.

Nonetheless, what makes our bill such an important piece of legislation are the vital authorities contained therein. Our bill provides for pay and benefits for our military and their families, as well as the authorities that they need to continue prosecuting the war on terrorism.

In addition, we include landmark pieces of legislation sanctioning the Central Bank of Iran and strengthening policies and procedures used to detain, interrogate, and prosecute al Qaeda, the Taliban, and affiliated groups, and those who substantially support them. However, I must be crystal clear on this point: the provisions do not extend any new authorities to detain U.S. citizens and explicitly exempt U.S. citizens from provisions related to military custody of terrorists.

The conference report covers many more critical issues, but I will close in the interest of time. However, before I do, I would like to thank my partner, the gentleman from Washington, ADAM SMITH, the ranking member on the committee.

I reserve the balance of my time.

Mr. SMITH of Washington. Mr. Speaker, I yield myself 3 minutes.

I, too, want to thank the chairman, Mr. McKEON. We always say that our committee is the most bipartisan committee in Congress. We strongly believe that. Republicans and Democrats on that committee are committed to doing our job, which is to provide for the troops and make sure that our national security is protected in this country.

Mr. McKEON was an excellent partner to work with. It's a model for what happens when you sit down and try to legislate together, and something that I think could be emulated by many more committees and on many more issues.

So, thank you, BUCK. It's been great working with you on this. I think we've produced a good product.

I want to, upfront, address the issue that most people have focused on in the rule and elsewhere, and that is the issue surrounding detainee policy. I have never seen an issue that was more



distorted in terms of what people have said is in the bill versus what is actually in the bill. Number one, habeas corpus is protected, not touched in this bill. Pursuant to court rulings, anyone picked up pursuant to the authorization for the use of military force, has habeas corpus rights. That is not touched categorically.

Now I understand that a lot of people have a problem with what is current law, and current law is something we've been debating ever since 9/11. Both the Bush administration and the Obama administration have taken the position that indefinite detention is an option. In two cases before the Supreme Court, the Hamdi case most notably, a U.S. citizen was briefly subject to indefinite detention. The Fourth Circuit Court upheld that right. That is current law. And I actually share some of the concerns amongst my colleagues about that current law.

But this bill doesn't affect that. We, in fact, make it clear in our category on military detention that it is not meant to apply to U.S. citizens or lawful resident aliens. Read the bill. It is in there. Nothing in this section shall apply to U.S. citizens or lawful resident aliens.

Now if you have a problem with indefinite detention, that is a problem with current law. Defeating this bill will not change that, won't change it at all. But I'll tell you what it will do. It will undermine the ability of our troops to do their job, to do what we've asked them to do. If we defeat this bill, we defeat a pay raise for the troops, we defeat MILCON projects for the troops, and we defeat endless support programs that are absolutely vital to their doing their jobs. And I don't think I need to remind this body that 100,000 of those troops are in harm's way in Afghanistan right now facing a determined enemy in the middle of a fight. It is not the time to cut off their support over an issue that isn't going to be fixed by this bill.

And let me emphasize that just one more time. Current law as interpreted by the Bush administration, the Obama administration, and the judiciary of this country creates the problems that everybody is talking about, not this bill. We put language in on detention policy because we think it's about time the legislative branch at least said something on the subject. But we are not the ones that created that problem.

I urge support for this bill.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. SMITH of Washington. I yield myself an additional 30 seconds.

One issue I want to address is the issue of military construction projects for Guam. There is some limiting language in this bill on that issue based on the fact that the Department of Defense is rethinking their posture in Asia between Okinawa, Guam, and

other places. One thing I want to make clear is that Guam is a critically important part of our Asia presence. They have presence of our military there now. The language in the bill is not meant to cut off existing military construction projects or indeed other ones that may not be related to this. I want to make sure that that's clear.

With that, I reserve the balance of my time.

Mr. NADLER. Mr. Speaker, I yield myself 5 minutes.

It's been a decade since the attacks of September 11, 2001. We are in danger of losing our most precious heritage, not because a band of thugs threatens our freedom, but because we are at risk of forgetting who we are and what makes the United States a truly great nation.

□ 1420

In the last 10 years, we have begun to let go of our freedoms, bit by bit, with each new executive order, court decision and, yes, act of Congress. The changes in this bill to the laws of detention have major implications for our fundamental rights. We should not be considering this as a rider to the Defense authorization bill. This should have been the subject of close scrutiny by the Judiciary Committee. The complex legal and constitutional issues should have been properly analyzed and the implications for our values carefully considered.

You will hear that this bill merely recodifies existing law; but many legal scholars tell us that it goes a great deal further than what the law now allows, that it codifies claims of executive power against our liberties that the courts have never confirmed. You will hear that it really won't affect U.S. citizens, although, again, there is credible legal authority that tells us just the opposite. You will hear that it doesn't really turn the military into a domestic police force, but that clearly isn't the case.

Most of all, you will hear that we must do this to be safe, when the opposite is true. We can never be safe without our liberties, and this bill continues the decade-long campaign to destroy those liberties.

This bill goes far beyond the authorization for the use of military force. That resolution authorized "all necessary and appropriate force against those nations, organizations, or persons the President determines planned, authorized, committed, or aided the terrorist attacks that occurred on September 11, 2001, or harbored such organizations or persons."

This bill is not limited to those responsible for the September 11 attacks and those who aided or harbored them. It includes anyone who "substantially supported" al Qaeda and the Taliban or "associated forces that are engaged in hostilities against the United States or

its coalition partners." It is not clear what is meant by "substantially supported" or what it takes to be "associated" with someone who "substantially supported" them. It refers to any "belligerent act" or someone who has "directly supported such hostilities in aid of such enemy forces." It doesn't, as does our criminal law, say "material support," so we really don't know whether that support could be merely a speech, or an article, or something else.

So let's not pretend that this is just the same as the AUMF. If it were, there would be no need to pass this law; we have it already. Courts, in reading legislation, operate on the very sensible assumption that Congress doesn't write surplus language, that it must have intended to do something. Here it is pretty clear that we are expanding the reach of the AUMF beyond the 9/11 perpetrators and those who aided and harbored them. Whoever it reaches—and we don't know—but whoever it reaches, the government would have the authority to lock them up without trial until "the end of hostilities," which, given how broadly the AUMF has been used to justify actions far from Afghanistan, might mean forever.

And who will be taken out of the civilian justice system and imprisoned forever without a trial? The bill says anyone who "is determined" to be covered by the statute. It doesn't say determined by whom or what protections there are to ensure that an innocent person doesn't disappear into a military prison. That's not America.

We also need to be clear that the so-called "Feinstein amendment" does not really provide the protection its sponsor intended to provide. The Feinstein amendment says that "nothing in this section shall be construed to affect existing law or authorities relating to the detention of United States citizens, lawful resident aliens of the United States, or any other persons who are captured or arrested in the United States."

So what are "existing law and authorities"? As former FBI Director William Sessions has recently written: "The provision does not limit such detention authority to people captured on the battlefield. The reality is that current law on the scope of such executive authority is unsettled." Director Sessions goes on to point out that the two cases where the Supreme Court might have decided the question of detaining a U.S. citizen or a legal permanent resident, the U.S. claimed that the President had the authority—the administration claimed that the President had the authority to detain a suspected terrorist captured within the United States indefinitely without charge or trial.

In both these cases, Padilla and al-Mari, the government changed course

and decided to try them in civilian courts in order to avoid a Supreme Court ruling on that question, and that question remains undetermined.

So when the Feinstein amendment references “existing law,” you should not assume that means that current law clearly deprives the President of this dangerous power. I hope it does, but it is still, legally, an open question. We should ensure that our liberty is protected and not leave that question to some future court, and we should certainly not enact a law codifying—and that’s what this law does, it codifies, it puts into law terrifying claims of power made by Presidents but never approved by the courts or, until now, by the Congress. And that’s the fundamental reason we should reject this bill.

We must take great care. Our liberties are too precious to be cast aside in times of peril and fear. We have the tools to deal with those who would attack us.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. NADLER. I yield myself an additional 30 seconds.

We do not need to do this. We should not do this. And because of this momentous challenge to one of the founding principles of the United States—that no person may be deprived of his liberty without due process of law—this bill must be rejected.

I reserve the balance of my time.

Mr. MCKEON. Mr. Speaker, I yield 2 minutes to my friend and colleague, the gentleman from Texas, vice chairman of the committee, the chairman of the Subcommittee on Emerging Threats and Capabilities, and a member of the conference committee, Mr. THORNBERRY.

Mr. THORNBERRY. Mr. Speaker, I rise in support of this conference report. It is a broad-ranging conference report that affects everything from personnel policies to weapons systems to research and development across the Department of Defense and the military. And I especially commend Chairman McKEON, Ranking Member SMITH, and all the staff who have worked all year to make this possible, but have worked especially hard in the last few days to make this conference report possible before the Congress adjourns.

There are a number of good, important provisions in this bill that strengthen our country’s national security. But in light of the comments we have recently heard, Mr. Speaker, let me talk just a moment about this issue of detention.

You know, one can put into law “the sun comes up,” and if somebody comes and says, no, it doesn’t, you can present all the evidence and you can present words that have clear meaning, and if somebody just wants to say, no, it doesn’t, you at some level reach an impasse.

The two provisions related to detention in this bill, the words that have been put into the law, are very clear. One says it does not apply to U.S. citizens. It does not. Nothing here affects U.S. citizens. The other provision says that nothing in this section can be construed to affect existing law or authorities related to the detention of U.S. citizens.

Now, it seems to me there may well be people who are uncomfortable with the current law, and I understand that. And the proper thing to do is to introduce a bill and try to get that amended in some way to get it more to your liking. But to argue that this bill changes in some way the current law when the words say nothing in this section shall be construed to affect existing law or authorities is just not credible.

The provisions in this bill, Mr. Speaker, are a small step towards having this Congress back involved in making those detention decisions. I think it is the right small step, and it should be supported.

Mr. SMITH of Washington. I yield 2 minutes to the gentleman from New Jersey (Mr. ANDREWS), a very important member of the Armed Services Committee.

Mr. ANDREWS. Mr. Speaker, I rise with profound respect for our Constitution and for my colleagues and friends who care deeply about the impact of this bill on that Constitution. It is because I have considered those issues that I would respectfully disagree with some of my colleagues and argue for the propriety and constitutionality of this bill.

I would deplore the idea that an American citizen or a permanent resident alien could be rounded up and put in a prison in the United States of America. This bill does not authorize that scenario. I would deplore a circumstance where any person—even a person who is not here under some permanent legal status—could be rounded up and put in a prison and only a military prison. That is not what this bill authorizes. It leaves open the option that such a person could be detained in a regular civilian prison or in a military prison.

I would reject completely the proposition that any person could be held in any facility—military or civilian—anywhere in our country indefinitely without the right to have the charges that are levied against them heard by some neutral finder of fact. It is our interpretation that the habeas corpus provisions already extend to these individuals. That is to say that a nonresident or nonlegal person in the country who is held under such circumstances in fact has the right of habeas corpus. I think the law requires it. I think the Constitution demands it.

□ 1430

There is a legitimate difference of opinion as to whether or not that con-

clusion is correct. That is the state of present law. This bill does not amend present law in a way that I would like to see it amended by clarifying that right of habeas corpus, but it absolutely does not erode or reduce whatever protections exist under existing law.

So those who would share our view that the right of habeas must be clarified should work together to pass a statute that does just that, but we should not subvert this necessary and important bill.

I would urge a “yes” vote on the bill.

Mr. NADLER. Mr. Speaker, I yield 3 minutes to the gentleman from Michigan (Mr. CONYERS), the distinguished ranking member of the Judiciary Committee.

Mr. CONYERS. Members of the House of Representatives, this issue has never gone before the House Judiciary Committee—never.

I have a letter dated December 14 that says:

“There has been some debate over whether section 1021 of the National Defense Authorization Act merely restates existing law or would, for the first time, codify authority for the President to indefinitely detain, without charge, virtually anyone picked up in antiterrorism efforts, including United States citizens arrested on United States soil.

“Please find attached a letter from Judge William Sessions, a former Federal judge and former Director of the FBI under Presidents Reagan, Bush, and Clinton, explaining that current law on this point is unclear, and that enacting section 1021 of this act would dangerously expand the power for indefinite detention.”

I would like to place in the RECORD sundry correspondence, including the letter from Judge Sessions.

THE CONSTITUTION PROJECT,

Washington, DC, December 9, 2011.

DEAR REPRESENTATIVE MCKEON AND FELLOW CONFEREES, I am writing to you with grave concern over the National Defense Authorization Act of 2012 (NDAA). It is highly regrettable that the Senate passed the NDAA without first stripping it of dangerous provisions regarding the treatment of detainees. But it is not too late to act; as conferees, it is now your task to remove these harmful provisions before the NDAA becomes law. I strongly urge you to do so, and to preserve both our constitutional traditions and our most effective tools in the fight against terrorism.

If enacted, these detention provisions would for the first time codify authority for methods such as indefinite detention without charge and mandatory military detention, and would authorize their application—on the basis of suspicion alone—to virtually anyone picked up in antiterrorism efforts, including those arrested on U.S. soil. In effect, the U.S. military would become the judge, jury and jailer of terrorism suspects, to the exclusion of the FBI and other law enforcement agencies.

An astounding array of individuals from across the political spectrum opposes the

over-militarization of our counterterrorism efforts, and for good reason. I have attached Beyond Guantanamo: A Bipartisan Declaration, organized by The Constitution Project and Human Rights First, in which I joined with over 140 additional former government officials and practitioners from across the political spectrum in explaining that federal courts are the most effective mechanism for trying terrorism cases, and that indefinite detention without charge runs afoul of our Constitution and would harm U.S. interests globally. As a former federal judge, former U.S. Attorney, and former director of the FBI, I myself can attest to the competence of our nation's law enforcement officers and civilian federal courts, as well as the urgency to preserve these tools for use in our counterterrorism efforts.

Secretary of Defense Leon Panetta similarly opposes this transfer of responsibility to the military. Indeed, virtually the entire national security establishment—including James Clapper, the director of national intelligence; Robert Mueller III, the director of the FBI; David Petraeus, the director of the CIA; White House Advisor for Counterterrorism John Brennan; Lisa Monaco, the assistant attorney general for national security; and Jeh Johnson, general counsel for the Department of Defense—has warned that further restricting the tools at our disposal to combat terrorism is not in the best interest of our national security. I implore you to heed their warning.

With regard specifically to Section 1031 from the Senate bill, some have argued that Section simply reiterates current law, and by doing so maintains the status quo. That is not the case. This very dangerous provision would authorize the President to subject any suspected terrorist who is captured within the United States—including U.S. citizens and U.S. persons—to indefinite detention without charge. The provision does not limit such detention authority to people captured on the battlefield. Importantly, although subsection (e) of this provision states that the provision should not be “construed to affect existing law or authorities” relating to detention of “persons who are captured or arrested in the United States,” the reality is that current law on the scope of such executive authority is unsettled.

In fact, on two occasions when this issue was on track to come before the U.S. Supreme Court, the executive branch changed course so as to avoid judicial review. Specifically, in both the Padilla case in 2005–06 (involving a U.S. citizen) and the al-Marri case in 2008–09 (involving a legal permanent U.S. resident), the U.S. government claimed that the President had the authority to detain a suspected terrorist captured within the United States indefinitely without charge or trial. In both instances, however, before the Supreme Court could hear the case and evaluate this claim, the Justice Department reversed course and charged the defendant with criminal offenses to be tried in civilian court. Thus, this extreme claim of executive detention authority for people captured within the United States has never been tested, and the state of the law at present is unclear. Passage of Section 1031 would explicitly provide this authority by statute for the first time, thereby clearly, and dangerously, expanding the power for indefinite detention.

I firmly believe that the United States can best preserve its national security by maintaining the use of proven law enforcement methods and our well-tested traditional criminal justice system to combat terrorism.

By contrast, enacting the NDAA without first removing the current detainee provisions could pose a genuine threat to our national security and would represent a sweeping and unnecessary departure from our constitutional tradition.

I therefore urge you, as conferees, to strip these dangerous detainee provisions from the NDAA. Thank you for your consideration.

Sincerely,

WILLIAM S. SESSIONS.

OCTOBER 7, 2011.

Hon. HARRY REID,

*Majority Leader, U.S. Capitol, Washington, DC.*

DEAR SENATOR REID: We are members of a nonpartisan group of retired generals and admirals who believe that U.S. counterterrorism policies are strongest when they adhere to the rule of law and American values. As such, we write to applaud your leadership in ensuring that the detainee provisions (Section 1031–1033) in the Senate Armed Services Committee's reported version of the Fiscal Year 2012 National Defense Authorization Act do not move forward.

If passed, we believe these provisions would reshape our counterterrorism policies in ways that would undermine our national security and transform our armed forces into judge, jury and jailor for foreign terrorism suspects. The military's mission is to prosecute wars, not terrorists. The bill would expand the military's mission to detain and try a large category of future foreign terror suspects, which falls outside the military's core competence and erodes faith in the judicial process. It would also authorize the indefinite detention without trial of terrorism suspects, including American citizens captured on U.S. soil—a policy that is contrary to the very American values needed to win this fight.

As retired military leaders, we believe in the importance of the underlying bill to sustain the strength of our Armed Services. For that reason, we have been advocating against these provisions, and agree with your statement that our nation must maintain the capability and flexibility to effectively apply the full range of tools at our disposal to combat terrorism. This includes the use of our criminal justice system, which has accumulated an impressive record of success in bringing terrorists to justice. Limitations on that flexibility, or on the availability of critical counterterrorism tools, would significantly threaten our national security.

With your commitments this week, you took an important step to avert those threats.

Sincerely,

General Joseph P. Hoar, USMC (Ret.); General Charles C. Krulak, USMC (Ret.); General David M. Maddox, USA (Ret.); General Merrill A. McPeak, USAF (Ret.); General William G. T. Tuttle Jr., USA (Ret.); Lieutenant General Robert G. Gard Jr., USA (Ret.); Vice Admiral Lee F. Gunn, USN (Ret.); Lieutenant General Arlen D. Jameson, USAF (Ret.); Lieutenant General Charles Otstott, USA (Ret.); Lieutenant General Harry E. Soyser, USA (Ret.); Major General Eugene Fox, USA (Ret.); Rear Admiral Don Guter, USN (Ret.); Rear Admiral John D. Hutson, USN (Ret.); Major General Melvyn S. Montano, USAF (Ret.); Major General William L. Nash, USA (Ret.); Major General Thomas J. Romig, USA (Ret.); Major General Antonio “Tony” M. Taguba, USA (Ret.); Brigadier General John Adams, USA (Ret.); Brigadier

General James Cullen, USA (Ret.); Brigadier General David R. Irvine, USA (Ret.); Brigadier General John H. Johns, USA (Ret.); Brigadier General Anthony Verriglia, USAF (Ret.); Brigadier General Stephen N. Xenakis, USA (Ret.).

THE SECRETARY OF DEFENSE,  
Washington, DC, November 15, 2011.

Hon. CARL LEVIN,

*Chairman, Committee on Armed Services, U.S. Senate, Washington, DC.*

DEAR MR. CHAIRMAN: I write to express the Department of Defense's principal concerns with the latest version of detainee-related language you are considering including in the National Defense Authorization Act (NDAA) for Fiscal Year 2012. We understand the Senate Armed Services Committee is planning to consider this language later today.

We greatly appreciate your willingness to listen to the concerns expressed by our national security professionals on the version of the NDAA bill reported by the Senate Armed Services Committee in June. I am convinced we all want the same result—flexibility for our national security professionals in the field to detain, interrogate, and prosecute suspected terrorists. The Department has substantial concerns, however, about the revised text, which my staff has just received within the last few hours.

Section 1032. We recognize your efforts to address some of our objections to section 1032. However, it continues to be the case that any advantages to the Department of Defense in particular and our national security in general in section 1032 of requiring that certain individuals be held by the military are, at best, unclear. This provision restrains the Executive Branch's options to utilize, in a swift and flexible fashion, all the counterterrorism tools that are now legally available.

Moreover, the failure of the revised text to clarify that section 1032 applies to individuals captured abroad, as we have urged, may needlessly complicate efforts by frontline law enforcement professionals to collect critical intelligence concerning operations and activities within the United States.

Next, the revised language adds a new qualifier to “associated force”—“that acts in coordination with or pursuant to the direction of al-Qaeda.” In our view, this new language unnecessarily complicates our ability to interpret and implement this section.

Further, the new version of section 1032 makes it more apparent that there is an intent to extend the certification requirements of section 1033 to those covered by section 1032 that we may want to transfer to a third country. In other words, the certification requirement that currently applies only to Guantanamo detainees would permanently extend to a whole new category of future captures. This imposes a whole new restraint on the flexibility we need to continue to pursue our counterterrorism efforts.

Section 1033. We are troubled that section 1033 remains essentially unchanged from the prior draft, and that none of the Administration's concerns or suggestions for this provision have been adopted. We appreciate that revised section 1033 removes language that would have made these restrictions permanent, and instead extended them through Fiscal Year 2012 only. As a practical matter, however, limiting the duration of the restrictions to the next fiscal year only will have little impact if Congress simply continues to insert these restrictions into legislation on

an annual basis without ever revisiting the substance of the legislation. As national security officials in this Department and elsewhere have explained, transfer restrictions such as those outlined in section 1033 are largely unworkable and pose unnecessary obstacles to transfers that would advance our national security interests.

Section 1035. Finally, section 1035 shifts to the Department of Defense responsibility for what has previously been a consensus-driven interagency process that was informed by the advice and views of counterterrorism professionals from across the Government. We see no compelling reason—and certainly none has been expressed in our discussions to date—to upset a collaborative, interagency approach that has served our national security so well over the past few years.

I hope we can reach agreement on these important national security issues, and, as always, my staff is available to work with the Committee on these and other matters.

Sincerely,

LEON PANETTA.

DIRECTOR OF NATIONAL INTELLIGENCE,  
Washington, DC.

Hon. DIANNE FEINSTEIN,  
*Chairman, Select Committee on Intelligence,*  
*U.S. Senate, Washington, DC.*

DEAR MADAM CHAIRMAN: I am writing in response to your letter requesting my views on the effect that the detention provisions in the National Defense Authorization Act for Fiscal Year 2012 could have on the ability of the Intelligence Community to gather counterterrorism information. In my view, some of these provisions could limit the effectiveness of our intelligence and law enforcement professionals at a time when we need the utmost flexibility to defend the nation from terrorist threats. The Executive Branch should have maximum flexibility in these areas, consistent with our law and values, rather than face limitations on our options to acquire intelligence information. As stated in the November 17, 2011, Statement of Administration Policy for S. 1867, “[a]ny bill that challenges or constrains the President’s critical authorities to collect intelligence, incapacitate dangerous terrorists, and protect the nation would prompt the President’s senior advisers to recommend a veto.”

Our principal objective upon the capture of a potential terrorist is to obtain intelligence information and to prevent future attacks, yet the provision that mandates military custody for a certain class of terrorism suspects could restrict the ability of our nation’s intelligence professionals to acquire valuable intelligence and prevent future terrorist attacks. The best method for securing vital intelligence from suspected terrorists varies depending on the facts and circumstances of each case. In the years since September 11, 2001, the Intelligence Community has worked successfully with our military and law enforcement partners to gather vital intelligence in a wide variety of circumstances at home and abroad and I am concerned that some of these provisions will make it more difficult to continue to have these successes in the future.

Taken together, the various detention provisions, even with the proposed waivers, would introduce unnecessary rigidity at a time when our intelligence, military, and law enforcement professionals are working more closely than ever to defend our nation effectively and quickly from terrorist attacks. These limitations could deny our nation the ability to respond flexibly and ap-

propriately to unfolding events—including the capture of terrorism suspects—and restrict a process that currently encourages intelligence collection through the preservation of all lawful avenues of detention and interrogation.

Our intelligence professionals are best served when they have the greatest flexibility to collect intelligence from suspected terrorists. I am concerned that the detention provisions in the National Defense Authorization Act could reduce this flexibility.

Sincerely,

JAMES R. CLAPPER.

U.S. DEPARTMENT OF JUSTICE,  
FEDERAL BUREAU OF INVESTIGATION,  
Washington, DC, Nov. 28, 2011.

Hon. CARL LEVIN,  
*Chairman, Committee on Armed Services, U.S.*  
*Senate, Washington, DC.*

DEAR MR. CHAIRMAN: I am writing to express concerns regarding the impact of certain aspects of the current version of Section 1032 of the National Defense Authorization Act for Fiscal Year 2012. Because the proposed legislation applies to certain persons detained in the United States, the legislation may adversely impact our ability to continue ongoing international terrorism investigations before or after arrest, derive intelligence from those investigations, and may raise extraneous issues in any future prosecution of a person covered by Section 1032.

The legislation as currently proposed raises two principal concerns. First, by establishing a presumption of military detention for covered individuals within the United States, the legislation introduces a substantial element of uncertainty as to what procedures are to be followed in the course of a terrorism investigation in the United States. Even before the decision to arrest is made, the question of whether a Secretary of Defense waiver is necessary for the investigation to proceed will inject uncertainty as to the appropriate course for further investigation up to and beyond the moment when the determination is made that there is probable cause for an arrest.

Section 1032 may be read to divest the FBI and other domestic law enforcement agencies of jurisdiction to continue to investigate those persons who are known to fall within the mandatory strictures of section 1032, absent the Secretary’s waiver. The legislation may call into question the FBI’s continued use or scope of its criminal investigative or national security authorities in further investigation of the subject. The legislation may restrict the FBI from using the grand jury to gather records relating to the covered person’s communication or financial records, or to subpoena witnesses having information on the matter. Absent a statutory basis for further domestic investigation, Section 1032 may be interpreted by the courts as foreclosing the FBI from conducting any further investigation of the covered individual or his associates.

Second, the legislation as currently drafted will inhibit our ability to convince covered arrestees to cooperate immediately, and provide critical intelligence. The legislation introduces a substantial element of uncertainty as to what procedures are to be followed at perhaps the most critical time in the development of an investigation against a covered person. Over the past decade we have had numerous arrestees, several of whom would arguably have been covered by the statute, who have provided important intelligence immediately after they have been arrested, and in some instances for days and

weeks thereafter. In the context of the arrest, they have been persuaded that it was in their best interests to provide essential information while the information was current and useful to the arresting authorities.

Nonetheless, at this crucial juncture, in order for the arresting agents to proceed to obtain the desired cooperation, the statute requires that a waiver be obtained from the Secretary of Defense, in consultation with the Secretary of State and the Director of National Intelligence, with certification by the Secretary to Congress that the waiver was in the national security interests of the United States. The proposed statute acknowledges that this is a significant point in an ongoing investigation. It provides that surveillance and intelligence gathering on the arrestee’s associates should not be interrupted. Likewise, the statute provides that an ongoing interrogation session should not be interrupted.

These limited exceptions, however, fail to recognize the reality of a counterterrorism investigation. Building rapport with, and convincing a covered individual to cooperate once arrested, is a delicate and time sensitive skill that transcends any one interrogation session. It requires coordination with other aspects of the investigation. Coordination with the prosecutor’s office is also often an essential component of obtaining a defendant’s cooperation. To halt this process while the Secretary of Defense undertakes the mandated consultation, and the required certification is drafted and provided to Congress, would set back our efforts to develop intelligence from the subject.

We appreciate that Congress has sought to address our concerns in the latest version of the bill, but believe that the legislation as currently drafted remains problematic for the reasons set forth above. We respectfully ask that you take into account these concerns as Congress continues to consider Section 1032.

Sincerely,

ROBERT S. MUELLER III,  
*Director.*

I know you gentlemen have studied this in the Armed Services Committee; but I’ve got a letter from the former head of the FBI and Judge Williams Sessions, and another letter from 23 generals and admirals saying the same thing. I know you’re very learned people and very conscientious, but, please, when the heads of the FBI, Republicans, judges, all tell you that you’re doing the wrong thing, what does it take for us to vote this down; because this provision allows, for the first time, we codify a court decision that will now make it okay to lock up U.S. citizens for terrorism.

This is what it says, Mr. Chairman.

I will read it again:

“There has been some debate”—

Mr. SMITH of Washington. Will the gentleman yield for a point of clarification?

That person—

Mr. CONYERS. Will the gentleman let me recognize him on his own time? I only have 3 minutes.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. CONYERS. I would like to remind my colleagues that provisions within the conference report impact our civil liberties and

should have been referred to the Judiciary Committee for review. The conference report dangerously expands existing authorizations pertaining to individuals detained by the United States government and the military.

First, Section 1021 grants broad discretionary authority that could permit the indefinite detention of United States citizens, areas of law that should have been referred to the Judiciary Committee.

Secondly, Section 1021 is not the current law of the land and instead is new and dangerously extensive detention authority that has its origins in case law that never involved questions of whether American citizens could be indefinitely detained.

Third, Section 1022 violates due process by permitting indefinite military detention without charge or trial.

Next, the conference report ignores the concerns of members of our intelligence community, domestic law enforcement, and former generals who have opposed these provisions because they would undermine the ability of the government to interrogate and prosecute suspected terrorists.

Lastly, the conference report displaces the legal expertise necessary for trying successful terrorism cases.

First, Section 1021 grants broad discretionary authority that could permit the indefinite detention of United States citizens. The indeterminate breadth of conference report provides little or no protection against the indefinite detention of United States citizens. In addition, it threatens our constitutional protections and civil liberties.

I would like to know why an amendment to exempt American citizens from indefinite military detention failed in the Senate. If we were concerned about preserving the civil liberties and constitutional protections for American citizens, why did it fail? In addition, if existing laws prohibit this, why did we not specify this in the bill? Although supporters of this bill continue to claim that this bill would not expand detention authority inside of the U.S., that is just not the case.

There are too many questions that affect our civil liberties in the conference report that should have been referred to the Judiciary Committee for review and clarification. For example, Section 1021 is broad in its definition of "hostilities", what constitutes "directly supporting hostilities in aid of enemy forces," and does not address the question of when or how do we determine "the end of hostilities."

Former FBI Director under Reagan, Bush, and Clinton and former Judge, Williams S. Sessions, recently wrote to the conferees explaining that "This very dangerous provision would authorize the President to subject any suspected terrorist who is captured within the United States—including U.S. citizens and U.S. persons—to indefinite detention without charge. The provision does not limit such detention authority to people captured on the battlefield. Importantly, although subsection (e) of this provision states that the provision should not be 'construed to affect existing law or authorities' relating to detention of persons who are captured or arrested in the United States,' the reality is that current law on the scope of such executive authority is unsettled."

With so much ambiguity, this bill could authorize detention—into perpetuity—United States citizens who in some instances—such as making statements protected under the First Amendment—could arguably be considered subject to indefinite detention under this provision.

In addition, Section 1021 does not expressly address whether U.S. citizens or lawful resident aliens may be determined as "covered persons" subject to detention under the section. Although the conference report includes the amendment offered by Senator FEINSTEIN, the conference report leaves definitions that are very broad of who can be detained without charge or trial.

Secondly, let me remind my colleagues that Section 1021 is not the current law of the land. The definition in Section 1021 was used by the Obama Administration to continue to detain indefinitely without charge or trial detainees at Guantanamo Bay, GITMO. This definition was used in court cases dealing with GITMO detainees, NOT American citizens. Thus, the question is whether this Congress wants the same GITMO detainee standard applied to American citizens? Do you want our government treating American citizens that way?

Section 1021 states that "Nothing in the section shall be construed to affect existing law or authorities relating to the detention of United States citizens, lawful resident aliens of the United States or any other persons who are captured or arrested in the United States." This does not mean that American citizens are protected.

I am very troubled today to have learned that when an amendment came up in the Senate to address these protections for American citizens, members of the Senate stated that they would want room in the law for an American citizen to fall under this new and broad definition.

No one at GITMO is an American citizen and the only cases that deal with this type of indefinite detention without charge or trial are GITMO detainee cases. So there is no good law out there.

Thus, if existing laws do impact the civil liberties of American citizens, then we need to be changing those laws instead of codifying them.

Thirdly, the conference report violates due process and rejects our American values. The United States Constitution grants specific due process rights to citizens that guarantee they will be charged and brought to trial in the event they are apprehended by law enforcement. However, Section 1022 militarizes our justice system and could allow United States citizens to be detained by the military without charge or trial.

We take an oath every Congress to uphold the Constitution and to guard its values and protections for American citizens. Earlier this year, members of this body stood before the American people and read the Constitution. Yet I must inquire whether that was theatrics or did we intend to follow through with our obligation? The broad definitions in 1022 could include American citizens under indefinite military detention, and thus must be opposed if we are to be protectors of the Constitution.

Next, this Congress has ignored the concerns of our national intelligence community.

Changes into Section 1022 will undermine the ability of the government to interrogate and prosecute suspected terrorists.

The Secretary of Defense, Leon Panetta, Director of the FBI, Robert Mueller, Director of National Intelligence, James Clapper, CIA professionals, along with dozens of retired generals and professional interrogators have rejected this proposal because it is a militarization of our justice system and some have stated that these provisions are unwise and unworkable.

Members of the House claim that out of respect for our military we need to pass this authorization. However, passing this bill ignores their concerns and will negatively impact operations that preserve our national security. Under the provisions of the conference report, intelligence and domestic law enforcement would lose authority to take further action with terrorist suspects in U.S. custody absent a waiver from the President—which still thwarts the information gathering that is crucial at that time of arrest.

This provision in the conference report will cause controversy and chaos in handling terrorism investigations. Tying the hands of our intelligence and law enforcement professionals would also cause unnecessary delays in justice.

These provisions also harm our national security by threatening the global reputation of the United States. Under President Obama, the image of the United States has been restored as well as the rule of law. However, the conference report rejects our national values of democracy, due process, and justice by authorizing the military's role in domestic law enforcement.

Lastly, the conference report displaces the legal expertise necessary for trying successful terrorism cases. A bi-partisan alliance of our national defense and intelligence community—including retired generals—have spoken out against provisions in Section 1022 that provide for military commissions to conduct terrorism trials.

The military has not even completed 3 percent of the case load that the Justice Department has completed. Military tribunals have completed six terrorism cases, compared to the Justice Department's case load of close to 400 cases with a 90 percent conviction rate to go along with that. To date, there is no record of any federal court unable to convict a terrorist.

This is not a responsibility the military wants, therefore Congress should not insist on the use of military tribunals in order to sound tougher on terrorists. We should not treat terrorists like warriors. Federal courts and our Justice Department can deliver harsher sentences and are better equipped to handle such cases. In addition, Article III Judges and the Department of Justice are more versed in the body of law that covers such cases.

I was also disappointed that the conference report failed to adopt Senate-passed language proposed by Senators MERKLEY, PAUL, and LEE calling for expedited transition of responsibility for military and security operations in Afghanistan to the Afghan government.

Specifically, this amendment would have required the President to devise and submit to Congress a plan to expedite the drawdown of

U.S. combat troops in Afghanistan and accelerate the transfer of security authority to Afghan authorities.

The conference report amended the amendment's language to change the focus from drawing down our troop footprint to empowering and building up the Afghan security forces. While a worthy goal unto itself, this language changed the focus of the amendment and undermined the message expressed by the entire Senate through the Merkley Amendment. Including this provision would have sent an important message about our country's commitment to bringing the war in Afghanistan to a responsible end. It is unfortunate that the report does not reflect a position supported by a majority of the American people.

I also support efforts to enhance the ability of Customs & Border Protection to prevent counterfeit goods from being imported into the United States. However, Section 8 of this bill will disrupt the flow of genuine brand name products into the United States.

This is true because many of the goods which CBP inspectors view with suspicion are in fact genuine goods, lawfully moving in distribution streams parallel to the authorized distributors. These transactions are desirable because they provide U.S. consumers with price competition and wider distribution of brand name products.

However, the existence of these transactions is often under attack by trademark and copyright owners who actively seek to control resale pricing and downstream distribution of the products they have already sold into commerce. Section 8 will give anti-competitive companies a new tool by giving them confidential information about competing parallel imports at their times of arrival, while they are still detained by CBP and unavailable to the importer, and without giving the importer an opportunity to prove its goods are genuine, and without even giving notice to the importer that its information has been shared with a competitor seeking to prevent its lawful transaction.

This problem could be minimized if Section 8 is limited to goods raising national security concerns or purchases by the military. I believe that is the intent of this provision of the Department of Defense Appropriation bill.

This problem could also be minimized if this bill or CBP would adopt the safeguards which the Administration proposes be included in the Customs Reauthorization Act. This would be appropriate since Section 8 provides that it sunsets when the Customs Reauthorization is adopted. The safeguards include a requirement that the Secretary find there is a need for disclosing confidential information, and that CBP provide the importer with notice and an opportunity to respond before any confidential information is released to other private parties.

For some reason, we are adopting this provision in anticipation of a more thoughtful approach in the Customs Reauthorization Act. This is not a wise or needed course of action. CBP today can provide redacted samples to IP owners and very often that is sufficient to determine if they are genuine or counterfeit.

CBP today keeps suspicious goods out of U.S. commerce while it determines if they are genuine. The safeguards proposed by the ad-

ministration will not put suspicious goods into commerce nor delay the final determination of CBP because there is an existing 30-day requirement that is not altered by any proposed legislation.

We must not be willing to compromise our civil liberties and American values for the false sense of enhancing security. I urge members to vote no on the Conference report and do what is right for America, its people, and the rule of law.

Mr. MCKEON. Mr. Speaker, I yield 2 minutes to my friend and colleague, the gentleman from Maryland, the chairman of the Subcommittee on Tactical Air and Land Forces and a member of the conference committee, Mr. BARTLETT.

Mr. BARTLETT. I rise in support of the conference report for the National Defense Authorization Act for fiscal year 2012. This is the 50th consecutive conference report for the National Defense Authorization Act.

I have the honor of serving as the chairman of the Tactical Air and Land Forces Subcommittee of our Armed Services Committee. Under the full committee leadership of Chairman MCKEON and Ranking Member SMITH, the support of SILVESTRE REYES, our subcommittee's ranking member, and a superb staff, ours is truly a bipartisan effort.

Consideration of this conference report comes at a critical period for our Nation and our military. World events and the Nation's fiscal circumstances have challenged our government's will and capacity to constructively address the enormity of the challenges we face. We need to develop a new national military strategy that better reflects the current and projected threat and fiscal environment. This is needed to facilitate full and balanced consideration of force structure and equipment investment plans and programs.

Our first priority and immediate requirement is to fully support our personnel serving overseas in Afghanistan and the many other countries where we have asked them to serve under the daily, constant threat to their personal survival. This conference report properly reflects this immediate requirement.

The National Defense Authorization Act Conference Report authorizes an additional \$325 million for National Guard and Reserve equipment unfunded requirements; \$3 billion is provided to support urgent operational needs and to counter improvised explosive device activities; \$2.7 billion is provided to support Mine Resistant Ambush Protected Vehicle modernization and survivability enhancements; and \$2.4 billion is provided for Army and Marine Corps Tactical Wheeled Vehicles, including \$155 million for development of the Joint Light Tactical Vehicle.

To meet projected future needs, an additional \$255 million is provided to

support the Abrams Tank industrial base and National Guard tank modernization, increasing the request of 21 to 70 tank upgrades, avoiding a production break in the tank upgrade program; \$8.5 billion is provided for F-35 multiservice aircraft; \$3.2 billion is provided for 40 aircraft in two models of F-18 aircraft; \$2.4 billion is provided for V-22 Ospreys for the Marine Corps and the Air Force; and multiyear procurement is authorized for various models of Army and Navy H-60 helicopters.

I urge all of my colleagues to support this conference report.

Mr. SMITH of Washington. Mr. Speaker, I yield 2 minutes to the gentleman from Texas, the ranking member on the Air and Land Subcommittee, Mr. REYES.

Mr. REYES. I thank the gentleman for yielding me time.

Mr. Speaker, I rise today in support of the Fiscal Year 2012 National Defense Authorization Act. This bill represents months of hard work by Members on both sides of the aisle. And I especially wanted to thank my friend and chairman, Mr. MCKEON, and Ranking Member SMITH, as well as my chairman, ROSCOE BARTLETT, for the inclusive work that was done in this legislation.

It is important to note what this bill does not include. During conference negotiations, unnecessary provisions limiting the work of military chaplains were dropped. Now the bill will allow the repeal of Don't Ask, Don't Tell to proceed so that troops who defend our values will have protections that they have fought to defend.

Working with the White House, our committee achieved a final compromise on detainees that does not grant broad new authority for the detention of U.S. citizens and does not establish a new authority for indefinite detention of terrorists. The bill strikes a reasonable balance between protecting our Nation from terrorists like those who attacked our Nation on September the 11th and protecting our American values. It demonstrates that we do not need to sacrifice our civil liberties to be safe.

Finally, I urge Members to support this legislation because it also includes a pay raise for our troops and provides funds for the care needed to recover from the wounds of war. The bill improves access to mental health care for members of the National Guard and Reserves, and the bill also expands and improves laws dealing with sexual assault and harassment.

I ask all Members to vote for this very important piece of legislation.

Mr. NADLER. Mr. Speaker, I yield 4 minutes to the gentleman from Georgia (Mr. JOHNSON).

Mr. JOHNSON of Georgia. Mr. Speaker, I have a unique position in Congress in that I serve both on the House



Armed Services Committee and the House Judiciary Committee. The House Armed Services Committee is charged with the responsibility of protecting the security of America from external threats. The Judiciary Committee is charged with the awesome responsibility of protecting the rights of Americans to live freely and protecting that from internal threats.

□ 1440

I know that my service on the Armed Services Committee has been good, and I appreciate the bipartisanship with which our chairman and the ranking member addressed the issues for keeping America safe from external threat. I must commend you for, at very difficult times, in reaching this particular product.

However, I rise in opposition to this defense authorization bill reached in conference committee because it does disturb the rights that Americans have come to enjoy under our Constitution.

We have sworn to uphold our Constitution of the United States of America regardless of which committee you serve on. Yet we're about to give our seal of approval to a bill that gives the military the authority to hold American citizens captured abroad on suspicion of terrorism, and to hold them indefinitely without trial.

This is a codification of an unfortunate Supreme Court ruling that is wrong, and it gives that ruling statutory legitimacy.

Mr. Speaker, we must reject indefinite detention of Americans and defend the Constitution. An American arrested abroad could be subject to indefinite detention abroad, and that's wrong. No matter how you spin it, it's wrong. It's unjust, it's Orwellian, and it's not who we are.

As Americans, we don't put Americans in jail indefinitely without trial no matter how heinous the accusations against them. This is not what we are about. This is not who we are. It's against our values as Americans, and for this reason, I cannot support the bill.

The bill also makes the military, not civilian law enforcement authorities, responsible for custody and prosecution in the military courts of foreign terrorist suspects apprehended within the United States. This provision disrespects and demoralizes our law enforcement officers and prosecutors who are responsible for protecting our national security using the United States criminal justice system and process, which has been effectively used repeatedly to investigate, arrest, prosecute, and incarcerate for long stints individuals who are convicted of terrorism.

Imagine you're an FBI agent or a Federal prosecutor with a tremendous record finding, arresting, convicting, locking up terrorists. Now you're told to step aside so that the military can

do your job for you. The military is a machine of war, not a law enforcement agency.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. NADLER. I yield the gentleman an additional minute.

Mr. JOHNSON of Georgia. Thank you.

That's why the Director of National Intelligence, the Director of the FBI, the Director of the CIA, the head of the Justice Department's National Security division, and the Secretary of Defense himself oppose this provision.

More than 400 terrorists have been convicted in our civilian courts. Only a handful of cases have been brought before military tribunals, and not all of them have been successful.

If it ain't broke, ladies and gentlemen, don't fix it.

Terrorism is a crime, and our law enforcement authorities, our prosecutors, our judges are more than up to the task. This bill ties the hands of law enforcement, militarizes counterterrorism on our own soil, and makes us less safe.

Mr. Speaker, our constituents sent us here to provide for the common defense, yes, but they also sent us here to safeguard their liberty.

So I ask my colleagues to think long and hard about this vote, and I ask the staffers watching this on C-SPAN to think long and hard before making their recommendations. Reject indefinite detention, empower civilian law enforcement, and defend the Constitution.

Mr. McKEON. Mr. Speaker, I yield 2 minutes to my friend and colleague, the gentleman from Missouri, the chairman of the Subcommittee on Seapower and Protection Forces and a member of the conference committee, Mr. AKIN.

Mr. AKIN. Thank you, Mr. Chairman.

I think that perhaps before we give the report on the status of seapower, I would make the comment that if this sequestration goes through, which people are talking about, it gravely influences the ability of our country to protect itself, and it hollows out our force. As it is, if that were to go through, we would have the smallest Navy or a Navy smaller than we had in the year 1916.

However, this particular authorization bill has some good aspects. One of the things it does is support the construction of 10 new ships in the budget request. The bill also is going to require a competitive acquisition strategy for the main engine of the next-generation bomber. That's a place we've gotten in trouble before. It allows the retirement of six B-1 aircraft but still maintains the requirement for 36 aircraft for the next 2 years.

It provides the recommended force from the Air Force of the strategic airlift of 301 aircraft comprised of C-17s

and C-5s. It also requires the GAO to conduct an annual review on the new tanker program which the military has just entered into.

I would be remiss if I didn't call our attention to a historic pattern that has occurred all through America's past. That is, in times of peace, we keep cutting defense and cutting defense, and then some war comes up and we don't have what we need, and we sacrifice a lot of lives and money. We also give ourselves fewer political possibilities because we are not prepared.

We are rapidly approaching that same mistake once again in our history with the danger of the sequestration. We've already taken almost a 10 percent cut in defense, \$450 billion. As a Navy guy, what that means is 45 aircraft carriers. That's how much we've cut. We only have 11 in the Navy. You're not supposed to lose them or sink them. This would be the equivalent of cutting 45 aircraft carriers. That's before sequestration. We must be careful.

Mr. SMITH of Washington. I yield 2 minutes to the gentlelady from California, the ranking member of the Personnel Subcommittee, Mrs. DAVIS.

Mrs. DAVIS of California. Mr. Speaker, I rise today in support of the National Defense Authorization Act for Fiscal Year 2012.

As the ranking member of the Military Personnel Subcommittee, I am pleased that this bill includes a number of provisions that continues our commitment to our men and women in uniform as well as their dedicated families.

First, I want to thank my chairman, JOE WILSON, for his support and assistance. I would also like to recognize Chairman McKEON and Ranking Member SMITH for their leadership.

I urge my colleagues to vote for this conference report as it supports our military and their families who have faced the stress and the strains of a decade at war.

The conference report includes a 1.6 percent pay raise for our troops. And it will also require the Department of Defense to enhance suicide prevention programs. It allows servicemembers to designate any individual, regardless of their relationship, to direct how their remains are treated.

This bill will also allow service Secretaries to permit members to participate in an apprenticeship program that provides employment skills training. It makes significant enhancements to the sexual assault and harassment policies of the DOD, such as requiring full-time sexual assault coordinators and victim advocates, ensuring access to legal assistance, and allowing for the consideration of a permanent change of station.

And, finally, H.R. 1540 will ensure future TRICARE prime enrollment fees are tied to increases in military retired pay cost of living adjustments.



The bill before us continues to recognize the sacrifices of those who serve our Nation in uniform. I urge my colleagues to support this bill.

□ 1450

Mr. NADLER. Mr. Speaker, I yield 2 minutes to the distinguished gentlelady from Guam (Ms. BORDALLO).

Ms. BORDALLO. I wish to thank Ranking Member SMITH for his support for Guam, and I thank the gentleman from New York (Mr. NADLER) for yielding.

Mr. Speaker, I rise in strong opposition to H.R. 1540, the conference report accompanying the National Defense Authorization Act for Fiscal Year 2012. If I were able to vote on the final passage of this legislation, I would vote against this bill.

The bill completely ignores the important efforts that this administration has taken to better posture our military forces in the Pacific. Furthermore, we undercut efforts, significant efforts, by Prime Minister Noda, in Japan, in trying to achieve progress with the development of a Futenma replacement facility.

I am deeply concerned about this bill because there is constant talk in this Chamber about recognizing the importance of the Asia-Pacific region, and now we are going in the opposite direction. People discuss their concerns about the potential threats posed by both China and North Korea. Yet when this country and this administration ask the Congress to act in our best national interest to realign forces in the Pacific, we blink. We are all talk and no action on this very important issue. I understand the budget realities that we currently face; but we must make the necessary hard choices and investments now, or it will cost more money and time in the long run.

That said, it is important for our partners in Japan to continue the progress they are making to begin the construction of a replacement facility for Futenma in northern Okinawa. It is important for Prime Minister Noda to continue to show leadership and present an environmental impact statement to the Governor of Okinawa by the end of this year. In addition, we must have further progress toward the permitting of a landfill so that we can finally move forward with this realignment. Right or wrong, the patience of those in the Senate has run out, and it is important to have more action and less rhetoric in Okinawa.

The SPEAKER pro tempore. The time of the gentlewoman has expired.

Mr. NADLER. I yield the gentlelady an additional 30 seconds.

Ms. BORDALLO. The cuts to infrastructure funding on Guam are simply punitive, and they fly in the face of the unified action by both the House and Senate appropriators. This Congress has uniformly stated that infrastruc-

ture improvements are needed on Guam to sustain any type of additional military presence. Yet once again, our rhetoric does not match our words.

I will continue to work to make sure that we get funding to address critical infrastructure needs. As such, I urge all of my colleagues to vote "no" on this legislation.

Mr. McKEON. Mr. Speaker, I yield myself 1 minute to engage in a colloquy with my friend from Louisiana (Mr. LANDRY).

Mr. LANDRY. Will the gentleman yield?

Mr. McKEON. I yield to the gentleman from Louisiana.

Mr. LANDRY. Mr. Speaker, I rise today in order to fulfill my constitutional duty of ensuring that the liberties and freedoms are protected of the men and women that this bill authorizes to fight for. The protections bestowed on U.S. citizens are the ones that I am concerned with the most.

The question now upon us is whether or not the NDAA impacts the rights of a U.S. citizen to receive due process to challenge the legality of detention by the executive before an article III court.

Mr. McKEON. This conference report does no such thing. It in no way affects the rights of U.S. citizens.

Mr. LANDRY. My concern is that when the writ is suspended, the government is entirely free of judicial oversight.

So do we agree that no section of the NDAA purports to suspend the writ of habeas corpus?

Mr. McKEON. I agree completely.

Mr. LANDRY. Do you agree that, as the Supreme Court has held, "a state of war is not a blank check for the President when it comes to the rights of our citizens"?

Mr. McKEON. I do.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. McKEON. I yield myself an additional 15 seconds.

Mr. LANDRY. Will the chairman assure me that together we will work with the committee to further clarify the language contained in this bill in order to ensure that the clear and precise language which protects the constitutional rights of American citizens is protected?

Mr. McKEON. I do, and I will be happy to work with you to that end.

Mr. LANDRY. Thank you, Mr. Chairman.

Mr. McKEON. I reserve the balance of my time.

Mr. SMITH of Washington. Mr. Speaker, I yield 1 minute to the gentlelady from Massachusetts (Ms. TSONGAS).

Ms. TSONGAS. Mr. Speaker, I rise in support of the National Defense Authorization Act that is before us today.

I want to thank Chairman McKEON, Ranking Member SMITH, and all the

members of the Armed Services Committee who have worked to ensure that significant protections for our servicemembers are included in this year's bill, particularly for those who are survivors of military sexual trauma.

I also want to highlight the inclusion of a long-term reauthorization of the Small Business Innovation Research program. It is the government's most effective research and development program, creating jobs and fostering innovation in Massachusetts and across the country; and it plays a critical role in the Department of Defense.

The bill before us today ensures that the SBIR program retains its proper focus on true small businesses—creating a platform for needed job growth while guaranteeing that our Armed Forces continue to have access to the best technology available.

I urge its passage.

Mr. NADLER. Mr. Speaker, I reserve the balance of my time.

Mr. McKEON. Mr. Speaker, I yield 2 minutes to my friend and colleague, the gentleman from South Carolina, the chairman of the Subcommittee on Military Personnel, Mr. WILSON.

Mr. WILSON of South Carolina. Thank you, Chairman McKEON, for your commitment to military servicemembers, family members, and veterans.

Before I begin, I want to commend Vice Chairman MAC THORNBERRY for his clarification of the detainee issue, which is that the issue does not apply to U.S. citizens. This is directed at al Qaeda—illegal enemy combatants—not at U.S. citizens.

The military personnel provisions of H.R. 1540 provide new and important authorities to support the men and women in uniform and their families. Some of the more important personnel provisions contained in the conference agreement are: a 1.6 percent increase in military basic pay; a revised policy for measuring and reporting unit operations tempo and personnel tempo, especially when we must continue our resolve for victory in the current mission requirements.

Another initiative important to my constituents is the reform of the military recruiting system to include graduates of home schooling and virtual schools. I see military service as opportunity and fulfilling, and these are extraordinary patriots who deserve the opportunity to serve.

The conference agreement would make the chief of the National Guard Bureau a member of the Joint Chiefs of Staff. Furthermore, the agreement clarifies the legal authority for the oversight of Arlington National Cemetery, a national shrine for veterans.

I believe this bill is also strong in the multiple provisions dealing with sexual assault; and it provides new authority, such as temporary early retirement, to ease the impact of future military personnel reductions.

I urge all of my colleagues to support the conference report.

Mr. SMITH of Washington. Mr. Speaker, may I inquire as to how much time each side has remaining.

The SPEAKER pro tempore. The gentleman from Washington has 10 minutes remaining. The gentleman from California has 8¼ minutes remaining. The gentleman from New York has 4 minutes remaining.

Mr. SMITH of Washington. With that, I yield 2 minutes to the gentleman from Rhode Island (Mr. LANGEVIN), ranking member on the Emerging Threats Subcommittee.

□ 1500

Mr. LANGEVIN. I thank the gentleman for yielding.

Mr. Speaker, I rise today in support of H.R. 1540, the 2012 National Defense Authorization Act.

I would like to begin by thanking Chairman McKEON, Ranking Member SMITH, and my subcommittee chairman, Mr. THORNBERRY, for their leadership and commitment to keeping our Nation safe and protecting our servicemembers. As a conferee, I was proud to join them in signing the conference report Monday night, and I am even more proud of our excellent staff that completed a full conference in a record 1 week's time.

As ranking member of the Emerging Threats Subcommittee, I am especially pleased with the inclusion of significant funding for special operations forces, the full reauthorization of the SBIR program to support our job-creating small businesses, and also the inclusion of important cyberprotections to prevent future incidents similar to WikiLeaks.

This bill will also ensure the long-term strength of programs critical to our naval dominance and strategic posture, such as the purchase of two new Virginia class submarines, fully funding the development of the Ohio replacement submarine, and continuing work on the first Zumwalt DDG-1000 destroyer.

Further, the conference committee successfully removed damaging language that would have ended efforts by DOD to procure clean alternative fuel technology in order to break our dependence on foreign oil and reduce our carbon footprint, which DOD officials have stated are both high risks to our national security.

Finally, while I'm concerned that we were unable to remove some harmful measures requiring that terrorist detainees be held in military custody, provisions included in this bill help address concerns about potential detention of U.S. citizens in military custody and the flexibility of counterterrorism efforts by the FBI.

In closing, this legislation supports the incredible sacrifices that our brave men and women in uniform make for

our country every day and provides critical resources to carry out vital national security projects.

With that, I am proud to serve on the House Armed Services Committee and to serve with Chairman McKEON and Ranking Member SMITH. I commend them for the great work they have done in producing a good bill, and I appreciate the staff for their great work as well.

Mr. NADLER. Mr. Speaker, I continue to reserve the balance of my time.

The SPEAKER pro tempore. Without objection, the gentleman from Virginia will control the time of the gentleman from California.

There was no objection.

Mr. WITTMAN. Mr. Speaker, I yield 2 minutes to my friend and colleague, the gentleman from Ohio, the chairman of the Subcommittee on Strategic Forces and member of the conference committee, Mr. TURNER.

Mr. TURNER of Ohio. Mr. Speaker, I join my colleagues in speaking in favor of passage of the conference report on the FY12 NDAA.

As chairman of the Strategic Forces Subcommittee, I would like to walk through some of the key provisions of the conference report.

This conference report imposes checks on the administration's plans for nuclear reductions by requiring assessments of those reductions from the STRATCOM commander before any nuclear weapons reductions are made. It also requires the administration to disclose its plans for future reductions and reasserts congressional oversight of the Nation's nuclear war plan.

Concerning the proposed LightSquared network, we have retained House and Senate provisions that will ensure that the FCC will not be able to give final approval to that network unless it resolves concerns about impacts to our national security. Recent press reports indicate that, per new test results, LightSquared's proposed network continues to create unacceptable interference to DOD GPS systems.

I would also like to thank Chairman HAL ROGERS and Chairman RODNEY FRELINGHUYSEN for their support of the NNSA vital nuclear weapons programs.

And I would also like to discuss an issue that is important to our men and women in uniform, impacts our Air Force's readiness, and forces servicemembers to choose between their service to their Nation and their families. This is the issue of military child custody.

A short time after becoming a member of the House Armed Services Committee, I was struck to learn that this country's judicial system was using a servicemember's deployment against them when making child custody determinations. Just to be clear, we're asking an all-volunteer force, which

consists of less than 1 percent of our population, to engage in the longest conflict in our Nation's history, endure more deployments than any other generation in our history, and do so at the peril of losing custody of their children upon return.

Recognizing this unconscionable injustice, the House Armed Services Committee has included language in the past five National Defense Authorization Acts to provide servicemembers a uniform standard of protection. This provision has also made it through the House Veterans' Affairs Committee.

Unfortunately, despite overwhelming bipartisan support in the House and the support of the Department of Defense, the Senate has once again failed our servicemembers and their families. It appears that they are operating on false information.

This provision should pass the House, and we are going to continue to stand for our servicemembers.

Mr. SMITH of Washington. Mr. Speaker, I am pleased to yield 1½ minutes to the gentlelady from Texas (Ms. JACKSON LEE).

Ms. JACKSON LEE of Texas. I thank the ranking member, and I thank the members of this committee.

This is a very tough decision. But in the midst of welcoming home many of our troops, I believe it is important to look at aspects of this legislation that have been corrected and aspects that have been enhanced.

Let me thank the members of the committee for the enhancement of the small business technology and the efforts on research and development. Let me thank them for the response on sexual assault and harassment policies that have been improved, as well as the improvement of the military pay for our military families and soldiers, and the enhanced resources that have been put in to help our soldiers return to the workplace.

But I am concerned. And as I have reviewed this, let me specifically yield to the gentleman from Washington, the ranking member, and ask a question on detention, about which I think so many are concerned.

It is my understanding, along with present law, that this has been vetted, the language of detention and the response to civilians, American civilians and legal aliens have been vetted to be in sync with the Constitution, due process, and the right to habeas corpus if individuals are detained.

Mr. SMITH of Washington. Yes. That was a huge priority for me in the conference committee. We worked hard to make sure that that happened, and we absolutely protect those rights.

Ms. JACKSON LEE of Texas. And I believe also that Congress has the privilege to be notified if someone is detained and has the ability to both intervene or interact with the executive, the President, on the particularly

unique circumstances of a U.S. citizen being detained as a person that may be involved in terrorist acts.

I thank the gentleman and would argue the point that this is a difficult call but that this bill has value because it improves the law on the question of detention and compliance with the Constitution. It also improves the lives of our soldiers and families.

I support the legislation.

Mr. WITTMAN. Mr. Speaker, I yield 1 minute to my friend and colleague, the gentleman from Illinois, a member of the conference committee, Mr. SCHILLING.

Mr. SCHILLING. I rise today in support of the NDAA conference agreement. First I want to thank Chairman McKEON and Ranking Member SMITH for shepherding this bill through the committee and through the Armed Services Committee and for really doing a great job for our brave men and women.

This marks the 50th year of the NDAA passing, and it is truly an example of bipartisan cooperation for the good of our country. I appreciate the opportunity I have had, serving on this important conference. And I believe that what we have put together is a great framework that is fiscally responsible and supportive of our troops and national security.

Included in this bill were provisions that would help support our military organic base, including arsenals like the one I represent in Rock Island. I am proud to represent this national treasure found within the Department of Defense. The Rock Island Arsenal and its 8,600 employees have worked hard for our country.

One of the provisions that was included in the NDAA allows our Army industrial facilities to enter into private-public partnerships under section 4544. This provision does away with the cap on these partnerships and ends the sunset date.

I urge strong support and passage of the bill.

□ 1510

Mr. SMITH of Washington. Mr. Speaker, I yield 3 minutes to the gentleman from Georgia (Mr. BISHOP).

Mr. BISHOP of Georgia. I thank the gentleman for yielding.

Mr. Speaker, in a few minutes I will offer a motion to recommit that would strike a misguided provision in the conference report that would exempt Tricare network providers from our labor protection laws.

Section 715 of this conference report excludes the Tricare network health care providers from being considered subcontractors for purposes of any law. Section 715 is nothing but an attempt to override pending litigation and longstanding civil rights law under Executive Order 11246 of 1965, section 503 of the Rehabilitation Act of 1973, and the

Vietnam Era Veterans Readjustment Assistance Act of 1974.

The civil rights protections contained in these laws have existed for decades, and they've served to protect millions of workers from race, sex, and other forms of illegal discrimination. Large Federal contractors are simply required to have an affirmative action plan to ensure that minority groups are not being discriminated against and that the Department of Labor reviews the records. The law currently exempts employers with fewer than 50 employees who do not meet minimum contract value requirements.

The health care industry employed approximately 16 million workers in 2009. Hospitals and similar entities employ tens of thousands of minorities, women, veterans and low-wage workers, groups that historically and currently depend on the basic assurances of fair treatment. The health care industry is the largest growing sector of employment in this country.

Veterans would be especially hard hit under this change in the law. There are close to 900,000 unemployed veterans in America right now. Despite their unique experience and leadership skills, wounded warriors and veterans often struggle to find meaningful employment in the civilian sector. That's why Congress passed laws, enforced by the Department of Labor, to protect the brave men and women who have served our country.

The Office of Federal Contract Compliance ensures that Federal contractors and subcontractors do not discriminate against our veterans, and instead take steps to recruit, to hire, to train, and to promote qualified protected veterans.

Tricare providers, the very people who provide health care to our Nation's veterans, are arguing that they should be exempt from adhering to the very regulations that were passed to protect our veterans. This action would gravely undermine our efforts to employ veterans. These large government health care contractors should not be exempted from civil rights responsibilities that apply to all other similarly situated contractors or subcontractors.

Section 715 is a brazen attempt by large health care industries to overturn pending litigation and exempt themselves from civil rights scrutiny. Congress should vote against weakening these laws, and I urge my colleagues to join with me and support my motion to recommit the conference report.

Mr. WITTMAN. Mr. Speaker, I yield 1½ minutes to my friend and colleague, the gentleman from Missouri, the chairman of the Small Business Committee and a member of the conference committee, Mr. GRAVES.

Mr. GRAVES of Missouri. Mr. Speaker, I rise in support of the conference report on H.R. 1540.

Included in this bill is a long-term reauthorization of the Small Business Innovative Research program. This program sets aside Federal research and development dollars for small businesses that have cutting-edge ideas and promising research that the government needs. The SBIR program fosters innovation while giving a boost to our Nation's best job creators.

Today, I am pleased to say that the House and Senate have come together on a compromise that will give certainty to our small businesses and make important reforms to the program. I want to thank Chairman McKEON and Ranking Member SMITH for including this bipartisan deal in the National Defense Authorization Act conference report, and I would also like to thank the ranking member of the Small Business Committee, Ms. VELÁZQUEZ, for her very important contributions to this debate, as well as the chairman and ranking member of the Science Committee, Mr. HALL and Ms. JOHNSON, who have also been partners in this effort. And, of course, all of the staff on the various committees who have worked very hard on this. They deserve a lot of credit for their hard work.

I encourage my colleagues to support the conference report and the thousands of small businesses and jobs that benefit from the SBIR program.

The SPEAKER pro tempore. The gentleman from Virginia has 3¾ minutes remaining. The gentleman from Washington has 3½ minutes remaining. The gentleman from New York has 4 minutes remaining.

Mr. NADLER. Mr. Speaker, I will reserve until it is time to close.

Mr. SMITH of Washington. I am also going to reserve until it is time to close. We are down to our last speaker.

Mr. WITTMAN. Mr. Speaker, I would tell my colleagues I am prepared to close.

Mr. NADLER. Mr. Speaker, I yield myself the balance of my time.

The SPEAKER pro tempore. The gentleman from New York is recognized for 4 minutes.

Mr. NADLER. Mr. Speaker, we are told, and this seems to be one of the principle issues in the debate today, that this bill, with reference to the detention and security provisions, merely codifies existing law. Some of us say no, it doesn't codify existing law; it codifies claims of power by the last two administrations that have not been confirmed by the courts—by some courts, but not by the Supreme Court. Rather terrifying claims of power, claims of the right to put Americans in jail indefinitely without a trial even in the United States.

Now, I can cite specifics here. The text, for example, says very specifically that Congress affirms the authority of the President, includes the authority for the Armed Forces of the

United States to detain covered persons pending disposition under the law of war, and then expands the definition of covered persons to people not implicated or supporting or harboring people implicated in 9/11 for the first time.

And then we have a provision that says nothing in this section is intended to limit or expand the authority of the President or the scope of the authorization for use of military force.

Well, that directly contradicts what I just read, which is a very specific provision. And since the rules of statutory construction always say that the specific controls the general, this provision, frankly, insofar as it contradicts the first, is meaningless. It provides no protection whatsoever. The same is true of the Feinstein amendment, for similar reasons.

Now, we have disagreement we heard on the floor today, but that reflects the disagreement in the country at large. We have many law enforcement people, many legal scholars disagree on what this language means. The President's chief counterterrorism advisor, John Brennan, said that the bill mandates military custody for a certain class of terrorism suspects, and since it would apply to individuals inside the U.S.—which we have heard denied on the floor but the President's counterterrorism advisor thinks it does—it would be inconsistent with the fundamental principle that our military does not patrol our streets.

And we have many generals, including a former Commandant of the Marine Corps, saying that this is a terrible expansion and change of existing law.

Now the fact of whether it simply codifies existing law or further restricts our liberties in unprecedented ways is unclear. That my friends here can say it only codifies existing law, and I can say and all of these other people—experts, legal experts, military people, counterterrorism experts—can say it goes way beyond existing law, shows why it is dangerous to have this kind of provision affecting fundamental rights and civil liberties in a defense authorization bill which is admirable in many other ways.

The Armed Services Committee is not the proper place to consider questions of civil liberties and legal rights, and certainly not a conference report. All these questions should have been considered in hearings. The Judiciary Committee in both Houses, frankly, should have held hearings. We should have called in the counterterrorism experts, we should have called in the legal scholars, we should have called in the statutory scholars and asked: What does this provision mean? How should it be changed? Does this provision contradict that provision, and what does it really mean? Does it go beyond existing law, and, if so, how can we change that?

In legislation like this, there should be hearings and testimony and proper debate and consideration.

Now, we can still fix this. If we defeat this bill now, we can then take this provision out of the bill, and pass the bill without this provision in a couple of days. We are going to be here. There is no reason we shouldn't do that. And then next year—which is only a couple of weeks away—give proper consideration to these detention provisions if people feel a need to pass them. We should not do such fundamental changes on the fly in a conference report with one hour of debate, no proper committee consideration, no public hearings, and considerable disagreement among scholars and judges and counterterrorism experts and military experts as to what this language means and what it does.

The true answer is that nobody on this floor can be 100 percent certain what this does. And when you are dealing with our fundamental liberties, that should say don't pass it. So I urge my colleagues to defeat the bill. We can then take this out of the bill, take the bill up on the floor again in a couple of days, and that's the safe way to safeguard our liberties and to do what we have to do for our military security.

I yield back the balance of my time.

□ 1520

Mr. SMITH of Washington. Mr. Speaker, I yield myself the balance of my time.

The SPEAKER pro tempore. The gentleman is recognized for 3½ minutes.

Mr. SMITH of Washington. First of all, let me say we had hearings on this last February and March. We had language in our bill which we passed in May. This issue has been thoroughly debated. Now, I've heard a couple of times that the Judiciary Committee has not heard this issue. This has been going on for 10 years under both Democratic and Republican control. I don't know why the Judiciary Committee has not chosen to have hearings on this issue, but that's hardly our fault. We have. We've had endless discussions on this. It has, in fact, been debated.

And let me also say that I am very concerned about these very issues. On our committee, I have been one of the strongest voices of concern. I support closing Guantanamo. I know a lot of people don't. I think we should have all of the suspects here in the U.S. and that we should try them. I also strongly believe that the criminal justice system has to be part of how we combat al Qaeda. I have heard the argument. People say, this is a war, not a criminal matter. Why are we bothering with things like article III courts? I disagree with that and have spoken out publicly and strongly and in many cases even when popular support has been on the other side of issues like closing of Guantanamo.

I care deeply about this issue; and from the very start, I fought hard to protect precisely the things Mr. NADLER is referencing. I fought hard in the conference committee to make sure they were protected, and they were.

Now the argument is we don't know exactly what it means; so, therefore, we should do nothing. It is very true that law is unsettled. That, again, has nothing to do with this bill. There are court cases ongoing; there are habeas corpus cases continuously happening as a result of Guantanamo; and it's being interpreted by courts and also by the executive branch. I want to make it also clear that the judiciary and the executive branch would always rather that we do nothing. They would always rather forget that we are supposed to be a coequal branch of government, but we are.

After 10 years and after countless hearings, the legislative branch should say something about this. And what we said we said very, very carefully to simply codify what the executive branch and the judiciary have said about the AUMF and to make absolutely clear—and this language is not ambiguous—that military custody in the U.S. does not apply to U.S. citizens and does not apply to lawful resident aliens.

Again, the problems that people have—and I share some of them—are with existing law, not with this bill. Defeat this bill, and it won't change a piece of that existing law that we've heard about and that we should all be concerned about. But defeat this bill, and it will make it very difficult for our troops to get the support they need.

Now, I've been around this process long enough to know that there ain't no guarantee of fixing anything. And if we defeat this bill, our troops will be left to wonder if they're going to get that pay raise, if those military support projects are going to get built, if our troops are going to get the support they need. And I don't know the answer to that question.

So there's a ton of very, very good stuff in this bill that supports our troops, that addresses Members' concerns on issues like sexual assault within the military and a whole host of others. We need to support this bill to support our troops.

And the issues that folks are concerned about on detention, again, that is existing law. Whether this bill passes or not, those controversies will continue.

This is an excellent piece of legislation, well-crafted and worked hard by a lot of folks. It deserves an overwhelming "yes" vote.

With that, I urge passage and I yield back the balance of my time.

Mr. WITTMAN. Mr. Speaker, I yield myself the balance of my time.

The SPEAKER pro tempore. The gentleman from Virginia is recognized for 3¾ minutes.

Mr. WITTMAN. I want to thank our conferees and the members of the Armed Services Committee once again, and I want to thank our staff directors, Bob Simmons and Paul Arcangeli.

This conference report addresses a wide array of policy issues, from cooperation with nations like Israel and Georgia, operations in Afghanistan, our new partnership with Iraq, and balancing strategic opportunities and risks with respect to China and Pakistan, to mitigating the threat from Iran and North Korea, enhancing missile defense, and maintaining this Nation's nuclear deterrent. Passage ensures our troops get a 1.6 percent pay raise and the benefits their families rely upon.

This bill also ensures that we continue to fulfill our Nation's most sacred obligations to our brave men and women serving in the greatest all-volunteer force in history. The service by our men and women in uniform is priceless, especially during the last 10 years of combat operations. Besides thanking them for their service and sacrifice to this Nation in ensuring they are afforded the best benefits and care for their service, there's little we can do to repay them for standing the watch and keeping America safe.

This bill authorizes a modest 1.6 percent pay increase, but it never can express how truly grateful we are as a Nation for the service and sacrifice of our all-volunteer force and their families.

Additionally, some very important provisions were included to ensure our industrial base maintains a constant workload and a fully employed workforce; and \$14.9 billion was authorized for U.S. Navy shipbuilding, a total of 10 ships, which include two Virginia class submarines. The bill also extends the multiyear funding authority for the second and third Ford-class aircraft carriers for 4 to 5 years of incremental funding authority.

American ingenuity, creativity, and initiative are alive and well in our shipyards that build warships for the United States Navy. Shipbuilding is supported through business and industry spanning 50 States and designed and engineered by our greatest asset—the American people. The American aircraft carrier is the pinnacle of this industrial engineering ingenuity and genius where mechanical, nuclear aerospace, and electrical engineering converge with naval architecture to form a magnificent 100,000-ton, 1,092-foot-long piece of American sovereignty that travels anywhere, anytime around the world.

Additionally, the bill reinstates the requirement for annual delivery of the Navy's 30-year shipbuilding plan solidifying the need for the Navy to communicate their plan as it relates to the strategic objectives of the United States balanced against a very challenging budget environment.

I'm pleased that this legislation came together to support our men and women in uniform. In times of austerity, they remain a priority, as do the safety and security of this Nation.

Today, I stand in support of this legislation and encourage my colleagues to support its passage; and I would like to reflect that all 26 Senate conferees signed this report, and 29 out of the 32 core House conferees signed as well. This is a solid product, thoroughly debated and deliberated considerably. I urge my colleagues to support and vote in favor of the conference report.

Mr. Speaker, with that, I yield back the balance of my time.

Mr. DINGELL. Mr. Speaker, I rise in support of the conference report for H.R. 1540, the National Defense Authorization Act. While this legislation is not without problems, it still provides the necessary resources and support to our men and women in uniform. As our nation winds down one war and continues to fight another, giving the troops the resources they need to succeed should be a top national priority. The legislation before us today accomplishes this important goal.

H.R. 1540 does the right thing and gives our service members a pay raise of 1.6 percent. It also ensures that we are taking adequate measures to protect our troops which are still in the theatre of combat by authorizing \$2.7 billion for Mine Resistant Ambush Protected (MRAP) Vehicles, which protect our troops from improvised explosive devices (IEDs). Additionally, the legislation provides \$3 billion for directly combating IEDs in Afghanistan, and increases the Abrams tank program by \$255 million. All of these important increases will have a real impact on the safety and wellbeing of our troops overseas, and it would be irresponsible to not support this legislation because of that fact.

The provisions relating to military detention for foreign al-Qaeda terrorists has generated much discussion, and rightfully so. Any effort which deals with civil liberties and constitutional rights must be taken very seriously. H.R. 1540 simply restates what has become law on this issue through court decisions and executive actions over the last 10 years. It provides for military custody for foreigners who are members of, or substantially supporting, al-Qaeda, but gives the president wide latitude to try any such suspect in civilian courts. Specifically, the president is granted the authority to issue a national security waiver to authorize a trial in civilian courts. The legislation also explicitly states that U.S. citizens are not subject to military detention, which is a vitally important safeguard. Finally, H.R. 1540 includes language to ensure that the FBI can continue with their investigations of terrorists on U.S. soil. While this language is certainly not perfect, I believe it strikes a fair compromise between national security and civil liberties as it simply restates what our policy has been over the last decade.

Decisions about war and our national defense should never be taken lightly, and this is especially true in this instance. This legislation makes the necessary investments to keep our troops safe and deserves to be supported.

Mr. RAHALL. Mr. Speaker, while I support the conference agreement on the National De-

fense Authorization Act, I am extremely disappointed that it does not include language from previous years to prevent the Administration from moving forward with increases in TRICARE pharmacy copayments and enrollment fees.

As a cosponsor of the Military Retirees Health Care Protection Act, which would prohibit increases in TRICARE costs for servicemembers, I do not believe our brave soldiers and their families should have to bear the burden of closing our Nation's deficits.

For thirty-five years, I have fought to expand and protect affordable, quality health care for our servicemembers, and I will continue to do so.

Mr. STARK. Mr. Speaker, I rise in strong opposition to the National Defense Authorization Act because it will continue to waste more money on weapons we do not need and wars that are not necessary. This legislation prioritizes military spending over our economic stability, the health of our people, and the basic civil liberties guaranteed by the Constitution. The costs of this bill are simply too great.

Families in my district and across the country are facing unemployment, foreclosures, and the loss of their retirement savings. All levels of government are making difficult decisions to decrease budget deficits. Now is the time to focus our efforts on bringing the defense budget under control. Instead, this bill continues our unsustainable spending on wars and the military.

It is our job to spend taxpayer dollars wisely and efficiently. When it comes to defense, we have failed miserably. We have doubled our military spending since 2001, and spend six times more than China—the next highest-spending country. Continuing to spend 60 percent of our discretionary budget on an already bloated and redundant defense sector is more than just negligence; it is malicious. Every dollar we spend on war and weapons is a dollar we cannot spend on education, health care, infrastructure, or even deficit reduction. This bill does nothing to seriously rein in our defense budget.

To make matters worse, this defense authorization is costing American citizens more than just their tax dollars, but their civil liberties as well. Provisions within this legislation allow anyone—including Americans—to be detained indefinitely by the military if found to have “substantially supported” forces “associated” with a terrorist organization, or who “are engaged in hostilities” against the U.S. or “coalition partners.” As none of the quoted terms are defined, this vague language gives excessive and broad power to the military.

Our Constitution does not permit the Federal Government to detain American citizens without charge or trial, nor does it give the military the authority to act in place of our justice system. And yet this legislation would codify into law the authority of the military to indefinitely detain suspected terrorists—something never even seriously considered during the McCarthy-Cold War era. I could never support a measure that, in the name of security, violates Americans' constitutional rights.

This authorization is not an accurate reflection of American values. Our first priority is not, nor should it be, spending more money on defense than every other Western country

combined. Defense spending should not receive privileged budgetary treatment while the rest of our budget faces deep cuts, nor should it be used as a vehicle to suppress civil liberties. I urge all of my colleagues to oppose this wasteful and dangerous legislation.

Mr. POLIS. Mr. Speaker, I rise today in opposition to the Rule and the underlying bill.

The bill we have before us allows for the indefinite detention of terror suspects, including U.S. citizens, without being charged and without the right to a trial. If enacted, this would be the first time since the McCarthy era that Congress has authorized the indefinite imprisonment of American citizens without this fundamental right.

The bill's detainee provisions undermine our national security and violate the Constitutional principles we all adhere to. If we are truly considering the Nation's best interests—we should strip this bill of these harmful provisions.

The federal criminal justice system has worked effectively to prosecute suspected terrorists throughout both the Bush and Obama administrations. This system has proven invaluable in producing counterterrorism information precisely because it provides incentives for suspects to cooperate.

Further, the detainee provisions in this bill do not provide the president with the flexibility that is needed to successfully combat terrorism.

Many of our Nation's most respected military leaders and national security leadership have come out against the detention provisions in this bill. In the past weeks, the director of the FBI, director of National Intelligence, Secretary of Defense, and head of the National Security Division at the Department of Justice have all spoken out against these detainee provisions.

Instead of protecting our Nation, these detainee provisions will ultimately make our Nation less safe at a time when we need every counterterrorism tool available to defend our Nation from terrorist threats.

We will not defend our country by shredding the Constitution or denying U.S. citizens of their most fundamental rights. We can defend our country while securing the basic freedoms that make America unique among the communities of nations.

I urge Members to respect our fundamental constitutional rights and protect our country's security by opposing this bill.

Mr. HALL. Mr. Speaker, I urge my colleagues to support the Conference Report for H.R. 1540, the National Defense Authorization Act, which includes a reauthorization of the SBIR and STTR programs.

This long-term reauthorization will provide thousands of small businesses with the certainty necessary to facilitate innovation and create high-paying jobs. The legislation will also strengthen the program's research and development output by opening it up to more small businesses, and will ensure the greatest return on taxpayer investment by helping us combat waste, fraud, and abuse.

I would like to congratulate and thank Chairman GRAVES of the House Committee on Small Business for his leadership in this process, and for working to ensure that we produced a bill that both the House and Senate could proudly support.

I would also like to thank Subcommittee Chairman QUAYLE of the Committee on Science, Space, and Technology, for his work in improving this legislation and ensuring that it produces strong research outcomes.

Finally, I would like to thank our Committee's Ranking Member, Mrs. JOHNSON, who served as a co-sponsor of the original House legislation, for her work throughout this process.

This legislation has been a long time coming. I am confident that we have produced an outstanding bill that will improve the SBIR and STTR programs, will improve the quality of research and innovation from the programs, and will help small businesses create high-paying jobs.

Ms. SCHAKOWSKY. Thank you, Mr. Speaker, I rise today in strong opposition to the National Defense Authorization Act (NDAA) of 2012.

Mr. Speaker, I oppose this bill because it fails to rein in our out of control defense spending, it includes over \$115 billion in war funding, and, most of all, because it codifies dangerous detainee provisions that are at odds with the U.S. constitution.

At a time when we are discussing drastic cuts to domestic spending programs critical to millions of Americans, this bill provides a whopping \$670 billion in Pentagon spending—that's almost as much as the rest of the world, combined, spends on defense. We can reduce our defense spending without jeopardizing our national security, yet this bill continues what former Secretary Gates termed the "gusher" of defense funding.

In addition, this legislation codifies indefinite detention without charge or trial in military custody for foreign Al Qaeda terrorists suspected of involvement in attacks on the U.S. It also blocks the transfer of Guantanamo Bay detainees to the U.S., even for trial. It severely restricts the transfer of detainees to third countries.

Most disturbingly, the bill does not guarantee suspected terrorists a trial, even if they are U.S. citizens arrested within the United States, leaving open the possibility of indefinite detention. Passing this legislation throws fundamental rights of American citizens into serious jeopardy.

These provisions are both dangerous and unnecessary. The Secretary of Defense, Director of National Intelligence, and Director of the FBI have all publically opposed the bill's detainee language. Neither the military nor the national security establishment has sought the added detention authorities provided under this legislation.

Military detention and trial not only jeopardizes our American ideals, it is also not practical. The role of the military is to fight and win wars—not to detain and try criminals. Since 9/11, military commissions have convicted only six people on terror-related charges, while over 400 have been convicted in civilian courts. Military experts have expressed concerns about the still largely untested military tribunal system, as well as the overall capacity of the military to handle a large influx of terrorism-related cases.

Mr. Speaker, we can provide for the national security of the United States without jeopardizing our fundamental freedoms and rights.

Even some of our closest allies, including Germany and the UK, have expressed reticence to transfer suspected terrorists or share intelligence about them over concerns that these individuals will end up in U.S. military custody.

In his inaugural address, President Obama stated that we "reject as false the choice between our safety and our ideals." This bill would undermine 200 years of respect for fairness and due process. I strongly urge my colleagues to join me in opposing this dangerous and destructive legislation.

Mr. HOLT. Mr. Speaker, this could have been a landmark bill. Instead, it offers our nation more of the same—more spending on programs we don't need, and no rethinking of our priorities.

To be fair, there are some good provisions in this bill—a military pay raise, additional funding for programs important to military families. I am pleased that this bill authorizes \$216 million for cooperative tactical missile defense programs with Israel like Iron Dome. Indeed, it's astounding that some in the Republican Party have suggested that America should zero out our aid to Israel—a reckless idea that would endanger the security of our best ally in the Middle East.

I regret that the conferees elected to continue a series of dubious Cold War-era programs instead of taking this opportunity to do what we must do: rescale our armed forces to meet the real threats we face.

This bill authorizes \$8.5 billion for 31 F-35 Joint Striker Fighters and \$9 billion for missile defense programs. Neither of these kinds of programs will give us the ability to deal with the kind of asymmetric threats we currently face and will likely encounter in the future. It's worth remembering that our Cold War-legacy systems did nothing to stop the 9/11 attacks. They will do nothing to confront the cybersecurity threats we face. They will do nothing to address our imported oil vulnerability, or our strategic minerals vulnerability. Continued funding of these and other Cold War-era programs only proves that the Congress has no intention of seriously rethinking our defense spending priorities, without which we cannot possibly responsibly provide for "the common defense".

Additionally, this bill should be defeated because it contains provisions that would eviscerate Constitutional protections against indefinite detention.

I am not at all convinced by the arguments of proponents of this bill that sufficient changes have been made to the sections dealing with detainees to ensure that no U.S. citizen can be detained indefinitely in U.S. military custody. We need only remember the case of Jose Padilla, the accused terrorist and U.S. citizen who was held in a military brig for years without trial. This bill would do nothing to prevent that from happening again because it does nothing to change the language of the original Authorization for the Use of Military Force (AUMF) passed after the 9/11 attacks. That language makes the President of the United States the sole determiner of who is a member of Al Qaeda, or who may have "supported" Al Qaeda, etc. Since there is no way to immediately challenge the President's determination of who is a terrorist, there is no way to ensure that innocent Americans will not

be charged falsely with having committed terrorist acts. That is the true problem with the detainee-related implications of this bill.

Finally, I cannot support this bill because it does not even mention the recently disclosed scandal at the Dover Port Mortuary, much less take any action to correct the egregious desecration of the remains of hundreds—and perhaps thousands—of our fallen heroes.

The initial revelations about the mishandling or desecration of the remains of deceased servicemembers came about through the work of three heroic Air Force employees at Dover. Despite the risk of retaliation from their chain of command, they brought their allegations to the Office of Special Counsel, which ultimately prompted investigations by the Air Force Office of Special Investigations and the Army Inspector General. Separately, a constituent of mine—Mrs. Lynn Smith of Frenchtown, New Jersey—made me aware earlier this year that for at least several years, the unclaimed additional remains of fallen servicemembers were being cremated, mixed with medical waste, and dumped in a Virginia landfill.

When Mrs. Smith learned that this had happened to her husband, she suspected immediately that it had happened to others. She was right, as we learned late last month with the Pentagon finally provided a response—albeit incomplete—to my inquiry as to how many servicemember's unclaimed remains had been mishandled in this way. Right now, the number stands at 274. I strongly suspect that number is actually higher.

Although the House Armed Services Committee held a briefing with the Air Force secretary and his senior staff in mid-November, this issue is not even mentioned in this bill, which is inexcusable. At a minimum, the bill should've had condemned the Air Force's mishandling of the remains and directed that the Secretary of Defense establish a family advisory panel to make recommendations to the Pentagon and the Congress on how to improve the casualty notification and remains disposition process. Because this bill does not address this issue and the families impacted by it, I will not support H.R. 1540.

Ms. CLARKE of New York. Mr. Speaker, I rise today in opposition to the National Defense Authorization Act of 2012. As a member of the Committee on Homeland Security, I am well aware of the threats that face this nation from home and abroad, but even though this struggle is of the highest stakes, we must remember the very values and basic rights that set us apart from those who would seek to destroy us. We must remember that we cannot sacrifice our freedom or the freedom of others in order to maintain it. To follow such a path represents a fundamental contradiction and degrades any moral high ground we claim to possess. The indefinite detention provisions do just that; they continue a shameful precedent set in the wake of the attacks against our nation on 9/11 that allows our military to detain suspected terrorists, foreign and domestic, indefinitely and with limited ability for redress.

It has been reported that if enacted, the detention provisions would codify authority for indefinite detention without charge and mandatory military detention, authorizing their application on the basis of suspicion to virtually anyone picked up in the anti-terrorism efforts;

including those arrested on U.S. soil. In effect, the U.S. military would become the sole authority over terrorism suspects, to the exclusion of the U.S. judicial system.

Mr. Speaker, this blatant eradication of Habeas Corpus is a scary thing, particularly for the people of New York City who live under the constant threat of terrorism and the ever present surveillance of law enforcement. That, among other reasons is why I'm not voting against this bill, and I urge my colleagues to do the same.

Ms. BORDALLO. Mr. Speaker, I rise in opposition to H.R. 1540, the National Defense Authorization Act for Fiscal Year 2012. Although I have serious concerns about this legislation because of its lack of commitment to forces in the Asia-Pacific region, there are portions of the bill that are good for our national defense.

Chief among those provisions is section 512, which provides the Chief of the National Guard Bureau with a seat on the Joint Chiefs of Staff. Including section 512 brings to a conclusion more than seven years of work to align the roles and responsibilities of the Chief of the National Guard Bureau appropriately for an operational reserve force. The provision recognizes the unique and important role our National Guard has played in our Nation's defenses throughout history, particularly since the attacks of September 11. This year, on the 10th anniversary of these tragedies, the National Guard will finally have the recognition and appropriate responsibilities to ensure the requirements and capabilities of the National Guard are fully integrated into our national security infrastructure. Section 511 also establishes the position of Vice Chief of the National Guard Bureau which is necessary if the Chief of the National Guard Bureau is to sit on the Joint Chiefs of Staff.

I also strongly support inclusion of section 621, which provides a one-year extension of authority to reimburse travel expenses for inactive-duty training outside of normal commuting distances. This authority is critical to the Guam National Guard as well as units in Hawaii and Alaska. Section 621 is an important recruiting and retention tool for our National Guard.

Finally, the bill also maintains our committee's longstanding support for the C-27J Joint Cargo Aircraft program by providing authorization of appropriation for nine additional aircraft in Fiscal Year 2013. The C-27J is a critical tactical airlift asset for our Air Force and Air National Guard. I regret that language restricting the retirement of C-23 Sherpa aircraft was not maintained in the final bill, but I hope that the Department can clarify how it intends to meet airlift mission requirements given the reduction in aircraft procurement over the last several years.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I rise today in opposition to H.R. 1540, the Defense Authorization Agreement for FY 2012.

I strongly oppose the conference language which amends section 1097b(a) of title 10 of United States Code which exempts important and hard-fought civil rights protections that were enacted to advance the goals of ensuring equal opportunity and promoting diversity in the workplace. There is no principled rea-

son for creation of this grave precedent exempting this class of subcontractors from the workplace discrimination laws applicable to all other companies that enjoy the privilege of doing business with the federal government. Subcontractors that do follow the law deserve a level playing field, instead of a Congressional exemption for their competitors.

If this provision becomes law, many of those TRICARE network providers that are federal subcontractors unlike other federal subcontractors will be exempt from systemic evaluations of contractors' employment practices. Additionally, their employees will lose the assurance that there is a federal agency independently monitoring their employers' compliance with nondiscrimination and affirmative action law. Being a federal contractor or subcontractor is a privilege and with that privilege comes a responsibility to comply with the law and make equal opportunity a reality for everyone.

This is unfortunate as I am very pleased that this legislation contains a comprehensive reauthorization of the Small Business Innovation Research, SBIR, program and the Small Business Technology Transfer, STTR, program. We have worked tirelessly over the last few months on a bipartisan, bicameral basis in an attempt to strike a deal on this reauthorization and I am pleased that these efforts have finally paid off.

We all recognize the important role that small businesses play in fueling technological innovation and creating jobs in the United States. That being the case, we should be doing what we can to foster a vibrant small business community and give our small businesses the tools that they need to succeed. The SBIR and STTR programs are such tools. They have been critically important programs for fostering innovation by small businesses and meeting the research and development needs of our Federal agencies.

I am particularly pleased that the SBIR/STTR reauthorization contained in this bill includes important provisions to ensure that outreach is carried out to small businesses that have traditionally been underrepresented in the SBIR and STTR programs. This was a top priority for me for this reauthorization since one of the four stated congressional objectives for the SBIR program is to increase participation by woman- and minority-owned small businesses. In its 2008 evaluation of the SBIR program, however, the National Research Council found that the program was not achieving this objective and recommended that targeted outreach be developed to improve the participation rates of these small businesses. The reauthorization bill included in the Defense Authorization bill includes funding for targeted outreach activities, consistent with the National Research Council recommendations. I am thrilled that we were able to find common ground on this important issue and have taken critical steps to ensure that all small businesses have access to these important programs.

Mr. Speaker, in conclusion I must quote Coretta Scott King as she once said, "Struggle is a never-ending process. Freedom is never really won. You earn it and win it in every generation." Moreover, I cannot in good faith support a bill that turns back the clock on civil rights, fairness and inclusion in this country.



Mr. PRICE of Georgia. Mr. Speaker, this Congress has enacted a defense authorization bill every year for the last half-century, generally with broad bipartisan support. The reason for this broad support is simple: under Republican and Democratic leadership alike, we have recognized that support for our Nation's men and women in uniform should remain above the partisan fray, unencumbered by controversial policy debates that are only tangentially related to the mission of our Armed Forces.

Throughout my service in Congress, I have almost always supported this annual measure, which authorizes funding for a wide range of programs upon which our military depends, from salaries and benefits to military health care to critical equipment and readiness accounts. I thus find it deeply unfortunate that the House Republican leadership chose to use this year's bill as a vehicle for advancing ill-advised policies that seek to tie the President's hands in the war on terror and expand the military's role in the detention and disposition of terror suspects, at the expense of our civilian justice system and our civil liberties.

To be sure, the original House version of this bill, which I opposed, was much worse. It would not only have indefinitely extended the Authorization for the Use of Military Force that was enacted in the wake of September 11, but would also have required suspects detained pursuant to that authorization to be prosecuted in military tribunals. My Republican colleagues' inexplicable insistence on forcing terror trials into military commissions instead of civilian courts flies in the face of the facts; our court system has a strong record of trying and convicting terrorism suspects, while the record of military commissions has been spotty at best. It is no wonder that the Obama Administration threatened to veto this bill—as any administration, Democrat or Republican, would almost certainly have done.

To their credit, our Democratic conferees succeeded in averting the worst aspects of the House bill in the conference report before us today. But they didn't go far enough. The measure would still require all foreign suspects detained in the war on terror to be kept in military custody, potentially disrupting critical anti-terrorism operations and muddying the waters of a process that should be crystal clear. As FBI Director Robert Mueller reiterated today, this provision would unnecessarily complicate interrogation and intelligence collection—the very capabilities that the provision's supporters claim they are trying to enhance. The conference report would also needlessly reaffirm our ability to detain terror suspects indefinitely, upholding an ambiguity in current law that should be resolved by the courts. And it would impose new consultation requirements that further restrain the discretion of the Attorney General to determine how to prosecute terror cases.

For these reasons, I intend to oppose the measure before us today, despite my strong support for the majority of its provisions. In the future, rather than using the defense authorization bill to advance their partisan agenda, I urge the Republican leadership to return to the past practice of leaving controversial policy debates for another time and place. Our men and women in uniform deserve nothing less.

Mr. TURNER of Ohio. Mr. Speaker, I rise today to speak in favor of passage of the conference report on the FY12 NDAA.

As the Chairman of the Strategic Forces Subcommittee, I'd like to briefly walk through some of the key provisions in the conference report.

First, concerning U.S.-Russia missile defense, the conference report contains a modified version of a provision offered by Mr. BROOKS of Alabama to require the President, before sharing any classified information about U.S. ballistic missile defenses, to prove that it is in the interest of the United States and to show how the information will be protected from third party transfers.

Second, regarding U.S. nuclear forces, the conference report imposes checks on the Administration's plans for nuclear reductions by requiring assessments of those reductions from the STRATCOM commander before any nuclear weapons reductions are made; requiring the Administration to disclose its plans for future reductions; and, re-asserting Congressional oversight of the nation's nuclear war plan.

Third, concerning LightSquared, we retained House and Senate provisions that will ensure that the FCC will not be able to attempt to slip one by Congress and the DOD in the dark of night again. And I note recent press reports that new proposals for LightSquared's network continue to impose unacceptable interference to DOD GPS systems.

Also, for the first time, DOD will be able to directly transfer funding to NNSA Weapons Activities for up to \$125 M per year if there are shortfalls in that budget in the event of an appropriations shortfall.

And the bill ensures that the credibility of the U.S. deterrent and extended deterrent will start to get equal billing with safety, security and reliability.

I also would like to thank Chairman HAL ROGERS and Chairman RODNEY FRELINGHUYSEN—I have appreciated their support for funding for NNSA's vital nuclear weapons programs, which are key to maintaining the safety, security, reliability and credibility of the U.S. nuclear weapons stockpile, and enabling any of the force reductions the Administration may plan, including those under the New START treaty.

I also hope that our NATO allies and the Administration read closely the provision on our extended nuclear deterrent in Europe and any future arms control negotiations with Russia, which states that if any negotiations occur they should focus on Russia's massive stockpile of tactical nuclear weapons and that for the purposes of the negotiations, consolidation or centralized storage of Russia's tactical nuclear weapons should not be viewed as elimination of those weapons.

This last position was recently endorsed by the NATO Parliamentary Assembly, the U.S. delegation to which I am the Chairman.

Now I would like to discuss an issue that is important to our men and women in uniform, is impacting our Armed Forces readiness and forces servicemembers to choose between service to their nation and their families. This is the issue of military child custody.

In a short time after becoming a member of the House Armed Services Committee, I was

struck to learn that this country's judicial system was using servicemember's deployments against them when making child custody determinations.

Just to be clear, we are asking an all volunteer force which consists of less than one percent of our population to engage in the longest conflict in our nation's history, endure more deployments than any other generation in our history, and do so at the peril of losing their children.

Recognizing this unconscionable injustice, the House Armed Services Committee has included language in the past 5 NDAA's to provide servicemembers a uniform national standard of protection. This provision has also made it through the House Veterans' Affairs Committee.

Unfortunately, despite overwhelming bipartisan support in the House and the support of the Department of Defense, the Senate once again failed our servicemembers and their families. It appears that they have done so using false information.

Earlier this year, Secretary Gates stated, "I have been giving this matter a lot of thought and believe we should change our position to one where we are willing to consider whether appropriate legislation can be crafted that provides servicemembers with a federal uniform standard of protection." This year, I worked with the DoD and the House Armed Services Committee to provide that legislation. Yet, the Senate failed to provide the protections in the final bill.

Given all the sacrifices made by our servicemembers, I ask that the Senate finds it within themselves to reconsider their position and work with us to provide the protections our men and women in uniform deserve. It's the right thing to do and we owe it to them.

Mrs. MALONEY. Mr. Speaker, I rise today in strong opposition to H.R. 1540, the National Defense Authorization Act for FY 2012. The conference report provisions regarding the treatment of terrorism detainees in U.S. custody contained in the bill simply do not go far enough to ensure that counterterrorism officials have the ability to effectively deal with the threats our country faces, while upholding our constitutional values.

These detainee provisions put into law the authority of the military to indefinitely detain without trial individuals determined to be members or substantial supporters of terrorist organizations. But the bill does not define in clear terms those who are subject to this provision and leaves open the possibility that even American citizens arrested on U.S. soil could be detained indefinitely.

I fully support many provisions in this bill, including those that provide our service members with the pay and equipment they need and deserve. I also strongly support provisions that make much-needed improvements to the sexual assault and harassment policies of the Defense Department, and ensure that victims have access to a military lawyer and maintain their option of confidential reporting even if they seek legal counsel.

But, the language regarding detainees contained in this bill threatens the rights and liberties of American citizens. We must state unequivocally that no American may be arrested on U.S. soil and detained indefinitely without

trial. This bill fails that test and compromises our most basic constitutional values.

That is why I vigorously oppose H.R. 1540 and urge my colleagues to join me in a strong "no" vote.

Mr. SMITH of Washington. Mr. Speaker, some have raised concerns about potential ambiguities in section 2207 of the FY2012 National Defense Authorization Act and I wanted to provide clarification on some of these matters. It was asked whether section 2207 restricts the obligation of funds for contract modifications to ongoing projects or awarding minor supporting contracts required to complete projects that have already begun. First, it is not the intent of the bill to restrict the Department of Defense from modifying current contracts or awarding required ancillary contracts in support of active projects because those prior-year funds have already been obligated and therefore are not subject to the restrictions set forth in section 2207. We understand that minor additional obligations may be required to complete those previously authorized projects, and we do not object to such minor obligations as long as they are within the scope of the original authorizations.

Others have asked me, can the Department of Defense use any funding to continue planning and program management activities or begin new studies that will help inform or develop any of the five requirements that are outlined in section 2207 that must be met before further funds are obligated? The language in section 2207 is not intended to restrict the Department of Defense's ability to use prior-year funding to conduct program management activities, planning and further studies or complete ongoing studies that will better inform or allow the Department to complete work on the five requirements that are called out in section 2207 of this bill. This provision is not intended to stop the military buildup, but there are questions that remain outstanding.

I am committed to working with the Gentledady from Guam to continue to address these issues regarding the stationing of Marine Corps forces on Guam.

Mr. BLUMENAUER. Mr. Speaker, today I voted against the National Defense Authorization Act for Fiscal Year 2012 (NDAA). While nothing is more important than providing the resources needed to keep America and our men and women in uniform safe, this authorization spends too much and is a missed opportunity for much needed reform.

First, however, I would like to thank Chairman McKEON and Ranking Member SMITH of the House Armed Services Committee for including elements of all three of my amendments in this final conference bill. One amendment lifts the veil on classified immunity for defense contractors, a practice that exposed 36 of our Oregon National Guardsmen to toxic chemicals in Iraq. The other two will help protect our troops on the battlefield and save billions of dollars through energy efficiency initiatives. Their inclusion, however, does not offset the overall authorization which fails to reflect America's priorities or our national security realities.

It is deeply unfortunate that this legislation includes the appalling detention provisions and that the bill continues to tie the President's hands by restricting his ability to transfer de-

tainees to the United States for trial in Federal Court are appalling. Preventing the administration from closing Guantanamo only serves to bolster Al Qaeda and erode America's security. There is no excuse—even in the name of fighting terrorism—for undermining our ideals. Beyond the practical security considerations, terrorism is an assault on those ideals and we should not further erode them in response to that threat.

One thing that most of the Occupy Wall Street and majority of the Tea Party advocates agree upon is that the United States is on an unsustainable path.

The economy is still floundering. We are losing the competition with other countries in the international arena when it comes to rebuilding and renewing America's infrastructure and making advances in education. Even our health care system, improved by the Affordable Care Act, still falls short of the systems in use by most of our major European competitors.

These glaring examples of unsustainability for our infrastructure, our education system and our health care system are all troubling. None of this, however, compares with the unsustainability of our massive defense and security spending. U.S. defense spending is bloated and not strategically oriented. We cannot continue to spend almost as much as the rest of the world—friend and foe alike—combined. We spend 6 times as much on defense as China, and 12 times that of Russia. Our Navy is larger than the next 13 navies combined.

People who are at the front deserve our best in terms of equipment, and they and their families need to be well-cared for, not just in the field, but when they come home. Our armed forces are stressed and continue to be hobbled by the reckless actions in Iraq and further challenged by the war in Afghanistan, and need to come home. We continue to spend in Afghanistan with no clear plan for withdrawal.

Today we have a reauthorization of the defense bill that fails to lay the foundation for the dramatic changes that are needed. Scaling back our open-ended spending commitments, nuclear weapons systems that we spend more on today than during the Cold War and are far more out of proportion to what we will ever need or use, patterns of deployment, for example, with our Navy, all cry out for reform. Long overdue elements to deal with cost effectiveness and the environmental footprint, energy costs at \$400 a gallon for fuel at the frontlines in Afghanistan, and tens of billions of dollars lost to inefficient air conditioning are missing.

The greatest threat to our future is losing control of our ability to make tough decisions that will enable us to sustain our military and, more importantly, to sustain the economy. In short, the NDAA ignores the big picture.

We should reject this blueprint and begin the process now of right-sizing the military, trimming our burdensome nuclear stockpiles and unnecessary programs, eliminating costly weapons programs, ending our misguided mission in Afghanistan, and moving away from a Cold War model of deployment with U.S. military bases all over Europe.

We have the most powerful military in the world and will by far even if we invest sub-

stantially less. Our problem is that the American public is being ill-served by government. We're not investing in our future, and our economy will not be able to sustain this ever-increasing military commitment, to say nothing of the demands of investing in our communities and our people, especially the young. This is another missed opportunity to set down a marker for real change, and to lead responsibly.

Mr. TURNER of Ohio. Mr. Speaker, in the FY12 NDAA a drafting error was uncovered in section 1045.

Subsection (c) of section 1045 reads "If, during any year beginning after the date of enactment of this Act, the President makes a proposal described in subsection b" the Commander of STRATCOM shall take a prescribed action.

This provision should have read, "If, during any year beginning after the date of enactment of this Act, the President makes a proposal described in paragraph 2" the Commander of STRATCOM shall take a prescribed action.

As the Joint Statement of Managers to the Conference Report makes clear:

Finally, the conference agreement would, in any year in which the President makes a proposal to reduce the number of nuclear weapons in the active or inactive stockpiles of the United States to a level that is lower than the level on the date of enactment of this Act, require the Commander of U.S. Strategic Command to conduct a net assessment of the current and proposed nuclear forces of the United States and of other countries to determine whether the proposed U.S. nuclear forces would be capable of meeting U.S. objectives of nuclear deterrence, extended deterrence, assurance of allies, and defense. The Secretary of Defense would be required to submit the Commander's unaltered net assessment, together with any explanatory views of the Secretary, to the Committees on Armed Services of the Senate and the House of Representatives. In any such year, the Administrator of the National Nuclear Security Administration would also be required to submit to the Committees on Armed Services of the Senate and the House of Representatives, a report describing the current capacities of the U.S. nuclear weapons infrastructure to respond to strategic developments or technical problems in the nuclear weapons stockpile.

While Congress addresses this, and any other technical corrections needed in the bill, I urge STRATCOM and the Administrator of the NNSA to construe this legislation per the clear intent.

Ms. RICHARDSON. Mr. Speaker, I rise in support of H.R. 1540, the National Defense Authorization Act for Fiscal Year 2012. This legislation, which provides \$662 billion in funding for fiscal year 2012, is not perfect but I will vote in favor of it for three principal reasons. First, it provides for troop and equipment readiness. Second, it provides much needed help and support for military families. Third, it authorizes critical investments in technology to ensure that the United States is prepared to defend against emerging threats now and in the future.

Mr. Speaker, it is of utmost importance that our troops deployed in Afghanistan, Iraq, and around the world have the equipment, resources, authorities, training, and time needed

to successfully complete their missions and return home. This bill does that.

H.R. 1540 also provides their families with the resources and support they need and deserve. Specifically, the bill provides for enlistment and reenlistment bonuses, retention and accession pay for critical skills, and hazardous duty pay. As my colleagues across both aisles would agree, it is our responsibility to ensure that our troops that have sacrificed for us receive the resources they need for success and the benefits they deserve.

Further, the bill recognizes the importance of investing in future capability and technology to meet emerging challenges on the battlefield of today and in the future. We live in an age in which the security challenges facing our nation are ever-evolving and increasing in technological sophistication and complexity. We must take the necessary steps to ensure that the United States stays in the forefront of technological advances and is equipped with vigorous capabilities in order to be able to successfully detect, deter, and defeat terrorist plots, cyber attacks, and other emerging threats. The bill before us will help us meet these challenges.

Let me briefly highlight some of the key provisions included in this legislation which I support:

#### I. TROOP AND EQUIPMENT READINESS

1. Provides \$22.8 billion for the training of all active-duty and reserve forces to increase readiness;
2. Authorizes \$396.8 million for C-17 modernization;
3. Provides \$6.3 billion to fund Navy ship and aircraft depot maintenance;
4. Provides \$4.5 billion for Army and Marine Corps equipment reset and depot maintenance;
5. Provides \$7.7 billion for Air Force weapon system sustainment;
6. Allocates just under \$1 billion to support the Army's planned return to full-spectrum training; and
7. Provides \$13 billion for Military Construction, base realignment and closures, and military family housing.

#### II. HELP FOR MILITARY FAMILIES

1. Provides a 1.6 percent military pay raise
2. Ensures fair TRICARE premiums

#### III. INVESTING IN FUTURE TECHNOLOGY

1. Extends important budget authorities to allow defense laboratories to recruit and retain the brightest scientists;
2. Expands developmental test and evaluation management for major defense acquisition programs;
3. Directs an assessment of mechanisms to employ non-U.S. citizens with critical scientific and technical skills; and
4. Expands pilot program for the integration of technology protection features during research and development to include contractor cost-sharing.

Mr. Speaker, I do not support the provisions in the bill regarding the treatment of detainees suspected of terrorism. I believe they are decidedly unhelpful and thus agree with the administration and those distinguished legal scholars who assert that mandatory military custody is "undue and dangerous," and that these provisions would "severely and reck-

lessly undermine" our Nation's counterterrorism efforts.

In conclusion, Mr. Speaker, I support the NDAA for FY 2012 because it authorizes the needed investments to keep our nation safe and enhances our defense infrastructure, along with taking care of our military personnel, and authorizing continued funding for the C-17 air transport.

Ms. MCCOLLUM. Mr. Speaker, I rise today to oppose adoption of the Conference Report on H.R. 1540; the National Defense Authorization Act for Fiscal Year 2012. This bill includes dangerous provisions that put fundamental American values at risk.

Section 1021 of this Conference Report authorizes the President of the United States to detain indefinitely—without charge, without trial, and without due process—any individual suspected of terrorism. The section is written so broadly it raises legal questions about whether indefinite detention may be applicable to American citizens detained on American soil. Specifically, this provision empowers the President to detain anyone who "substantially supported" forces "associated" with al-Qaeda or the Taliban that are "engaged in hostilities against the United States or its coalition partners." It is troubling and problematic that the legislation fails to define any of these terms.

In an editorial today titled "Politics Over Principle" the New York Times argued against the legislation saying it could grant presidents "the authority to throw American citizens into prison for life without charges or a trial." Senator LINDSEY GRAHAM, a sponsor of the Senate's defense authorization bill, stated clearly the far-reaching intent of this section. He said the indefinite detention provision: "does apply to American citizens, and it designates the world as the battlefield, including the homeland."

Proponents of these indefinite detention powers argue the language merely codifies policies instituted by the George W. Bush Administration and continued under the current administration. This argument ignores the fact these policies are quite possibly unconstitutional. Congress should be investigating and reforming existing policies, not codifying them as permanent American law.

Congress has a sacred duty to defend the liberties that generations of Americans fought to establish and preserve. This conference report sacrifices the most fundamental of those liberties while gaining little, if any, additional security. If the provisions of Section 1021 are enacted, it would be the first time Congress has enshrined indefinite detention into law since the McCarthy Era.

In addition, the Conference Report before us today is a disappointing statement about fiscal responsibility. When the Defense Authorization bill passed the House in May, it included my amendment to cap funding for military bands at \$200 million. This amendment would have saved taxpayers \$125 million. Unfortunately, the Senate stripped this relatively modest but sensible cut from the bill. By protecting a bloated budget for the military's bands, it would appear that the Senate is elevating pomp and circumstance to a national security priority at the expense of fiscal responsibility. If Congress does not have the gumption to limit spending on military bands to

\$200 million in a time of financial crisis, how will we be able to cut the \$600 billion from the defense budget required by the upcoming budget sequestration?

Mr. Speaker, I cannot vote for this national defense authorization. Congress should pass a bill that supports our troops and their families, responds to emerging threats to our national security. However, I cannot support legislation that erodes basic American freedoms.

I request unanimous consent to insert a copy of the aforementioned New York Times editorial into the RECORD with my remarks.

[From the New York Times, Dec. 15, 2011]

#### POLITICS OVER PRINCIPLE

The trauma of Sept. 11, 2001, gave rise to a dangerous myth that, to be safe, America had to give up basic rights and restructure its legal system. The United States was now in a perpetual state of war, the argument went, and the criminal approach to fighting terrorism—and the due process that goes along with it—wasn't tough enough.

President George W. Bush used this insidious formula to claim that his office had the inherent power to detain anyone he chose, for as long as he chose, without a trial; to authorize the torture of prisoners; and to spy on Americans without a warrant. President Obama came into office pledging his dedication to the rule of law and to reversing the Bush-era policies. He has fallen far short.

Mr. Obama refused to entertain any investigation of the abuses of power under his predecessor, and he has been far too willing to adopt Mr. Bush's extravagant claims of national secrets to prevent any courthouse accountability for those abuses. This week, he is poised to sign into law terrible new measures that will make indefinite detention and military trials a permanent part of American law.

The measures, contained in the annual military budget bill, will strip the F.B.I., federal prosecutors and federal courts of all or most of their power to arrest and prosecute terrorists and hand it off to the military, which has made clear that it doesn't want the job. The legislation could also give future presidents the authority to throw American citizens into prison for life without charges or a trial. The bill, championed by Republicans in the House and Senate, was attached to the military budget bill to make it harder for Mr. Obama to veto it.

Nearly every top American official with knowledge and experience spoke out against the provisions, including the attorney general, the defense secretary, the chief of the F.B.I., the secretary of state, and the leaders of intelligence agencies. And, for weeks, the White House vowed that Mr. Obama would veto the military budget if the provisions were left in. On Wednesday, the White House reversed field, declaring that the bill had been improved enough for the president to sign it now that it had passed the Senate.

This is a complete political cave-in, one that reinforces the impression of a fumbling presidency. To start with, this bill was utterly unnecessary. Civilian prosecutors and federal courts have jailed hundreds of convicted terrorists, while the tribunals have convicted a half-dozen.

And the modifications are nowhere near enough. Mr. Obama, his spokesman said, is prepared to sign this law because it allows the executive to grant a waiver for a particular prisoner to be brought to trial in a civilian court. But the legislation's ban on spending any money for civilian trials for any accused terrorist would make that waiver largely meaningless.

The bill has so many other objectionable aspects that we can't go into them all. Among the worst: It leaves open the possibility of subjecting American citizens to military detention and trial by a military court. It will make it impossible to shut the prison in Guantánamo Bay, Cuba. And it includes an unneeded expansion of the authorization for the use of military force in Afghanistan to include indefinite detention of anyone suspected of being a member of Al Qaeda or an amorphous group of "associated forces" that could cover just about anyone arrested anywhere in the world.

There is no doubt. This bill will make it harder to fight terrorism and do more harm to the country's international reputation. The White House said that if implementing it jeopardizes the rule of law, it expects Congress to work "quickly and tirelessly" to undo the damage. The White House will have to make that happen. After it abdicated its responsibility this week, we're not convinced it will.

Mr. VAN HOLLEN. Mr. Speaker, it is with great regret that I rise to oppose this Defense Authorization Conference Report. This is the first Defense Authorization Conference Report I have opposed since I was first elected in 2002.

I cannot support this Conference Report because it limits the tools available to detain and prosecute terror suspects and could have the unintended effect of weakening our national security. As currently written, the language in the Report also creates potentially dangerous and costly confusion about the roles of the military and law enforcement officials during the arrest of terror suspects. At the same time, certain provisions leave open the possibility that innocent U.S. citizens could be wrongfully and indefinitely detained at the direction of the President without appropriate access to civilian courts.

The mix of tools currently available to the Executive Branch has strengthened our national security. Civilian prosecutors and federal courts have convicted and imprisoned hundreds of terrorists, while the military tribunals have convicted only a half-dozen. Why would we want to tip the scales toward a less effective enforcement tool? Why tie our own hands?

Sections 1021 and 1022 of the Report will generate confusion as to whether the military or the FBI and civilian law enforcement agencies have custody over terror suspects. Today, in testimony before the Senate Judiciary Committee, FBI Director Mueller expressed concern and uncertainty about the confusing directives in the Report that could cause misunderstandings between the FBI and the military regarding the detention of covered individuals during the crucial early moments of an arrest when information gathering is most important. He described an example where a terrorist arrest in a city like New York could cause unnecessary confusion and conflict between city law enforcement and the military because New York City is not a military controlled area. He also worries about how the situation would play out if a group of detainees—some covered, others not—are captured at the same time and what impact this might have on the handling of their cases.

There is also much confusion about the indefinite detention authority in section 1021 of the measure. Some say that this section does

not apply to U.S. citizens, but if that was the intention of the conferees, American citizens should have been specifically exempted the way they were in Section 1022 regarding mandatory military detention. The fact that American citizens were expressly exempted from mandatory military detention under section 1022—but not exempted under section 1021—suggests that Congress is implicitly endorsing the idea that American citizens may be indefinitely detained under the Authorization for Use of Military Force. If Congress is going to spell out the rules of arrest and detention, it should have made clear that American citizens may not be indefinitely detained without due process of law.

How U.S. citizens are to be treated when detained as terror suspects and the question of jurisdictional leadership during terror-related arrests are matters of such supreme national consequence that they should not have been expeditiously appended to a National Defense Authorization Conference Report. These important issues should have had the benefit of debate and close examination that can only happen during regular order.

Mr. WAXMAN. Mr. Speaker, I will vote for H.R. 1540, the National Defense Authorization Act for Fiscal Year 2012, because it contains a number of important advancements. I am extremely disappointed, however, that we were unable to achieve more in our effort to change U.S. policy on the treatment of detainees.

H.R. 1540 contains a number of areas of progress, including a pay increase for our troops, important new protections for military personnel who are victims of sexual assault, concrete requirements for the Department of Defense to strengthen its audit-readiness, and increased cooperation with Israel on ballistic missile defense. In addition, it contains the toughest sanctions yet on the Central Bank of Iran to pressure the Iranian regime from continuing its pursuit of nuclear weapons. And, it blunts the defense spending increases of past years with significant cuts that are consistent with the end of the war in Iraq and the winding down of our involvement in Afghanistan.

When the House first considered H.R. 1540 earlier this year, I voted against it because of its misguided language on detainees. The bill's provision for military detention of American citizens was simply antithetical to American values. I joined with nearly three dozen Members of Congress in urging that the language on detainees be removed from the final version of the legislation.

I commend President Obama for insisting on a number of improvements, including a prohibition on military detention of U.S. citizens and lawful residents, the removal of language that would have banned the use of civilian courts to prosecute al-Qaeda suspects, and the elimination of language that would have provided an expanded authorization for the use of military force.

For these reasons I will vote for H.R. 1540. I will closely monitor the law's implementation, however, and press for further changes that are needed to protect our civil liberties and the rule of law, which Americans have fought to preserve at such great cost.

The SPEAKER pro tempore. All time for debate has expired.

Pursuant to House Resolution 493, the previous question is ordered.

Pursuant to clause 1(c) of rule XIX, further consideration of the conference report is postponed.

## RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 3 o'clock and 27 minutes p.m.), the House stood in recess subject to the call of the Chair.

□ 1740

## AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mrs. BIGGERT) at 5 o'clock and 40 minutes p.m.

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, proceedings will resume on motions to suspend the rules previously postponed.

Votes will be taken in the following order:

H.R. 1905, by the yeas and nays;  
H.R. 2105, by the yeas and nays;  
H.R. 3421, de novo;  
H.R. 1264, de novo.

The first electronic vote will be conducted as a 15-minute vote. Remaining electronic votes will be conducted as 5-minute votes.

## IRAN THREAT REDUCTION ACT OF 2011

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the bill (H.R. 1905) to strengthen Iran sanctions laws for the purpose of compelling Iran to abandon its pursuit of nuclear weapons and other threatening activities, and for other purposes, as amended, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Florida (Ms. ROS-LEHTINEN) that the House suspend the rules and pass the bill, as amended.

The vote was taken by electronic device, and there were—yeas 410, nays 11, not voting 12, as follows:

[Roll No. 927]

YEAS—410

Ackerman	Austria	Bass (CA)
Adams	Baca	Bass (NH)
Aderholt	Bachus	Becerra
Akin	Baldwin	Benishak
Alexander	Barletta	Berg
Altmire	Barrow	Berkley
Amodei	Bartlett	Berman
Andrews	Barton (TX)	Biggert

Bilbray  
Bilirakis  
Bishop (GA)  
Bishop (NY)  
Bishop (UT)  
Black  
Blackburn  
Bonner  
Bono Mack  
Boren  
Boswell  
Boustany  
Brady (PA)  
Brady (TX)  
Braley (IA)  
Brooks  
Broun (GA)  
Brown (FL)  
Buchanan  
Bucshon  
Buerkle  
Burgess  
Burton (IN)  
Butterfield  
Calvert  
Camp  
Campbell  
Canseco  
Cantor  
Capito  
Capps  
Capuano  
Cardoza  
Carnahan  
Carney  
Carson (IN)  
Carter  
Cassidy  
Castor (FL)  
Chabot  
Chaffetz  
Chandler  
Chu  
Cicilline  
Clarke (MI)  
Clarke (NY)  
Clay  
Clever  
Clyburn  
Coffman (CO)  
Cohen  
Cole  
Conaway  
Connolly (VA)  
Conyers  
Cooper  
Costa  
Costello  
Courtney  
Cravaack  
Crawford  
Crenshaw  
Critz  
Crowley  
Cuellar  
Culberson  
Cummings  
Davis (CA)  
Davis (IL)  
Davis (KY)  
DeFazio  
DeGette  
DeLauro  
Denham  
Dent  
DesJarlais  
Deutch  
Dicks  
Dingell  
Doggett  
Dold  
Donnelly (IN)  
Doyle  
Dreier  
Duffy  
Duncan (SC)  
Edwards  
Ellmers  
Emerson  
Engel  
Eshoo  
Farenthold  
Farr  
Fattah  
Fincher  
Fitzpatrick

Flake  
Fleischmann  
Fleming  
Flores  
Forbes  
Fortenberry  
Fox  
Frank (MA)  
Franks (AZ)  
Frelinghuysen  
Fudge  
Gallegly  
Garamendi  
Gardner  
Garrett  
Gerlach  
Gibbs  
Gibson  
Gingrey (GA)  
Gohmert  
Gonzalez  
Goodlatte  
Gosar  
Gowdy  
Granger  
Graves (GA)  
Graves (MO)  
Green, Al  
Green, Gene  
Griffin (AR)  
Griffith (VA)  
Grijalva  
Grimm  
Guinta  
Guthrie  
Hahn  
Hall  
Hanabusa  
Hanna  
Harper  
Harris  
Hartzler  
Hastings (FL)  
Hastings (WA)  
Hayworth  
Heck  
Heinrich  
Hensarling  
Herger  
Herrera Beutler  
Higgins  
Himes  
Hinchey  
Hinojosa  
Hirono  
Hochul  
Holden  
Holt  
Honda  
Hoyer  
Huelskamp  
Huiuzenga (MI)  
Hultgren  
Hunter  
Hurt  
Inlee  
Israel  
Issa  
Jackson (IL)  
Jackson Lee  
(TX)  
Jenkins  
Johnson (GA)  
Johnson (IL)  
Johnson (OH)  
Johnson, Sam  
Jones  
Jordan  
Kaptur  
Keating  
Kelly  
Kildee  
Kind  
King (IA)  
King (NY)  
Kingston  
Kinzinger (IL)  
Kissell  
Kline  
Labrador  
Lamborn  
Lance  
Landry  
Langevin  
Lankford  
Larsen (WA)

Larson (CT)  
Latham  
Latta  
Levin  
Lewis (CA)  
Lewis (GA)  
Lipinski  
LoBiondo  
Loeb  
Loeb  
Lofgren, Zoe  
Long  
Lowey  
Lucas  
Luetkemeyer  
Lujan  
Lummis  
Lungren, Daniel  
E.  
Mack  
Maloney  
Manzullo  
Marchant  
Marino  
Markley  
Matheson  
Matsui  
McCarthy (CA)  
McCarthy (NY)  
McCaul  
McClintock  
McCollum  
McCotter  
McGovern  
McHenry  
McIntyre  
McKeon  
McKinley  
McMorris  
Rodgers  
McNerney  
Meehan  
Meeks  
Mica  
Michaud  
Miller (FL)  
Miller (MI)  
Miller (NC)  
Miller, Gary  
Miller, George  
Moore  
Mulvaney  
Murphy (CT)  
Murphy (PA)  
Nadler  
Napolitano  
Neal  
Neugebauer  
Noem  
Nugent  
Nunes  
Nunnelee  
Olson  
Owens  
Palazzo  
Pallone  
Pascarella  
Pastor (AZ)  
Paulsen  
Payne  
Pearce  
Pelosi  
Pence  
Perlmutter  
Peters  
Peterson  
Petri  
Pingree (ME)  
Pitts  
Platts  
Poe (TX)  
Polis  
Pompeo  
Posey  
Price (GA)  
Price (NC)  
Quayle  
Quigley  
Rahall  
Rangel  
Reed  
Rehberg  
Reichert  
Renacci  
Reyes  
Ribble  
Richardson

Richmond  
Rigell  
Rivera  
Roe  
Roe (TN)  
Rogers (AL)  
Rogers (KY)  
Rogers (MI)  
Rohrabacher  
Rokita  
Rooney  
Ros-Lehtinen  
Roskam  
Ross (AR)  
Ross (FL)  
Rothman (NJ)  
Roybal-Allard  
Royce  
Runyan  
Ruppersberger  
Rush  
Ryan (OH)  
Ryan (WI)  
Sanchez, Linda  
T.  
Sarbanes  
Scalise  
Schakowsky  
Schiff  
Schilling  
Schmidt  
Schock  
Schrader  
Schwartz  
Schweikert

Scott (SC)  
Scott (VA)  
Scott, Austin  
Scott, David  
Sessions  
Serrano  
Sewell  
Sherman  
Shimkus  
Shuler  
Shuster  
Simpson  
Sires  
Slaughter  
Smith (NE)  
Smith (NJ)  
Smith (TX)  
Smith (WA)  
Southerland  
Speier  
Stearns  
Stivers  
Stutzman  
Sullivan  
Sutton  
Terry  
Thompson (CA)  
Thompson (MS)  
Thompson (PA)  
Thornberry  
Tiberi  
Tierney  
Tipton  
Tonko

Towns  
Tsongas  
Turner (NY)  
Turner (OH)  
Upton  
Van Hollen  
Velázquez  
Visclosky  
Walberg  
Walsh (IL)  
Walz (MN)  
Wasserman  
Schultz  
Waters  
Watt  
Waxman  
Webster  
Welch  
West  
Westmoreland  
Whitfield  
Wilson (FL)  
Wilson (SC)  
Wittman  
Wolf  
Womack  
Woodall  
Yarmuth  
Yoder  
Young (AK)  
Young (FL)  
Young (IN)

## NAYS—11

Amash  
Blumenauer  
Duncan (TN)  
Ellison

Kucinich  
Lee (CA)  
McDermott  
Moran

Olver  
Stark  
Woolsey

## NOT VOTING—12

Bachmann  
Coble  
Diaz-Balart  
Filner

Giffords  
Gutierrez  
Johnson, E. B.  
LaTourette

Lynch  
Myrick  
Paul  
Sanchez, Loretta

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 2 minutes remaining.

□ 1806

Messrs. MORAN, STARK, ELLISON, and AMASH changed their vote from “yea” to “nay.”

Messrs. CAPUANO, HONDA, and RUSH changed their vote from “nay” to “yea.”

So (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. FILNER. Madam Speaker, on rollcall 927, I was away from the Capitol due to prior commitments to my constituents. Had I been present, I would have voted “yea.”

## EXPLANATION OF INJURY

(Mr. FRANK of Massachusetts asked and was given permission to address the House for 1 minute.)

Mr. FRANK of Massachusetts. Madam Speaker, I deeply appreciate the solicitude of my colleagues on my appearance. I want to first assure them that there is much less here than meets the eye. I am going to explain that because, as much as I appreciate the solicitude, responding to it 400

times would seem to me a bit excessive, literally adding insult to injury.

I just want to explain that I discovered a torn ligament. We're not exactly sure how it happened. It was easily repaired today. I am wearing this because the arm was blocked and is not mobile. It is simply to protect the arm.

Madam Speaker, I do want to anticipate any question. This had nothing to do with my retirement. I did not discover it until after my announcement of my retirement. And I would just add that at no point during my 31 years here was this ligament ever essential to the performance of my duties.

# IRAN, NORTH KOREA, AND SYRIA NONPROLIFERATION REFORM AND MODERNIZATION ACT OF 2011

The SPEAKER pro tempore. Without objection, 5-minute voting will continue.

There was no objection.

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the bill (H.R. 2105) to provide for the application of measures to foreign persons who transfer to Iran, North Korea, and Syria certain goods, services, or technology, and for other purposes, as amended, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Florida (Ms. ROS-LEHTINEN) that the House suspend the rules and pass the bill, as amended.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 418, nays 2, not voting 13, as follows:

[Roll No. 928]

## YEAS—418

Ackerman  
Adams  
Aderholt  
Akin  
Alexander  
Altmire  
Amash  
Amodei  
Andrews  
Austria  
Baca  
Bachus  
Baldwin  
Barletta  
Barrow  
Bartlett  
Barton (TX)  
Bass (CA)  
Bass (NH)  
Becerra  
Benishiek  
Berg  
Berkley  
Berman  
Biggart  
Bilbray  
Bilirakis  
Bishop (GA)  
Bishop (NY)  
Bishop (UT)  
Black  
Blackburn  
Blumenauer

Bonner  
Bono Mack  
Boren  
Boswell  
Boustany  
Brady (PA)  
Brady (TX)  
Braley (IA)  
Brooks  
Broun (GA)  
Brown (FL)  
Buchanan  
Bucshon  
Buerkle  
Burgess  
Burton (IN)  
Butterfield  
Calvert  
Camp  
Campbell  
Canseco  
Cantor  
Capito  
Capps  
Capuano  
Cardoza  
Carnahan  
Carney  
Carson (IN)  
Carter  
Cassidy  
Castor (FL)  
Chabot

Chaffetz  
Chandler  
Chu  
Cicilline  
Clarke (MI)  
Clarke (NY)  
Clay  
Clever  
Clyburn  
Coffman (CO)  
Cohen  
Cole  
Conaway  
Connolly (VA)  
Conyers  
Cooper  
Costa  
Costello  
Courtney  
Cravaack  
Crawford  
Crenshaw  
Critz  
Crowley  
Cuellar  
Culberson  
Cummings  
Davis (CA)  
Davis (IL)  
Davis (KY)  
DeFazio  
DeGette  
DeLauro

Denham	Jenkins	Paulsen	Tierney	Walden	Whitfield	Amash	Dingell	Jordan
Dent	Johnson (GA)	Payne	Tipton	Walsh (IL)	Wilson (FL)	Amodei	Doggett	Kaptur
DesJarlais	Johnson (IL)	Pearce	Tonko	Walz (MN)	Wilson (SC)	Andrews	Dold	Keating
Deutch	Johnson (OH)	Pelosi	Towns	Wasserman	Wittman	Austria	Donnelly (IN)	Kelly
Dicks	Johnson, Sam	Pence	Tsongas	Schultz	Wolf	Baca	Doyle	Kildee
Dingell	Jones	Perlmutter	Turner (NY)	Waters	Womack	Bachus	Dreier	Kind
Doggett	Jordan	Peters	Turner (OH)	Watt	Woodall	Baldwin	Duffy	King (IA)
Dold	Kaptur	Peterson	Upton	Waxman	Woolsey	Barletta	Duncan (SC)	King (NY)
Donnelly (IN)	Keating	Petri	Van Hollen	Webster	Yarmuth	Barrow	Duncan (TN)	Kingston
Doyle	Kelly	Pingree (ME)	Velázquez	Welch	Yoder	Bartlett	Edwards	Kinzinger (IL)
Dreier	Kildee	Pitts	Visclosky	West	Young (AK)	Barton (TX)	Ellison	Kissell
Duffy	Kind	Platts	Walberg	Westmoreland	Young (IN)	Bass (CA)	Ellmers	Kline
Duncan (SC)	King (IA)	Poe (TX)				Bass (NH)	Emerson	Kucinich
Duncan (TN)	King (NY)	Polis				Becerra	Engel	Labrador
Edwards	Kingston	Pompeo	Kucinich	Stark		Benishek	Eshoo	Lamborn
Ellison	Kinzinger (IL)	Posey				Berg	Farenthold	Lance
Ellmers	Kissell	Price (GA)				Berkley	Farr	Landry
Emerson	Kline	Price (NC)	Bachmann	Gutierrez	Paul	Berman	Fattah	Langevin
Engel	Labrador	Quayle	Coble	Johnson, E. B.	Sanchez, Loretta	Biggert	Fincher	Lankford
Eshoo	Lamborn	Quigley	Diaz-Balart	LaTourette	Young (FL)	Bilirakis	Fitzpatrick	Larsen (WA)
Farenthold	Lance	Rahall	Filner	Lynch		Bishop (GA)	Flake	Larson (CT)
Farr	Landry	Rangel	Giffords	Myrick		Bishop (NY)	Fleischmann	Latham
Fattah	Langevin	Reed				Bishop (UT)	Fleming	Latta
Fincher	Lankford	Rehberg				Black	Flores	Lee (CA)
Fitzpatrick	Larsen (WA)	Reichert				Blackburn	Forbes	Levin
Flake	Larson (CT)	Renacci				Bonner	Fortenberry	Lewis (CA)
Fleischmann	Latham	Reyes				Bono Mack	Fox	Lewis (GA)
Fleming	Latta	Ribble				Boren	Frank (MA)	Lipinski
Flores	Lee (CA)	Richardson				Boswell	Franks (AZ)	LoBiondo
Forbes	Levin	Richmond				Boustany	Frelinghuysen	Loeb
Fortenberry	Lewis (CA)	Rigell				Brady (PA)	Fudge	Lofgren, Zoe
Fox	Lewis (GA)	Rivera				Brady (TX)	Gallegly	Long
Frank (MA)	Lipinski	Roby				Braley (IA)	Garamendi	Lowey
Franks (AZ)	LoBiondo	Roe (TN)				Brooks	Gardner	Lucas
Frelinghuysen	Loeb	Rogers (AL)				Brown (GA)	Garrett	Luetkemeyer
Fudge	Lofgren, Zoe	Rogers (KY)				Brown (FL)	Gerlach	Lujan
Gallegly	Long	Rogers (MI)				Buchanan	Gibbs	Lummis
Garamendi	Lowey	Rohrabacher				Bucshon	Gibson	Lungren, Daniel
Gardner	Lucas	Rokita				Buerkle	Gingrey (GA)	E.
Garrett	Luetkemeyer	Rooney				Burgess	Gohmert	Mack
Gerlach	Lujan	Ros-Lehtinen				Burton (IN)	Gonzalez	Maloney
Gibbs	Lummis	Roskam				Butterfield	Goodlatte	Manzullo
Gibson	Lungren, Daniel	Ross (AR)				Calvert	Gosar	Marchant
Gingrey (GA)	E.	Ross (FL)				Camp	Gowdy	Marino
Gohmert	Mack	Rothman (NJ)				Campbell	Granger	Markey
Gonzalez	Maloney	Roybal-Allard				Canseco	Graves (GA)	Matheson
Goodlatte	Manzullo	Royce				Cantor	Graves (MO)	Matsui
Gosar	Marchant	Runyan				Capito	Green, Al	McCarthy (CA)
Gowdy	Marino	Ruppersberger				Capps	Green, Gene	McCarthy (NY)
Granger	Markey	Rush				Capuano	Griffin (AR)	McCaul
Graves (GA)	Matheson	Ryan (OH)				Cardoza	Griffith (VA)	McClintock
Graves (MO)	Matsui	Ryan (WI)				Carnahan	Grijalva	McCollum
Green, Al	McCarthy (CA)	Sánchez, Linda				Carney	Grimm	McCotter
Green, Gene	McCarthy (NY)	T.				Carson (IN)	Guinta	McDermott
Griffin (AR)	McCaul	Sarbanes				Carter	Guthrie	McGovern
Griffith (VA)	McClintock	Scalise				Cassidy	Hahn	McHenry
Grijalva	McCollum	Schakowsky				Castor (FL)	Hall	McIntyre
Grimm	McCotter	Schiff				Chabot	Hanabusa	McKeon
Guinta	McDermott	Schilling				Chaffetz	Hanna	McKinley
Guthrie	McGovern	Schmidt				Chandler	Harper	McMorris
Hahn	McHenry	Schock				Chu	Harris	Rodgers
Hall	McIntyre	Schrader				Cicilline	Hartzler	McNerney
Hanabusa	McKeon	Schwartz				Clarke (MI)	Hastings (FL)	Meehan
Hanna	McKinley	Schweikert				Clarke (NY)	Hastings (WA)	Meeks
Harper	McMorris	Scott (SC)				Clay	Hayworth	Mica
Harris	Rodgers	Scott (VA)				Cleaver	Heck	Michaud
Hartzler	McNerney	Scott, Austin				Clyburn	Heinrich	Miller (FL)
Hastings (FL)	Meehan	Scott, David				Coffman (CO)	Hensarling	Miller (MI)
Hastings (WA)	Meeks	Sensenbrenner				Cohen	Herger	Miller (NC)
Hayworth	Mica	Serrano				Cole	Herrera Beutler	Miller, Gary
Heck	Michaud	Sessions				Conaway	Higgins	Miller, George
Heinrich	Miller (FL)	Sewell				Connolly (VA)	Himes	Moore
Hensarling	Miller (MI)	Sherman				Conyers	Hinchey	Moran
Herger	Miller (NC)	Shimkus				Cooper	Hinojosa	Mulvaney
Herrera Beutler	Miller, Gary	Shuler				Costa	Hirono	Murphy (CT)
Higgins	Miller, George	Shuster				Costello	Hochul	Murphy (PA)
Himes	Moore	Simpson				Courtney	Holden	Nadler
Hinchey	Moran	Sires				Cravaack	Holt	Napolitano
Hinojosa	Mulvaney	Slaughter				Crawford	Honda	Neal
Hirono	Murphy (CT)	Smith (NE)				Crenshaw	Hoyer	Neugebauer
Hochul	Murphy (PA)	Smith (NJ)				Critz	Huelskamp	Noem
Holden	Nadler	Smith (TX)				Crowley	Huizenga (MI)	Nugent
Holt	Napolitano	Smith (WA)				Cuellar	Hultgren	Nunes
Honda	Neal	Southerland				Culberson	Hunter	Nunnelee
Hoyer	Neugebauer	Speier				Cummings	Hurt	Olson
Huelskamp	Noem	Stearns				Davis (CA)	Inslee	Olver
Huizenga (MI)	Nugent	Stivers				Davis (IL)	Israel	Owens
Hultgren	Nunes	Stutzman				Davis (KY)	Jackson (IL)	Palazzo
Hunter	Nunnelee	Sullivan				DeFazio	Jackson Lee	Pallone
Hurt	Olson	Sutton				DeGette	(TX)	Pascarell
Inslee	Olver	Terry				DeLauro	Jenkins	Pastor (AZ)
Israel	Owens	Thompson (CA)				Denham	Johnson (GA)	Paulsen
Issa	Palazzo	Thompson (MS)				Dent	Johnson (IL)	Payne
Jackson (IL)	Pallone	Thompson (PA)				DesJarlais	Johnson (OH)	Pearce
Jackson Lee	Pascarell	Thornberry				Deutch	Johnson, Sam	Pelosi
(TX)	Pastor (AZ)	Tiberi				Dicks	Jones	Pence

## NAYS—2

## NOT VOTING—13

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 2 minutes remaining.

□ 1817

So (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. FILNER. Madam Speaker, on rollcall 928, I was away from the Capitol due to prior commitments to my constituents. Had I been present, I would have voted “yea.”

## PERSONAL EXPLANATION

Mr. LYNCH. Madam Speaker, on rollcall votes 927 and 928, had I been able to vote, I would have voted “aye” on both votes.

## FALLEN HEROES OF 9/11 ACT

The SPEAKER pro tempore. The unfinished business is the question on suspending the rules and passing the bill (H.R. 3421) to award Congressional Gold Medals in honor of the men and women who perished as a result of the terrorist attacks on the United States on September 11, 2001.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Pennsylvania (Mr. FITZPATRICK) that the House suspend the rules and pass the bill.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

## RECORDED VOTE

Mr. SMITH of Texas. Madam Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 416, noes 0, not voting 17, as follows:

[Roll No. 929]

AYES—416

Ackerman	Aderholt	Alexander
Adams	Akin	Altmire

Perlmutter Rush  
 Peters Ryan (OH)  
 Peterson Ryan (WI)  
 Petri Sanchez, Linda  
 Pingree (ME) T.  
 Pitts Sarbanes  
 Platts Scalise  
 Poe (TX) Schakowsky  
 Polis Schiff  
 Pompeo Schilling  
 Posey Schmidt  
 Price (NC) Schock  
 Quayle Schrader  
 Quigley Schwartz  
 Rahall Schweikert  
 Rangel Scott (SC)  
 Reed Scott (VA)  
 Rehberg Scott, Austin  
 Reichert Scott, David  
 Renacci Sensenbrenner  
 Reyes Serrano  
 Ribble Sessions  
 Richardson Sewell  
 Richmond Sherman  
 Rigell Shimkus  
 Rivera Shuler  
 Roby Shuster  
 Roe (TN) Simpson  
 Rogers (AL) Sires  
 Rogers (KY) Slaughter  
 Rogers (MI) Smith (NE)  
 Rohrabacher Smith (NJ)  
 Rokita Smith (TX)  
 Rooney Smith (WA)  
 Ros-Lehtinen Southerland  
 Roskam Speier  
 Ross (AR) Stark  
 Ross (FL) Stearns  
 Rothman (NJ) Stivers  
 Roybal-Allard Stutzman  
 Royce Sullivan  
 Runyan Sutton  
 Ruppersberger Terry

## NOT VOTING—17

Bachmann Giffords  
 Bilbray Gutierrez  
 Blumenauer Issa  
 Coble Johnson, E. B.  
 Diaz-Balart LaTourette  
 Filner Lynch

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE  
 The SPEAKER pro tempore (during the vote). There are 2 minutes remaining.

□ 1824

So (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. ISSA. Madam Speaker, on rollcall No. 929 due to Whip activities, I missed this vote but would have voted “aye.”

Mr. PRICE of Georgia. Madam Speaker, on rollcall No. 929, I was unavoidably detained. Had I been present, I would have voted “aye.”

Mr. FILNER. Madam Speaker, on rollcall No. 929, I was away from the Capitol due to prior commitments to my constituents. Had I been present, I would have voted “aye.”

## M.D. ANDERSON PLAZA

The SPEAKER pro tempore. The unfinished business is the question on suspending the rules and passing the bill (H.R. 1264) to designate the property between the United States Federal Courthouse and the Ed Jones Building located at 109 South Highland Avenue in Jackson, Tennessee, as the “M.D.

Anderson Plaza” and to authorize the placement of a historical/identification marker on the grounds recognizing the achievements and philanthropy of M.D. Anderson, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Tennessee (Mr. FLEISCHMANN) that the House suspend the rules and pass the bill, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. WOMACK. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 418, nays 1, not voting 14, as follows:

[Roll No. 930]

YEAS—418

Ackerman Castor (FL) Forbes  
 Adams Chabot Fortenberry  
 Aderholt Chaffetz Foxx  
 Akin Chandler Frank (MA)  
 Alexander Chu Franks (AZ)  
 Altmire Cicilline Frelinghuysen  
 Amodei Clarke (MI) Fudge  
 Andrews Clarke (NY) Gallegly  
 Austria Clay Garamendi  
 Baca Cleaver Gardner  
 Bachus Clyburn Garrett  
 Baldwin Coffman (CO) Gerlach  
 Barletta Cohen Gibbs  
 Barrow Cole Gibson  
 Bartlett Conaway Gingrey (GA)  
 Barton (TX) Connolly (VA) Gohmert  
 Bass (CA) Conyers Gonzalez  
 Bass (NH) Cooper Goodlatte  
 Becerra Costa Gosar  
 Benishek Costello Gowdy  
 Berg Courtney Granger  
 Berkley Cravaack Graves (GA)  
 Berman Crawford Graves (MO)  
 Biggert Crenshaw Green, Al  
 Bilbray Critz Green, Gene  
 Bilirakis Crowley Griffin (AR)  
 Bishop (GA) Cuellar Griffith (VA)  
 Bishop (NY) Culberson Grijalva  
 Bishop (UT) Cummings Grimm  
 Black Guinta Davis (CA)  
 Blackburn Davis (IL) Guthrie  
 Blumenauer Davis (KY) Hahn  
 Bonner DeFazio Hall  
 Bono Mack DeGette Hanabusa  
 Boren DeLauro Hanna  
 Boswell Denham Harper  
 Boustany Dent Harris  
 Brady (PA) DesJarlais Hartzler  
 Brady (TX) Deutch Hastings (FL)  
 Braley (IA) Dicks Hastings (WA)  
 Brooks Dingell Hayworth  
 Broun (GA) Doggett Heck  
 Brown (FL) Dold Heinrich  
 Buchanan Hensarling  
 Bucshon Doyle Herger  
 Buerkle Dreier Herrera Beutler  
 Burgess Duncan (SC) Higgins  
 Burton (IN) Duncan (TN) Himes  
 Butterfield Edwards Hinchey  
 Calvert Ellison Hinojosa  
 Camp Ellmers Hirono  
 Campbell Emerson Hochul  
 Canseco Engel Holden  
 Cantor Eshoo Holt  
 Capito Farenthold Honda  
 Capps Farr Hoyer  
 Capuano Fattah Huelskamp  
 Cardoza Fincher Huizenga (MI)  
 Carnahan Fitzpatrick Hultgren  
 Carney Flake Hunter  
 Carson (IN) Fleischmann Hurt  
 Carter Fleming Inslee  
 Cassidy Flores Israel

Issa  
 Jackson (IL) Jackson Lee  
 (TX) Jenkins  
 Johnson (GA) Johnson (IL)  
 Johnson (OH) Johnson, Sam  
 Jones Jordan  
 Kaptur Keating  
 Kelly Kildee  
 Kind King (IA)  
 King (NY) Kingston  
 Kinzinger (IL) Kissell  
 Kline Kucinich  
 Labrador Lamborn  
 Lance Lance  
 Landry Langevin  
 Lankford Lankford  
 Larsen (WA) Larson (CT)  
 Latham Latta  
 Lee (CA) Levin  
 Lewis (CA) Lewis (GA)  
 Lipinski LoBiondo  
 Loebsack Lofgren, Zoe  
 Long Lowey  
 Lucas Luetkemeyer  
 Lujan Lummis  
 Lungren, Daniel E.  
 Mack Maloney  
 Manzullo Marchant  
 Marino Markey  
 Matheson Matsui  
 McCarthy (CA) McCarthy (NY)  
 McCaul McClintock  
 McCollum McCotter  
 McDermott McGovern  
 McHenry McIntyre  
 McKee McKinley  
 McMorris Rodgers  
 McNerney Meehan  
 Meeks Mica  
 Michaud Miller (FL)  
 Miller (MI)

Miller (NC) Miller, Gary  
 Miller, George Moore  
 Moran Mulvaney  
 Murphy (CT) Murphy (PA)  
 Nadler Napolitano  
 Neal Neugebauer  
 Noem Nugent  
 Nunes Nunnelee  
 Olson Olver  
 Owens Palazzo  
 Pallone Pascarell  
 Pastor (AZ) Paulsen  
 Payne Pearce  
 Pelosi Pence  
 Perlmutter Peters  
 Peterson Petri  
 Pingree (ME) Pitts  
 Platts Poe (TX)  
 Polis Pompeo  
 Posey Price (GA)  
 Price (NC) Quayle  
 Quigley Rahall  
 Rangel Reed  
 Rehberg Reichert  
 Renacci Reyes  
 Ribble Richardson  
 Richmond Rigell  
 Rivera Roby  
 Roe (TN) Rogers (AL)  
 Rogers (KY) Rogers (MI)  
 Rohrabacher Rostenkowski  
 Rokita Rooney  
 Rooney Ros-Lehtinen  
 Roskam Ross (AR)  
 Ross (FL) Rothman (NJ)  
 Roybal-Allard Royce  
 Runyan Runyan  
 Ruppersberger Rush  
 Ryan (OH) Ryan (WI)  
 Sanchez, Linda T.  
 Sarbanes

NAYS—1

Amash

## NOT VOTING—14

Bachmann Giffords Myrick  
 Coble Gutierrez Paul  
 Diaz-Balart Johnson, E. B.  
 Duffy LaTourette Sanchez, Loretta  
 Filner Lynch Young (FL)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 2 minutes remaining.



□ 1831

So (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. FILNER. Madam Speaker, on rollcall 930, I was away from the Capitol due to prior commitments to my constituents. Had I been present, I would have voted "yea."

Mr. DUFFY. Madam Speaker, on rollcall No. 930, I was unavoidably detained. Had I been present, I would have voted "yea."

#### CONFERENCE REPORT ON H.R. 1540, NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2012

The SPEAKER pro tempore. Pursuant to clause 1(c) of rule XIX, further consideration of the conference report to accompany the bill (H.R. 1540) to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes, will now resume.

##### MOTION TO RECOMMIT

Mr. BISHOP of Georgia. Madam Speaker, I have a motion to recommit at the desk.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. BISHOP of Georgia. I am in its current form.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. Bishop of Georgia moves to recommit the conference report on the bill H.R. 1540 to the committee of conference with instructions to the managers on the part of the House to disagree to section 715 (regarding the determination of whether TRICARE network providers are considered subcontractors for purposes of the Federal Acquisition Regulation or any other law) in the conference substitute recommended by the committee of conference.

The SPEAKER pro tempore. The motion is not debatable.

Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

##### RECORDED VOTE

Mr. BISHOP of Georgia. Madam Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. Pursuant to clause 9 of rule XX, the Chair will reduce to 5 minutes the minimum time for any electronic vote on the

question of adoption of the conference report.

The vote was taken by electronic device, and there were—ayes 183, noes 234, not voting 16, as follows:

[Roll No. 931]

AYES—183

Ackerman	Fudge	Olver
Altmire	Garamendi	Owens
Andrews	Gonzalez	Pallone
Baca	Green, Al	Pascarell
Baldwin	Green, Gene	Pastor (AZ)
Barrow	Grijalva	Payne
Becerra	Hahn	Pelosi
Berkley	Hanabusa	Perlmutter
Berman	Hastings (FL)	Peters
Bishop (GA)	Heinrich	Pingree (ME)
Bishop (NY)	Higgins	Polis
Blumenauer	Himes	Price (NC)
Boren	Hinchey	Quigley
Boswell	Hinojosa	Rahall
Brady (PA)	Hirono	Rangel
Braley (IA)	Hochul	Reyes
Brown (FL)	Holden	Richardson
Butterfield	Holt	Richmond
Capps	Honda	Ross (AR)
Capuano	Hoyer	Rothman (NJ)
Cardoza	Inlee	Roybal-Allard
Carnahan	Israel	Ruppersberger
Carney	Jackson (IL)	Rush
Carson (IN)	Jackson Lee	Ryan (OH)
Castor (FL)	(TX)	Sánchez, Linda
Chandler	Johnson (GA)	T.
Chu	Kaptur	Sarbanes
Cicilline	Keating	Schakowsky
Clarke (MI)	Kildee	Schiff
Clarke (NY)	Kind	Schrader
Clay	Kissell	Schwartz
Cleaver	Kucinich	Scott (VA)
Clyburn	Langevin	Scott, David
Cohen	Larsen (WA)	Serrano
Connolly (VA)	Larson (CT)	Sewell
Conyers	Lee (CA)	Sherman
Cooper	Levin	Shuler
Costa	Lewis (GA)	Sires
Costello	Lipinski	Slaughter
Courtney	Loebback	Smith (WA)
Critz	Lofgren, Zoe	Speier
Crowley	Lowey	Stark
Cuellar	Lujan	Sutton
Cummings	Maloney	Thompson (CA)
Davis (CA)	Markey	Thompson (MS)
Davis (IL)	Matheson	Tierney
DeFazio	Matsui	Tonko
DeGette	McCarthy (NY)	Towns
DeLauro	McCollum	Tsongas
Deutsch	McGovern	Van Hollen
Dicks	McIntyre	Velázquez
Dingell	McNerney	Visclosky
Doggett	Meeks	Walz (MN)
Donnelly (IN)	Michaud	Wasserman
Doyle	Miller (NC)	Schultz
Edwards	Miller, George	Waters
Ellison	Moore	Watt
Engel	Moran	Waxman
Eshoo	Murphy (CT)	Welch
Farr	Nadler	Wilson (FL)
Fattah	Napolitano	Woolsey
Frank (MA)	Neal	Yarmuth

NOES—234

Adams	Boustany	Cravaack
Aderholt	Brady (TX)	Crawford
Akin	Brooks	Crenshaw
Alexander	Broun (GA)	Culberson
Amash	Buchanan	Davis (KY)
Amodei	Bucshon	Denham
Austria	Buerkle	Dent
Bachus	Burgess	DesJarlais
Barletta	Burton (IN)	Dold
Bartlett	Calvert	Dreier
Barton (TX)	Camp	Duffy
Bass (NH)	Campbell	Duncan (SC)
Benishkek	Canseco	Duncan (TN)
Berg	Cantor	Ellmers
Biggert	Capito	Emerson
Bilbray	Carter	Farenthold
Bilirakis	Cassidy	Fincher
Bishop (UT)	Chabot	Fitzpatrick
Black	Chaffetz	Flake
Blackburn	Coffman (CO)	Fleischmann
Bonner	Cole	Fleming
Bono Mack	Conaway	Flores

Forbes	Lankford	Roe (TN)
Fortenberry	Latham	Rogers (AL)
Fox	Latta	Rogers (KY)
Franks (AZ)	Lewis (CA)	Rogers (MI)
Frelinghuysen	LoBiondo	Rohrabacher
Gallely	Long	Rokita
Gardner	Lucas	Rooney
Garrett	Luetkemeyer	Ros-Lehtinen
Gerlach	Lummis	Roskam
Gibbs	Lungren, Daniel	Ross (FL)
Gibson	E.	Royce
Gingrey (GA)	Mack	Runyan
Gohmert	Manzullo	Ryan (WI)
Goodlatte	Marchant	Scalise
Gosar	Marino	Schilling
Gowdy	McCarthy (CA)	Schmidt
Granger	McCaul	Schock
Graves (GA)	McClintock	Schweikert
Graves (MO)	McCotter	Scott (SC)
Griffin (AR)	McHenry	Scott, Austin
Griffith (VA)	McKeon	Sensenbrenner
Grimm	McKinley	Sessions
Guinta	McMorris	Shimkus
Guthrie	Rodgers	Shuster
Hall	Meehan	Simpson
Hanna	Mica	Smith (NE)
Harper	Miller (FL)	Smith (NJ)
Harris	Miller (MI)	Smith (TX)
Hartzler	Miller, Gary	Southerland
Hastings (WA)	Mulvaney	Stearns
Hayworth	Murphy (PA)	Stivers
Heck	Neugebauer	Stutzman
Hensarling	Noem	Sullivan
Herger	Nugent	Terry
Herrera Beutler	Nunes	Thompson (PA)
Huelskamp	Nunnelee	Thornberry
Huizenga (MI)	Olson	Tiberi
Hultgren	Palazzo	Tipton
Hunter	Paulsen	Turner (NY)
Hurt	Pearce	Turner (OH)
Issa	Pence	Upton
Jenkins	Peterson	Petri
Johnson (IL)	Petri	Walberg
Johnson (OH)	Platts	Walden
Johnson, Sam	Poe (TX)	Walsh (IL)
Jones	Pompeo	Webster
Jordan	Posey	West
Kelly	Price (GA)	Westmoreland
King (IA)	Quayle	Whitfield
King (NY)	Reed	Wilson (SC)
Kingston	Rehberg	Wittman
Kinzinger (IL)	Reichert	Wolf
Kline	Renacci	Womack
Labrador	Ribble	Woodall
Lamborn	Rigell	Yoder
Lance	Rivera	Young (AK)
Landry	Roby	Young (IN)

NOT VOTING—16

Bachmann	Gutierrez	Paul
Bass (CA)	Johnson, E. B.	Pitts
Coble	LaTourette	Sanchez, Loretta
Diaz-Balart	Lynch	Young (FL)
Filner	McDermott	
Giffords	Myrick	

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 2 minutes remaining.

□ 1850

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

Stated for:

Mr. McDERMOTT. Madam Speaker, on rollcall No. 931 I was detained. Had I been present, I would have voted "aye."

The SPEAKER pro tempore. The question is on the conference report.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. NADLER. Madam Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 283, noes 136, not voting 14, as follows:

[Roll No. 932]

AYES—283

Ackerman	Fleming	McCotter
Adams	Flores	McHenry
Aderholt	Fortenberry	McIntyre
Akin	Fox	McKeon
Alexander	Franks (AZ)	McKinley
Altmire	Frelinghuysen	McMorris
Amodei	Gallely	Rodgers
Andrews	Garamendi	McNerney
Austria	Gardner	Meehan
Baca	Gerlach	Mica
Bachus	Gibbs	Miller (FL)
Barletta	Gibson	Miller (MI)
Barrow	Gingrey (GA)	Miller, Gary
Bartlett	Gohmert	Murphy (PA)
Barton (TX)	Gonzalez	Neugebauer
Bass (NH)	Granger	Noem
Benishkek	Graves (MO)	Nugent
Berg	Green, Al	Nunes
Berkley	Green, Gene	Nunnelee
Berman	Griffin (AR)	Olson
Biggart	Grimm	Owens
Bilbray	Guinta	Palazzo
Bilirakis	Guthrie	Pascarell
Bishop (GA)	Hall	Pastor (AZ)
Bishop (NY)	Hanabusa	Paulsen
Bishop (UT)	Hanna	Pearce
Black	Harper	Pelosi
Blackburn	Hartzler	Perlmutter
Bonner	Hastings (WA)	Peterson
Bono Mack	Hayworth	Petri
Boren	Heck	Platts
Boswell	Hensarling	Poe (TX)
Boustany	Herger	Pompeo
Brady (PA)	Herrera Beutler	Price (GA)
Brady (TX)	Higgins	Quayle
Brooks	Himes	Rahall
Broun (GA)	Hirono	Reed
Brown (FL)	Hochul	Rehberg
Buchanan	Holden	Reichert
Buerkle	Hoyer	Renacci
Butterfield	Hultgren	Reyes
Calvert	Hunter	Richardson
Camp	Inslee	Rigell
Canseco	Israel	Rivera
Cantor	Issa	Roby
Capito	Jackson Lee	Rogers (AL)
Capps	(TX)	Rogers (KY)
Cardoza	Jenkins	Rogers (MI)
Carnahan	Johnson (OH)	Rooney
Carney	Johnson, Sam	Ros-Lehtinen
Carter	Jordan	Roskam
Cassidy	Keating	Ross (AR)
Castor (FL)	Kelly	Ross (FL)
Chabot	Kildee	Rothman (NJ)
Chandler	Kind	Runyan
Cicilline	King (IA)	Ruppersberger
Cole	King (NY)	Ryan (WI)
Conaway	Kingston	Sánchez, Linda
Connolly (VA)	Kinzinger (IL)	T.
Cooper	Kissell	Scalise
Costa	Kline	Schiff
Courtney	Lamborn	Schilling
Cravaack	Lance	Schmidt
Crawford	Landry	Schock
Crenshaw	Langevin	Schrader
Critz	Lankford	Schwartz
Crowley	Larsen (WA)	Scott (SC)
Cuellar	Larson (CT)	Scott, Austin
Culberson	Latham	Scott, David
Davis (CA)	Latta	Sensenbrenner
Davis (KY)	Levin	Sessions
Denham	Lewis (CA)	Sewell
Dent	Lipinski	Sherman
Deutch	LoBiondo	Shimkus
Dicks	Loebach	Shuler
Dingell	Long	Shuster
Doggett	Lowey	Sires
Dold	Lucas	Smith (NE)
Donnelly (IN)	Luetkemeyer	Smith (NJ)
Dreier	Lungren, Daniel	Smith (TX)
Duffy	E.	Smith (WA)
Ellmers	Manzullo	Southerland
Emerson	Marchant	Stearns
Engel	Marino	Stivers
Farenthold	Matheson	Sullivan
Fincher	McCarthy (CA)	Sutton
Fitzpatrick	McCarthy (NY)	Terry
Fleischmann	McCaul	Thompson (PA)

Thornberry  
Tiberi  
Tsongas  
Turner (NY)  
Turner (OH)  
Upton  
Visclosky  
Walden

Walz (MN)  
Wasserman  
Schultz  
Waxman  
Webster  
West  
Westmoreland  
Whitfield

Wilson (FL)  
Wilson (SC)  
Wittman  
Wolf  
Womack  
Yoder  
Young (AK)  
Young (IN)

NOES—136

Amash  
Baldwin  
Bass (CA)  
Becerra  
Blumenauer  
Braley (IA)  
Bucshon  
Burgess  
Burton (IN)  
Campbell  
Capuano  
Carson (IN)  
Chaffetz  
Chu  
Clarke (MI)  
Clarke (NY)  
Clay  
Cleaver  
Clyburn  
Coffman (CO)  
Cohen  
Conyers  
Costello  
Cummings  
Davis (IL)  
DeFazio  
DeGette  
DeLauro  
DesJarlais  
Doyle  
Duncan (SC)  
Duncan (TN)  
Edwards  
Ellison  
Eshoo  
Farr  
Fattah  
Flake  
Forbes  
Frank (MA)  
Fudge  
Garrett  
Goodlatte  
Gosar  
Gowdy  
Graves (GA)

Griffith (VA)  
Grijalva  
Hahn  
Harris  
Hastings (FL)  
Heinrich  
Hinchey  
Hinojosa  
Holt  
Honda  
Huelskamp  
Huizenga (MI)  
Hurt  
Jackson (IL)  
Johnson (GA)  
Johnson (IL)  
Jones  
Kaptur  
Kucinich  
Labrador  
Lee (CA)  
Lewis (GA)  
Loftgren, Zoe  
Lujan  
Lummis  
Mack  
Maloney  
Markey  
Matsui  
McClintock  
McCollum  
McDermott  
McGovern  
Meeks  
Michaud  
Miller (NC)  
Miller, George  
Moore  
Moran  
Mulvaney  
Murphy (CT)  
Nadler  
Napolitano  
Neal  
Oliver  
Pallone

Payne  
Pence  
Peters  
Pingree (ME)  
Polis  
Posey  
Price (NC)  
Quigley  
Rangel  
Ribble  
Richmond  
Roe (TN)  
Rohrabacher  
Rokita  
Roybal-Allard  
Royce  
Rush  
Ryan (OH)  
Sarbanes  
Schakowsky  
Schweikert  
Scott (VA)  
Serrano  
Simpson  
Slaughter  
Speier  
Stark  
Stutzman  
Thompson (CA)  
Thompson (MS)  
Tierney  
Tipton  
Tonko  
Townes  
Van Hollen  
Velázquez  
Walberg  
Walsh (IL)  
Waters  
Watt  
Welch  
Woodall  
Woolsey  
Yarmuth

NOT VOTING—14

Bachmann  
Coble  
Diaz-Balart  
Filner  
Giffords

Gutierrez  
Johnson, E. B.  
LaTourette  
Lynch  
Myrick

Paul  
Pitts  
Sanchez, Loretta  
Young (FL)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 2 minutes remaining.

□ 1858

So the conference report was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

DIRECTING THE CLERK OF THE HOUSE OF REPRESENTATIVES TO CORRECT THE ENROLLMENT OF THE BILL H.R. 1540

Mr. McKEON. Madam Speaker, I send to the desk a concurrent resolution and ask unanimous consent for its immediate consideration in the House.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

The text of the concurrent resolution is as follows:

H. CON. RES. 92

*Resolved by the House of Representatives (the Senate concurring), That, in the enrollment of the bill H.R. 1540, the Clerk of the House of Representatives shall strike subsection (b) of section 310 of title 37, United States Code, as inserted by section 616(a)(2) of the bill, and insert the following:*

“(b) SPECIAL PAY AMOUNT.—(1) Except as provided in paragraph (2), the amount of special pay authorized by subsection (a) for qualifying service during a day or portion of a day shall be the amount equal to 1/30th of the maximum monthly amount of special pay payable to a member as specified in paragraph (3).

“(2) In the case of a member who is exposed to hostile fire or a hostile mine explosion event in or for a day or portion of a day, the Secretary concerned may, at the election of the Secretary, pay the member special pay under subsection (a) for such service in an amount not to exceed the maximum monthly amount of special pay payable to a member as specified in paragraph (3).

“(3) The maximum monthly amount of special pay payable to a member under this subsection for any month is \$225.”;

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

PROVIDING FOR A CORRECTION TO THE ENROLLMENT OF THE BILL H.R. 2845

Mr. SHUSTER. Madam Speaker, I send to the desk a concurrent resolution and ask unanimous consent for its immediate consideration in the House.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

The text of the concurrent resolution is as follows:

H. CON. RES. 93

*Resolved by the House of Representatives (the Senate concurring), That, in the enrollment of the bill H.R. 2845, the Clerk of the House of Representatives shall make the following correction: Strike all after the enacting clause and insert the following:*

SECTION 1. SHORT TITLE; AMENDMENT OF TITLE 49, UNITED STATES CODE; DEFINITIONS; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the “Pipeline Safety, Regulatory Certainty, and Job Creation Act of 2011”.

(b) AMENDMENT OF TITLE 49, UNITED STATES CODE.—Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or a repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of title 49, United States Code.

(c) DEFINITIONS.—

(1) APPLICABILITY OF CHAPTER 601 DEFINITIONS.—In this Act, any term defined in chapter 601 of title 49, United States Code,

has the meaning given that term in that chapter.

(2) **HIGH-CONSEQUENCE AREA.**—In this Act, the term “high-consequence area” means an area described in section 60109(a) of title 49, United States Code.

(d) **TABLE OF CONTENTS.**—The table of contents for this Act is as follows:

- Sec. 1. Short title; amendment of title 49, United States Code; definitions; table of contents.
- Sec. 2. Civil penalties.
- Sec. 3. Pipeline damage prevention.
- Sec. 4. Automatic and remote-controlled shut-off valves.
- Sec. 5. Integrity management.
- Sec. 6. Public education and awareness.
- Sec. 7. Cast iron gas pipelines.
- Sec. 8. Leak detection.
- Sec. 9. Accident and incident notification.
- Sec. 10. Transportation-related onshore facility response plan compliance.
- Sec. 11. Pipeline infrastructure data collection.
- Sec. 12. Transportation-related oil flow lines.
- Sec. 13. Cost recovery for design reviews.
- Sec. 14. Biofuel pipelines.
- Sec. 15. Carbon dioxide pipelines.
- Sec. 16. Study of transportation of diluted bitumen.
- Sec. 17. Study of nonpetroleum hazardous liquids transported by pipeline.
- Sec. 18. Clarifications.
- Sec. 19. Maintenance of effort.
- Sec. 20. Administrative enforcement processes.
- Sec. 21. Gas and hazardous liquid gathering lines.
- Sec. 22. Excess flow valves.
- Sec. 23. Maximum allowable operating pressure.
- Sec. 24. Limitation on incorporation of documents by reference.
- Sec. 25. Pipeline safety training for State and local government personnel.
- Sec. 26. Report on minority-owned, woman-owned, and disadvantaged businesses.
- Sec. 27. Report on pipeline projects.
- Sec. 28. Cover over buried pipelines.
- Sec. 29. Seismicity.
- Sec. 30. Tribal consultation for pipeline projects.
- Sec. 31. Pipeline inspection and enforcement needs.
- Sec. 32. Authorization of appropriations.

## SEC. 2. CIVIL PENALTIES.

(a) **GENERAL PENALTIES; PENALTY CONSIDERATIONS.**—Section 60122 is amended—

- (1) in subsection (a)(1)—
  - (A) in the first sentence by striking “\$100,000” and inserting “\$200,000”; and
  - (B) in the last sentence by striking “\$1,000,000” and inserting “\$2,000,000”; and
- (2) in subsection (b)(1)(B) by striking “the ability to pay.”.

(b) **OPERATOR ASSISTANCE IN INVESTIGATIONS.**—Section 60118(e) is amended to read as follows:

“(e) **OPERATOR ASSISTANCE IN INVESTIGATIONS.**—

“(1) **ASSISTANCE AND ACCESS.**—If the Secretary or the National Transportation Safety Board investigates an accident or incident involving a pipeline facility, the operator of the facility shall—

“(A) make available to the Secretary or the Board all records and information that in any way pertain to the accident or incident, including integrity management plans and test results; and

“(B) afford all reasonable assistance in the investigation of the accident or incident.

“(2) **OPERATOR ASSISTANCE IN INVESTIGATIONS.**—

“(A) **IN GENERAL.**—The Secretary may impose a civil penalty under section 60122 on a person who obstructs or prevents the Secretary from carrying out inspections or investigations under this chapter.

“(B) **OBSTRUCTS DEFINED.**—

“(i) **IN GENERAL.**—In this paragraph, the term ‘obstructs’ includes actions that were known, or reasonably should have been known, to prevent, hinder, or impede an investigation without good cause.

“(ii) **GOOD CAUSE.**—In clause (i), the term ‘good cause’ may include actions such as restricting access to facilities that are not secure or safe for nonpipeline personnel or visitors.”.

(c) **ADMINISTRATIVE PENALTY CAPS INAPPLICABLE.**—Section 60120(a)(1) is amended by adding at the end the following: “The maximum amount of civil penalties for administrative enforcement actions under section 60122 shall not apply to enforcement actions under this section.”.

(d) **JUDICIAL REVIEW OF ADMINISTRATIVE ENFORCEMENT ORDERS.**—Section 60119(a) is amended—

(1) in the subsection heading by striking “AND WAIVER ORDERS” and inserting “, ORDERS, AND OTHER FINAL AGENCY ACTIONS”; and

(2) by striking “about an application for a waiver under section 60118(c) or (d) of this title” and inserting “under this chapter”.

## SEC. 3. PIPELINE DAMAGE PREVENTION.

(a) **MINIMUM STANDARDS FOR STATE ONE-CALL NOTIFICATION PROGRAMS.**—Section 6103(a) is amended to read as follows:

“(a) **MINIMUM STANDARDS.**—

“(1) **IN GENERAL.**—In order to qualify for a grant under section 6106, a State one-call notification program, at a minimum, shall provide for—

“(A) appropriate participation by all underground facility operators, including all government operators;

“(B) appropriate participation by all excavators, including all government and contract excavators; and

“(C) flexible and effective enforcement under State law with respect to participation in, and use of, one-call notification systems.

“(2) **EXEMPTIONS PROHIBITED.**—In order to qualify for a grant under section 6106, a State one-call notification program may not exempt municipalities, State agencies, or their contractors from the one-call notification system requirements of the program.”.

(b) **STATE DAMAGE PREVENTION PROGRAMS.**—Section 60134(a) is amended—

(1) in paragraph (1) by striking “and” after the semicolon;

(2) in paragraph (2)(B) by striking “(b).” and inserting “(b); and”; and

(3) by adding at the end the following:

“(3) does not provide any exemptions to municipalities, State agencies, or their contractors from the one-call notification system requirements of the program.”.

(c) **EFFECTIVE DATE.**—The amendments made by this section shall take effect 2 years after the date of enactment of this Act.

(d) **EXCAVATION DAMAGE.**—

(1) **STUDY.**—The Secretary of Transportation shall conduct a study on the impact of excavation damage on pipeline safety.

(2) **CONTENTS.**—The study shall include—

(A) an analysis of the frequency and severity of different types of excavation damage incidents;

(B) an analysis of exemptions to the one-call notification system requirements in each State;

(C) a comparison of exemptions to the one-call notification system requirements in each State to the types of excavation damage incidents in that State; and

(D) an analysis of the potential safety benefits and adverse consequences of eliminating all exemptions for mechanized excavation from State one-call notification systems.

(3) **REPORT.**—Not later than 2 years after the date of enactment of this Act, the Secretary shall submit to the Committee on Transportation and Infrastructure and the Committee on Energy and Commerce of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report on the results of the study.

## SEC. 4. AUTOMATIC AND REMOTE-CONTROLLED SHUT-OFF VALVES.

Section 60102 is amended—

(1) by striking subsection (j)(3); and

(2) by adding at the end the following:

“(n) **AUTOMATIC AND REMOTE-CONTROLLED SHUT-OFF VALVES FOR NEW TRANSMISSION PIPELINES.**—

“(1) **IN GENERAL.**—Not later than 2 years after the date of enactment of this subsection, and after considering the factors specified in subsection (b)(2), the Secretary, if appropriate, shall require by regulation the use of automatic or remote-controlled shut-off valves, or equivalent technology, where economically, technically, and operationally feasible on transmission pipeline facilities constructed or entirely replaced after the date on which the Secretary issues the final rule containing such requirement.

“(2) **HIGH-CONSEQUENCE AREA STUDY.**—

“(A) **STUDY.**—The Comptroller General of the United States shall conduct a study on the ability of transmission pipeline facility operators to respond to a hazardous liquid or gas release from a pipeline segment located in a high-consequence area.

“(B) **CONSIDERATIONS.**—In conducting the study, the Comptroller General shall consider the swiftness of leak detection and pipeline shutdown capabilities, the location of the nearest response personnel, and the costs, risks, and benefits of installing automatic and remote-controlled shut-off valves.

“(C) **REPORT.**—Not later than 1 year after the date of enactment of this subsection, the Comptroller General shall submit to the Committee on Transportation and Infrastructure and the Committee on Energy and Commerce of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report on the results of the study.”.

## SEC. 5. INTEGRITY MANAGEMENT.

(a) **EVALUATION.**—Not later than 18 months after the date of enactment of this Act, the Secretary of Transportation shall evaluate—

(1) whether integrity management system requirements, or elements thereof, should be expanded beyond high-consequence areas; and

(2) with respect to gas transmission pipeline facilities, whether applying integrity management program requirements, or elements thereof, to additional areas would mitigate the need for class location requirements.

(b) **FACTORS.**—In conducting the evaluation under subsection (a), the Secretary shall consider, at a minimum, the following:

(1) The continuing priority to enhance protections for public safety.

(2) The continuing importance of reducing risk in high-consequence areas.

(3) The incremental costs of applying integrity management standards to pipelines outside of high-consequence areas where operators are already conducting assessments beyond what is required under chapter 601 of title 49, United States Code.

(4) The need to undertake integrity management assessments and repairs in a manner that is achievable and sustainable, and that does not disrupt pipeline service.

(5) The options for phasing in the extension of integrity management requirements beyond high-consequence areas, including the most effective and efficient options for decreasing risks to an increasing number of people living or working in proximity to pipeline facilities.

(6) The appropriateness of applying repair criteria, such as pressure reductions and special requirements for scheduling remediation, to areas that are not high-consequence areas.

(c) **REPORT.**—Not later than 2 years after the date of enactment of this Act, the Secretary shall submit to the Committee on Transportation and Infrastructure and the Committee on Energy and Commerce of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report, based on the evaluation conducted under subsection (a), containing the Secretary's analysis and findings regarding—

(1) expansion of integrity management requirements, or elements thereof, beyond high-consequence areas; and

(2) with respect to gas transmission pipeline facilities, whether applying the integrity management program requirements, or elements thereof, to additional areas would mitigate the need for class location requirements.

(d) **DATA REPORTING.**—The Secretary shall collect any relevant data necessary to complete the evaluation required by subsection (a).

(e) **TECHNICAL CORRECTION.**—Section 60109(c)(3)(B) is amended to read as follows:

“(B) Subject to paragraph (5), periodic reassessments of the facility, at a minimum of once every 7 calendar years, using methods described in subparagraph (A). The Secretary may extend such deadline for an additional 6 months if the operator submits written notice to the Secretary with sufficient justification of the need for the extension.”.

(f) **RULEMAKING REQUIREMENTS.**—

(1) **REVIEW PERIOD DEFINED.**—In this subsection, the term “review period” means the period beginning on the date of enactment of this Act and ending on the earlier of—

(A) the date that is 1 year after the date of completion of the report under subsection (c); or

(B) the date that is 3 years after the date of enactment of this Act.

(2) **CONGRESSIONAL AUTHORITY.**—In order to provide Congress the necessary time to review the results of the report required by subsection (c) and implement appropriate recommendations, the Secretary shall not, during the review period, issue final regulations described in paragraph (3)(B).

(3) **STANDARDS.**—

(A) **FINDINGS.**—As soon as practicable following the review period, the Secretary shall issue final regulations described in subparagraph (B), if the Secretary finds, in the report required under subsection (c), that—

(i) integrity management system requirements, or elements thereof, should be expanded beyond high-consequence areas; and

(ii) with respect to gas transmission pipeline facilities, applying integrity manage-

ment program requirements, or elements thereof, to additional areas would mitigate the need for class location requirements.

(B) **REGULATIONS.**—Regulations issued by the Secretary under subparagraph (A), if any, shall—

(i) expand integrity management system requirements, or elements thereof, beyond high-consequence areas; and

(ii) remove redundant class location requirements for gas transmission pipeline facilities that are regulated under an integrity management program adopted and implemented under section 60109(c)(2) of title 49, United States Code.

(4) **SAVINGS CLAUSE.**—

(A) **IN GENERAL.**—Notwithstanding any other provision of this subsection, the Secretary, during the review period, may issue final regulations described in paragraph (3)(B), if the Secretary determines that a condition that poses a risk to public safety, property, or the environment is present or an imminent hazard exists and that the regulations will address the risk or hazard.

(B) **IMMINENT HAZARD DEFINED.**—In subparagraph (A), the term “imminent hazard” means the existence of a condition related to pipelines or pipeline operations that presents a substantial likelihood that death, serious illness, severe personal injury, or substantial endangerment to health, property, or the environment may occur.

(g) **REPORT TO CONGRESS ON RISK-BASED PIPELINE REASSESSMENT INTERVALS.**—Not later than 2 years after the date of enactment of this Act, the Comptroller General of the United States shall evaluate—

(1) whether risk-based reassessment intervals are a more effective alternative for managing risks to pipelines in high-consequence areas once baseline assessments are complete when compared to the reassessment interval specified in section 60109(c)(3)(B) of title 49, United States Code;

(2) the number of anomalies found in baseline assessments required under section 60109(c)(3)(A) of title 49, United States Code, as compared to the number of anomalies found in reassessments required under section 60109(c)(3)(B) of such title; and

(3) the progress made in implementing the recommendations in GAO Report 06-945 and the current relevance of those recommendations that have not been implemented.

## SEC. 6. PUBLIC EDUCATION AND AWARENESS.

(a) **NATIONAL PIPELINE MAPPING SYSTEM.**—Section 60132 is amended by adding at the end the following:

“(d) **MAP OF HIGH-CONSEQUENCE AREAS.**—The Secretary shall—

“(1) maintain, as part of the National Pipeline Mapping System, a map of designated high-consequence areas (as described in section 60109(a)) in which pipelines are required to meet integrity management program regulations, excluding any proprietary or sensitive security information; and

“(2) update the map biennially.

“(e) **PROGRAM TO PROMOTE AWARENESS OF NATIONAL PIPELINE MAPPING SYSTEM.**—Not later than 1 year after the date of enactment of this subsection, the Secretary shall develop and implement a program promoting greater awareness of the existence of the National Pipeline Mapping System to State and local emergency responders and other interested parties. The program shall include guidance on how to use the National Pipeline Mapping System to locate pipelines in communities and local jurisdictions.”.

(b) **INFORMATION TO EMERGENCY RESPONSE AGENCIES.**—

(1) **GUIDANCE.**—Not later than 18 months after the date of enactment of this Act, the

Secretary shall issue guidance to owners and operators of pipeline facilities on the importance of providing system-specific information about their pipeline facilities to emergency response agencies of the communities and jurisdictions in which those facilities are located.

(2) **CONSULTATION.**—Before issuing guidance under paragraph (1), the Secretary shall consult with owners and operators of pipeline facilities to determine the extent to which the owners and operators are already providing system-specific information about their pipeline facilities to emergency response agencies.

(c) **RESPONSE PLANS.**—

(1) **IN GENERAL.**—Chapter 601 is amended by adding at the end the following:

## “§ 60138. Response plans

“(a) **IN GENERAL.**—The Secretary of Transportation shall—

“(1) maintain on file a copy of the most recent response plan (as defined in part 194 of title 49, Code of Federal Regulations) prepared by an owner or operator of a pipeline facility; and

“(2) provide upon written request to a person a copy of the plan, which may exclude, as the Secretary determines appropriate—

“(A) proprietary information;

“(B) security-sensitive information, including information described in section 1520.5(a) of title 49, Code of Federal Regulations;

“(C) specific response resources and tactical resource deployment plans; and

“(D) the specific amount and location of worst case discharges (as defined in part 194 of title 49, Code of Federal Regulations), including the process by which an owner or operator determines the worst case discharge.

“(b) **RELATIONSHIP TO FOIA.**—Nothing in this section may be construed to require disclosure of information or records that are exempt from disclosure under section 552 of title 5.”.

(2) **CLERICAL AMENDMENT.**—The analysis for chapter 601 is amended by inserting after the item relating to section 60137 the following: “60138. Response plans.”.

## SEC. 7. CAST IRON GAS PIPELINES.

(a) **FOLLOW-UP SURVEYS.**—Section 60108(d) is amended by adding at the end the following:

“(4) Not later than December 31, 2012, and every 2 years thereafter, the Secretary shall conduct a follow-up survey to measure the progress that owners and operators of pipeline facilities have made in adopting and implementing their plans for the safe management and replacement of cast iron gas pipelines.”.

(b) **STATUS REPORT.**—Not later than December 31, 2013, the Secretary of Transportation shall transmit to the Committee on Transportation and Infrastructure and the Committee on Energy and Commerce of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report that—

(1) identifies the total mileage of cast iron gas pipelines in the United States; and

(2) evaluates the progress that owners and operators of pipeline facilities have made in implementing their plans for the safe management and replacement of cast iron gas pipelines.

## SEC. 8. LEAK DETECTION.

(a) **LEAK DETECTION REPORT.**—

(1) **IN GENERAL.**—Not later than 1 year after the date of enactment of this Act, the Secretary of Transportation shall submit to the Committee on Commerce, Science, and

Transportation of the Senate and the Committee on Transportation and Infrastructure and the Committee on Energy and Commerce of the House of Representatives a report on leak detection systems utilized by operators of hazardous liquid pipeline facilities and transportation-related flow lines.

(2) **CONTENTS.**—The report shall include—

(A) an analysis of the technical limitations of current leak detection systems, including the ability of the systems to detect ruptures and small leaks that are ongoing or intermittent, and what can be done to foster development of better technologies; and

(B) an analysis of the practicability of establishing technically, operationally, and economically feasible standards for the capability of such systems to detect leaks, and the safety benefits and adverse consequences of requiring operators to use leak detection systems.

(b) **RULEMAKING REQUIREMENTS.**—

(1) **REVIEW PERIOD DEFINED.**—In this subsection, the term “review period” means the period beginning on the date of enactment of this Act and ending on the earlier of—

(A) the date that is 1 year after the date of completion of the report under subsection (a); or

(B) the date that is 2 years after the date of enactment of this Act.

(2) **CONGRESSIONAL AUTHORITY.**—In order to provide Congress the necessary time to review the results of the report required by subsection (a) and implement appropriate recommendations, the Secretary, during the review period, shall not issue final regulations described in paragraph (3).

(3) **STANDARDS.**—As soon as practicable following the review period, if the report required by subsection (a) finds that it is practicable to establish technically, operationally, and economically feasible standards for the capability of leak detection systems to detect leaks, the Secretary shall issue final regulations that—

(A) require operators of hazardous liquid pipeline facilities to use leak detection systems where practicable; and

(B) establish technically, operationally, and economically feasible standards for the capability of such systems to detect leaks.

(4) **SAVINGS CLAUSE.**—

(A) **IN GENERAL.**—Notwithstanding any other provision of this subsection, the Secretary, during the review period, may issue final regulations described in paragraph (3) if the Secretary determines that a condition that poses a risk to public safety, property, or the environment is present or an imminent hazard exists and that the regulations will address the risk or hazard.

(B) **IMMINENT HAZARD DEFINED.**—In subparagraph (A), the term “imminent hazard” means the existence of a condition related to pipelines or pipeline operations that presents a substantial likelihood that death, serious illness, severe personal injury, or substantial endangerment to health, property, or the environment may occur.

#### **SEC. 9. ACCIDENT AND INCIDENT NOTIFICATION.**

(a) **REVISION OF REGULATIONS.**—Not later than 18 months after the date of enactment of this Act, the Secretary of Transportation shall revise regulations issued under sections 191.5 and 195.52 of title 49, Code of Federal Regulations, to establish specific time limits for telephonic or electronic notice of accidents and incidents involving pipeline facilities to the Secretary and the National Response Center.

(b) **MINIMUM REQUIREMENTS.**—In revising the regulations, the Secretary, at a minimum, shall—

(1) establish time limits for telephonic or electronic notification of an accident or incident to require such notification at the earliest practicable moment following confirmed discovery of an accident or incident and not later than 1 hour following the time of such confirmed discovery;

(2) review procedures for owners and operators of pipeline facilities and the National Response Center to provide thorough and coordinated notification to all relevant State and local emergency response officials, including 911 emergency call centers, for the jurisdictions in which those pipeline facilities are located in the event of an accident or incident, and revise such procedures as appropriate; and

(3) require such owners and operators to revise their initial telephonic or electronic notice to the Secretary and the National Response Center with an estimate of the amount of the product released, an estimate of the number of fatalities and injuries, if any, and any other information determined appropriate by the Secretary within 48 hours of the accident or incident, to the extent practicable.

(c) **UPDATING OF REPORTS.**—After receiving revisions described in subsection (b)(3), the National Response Center shall update the initial report on an accident or incident instead of generating a new report.

#### **SEC. 10. TRANSPORTATION-RELATED ONSHORE FACILITY RESPONSE PLAN COMPLIANCE.**

(a) **IN GENERAL.**—Subparagraphs (A) and (B) of section 311(m)(2) of the Federal Water Pollution Control Act (33 U.S.C. 1321(m)(2)) are each amended by striking “Administrator or” and inserting “Administrator, the Secretary of Transportation, or”.

(b) **CONFORMING AMENDMENT.**—Section 311(b)(6)(A) of the Federal Water Pollution Control Act (33 U.S.C. 1321(b)(6)(A)) is amended by striking “operating or” and inserting “operating, the Secretary of Transportation, or”.

#### **SEC. 11. PIPELINE INFRASTRUCTURE DATA COLLECTION.**

(a) **IN GENERAL.**—Section 60132(a) is amended by adding at the end the following:

“(4) Any other geospatial or technical data, including design and material specifications, that the Secretary determines are necessary to carry out the purposes of this section. The Secretary shall give reasonable notice to operators that the data are being requested.”.

(b) **DISCLOSURE LIMITED TO FOIA REQUIREMENTS.**—Section 60132, as amended by this Act, is further amended by adding at the end the following:

“(f) **PUBLIC DISCLOSURE LIMITED.**—The Secretary may not disclose information collected pursuant to subsection (a) except to the extent permitted by section 552 of title 5.”.

#### **SEC. 12. TRANSPORTATION-RELATED OIL FLOW LINES.**

Section 60102, as amended by this Act, is further amended by adding at the end the following:

“(o) **TRANSPORTATION-RELATED OIL FLOW LINES.**—

“(1) **DATA COLLECTION.**—The Secretary may collect geospatial or technical data on transportation-related oil flow lines, including unregulated transportation-related oil flow lines.

“(2) **TRANSPORTATION-RELATED OIL FLOW LINE DEFINED.**—In this subsection, the term ‘transportation-related oil flow line’ means a pipeline transporting oil off of the grounds of the well where it originated and across areas

not owned by the producer, regardless of the extent to which the oil has been processed, if at all.

“(3) **LIMITATION.**—Nothing in this subsection authorizes the Secretary to prescribe standards for the movement of oil through production, refining, or manufacturing facilities or through oil production flow lines located on the grounds of wells.”.

#### **SEC. 13. COST RECOVERY FOR DESIGN REVIEWS.**

(a) **IN GENERAL.**—Section 60117(n) is amended to read as follows:

“(n) **COST RECOVERY FOR DESIGN REVIEWS.**—

“(1) **IN GENERAL.**—

“(A) **REVIEW COSTS.**—For any project described in subparagraph (B), if the Secretary conducts facility design safety reviews in connection with a proposal to construct, expand, or operate a gas or hazardous liquid pipeline facility or liquefied natural gas pipeline facility, including construction inspections and oversight, the Secretary may require the person proposing the project to pay the costs incurred by the Secretary relating to such reviews. If the Secretary exercises the cost recovery authority described in this paragraph, the Secretary shall prescribe a fee structure and assessment methodology that is based on the costs of providing these reviews and shall prescribe procedures to collect fees under this paragraph. The Secretary may not collect design safety review fees under this paragraph and section 60301 for the same design safety review.

“(B) **PROJECTS TO WHICH APPLICABLE.**—Subparagraph (A) applies to any project that—

“(i) has design and construction costs totaling at least \$2,500,000,000, as periodically adjusted by the Secretary to take into account increases in the Consumer Price Index for all-urban consumers published by the Department of Labor, based on—

“(I) the cost estimate provided to the Federal Energy Regulatory Commission in an application for a certificate of public convenience and necessity for a gas pipeline facility or an application for authorization for a liquefied natural gas pipeline facility; or

“(II) a good faith estimate developed by the person proposing a hazardous liquid pipeline facility and submitted to the Secretary; or

“(ii) uses new or novel technologies or design, as determined by the Secretary.

“(2) **NOTIFICATION.**—For any new pipeline facility construction project in which the Secretary will conduct design reviews, the person proposing the project shall notify the Secretary and provide the design specifications, construction plans and procedures, and related materials at least 120 days prior to the commencement of construction. To the maximum extent practicable, not later than 90 days after receiving such design specifications, construction plans and procedures, and related materials, the Secretary shall provide written comments, feedback, and guidance on the project.

“(3) **PIPELINE SAFETY DESIGN REVIEW FUND.**—

“(A) **ESTABLISHMENT.**—There is established a Pipeline Safety Design Review Fund in the Treasury of the United States.

“(B) **DEPOSITS.**—The Secretary shall deposit funds paid under this subsection into the Fund.

“(C) **USE.**—Amounts in the Fund shall be available to the Secretary, in amounts specified in appropriations Acts, to offset the costs of conducting facility design safety reviews under this subsection.

“(4) NO ADDITIONAL PERMITTING AUTHORITY.—Nothing in this subsection may be construed as authorizing the Secretary to require a person to obtain a permit before beginning design and construction in connection with a project described in paragraph (1)(B).”.

(b) GUIDANCE.—Not later than 1 year after the date of enactment of this Act, the Secretary of Transportation shall issue guidance to clarify the meaning of the term “new or novel technologies or design” as used in section 60117(n)(1)(B)(ii) of title 49, United States Code, as amended by subsection (a) of this section.

#### SEC. 14. BIOFUEL PIPELINES.

Section 60101(a)(4) is amended—

(1) in subparagraph (A) by striking “and” after the semicolon;

(2) by redesignating subparagraph (B) as subparagraph (C); and

(3) by inserting after subparagraph (A) the following:

“(B) nonpetroleum fuel, including biofuel, that is flammable, toxic, or corrosive or would be harmful to the environment if released in significant quantities; and”.

#### SEC. 15. CARBON DIOXIDE PIPELINES.

Section 60102(i) is amended—

(1) by striking “The Secretary shall regulate” and inserting the following:

“(1) TRANSPORTATION IN LIQUID STATE.—The Secretary shall regulate”.

(2) by adding at the end the following new paragraph:

“(2) TRANSPORTATION IN GASEOUS STATE.—

“(A) MINIMUM SAFETY STANDARDS.—The Secretary shall prescribe minimum safety standards for the transportation of carbon dioxide by pipeline in a gaseous state.

“(B) CONSIDERATIONS.—In establishing the standards, the Secretary shall consider whether applying the minimum safety standards in part 195 of title 49, Code of Federal Regulations, as in effect on the date of enactment of this paragraph, for the transportation of carbon dioxide in a liquid state to the transportation of carbon dioxide in a gaseous state would ensure safety.

“(3) LIMITATION ON STATUTORY CONSTRUCTION.—Nothing in this subsection authorizes the Secretary to regulate piping or equipment used in the production, extraction, recovery, lifting, stabilization, separation, or treatment of carbon dioxide or the preparation of carbon dioxide for transportation by pipeline at production, refining, or manufacturing facilities.”.

#### SEC. 16. STUDY OF TRANSPORTATION OF DILUTED BITUMEN.

Not later than 18 months after the date of enactment of this Act, the Secretary of Transportation shall complete a comprehensive review of hazardous liquid pipeline facility regulations to determine whether the regulations are sufficient to regulate pipeline facilities used for the transportation of diluted bitumen. In conducting the review, the Secretary shall conduct an analysis of whether any increase in the risk of a release exists for pipeline facilities transporting diluted bitumen. The Secretary shall report the results of the review to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure and the Committee on Energy and Commerce of the House of Representatives.

#### SEC. 17. STUDY OF NONPETROLEUM HAZARDOUS LIQUIDS TRANSPORTED BY PIPELINE.

The Secretary of Transportation may conduct an analysis of the transportation of nonpetroleum hazardous liquids by pipeline

facility for the purpose of identifying the extent to which pipeline facilities are currently being used to transport nonpetroleum hazardous liquids, such as chlorine, from chemical production facilities across land areas not owned by the producer that are accessible to the public. The analysis should identify the extent to which the safety of the pipeline facilities is unregulated by the States and evaluate whether the transportation of such chemicals by pipeline facility across areas accessible to the public would present significant risks to public safety, property, or the environment in the absence of regulation. The results of the analysis shall be made available to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure and the Committee on Energy and Commerce of the House of Representatives.

#### SEC. 18. CLARIFICATIONS.

(a) INSPECTION AND MAINTENANCE.—Section 60108(a)(1) is amended by striking “an intrastate” and inserting “a”.

(b) OWNER AND OPERATOR.—Section 60102(a)(2)(A) is amended by striking “owners and operators” and inserting “any or all of the owners or operators”.

#### SEC. 19. MAINTENANCE OF EFFORT.

Section 60107(b) is amended by adding at the end the following: “For each of fiscal years 2012 and 2013, the Secretary shall grant such a waiver to a State if the State can demonstrate an inability to maintain or increase the required funding share of its safety program at or above the level required by this subsection due to economic hardship in that State. For fiscal year 2014, and each fiscal year thereafter, the Secretary may grant such a waiver to a State if the State can make the demonstration described in the preceding sentence.”.

#### SEC. 20. ADMINISTRATIVE ENFORCEMENT PROCEEDINGS.

(a) ISSUANCE OF REGULATIONS.—

(1) IN GENERAL.—Not later than 2 years after the date of enactment of this Act, the Secretary of Transportation shall issue regulations—

(A) requiring hearings under sections 60112, 60117, 60118, and 60122 of title 49, United States Code, to be convened before a presiding official;

(B) providing the opportunity for any person requesting a hearing under section 60112, 60117, 60118, or 60122 of such title to arrange for a transcript of the hearing, at the expense of the requesting person;

(C) ensuring expedited review of any order issued pursuant to section 60112(e) of such title;

(D) implementing a separation of functions between personnel involved with the investigation and prosecution of an enforcement case and advising the Secretary on findings and determinations; and

(E) prohibiting ex-parte communication relevant to the question to be decided in such a case by parties to an investigation or hearing.

(2) PRESIDING OFFICIAL.—The regulations issued under this subsection shall—

(A) define the term “presiding official” to mean the person who conducts any hearing relating to civil penalty assessments, compliance orders, safety orders, or corrective action orders; and

(B) require that the presiding official be an attorney on the staff of the Deputy Chief Counsel of the Pipeline and Hazardous Materials Safety Administration that is not engaged in investigative or prosecutorial functions, including the preparation of notices of

probable violations, notices relating to civil penalty assessments, notices relating to compliance, or notices of proposed corrective actions.

(3) EXPEDITED REVIEW.—The regulations issued under this subsection shall define the term “expedited review” for the purposes of paragraph (1)(C).

(b) STANDARDS OF JUDICIAL REVIEW.—Section 60119(a) is amended by adding at the end the following new paragraph:

“(3) A judicial review of agency action under this section shall apply the standards of review established in section 706 of title 5.”.

#### SEC. 21. GAS AND HAZARDOUS LIQUID GATHERING LINES.

(a) REVIEW.—The Secretary of Transportation shall conduct a review of existing Federal and State regulations for gas and hazardous liquid gathering lines located onshore and offshore in the United States, including within the inlets of the Gulf of Mexico.

(b) REPORT TO CONGRESS.—

(1) IN GENERAL.—Not later than 2 years after the date of enactment of this Act, the Secretary shall submit to the Committee on Transportation and Infrastructure and the Committee on Energy and Commerce of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report on the results of the review.

(2) RECOMMENDATIONS.—The report shall include the Secretary’s recommendations with respect to—

(A) the sufficiency of existing Federal and State laws and regulations to ensure the safety of gas and hazardous liquid gathering lines;

(B) the economic impacts, technical practicability, and challenges of applying existing Federal regulations to gathering lines that are not currently subject to Federal regulation when compared to the public safety benefits; and

(C) subject to a risk-based assessment, the need to modify or revoke existing exemptions from Federal regulation for gas and hazardous liquid gathering lines.

(c) OFFSHORE GATHERING LINES.—Section 60108(c) is amended by adding at the end the following:

“(8) If, after reviewing existing Federal and State regulations for hazardous liquid gathering lines located offshore in the United States, including within the inlets of the Gulf of Mexico, the Secretary determines it is appropriate, the Secretary shall issue regulations, after notice and an opportunity for a hearing, subjecting offshore hazardous liquid gathering lines and hazardous liquid gathering lines located within the inlets of the Gulf of Mexico to the same standards and regulations as other hazardous liquid gathering lines. The regulations issued under this paragraph shall not apply to production pipelines or flow lines.”.

#### SEC. 22. EXCESS FLOW VALVES.

Section 60109(e)(3) is amended—

(1) by redesignating subparagraph (B) as subparagraph (C); and

(2) by inserting after subparagraph (A) the following:

“(B) DISTRIBUTION BRANCH SERVICES, MULTIFAMILY FACILITIES, AND SMALL COMMERCIAL FACILITIES.—Not later than 2 years after the date of enactment of the Pipeline Safety, Regulatory Certainty, and Job Creation Act of 2011, and after issuing a final report on the evaluation of the National Transportation Safety Board’s recommendation on excess flow valves in applications other than service lines serving one single family residence,

the Secretary, if appropriate, shall by regulation require the use of excess flow valves, or equivalent technology, where economically, technically, and operationally feasible on new or entirely replaced distribution branch services, multifamily facilities, and small commercial facilities.”.

**SEC. 23. MAXIMUM ALLOWABLE OPERATING PRESSURE.**

(a) IN GENERAL.—Chapter 601, as amended by this Act, is further amended by adding at the end the following:

**“§ 60139. Maximum allowable operating pressure**

“(a) VERIFICATION OF RECORDS.—

“(1) IN GENERAL.—The Secretary of Transportation shall require each owner or operator of a pipeline facility to conduct, not later than 6 months after the date of enactment of this section, a verification of the records of the owner or operator relating to the interstate and intrastate gas transmission pipelines of the owner or operator in class 3 and class 4 locations and class 1 and class 2 high-consequence areas.

“(2) PURPOSE.—The purpose of the verification shall be to ensure that the records accurately reflect the physical and operational characteristics of the pipelines described in paragraph (1) and confirm the established maximum allowable operating pressure of the pipelines.

“(3) ELEMENTS.—The verification process under this subsection shall include such elements as the Secretary considers appropriate.

“(b) REPORTING.—

“(1) DOCUMENTATION OF CERTAIN PIPELINES.—Not later than 18 months after the date of enactment of this section, each owner or operator of a pipeline facility shall identify and submit to the Secretary documentation relating to each pipeline segment of the owner or operator described in subsection (a)(1) for which the records of the owner or operator are insufficient to confirm the established maximum allowable operating pressure of the segment.

“(2) EXCEEDANCES OF MAXIMUM ALLOWABLE OPERATING PRESSURE.—If there is an exceedance of the maximum allowable operating pressure with respect to a gas transmission pipeline of an owner or operator of a pipeline facility that exceeds the build-up allowed for operation of pressure-limiting or control devices, the owner or operator shall report the exceedance to the Secretary and appropriate State authorities on or before the 5th day following the date on which the exceedance occurs.

“(c) DETERMINATION OF MAXIMUM ALLOWABLE OPERATING PRESSURE.—

“(1) IN GENERAL.—In the case of a transmission line of an owner or operator of a pipeline facility identified under subsection (b)(1), the Secretary shall—

“(A) require the owner or operator to reconfirm a maximum allowable operating pressure as expeditiously as economically feasible; and

“(B) determine what actions are appropriate for the pipeline owner or operator to take to maintain safety until a maximum allowable operating pressure is confirmed.

“(2) INTERIM ACTIONS.—In determining the actions for an owner or operator of a pipeline facility to take under paragraph (1)(B), the Secretary shall take into account potential consequences to public safety and the environment, potential impacts on pipeline system reliability and deliverability, and other factors, as appropriate.

“(d) TESTING REGULATIONS.—

“(1) IN GENERAL.—Not later than 18 months after the date of enactment of this section,

the Secretary shall issue regulations for conducting tests to confirm the material strength of previously untested natural gas transmission pipelines located in high-consequence areas and operating at a pressure greater than 30 percent of specified minimum yield strength.

“(2) CONSIDERATIONS.—In developing the regulations, the Secretary shall consider safety testing methodologies, including, at a minimum—

“(A) pressure testing; and

“(B) other alternative methods, including in-line inspections, determined by the Secretary to be of equal or greater effectiveness.

“(3) COMPLETION OF TESTING.—The Secretary, in consultation with the Chairman of the Federal Energy Regulatory Commission and State regulators, as appropriate, shall establish timeframes for the completion of such testing that take into account potential consequences to public safety and the environment and that minimize costs and service disruptions.

“(e) HIGH-CONSEQUENCE AREA DEFINED.—In this section, the term ‘high-consequence area’ means an area described in section 60109(a).”.

(b) CLERICAL AMENDMENT.—The analysis for chapter 601 is amended by inserting after the item relating to section 60138 the following:

“60139. Maximum allowable operating pressure.”.

**SEC. 24. LIMITATION ON INCORPORATION OF DOCUMENTS BY REFERENCE.**

Section 60102, as amended by this Act, is further amended by adding at the end the following:

“(p) LIMITATION ON INCORPORATION OF DOCUMENTS BY REFERENCE.—Beginning 1 year after the date of enactment of this subsection, the Secretary may not issue guidance or a regulation pursuant to this chapter that incorporates by reference any documents or portions thereof unless the documents or portions thereof are made available to the public, free of charge, on an Internet Web site.”.

**SEC. 25. PIPELINE SAFETY TRAINING FOR STATE AND LOCAL GOVERNMENT PERSONNEL.**

(a) IN GENERAL.—To further the objectives of chapter 601 of title 49, United States Code, the Secretary of Transportation may provide the services of personnel from the Pipeline and Hazardous Materials Safety Administration to provide training for State and local government personnel at a pipeline safety training facility that is established and operated by an agency or instrumentality of the United States, a unit of State or local government, or an educational institution.

(b) REIMBURSEMENTS FOR TRAINING EXPENDITURES.—

(1) IN GENERAL.—Notwithstanding any other provision of law, the Secretary may require reimbursement from sources other than the Federal Government for all expenses incurred by the Secretary in providing training for State and local government personnel under subsection (a), including salaries, expenses, transportation for Pipeline and Hazardous Materials Safety Administration personnel, and the cost of training materials.

(2) AUTHORIZATION OF APPROPRIATIONS.—Amounts collected as reimbursement under paragraph (1) are authorized to be appropriated for the purposes set forth in chapter 601 of title 49, United States Code.

**SEC. 26. REPORT ON MINORITY-OWNED, WOMAN-OWNED, AND DISADVANTAGED BUSINESSES.**

Not later than 1 year after the date of enactment of this Act, the Comptroller General

of the United States, based upon available information, shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure and the Committee on Energy and Commerce of the House of Representatives a comprehensive report assessing the levels and types of participation and methods of facilitating the participation of minority-owned business enterprises, woman-owned business enterprises, and disadvantaged business enterprises in the construction and operation of pipeline facilities in the United States.

**SEC. 27. REPORT ON PIPELINE PROJECTS.**

(a) STUDY.—The Comptroller General of the United States shall conduct a comprehensive study regarding the process for obtaining Federal and State permits for projects to construct pipeline facilities.

(b) EVALUATION.—In conducting the study, the Comptroller General shall evaluate how long it takes to issue permits for pipeline construction projects, the relationship between the States and the Federal Government in issuing such permits, and any recommendations from the States for improving the permitting process.

(c) CONSULTATION.—In conducting the study, the Comptroller General shall consult with the Committee on Transportation and Infrastructure and the Committee on Energy and Commerce of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate.

(d) REPORT.—Not later than 1 year after the date of enactment of this Act, the Comptroller General shall submit to the Committee on Transportation and Infrastructure and the Committee on Energy and Commerce of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report on the results of the study.

**SEC. 28. COVER OVER BURIED PIPELINES.**

(a) IN GENERAL.—Chapter 601, as amended by this Act, is further amended by adding at the end the following:

**“§ 60140. Cover over buried pipelines**

“(a) HAZARDOUS LIQUID PIPELINE INCIDENTS INVOLVING BURIED PIPELINES.—

“(1) STUDY.—The Secretary of Transportation shall conduct a study of hazardous liquid pipeline incidents at crossings of inland bodies of water with a width of at least 100 feet from high water mark to high water mark to determine if the depth of cover over the buried pipeline was a factor in any accidental release of hazardous liquids.

“(2) REPORT.—Not later than 1 year after the date of enactment of this section, the Secretary shall transmit to the Committee on Transportation and Infrastructure and the Committee on Energy and Commerce of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report on the results of the study.

“(b) ASSESSMENT OF CURRENT REQUIREMENTS FOR DEPTH OF COVER OVER BURIED PIPELINES.—

“(1) IN GENERAL.—If, following completion of the study under subsection (a), the Secretary finds that the depth of cover over buried pipelines is a contributing factor in the accidental release of hazardous liquids from the pipelines, the Secretary, not later than 1 year after the date of completion of the study, shall review and determine the sufficiency of current requirements for the depth of cover over buried pipelines.

“(2) LEGISLATIVE RECOMMENDATIONS.—

“(A) DEVELOPMENT.—If the Secretary determines under paragraph (1) that the current requirements for the depth of cover over



buried pipelines are insufficient, the Secretary shall develop legislative recommendations for improving the safety of buried pipelines at crossings of inland bodies of water with a width of at least 100 feet from high water mark to high water mark.

“(B) CONSIDERATION OF FACTORS.—In developing legislative recommendations under subparagraph (A), the Secretary shall consider the factors specified in section 60102(b)(2).

“(C) REPORT TO CONGRESS.—If the Secretary develops legislative recommendations under subparagraph (A), the Secretary shall submit to the committees referred to in subsection (a)(2) a report containing the legislative recommendations.”.

(b) CLERICAL AMENDMENT.—The analysis for chapter 601 is amended by inserting after the item relating to section 60139 the following:

“60140. Cover over buried pipelines.”.

#### SEC. 29. SEISMICITY.

In identifying and evaluating all potential threats to each pipeline segment pursuant to parts 192 and 195 of title 49, Code of Federal Regulations, an operator of a pipeline facility shall consider the seismicity of the area.

#### SEC. 30. TRIBAL CONSULTATION FOR PIPELINE PROJECTS.

Not later than 1 year after the date of enactment of this Act, the Secretary of Transportation shall develop and implement a protocol for consulting with Indian tribes to provide technical assistance for the regulation of pipelines that are under the jurisdiction of Indian tribes.

#### SEC. 31. PIPELINE INSPECTION AND ENFORCEMENT NEEDS.

(a) INSPECTION AND ENFORCEMENT NEEDS.—Not later than 12 months after the date of enactment of this Act, the Secretary of Transportation shall submit to the Committee on Transportation and Infrastructure and the Committee on Energy and Commerce of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report that provides information on—

(1) the total number of full-time equivalent positions for pipeline inspection and enforcement personnel at the Pipeline and Hazardous Materials Safety Administration;

(2) out of the total number of such positions, how many of the positions are not filled and the reasons why the positions are not filled;

(3) the actions the Administrator of the Pipeline and Hazardous Materials Safety Administration is taking to fill the positions; and

(4) any additional inspection and enforcement resource needs of the Pipeline and Hazardous Materials Safety Administration.

(b) STAFFING.—Subject to the availability of funds, the Secretary may increase the number of positions for pipeline inspection and enforcement personnel at the Pipeline and Hazardous Materials Safety Administration by 10 full-time equivalent employees, if—

(1) on or before September 30, 2014, the Secretary fills the 135 full-time equivalent positions for pipeline inspection and enforcement personnel specified in section 18(e) of the Pipeline Inspection, Protection, Enforcement, and Safety Act of 2006 (120 Stat. 3498); and

(2) in preparing the report under subsection (a), the Secretary finds that additional pipeline inspection and enforcement personnel are necessary.

#### SEC. 32. AUTHORIZATION OF APPROPRIATIONS.

(a) GAS AND HAZARDOUS LIQUID.—Section 60125(a) is amended to read as follows:

“(a) GAS AND HAZARDOUS LIQUID.—

“(1) IN GENERAL.—To carry out the provisions of this chapter related to gas and hazardous liquid and section 12 of the Pipeline Safety Improvement Act of 2002 (49 U.S.C. 60101 note; Public Law 107-355), there is authorized to be appropriated to the Department of Transportation for each of fiscal years 2012 through 2015, from fees collected under section 60301, \$90,679,000, of which \$4,746,000 is for carrying out such section 12 and \$36,194,000 is for making grants.

“(2) TRUST FUND AMOUNTS.—In addition to the amounts authorized to be appropriated by paragraph (1), there is authorized to be appropriated for each of fiscal years 2012 through 2015 from the Oil Spill Liability Trust Fund to carry out the provisions of this chapter related to hazardous liquid and section 12 of the Pipeline Safety Improvement Act of 2002 (49 U.S.C. 60101 note; Public Law 107-355), \$18,573,000, of which \$2,174,000 is for carrying out such section 12 and \$4,558,000 is for making grants.”.

(b) EMERGENCY RESPONSE GRANTS.—Section 60125(b)(2) is amended by striking “2007 through 2010” and inserting “2012 through 2015”.

(c) ONE-CALL NOTIFICATION PROGRAMS.—Section 6107 is amended—

(1) in subsection (a) by striking “2007 through 2010.” and inserting “2012 through 2015.”;

(2) in subsection (b) by striking “2007 through 2010.” and inserting “2012 through 2015.”; and

(3) by striking subsection (c).

(d) STATE DAMAGE PREVENTION PROGRAMS.—Section 60134 is amended by adding at the end the following:

“(i) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary to provide grants under this section \$1,500,000 for each of fiscal years 2012 through 2015. Such funds shall remain available until expended.”.

(e) COMMUNITY PIPELINE SAFETY INFORMATION GRANTS.—Section 60130 is amended—

(1) in subsection (a)(1) by striking “\$50,000” and inserting “\$100,000”;

(2) in subsection (b)—

(A) by inserting “to grant recipients and their contractors” after “this section”; and

(B) by inserting “, for direct advocacy for or against a pipeline construction or expansion project,” after “for lobbying”; and

(3) in subsection (d) by striking “\$1,000,000 for each of the fiscal years 2003 through 2010” and inserting “\$1,500,000 for each of fiscal years 2012 through 2015”.

(f) PIPELINE TRANSPORTATION RESEARCH AND DEVELOPMENT.—Section 12 of the Pipeline Safety Improvement Act of 2002 (49 U.S.C. 60101 note) is amended—

(1) in subsection (d) by adding at the end the following:

“(3) ONGOING PIPELINE TRANSPORTATION RESEARCH AND DEVELOPMENT.—

“(A) IN GENERAL.—After the initial 5-year program plan has been carried out by the participating agencies, the Secretary of Transportation, in coordination with the Director of the National Institute of Standards and Technology, as appropriate, shall prepare a research and development program plan every 5 years thereafter and shall transmit a report to Congress on the status and results-to-date of implementation of the program every 2 years. The biennial report shall include a summary of updated research needs and priorities identified through the consultation requirements of paragraph (2).

“(B) CONSULTATION.—The Secretary shall comply with the consultation requirements

of paragraph (2) when preparing the program plan and in the selection and prioritization of research and development projects.

“(C) FUNDING FROM NON-FEDERAL SOURCES.—The Secretary shall ensure at least 30 percent of the costs of program-wide research and development activities are carried out using non-Federal sources.”.

(2) in subsection (f) by striking “2003 through 2006.” and inserting “2012 through 2015.”.

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

□ 1900

#### ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. AUSTIN SCOTT of Georgia). Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on motions to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote incurs objection under clause 6 of rule XX.

Record votes on postponed questions will be taken later.

#### MANILAQ ASSOCIATION PROPERTY CONVEYANCE

Mr. HASTINGS of Washington. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 443) to provide for the conveyance of certain property from the United States to the Maniilaq Association located in Kotzebue, Alaska, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 443

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. CONVEYANCE OF PROPERTY.

(a) IN GENERAL.—As soon as practicable after the date of the enactment of this Act, but not later than 180 days after such date, the Secretary of Health and Human Services (in this Act referred to as the “Secretary”) shall convey to the Maniilaq Association located in Kotzebue, Alaska, all right, title, and interest of the United States in and to the property described in section 2 for use in connection with health and social services programs. The Secretary’s conveyance of title by warranty deed under this section shall, on its effective date, supersede and render of no future effect on any Quitclaim Deed the properties described in section 2 executed by the Secretary and the Maniilaq Association.

(b) CONDITIONS.—The conveyance required by this section shall be made by warranty deed without consideration and without imposing any obligation, term, or condition on the Maniilaq Association, or reversionary interest of the United States, other than that required by this Act or section 512(c)(2)(B) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 458aaa-11(c)(2)(B)).

#### SEC. 2. PROPERTY DESCRIBED.

The property, including all land and appurtenances, to be conveyed pursuant to section 1 is as follows:

(1) KOTZEBUE HOSPITAL AND LAND.—Re-Plat of Friends Mission Reserve, Subdivision No. 2,

U.S. Survey 2082, Lot 1, Block 12, Kotzebue, Alaska, containing 8.10 acres recorded in the Kotzebue Recording District, Kotzebue, Alaska, on August 18, 2009.

(2) KOTZEBUE QUARTERS AKA KIC SITE.—*Replat of Friends Mission Reserve, U.S. Survey 2082, Lot 1A, Block 13, Kotzebue, Alaska, containing 5.229 acres recorded in the Kotzebue Recording District, Kotzebue, Alaska, on December 23, 1991.*

(3) KOTZEBUE QUARTERS AKA NANA SITE.—*Lot 1B, Block 26, Tract A, Townsite of Kotzebue, U.S. Survey No. 2863 A, Kotzebue, Alaska, containing 1.29 acres recorded in the Kotzebue Recording District, Kotzebue, Alaska, on December 23, 1991.*

### SEC. 3. ENVIRONMENTAL LIABILITY.

(a) IN GENERAL.—*Notwithstanding any other provision of Federal law, the Maniilaq Association shall not be liable for any soil, surface water, groundwater, or other contamination resulting from the disposal, release, or presence of any environmental contamination, including any oil or petroleum products, or any hazardous substances, hazardous materials, hazardous waste, pollutants, toxic substances, solid waste, or any other environmental contamination or hazard as defined in any Federal law, on any property described in section 2 as of the date of the conveyance.*

(b) EASEMENT.—*The Secretary shall be accorded any easement or access to the property conveyed as may be reasonably necessary to satisfy any retained obligations and liability of the Secretary.*

(c) NOTICE OF HAZARDOUS SUBSTANCE ACTIVITY AND WARRANTY.—*The Secretary shall comply with section 120(h)(3)(A) and (B) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9620(h)(3)(A)).*

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Washington (Mr. HASTINGS) and the gentleman from the Northern Mariana Islands (Mr. SABLAN) each will control 20 minutes.

The Chair recognizes the gentleman from Washington.

#### GENERAL LEAVE

Mr. HASTINGS of Washington. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Washington?

There was no objection.

Mr. HASTINGS of Washington. Mr. Speaker, I yield myself such time as I may consume.

H.R. 443 is sponsored by our colleague from Alaska (Mr. YOUNG). The legislation directs the Indian Health Service to transfer three parcels of Federal land in Alaska to the Maniilaq Association. The association is a nonprofit entity that runs Federal Indian health services for Native people in northwest Alaska. The parcels of land subject to this legislation, which total about 15 acres, are currently the site of the existing Native health facility and of proposed long-term care facilities and employee housing.

The subject lands have already been conveyed by the Secretary to the asso-

ciation through a quit claim deed. The Federal Indian health laws, however, under these laws, transferring a land through the use of a quit claim deed could present some obstacles for the future use of the land by the association. H.R. 443 addresses this problem by directing the Secretary to convey the property through the use of a warranty deed. This method provides clean title to the land. The administration testified in support of the land transfer, and we have heard no other objection to this bill.

The bill was referred to the Committee on Energy and Commerce. The chairman of that committee, Mr. UPTON, has kindly forgone action on the bill in the interest of expediting its consideration on the House floor. I thank him for his cooperation and at this point would like to include in the RECORD an exchange of letters between our committees regarding this bill.

HOUSE OF REPRESENTATIVES,  
COMMITTEE ON ENERGY AND COMMERCE,

Washington, DC, December 7, 2011.

Hon. DOC HASTINGS,  
Chairman, Committee on Natural Resources,  
Washington, DC.

DEAR CHAIRMAN HASTINGS: I am writing concerning H.R. 443, to provide for the conveyance of certain property from the United States to the Maniilaq Association located in Kotzebue, Alaska, which was ordered reported out of your Committee on October 5, 2011. I wanted to notify you that the Committee on Energy and Commerce will forgo action on H.R. 443 so that it may proceed expeditiously to the House floor for consideration.

This is being done with the understanding that the Committee on Energy and Commerce is not waiving any of its jurisdiction, and the Committee will not in any way be prejudiced with respect to the appointment of conferees or its jurisdictional prerogatives on this or similar legislation.

I would appreciate your response to this letter, confirming this understanding with respect to H.R. 443, and would ask that a copy of our exchange of letters on this matter be included in the Congressional Record during consideration of the bill on the House floor.

Sincerely,

FRED UPTON,  
Chairman.

HOUSE OF REPRESENTATIVES,  
COMMITTEE ON NATURAL RESOURCES,  
Washington, DC, December 7, 2011.

Hon. FRED UPTON,  
Chairman, Committee on Energy and Commerce,  
Washington, DC.

DEAR MR. CHAIRMAN: Thank you for your letter regarding H.R. 443, to provide for the conveyance of certain property from the United States to the Maniilaq Association located in Kotzebue, Alaska. As you know, the Committee on Natural Resources ordered the bill reported by unanimous consent on October 5, 2011. The Committee on Natural Resources is interested in bringing this legislation before the House of Representatives, and accordingly, appreciates that the Committee on Energy and Commerce will forego action on the bill.

The Committee on Natural Resources concurs that by foregoing consideration of H.R.

443 at this time, the Committee on Energy and Commerce does not waive any jurisdiction over the subject matter contained in this or similar legislation. In addition, should a conference on the bill be necessary, I would support your request to have the Committee on Energy and Commerce represented on the conference committee. Finally, I would be pleased to include your letter and this response in the bill report filed by the Committee on Natural Resources, as well as the Congressional Record during floor consideration, to memorialize our understanding.

Thank you for your cooperation.

Sincerely,

DOC HASTINGS,  
Chairman.

With that, Mr. Speaker, I urge the House to pass the bill, and I reserve the balance of my time.

Mr. SABLAN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 443.

This bill would provide the Maniilaq Association with clear title to land previously conveyed to it by the United States. Elimination of this restriction would enable the association to obtain loans for improvements to the property without Federal involvement.

I urge my colleagues to support the passage of this legislation, and I reserve the balance of my time.

Mr. HASTINGS of Washington. Mr. Speaker, I am very pleased to yield such time as he may consume to the author of this legislation, the gentleman from Alaska (Mr. YOUNG).

Mr. YOUNG of Alaska. I thank the gentleman for yielding, and I want to thank Chairman HASTINGS and the ranking member for their cooperation in moving this bill.

As you said in your explanation, this is a noncontroversial bill. It solves the problem for the health providers of that area in Kotzebue.

I urge the House to pass the bill.

Mr. SABLAN. Mr. Speaker, I yield back the balance of my time.

Mr. HASTINGS of Washington. Mr. Speaker, I urge support of the bill, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Washington (Mr. HASTINGS) that the House suspend the rules and pass the bill, H.R. 443, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. HASTINGS of Washington. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

The point of no quorum is considered withdrawn.

# RATTLESNAKE MOUNTAIN PUBLIC ACCESS ACT OF 2011

Mr. HASTINGS of Washington. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2719) to ensure public access to the summit of Rattlesnake Mountain in the Hanford Reach National Monument for educational, recreational, historical, scientific, cultural, and other purposes.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 2719

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

## SECTION 1. SHORT TITLE.

*This Act may be cited as the “Rattlesnake Mountain Public Access Act of 2011”.*

## SEC. 2. FINDINGS.

*Congress finds the following:*

(1) *The Hanford Reach National Monument is public land that belongs to the American people.*

(2) *The United States Fish and Wildlife Service’s Comprehensive Conservation Plan (CCP) for the Monument restricts public access to large portions of the Monument, including the summit of Rattlesnake Mountain.*

(3) *Public access to Rattlesnake Mountain is important for educational, recreational, historical, scientific, and cultural purposes.*

(4) *Rattlesnake Mountain reaches an elevation of 3,660 feet above sea level—the highest elevation of the Monument, and provides unparalleled scenic views over the Monument, the Hanford Site, and the Columbia River.*

(5) *Public access to Rattlesnake Mountain will increase tourism interest in the Monument and will provide economic benefits to local governments.*

## SEC. 3. ENSURING PUBLIC ACCESS TO THE SUMMIT OF RATTLESNAKE MOUNTAIN IN THE HANFORD REACH NATIONAL MONUMENT.

(a) *IN GENERAL.—The Secretary of the Interior shall provide public access to the summit of Rattlesnake Mountain in the Hanford Reach National Monument for educational, recreational, historical, scientific, cultural, and other purposes, including—*

*(1) motor vehicle access; and*

*(2) pedestrian and other nonmotorized access.*

(b) *COOPERATIVE AGREEMENTS.—The Secretary of the Interior may enter into cooperative agreements to facilitate access to the summit of Rattlesnake Mountain—*

*(1) with the Secretary of Energy, the State of Washington, or any local government agency or other interested persons, for guided tours, including guided motorized tours to the summit of Rattlesnake Mountain; and*

*(2) with the Secretary of Energy, and with the State of Washington or any local government agency or other interested persons, to maintain the access road to the summit of Rattlesnake Mountain.*

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Washington (Mr. HASTINGS) and the gentleman from the Northern Mariana Islands (Mr. SABLON) each will control 20 minutes.

The Chair recognizes the gentleman from Washington.

### GENERAL LEAVE

Mr. HASTINGS of Washington. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Washington?

There was no objection.

Mr. HASTINGS of Washington. Mr. Speaker, I yield myself such time as I may consume.

H.R. 2719 directs the Department of the Interior to ensure public access to the summit of Rattlesnake Mountain, located within the Hanford Reach National Monument in my district.

At 3,600 feet, Rattlesnake Mountain is the highest point in the region and provides unparalleled views for miles around the monument, the Hanford Site, the Columbia River, the Yakima River and the Snake River. Unfortunately, it took the Fish and Wildlife Service 8 years to write a management plan that effectively closed Rattlesnake Mountain to public access, despite the public comments favoring just the opposite.

After I introduced this bill last Congress, the Fish and Wildlife Service, in October of 2010, offered two public tours for selected individuals, and then suddenly reneged on the offer just days before the tours were to occur without any explanation. During a recent committee hearing on the bill, the Interior Department’s testimony suggested that the Fish and Wildlife Service supports tours of Rattlesnake Mountain, but very carefully didn’t go the extra step of ensuring that the Service would allow public access to the actual summit. Access to the mountain and access to the summit are two entirely different matters.

To put it bluntly, Mr. Speaker, the Service has had more than 10 years, and they say it will take several more before they can determine if it will allow the American people to have access to this portion of the monument. That is why this bill is so necessary to guarantee public access by law and to do so in a very timely manner.

Mr. Speaker, I might add the tallest mountain in Washington State is Mount Rainier at 14,410 feet. People have access up to that under certain conditions. This is a mountain that has no trees; it’s 3,600 feet. There’s no reason why people shouldn’t have access.

And to that extent, the legislation is supported by the Tri-Cities Development Council, the Board of Benton County Commissioners in which Rattlesnake Mountain is located, the Tri-Cities Regional Chamber of Commerce, the Tri-Cities Visitor and Convention Bureau, and the Back Country Horsemen of Washington.

The American people deserve to have access to public lands, including Rattlesnake Mountain. I ask that the House pass this reasonable legislation today to help make that possible.

□ 1910

I note that the bill was reported by the Committee on Natural Resources

by unanimous consent, and I appreciate the support of my colleagues on both sides of the aisle for this measure.

With that, I urge my colleagues to support the bill, and I reserve the balance of my time.

Mr. SABLON. Mr. Speaker, I yield myself such time as I may consume.

I rise in support of H.R. 2719, which would require the Fish and Wildlife Service to provide both motorized and non-motorized access to the summit of Rattlesnake Mountain. This bill would allow the Fish and Wildlife Service to enter into cooperative agreements with the Department of Energy, the State of Washington, local governments, and other interested persons to provide guided tours to the summit of the mountain and to maintain the access road to the summit.

In 2008 the Fish and Wildlife Service completed a management plan for this area and determined that Service-sponsored or led tours and a hiking trail are appropriate and compatible uses of the area. In October, at the hearing on H.R. 2719, the Fish and Wildlife Service supported the bill’s intent to provide appropriate public access on Rattlesnake Mountain that gives due consideration to all stakeholders, including the Yakima tribe.

I commend Chairman HASTINGS from Washington for introducing this bill.

I yield back the balance of my time.

Mr. HASTINGS of Washington. Mr. Speaker, I urge my colleagues to support this bill, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Washington (Mr. HASTINGS) that the House suspend the rules and pass the bill, H.R. 2719.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. HASTINGS of Washington. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

The point of no quorum is considered withdrawn.

## SUGAR LOAF FIRE PROTECTION DISTRICT LAND EXCHANGE ACT OF 2011

Mr. HASTINGS of Washington. Mr. Speaker, I move to suspend the rules and pass the bill (S. 278) to provide for the exchange of certain land located in the Arapaho-Roosevelt National Forests in the State of Colorado, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the amendment is as follows:

Amendment:

Strike out all after the enacting clause and insert:

#### SECTION 1. SHORT TITLE.

This Act may be cited as the “Sugar Loaf Fire Protection District Land Exchange Act of 2011”.

#### SEC. 2. DEFINITIONS.

In this Act:

(1) **DISTRICT.**—The term “District” means the Sugar Loaf Fire Protection District of Boulder, Colorado.

(2) **FEDERAL LAND.**—The term “Federal land” means—

(A) the parcel of approximately 1.52 acres of land in the National Forest that is generally depicted on the map numbered 1, entitled “Sugarloaf Fire Protection District Proposed Land Exchange”, and dated November 12, 2009; and

(B) the parcel of approximately 3.56 acres of land in the National Forest that is generally depicted on the map numbered 2, entitled “Sugarloaf Fire Protection District Proposed Land Exchange”, and dated November 12, 2009.

(3) **NATIONAL FOREST.**—The term “National Forest” means the Arapaho-Roosevelt National Forests located in the State of Colorado.

(4) **NON-FEDERAL LAND.**—The term “non-Federal land” means the parcel of approximately 5.17 acres of non-Federal land in unincorporated Boulder County, Colorado, that is generally depicted on the map numbered 3, entitled “Sugarloaf Fire Protection District Proposed Land Exchange”, and dated November 12, 2009.

(5) **SECRETARY.**—The term “Secretary” means the Secretary of Agriculture.

#### SEC. 3. LAND EXCHANGE.

(a) **IN GENERAL.**—Subject to the provisions of this Act, if the District offers to convey to the Secretary all right, title, and interest of the District in and to the non-Federal land, and the offer is acceptable to the Secretary—

(1) the Secretary shall accept the offer; and

(2) on receipt of acceptable title to the non-Federal land, the Secretary shall convey to the District all right, title, and interest of the United States in and to the Federal land.

(b) **APPLICABLE LAW.**—Section 206 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1716) shall apply to the land exchange authorized under subsection (a), except that—

(1) the Secretary may accept a cash equalization payment in excess of 25 percent of the value of the Federal land; and

(2) as a condition of the land exchange under subsection (a), the District shall—

(A) pay each cost relating to any land surveys and appraisals of the Federal land and non-Federal land; and

(B) enter into an agreement with the Secretary that allocates any other administrative costs between the Secretary and the District.

(c) **ADDITIONAL TERMS AND CONDITIONS.**—The land exchange under subsection (a) shall be subject to—

(1) valid existing rights; and

(2) any terms and conditions that the Secretary may require.

(d) **TIME FOR COMPLETION OF LAND EXCHANGE.**—It is the intent of Congress that the land exchange under subsection (a) shall be completed not later than 1 year after the date of enactment of this Act.

(e) **AUTHORITY OF SECRETARY TO CONDUCT SALE OF FEDERAL LAND.**—

(1) **IN GENERAL.**—In accordance with paragraph (2), if the land exchange under subsection (a) is not completed by the date that is 1 year after the date of enactment of this Act, the Secretary may offer to sell to the District the Federal land.

(2) **VALUE OF FEDERAL LAND.**—The Secretary may offer to sell to the District the Federal land for the fair market value of the Federal land.

(f) **DISPOSITION OF PROCEEDS.**—

(1) **IN GENERAL.**—The Secretary shall deposit in the fund established under Public Law 90-171 (commonly known as the “Sisk Act”) (16 U.S.C. 484a) any amount received by the Secretary as the result of—

(A) any cash equalization payment made under subsection (b); and

(B) any sale carried out under subsection (e).

(2) **USE OF PROCEEDS.**—Amounts deposited under paragraph (1) shall be available to the Secretary, without further appropriation and until expended, for the acquisition of land or interests in land in the National Forest System.

(g) **MANAGEMENT AND STATUS OF ACQUIRED LAND.**—The non-Federal land acquired by the Secretary under this section shall be—

(1) added to, and administered as part of, the National Forest; and

(2) managed by the Secretary in accordance with—

(A) the Act of March 1, 1911 (commonly known as the “Weeks Law”) (16 U.S.C. 480 et seq.); and

(B) any laws (including regulations) applicable to the National Forest.

(h) **REVOCATION OF ORDERS; WITHDRAWAL.**—

(1) **REVOCATION OF ORDERS.**—Any public order withdrawing the Federal land from entry, appropriation, or disposal under the public land laws is revoked to the extent necessary to permit the conveyance of the Federal land to the District.

(2) **WITHDRAWAL.**—On the date of enactment of this Act, if not already withdrawn or segregated from entry and appropriation under the public land laws (including the mining and mineral leasing laws) and the Geothermal Steam Act of 1970 (30 U.S.C. 1001 et seq.), the Federal land is withdrawn until the date of the conveyance of the Federal land to the District.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Washington (Mr. HASTINGS) and the gentleman from the Northern Mariana Islands (Mr. SABLAN) each will control 20 minutes.

The Chair recognizes the gentleman from Washington.

#### GENERAL LEAVE

Mr. HASTINGS of Washington. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Washington?

There was no objection.

Mr. HASTINGS of Washington. Mr. Speaker, I yield myself such time as I may consume.

S. 278 will exchange approximately 5 acres of land between the Forest Service and the Sugar Loaf Fire Protection District in Colorado. The District has operated two fire stations on Forest Service land since 1967 but has been unable to install septic services or make other improvements to the fire stations since it does not own the land.

This bill would correct this issue by conveying the lands to the District in exchange for an inholding it currently owns within the Arapaho-Roosevelt National Forest, at no cost to the Federal Government. The Committee on Natural Resources has already favor-

ably reported the House version of this bill, H.R. 643, and if we pass this bill, the bill will go to the President's desk.

With that, I urge adoption of the measure and reserve the balance of my time.

Mr. SABLAN. Mr. Speaker, I yield myself such time as I may consume.

Since 1967 the Forest Service has issued two special use permits to the Sugar Loaf Fire Protection District to own and operate two fire stations on National Forest System land.

The District would like to own the parcels of land on which the fire stations sit in order to build an area for firefighter training and bathroom facilities. The land exchange authorized in this legislation will assist the Fire District in its mission and is in the public interest. I support passage of this measure.

Mr. Speaker, the gentleman from Colorado, Congressman POLIS, sponsored the House companion to this legislation, H.R. 643. I commend Congressman POLIS for his work on this bill and wish to yield him such time as he may consume.

Mr. POLIS. I thank the gentleman.

Mr. Speaker, I rise today to provide a description and some color for this important bill, which passed this body last session in the 111th Congress without any objection and did not make it through the Senate last session.

Well, I am proud to say that, since that point, Senate bill 278 has cleared the Senate. It's the companion to my bill, H.R. 643. There are some minor changes to comply with House rules that are going to be sent back to the Senate, and we sure hope that, expeditiously, we can get this bill to President Obama's desk because what we're trying to accomplish here is very simple and noncontroversial.

It's the result of a longtime effort, far too long, by the Sugar Loaf Fire Protection District in Sugar Loaf, Colorado. This Fire Protection District came to national notice for their heroic efforts in the Fourmile Canyon Fire last year, which, remarkably, while it led to considerable property damage led to no loss of life, thanks in no small part to their heroic efforts.

Sugar Loaf Fire Protection District and the U.S. Forest Service have always worked together very closely since the Fire District was created in 1967. The volunteer first responders at the Sugar Loaf Fire Protection District are the key to both wildland and residential fires in Boulder County, as well as car accidents and health emergencies in the communities and public lands that they so capably serve.

However, until this bill becomes law, they're unable to make any improvements to their facility. They can't even add a much-needed restroom facility so that their volunteers can have the same type of plumbing that we can expect in this day and age.

In its start, again, since 1967, the Fire District's physical home was established in an existing building on U.S. Forest Service land through a special use permit. Three years later a second building was constructed, another special use permit, both in important locations for accessibility on the few main roads that serve this mountainous area.

This bill will exchange the small amount of Federal land on which these facilities exist with private land that's been purchased by the Fire District for this transfer, land that's better suited for the scenic and recreational needs of the public lands. It's a net gain for our Federal Government.

While the U.S. Forest Service and these special use permits have been greatly appreciated over the 40-year history, it's important that the Fire District has the autonomy to direct its future, modernize its facilities, build basic amenities like running water and restrooms. And their location on public land has precluded them from making these modernizations, which we need to better protect both our wildlands and residential areas.

The surrounding communities have grown considerably over the past decades, and these volunteer fire departments and the buildings that serve them have taken on additional responsibilities as community meeting centers, making it even more critical that we update them to facilitate this role.

Mr. Speaker, I appreciate Chairman HASTINGS' and Ranking Member MARKEY's efforts in bringing this bill to the floor, hopefully seeing this bill through to law soon. This bill's been passed out of both Chambers of Congress now, but just hasn't been able to make it past the finish line within a single Congress in one form, barely running out of time in the Senate last year.

By the House agreeing to take up the Senate bill, I'm confident and thankful that this commonsense bill will finally become law.

Again, I thank Chairman HASTINGS and Ranking Member MARKEY for bringing this bill to the floor. I urge a "yes" vote on this measure.

Mr. HASTINGS of Washington. Mr. Speaker, I yield myself such time as I may consume.

I just note to my friend from Colorado, he said that the bill passed the House last year and the Senate didn't act on it. I think it's very good strategy on his part to take the Senate bill. Now we, of course, have to perfect it, but we'll send it back and maybe this will be easier for them to act. I certainly hope so.

With that, I urge passage of the bill. I advise my friend that I am prepared to yield back if he yields back.

Mr. SABLON. Mr. Speaker, I yield back the balance of my time.

Mr. HASTINGS of Washington. Mr. Speaker, I again urge adoption of this

bill, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Washington (Mr. HASTINGS) that the House suspend the rules and pass the bill, S. 278, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. HASTINGS of Washington. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

The point of no quorum is considered withdrawn.

□ 1920

#### BRIAN A. TERRY MEMORIAL ACT

The SPEAKER pro tempore. The unfinished business is the question on suspending the rules and passing the bill (H.R. 2668) to designate the station of the United States Border Patrol located at 2136 South Naco Highway in Bisbee, Arizona, as the "Brian A. Terry Border Patrol Station."

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. DENHAM) that the House suspend the rules and pass the bill.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

#### FORT HOOD SHOOTINGS: WORKPLACE VIOLENCE OR TERRORISM?

The SPEAKER pro tempore. Under the Speaker's announced policy of January 5, 2011, the gentleman from Texas (Mr. CARTER) is recognized for 60 minutes as the designee of the majority leader.

Mr. CARTER. Mr. Speaker, 13 adults and one unborn child were killed and 31 individuals were wounded in a shooting attack at Fort Hood, Texas, on November 5, 2009. Since that time, the Department of Defense has taken no steps to award combat benefits to the casualties or even officially recognize the attack as a terrorist incident.

The House and Senate have included two reform measures in the NDAA, which we just passed, while additional attacks have been attempted by similar high-profile radical Islamic terrorists. It is past time for the government to deliver on this act.

Mr. Speaker, here we are almost 3 years later, and there's been a recent report that has come out; and in that report, it references this incident of this slaughter of American troops on Fort Hood soil in Texas. It references that it shall be taken up as part of workplace violence.

The Obama regime calls the Fort Hood shooting "workplace violence." Sure, it's workplace violence: it's where they work and it's violence. But we have a concept of what workplace violence is. And your normal workplace violence is not preceded by a shout by the shooter, "God is great," in the Arabic language. It's not preceded by discussions by the alleged perpetrator. It's alleged because he hasn't been convicted yet. And we, in a free American world, take the position that all are innocent until proven guilty. So we will call him the "alleged" shooter.

But there's clear evidence in reports by the Defense Department and by reports by the news media, reports by witnesses on the scene, reports by his fellow soldiers, reports by folks from Walter Reed Hospital where this American-trained, military-trained doctor worked that he had advocated that the American soldier was wrong and that he was contrary, and he spoke and preached Islamic terrorism.

So your normal workplace violence, that's not a part of the factor. Yet this is what happened in this case. Senator COLLINS on Wednesday blasted the Defense Department, and bless her for it, for classifying the Fort Hood massacre as workplace violence and suggested political correctness is being placed above the security of the Nation's Armed Forces at home.

I've been talking about this now since the day after this happened. We can't have a world where political correctness fails to define the criminal act. By its very nature, whether we're talking about military law and the criminal relations in military law, we're just talking about criminal acts in general, we have to be able to define them. Just to make the system work we have to be able to define them.

But more importantly, we owe a duty and a responsibility to the American soldier to call an event what it is and not try to put a smokescreen over it or cloud the issue or in any way worry about the feelings of groups, because the definition is the definition. This man identified himself that he was committing this act in the name of "God is great" in Arabic. He acknowledged when questioned that it was part of his mission. He acknowledged that he had dealt with terrorist spokesmen in the past and that the concept came from his interaction with Awlaki and others.

So this guy is an Islamic terrorist. There's no other way you can describe this gentleman.

But now years after the event as he sits in the Bell County Jail in Belton,

Texas, we continue to have reports coming down from our Defense Department that the folks that are responsible for our soldiers and responsible for those who died in this incident want to downplay this to be treated as an incident of workplace violence with all the white bread connotation that that has. To me, we ought to be ashamed of ourselves.

So let's look at some of the evidence we have that connects this to Islamic terrorism, recognizing the November 5, 2009, attack on Fort Hood, Texas, as an act of radical Islamic terrorism and jihad.

□ 1930

Anwar Awlaki connection. Now, Mr. Awlaki is no longer with us. We have taken that boy out. Yet the bottom line is, at the time this happened, they were directly connected.

This man preached, taught, and encouraged violence—Islamic terrorist violence: "Hasan's presentations to the DOD on jihad justification." He would argue with his fellow soldiers about the justification for having jihad against the American military. Mr. Hasan was a member of the United States Army. He was a major. He had been serving in the Medical Corps as a psychiatrist. He was trained with American taxpayer dollars, but he was preaching jihad to soldiers, and there was lots of evidence.

I had a bill, which was included in this recent defense bill that we just passed. It said that this guy was telling people that he'd believed in this kind of thing since medical school. Now he's a major, serving as a psychiatrist, advising our soldiers.

"Hasan purchased and practiced with high-capacity firearms prior to the attack." He went out and he bought firearms. He bought them at a local gun store. Of the guns that were used in the killings, one of them was a semiautomatic weapon with a large magazine capacity. He went out to the firing range and familiarized himself with these weapons prior to this incident.

You can't think of this as some guy who goes postal all of a sudden. This guy was planning this whole event. He shouts, "God is great" in Arabic, before he starts shooting, but they refer to it in the context of the broader threat of workplace violence. I think there is a very good argument that the evidence shows this was a premeditated act on the part of Major Hasan; and I believe when this case finally gets to trial that the evidence will be overwhelming that it was premeditated.

At the time of the event, Lieutenant General Cone, the III Corps Commander at Fort Hood, told NBC's "Today" show on the Friday after the shooting that the soldiers who witnessed the shooting rampage that left 13 people dead reported that the gunman shouted, "Allahu Akbar"—which means "God is great"—before opening fire at the Texas post.

The day after, it was being reported that he did this. Yet, in the initial report that came out from the Defense Department, the man's name didn't even appear. The relationship to any Islamic terrorism was not referenced. It was like any major from any outfit just wandered in and started shooting soldiers, like he was having a bad day or something.

Now we get another comment saying that we're going to treat this in the bigger scope of workplace violence. Certainly, we want to prevent workplace violence in every workplace, but the connotation is that this is just something that happened. It's not something that just happened because, quite honestly, since that time, others have been caught who reportedly were trying to imitate this shooter, Mr. Hasan.

We introduced a bill, the Fort Hood Families Benefits Protection Act. It would award both military and civilian casualties of the Fort Hood attack with combat status to ensure full benefits and eligibility for the Purple Heart and other awards and for the civilian award equivalence to the Secretary of Defense's Defense of Freedom medal.

Now, why did I ask for that? Because there was a precedent for it. When they flew the plane into the Pentagon on 9/11, this is what was the finding of the Department of Defense—that it was an act of terrorism, and therefore they should be treated as combat casualties, and those two medals were awarded. This didn't just come off the top of my head. This is what happened with the first terrorist attack in our country and with the second or third or whatever attack this one was.

When this man walked into that room, there were people in civilian garb, and there were people in uniform. He went out of his way to shoot the people in uniform. The civilians who were injured were injured because of misfire or misdirection. As he walked down that line, his target was all of those soldiers who were doing nothing more than either coming back from being off post and out of the country—or wherever they'd been—or preparing for their next duty stations, wherever they may be going—Iraq or Afghanistan. They were being processed and they were in this big room. He walked down the line, shooting everybody in uniform.

Now, when you're killing our combat soldiers and when you're crying out slogans of the jihad terrorists, why wouldn't you think it's a terrorist attack, and why shouldn't these people who died in the line of duty be treated like those at the Pentagon who died in the line of duty?

In fact, except for what we were able to put together in circumstantial evidence after the fact, at the time of the incident, we had no idea who flew that plane into the Pentagon. We just made

an educated guess. In this case, before this shooting started, the guy identified himself and what his mission was.

For some reason, in this world of political correctness, someone has the idea that this is good for the morale of our military soldiers or that it's good for something as, I think, the Chief of Staff said when this happened: Oh, this is sure going to hurt our Islamic outreach program.

Whether it's good for that or not, I hold nothing against the Islamic people nor does anybody at Fort Hood; but we hold a lot against Islamic terrorists who kill soldiers, and the Department of Defense should have the guts to step up and to stand up for these soldiers.

I see my good friend and colleague from Texas, former Judge LOUIE GOHMERT, has joined me here.

Congressman GOHMERT, I yield such time as you may require.

Mr. GOHMERT. I thank my friend, and I appreciate his taking the time to discuss this matter of national security.

I have the quote directly here from Army Chief of Staff General George W. Casey, Jr., who was the Chief of Staff at the time of the Fort Hood attack. He came out and had this prepared quote to give.

Mr. CARTER. He was Chief of Staff of the Army.

Mr. GOHMERT. Chief of Staff of the Army.

Mr. CARTER. Correct.

Mr. GOHMERT. This is a quote that, obviously, he and those helping him had prepared to give in response to 14 people being killed. We know one was an unborn child and that one of the people was a pregnant woman—a female soldier. So here is the quote that they had prepared after 13 of his soldiers lay either dying or dead at Fort Hood:

"I'm concerned that this increased speculation could cause a backlash against some of our Muslim soldiers . . . Our diversity, not only in our Army but in our country, is a strength; and as horrific as this tragedy was, if our diversity becomes a casualty, I think that's worse."

□ 1940

This is a general who is charged with leading soldiers and directing soldiers in war and in battle with an avowed enemy. Well, we have an enemy who has sworn to be at war with us. And one of those enemies was Major Hasan at Fort Hood, who went off on a shooting spree.

Now unfortunately, our leaders did not bother to monitor the security of our own soldiers, such that when Major Hasan made actual pronouncements in advance that he could not be deployed and be a Muslim because, in his interpretation of the Koran—thankfully it's not all of our Muslim soldiers in the U.S. military that have this interpretation—but his interpretation was that



he could not be deployed because that might require him to kill Muslims in a foreign country without cause.

And under the belief of some Muslims, like Major Hasan, if he were to kill a Muslim without cause—for example, in his way of thinking, it is appropriate cause, say, if a Muslim were to become a Christian, then that is a cause, in his mind, worthy of killing the individual, if they committed this horrible crime, in his mind, according to the Koran, of becoming a Christian. That's worth killing them for. But since he couldn't be sure that in a foreign country in a battle with Muslims that he might not be required to shoot someone who had not committed apostasy and not committed some act that justified murder under the Koran, then he could not be deployed. And if he were deployed, he would have to kill American soldiers to avoid having to go kill soldiers overseas.

It is interesting because you would think that the military would be concerned about this issue and that we would try to make sure that this incident that happened at Fort Hood would not happen again. You would think that when this private showed up on al Jazeera in uniform and told al Jazeera basically the same things that Major Hasan had, that people like General Casey would be concerned. But apparently, he was more concerned about our diversity than he was about the lives of his own soldiers.

So when you see this private on al Jazeera—and it's not hard. You can go online and find this on YouTube, his interview—he spoke in English. But the story was done actually in the language that al Jazeera prefers, and it's not English. He explained basically what Major Hasan did. And this is a line from al Jazeera, "I can't both deploy and be a Muslim." And we have the transcript of what he said, the transcript of the story. But basically, he was letting people like General Casey, that would bother to worry about the—well, not General Casey, because he is worried about diversity, and the safety of his soldiers is secondary to that. But for those who are concerned, number one, about the safety of those in this country and making sure that their own soldiers are tantamount, in their minds, they would be concerned when you have another soldier saying the same things Major Hasan did before the killing spree.

So we know that there are people in our special ops, in our military that noted this, that saw this, that said, This is a guy we had better watch. But because the people at the top are more concerned about diversity than they are about our soldiers' safety—I mean, it's bad enough that they put their lives on the line. They're willing to do that in combat. But you would think that there would be more concern for their own safety in their own units. Nothing was done about this private.

And despite this Justice Department trying to vilify gun dealers whom it forced into making sales to criminals who carry guns across the border, and despite the efforts that were made to maybe—and in fact, names were produced, pictures were produced of gun dealers out of the Fast and the Furious program—despite that, it was not General Casey, not one of his subordinates, not one of our own people in the military that reported this guy. No. Nothing was done, even though they knew he was ready to pull a Major Hasan, he could not be deployed, nothing was done. And it was not until he went to a gun dealer. The gun dealer became suspicious. The gun dealer reported him. Thank God for Americans like that gun dealer who realized, We've got our own soldiers' lives at stake here. He reported him.

Then locally he was dealt with and interdiction occurred, and he was not given the chance to kill the soldiers he wanted to, again at Fort Hood. Because if it weren't for the gun dealer and those intervening—not the military, not our intelligence, who surely monitor al Jazeera and would surely note a soldier in uniform with the screaming eagle patch on his arm, and that this is something we need to worry about.

But because we have become so politically correct, to the detriment and death of our own soldiers, nothing was done from intelligence, from State, from Justice. It took a local gun dealer to protect our soldiers at Fort Hood. And you wonder how many more times this is going to have to happen.

Heck, this soldier—you can go on Facebook, and you can find that he notes his activities and interests. CAIR, the Council on American-Islamic Relations. CAIR is named in the Holy Land Foundation trial as a coconspirator. There was evidence produced that showed that CAIR was also funding terrorism, funding Hamas, participating in that venture with the Holy Land Foundation, as found by the Fifth Circuit when they refused to eliminate CAIR's name from their pleadings. He identifies CAIR as one of his interests and activities. And our intelligence, our military, they didn't pick up on that. Why? Because that would be politically incorrect and might hurt our diversity.

We've got outstanding Muslim soldiers serving in our military who love and care about this country, like all other soldiers. But it is insane and I believe a violation of the commitment and oath that every officer takes—like I did when I went in the military—not to keep your eyes open and protect those people who are put to your service as your charges.

So here he is, Nasser Abdo. He went on al Jazeera. He makes it clear, he may have to kill American soldiers. He cannot allow himself to be deployed as a Muslim. He requested conscientious

objector status. And all we can do is thank God for the gun dealer that did what his superiors should have done in this case. It's time to end political correctness when it costs the lives of those protecting us.

I thank my friend for yielding.

Mr. CARTER. When you read the reports on Major Hasan, he was acting erratically. In the months before the attack, he promoted radical Islamic views while at Walter Reed Hospital. He exchanged email with Anwar al-Awlaki, a Yemeni cleric with terrorist ties. All of those references also pertained to the soldiers you were talking about right there. It is all part of a network.

□ 1950

Now, is every Muslim that is involved in the United States military involved in this? Absolutely not. I went to the National Training Center in California, and I met loyal, truly loyal and patriotic Muslim Americans who are helping our soldiers understand the nature, the language, the concepts, everything that they might be facing as they interact with Muslim civilians over in Iraq. And they do it in constructed villages.

I met a guy who was a former cab driver from Chicago who said, Man, I've come up in the world; I'm now mayor of this town, because he was negotiating with a mayor and city councilman for our soldiers as they came into the National Training Center. These people are patriots. They are living out in the desert just to help our soldiers understand.

I'm not anti those folks, but you can't have a world where you refuse to identify evil, and this is what you do when political correctness overcomes the truth.

Janet Napolitano personally testified: Violent Islamic terrorism was part and parcel of the Fort Hood killings, Homeland Security Napolitano said on February 24, 2010, about 3 months after the event, 4 months after the event, in a Senate Homeland Security Committee. She testified—accurately—and I praise her for it, that this was a terrorist act.

And yet we continue to have from the Department of Defense the soft-soaping of this whole issue and the disguising of this whole issue. And now with their statement that they are going to deal with it as they would deal with any workplace violence, you know, it just never stops.

The shoe bomber, the Christmas following this incident, the shoe bomber who did exactly what Major Hasan did, reading back what the press reported, acted erratically before his attack, promoted radical Islamic views, and exchanged emails with Awlaki in Yemen. He did all of those things. And when caught, referenced Major Hasan as one of his heroes. He got caught before he blew up an airplane. Praise God. Thank goodness.



So, you know, over 3 years since the incident, the Defense Department is still taking the position that this should be treated as normal workforce violence or something to that effect.

I yield to the gentleman.

Mr. GOHMERT. I think it is particularly interesting that this determination by the Army came, or our military leaders, came here in December. We just observed—it wasn't a celebration—we observed the anniversary of Pearl Harbor. As Judge CARTER pointed out numerous times, the victims of the 9/11 attack on the Pentagon have been recognized as victims of warfare. They were attacked by people of the same belief as Major Hasan, that he secures a place in paradise if he is killed while killing infidels like his soldier friends.

In fact, those soldiers that he was also hired to counsel as a counselor at Fort Hood, a local imam for Fort Hood, and yet one cannot help but wonder if these same folks who declared the deaths at the hands of a Muslim extremist at Fort Hood, if these same people in charge today had been in charge on December 7, 1941, then there is nothing to indicate their reasoning would have been different. All of those soldiers killed at Pearl Harbor, those entombed in the Arizona, those killed in that horrific surprise attack, actually they were at their duty stations. They were at work and someone came and killed them. Therefore, apparently under the reasoning as applied at Fort Hood, those killed at Pearl Harbor could also be considered as having been killed in workplace violence. It was violent. It was their workplace. Therefore, our mental geniuses that decided Fort Hood was workplace violence could say that about Pearl Harbor.

Mr. CARTER. Don't you wonder have we changed so much since the attack on Pearl Harbor that we don't recognize an enemy attack on us and we just want to stick our head in the sand and act like it didn't happen?

Here's an interesting report from Time magazine. They are asking the question, and they state: The U.S. military just released a report—this is that first report—not once mentioning Major Hasan's name or even discussing whether the killings had anything to do with his Muslim faith. The fort ignores the elephant in the room.

That's what I said. And it's true. It does ignore the elephant in the room. If before the first bullet is fired, a man shouts, Allahu Akhbar, that elephant is in the room. And all of the cover-up and all of the writing of the reports with reference to typical workforce violence, or treat it as workforce violence, it doesn't make sense. It was an attack on American soldiers in uniform.

I yield to the gentleman.

Mr. GOHMERT. With regard to that very issue, we know that in the 9/11 Commission there were hundreds of

mentions of Islam, jihad, all of these type things that we know were involved. And again, we thank God that the vast majority of Muslims love this country like we do. They are not about to kill Christians, Jews; but there are those in the radical element that believe otherwise. And we ought to be able to talk about it. We now know that this administration has seen to such a purging of our training material for Defense Department, Intelligence, State, that in the current lexicon from which the FBI, our intelligence folks are trained, there are zero mentions of Islam, zero mentions of jihad, zero mentions of the very things that created the worst attack on American soil in American history.

As one of our own officers told me: We have been blinded in this war with those using terrorism. We're not allowed to see our enemy. We're not allowed to describe our enemy. We're not allowed to talk about who the real enemy is. We're just expected to protect America with our eyes closed and our mouths shut. That's no way to protect America.

Mr. CARTER. This exhibit here is from the San Francisco Chronicle: Political Correctness on Fort Hood at the Pentagon. Political correctness is alive in the Pentagon. Witness the protecting the force lessons from Fort Hood. A Department of Defense report released last week on the November 5 shooting, if the report's purpose was to craft lessons to prevent future attacks, how could they leave out radical Islam? Ignoring Hasan's pro-terrorist Web postings, the report instead focuses on workplace violence programs to prevent workplace violence such as the post office's Going Postal program and the stress imposed on military health care providers.

□ 2000

The whole point of that San Francisco Chronicle article is to point out, I think, the irony of what we are teaching our soldiers to protect them from events like this and what we are excluding from the evidence. And I think that's blatantly not in the best interests of the soldier.

Mr. GOHMERT. Will the gentleman yield?

Mr. CARTER. Yes.

Mr. GOHMERT. There is an article dated February 9, 2010, in The Washington Times by Bill Gertz that says, the Army was warned about the jihadist threat in '08. It says:

Almost 2 years before the deadly Fort Hood shooting by a radicalized Muslim officer, the U.S. Army was explicitly warned that jihadism—Islamic holy war—was a serious problem and threat to personnel in the U.S., according to participants at a major Army-sponsored conference.

It references Patrick Poole, Army Lieutenant Colonel Joseph Myers, and Terri Wonder as individuals that participated. It says:

The shooting at a recruiting center in Little Rock, Arkansas, in June and the November shooting at Fort Hood, Texas, that killed 13 people have exposed the problem of the Army's deficiencies in understanding the nature of the domestic Islamic terrorist threat, Mr. Poole said.

The incidents have raised questions about whether the Army made any effort to "operationalize" the threat warnings from the 2008 conference and develop policies to counter the threats. "The answer quite clearly is no," Mr. Poole said.

And then it goes on to discuss this whole problem, and Mr. Poole said:

I noted because of our lack of understanding of Islamic doctrines, Islamic jihad and my view that our counterintelligence function is broken, outdated, being usurped in some cases by public affairs and equal opportunity officials, we were going to get soldiers killed in America on our own bases for that professional ignorance.

This is the kind of thing that should not be happening. This article was in 2010, before at least two other individuals had gone on Al Jazeera in uniform blasting our military and indicating they could not ever be deployed in a Muslim area.

It's also worth noting that the term "Islamophobe," that I'm sure is being generated right now about the two of us here talking about this issue, actually originated with the Organization of Islamic Conference, the OIC. They came up with the terms "Islamophobia" and "Islamophobe," and there is an ongoing effort to brand anybody who attempts to identify those by their beliefs who have gone about killing Americans, terrorizing Americans as an Islamophobe or as having Islamophobia.

We know that there are places like Harvard where a professor from India who wrote an article about the attacks that are ongoing on his homeland in India by Muslim extremists and how that should be dealt with, he was fired because Islamic activists at Harvard do not believe we should have free speech anymore. And as I mentioned on this floor earlier this week, one of the 2005 10-year goals of the Muslim Brotherhood here in America is to subvert our Constitution to sharia law by 2015. That effort is ongoing.

And when they continue to brand professors, soldiers, and intelligence officers as Islamophobes and that we need laws to prevent people from describing radical jihadists who want to kill our own American people, as long as that's being done and that's being allowed, then our First Amendment rights are being subverted to sharia law, and we're well on our way to their meeting their 2015 goal as more and more good folks have been won over into this idea, this thought, that, gee, if you say anything about radical jihadists and radical Islamists, you're the sick one and you need to be stopped.

This is an ongoing effort around the world, and we cannot allow it to overtake America. We should be able to

recognize those wonderful, patriotic Muslims in America for who they are, but we should also be able to recognize and talk about those who want to kill us and destroy our way of life for who they are. They're radical Islamic jihadists.

Mr. CARTER. I thank the gentleman.

You just referenced in your poster and showed us a picture of Mr. Abdo, the man that was saying he couldn't go to war. That was back on July 28, 2011, after the workplace violence. Another soldier made the same claim, and Abdo was also referenced in this story.

More and more of these folks are stepping up and saying they can't be deployed because they are Muslim and can't kill Muslims, and they reference Hasan, this man who is sitting in the Bell County jail awaiting trial probably this spring and is, I understand it, awaiting trial on a death penalty case, a potential death penalty case.

Everybody knew what it was when they attacked the Pentagon. What happened to us that we decided when, in front of 50 witnesses, somebody shoots a bunch of people and we can't recognize what that was? This was a surprise attack like Pearl Harbor. That was a premeditated murder like you and I have dealt with in the past with more witnesses than you could put on a stand. I mean, this is not going to be a hard case to prove because, fortunately, he didn't kill everybody in the room. In fact, he left an awful lot of witnesses there to testify.

He is just lucky he didn't get killed in an active shooter program that our two police officers used to respond effectively to his slaughter.

Mr. GOHMERT. If the gentleman would yield.

Mr. CARTER. I yield to the gentleman.

Mr. GOHMERT. Well, my friend the judge indicates he was lucky, unfortunately, in his perverted way of thinking. That also is a way of thinking that confounded Thomas Jefferson when he was negotiating with the Islamic Barbary pirates.

He actually believed he would have gone to paradise and had dozens of virgins at his disposal if he had been killed, so he doesn't necessarily think of himself as lucky. Nor would those in Iran, once a nuclear weapon or nuclear weapons are assuredly procured, be any different. They would believe, if they were to go up with the nuclear weapon that they carried into some place where lots of Americans were or Israelis were, then they would be assured of instantly being transported to paradise. Some of us have a different view of what they would find when they meet their Maker after this life, and I think they're going to be terribly surprised.

But our job and our oath is to our Constitution. It's to provide for the common defense against all enemies,

foreign and domestic. And when someone presents this kind of danger to our troops, it is just unfathomable that our military leaders would become so politically correct and so militarily neutered that they would not stand up for their own troops, for those whose care has been put under their service and attention.

I thank my friend for yielding.

□ 2010

Mr. CARTER. Mr. GOHMERT, let me read to you a resolution, H. Res. 495, which I dropped yesterday. It's a resolution recognizing the November 5, 2009, attack on Fort Hood, Texas, as an act of radical Islamic terrorism and jihad:

Whereas the United States Army Major Nidal Hasan is reported to have communicated on multiple occasions with radical Islamic terrorist, Anwar al-Awlaki, on the topic of justifying jihad on the United States and its Armed Forces;

Whereas Major Hasan delivered addresses to the Department of Defense personnel concerning the justification of jihad against the United States Armed Forces;

Whereas Major Hasan is reported to have planned and trained for an attack on unarmed members of the United States Armed Forces at Fort Hood, Texas, with the specific intent to kill and injure those troops before the deployment to overseas theaters of war;

Whereas Major Hasan is reported to have declared his attack to be an act of jihad in defense of Islam, shouting "God is great" in Arabic while gunning down unarmed military personnel and civilians;

Whereas Major Hasan is currently charged with murder of 13 and attempted murder of 32 United States citizens during that attack;

And whereas the Department of Defense submitted correspondence to the United States Senate Committee on Homeland Security which referred to the violent Islamic extremist attack on Fort Hood, Texas, in the context of a broader threat of workplace violence: Now, therefore, be it

*Resolved*, that the House of Representatives recognizes the attack on Fort Hood, Texas, as an act of radical Islamic terrorism and jihad against the United States Armed Forces.

I have submitted this to the House, and I'm going to be seeking support for this resolution.

I wonder sometimes what our Forefathers would think of how far we've gone out of kilter in recognizing who's our friend and who's our enemy, or how we are so concerned about what the speak police or the voice police would say to us about some language we use that we would be willing to put those men and women who wear the uniform of our armed services at risk rather than make a statement that might offend somebody.

I think our grandparents would look at this country and say, what happened, what happened to the United States of America that I fought for in World War II or Korea or Vietnam? When did it become evil for Americans to speak the truth? Why would people who have four stars on their shoulder, who we highly respect as leaders of our

armed services, tolerate being instructed in this concept of political correctness and be treating this as if it were an ordinary incident of workforce violence? How do we justify that? Where is the common sense in this effort? We're worried about hurting other people's feelings, and other people are killing us. I mean, this doesn't make any sense.

And most of all, let's not forget—because I attended the funeral of one of the civilians. I have met with some of the wives and children of these dead combat soldiers and talked to the parents that looked me in the eye and said, how do I figure this out? My kid was there to be deployed for the fourth time. He stood in harm's way for our country 3 years already, and he goes over to the deployment center for a routine matter dealing with paperwork and he gets attacked and killed in Texas, just right down the street from where he lives. And his children and his wife are without a brave American soldier who had proven his worth in combat in three deployments already.

This is something that his parent sits there and says, how could anything like this ever happen? I mean, I know to be praying every day for my child when he's in combat. This is the profession he has chosen; I respect it. I fear for him; I worry about him. I want to make sure—he or she, because our ladies are fighting just like our men. And now I get the word that my son is killed down the street from his kid's elementary school while he's going through a routine act of filling out paperwork in the Army?

And then what do we tell that parent when later we find out that a report has come out from the government saying "routine workforce violence"? Come on, come on. What's wrong with this? I think it's just tragic.

I introduced a bill that just said, look, acknowledge it for what it is. Nothing will draw disrespect for the Purple Heart, or others who are wounded in combat in a combat theater, to just acknowledge that these innocent people got attacked on their way to their next deployment, or on their way back from their last deployment, on our soil, on our military base, in our State of Texas. Can we at least give them the respect to acknowledge that they're part of the war effort, that this guy shot them because we are at war with terrorists? Give them combat credit. Give them the honor and respect that comes from that. But we're still not able to get that done.

We're going to keep trying. I have people call me from all over the country and say, how are we doing? You know, my kid at least ought to get a Purple Heart. My daughter ought to get a Purple Heart for the wound she received, and now she's debilitated and has to go out of the Army. My son, who's going through constant therapy

for his head wound, he ought to be recognized by the Army for what happened to him, the reality of what happened to him.

And so we won't make the easy acknowledgement that these folks were in combat. And the only reason they didn't fight this guy is because they were not armed. And the reason they were not armed is because you're not supposed to be armed on post. This guy attacks them. If they would have been armed, it would have been over when the first bullet fired. These are combat veterans.

But no, we are very strict—oh, we're now going to change this designation the Army has or that designation the Army has. But we aren't going to call this guy a terrorist. Don't mention the word "Islamic." Don't recognize his relationship with an Islamic terrorist. Ignore all that evidence, ignore the testimony of 50-some-odd witnesses and say we will treat it within the concept of workforce violence. What does that say to the wife or husband of that soldier, or the father or mother of that soldier, or the brother and sister of that soldier that was killed or wounded with a debilitating wound—many of which are still struggling with their wounds, just like they do in combat.

Yet we conveniently define things in that situation, but refuse to define the act that caused the situation. This just is not right. That's why I'm very grateful my friend Mr. GOHMERT and I came down here to talk about this. This is all about trying to just set the record straight. You know, let's call it like we see it, and let's don't think we have to protect anybody.

And it has absolutely nothing to do with the Muslim religion. If he was a Baptist and was shouting Baptist slogans as his reason for shooting somebody, we ought to call him a Baptist.

This is a tragedy. It's a terrible tragedy because these were soldiers, all of whom had been willing to go in harm's way on behalf of our country, and most of whom had gone into harm's way on behalf of our country and suffered through that miserable weather and those dark lonely nights, and all the other things that soldiers suffer through when they're addressing terrorism around the world.

□ 2020

I say around the world because we've still got plenty of places we're addressing terrorism, not just Iraq and Afghanistan. To have us be willing to soft-pedal what happened to them is an American tragedy, and I'm going to continue to talk about it.

Mr. Speaker, I yield back the balance of my time.

#### JOBS FOR AMERICANS

The SPEAKER pro tempore. Under the Speaker's announced policy of Jan-

uary 5, 2011, the gentleman from California (Mr. GARAMENDI) is recognized for 60 minutes as the designee of the minority leader.

Mr. GARAMENDI. Mr. Speaker, thank you for the opportunity this evening. I'm joined by my colleague from Ohio, MARCY KAPTUR.

I want to thank our colleague from Texas for the explanation he gave about the tragedy at Fort Hood. It was, indeed, an American tragedy, as were other acts of violence against this country, both within the country and around the world.

No doubt that there is radical Islam, no doubt that it is killing, not only Americans, but others around the world. And it is part of our task to find an appropriate way to deal with it. It's also part of our task to appropriately recognize the tremendous sacrifice made by our soldiers, both here, as in the Fort Hood incident, and certainly in Iraq and Afghanistan.

Today marks a very, very special day in American history. It is the end of one of the great American tragedies, and that is the war in Iraq. No matter how we may think of this today, I think we can be very confident that this war of choice was, indeed, a very bad choice. More than 4,000 Americans have been killed in this war, and perhaps several times that number injured.

Physical injuries, we often see them just off the floor as these men and women return from their medical treatment at the Bethesda hospital, and we mourn their physical loss.

The mental problems that our veterans have incurred after multiple deployments in Iraq will go on for years, as will the physical injuries. Post-traumatic stress syndrome is a major, major problem among the thousands of veterans, hundreds of thousands of veterans that have returned. These are issues that we must deal with.

And as we mark, today, the final withdrawal of American troops from Iraq, our heart, our compassion, and indeed our actions go out to those veterans who have served this Nation in this war. Whatever we may think of the war, we must always think well and appropriately of these soldiers, men and women, multiple tours, National Guard, the Reserves, and the active Army and Navy and Air Force and Marines, all serving this country.

Many things have happened here on the floor to deal with those issues that they have incurred. Just 2 weeks ago we passed major pieces of legislation that are a followup to earlier pieces of legislation for the veterans. The Democratic Congress, in 2009 and '10, enacted the most far-reaching veterans benefits since the end of World War II. A new GI bill is in place. Job opportunities and training are in place. Enhancement of the medical services through the Veterans Administration and many other

that were culminated last week—wrong word. Not culminated, but added to last week with the legislation that provides a very strong incentive for employers to hire unemployed veterans.

The unemployment rate for veterans is generally twice as high as the average American unemployment rate. Those benefits go to the employer, reducing their taxes by \$2,600 for every veteran they hire. If they hire a long-term unemployed veteran, it'll be \$5,600, and if it happens to be one of the disabled veterans, perhaps one that we often see outside this Chamber, then it's a \$9,600 reduction in the taxes for that employer. We hope employers all across this Nation hear this and reach out to the veterans in their community and give them a job.

The rest of the time we have tonight I'd like to talk about jobs for Americans. As much as we may want to think about the wars, and today we did, we passed the Defense Authorization Act, we have to also think about Americans here at home that need a job. We've been working for some time on a program that we call "Make It in America," a rebuilding of the strength of the American manufacturing industry.

Over the last 20 years, we have seen a rapid decline in the manufacturing base of America because that's where the middle class found its place. That's where the middle class found their opportunity to use the skills, whatever training they may have, whatever education they may have, and get a good, solid job that would support a family. Twenty million Americans were employed in manufacturing 20 years ago. Today, it is just over 11 million, almost a 50 percent decline.

We can't let this continue. We cannot allow the outsourcing of American jobs. We have to bring those jobs back home, and there are many ways that we can do that. And our "Make It in America" agenda by the Democratic Party here in Congress is taking root. And tonight we're going to talk about many parts of that.

Joining me is MARCY KAPTUR from Ohio, which once and will be the heart of the American manufacturing sector. I know you have many pieces of legislation, and I know your intense passion on rebuilding the manufacturing sector in America. So let's talk about some of the things that are going on here in Congress and what we can do.

Ms. KAPTUR. I want to thank Congressman GARAMENDI for, again, bringing us together to discuss the most important issue on the minds of the American people, and that is healing the economy here at home and producing a sufficient number of jobs to employ all Americans who want to work.

And I join the Congressman's comments about our veterans, veterans who have served our country so bravely, a great sense of self-sacrifice and

national sacrifice. We thank them, particularly during this holiday season, their families, their children, their relatives, their friends, their communities, all their employers, all of those who understand what this requires.

And I wanted to just mention that, in connecting our veterans coming home to the employment question, it's a very serious challenge that we face because, even in a State like Ohio, currently, of all those who remain unemployed in Ohio, and there are many, 52,000 are veterans, already. And it was correct, I think, for President Obama, in going to visit with our veterans and active military at this holiday season, that one of the issues that came up repeatedly was, well, with our veterans coming home, where are they going to work with so many unemployed already?

And to give an example, in Ohio and many other parts of the country, for every job that exists, 100 people apply or more. And even if we filled every job that exists, we would have millions of Americans still out of work.

And yet, we have huge, unmet national needs, and that's why making decisions here, both on the tax side and the spending side, to get our economic house in order and to rein in the abuses in the financial sector on Wall Street that have caused such damage here and abroad, is absolutely critical for us to deal with and to keep those at the top of our priority list.

I think Congressman GARAMENDI and I agree that some of the partisan wrangling here is really so nonproductive. And if you want to put the country back to work, that's what the debate should be about. We should have job thermometers here showing how well we're doing and how fast we are helping to grow this economy.

□ 2030

So as with Congressman GARAMENDI's support of the veterans tax credit for hiring, I obviously support that as well. But it's not sufficient because, as I understand it, the tax credit will yield about 40,000 openings around the country; 40,000 companies will hire maybe one worker, or however it will ultimately transpire, but we have a need to reinvest in America.

The most important factor in reinvestment is for our banks to have confidence and our people to have confidence that there's going to be stability for people in our economy. I think our party wrangling really works against that.

Wouldn't you agree, Congressman?

Mr. GARAMENDI. It really does, if I might take a moment here.

You raised one of the very important points. I know later in this discussion you're going to take this up in much more detail. But it's very, very clear that the financial sector, in their rush for profit, created the housing bubble. Didn't do it all by themselves. There

was plenty of greed on the part of certain people that bought houses, and the real estate community was involved in that, the mortgage community.

But here we are after bailing out Wall Street. What is Wall Street doing to bail out Main Street? Not much.

I heard a discussion earlier today from a banker that said, Oh, we're making all kinds of SBA loans. Yes, that's guaranteed. Those are loans guaranteed by the Federal Government. But what risks are they taking?

We passed the Dodd-Frank language, which was designed to rein in Wall Street. Good. Very good. As strong as I would like? No. I would go back and put in place the Glass-Steagall Act. I was the insurance commissioner before the Glass-Steagall Act disappeared, and insurance was over here and banks were over there and investment banking was separate. So that the kind of problem that existed in 2000 where the banks went berserk and crazy in greed creating all of these CDOs and other kinds of really fake instruments, they couldn't do it. But nonetheless, the Dodd-Frank is there. Our Republican colleagues are refusing to fund the implementation of that program, putting all of us at risk once again.

I want to go back to the manufacturing sector and some of the issues that arise there, and particularly the unemployment rate in your communities.

Now, we have to reauthorize the unemployment insurance program; otherwise, is it 3.3 million Americans are going to lose their unemployment insurance in the first of the year? And when you have such high unemployment as you do in your communities, what are they going to do? How are they going to feed their families, pay their mortgages? And when you provide an unemployment check, it immediately goes into the economy and creates \$1.6 for every dollar of the check.

And I know you see this in yours, and you've talked to me about the unemployment and the way in which the cessation of the unemployment insurance would just devastate people here at holiday season. So share with us what you were sharing, just this, earlier in the week when we were talking about this issue.

Ms. KAPTUR. The problem is, when you have 100 people out there looking for a given job, it means 99 won't get it. And these are people who want to work. They have a record of working. They have actually collected their benefits. They've paid into the insurance fund for unemployment in their respective States. But when the economy doesn't recover as fast as it must, then what happens is, after they use up their first 26 weeks of unemployment, what are they supposed to do? Where are they going to work in order to provide for their families?

We've had to, at the Federal level, extend unemployment because of this

massive recession that we are digging out of. We have had to extend people. These are people who want to work, who have worked, who have a working record. So they continue looking for jobs. And I can tell you, some of them have been looking for jobs for 3 and 4 years. It isn't that they don't want to work. How many have I talked to where they have sent out hundreds of resumes? They have gone door-to-door looking for work. They have tried, and yet the door keeps getting shut in their face.

At some point, any human being begins to think, There must be something wrong with me that I can't obtain work, when they have a very good record. Many of them are doing two and three jobs just to bring income in and then look to find a full-time job. It's very disruptive to family life. Many of them have moved in with their relatives now.

And they shouldn't feel like failures. I said to my audiences back home, It isn't your fault. You didn't do this to America. The biggest banks failed us. They failed our country. They've hurt us. They've created false money. Many of them became so rich that no normal person could even imagine what they're floating in.

But it isn't the fault of the ordinary worker. They shouldn't eat themselves up in self-agony. There's a lot of that out there.

Mr. GARAMENDI. I see it in my own district in California.

One of the things that we've been trying to do is to take up the President's call on this matter. The President, back in September, put forth the American Jobs Act. Many pieces of it. We'll talk about some of those pieces today.

But in the American Jobs Act, there was an extension of the unemployment insurance, which economists, left, right, and center, all say it's the best way to stimulate, to keep the economy moving. He suggested that we extend it for those who have been unemployed for 2 years or more. And I think it's the only humane and compassionate thing to do, particularly here at the holiday season.

He also made the suggestion that we continue the payroll tax reduction, which was 2 percent, that is from 5½ percent to 3½ percent. He suggested that the reduction be 3.1 percent.

Now, we are as concerned as our Republican colleagues about the deficit, and the President is, too. And he suggested that this needs to be paid for. We cannot borrow money from China to do the unemployment insurance or to do the payroll tax deduction.

Now, the payroll tax deduction, it's rather important. It's over \$1,500 in the pocket of every working person in this Nation. That's an enormous amount of money for a person that's earning \$10, \$20 an hour. So he wanted to do that.

How is he going to pay for it?

He suggested that we pay for this in what is called tax fairness, that we take the upper income, those people that have earned a million dollars a year or more, and increase the tax that they pay over a million dollars by 3½ percent. A 3½ percent increase above a million dollars—not below but above. Now, that's fairness, because these folks have had an enormous tax reduction over the last decade, part of the Bush tax cuts.

Unfortunately, that didn't happen, and you and I have been here. And perhaps we ought to share with the public what happened yesterday when a bill came to the floor to provide unemployment insurance extension and a payroll tax deduction. It was really not a shining day for the House of Representatives.

We'll go into some detail here, but essentially what happened was that the legislation put forth by our Republican colleagues basically said, okay, we'll continue the payroll tax deduction, not at 3.1 percent but at a 2 percent reduction, which is about a thousand dollars for an average worker, and that's good, certainly better than not doing anything; and we will also do the unemployment insurance, but only for half the time that the President suggested.

And here's the kicker. All of that will not be paid by those who earn more than a million, the millionaires and billionaires. That will be paid for by the middle class. It was the 99 percenters that were going to have to pay for this. Not the 1 percenters, but the 99 percenters. It was the great shell game, and a very, very sad day. Fortunately, the President said, I will veto that if it ever gets to my desk; and the Senate has said, No way; this is not fair to the working men and women of America.

□ 2040

Now, we were here, and we heard some of the debate. Share with us your thoughts about all that went on yesterday in that rather sad piece of legislation.

Ms. KAPTUR. Again, it's like a teeter-totter. It's like it's tipped in one direction.

Mr. GARAMENDI. Yes.

Ms. KAPTUR. I think everybody in our country knows that we all will have to sacrifice in order to pay down our long-term debt and that when we make public decisions that we help our economy grow.

In every business I go into, they say, MARCY, bring me customers, bring me customers.

Whether they're out of work and they receive unemployment benefits, which they have earned, or whether it's allowing an individual through a payroll tax holiday to have a few extra dollars of spending money, the advantage of helping the middle class is that it's

going to go directly into our economy. It goes to every small business. Whether it's to buy vegetables at the corner stand, whether it's to buy gasoline for your car, whether it's to buy clothing for your children, when you think about where those dollars will go, it's going to go to essentials. It won't be wasted money.

All of history shows us, because their incomes have really not gone up, because buying power has gone down for the average family and prices are going up, that the middle class is guarding every penny so much more carefully.

I had to go out and buy some throw rugs the other day because of all the rain in the Midwest that had caused water to rise in our basement. I couldn't believe the price of throw rugs. I thought, oh, my goodness, and I went to two or three stores. I don't have time to do that, but I was reacting to the increase in prices. The average family has great difficulty in buying those kinds of items, so those few hundreds of dollars mean everything, and they will use it to improve their homes, for example.

Mr. GARAMENDI. If I might interrupt for just a moment, you raised a very, very important point about the fate of the American middle class and of the extraordinary benefit that has grown for the top 1 percent. This is where the 99 percent comes in.

Let me just show you this chart. It has become one of my favorites. This chart is about the growth of income.

Down here on the bottom are the bottom 99 percent of Americans and the income that they have seen since 1979: virtually no real growth in the income of the working men and women, of the middle class of America. So, if you look at these lines, this is the top quartile; this is the middle quartile and the bottom quartile here: no growth or just a little tiny growth. Incidentally, most of that comes because now both the husband and wife are working, not because just one of the wage earners has seen it.

This top line, MARCY, is the 1 percenters. We can see, over the last 25, 30 years, the 1 percenters have done very, very nicely, and there are many reasons for this. One, they are very productive. They've been able to find good opportunities and to make the most of them. We wouldn't deny anybody that opportunity to become very, very wealthy in America if they play by the rules. I know, a little later, you're going to talk about some who have not played by the rules and who have become extraordinarily wealthy. But if you play by the rules, you ought to be able to do very well in America.

Yet what we're talking about here is tax fairness. A lot of this growth right here in the last decade was as a direct result of tax policy. Now, the George W. Bush tax cuts for the super wealthy, which were supposed to create jobs,

didn't create jobs. In fact, we had a loss of employment in the United States. Even if you discount and take out the great crash of 2007-8, in the George Bush era, the argument for reducing the high-income tax rate was that it would create jobs because these were the job creators. It didn't create jobs. It did not create jobs. So now we're talking about how do we keep this economy going, about how do we provide for those who don't have jobs. How do we put money back into the economy? As you say, it will be spent. We do it with tax fairness.

As the President suggested, for those people who earn more than \$1 million a year after all the deductions, the amount of income above \$1 million would be taxed an additional 3½ percent. That's fair. That's fair to the American workers, if they're unemployed or if they're looking for jobs, so that they'll have an opportunity.

Ms. KAPTUR. Congressman GARAMENDI, as you were talking, I was thinking about that chart that shows the flatness of income growth in the middle class, and I was thinking about the last several years and about our U.S. trade deficits.

Most Americans probably don't realize it, but annually, we rack up about \$500 billion more in imports coming into our country than exports going out, and it hits the working class—the middle class of people—very, very hard because it substitutes for the income that they would normally earn if they were manufacturing in this country as many cars as they used to.

What we see happening is a tipping toward the top, but really all sectors are affected by the fact that our trade deficit lops off most of the gross domestic product growth every year. A half-trillion dollars bleeding out of our economy for purchases of everything from electronics to energy to automobiles, which are things that should be made inside this country, is a huge draft on every income quartile in our country. Thus, your efforts to promote American-made goods are right on target.

Mr. GARAMENDI. Before we go back to Make It in America, which is our principal policy, at least among those of us who are talking about the Make It in America agenda, I want to just make it very clear that this debate over the payroll tax reduction and the unemployment insurance is not over. We've got a little bit of time to get this done before the end of the year when all of these opportunities for people to continue to survive terminate.

Right now, the Senate is going to take up the House bill, and it is our understanding that that bill is not going to move in the Senate. We need to get past this gamesmanship that we saw in the legislation that passed here just yesterday, and we need to get serious about finding a compromise that can deal with this problem.

Here is our wish list. This is the American wish list. We have Santa up here, but let's just say it's to the House of Representatives—all of us—and to the Senate. What we would like to have in the stocking is not a bad lump of coal but, rather, a payroll tax cut extension. We could probably settle for the present. If we were to compromise, we'd want 3 percent, but we could settle for the 2 percent reduction. That's \$1,000 in the pockets of every working man and woman in the State. That's 160 million people. That's an enormous thing for us to do.

So this is one of the things that we would wish would happen, that we wish that we would do—your Representatives, Democrat and Republican alike, and the Senators—for the working men and women of America so that they can have food on their tables and roofs over their heads.

The other deals with the unemployment insurance—5.7 million people are going to be losing their unemployment insurance in the coming year. What in the world are they going to do? Their jobs are not there, as you so clearly pointed out, Ms. KAPTUR. The jobs are not there, and they need help. That's where the unemployment insurance program will help them and will simultaneously help the economy, as Ms. KAPTUR pointed out. We can pay for this. We can pay for this with a Fair Tax system in America.

Ms. KAPTUR. I wanted to just comment obliquely here based on what you've been talking about.

In looking at job creation in a given region, if I look at the regions that I've been privileged to represent, we have many small companies or medium-sized companies. I happened to be speaking with one of them the other day, Hirzel, which is a major producer of tomato products in our region.

□ 2050

And I said, you know, I was looking for your spaghetti sauce on the shelves of one of our major grocery chains, and I couldn't find it. And it's the best sauce I have ever eaten. I said, How can I help you expand your product placement on the shelves of stores across the country? The owner of the company, a family-owned company—and they are the most wonderful people—he said to me, Well, you don't really understand, MARCY. We really aren't allowed on those shelves because one of the big spaghetti sauce manufacturers—and I won't mention the name—pays the grocery store a fee to keep all new products off their shelves. And even though Hirzel's is not a new product, it's regionally bound; and they can't get on the shelves of supermarkets because of what's called “slotting fees.”

Mr. GARAMENDI. We should work together. Excuse me for interrupting, but in my district, we have a ravioli

company. We're talking out of this world. Now, maybe your sauce on top of their raviolis we could actually get on the shelf.

Ms. KAPTUR. You know what, these large outfits that control retail sales in our country hurt innovation because what they do is they make deals with some of the biggest companies. Ask yourself, why, when you go through a supermarket and you want to find soda pop—they call it soda pop in some places, and they call it—what do they call it in your part of the country?

Mr. GARAMENDI. Obesity.

Ms. KAPTUR. Well, if you try to find different brands, you will see certain brands at eye level because they pay thousands of dollars to each grocery store to put it there. But if you want locally bottled soda, or pop, you are lucky if you can find it on the bottom shelf, and you probably can't.

So we have like gatekeepers. The public is largely unaware of this. Local meat. I represent a region that is both urban and rural. I love it. I am privileged to represent it. Try to get locally produced pork on the shelves of large supermarket chains. Good luck. You know, the same is true with vegetables. We could have so much more income growth and job growth in this country if we would have some consciousness by these big retailers and box stores to go local. We grow local. We make local. But then to try to move it to the shelf, it's almost impossible.

Mr. GARAMENDI. Black Friday, a week ago. It is all about the big retailers. But Small Saturday, now that was exciting. A lot of advertising out in California about, Go to your local shop. Buy local. Buy small. And it was just what you are talking about, and that is to find a way to provide opportunity, moving, in this case, customers to the local stores. Instead of the big box store, go down to Main Street. Stop at the local shop. Very, very powerful. And I suspect that many of us did that. We stopped at the local store, and we didn't go down to Home Depot. We went down to the Ace Hardware.

Ms. KAPTUR. This year, again, I went to craft shows. I buy dozens and dozens of gifts. And I find locally made items because I know the money will go right in the pockets of local people. And why is it these craft shows, they hold them in churches, and they hold them in auditoriums, why don't some of these big shopping center complexes invite them in? What's the problem with trying to help local innovation, local development? We find so many restrictions that make it hard.

One of the reasons we can't grow jobs fast enough is because certain interests in our society have such a lock on who can get in the door. There ought to be a section for local. We shouldn't have to pass a Federal law for that. People should be smart enough out there to do it. It creates more customers all ways

around, and a lot of us want to support local.

Mr. GARAMENDI. I don't think we're talking about a law or a new regulation here, but we're talking about something that we ought to do for our communities, and that is recognize that we're all part of a community.

You said something a few moments ago that caused me to come back to this issue. You talked about the trade deficit. And the way in which we are literally exporting our money, we're also exporting our jobs.

Last December—just a year ago—on this floor, we took up a piece of legislation that dealt with this issue. In the previous Tax Code, there were tax breaks given to American corporations for shipping jobs offshore. For offshoring American jobs, they got a tax reduction. And some of us said, Well, what in the world is that all about? So we scrambled and tried to find out where the codes were. And a bill came forth on the floor that eliminated about two-thirds of those tax breaks given to American corporations when they offshore jobs.

A very interesting division occurred here on the floor of this House. It was a straight-up bill. It wasn't complex. It was on that issue: Should American corporations continue to receive tax breaks for offshoring jobs? That was the bill. No riders. No hidden agendas. No extraneous sentences put in. This House divided right down the middle. The Democrats voted to end the tax cuts. The Republicans, not one Republican voted to end those tax breaks given to American corporations for offshoring jobs.

And I'm going, I don't get it, guys. You guys talk about jobs all the time. You talk about small businesses, and here you want to continue to subsidize the offshoring of American jobs? What's that all about? We never got an answer. But it speaks directly to the point that you were making earlier about policy choices. Our work is policy, policy choices: Are we going to do this, or are we going to do that? Are we going to continue to support American corporations for offshoring jobs, giving them our tax dollars? Are we going to continue to allow the oil companies to be subsidized?

The wealthiest industry in the world takes about \$15 billion a year of your tax money, and we give it to them. The oil, the gas, and the coal industries, about \$15 billion a year in tax subsidies. Why do we do that?

Ms. KAPTUR. You raise a very good point, Congressman. And I went into one of these dollar stores—I won't say which name it was—with one of my good friends the other day. I couldn't find a non-Chinese-made item on the shelf.

Mr. GARAMENDI. Wouldn't you love to go into Wal-Mart and find “Made in America”? Wouldn't that be something?



Ms. KAPTUR. I'm a city planner by training. So I look at the space in these stores, and I thought, I could do this. I could clear one of these aisles. I could consolidate over there. I could provide a place for locally made items, and let the local entrepreneurs compete. But give them a place on the shelf, and don't make them pay these exorbitant fees. It doesn't take an act of Congress for some business innovation in these big box stories. And I am thinking, you know, maybe America in some ways is losing her edge. Because if the CEOs in charge of these retail stores can't be creative enough to figure out how to help us encourage innovation at the local level, what are they getting paid so much for?

I think of all the local food products, all the hand-made sweaters, all of the artwork, all of the pottery that's made locally, the food products that can't get to shelf because they keep them out. Come on, men and women out there in the retail world. Show a little creativity here. We have a lot of innovation at the local level.

Mr. GARAMENDI. A little bit of patriotism.

Ms. KAPTUR. Boy, it takes a little bit of patriotism.

Mr. GARAMENDI. Let me give you another example of what we can do with policy. Right now we have a "Buy American" policy that really has not been enforced much. So I've introduced a piece of legislation, H.R. 613, that simply says that if it's our tax money—and every time we buy a gallon of gasoline or a gallon of diesel fuel, we pay either 18.5 cents for the gasoline or 26 cents for the diesel fuel in taxes, where's the money going? Some of it all too often, in fact, a lot of it all too often, winds up going offshore.

I will give you an example: the Oakland-San Francisco Bay Bridge, a multibillion dollar project, \$1 billion worth of steel going into that bridge. It will be a beautiful thing when it's completed. The bids for that came in for an American-made steel bridge or a Chinese-made steel bridge.

□ 2100

It was a 10 percent difference in cost. That's a lot of money. So the State of California Bridge Authority decided that they would take the 10 percent cheaper Chinese steel. The result is after years, the steel had problems. The welds had problems. The cost went well above 10 percent, and 3,000 jobs wound up in China, and zero jobs wound up in America.

So what this bill does, it simply says no more waivers. No more. If it is American tax dollars that are being used, it is going to be used to buy American-made equipment—buses, trains and the steel and concrete. It works.

In the stimulus bill, which all of our Republican friends want to dismiss, in

the stimulus bill there was one line for the several billion dollars of money that went into transit that said that money can only be used to buy American-made light rail, transit trains, and locomotives for Amtrak.

Siemens opened a factory in Sacramento, California, to build those light-rail cars and the locomotives because the policy, drafted here on this floor, passed by the Senate and signed into law by President Obama, said that tax money can only be used to buy American-made equipment. And it created hundreds of American jobs in Sacramento, California.

This bill, and another one like it that has now been introduced by the ranking member Democrat in the Transportation Committee, will bring hundreds of thousands of jobs when our tax money is going to be used to buy American-made equipment.

Ms. KAPTUR. I wanted to mention as you were talking, Congressman GARAMENDI, as a result of the refinancing of the U.S. automotive industry in northern Ohio—from Cleveland, Elyria, Lorain, Avon Lake, Sandusky, Toledo, Defiance, the whole corridor—what we are seeing is a reinvestment in the supplier chain. That includes steel such as Republic Steel. People don't realize how many jobs in America are connected to the automotive industry.

Your State of California, which manufactures a lot of semiconductors, half of the semiconductors procured in this country go into the automotive industry. If you think about carpeting, half of the carpeting sold in this country goes into automotive production. Plastics, glass—think about what is really in there. As a result of what we were able to do here, with a lot of flak from one side of the aisle, although there was some support, was to refinance the U.S. auto industry.

We just had an announcement in Avon Lake that the truck platform will be coming back to us from Mexico. So that is retention of jobs in Avon Lake. It is part of the rebirth of automotive and truck transportation across the north. We are producing vehicles like the Wrangler, one of the most popular vehicles in the country, obviously, and the new Cruze for General Motors.

But all the supplier chain, Republic Steel, they're putting in a new arc furnace. You're looking at the restoration of production. It's coming slowly, but it's coming. So we have to be proud of actions that were taken by the Government of the United States of America through the action of Congress and by the President to help save one of America's lodestar industries, which has now paid back its loans and is rehiring.

Mr. GARAMENDI. Let me just add to this. This was a result of the stimulus bill that put the money there, if need be, to rebuild certain sectors of America. President Obama courageously, and with enormous opposition from Re-

publicans, said, I will not let the American automotive industry die. This is a fundamental industry in the United States; I will not let it die.

And so he authorized the money that went to bail out General Motors and Chrysler. Ford didn't take advantage of it because they had a different financial situation. But the result of that is precisely what you've described. It is precisely the saving of the American automotive industry and all of supply chain that goes with it. A very courageous action by the President, one that worked for the benefit of America so that we can once again make it in America.

I'm going to wrap this up very quickly because I know you have a couple of things you want to talk about with regard to Wall Street.

Ms. KAPTUR. I would like to add one item, though.

Mr. GARAMENDI. Why don't you go ahead, and then I will wrap up at the end.

Ms. KAPTUR. Perfect. I just want to say a deep thanks to Congressman GARAMENDI for bringing us together tonight.

I wanted to say as a member of the China Commission, we had testimony yesterday from various witnesses on the economy, on the legal structure of China, on democracy and the lack thereof in that country. One of the points that we discussed was how closed the Chinese market is to products from around the world—much like Japan, much like Korea. You look at Singapore, many of the Asian nations keep our products out. And we're asking American companies to try to compete in a situation where our market is open and their market is closed. So we can't get access to those customers.

One of the points that was brought up by one of the top economists that testified before the China Commission was the fact that the Chinese Government backs those companies. Really, the government owns the companies, and they infuse billions of dollars. So think about this. The workers and companies of northern Ohio and the U.S. automotive industry are trying to compete in a global market where some of the major markets in the world, like Japan, are closed. And they've remained closed for decades. China does not welcome us in. We are literally competing against state-managed capitalism. It is not a free market. It is not a market economy we are dealing with. It is very controlled.

There was criticism by some that, oh gosh, look at Congress, they are helping the U.S. automotive industry. It showed a lack of understanding of what these companies face in the global marketplace. It is not a level playing field. It is simply not. And, unfortunately, we have never had a trade ambassador knowledgeable enough about the automotive industry—that came



out again yesterday—who can really successfully bargain to give us a level playing field in one of the most important industries that we have.

Mr. GARAMENDI. Let me just give you another example. I thank you for raising that very, very important issue.

Last year, this House by an overwhelming bipartisan vote set out to address the China situation. It was a piece of legislation that simply said that when any government anywhere around the world unfairly subsidizes its business sector in a way or to the detriment of American businesses, then that country will face sanctions. And specifically, it had to do with the Chinese currency. The Chinese currency is significantly undervalued, perhaps giving as much as a 20 percent advantage to China in its exports. Bipartisan, it passed here. It did not pass in the Senate. However, this year my Republican colleagues would not even allow that to come up for a vote here, even though it has now passed in the Senate. So the Chinese currency bill passed the Senate; it is languishing in this House. I do not understand why our Republican colleagues want to continue to allow China to have an unfair advantage.

I was going to wrap up with this. China subsidizes to a fare-thee-well its solar and wind industries. So much so that they have taken over the market and have led to the bankruptcy of a couple of American solar manufacturers, Solyndra being one example that is much discussed around here. But it was really as a result of China driving down the price of solar panels.

This bill, again one that I have introduced, and it comes directly from my district because we have a major wind farm and solar system there, it says that our tax money that presently goes to subsidize the purchase of solar systems and wind turbines must only be used to buy American-made wind turbines and solar panels. In other words, buy American, make it in America, and rebuild our industry.

I am going to just wrap up quickly.

It's the holiday season. It's that time when we think about our families. It's that time when we think about our communities. We have a real obligation here in the House of Representatives to put forth really solid legislation to support those men and women and families in America that, through no fault of their own, are unemployed or are having a very difficult time in making it in the current economy as wages are driven down and as opportunities for advancement are diminished.

□ 2110

What we hope for, and literally pray for, is a consensus, a compromise, in the next couple of days here on the floor of this House and with the Senate so that we can pass legislation that would actually help the American

workers, those that are unemployed and those that are seeking a job or have a job and are unable to make it, and with that payroll tax deduction put another \$1,000 in their pocket. And I want us to keep in mind that in America today there are 1.4 million children—1.4 million children—that are homeless. Their parents have lost their job, they've lost their home, and they're sleeping in cars. They're homeless. They may be able to find an opportunity at a motel. We've seen some of this on television. But this is in all of our communities. Every community in America has this problem.

And it's up to us here in Congress to use what compassion and wisdom we possess to find ways of addressing it. We have such an opportunity with the payroll tax deduction, with the welfare. And, unfortunately, the bill that passed here yesterday basically would put money into the right pocket through a payroll tax deduction or an unemployment check, and then take it out of the left pocket with an increase in fees, a reduction in medical services, the closing of clinics or other ways in which that money would be extracted.

Yes, it would balance. It wouldn't increase the deficit except for the working men and women of America. We think that's wrong, and we've offered a different solution.

My colleague from New York has come for a couple of short comments. I promised Ms. KAPTUR the last few moments of this. Welcome, Mr. TONKO. The East-West Show is back in session.

Mr. TONKO. Representative GARAMENDI, thank you again for leading us in what has been a very important discussion about job creation and job retention in our country. And I couldn't agree more than with your sentiments that include this concern about providing a benefit to the middle class in terms of a payroll tax holiday extender, but then also asking them to pay for that benefit. So it is like one hand is offering and the other hand is taking from our working families, middle class Americans. This is not the prescription for success.

What has been offered by the President is a payroll holiday extender, a tax holiday extender for both employers and employees. And there are many small businesses that stand to gain. The overwhelming majority of small businesses gain by that extension, and certainly the employees do. But it works best when you bring leverage into the equation that comes from the surcharge that is placed upon the most high income strata in our country.

And when you look at the charts from 1979 to the present day, there is no denying what statistics indicate. Facts can't be argued with. There has been this exponential rise in the growth of income for the top 1 percent to about 250 percent of an increase, all while, from 1979, middle-income Ameri-

cans have seen a flat-lining of their household income, and now it's even dipping. So why mess with this progress that has been realized, this steady climb upward—slow but steady—from an 8.2 million jobs loss hole? We have climbed steadily. Why would you mess with that obvious success that is coming back into the economy? Allow for America's middle class families to move forward, and allow for that benefit to be paid for by someone other than the middle class. Otherwise, it's giving and taking from the same audience. It makes no sense.

We stand by progress, we stand by progressive policy, and we stand by our middle class, our working families. Let's get it done for middle class America. Without a strong middle class, there is not a strong America.

Mr. GARAMENDI. I thank you very much, Mr. TONKO, for bringing that up.

I'm going to ask Ms. KAPTUR of Ohio to take the podium here and to tell us about Wall Street and some of the reforms that she is advocating.

Ms. KAPTUR. I thank the gentleman for yielding me this time and rise this evening on the subject of MF Global and the clear need for oversight by the Congress.

Mr. Speaker, Congress isn't doing its job to investigate the fraud that has infected our entire financial system, fraud perpetrated by Wall Street, and it has hurt the global financial system as well. I think the reason is that too many people have forgotten that gambling with other people's money often entices very addictive personalities who are incapable of self-policing. They need rules, they need limits, and they need oversight. Otherwise they just keep getting into the same trouble again and again, harming innocent people in the process by looting their assets.

The American people know that corruption on Wall Street is pervasive, and millions upon millions of our fellow citizens have been harmed by it. The Republican leadership in this House have failed in their responsibility to aggressively investigate crime in the financial services sector.

Earlier this month, I spoke about Bloomberg's report on how President Bush's Secretary of the Treasury, Hank Paulson, in 2000, inappropriately and behind closed doors in a private meeting tipped off his former colleagues at Goldman Sachs and a handful of Wall Street insiders about how Fannie Mae and Freddie Mac might collapse and what steps the government intended to take. All of this occurred on the very same day that Secretary Paulson led The New York Times to believe that those two companies would give a signal of confidence to the markets.

You can imagine what those financial insiders did with their investments before the rest of America was even aware.

I also reminded my colleagues that the Securities and Exchange Commission was finally rebutted recently in a New York court for settling fraud cases with major Wall Street banks like Citigroup in a way that allowed the biggest banks to walk away by simply paying a few fines without so much as admitting any wrongdoing.

I ask, where is this Congress' oversight of these most crucial financial machinations that have so harmed our Nation and world since the market crashed in 2008?

Finally, after months and months of press coverage, Congress is taking a tad of action. Last week, the House's Agriculture Committee held one of the first hearings we have seen all year. That hearing, called by Chairman FRANK LUCAS of Oklahoma and Ranking Member COLLIN PETERSON of Minnesota, began to shed some light on what is the eighth-largest bankruptcy in U.S. history at MF Global Holdings. Its misdeeds had been widely reported, but they deserve much closer scrutiny. We need to subpoena their full records and transactions that led to the collapse.

Even before last week's hearings, we knew that MF Global Holdings filed for Chapter 11 on October 30. Citizens in my district have been impacted and harmed as over \$1 billion disappeared from customer accounts. The Washington Post and other press reported weeks ago that the firm's CEO, former Governor Jon Corzine, had essentially placed a \$6.3 billion bet on the sovereign debt of several European Governments. After its most recent quarterly return showed almost \$200 million in losses, MF Global stock lost 67 percent of its value.

But this is not just a case of an investment firm being lured by the higher returns of riskier bonds. As investigators continue to piece together what happened at MF Global, there is increasing evidence of criminal activity. This case has all the trappings of a massive case of fraud.

Now, CME Group Incorporated, which audited MF Global's accounts, reported weeks ago that Mr. Corzine's company violated key Federal requirements to keep its accounts separate from their customer accounts. At last week's Agriculture Committee hearing, the public was once again told that as much as \$1.2 billion may still be missing from segregated customer accounts.

This isn't just a case of misplaced money. The financial press has been reporting a staggering amount of malfeasance in the days before MF Global filed for bankruptcy. In an apparent effort to buy themselves time, MF Global sent checks instead of wiring money. Many of those checks, we all know now, bounced. There are stories of requests to transfer funds being denied and even inaccurate account statements being issued. Even more egregious

are accounts of people receiving bounced checks going back and finding their accounts were also altered inappropriately. May I ask, if this doesn't sound like fraud, what is it?

□ 2120

The American people must demand more congressional oversight. Congress needs to produce more information.

I attended last week's hearing in the House Agriculture Committee. While some important questions were asked of Mr. Corzine, Congress' responsibility has been far from met. Anyone who carefully followed the hearing watched as Mr. Corzine dodged questions and provided hollow responses.

The Wall Street Journal provided us with an interesting assessment of Mr. Corzine's testimony that is worth entering in the RECORD. According to the Journal, Governor Corzine ducked or deflected questions 15 times. On five occasions, he used a well known strategy for avoiding accountability by using some variant of the phrase, "I did not intend to break any rules." He apologized or expressed regret six times for the damage his choices wrought on countless families and businesses. But the operative fact is \$1.2 billion; that is the amount that is missing from MF Global's segregated client funds for which Mr. Corzine could provide no explanation. In fact, astoundingly, this seasoned trader pleaded ignorance of what was happening at his own company.

Let me mention that the Commodity Futures Trading Commission, Jill Sommers, a representative who testified at the hearing, was very invaluable to public understanding.

The SPEAKER pro tempore (Mr. GRIFFITH of Virginia). The time of the gentleman from California has expired.

Ms. KAPTUR. Mr. Speaker, I believe that I have a Special Order and time remaining, my own Special Order for 30 minutes.

#### MF GLOBAL

The SPEAKER pro tempore. There being no majority Member to be recognized at this time, under the Speaker's announced policy of January 5, 2011, the gentlewoman from Ohio (Ms. KAPTUR) is recognized for 30 minutes.

Ms. KAPTUR. I thank the Speaker.

Let me rephrase this. At the hearing, the Commodity Futures Trading Commission's Jill Sommers' testimony was invaluable to the public. Her testimony places the MF Global collapse in proper perspective, and I'm quoting directly. She said:

"Lehman Brothers and Refco are the two most recent futures commission merchant bankruptcies. While the Lehman Brothers' bankruptcy was monumental in scale and the Refco bankruptcy involved serious fraud at the parent company, commodity customers

did not lose their money at either firm. In both instances, commodity customer accounts were wholly intact; that is they contained all open positions and all associated segregated collateral. That being the case, customer accounts were promptly transferred to healthy FCMs"—or futures commission merchants—"with the commodity customers having no further involvement in the bankruptcy proceeding. Unfortunately, that is not what happened at MF Global because customer accounts were not intact."

The fact that "customer accounts were not intact," as Commissioner Sommers described it, means that someone took other people's money. I believe most of us would call that theft. Even if some of the money is recovered by the bankruptcy process, that does not alter the fact that the process by which customer accounts were violated broke the law.

It is an understatement to say that many American families and businesses lost important investments. The mismanagement of this one firm has put hundreds of people's investments in jeopardy. They deserve answers. Congress has lead responsibility to ask hard questions, and here are some questions that demand reply.

On transfers of funds from customer accounts, Congress must ask examiners from Chicago Mercantile Exchange Group, who said that transfers at MF Global were made "in a manner that may have been designed to avoid detection," so let us ask: Should the person or persons who attempted to avoid this detection be held accountable, and how should that occur? It seems unlikely Mr. Corzine is not responsible. So which person, or persons, at MF Global made the decision to invade customer accounts? Congress must assure full tracing of those transactions.

A second group of questions should revolve around who are the responsible parties. If Mr. Corzine simply cannot recall or does not know what happened at MF Global, as he seemed to claim, who should Congress and investigators speak with at MF Global to ascertain his exact role and those of other top executives? Who's going to probe? That's the role of a congressional investigatory committee.

Who, besides Mr. Corzine, was directly responsible for segregating customer account funds from MF Global funds? Over \$1 billion did not walk off on its own. Some set of persons at MF Global moved those funds, and it's highly implausible that no one authorized that action. So what set of persons authorized those actions exactly?

Another set of questions should revolve around who approved MF Global's risk standards? We know that Michael Roseman, MF Global's former chief risk officer who resigned in March 2011, reportedly assessed that the strategy that MF Global was undertaking was too risky. Any assertion

that the strategy was prudent at the time, as Mr. Corzine is arguing, is against the facts of history because MF Global went bankrupt. Congress needs to take whatever steps are necessary to find out exactly who pressured Mr. Roseman to resign for blowing the whistle on the behavior inside that company.

Another set of questions can be asked about what other financial partners participated in MF Global's trades. There are allegations that the transfer of \$200 million to J.P. Morgan in the final days of MF Global was suspected by J.P. Morgan bankers of utilizing MF client funds. To what extent are these allegations true? At what point can we determine whether wire fraud was committed and, if so, by whom and to what extent? All of this begs the ultimate question of whether or not sufficient protections were exercised for customers to stop wire fraud.

Another set of questions can revolve around were any inside players aiding and abetting MF Global's behavior. We know that current Commodity Futures Trading Commission Chairman Mr. Gensler has recused himself from the case. Mr. Gensler actually worked for Mr. Corzine at Goldman Sachs, and they apparently carried on later in the same social and academic circles. The public has a right to know at what point Mr. Gensler had any knowledge or reason to believe that the customer accounts at MF Global might not have been intact; and then, how did he and his agency and his staff respond—day by day, hour by hour, email by email?

Finally, according to Reuters, companies like Koch Industries removed billions from MF Global just before it filed bankruptcy. How did that powerful company know when to take their money out and why did my constituents not know when to take their money out? Could, in fact, Koch Industries have gotten the same tip-off that Goldman's CEO Hank Paulson had given Freddie Mac investors and Fannie Mae investors just a few years before? How much of MF Global's money not wired rightfully belongs to the holders of segregated accounts that were inappropriately tapped by MF Global? How do my constituents get full restitution?

Yes, there are far too many questions—lots of questions—and far too few complete answers.

Yes, this Congress needs to take white collar crime more seriously. Who would accept an explanation, as we heard the other day, that "I did not intend to steal." It could be \$100 from the corner gas station, right? How can that be an acceptable answer for taking hundreds of millions and over \$1 billion?

Rigorous investigation matters. Congress needs more robust hearings. We need more thorough investigations.

□ 2130

What should concern all of us is that the financial industry's fraud and imprudence, yes, addictive behavior, is not limited to a case here or there. In the financial services sector, fraud has become systemic. It is endemic. It has harmed our Nation's economy to its vitals and has hurt millions of people across our country and the financial systems of other countries.

In 2009, the FBI testified before the House Judiciary Committee that the current financial crisis, and I'm quoting directly, "has produced one unexpected consequence: it has exposed prevalent fraud schemes that have been thriving in the global financial system. These fraud schemes are not new, but they are hitting the economy hard and the public is hurting as a result of market deterioration."

What a true statement. Regretfully, this isn't the first time that our country has seen a crime wave in the financial services industry. Indeed, the crimes and addictive behavior seem to be getting bigger, not smaller.

In the 1980s, it was the savings and loan crisis. Then the FBI responded with a staff of 1,000 agents and forensic experts based in 27 cities.

Do you know how many they had over there when this started? Forty-five. You could count them on your own hands.

Perpetrators went to jail back then but, rather, the Congresses at that time ignored the warnings of what had happened, and they gave an even bigger green light during the 1990s to more abuse by removing the rules of the road for banking during the 1990s.

Example, the upending of the Glass-Steagall Act in the late 1990s that blew the lid off prudent banking and allowed bankers and speculators to be in the same company. And look what has happened. We need to restore the Glass-Steagall Act, and I have a bill to do that, and there are dozens and dozens of cosponsors on that bill.

In 2000, the surreptitious undermining of derivative regulation by this Congress led to Wall Street's bullish plunder that we are now experiencing again, the result of addictive behavior of the 2000s.

You know, when you go back to the savings and loan crisis, that was much smaller than what we are enduring today. That is why I have a straightforward bill, H.R. 1350, the Financial Crisis Criminal Investigation Act. It authorizes an additional 1,000 agents and forensic experts for the white collar crime division of the FBI to investigate and prosecute these financial crimes. I encourage all of my colleagues to join me as a cosponsor. The Bureau does not have anywhere near the resources it needs to take on crimes of this magnitude and dimension.

Congress has long debated what level of regulation is needed to restrain fi-

nancial addicts. There should be no debate about the need to uphold the law, to recover innocent people's money, to prosecute the addicted gamblers, to set a strict standard of behavior in the financial sector so it simply never happens again, so that we can restore confidence and regular order, not insider abuse, to America's financial markets.

I think this Congress has an awesome responsibility to do its job, and it should not fear anyone. The committees of this House should be working overtime to probe the truth, to find the truth, to get at the truth of those who have harmed America, that have put so many millions of people out of work, where so many homes have been foreclosed that the property values of this country can't even find their footing at this point.

It's affecting capital formation; it's affecting the ability of local banks to make loans because they're not sure what's going to happen to valuation on their books. What could be more serious than the committees of this Congress doing their job?

I want to commend Congressman LUCAS of Oklahoma. I want to commend Congressman PETERSON of Minnesota. Wouldn't it be wonderful if they could continue their important work, but that the other committees of this Congress that have responsibility for oversight, Government Oversight and Reform, the Judiciary Committee, the Financial Services Committee, the Energy and Commerce Committee, were actually to do the work that needs to be done to put this country's banking and financial system back in a decent position with prudent rules and to finally quash the addictive behavior that has brought our country to this very dangerous point?

[From the New York Times, Dec. 11, 2011]

A ROMANCE WITH RISK THAT BROUGHT ON A PANIC

(By Azam Ahmeo, Ben Protess and Susanne Craig)

Soon after taking the reins of MF Global in 2010, Jon S. Corzine visited the Wall Street firm's Chicago offices for the first time, greeting the brokers, analysts and sales staff there.

One broker, Cy Monley, caught Mr. Corzine's eye. Unknown to MF Global's top management in New York, the employee, whose job was to match buyers and sellers in energy derivatives, was also trading a small account on the side, using the firm's capital.

"How are you making money on side bets? What else are you guys doing to make money here?" Mr. Corzine asked enthusiastically, his eyes widening, the broker recalled. The new chief executive grabbed a seat and spent an hour questioning Mr. Monley as other top executives from New York hovered impatiently nearby.

Although Mr. Corzine had been a United States senator, governor of New Jersey, co-head of Goldman Sachs and a confidant of leaders in Washington and Wall Street, he was at heart a trader, willing to gamble for a rich payoff.

Dozens of interviews reveal that Mr. Corzine played a much larger, hands-on role

in the firm's high-stakes risk-taking than has previously been known.

An examination of company documents and interviews with regulators, former employees and others close to MF Global portray a chief executive convinced that he could quickly turn the money-losing firm into a miniature Goldman Sachs.

In the final days before filing for bankruptcy, MF Global moved an estimated \$1.2 billion of customer funds to other institutions.

He pushed through a \$6.3 billion bet on European debt—a wager big enough to wipe out the firm five times over if it went bad—despite concerns from other executives and board members. And it is now clear that he personally lobbied regulators and auditors about the strategy.

His obsession with trading was apparent to MF Global insiders over his 19-month tenure. Mr. Corzine compulsively traded for the firm on his BlackBerry during meetings, sometimes dashing out to check on the markets. And unusually for a chief executive, he became a core member of the group that traded using the firm's money. His profits and losses appeared on a separate line in documents with his initials: JSC.

After joining MF Global, Jon S. Corzine invested heavily in the debt of troubled European countries.

Yet few appeared willing to check Mr. Corzine's trading ambitions.

The review of his tenure also sheds new light on the lack of controls at the firm and the failure of its watchdogs to curb outside risk-taking. The board, according to former employees, signed off on the European bet multiple times. And for the first time it is now clear that ratings agencies knew the risks for months but, as they did with subprime mortgages, looked the other way until it was too late, underscoring how three years after the financial crisis, little has changed on Wall Street.

MF Global filed for bankruptcy on Oct. 31. As the firm spun out of control, it improperly transferred some customer money on Oct. 21—days sooner than previous thought, *-F-s-gd* people briefed on the matter. And investigators are now examining whether MF Global was getting away with such illicit transfers as early as August, one person said, a revelation that would point to wrongdoing even before the firm was struggling to survive.

The consequences of the firm's collapse have been severe: Some \$1 billion in customer money remains missing and thousands of clients, including small farmers in Kansas or hedge funds in Connecticut, still do not have nearly a third of their funds.

Some of that money may never be recovered if, as some regulators now fear, MF Global used it to cover trading losses and replenish overdrawn bank accounts.

The bet on European sovereign debt is not thought to be directly connected to the missing money. But the fears about the firm's exposure to Europe tipped an anxious market, causing a run on MF Global that regulators suspect led the firm to fight for its life using customer money.

Mr. Corzine has not been accused of any wrongdoing. Through a spokesman, he declined to comment for this article.

While Mr. Corzine apologized for the firm's collapse when he appeared before the House Agriculture Committee on Thursday, he has continued to defend the European trade, calling it "prudent" at the time.

The European trade was initiated by Mr. Corzine late in the summer of 2010. The new

chief executive explained the bet to a small group of top traders, arguing that Europe would not let its brethren default. In just a few months, the trade swelled to \$6.3 billion, from \$1.5 billion.

Europe's debt crisis, meanwhile, continued to flare, raising questions about whether some of the Continent's bigger economies, Spain and Italy, might be ensnared in the maelstrom.

In August, some directors questioned the chief executive, asking him to reduce the size of the position. Mr. Corzine calmly assured them they had little to fear.

"If you want a smaller or different position, maybe you don't have the right guy here," he told them, according to a person familiar with the matter. He also told one senior board member that he would "be willing to step down" if they "had lost confidence in me." Mr. Corzine told Congress on Thursday, although he said he had not intended to make a threat.

The board relented.

#### A CURIOUS CAREER MOVE

Few would have guessed that Mr. Corzine, having led Goldman Sachs before serving in the Senate and as a governor of New Jersey, would wind up the chief executive of a little-known brokerage house.

At Goldman, which he joined in 1975, the young bond trader quickly gained a reputation as someone able to take big risks and generate big profits. Even after ascending to the top of the firm, he kept his own trading account to make bets with the firm's capital. In 1999, Mr. Corzine was ousted from Goldman amid a power struggle.

By 2010, having suffered a stinging defeat in his bid for re-election as the Democratic governor of New Jersey, Mr. Corzine hoped to resume his career on Wall Street.

A friend, J. Christopher Flowers, one of MF Global's largest investors, helped him get there. Mr. Corzine and Mr. Flowers worked at Goldman decades ago, and at one point, Mr. Flowers helped manage Mr. Corzine's vast wealth while he was a senator, according to Congressional records.

Mr. Corzine's arrival was a coup. MF Global had hired an executive search firm, Westwood Partners, to hunt for a new leader. But some members of the board, including David I. Schamis, who worked for Mr. Flowers, were recruiting Mr. Corzine.

He was a popular manager, former employees say. An avuncular presence with a beard and sweater vest, he had a knack for remembering names. Even in the firm's final hours, they recall that Mr. Corzine never lost his temper. His work ethic also impressed colleagues. He often started his day with a five-mile run, landing in the office by 6 a.m. and was regularly the last person to leave the office.

His intense routine was on par with his ambitions for the firm. With 15 top executives in the firm's boardroom on his first day, March 23, 2010, he said, "I think this firm has tremendous potential and I can't wait to get started," one person who attended said.

Mr. Corzine faced a steep challenge.

For years, MF Global aligned buyers and sellers of futures contracts for commodities like wheat or metals, and took a small commission along the way. But over the last decade, that business had become endangered. By the time Mr. Corzine arrived, near zero-percent interest rates and paper-thin commissions had led to five consecutive quarters of losses.

Soon after taking the helm, Mr. Corzine oversaw a wave of job cuts and overhauled

compensation, moving from steady commissions to salary and discretionary bonuses like the rest of Wall Street.

At the same time, Mr. Corzine filled the ranks with employees from Goldman Sachs and hedge funds like the Soros Fund Management. He recruited Bradley Abelow, a fellow Goldman alumnus and a top aide when he was governor, to be chief operating officer.

Mr. Corzine arrived just as Washington was pressing the big banks to curb their lucrative yet risky businesses. Spotting an opening, he fashioned new trading desks, including one just for mortgage securities and a separate unit to trade using the firm's own capital, a business known as proprietary trading.

Not to be outdone, Mr. Corzine was the most profitable trader in that team, known as the Principal Strategies Group, according to a person briefed on the matter. Mr. Corzine traded oil, Treasury securities and currencies and earned in excess of \$10 million for the firm in 2011, the person said.

Some inside MF Global worried that the expansion of the profitable trading business in New York came at the expense of its futures clearing operation, which was centered in Chicago. To drum up sales, Chicago brokers were pushed to introduce longtime clients to their counterparts in New York, a move that raised tensions.

At times, Mr. Corzine seemed unfamiliar with some aspects of the futures division. In June, speaking at the Sandler O'Neill Financial Services Conference at the St. Regis Hotel in Manhattan, Mr. Corzine stumbled. "Right now, if you thought about MF Global's retail business, you probably could only think of—" he said, then paused to recall the name of the division at MF Global that catered to individual investors.

He leaned over to an aide, who told him it was Lind-Waldock.

"Chief Risk Officer"

"I consider one of my most important jobs to be chief risk officer of our firm," Mr. Corzine told that conference.

Yet soon after joining MF Global, Mr. Corzine torpedoed an effort to build a new risk system, a much-needed overhaul, according to former employees. (A person familiar with Mr. Corzine's thinking said that he saw the need to upgrade, but that the system being proposed was "unduly expensive" and was focused in part on things the firm didn't trade.)

While risk at the firm had been sharply increased with the bet on European sovereign debt, there was a compelling argument for Mr. Corzine's strategy.

MF Global had obtained loans to buy debt of Italy, Ireland and other troubled European nations, while simultaneously pledging the bonds as collateral to support the loans. The loans would come due when the bonds matured, which would happen no later than the end of 2012. MF Global, Mr. Corzine reckoned, would profit on the spread between the interest paid on the loans and the coupons earned from the bonds.

But the size of the European position was making the firm's top risk officers, Michael Roseman and Talha Chaudhry, increasingly uncomfortable by late 2010, according to people familiar with the situation. They pushed Mr. Corzine to seek approval from the board if he wanted to expand it.

Mr. Roseman then gave a PowerPoint presentation for board members, explaining the sovereign debt trade as Mr. Corzine sat a few feet away. The presentation made clear the risks, which hinged on the nations not defaulting or the bonds losing so much value

they caused a cash squeeze. The directors approved the increase. Mr. Roseman eventually left the firm.

Within MF Global, Mr. Corzine welcomed discussion about his bet and his reasons for it, though some senior managers said they feared confronting such a prominent figure. Those who did challenge him recall making little progress. One senior trader said that each time he addressed his concerns, the chief executive would nod with understanding but do nothing.

These concerns were only internal at first because, while MF Global had disclosed the existence of the transactions in at least one filing in 2010, it never mentioned the extent to which they were used to finance the purchase of European debt.

The firm bought its European sovereign bonds making use of an arcane transaction known as repurchase-to-maturity. Repo-to-maturity allowed the company to classify the purchase of the bonds as a sale, rather than a risky bet subject to the whims of the market. That called to mind an earlier era of trading when firms used repo-to-maturity to finance the purchase of risk-free assets like United States Treasury securities. Mr. Corzine's specialty at Goldman many years earlier.

"It's like a bond trader from 15 years ago went to sleep and suddenly awoke to make these trades," one regulator who later reviewed the transactions remarked to a colleague.

Eventually, MF Global's auditor, PricewaterhouseCoopers, asked Mr. Corzine to report the European debt exposure to his investors. He personally met with the accounting firm in December 2010, two people said, and it was agreed that the transactions would be mentioned in a footnote in the firm's annual report, which was filed on May 20, 2011.

Mr. Speaker, I thank you very much for the time this evening, I thank my colleagues and those who are listening, and I yield back my remaining time.

#### RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 9 o'clock and 35 minutes p.m.), the House stood in recess subject to the call of the Chair.

□ 2339

#### AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. DOLD) at 11 o'clock and 39 minutes p.m.

#### LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. DIAZ-BALART (at the request of Mr. CANTOR) for today through December 16 on account of a family medical issue.

#### ADJOURNMENT

The SPEAKER pro tempore. Without objection, the House stands adjourned

until 10 a.m. tomorrow for morning-hour debate.

There was no objection.

Accordingly (at 11 o'clock and 40 minutes p.m.), under its previous order, the House adjourned until tomorrow, Thursday, December 15, 2011, at 10 a.m.

#### EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XIV, executive communications were taken from the Speaker's table and referred as follows:

4297. A letter from the Under Secretary of Defense (Comptroller), Associate Director of National Intelligence, National Geospatial-Intelligence Agency, transmitting a report of a violation of the Antideficiency Act, National Geospatial-Intelligence Agency case number 10-04; to the Committee on Appropriations.

4298. A letter from the Chairman and President, Export-Import Bank, transmitting a report on transactions involving U.S. exports to the Kingdom of Saudi Arabia pursuant to Section 2(b)(3) of the Export-Import Bank Act of 1945, as amended; to the Committee on Financial Services.

4299. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting a report concerning methods employed by the Government of Cuba to comply with the United States-Cuba September 1994 "Joint Communiqué" and the treatment by the Government of Cuba of persons returned to Cuba in accordance with the United States-Cuba May 1995 "Joint Statement", together known as the Migration Accords; to the Committee on Foreign Affairs.

4300. A letter from the Chairman, Broadcasting Board of Governors, transmitting the semiannual report on the activities of the Office of Inspector General for the period from April 1, 2011 to September 30, 2011, pursuant to 5 U.S.C. app. (Insp. Gen. Act), section 5(b); to the Committee on Oversight and Government Reform.

4301. A letter from the Acting Staff Director, Commission on Civil Rights, transmitting the Commission's Performance and Accountability Report for fiscal year 2011; to the Committee on Oversight and Government Reform.

4302. A letter from the Chief Human Capital Officer, Corporation for National and Community Service, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

4303. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting the Department's Agency Financial Report for Fiscal Year 2011; to the Committee on Oversight and Government Reform.

4304. A letter from the Director of Legislative Affairs, Office of the Director of National Intelligence, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

4305. A letter from the Director of Legislative Affairs, Office of the Director of National Intelligence, transmitting 2 reports pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

4306. A letter from the Delegated the Authority of the Staff Director, Commission on Civil Rights, transmitting notification that the Commission recently appointed members

to the Arizona Advisory Committee; to the Committee on the Judiciary.

#### PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. BLUMENAUER (for himself, Mr. POE of Texas, Mr. PAYNE, Mr. BURTON of Indiana, Mr. CARNAHAN, Mr. SIREN, Mr. MCCAUL, Mr. BERMAN, Mr. MCGOVERN, Mr. CONYERS, Ms. BASS of California, Ms. LEE of California, and Mr. SMITH of Washington):

H.R. 3658. A bill to strengthen implementation of the Senator Paul Simon Water for the Poor Act of 2005, and for other purposes; to the Committee on Foreign Affairs.

By Mr. PAULSEN (for himself, Mr. DAVIS of Kentucky, Mr. BOUSTANY, Mr. SCHOCK, and Mrs. BLACK):

H.R. 3659. A bill to reauthorize the program of block grants to States for temporary assistance for needy families through fiscal year 2012, and for other purposes; to the Committee on Ways and Means.

By Mr. CARNAHAN (for himself, Mr. BURTON of Indiana, Mr. CONNOLLY of Virginia, Mrs. ELLMERS, Mr. JONES, and Mr. WELCH):

H.R. 3660. A bill to establish the United States Office for Contingency Operations, and for other purposes; to the Committee on Foreign Affairs, and in addition to the Committees on Armed Services, and Oversight and Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. TIBERI (for himself, Mr. NEAL, Mr. BUCHANAN, Mr. RANGEL, Mr. GERLACH, Mr. CROWLEY, Mr. TERRY, Mr. PASCRELL, and Mr. CLEAVER):

H.R. 3661. A bill to amend the Internal Revenue Code of 1986 to make permanent and expand the temporary minimum credit rate for the low-income housing tax credit program; to the Committee on Ways and Means.

By Mr. MCKEON (for himself, Mr. RUNYAN, Mr. AKIN, Mr. THORNBERRY, Mrs. HARTZLER, Mr. SHUSTER, Mr. AUSTIN SCOTT of Georgia, Mr. ROONEY, Mr. ROGERS of Alabama, Mr. TURNER of Ohio, Mr. PLATTS, Mr. BROOKS, Mr. HUNTER, Mr. WEST, Mr. CONAWAY, Mr. FLEMING, Mr. MILLER of Florida, Mr. LAMBORN, Mr. KLINE, Mr. RIGELL, Mr. WILSON of South Carolina, Mr. YOUNG of Florida, Mr. LOBIONDO, Mr. FRANKS of Arizona, Mr. PALAZZO, and Mrs. BLACKBURN):

H.R. 3662. A bill to amend the Balanced Budget and Emergency Deficit Control Act of 1985 to modify the discretionary spending limits to take into account savings resulting from the reduction in the number of Federal employees; to the Committee on Oversight and Government Reform, and in addition to the Committee on the Budget, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. HURT (for himself, Mrs. HARTZLER, Mr. LUETKEMEYER, and Mr. LANKFORD):

H.R. 3663. A bill to amend the Federal Power Act to require the Federal Energy Regulatory Commission to minimize infringement on the exercise and enjoyment of

property rights in issuing hydropower licenses, and for other purposes; to the Committee on Energy and Commerce.

By Mr. BILBRAY (for himself and Mr. COHEN):

H.R. 3664. A bill to provide local communities with tools to make solar permitting more efficient, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on Science, Space, and Technology, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. DELAULO (for herself, Mr. WELCH, and Mr. BOSWELL):

H.R. 3665. A bill to require the Commodity Futures Trading Commission to impose fees and assessments to recover the cost of appropriations to the Commission; to the Committee on Agriculture.

By Mr. HULTGREN (for himself and Ms. KAPTUR):

H.R. 3666. A bill to direct the Secretary of Transportation to establish a program to assist veterans to acquire commercial driver's licenses, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mrs. McMORRIS RODGERS (for herself and Mr. THOMPSON of California):

H.R. 3667. A bill to provide for a Medicare primary care graduate medical education pilot project in order to improve access to the primary care workforce; to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MEEHAN (for himself and Ms. LINDA T. SANCHEZ of California):

H.R. 3668. A bill to prevent trafficking in counterfeit drugs; to the Committee on the Judiciary.

By Mr. RENACCI (for himself, Mr. QUIGLEY, Mr. BUCSHON, Mr. SCHRAEDER, Mr. OWENS, Mr. CARNEY, Mr. HIMES, and Mr. WEBSTER):

H.R. 3669. A bill to improve the accuracy and transparency of the Federal budget process; to the Committee on the Budget, and in addition to the Committees on Rules, Oversight and Government Reform, and Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. WALZ of Minnesota (for himself, Mr. BILIRAKIS, and Mr. OWENS):

H.R. 3670. A bill to require the Transportation Security Administration to comply with the Uniformed Services Employment and Reemployment Rights Act; to the Committee on Homeland Security, and in addition to the Committee on Veterans' Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ROGERS of Kentucky:

H.R. 3671. A bill making consolidated appropriations for the fiscal year ending September 30, 2012, and for other purposes; to the Committee on Appropriations, and in addition to the Committee on the Budget, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ROGERS of Kentucky:

H.R. 3672. A bill making appropriations for disaster relief requirements for the fiscal

year ending September 30, 2012, and for other purposes; to the Committee on Appropriations, and in addition to the Committee on the Budget, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. McKEON:

H. Con. Res. 92. Concurrent resolution directing the Clerk of the House of Representatives to correct the enrollment of the bill H.R. 1540; considered and agreed to.

By Mr. SHUSTER:

H. Con. Res. 93. Concurrent resolution providing for a correction to the enrollment of the bill H.R. 2845; considered and agreed to.

By Mr. ROGERS of Kentucky:

H. Con. Res. 94. Concurrent resolution directing the Clerk of the House of Representatives to make corrections in the enrollment of H.R. 3672; to the Committee on Appropriations, and in addition to the Committee on House Administration, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. CARTER:

H. Res. 495. A resolution recognizing the November 5, 2009, attack on Fort Hood, Texas, as an act of radical Islamic terrorism and Jihad; to the Committee on Armed Services.

By Mr. DANIEL E. LUNGREN of California:

H. Res. 496. A resolution adjusting the amount provided for the expenses of certain committees of the House of Representatives in the One Hundred Twelfth Congress; to the Committee on House Administration.

## CONSTITUTIONAL AUTHORITY STATEMENT

Pursuant to clause 7 of rule XII of the Rules of the House of Representatives, the following statements are submitted regarding the specific powers granted to Congress in the Constitution to enact the accompanying bill or joint resolution.

By Mr. BLUMENAUER:

H.R. 3658.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 18 of the Constitution.

By Mr. PAULSEN:

H.R. 3659.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 1 of the United States Constitution, to "provide for the common Defence and general Welfare of the United States."

By Mr. CARNAHAN:

H.R. 3660.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 1. "All legislative Powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and a House of Representatives."

By Mr. TIBERI:

H.R. 3661.

Congress has the power to enact this legislation pursuant to the following:

This bill makes changes to existing law relating to Article I, Section 8 which provides that "The Congress shall have Power To lay and collect Taxes, Duties, Imposts and Excises, to pay the Debts and provide for the

common Defense and general Welfare of the United States; but all Duties, Imposts and Excises shall be uniform throughout the United States;" and Article 1, Section 7 which provides that "All bills for raising Revenue shall originate in the House of Representatives."

By Mr. McKEON:

H.R. 3662.

Congress has the power to enact this legislation pursuant to the following:

The constitutional authority on which this bill rests is the power of Congress to "provide for the common defense," "raise and support armies," and "provide and maintain a navy," as enumerated in Article I, Section 8 of the United States Constitution.

By Mr. HURT:

H.R. 3663.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 3 of the Constitution of the United States.

By Mr. BILBRAY:

H.R. 3664.

Congress has the power to enact this legislation pursuant to the following:

Article 1 Section 8 of the U.S. Constitution reads in part: To make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by this Constitution in the Government of the United States, or in any Department or Officer thereof.

By Ms. DELAULO:

H.R. 3665.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clauses 3 and 18 of the United States Constitution.

By Mr. HULTGREN:

H.R. 3666.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8, Clause 18: To make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by this Constitution in the Government of the United States or in any Department or Officer thereof.

By Mrs. McMORRIS RODGERS:

H.R. 3667.

Congress has the power to enact this legislation pursuant to the following:

The bill is enacted pursuant to the power granted to Congress under Article I, Section 8, clause 3 to regulate Commerce with foreign nations and among the several States.

By Mr. MEEHAN:

H.R. 3668.

Congress has the power to enact this legislation pursuant to the following:

This bill is enacted pursuant to Article I, Section 8, Clause 3 of the Constitution of the United States and Article I, Section 8, Clause 18 of the Constitution of the United States.

By Mr. RENACCI:

H.R. 3669.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 9, Clause 7 of the United States Constitution, and Article 1, Section 8, Clause 1 of the United States Constitution.

By Mr. WALZ of Minnesota:

H.R. 3670.

Congress has the power to enact this legislation pursuant to the following:

This bill is enacted pursuant to the power granted to Congress under Article I, Section 8 of the United States Constitution.

By Mr. ROGERS of Kentucky:

H.R. 3671.



Congress has the power to enact this legislation pursuant to the following:

The principal constitutional authority for this legislation is clause 7 of section 9 of article I of the Constitution of the United States (the appropriation power), which states: "No Money shall be drawn from the Treasury, but in Consequence of Appropriations made by Law . . . ." In addition, clause 1 of section 8 of article I of the Constitution (the spending power) provides: "The Congress shall have the Power . . . to pay the Debts and provide for the common Defence and general Welfare of the United States . . . ." Together, these specific constitutional provisions establish the congressional power of the purse, granting Congress the authority to appropriate funds, to determine their purpose, amount, and period of availability, and to set forth terms and conditions governing their use.

By Mr. ROGERS of Kentucky:

H.R. 3672.

Congress has the power to enact this legislation pursuant to the following:

The principal constitutional authority for this legislation is clause 7 of section 9 of article I of the Constitution of the United States (the appropriation power), which states: "No Money shall be drawn from the Treasury, but in Consequence of Appropriations made by Law . . . ." In addition, clause 1 of section 8 of article I of the Constitution (the spending power) provides: "The Congress shall have the Power . . . to pay the Debts and provide for the common Defence and general Welfare of the United States . . . ." Together, these specific constitutional provisions establish the congressional power of the purse, granting Congress the authority to appropriate funds, to determine their purpose, amount, and period of availability, and to set forth terms and conditions governing their use.

#### ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 190: Mr. DOYLE.  
H.R. 210: Mr. FATTAH and Mr. LEWIS of Georgia.  
H.R. 376: Mr. PLATTS.  
H.R. 420: Mr. YOUNG of Florida.  
H.R. 476: Mr. MARCHANT.  
H.R. 507: Mr. CONNOLLY of Virginia, Mrs. BIGGERT, Mr. ENGEL, and Mr. CARNAHAN.  
H.R. 640: Mr. MCDERMOTT.  
H.R. 654: Mr. DEFazio.  
H.R. 665: Mr. DANIEL E. LUNGREN of California and Mr. FARENTHOLD.  
H.R. 719: Mr. SHULER.  
H.R. 750: Mr. AMODEI.  
H.R. 805: Mr. GONZALEZ.  
H.R. 835: Mr. YARMUTH, Mr. HINOJOSA, Mrs. CAPITO, Mr. MARKEY, Mr. CUMMINGS, Mr. MEEKS, Mr. WHITFIELD, Ms. ROS-LEHTINEN, Mr. WITTMAN, and Mr. QUIGLEY.  
H.R. 938: Mr. CARNAHAN, Mr. HINOJOSA, and Mr. SCOTT of Virginia.  
H.R. 995: Mr. KEATING.  
H.R. 1044: Mr. SCHOCK.  
H.R. 1063: Mrs. McMORRIS RODGERS and Mr. SHIMKUS.  
H.R. 1130: Mr. HOLT.  
H.R. 1134: Mr. SCOTT of South Carolina.  
H.R. 1148: Mr. GUINTA, Mr. CLAY, and Ms. EDDIE BERNICE JOHNSON of Texas.  
H.R. 1154: Mr. GONZALEZ.  
H.R. 1175: Mr. DUFFY and Mr. LONG.  
H.R. 1181: Mr. BOUSTANY.  
H.R. 1206: Mrs. ELLMERS.

H.R. 1265: Mr. DIAZ-BALART and Mr. GARDNER.

H.R. 1288: Mr. HANNA and Mr. FRANK of Massachusetts.

H.R. 1289: Ms. LEE of California.

H.R. 1426: Mr. MCCOTTER.

H.R. 1477: Mr. THOMPSON of California.

H.R. 1509: Mr. LANCE.

H.R. 1511: Mr. PLATTS, Mr. BUCSHON, Ms. SCHWARTZ, and Mr. NUNNELEE.

H.R. 1529: Ms. HOCHUL.

H.R. 1558: Mr. BERG.

H.R. 1578: Mr. CONYERS.

H.R. 1604: Mr. DANIEL E. LUNGREN of California.

H.R. 1614: Mr. DUFFY and Ms. CLARKE of New York.

H.R. 1653: Mr. MURPHY of Connecticut and Mr. THOMPSON of California.

H.R. 1697: Mrs. MILLER of Michigan.

H.R. 1704: Mr. ENGEL and Mrs. BIGGERT.

H.R. 1738: Mr. ENGEL.

H.R. 1739: Mr. QUIGLEY.

H.R. 1802: Mr. ADERHOLT and Mr. BONNER.

H.R. 1834: Mr. OLSON.

H.R. 1862: Mr. BURGESS.

H.R. 1872: Ms. NORTON.

H.R. 1897: Mr. GONZALEZ.

H.R. 1956: Mr. PAULSEN.

H.R. 1960: Mr. SCALISE.

H.R. 1964: Mr. AUSTIN SCOTT of Georgia.

H.R. 1981: Mr. KLINE.

H.R. 2028: Mr. HOLT.

H.R. 2059: Mr. WITTMAN.

H.R. 2069: Mr. WEBSTER.

H.R. 2086: Mrs. MCCARTHY of New York and Ms. SPEIER.

H.R. 2198: Mr. FINCHER.

H.R. 2284: Mr. COSTA.

H.R. 2313: Mr. BUCHANAN, Mrs. ELLMERS, and Mr. YOUNG of Florida.

H.R. 2334: Mr. HIMES.

H.R. 2366: Mr. LANCE.

H.R. 2412: Mrs. MCCARTHY of New York.

H.R. 2479: Mr. LEWIS of Georgia.

H.R. 2485: Mr. BISHOP of New York.

H.R. 2492: Ms. SCHWARTZ, Mr. SMITH of Washington, Mr. DICKS, Mr. ROE of Tennessee, Mr. PAULSEN, Mr. YARMUTH, Mrs. CAPITO, Mr. CUMMINGS, Mr. MEEKS, Mr. TONKO, Mr. MARKEY, Mr. MICHAUD, Mr. DEFazio, and Mr. SCHIFF.

H.R. 2499: Ms. CHU.

H.R. 2505: Mr. THOMPSON of Pennsylvania and Mr. KLINE.

H.R. 2513: Mr. GONZALEZ.

H.R. 2514: Mrs. MILLER of Michigan.

H.R. 2528: Mr. ROGERS of Michigan and Mr. FARENTHOLD.

H.R. 2536: Mr. CONNOLLY of Virginia, Ms. NORTON, and Mr. ENGEL.

H.R. 2770: Mr. BERG.

H.R. 2809: Mr. GRIJALVA, Mr. CONYERS, Mr. SIRES, and Mr. MORAN.

H.R. 2866: Ms. CLARKE of New York.

H.R. 2874: Mr. WITTMAN.

H.R. 2898: Mr. POMPEO.

H.R. 2948: Mr. ENGEL.

H.R. 2954: Mr. PASTOR of Arizona.

H.R. 2959: Mr. FARENTHOLD.

H.R. 2966: Ms. ROS-LEHTINEN, Mr. DEFazio, Mr. SMITH of Washington, Mr. WITTMAN, and Mr. QUIGLEY.

H.R. 2969: Mr. CICILLINE.

H.R. 2982: Mr. BURTON of Indiana.

H.R. 3001: Mr. HUIZENGA of Michigan, Mr. MARINO, Mr. ROSKAM, Mr. SMITH of New Jersey, Mr. DIAZ-BALART, Mrs. LUMMIS, Mrs. SCHMIDT, Mr. BROOKS, Mr. FLORES, Mr. GOHMERT, Mr. GINGREY of Georgia, Mr. ACKERMAN, Mr. MANZULLO, Mr. SIRES, Mrs. NAPOLITANO, Mr. MILLER of North Carolina, and Mr. SCHILLING.

H.R. 3003: Mr. WALDEN.

H.R. 3020: Mr. DIAZ-BALART.

H.R. 3053: Mr. REYES.

H.R. 3059: Mr. YOUNG of Florida.

H.R. 3096: Mr. ROE of Tennessee, Mr. DESJARLAIS, Mr. WILSON of South Carolina, Mrs. LUMMIS, Mr. DUNCAN of South Carolina, and Mr. MARCHANT.

H.R. 3145: Mrs. LOWEY.

H.R. 3159: Mrs. LOWEY.

H.R. 3200: Mr. SCOTT of Virginia.

H.R. 3207: Mr. TIBERI.

H.R. 3221: Ms. CHU.

H.R. 3266: Ms. SCHAKOWSKY.

H.R. 3307: Mr. OWENS.

H.R. 3359: Mr. PETERS.

H.R. 3366: Mr. LEWIS of Georgia.

H.R. 3418: Mr. ENGEL.

H.R. 3435: Mr. CONNOLLY of Virginia, Mr. ACKERMAN, Mr. PASTOR of Arizona, Mr. TIERNEY, Mr. AL GREEN of Texas, Mr. SABLAN, and Mr. PAYNE.

H.R. 3440: Mr. HECK and Mr. NUNNELEE.

H.R. 3454: Mr. BROOKS.

H.R. 3465: Mr. LYNCH.

H.R. 3466: Mr. PAYNE.

H.R. 3480: Mr. PALAZZO and Mr. MCKINLEY.

H.R. 3483: Mr. MICHAUD.

H.R. 3484: Mr. GARAMENDI, Mr. WAXMAN, Ms. ROYBAL-ALLARD, Ms. HAHN, Ms. WOOLSEY, Mr. THOMPSON of California, Mr. SCHIFF, Mr. GEORGE MILLER of California, Ms. RICHARDSON, Ms. ESHOO, Ms. MATSUI, and Ms. LORETTA SANCHEZ of California.

H.R. 3485: Mr. BACA.

H.R. 3506: Mr. YOUNG of Florida.

H.R. 3510: Mr. FORTENBERRY, Mr. RUSH, and Mr. BISHOP of New York.

H.R. 3521: Mr. AKIN and Mr. JOHNSON of Illinois.

H.R. 3533: Mr. GARAMENDI, Mr. RYAN of Ohio, Mr. VISCLOSKEY, Ms. DELAURO, Mr. GEORGE MILLER of California, Ms. LINDA T. SANCHEZ of California, Mr. LOEBACK, Mr. MURPHY of Connecticut, Ms. SLAUGHTER, and Mr. CRITZ.

H.R. 3542: Ms. BASS of California, Mr. BLUMENAUER, Mr. CONYERS, Mr. KUCINICH, and Ms. WATERS.

H.R. 3548: Mr. LANKFORD.

H.R. 3550: Mr. YOUNG of Florida.

H.R. 3568: Mr. MORAN and Mr. GRIJALVA.

H.R. 3569: Mr. PETERSON, Ms. LEE of California, Mr. YOUNG of Alaska, Mr. PIERLUISI, Mr. GENE GREEN of Texas, Mr. REYES, Mr. HINOJOSA, Mr. HONDA, Mr. CUELLAR, Ms. RICHARDSON, Mr. LARSON of Connecticut, Mr. AL GREEN of Texas, Mr. CLAY, Mr. CLEAVER, Mr. SIRES, Mr. FATTAH, Mr. BOREN, Mr. COSTA, Mr. RAHALL, Mr. YARMUTH, Mr. PERLMUTTER, Mr. SHULER, Mr. CARDOZA, Mr. BECERRA, Mr. GONZALEZ, Mr. DAVID SCOTT of Georgia, Mr. BRALEY of Iowa, Mr. RICHMOND, Mr. JACKSON of Illinois, Mr. CARSON of Indiana, Mr. SABLAN, Mrs. NAPOLITANO, Mr. PALONE, Mr. GRIJALVA, Mr. BERMAN, Mr. COHEN, Mr. ANDREWS, Mr. MEEKS, Mr. ROSS of Arkansas, Mr. RANGEL, Mr. BRADY of Pennsylvania, Mr. TOWNS, and Ms. ROYBAL-ALLARD.

H.R. 3575: Mr. ROKITA.

H.R. 3577: Mr. KINZINGER of Illinois, Mr. SENSENBRENNER, and Mr. PAULSEN.

H.R. 3583: Mr. JOHNSON of Illinois, Mr. LABRADOR, Mr. RIBBLE, Mrs. BLACKBURN, and Mr. ROKITA.

H.R. 3589: Mr. HULTGREN, Mr. HONDA, and Mr. ROSKAM.

H.R. 3596: Mr. GRIMM.

H.R. 3608: Mr. LAMBORN.

H.R. 3609: Mr. CHAFFETZ and Mr. JOHNSON of Illinois.

H.R. 3626: Mr. LEWIS of Georgia, Mr. HIGGINS, Mr. MCGOVERN, Ms. CHU, and Mr. PAYNE.

H.R. 3638: Ms. BASS of California, Mrs. CHRISTENSEN, Mr. CONYERS, Mr. FILNER, Mr.



JACKSON of Illinois, Mr. KUCINICH, Ms. LEE of California, Mr. MCGOVERN, and Ms. WOOLSEY.  
H.R. 3643: Mr. CHANDLER.

H.J. Res. 88: Mr. GRIJALVA.

H.J. Res. 90: Mr. GRIJALVA, Ms. LEE of California, and Mr. JOHNSON of Georgia.

H. Con. Res. 63: Mr. WALZ of Minnesota.

H. Con. Res. 85: Mr. HINOJOSA, Ms. ROYBAL-ALLARD, Mr. BRADY of Pennsylvania, and Mrs. CAPPS.

H. Con. Res. 87: Mr. JONES.

H. Res. 111: Mr. GRIMM.

H. Res. 253: Mr. PLATTS, Mr. JOHNSON of Ohio, and Mr. WITTMAN.

H. Res. 298: Mr. CONNOLLY of Virginia, Ms. CHU, and Ms. SCHAKOWSKY.

H. Res. 304: Mr. SMITH of New Jersey.

H. Res. 456: Mr. RANGEL.

H. Res. 460: Mr. JOHNSON of Illinois, Mr. BACA, Mr. PASTOR of Arizona, Mr. MARINO, Mrs. ELLMERS, Ms. SPEIER, and Mr. SIRES.

H. Res. 474: Mr. CARNAHAN and Mr. COSTELLO.

H. Res. 489: Mr. HENSARLING, Mr. HUIZENGA of Michigan, Mr. MCINTYRE, Mr. BACHUS, Mr. YOUNG of Florida, Mr. CRAVAACK, Mr. ROE of Tennessee, Mrs. BLACKBURN, Mr. GOODLATTE, Mr. KING of Iowa, Mr. GOHMERT, Mr. WEST-MORELAND, Mr. MULVANEY, Mr. FLORES, Mr. MARCHANT, Mr. STUTZMAN, Mrs. LUMMIS, Mr. WILSON of South Carolina, Mr. PRICE of Georgia, Mr. BROOKS, Mr. MANZULLO, Mr. AUSTIN SCOTT of Georgia, Mr. DESJARLAIS, Mr. BARTLETT, Mr. FRANKS of Arizona, Mr. HUELSKAMP, Mr. MILLER of Florida, and Mr. KELLY.

H. Res. 492: Mr. BURTON of Indiana.

---

#### CONGRESSIONAL EARMARKS, LIMITED TAX BENEFITS, OR LIMITED TARIFF BENEFITS

Under clause 9 of rule XXI, lists or statements on congressional earmarks,

limited tax benefits, or limited tariff benefits were submitted as follows:

OFFERED BY MR. ROGERS OF KENTUCKY

H.R. 3671, the Consolidated Appropriations Act, 2012, does not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9 of rule XXI.

OFFERED BY MR. CAMP

The provisions that warranted a referral to the Committee on Ways and Means in the Welfare Integrity and Data Improvement Act do not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9 of rule XXI.

OFFERED BY MR. ROGERS OF KENTUCKY

H.R. 3672, the Disaster Relief Appropriations Act, 2012, does not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9 of rule XXI.

## SENATE—Wednesday, December 14, 2011

The Senate met at 9:30 a.m. and was called to order by the Honorable KIRSTEN E. GILLIBRAND, a Senator from the State of New York.

### PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Eternal and ever blessed God, strengthen our Senators today to walk in Your steps. Help them to walk in Your humility so that they will strive to serve. Help them to walk in Your courage so that nothing will deflect them from the path of integrity. Help them to walk in Your endurance so that discouragement will not hinder them from reaching laudable goals. Help them to walk in Your loyalty so that nothing will destroy their devotion to You.

Lord, place Your truth in their minds, Your love in their hearts, and Your kindness on their lips.

We pray in Your merciful Name. Amen.

### PLEDGE OF ALLEGIANCE

The Honorable KIRSTEN E. GILLIBRAND led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

### APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. INOUE).

The assistant legislative clerk read the following letter:

U.S. SENATE,  
PRESIDENT PRO TEMPORE,  
Washington, DC, December 14, 2011.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable KIRSTEN E. GILLIBRAND, a Senator from the State of New York, to perform the duties of the Chair.

DANIEL K. INOUE,  
President pro tempore.

Mrs. GILLIBRAND thereupon assumed the Chair as Acting President pro tempore.

### RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

### RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

### SCHEDULE

Mr. REID. Madam President, following leader remarks, the Senate will be in a period of morning business for 1 hour with the majority controlling the first half and the Republicans controlling the final half.

Following that morning business, the Senate will resume consideration of S.J. Res. 10 and S.J. Res. 24. Both of these resolutions regard the balanced budget amendment. At approximately 10:45, there will be two votes on those resolutions.

We also hope to consider the Department of Defense authorization conference report today as well as the House Republican payroll tax bill.

### PROTECTING MIDDLE-CLASS WORKERS

Mr. REID. Madam President, this has become a familiar scene on Capitol Hill. As time ticks down to the wire, the House has sent the Senate yet another bill that will not pass. Meanwhile, American families stare down a \$1,000 tax increase, and on January 1 they will be scrambling to afford the necessities because of Republican obstructionism that Americans don't understand.

It has become the Republican fall-back play: Waste precious time catering to tea party extremists when they could be working with Democrats to compromise.

Republican leaders have already spent weeks drumming up tea party support for legislation they knew was dead on arrival in the Senate. Now it is time to get this vote over with so real negotiations can begin to prevent a tax increase on 160 million middle-class Americans.

This morning I will ask unanimous consent to vote on the House-passed bill. Democrats were ready to vote on this legislation last night, but I can't set a vote at this time under Senate procedures without Senator MCCONNELL's approval. Even though we already knew the bill was dead, Senator MCCONNELL wasn't ready to hold a vote on it last night.

That is an about-face from just a few hours before—even as recently as yesterday morning, Tuesday morning—and on Monday, for example, when Sen-

ator MCCONNELL urged us to take up the House bill as soon as possible.

This is what he said:

My suggestion is that once this legislation comes over from the House, we pass it without delay.

That is what I tried to do last night—not pass it but at least have a vote on it.

Senator MCCONNELL repeated that call yesterday morning—Tuesday morning. Here is what he said yesterday morning:

I would suggest that our friends put the political games aside and give the American people the certainty and the jobs that they deserve. Take up the House bill, pass it right here in the Senate, and send it to the President . . . without theatrics and without delay.

Then yesterday afternoon Senator MCCONNELL said:

The first thing we need to find out is whether there are the votes in the Senate to pass what the House has passed.

So I say to my friend the Republican leader let's find out whether he has the votes in the Senate to pass what the House has passed. Let's vote on this now. We knew Monday the bill wouldn't pass the Senate, we also knew yesterday this bill wouldn't pass the Senate, and we still know it will not pass the Senate.

Here is why this legislation is a non-starter. I will give 3 of about 33 reasons: The bill cuts unemployment benefits for 1 million Americans at a time when there are not jobs for one out of every four people seeking work. It weakens safeguards that keep our air clean and our children healthy, and the President has already threatened to veto it. In fact, he said he will veto it.

Legislation written to appeal only to the extreme rightwing of the Republican Party can't pass the Senate. Republicans will see that again, whenever they allow us to vote on this legislation that my friend, the Republican leader, said let's vote on right away. Right away was last night.

So let's get this vote over with. Then we can begin serious negotiations on how to prevent a \$1,000 tax hike on American families. The sooner we put this useless, partisan charade behind us, the sooner we can negotiate a true bipartisan solution that protects middle-class workers.

Madam President, there has been a lot of talk about let's get to the omnibus, and let's pass it. However, it is not complete. There are major issues. We have made significant progress. There are still critical issues to be ironed out. There are issues that deal with foreign policy. There are issues that deal with

the environment. There are issues that deal with—we have about seven or eight—what some would refer to as game stoppers. We could complete that work, but it is something that is not done now.

There is no reason, while that work is continuing, to hold up the middle-class tax cut. Congress is not going to go home for vacation—remember, the bill that some want to pass, the omnibus bill, takes care of us, it takes care of legislators. It has Legislative Branch appropriations in it. So we shouldn't go home until we finish the business of the American people.

Preventing a \$1,000 tax increase on American families is the most pressing business we have, and we are not going to allow Republicans in Congress to take care of themselves without taking care of middle-class families as well.

We hope to complete this important work soon—this week. If we can't, we should pass a short continuing resolution to keep the government open while we work through each compromise. We have passed short-term CRs many times before, and we should do it again if that is what it takes to prevent a tax on the middle class.

The bottom line is this: It is time for the two sides to come together and compromise. As I told the Speaker Monday and as I spoke on the floor yesterday and I have said this to my friend the Republican leader the House can't pass legislation that will succeed over here unless they get Democrats to support their legislation. We cannot pass legislation here because of how the Republicans have set not a majority rule but we have to get 60 votes. We can't get 60 votes unless we get Republican assistance. So we need to compromise. Legislation is there to compromise, but it might take a little more time. Republicans should give Congress a few more days to finish its job rather than rushing home for vacation.

I have already talked about the importance of doing this legislation as quickly as we can. I think it is extremely important, and we understand that it could be done—the vote could take place, and it would take 20 minutes to do that.

#### UNANIMOUS CONSENT REQUESTS

Mr. REID. Madam President, I ask unanimous consent that following the two scheduled votes in the Senate, we proceed to the consideration of H.R. 3630, which is the House-passed legislation—the House-passed legislation that, out of 435 Members of Congress, got 10 Democratic votes—that there be 2 hours of debate equally divided between the two leaders or their designees prior to a vote on passage of the bill; that no amendments be in order prior to a vote on passage, and that the vote on passage be subject to a 60-vote

threshold—which my friend, the Republican leader, seems to believe is the standard around here anymore—further, that if the bill is not passed, it remain the pending business, and that following I be recognized.

The ACTING PRESIDENT pro tempore. Is there objection?

The Republican leader.

Mr. MCCONNELL. Madam President, reserving the right to object, our most immediate concern at this point is that despite Federal funding expiring 2 days from now—Friday night—my friend the majority leader is blocking action on the funding bill to keep the government open. That is our most immediate concern, and we should address it first because the deadline is literally just 2 days away. That comes first.

My good friend the majority leader has said shutting the government down would be extreme and that it is too risky to even entertain, and that issue is just 2 days away. Everyone knows the truth is that the bill would fund our troops, our border security, and the remaining funding for the rest of the fiscal year, and it is ready to go. They were prepared to sign the conference report earlier this week until leadership on this side said don't sign the report.

There is agreement on the funding bill but no agreement and no plan at all about how we are going to pass the payroll tax cut extension in the Senate. So we ought to finish our most immediate concern first.

Let me repeat that our friends across the aisle have no plan, and some might suggest no desire, to pass a payroll tax cut extension—the President's top priority—extend unemployment insurance or ensure seniors' access to medical care. They have made no attempt at all to produce a bill that can pass the Senate. It is their responsibility in the majority to do that. Instead, we have wasted week after week after week on one senseless show vote after another—votes that one member in the Democratic Senate leadership recently admitted were designed solely to score points on millionaires.

So let's deal first with the deadline that happens this Friday, 2 days from now—fund the government through the rest of the fiscal year—and then turn immediately to the payroll tax extension that expires later in January, and let's pass the job-creating and job-saving measures the House has passed.

Therefore, Madam President, I ask unanimous consent to modify the majority leader's request to say as follows: that the Senate would turn to the consideration of the House bill relating to the payroll tax repeal extension immediately after the Senate passes a conference report or a bill received from the House that funds the government through the end of the fiscal year.

The ACTING PRESIDENT pro tempore. Does the majority leader so modify the request?

Mr. REID. Reserving the right to object, my friend is living in a world of nonreality. Let's look for a way out.

The House of Representatives, which has a significant majority of Republicans, last week couldn't even pass a bill. That was in all the press. They couldn't get the votes. So what they did, in an effort to placate the far right so they could pass a bill with Republican votes, they stuck in a bunch of issues that are hard to comprehend—issues dealing with the environment that have nothing to do with this bill. Even a Republican Senator said that bill, standing alone, looks OK, but jammed in with everything else it doesn't look so good. They should be separate issues.

We have issues on the so-called omnibus or spending bill that have not yet been resolved, one dealing with Cuba, a very important piece of legislation in the minds of many Senators. One of the Senators who believes so strongly that this provision should be taken out is a Republican Senator from Florida. We have issues dealing with the environment which are extremely important: light bulbs, coal, and many other issues that haven't been resolved in this so-called omnibus.

So, Madam President, I think everyone can see very clearly that my friends on the other side of the aisle obviously want to have the government shut down.

As I have said before, and I will say again, they have had experience doing this. The presumptive Republican nominee Newt Gingrich tried that once and it didn't work so well. So I don't think it is going to work very well again. Everyone knows why the government is going to shut down, if, in fact, it does.

We have 160 million Americans who are out there cheering for us—cheering for us—that we can get them the tax relief they deserve. We have well more than 1 million Americans who have been out of work for a long period of time who are cheering for us. We have businesspeople out there who are cheering for us, that there are certain tax benefits that are important to creating jobs that we need to do before we leave here.

So, Madam President, I object and ask unanimous consent that if the Senate receives from the House a bill that continues funding for the Federal Government through December 21, 2011, it be in order for the majority leader, in consultation with the Republican leader, to proceed to the bill; further, that the bill be read three times and passed, all with no intervening action or debate.

The ACTING PRESIDENT pro tempore. Objection is heard for the first request.

Is there objection to the second request?

Mr. MCCONNELL. Madam President, I am not sure what the majority leader just said.

Mr. REID. Madam President, what I said is, I ask that if we get a bill from the House to have a CR, a continuing resolution, for another few days, that we be allowed to take it up. Under the rules of the Senate and the Congress, I cannot initiate a CR here. It is a tax measure and constitutionally has to start over there. So I have said that if the Senate receives from the House a bill that continues funding for the Federal Government—I said through December 21—any reasonable time is fine with me—it be in order for me, after I talk to the Republican leader, to proceed to the bill.

Mr. MCCONNELL. Madam President, reserving the right to object, we do not need to do that.

Representative JIM MORAN, Democrat of Virginia, one of the top members on the House Appropriations Committee, said this yesterday:

Our bill is done, and it should go to the president immediately. . . . We're not holding it up. . . . I can't speak for HARRY REID. I can't speak for him. As far as I'm concerned, it should be done.

A government shutdown is 2 days away. We have an agreement based on what all the appropriators on the conference report are saying. We can pass that and do first things first—prevent a government shutdown. I agree with the majority leader, a government shutdown is a terrible idea. He has said that repeatedly. We have all said it repeatedly. The way to avoid that is to get our work done. The work is done on the appropriations conference report. We ought to get signatures on it, and we ought to pass it, and we ought to do it in the next 2 days.

Now, Madam President, there were a series of other competing UCs here, and I am a little confused as to where we are.

Mr. REID addressed the Chair.

The ACTING PRESIDENT pro tempore. The majority leader.

Mr. MCCONNELL. I object to that one, by the way, the last one we were discussing.

The ACTING PRESIDENT pro tempore. Objection is heard.

Mr. REID. Madam President, I know Congressman MORAN. He is a fine man who has been in Congress many, many years. But he should step over here and talk to Senator MENENDEZ or MARCO RUBIO and see how they feel about Cuba and the language in that bill that changes things in relation to how they feel, which dramatically changes our relationship with Cuba, or how about the chairman of the Environment Committee, BARBARA BOXER. See how she feels about going back, in effect, to some saying the Dark Ages, changing lightbulbs, or how about dealing with

other environmental issues, dealing with coal. How about talking to some of the other Senators on that committee.

The bill is not complete. I think we could complete it very quickly if people sat down and focused on what we need to do to get out of here. But now it has not been completed. I do not care what JIM MORAN says or what MITCH MCCONNELL says, the bill is not completed.

But, Madam President, what is obviously extremely clear, which is extremely clear here, my friend the Republican leader has talked for days—I went through what he said on Monday, what he said on two separate occasions on Tuesday: Let's vote on this bill now. That is what he said. It is obvious that something has happened in the last few hours that suddenly they do not want to vote on their own bill.

Keep this in mind: The House has passed a bill that I have said and non-Democrats have said is a dead duck, DOA, dead on arrival. It is here. It is dead. And they do not want to vote on it. Do you think maybe they do not want to vote on it because Republican Senators are kind of embarrassed or ashamed of what is in that bill? I would think so.

Mr. MCCONNELL. Madam President, I would say, speaking of embarrassment, it is that we are doing an omnibus again. The reason we are doing an omnibus again here on the eve of Christmas is because we have not passed our appropriations bills. We have had almost as many show votes in the Senate this year, roughly an equal number of show votes—in other words, designed to fail, to go nowhere, to present a talking point for the President in his campaign—as we have had votes on real bills that we are supposed to pass.

So here we are once again. Three years this Democratic Senate has not passed a budget. Three years we have ended up either in omnibus or CR situations. And here we are again.

Now the appropriators in the House and Senate have labored long and hard. A couple days ago, they said they were ready to sign the report. My good friend the majority leader and the President said: Don't let them sign the report. We might actually have to pass the bill—a mysterious strategy to me.

All I am saying here is, first things first. If the majority leader is convinced the House-passed bill is DOA, why doesn't he start talking to the Speaker about how we might actually craft a bill that can pass both the Republican House and the Democratic Senate and quit wasting our time here in the Senate scoring points? A government shutdown is 2 days away.

So first things first. Let's keep the government from shutting down. These other measures do not expire until the end of the month. If the majority lead-

er is correct that the House bill will not pass the Senate, why doesn't he talk to the Speaker and work out something that can pass on a bipartisan basis because, regretfully, I would say to my friend the majority leader, the Republicans control the House. The Democrats control the Senate, unfortunately, from my point of view. This has to be worked out.

The last time I looked, Christmas is a week from Sunday. Time is a-wasting. We have fiddled all year long—all year long, one point-scoring bill after another, designed to fail, designed to divide us, designed to get no result, to give the President a talking point out on the campaign trail—and here we are, a few days before Christmas, and the silliness continues.

Now, if my friend the majority leader is so convinced the House-passed bill cannot pass the Senate, I would say again, talk to the Speaker and work out something that can pass both the House and the Senate. Time is a-wasting.

The ACTING PRESIDENT pro tempore. The majority leader.

Mr. REID. Madam President, talk about a diversion—that is what we just heard. My friend the Republican leader has talked from the very beginning of this Congress that his No. 1 goal is to defeat Obama for reelection. That is not looking so good. Romney is stumbling, Gingrich is plodding along, heading now everywhere.

But, Madam President, because the Republican leader has caused us—because we have the rules in the Senate, which I accept—has caused us to focus all of our attention on my friend trying to make sure the President is not reelected, we have spent months and months on things that were ordinarily done just like that.

Funding the government—we had numerous CRs for very short periods of time. Finally, we were able to get that done. Then came the debt ceiling, and we spent 3 months on that—3 months of wasting time here in the Senate. Never have we done that. As I indicated and has been spread on the record of this body many, many times, under Ronald Reagan, the debt ceiling was raised 18 times just like that.

Also, Madam President, anyone who understands Washington—and there are a lot more people who understand Washington than the people who are in this Chamber—my friend says: have him—me—go deal with the Speaker. Well, the issue there is kind of stunning how my friend has said this: Go talk to the Speaker. Everyone knows the Speaker cannot move forward with any negotiations until this bill is defeated here, period. Obviously, that is the case. The Speaker cannot negotiate with me until this bill is killed.

So I repeat, the spending bill my friend the Republican leader complains about is not completed. The issue facing the American people is whether

they are going to have tax relief the Democrats want to give them or whether they are going to face a shutdown that was first made very unpopular by Newt Gingrich. And there is going to be another one that will be just as unpopular.

The ACTING PRESIDENT pro tempore. The original unanimous consent is still pending.

Is there an objection?

Mr. MCCONNELL. I object.

The ACTING PRESIDENT pro tempore. Objection is heard.

Mr. REID. We will both object, just for good measure—a bipartisan objection.

Would the Chair announce the business of the day.

#### MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period of morning business for up to 1 hour, with Senators permitted to speak for up to 10 minutes each, with the majority controlling the first half and the Republicans controlling the second half of the time.

The Senator from New York.

#### BUDGET NEGOTIATIONS

Mr. SCHUMER. Madam President, I just listened with great eagerness to the discussion between the majority leader and the Republican leader, and I would like to make two points here and then several subsidiary points.

We need to do two things before we leave: We need to fund the government in a reasonable and rational way, and we need to help the middle class get tax relief because the middle class is suffering. We need to do both. As Leader REID said, to do both, you need both Democrats and Republicans to agree. If you try to do one without the other, you will not get anything done.

So last night Speaker BOEHNER sent a bill on middle-class tax relief that was such a Christmas tree that we knew it could not pass. And he knew it could not pass. We know why he did it. He did it because he could not get enough Republican votes in his caucus without all of these killer amendments to get it through. He could not get it through without those amendments.

So the Republican leader says: Well, if we know it cannot pass, why don't we start negotiating? There is one point here. We do not have to convince Speaker BOEHNER to start negotiating. He knows that. But we have to convince the hundred votes in his caucus who do not believe we should give middle-class tax relief, who are wedded to these amendments that will kill the bill here in the Senate because they are so unpalatable. It is not 1 or 2 amendments; it is 10 or 12 or 15 amendments. We need to show those hundred that this bill cannot pass.

We have to give middle-class tax relief, and we have to fund the government. So why wouldn't we vote on it now, dispose of it, and move on with the ultimate negotiations which will talk in tandem about funding the government long term and middle-class tax relief?

Now, why don't our colleagues on the other side of the aisle want to vote on that proposal? Is it because they fear embarrassing defections from their own side—defections that would show once again how too many Republicans in the Senate do not want to extend middle-class tax relief no matter what is attached to it? That is not a good reason.

What are we waiting for? The House bill is on a road to nowhere, so let's let the air out of the tires, and then we can move on. We all know how it is going to end—not with either Chamber imposing its will on the other but with a negotiation. So let's remove this bill from the floor, give Speaker BOEHNER some of the freedom he may need to negotiate, and get this all done.

As, again, Leader REID said—and he said it so well—we cannot pass the bills without both Democratic and Republican votes in the House and the Senate. Negotiating to come to an agreement makes ultimate sense.

I heard the Republican leader say: Well, the government runs out by Friday. There is an easy way to deal with that, which Leader REID asked for in a unanimous consent request and was rejected: fund the government for a short period of time.

So the logic here is to do three things: Vote on this bill. Put it aside. Fund the government for another short period of time. And then negotiate in earnest and produce both things America needs: an omnibus funding resolution that funds the government that has been worked on very hard by the Appropriations Committee—deal with the outstanding issues in that proposal. There are still serious outstanding issues. Anyone who has been around here knows that issues such as Cuba and the environment and abortion in DC are not easy to settle and have not been settled yet.

So we kill the bill the House sent to us—we vote on it. It will die. We know it does not have the votes. It probably does not have even the unanimous support on the Republican side. I would bet that is pretty likely. We do a short-term CR. We fund the government for a period of time. And we have earnest negotiations that will produce both middle-class tax relief and a funding resolution for the government. We should negotiate the two measures together because, as the leader said, you cannot pass them without both Democratic and Republican votes in either Chamber. Obviously, in this Chamber, there are not 60 votes without Republican support. And in the other Chamber—

because too many people are against even the agreement, too many on the Republican side are against the agreement we had for \$1.04 trillion in spending—they will need Democratic votes.

Mrs. MCCASKILL. Madam President, could I ask a question of the Senator from New York through the Chair?

Mr. SCHUMER. I would be happy to yield to my colleague.

Mrs. MCCASKILL. I am confused. The House passed a bill last night and has sent it to the Senate. Correct?

Mr. SCHUMER. That is correct.

Mrs. MCCASKILL. This is a Republican bill?

Mr. SCHUMER. That is correct.

Mrs. MCCASKILL. And we are ready to vote on it?

Mr. SCHUMER. We are.

Mrs. MCCASKILL. And the Republicans will not let us vote on it?

Mr. SCHUMER. That is correct.

Mrs. MCCASKILL. I am confused.

Mr. SCHUMER. So are we all.

Mrs. MCCASKILL. Why would the Republicans not let us vote on their bill?

Mr. SCHUMER. One of the theories is that there is dissension even on that bill among the Republican side, as there was on the previous bill that had middle-class tax relief in it.

Mrs. MCCASKILL. That is why we vote, to determine whether there is dissension.

Mr. SCHUMER. Agreed. The Senator from Missouri is exactly correct. If we voted, it would move the process of both funding the government—very important—and getting middle-class tax relief—also very important—forward.

Mrs. MCCASKILL. Well, I would certainly urge every single Senator, be they Democrat or Republican, to come to the floor and ask the question: Why are we not voting today on the bill that was passed by the House? We are ready to vote. You know, the American people do not get this game. The bill was passed in the House. Why are we not voting? Why is the Republican Party blocking its own bill?

Mr. SCHUMER. The Senator from Missouri is, as usual, thoughtful, politically astute, and right down the middle moderate. It makes no sense to block it. It is holding up progress, particularly because the Republican House has to be shown that this bill is not going to be the answer. The only way to both fund the government and provide middle-class relief is for Democrats and Republicans to get together, as the Democratic leader has said, almost until he is blue in the face.

Mrs. MCCASKILL. With all due respect to my friend and colleague from New York, I thank him for the answers, because I was confused that the Republicans are keeping us from voting on a Republican bill. But it is not the House we need show anything. We have a tendency around here to get focused on the back and forth among ourselves. It

is the American people we need to show that we are capable of standing up, casting a vote, seeing whether it passes or fails, and then negotiating and finding a way forward.

I would say to my colleague from New York, if the Republicans in the Senate are not willing to vote on their own legislation, then you have got to scratch your head.

I thank the Senator for the opportunity.

Mr. SCHUMER. Reclaiming my time, I would accept the modification of my argument made by the Senator from Missouri. The point, of course, we both agree on is we ought to vote. We ought to do it to show the world, whether it is the House, Senate, American people, or anybody else. That makes a great deal of sense.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Illinois.

Mr. DURBIN. Madam President, I thank my colleague from New York and colleague from Missouri for putting in context where we are today. But let's take one step back and look at what is the issue. The issue is basic: Will the payroll tax cut that currently helps 160 million Americans continue after January 1? That is the underlying question.

After all of the back and forth and politics, we believe it should. The President believes it should. Economists tell us that is the way to help us out of a recession and create more jobs. We have come up with a way to pay for it so it will not add to the deficit. Our proposal: a surtax on the wealthiest Americans, not on the first million dollars in income each year but on their second million dollars in income, a surtax.

We ask across America: Do you think that is fair to ask that sacrifice? Overwhelmingly, not just Democrats, Independents, Republicans, tea party Republicans believe that is fair. But, unfortunately, many on the Republican side are indentured political servants to a Washington lobbyist named Grover Norquist. They have signed an oath that they believe supersedes any other oath, to the Constitution or to the people they represent, that they will never, ever vote for a tax increase for the wealthy—not one penny. Not one penny.

So they wanted to stop the extension of this payroll tax cut for working families. They came up with a bill in the House of Representatives. The bill in the House of Representatives passed last night. It is so bad that the Senate Republicans will not let us bring it to the floor for a vote. They know what is going to happen. We saw it in the last 2 weeks. The Presiding Officer can remember. Senator HELLER of Nevada put up a Republican alternative on the payroll tax cut, and on the first vote, out of 43 Republicans, 20 supported his

measure, and out of the Republican leadership team, only Senator MCCONNELL voted for it. Clearly this is not a popular approach, even when it is written by Senate Republicans.

Now the House Republican approach is so unpopular they will not even call it on the floor—so unpopular. If anyone is wondering whether we are going to get home for Christmas, they should have listened to this exchange this morning, when the Republicans refused to even call their own vote.

I agree with the Senator from Missouri. We owe to it the American people to get to the bottom of this, and quickly, to assure them January 1 the payroll cut will continue for working families across America, to assure them that we will maintain unemployment benefits for the 14 million unemployed Americans struggling to find jobs—4 unemployed for every available job. It is basic that we need to do this, and if we are going to get down to it, then I am afraid our Senate Republican colleagues have to accept the reality.

There comes a moment for a vote. This is the moment, the vote on whether we are going forward to make sure that we extend the payroll tax cut for working families in a fair way. That is what is at hand.

#### BALANCED BUDGET AMENDMENT

Mr. DURBIN. Madam President, in about 30 minutes, we will have a rare chance on the floor of the Senate—it does not happen often. We will have consideration of two efforts to amend the Constitution of the United States. We all take this seriously. Each one of us, before we could exercise our responsibility as Senators, swore to uphold and defend that Constitution. Now we are being asked to amend it.

How often have we amended the Constitution? In the past 220 years since we passed the Bill of Rights, we have amended it 17 times: to abolish slavery, to give women the right to vote, significant historic decisions. What comes before us today are two amendments which, frankly, do not stand the test of whether they meet constitutional standards.

I am going to vote against both. I thank my colleague, Senator UDALL of Colorado, for offering a version. Senator MCCONNELL, Senator HATCH have offered their own. I do not believe either one of them is right for America. Here is what it comes down to. If we pass either of these constitutional amendments, we will be forced to cut government spending at exactly the wrong moment in time when it comes to our economy. When our economy is in trouble, revenues are down, we step in with stabilizers to try to make sure that we keep families afloat during difficult times and restore our economy to growth. Those stabilizers are threatened and endangered by these balanced budget amendments.

Secondly, the enforcement of these balanced budget amendments will be by our Federal courts. Can you imagine? Can you imagine that the day after we pass a budget, lawsuits spring up across America in the Federal courts challenging whether we have exceeded the constitutional requirement that no more than, say, 18 percent of the gross domestic product be spent, arguments that there has been a miscalculation? How long will that take to resolve in court and what happens to America in the meantime?

Then what remedies do the courts have? The Republicans have made it clear, because of their view, one of the remedies cannot be extending taxes on the wealthiest in America. They never want that to happen. Now they want to enshrine that theory in the Constitution. Turning to our courts for enforcement of spending is, in my mind, a direct violation of the spirit and letter of the law in the Constitution which gives to Congress exclusively the power of the purse. It is a bad idea. It is certainly not one we should support.

I also want to say that this approach is unnecessary. There comes a time—and we have reached it—when we need to have the political will, in a bipartisan fashion, to deal with our country's problems, whether it is the tax cut, extending the government's life into the next fiscal year, or dealing with our long-term deficit. It takes political will, maybe even political courage. It does not take a constitutional amendment.

Let's defeat both of these amendments. Let's show our respect for this Constitution that we have sworn to uphold and defend and not pass something that has not been thought through that may, in fact, harm America rather than help it.

I yield the floor and suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. GRASSLEY. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

#### BALANCED BUDGET AMENDMENT

Mr. GRASSLEY. Madam President, the need for a balanced budget amendment is very great. You know how the national debt now is reaching a point where, if we don't intervene with a constitutional requirement for a balanced budget, it is going to become unsustainable. Statutes have not controlled deficit spending.

I was an author of one of those statutes—former Senator Harry F. Byrd of Virginia and I as a Member of the House—back in 1979. For 15 years that

law was on the books, and never in those 15 years was there a balanced budget amendment. It makes it very clear that laws will not control deficit spending.

I concluded a long time ago, as I voted on previous constitutional amendments requiring a balanced budget that didn't pass, that a constitutional amendment is a must to provide Congress with the necessary discipline. The example right now in Europe of their fiscal and deficit situation is sobering. Nations that allow debt to grow out of control risk default. One of those countries is practically in default. If we don't take effective corrective action, the European future could be ours and sooner than we think.

Each generation of Americans has enjoyed a brighter future than the previous generation. The failure of Congress to tame the deficit and the debt threatens the American dream for our children and grandchildren. The Constitution was designed to secure the blessings of liberty not only for ourselves but also for our children. This makes balancing the budget not just an economic issue but a moral issue as well, and creates a moral obligation to take action. A constitutional amendment is not only a first step in that direction but it will make sure the discipline is binding in future years.

The balanced budget amendment will enforce a lower debt. Members taking an oath to adhere to its provisions guarantees greater fiscal discipline than what we have without that constitutional provision. They will take that oath seriously, just as is the case for the 46 State constitutions that contain requirements their State legislatures balance their budgets. We always say the State legislatures and States are the political laboratories for our system of government. We ought to take the results of those laboratories and put them to use at the Federal level. I am urging my colleagues to vote for the resolution before us, which is S.J. Res. 10.

There have been complaints this resolution would transfer to the courts the power of the purse, but that is a misreading of S.J. Res. 10. The amendment prohibits the courts from raising taxes. The doctrine of standing, the doctrine of ripeness, and the doctrine of political question will prevent courts from deciding cases under the amendment.

This is a lesson we should have learned. I think it was 1997—nearly 15 years ago—when this body failed by one vote—and I am ashamed to tell you it was one Republican not voting for it—to enact such a constitutional requirement. But it didn't pass. If it had passed, we wouldn't be in the fiscal situation we are in right now. I urge my colleagues to vote for S.J. Res. 10.

I yield the floor.

Mrs. BOXER. Madam President, I oppose the two balanced budget amendments before us. Senator HATCH's proposal would cap spending at 18 percent of gross domestic product, forcing deep cuts to Social Security and other critical programs. Senator UDALL's alternative, while less extreme, is still not a proposal I can support.

I have consistently opposed balanced budget amendment proposals because Congress doesn't need a constitutional amendment to balance the budget. We have done it before.

In the 1990s, during President Clinton's term, we not only balanced the budget, but we created surpluses and 23 million new jobs. We cut wasteful spending, made smart investments, and ensured that everyone, including the wealthiest, paid their fair share.

In 1993, we passed a budget plan without a single Republican vote. By 1998, the budget had come into balance, and as President Clinton was leaving office in 2001, budget analysts were predicting surpluses as far as the eye could see.

Unfortunately, the Bush tax cuts and two wars put on a credit card created huge deficits.

To get our country back on a path to fiscal responsibility, we don't need a balanced budget amendment. That is why the Senate has voted down balanced budget amendments many times—most recently in 1995, 1996, and 1997. Instead, we need the political will to come together and make responsible choices for our country's future.

Many economists believe that balanced budget amendments are bad policy because they limit the ability of the Federal Government to respond during times of economic crisis and recession.

Limiting our ability to make smart, job-creating investments is no way to set a foundation for our country's long-term economic growth.

Finally, while these proposals include exceptions for times of war, there is no exception for natural disasters. A minority of Senators or Representatives could block Federal assistance for any disaster, no matter how severe.

I urge my colleagues to join me in rejecting this balanced budget amendment and recommitting ourselves to our duty as a Congress to promote fiscal responsibility and economic growth.

Mr. CHAMBLISS. Madam President, I rise today in full support of a balanced budget amendment. I am proud to be a cosponsor of S.J. Res. 10, along with all of my fellow Republicans.

Shortly, the Senate will vote on two proposals for balancing the Federal budget. One of those proposals, offered by my colleague from Utah, Senator HATCH, will provide a strong and meaningful change to the way this Congress performs its spending function.

I thank the Senator for his continued hard work on trying to balance the

budget, something he has been working on since 1995. Unfortunately, he, like all of the Members of this body, has seen the recent and disconcerting rise in debt.

It is appalling that we continue to head down a path to destruction and fiscal lunacy. The American people are fed up with this. How do we know that? Recent polls say that only 9 percent of the population believes in the spending path Congress has chosen.

For the fiscal year ending September 30, 2011, we had in excess of \$1.3 trillion in deficit spending. In November of this year we surpassed \$15 trillion in total debt. This rampant overspending will not end without a drastic change—without taking away the power to overspend.

Not only have the American people told us this, our financial markets have told us this as well. Unbearable debt in the European markets is depressing our domestic financial markets. If left unchecked our own debt will continue to lower economic outlook.

It is reprehensible that an issue of this magnitude and significance is subject to the partisan bickering and gamesmanship that often rears its head in politics.

I encourage my colleagues to give solemn consideration to the proposal before us, as it will turn us immediately away from our overspending.

We have to truly examine issues that are very difficult for a lot of us to deal with, and we have to make some very tough decisions.

Too frequently, we have engaged in political theater instead of earnest efforts to resolve these long-term budget issues. The American people expect and deserve an honest budget debate and an honest budget process. When we pass this legislation and it is ratified by the States, the American people will finally get an honest budget, and they will get it every year.

As many of my colleagues have noted, the idea of preventing a burdensome and crushing debt for future generations is a thing of the past. The time is now. The crisis is now. Congress has been shirking its budget responsibilities for so long that we are now the ones feeling the effects of the debt.

I would like to take a moment to talk about some of the things the Republican proposal accomplishes. The President will continue to submit his yearly budget proposal—a budget proposal that is not only balanced but limits the size of the Federal Government to 18 percent of GDP. By comparison, last year spending was at almost 24 percent of GDP.

Further, this legislation requires a supermajority to surpass the spending caps for things like emergency spending. We will end a longstanding budget gimmick of government spending in



the name of emergencies for things that are not truly emergencies.

The rules would be even stricter governing spending of money in times of war instead of the general exemption we have now. This proposal will also force Congress to fix and save Social Security.

Finally, one of the most important parts of this proposal is that a two-thirds vote of each House is required to increase taxes, helping prevent higher tax rates to pay for balancing the budget.

We can no longer allow the American people to suffer by not providing the economic basis for recovery and growth. The equation is simple: A balanced Federal budget that is free of excessive debt leads to a healthy economy and sustainable job-creation activities.

Mr. LIEBERMAN. Madam President, I rise today to speak about the two balanced budget amendment proposals currently pending before the Senate and to explain why I will vote against both even though I support a balanced budget amendment.

I fervently believe that the most pressing issue our country faces today is the need to gain control over the staggering Federal deficits and long-term debt that threaten our security. In thinking about the budget challenges we faced over the past year, I have often been reminded of something our second President said two centuries ago that remains hauntingly true today: "There are two ways to conquer and enslave a nation," as President Adams put it, "One is by sword and the other is by debt." President Adams' words have been echoed in our time by former Chairman of the Joint Chiefs of Staff, ADM Mike Mullen, who argued earlier this year that the national debt is the greatest long-term threat to our national security.

We can all agree that we must take on the challenge of addressing our deficit and debt. At the same time, as we have seen again and again over the past year, making tough choices is not an easy thing to do. Any responsible deficit reduction proposal will, by definition, be painful and unpopular because raising revenues and cutting benefits and favored Federal programs is painful and unpopular.

I am prepared to vote for a plan similar to that proposed by the Bowles-Simpson Commission, the Gang of 6, or the Rivlin-Domenici group because I believe this approach is responsible and addresses the toughest challenges we face head-on. Also, I would support a clean balanced budget amendment, which would compel Congress to make tough choices to raise revenues as necessary, rein in spending, and balance our budget.

However, the two proposals we are considering today, in my opinion, are

problematic and marred by extraneous and ill-advised provisions that should never be part of our Constitution. These votes say so loudly how dysfunctional Congress has become. I want to vote for a balanced budget amendment that says clearly that Federal Government spending cannot exceed revenues. Yet I can't vote for either of these amendments because each contains a partisan part that does not belong in our Constitution.

I do not take the idea of amending our Constitution lightly. As we consider these amendments, let's not forget that our Constitution is the supreme law of our land; it reflects America's first principles and highest ideals, guaranteeing the fundamental rights that have been the cornerstone of the freedom and opportunity at the heart of the American experience since our founding.

However, given the dire fiscal situation we face—coupled with the reality that time and again Congress has been unable to break away from its partisan gridlock to make the painful but necessary decisions that must be made to save our Republic—amending the Constitution may be the only way to compel a balanced budget.

I have come to this conclusion first because it is clear that our budget process is clearly broken. The truth is that we in Congress have failed to uphold our foremost constitutional duties; managing our budgeting process. With annual deficits over \$1 trillion and our national debt increasing over \$4 billion each day, this is no time for Congress to flout the very laws we established to keep our country's fiscal health afloat and manage the budget process responsibly.

I am speaking in particular about the framework for our budget process which was first enacted into law in 1921 when Congress established the annual budgeting requirement and later in 1974 when the formal process for establishing a coherent budget was enshrined in law.

The failure to pass a budget resolution for the past 3 years is symptomatic of the deep problems we face with regard to our budget, deficits, and debt. Likewise, statutory attempts such as pay-go have not produced the kinds of results we need. At the same time, as we have seen over the past several months, Republicans and Democrats cannot seem to agree on how to reform entitlements—the biggest driver of our debt and deficits—or reform the Tax Code to ensure that our tax system is fair for most Americans, less deferential to special interests, and able to sustain the financing of our country's priorities over the long term.

It is regrettable that it has come to this, but it seems that perhaps the only way to get Congress to balance the budget is to make it a constitutional requirement.

Unfortunately, both proposals before us today are marred by extraneous and, in my view, ill-advised and unnecessary provisions. The Republican version, for example, would require that total outlays for any fiscal year not exceed 18 percent of GDP and a two-thirds majority vote in both Chambers would be required to override this requirement. I believe it is unwise to impose, as part of our Constitution, an arbitrary spending cap that would handicap future Congresses without regard to the unknown economic realities that future generations of Americans may face. Unless we can see into the future, we should not be in the business of predicting what level of spending will be appropriate 25 or 50 years from now.

Furthermore, the Republican proposal prohibits any bill that increases Federal taxes from becoming law unless it is approved by a two-thirds majority of both Chambers. This provision essentially gives extraordinary constitutional protection to potentially egregious tax loopholes and revenue-draining tax expenditures—the same parts of the Tax Code we have been trying to reform.

Likewise, the Democratic balanced budget amendment is not without its own faults. A provision prohibiting Congress from passing any bill that provides a tax cut to millionaires during a year that we run a deficit is not a statement that needs to be part of our Constitution. Moreover, the Democratic alternative exempts Social Security, which would essentially prevent Congress from reforming the program, which I believe it essential to ensure its solvency for generations to come.

On the whole, both the Republican and Democratic balanced budget amendments are short-sided for different reasons. Instead of focusing on the single task of providing a balanced budget requirement, ideological arguments abound in both proposals, making it virtually impossible to support either one.

As a result, I will not support either proposal. Instead, I encourage my colleagues from both parties to support a clean version of a balanced budget amendment that is worthy of inclusion in our Constitution.

If we work together to see beyond the fog of partisanship, it will become clear that there is not much disagreement about the basic and deeply troubling facts of our current fiscal crisis. For this reason, first and foremost, I hope Congress will step up and act on a specific and comprehensive proposal to reduce the deficit. In the end, process reforms will not allow us to escape the hard decisions we must face.

Mr. RUBIO. Madam President, Washington politicians do not live by the same rules that virtually all families and small businesses play by. It is your responsibility to balance your budget, spend no more than what is in your

bank account, and have a plan to manage common expenses such as student, home, and car loans.

But in Washington, money is routinely borrowed from Peter to pay Paul, or in America's case, money is borrowed from China and others to pay for more government than we could ever afford. As a result, politicians have dug us into a hole of \$15 trillion in debt, with no end in sight. Now more than ever, we need a balanced budget amendment to the U.S. Constitution.

In Florida's State government, we worked under a balanced budget amendment, and every year we worked tirelessly, had contentious debates, and made very tough choices to pass a balanced budget year after year. That responsibility and accountability is not unique to Florida, as practically every other State also works under a balanced budget amendment. We need to bring this same kind of fiscal restraint to Washington. And unless we enshrine strong balanced budget principles in our Constitution, Washington politicians will never stop. That is why it is critically important that the Senate approve a strong balanced budget amendment.

The national debt is now over \$15 trillion. When I was sworn into office about a year ago, the debt was just over \$14 trillion. That means that in just 1 year, Congress has allowed our debt to increase by more than \$1 trillion. Virtually nothing could stop it from happening, despite the fact that 2011 has given us a startling glimpse into our future as European nations face their day of reckoning for decades of reckless spending.

This year's debt ceiling debate gave us an opportunity to get serious about controlling our debt and reform the way Washington spends money. But not enough people have been willing to come to grips with the reality that decades of reckless spending by both parties is leading us to a diminished future.

As the Senate debates a balanced budget amendment this week, it is important to note that not all balanced budget amendment proposals are created equal. The version that I have joined all 47 of my Senate Republican colleagues in supporting, S.J. Res. 10, includes three elements I believe are key to truly handcuffing out-of-control politicians: a two-thirds supermajority to raise taxes, a three-fifths supermajority to increase the debt limit, and a cap on all Federal spending at 18 percent of gross domestic product. The proposal put forth by Senator MARK UDALL, S.J. Res. 24, contains no cap on spending, no taxpayer protections, and no strict mechanisms to ensure that the amendment is actually followed. Unfortunately, if ratified, this proposal would simply be another ineffective, disingenuous Washington move that would make it easier to raise taxes and still allow for more spending.

The idea of not spending more money than we have is common sense for working families and small businesses. We need to bring that common sense to Washington, and we need a strong balanced budget amendment that is truly worthy of being added to our Constitution. The Senate must seize the moment by passing a real balanced budget amendment.

Ms. MIKULSKI. Mr. President, I rise to oppose the balanced budget amendment proposals before us today. I support a balanced budget. But I cannot support these proposals.

All year, we have been discussing and debating how to have a more frugal government. But while we are trying to be frugal, how can we also meet our responsibilities to national defense and maintain our social contract? To achieve that we have to put politics and partisanship aside, and work together to find the sensible center. And the balanced budget amendment does not allow for that.

I am for cuts. But our approach must be balanced like a three legged stool with responsible discretionary and military spending cuts; revenue; and reform that strengthens Medicare and Medicaid. The balanced budget amendment does not allow for that.

Before we adopt a balanced budget amendment, we should know exactly what it is that we are doing. We need to know just how these programs are going to be affected. What cuts are going to be taken. How deep. What programs. And most importantly what the consequences will be to the health, safety, and security of the American people.

How would a balanced budget amendment affect seniors? It attacks economic security for senior citizens through cuts to Social Security and Medicare. It breaks the social contract.

Under the Republican plan, it cuts spending to 1965 levels before Medicare existed and when the average Social Security benefit was about \$1,200 a year. That was 46 years ago, when making \$8,000 a year was considered a fantastic salary. Would you want to go back and make \$8,000 a year? I do not think so. I do not think we want to go back to that. Do we really want to go back to not having Medicare? Sure we need to reform and refresh Medicare, but do we want to end Medicare? I don't think so.

How would a balanced budget amendment affect our ability to respond to natural disasters, when the 24-hour news coverage is over and people return to their regularly scheduled programs? States that are hit by disasters are just beginning the recovery process and depend on their Federal partners. Times of disaster are not for making choices between one State or another. Government must be there. We are all in this together. Just one snowstorm, wildfire, or devastating flood away

from our own crisis. But the balanced budget amendment would force these terrible choices.

What about funding for America's veterans in order to be able to meet their acute care, provide primary care connected to service-connected disabilities, and long-term care for those who bear the permanent wounds of war? What about funding for disability pensions for veterans? The balanced budget amendment makes funding for American's veterans with service-connected disabilities vulnerable to mandatory budget cuts.

How will a balanced budget amendment affect the next generation? It denies educational opportunity to young people and an opportunity structure to working families. The balanced budget amendment puts funding for Head Start, Pell Grants, and funding that helps schools comply with Title IX funding for job training on the chopping block. I believe we must keep the doors of opportunity open, not slam them shut.

How will a balanced budget amendment affect our Federal workers and everyone who depends on their work? The State of Maryland is home to some of the flagship agencies of the Federal Government and 130,000 hardworking Federal employees live in Maryland. Agents at the Federal Bureau of Investigation work to protect our safety. Employees at the Social Security Administration provide actuarial information on how to keep it solvent and make sure the checks are out there on time. At NASA's Goddard Space Flight Center, they are scanning the universe for the secrets to life here on Earth. The mandatory budget cuts of the balanced budget amendment will require arbitrary cuts to the Federal workforce without certainty that the agencies will be capable of doing their job. These kinds of cuts are dangerous and harmful to the public.

The Founders did not include a provision requiring a balanced budget at all times. They did not include a provision limiting the size of government to an arbitrary percent of the size of our economy. Instead, in our Constitution, the Founders said that Congress would have the power to borrow on the credit of the United States and the responsibility to provide for the general welfare of the country.

Providing for the general welfare of the country means keeping the promise of our social contract to our seniors and our veterans. It means keeping the ladder of opportunity available to the next generation. And it means responding to natural disasters and maintaining a safe and secure homeland.

Make no mistake. We must balance the budget. But we must do it based on principles that preserve economic security for senior citizens, that provide opportunity for young people, and that ensure opportunity for working families.

I cannot and will not support any legislation that abandons these principles. Therefore, I will vote against this legislation.

The ACTING PRESIDENT pro tempore. The Senator from Utah.

Mr. HATCH. Madam President, in a short while, we will vote on two balanced budget amendments to the Constitution, at least one of which will be a true balanced budget amendment. One of those amendments, S.J. Res. 10, the amendment supported by every Senate Republican, addresses the fundamental crisis of our time; that is, the crisis of exploding debt caused by excessive spending. The other amendment does not address that crisis and, therefore, cannot put this country back on a sound fiscal footing.

The votes we cast today will tell the American people whether we honestly acknowledge the fiscal crisis posed by our \$15 trillion national debt and whether we are serious about prescribing an effective cure.

Exploding budget deficits and skyrocketing national debt are symptoms of an addiction to overspending. A real solution must address the real cause of this crisis, not just its symptoms. Congress will not kick its overspending addiction alone but only if required to do so by the Constitution itself.

One of the amendments before us today, S.J. Res. 24, simply cannot be a solution because it does not address the overspending that causes this crisis. This amendment, offered by my colleague from Colorado, Senator UDALL, on behalf of the Democrats, purports to require balanced budgets but, for purely political reasons, explicitly exempts significant portions of the very government spending that will most aggressively drive our future debt.

The Democratic alternative sets no overall limit on Government spending, allowing Congress to continue spending with impunity. The Democratic alternative does nothing to restrict the propensity of Congress and the President to raise taxes on families and businesses as a way of compensating for their failure to reduce spending and in order to fuel more spending in the future.

In fact, as my friend Senator KYL pointed out yesterday, the Democratic alternative actually makes it harder to cut taxes. To top it off, the Democrats' amendment not only sets no limits on Congress raising taxes, but it appears to allow judges to raise taxes to balance the budget.

In other words, the Democratic alternative allows Congress to continue doing exactly what has caused this crisis in the first place. It allows Members of Congress committed to a tax-and-spend philosophy to continue sending taxpayer dollars to special interests at the expense of the general fiscal health of this country. The so-called solution

that continues to enable out-of-control spending is no solution at all.

Maintenance of this tax-and-spend status quo is the priority of those who support the Democratic alternative. Just listen to their criticism of my amendment, S.J. Res. 10, the one supported by all Republican Senators—every one of us. The Democrats criticize my amendment's requirement that Congress balance its books as too stringent. They criticize it for not allowing more stimulus spending, my gosh, and they criticize it for not allowing easy tax increases.

The people of Utah, and most Americans for that matter, would respond that these are the very restrictions Congress needs. They would say these restrictions are long overdue and would be positive additions to our Constitution. It is no wonder the advocates of the wornout philosophy of tax and spend view the provisions of S.J. Res. 10, our constitutional amendment, as a threat.

They are a threat. Our amendment's provisions are a threat to those whose only plan is to sit on their hands while our debt continues to skyrocket. The strong balanced budget amendment offered by the Republicans directly addresses the real cause of our budget crisis and offers equally direct solutions. It requires supermajorities. That doesn't mean we can't do things. It just says we have to have supermajorities to raise taxes. It means it requires wide bipartisan agreement for deficit or excess spending, as well as for raising either taxes or the debt limit.

I would note a supermajority to raise the debt limit was in the balanced budget amendment that passed the Senate back in 1982. I know because I was the one pushing it. It passed the Senate.

Our amendment limits both spending and the tax increases that fuel more spending. This is more than a balanced budget amendment. It is a fiscal discipline amendment or a constitutional amendment for limited Government.

Much of the Western world now faces a debt crisis. The eurozone is nearly reaching the point of no return. The United States is closing in on that same point of no return with our total debt already equal to 100 percent of our entire economy—of our GDP. The national debt now amounts to about \$48,000 for every man, woman, and child in America. Interest payments alone on this debt are now greater than spending on most other Federal programs and would be even higher if interest rates were not at historic lows. Annual budget deficits are larger than the entire national debt when I introduced my first balanced budget amendment.

Let me say that again. Annual budget deficits—just the deficit this year and last year, just standing alone; this year's budget deficit and the annual

budget deficits of this President—are larger than the entire national debt when I introduced the first balanced budget amendment in 1979 and 10 times higher than when the Senate last voted on a balanced budget amendment in 1997.

More than two centuries ago, America's Founders warned of the dangers of debt. Thomas Jefferson, the forbearer of the Democratic Party, said public debt is the greatest of dangers to be feared. He would be aghast at what Democrats are trying to sell. Alexander Hamilton said there ought to be perpetual, anxious, and unceasing efforts to reduce debt as fast as possible. John Adams said the experience of other countries that accumulate debt should prevent us from doing so ourselves. He might as well have been speaking about Europe today. He would be appalled at what we are doing around here.

Watching the failure of Congress and the President to get spending and debt under control, these Founding Fathers must be turning over in their graves, and I believe we continue to reject their wisdom at our peril.

Despite all the evidence, opponents continue to claim Congress will make the tough fiscal choices by itself; that Congress does not need any help. After so many years of failure, that amounts to fiddling while our fiscal house is burning to the ground. That is the argument they make. Closing their eyes, shutting their ears, and repeating the mantra that Congress does not need a constitutional amendment is exactly what got us to the edge of the cliff we are standing on today and which we are about to go over, if we don't put some restraints on around here.

If spending were a drug, Congress would be a very pathetic addict. An addict ignores evidence and denies he has a problem. An addict claims over and over that he can stop his addictive behavior any time. But similar to a real addict, Congress cannot kick the habit on its own. Congress needs some help. The Constitution is the way to get that help, and the Founding Fathers would have loved this amendment.

Think of S.J. Res. 10 as a constitutional intervention. It will require not only that the Federal budget be balanced but that it be balanced in the right way. When we vote on these amendments, Senators will demonstrate where they stand on the great crisis of our time. Voting against any balanced budget amendment simply endorses the status quo. It ignores the evidence and pretends everything is fine, even as we head for the cliff. This is the only amendment that deserves the title of a balanced budget constitutional amendment.

Voting for the Democrats' alternative—S.J. Res. 24—also endorses the status quo because it barely touches the symptom—budget deficits and

debt—while ignoring the cause—government spending. Without covering all government spending and without setting real limits on spending and taxes, the Democrats' alternative does little more than put a bandaid on the problem. It isn't even a good bandaid that holds.

The only proposal before us that effectively responds to our budget crisis is S.J. Res. 10. It is the only proposal that addresses the real cause of the unbalanced budgets that are dragging us into fiscal quicksand.

This crisis threatens national security, economic prosperity, and maybe, most important of all, individual liberty. Congress will not solve this crisis by itself. S.J. Res. 10 is the only solution that addresses not only the symptoms of our fiscal crisis but the cause as well. These are the facts. These are simply the facts, and I encourage my colleagues to support S.J. Res. 10.

I heard the distinguished majority whip talking earlier, and just for a minute I think he was asking: Why do this. You know you can't win. We don't know we can't win. But even if we can't, some fights are worth fighting, especially when our national security, economic prosperity, and individual liberty are at stake. That is what we are living with right now.

The American people need to know where we stand, whether we will ever do anything real or do something real about our addiction to overspending. That is the bankruptcy of our country right now—the addiction to overspending. Our amendment ends that addiction. It provides 5 years to get there, so it is a reasonable provision. But it does force us to get there.

The Democratic amendment doesn't even attack the real problem. It is there for political purposes. It is there so Democrats can say: We voted for a balanced budget amendment, even though it, basically, has little to do with balancing the budget.

I was enamored with the talk of the Democrat budget chairman yesterday, Senator CONRAD from North Dakota. He went through all the problems we have and how deep they are and how problematic they are and what an addiction it is and all of that. Then he said we can do it by just doing what is right under the Constitution and forcing ourselves to do what is right and just balance the budget without a balanced budget amendment.

He couldn't have made a better case for the balanced budget amendment because I have been here for 35 years, and I can say there hasn't been a real effort except during the mid-1990s to do that. That was when the first Republican House of Representatives and Senate in over 40 years took place. It was when they did have a President, Bill Clinton, who recognized that the time had come to do something about spending.

I have to give him credit for that in contrast to our current President who

just demands more taxes and more spending all the time. There isn't anything or any person he wouldn't tax if he could get away with it except those unable to pay any taxes at all, and nobody wants to tax them.

The fact is, I think the distinguished Budget Committee chairman made a tremendous case for our amendment. I can say we have been going on way too long.

Back in 1997, we came within one vote of passing this amendment. That was twice now. Remember, in 1992 we actually passed an amendment, but Tip O'Neill and the Democrats killed it in the House at that time. But in 1997 we came within one vote. I actually had the votes as I walked to the floor, and then one of our weak-kneed Republicans who was threatened by the unions, who had been high up on the endorsement list, who wanted to be seen every time we had a press conference on this issue, buckled and voted the other way and we lost. Had we won that amendment in 1997, we wouldn't be in this colossal mess we are in today. Frankly, I, for one, hope we can get out of that mess, and the only way we are going to is through a constitutional amendment that does what this amendment we are presenting actually calls for.

I just do not believe our friends on the other side are ever going to quit taxing and spending, and I have 35 years to prove it—except when the first Republican Congress in over 40 years came into being, and they had a President who worked with them, a Democratic President, by the way. I wish we had a Democratic President here who would work with us. He would go down in history as one of the most popular Presidents in history if he would do so. But, no, he wants to tax and he wants to spend. Frankly, I am fed up with it, and I think a lot of people are fed up with it. The people out in the hinterlands are all fed up with it, and they realize we need to put some restraints on Congress it has to live up to.

That doesn't mean we can't get a supermajority to raise taxes or we can't get a supermajority to raise the debt limit or we can't get a supermajority to an undeclared war—to give a good reason why our friends on the other side might want to support this. But it does mean there will be restraints that will work and will keep this country secure and free.

I reserve the remainder of our time. I ask that any time be divided equally, and I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. HATCH. I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. HATCH. Madam President, I ask unanimous consent to reserve the remainder of our time but to permit the distinguished Senator from Colorado to utilize his 5 minutes at this time.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The Senator from Colorado.

Mr. UDALL of Colorado. Madam President, I rise this morning to speak in favor of the legislation that I have authored to amend the Constitution to require that Congress, on behalf of the American people, balance the Federal budget.

Yesterday I spoke about the merits of a balanced budget amendment, and I appreciate the debate that has occurred on the Senate floor which was in the best traditions of the Senate. I particularly have enjoyed hearing Senator HATCH's point of view. I think we have some disagreements about how we implement a balanced budget amendment, but we both agree that we need to put the Federal Government's finances in balance. Perhaps if we both fall short today on these important votes, we can go back and work together in the best tradition of Senator HATCH and Senator Simon. Senator Simon, on our side, was a strong proponent in the 1990s of a balanced budget amendment. Senator HATCH referenced those efforts then.

Let me quickly summarize my arguments for why we need a balanced budget amendment. I start out thinking about Coloradans and the common sense they apply to their everyday finances, and there is a big dose of Colorado common sense in my proposal. It is aimed at finding common ground that both parties and a big majority of Americans can support, and it starts with a constitutional requirement to balance the budget. That is the heart of the issue. It is something on which many of us agree. But my proposal also asks us to avoid the mistakes of the last decade that have resulted in debt that is not only significant but it is exploding.

For example, it would prevent deficit-busting tax breaks for Americans who earn \$1 million or more a year. Why should we continue to give additional tax breaks to the wealthiest among us during times when we are in these tough deficit situations?

I would also create a Social Security lock box to keep Congress from raiding the trust fund to hide the true size of our annual deficits. We have been using the Social Security fund as a slush fund to remedy our budgeting problems. That would end.

In sum, the proposal I brought forward is straightforward, it is simple, and upholds the principle: We should pay for our government in a responsible manner.

I think, looking at the Presiding Officer, in your home State most Americans agree to that, most New Yorkers do. Most Coloradans certainly do.

I also want to be clear, there are some important differences between my approach and my dear friend Senator HATCH's approach. We will vote on his proposal today as well.

Senator HATCH's proposal—this is in my estimation—goes far beyond balancing our books, and it is a balanced budget amendment only in part. That is because it includes some unrealistic limitations on our government that could prevent us from securing the retirement of hard-working Americans, undermine our national defense, and send the United States back to a time before Social Security, Medicare, and a host of other important programs were put in place to protect our middle class, the true heart of our country.

Even worse, it locks in some special interest tax breaks that do nothing to grow our economy or create jobs. It, in effect, would turn the Constitution into a document that protects every special tax break that has been successfully lobbied over the years. That is not what our constituents, hard-working Americans, expect from a balanced budget amendment.

On the other hand, my approach is straightforward. It requires us to pay for what we spend. It creates flexibility depending on the economic conditions that we face and the year in which we find ourselves. But it wouldn't lead to the erosion of seniors' retirement security or it wouldn't lock in special interest tax breaks.

So I say to all of my colleagues, it is time to put aside our political differences, check our ultimatums at the door, and let's work across the aisle and challenge ourselves to put our country first through balancing the budget.

Our debt is \$15 trillion and it is growing. The bipartisan cochairmen of President Obama's commission on the debt have called our debt a cancer, and the former Chairman of the Joint Chiefs of Staff, Admiral Mullen, has said it is the single biggest threat to our national security. It is clear it is time to act. We have run out of time to act.

So, as I close, I just want to say the American people have demanded we get our fiscal house in order. As usual, they are a few steps ahead of us, and it is now time for us in the Congress to catch up. So I am asking my colleagues of both parties and both Chambers to support my proposal. This is the right approach. It will enhance our economic security. It will ensure that we keep faith with our children. We shouldn't pass off this unsustainable debt to our children.

Madam President, I urge my colleagues to support this important proposal. I yield the floor, and I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. HATCH. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. HATCH. How much time do I have?

The ACTING PRESIDENT pro tempore. There remains 45 seconds.

Mr. HATCH. I ask unanimous consent that I be able to complete these remarks. It might take a few seconds beyond.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. HATCH. Madam President, critics suggest a vote for our balanced budget amendment is a waste of the Chamber's time. That is pure bunk.

The same folks who say we should not be voting on the Republicans' balanced budget amendment have also offered up their own amendment to show their constituents that they too want to balance the budget.

I can tell you now that it is the Democratic alternative that misses the point, for a number of reasons. One, it doesn't address the true crisis. We have a crisis of spending. We are \$15 trillion in debt, and the Democratic alternative does nothing to address it.

No. 2, it carves out massive portions of government spending from their definition of Federal outlays. No. 3, even its balance requirements, the most basic feature of any balanced budget amendment, are easily overridden. No. 4, there is no cap on Federal spending. And, No. 5, there is no supermajority requirement for tax increases.

Put it all together and this is what you get with the Democratic balanced budget amendment. You get a constitutional amendment that is going to force Congress to raise taxes on families and businesses to pay for out-of-control government spending. The Democratic alternative should be rejected. It might look good from a distance but up close it does not even begin to address our Nation's fiscal crisis.

I yield the floor.

#### CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Morning business is closed.

PROPOSING AN AMENDMENT TO THE CONSTITUTION RELATIVE TO REQUIRING A BALANCED BUDGET—S.J. RES. 24

PROPOSING AN AMENDMENT TO THE CONSTITUTION OF THE UNITED STATES RELATIVE TO BALANCING THE BUDGET—S.J. RES. 10—Resumed

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will resume the en bloc consideration of S.J. Res. 10 and S.J. Res. 24, which the clerk will report.

The legislative clerk read as follows:

A joint resolution (S.J. Res. 24) proposing an amendment to the Constitution relative to requiring a balanced budget.

A joint resolution (S.J. Res. 10) proposing an amendment to the Constitution of the United States relative to balancing the budget.

The ACTING PRESIDENT pro tempore. Under the previous order, there is 5 minutes of debate equally divided prior to votes on passage of the measures.

The Republican leader is recognized.

Mr. MCCONNELL. Madam President, yesterday and today my Republican colleagues here in the Senate have been coming to the floor one after another to deliver a simple, urgent message, one that I hear every time I am home in Kentucky: Washington simply must change course. The spending spree must end. We must put our Nation's fiscal house in order before it is too late.

This is not a partisan message. Everyone recognizes that both parties played a role in getting us to this point. But let's be clear, Republicans are the only ones in Congress right now who are attempting to do something meaningful about fiscal restraint. The only way we will actually achieve it is by acting together on serious legislation such as the balanced budget amendment Republicans are voting on today—not through thinly veiled cover votes such as the one Democrats plan to hold alongside this morning.

For nearly 3 years now, Republicans have stood up to the fiscal recklessness of this administration and pleaded with the President and Democrats in Congress to stop the spending spree—stop it—and work with us on a serious plan to put our Nation's fiscal house in order.

For nearly 3 years we have met nothing but resistance. I even read this week that some Democrats in Congress actually view our insistence on fiscal responsibility as a good political issue for them. They say Americans have moved on, that they do not want to hear about fiscal restraint anymore. Apparently these Democrats are content to let this crisis continue to build and build until it pops up in the polls again.

What Republicans have been saying this week is that we do not have that luxury. We cannot wait for a European-style calamity to happen right here to finally do something about our fiscal problems, nor should we want to. After all, we were not elected to get re-elected. We were elected to recognize the Nation's problems and to face up to them with foresight and with courage.

That is why Republicans have kept up our call for a serious and effective balanced budget amendment. We have seen all the statistics—that Congress now borrows more than 40 cents for every dollar it spends; that interest payments on the debt alone will soon crowd out spending on things such as education and defense; that annual deficits under this President routinely double and triple the previous record.

We know where it has gotten us. Under this President, the national debt has rocketed from \$10.1 trillion all the way up to 15.1 trillion, more than a 40-percent increase in the national debt under this President in a record time of less than 3 years, a run of fiscal mismanagement only matched in its recklessness by total unwillingness to correct it.

The President's most recent budget was so irresponsible that not a single Member of the Senate voted for it, not one. The President's budget was voted down unanimously here in the Senate.

What about the first ever downgrade of U.S. debt, did that prompt action? Not in this White House. It prompted a round of "shoot the messenger" instead. This President's entire approach to our Nation's fiscal problems has been to sit back and blame somebody else, even as he continues to make all of these problems worse.

There was a time when President Obama claimed to believe in the importance of paying our debts. As a Senator he stood on this very floor and chastised his predecessor for even asking the Congress to raise the Nation's debt limit. He called it a failure of leadership. Yet earlier this year, as President he demanded that Congress approve the single largest debt limit increase ever requested by a U.S. President—without any plan at all to cover the cost. It was this kind of fiscal recklessness that roused Republicans to recommit ourselves to the idea that, if we are going to preserve the American dream for our children, Congress has to stop spending more than it takes in, and it was the Democrats' resistance to that idea that convinced us the only way to make sure it happens is through a constitutional amendment that actually requires it.

For too long, the politics of the moment or of the next election have been put ahead of Congress's responsibility to balance the books. Too many promises have been made that cannot possibly ever be kept, and now the time for serious action has come; we must

prevent what is happening in Europe from happening here.

That is what our balanced budget amendment would do. By permanently limiting Congressional spending to the historical norm of 18 percent of gross national product, and through a new three-fifths supermajority of both Houses of Congress to raise the debt limit, the balanced budget amendment Republicans are proposing today would go a long way in preventing that day of reckoning from happening right here in America. Every single Senator should support it.

Democrats here in Washington know the American people want Congress to get its fiscal house in order. That is why they proposed a balanced budget amendment of their own. Unfortunately, they have no real intention of passing it. If they did, they would join us in supporting a bill that we know would lead to the kind of fiscal restraint the American people are asking for.

I ask my friends on the other side to join us. It is not too late. We are only going to solve this problem together. Republicans are doing our part. We need them to do theirs. The American people are asking us to act. Let's do it. If this President will not take America's fiscal problems seriously, Congress should do it for him.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Colorado.

Mr. UDALL of Colorado. Mr. President, as I rise to ask for the yeas and nays on the amendment, I point out my amendment is not a cover amendment. It includes many of the principles and provisions the House considered in a balanced budget amendment they voted on recently, and it also contains many of the provisions and principles that this body in the 1990s considered when Paul Simon and Senator HATCH and many others led on a balanced budget amendment proposal.

With that, I ask for the yeas and nays on S.J. Res. 24.

The ACTING PRESIDENT pro tempore. Is there a sufficient second?

There appears to be a sufficient second.

The question is, Shall the joint resolution pass?

The clerk will call the roll.

The legislative clerk called the roll.

The yeas and nays resulted—yeas 21, nays 79, as follows:

[Rollcall Vote No. 228 Leg.]

YEAS—21

Baucus	Feinstein	McCaskill
Begich	Gillibrand	Nelson (NE)
Bennet	Hagan	Nelson (FL)
Blumenthal	Heller	Stabenow
Brown (OH)	Klobuchar	Tester
Carper	Kohl	Udall (CO)
Casey	Manchin	Wyden

NAYS—79

Akaka	Ayotte	Bingaman
Alexander	Barrasso	Blunt

Boozman	Hutchison	Paul
Boxer	Inhofe	Portman
Brown (MA)	Inouye	Pryor
Burr	Isakson	Reed
Cantwell	Johanns	Reid
Cardin	Johnson (SD)	Risch
Chambliss	Johnson (WI)	Roberts
Coats	Kerry	Rockefeller
Coburn	Kirk	Rubio
Cochran	Kyl	Sanders
Collins	Landrieu	Schumer
Conrad	Lautenberg	Sessions
Coons	Leahy	Shaheen
Corker	Lee	Shelby
Cornyn	Levin	Snowe
Crapo	Lieberman	Thune
DeMint	Lugar	Toomey
Durbin	McCain	Udall (NM)
Enzi	McConnell	Vitter
Franken	Menendez	Warner
Graham	Merkley	Webb
Grassley	Mikulski	Whitehouse
Harkin	Moran	Wicker
Hatch	Murkowski	
Hoeven	Murray	

The ACTING PRESIDENT pro tempore. On this vote, the yeas are 21, the nays are 79. Two-thirds of the Senate duly chosen and sworn not having voted in the affirmative, the joint resolution is rejected.

S.J. RES. 10

Under the previous order, there will now be 2 minutes of debate, equally divided, prior to a vote on S.J. Res. 10.

Who yields time? The Senator from Utah.

Mr. HATCH. Madam President, this is the last chance to vote for a constitutional amendment that will truly do something, that will tie the hands of Congress so they have to live within fiscal constraints. We are taxing and spending this country into bankruptcy. We have a \$15 trillion-plus national debt, growing to \$20 trillion to \$30 trillion. We don't have any restraint around here.

People say: If we just live up to the Constitution and restrain ourselves, we can do that. They have been saying that for 35 years. The only time we have come to a balanced budget around here is when we had the first Republican Congress in over 40 years and we had a President who was willing to support it.

This is our chance to try to do something for our country that will stop the outrageous, out-of-control spending. We need to do it. This amendment is the only one that can do it.

The ACTING PRESIDENT pro tempore. The Senator from Vermont.

Mr. LEAHY. Madam President, I have actually voted for a balanced budget. Democrats in this Chamber and in the other Chamber voted for one and it passed. Not a single Republican voted for it. During the Clinton administration, we were able to balance the budget and start paying down the debt. A huge surplus was left to his successor and it was squandered by that administration.

We should not enshrine the extreme provisions in the current proposal in our Constitution. We should not make it more difficult for Congress to respond to economic and natural disasters. Proponents of this amendment

say: Let's let the courts make these decisions. Let us not transform our courts into budget-cutting bodies. They are not equipped to perform that role. Even Justice Scalia, testifying before our committee, laughed at the idea that they could do that.

The Hatch-McConnell proposal will do nothing to spur economic growth or ease the partisan gridlock in the Congress. It will do the opposite. It will enshrine bad fiscal policy in the Constitution. A vote for this proposal is a vote for dramatic cuts in Social Security, Medicare, and veterans' benefits.

Partisan efforts like this may be good bumper-sticker politics, but they are bad solutions. I wish those who say they revere the Constitution would show it the respect it deserves rather than treating it like a blog entry.

I urge Senators to oppose this radical and ill-considered proposal to amend our Constitution.

Mr. VITTER. Madam President, I ask for the yeas and nays.

The ACTING PRESIDENT pro tempore. Is there a sufficient second? There appears to be a sufficient second.

The question is, Shall the joint resolution pass?

The clerk will call the roll.

The assistant legislative clerk called the roll.

The result was announced—yeas 47, nays 53, as follows:

[Rollcall Vote No. 229 Leg.]

#### YEAS—47

Alexander	Enzi	McConnell
Ayotte	Graham	Moran
Barrasso	Grassley	Murkowski
Blunt	Hatch	Paul
Boozman	Heller	Portman
Brown (MA)	Hoeven	Risch
Burr	Hutchison	Roberts
Chambliss	Inhofe	Rubio
Coats	Isakson	Sessions
Coburn	Johanns	Shelby
Cochran	Johnson (WI)	Snowe
Collins	Kirk	Thune
Corker	Kyl	Toomey
Cornyn	Lee	Vitter
Crapo	Lugar	Wicker
DeMint	McCain	

#### NAYS—53

Akaka	Hagan	Nelson (NE)
Baucus	Harkin	Nelson (FL)
Begich	Inouye	Pryor
Bennet	Johnson (SD)	Reed
Bingaman	Kerry	Reid
Blumenthal	Klobuchar	Rockefeller
Boxer	Kohl	Sanders
Brown (OH)	Landrieu	Schumer
Cantwell	Lautenberg	Shaheen
Cardin	Leahy	Stabenow
Carper	Levin	Tester
Casey	Lieberman	Udall (CO)
Conrad	Manchin	Udall (NM)
Coons	McCaskill	Warner
Durbin	Menendez	Webb
Feinstein	Merkley	Whitehouse
Franken	Mikulski	Wyden
Gillibrand	Murray	

The ACTING PRESIDENT pro tempore. On this vote, the yeas are 47, the nays are 53. Two-thirds of the Senators voting not having voted in the affirmative, the joint resolution is rejected.

The Senator from Illinois.

#### MORNING BUSINESS

Mr. DURBIN. Madam President, I ask unanimous consent that the Senate proceed to a period of morning business until 5 p.m., with Senators permitted to speak for up to 10 minutes each.

The ACTING PRESIDENT pro tempore. Is there objection?

Without objection, it is so ordered.

#### UNANIMOUS CONSENT REQUEST— H.R. 3630

Mr. DURBIN. Madam President, last night the House of Representatives passed a tax cut bill, one that is doomed in the Senate and that the President has made it clear he will not sign.

It is important for us to move beyond this stalemate on an important issue that will literally affect 160 million working Americans.

Currently those working families enjoy a 2-percent payroll tax cut. For the average family in Illinois with a \$50,000 annual income, it means \$1,000 a year or more in terms of a tax cut. So if we fail to continue this payroll tax cut, families across Illinois and across America are going to see an increase in their payroll taxes of about \$100 to \$125 dollars a month. We cannot let that happen. These families are struggling paycheck to paycheck. We want to help them. We want to make sure we help this economy by putting more life into it, which creates more opportunity for profitability for business and new jobs.

We also need to maintain our unemployment insurance which we have provided during these difficult times for those families struggling to find work.

At this point it is clear we should move immediately—immediately—to consideration of the House tax cut bill, a bill which passed the House and should be taken up immediately in the Senate. There is no reason for delay. It has to be done before we go home. Let's not waste any more time. Let's bring it to a vote.

Therefore, I ask unanimous consent the Senate proceed to the consideration of H.R. 3630, which was just received in the Senate from the House; that there be 2 hours of debate equally divided between the two leaders or their designees prior to a vote on passage of the bill; that no amendments be in order prior to the vote, and that the vote on passage be subject to a 60-affirmative vote threshold; further, that if the bill is not passed, it remain the pending business and the majority leader be recognized.

The PRESIDING OFFICER (Mr. FRANKEN). Is there objection?

Mrs. HUTCHISON. Mr. President, I object on behalf of our leader. This is a matter that needs to be decided between our two leaders. That has not been done. The bill has just come over. There needs to be some time. Certainly we hope in the future to vote on it at a time when the two leaders can agree.

The PRESIDING OFFICER. Objection is heard.

Mr. DURBIN. Mr. President, I thank the Senator from Texas. I know her objection was on behalf of the Republican Senate leader. I would appeal to him and all Republicans on that side of the aisle, let's get down to the business of extending this payroll tax cut for working families and maintaining the unemployment insurance to help millions of Americans. Let's get it done before we even consider leaving for this holiday season.

I yield the floor.

The PRESIDING OFFICER. The Senator from Texas.

#### KEYSTONE XL PIPELINE

Mrs. HUTCHISON. Mr. President, at a time when our economy is staggering and global unrest is making long-term energy supplies uncertain, we are going to eventually be able to take up a bill that has been passed by the House that would bypass the President's decision to postpone until 2013, after the elections next year, a domestic infrastructure project that promises 20,000 immediate jobs, and 118,000 spinoff jobs, and provides a stable energy source from our trusted neighbor Canada.

After 3 years of unprecedented reviews by State and Federal agencies, the administration decided to delay the Keystone XL pipeline until after the 2012 election. Why? It would seem obvious that this is a decision that could now be made. The studies have been done. The jobs are needed. This is a privately financed traditional energy project. It is truly shovel ready. It is not a temporary government stimulus program based on wishful thinking, looking for things that can be done around the country. It is ready to go and it is privately financed, so there are no taxpayer dollars involved.

The pipeline is our Nation's access to the estimated 170 billion barrels of recoverable oil in western Canadian tar sands. It will provide energy from a reliable trading partner and friend, lessening our dependence on oil from turbulent Middle East and North African countries and from dictators and terrorism-supporting regimes in South America.

This turmoil leads to price spikes and supply interruptions that threaten our economy and our national security. If we can go forward with the pipeline project, it would have a tremendous impact on our Nation, where the project could stimulate \$2.3 billion in new spending and generate more than \$48 million in new tax revenues just in my home State of Texas.

The pipeline construction would result in 700,000 additional barrels of oils per day being sent to refineries in Texas. Our State's 26 refineries account for more than 25 percent of the total



U.S. oil production, which is approximately 5 percent of worldwide capacity. Texas refineries working at capacity are of great benefit to the consumers of America. Oil is provided faster and more efficiently to domestic consumers and industry, bringing down the cost of energy to everyone in our country.

Last night the House approved this legislation. President Obama continues to threaten to veto any bill that comes to his desk that involves the Keystone pipeline. So I think it is fair to ask: What is his plan? The administration recently announced the President's 5-year blueprint for the future of America's energy resources. For example, the plan limits the offshore energy development to less than 3 percent of offshore areas.

The administration is decreasing our energy resources while other countries continue to increase their energy wealth, just off our coast in some instances, some as close as 25 miles from the U.S. waters. With the right policies, the oil and gas industry could create 1.4 million new jobs and raise \$800 billion of additional government revenue by 2030. That would come from people working. That would come from people in the economy buying things, creating new jobs, and paying taxes because they are earning money. That is the way we should increase revenue in this country, not by stimulus programs that add to our deficit and to the debt that is going to be inherited by our children.

The administration is determined to pursue policies that limit our utilization of our own natural resources. Most other countries in the world are trying to develop their natural resources, and some do not have natural resources and wish they did. America has them but we are not using them.

We could—with a single pipeline—do something that would lower the cost of energy and create new jobs and raise additional government revenue. The fact that we are debating this project today in the face of a frozen economy and rising energy insecurity is unthinkable. We do not need more Solyndra fiascos. We do not need to waste additional billions of taxpayer dollars to support failed businesses that would not exist without federal subsidies.

This pipeline has not one taxpayer dollar in it. It is privately funded and will create private industry jobs that would be jobs that create more revenue for our country through the spending and the creation of still further jobs.

We would be doing it with a trusted neighbor and ally, Canada. This is something we should do. I would love to see us do it in a bipartisan way in this Senate as the House has already done.

I yield the floor.

The PRESIDING OFFICER. The Senator from Pennsylvania.

#### PAYROLL TAX CUT

Mr. CASEY. Mr. President, I rise to speak about the urgent need to prevent a tax increase in the year 2012 if the Congress does not act to extend the payroll tax cut from last year. This is fundamental when it comes to working families across the country. Some 160 million working Americans are depending upon the Congress to do its work, to do its duty, and conclude this year on a couple of matters.

The principal focus of most people's attention right now, in addition to making sure we have a budget in place for the next couple of weeks and months but also, most urgently, is to make sure we are doing everything possible to bring about a cut in the payroll tax again as we did last year. So we should be voting today. We should not be waiting. We know the House has acted. I would guess that what they passed in the House will not pass in the Senate, but we should vote. Vote today. Get that done. Then both sides can sit down and work out a compromise on the payroll tax cut so we can give those 160 million American workers some measure of certainty as they begin to celebrate the holidays and prepare for our new year.

When I talk to people in Pennsylvania, they say to me basically two things: Do something to create jobs or to create the environment or the condition that job creation will flow from and, they say, do it in a bipartisan way. Work together as we, meaning Americans back home, have to work together. They have to work together at home to meet a budget. They have to work together at their worksite to be able to move a company or their agenda forward for an employer.

What we need is a very simple agreement on a very basic bill, and it should be a bill that would extend and, I would argue, expand. I wish to go beyond the payroll tax cut of last year. What we should be doing is cutting it in half. I know there might be others who do not want to go that far. But what we have now from the House is a 350-page bill loaded with all kinds of provisions that have nothing to do with the payroll tax cut and nothing to do with moving the economy forward. It is kind of a political game they are playing.

For example, the Keystone pipeline will be the subject of a lot of debate and discussion. But that has nothing to do with providing 160 million working Americans with a payroll tax cut, so we should set that aside and focus on cutting the payroll tax. Some of the provisions in the Republican bill will do substantial harm to families individually but also to the larger economy. Cutting 40 weeks—let me say that again—cutting 40 weeks from unemployment insurance is one provision. That is the wrong thing to do when you have between 13 and 14 million Americans out of work, in Pennsylvania over

half a million people out of work, at last count 513,000 people out of work. They are telling us that we should cut unemployment insurance by 40 weeks.

Does that make any sense at all? Oh, by the way, what they leave out in that debate is what unemployment insurance does to the wider economy. You spend a buck on that, you get a lot more than a buck in return in terms of the economic impact. So unemployment insurance, when it is provided to people who lost their jobs through no fault of their own, helps the larger economy in addition to helping an individual worker or his or her family.

When it comes to the issue of the payroll tax cut itself, what we are talking about here is not something complicated and theoretical. We are talking about take-home pay, what goes in your pocket from your paycheck. We have got a choice here. If we go the right way and we extend the payroll tax cuts from last year, there is as much as \$1,000 in take-home pay as a result of that.

I had a bill which we worked to try to compromise and change—we changed our bill in order to compromise, I should say. I thought it would be better if we cut the payroll tax for workers in half. That would be as much as \$1,500 in your pocket for 2012. The other side objected to that. They wanted no payroll tax cut, apparently, for businesses, which I thought was a good idea. Then they also wanted to scale back what we could do for employees. But we are where we are. We will see what they are willing to do now. But let's not lose sight of what this is all about. If we do the right thing, we will have \$1,000 extra in take-home pay for 160 million American workers, but if we go the way of some people here in Washington and play political games, it will be zero extra dollars of take-home pay. Very simple. It is a very simple choice.

I would hope our friends on the Republican side would allow us to vote today on the Republican House bill.

It is not going to pass, but it does provide clarity so that both sides can then sit down. They have rejected my compromise. Now the House version will come over here. But we will have some clarity about where both sides stand.

We can sit down and negotiate and get a payroll tax cut done, but we cannot do that until they let us vote on what the House did. We need to have that vote today. I don't know why the Republican side would want to hold it up in the Senate. We should vote on that. It is about take-home pay and also about peace of mind. I think a lot of Americans would like to know now that they can celebrate the holidays and move into 2012 with some peace of mind, knowing they are going to have some money in their pockets they might not have otherwise. It will have a tremendous impact on the economy.

We know that from the data and from what happened in the first few months of 2011.

If the Congress fails to act, here is what it means for a State such as Pennsylvania. You can replicate this, I am sure, in other States as well. Mark Zandi, a respected economist on both sides of the aisle in Washington, looked at Pennsylvania and the impact of not extending the payroll tax cut for 2012. He said it would cost our State a little shy of 20,000 jobs in calendar year 2012—in a State, by the way, where in 2011 we created—or I should say the increase in jobs in Pennsylvania was more than 50,000 in 2011. That is not enough, and we need to do more, but certainly when you are creating jobs at that rate—and possibly in 2012 it could go above 50,000 jobs created in Pennsylvania. But not to act on the payroll tax and reduce that 50,000 or more by 20,000 jobs—and that is just one State—if you don't pass the payroll tax cut, that is the adverse impact on 1 State—20,000 jobs, according to Mark Zandi. That is a big mistake. We cannot afford to make those kinds of mistakes at this moment, which is very precarious in our economy, just when we are getting some—although not enough—good news about the economy.

We need to kick-start, jump-start job creation across the country. We can do that in large measure—although not completely—by a payroll tax cut.

It is time to move forward and time to move on. We should get this vote done on the House version, and then we can go to the negotiating table. While we are doing that, we can get some other things done. To hold up a vote on the House bill doesn't make any sense at all. We only have 17 days until the end of the year. We have other work to do as well. But the main thing we have to do right now is come together to protect 160 million American workers so that they can conclude the year and go into the holiday season and begin a new year with peace of mind to know they are going to have that payroll tax cut in their take-home pay and also to give those who are out of work and their families, their communities, and the country some assurance on unemployment insurance.

It is not time to play politics in Washington. This is the holiday season. If there is anytime in the year when people expect us to work together, it is at this time when we celebrate the holidays. We need to come together and compromise. I have compromised a couple of times in my legislation. I will not review that now, but I did that on my version of the payroll tax cut. We can all compromise more. We need to come together and stop putting up roadblocks to voting on measures that will lead us to a compromise.

The simple message for today is this: Let's vote on the House bill. If that doesn't pass, then we can go to the ne-

gotiating table and come up with a compromise to cut the payroll tax and put more take-home pay in the pockets of 160 million American workers.

With that, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Ms. KLOBUCHAR. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### LIHEAP

Ms. KLOBUCHAR. Mr. President, I am here today to talk about the importance of sustained funding and support for the Low-Income Home Energy Assistance Program, better known as LIHEAP. I know it is something my colleague, the Presiding Officer, cares very much about as well.

LIHEAP helps households pay home heating costs and targets funds for those families with the lowest incomes and the highest energy costs. In 2010, nearly 165,000 families in Minnesota used this critical lifeline.

As the Presiding Officer knows, our home State may be known as the land of ice hockey and ice fishing and other winter sports, but our tough winters can be downright dangerous to families struggling to pay their utility bills and trying to keep the heat on.

Even as Minnesota's economy has weathered the recession better than most, we have seen a great increase in need for assistance with heating bills. From 2008 to 2010, there was a 30-percent increase in families who needed energy assistance. Without sustained funding for LIHEAP at current levels, we risk pushing these 38,000 families out into the cold.

This October, I joined with Members from many cold weather States, as my colleague did, in a letter that urged the Department of Health and Human Services to release LIHEAP funds as quickly and at as high a level as possible. We must follow up on this action by fully funding LIHEAP.

On October 28, the Department of Health and Human Services released \$1.7 billion for LIHEAP. This is a start, but we need another \$3 billion to ensure we sustain level funding from last year. Depending on how and what the final appropriations are for fiscal year 2012, it is important to recognize we will need over \$1 billion to fully fund LIHEAP.

I believe seniors should not have to choose between paying for medication and their heating bills; that families should not have to choose between putting food on the table or keeping their furnaces on at night, and children should always have a warm home to sleep in at night. LIHEAP is targeting

those families who are most in need. In fact, the average household served by LIHEAP in Minnesota had an income of \$16,000, and 85 percent of the homes served by LIHEAP included at least one senior, a person with a disability, or a child under the age of 18. These families are struggling. Now is not the time to pull the rug out from under their feet.

LIHEAP is supported by nonprofit organizations such as Community Action of Minneapolis, the Salvation Army, State and local governments, and utility companies. These organizations know the value this program has to ensure that families have the tools they need to stay safe during the coldest winter nights. They also see how it creates economic activity by maintaining demand for utilities when household budgets are under the greatest strain and may be forced to go without.

According to economists, LIHEAP is a smart investment. For every dollar in benefits paid, \$1.13 is generated in economic activity. As a cosponsor of the LIHEAP Protection Act, introduced by Senator JACK REED of Rhode Island, I want to commend my colleagues on their leadership on this issue, and I look forward to working with them to ensure this legislation is passed and that funding for the critical program is maintained.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from California.

#### UNANIMOUS CONSENT REQUEST— H.R. 3630

Mrs. BOXER. Mr. President, I am going to eventually make a unanimous consent request. We have alerted our Republican friends to it. But before I do, I want to set the stage for why I am going to eventually ask we be allowed to go to H.R. 3630, which is at the desk, and that there be a debate and a vote on the Republican-passed payroll tax cut.

For the life of me, I don't understand why, as we approach the end of this year, Republicans do not want, right now, to have a vote on their own bill. Maybe it is because they do not have a lot of votes for it because it is a disaster. The President has spoken out very strongly for a payroll tax cut. We need that. It has been in effect, and if we don't extend it in this time of recovering from a deep dark recession, economists of all stripes have said we are going to see a reduction in economic growth. That is something we don't need right now.

Initially, Republicans said they didn't want anything to do with this tax cut. They loved the tax cuts for the millionaires and billionaires. Oh, that one they have a heart for but this one, they don't really like.

I think they took the heat back home, and good for the American people. They then decided they had to pass

it because if they didn't pass it, working people were going to notice that \$1,000 increase in their taxes.

So we are facing a very odd situation. Having served in the House for 10 years—I had left before Newt Gingrich became Speaker; I ran for the Senate. I know how things work over there. I can almost see—though I have no accuracy on this; it is simply my own feeling—the mindset: The President wants this tax cut so badly, let's do it, but let's load this up with things he is not going to be able to abide. Frankly, that is what they did.

Let's look at some of the things that are in this payroll tax cut. First of all, they added environmental riders. One of them I am very familiar with, and I want to spend a minute explaining.

The EPA passed a rule to control the filthiest and dirtiest boiler operations. These boilers are located in our communities. They spew forth things you really don't want to know about, but we better know. They are things such as mercury, arsenic, and lead. All these things cause cancer, and all of these things are dangerous to all of us, particularly to children and to pregnant women. So the EPA has crafted a rule—listen to this—that only goes after 5,500 of the 1.6 million boilers. Again, these are the filthiest and the dirtiest.

In crafting this rule, they had peer review science that showed this rule would prevent 8,100 premature deaths every single year. That is because we are talking about mercury, lead, and arsenic. These are not our friends.

Now, not being able to abide by this, those in the House are standing with the dirtiest polluters, and they put a stop to that rule. To me, this is shocking, as chairman of the Environment and Public Works Committee. If I saw you were driving a car in a certain direction, Mr. President, and I said to you, if you continue to drive your car in that direction, you are going to hurt people; you are actually going to be responsible for the deaths of 8,100 people in the course of a year, you would turn that car around. But, no, they are barreling forward. I am not even citing the stats—because I don't have them in my memory—on the number of missed workdays, the number of asthma cases, and the lost schooldays, but it is in the tens of thousands in a year.

So they attached what I call a real poison pill to the payroll tax cut. But that wasn't enough. Despite the objections from the Republican Governor of Nebraska, they pushed forward on the tar sands pipeline before the studies were done. By the way, the environmental impact report was done by a company that had ties to the developer. So before we rush to judgment on this, colleagues, we need to have more information. But, no, they are going to jam that through.

So those are two environmental riders that are in the bill that are very

dangerous for the American people. So it is sort of like, here is \$1,000 for you with the payroll tax cut, but we have just increased your risk of getting asthma or perhaps dying of cancer or a heart attack. Maybe that is why they object to having a vote on this bill.

Now, in this bill, the way they pay for things is unbelievable. They are so fearful of hurting the upper income people—those earning over \$1 million a year and paying for this payroll tax cut the way we do, with a small surtax on the millionaires and billionaires, which doesn't kick in until they get past the \$1 million mark—they go after the middle class. They raise premiums on Medicare for 25 percent of Medicare recipients who earn \$80,000 a year, and they raise it 15 percent for some of them in this time of recession. They cut the number of weeks an individual can get unemployment insurance, which also, at this time, is just plain cruel. They go after the salaries of middle-class workers, such as Federal firefighters, veterans, nurses, air traffic controllers, FBI agents, and all Federal employees while they allow government contractor employees to earn up to \$700,000 a year.

Senator GRASSLEY is here, and I know he probably disagrees with some of what I said, but I know he agrees on the Federal contractor issue. In this particular bill, which the House crafted, I say to my friends, they go after middle-class workers, but the government contractor workers can earn up to \$700,000 a year. To me, that is the only reason I can see why Republicans are objecting to having a vote on this so-called payroll tax bill—because it is so loaded with things that are going to hurt the American people.

So I think we ought to have that vote and kill this Christmas turkey, because it is a turkey. It is harmful to the middle class. It is literally going to cause an increase in premature deaths, in asthma cases, and it is literally going to hurt middle-class workers while it leaves the millionaires and billionaires alone. What kind of value system is that? Merry Christmas to the middle class. No, it isn't.

So, Mr. President, I ask unanimous consent that the Senate proceed to the consideration of H.R. 3630, which was just received from the House; that there be 2 hours of debate equally divided between the two leaders or their designees prior to a vote on passage of the bill; that no amendments be in order prior to the vote; and that the vote on passage be subject to a 60-affirmative-vote threshold; further, if the bill is not passed, it remain the pending business and the majority leader be recognized.

The PRESIDING OFFICER. Is there objection? The Senator from Iowa.

Mr. GRASSLEY. Reserving the right to object, and I must object, but I wish to make clear that the Senator from

California understands I didn't come to the floor to object to her request, but on behalf of the Republican leader I do object.

The PRESIDING OFFICER. Objection is heard.

Mrs. BOXER. Mr. President, I thank my colleague. We are buddies. We work together on a lot of good government issues. But the minority leader, the Republican leader, is objecting.

So in summing this up, as I leave the floor, I would ask rhetorically, why on Earth the Republican leader is afraid to vote on a Republican bill, other than the fact that that bill, in my view, exposes a set of values that are not consistent with the American people.

I yield the floor.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. Mr. President, I ask unanimous consent to speak for what time I might consume, but I wouldn't expect it would be more than 30 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRASSLEY. Mr. President, I have come to the floor to speak about the Fast and Furious investigation. But I would also like to follow up and have this portion of my remarks follow the Senator from California because I think my side has a legitimate position to take on some job creation things that are in the House bill that has come over here; that if people just hear one side of the story, they might misunderstand we are not interested in creating jobs and we are only interested in putting stumbling blocks in the way of regulations or Presidential decisions that are made. But it is directly related to, in the case of rules by EPA that the Senator spoke about, it is a fact that under this administration there is an explosion of regulations. A lot of those regulations, because of their cost, have led to the elimination of a lot of jobs or a lot of jobs not being created as a result thereof.

So if we hear the President of the United States saying we ought to pass legislation that he is for to create jobs or we hear the President of the United States, one or two times a week, flying all over the country at taxpayers' expense to give political speeches and asking to put the pressure on Congress to pass his jobs bill at the very same time his departments are issuing regulations costing jobs or not creating jobs or the President making a decision that we shouldn't build a pipeline from Canada down to Texas so we can import more oil in a cost-effective way from our friend Canada—a reliable friend—instead of spending \$830 million every day—every day—to import oil and paying that to countries that either hate us or want to kill us, we think there is an inconsistency between the President who is going around the country giving speeches on

why Congress isn't passing his legislation to create jobs, when his administration is making decisions—in the case of the pipeline, 20,000 jobs could be created right now, union-paying jobs, good jobs, and 110,000 jobs on the side related thereto, plus what it does good for the energy policy of the United States to have that built. The President is standing in the way.

He says it needs another year of study. The State Department has already given two studies over a period of years saying it is OK to go ahead. It is not an environmental problem. The Nebraska legislature held it up for a little while because of the aquifer, but they have reached an agreement that it can go through their State in a little different direction.

We think we ought to create those 20,000 jobs and we ought to do it right now and this legislation that has come over from the House does that. This legislation coming over from the House puts some block of some regulations going into effect that is going to eliminate jobs or stop the creation of jobs.

So we are a little bit irritated about the inconsistency between an administration that wants us to pass legislation to create jobs when, at the very same time, one person is making a decision that we are not going to move ahead with job creation projects. This legislation allows to move ahead for that.

#### FAST AND FURIOUS

Mr. GRASSLEY. Mr. President, the reason I came to the Senate floor is to give my colleagues an update on the Fast and Furious investigation that I have been conducting since last January 31.

For almost 11 months now, I have been investigating Fast and Furious, an operation of the Bureau of Alcohol, Tobacco, and Firearms, ATF. On December 2, the Justice Department finally came clean about who helped draft its February 4 letter to Congress. That was a letter I wrote that they responded to since I opened the investigation on January 31. It only took them a few days to get a letter to me that had a tremendous number of falsehoods in it.

That letter falsely denied ATF whistleblower allegations that ATF walked guns. The revelation in the December 2 documents of this year were the last straw for me. They admitted the February 4 letter had falsehoods in it. I called for Assistant Attorney General Breuer to step down, and I don't do that lightly.

Earlier documents had already shown Mr. Breuer displayed a stunning lack of judgment in failing to respond adequately when told guns had walked in Operation Wide Receiver in the years 2006–07. The December 2 document showed that Mr. Breuer was far more

informed during the drafting of the February 4 letter than he admitted before the Judiciary Committee just 1 month earlier. These two issues led me to call for the resignation of Mr. Breuer, the highest ranking official in the Justice Department who knew about gunwalking in Operation Wide Receiver.

The December 2 documents also established a number of other key points. The first is that the Justice Department has a flawed process for responding to letters from Congress that involve whistleblowers. So any of my colleagues, any of the 99 other Senators who are writing letters to the Justice Department, understand they have a flawed process if it involved whistleblowers responding to us. I will show that to you. In the cover letter that accompanied the documents, the Justice Department wrote that, in drafting their February 4 response, which had these falsehoods in it:

Department personnel . . . relied on information provided by supervisors from the components in the best position to know the relevant facts.

They were listening to supervisors because they only listen to supervisors. That is the problem with not answering the letters in a truthful way, to me, 5 days later after I handed them to the Attorney General. I will show that in just a minute.

Clearly, the Justice Department did not rely on those in the best position to know the facts, since the letter was withdrawn on December 2 due to its inaccuracies.

I don't know how they can withdraw a letter that is in the public domain, but they just somehow withdraw the letter.

The whistleblowers were in the best position to know the facts. Frontline personnel—not supervisors—were in the best position to know the facts, not these senior bureaucrats or political appointees. Yet the Department failed to provide a credible process for whistleblowers, people who know what is happening on a day-to-day basis, and other frontline personnel to provide information without fear of retaliation.

Employees simply do not believe they are free to report misconduct because they see what happens to those who speak out. They know it is a career killer because the ATF and the Justice Department culture protects those who retaliate against whistleblowers. Yet whistleblowers in this case spoke out anyway.

In other words, these whistleblowers were speaking out, taking a chance on their professional future in Federal Government because they knew something wasn't right about the walking of guns. So they risked their career to make sure the truth was known.

The only crime committed by whistleblowers, generally, is the crime of committing truth. But when the Office

of Legislative Affairs sought information to respond to my inquiries, it didn't ask these brave whistleblowers what happened. Instead, it simply relied on self-serving denials of senior officials at ATF headquarters or the criminal division here in DC or the U.S. attorneys in Arizona.

In other words, the Department took the word of the very officials the whistleblowers alleged had mismanaged the situation in the very first place, without getting both sides of the story.

The U.S. attorney has since admitted in testimony to congressional investigators he was too strident when he first heard these accusations. He claimed he didn't know all the facts.

We can't rely on the chain of command when we have a whistleblower. By definition, whistleblowers emerge because the chain of command is broken. Whistleblowers come to Congress because they are unsuccessful in getting their supervisors to address fraud, waste, and abuse. Sometimes those supervisors attempt to cover tracks and paper over the problem. That is why we have to get the story straight from the horse's mouth. We can't let the facts be filtered through multiple layers of bureaucracy. After all, the bureaucracy is filled with the same supervisors who should have done something about the problem in the very first place before whistleblowers even come forward.

These problems are particularly prevalent in the Federal Government that is so very large it is virtually impossible for anyone to ever be held accountable for anything. So it is crucial those investigating whistleblower allegations go straight to those on the ground level with firsthand knowledge of the facts. Their goal should be to understand the underlying facts of the whistleblower allegations, not to intimidate whistleblowers into silence. Instead, inquiries all too often focus on the whistleblowers themselves and what skeletons they have in their closet. That approach is exactly what is wrong with the Federal Government and why it doesn't function as efficiently as it can. Because if more whistleblowers were listened to and wrongs were brought to the surface and transparency ruled, there would be more accountability.

The focus should be on whether the accusations are true so the problems can be corrected. Too often, however, the focus is on finding out what information the whistleblower disclosed so the agency can circle the wagons and build a defense. That needs to change. If the department is going to regain its credibility, it needs to provide straight answers, not talking points and spin.

The only way to provide straight answers is to make sure we get straight answers in the first place. That is one reason we have pushed in our investigation to be able to interview frontline personnel.

The Justice Department objected in a letter Tuesday night. In that letter, the Justice Department also objected to us talking to first- or second-level supervisors. This is exactly the sort of approach that prevents key information from getting to senior officials and to Congress and impedes Congress's constitutional responsibilities to see that the laws are faithfully executed. In other words, we don't just pass laws and say that is the end of it. We have to pass laws to make sure we are a check on the executive branch of government and that means to do the constitutional job of oversight. That means ask questions. That means we are entitled to answers—unless somebody is trying to cover up something. When they are trying to cover up something in the bureaucracy, I always tell them: If you get stonewalled, eventually the truth is going to come out. The more truth that comes out, the more egg you are going to have on your face. Mr. Breuer is one of those who has tremendous egg on his face.

Justice cites the so-called line personnel policy for refusing to provide officials for voluntary interviews. The policy is based purely on nothing but the Department's own preferences. This isn't any law or statute or even case law. The Department has frequently set aside the policy and made exceptions.

For example, line attorneys gave transcribed interviews under oath to Congress in the 1992 Rocky Flats Nuclear Weapons Facility investigation. As recently as October, assistant U.S. attorney Rachel Lieber, the line attorney responsible for the anthrax investigations, participated in an interview with PBS's "Frontline."

How can the Justice Department tell me or argue to Congress that Congress should not be allowed access to line attorneys when they give that same kind of access to the press? Those are the kinds of line personnel and individuals who have the actual answers. I kind of surmise that the reason the Justice Department will let a U.S. attorney or some FBI agents be interviewed on television is that some public affairs officer has looked at it and said: This is a good story. This is going to make us look good. But when Congress wants to interview line people, no, and we have a constitutional responsibility to do that.

I would like to suggest that the Justice Department let the public affairs people make a decision of who can talk to Congress because it might make them look a little better if they will let them talk to Congress or are they afraid we might find out something? It is irritating as heck.

In this case, had the Justice Department gone to the horse's mouth before sending an inaccurate letter to me on February 4, they would have been able to get the story straight. The memo I

have here I am not going to read, but I want to hold it up.

The memo is from an ATF line agent who substantiated the claims of the first ATF whistleblowers.

I ask unanimous consent a copy be printed in the RECORD immediately after my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. GRASSLEY. It is dated February 3, 2011, the day before the Justice Department sent their letter to me. The memo was passed up his chain in response to investigators on my staff talking to him about Operation Fast and Furious. He accurately described the problems with Fast and Furious. What he said was consistent with the claims I had already heard from other whistleblowers. Information such as this is why I was skeptical days later when the Department sent its February 4 letter to me, denying the allegations. In other words, I had proof they were lying to us.

The agent wrote in the memo about being ordered by a Fast and Furious case agent to hold back in their surveillance, so that they did not "burn the operation."

While watching straw purchasers hand off weapons to traffickers—violating the laws of this country but encouraged to do it by their own Justice Department—the case agent "told all the agents to leave the immediate area."

While a crime was being committed the agent said to the agents to leave the area immediately. The memo explicitly says:

The transaction between the suspects took place and the vehicle that took possession of the firearms eventually left the area without agents following it.

A crime is committed, U.S. agents there let them move on.

After the phone call to my staff, the ATF agent's supervisor requested that he write this memo documenting what he had told my investigators. This passed up the chain all the way to the ATF leadership. We know that because there are e-mails attaching the memo sent to senior headquarter officials. However, the Justice Department has refused to provide copies of those e-mails and will only allow them to be reviewed at Justice Department headquarters.

The Department has also refused to provide a copy of this memo. My staff had to obtain it from confidential sources.

One of the questions yet to be answered is who in the Justice Department saw the memo and when. Either way, once the Justice Department got hold of it they tried to keep it under wraps by refusing to give me a copy. They made my staff go to the Justice Department to view it, even though the entire memo simply recounts informa-

tion that was already provided to my staff. It is embarrassing to the Department because it shows that the truth was easily knowable before the false denial was sent to Congress on February 4. If they had asked for firsthand documentation such as this memo when they first got my letter in January, we would not be where we are today.

The second point these documents establish is that main Justice had problems of its own. It was not all the fault of the ATF or the U.S. attorney. Mr. Breuer's deputy, Deputy Attorney General Jason Weinstein, participated in drafting a false statement. The Justice Department's February 4 letter read:

ATF makes every effort to interdict weapons that have been purchased illegally and prevent their transportation to Mexico.

Documents show that line originated in a phone conversation, February 1, 2011, between Justice Department legislative affairs assistant director Billy Hoover from ATF and Jason Weinstein from main Justice's criminal division.

Like Assistant Attorney General Breuer, Mr. Weinstein knew that ATF had let hundreds of weapons walk in Operation Wide Receiver, which was an earlier, smaller scale case than Fast and Furious. In fact, in April 2010, he brought that fact to the attention of Mr. Breuer, his boss. April 2010 is 8 months before I got involved in this investigation. His e-mail to Mr. Breuer about Wide Receiver said:

As you'll recall from Jim's briefing, ATF let a bunch of guns walk in efforts to get upstream conspirators but only got straws, and didn't recover many guns. Some were recovered in [Mexico] after being used in crimes.

It is ironic that is how Mr. Weinstein described Wide Receiver. He was one of the officials who authorized wiretaps in Fast and Furious. Therefore, he was in a position to know that exact same description applied to Fast and Furious. Yet he allowed the myth to be perpetrated that ATF would never do such a thing. Mr. Weinstein saw the Justice Department's very first draft of the letter to Congress. In fact, as one of his Justice Department colleagues in the Deputy Attorney General's office said, "CRM," which happens to be the criminal division, and OLA, which is the Office of Legislative Affairs—"CRM and OLA basically drafted it."

Mr. Weinstein knew the letter contained a blatantly false line. Yet he did nothing to correct it and that line thus remained in every successive draft of the letter.

On December 2 this year, the Justice Department's latest spin was that its statement that "ATF makes every effort to interdict weapons" was "aspirational." Nevertheless, that did not stop them from withdrawing the letter for inaccuracies. Perhaps the "aspirational" language should be saved for mission statements. Responses to specific and serious allegations ought to,

in a commonsense way, stick to the facts, right? This was an oversight letter. I was not asking for some “feel good” fuzzy message about what ATF aspired to. I was asking for simple facts.

A U.S. Border Patrol agent had died, and at the scene of his death were two guns from Fast and Furious. So his death was connected to the ATF operation. Whistleblowers were reaching outside of the chain of command because supervisors would not listen. Instead of treating these allegations with the kind of seriousness they deserved, the Justice Department resorted to damage control.

I do not know what else my investigation is going to uncover, but we are going to pursue it until we get to the end of it because my goal is to find out who at the highest level of government, in Justice or the White House, approved this, and get them fired; make sure that the Terry family gets all of the information about the death of their son—to this point they have had hardly anything—and, No. 3, to make sure a stupid program like walking guns, Fast and Furious, et cetera, never happens again.

This week the investigation revealed that shortly after the February 4 letter, Lanny Breuer asked Mr. Weinstein to write up an analytical memo of Fast and Furious. This suggests that Mr. Breuer and his deputy Mr. Weinstein were down in the weeds on Operation Fast and Furious a lot earlier than previously admitted. Mr. Weinstein was in an excellent position to write such a memo, since Mr. Breuer has acknowledged that Mr. Weinstein was one of the individuals who approved wiretaps in the summer of 2010 as part of Operation Fast and Furious. However, we had to learn of this memo from sources not from the Justice Department but from outside of the Justice Department. The Justice Department has not provided it to us, even though it is clearly responsive to a House Oversight Government Reform Committee October 25 subpoena.

This type of maneuvering is what got the Justice Department in trouble to begin with. The Justice Department should produce this document immediately, along with all the other responsive documents.

This investigation will continue. People must be held accountable. The Justice Department must stop stonewalling today.

## EXHIBIT 1

U.S. DEPARTMENT OF JUSTICE, BUREAU OF ALCOHOL, TOBACCO, FIREARMS AND EXPLOSIVES,

Washington, DC, February 3, 2011.

Memorandum To: Special Agent in Charge, Dallas Field Division

Thru: Resident Agent in Charge, Lubbock Field Office

From: Gary M. Styers, Special Agent, Lubbock Field Office

Subject: Contact with Congressional Investigators

On February 2, 2011, at approximately 1500 hours, ATF Special Agent Gary Styers was contacted telephonically by Robert Donovan and Brian Downey, representing United States Senator Chuck Grassley and the Senate Judiciary Committee. Downey and Donovan after identifying themselves asked Special Agent Styers if he would be willing to answer some questions regarding the time Special Agent Styers spent on a detail to the Phoenix Field Division, Phoenix Group VII Office. Special Agent Styers said he would be willing to answer questions to the best of his knowledge.

Special Agent Styers was asked if he was familiar with the large firearms trafficking case in Phoenix Group VII and Special Agent Styers said he was. Downey and Donovan asked if Special Agent Styers knew the name of the case and he responded that it was “Fast and Furious.” Downey and Donovan then asked if Special Agent Styers knew who the case agent was and Special Agent Styers said it was Special Agent Hope McAllister. Special Agent Styers was also asked who the supervisor of the group was and Special Agent Styers said it was Group Supervisor David Voth. Downey and Donovan also asked who helped Special Agent McAllister. Special Agent Styers said that Special Agent McAllister had a Co-Case Agent from Immigration and Customs Enforcement (ICE) as well as an agent from Group VII. Downey and Donovan asked who was the Agent from ICE and Special Agent Styers told them it was Lane France.

Downey and Donovan asked Special Agent Styers if he knew what the agents were assigned to do on the investigation. Special Agent Styers explained that a group of agents were assigned to the case and that since the case was in the stage of an active wiretap, some agents were working within the group and Special Agent Styers was then asked about his general impression of the Fast and Furious case. Special Agent Styers stated that the case had systematically divided and isolated agents from the group. The case agent had solicited the advice of numerous experienced agents, including Special Agent Styers, regarding how to conduct and end the wiretap operations and case overall. Special Agent Styers gave the case agent his honest opinion and advice since Special Agent Styers had worked two wiretap investigations in his career. Special Agent Styers felt that his advice and opinions, as well as other agents’ advice and opinions were widely disregarded. Along with other agents within the group, Special Agent Styers explained that he was no longer asked to assist with Fast and Furious and concentrated on his assigned cases and provided necessary assistance to fellow agents within the detail and group.

Downey and Donovan asked Special Agent Styers what he felt was incorrect about the way the Fast and Furious case was conducted. Special Agent Styers explained that first and foremost, it is unheard of to have an active wiretap investigation without full

time dedicated surveillance units on the ground. Special Agent Styers relayed that no agents in the group were assigned to surveillance on the Fast and Furious case. Special Agent Styers said that other agencies or task force officers may have been used to conduct surveillance and respond to calls of FFLs, but it seemed that either the case agent or Group Supervisor would poll the office for agents who were available to respond at short notice.

Secondly, Special Agent Styers said that it appeared odd to have a majority of ATF Agents working on a wiretap investigation, who had never worked such a case. Especially, when numerous, permanent Group VII agents and detailers had previous wiretap experience.

Special Agent Styers was provided with contact information for Downey and Donovan and the conversation was ended. Special Agent Styers contacted the Lubbock Resident Agent in Charge, Jim Luera at 1545 hours after the conversation with Downey and Donovan ended, to inform him of the contact. Special Agent Styers was later asked to document the conversation herein and attempted to do so to the fullest extent possible.

Respectfully,

GARY M. STYERS.

Mr. GRASSLEY. Mr. President, I do not see another Member on the floor. Unless some staff person among the Republicans or Democrats tells me somebody is coming, I wish to take another 5 minutes, if I could.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRASSLEY. Mr. President, more like 7 or 8 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

## FCC HOLDS—LIGHTSQUARED

Mr. GRASSLEY. Mr. President, the cornerstone of Congress’s ability to effectively oversee the Federal Government is the free and open access to information—in other words, congressional oversight, what I was talking about in regard to Fast and Furious.

On another investigation 231 days ago, on April 27, I made a very simple request. I requested that the Federal Communications Commission turn over communications regarding its controversial approval of the LightSquared project. LightSquared is a company owned by a hedge fund called Harbinger Capital Partners that is seeking FCC approval to use its satellite spectrum to build a terrestrial wireless network. To accomplish its goals, LightSquared has already spent millions of dollars on lobbyists and made large political donations.

The problem is that LightSquared’s signals would, according to Federal Government tests, cause massive interference with the global positioning system, more commonly referred to as GPS. GPS, as you know, is a critical tool for anything from military drones and missiles to car and ship navigation. LightSquared’s initial plan, which the FCC conditionally approved,



would have interfered with just about every single GPS user.

The surprising fact is that there is no evidence the FCC even tested LightSquared's plan before approving it. In fact, the FCC granted this waiver—which is estimated to be worth at least \$10 billion to LightSquared—in a shortened comment period starting right around Thanksgiving, 2010. Giving a company a possible \$10 billion windfall in a holiday-shortened comment period without doing any testing is very suspicious. Risking our Nation's GPS assets, including the role they play in defending our Nation to accomplish this goal, is downright dangerous.

The question I am asking is, Why would the FCC do this? Of course, to get to the bottom of this question I asked the Federal Communications Commission for some documents—again, a simple question, a request for some information. The FCC, an agency with employees who are supposed to work for the American people, said no to my request. My staff was told the FCC intentionally ignored my document request. The FCC officials said they have determined that they will only be responsive to two Members of Congress: the Chairs of the House and Senate Commerce Committees, not even to ranking members of those same committees, and, of course, not to members of those committees whether you are majority or minority. Presumably, they would not even answer to the majority leader of the Senate or to the Speaker of the House, but for sure they surely are not answering to this senior Senator from Iowa. If you happen to be one of the 99.6 of the Congress who doesn't chair one of those two committees, from the FCC's point of view, sorry, you are out of luck. No documents for you. This attitude is unacceptable. I conveyed my concerns to the FCC on July 5 and asked again for documents. Again, I was stonewalled. This time the FCC claimed that since I cannot subpoena the FCC, it would not respond.

President Obama committed to run the most transparent administration in history. Yet the FCC is saying if you cannot force us to be open, we won't do it. I wrote another letter asking the FCC for documents on September 8, and again I was stonewalled.

This brings us to where we are today, 230-some days later. The FCC's decision to impede Congress's constitutional duty of oversight has forced me to make a difficult decision. I do not take that decision to hold up nominees lightly, but I never do it in secret. I always put a statement in the RECORD, and this is in addition to that statement. But when an agency flagrantly disregards congressional oversight, something must be done.

Before I publicly announced my intention to hold the nominees, I,

through staff, contacted the FCC officials. I informed them that if the documents were not forthcoming, I would hold up the Federal Communication Commission's nominees whom the President sent up here. I was surprised and disappointed by their response. Despite knowing my intentions, they chose not to provide any documents. As a result, I am honoring my promise to hold those nominees.

It is unfortunate the FCC has chosen this path. Due to the FCC's decision to hide its actions from the public and Congress, these nominations are now stalled in the Senate. The question I would ask today of my colleagues and the President of the Senate is: Why? The FCC has already told me it would likely provide these documents if certain members—chairmen of committees—asked for them, but somehow 99.6 percent of the Congress has no right to this information. In other words, 99.6 percent of the Members of Congress cannot do their constitutional job of oversight of the Federal Communications Commission. To paraphrase a very popular slogan these days, I guess that makes me part of the 99.6 percent.

My concern is not just specific to this document request. It is broader than that. In the future, any Member of Congress may request documents from the FCC. As the courts have put it, every Member has a voice and a vote in the process under the Constitution. Each one of us has the authority to request and receive information from the executive branch in order to inform those votes. That is what our court has said. That authority is inherent in each Member's responsibility to participate in the legislative process.

The creation of the committee system and the delegation of certain responsibilities to committee chairmen doesn't change that at all. Individual Members still have a right, as well as a responsibility, to inform themselves by requesting information directly from agencies. For Congress to have a complete view of how an agency works, we need to have access to documents. Turning off that flow of information shortcircuits transparency and hurts accountability.

In this case, the Federal Communication Commission's actions have real-world effects. The FCC's decision to grant a waiver to LightSquared created uncertainty for GPS users, and that includes our own National Defense Agency, the Department of Defense, and other Federal agencies. Another one is the Federal Aviation Administration which claims that 800 people would die as a result of LightSquared's initially proposed network. To the FAA, the FCC's decision could have killed people.

The Department of Defense wrote a letter to the FCC saying that it was not consulted by the FCC. Press reports say that General Shelton—who

heads up GPS for the Armed Forces—said that LightSquared's interference would harm the military's use of GPS. To the Department of Defense, the Federal Communication Commission's actions would have harmed national security.

These are only two agencies, but the Department of Transportation, NASA, and NOAA, among others, have already raised concerns about LightSquared's plan. The effects of the FCC's decision are not just limited to the Federal Government; they also affect ordinary Americans. Here are two examples: For Americans who hope that NextGen air traffic control will reduce air traffic delays, the FCC's action would have continued to increase air traffic wasting time, fuel, and ultimately money for the flying public. For Americans who use precision agriculture to save time and money, the FCC's actions would harm the accuracy and reliability of their equipment. This again leads to wasted energy, lower crop yields, and higher prices for products such as wheat and corn. At the end of the day, the FCC's actions would cost the American consumers money.

Does the FCC even care? I don't know. But the agency certainly has not provided any evidence that it took any of this information into consideration. What we see today is an agency that is completely unaccountable and unanswerable to 99.6 percent of the Congress and, by extension, the American public. This is simply wrong, and I will continue to hold the FCC's nominees until this attitude changes.

I yield the floor.

The PRESIDING OFFICER (Mr. UDALL of New Mexico). The Senator from Rhode Island is recognized.

#### BENEFITS EXPIRATION

Mr. REED. Mr. President, I rise today to urge my colleagues to immediately extend the payroll tax cut and to fully continue jobless benefits for millions of Americans. In less than 3 weeks 160 million Americans face an automatic tax increase and millions of out-of-work Americans will begin to lose their jobless benefits. In order to keep our economy on track, we must continue the payroll tax cut and jobless benefits for millions of out-of-work Americans.

My State of Rhode Island, in particular, has felt the economic downturn acutely. With four unemployed job seekers for every one job and middle-class families struggling to get by—the possibility that Congress would let the payroll tax cut and jobless benefits expire is unthinkable.

I have joined my colleagues on this side of the aisle and voted time and again to cut taxes for middle-class families, and each time our Republican colleagues have opposed the measure because they value tax breaks for the



top one-tenth of 1 percent of income earners more than they do tax cuts for middle-class Americans. Republicans have even rejected our effort to provide tax cuts to businesses and provide them incentives to hire. So in response, Democrats narrowed the focus of the tax cuts to employees. But, Republicans again refused to provide a tax cut for the middle class because it was paid for by asking the top one-tenth of 1 percent of Americans to contribute.

We have seen Republicans refuse to invest in our Nation's roads, bridges, schools, and in policies that will create jobs because Republicans cling to their belief that the wealthiest in our Nation should not have to share in the sacrifice every other American has made during these very difficult economic times. Republicans have voted in favor of millionaires and billionaires five times, costing middle-class Americans tax cuts and the continuation of jobless benefits and other policies that would help create and sustain jobs.

Republicans are not putting forth serious proposals. The House Republican extenders plan that passed that body yesterday is the latest example of not only brinksmanship but their ideological rigidity. Instead of reaching a sensible compromise that works for all Americans, the House Republicans voted to slash the current unemployment insurance program nearly in half and eliminate targeted relief for the hardest hit States like Rhode Island even as our job market is still weak and 14 million Americans are out of work. Republicans are in effect refusing to pass critical legislation, particularly with respect to continuing unemployment insurance. And instead of continuing unemployment insurance they are working to put an end to it by implementing aggressive waivers leading to block granting and creating artificial barriers to benefits—all with the long-term goal of dismantling the system. The Republicans would blunt one of the most effective countercyclical tools we have and ultimately throw it away.

At the core of the Republican Party's effort to reduce jobless benefits is the terribly misguided belief that Americans don't want to work. I say to my Republican colleagues—Americans do want to work. But we have to create jobs or incentivize the private sector to create jobs so they can work.

Instead of compromising and focusing on economic policies that will help create jobs and help the middle class, House Republicans focus on dead-on-arrival special interest pet projects such as the Keystone pipeline and further efforts to weaken the Clean Air Act.

The Republican plan ignores the reality and the challenges that face American families—to maintain their home, to maintain their job, to provide for the future of their families and their children and their retirement.

For those who have lost their jobs in one of the worst economic downturns we have ever faced, unemployment insurance is a lifeline. It is also important for Main Street businesses that rely on these dollars. Grocery stores and drugstores—they all depend on people having some cash to come in and take care of the necessities of life. Without the extension of jobless benefits, consumers will pull back spending, hurt local businesses, and decelerate the progress our economy has made.

We have had 21 months of private sector job growth. This is not sufficient to satisfy the needs across the country, but the growth stands in stark contrast to the absolute collapse of employment in the last months of the Bush administration. This job growth has not been an accident. It has been the result of decisions that the President and Congress made, which include the Recovery Act and other programs that keep the economy moving—not fast enough—but keep it moving forward.

The Economic Policy Institute has estimated that failing to extend UI benefits could result in a loss of \$72 billion of economic activity in 2012—\$72 billion of lost demand, which would slow down the economy and slow down job creation.

These are challenging times for millions of Americans. We cannot afford to let Congress be sidetracked by marginal issues. The core issues are very clear: extend tax cuts for middle-class Americans, continue unemployment benefits to those desperately searching for work. We are facing a tough job market; we have to pass these measures. We have to pass a clean tax cut for millions of working middle class families, and we have to continue jobless benefits in order to help millions of out-of-work Americans looking for a job.

I yield the floor and note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. BOOZMAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### KEYSTONE XL PIPELINE

Mr. BOOZMAN. Mr. President, when President Obama was sworn into office, the Nation's average price for a gallon of gasoline was under \$2. We all know that is not the case today. In most parts of the country, gas remains well over \$3 a gallon. In my home State of Arkansas, the price of gas ranges anywhere from just under \$3 to \$3.50 a gallon. The reason it stayed at a steady price is because there is a decreased demand because of the poor economy.

Business owners will tell you that when the price of gas hits \$3.50 a gal-

lon, it truly does affect how decisions are made. When it hits the \$4 mark, things start to shut down in terms of the economy because the average person's disposable income is going to the gas pump instead of local businesses.

Our country at this time lacks an energy policy. We are also facing a jobs crisis of enormous magnitude. And our President is standing in the way of one project that can help address both of these problems: the Keystone XL Pipeline.

The proposed 1,700-mile pipeline would transport 700,000 barrels of oil per day from Canada to U.S. refineries in the gulf coast. Canada's oil sands are among the largest oil reserves in the world. As global demand for oil surges and Canada increases production, the addition of the Keystone Pipeline will ensure that Americans benefit from reliable and secure oil from our largest trading partner and trusted ally.

The \$7 billion pipeline cost will be paid by the Keystone consortium and will fund nearly \$½ billion in salaries. It will result in the purchase of \$6.5 billion worth of materials, services, and other local economic activity. None of this will be funded with any Federal money. It is a no-brainer.

Some of these jobs are in my home State of Arkansas. Welspun Tubular Company, which makes pipes for the oil industry, has been producing pipe for the Keystone project. Unfortunately, due to the administration's delay on Keystone, the company has already begun to lay off workers in Little Rock. They have 500 miles of pipe that was produced for the project, ready to go, that is just sitting in the facility.

By delaying the start of the project, it is putting Americans out of work instead of putting Americans to work. Delaying this project costs thousands of well-paying jobs when Americans need reliable employment, and it hurts Arkansas businesses that have invested millions of dollars to help produce the pipeline. It is also a major step backward for energy policy goals of reducing our dependence on oil from unstable regimes.

When it comes to energy policy, I am kind of a T. Boone Pickens guy. I firmly believe that if it is American, we need to be using it. This goes for not only renewable forms of energy but the vast amount of fossil fuels we have been blessed with throughout the United States and directly off our shores. If we use what we have here in a responsible manner, we can be better positioned to pick and choose from whom we import our remaining oil.

Importing oil from Canada would accelerate America's independence from overseas oil by increasing the petroleum trade with one of our most reliable allies, one of our most reliable friends, instead of depending on the likes of Saudi Arabia and hostile regimes such as Venezuela for much of

our oil. The amount of oil provided through this project is equal to half the amount we import from the Middle East. I doubt that anyone in this body would argue that any of the countries we import oil from in that region are more stable than Canada.

President Obama needs to quit pandering to the radical environmentalists. He needs to do what is best for the country, not what he perceives is best for his reelection. The Keystone Pipeline is what is best for America. Let's move forward.

Mr. President, I note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. McCAIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. CARDIN). Without objection, it is so ordered.

#### WITHDRAWAL FROM IRAQ

Mr. McCAIN. Today the President of the United States traveled to Ft. Bragg, NC, to mark the end of the war in Iraq and to pay tribute to the more than 12.5 million men and women of our Armed Forces who have served and fought there since 2003. Those Americans deserve all of the praise and recognition they receive, for they have given up their comfort and safety. They have given up less demanding and more lucrative jobs. They have given parts of their bodies and cherished parts of their lives. They have given the quiet little sacrifices that often go unmentioned but often hurt the most: the anniversaries spent alone, the birth of a child missed, the first steps not seen, and the first words not heard.

They have given all of that, and always they are prepared to give more. They deserve to be honored by us all. I know the President's words of praise and appreciation for our troops today were sincere and heartfelt. I have every reason to believe he will do all in his power to keep his promises to take care of our troops and their families at home and to never forget how those noble Americans have done far more than their fair share for the betterment of our Nation.

The President is a patriot and a good American, and I know his heart swells with the same pride and sense of awe all of us feel when we are in the presence of our men and women in uniform. These are humbling feelings, feelings of wonderment and gratitude, and they unite all Americans whether they supported the war in Iraq or not.

But let me point out a fact the President did not acknowledge today, which is this: Our men and women in uniform have been able to come home from Iraq by the tens of thousands over the past 3 years, and not just come home but come home with honor having suc-

ceeded in their mission for the simple reason that the surge worked.

All of this is possible because in 2007, with the war nearly lost, we changed our strategy, changed our leaders in the field, and sent more troops. This policy was vehemently opposed at the time by then-Senator Obama and now President of the United States and his senior leaders right here on the floor of this Senate.

On January 10, 2007, the day the surge strategy was announced, then-Senator Obama said:

I am not persuaded that 20,000 additional troops in Iraq is going to solve the sectarian violence there. In fact, I think it will do the reverse.

On November 15, 2007, when it was clear to GEN David Petraeus and Ambassador Ryan Crocker and many of us that the surge was working, then-Senator Obama said:

The overall strategy is failed because we have not seen any change in behavior among Iraq's political leaders.

Finally, on January 28, 2008, when it was undeniable the surge was succeeding, he had this to say:

President Bush said that the surge in Iraq is working, when we know that's just not true.

At the time the President's preferred alternative was to begin an immediate withdrawal and have all U.S. troops out of Iraq by the end of 2009. I will let future historians be the judge of that proposed policy. All I will say is that for 3 years, the President has been harvesting the successes of the very strategy he consistently dismissed as a failure. I imagine this irony was not lost on a few of our troops at Fort Bragg today, most of whom deployed and fought as part of the surge.

The fact is, the President has consistently called for a complete withdrawal of all U.S. troops from Iraq at the earliest possible date, and he has never deviated from this position as President. Indeed, he always reaffirmed his campaign promise to end the war in Iraq and withdrawal of our troops. So perhaps it should not have come as a surprise when the President announced in October that he was ending negotiations with the Iraqi Government over whether to maintain a small number of U.S. troops in Iraq beyond this year to continue assisting Iraq security forces.

I continue to believe this decision represents a failure of leadership, both Iraqi and American; that it was a sad case of political expediency triumphing over military necessity, both in Baghdad and in Washington; and that it will have serious negative consequences for Iraq's stability and our national security interests.

I sincerely hope I am wrong, but I fear that GEN Jack Keane, who is one of the main architects of the surge, could be correct again when he said recently:

We won the war in Iraq, and we are now losing the peace.

Let me be clear. Like all Americans, I too am eager to bring our troops home. I do not want them to remain in Iraq or anywhere else for a day longer than necessary. But I also agree with our military commanders in Iraq who were nearly unanimous in their belief that some U.S. forces, approximately 20,000, should remain for a period of time to help the Iraqis secure the hard-earned gains that we had made together.

All of our top commanders in Iraq, by the way, chosen by the President of the United States—all of our top commanders in Iraq—General Petraeus, General Odierno, General Austin, all of them believed we needed to maintain a presence of U.S. troops there, and they consistently made that clear to many of us during our repeated visits to Iraq.

On February 3, the commander of U.S. forces in Iraq, GEN Lloyd Austin, and U.S. Ambassador to Iraq Jim Jeffrey testified to the Committee on Armed Services that for all of the progress the Iraqi security forces had made in recent years—and it has been substantial—they still have critical gaps in their capabilities that will endure beyond this year. Those shortcomings included enabling functions for counterterrorism operations, the control of Iraq's airspace, and other external security missions, intelligence collection and fusion, training and sustainment of the force.

Our commanders wanted U.S. troops to remain in Iraq beyond this year to continue assisting Iraqi forces in filling these gaps in their capabilities. Indeed, Iraqi commanders believed the exact same thing. In August, the chief of staff of Iraq's armed forces could not have been any clearer. He said:

The problem will start after 2011. The politicians must find other ways to fill the void after 2011. If I were asked about the withdrawal, I would say to politicians, the U.S. Army must stay until the Iraqi Army is fully ready in 2020.

During repeated travels to Iraq with my colleagues, I have met with all of the leaders of Iraq's major political blocs, and they too said they would support keeping a presence of U.S. troops in Iraq. So let's be clear. This is what our commanders recommended, it is what Iraqi commanders recommended, and it is what all of Iraq's key political leaders said privately that they were prepared to support. So what happened? What happened?

Advocates of withdrawal are quick to point out that the current security arrangement which requires all U.S. troops to be out of Iraq by the end of this year was concluded by the Bush administration. That is true. But it is also beside the point. The authors of that agreement always intended for it to be renegotiated at a later date to allow some U.S. forces to remain in Iraq.

As former Secretary of State Condoleezza Rice, whose State Department team negotiated the security agreements, has said:

There was an expectation that we would negotiate something that looked like a residual force for our training with the Iraqis. Everybody believed it would be better if there was some kind of residual force.

So if that is not the reason, I ask again: What happened? The prevailing narrative is that the U.S. and Iraqi leaders could not reach agreement over the legal protections needed to keep our troops in Iraq. To be sure, this was a matter of vital importance. But while this may have been a reason for our failure, the privileges and immunities issues are less causes than symptoms of the larger reason we could not reach agreement with the Iraqis. Because of his political promise to fully withdraw from Iraq, the President never brought the full weight of his office to bear in shaping the politics and the events on the ground in Iraq so as to secure a residual presence of U.S. troops. This left our commanders and our negotiators in Baghdad mostly trying to respond to events in Iraq, trying to shape events without the full influence of the American President behind them.

Last May, I traveled to Iraq with the Senator from South Carolina, Mr. GRAHAM. We met with all of the major Iraqi leaders. All of them were ready to come to an agreement on a future presence of U.S. troops in Iraq. But as Prime Minister Malaki explained to us, the administration at that time and for the foreseeable future had not given the Iraqi Government a number of troops and missions that it would propose to keep in Iraq.

For weeks after, the administration failed to make a proposal to the Iraqis, and when the Iraqis finally united in August and publicly asked the administration to begin negotiations, the response from Washington was again characterized by delay. This ensured that a serious negotiation could not begin much less succeed.

I know Iraq is a sovereign country. I know it has an elected government that must answer to public opinion. I know there could be no agreement over a future U.S. military presence in Iraq if Iraqis did not agree to it and build support for it. So this is as much a failure of Iraqi leadership as it is of American leadership. But to blame this on the Iraqis does not excuse the fact that we had an enormous amount of influence with Iraq's leaders and we did not exercise it to the fullest extent possible to achieve an outcome that was in our national security interest.

In fact, in the view of many, they deliberately refused to come up with a number. They deliberately refused to engage in serious negotiation with the Iraqis, with the ultimate purpose of fulfilling the Presidents's campaign pledge that he would get all U.S. troops out of Iraq.

That is not a violation of sovereignty. That is diplomacy, that is leadership. Leaders must shape events and public opinion not just respond to them, and starting in early 2009, from their desire to accelerate our withdrawal from Iraq faster than our commanders recommended, to their hands-off approach to the Iraqi process of government formation last year, to their record of delay and passivity on the question of maintaining a presence of U.S. troops beyond this year, this administration has consistently failed at the highest level to lead on Iraq.

I say again, perhaps this outcome should not have been a surprise. It is what the President has consistently promised to do, and that decision makes good political sense for this President. But such decisions should not be determined by domestic politics. The brave Americans who have fought so valiantly and have given so much did so not for political reasons but for the safety and security of their fellow citizens, for their friends, for their families, for their children's future, and for us.

This is a decisive moment in the history of America's relationship with Iraq and with all of the countries of the broader Middle East. This is a moment when the substantial influence we have long enjoyed in that part of the world could be receding—in fact, it is receding. We cannot allow that to be our Nation's future. We must continue to lead. We must not let short-term political gains dictate our longer term goals. We need to continue working to shape a freer, more just, and more secure future for both Iraq and for people across the Middle East, for it is in our own national security interest to do so.

Over 4,000 brave, young Americans gave their lives in this conflict. I hope and I pray—regardless of these decisions made in large part for political reasons—that their sacrifice was not in vain. I hope their families will not mourn the day their sons and daughters went out to fight for freedom for the Iraqi people.

Unfortunately, it is clear that this decision of a complete pullout of U.S. troops from Iraq was dictated by politics and not our national security interests. I believe history will judge this President's leadership with the scorn and disdain it deserves.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BLUNT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### KEYSTONE XL PROJECT

Mr. BLUNT. Mr. President, the House yesterday passed a bill that included

an effort to move forward on the Keystone XL Pipeline project, and I wish to talk about that project for a while today and American energy generally.

We all agree private sector job creation needs to be the No. 1 priority in Washington. One of the best ways to jump-start job creation is simply through good energy projects. The shortest path to more American jobs is more American energy.

Unfortunately, the President and the administration have delayed one of the largest domestic, shovel-ready projects until after the election next year. This is a project that is ready to go. The States this project would go through have cleared the way for the project. There is no government money involved. This just takes a government OK, saying: Yes, it is all right to create these jobs. These jobs not only have the short-term impact of creating the jobs that are created to build the pipeline but the long-term impact of all the economic activity that occurs because of this new North American energy to which we would have access. In delaying this program, the President is simply stalling the creation of thousands of jobs and postponing not only the growth in our economy but also a move toward more energy security.

Not too many years ago, I don't think one could say with a straight face that we need to do everything we can to create something that closely resembles energy independence. We are in a situation now with North American energy where we can do that. The numbers on the Keystone XL project speak for themselves.

This project would create 20,000 direct jobs during the construction phase—20,000 jobs. That is why the labor union movement in the country supports this project. Twenty thousand jobs to build the pipeline. It would generate \$20.9 billion in new private sector spending. It would generate around \$5 billion in new State, local, and Federal revenue when this project is being built and when this project is completed. Nationwide, the project would benefit 1,400 American job creators.

The Keystone XL project would also help reinforce America's energy security by reducing our dependence on other parts of the world. With Canada, our largest trading partner, it is a miracle relationship, this large border that we don't worry very much about, all the back-and-forth economic activity that occurs. In fact, for every \$1 we would send to Canada for that energy, they would send 91 cents back. So this is \$1 we are spending to get 91 cents back, to be more of an energy partner with our closest neighbor—we have clearly a bigger border with Canada than we do with Mexico—to be an energy partner with our closest neighbor rather than to worry about energy in places where, frankly, they don't like us very well. If they do like us, they

don't get the money back to us in the same way.

In fact, by comparison, of the 91 cents we would get back for every \$1 we send to Canada for North American energy coming out of Canada, we get 49 cents back from Saudi Arabia. That doesn't mean Saudi Arabia is a bad trading partner. It just means they are not as good a trading partner as the Canadians are. We get 33 cents back from Venezuela. So why would we want to send \$1 to Venezuela or \$1 to Saudi Arabia for energy if we could send \$1 to Canada and almost all of that \$1 comes right back to us?

Domestically, this project would help encourage more oil production in the Bakken formation in the Upper Great Plains. The Bakken formation—which I sure didn't know about 15 years ago and I don't know that anybody did—is thought to be the greatest new energy development since Prudhoe Bay in the 1960s. I read somewhere the other day that North Dakota has become the fourth or fifth energy-producing State in the country, passing Oklahoma. This is a great resource right at the incoming border of where this new pipeline and all this energy activity would be.

Regardless of the White House's decision to delay this project, the Canadian oil sands will be developed. It is not a question of whether there is going to be a market; it is who gets the market. The Canadians have said, as they should: If we don't build a pipeline through the United States to the refineries in the Southern part of the United States, we are going to build that same pipeline in another direction. Most likely, the pipeline will go to the Pacific coast and then the energy goes to Asia.

Why would we want energy going to Asia from a trading partner where we get 91 cents back rather than energy coming here? Why would we want to buy more energy from the Middle East and less energy than we could buy from our neighbor? Why would we think for a minute that the energy security of the country would be better served in any other way than this one?

So this is going to most likely go to Asia. If it doesn't go to Asia, I guess it can go to the Atlantic coast and go to Europe. But what everybody believes is, if it doesn't come here, they just turn the pipeline to the west instead of the south, and those oil sands, that great energy resource goes somewhere else rather than where it makes more sense for us to get it or more sense for them to send it.

This is as close to an energy no-brainer as I can think of. But the majority leader says this project is dead on arrival in the Senate. I don't believe he meant just dead on arrival if it was part of a package that extended the payroll tax. I think the quote was: "It is dead on arrival." It is not going to go anywhere in the coming year, at a

time when we need those jobs. Eventually, we all know as quickly as we can get it, we need to be more dependent on North American energy and less dependent on energy everywhere else.

There have been many reports that say the administration's timing is in consideration for the reelection effort. This appears to be about one American job instead of more American jobs, and we need to be concerned about more American jobs.

Some reports have noted that the President's advisers "fear that a decision in favor of the project could dampen enthusiasm among volunteers needed for door-to-door campaigning in battleground States."

I thought that bus went to battleground States. That should be enough to get to battleground States. We shouldn't have to worry about not having these volunteers because we choose to do what makes sense for us in the energy situation.

Others have noted that "the President decided to punt on this project in order to placate parts of the coalition that elected him in 2008."

Americans are looking for jobs, not more of the same from Washington. This isn't time for politics. We need to jump-start the private sector economy. Again, I will say, the quickest road to more American jobs is more American energies.

For the better part of 60 years, we have used more energy than we could produce. The marketplace is there. The consumer is there. The user is there. This is what capitalism is all about. It is what free enterprise is all about, figuring out how to connect the product with the consumer. So we know the consumer is there. Let's do what we can to connect that consumer with the energy needs they have.

According to a Gallup poll, the sharp decline in the workforce last month may have more of a reflection on the large number of Americans deciding to give up looking for work. Let's do things that energize the economy and energize the American workforce.

I am glad to be a sponsor of the North American Energy Security Act. The House again pursued this week a similar policy as part of their effort to vote on a payroll tax extension, with this as an effort to create new jobs. Whether it is the Keystone Pipeline or the Utility MACT rule that slows down people's decisions to make a job-creating decision or other EPA rules and potential rules that make people think twice and three times and eventually enough times you don't do it about job creation or what we need to do to get to the oil and gas shale reserves of the country or oil in the Gulf of Mexico, let's do what is necessary for North America. Let's make North American energy work for America. I don't know a better way to do that at less government cost or less government involvement than the Keystone Pipeline.

I yield the floor and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. COONS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### PAYROLL TAX CUT

Mr. COONS. Mr. President, I rise to share a feeling that many in my home State have expressed to me. I rise to share my frustration.

It is not just the frustration you may feel, as I have felt presiding over this body, when for hours at a time it is empty, when there is such precious and important work that we can and should be doing to get the people of this great country back to work, to strengthen our national security, to lay the groundwork for a strong recovery, to deal with the hundreds of issues this body should be dealing with. I am expressing my frustration at our inability to work together and to make real progress.

Today, I have had the blessing of being visited by a number of Delawareans for lunch, for business visits, for just some constituent catchup. As I do almost every day, I commuted down from Delaware this morning. As I have heard from folks on the train, as I have heard from folks in my office, as I have heard from folks who have written and called my offices in Delaware and in Washington, they are puzzled and they are frustrated. They don't understand why we can't move forward.

To paraphrase the good Senator from Missouri who just spoke, there is a no-brainer right in front of us, and it is the extension of the payroll tax cut. It is something that at least apparently has the support of both parties in both Houses. It is something a number of economists have said is an important contributor to the modest but steady economic growth that is helping pull America out of this terrible great recession.

So I ask: Why is it we sit here stalled, unclear on when we can proceed to a vote, to a consideration of a clean payroll tax cut? There have been a whole series of efforts to get us to the floor for a vote to an extension of the payroll tax cut. This is a simple enough matter.

Working Americans all over this country—I believe 160 million of them—will be hit with an increase in their payroll tax rate at the end of this month, just a few days now away, unless we act. My good friend Senator CASEY of Pennsylvania has suggested several versions of a payroll tax cut that would build upon and strengthen the payroll tax cut that the President

proposed and this body passed last year. The Casey compromise that has most recently been considered and debated in this body would put up to \$1,500 in the pockets of hard-working Americans all over this country and would contribute as much as 1.5 percent to GDP growth in the coming year. But in the last 2 weeks, we have seen our colleagues on the other side of the aisle four times block our efforts through filibusters and dilatory tactics to attempt to get to a payroll tax cut extension. The first Republican version was opposed by 26 Senate Republicans; the second version opposed by 25.

So on some level I have to ask, what are we doing? Since when do Republicans openly oppose tax cuts? I have been in this Senate just over 1 year. As you know, I was sworn in last November. In my freshman year, I have seen many moments when we have been unable to reach reasonable compromise, when we have been unable to move forward, and when we have flirted with having to shut down the whole Federal Government because we couldn't reach an appropriate compromise with our colleagues on the other side of the aisle. Now we, once again, stand here this Wednesday, knowing that unless we can act in partnership, we will shut down this government on Friday without a continuing resolution.

Last night, the House acted. They passed this payroll tax cut extension and sent it over to us, and I am puzzled as to why we are not moving to it on the floor today. I will tell you that when we get to move to it, I will vote against it, and I know many others here will as well. Why? Because H.R. 3630, which passed the House last night, is not just a clean extension of the payroll tax cut bill—in fact, far from it. It is loaded with a whole series of other policy riders, things that have nothing to do with the payroll tax cut extension which House leadership had to do in order to garner enough votes to move it.

Today we should be considering this bill sent to us last night, the Speaker asking us to take it up, and it has a whole series of provisions which I suspect many here and at home don't know about. I will briefly consider a few of them.

It undermines health care reform by punishing low- and middle-income families whose economic circumstances changed during the year. It cuts 40 weeks of unemployment benefits from the 99 weeks we would like to extend to 54 weeks. It overrides the President's decisionmaking process on the Keystone XL Pipeline—in my view, simply to embarrass the President—and it amends the Clean Air Act to block EPA's proposed rules on toxic air pollution from industrial boilers.

It would also freeze Federal pay through 2013 and impose a triple contribution, mandatory contribution to

Federal retirement programs, effectively cutting Federal employee pay and taking more than \$53 billion out of the pockets of Federal workers.

To me, in some ways most alarmingly, it allows States to impose drug-testing requirements on employees who have lost their jobs and are seeking unemployment.

In short, what came over to us from the House last night is the furthest thing possible from a clean extension of the payroll tax cut. It is a payroll tax cut with rider after rider sitting on the back of this horse that has weighed it down so greatly, it can clearly hardly move. It is a terrible bill, and in my view we should move to it, dispose of it, and get back to the business of the country.

Last, I am puzzled as to why we are not proceeding to it. My recollection—and I don't have the joy of sitting here on the floor all the time, but my recollection from what I read and heard is that the Republican leader has twice called on us to move to this bill. I believe he did so twice earlier this week, saying we should put partisanship aside and promptly take up whatever is sent over to us from the House by way of a payroll tax cut extension. I think I quote when I say his comment was:

I think the first thing we need to find out is whether there are the votes in the Senate to pass what the House has passed. And so I'd rather not speculate about what happens later. I'm hoping we are spending our time and energy trying to get this bill passed in the Senate, as well as in the House.

That is a perfectly reasonable attitude. We should proceed to this bill. We are here. We have the bill. We have been waiting almost literally the entire day without making any progress. We need to extend tax cuts for payrolls. We need to extend tax cuts that incentivize clean energy investments. We need to extend tax cuts that can help inspire innovation, research, and development.

There is a whole list of tax cuts that will expire at the end of this year without action. We need to pass the National Defense Authorization Act. We need to pass a continuing resolution to fund this government and the rest of this year's appropriations bills. There are so many important bills to which we must turn.

My sole question is, why, when we tried to proceed to this bill this morning, did the Republican leader object?

I am just a freshman, but I represent a State that is deeply frustrated and puzzled. Since when do Republicans load up a tax cut extension with so many riders that they are afraid to even bring it to a vote on the floor of this Chamber? I am puzzled. I am frustrated.

With that, I yield the floor.

The PRESIDING OFFICER (Mr. MERKLEY). The Senator from Wyoming.

#### THE KEYSTONE XL PIPELINE

Mr. BARRASSO. Mr. President, I would like to speak today in support of the Keystone XL Pipeline.

The Keystone XL Pipeline is one of the largest shovel-ready infrastructure projects in the United States. It would bring oil from North Dakota and from Canada to refineries along the gulf coast and in the Midwest. The pipeline would strengthen America's energy security and create tens of thousands of new jobs. These are good-paying jobs. But don't take my word for it, just consider what representatives of organized labor have had to say.

The president of the Building and Construction Trades Department of the AFL-CIO said:

[A]ny discussion of the Keystone XL project begins and ends with one word: JOBS.

He went on to say:

Throughout America's Heartland, the Keystone Pipeline represents the prospect for 20,000 immediate jobs . . . without one single dollar of government assistance.

The general president of the International Brotherhood of Teamsters said:

The Keystone Pipeline project will offer working men and women a real chance to earn a good wage and support their families in this difficult economic climate.

Consider the remarks of the general president of the Laborers' International Union of North America. He said:

This project . . . is not just a pipeline, but . . . a lifeline for thousands of desperate working men and women.

House Democrats also recognize the importance of this Keystone XL Pipeline. This summer, 47 House Democrats voted in favor of the bill to require a decision on the pipeline by November 1. On October 19, 22 House Democrats wrote a letter to the President. This is what they told President Obama:

America . . . cannot afford to say no to this privately funded . . . jobs-creating infrastructure project.

They went on to say:

It is in our national interest to have a Presidential Permit issued for the Keystone XL Pipeline as soon as possible.

Senate Democrats also support the Keystone XL Pipeline. Senator BAUCUS of Montana said:

We need to put Montanans back to work and cannot afford further delays to the Keystone XL Pipeline.

Senator TESTER, also from Montana, said:

The Keystone Pipeline will create Montana jobs and it should not have to wait 14 months for an up-or-down decision.

Senator MANCHIN of West Virginia said:

I'm for the Keystone Pipeline . . . all the trade unions, everyone's for it. It creates thousands of jobs.

Senator BEGICH and Senator LANDRIEU have also written in support of the pipeline.

Until recently, President Obama suggested that he too believed the pipeline to be in the interests of the United States. On April 6, the President held a townhall event in Pennsylvania. There, he received a question about Canadian oil sands production. In response, the President of the United States discussed the Keystone XL Pipeline. This is what he said:

... importing oil from countries that are stable and friendly is a good thing. . . .

Let me repeat. The President of the United States said:

... importing oil from countries that are stable and friendly is a good thing. . . .

However, on November 10, the President reversed course, and he showed a different side. After protests from environmentalists, the President decided to punt his decision on the pipeline until after the 2012 Presidential election.

Many in the press say the President delayed his decision so that environmental activists would turn out on election day to support him. If true, the President's decision to delay the approval of the pipeline was not only political, it was also cynical—cynical because these environmental activists believe they can shut down Canadian oil sands production. They believe they can shut down the production by stopping construction of the Keystone XL Pipeline. It simply is not true, and the President knows it. But maybe the President does not want to be honest with these environmental activists. Maybe he just doesn't want to disappoint them. He doesn't want his political base to stay home on election day.

But don't take it from me; consider what Austan Goolsbee had to say. Many Members of this Chamber know he is the former Chairman of the White House Council of Economic Advisers, this White House Council—President Obama's Council of Economic Advisers. This is what he said:

It is a bit naive to think that the tar sands would not be developed if they don't build that pipeline.

Eventually, it's going to be built. It may go to the Pacific, it may go through Nebraska, but it is going to be built somewhere.

Again, Mr. Goolsbee was President Obama's top economic adviser.

Why are the Canadian oil sands going to be developed? Because the oil sands are a huge national asset for Canada, and Canada will not allow that asset to be stranded.

Let's consider the findings of the Canadian Research Institute. This is an independent, not-for-profit research entity that was established in 1975. Its mission is to provide relevant, independent, and objective economic research on energy and environmental issues.

This June, they released a report. It was entitled "Economic Impacts of Staged Development of Oil Sands

Projects in Alberta from 2010 to 2035"—a 25-year future look. This report looked at a variety of scenarios, including one in which no new pipeline capacity is built. Under that scenario, the institute estimated that the total impact on Canada's GDP would be about \$2.3 trillion over those 25 years. It also estimated that the compensation for Canadian employees will reach almost \$650 billion over this same period. It estimated that the direct, indirect, and induced employment in Canada will grow from 390,000 jobs to a peak of 490,000 jobs in 2020, just 9 years from now. It also estimated that the royalties to Alberta will go from approximately \$3.6 billion in 2010 to a peak of \$22.6 billion in 2020—in 10 years, from \$3.6 billion to \$22.6 billion in royalties to Alberta.

Again, the Canadian Energy Research Institute made all of these estimates assuming that no additional pipeline capacity will be built. What do these estimates mean? They mean Canada will continue to develop its oil resources whether or not Keystone XL Pipeline or any other pipeline is built. It means the environmental activists trying to shut down oil sands production are naive at best.

It also means that the President, President Obama, is once again failing to lead, that he once again is failing to be forthright with the American people, and that he is unwilling and failing to make difficult decisions. The President is showing that he thinks his job is really the only job that matters.

Of course we all know Canada will not sit idly by. Canada will add additional pipeline capacity whether or not Keystone XL Pipeline is built.

Canada's Prime Minister, Stephen Harper, has said that the decision to delay approval of Keystone XL Pipeline demonstrates "the necessity of making sure that we're able to access Asian markets for our energy products." That is what the Canadian Prime Minister had to say. He was just in Washington last week. Alberta's Premier, Alison Redford, said that the decision to delay approval of the pipeline "is a clear reminder about the strategic importance of diversifying our export markets." "A clear reminder about the strategic importance of diversifying our export markets." In other words, Canada has a tremendous amount of oil, and Canada will ensure that its oil is brought to market. It may go to the United States, it may go to China, it may go to another country, but Canada's oil will be brought to market.

Thus, the question for President Obama is very simple, very straightforward: Is it in America's interests to reduce our dependence on oil from the Persian Gulf and from Venezuela? Is it in America's interest to create tens of thousands of new jobs at a time of 8.6 percent unemployment? The answer is abundantly obvious. The answer, of

course, is, yes, it is in America's best interests to reduce our dependence on oil from the Persian Gulf and Venezuela. It is in America's interest to create tens of thousands of new jobs at a time of 8.6 percent unemployment.

It is time that the President starts to say yes and stops saying no to jobs and to energy—yes to energy security, yes to tens of thousands of new good-paying jobs.

Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. LAUTENBERG. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LAUTENBERG. Mr. President, I seek recognition in morning business.

The PRESIDING OFFICER. The Senator is recognized.

#### PAYROLL TAX CUT

Mr. LAUTENBERG. Mr. President, we are at a time in the calendar that usually is a time of excellent anticipation. Christmas is coming. The holidays are coming. People are trying to get their families in order, do the shopping, and all the things we have to do. It would seem this is a moment of fairly happy days and the holiday season is here. But these are not happy times for many Americans.

Across our country, families are fighting to keep their heads above water. Some parents do not know how they are going to put food on the table tonight, much less presents under the Christmas tree or during the Hanukkah holidays. That is why our side of the aisle is fighting to continue and expand a tax cut that has benefited millions of working families this year. This is a tax cut for people who need it—families who depend on a paycheck. With the payroll tax cut, the typical family in my State, the State of New Jersey, would receive an extra \$40 a week, starting next year. That is what a typical household in the Northeast pays for gasoline or health care each week.

Mr. President, \$40 a week adds up to \$2,100 a year. For parents who are struggling—as many are—to make ends meet, an extra \$2,100 goes a long way to help buy groceries or pay the electric bill or purchase medicines. It can help pay for childcare, preschool or college tuition—the necessities that help ensure children succeed in life.

To make sure all working families continue receiving this much needed relief next year, we are asking America's millionaires—people who earn over \$1 million a year—to pay their fair share of what the country needs to get ourselves back into reasonable balance.

But the Republicans will not even allow us to vote on a bill that their colleagues in the House approved last night.

I wish to just spend a minute here. The House passed a bill last night. It included tax relief for some and we should take it here and consider it. But the Republicans will not even let us bring up the bill that passed in the House last night, and there is a question as to why. Why will they not let us do it? There is, obviously, a hidden meaning.

But what we see is, the Republicans are acting like Scrooges. This picture I have in the Chamber shows a mean-looking guy, as we see. That is what they want to do for Christmas.

For GOP Scrooges, this is not the season of giving; it is time to take things away. He said: No payroll tax cut for you this year.

They want to take away the tax cut for ordinary working families. The Republican Scrooges want to take away unemployment insurance benefits for 1 million people—imagine, people who are dependent on unemployment insurance at times when they are out of work, to help sustain their families, put food on the table, to try and just keep their heads above water. But that does not matter to our friends on the Republican side.

Today in America there is only one job available for every four unemployed people. This is not the time to cut unemployment benefits.

Republicans also want to weaken safeguards that keep our air clean—filling our atmosphere with poisons and endangering the health of our children. They want to weaken those safeguards.

To add insult to injury, the Republicans are also trying to ram through a massive pipeline that will carry toxic materials into our country—toxic materials. We are so conscious of what damage the toxic environment can do to our families, to our children. But they want to have a pipeline that will carry toxic materials into our country. They want to make it easier for coal-fired industrial facilities to foul the air, spew toxins into our neighborhoods.

It is hard to believe. Instead of gifts, the Republican Scrooges want lumps of coal in the stockings and coal pollution in our lungs.

In many families, it is a tradition to teach children to welcome Santa Claus during the holidays. This year, we are going to tell our kids to hide away from the Republican Scrooges. We are not going to alarm our children and tell them things that are difficult may be even more difficult if some tax relief that is proposed for working-class families is not available to them.

The Republican priorities are different. They want to raise taxes on middle-class families—families who

work for a living—to protect luxuries for millionaires: nice boats, airplanes. I do not mind—they have made the money; it is what they buy with it—but at least carry their fair share of our financial needs in this country.

The Republican priorities say they are for lower taxes, but that only goes for the jet set. When it comes to cutting taxes for working families, the Republican mantra is: Hey, we have to take care of the wealthy. We have to watch out for the wealthy, make sure they are OK. Don't ask them to carry more of the load. It is not a good time to deal with them. After all, maybe they will be big contributors to our political campaigns.

Let's not kid ourselves. American millionaires do not need help. They do not need the Republicans' help. Since the 1980s, our country's wealthiest 1 percent of the working people have seen their average household income increase by 55 percent. Let me restate that. Since the 1980s, our country's wealthiest 1 percent have seen their average household income increase by 55 percent—enormous—but for the bottom 90 percent average household income has not increased at all. As a matter of fact, it has gone down because the cost of living has gone up much faster than even any raises that come through.

Even though incomes are growing for the very wealthy, their tax rates are actually going down. Their taxes are going down. We can also look at the chief executive officers to see how well the wealthy are faring.

CEOs at the largest companies are now paid an average salary of \$11 million a year. Note that. The largest companies' CEOs are now paid an average salary of \$11 million a year. That is 343 times as much as the average worker's salary of \$33,000 a year. This comparison is so hard to reconcile. The CEOs of the largest companies have an average salary of \$11 million a year, and the average worker's salary is \$33,000 a year. Where is the equity in this? When we send the people out to fight, put on the country's uniforms, do the jobs, build the foundations, make sure the country is strong—\$33,000 a year. That is tough.

Just a few decades ago, the pay gap between CEOs and workers was much more modest. The CEOs—again, the CEO, people at the top of these companies—were paid an average of 42 times as much as the average worker, as we see on this chart. The chart demonstrates that in the 1980s, the CEOs made 42 times the average worker's pay. So the difference was not that obvious or that big. In 2010, CEOs made 343 times the average worker's pay. There is no equity there.

I come from the corporate world, and I know what big salaries are. I have seen it in my own company. But the one thing you have to do is at least encourage the people who are working for

you to understand that they have a chance in life to provide the things we all talk about for our children—a college education, the prospect of a decent job, the prospect of being able to take care of our own family.

The numbers make it clear: Our goal should not be protecting millionaires. They do not need our help. We should be focused on protecting Medicare, food safety, home heating for the poor, and Head Start for little kids who have a first chance to learn—to learn—to understand education, to see how important it is to learn, to start reading books at an early age, to start having conversations with their parents about what is going on in this world.

They want to take those children out of the Head Start facility—so many of them, 200,000; it has been proposed in some of the House budgets—take them out of the Head Start school.

But our Republican colleagues do not want to hear about that. They continue asking the poor, the middle class, the elderly, and our children to bear the entire burden of these tough times.

The Republicans now remind me of what accountants are like. They are people who are obsessed, obligated to deal with the bottom line. There is no soul, no humanity, no compassion—not around here—unless it is for the wealthy. They have compassion for themselves.

Let's be clear: It does not hurt those of us who have been successful to pay our fair share. I remind those within my voice, who hear me, we have two wars going on. We have people paying a terrible price to serve our country's needs—a terrible price. This is a time for those who are fortunate enough to make above \$1 million to say: Hey, I want to help carry this burden. I do not want to ask people who are scratching for a living—just trying to make ends meet—I do not want to ask them to do more without saying I want to do my share.

I was lucky. I ran a very big company. I want to do my share. That is why I am here. That is what I am talking about. To those who make more than \$1 million a year, I say: Look in the mirror. Ask yourself if you could succeed without help from anyone else or did your country help you achieve your prosperity. Was it people who built the buildings and built the infrastructure and manned the jobs all across the country—service jobs? They built the foundation upon which those who make \$1 million a year build their futures, build their fortunes. That is what happens. But there is not the respect for the hard-working families that we like to see.

I ask our Republican colleagues, think about the true meaning of the holidays.

It is not Halloween, it is not trick or treat, because otherwise that is what the game looks like. This time of the



year is about coming together, caring about your fellow man. This should be a season of giving, not taking away the necessities from our country's most vulnerable.

We all remember at the end of "A Christmas Carol" when Ebenezer Scrooge opened his heart and became a hero. We need the same kind of miracle here in Congress. We need the Republican scrooges to have a change of heart and work with us to help our fellow Americans this holiday season. We need them to help us continue and expand the tax cuts for working families. We need them to help us continue unemployment insurance benefits for the jobless and clean air safeguards for our children. We need them to help us protect the programs that benefit the people who need them most, whom we need to keep our foundation strong.

To our Republican colleagues, we say, come on, let's work together. Let's do this. Let's put the acrimony aside. Let's put the selfishness aside and say, those who work every day for a living and try to keep things together—and we have millions of people who are looking for jobs who cannot find them right now—let's work together to make sure our children and grandchildren inherit an America that is even stronger than the one we inherited. Show the heart of America. That will be the best gift we can ever give them.

I yield the floor.

The PRESIDING OFFICER. The Senator from Washington.

#### UNEMPLOYMENT INSURANCE

Mrs. MURRAY. Mr. President, there are no more important issues for middle-class families across America than jobs and the economy. This is what they want their elected officials to be focused on. It is exactly what I think we ought to be working on every single day. That is why I have come to the Senate floor again and again to urge my Republican colleagues to stop blocking our attempts to extend and expand the middle-class tax cut so many of our families are counting on. That is why I come to the floor once again today to discuss the urgent need to maintain Federal unemployment benefits for middle-class families across our country. This should be an easy issue.

Unemployment benefits provide a lifeline for millions of families, and it would be simply wrong to cut off this support while the economy continues to struggle and so many of our workers are having so much trouble finding work. Right now, there are more than four unemployed workers for every single job opening. If every opening were filled tomorrow, we would still have more than 10 million workers across the country without a job to even apply for.

Additionally, nearly half of all unemployed workers have been out of a job

for 6 months or longer, which is higher than we have seen for more than 60 years.

So millions of Americans are unemployed today, not because they do not want to work and not because they do not have valuable skills but simply because they find themselves in an economy that is not creating jobs as quickly as we need it to. Those unemployed workers are desperate to get back on the job. Unemployment benefits make all the difference for them and their families while they scour the want ads and pound the pavement and send out resume after resume after resume.

I recently sent a letter to my constituents asking for their stories about what these benefits actually mean to them and their families. The response to that was unbelievable. Within a few days, I received hundreds of e-mails. People sent me videos. They sent me pictures of their families. I received story after story from workers and families from across my home State of Washington who are fighting to make ends meet in this very tough economy and who cannot afford to have the rug pulled out from underneath them.

One of those stories came from a woman named Vicki, who lives in Maple Valley, WA. She was an unemployed single mom, lost her apartment, and told me she now has to share a room with her son in a relative's home. Vicki told me she has made every effort—going to interviews, sending out her resumes to hundreds of employers, still not able to find a job.

She understands that in this economy finding a job will not be easy, but she is going to keep trying, and the support she receives from unemployment benefits has kept her and her family afloat and made all of the difference. She said those benefits allowed her to put food on the table for her family and gas in her car so she could go to job interviews. She told me, "If I lose my unemployment benefits, I do not know what I will be able to do to provide for my son."

She is not alone. I heard from older Americans such as Judy. She is a grandmother of five from Bothell, WA. Judy told me she had been working for 47 years before being laid off from her teaching job in 2009. She said over the last 12 years she has worked to teach adults the skills they need to move into jobs as bookkeepers and receptionists and schedulers. But in this economy, although she was an expert in her area, even she cannot find a job in those fields.

She wrote to me, saying:

I want to work, but nobody will hire older citizens no matter how much experience they have. I started looking for a job at the pay level I was at when I was laid off. But after being unemployed now for 2 years, I am even looking at jobs for less than half of that. Still I am told my experience does not match their requirements.

For Judy, unemployment benefits are not the solution. She wants a job. But

they provide her with some critical support while she looks for that last job before she can retire.

I also heard from Sheila from Bellevue, WA. Like Judy, she is close to retirement, but she was laid off last year from an engineering technician job that she told me she loved and now she is desperate to get back to work. After sending out over 500 resumes since then, she has had 4 interviews. In her e-mail to me, Sheila wrote:

I was devastated when I was laid off. I now look for work 7 days a week. I have worked hard my entire life. I do not want everything I have worked for to disappear.

She told me that is what would happen if her unemployment benefits run out now.

Finally, I received a video message from Scott in Olalla, WA. Scott told me that after working at the same company for 20 years, he was laid off in March and filed his first unemployment claim in the 30-plus years he has been in the workforce. He said he always thought unemployment insurance was for the other people, never thought he would be the one collecting it. Now he calls it a godsend for him and his family. In his video, Scott told me about the uncertainty his family would face if his benefits expired before he could get back on the job. If this happens, Scott said:

I cannot imagine what it would do to my family to lose our home. We spend our money wisely. We live well within our means. But if we lost our home, we would be just another statistic. The last thing I want to do is to explain to my wife and my daughter that we have to leave our home.

That is exactly what he said would happen if he loses his unemployment benefits in this tough economy.

Those are just a few of the many stories I have received. There are so many of them out there. Millions of the people across America, including about 100,000 in my home State of Washington, will stand to lose their benefits that they count on if Congress does not act by the end of this year, in a few short weeks. These workers are not looking for a handout. They do not want to be a burden, but they need support while they get back on their feet and back on the job.

In this struggling economy, maintaining these unemployment benefits is critical. The nonpartisan Congressional Budget Office has said maintaining unemployment benefits is one of the most effective policy tools we have now to boost the economy and get money into the pocket of our consumers. If they are cut off, it would not just be devastating for the families who count on this support, it is going to hurt our small businesses and communities to have billions of dollars pulled away from consumers who spend it every month on food and rent and clothing. We cannot afford to have this lifeline cut off. Our great country has

always been a place that stands with our middle-class families when times are tough and gives them the support they need to get back on their feet and back on the job and contributing to their communities once again.

I urge all of our colleagues to stand with us as the holidays approach, to maintain these unemployment insurance benefits that so many of our families are counting on, and to keep working to cut taxes for the middle class and get our economy moving again and put our country back to work.

On that last point, before I finish, I want to join our majority leader and so many others who today called on Republicans to stop blocking their own bill and allow it to be brought up for an up-or-down vote. We know the Republican bill that passed the House yesterday is going to fail. It is bad policy, and many in their own caucus apparently do not support it. Their bill takes some of the policies we are fighting for to support the middle class, including unemployment benefits, waters them down, and then adds a whole bunch of tea party red meat to attract the Republican support it needed to pass the House.

I am focused on delivering the tax cuts that middle-class families need and deserve, so I will vote against the Republican bill if it is allowed to come up. But I cannot believe that our Republican colleagues are now preventing us from taking a vote on their own bill and then not allowing us to come together, which we need to do in these last few days before the holidays, to get a bipartisan deal and get it to the American people. They expect us to do this job. That is what is holding us up.

I urge our colleagues to sit down, work out an agreement, so that we can all celebrate the holidays with our families, and the families out there who are counting on us will know we have done the job for them.

I yield the floor and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. THUNE. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mrs. HAGAN). Without objection, it is so ordered.

#### THE KEystone XL PIPELINE

Mr. THUNE. Madam President, I think there are a few things that many people across the country, and, hopefully, in the Congress, agree upon. One is that we need to focus like a laser on creating jobs. That is something I think there is universal agreement on here.

I also think there is universal agreement that we ought to become more

energy independent as a nation. We need to look for ways in which our country can lessen that dangerous dependence we have on foreign sources of energy. We import a good amount of our oil from other places around the world—some of them not so friendly regimes. That is why it is such a mystery as to why the Keystone XL Pipeline project is running into such resistance from the administration.

It is ironic in many respects because we had the President of the United States, several months ago, saying:

We are going to have to import some oil; and when it comes to the oil we import from other nations, obviously, we've got to look at neighbors like Canada and Mexico that are stable, steady, and reliable sources.

That is what the President said earlier this year, that if we are going to get energy, if we are going to import oil, we ought to import it from countries that are friendly to the United States. I argue there is no country more friendly to the United States than Canada, with whom we have a very robust trading relationship. We do about \$640 billion of bilateral trade annually with our Canadian neighbors. So thinking that we might be able to get oil from Canada, as opposed to from Venezuela or somewhere in the Middle East, seems like a good option for this country—a good option that policymakers here ought to be very supportive of.

That, again, makes it an even greater mystery as to why the administration has insisted on blocking or even making a decision about whether we can develop a project called the Keystone XL Pipeline, which would take advantage of those oil resources available in Canada and bring them into the United States, transport them through a pipeline that is 1,700 miles long to refineries where that product can be refined, and people here could benefit from it or it could be sold perhaps somewhere else. Nevertheless, it would benefit the economy.

Both in the initial stages when the project is under construction, as well as later on, it will create lots of jobs. In my State of South Dakota—the pipeline would come through South Dakota as it makes its way down to the refineries, and we would benefit from hundreds of jobs that would be created and \$½ billion in economic activity will be created alone in South Dakota. That is during the construction phase, not to mention all the State and local tax revenue that would benefit many of the local governments across my State and other States through which the pipeline would traverse.

It is increasingly a mystery—I don't know how else to describe it—a curiosity or something—to those of us who see the great benefit in getting our oil resources from a friendly country like Canada as to why this administration would be so opposed even to issuing a

decision on permitting this pipeline project that would enable that oil to come from Canada through to refineries in this country.

The other issue on which there is universal agreement is that we ought to put policies in place that create jobs. There is no greater shovel-ready project than the Keystone XL Pipeline. It would have an immediate impact of 20,000 jobs that will be created immediately—a \$7 billion initial investment and billions more over the years as this project continues to be utilized. Furthermore, I argue that it will create other opportunities for energy project development. Certainly, the Bakken oil find in North Dakota would stand to benefit from having a pipeline this accessible to it. It creates all kinds of spinoffs and other types of economic activity that would be good for jobs.

We will have something that lessens our dependence upon foreign sources of energy by about 700,000 barrels of oil a day, creates hundreds of thousands of jobs, and enhances the ability of State and local governments to collect revenues, which they desperately need for their own purposes and needs. Yet here we are looking at this project—or at least a decision on it—being blocked by this administration for no apparent reason other than politics, I argue.

We are heading into a political year, and the President is running for reelection next year. I think it is clear that the delay on a decision on this project for 18 months was clearly designed to get past the Presidential election so the President would not have to make a decision that splits his political base. We have the labor groups that are for it and the environmental groups that are opposed to it. I guess it must be a political decision for this administration to delay this project. It doesn't make sense for America and American workers.

The President says he gets up every day and he thinks about what he can do to create jobs. Well, here are 20,000 immediate jobs that we can benefit from right away—not to mention the many jobs that would come if this project was built.

As we look at the legislation sent to us from the House of Representatives, it includes this Keystone XL Pipeline language that would allow a decision to be made 60 days from its enactment. So we could accelerate at least the period in which this decision could be made.

Why is that important? Because this project is going to go on one way or the other. If it is not built in this country, it will be shipped somewhere else around the world—perhaps China or another country—and the American workers and the American economy will suffer, and the American need that we have for energy will not be met. We are not going to benefit or be advantaged by not having this project here

or if it goes someplace else. That makes absolutely no sense for our economy, no sense for jobs and for many States that are in support of this project.

I hope as this debate gets underway on the proposal sent from the House of Representatives, the sticking point, the thing that hangs it up is not the Keystone XL Pipeline. People will probably have honest disagreements about various provisions in the legislation being sent to us from the House, but one thing that should not delay or in any way detour this from being considered in the Senate is resistance or objections to a final decision being made on the Keystone XL Pipeline.

I want to read a few things for you that have been said by some of the folks across this country who think this is a good idea. Many represent working people—the labor unions. The Teamsters said:

The Keystone Pipeline project will offer working men and women a real chance to earn a good wage and support their families in this difficult economic climate.

The AFL-CIO said:

For America's skilled craft construction professionals, any discussion of the Keystone XL project begins and ends with one word: Jobs.

Look at what has been said by the Brotherhood of Electrical Workers:

At a time when jobs are the top global priority, the Keystone project will put thousands back to work and have ripple benefits throughout the North American economy. Our members look forward to being part of this historic project and pledge to deliver the highest quality work to make it a success.

That is what some of the labor leaders are saying. I want to read what some key Democrats in Congress have said about this. These are a few excerpts from Democratic Members of Congress:

America truly cannot afford to say "no" to this privately funded, \$20 billion jobs-creating infrastructure project, which could bolster our economic, energy, and national security. To that end, we respectfully urge you to ensure that the Presidential permit is issued for Keystone XL.

Here is another quote:

Mr. President, America needs the Keystone XL pipeline. It is in our national interest to have a permit issued for Keystone XL as soon as possible.

The Department of State's final environmental impact statement reaffirmed the findings of the two previous environmental impact statements; namely, that the pipeline will have no significant impact on the environment.

So we have a project that has been OK'ed by the environmental agencies in this country, the people who look at the environmental impacts, who have said this project is ready to go. We have labor organizations that are waiting and are saying this is important to getting people back to work. We have Democrats in Congress who have said

this is a project that we should be for. In fact, there was a vote on this language in a freestanding bill in the House recently. There were 47 Democrats who came out in support of the Keystone XL Pipeline legislation. So we have 47 Democrats on record.

Mr. CONRAD. Madam President, I have some sympathy for the position I hear the Senator enunciating—that the issue of the pipeline ought not to be the thing that prevents us from moving forward. I personally think the pipeline is absolutely in the national interest. It will help us reduce our dependence on foreign energy—at least foreign sources that are hostile to our interests.

The big question is—at least for this Senator—would the language permit a rerouting of the line within the State of Nebraska so that the question of the Ogallala aquifer would not be addressed? Is it the Senator's understanding that the language that has come to us from the House would permit Nebraska to reroute the line to avoid the aquifer?

Mr. THUNE. Madam President, through the Chair, I would say to my colleague from North Dakota that my understanding is the legislation does permit that to happen, and that is why I believe the State of Nebraska, including the Governor and our colleagues here in the Senate from Nebraska, have now come out in support of this. Whereas previously there had been some concern about the Ogallala aquifer, my understanding is the legislation allows for that issue to be addressed. And I have a statement here from the Governor of Nebraska expressing his support for this legislation. So it does strike me that at least that should not be an issue that in any way deters consideration of this pipeline and that we shouldn't have to wait 18 months.

I am saying to my colleague from North Dakota—and I think he recognizes the value of this, as he is from North Dakota, and obviously his is a State that could be favorably impacted by the economic activity resulting from this pipeline—that if we don't do this, somebody else is going to benefit from it. This is not going to wait around. There are vast oil sands reserves up in Canada, and they are looking for a place where they can get this to a refinery and get it refined. If the United States doesn't move forward, some other country is going to benefit.

Mr. CONRAD. If I could just say to my colleague, Canada is going to develop this resource. This oil is going to go somewhere. It is absolutely in our national interest for that oil to come to our country. If the language is, as the Senator represents, that it permits the rerouting of the line within Nebraska to avoid the issue with the Ogallala aquifer, then I, for one, on this side, would hope this could be part of the final package.

I hope this is something we can work through in the coming hours. This should not be the thing that prevents us from reaching across the aisle, reaching across the divide between the two Chambers and achieving a result that is critically important for the country.

I thank the Senator for allowing me to ask this question.

Mr. THUNE. I appreciate the question and comments of the Senator from North Dakota. I couldn't agree more with the sentiments he expressed.

I do believe we have in front of us something for which there is a lot of bipartisan support—an extension of unemployment insurance benefits, with some reforms, a payroll tax cut extension, a fix for the physician reimbursements under Medicare, and a number of other things that have been put into this with an eye toward not only addressing what are some very serious concerns—many of these things expire at the end of the year—but also something that would really create jobs, that has a jobs component to it that would do something positive for our economy.

I hope that we can find a way to come together and that this does not become a deterrent to the legislation that is going to be before us in the not too distant future—the proposal that came to us from the House of Representatives. I certainly hope that doesn't unravel as a result of the Keystone XL Pipeline language being included because I recognize—as the Senator from North Dakota has expressed, and many of his colleagues on his side, along with many of my colleagues on our side—the value of what this could do for jobs, what this could do for our economy, and what this could do for America's energy needs. This will enable us to do business with a friendly partner to the north—Canada—as opposed to continuing to import oil from other countries around the world with which we do not have that kind of a friendly and stable relationship.

I would hope the President would make a decision not to get in the way or assert pressure on Members on his side to vote against this simply because it includes this particular provision. It is good for America, it is good for the States that are impacted, and many of the local governments would benefit. It is certainly good for jobs and the economy, as has been voiced by the various labor unions across this country that represent working Americans. With 700,000 barrels of oil coming to America from Canada, we would be creating economic activity and jobs versus 700,000 barrels of oil going someplace else around the world and some other country benefitting and our becoming even more dependent on foreign sources of energy.

So, Madam President, again, I don't know what to say. This is a no-brainer,

and so I hope the Senate will find its way before we adjourn for the Christmas holiday to enact this legislation that has been put forward that would enable this project to be decided. It doesn't prescribe one way or the other what the President does; it just says the President either has to approve it or give a reason why it is not in the national interest.

I see the other Senator from North Dakota, Mr. HOEVEN, is here as well. He has been a leader and involved in getting this legislation introduced. I thank both my colleagues for recognizing its importance, and I hope we can move legislation that will get this project decided one way or the other. In my view, an affirmative decision would be preferable and would allow us to move forward.

Madam President, with that, I yield the floor.

The PRESIDING OFFICER. The Senator from North Dakota.

#### ECONOMIC POLICY

Mr. CONRAD. Madam President, I wanted to come to the floor to discuss the question of extending the payroll tax cut, dealing with unemployment insurance, dealing with compensation for doctors who treat Medicare patients, and also addressing the question of the alternative minimum tax and, of course, the other tax extenders as well.

This is a key moment for the country. As I expressed earlier—as Senator THUNE was addressing the body—I personally do not believe the Keystone Pipeline should hold us back. This is something upon which I think we could get broad agreement, especially if the language is as the Senator has represented and as Senator HOEVEN has assured me—that it permits the State of Nebraska to reroute that line so that the Ogallala aquifer is not in danger. In my judgment, it is entirely in the national interest to get the Keystone Pipeline advanced. So that should not be the issue that hangs us up.

As we look at things that are holding back the economy, unemployment remains far too high, the housing crisis continues, and we have weak consumer confidence and demand. That really is at the heart of our ongoing economic weakness. Personal debt is still near record levels. We have tightened borrowing standards for businesses and consumers. I hear very often that even good businesses with good track records at paying back loans can't secure the credit they need to expand. And we have State and local budget cutbacks that are continuing.

As we look at the private sector jobs picture, there is some good news because we have now had many months of expansion of private sector payrolls. In fact, if we go back to 2010, in March of the year, ever since then we have seen private sector payrolls increasing

to the tune of millions of jobs. So there is progress being made.

When we look at the reason there has been progress, I believe two of the most distinguished economists in the country gave us a background to understand why we are seeing this progress after one of the greatest financial debacles in our country's history. Alan Blinder, the former Deputy Chairman of the Federal Reserve, and Mark Zandi, who was an economic adviser to the McCain campaign, did an analysis of the Federal Government's response to the financial crisis and the recession. Here is what they found, and they are speaking of TARP and the stimulus:

We find that its effects on real GDP, jobs, and inflation are huge, and probably averted what could have been called Great Depression 2.0. When all is said and done, the financial and fiscal policies will have cost taxpayers a substantial sum, but not nearly as much as most had feared, and not nearly as much as if policymakers had not acted at all. If the comprehensive policy responses saved the economy from another depression, as we estimate, they were well worth their cost.

Madam President, we have a debate going on in this country about economic policy, and our friends on the other side believe that they have the answer, that they have the prescription. I would just remind those who might be listening that it was their policy and their prescription that led this country to the brink of economic collapse. They controlled the economic policy of this country for 8 years, and they put in place a series of policies that they said would dramatically expand job opportunities in this country and strengthen the economy. But we know what happened.

At the end of 2008, I was in the meeting here in the Capitol with the Bush administration's Secretary of the Treasury and Chairman of the Federal Reserve. They told us they were taking over AIG, the big insurance company, the next morning, and they told us that if they did not, they believed there would be a financial collapse within days. Going back to the same tired, failed economic policies that put us in that position is a mistake—a profound mistake. Hopefully we would learn from history.

I believe what is needed now is for America to take steps to strengthen the economy in the short term but to combine that with fiscal discipline over the mid and longer term so that we can get back on track and face up to this debt threat.

Two of the more distinguished economists in the country, in addition to the two I have already cited, have just concluded work for the Peterson Institute for International Economics. These are the Reinharts—Dr. Carmen Reinhart and Dr. Vincent Reinhart—and this is what they concluded following severe financial crises. They found that economic recoveries are shallower and

take much longer. Here is what they said in their analysis:

Real per capita GDP growth rates are significantly lower during the decade following severe financial crises. In the 10-year window following severe financial crises, unemployment rates are significantly higher than in the decade that preceded the crisis. The decade of relative prosperity prior to the fall was importantly fueled by an expansion in credit and rising leverage that spans about 10 years; it is followed by a lengthy period of retrenchment that most often only begins after the crisis and lasts almost as long as the credit surge.

What they are reporting to us, after looking at a long period of economic history and dozens of countries, is that after a financial crisis, recovery takes much longer than is typical from a standard recession.

We now have a bill that was sent over from the House that I believe has serious defects. I believe that bill is a non-starter.

First of all, the House leaders included extraneous provisions making it a partisan bill. President Obama has said he will veto it. Even the Senate GOP won't vote on it. So we have the curious circumstance where we have a bill sent to us by the House of Representatives, controlled by the Republican Party, and the Republican Party in the Senate won't permit a vote on the Republican bill. One might ask, why would that be? Perhaps the reason is they know there aren't many votes for it in this Chamber, just as there weren't many votes for it when it was previously offered on this side.

So more than just extending the payroll tax cut is at stake. We also need to extend unemployment insurance, and we need to fix the cut that is about to happen to doctors who treat Medicare patients. That is the so-called doc fix. We need a compromise, not just partisanship, from both sides. Both sides need to find a way to come together.

I have tried to indicate on this side a willingness to cross the partisan divide with respect to the Keystone Pipeline. Some on the other side have said that is important for their support for this legislation. I have said—at least speaking for me—that I am prepared to support the Keystone Pipeline because I do believe it is in the national interest.

As we look at the effect of allowing the expiring payroll tax cut to die, this is what Goldman Sachs said to us:

Should [the payroll tax cut and extended unemployment benefits] expire at the end of the year, fiscal drag will be intense in 2012.

In other words, because there will be a reduction in demand in the economy, we will see lower economic growth, we will see lower job creation, we will even see a risk of returning to recession. This is from Goldman Sachs, the U.S. Economic Analyst, "What Turns a Stall Into a Slump?" They are telling us one way to turn a stall into a slump is to fail to extend the payroll tax cuts and to extend unemployment insurance

benefits to those who have been out of work for extended periods of time.

That is not just the view of Goldman Sachs. I wrote a letter to the Congressional Budget Office—that is non-partisan—and I asked them which of the policy initiatives we could take would give us the biggest bang for the buck. What they told us is No. 1 would be extension of unemployment insurance. Why? Because the people who receive those benefits are most likely to spend the money. That means there would be increased demand in the economy, and that would give additional lift.

Let me be swift to add: For those who are concerned about deficit and debt, I am with you, absolutely, because our long-term threat is this growing debt. But CBO has told us in testimony before the Budget Committee there is no contradiction between taking steps in the short term to give lift to the economy and taking steps in the medium term and the longer term to rein in deficits and debt.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. CONRAD. Madam President, I ask unanimous consent for an additional 3 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CONRAD. I thank the Chair and I thank my colleagues.

This is what JPMorgan Chase has said on expiring payroll tax cut and emergency unemployment benefits:

For 2012, the more important issue is what happens to expiring stimulus measures. . . . Together, [the payroll tax cut and the emergency unemployment benefits] have lifted household disposable income by about \$150 billion this year. If they expire as scheduled, consumption growth early next year would be challenged. . . . In our baseline view, the drag from tightening fiscal policy [including expiration of the payroll tax cut and emergency unemployment benefits] could subtract 1.5%-2.0% from GDP growth next year.

Since GDP growth is only forecast at 2.5 to 3 percent, a reduction of 1.5 to 2 percent would be a dramatic reduction.

This is what Mark Zandi, the chief economist of Moody's Analytics, said:

If policymakers do nothing here, if Congress and the administration just sit on their hands and they do nothing, the odds are very high we'll go into recession early next year. . . . We have a payroll tax holiday, all of us. . . . We'd be in recession right now without it. . . . If they don't [extend] that, at the very minimum, we'll likely go into recession.

I hope very much that colleagues are listening. I hope very much that we are able to proceed to address this matter of extending the payroll tax cut and of extending unemployment insurance.

I think I want to end as I began. If we had not had the government response in TARP and stimulus, Zandi and Blinder—two of the top economists in this country, one who was an adviser to the McCain campaign, one who was the Deputy Chairman of the Federal Re-

serve—have said we would be in a depression today. We would be in a depression today, with 16-percent unemployment and 8 million fewer people having jobs. We ought to pay close attention to that advice. We ought to act on it, and we ought to do it together. We ought to find a way for principled compromise on both sides.

This body is bigger and better than we are demonstrating at this hour. We have the chance to prove to the American people that we are worthy of their confidence and that we are able to respond and do the urgent business of the Nation. I hope we don't disappoint them.

I thank the Chair and my colleagues for the courtesy of the additional time, and I yield the floor.

The PRESIDING OFFICER. The Senator from North Dakota.

#### EXTENSION OF MORNING BUSINESS

Mr. CONRAD. Madam President, I ask unanimous consent the period for morning business be extended until 7:30 p.m., with Senators permitted to speak up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

The PRESIDING OFFICER. The Senator from North Dakota.

#### KEYSTONE XL PIPELINE

Mr. HOEVEN. I wish to begin by thanking my esteemed colleague from the great State of North Dakota. I appreciate very much his support for this important project as he has again expressed. This is something we worked on for a great length of time. It is something we have quite a bit of background and experience with, energy production and the infrastructure needs that go with it. Again, I express my appreciation to Senator CONRAD for his support of the project, and also for expressing, and I think doing so in very eloquent terms and in terms that are very much appreciated, that he feels this is something that needs to advance; that he feels as we work forward in terms of determining how to handle the payroll tax cut holiday issue, this is something that can be helpful and constructive.

I am here to speak in support of the Keystone project. You might say, Why? Why is it important that we move forward with this project? Well, first and foremost, because it is a tremendous job creator, but also because it reduces our dependence on foreign sources of oil as well as improving environmental stewardship. I want to take a minute to talk about all three aspects of the legislation.

Together with my colleagues, I put forward the North American Energy Security Act of 2011. Essentially, that legislation clears the path to move for-

ward with the Keystone XL Pipeline project.

For those who may not be familiar with the Keystone XL Pipeline, I brought this chart that actually shows the route it travels. It is a 1,700-mile-long pipeline which runs from Alberta, Canada, down to our refineries in the gulf coast region. As you can see, it is this blue line laid out on the chart. Right next to it we have this red line. This is the Keystone Pipeline. I will take a minute to talk about that, because I think it is important in the context of what we are trying to do with Keystone XL.

Prior to being elected to the Senate, I served the State of North Dakota for 10 years as Governor. During that time, we worked with many companies to develop pipeline infrastructure in North Dakota as we produced more and more oil for this Nation, but we also worked with our neighbors from the North who provide oil to our country as well, in fact 2.2 million barrels a day, to move that product safely into our country.

The Keystone Pipeline, built by TransCanada, as you can see, tracks from Alberta, Canada, all the way down to Patoka, IL. So it is similar in that it brings Canadian crude into our refineries here in the United States, which is refined and reduces our dependence on other sources of oil. About 590,000 barrels a day flow through the Keystone Pipeline right now. So when we talk about the Keystone XL project, we are not talking about something which hasn't been done before. In fact, we just got done permitting this pipeline, which is almost identical, bringing oil from roughly the same place in Canada down to refineries into the United States. That has already been approved by EPA and the Department of State. It went through the requisite NEPA and study processes, it went through the proper processes with the Department of State, and it has been approved, 590,000 barrels a day coming into our country to reduce our dependence on oil from places such as the Middle East and Venezuela right now. So when we talk about Keystone XL, we are not talking about doing anything we haven't already done.

This pipeline—which would run a little bit to the west—again roughly starts up about the same place, Alberta, Canada, comes down further than the existing Keystone Pipeline down to our refineries. It is important to know that this isn't just about moving crude oil from Canada to the United States. This is also about moving oil within the United States.

In this part of our country, in North Dakota and in Montana, we are producing a tremendous amount of oil. My home State of North Dakota today is closing in on oil production of 500,000 barrels of oil a day. We will put 100,000 barrels a day of crude oil, such as sweet crude, into this pipeline as well. So it

is not just about moving Canadian oil in America, it is about moving oil within our country, production from the Bakken region in the Williston Basin, down to our refineries.

Also, you will notice that the pipeline comes down to Cushing, OK. Right now we have a backlog of oil in Cushing, OK, and this pipeline will move oil from Cushing down to the refineries in Texas and Louisiana. So it helps solve bottleneck issues, moving oil in our country, which will help reduce prices to consumers as you eliminate some of these bottlenecks and price disparities.

Again I go back to the point of my being here today, talking about this legislation, which is solutions-oriented legislation, problem-solving legislation. What it does is it creates jobs, it reduces our dependence on Middle East oil, and again it provides better environmental stewardship. So when I say it is solutions oriented, what do I mean by that? The issue, as I think most people who follow this issue will recall, the concern or the problem was in the Sandhills region of western Nebraska. Concern had been expressed about going through the Sandhills of Nebraska. That is an area where we have the Ogallala aquifer, and there was concern there that there might be an issue should there be any kind of breach in the pipeline. So that was the issue.

However, the State of Nebraska recently had a special session. In that special session, they said, Hey, we will work to reroute the project to eastern Nebraska, similar to the pipeline that already exists. That eliminates the problem. Now we don't have an issue anymore in the Sandhills area of Nebraska.

The legislation we have written and that has now been incorporated into the House bill takes that very solution and incorporates it into the legislation. It says the Nebraska Department of Environmental Quality can work with EPA and the State Department to reroute the project in Nebraska so there is no longer an issue. We solve the problem. It is problem-solving legislation.

We say as to the entire project that the administration, with State, the EPA, and so forth, has to make a decision on whether to approve the project within 60 days. Is it in our national interest? They have to make that decision within 60 days so the project can get started and we can start creating those construction jobs. But as to Nebraska, they are not bound by the 60 days. They have the time they need to incorporate the solution from the State's special session.

All we are saying is this project has been studied for 3 years. It has been studied for 3 years already. It has gone through the NEPA process. It has gone through the full EIS. State was ready to make a decision. It got held up be-

cause of Nebraska, and we specifically addressed that problem. Now it is time to go forward. That is why this is problem-solving legislation.

Again, this is about creating jobs. This is about reducing our dependence on Middle East oil. We absolutely address the issue of Nebraska. We do not set a 60-day time limit on it. As to the rest of the project, we can get started.

Let's talk about who supports the project. The Prime Minister of Canada, Stephen Harper, has talked to our President and said, look, our greatest ally is Canada. Canada says, this is a very important project for Canada. This is about producing our energy resources in Canada. This is about jobs and economic opportunity in Canada.

Let's join with our best ally and together create jobs and produce energy we can count on.

The issue has been brought up about environmental stewardship. For those who say we have some concerns about producing oil in the oil sands region of Canada, I submit Canada is doing what we are doing. North Dakota all the time is improving their technology in order to improve their environmental stewardship. For example, going to in situ mining rather than for excavation for things such as producing the oil sands.

The point we have to understand that is very important is, if the pipeline doesn't go this way, if the pipeline doesn't go south, it is going to go west. If this product does not come to the United States, this 700,000 barrels, it is going to the west coast of Canada, where it will be loaded on ships and it will go to China.

We have a choice to make. Do we want to reduce our dependence on oil from the Middle East and from Venezuela and other parts of the world where we have real security issues? Do we want to increase the relationship and the economic ties with our best ally in the world or do we want 700,000 barrels a day of Canadian oil going to China instead?

By the way, let's talk about the environmental stewardship. That means we have to haul it over there on oil tankers. We have to continue to bring our product in on oil tankers, so we have higher emissions instead of lower emissions. Instead of that oil being refined in the cleanest refineries in the world, which we have, it is going to be refined in refineries in China, which have much higher emissions.

Again, the whole focus of the legislation—I authored the bill. The whole focus in writing this bill was to say: How do we solve the problem? How do we deal with the concerns? How do we make sure we are being fair to people but that we move forward with real job creation, with producing more energy to increase our energy independence with our good friend and neighbor, our strongest ally—Canada? How do we

continue to do more in terms of private investment, deploying technologies, creating better environmental stewardship? It is about problem-solving legislation.

We can see we have not only the U.S. Chamber of Commerce now supporting this legislation, because they want to see job creation, but we have all the large building and trade unions supporting it as well—AFL-CIO, International Brotherhood of Teamsters, International Brotherhood of Electrical Workers, Labors International Union of North America, United Association, International Union of Operating Engineers.

It is America's workers who are clamoring for the expedited approval of this important project. We can't wait.

Mark Ayers, president, Building & Construction Trades Department, AFL-CIO:

The Keystone Pipeline project will offer working men and women a real chance to earn a good wage and support their families in this difficult economic climate.

James P. Hoffa, International Brotherhood of Teamsters:

At a time when jobs are the top global priority, the Keystone Project will put thousands back to work and have ripple benefits throughout the North American economy. Our members look forward to being part of this historic project and pledge to deliver the highest quality work to make it a success.

President Edwin D. Hill, International Brotherhood of Electrical Workers. The list goes on.

As I said, this project has been studied for 3 years. We have already built the sister project. We have gone through that whole process. This has been studied for 3 years already.

How much will this project cost the American taxpayer? This is a \$7 billion investment, but it is private investment. It is private investment that stimulates job creation. Not only will it not cost the American taxpayer one dime, The Perryman Group from Waco, TX, estimates it will create hundreds of millions of dollars in local and State revenues.

Our country faces some real challenges. One of those challenges is we have to get people back to work. We have 8.6 percent unemployment. We have 13.3 million people looking for work. We need to get them back to work. So government needs to create the legal, tax, and regulatory environment that stimulates private investment and gets people back to work. This legislation, this project, helps do that.

We have a deficit and a debt—a deficit of about \$1.3 trillion, a debt that is now \$15 trillion. When our President took office, our debt was \$10 trillion. The national debt was \$10 trillion. Today it is \$15 trillion.

We have to get a grip on our spending. We have to start finding savings, but at the same time we have to grow



this economy. We have to get private investment going and grow this economy. That growth in revenues and controlling our spending is what will reduce the deficit and the debt.

You know what, we have to do more to reduce our energy dependence on places such as the Middle East and Venezuela, where we have real challenges. This is the kind of project that can do it. I submit we need to move forward. This body has the opportunity to truly empower the kind of investment we need to move our economy forward, to create greater energy independence, and to help Americans get back to work. That is exactly what they want. I encourage my colleagues to support this legislation.

I yield the floor.

The PRESIDING OFFICER. The Senator from Illinois.

#### BALANCED BUDGET AMENDMENT

Mr. KIRK. Mr. President, too often we have set-piece speeches in the Senate without any resort to the traditional debate, where two sides are equally dividing time without a set script on a critical issue before our country. I would like to restart the true Senate tradition of debate with a debate with my colleague from Delaware.

I will yield to him right now.

Mr. COONS. I thank Senator KIRK. I am grateful for the Senator inviting me to join him in a real debate on the floor on an issue about which we disagree and about which we cast opposing votes earlier today. It is an issue of real import to our country. It is something that has been debated in the past and will be in the future but essentially whether we should have a balanced budget amendment.

Mr. KIRK. What I would like to do now, in sort of a chess clock style, is take 10 minutes, with unanimous consent, to be equally divided between me and the Senator from Delaware on the subject of the balanced budget amendment.

The PRESIDING OFFICER (Mr. WHITEHOUSE). Without objection, it is so ordered. For 10 minutes, the Senator from Illinois and the Senator from Delaware may engage in a colloquy. The Parliamentarian will keep track of the time of each, to the best of our capability.

Mr. KIRK. Mr. President, the United States needs to adopt a balanced budget amendment to the Constitution. It was a good idea when Thomas Jefferson backed it and it is an even more important idea today. What we are seeing in Europe is a collapse of government finance because they have spent too much, taxed too much, and borrowed too much. Not only do they have a crisis of their government debt, but they have higher taxes and lower economic performance because of that philosophy.

We cannot repeat that mistake. That is why the Senate should have adopted a balanced budget amendment. I will speak in bipartisan fashion—any of the balanced budget amendments we considered today would have been better, rather than to subject our country to a rising tide of debt and an economic model which is already, we are seeing, failing in Europe.

Mr. COONS. I could not agree more that we need to be responsible; that the United States and this Senate need to face our serious and crippling national deficits and debt.

It was a good idea when Thomas Jefferson recognized that a balanced budget amendment was a bad idea. Thomas Jefferson actually, several years later, after supporting a balanced budget amendment, acted as President in ways that demonstrated he understood that real opportunities required extraordinary capabilities by the Federal Government.

I was a county executive. Others in this Chamber who were mayors or Governors lived with balanced budget requirements and it imposed great restrictions on us. It forced us to make tough decisions on annual timelines, so I understand why it is tempting to consider passing one of the balanced budget amendments that were before this Chamber today.

But there is a difference between the Federal Government and the State and local governments. Thomas Jefferson acted decisively to make the Louisiana Purchase possible and to finance the War of 1812. During the current economic downturn, if the Federal Government had not been able to borrow and invest in restoring growth to this country, we would not have had a great recession, we would have had a second depression. I am convinced of it, and it is one of the reasons I think, had the balanced budget amendment been in place, we would have been in even greater trouble than we have been over the last few years.

Mr. KIRK. What we see now, today, though, is that we are awash in \$15 trillion in debt and that since the creation of the triple A credit rating by Standard & Poor's, the United States has now lost that rating.

When young Americans are born today, they already owe the Federal Government \$40,000. So they will have a lower income and a higher tax burden throughout their working lives because of the debts put on them.

The biggest reason for a balanced budget amendment, though, is we have a structural inability to represent young Americans. They cannot vote until they are age 18. Yet the representatives of their parents can transfer tremendous burdens onto that young generation of Americans. The essence of the American dream is that our children's lives will be better than our own. But given the weight of the

debt we are now transferring onto the backs of the next generation, that may no longer be possible.

We absolutely have to have a structural way to prevent one generation from transferring new spending and new debt to the new generation so the American ideal is preserved and so they have a fighting chance to have a better life than their parents.

Mr. COONS. This Senate can, should, and has shown the ability to reach balanced budgets—no, in fact, surpluses—within living memory. In fact, when President Clinton was the President, this Senate and the House acted together. They adopted budgetary self-restraint.

Why amend the Constitution of the United States, our most foundational document, when we have within our own power, recently demonstrated in the late 1990s, the capacity to control ourselves?

The Senator and I agree we are leaving to our children an enormous, crushing legacy of a national debt that has exceeded safe boundaries. But why amend the Constitution in order to force the Senate to do our job? Instead, I think we should embrace some of the tough, big, bold, bipartisan proposals that have been put on the table—whether the Bowles-Simpson Commission or others. The framework of a broad deal that requires sacrifice from all, changes to the spiraling Federal spending, and changes in the direction of the country is on the table before us. Why take a detour into amending America's foundational document rather than simply stepping up and doing the job that is before us?

Mr. KIRK. The job of each generation is to make sure the Constitution deals with critical problems facing the country, so we amended the Constitution so we could prohibit slavery. We amended the Constitution so we could grant women the right to vote. We should amend the Constitution to prevent one generation from encumbering the next generation.

America is the greatest experiment in self-government and, more important, the underlying value of self-rule ever designed. But we have seen in recent days that self-control disappear. We work in the Senate, now well onto I think 900 days, without a budget. This is the most successful corporation, the most successful enterprise on Earth, representing the real aspiration for human dignity and freedom. Yet that is in danger if we become indebted to China and other countries in ways that no previous generation of Americans have done. This country has regularly amended the Constitution to fix inequities in our society, and the growing inequity we see today is debt and deficits, especially to other countries. Therefore, we should amend the Constitution to protect those who cannot yet vote from an economic fate that would otherwise befall them.



Mr. COONS. Mr. President, how much time remains?

The PRESIDING OFFICER. On the Senator's side, 2 minutes 20 seconds; on the side of the Senator from Illinois, 1 minute 16 seconds.

Mr. COONS. Mr. President, as the good Senator from Illinois suggests, we are, indeed, encumbering future generations with a debt that has risen above \$40,000 per American. This is a central challenge of our time, one in which our national security leadership has cited as critical to ensuring our security and our liberty going forward. But, in my view, the balanced budget amendment that was advanced through S.J. Res. 10 earlier today would compel exactly the sort of intergenerational burdens that my good friend from Illinois suggests he seeks to avoid.

Let me be clear. The requirements of that balanced budget amendment include a spending cap, a supermajority requirement to raise the national debt, and a two-thirds requirement for any increase in Federal revenue. Those in combination would compel drastic, immediate, and substantial reductions in a wide range of programs—such as Social Security, Medicare, Medicaid, veterans benefits—that if imposed would have not just a short-term, very negative impact on our current economy but a significant restructuring of the longstanding relationships between individual citizens and generations.

Yes, leaving a legacy of debt to the next generation is a terrible thing for us to do, but leaning on the crutch of the Constitution and the fig leaf of a constitutional amendment to avoid doing our responsibility—a job which the Senate is fully capable of doing—avoids that responsibility to the next generation.

I close with this question: As we say in the law, if there is a right, what is the remedy? If we were to pass this constitutional amendment, how would it be enforced if the Senate in the future were to fail to balance the budget? Would lifetime Federal judges around the country be imposing choices in terms of budget cuts, spending cuts, revenue changes? I think that would be no better—in fact, far worse—than the Senate simply doing its job.

Today I voted against this balanced budget amendment because I think we have it within our power to show self-control and to secure the future for the next generation of Americans.

Mr. KIRK. I would close by saying the Senator and I agree. I think the Simpson-Bowles plan is the right way to go, and my hope is that we join together on a bipartisan basis to reduce expected Federal borrowing by \$4 trillion along the lines of that bipartisan Presidential commission. But, unfortunately, the Simpson-Bowles plan is gathering dust. The supercommittee that was given procedural powers to possibly put that forward also col-

lapsed. We have not been able to do our job, and we are now encumbering the next generation with even greater amounts of debt—historic amounts.

I think the Founding Fathers did not contemplate the ability to borrow as much from other countries as we now have, and with the United States as the center of freedom and democracy around the world there is a lot riding on the credit of the United States.

My colleague from Delaware talks about a very vital future—especially for people like my own mother—of Social Security and Medicare, but I think she understands that a bankrupt country cannot support Social Security and Medicare. We have to defend the credit of the United States, and therefore I think a balanced budget amendment is essential to the long-term future of the United States.

With that, I thank my colleague.

Mr. President, we have just finished. I hope we do return to a tradition of actual debate, and I thank my colleague for the chance to carry out this debate.

Mr. COONS. I thank the Senator.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant bill clerk proceeded to call the roll.

The PRESIDING OFFICER. The Senator from Louisiana.

Ms. LANDRIEU. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### TRIBUTE TO MAJOR GENERAL BENNY LANDRENEAU

Ms. LANDRIEU. Mr. President, while we have a bit of quiet time on the Senate floor this evening, I thought I would make brief remarks about the extraordinary career of MG Benny Landreneau. General Landreneau recently retired as the most senior Adjutant General in the Nation, with nearly 14 years of service as head of the Louisiana National Guard, serving under three Governors, and nearly four decades of service to the State of Louisiana and our Nation.

Over many years I have had the joy and pleasure of calling General Landreneau a friend and a colleague and I have worked closely with him and the 11,000 members of our Louisiana National Guard. Through the September 11 attacks on our country and through Hurricanes Katrina, Rita, Gustaf, and Ike and the recent BP oil-spill—one of the largest environmental disasters in our Nation's history—General Landreneau has proven his leadership to the people of Louisiana and our Nation time and time again.

Benny, as he is known by his friends, credits his father with inspiring him to

serve in the National Guard. His father Joseph Audley Landreneau was a World War II veteran and engineering soldier and a combat veteran. Benny, who grew up in Vidrine, LA, chose to follow in his father's footsteps and quickly rose through the ranks in the Louisiana National Guard.

As a young man, in 1969 he enlisted as a light weapons infantryman in the 773rd Maintenance Battalion. Two and a half years later he graduated from Officer Candidate School and became a second lieutenant platoon leader as part of the 3671st Maintenance Company. From those very early beginnings in the National Guard, he progressed rapidly through the ranks.

During his time with the Guard, General Landreneau was part of several major campaigns, including a deployment during Desert Storm. During the first gulf war General Landreneau and his 527th Engineer Battalion were tasked with any number of important missions, including the No. 1 mission for the gulf war commander himself, GEN Fred Franks.

General Franks needed an unmanned aerial vehicle landing strip built immediately, so he knew who to call to get that job done. He called Benny Landreneau and his battalion. Need I say that it was done, I am sure, under budget and before time.

After the 527th returned to the command headquarters, General Franks called General Landreneau to thank him for what he did, which was extraordinary, and asked the general what he could do as a return favor. Without blinking an eye, General Landreneau just said:

Sir, please, if you could get us home for Mother's Day, it would be appreciated.

So all of the mostly guys were home from other States—some women in the battalion as well—and they were thrilled to be home with their parents.

In 1996, shortly after the gulf war, General Landreneau retired from the Department of Agriculture and Natural Resources where he served also as a State conservationist for almost 30 years. Since that time, he has taken the National Guard in Louisiana from a strategic reserve force to an operational force that continues to lead the Nation both on and off the battlefield, and I will talk about off the battlefield in just a minute.

General Landreneau was quoted as saying:

The Louisiana National Guard soldiers and airmen are part of the finest National Guard in America. It is their dedication and professionalism, their commitment and their hard work that has made the Louisiana National Guard the finest guard in America. The Louisiana National Guard has performed in such an outstanding matter in accepting these new challenges of being an operational force and responding to the wars in Afghanistan and Iraq and deploying throughout the world when called on and, at the same time, being able to take up the work of their State emergencies—

Which have been too numerous to count— and being able to respond to the citizens of this State in an outstanding fashion.

This is due in part, I say, to his leadership and vision.

General Landreneau has also been instrumental in implementing one of the most phenomenal programs in our country: the Louisiana National Guard Youth ChalleNGe Program. It is part of the National Youth ChalleNGe Program. This is what I mean by off-the-battlefield expertise as well as on-the-battlefield expertise.

Some years ago—I think about 15—when General Conway was the general for the National Guard, he helped to start this program that now has graduated over 100,000 young people between the ages of 16 and 18 who are unfortunately drifting from the straight and narrow path. They haven't ended up in prison yet, but they are headed that way. They have given up on themselves. They have gotten into a little bit of trouble and need a second chance. This program offers them that chance.

Under General Landreneau's leadership, we run three of the dozens of programs operating in the United States. I might say we run the best three, having been granted and acknowledged with awards in ceremonies for many years in Louisiana and having graduated the largest number of young people. This has been done because of General Landreneau's extraordinary commitment to the citizens of our State and to the young people of our State and the respect he has of his rank and file for these men and women to go beyond their regular duties and responsibilities and step up and say: There is an epidemic in America. Our dropout rate is too high. What can the National Guard do, in addition to everything else they do both abroad and at home, to help? It is extraordinary.

His grandchildren and his children are proud of him. I know he is very proud of them.

He has assembled over the last 14 years arguably the most tested staff in the Nation. He is being succeeded as Adjutant General by GEN Glenn Curtis, who has served as General Landreneau's right-hand man for the last 6 years. It is the hallmark of his leadership that General Landreneau leaves his staff ready to step up, ready to serve, and ready to continue the excellent service they have given to the people of our State and our Nation. Although General Curtis will bring his own brand of leadership to the National Guard, there is no doubt, as he has said to me many times, he has learned at the elbow of GEN Benny Landreneau.

In conclusion, I would like to personally, on behalf of the people of our State, thank GEN Benny Landreneau for his many years of service and dedi-

cation to the people of Louisiana and our country. I want him to know he has positively impacted our State in ways that will long be remembered. The people of Louisiana are grateful for his service and for his dedication, and we honor his admirable career in the National Guard.

Thank you, Mr. President. I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant bill clerk proceeded to call the roll.

Mr. FRANKEN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. BEGICH). Without objection, it is so ordered.

Mr. FRANKEN. Mr. President, I ask unanimous consent that Senator WHITEHOUSE and I be permitted to engage in a colloquy.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### CLIMATE CHANGE

Mr. FRANKEN. Mr. President, I rise today to address an alarming trend that I see in our national discourse. As legislators, our decisions need to be rooted in facts. Science driven by data and rigorous analysis needs to inform our policymaking.

Scientists are the ones who made the United States the world's innovator in the last century. Scientists are the people who gave us antibiotics, for example. Do you like being able to use antibiotics? Well, then, thank scientists.

Scientists put a man on the Moon—several men, actually—and got him back safely. These are rocket scientists.

Scientists made it possible for Americans to watch this speech on C-SPAN—that is C-SPAN, the Cable Satellite Public Affairs Network—also rocket scientists.

Scientists also came up with such useful things as the Internet.

A scientist from the University of Minnesota, a Noble Prize-winning agronomist named Norman Borlaug, is credited with saving over 1 billion lives worldwide. He did this by using science to develop a high-yield, disease-resistant wheat that was planted in Pakistan, India, and elsewhere around the world.

By engineering our next-generation weapons systems, scientists ensure that our military will continue to be the most powerful in the world.

We rely on science and scientists, and if we are to progress as a country, if we and future generations of Americans are to be healthy and prosperous and safe, we better put science right at the center of our decisionmaking. Yet, right now, foundations and think tanks

funded by the fossil fuel industry are spreading misinformation about the integrity of climate science, much as think tanks paid by the tobacco industry used misinformation to cast doubt about the health hazards of smoking.

Ignoring or flatout contradicting what climate scientists are telling us about the warming climate and the warming planet can lead to really bad decisions on natural energy and environmental policies here in Congress. So today Senator WHITEHOUSE and I want to take some time to talk about climate science and about the fact that a scientific consensus on climate change has been reached. Climate change is happening and is being driven by human activities.

From the National Academy of Sciences, to the American Meteorological Society, to the American Academy for the Advancement of Science, all of the preeminent scientific institutions agree that manmade greenhouse gas emissions are warming the planet and are a threat to our economy, to our security, and to our health, and so do the overwhelming majority of actively publishing climatologists.

This graph, taken from a study published by the National Academy of Sciences, shows responses to the survey question: Do you think human activity is a significant contributing factor in changing mean global temperatures?

What you see here is that as climate expertise goes up, so does the affirmation that climate change is real and is caused by human beings. Among the most expert pool of respondents, climatologists who are actively publishing on climate change, represented by this bar right here, the rightmost bar, 97 percent of that category of scientists answered yes. Of course, there are a few articles published by climate skeptics in peer-reviewed journals, but the vast majority—97 percent—of the peer-reviewed literature supports the notion that people are causing the Earth's climate to change.

What are peer-reviewed articles? Well, they are articles scientists write after conducting experiments. The experimentation is designed to test a hypothesis. If the hypothesis holds up, the scientist writes a paper describing the experiment and sends to it a professional journal. The journal then sends to it other experts in the field—peer reviewers—who see if they can tear any holes in the theory. They question the methodology. They check the math. Very often, they send the paper back with questions. And the researchers will make changes to satisfy the reviewers' inquiries. If in the end the peer reviewers think the work is sound, they recommend the paper for publication. Then, after publication, other scientists in the field are free to read the paper and plug away and disprove it if they can. That is a peer-reviewed paper.

I repeat, the vast majority of peer-reviewed literature supports the notion that people are causing the Earth's climate to change, and 97 percent of published climatologists say yes when asked: Do you think human activity is a significant contributing factor in changing mean global temperatures?

Mr. WHITEHOUSE. Mr. President, as Senator FRANKEN has pointed out, despite the efforts to mislead and create doubt, the jury is not out on whether climate change is happening and being caused by manmade carbon pollution; the verdict is, in fact, in, and the verdict is clear, as shown by this group of scientific organizations that signed a letter supporting our efforts to do something about carbon pollution in the Senate back in October of 2009: the American Association for the Advancement of Science, the American Chemical Society, the Geophysical Union, the Meteorological Society, the Natural Science Collections Alliance, the Botanical Society of America.

Virtually every significant scientific organization accepts that these are the facts and that the verdict is in, and, indeed, there is some recent added support. The scientific community continues to examine this question.

A recent report by James Hansen and Makiko Sato says:

Climate change is likely to be the predominant scientific, economic, political and moral issue of the 21st century. The fate of humanity and nature may depend upon early recognition and understanding of human-made effects on Earth's climate.

They continue:

Earth is poised to experience strong amplifying polar feedbacks in response to moderate global warming. Thus, goals of limiting human-made warming to 2 degrees Celsius are not sufficient—they are prescriptions for disaster.

Another recent report, "Climate Change and European Marine Ecosystem Research," reads as follows:

There is no doubt that rapid global warming and ocean acidification are real, and very high confidence that both are forced by human activities and emissions of carbon dioxide. Climate change effects are especially evident in the oceans.

I will get into that later on in our colloquy a little bit further.

Levels of atmospheric CO<sub>2</sub> are accelerating.

A third report, "The World Energy Outlook for 2011," says:

Global energy-related carbon dioxide emissions reached 30.4 Gt in 2010, 5.3% above 2009, representing almost unprecedented annual growth. In the New Policies Scenario, our central scenario, CO<sub>2</sub> emissions continue to increase, reaching 36.4 Gt in 2035, and leading to an emissions trajectory consistent with a long-term global temperature increase of 3.5 degrees Centigrade.

What does that mean?

The expected warming of more than 3.5 degrees Centigrade in the New Policies Scenario would have severe consequences: a sea level rise of up to 2 metres, causing disloca-

tion of human settlements and changes to rainfall patterns, drought, flood, and heat-wave incidence that would severely affect food production, human disease and mortality.

There are also iconic American companies that have made the considered business judgment that climate change is real and we need to prepare. But we can get more on that later in the colloquy.

Mr. FRANKEN. Yet, in spite of all of this—and these are all new reports on top of this 97 percent number that was established. Yet the conservative media and some of my colleagues in Congress seem to think it is just fine to ignore what these scientists are saying.

Let me illustrate this with an analogy. Say you went to a doctor and the doctor told you: You better start eating more sensibly and start exercising, because you are tremendously overweight. I see that you have a family history of heart disease, and your father died of a heart attack at an early age. You have to go on a diet and start working out a little bit.

You say: You know what. I want a second opinion. So you go to a second doctor and he says: OK, you have a family history of heart disease. Your father died of a heart attack at a young age, and you weigh over 300 pounds. You smoke three packs a day. Your cholesterol is out of control, your blood pressure is through the roof. It would be irresponsible of me as a doctor not to immediately send you to this place at the Mayo Clinic that I know. I think you have to go there.

You say: Thanks, doctor, but I want a third opinion. So you go to the third doctor and the third doctor reads the chart and looks at you and goes: Wow, I am amazed that you are still alive.

You say: You know what. I want a fourth opinion. And then you go to the fourth, fifth, sixth, and seventh doctors. They are all saying the same thing. But you keep asking for more opinions.

Finally, you go to the 25th doctor. The 25th doctor says: It is a good thing you came to me, because all this diet and exercise would have been a complete waste. You are doing fine. Those other doctors are in the pockets of the fresh fruit and vegetable people. He says: Enjoy life, eat whatever you want, keep smoking, and watch a lot of TV. That is my advice.

Then you learn the doctor was paid a salary by the makers of Twinkies, which, don't get me wrong, are a delicious snack food and should be eaten in moderation. Am I making sense here?

Mr. WHITEHOUSE. It is actually quite a good example, because we have some of the phony science that has attacked the science of climate change, which is actually a pretty good comparison to what the Senator described.

Take, for instance, the bogus Marshall Institute, which was founded in

1984 by a physicist who had been the chief scientist behind the tobacco industry's campaign to convince Americans that tobacco is actually OK for you, and that there was doubt about whether it would actually do you any harm. A few years later, he organized something called the Oregon Petition, which denied that climate change was happening. They phoned up the Oregon Petition to look like official papers of the National Academy of Sciences. So the National Academy of Sciences had to take the unusual step of responding that the petition "does not reflect the conclusion of expert reports of the academy," and further, that it was "a deliberate attempt to mislead." So he is an "expert" saying that tobacco is OK for you. Suddenly, he turns up as a climate denier, and he phonyes up his report to look like—

Mr. FRANKEN. Was he part of a foundation?

Mr. WHITEHOUSE. This is founded by the Marshall Institute. There are others of these out there. The other example is the Heartland Institute, another so-called think tank with backers from tobacco and the fossil fuel industries, founded also in 1984. It has written reports to try to manufacture doubt about climate science and about the risks of secondhand smoke. Heartland received nearly \$700,000 from ExxonMobil through 2006. Their bogus policy documents include false claims that climate change is poorly understood, and simply wrong assertions, that there is no consensus about the causes, effects, or future rate of global warming.

Picking these two—but there are others in the constellation of bogus science—they are commonly funded by the Bradley Foundation, the folks who brought you the John Birch Society; by the Scaife foundations, which are constantly behind rightwing causes; the Olan Foundation, which is against public health causes; ExxonMobil; and by the Koch brothers. Although it may look like different voices, it is actually the same money speaking through different fronts.

Mr. FRANKEN. This is actually an interesting area. There is a well-established link between the scientists who have worked for think tanks such as George C. Marshall Institute, Heartland Institute, and other foundations, which were funded at first by tobacco money and, since then, by the fossil fuel industry. These scientists have been paid to spread misinformation in order to cast doubt. That is all they have to do—on a whole host of scientific issues—first, tobacco and acid rain, the hole in the ozone layer, and now climate change.

Take tobacco, for example. Scientists were paid to testify in court that there was no proof that smoking caused cancer or was addictive, even after the industry scientists knew darn well that

cigarettes were addictive and did cause cancer and heart disease. In fact, the tobacco industry was found guilty in 2004 of plotting to conceal the health risks and addictiveness of cigarettes from the public. The judge found that the tobacco industry had “devised and executed a scheme to defraud consumers and potential consumers about the hazards of cigarettes—hazards that their own internal company documents proved they had known since the 1950s.”

The whole purpose of this scheme was to provide misinformation, to confuse the public, to manufacture doubt, and that is what is happening right now with climate change. Public data from the Security and Exchange Commission and from charitable organization reports to the IRS report showed that between 2005 and 2008, ExxonMobil gave about \$9 million to groups linked to climate change denial, while foundations associated with the private oil company Koch Industries gave nearly \$25 million. The third major funder was the American Petroleum Institute. All in all, the energy industry spent hundreds of millions of dollars, even billions of dollars, on lobbying against climate change legislation between 1999 and 2010, including a large spike in spending from 2008 to 2010.

Mr. WHITEHOUSE. And it is not enough that they have a stable of paid-for scientists to create doubt, to create phony science that raises the level of doubt; they also go out of their way to attack legitimate scientists. You would not think this would carry much weight in a proper debate, but amplified by the corporate money behind it, and designed, as the Senator said, with the purpose not to win the argument but to create doubt so that the public moves on, it is actually worse.

One example of this attack on lifetime scientists has been the phony so-called Climategate scandal, which was an effort to derail international climate science and climate negotiations.

Mr. FRANKEN. Climategate. Sometimes the Senator and I refer to it as “Climategate-gate.”

Mr. WHITEHOUSE. Yes, Climategate-gate. In fact, the real scandal here wasn’t what the scientists did; the real scandal was the phony attack on the scientists.

Mr. FRANKEN. I thank my colleague for bringing this up. Let’s talk about that. This is the leak of thousands of e-mails from scientists at the University of East Anglia Climate Research Unit back in 2009. It was done right before the Copenhagen conference, right?

Mr. WHITEHOUSE. I believe that is correct.

Mr. FRANKEN. OK. The conservative media—remember, this doubt is amplified in the conservative echo chamber, talk radio, et cetera. You know what it is, the Wall Street Journal editorial page, Fox News, et cetera. Conserv-

ative media pounced, taking quotes out of context to sensational lies like this “scandal.” Most of the attacks were directed at an e-mail by Phil Jones, a climate scientist working with the East Anglia Climate Research Unit, in which in this e-mail he referred to using “Mike’s Nature trick of adding in the real temps to each series for the last 20 years to hide the decline.” That sounds very bad, “trick” and “hide the decline.” That went viral in the conservative media—evidence that the scientific consensus on climate change was a giant hoax. We had a Member of this body who said the science behind this consensus “is the same science that, through climategate, has been totally rebuffed and no longer legitimate, either in reality or in the eyes of the American people and the people around the world.”

But it turns out that the trick being referred to in the e-mail is actually a technique to use the most accurate data available. Pre-1960, temperature data would include measurements from thermometers, tree rings, and other so-called temperature proxies. Post-1960—this is the trick—they excluded tree ring data from some specific kinds of trees that were widely recognized by the scientific community to be unreliable after 1960. So the decline refers—they refer to it as—it isn’t a decline in global temperatures, as the deniers claim.

Since 1960, we have had pretty good measurement of temperatures around the world with things such as thermometers. They knew this tree ring gave an apparent decline in temperature, as measured by these specific kinds of trees that were known to be inaccurate compared to all the sensors we have for measuring—and there are thousands and thousands and thousands of measurements of the temperature around the Earth every minute, every day.

So this was the “trick”—a technique to use the most accurate data available of global temperatures from things, again, called thermometers, and one that excluded data widely known to the scientific community to be inaccurate. That is what the “trick” was. That is all. That is what Phil Jones referred to in his e-mail. Ironically, he was trying to be precise.

Mr. WHITEHOUSE. And it provoked considerable review afterward because of the alarmist claims that were made in this phony attack on the climate science. A number of pretty respectable organizations took a look at this. One was the university itself, and the university itself reached the conclusion on the specific allegations made against the behavior of CRU scientists, “We find that their rigor and honesty as scientists are not in doubt. In addition, we do not find that their behavior has prejudiced the balance of advice given

the policymakers. In particular, we did not find any evidence of behavior that might undermine the conclusions of the IPCC assessment.” That was the university review.

Not enough? The National Science Foundation also—

Mr. FRANKEN. The university could be biased.

Mr. WHITEHOUSE. That is why we go on to the National Science Foundation, which found no direct evidence of research misconduct and therefore said, “We are closing this investigation with no further action.”

Parliament looked into it as well, because the university was in Great Britain. And the House of Commons did an investigation. The Commons’ investigation concluded that the challenged actions by Professor Jones and others “were in line with common practice in the climate science community.” They went on to say:

Insofar as we have been able to consider accusations of dishonesty, we consider that there is no case to answer.

No case to answer. Finally, they said:

We have found no reason in this unfortunate episode to challenge the scientific consensus as expressed by Professor Bennington that “global warming is happening and that it is induced by human activity.”

So the studies that looked at whether the climate science was phony or whether the climategate scandal was phony have all come down supporting the science and pointing out that climategate should properly be known as climategate-gate because it was the scandal that was phony.

Mr. FRANKEN. Now, let’s make a distinction between people who are climate skeptics and people who are climate deniers. This is kind of an important distinction. There is nothing wrong with skepticism. In fact, we love skeptics. Scientists are, by nature, skeptical. If someone has a new idea, they need to prove conclusively they are right before 97 percent of scientists will believe them. This has already happened for an overwhelming majority of climate scientists who have concluded, again, that global warming is happening and that it is caused by mankind. But there are a small number of them who still have questions.

On the other hand, a climate denier is someone who would not be convinced no matter how overwhelming the evidence. And, as I pointed out, a lot of these deniers are being paid by polluters to say what they want.

Now, shortly after climategate, or climategate-gate, a physicist at the University of California Berkeley, Richard Muller, who was skeptical of the prevailing views on climate science, decided to test the temperature records. Muller, a skeptic, started the Berkeley Earth Surface Temperature Study to reevaluate the record and weed out scientific biases. This was gold to climate deniers. In fact, among

the funders for the Muller study was the Charles Koch Foundation. But things didn't work out the way the deniers had hoped.

In late March, Dr. Muller testified before the House Science and Technology Committee with his initial findings on temperature increases since the late 1950s. This is what he said:

Our result is very similar to that reported by the prior groups—a rise of about .7 degrees Celsius since 1957. This agreement with the prior analysis surprised us.

Because, as I say, they were skeptics. Muller basically recreated the blade of the so-called hockey stick graph, or the temperature graph, that had come under attack in climategate.

This graph shows Muller's estimates against the previous estimates. Muller's Berkeley is black. You will see it is just identical, pretty much. This past October Dr. Muller's group released its findings, and to the dismay of skeptics and deniers these findings further confirmed the prevailing science behind climate change and the work of the scientists attacked during climategate-gate.

We can see the results on the chart. This gray band indicates a 95-percent statistical spacial uncertainty. But it is exactly—and his line is the black line—exactly what the other scientists measured.

The summary of the findings begins by saying, bluntly, “global warming is real,” and goes on to say:

Our biggest surprise was that the new results agreed so closely with the warming values published previously by other teams in the U.S. and U.K.

Including East Anglia.

This confirms these studies were done carefully and that potential biases identified by climate change skeptics did not seriously affect their conclusion.

So even though these claims that the consensus on global warming is a hoax have been refuted so convincingly—by a skeptic no less; funded by Charles Koch, no less—some of the deniers keep repeating it. The science is settled and climategate, or climategate-gate, was just a big distraction. So now let's move on and figure out how we are going to attack the challenge of climate change.

Mr. WHITEHOUSE. The challenge of climate change being extremely real, one of the things that is so frustrating about this campaign of phony, manufactured doubt is that in real life we are seeing the predictions of climate science come true around us.

Climate scientists predicted the atmosphere would warm, and the atmosphere is warming. Climate scientists predicted the ocean would absorb heat, and sure enough, the ocean has absorbed heat and ocean waters are warming. Climate scientists predicted the ocean would absorb CO<sub>2</sub> and that would then lower the pH level of our ocean waters. The ocean is now more

acidic than it has been in 2 million years, threatening coral reefs, shellfish, and the tiny creatures, such as plankton, that make up the base of the entire oceanic food chain.

Climate scientists predicted glaciers and Arctic sea ice would melt and, sure enough, we are seeing record melting. We just saw that notorious leftwing publication, USA Today, report:

Federal Report Arctic Much Worse Since 2006. Federal officials say the Arctic region has changed dramatically in the past 5 years for the worse. It is melting at a near record pace and it is darkening and absorbing too much of the sun's heat.

Climate scientists predicted ecosystem shifts, and we are seeing ecosystem shifts, such as the million-plus-acre forests in the American West—dead to the bark beetle, gone from being green and healthy forests to just mile after mile of brown and dead trees.

Mr. FRANKEN. Explain why the bark beetle is doing this. What is happening and how does that relates to climate change?

Mr. WHITEHOUSE. The bark beetle relates to climate change because what was keeping those trees free from the bark beetle was cold winters that killed off the bark beetle larvae. As temperatures have warmed, the larvae lived through the winters, and they attacked the trees. So trees that were protected by cold winters are no longer protected, and there are literally millions of acres of forest lost in the West.

On a smaller scale, but more important to me in my home State of Rhode Island, the preeminent fish that was taken out of Narragansett Bay was called the winter flounder. My wife wrote her Ph.D. thesis about the winter flounder. It was a very significant cash crop for our fishermen and is now virtually gone because the mean water temperature of Narragansett Bay is up nearly 4 degrees.

Scientists also predicted we would be loading the dice for extreme weather with climate change, and we are seeing an unusual amount of extreme weather. The number of billion-dollar disasters has hit a record. A recent press clip noted:

With an almost biblical onslaught of twist-ers, floods, snow, drought, heat, and wildfire, the U.S., in 2011, has seen more weather catastrophes that caused at least \$1 billion in damage than it did in all of the 1980s, even after the dollar figures from back then are adjusted for inflation.

Serious, grown-up corporate entities, like the biggest insurance companies in the world, are noticing this and are concerned. Munich Reinsurance has written the following:

The high number of weather-related natural catastrophes and record temperatures, both globally and in different regions of the world, provide further indications of advancing climate change.

Throughout the corporate world we are seeing this. Here is a list of compa-

nies that have gone public with the need for us to do something about climate change: American Electric, Bank of America, Chrysler, Cysco, DuPont, Duke Energy, eBay, Toyota, Timberland, Starbucks, Google, GM, General Electric, Ford, Siemens, PepsiCo, Nike, Nishiland, and John Deere. I am picking these at random, but these are not fringe organizations. These are the core of the American business community, and they recognize what is going on.

I want to single out one company, which is Coca-Cola. I was going to bring to the floor the new can of Coca-Cola as an exhibit to demonstrate this major international corporation—this huge American success story based in Atlanta—has taken probably the most iconic product in America—the Coke can—and has redesigned it to reflect what the climate change is doing in the Arctic and to polar bears. Unfortunately, my Coke can was confiscated by the cloakroom staff because I am not allowed to bring exhibits to the floor unless they are this. I should have snuck it out here, but that is why I don't have it.

Coca-Cola is a serious American business, and here is what they say:

The consensus on climate science is increasingly unequivocal—global climate change is happening and man-made greenhouse gas emissions are a crucial factor. The implications of climate change for our planet are profound and wide-ranging, with expected impacts on biodiversity, water resources, public health, and agriculture.

So we put against that the core business community—iconic companies such as Coca-Cola, putting their very label behind the need to address climate change—and the phony-baloney-paid-for scientists who are creating this doubt, and it is time to close this episode.

Mr. FRANKEN. I am glad the Senator brings up the phony-baloney doubt, especially with this extreme weather we have been experiencing. Some of my colleagues on the other side have pointed to the extreme snowstorms—at least one of my colleagues has—in the Northeast over the last several winters as evidence that global warming is a hoax. Again, this is completely misleading. Intensifying blizzards aren't due to the Earth getting cooler, they are due to increased moisture content in the air. Warmer air holds more moisture.

Now, basically, it doesn't have to be that cold for it to snow. It just has to be 32 degrees or below. What is snow? It is frozen water. So it is about water. The atmosphere is now holding more water because it is warmer. Warmer air holds more water than colder air. The main point is that these increased natural disasters have real costs.

A few months ago we had a hearing in the Energy and Natural Resources Committee on the Forest Service's management of the intense forest fires

we had out West this year. In that hearing, Forest Service Chief Tom Tidwell told me he is seeing longer forest fire seasons out West—more than 30 days longer than what we used to have even a decade ago. Forest Service climate experts—and these are scientists—have said that a major contributing factor to these longer fire seasons and more intense fires is climate change.

The cost of these fires, passed on to all levels of government and to society as a whole, is huge. It is something that Members on both sides of the aisle recognize and are concerned about. Several of my Republican colleagues in that hearing expressed their concerns about the cost.

They referred to a report from the Western Forestry Leadership Coalition, which estimates that the combined direct and indirect costs of forest fires can be as much as 30 times the cost of fire suppression alone. We need to factor in the cost of forest rehabilitation, the loss of tax revenues for local governments, loss of businesses that depend on forest resources from property losses, not to mention the immeasurable cost of lives which are lost due to the fires.

I wish to underscore for Members of this body that when we have discussions about important issues such as cost of wildfire response, we are talking about the cost of responding to climate change. If forestry specialists at the U.S. Forest Service tell us these fires are getting worse due to climate change, we should be listening to them.

Mr. WHITEHOUSE. If the Senator doesn't mind, if I change elements from fire to water since I represent an ocean State, another place where climate change is creating dangerous consequences is in our oceans. Let me cite a few reports that have come out recently.

Climate Change & European Marine Ecosystem Research says:

Close to one-third of the carbon dioxide produced by humans from burning fossil fuels and other sources has been absorbed by the oceans since the beginning of industrialization, and that has buffered the cause and effects of climate change.

A resulting lowered pH—

When carbon goes into the ocean, it acidifies it. It lowers the pH.

A resulting lowered pH and saturation states of the carbonate minerals that form the shells and body structures of many marine organisms makes these groups especially vulnerable. The growth of individual coral skeletons and the ability of reefs to remain structurally viable are likely to be severely affected. Continuing acidification may also affect the ability of the oceans to take up CO<sub>2</sub>.

So they will not be absorbing the one-third that they have absorbed any longer. It will stay in the atmosphere and atmospheric concentrations will increase even faster.

The Annual Review of Marine Science reports that:

Growing human pressures, including climate change, are having profound and diverse consequences for marine ecosystems. These effects are globally pervasive and irreversible on ecological time scales. Direct consequences include increasing ocean temperature and acidity, rising sea level, increased ocean stratification, decreased sea ice, and altered patterns of ocean circulation, precipitation, and fresh water.

The context for this is a pretty astounding one; that is, when we look back through history, we don't look at changes in terms of decades or even generations. We look at changes in terms of millions of years.

There is a special issue of Oceanography with a feature on ocean acidification, and it is called "Ocean Acidification in Deep Time."

We have now an atmosphere that already contains more carbon dioxide than at any time in the last 800,000 years of earth history and probably more than has occurred in several tens of millions of years.

We have had agriculture as humans for about 10,000 years, to give you an idea of what 800,000 years or several tens of millions of years means. The report goes on:

There are no precedents in recent earth history for what will be the immediate and direct consequences of the release of CO<sub>2</sub> into the atmosphere and its concurrent dissolution in the ocean's waters.

But we are playing with very dangerous effects when we ignore climate change at the behest of a tiny minority of scientists and their polluter industry funders behind them.

Mr. FRANKEN. There are folks who get the cost of inaction, and that includes the Department of Defense.

In its 2010 Quadrennial Defense Review—or QDR—the DOD identified climate and energy as among the major national security challenges that America faces now and in the future.

To give you a perspective on the significance of this, "Crafting a Strategic Approach to Climate and Energy" was alongside other priorities laid out in the QDR with titles like, "Succeed in Counterinsurgency, Stability and Counterterrorism Operations," and "Prevent Proliferation of Weapons of Mass Destruction."

This is serious stuff. It matters for DOD because climate change is predicted to increase food and water scarcity, increase the spread of disease, and spur mass migration and environmental refugees due to more intense storms, floods, and droughts.

Mr. WHITEHOUSE. We had similar testimony in the Senate Intelligence Committee. The witness who testified before us released his testimony before the House Intelligence Committee and very much the same conclusion:

We judge that global climate change will have wide-ranging implications for U.S. national security interests over the next 20 years.

The factors that would affect U.S. national security interests as a result

of climate change would include food and water shortages, increased health problems, including the spread of disease, increased potential for conflict, ground subsidence—the Earth lowering—flooding, coastal erosion, extreme weather events, increases in the severity of storms in the Gulf of Mexico, disruptions in U.S. and Arctic infrastructure, and increases in immigration from resource-scarce regions of the world.

There are probably climate deniers who say: That is all part of the conspiracy. The Defense Department is in on it. All those companies are in on it. The intelligence community is in on it.

But if there is a hoax, what is more mainstream than National Geographic? Is National Geographic in on it too? They would have to be because they did a special report a few years ago on climate change and they showed a polar bear stranded on the melting ice. Here is what they said:

It's here. Melting glaciers, heat waves, rising seas, trees flowering earlier, lakes freezing later, migratory birds delaying their flight south. The unmistakable signs of climate change are everywhere.

How do we know this? We know this because of the science. What do they say about the science?

How do we know our climate is changing? Historical records, decades of careful observations and precise measurements—

As the Senator said, with things such as thermometers—around the globe along with basic scientific principles.

If you think National Geographic is in on it and you can't have faith in the Defense establishment and you can't have faith in the corporate establishment and you can't have faith even in National Geographic, perhaps you can have faith in the Pope, who said recently:

I hope that all members of the international community can agree on a responsible, credible, and supportive response to this worrisome and complex phenomenon, keeping in mind the needs of the poorest populations and of future generations.

The press release from Catholic News Service then quotes one of his bishops, Cardinal Rodriguez, who says:

Our climate is changing. Urgent action is necessary.

He called on our political leaders around the world "to curb the threat of climate change and set the world on a path to a more just and sustainable future."

Mr. FRANKEN. OK. Well, the Pope—I mean, didn't the Catholic Church go after Galileo?

Look, between the science supporting climate change and the reality of the dangers that climate change brings, we have to ramp up our efforts to master this challenge, and that means wise investments in clean energy R&D and deployment. They are just a good place to start. Plus, these investments encourage the growth of domestic clean



energy—a domestic clean energy economy which would create jobs—and has created jobs—grow our manufacturing base, and keep us competitive in global energy markets. That is so important because Germany, China, Denmark, and countries all over the world are winning this race.

One of the great parts about this job is spending half the time here and half the time home in Minnesota. Minnesota is a national leader in clean energy.

In 2007, Minnesota passed the highest renewable energy standard in the country at the time, and all our utilities are on track to meet the goal of 25 percent renewable by 2025.

Our largest utility, Xcel Energy, is on its way to 30 percent by 2020. We have universities such as the University of Minnesota Morris which is pushing the frontiers of innovation in greening its campus through a biomass gasification system which provides heating and cooling and electricity, wind turbines that produce power, and LEED-certified buildings. Our farmers have led the country in biofuels, and our universities are leading R&D efforts for the transitions to cellulosic and other advanced biofuels.

By the way, the first commercial cellulosic plant that is scaled up to commercial levels is being built right now. St. Paul has the largest district energy system in North America. It is heating and cooling all of downtown St. Paul with woody biomass. SAGE Electrochromics is a manufacturing plant in Minnesota that has cutting-edge window glass technology that uses a little photovoltaic cell to control and turn these—these windows turn completely opaque and block out all UV during the summer. During the winter, they are these beautiful, huge windows that let in all the light. It isn't like a Polaroid. It is an incredible technology.

The University of Minnesota has just received two grants from the Advanced Research Projects Agency at the Department of Energy, ARPA-E, that was patterned after DARPA, the Defense Advanced Research Projects Agency that created the Internet. Across the State, businesses and cities are working together to make our buildings more energy efficient, using Minnesota-made technologies such as Marvin and Anderson windows. Minnesota, by the way, is the Silicon Valley of windows. We have 3M window films or McQuay heating and air-conditioning systems.

Just last month, I partnered with our cities and counties to launch the Back to Work Minnesota Initiative, aiming to break down barriers in financing retrofits, retrofitting public and commercial buildings across Minnesota. What is great about that, this pays for itself. You finance this and you retrofit a building; it puts people in the build-

ing trades to work who are in a depression, and it puts manufacturers that build energy-efficient materials and equipment, geothermal furnace systems and furnaces, heat exchange furnaces, pumps, and you save energy. The energy efficiency pays for the retrofit in 4 or 5 years and you can capitalize this and we are finding innovative ways to do that. It pays for itself and you lower our carbon footprint. You use less energy, create jobs, save money. It is win-win-win-win. This is something we have to do. It is insane not to.

Mr. WHITEHOUSE. We are proud of what is going on in Rhode Island as well. We plan to meet 16 percent of our energy needs through renewable energy sources by 2020, and that is on top of a goal to cut energy use by 10 percent. So we will cut energy use by 10 percent and, of the remaining 90, get 16 percent of that out of renewable energy sources. Everybody is getting involved—utilities, towns, the State, the private sector. One of our cities, East Providence, is right now converting a brownfield which has been vacant for 40 years, nearly, into New England's largest solar institution. As my colleague says, there will be a payback and they will earn money on that for their taxpayers.

Our State of Rhode Island has been the national leader at how you map and prepare for offshore wind development. In the State and Federal waters off the coast of Rhode Island we are positioned to lead the country in offshore wind siting, with all the jobs that building those giant wind turbines and assembling them and erecting them offshore creates.

We have exciting companies such as BioProcess Algae, of Portsmouth, RI, which opened a spectacular facility in Iowa, which takes the exhaust from ethanol plants and runs it through algae farms and creates biofuels. They are at the cutting edge of that technology.

When you see these great technologies and these great opportunities—in this colloquy, we are ending on what I hope is a very strong, positive note for the economy. If we can pull away from the lies and the phony science and the polluter-paid nonsense that has so far distracted us from doing our duty as a nation, we can get into the race that is going on in this world for the energy future. The economy of this century is going to be driven by the \$6 trillion clean energy industry. We do not want to fall out the back of that race and leave it to the Chinese and the Europeans. We want to be winning that race and the jobs and the economic success that can bring that not only can power our homes and our factories, it can power our economy back to security for all Americans.

I thank Senator FRANKEN for inviting me to join him in this colloquy. I think

our time is coming close to expiring, so I yield the remainder of our time to you, and I ask unanimous consent Senator FRANKEN be allowed as much time as he needs to conclude. This has been a wonderful opportunity for me.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. FRANKEN. Mr. President, I thank Senator WHITEHOUSE for his leadership. Algal—by the way, algal is the pronunciation of this. Algal energy is amazing. We are fueling jet fighters with jet fuel made from algae.

Both the President and Energy Secretary Chu have said we are in America's Sputnik moment. They are absolutely right. Fifty years ago we were in a global space race. Today we are in a global clean energy race. Whichever country takes the most action today to develop and make clean energy technologies will dominate the global economy in this century.

That means supporting financing for clean energy and energy efficiency projects. It means tax credits for clean energy manufacturing, providing incentives for retrofitting residential and public and commercial buildings. It means supporting basic research and keeping alive initiatives that support clean energy technology innovation. These need to be our priorities as we make energy policy and budget decisions.

We can pay for these investments by cutting expensive, outdated subsidies for oil companies that are making record profits. There is a lot more to be done if we are going to win this global clean energy race, but it is not going to be easy. It means unifying as a country and starting to do things differently than we have been doing them.

Albert Einstein said:

We can't solve problems by using the same kind of thinking we used when we created them.

I am convinced we can win this race. No other country is better positioned. But first people need to understand the stakes. Climate change is real, and failure to address it is bad for our standing in the global economy, bad for the Federal budget, and bad for our national security. We can do better than that for our children and our grandchildren and posterity.

Mr. President, I thank Senator WHITEHOUSE and I yield the floor.

I suggest the absence of a quorum.

Mr. CARPER. Will the Senator withhold?

Mr. FRANKEN. I take that back.

The PRESIDING OFFICER. The Senator from Delaware.

#### BOILER MACT

Mr. CARPER. Mr. President, there is not the absence of a quorum, but I appreciate my colleague mentioning that. I said to him earlier today, maybe yesterday, Senator FRANKEN is



a joy to have around here. Some of us know he brings a real special touch for trying to infuse some civility into this place again. He came up a year or two ago with the idea of a secret Santa exchange. We actually did it this year. I was not going to mention it tonight. My secret Santa turned out to be the Senator from Alaska, Senator MURKOWSKI, the colleague of the Presiding Officer. She gave me a most wonderful handmade gift that she and her staff created.

Delaware is the only State that doesn't have a national park. What they did is they created, on a sheet of paper like this—only it was a firm sheet of paper, not a regular sheet of paper, but they literally—this was the State of Delaware and they created a national park so we have a pop-up national park with a bus going around and our pictures riding along in the bus. I don't care what else I get for Christmas, that is going to be the best Christmas present for this year. I don't see how anybody tops that.

But that provides not only some civility but also some levity in a place that could use both, so I thank the Senator for all his contributions, but especially that one.

On something more serious. What I want to do is talk about the regulation EPA has been working on for a while. It is called the boiler MACT. The idea is maximum achievable technology here. If you go back in time, go back to about 1990—in 1970, in this country, Congress passed and the President signed—Richard Nixon actually signed—the Clean Air Act of 1970, a Republican President who had a Republican head of EPA. That was able to be implemented at the time we had the Cuyahoga River up in Cleveland, OH, that actually was on fire. There were lots of terrible things happening in our environment in this country.

Better things started to happen, not just cleaner water, wastewater treatment, and cleaner air, but it led in 1990 to the passage of the Clean Air Act Amendments of 1990. One of the requirements of the Clean Air Act Amendments of 1990 was in that legislation the Congress directed EPA to finalize regulations to reduce what are called air toxics from boilers by the year 2000. So the Clean Air Act was adopted in 1970. In 1990, 20 years later, the Clean Air Act Amendments were adopted, and in the Clean Air Act Amendments of 1990 Congress said: EPA, we want you to finalize regulations to reduce air toxics from boilers by the year 2000, 10 years.

The year 2000 came and went without any action. The Bush administration, George W. Bush administration, finalized a rule. I think it was in the year 2004. But they excluded many industrial boilers from having to comply. As it turned out, there are a lot of boilers in this country. I was stunned to find

out there are about a half million boilers in this country. A lot of them are fairly small—schools or churches or smaller buildings, hospitals. But a bunch of them are pretty good size.

In any event, the Bush administration in the year 2004 came up with a rule, proposed a rule, but they excluded many industrial boilers from having to comply. In fact, the rule may not have been just proposed, it might actually have been finalized.

But, as a result, the regulation was vacated in 2007, 3 years later, by the Circuit Court of Appeals right here in the District of Columbia. So, 2004, EPA finally gets around to finalizing the rule that they were called to do some 14 years earlier by the Congress. And 3 years later the D.C. Circuit Court of Appeals knocks it down and vacates that ruling on boilers.

It was not until June of 2010—and that is a full 10 years after the congressional deadline for action—it was not until 2010 that the EPA issued a proposal for boiler air toxic rules that addressed all the major emitters.

As with most air pollution regulation these days, EPA was under court order to finalize the rule by a set date. The court had said to EPA: We want you to finalize the rule by a set date. That date was the beginning of this year, January of 2011.

During the public comment period, the EPA received thousands of comments and new information from, among others, industry. In fact, they received so much in the way of comments and new information, in December of 2010—that was a month before the date set under the court order to finalize the rule—a month before that date was to occur, EPA asked the courts, a month before the January 2011 deadline, to extend the deadline for promulgating the final air toxic standards to April of next year, to April of 2012.

The courts said: No, don't think so. They said: EPA, you have had enough time to finish. They allowed EPA only until January 21 of this year to go ahead and actually promulgate these regulations.

Even though EPA didn't have a lot of time to process the comments, EPA was able to finalize a rule in February of this year that yielded the same benefits—I think this is pretty interesting—a rule that realized the same benefits in terms of reducing toxic emissions, mercury and arsenic, lead, that kind of thing—the same level of reductions in those emissions as in the June 2010 proposal that they made, but they cut in half the cost of compliance. That is pretty impressive, isn't it? They cut in half the cost of compliance, got the same amount of reductions in emissions of these air toxic substances for half the cost. However, EPA did not stop there. Wanting to address industry's concerns, the EPA

opened public comment yet again to consider a reproposal of their regulations.

I know some people think EPA has been guilty of a rush to judgment in this regard. I think if you go through the chronology objectively, this is not a rush to judgment. I hope, if nothing else, to convey tonight that the EPA has moved deliberately, some say way too slowly, in order to address this. There are others who think way too fast, still too fast.

Anyway, last month the EPA proposed the boiler MACT regulation to try to address stakeholder concerns and I think they have done a workmanlike job, a good job. In this new proposal, of the 1½ million boilers in the United States, less than 1 percent would be affected—less than 1 percent would be affected by these emission limits.

I have a chart to show what it looks like. This is a good way to actually think of this.

The pie represents the 1.5 million boilers in the United States. Some are very small, and some are large industrial boilers. Less than 1 percent need the technology to meet the emission limits prescribed by EPA. That is the red tiny slice here. About another 13 percent of the 1.5 million boilers in the United States would need to follow best practice standards in ensuring that the emissions from those boilers are in order. And the rest—1.3 million boilers or a vast majority of boilers, a little over 85 percent—are not affected by the rules.

Not everybody likes the fact that less than 1 percent of the boilers are affected by these rules, and some of our friends in the environmental community understand that we have been very unhappy with how slowly this whole thing has proceeded.

The last thing I want to mention here—maybe two more things—in terms of moving from this point forward, how long would these less than 1 percent have to comply with the regs that have finally been promulgated? I am told the sources would have up to 4 years to comply. The EPA is still taking public comment and hopes to finalize this regulation by late spring.

The bottom line is that we have delayed long enough. Only 1 percent of our largest sources will need to clean up. The EPA has certainly tried to address many problems—maybe not all the problems but most problems—and they are still taking public comments. I am not sure we need to delay this boiler MACT any further.

There are a lot of people who sneeze during the course of their lives, as I have just done here on the floor. That was just a coincidence, but a lot of people in this country suffer because of the quality of our air. We have made great improvements in cleaning up the quality of our air. We still have too

many people who suffer from asthma and other respiratory diseases. The kinds of problems and emissions we are talking about here deal less with asthma and respiratory diseases; we are talking about substances that can kill people. In the case of the substances we are talking about here, they have the ability to kill more than 8,000 people a year.

We don't have many large towns in Delaware. In Wilmington, we have about 75,000 people. In Dover—the central part of our State—we have about 30,000 people. And if you take 8,000 people, that is about as many people as live in any of the—well, Newark, where we have the University of Delaware, has about 30,000 people. But other than that, we don't have a lot of large towns. For us, 8,000 people could be the fourth or fifth largest town in my State. That is a lot of people. At the end of the day, even if these rules are fully implemented, we are not going to save all of those 8,000 people, but a lot of those lives will be saved in the coming years, and we need to do that.

We need to let this process go forward and do our dead level best—the EPA has tried to be responsive to concerns that have been raised—to provide for a cleaner environment and not to dampen our economic recovery.

The last word I would add is that I think the idea that we have to choose one over the other is a false choice. We don't have to do that. We can have a cleaner environment and we can have jobs. If you look at the growth of our Nation's economy since 1970, when the Clean Air Act was adopted, or 1990 when the Clean Air Act amendments were adopted, we have seen dramatic growth in our budget. We have seen growth in our economy, and we have seen the quality of air become a lot cleaner over that period of time. So one does not preclude the other.

While some serious concerns have been raised about the earlier proposals by the EPA, a lot of those concerns have been addressed. I think we need to get on with it.

With that, Mr. President, I think we are going to wrap it up here around 7:30, which is in another 10 minutes or so. I am looking around, and I don't see anybody else waiting to speak, so I will note the absence of a quorum and bid you good night.

I yield the floor.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. CARPER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### EXTENSION OF MORNING BUSINESS

Mr. CARPER. Mr. President, I ask unanimous consent that the period for

morning business be extended until 8:30 p.m., with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### TRIBUTE TO LIEUTENANT GENERAL PATRICIA D. HOROHO

Mr. INOUE. Mr. President, today I rise to congratulate LTG Patricia D. Horoho on becoming the U.S. Army's 43rd Surgeon General. This is a momentous time for military medicine, with two historic firsts for the U.S. Army and for the Department of Defense. On December 5, 2011, General Horoho became the first woman and the first nurse to assume command of the U.S. Army's Medical Command. Then, just 2 days later, she became the Army's 43rd Army Surgeon General, making history again by becoming the first woman and the first nurse in the Department of Defense to be sworn in as Surgeon General.

Lieutenant General Horoho earned her bachelor of science degree from the University of North Carolina at Chapel Hill in 1982. She received her master of science degree as a clinical trauma nurse specialist from the University of Pittsburgh. Her military education includes graduating from the Army's Command and General Staff College and the Industrial College of the Armed Forces, where she earned a second master of science degree in national resource strategy.

Lieutenant General Horoho has earned numerous civilian and military awards and recognitions throughout her distinguished career. Her civilian accolades include recognition in 1993 as one of the top 100 nurses in the State of North Carolina. She was selected as the USO's Woman of the Year in 2009. Most recently, the University of North Carolina School of Nursing selected her as the Alumna of the Year on November 30, 2011.

Some of Lieutenant General Horoho's previous military assignments include Deputy Surgeon General; Chief of the Army Nurse Corps; Commander of the Western Regional Medical Command in Fort Lewis, WA; Commander of the Madigan Army Medical Center in Tacoma, WA; Commander of the Walter Reed Health Care System in Washington, DC; and Commander of the DeWitt Health Care Network in Fort Belvoir, VA.

Lieutenant General Horoho brings extensive leadership, education, and experience to her new position as the 43rd Army Surgeon General. I applaud the many accomplishments which have brought her to the highest level of rank and responsibility in military medicine, and I wish her success as she begins her new position.

#### RECOGNIZING THE NATIONAL GUARD

Mr. BROWN of Massachusetts. Mr. President, today I would like to congratulate the National Guard on 375 years of service.

It was on December 13, 1636, in Massachusetts that our Nation's military heritage was born. It was the members of the Massachusetts Bay Colony who stood together and founded an organization to protect and defend the peoples of the Bay Colony. They provided watch to ensure the security of their fellow settlers in Massachusetts, and they drilled to ensure they were prepared to fight if called upon.

From these grassroots origins comes today's National Guard: the most prepared, best equipped, and most mobile National Guard our Nation—or any nation—has ever had. Like the guardsmen of the first days of this Nation, today's guardsmen continue to answer the call to duty. They serve as leaders in our homeland defense response and disaster relief, and over the past 10 years, our guardsmen have served with courage and honor in Iraq and Afghanistan, right alongside our Active-Duty Forces. They are fighting on many fronts overseas and fulfilling many different missions.

Sometimes they are coming home with devastating injuries. When they return, these citizen soldiers and airmen face the challenges of recovery, readjustment, and finding jobs. The unemployment rate of today's National Guard remains well above the national average. To ensure that we honor the service of these guardsmen and veterans, I introduced the Hire A Hero Act which gives a tax credit to small businesses that hire veterans and members of the National Guard and Reserves, and I am pleased to say that the legislation has become law.

I have also pushed to ensure that all our National Guardsmen receive fair housing allowances. I introduced an amendment included in this year's National Defense Authorization Act that makes certain every guardsman who gets deployed will receive the housing allowance they need and deserve. When a guardsman is ordered to Active Duty for a contingency operation, the housing allowance for that guardsman currently reverts back to his or her home-of-record status rather than the current housing allowance of his or her present duty station, despite any significant loss of income. Basically, guardsmen are being punished financially for being deployed to a war zone. My amendment to this year's National Defense Authorization Act will rectify this inequity.

Also included in this year's National Defense Authorization Act is a monumental provision recognizing the significance of today's National Guard. As a 32-year member of the Massachusetts National Guard and a member of the

Senate Armed Services and Veterans' Affairs Committees, I am proud to have cosponsored the amendment to make the Chief of the National Guard Bureau a full member of the Joint Chiefs of Staff. It is a long overdue measure that gives the National Guard the recognition and respect that it deserves. I am proud to have supported it, and I look forward to its final passage.

Today our National Guardsmen continue the tradition of service begun by the militia of 1636, and I want to pay special recognition to the guardsmen of the 26th Yankee Brigade serving overseas and to their families for their service and sacrifice. Massachusetts's own 26th Yankee Brigade is currently serving in Afghanistan. When asked, they answered the call to duty. This summer while I was in Afghanistan, I was fortunate enough to see firsthand the selflessness, courage, and professionalism of "The Nation's First." They are a credit to the State of Massachusetts, the National Guard, and to this Nation.

Congratulations to the National Guard for its 375 years of service to this Nation and to all the guardsmen who are prepared to support and defend this great Nation in its times of need.

#### KEYSTONE XL PIPELINE

Mr. LEAHY. Mr. President, the House Republicans have sent us a payroll tax bill that is more of a political campaign commercial than a piece of serious legislation. Extending this tax break for ordinary Americans evidently has been a tough sell in the other body, unlike the eagerness found there for even more tax relief for the very wealthy. Among the many unrelated, controversial provisions they have attached as sweeteners is one that would force the President to approve the Keystone XL tar sands oil pipeline. Proponents of this tar sands project provision argue that it belongs on this bill because building the pipeline would create jobs.

Any construction project creates jobs. We could create thousands of jobs by investing in clean solar and wind energy, as the Chinese have done. And people can disagree about building the Keystone Pipeline, but there is a lot more to it than the short-term jobs it would create, and trying to jam it through Congress on this bill in the waning hours of the session is little more than a political stunt.

It was about 15 months ago that I first learned about the plan to build a pipeline to transport crude oil from tar sand strip mines in Alberta across the U.S.-Canada border and down through the Midwestern United States to refineries and ports in Texas.

Tar sands are a particularly dirty source of petroleum, from extraction to refinement. As I looked into this issue I saw some of the photographs of the

boreal forest area where it is extracted, and I was shocked. Anyone who is interested in this issue, whether or not you think building the pipeline is a good idea, should look at the photographs. They depict an extraordinarily beautiful landscape that has been ravaged by heavy machinery, vast ponds filled with polluted water and sludge, and a scared wasteland where forests used to be. It is one of the more graphic examples of how our collective, insatiable thirst for oil has pillaged the fragile environment of this planet. Our demand for fossil fuels will continue to grow exponentially unless we come up with a comprehensive, national energy plan and have the will to implement it.

We all know that the extraction of oil, minerals, timber, and other natural resources often harms the environment. But there are degrees of harm. Removing the tops of mountains and dumping the refuse in rivers and ravines or extracting heavy oil from tar sands are among the most energy intensive and destructive.

Under the law, the State Department has the responsibility to approve or disapprove the pipeline because it crosses an international boundary. More than a year ago, I and 10 other Senators sent a letter to the State Department raising concerns about the proposed pipeline and the impact of tar sands oil on global warming and asking a number of questions about the Department's decisionmaking process. Eight months later we received a response, which answered some of our questions and raised others.

I and other Senators sent two additional letters to the Department about the pipeline, most recently about reports of a possible conflict of interest between the contractor that performed the environmental review, Cardno/Entrix, and the energy company, TransCanada.

There have also been e-mails indicating a less-than-arm's-length relationship between a State Department official at the U.S. Embassy in Ottawa and a lobbyist for TransCanada. And a month ago the State Department's inspector general announced the beginning of an investigation into whether conflicts of interest tainted the environmental review process.

What began as basic questions and fundamental concerns about the pipeline has evolved into a significant controversy regarding the impact the pipeline will have upon our Nation's energy policy and continuing dependence on fossil fuels, the irreversible harm to the environment and the acceleration of climate change, and the potential for oil spills that could contaminate a key aquifer underlying an area of critical agricultural importance that hundreds of thousands of midwesterners depend on for irrigation and drinking water.

From the beginning, I have expressed misgivings about the State Depart-

ment's ability to conduct a thorough, credible investigation of a project of this complexity that involves issues about which it has limited expertise. There are reports of inexperienced staff handling the lion's share of the work, and it is not surprising that the Environmental Protection Agency and the Department of Energy have raised concerns and identified flaws in the State Department's analysis.

It is my impression that the State Department, from the outset, approached this with a sense of inevitability. What they did not anticipate was the strong reaction of Members of Congress of both parties, including several from Midwestern States that have been coping with multiple oil spills from the original Keystone Pipeline that company officials have treated as inconsequential. They also did not anticipate the strong opposition from ordinary Americans who pay close attention to environmental and energy policy issues, for whom tar sands oil is particularly repugnant.

Concerns about the consequences of this project have united not only those living along the proposed route but people across the Nation, including in Vermont, as well as in Canada, who care about the environment, both in this country and in Canada, and who understand the need to wean our Nation from oil and other fossil fuels and to invest in renewables and energy efficiency.

Every President since the 1970s has spoken of the need to reduce our dependence on fossil fuels and particularly foreign oil. But despite all the speeches, year after year we are more dependent on these finite, polluting sources of energy than ever before.

Today, energy companies are spending staggering amounts of money in search of new sources of oil and gas in some of the most inhospitable places on Earth, where its extraction involves great risks to the people involved, the environment, and endangered species. We even send our young service men and women halfway around the world to fight wars, in part to ensure our continued access to a ready supply of oil. It has become a national security priority.

We have lost valuable time, and there are no quick fixes. No matter what we do today, later this week, or later this month, this country will be dependent on fossil fuels for many years to come. But simply replacing Middle Eastern oil with Canadian oil without creating new, dependable sources of renewable energy and improving efficiency in the energy we use does not alleviate the national security and economic risks associated with a global oil market that is vulnerable to manipulation and disruption.

There is also much more we could do to make use of what we have by wasting less, improving end-use efficiency,

and increasing our use of renewable sources of energy. While TransCanada and its supporters extol the virtues of the Keystone XL Pipeline, as the minority leader and others have done, simply by reducing waste we could eliminate entirely the need for the energy produced from the oil that would flow through the pipeline.

I come from a State that shares a border with Canada. My wife's family is Canadian. I have a great fondness for that "giant to the north." But this issue is not about U.S. relations with Canada. We are inseparable neighbors, friends, and allies. There are strong views about this pipeline, pro and con, in both countries. As Americans, we have to do what is right for our country's energy future, for the environment, for our citizens.

Some have argued that if this pipeline is not built, TransCanada will simply build a pipeline to the coast of British Columbia and export the oil to China. But there are significant obstacles and no indication that such an alternative route is a viable option. Others maintain that the carbon emissions from extracting and refining this oil would not appreciably exceed those from oil shipped by tanker from the Middle East, but they do not address the environmental harm and pollution caused by the strip mining and separation process.

TransCanada has flooded the media with dire warnings about the American jobs that will be lost if the pipeline is rejected, which our Republican friends have echoed, trying to turn this into a campaign issue. But most of these are construction jobs that will disappear once the pipeline is built. And the choice is not between jobs or no jobs. They do not mention the tens or hundreds of thousands of American jobs that could be created by investing in other cleaner, renewable sources of energy, which, unlike tar sands oil, will not be used up in a few short decades.

Last month, in response to concerns about the sensitive and crucial aquifer that the pipeline would traverse in the Midwest, the White House announced that the State Department will consider alternative routes through Nebraska and that this would delay a decision on the pipeline until 2013. This is positive, but it ignores the many other reasons to reject this project altogether.

It is my hope that on further reflection, the President will treat the debate over the Keystone XL Pipeline as an opportunity to draw a line between our past and future energy policies.

Fossil fuels are finite, inefficient, and dirty. The cost we pay at the gas pump bears no resemblance to the long-term environmental and health costs borne by society as a whole.

We cannot lessen our reliance on fossil fuels by simply talking about it. We cannot do it by putting our goals for a

better future under the pillow and leaving any real action to future generations. We cannot do it by hoping that a scientific genius will suddenly discover an unlimited source of energy that costs pennies and does not pollute, nor should we do it by spending huge amounts of money, time, talent and American ingenuity to search the farthest reaches of the globe for every last drop of oil, regardless of how dangerous or harmful to the environment.

Will the Keystone XL tar sands oil pipeline have the cataclysmic consequences that some of its opponents predict? No one can say for sure. If anyone had asked officials at British Petroleum on April 9, 2010, about the probability of a disaster like the one that occurred the next day when the Deepwater Horizon exploded in the Gulf of Mexico, they likely would have dismissed it as farfetched. It turns out they were violating multiple safety regulations.

Are we going to change the pipeline's route to avoid the aquifer, only to continue to act as if global warming is nothing to worry about, that we can continue to burn more and more fossil fuels, emitting more and more carbon into the atmosphere, and destroying the landscape while we are at it?

This pipeline would perpetuate a costly dependence that has gone on for a century, for which we all share in the blame. Keystone XL would once again do nothing to address the problems associated with fossil fuels. It would virtually assure more oil spills, it would do nothing to promote conservation and reduce waste, and it would do nothing to spur investment in clean energy alternatives.

Most important, it would provide yet another excuse for once again punting the urgent, national security imperative of developing a sustainable energy policy for this country. That is what the decision about the Keystone XL tar sands oil pipeline has come to represent regardless of what route it takes.

#### RECOGNIZING GOLDEN VALLEY, MINNESOTA

Mr. FRANKEN. Mr. President, I want to take this opportunity to honor the 125th Anniversary of the incorporation of Golden Valley, MN. As a child growing up in St. Louis Park, I have many fond memories of time spent in my neighboring town to the north, Golden Valley. As next-door neighbors, our cities shared a commitment to civic engagement, strong families, and a tight-knit community that worked for the wellbeing of all its citizens. We can see the results of those values today.

On its 125th birthday, Golden Valley has much to be proud of, a high quality education system, high living standards, and model businesses ranging from Fortune 500 companies to family-

owned small businesses. Clearly, Golden Valley is doing something right.

As a representative of the great people of Minnesota, I can see that it's cities like Golden Valley make my State the best place to live in the country. My colleagues here might get tired of hearing how our State consistently does things better, but I will never get tired of telling those stories. Congratulations to the residents of Golden Valley.

#### ADDITIONAL STATEMENTS

##### REMEMBERING GIL CHAVEZ

• Mr. BENNET. Mr. President, today I come before you with a heavy heart to honor the life of Gil Chavez. Mr. Chavez died on November 30, 2011, of injuries sustained in a car accident outside of West High School in Denver, CO. He was 63 years old.

Mr. Chavez was a true community leader in every sense of the word. After graduating from Denver's West High School in 1967, Mr. Chavez spent the next 30 years of his life giving back to the school through teaching, coaching, and counseling. He was always there for his students, so much so that after retiring, he came back to volunteer coach for the wrestling team beside his son, Gil Junior, the current head coach at West. Mr. Chavez's family continues his legacy of always striving for excellence in all that they endeavor.

Gil Chavez was a committed educator and coach who was a role model to the students he worked with. He was a sincere motivator, and he backed up his words with promises that he kept to his students. Mr. Chavez was always there for those who needed him with an ear to listen, with help figuring out classes or locating a tutor, and always believing in those who needed it most.

To Mr. Chavez's entire family, I cannot imagine the sorrow you must be feeling. I hope that, in time, the pain of your loss will be eased by your pride in Gil's life and by your knowledge that his community will never forget him. His memory will live on in the team, the school, the community, and all those he has touched along the way.●

#### TRIBUTE TO COLONEL WILLIAM M. VOIGT

• Mr. SESSIONS. Mr. President, today I wish to praise an exceptional man, COL William M. Voigt.

Colonel Voigt has been one of the foremost civil and military leaders in Birmingham and in my State of Alabama for around a half century now. I was proud to join Colonel Voigt recently in Birmingham when he accepted his well-deserved award as the 2011 National Veteran of the Year.

I have had the pleasure to know Bill personally for many years and to observe his devotion to his country. His patriotism is unsurpassed.

Colonel Voigt served his country with 30 years in the Alabama Air National Guard and another 5 years of service with the U.S. Air Force Reserve. He has achieved not only a bachelor of science in business administration from Auburn University and a master's in business administration from the University of Alabama in Birmingham but has also graduated from the Air War College, the Industrial College of the Armed Forces, the Air Command and Staff College, and the Squadron Officer School.

In addition to his own education, COL Bill Voigt has given his time and efforts to an impressive and exhaustive list of nonprofits and service organizations. On top of this, he has served for over 20 years as the president of the National Veterans Day organization.

Birmingham is the birthplace of Veterans Day. The very first Veterans Day celebration was held in Birmingham by this very organization in 1947. It was only in 1954, 7 years later, that Congress agreed to the value of this wonderful event and made Veterans Day the national holiday it is today.

The Birmingham National Veterans Day celebration is believed to be not only the oldest but also the largest in the country. The day includes a parade and a large awards dinner. The entire effort is a monumental planning exercise. For 20 years Bill Voigt made it happen.

This year's dinner was a very special one. The organization's president, James A. Holt, Congressman SPENCER BACHUS, Congresswoman TERRI SEWELL, and others took part in the excellent program. I was honored to be a part of the program also. The superb keynote speaker was RADM Tom Steffens (retired), a U.S. Navy SEAL for 34 years. It was a special program indeed, but the remarks all revolved around Colonel Voigt. I know he and his wonderful family were most proud.

Colonel Voigt represents the model for the type of person we should push our youth to emulate. He is a man who has proven time and time again that he is willing to serve his country, his community, and his fellow veterans who have fought for the ideals and goals of the United States of America.

Mr. President, it is my honor to pay tribute to this great man and by extension this wonderful annual Veterans Day event.●

#### RECOGNIZING SOUTHCENTRAL FOUNDATION

● Mr. BEGICH. Mr. President, I wish to recognize Southcentral Foundation, an Alaska Native-owned, nonprofit health care organization serving nearly 60,000 Alaska Native and American Indian people. Southcentral Foundation received the 2011 Malcolm Baldrige National Quality Award, an award administered by the Baldrige Performance

Excellence Program to honor the country's most innovative organizations. The Baldrige Award is the only formal recognition of the performance excellence of both public and private U.S. organizations given by the President of the United States. Southcentral Foundation is the Alaska's first health care organization to receive this award.

Southcentral Foundation was established in 1982 to improve the health and social conditions of Alaska Native and American Indian people, enhance culture, and empower individuals and families to take charge of their lives. They employ over 1,500 people, of which 53 percent are Alaska Natives or American Indians. As mayor of Anchorage and now as Senator, I watched the growth of this excellent nonprofit from a small outpatient facility to a beautiful, culturally designed campus encompassing many buildings to serve their customer-owners.

Southcentral Foundation's innovative Nuka system of care combines medical, dental, behavioral, and traditional practices and creates relationships that focus on supporting wellness instead of just treating illness. This system has received national and international attention for its successes in health outcomes, operational efficiencies, and customer and employee satisfaction. It is a truly exemplary health care system that is one of the best in the country.

The award will be presented by President Barack Obama in April, 2012.●

#### IN RECOGNITION OF MR. BILL VANDERWENDE AND MR. DAVE BAKER

● Mr. CARPER. Mr. President, today I wish to recognize Mr. William "Bill" Vanderwende and Mr. David "Dave" Baker for their leadership, vision and commitment to Delaware's agriculture community through their roles as Chairman and Vice-Chairman, respectively, of the Delaware Nutrient Management Commission. Both have dedicated their lives to Delaware and its farming communities, benefitting and protecting the farming industry and the thousands of farmers and citizens who rely on our state's priceless natural resources.

As the Chairman and Vice-Chairman of the 19-member Delaware Nutrient Management Commission since its inception in 1999, Bill and Dave have led the Commission through years of development—made up of innovation, labor and compromise—that resulted in Delaware's premier Nutrient Management Program—one that serves as a model for other States. Moreover, Bill and Dave helped guide Delaware through U.S. Environmental Protection Agency approval of the State's controlled animal feeding operation regulations, helping to preserve our State's rich agricultural resources,

while protecting farmers and their livelihood for generations to come. When I was Governor of the State of Delaware, I worked closely with both Bill and Dave on the development of the Delaware Nutrient Management Program and know well their passion and loyalty to doing what is right for the First State's agricultural community, as well as for our environment and our neighbors' environments.

The Delaware Nutrient Management Program was established in June 1999 as a result of the Delaware Nutrient Management Law. The mission of the Delaware Nutrient Management Program is to manage those activities involving the generation and application of nutrients in order to help maintain and improve the quality of Delaware's ground and surface waters and to help meet or exceed federally mandated water quality standards, in the interest of the overall public welfare. The responsibilities of the Delaware Nutrient Management Commission include: considering the establishment of critical areas for voluntary and regulatory programs; establishing Best Management Practices to reduce nutrients in the environment; developing educational and awareness programs; considering incentive programs to redistribute excess nutrients; establishing the elements and general direction of the State Nutrient Management Program; and, developing nutrient management regulations.

In 2001, under the team's leadership, the Delaware Nutrient Management Commission outlined a Memorandum of Understanding with the Delaware Department of Agriculture, the Delaware Department of Natural Resources and Environmental Control, and the chief executives of all poultry companies operating in Delaware—an agreement that was the first of its kind. This unique partnership between the agriculture and environmental sectors in Delaware has helped contribute to the progress Delaware has achieved in nutrient management. Currently, the First State leads the nation in nutrient management planning participation. Ninety-nine percent of all farmers who are required to have a nutrient management plan do, indeed, have one.

The Delaware Nutrient Management Commission's strong working relationships with the Delaware Department of Agriculture, the Delaware Department of Natural Resources and Environmental Control, the U.S. Environmental Protection Agency, Delaware's Congressional delegation, and with Delaware's Governor and the State's General Assembly has contributed to the implementation of on-the-ground solutions for nutrient management that encourage environmental stewardship and have positive benefits to agriculture and its farmers.

A native of Harrington, DE, Bill Vanderwende is a man of family, faith

and farming and serves as a proud, life-long member of Delaware's farming tradition. For over 40 years, Bill and Ellen—his wife of almost 60 years—along with their 4 children, 10 grandchildren and several employees, have run a dairy, grain and vegetable farming operation in Bridgeville with 700 head of dairy and 3,000 crop acres. Bill has represented Delaware's dairy industry for decades.

Bill's leadership in the agricultural community stretches beyond the Nutrient Management Commission. Bill has been a distinguished member of the Sussex County Conservation District Board of Supervisors for 20 years, serving as chairman since 1992. In addition, Bill served as a member of the Governor's Advisory Council on Agriculture, a member of the Governor's Advisory Council on Soil and Water, and as Vice-Chairman of Delaware Aglands Preservation Foundation Board of Trustees. Bill and the Vanderwende family have also received numerous awards recognizing their positive impact and influence on Delaware's farming tradition, including Bill's honor as the recipient of the 2009 Secretary's Award for Distinguished Service to Agriculture given by the Delaware Department of Agriculture and the Vanderwendes' 1993 Farm Bureau award for the Farm Family of the Year.

Over the years, Dave Baker has made a remarkable contribution to Delaware's agricultural community through his work, leadership and thoughtful attention to detail. His commitment to Delaware's and our nation's farmlands, as well as his commitment to his family and community is unmistakable. Since moving to Middletown, DE in 1952, Dave Baker has remained close to his roots. Today, just outside of his hometown, Dave lives with his wife Barbara. Together, they have a son Erik and two grandchildren. There, Dave is the President of Baker Farms, a 3,000-acre grain farm. He also founded Delaware Egg Farm—now Puglisi Egg Farms Delaware—Delaware's largest egg producing operation.

In addition to his role of Vice-Chairman of the Delaware Nutrient Management Commission, Dave is Chairman of the Commission's Planning and Personnel subcommittees. Moreover, Dave's agricultural acumen and outstanding leadership in the field of agriculture has been recognized in Delaware and well beyond our borders. Most recently, he received the 2010 Secretary's Award for Distinguished Service to Agriculture given by the Delaware Department of Agriculture. During my term as Governor, Dave was the Chairman of the Nutrient Management Advisory Committee, the organization responsible for drafting Delaware's ground breaking nutrient management statute. He is also a past president of the Delaware Council of Farm Organi-

zations. Nationally, he has served on the American Egg Board and the Poultry Advisory Committee for the Farm Bureau, and regionally, he is a past chair of the Egg Clearinghouse and the Northeast United Egg Producers.

Delaware is fortunate to have such an outstanding team led by Bill Vanderwende and Dave Baker to carry on a legacy of farming values that shape, honor and preserve our State's treasured agricultural heritage. Bill and Dave's leadership on the Nutrient Management Commission reaches those not just in our agricultural community, not just in our State, but the millions of Americans who are impacted by Delaware's decisions on nutrient management. The continued leadership of these two men will keep our farming industry prosperous, while protecting our natural resources for generations to come. It is with a genuine sense of honor and pride that I rise today to extend the heartfelt congratulations and thanks of our entire Congressional delegation to our friends and outstanding Delaware residents, Bill Vanderwende and Dave Baker.●

#### RECOGNIZING ORONO MIDDLE SCHOOL

● Ms. COLLINS. Mr. President, today, I commend Orono Middle School of Orono, ME, on being named a 2011 National Blue Ribbon School of Excellence. This prestigious recognition of high accomplishment was bestowed by U.S. Secretary of Education Arne Duncan.

Created in 1982, the Blue Ribbon Schools award is considered the highest honor an American school can obtain. Schools singled out for this national recognition reflect the goals of our Nation's education reforms for high standards and accountability. Specifically, the Blue Ribbon Schools Program is designed to honor public and private schools that are either academically superior in their States or that demonstrate dramatic gains in student achievement.

This award recognizes that Orono Middle School students achieve at the highest level academically. Orono Middle School is a top-performing school on State-required assessments, and staff at the school use assessments throughout the academic year as a tool for improving and customizing instruction. The school also involves students in extracurricular activities, which helps forge a strong school community where students are connected and encouraged to pursue their interests.

I applaud not only the students but also the teachers, staff, administrators, and parents of Orono Middle School. Together, they are succeeding in their mission to generate confidence and momentum for learning. They are making a difference in the lives of their students, helping them reach their full po-

tential as independent, responsible learners and citizens.

I am pleased that the U.S. Department of Education has selected Orono Middle School for this well-deserved honor, and I congratulate the entire community for this outstanding achievement.●

#### RECOGNIZING COOL AS A MOOSE

● Ms. SNOWE. Mr. President, across the country the holiday shopping season is in full swing. For many, holiday shopping can be a stressful time, as picking out the ideal gift can often be overwhelming. Luckily, my home State of Maine has several small businesses which offer gift solutions in a fun and festive setting. Today I wish to commend and recognize one of these small businesses, Cool As A Moose, whose retail stores offer unique and creative gifts for the holiday season and throughout the year.

Cool As A Moose first opened its doors in 1986 in the coastal town of Bar Harbor. Whether a customer longs for a moose hat or an adorable stuffed animal lobster, this small business offers customers an array of clever products and creative apparel. The company, now owned by Maine resident Kip Stone, has expanded to include stores in Freeport, Portland, and most recently Brunswick. The retailer also has an online presence and two licensed locations in Halifax and Quebec City, Canada.

The establishment of a store and headquarters in Brunswick this past May was critical, as it brought jobs to an area of Maine that recently struggled after the closure of the Brunswick Naval Air Station. Kip's tireless search for an ideal location lasted 2 years, as he sought to find an environment that would allow him to open both a store and have space for his other company, Artforms, which supplies many of the designs for the retail store. Kip selected the Old Grand City restaurant and storefront for the flagship store. With this purchase and renovation, Kip furthered a critical mission by helping to revitalize the Brunswick downtown area.

As can be seen from this small company's expansion, since its founding, this store's friendly customer service and engaging atmosphere have led to tremendous success. Most recently, Cool As A Moose was honored as the 2011 Merchant of the Year by the Maine Merchants Association. This honor is richly deserved as this small business consistently strives to improve each community it serves through volunteering and supporting area non-profits.

Small businesses such as Cool As A Moose are the heart of the economy, and this holiday season I hope Americans will gather with me in supporting



these retailers. In these tough economic times, this small firm's willingness to expand and continually strive to put local communities first is especially refreshing. I am proud to extend my congratulations to Kip Stone and everyone at Cool As A Moose for their tremendous efforts and offer my best wishes for continued success.●

#### TRIBUTE TO OFFICER JAMES BONNEAU

● Ms. STABENOW. Mr. President, on behalf of myself and Senator LEVIN, I wish to pay tribute to James "Jim" Bonneau, a member of the Jackson Police Department in Jackson, MI, who has been posthumously awarded the Congressional Badge of Bravery.

Officer Bonneau was born in Canton, MI to Marc and Amy Bonneau. Growing up he always wanted to help others and become a police officer. After graduating from Canton High in 2002, he earned a degree in criminal justice from Eastern Michigan University. In 2007, he followed his dream and joined the Jackson Police Department, which put him through Lansing Community College's Mid-Michigan Police Academy.

Bonneau excelled at the academy and graduated at the top of his class. He was well liked by the faculty and his fellow classmates. Even though he was with the department for two short years, his excellence on the job and connection with the community he served made a difference and touched many lives.

On March 9, 2010, Officer Bonneau and Blackman Township Public Safety Officer Darin McIntosh responded to a domestic disturbance call. The suspect fired multiple shots at both officers wounding Officer Bonneau in the chest and Officer McIntosh in the leg. Though mortally wounded, Officer Bonneau showed bravery and determination while he relayed critical information to central dispatch regarding the incident. His actions ensured that the responding officers knew what to expect upon entering the home. Tragically, he later died from his injuries.

Officer Bonneau's exceptional acts of bravery and presence of mind while in the line of duty earned him a well-deserved nomination and award of the State and Local Law Enforcement Congressional Badge of Bravery.

On behalf of the City of Jackson and the State of Michigan, we express our gratitude to Officer Bonneau and his family for his bravery and commitment to law enforcement. He made the ultimate sacrifice so that others may live in safety.●

#### MESSAGES FROM THE HOUSE

At 10:35 a.m., a message from the House of Representatives, delivered by

Mr. Novotny, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 3630. An act to provide incentives for the creation of jobs, and for other purposes.

At 2:38 p.m., a message from the House of Representatives, delivered by Mr. Novotny, one of its reading clerks, announced that the House has passed the following bill, without amendment:

S. 384. An act to amend title 39, United States Code, to extend the authority of the United States Postal Service to issue a semipostal to raise funds for breast cancer research.

The message also announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 313. An act to amend the Controlled Substances Act to clarify that persons who enter into a conspiracy within the United States to possess or traffic illegal controlled substances outside the United States, or engage in conduct within the United States to aid or abet drug trafficking outside the United States, may be criminally prosecuted in the United States, and for other purposes.

H.R. 2767. An act to designate the facility of the United States Postal Service located at 8 West Silver Street in Westfield, Massachusetts, as the "William T. Trant Post Office Building".

H.R. 3246. An act to designate the facility of the United States Postal Service located at 15455 Manchester Road in Ballwin, Missouri, as the "Specialist Peter J. Navarro Post Office Building".

At 7:25 p.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the House agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 1540) to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

At 7:54 p.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 1905. An act to strengthen Iran sanctions laws for the purpose of compelling Iran to abandon its pursuit of nuclear weapons and other threatening activities, and for other purposes.

H.R. 2105. An act to provide for the application of measures to foreign persons who transfer to Iran, North Korea, and Syria certain goods, services, or technology, and for other purposes.

H.R. 3421. An act to award Congressional Gold Medals in honor of the men and women who perished as a result of the terrorist attacks on the United States on September 11, 2011.

The message also announced that the House has agreed to the following con-

current resolutions, in which it requests the concurrence of the Senate:

H. Con. Res. 92. Concurrent resolution directing the Clerk of the House of Representatives to correct the enrollment of the bill H.R. 1540.

H. Con. Res. 93. Concurrent resolution providing for a correction to the enrollment of the bill H.R. 2845.

#### MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 313. An act to amend the Controlled Substances Act to clarify that persons who enter into a conspiracy within the United States to possess or traffic illegal controlled substances outside the United States, or engage in conduct within the United States to aid or abet drug trafficking outside the United States, may be criminally prosecuted in the United States, and for other purposes; to the Committee on the Judiciary.

H.R. 1905. An act to strengthen Iran sanctions laws for the purpose of compelling Iran to abandon its pursuit of nuclear weapons and other threatening activities, and for other purposes; to the Committee on Foreign Relations.

H.R. 2105. An act to provide for the application of measures to foreign persons who transfer to Iran, North Korea, and Syria certain goods, services, or technology, and for other purposes; to the Committee on Foreign Relations.

H.R. 2767. An act to designate the facility of the United States Postal Service located at 8 West Silver Street in Westfield, Massachusetts, as the "William T. Trant Post Office Building"; to the Committee on Homeland Security and Governmental Affairs.

H.R. 3246. An act to designate the facility of the United States Postal Service located at 15455 Manchester Road in Ballwin, Missouri, as the "Specialist Peter J. Navarro Post Office Building"; to the Committee on Homeland Security and Governmental Affairs.

#### MEASURES PLACED ON THE CALENDAR

The following bill was read the second time, and placed on the calendar:

H.R. 3630. An act to provide incentives for the creation of jobs, and for other purposes.

#### EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC-4291. A communication from the Director of Defense Procurement and Acquisition Policy, Department of Defense, transmitting, pursuant to law, the report of a rule entitled "Defense Federal Acquisition Regulation Supplement: Utilization of Domestic Photovoltaic Devices" ((RIN0750-AH43)(DFARS Case 2011-D046)) received in the Office of the President of the Senate on December 12, 2011; to the Committee on Armed Services.

EC-4292. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security,



transmitting, pursuant to law, the report of a rule entitled "Final Flood Elevation Determinations" ((44 CFR Part 67)(Docket No. FEMA-2011-0002)) received in the Office of the President of the Senate on December 12, 2011; to the Committee on Banking, Housing, and Urban Affairs.

EC-4293. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Final Flood Elevation Determinations" ((44 CFR Part 67)(Docket No. FEMA-2011-0002)) received in the Office of the President of the Senate on December 12, 2011; to the Committee on Banking, Housing, and Urban Affairs.

EC-4294. A communication from the Assistant Secretary for Export Administration, Bureau of Industry and Security, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Updated Statements of Legal Authority to Reflect Continuation of Emergency Declared in Executive Order 12938" (RIN0694-AF44) received in the Office of the President of the Senate on December 12, 2011; to the Committee on Banking, Housing, and Urban Affairs.

EC-4295. A communication from the General Counsel of the Department of Housing and Urban Development, transmitting, pursuant to law, a report relative to a vacancy in the position of Inspector General, Department of Housing and Urban Development; to the Committee on Banking, Housing, and Urban Affairs.

EC-4296. A communication from the General Counsel, Department of Housing and Urban Development, transmitting, pursuant to law, (15) reports relative to vacancy announcements within the Department; to the Committee on Banking, Housing, and Urban Affairs.

EC-4297. A communication from the Deputy Assistant Administrator for Operations, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Northeastern United States; Northeast Skate Complex Fishery; Secretarial Emergency Action" (RIN0648-BB32) received in the Office of the President of the Senate on December 12, 2011; to the Committee on Commerce, Science, and Transportation.

EC-4298. A communication from the Deputy Assistant Administrator for Operations, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Bering Sea and Aleutian Islands Crab Rationalization Program" (RIN0648-AX47) received in the Office of the President of the Senate on December 12, 2011; to the Committee on Commerce, Science, and Transportation.

EC-4299. A communication from the Deputy Assistant Administrator for Operations, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Snapper-Grouper Fishery Off the Southern Atlantic States; Amendment 15B" (RIN0648-BB55) received in the Office of the President of the Senate on December 12, 2011; to the Committee on Commerce, Science, and Transportation.

EC-4300. A communication from the Deputy Assistant Administrator for Operations, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Magnu-

son-Stevens Fishery Conservation and Management Act Provisions; Fisheries of the Northeastern United States; Northeast (NE) Multispecies Fishery; Framework Adjustment 46" (RIN0648-BB08) received in the Office of the President of the Senate on December 12, 2011; to the Committee on Commerce, Science, and Transportation.

EC-4301. A communication from the Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Atlantic Highly Migratory Species; North and South Atlantic Swordfish Quotas" (RIN0648-BA90) received in the Office of the President of the Senate on December 12, 2011; to the Committee on Commerce, Science, and Transportation.

EC-4302. A communication from the Deputy Assistant Administrator for Regulatory Programs, Office of Protected Resources, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "List of Fisheries for 2012" (RIN0648-BA76) received in the Office of the President of the Senate on December 12, 2011; to the Committee on Commerce, Science, and Transportation.

EC-4303. A communication from the Assistant Secretary for Export Administration, Bureau of Industry and Security, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Amendments to the Export Administration Regulations: Facilitating Enhanced Public Understanding of the Provisions That Implement the Comprehensive U.S. Sanctions Against Syria Pursuant to the Syria Accountability and Lebanese Sovereignty Restoration Act of 2003" (RIN0694-AF29) received in the Office of the President of the Senate on December 12, 2011; to the Committee on Commerce, Science, and Transportation.

EC-4304. A communication from the Attorney-Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Shipping and Transportation; Technical, Organizational, and Conforming Amendments" ((RIN1625-AB77)(Docket No. USCG-2011-0618)) received in the Office of the President of the Senate on December 12, 2011; to the Committee on Commerce, Science, and Transportation.

EC-4305. A communication from the Assistant Secretary, Office of Electricity Delivery and Energy Reliability, Department of Energy, transmitting, pursuant to law, a report entitled "Five-Year Program Plan for Fiscal Years 2008 to 2012 for Electric Transmission and Distribution Programs"; to the Committee on Energy and Natural Resources.

EC-4306. A communication from the Secretary of Energy, transmitting, pursuant to law, a report entitled "Response to Findings and Recommendations of the Hydrogen and Fuel Cell Technical Advisory Committee (HTAC) during Fiscal Years 2008 and 2009"; to the Committee on Energy and Natural Resources.

EC-4307. A communication from the Chairman, Nuclear Regulatory Commission, transmitting, pursuant to law, a semiannual report relative to the status of the Commission's licensing and regulatory duties; to the Committee on Environment and Public Works.

EC-4308. A communication from the Administrator of the General Services Administration, transmitting, pursuant to law, the Administration's fiscal year 2011 Agency Financial Report; to the Committee on Homeland Security and Governmental Affairs.

EC-4309. A communication from the Acting District of Columbia Auditor, transmitting, pursuant to law, a report entitled, "District of Columbia Agencies' Compliance with Fiscal Year 2010 Small Business Enterprise Expenditure Goals"; to the Committee on Homeland Security and Governmental Affairs.

EC-4310. A communication from the Secretary of Education, transmitting, pursuant to law, the Department's Semiannual Report to Congress on Audit Follow-up for the period of April 1, 2011 through September 30, 2011; to the Committee on Homeland Security and Governmental Affairs.

EC-4311. A communication from the Chairman of the National Credit Union Administration, transmitting, pursuant to law, the Semi-Annual Report of the Inspector General for the period from April 1, 2011 through September 30, 2011; to the Committee on Homeland Security and Governmental Affairs.

EC-4312. A communication from the Chairman of the Broadcasting Board of Governors, transmitting, pursuant to law, the Office of Inspector General's Semiannual Report for the period of April 1, 2011 through September 30, 2011; to the Committee on Homeland Security and Governmental Affairs.

EC-4313. A communication from the Deputy Assistant Administrator of Diversion Control, Drug Enforcement Administration, Department of Justice, transmitting, pursuant to law, the report of a rule entitled "Chemical Mixtures Containing Listed Forms of Phosphorous and Change in Application Process" (RIN1117-AA66) received in the Office of the President of the Senate on December 12, 2011; to the Committee on the Judiciary.

EC-4314. A communication from the National Executive Secretary, Navy Club of the United States of America, transmitting, pursuant to law, a report relative to the national financial statement of the organization, and national staff and convention minutes for the year ending July 31, 2011; to the Committee on the Judiciary.

#### EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of nominations were submitted:

Mr. ROCKEFELLER. Mr. President, for the Committee on Commerce, Science, and Transportation I report favorably the following nomination list which was printed in the RECORD on the date indicated, and ask unanimous consent, to save the expense of reprinting on the Executive Calendar that this nomination lie at the Secretary's desk for the information of Senators.

The PRESIDING OFFICER. Without objection, it is so ordered.

National Oceanic and Atmospheric Administration nominations beginning with Benjamin M. Lacour and ending with Brian D. Prestcott, which nominations were received by the Senate and appeared in the Congressional Record on December 5, 2011.

By Mrs. BOXER for the Committee on Environment and Public Works:

Rebecca R. Wodder, of Virginia, to be Assistant Secretary for Fish and Wildlife.

By Mr. HARKIN for the Committee on Health, Education, Labor, and Pensions:

\*Deepa Gupta, of Illinois, to be a Member of the National Council on the Arts for a term expiring September 3, 2016;

\*Christopher Merrill, of Iowa, to be a Member of the National Council on the Humanities for a term expiring January 26, 2016;

\*Stephanie Orlando, of New York, to be a Member of the National Council on Disability for the remainder of the term expiring September 17, 2011;

\*Stephanie Orlando, of New York, to be a Member of the National Council on Disability for a term expiring September 17, 2014;

\*Gary Blumenthal, of Massachusetts, to be a Member of the National Council on Disability for a term expiring September 17, 2013; and

\*Wendy M. Spencer, of Florida, to be Chief Executive Officer of the Corporation for National and Community Service.

Mr. HARKIN. Mr. President, for the Committee on Health, Education, Labor, and Pensions I report favorably the following nomination list which was printed in the RECORD on the date indicated, and ask unanimous consent, to save the expense of reprinting on the Executive Calendar that this nomination lie at the Secretary's desk for the information of Senators.

The PRESIDING OFFICER. Without objection, it is so ordered.

Public Health Service nominations beginning with Jose G. Bal and ending with Kendra J. Vieira, which nominations were received by the Senate and appeared in the Congressional Record on November 8, 2011.

\*Nomination was reported with recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

(Nominations without an asterisk were reported with the recommendation that they be confirmed.)

#### INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. BLUNT (for himself, Mrs. MCCASKILL, Mr. INHOFE, Mr. COBURN, and Mr. ENZI):

S. 1988. A bill to amend the Federal Power Act to require the Federal Energy Regulatory Commission to consider private landownership and private use of land in issuing hydropower licenses, and for other purposes; to the Committee on Energy and Natural Resources.

By Ms. CANTWELL (for herself, Ms. SNOWE, Mr. BINGAMAN, Mr. KERRY, Mr. NELSON of Florida, Mr. MENENDEZ, Mr. CARDIN, Mr. SANDERS, Mr. CRAPO, Mr. BROWN of Massachusetts, and Ms. COLLINS):

S. 1989. A bill to amend the Internal Revenue Code of 1986 to make permanent the minimum low-income housing tax credit rate for unsubsidized buildings and to provide a minimum 4 percent credit rate for existing buildings; to the Committee on Finance.

By Mr. LIEBERMAN (for himself, Mr. BLUMENTHAL, Ms. COLLINS, Mr. BURR, Mr. AKAKA, Mr. TESTER, and Ms. LANDRIEU):

S. 1990. A bill to require the Transportation Security Administration to comply

with the Uniformed Services Employment and Reemployment Rights Act; to the Committee on Commerce, Science, and Transportation.

By Mr. WHITEHOUSE:

S. 1991. A bill to establish the National Endowment for the Oceans, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. BROWN of Ohio (for himself, Mr. WYDEN, and Mrs. SHAHEEN):

S. 1992. A bill to provide flexibility of certain transit functions to local entities; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. NELSON of Florida (for himself, Ms. COLLINS, Mrs. GILLIBRAND, and Mr. SCHUMER):

S. 1993. A bill to posthumously award a Congressional Gold Medal to Lena Horne in recognition of her achievements and contributions to American culture and the civil rights movement; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. SCHUMER (for himself, Mr. CARDIN, and Mr. LEAHY):

S. 1994. A bill to prohibit deceptive practices in Federal elections; to the Committee on the Judiciary.

By Mr. GRASSLEY (for himself, Mr. KOHL, and Mr. BLUMENTHAL):

S. 1995. A bill to enhance Food and Drug Administration oversight of medical device recalls, to provide for the conditional clearance of certain medical devices, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

#### ADDITIONAL COSPONSORS

S. 431

At the request of Mr. PRYOR, the names of the Senator from Texas (Mrs. HUTCHISON), the Senator from Delaware (Mr. COONS), the Senator from Iowa (Mr. HARKIN), the Senator from Rhode Island (Mr. WHITEHOUSE), the Senator from New Jersey (Mr. LAUTENBERG), the Senator from West Virginia (Mr. MANCHIN), the Senator from Maine (Ms. COLLINS), the Senator from Texas (Mr. CORNYN), the Senator from North Dakota (Mr. HOEVEN), the Senator from Nebraska (Mr. NELSON) and the Senator from Mississippi (Mr. WICKER) were added as cosponsors of S. 431, a bill to require the Secretary of the Treasury to mint coins in commemoration of the 225th anniversary of the establishment of the Nation's first Federal law enforcement agency, the United States Marshals Service.

S. 506

At the request of Mr. CASEY, the name of the Senator from West Virginia (Mr. ROCKEFELLER) was added as a cosponsor of S. 506, a bill to amend the Elementary and Secondary Education Act of 1965 to address and take action to prevent bullying and harassment of students.

S. 534

At the request of Mr. KERRY, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. 534, a bill to amend the Internal Revenue Code of 1986 to provide a reduced rate of excise tax on beer pro-

duced domestically by certain small producers.

S. 547

At the request of Mrs. MURRAY, the name of the Senator from West Virginia (Mr. ROCKEFELLER) was added as a cosponsor of S. 547, a bill to direct the Secretary of Education to establish an award program recognizing excellence exhibited by public school system employees providing services to students in pre-kindergarten through higher education.

S. 587

At the request of Mr. CASEY, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. 587, a bill to amend the Safe Drinking Water Act to repeal a certain exemption for hydraulic fracturing, and for other purposes.

S. 685

At the request of Mr. LUGAR, the name of the Senator from Utah (Mr. LEE) was added as a cosponsor of S. 685, a bill to repeal the Federal sugar program.

S. 707

At the request of Mr. DURBIN, the names of the Senator from California (Mrs. BOXER), the Senator from Oregon (Mr. MERKLEY), the Senator from Delaware (Mr. CARPER) and the Senator from Minnesota (Mr. FRANKEN) were added as cosponsors of S. 707, a bill to amend the Animal Welfare Act to provide further protection for puppies.

S. 1355

At the request of Mrs. FEINSTEIN, the name of the Senator from Oregon (Mr. MERKLEY) was added as a cosponsor of S. 1355, a bill to regulate political robocalls.

S. 1494

At the request of Mrs. BOXER, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 1494, a bill to reauthorize and amend the National Fish and Wildlife Foundation Establishment Act.

S. 1544

At the request of Mr. TESTER, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. 1544, a bill to amend the Securities Act of 1933 to require the Securities and Exchange Commission to exempt a certain class of securities from such Act.

S. 1578

At the request of Mr. TOOMEY, the name of the Senator from Utah (Mr. LEE) was added as a cosponsor of S. 1578, a bill to amend the Safe Drinking Water Act with respect to consumer confidence reports by community water systems.

S. 1597

At the request of Mr. BROWN of Ohio, the name of the Senator from West Virginia (Mr. ROCKEFELLER) was added as a cosponsor of S. 1597, a bill to provide assistance for the modernization,

renovation, and repair of elementary school and secondary school buildings in public school districts and community colleges across the United States in order to support the achievement of improved educational outcomes in those schools, and for other purposes.

S. 1746

At the request of Mr. SCHUMER, the names of the Senator from Hawaii (Mr. AKAKA), the Senator from Connecticut (Mr. BLUMENTHAL), the Senator from Louisiana (Ms. LANDRIEU) and the Senator from West Virginia (Mr. MANCHIN) were added as cosponsors of S. 1746, a bill to amend the Immigration and Nationality Act to stimulate international tourism to the United States.

S. 1824

At the request of Mr. TOOMEY, the name of the Senator from Delaware (Mr. COONS) was added as a cosponsor of S. 1824, a bill to amend the securities laws to establish certain thresholds for shareholder registration under that Act, and for other purposes.

S. 1880

At the request of Mr. BARRASSO, the name of the Senator from New Hampshire (Ms. AYOTTE) was added as a cosponsor of S. 1880, a bill to repeal the health care law's job-killing health insurance tax.

S. 1903

At the request of Mrs. GILLIBRAND, the names of the Senator from North Carolina (Mrs. HAGAN) and the Senator from New Jersey (Mr. MENENDEZ) were added as cosponsors of S. 1903, a bill to prohibit commodities and securities trading based on nonpublic information relating to Congress, to require additional reporting by Members and employees of Congress of securities transactions, and for other purposes.

S. 1925

At the request of Mr. LEAHY, the name of the Senator from Pennsylvania (Mr. CASEY) was added as a cosponsor of S. 1925, a bill to reauthorize the Violence Against Women Act of 1994.

S. 1927

At the request of Mr. PAUL, the name of the Senator from Missouri (Mr. BLUNT) was added as a cosponsor of S. 1927, a bill to modify the criteria used by the Corps of Engineers to dredge small ports.

S. 1932

At the request of Mr. LUGAR, the name of the Senator from Utah (Mr. HATCH) was added as a cosponsor of S. 1932, a bill to require the Secretary of State to act on a permit for the Keystone XL pipeline.

S. 1961

At the request of Mr. REED, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. 1961, a bill to provide level funding for the Low-Income Home Energy Assistance Program.

S. RES. 347

At the request of Mr. REID, his name was added as a cosponsor of S. Res. 347, a resolution recognizing the 40th anniversary of the National Cancer Act of 1971 and the more than 12,000,000 survivors of cancer alive today because of the commitment of the United States to cancer research and advances in cancer prevention, detection, diagnosis, and treatment.

At the request of Mr. BROWN of Ohio, the name of the Senator from Iowa (Mr. GRASSLEY) was added as a cosponsor of S. Res. 347, *supra*.

#### STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. LIEBERMAN (for himself, Mr. BLUMENTHAL, Ms. COLLINS, Mr. BURR, Mr. AKAKA, Mr. TESTER, and Ms. LANDRIEU):

S. 1990. A bill to require the Transportation Security Administration to comply with the Uniformed Services Employment and Reemployment Rights Act; to the Committee on Commerce, Science, and Transportation.

Mr. LIEBERMAN. Mr. President, I rise to introduce legislation that would guarantee the jobs of Transportation Service Officers, TSO, who are called to active military duty, putting them on the same playing field as every other civilian employee called up to serve their nation in the uniformed services in times of need.

I want to thank my cosponsors for their support of this measure, including my colleague from Connecticut, Senator RICHARD BLUMENTHAL, and the Ranking Member of the Homeland Security and Governmental Affairs Committee, Senator SUSAN COLLINS. Other cosponsors include Senators BURR, AKAKA, TESTER and LANDRIEU.

This is a very simple and straightforward bill that would close a loophole in the law that leaves Transportation Security Officers called to full time military service vulnerable to dismissal from their jobs upon return to civilian life.

The jobs of all other non-military public and private sector employees called up to active duty are protected under the Uniformed Services Employment and Reemployment Rights Act of 1994, USERRA. USERRA entitles a reservist, a member of the National Guard, or a veteran who is called to duty to return to their civilian jobs once their service is complete. The service member must meet certain, basic requirements, such as providing advance notice to their employer of their impending service and missing no more than 5 years of work under any one employer due to their service.

According to the law itself, the purpose of USERRA is to "encourage non-career service in the uniformed services by eliminating or minimizing the disadvantages to civilian careers and

employment which can result from such service."

The law also minimizes the disruption to those who are called up to service by providing for their prompt reemployment when they return to civilian life and protects them from discrimination based on their active duty in the uniformed services.

This is simple fairness to those with the courage, determination, and love of country to serve in the uniformed services beyond any required service or normal tour of duty, and certainly at an age older than most soldiers.

TSOs, however, are not statutorily protected against dismissal from their jobs upon return from military service. In the aftermath of 9/11, when Congress moved with lightening speed to strengthen the safety of air travel, we provided the Transportation Security Administration with the broad authority it would need to hire and deploy tens of thousands of new workers in a matter of weeks. TSOs became a select category of federal employees who were considered vital to the national security, and because of the unusual circumstances and broad authority given to TSA, they were exempted from many labor laws.

The Aviation and Transportation Security Act, ATSA, passed in November 2001, gives the TSA Administrator authority over all terms and conditions of a TSO's employment. Specifically, Section 111(d) of ATSA states: "notwithstanding any other provision of law, the Undersecretary for Transportation Security may employ, appoint, discipline, terminate, and fix terms and conditions of employment . . . as the Undersecretary determines to be necessary."

The Transportation Security Administration employs 3,500 reservists and another 15,000 veterans. The agency frequently recruits veterans, reservists, and members of the National Guard and benefits from their employment. We should make it easier for TSA to attract the best and brightest to its ranks, by ensuring these men and women have the job protections they need and deserve.

TSA has said that it complies administratively and voluntarily with USERRA. But without the force of law, reservists and National Guard members cannot count on redress if they believe TSA has violated USERRA.

According to The Veterans of Foreign Wars, at least two TSOs so far have tried to appeal TSA actions based on perceived violations of USERRA. Both were thwarted in their efforts when the Office of Special Counsel and the Merit System Protection Board ruled that Section 111(d) of ATSA bars TSOs from USERRA coverage.

TSOs find themselves in a clearly unjust and inadvertent position. Therefore, the legislation my colleagues and I are introducing today would simply

require TSA to comply with USERRA, providing TSOs the statutory protection of reemployment to which every other type of worker, in the private or public sectors, is eligible.

I ask my colleagues for their support to right this unintentional wrong.

Mr. President, I ask unanimous consent that the text of the bill be printed into the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 1990

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. APPLICABILITY OF THE UNIFORMED SERVICES EMPLOYMENT AND REEMPLOYMENT RIGHTS ACT TO THE TRANSPORTATION SECURITY ADMINISTRATION.**

(a) IN GENERAL.—Section 111(d) of the Aviation and Transportation Security Act (49 U.S.C. 44935 note; Public Law 107-71) is amended—

(1) by striking “Notwithstanding” and inserting the following:

“(1) GENERAL AUTHORITY.—Except as provided in paragraph (2), and notwithstanding”; and

(2) by adding at the end the following:

“(2) UNIFORMED SERVICES EMPLOYMENT AND REEMPLOYMENT RIGHTS ACT.—In carrying out the functions authorized under paragraph (1), the Under Secretary shall be subject to the provisions set forth in chapter 43 of title 38, United States Code.”.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on the date that is 270 days after the date of the enactment of this Act.

**AMENDMENTS SUBMITTED AND PROPOSED**

SA 1462. Mr. REID (for Mr. KERRY (for himself and Mr. LUGAR)) proposed an amendment to the bill H.R. 515, to reauthorize the Belarus Democracy Act of 2004.

SA 1463. Mr. REID (for Mrs. FEINSTEIN (for herself and Mr. CHAMBLISS)) proposed an amendment to the bill H.R. 1892, to authorize appropriations for fiscal year 2012 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes.

**TEXT OF AMENDMENTS**

**SA 1462.** Mr. REID (for Mr. KERRY (for himself and Mr. LUGAR)) proposed an amendment to the bill H.R. 515, to reauthorize the Belarus Democracy Act of 2004; as follows:

On page 6, line 19, strike “and” and insert “expanded its visa ban list, imposed additional financial sanctions on certain state-owned enterprises, and initiated preparations to freeze the assets of several individuals in Belarus. The”.

On page 10, line 9, strike “continue to”.

**SA 1463.** Mr. REID (for Mrs. FEINSTEIN (for herself and Mr. CHAMBLISS)) proposed an amendment to the bill H.R. 1892, to authorize appropriations for fiscal year 2012 for intelligence and

intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes; as follows:

Strike all after the enacting clause and insert the following:

**SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

(a) SHORT TITLE.—This Act may be cited as the “Intelligence Authorization Act for Fiscal Year 2012”.

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; Table of contents.

Sec. 2. Definitions.

**TITLE I—INTELLIGENCE ACTIVITIES**

Sec. 101. Authorization of appropriations.

Sec. 102. Classified Schedule of Authorizations.

Sec. 103. Personnel ceiling adjustments.

Sec. 104. Intelligence Community Management Account.

**TITLE II—CENTRAL INTELLIGENCE AGENCY RETIREMENT AND DISABILITY SYSTEM**

Sec. 201. Authorization of appropriations.

**TITLE III—GENERAL PROVISIONS**

Sec. 301. Increase in employee compensation and benefits authorized by law.

Sec. 302. Restriction on conduct of intelligence activities.

Sec. 303. Annual report on hiring of National Security Education Program participants.

Sec. 304. Enhancement of authority for flexible personnel management among the elements of the intelligence community.

Sec. 305. Preparation of nuclear proliferation assessment statements.

Sec. 306. Cost estimates.

Sec. 307. Updates of intelligence relating to terrorist recidivism of detainees held at United States Naval Station, Guantanamo Bay, Cuba.

Sec. 308. Notification of transfer of a detainee held at United States Naval Station, Guantanamo Bay, Cuba.

Sec. 309. Enhanced procurement authority to manage supply chain risk.

Sec. 310. Burial allowance.

Sec. 311. Modification of certain reporting requirements.

Sec. 312. Review of strategic and competitive analysis conducted by the intelligence community.

**TITLE IV—MATTERS RELATING TO ELEMENTS OF THE INTELLIGENCE COMMUNITY**

Subtitle A—Office of the Director of National Intelligence

Sec. 401. Intelligence community assistance to counter drug trafficking organizations using public lands.

Sec. 402. Application of certain financial reporting requirements to the Office of the Director of National Intelligence.

Sec. 403. Public availability of information regarding the Inspector General of the Intelligence Community.

Sec. 404. Clarification of status of Chief Information Officer in the Executive Schedule.

Sec. 405. Temporary appointment to fill vacancies within Office of the Director of National Intelligence.

Subtitle B—Central Intelligence Agency

Sec. 411. Acceptance of gifts.

Sec. 412. Foreign language proficiency requirements for Central Intelligence Agency officers.

Sec. 413. Public availability of information regarding the Inspector General of the Central Intelligence Agency.

Sec. 414. Creating an official record of the Osama bin Laden operation.

Sec. 415. Recruitment of personnel in the Office of the Inspector General.

Subtitle C—National Security Agency

Sec. 421. Additional authorities for National Security Agency security personnel.

Subtitle D—Other Elements

Sec. 431. Codification of Office of Intelligence and Analysis of the Department of Homeland Security as element of the intelligence community.

Sec. 432. Federal Bureau of Investigation participation in the Department of Justice leave bank.

Sec. 433. Accounts and transfer authority for appropriations and other amounts for intelligence elements of the Department of Defense.

Sec. 434. Report on training standards of defense intelligence workforce.

**TITLE V—OTHER MATTERS**

Sec. 501. Report on airspace restrictions for use of unmanned aerial vehicles along the border of the United States and Mexico.

Sec. 502. Sense of Congress regarding integration of fusion centers.

Sec. 503. Strategy to counter improvised explosive devices.

Sec. 504. Sense of Congress regarding the priority of railway transportation security.

Sec. 505. Technical amendments to the National Security Act of 1947.

Sec. 506. Technical amendments to title 18, United States Code.

Sec. 507. Budgetary effects.

**SEC. 2. DEFINITIONS.**

In this Act:

(1) CONGRESSIONAL INTELLIGENCE COMMITTEES.—The term “congressional intelligence committees” means—

(A) the Select Committee on Intelligence of the Senate; and

(B) the Permanent Select Committee on Intelligence of the House of Representatives.

(2) INTELLIGENCE COMMUNITY.—The term “intelligence community” has the meaning given that term in section 3(4) of the National Security Act of 1947 (50 U.S.C. 401a(4)).

**TITLE I—INTELLIGENCE ACTIVITIES**

**SEC. 101. AUTHORIZATION OF APPROPRIATIONS.**

Funds are hereby authorized to be appropriated for fiscal year 2012 for the conduct of the intelligence and intelligence-related activities of the following elements of the United States Government:

(1) The Office of the Director of National Intelligence.

(2) The Central Intelligence Agency.

(3) The Department of Defense.

(4) The Defense Intelligence Agency.

(5) The National Security Agency.

(6) The Department of the Army, the Department of the Navy, and the Department of the Air Force.

(7) The Coast Guard.

(8) The Department of State.

(9) The Department of the Treasury.

(10) The Department of Energy.

(11) The Department of Justice.

- (12) The Federal Bureau of Investigation.
- (13) The Drug Enforcement Administration.
- (14) The National Reconnaissance Office.
- (15) The National Geospatial-Intelligence Agency.
- (16) The Department of Homeland Security.

#### SEC. 102. CLASSIFIED SCHEDULE OF AUTHORIZATIONS.

(a) SPECIFICATIONS OF AMOUNTS AND PERSONNEL LEVELS.—The amounts authorized to be appropriated under section 101 and, subject to section 103, the authorized personnel ceilings as of September 30, 2012, for the conduct of the intelligence activities of the elements listed in paragraphs (1) through (16) of section 101, are those specified in the classified Schedule of Authorizations prepared to accompany the bill H.R. 1892 of the One Hundred Twelfth Congress.

(b) AVAILABILITY OF CLASSIFIED SCHEDULE OF AUTHORIZATIONS.—

(1) AVAILABILITY TO COMMITTEES OF CONGRESS.—The classified Schedule of Authorizations referred to in subsection (a) shall be made available to the Committee on Appropriations of the Senate, the Committee on Appropriations of the House of Representatives, and to the President.

(2) DISTRIBUTION BY THE PRESIDENT.—Subject to paragraph (3), the President shall provide for suitable distribution of the classified Schedule of Authorizations, or of appropriate portions of the Schedule, within the executive branch.

(3) LIMITS ON DISCLOSURE.—The President shall not publicly disclose the classified Schedule of Authorizations or any portion of such Schedule except—

(A) as provided in section 601(a) of the Implementing Recommendations of the 9/11 Commission Act of 2007 (50 U.S.C. 415c)

(B) to the extent necessary to implement the budget; or

(C) as otherwise required by law.

(c) USE OF FUNDS FOR CERTAIN ACTIVITIES IN THE CLASSIFIED ANNEX.—In addition to any other purpose authorized by law, the Director of the Federal Bureau of Investigation may expend funds authorized in this Act as specified in the Federal Bureau of Investigation Policy Implementation section of the classified annex accompanying this Act.

#### SEC. 103. PERSONNEL CEILING ADJUSTMENTS.

(a) AUTHORITY FOR INCREASES.—The Director of National Intelligence may authorize the employment of civilian personnel in excess of the number of full-time equivalent positions for fiscal year 2012 authorized by the classified Schedule of Authorizations referred to in section 102(a) if the Director of National Intelligence determines that such action is necessary for the performance of important intelligence functions, except that the number of personnel employed in excess of the number authorized under such section may not, for any element of the intelligence community, exceed 3 percent of the number of civilian personnel authorized under such section for such element.

(b) AUTHORITY FOR CONVERSION OF ACTIVITIES PERFORMED BY CONTRACT PERSONNEL.—

(1) IN GENERAL.—In addition to the authority in subsection (a) and subject to paragraph (2), if the head of an element of the intelligence community makes a determination that activities currently being performed by contract personnel should be performed by employees of such element, the Director of National Intelligence, in order to reduce a comparable number of contract personnel, may authorize for that purpose employment of additional full-time equivalent

personnel in such element equal to the number of full-time equivalent contract personnel performing such activities.

(2) CONCURRENCE AND APPROVAL.—The authority described in paragraph (1) may not be exercised unless the Director of National Intelligence concurs with the determination described in such paragraph.

(c) TREATMENT OF CERTAIN PERSONNEL.—The Director of National Intelligence shall establish guidelines that govern, for each element of the intelligence community, the treatment under the personnel levels authorized under section 102(a), including any exemption from such personnel levels, of employment or assignment—

(1) in a student program, trainee program, or similar program;

(2) in a reserve corps or as a reemployed annuitant; or

(3) in details, joint duty, or long-term, full-time training.

(d) NOTICE TO CONGRESSIONAL INTELLIGENCE COMMITTEES.—The Director of National Intelligence shall notify the congressional intelligence committees in writing at least 15 days prior to the initial exercise of an authority described in subsection (a) or (b).

#### SEC. 104. INTELLIGENCE COMMUNITY MANAGEMENT ACCOUNT.

(a) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated for the Intelligence Community Management Account of the Director of National Intelligence for fiscal year 2012 the sum of \$576,393,000. Within such amount, funds identified in the classified Schedule of Authorizations referred to in section 102(a) for advanced research and development shall remain available until September 30, 2013.

(b) AUTHORIZED PERSONNEL LEVELS.—The elements within the Intelligence Community Management Account of the Director of National Intelligence are authorized 777 full-time or full-time equivalent personnel as of September 30, 2012. Personnel serving in such elements may be permanent employees of the Office of the Director of National Intelligence or personnel detailed from other elements of the United States Government.

(c) CLASSIFIED AUTHORIZATIONS.—

(1) AUTHORIZATION OF APPROPRIATIONS.—In addition to amounts authorized to be appropriated for the Intelligence Community Management Account by subsection (a), there are authorized to be appropriated for the Community Management Account for fiscal year 2012 such additional amounts as are specified in the classified Schedule of Authorizations referred to in section 102(a). Such additional amounts for advanced research and development shall remain available until September 30, 2013.

(2) AUTHORIZATION OF PERSONNEL.—In addition to the personnel authorized by subsection (b) for elements of the Intelligence Community Management Account as of September 30, 2012, there are authorized such additional personnel for the Community Management Account as of that date as are specified in the classified Schedule of Authorizations referred to in section 102(a).

#### TITLE II—CENTRAL INTELLIGENCE AGENCY RETIREMENT AND DISABILITY SYSTEM

##### SEC. 201. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated for the Central Intelligence Agency Retirement and Disability Fund for fiscal year 2012 the sum of \$514,000,000.

#### TITLE III—GENERAL PROVISIONS

##### SEC. 301. INCREASE IN EMPLOYEE COMPENSATION AND BENEFITS AUTHORIZED BY LAW.

Appropriations authorized by this Act for salary, pay, retirement, and other benefits for Federal employees may be increased by such additional or supplemental amounts as may be necessary for increases in such compensation or benefits authorized by law.

##### SEC. 302. RESTRICTION ON CONDUCT OF INTELLIGENCE ACTIVITIES.

The authorization of appropriations by this Act shall not be deemed to constitute authority for the conduct of any intelligence activity which is not otherwise authorized by the Constitution or the laws of the United States.

##### SEC. 303. ANNUAL REPORT ON HIRING OF NATIONAL SECURITY EDUCATION PROGRAM PARTICIPANTS.

Not later than 90 days after the end of each of fiscal years 2012, 2013, and 2014, the head of each element of the intelligence community shall submit to the congressional intelligence committees a report, which may be in classified form, containing the number of personnel hired by such element during such fiscal year that were at any time a recipient of a grant or scholarship under the David L. Boren National Security Education Act of 1991 (50 U.S.C. 1901 et seq.).

##### SEC. 304. ENHANCEMENT OF AUTHORITY FOR FLEXIBLE PERSONNEL MANAGEMENT AMONG THE ELEMENTS OF THE INTELLIGENCE COMMUNITY.

Section 102A of the National Security Act of 1947 (50 U.S.C. 403-1) is amended by adding at the end the following new subsection:

“(v) AUTHORITY TO ESTABLISH POSITIONS IN EXCEPTED SERVICE.—(1) The Director of National Intelligence, with the concurrence of the head of the covered department concerned and in consultation with the Director of the Office of Personnel Management, may—

“(A) convert competitive service positions, and the incumbents of such positions, within an element of the intelligence community in such department, to excepted service positions as the Director of National Intelligence determines necessary to carry out the intelligence functions of such element; and

“(B) establish new positions in the excepted service within an element of the intelligence community in such department, if the Director of National Intelligence determines such positions are necessary to carry out the intelligence functions of such element.

“(2) An incumbent occupying a position on the date of the enactment of the Intelligence Authorization Act for Fiscal Year 2012 selected to be converted to the excepted service under this section shall have the right to refuse such conversion. Once such individual no longer occupies the position, the position may be converted to the excepted service.

“(3) In this subsection, the term ‘covered department’ means the Department of Energy, the Department of Homeland Security, the Department of State, or the Department of the Treasury.”.

##### SEC. 305. PREPARATION OF NUCLEAR PROLIFERATION ASSESSMENT STATEMENTS.

Section 102A of the National Security Act of 1947 (50 U.S.C. 403-1), as amended by section 304 of this Act, is further amended by adding at the end the following new subsection:

“(w) NUCLEAR PROLIFERATION ASSESSMENT STATEMENTS INTELLIGENCE COMMUNITY ADDENDUM.—The Director of National Intelligence, in consultation with the heads of the

appropriate elements of the intelligence community and the Secretary of State, shall provide to the President, the congressional intelligence committees, the Committee on Foreign Affairs of the House of Representatives, and the Committee on Foreign Relations of the Senate an addendum to each Nuclear Proliferation Assessment Statement accompanying a civilian nuclear cooperation agreement, containing a comprehensive analysis of the country's export control system with respect to nuclear-related matters, including interactions with other countries of proliferation concern and the actual or suspected nuclear, dual-use, or missile-related transfers to such countries."

#### SEC. 306. COST ESTIMATES.

(a) IN GENERAL.—Section 506A of the National Security Act of 1947 (50 U.S.C. 415a-1) is amended—

(1) in subsection (a)(2)—

(A) by inserting "(A)" after "(2)"; and

(B) by adding at the end the following new subparagraph:

"(B) For major system acquisitions requiring a service or capability from another acquisition or program to deliver the end-to-end functionality for the intelligence community end users, independent cost estimates shall include, to the maximum extent practicable, all estimated costs across all pertinent elements of the intelligence community. For collection programs, such cost estimates shall include the cost of new analyst training, new hardware and software for data exploitation and analysis, and any unique or additional costs for data processing, storing, and power, space, and cooling across the life cycle of the program. If such costs for processing, exploitation, dissemination, and storage are scheduled to be executed in other elements of the intelligence community, the independent cost estimate shall identify and annotate such costs for such other elements accordingly.";

(2) in subsection (e)(2)—

(A) by inserting "(A)" after "(2)";

(B) in subparagraph (A), as so designated, by striking "associated with the acquisition of a major system," and inserting "associated with the development, acquisition, procurement, operation, and sustainment of a major system across its proposed life cycle,";

(C) by adding at the end the following:

"(B) In accordance with subsection (a)(2)(B), each independent cost estimate shall include all costs required across elements of the intelligence community to develop, acquire, procure, operate, and sustain the system to provide the end-to-end intelligence functionality of the system, including—

"(i) for collection programs, the cost of new analyst training, new hardware and software for data exploitation and analysis, and any unique or additional costs for data processing, storing, and power, space, and cooling across the life cycle of the program; and

"(ii) costs for processing, exploitation, dissemination, and storage scheduled to be executed in other elements of the intelligence community."

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date that is 180 days after the date of the enactment of this Act.

#### SEC. 307. UPDATES OF INTELLIGENCE RELATING TO TERRORIST RECIDIVISM OF DETAINEES HELD AT UNITED STATES NAVAL STATION, GUANTANAMO BAY, CUBA.

(a) UPDATES AND CONSOLIDATION OF LANGUAGE.—

(1) IN GENERAL.—Title V of the National Security Act of 1947 (50 U.S.C. 413 et seq.) is amended by inserting after section 506H the following new section:

"SUMMARY OF INTELLIGENCE RELATING TO TERRORIST RECIDIVISM OF DETAINEES HELD AT UNITED STATES NAVAL STATION, GUANTANAMO BAY, CUBA

"SEC. 506I. (a) IN GENERAL.—The Director of National Intelligence, in consultation with the Director of the Central Intelligence Agency and the Director of the Defense Intelligence Agency, shall make publicly available an unclassified summary of—

"(1) intelligence relating to recidivism of detainees currently or formerly held at the Naval Detention Facility at Guantanamo Bay, Cuba, by the Department of Defense; and

"(2) an assessment of the likelihood that such detainees will engage in terrorism or communicate with persons in terrorist organizations.

"(b) UPDATES.—Not less frequently than once every 6 months, the Director of National Intelligence, in consultation with the Director of the Central Intelligence Agency and the Secretary of Defense, shall update and make publicly available an unclassified summary consisting of the information required by subsection (a) and the number of individuals formerly detained at Naval Station, Guantanamo Bay, Cuba, who are confirmed or suspected of returning to terrorist activities after release or transfer from such Naval Station."

(2) INITIAL UPDATE.—The initial update required by section 506I(b) of such Act, as added by paragraph (1) of this subsection, shall be made publicly available not later than 10 days after the date the first report following the date of the enactment of the Intelligence Authorization Act for Fiscal Year 2012 is submitted to members and committees of Congress pursuant to section 319 of the Supplemental Appropriations Act, 2009 (Public Law 111-32; 10 U.S.C. 801 note).

(b) TABLE OF CONTENTS AMENDMENT.—The table of contents in the first section of the National Security Act of 1947 is amended by inserting after the item relating to section 506H the following new item:

"Sec. 506I. Summary of intelligence relating to terrorist recidivism of detainees held at United States Naval Station, Guantanamo Bay, Cuba."

#### SEC. 308. NOTIFICATION OF TRANSFER OF A DETAINEE HELD AT UNITED STATES NAVAL STATION, GUANTANAMO BAY, CUBA.

(a) REQUIREMENT FOR NOTIFICATION.—The President shall submit to Congress, in classified form, at least 30 days prior to the transfer or release of an individual detained at Naval Station, Guantanamo Bay, Cuba, as of June 24, 2009, to the country of such individual's nationality or last habitual residence or to any other foreign country or to a freely associated State the following information:

(1) The name of the individual to be transferred or released.

(2) The country or the freely associated State to which such individual is to be transferred or released.

(3) The terms of any agreement with the country or the freely associated State for the acceptance of such individual, including the amount of any financial assistance related to such agreement.

(4) The agencies or departments of the United States responsible for ensuring that the agreement described in paragraph (3) is carried out.

(b) DEFINITION.—In this section, the term "freely associated States" means the Federated States of Micronesia, the Republic of the Marshall Islands, and the Republic of Palau.

(c) CONSTRUCTION WITH OTHER REQUIREMENTS.—Nothing in this section shall be construed to supersede or otherwise affect the following provisions of law:

(1) Section 1028 of the National Defense Authorization Act for Fiscal Year 2012.

(2) Section 8120 of the Department of Defense Appropriations Act, 2012.

#### SEC. 309. ENHANCED PROCUREMENT AUTHORITY TO MANAGE SUPPLY CHAIN RISK.

(a) DEFINITIONS.—In this section:

(1) COVERED AGENCY.—The term "covered agency" means any element of the intelligence community other than an element within the Department of Defense.

(2) COVERED ITEM OF SUPPLY.—The term "covered item of supply" means an item of information technology (as that term is defined in section 11101 of title 40, United States Code) that is purchased for inclusion in a covered system, and the loss of integrity of which could result in a supply chain risk for a covered system.

(3) COVERED PROCUREMENT.—The term "covered procurement" means—

(A) a source selection for a covered system or a covered item of supply involving either a performance specification, as provided in section 3306(a)(3)(B) of title 41, United States Code, or an evaluation factor, as provided in section 3306(b)(1) of such title, relating to supply chain risk;

(B) the consideration of proposals for and issuance of a task or delivery order for a covered system or a covered item of supply, as provided in section 4106(d)(3) of title 41, United States Code, where the task or delivery order contract concerned includes a contract clause establishing a requirement relating to supply chain risk; or

(C) any contract action involving a contract for a covered system or a covered item of supply where such contract includes a clause establishing requirements relating to supply chain risk.

(4) COVERED PROCUREMENT ACTION.—The term "covered procurement action" means any of the following actions, if the action takes place in the course of conducting a covered procurement:

(A) The exclusion of a source that fails to meet qualifications standards established in accordance with the requirements of section 3311 of title 41, United States Code, for the purpose of reducing supply chain risk in the acquisition of covered systems.

(B) The exclusion of a source that fails to achieve an acceptable rating with regard to an evaluation factor providing for the consideration of supply chain risk in the evaluation of proposals for the award of a contract or the issuance of a task or delivery order.

(C) The decision to withhold consent for a contractor to subcontract with a particular source or to direct a contractor for a covered system to exclude a particular source from consideration for a subcontract under the contract.

(5) COVERED SYSTEM.—The term "covered system" means a national security system, as that term is defined in section 3542(b) of title 44, United States Code.

(6) SUPPLY CHAIN RISK.—The term "supply chain risk" means the risk that an adversary may sabotage, maliciously introduce unwanted function, or otherwise subvert the design, integrity, manufacturing, production, distribution, installation, operation, or maintenance of a covered system so as to



surveil, deny, disrupt, or otherwise degrade the function, use, or operation of such system.

(b) **AUTHORITY.**—Subject to subsection (c) and in consultation with the Director of National Intelligence, the head of a covered agency may, in conducting intelligence and intelligence-related activities—

(1) carry out a covered procurement action; and

(2) limit, notwithstanding any other provision of law, in whole or in part, the disclosure of information relating to the basis for carrying out a covered procurement action.

(c) **DETERMINATION AND NOTIFICATION.**—The head of a covered agency may exercise the authority provided in subsection (b) only after—

(1) any appropriate consultation with procurement or other relevant officials of the covered agency;

(2) making a determination in writing, which may be in classified form, that—

(A) use of the authority in subsection (b)(1) is necessary to protect national security by reducing supply chain risk;

(B) less intrusive measures are not reasonably available to reduce such supply chain risk; and

(C) in a case where the head of the covered agency plans to limit disclosure of information under subsection (b)(2), the risk to national security due to the disclosure of such information outweighs the risk due to not disclosing such information;

(3) notifying the Director of National Intelligence that there is a significant supply chain risk to the covered system concerned, unless the head of the covered agency making the determination is the Director of National Intelligence; and

(4) providing a notice, which may be in classified form, of the determination made under paragraph (2) to the congressional intelligence committees that includes a summary of the basis for the determination, including a discussion of less intrusive measures that were considered and why they were not reasonably available to reduce supply chain risk.

(d) **DELEGATION.**—The head of a covered agency may not delegate the authority provided in subsection (b) or the responsibility to make a determination under subsection (c) to an official below the level of the service acquisition executive for the agency concerned.

(e) **SAVINGS.**—The authority under this section is in addition to any other authority under any other provision of law. The authority under this section shall not be construed to alter or effect the exercise of any other provision of law.

(f) **EFFECTIVE DATE.**—The requirements of this section shall take effect on the date that is 180 days after the date of the enactment of this Act and shall apply to contracts that are awarded on or after such date.

(g) **SUNSET.**—The authority provided in this section shall expire on the date that section 806 of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (Public Law 111-383; 10 U.S.C. 2304 note) expires.

#### SEC. 310. BURIAL ALLOWANCE.

(a) **AUTHORIZATION TO PROVIDE.**—

(1) **IN GENERAL.**—The head of an agency or department containing an element of the intelligence community may pay to the estate of a decedent described in paragraph (2) a burial allowance at the request of a representative of such estate, as determined in accordance with the laws of a State.

(2) **DESCRIPTION.**—A decedent described in this paragraph is an individual—

(A) who served as a civilian officer or employee of such an agency or department;

(B) who died as a result of an injury incurred during such service; and

(C) whose death—

(i) resulted from hostile or terrorist activities; or

(ii) occurred in connection with an intelligence activity having a substantial element of risk.

(b) **USE OF BURIAL ALLOWANCE.**—A burial allowance paid under subsection (a) may be used to reimburse such estate for burial expenses, including recovery, mortuary, funeral, or memorial service, cremation, burial costs, and costs of transportation by common carrier to the place selected for final disposition of the decedent.

(c) **AMOUNT OF BURIAL ALLOWANCE; RELATIONSHIP TO OTHER PROVISIONS.**—A burial allowance paid under subsection (a) shall be—

(1) in an amount not greater than—

(A) the maximum reimbursable amount allowed under Department of Defense Instruction 1344.08 or successor instruction; plus

(B) the actual costs of transportation referred to in subsection (b); and

(2) in addition to any other benefit permitted under any other provision of law, including funds that may be expended as specified in the General Provisions section of the classified annex accompanying this Act.

(d) **REPORT.**—Not later than 180 days after the date of the enactment of this Act, the Director of the Office of Personnel Management, in consultation with the Director of National Intelligence, the Secretary of Labor, and the Secretary of Defense, shall submit to Congress a report on the feasibility of implementing legislation to provide for burial allowances at a level which adequately addresses the cost of burial expenses and provides for equitable treatment when an officer or employee of a Federal agency or department dies as the result of an injury sustained in the performance of duty.

#### SEC. 311. MODIFICATION OF CERTAIN REPORTING REQUIREMENTS.

(a) **INTELLIGENCE REFORM AND TERRORISM PREVENTION ACT OF 2004.**—Section 1041(b) of the Intelligence Reform and Terrorism Prevention Act of 2004 (50 U.S.C. 403-1b(b)) is amended by striking paragraphs (3) and (4).

(b) **INTELLIGENCE AUTHORIZATION ACT FOR FISCAL YEAR 2003.**—Section 904(d)(1) of the Intelligence Authorization Act for Fiscal Year 2003 (50 U.S.C. 402c(d)(1)) is amended by striking “on an annual basis”.

(c) **INTELLIGENCE AUTHORIZATION ACT FOR FISCAL YEAR 1995.**—Section 809 of the Intelligence Authorization Act for Fiscal Year 1995 (50 U.S.C. App. 2170b) is amended—

(1) by striking subsection (b); and

(2) in subsection (c), by striking “reports referred to in subsections (a) and (b)” and inserting “report referred to in subsection (a)”.

(d) **REPORT ON TEMPORARY PERSONNEL AUTHORIZATIONS FOR CRITICAL LANGUAGE TRAINING.**—Paragraph (3)(D) of section 102A(e) of the National Security Act of 1947 (50 U.S.C. 403-1(e)), as amended by section 306 of the Intelligence Authorization Act for Fiscal Year 2010 (Public Law 111-259; 124 Stat. 2661), is amended by striking “The” and inserting “For each of the fiscal years 2010, 2011, and 2012, the”.

#### SEC. 312. REVIEW OF STRATEGIC AND COMPETITIVE ANALYSIS CONDUCTED BY THE INTELLIGENCE COMMUNITY.

(a) **REVIEW.**—The Director of National Intelligence shall direct the Director's Senior Advisory Group to conduct a comprehensive review of the strategic and competitive anal-

ysis of international terrorism and homegrown violent extremism conducted by elements of the intelligence community during the 12 month period beginning on the date of the enactment of this Act.

(b) **RECOMMENDATIONS.**—Not later than 15 months after the date of the enactment of this Act, the Director of the National Intelligence shall submit to the congressional intelligence committees—

(1) a report on the results of the review conducted under subsection (a); and

(2) any actions taken by the Director to implement the recommendations, if any, of the Director's Senior Advisory Group based on such results.

#### TITLE IV—MATTERS RELATING TO ELEMENTS OF THE INTELLIGENCE COMMUNITY

##### Subtitle A—Office of the Director of National Intelligence

#### SEC. 401. INTELLIGENCE COMMUNITY ASSISTANCE TO COUNTER DRUG TRAFFICKING ORGANIZATIONS USING PUBLIC LANDS.

(a) **CONSULTATION.**—The Director of National Intelligence shall consult with the heads of the Federal land management agencies on the appropriate actions the intelligence community can take to assist such agencies in responding to the threat from covered entities that are currently or have previously used public lands in the United States to further the operations of such entities.

(b) **REPORT.**—Not later than 180 days after the date of the enactment of this Act, the Director of National Intelligence shall submit to the congressional intelligence committees, the Committee on the Judiciary of the Senate, and the Committee on the Judiciary of the House of Representatives a report on the results of the consultation under subsection (a). Such report shall include—

(1) an assessment of the intelligence community collection efforts dedicated to covered entities, including any collection gaps or inefficiencies; and

(2) an assessment of the ability of the intelligence community to assist Federal land management agencies in identifying and protecting public lands from illegal drug grows and other activities and threats of covered entities, including through the sharing of intelligence information.

(c) **DEFINITIONS.**—In this section:

(1) **COVERED ENTITY.**—The term “covered entity” means an international drug trafficking organization or other actor involved in drug trafficking generally.

(2) **FEDERAL LAND MANAGEMENT AGENCY.**—The term “Federal land management agency” includes—

(A) the Forest Service of the Department of Agriculture;

(B) the Bureau of Land Management of the Department of the Interior;

(C) the National Park Service of the Department of the Interior;

(D) the Fish and Wildlife Service of the Department of the Interior; and

(E) the Bureau of Reclamation of the Department of the Interior.

(3) **PUBLIC LANDS.**—The term “public lands” means land under the management of a Federal land management agency.

#### SEC. 402. APPLICATION OF CERTAIN FINANCIAL REPORTING REQUIREMENTS TO THE OFFICE OF THE DIRECTOR OF NATIONAL INTELLIGENCE.

For each of the fiscal years 2010, 2011, and 2012, the requirements of section 3515 of title 31, United States Code, to submit an audited financial statement shall not apply to the



Office of the Director of National Intelligence if the Director of National Intelligence determines and notifies Congress that audited financial statements for such years for such Office cannot be produced on a cost-effective basis.

**SEC. 403. PUBLIC AVAILABILITY OF INFORMATION REGARDING THE INSPECTOR GENERAL OF THE INTELLIGENCE COMMUNITY.**

Section 103H of the National Security Act of 1947 (50 U.S.C. 403-3h) is amended by adding at the end the following new subsection:

“(o) INFORMATION ON WEBSITE.—(1) The Director of National Intelligence shall establish and maintain on the homepage of the publicly accessible website of the Office of the Director of National Intelligence information relating to the Office of the Inspector General of the Intelligence Community including methods to contact the Inspector General.

“(2) The information referred to in paragraph (1) shall be obvious and facilitate accessibility to the information related to the Office of the Inspector General of the Intelligence Community.”.

**SEC. 404. CLARIFICATION OF STATUS OF CHIEF INFORMATION OFFICER IN THE EXECUTIVE SCHEDULE.**

Section 5315 of title 5, United States Code, is amended by inserting after the item relating to the Chief Information Officer, Small Business Administration the following new item:

“Chief Information Officer of the Intelligence Community.”.

**SEC. 405. TEMPORARY APPOINTMENT TO FILL VACANCIES WITHIN OFFICE OF THE DIRECTOR OF NATIONAL INTELLIGENCE.**

Section 103 of the National Security Act of 1947 (50 U.S.C. 403-3) is amended—

(1) by redesignating subsection (e) as subsection (f); and

(2) by inserting after subsection (d) the following new subsection:

“(e) TEMPORARY FILLING OF VACANCIES.—With respect to filling temporarily a vacancy in an office within the Office of the Director of National Intelligence (other than that of the Director of National Intelligence), section 3345(a)(3) of title 5, United States Code, may be applied—

“(1) in the matter preceding subparagraph (A), by substituting ‘an element of the intelligence community, as that term is defined in section 3(4) of the National Security Act of 1947 (50 U.S.C. 401a(4)),’ for ‘such Executive agency’; and

“(2) in subparagraph (A), by substituting ‘the intelligence community’ for ‘such agency’.”.

**Subtitle B—Central Intelligence Agency**

**SEC. 411. ACCEPTANCE OF GIFTS.**

Section 12 of the Central Intelligence Agency Act of 1949 (50 U.S.C. 4031(a)) is amended—

(1) in subsection (a)—

(A) by inserting “(1)” after “(a)”; and

(B) by striking the second and third sentences and inserting the following:

“(2) Any gift accepted under this section (and any income produced by any such gift)—

“(A) may be used only for—”

“(i) artistic display;

“(ii) purposes relating to the general welfare, education, or recreation of employees or dependents of employees of the Agency or for similar purposes; or

“(iii) purposes relating to the welfare, education, or recreation of an individual described in paragraph (3); and

“(B) under no circumstances may such a gift (or any income produced by any such gift) be used for operational purposes.

“(3) An individual described in this paragraph is an individual who—

“(A) is an employee or a former employee of the Agency who suffered injury or illness while employed by the Agency that—

“(i) resulted from hostile or terrorist activities;

“(ii) occurred in connection with an intelligence activity having a significant element of risk; or

“(iii) occurred under other circumstances determined by the Director to be analogous to the circumstances described in clause (i) or (ii);

“(B) is a family member of such an employee or former employee; or

“(C) is a surviving family member of an employee of the Agency who died in circumstances described in clause (i), (ii), or (iii) of subparagraph (A).

“(4) The Director may not accept any gift under this section that is expressly conditioned upon any expenditure not to be met from the gift itself or from income produced by the gift unless such expenditure has been authorized by law.

“(5) The Director may, in the Director’s discretion, determine that an individual described in subparagraph (A) or (B) of paragraph (3) may accept a gift for the purposes described in paragraph (2)(A)(iii).”; and

(2) by adding at the end the following new subsection:

“(f) The Director, in consultation with the Director of the Office of Government Ethics, shall issue regulations to carry out the authority provided in this section. Such regulations shall ensure that such authority is exercised consistent with all relevant ethical constraints and principles, including—

“(1) the avoidance of any prohibited conflict of interest or appearance of impropriety; and

“(2) a prohibition against the acceptance of a gift from a foreign government or an agent of a foreign government.”.

**SEC. 412. FOREIGN LANGUAGE PROFICIENCY REQUIREMENTS FOR CENTRAL INTELLIGENCE AGENCY OFFICERS.**

(a) IN GENERAL.—Section 104A(g) of the National Security Act of 1947 (50 U.S.C. 403-4a(g)) is amended—

(1) in paragraph (1)—

(A) in the matter preceding subparagraph (A)—

(i) by inserting “in the Directorate of Intelligence career service or the National Clandestine Service career service” after “an individual”;

(ii) by inserting “or promoted” after “appointed”; and

(iii) by striking “individual—” and inserting “individual has been certified as having a professional speaking and reading proficiency in a foreign language, such proficiency being at least level 3 on the Interagency Language Roundtable Language Skills Level or commensurate proficiency level using such other indicator of proficiency as the Director of the Central Intelligence Agency considers appropriate.”;

(B) by striking subparagraphs (A) and (B); and

(2) in paragraph (2), by striking “position or category of positions” both places that term appears and inserting “position, category of positions, or occupation”.

(b) EFFECTIVE DATE.—Section 611(b) of the Intelligence Authorization Act for Fiscal Year 2005 (Public Law 108-487; 50 U.S.C. 403-4a note) is amended—

(1) by inserting “or promotions” after “appointments”; and

(2) by striking “that is one year after the date”.

(c) REPORT ON WAIVERS.—Section 611(c) of the Intelligence Authorization Act for Fiscal Year 2005 (Public Law 108-487; 118 Stat. 3955) is amended—

(1) in the first sentence—

(A) by striking “positions” and inserting “individual waivers”; and

(B) by striking “Directorate of Operations” and inserting “National Clandestine Service”; and

(2) in the second sentence, by striking “position or category of positions” and inserting “position, category of positions, or occupation”.

(d) REPORT ON TRANSFERS.—Not later than 45 days after the date of the enactment of this Act, and on an annual basis for each of the following 3 years, the Director of the Central Intelligence Agency shall submit to the congressional intelligence committees a report on the number of Senior Intelligence Service employees of the Agency who—

(1) were transferred during the reporting period to a Senior Intelligence Service position in the Directorate of Intelligence career service or the National Clandestine Service career service; and

(2) did not meet the foreign language requirements specified in section 104A(g)(1) of the National Security Act of 1947 (50 U.S.C. 403-4a(g)(1)) at the time of such transfer.

**SEC. 413. PUBLIC AVAILABILITY OF INFORMATION REGARDING THE INSPECTOR GENERAL OF THE CENTRAL INTELLIGENCE AGENCY.**

Section 17 of the Central Intelligence Agency Act of 1949 (50 U.S.C. 403q) is amended by adding at the end the following new subsection:

“(h) INFORMATION ON WEBSITE.—(1) The Director of the Central Intelligence Agency shall establish and maintain on the homepage of the Agency’s publicly accessible website information relating to the Office of the Inspector General including methods to contact the Inspector General.

“(2) The information referred to in paragraph (1) shall be obvious and facilitate accessibility to the information related to the Office of the Inspector General.”.

**SEC. 414. CREATING AN OFFICIAL RECORD OF THE OSAMA BIN LADEN OPERATION.**

(a) FINDINGS.—Congress finds the following:

(1) On May 1, 2011, United States personnel killed terrorist leader Osama bin Laden during the course of a targeted strike against his secret compound in Abbottabad, Pakistan.

(2) Osama bin Laden was the leader of the al Qaeda terrorist organization, the most significant terrorism threat to the United States and the international community.

(3) Osama bin Laden was the architect of terrorist attacks which killed nearly 3,000 civilians on September 11, 2001, the most deadly terrorist attack against our Nation, in which al Qaeda terrorists hijacked four airplanes and crashed them into the World Trade Center in New York City, the Pentagon in Washington, D.C., and, due to heroic efforts by civilian passengers to disrupt the terrorists, near Shanksville, Pennsylvania.

(4) Osama bin Laden planned or supported numerous other deadly terrorist attacks against the United States and its allies, including the 1998 bombings of United States embassies in Kenya and Tanzania and the 2000 attack on the U.S.S. Cole in Yemen, and

against innocent civilians in countries around the world, including the 2004 attack on commuter trains in Madrid, Spain and the 2005 bombings of the mass transit system in London, England.

(5) Following the September 11, 2001, terrorist attacks, the United States, under President George W. Bush, led an international coalition into Afghanistan to dismantle al Qaeda, deny them a safe haven in Afghanistan and ungoverned areas along the Pakistani border, and bring Osama bin Laden to justice.

(6) President Barack Obama in 2009 committed additional forces and resources to efforts in Afghanistan and Pakistan as “the central front in our enduring struggle against terrorism and extremism”.

(7) The valiant members of the United States Armed Forces have courageously and vigorously pursued al Qaeda and its affiliates in Afghanistan and around the world.

(8) The anonymous, unsung heroes of the intelligence community have pursued al Qaeda and affiliates in Afghanistan, Pakistan, and around the world with tremendous dedication, sacrifice, and professionalism.

(9) The close collaboration between the Armed Forces and the intelligence community prompted the Director of National Intelligence, General James Clapper, to state, “Never have I seen a more remarkable example of focused integration, seamless collaboration, and sheer professional magnificence as was demonstrated by the Intelligence Community in the ultimate demise of Osama bin Laden.”.

(10) While the death of Osama bin Laden represents a significant blow to the al Qaeda organization and its affiliates and to terrorist organizations around the world, terrorism remains a critical threat to United States national security.

(11) President Obama said, “For over two decades, bin Laden has been al Qaeda’s leader and symbol, and has continued to plot attacks against our country and our friends and allies. The death of bin Laden marks the most significant achievement to date in our Nation’s effort to defeat al Qaeda.”.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the raid that killed Osama bin Laden demonstrated the best of the intelligence community’s capabilities and teamwork;

(2) for years to come, Americans will look back at this event as a defining point in the history of the United States;

(3) it is vitally important that the United States memorialize all the events that led to the raid so that future generations will have an official record of the events that transpired before, during, and as a result of the operation; and

(4) preserving this history now will allow the United States to have an accurate account of the events while those that participated in the events are still serving in the Government.

(c) REPORT ON THE OPERATION THAT KILLED OSAMA BIN LADEN.—Not later than 90 days after the completion of the report being prepared by the Center for the Study of Intelligence that documents the history of and lessons learned from the raid that resulted in the death of Osama bin Laden, the Director of the Central Intelligence Agency shall submit such report to the congressional intelligence committees.

(d) PRESERVATION OF RECORDS.—The Director of the Central Intelligence Agency shall preserve any records, including intelligence information and assessments, used to generate the report described in subsection (c).

#### SEC. 415. RECRUITMENT OF PERSONNEL IN THE OFFICE OF THE INSPECTOR GENERAL.

(a) STUDY.—The Inspector General of the Office of Personnel Management, in consultation with the Inspector General of the Central Intelligence Agency, shall carry out a study of the personnel authorities and available personnel benefits of the Office of the Inspector General of the Central Intelligence Agency. Such study shall include—

(1) identification of any barriers or disincentives to the recruitment or retention of experienced investigators within the Office of the Inspector General of the Central Intelligence Agency; and

(2) a comparison of the personnel authorities of the Inspector General of the Central Intelligence Agency with personnel authorities of Inspectors General of other agencies and departments of the United States, including a comparison of the benefits available to experienced investigators within the Office of the Inspector General of the Central Intelligence Agency with similar benefits available within the offices of Inspectors General of such other agencies or departments.

(b) RECOMMENDATIONS.—Not later than 120 days after the date of the enactment of this Act, the Inspector General of the Office of Personnel Management shall submit to the congressional intelligence committees and the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Oversight and Government Reform of the House of Representatives—

(1) a report on the results of the study conducted under subsection (a); and

(2) any recommendations for legislative action based on such results.

(c) FUNDING.—Of the funds authorized to be appropriated by this Act, the Director of National Intelligence shall transfer to the Inspector General of the Office of Personnel Management such sums as may be necessary to carry out this section.

#### Subtitle C—National Security Agency

#### SEC. 421. ADDITIONAL AUTHORITIES FOR NATIONAL SECURITY AGENCY SECURITY PERSONNEL.

(a) AUTHORITY TO TRANSPORT APPREHENDED PERSONS.—Paragraph (5) of section 11(a) of the National Security Agency Act of 1959 (50 U.S.C. 402 note) is amended to read as follows:

“(5) Agency personnel authorized by the Director under paragraph (1) may transport an individual apprehended under the authority of this section from the premises at which the individual was apprehended, as described in subparagraph (A) or (B) of paragraph (1), for the purpose of transferring such individual to the custody of law enforcement officials. Such transportation may be provided only to make a transfer of custody at a location within 30 miles of the premises described in subparagraphs (A) and (B) of paragraph (1).”.

(b) CONFORMING AMENDMENT RELATING TO TORT LIABILITY.—Paragraph (1) of section 11(d) of the National Security Agency Act of 1959 (50 U.S.C. 402 note) is amended—

(1) in subparagraph (B), by striking “or” at the end;

(2) in subparagraph (C), by striking the period at the end and inserting “; or”; and

(3) by adding at the end the following new subparagraph:

“(D) transport an individual pursuant to subsection (a)(2).”.

#### Subtitle D—Other Elements

#### SEC. 431. CODIFICATION OF OFFICE OF INTELLIGENCE AND ANALYSIS OF THE DEPARTMENT OF HOMELAND SECURITY AS ELEMENT OF THE INTELLIGENCE COMMUNITY.

Section 3(4)(K) of the National Security Act of 1947 (50 U.S.C. 401a(4)(K)) is amended to read as follows:

“(K) The Office of Intelligence and Analysis of the Department of Homeland Security.”.

#### SEC. 432. FEDERAL BUREAU OF INVESTIGATION PARTICIPATION IN THE DEPARTMENT OF JUSTICE LEAVE BANK.

Subsection (b) of section 6372 of title 5, United States Code, is amended to read as follows:

“(b)(1) Except as provided in paragraph (2) and notwithstanding any other provision of this subchapter, neither an excepted agency nor any individual employed in or under an excepted agency may be included in a leave bank program established under any of the preceding provisions of this subchapter.

“(2) Notwithstanding any other provision of law, the Director of the Federal Bureau of Investigation may authorize an individual employed by the Bureau to participate in a leave bank program administered by the Department of Justice under this subchapter if in the Director’s judgment such participation will not adversely affect the protection of intelligence sources and methods.”.

#### SEC. 433. ACCOUNTS AND TRANSFER AUTHORITY FOR APPROPRIATIONS AND OTHER AMOUNTS FOR INTELLIGENCE ELEMENTS OF THE DEPARTMENT OF DEFENSE.

(a) IN GENERAL.—Chapter 21 of title 10, United States Code, is amended by inserting after section 428 the following new section:

#### “§ 429. Appropriations for Defense intelligence elements: accounts for transfers; transfer authority

“(a) ACCOUNTS FOR APPROPRIATIONS FOR DEFENSE INTELLIGENCE ELEMENTS.—The Secretary of Defense may transfer appropriations of the Department of Defense which are available for the activities of Defense intelligence elements to an account or accounts established for receipt of such transfers. Each such account may also receive transfers from the Director of National Intelligence if made pursuant to Section 102A of the National Security Act of 1947 (50 U.S.C. 403-1), and transfers and reimbursements arising from transactions, as authorized by law, between a Defense intelligence element and another entity. Appropriation balances in each such account may be transferred back to the account or accounts from which such appropriations originated as appropriation refunds.

“(b) RECORDATION OF TRANSFERS.—Transfers made pursuant to subsection (a) shall be recorded as expenditure transfers.

“(c) AVAILABILITY OF FUNDS.—Funds transferred pursuant to subsection (a) shall remain available for the same time period and for the same purpose as the appropriation from which transferred, and shall remain subject to the same limitations provided in the act making the appropriation.

“(d) OBLIGATION AND EXPENDITURE OF FUNDS.—Unless otherwise specifically authorized by law, funds transferred pursuant to subsection (a) shall only be obligated and expended in accordance with chapter 15 of title 31 and all other applicable provisions of law.

“(e) DEFENSE INTELLIGENCE ELEMENT DEFINED.—In this section, the term ‘Defense intelligence element’ means any of the Department of Defense agencies, offices, and elements included within the definition of ‘intelligence community’ under section 3(4) of the National Security Act of 1947 (50 U.S.C. 401a(4)).”

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of subchapter I of such chapter is amended by adding at the end the following new item:

“429. Appropriations for Defense intelligence elements: accounts for transfers; transfer authority.”.

#### SEC. 434. REPORT ON TRAINING STANDARDS OF DEFENSE INTELLIGENCE WORKFORCE.

(a) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Director of National Intelligence and the Under Secretary of Defense for Intelligence shall submit to the Permanent Select Committee on Intelligence and the Committee on Armed Services of the House of Representatives and the Select Committee on Intelligence and the Committee on Armed Services of the Senate a report on the training standards of the defense intelligence workforce. Such report shall include—

(1) a description of existing training, education, and professional development standards applied to personnel of defense intelligence components; and

(2) an assessment of the ability to implement a certification program for personnel of the defense intelligence components based on achievement of required training, education, and professional development standards.

(b) DEFINITIONS.—In this section:

(1) DEFENSE INTELLIGENCE COMPONENTS.—The term “defense intelligence components” means—

(A) the National Security Agency;

(B) the Defense Intelligence Agency;

(C) the National Geospatial-Intelligence Agency;

(D) the National Reconnaissance Office;

(E) the intelligence elements of the Army, the Navy, the Air Force, and the Marine Corps; and

(F) other offices within the Department of Defense for the collection of specialized national intelligence through reconnaissance programs.

(2) DEFENSE INTELLIGENCE WORKFORCE.—The term “defense intelligence workforce” means the personnel of the defense intelligence components.

#### TITLE V—OTHER MATTERS

##### SEC. 501. REPORT ON AIRSPACE RESTRICTIONS FOR USE OF UNMANNED AERIAL VEHICLES ALONG THE BORDER OF THE UNITED STATES AND MEXICO.

Not later than 90 days after the date of the enactment of this Act, the Secretary of Homeland Security shall submit to the congressional intelligence committees, the Committee on Homeland Security of the House of Representatives, and the Committee on Homeland Security and Governmental Affairs of the Senate a report on whether restrictions on the use of airspace are hampering the use of unmanned aerial vehicles by the Department of Homeland Security along the international border between the United States and Mexico.

##### SEC. 502. SENSE OF CONGRESS REGARDING INTEGRATION OF FUSION CENTERS.

It is the sense of Congress that ten years after the terrorist attacks upon the United States on September 11, 2001, the Secretary of Homeland Security, in consultation with

the Director of National Intelligence, should continue to integrate and utilize fusion centers to enlist all of the intelligence, law enforcement, and homeland security capabilities of the United States in a manner that is consistent with the Constitution to prevent acts of terrorism against the United States.

##### SEC. 503. STRATEGY TO COUNTER IMPROVISED EXPLOSIVE DEVICES.

(a) STRATEGY.—

(1) ESTABLISHMENT.—The Director of National Intelligence and the Secretary of Defense shall establish a coordinated strategy utilizing all available personnel and assets for intelligence collection and analysis to identify and counter network activity and operations in Pakistan and Afghanistan relating to the development and use of improvised explosive devices.

(2) CONTENTS.—The strategy established under paragraph (1) shall identify—

(A) the networks that design improvised explosive devices, provide training on improvised explosive device assembly and employment, and smuggle improvised explosive device components into Afghanistan;

(B) the persons and organizations not directly affiliated with insurgents in Afghanistan who knowingly enable the movement of commercial products and material used in improvised explosive device construction from factories and vendors in Pakistan into Afghanistan;

(C) the financiers, financial networks, institutions, and funding streams that provide resources to the insurgency in Afghanistan; and

(D) the links to military, intelligence services, and government officials who are complicit in allowing the insurgent networks in Afghanistan to operate.

(b) REPORT AND IMPLEMENTATION.—Not later than 120 days after the date of the enactment of this Act, the Director of National Intelligence and the Secretary of Defense shall—

(1) submit to the congressional intelligence committees and the Committees on Armed Services of the House of Representatives and the Senate a report containing the strategy established under subsection (a); and

(2) implement such strategy.

##### SEC. 504. SENSE OF CONGRESS REGARDING THE PRIORITY OF RAILWAY TRANSPORTATION SECURITY.

It is the sense of Congress that—

(1) the nation's railway transportation (including subway transit) network is broad and technically complex, requiring robust communication between private sector stakeholders and the intelligence community to identify, monitor, and respond to threats;

(2) the Department of Homeland Security Office of Intelligence and Analysis maintains a constructive relationship with other Federal agencies, state and local governments, and private entities to safeguard our railways; and

(3) railway transportation security (including subway transit security) should continue to be prioritized in the critical infrastructure threat assessment developed by the Office of Intelligence and Analysis and included in threat assessment budgets of the intelligence community.

##### SEC. 505. TECHNICAL AMENDMENTS TO THE NATIONAL SECURITY ACT OF 1947.

The National Security Act of 1947 (50 U.S.C. 401 et seq.) is amended—

(1) in section 3(6) (50 U.S.C. 401a(6)), by striking “Director of Central Intelligence” and inserting “Director of National Intelligence”;

(2) in section 506(b) (50 U.S.C. 415a(b)), by striking “Director of Central Intelligence.” and inserting “Director of National Intelligence.”; and

(3) in section 506A(c)(2)(C) (50 U.S.C. 415a-1(c)(2)(C)), by striking “National Foreign Intelligence Program” both places that term appears and inserting “National Intelligence Program”.

##### SEC. 506. TECHNICAL AMENDMENTS TO TITLE 18, UNITED STATES CODE.

Section 351(a) of title 18, United States Code, is amended—

(1) by inserting “the Director (or a person nominated to be Director during the pendency of such nomination) or Principal Deputy Director of National Intelligence,” after “in such department.”; and

(2) by striking “Central Intelligence,” and inserting “the Central Intelligence Agency.”.

##### SEC. 507. BUDGETARY EFFECTS.

The budgetary effects of this Act, for the purpose of complying with the Statutory Pay-As-You-Go Act of 2010, shall be determined by reference to the latest statement titled “Budgetary Effects of PAYGO Legislation” for this Act, submitted for printing in the Congressional Record by the Chairman of the Senate Budget Committee, provided that such statement has been submitted prior to the vote on passage.

#### AUTHORITY FOR COMMITTEES TO MEET

##### COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. REED. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet during the session of the Senate on December 14, 2011, at 10 a.m. in room SR-253 of the Russell Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

##### COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. REED. Mr. President, I ask unanimous consent that the Committee on Environment and Public Works be authorized to meet during the session of the Senate on December 14, 2011.

The PRESIDING OFFICER. Without objection, it is so ordered.

##### COMMITTEE ON FINANCE

Mr. REED. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on December 14, 2011, at 9:45 a.m., in room 215 of the Dirksen Senate Office Building, to conduct a hearing entitled “Alternative Energy Tax Incentives: The Effect of Short-Term Extensions on Alternative Technology Investment, Domestic Manufacturing, and Jobs.”

The PRESIDING OFFICER. Without objection, it is so ordered.

##### COMMITTEE ON FOREIGN RELATIONS

Mr. REED. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on December 14, 2011, at 10 a.m., to hold a European Affairs subcommittee hearing entitled, “The State of Human

Rights and the Rule of Law in Russia: U.S. Policy Options.”

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HEALTH, EDUCATION, LABOR,  
AND PENSIONS

Mr. REED. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to meet during the session of the Senate on December 14, 2011, at 10 a.m., in room SD-430 of the Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HOMELAND SECURITY AND  
GOVERNMENTAL AFFAIRS

Mr. REED. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs be authorized to meet during the session of the Senate on December 14, 2011, at 10 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. REED. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate on December 14, 2011, at 10 a.m., in room SD-226 of the Dirksen Senate Office Building, to conduct a hearing entitled “Oversight of the Federal Bureau of Investigation.”

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON SECURITIES, INSURANCE, AND  
INVESTMENT

Mr. REED. Mr. President, I ask unanimous consent that the Committee on Securities, Insurance, and Investment be authorized to meet during the session of the Senate on December 14, 2011, at 9:30 a.m., to conduct a hearing entitled “Examining Investor Risks in Capital Raising.”

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGES OF THE FLOOR

Mr. BARRASSO. Mr. President, I ask unanimous consent that Clay Robbins, who is an intern serving in the office of Senator MERKLEY, the Presiding Officer, have the privilege of the floor for the remainder of the day.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. FRANKEN. Mr. President, I ask unanimous consent that my legislative fellows, Erin Boyd and Sharon Hessney, be given the privileges of the floor for the duration of today’s session.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed

to executive session to consider the following nominations: Calendar Nos. 380, 411, 458, and 459; that the nominations be confirmed en bloc; the motions to reconsider be considered made and laid upon the table, with no intervening action or debate; that no further motions be in order to any of the nominations; that any related statements be printed in the RECORD; that the President be immediately notified of the Senate’s action and the Senate resume legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations considered and confirmed are as follows:

IN THE NAVY

The following named officers for appointment in the United States Navy to the grade indicated under title 10, U.S.C., section 624:

To be rear admiral

Rear Adm. (1h) Barry L. Bruner  
Rear Adm. (1h) Jerry K. Burroughs  
Rear Adm. (1h) James D. Cloyd  
Rear Adm. (1h) Michael T. Franken  
Rear Adm. (1h) Bradley R. Gehrke  
Rear Adm. (1h) Robert P. Girrier  
Rear Adm. (1h) Paul A. Grosklags  
Rear Adm. (1h) Sinclair M. Harris  
Rear Adm. (1h) Margaret D. Klein  
Rear Adm. (1h) Richard B. Landolt  
Rear Adm. (1h) Brian L. Losey  
Rear Adm. (1h) William F. Moran  
Rear Adm. (1h) Troy M. Shoemaker  
Rear Adm. (1h) Dixon R. Smith  
Rear Adm. (1h) Robert L. Thomas, Jr.

IN THE COAST GUARD

The following named officer for appointment to serve as the Director of the Coast Guard Reserve pursuant to title 14, U.S.C., section 53 in the grade indicated:

To be rear admiral (lower half)

RDML David R. Callahan

IN THE COAST GUARD

The following named officer for appointment in the United States Coast Guard Reserve to the grade indicated under title 10, U.S.C., section 12203:

To be rear admiral (lower half)

Capt. Kurt B. Hinrichs

The following named officers for appointment in the United States Coast Guard to the grade indicated under title 14, U.S.C., section 271:

To be rear admiral (lower half)

Captain Mark E. Butt  
Captain Linda L. Fagan  
Captain Thomas W. Jones  
Captain Steven D. Poulin  
Captain James E. Rendon  
Captain Joseph A. Servidio

LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will resume legislative session.

UNANIMOUS CONSENT

AGREEMENT—CALENDAR NO. 337

Mr. REID. Mr. President, I ask unanimous consent that following morning business tomorrow morning, Thursday, December 15, the Senate proceed to executive session to consider Calendar

No. 337; that there be 30 minutes for debate, equally divided in the usual form; that upon the use or yielding back of time, the Senate resume legislative session, and at a time to be determined by the majority leader, in consultation with the Republican leader, the Senate return to executive session, resume consideration of the nomination, and there be an additional 2 minutes for debate, equally divided in the usual form prior to a vote on Calendar No. 337; that the motion to reconsider be considered made and laid upon the table, with no intervening action or debate; that no further motions be in order to the nomination; that any statements related to the nomination be printed in the RECORD; that the President be immediately notified of the Senate’s action and the Senate then resume legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. As the Chair knows, Calendar No. 337 is Morgan Christen of Alaska.

REAUTHORIZING THE BELARUS  
DEMOCRACY ACT OF 2004

Mr. REID. Mr. President, I ask unanimous consent that the Foreign Relations Committee be discharged from further consideration of H.R. 515 and the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the bill by title.

The bill clerk read as follows:

A bill (H.R. 515) to reauthorize the Belarus Democracy Act of 2004.

There being no objection, the Senate proceeded to consider the bill.

AMENDMENT NO. 1462

Mr. REID. Mr. President, I ask unanimous consent that the Kerry amendment No. 1462 be agreed to.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 1462) was agreed to, as follows:

On page 6, line 19, strike “and” and insert “expanded its visa ban list, imposed additional financial sanctions on certain state-owned enterprises, and initiated preparations to freeze the assets of several individuals in Belarus. The”.

On page 10, line 9, strike “continue to”.

The PRESIDING OFFICER. The question is on the engrossment of the amendment and third reading of the bill.

The amendment was ordered to be engrossed and the bill to be read the third time.

The bill was read the third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall the bill pass?

The bill (H.R. 515), as amended, was passed, as follows:

H.R. 515

Resolved, That the bill from the House of Representatives (H.R. 515) entitled “An Act

to reauthorize the Belarus Democracy Act of 2004.”, do pass with the following amendments:

**[1]**On page 6, line 19, strike “and” and insert “expanded its visa ban list, imposed additional financial sanctions on certain state-owned enterprises, and initiated preparations to freeze the assets of several individuals in Belarus. The”.

**[2]**On page 10, line 9, strike “continue to”.

Mr. REID. Mr. President, I ask unanimous consent that the motion to reconsider be laid upon the table, with no intervening action or debate, and that any statements related to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### INTELLIGENCE AUTHORIZATION ACT FOR FISCAL YEAR 2012

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to Calendar No. 161.

The PRESIDING OFFICER. The clerk will report the bill by title.

The bill clerk read as follows:

A bill (H.R. 1892) to authorize appropriations for fiscal year 2012 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mrs. FEINSTEIN. Mr. President, I am very pleased to rise today in support of the Senate’s passage of the Intelligence Authorization Act of Fiscal Year 2012. I understand that the House of Representatives intends to consider this legislation on the suspension calendar later this week, so it should be enacted prior to the end of this session.

This will be the third time in less than 15 months that the Congress will enact an intelligence authorization bill—including bills for fiscal years 2010, 2011, and 2012—after a 6 year hiatus in passing such legislation. What this means is that Congress, through the Senate and House Intelligence Committees, is restoring oversight over the intelligence community and fulfilling our responsibility to thoroughly examine intelligence policies and budgets.

Unlike the last two authorization bills, this bill was completed contemporaneously with, instead of after, the appropriations process that funds intelligence efforts. The classified annex to this legislation authorizes appropriations for intelligence activities and has helped guide the work of the appropriations committees as they considered intelligence spending. The days when the intelligence community can bypass the intelligence committees and deal solely with the appropriations committees are over.

Since receiving the President’s budget request for the intelligence community in February, the Intelligence Com-

mittee has recognized that the massive increase in intelligence spending over the past decade has come to an end. Our original bill, reported to the Senate in August of this year, reduced intelligence spending below the President’s request. Since then, we have worked closely with the House Intelligence Committee, the Senate Appropriations Committee, and the executive branch to reflect the spending reductions set in the Budget Control Act of 2011. The legislation we are approving today keeps funding for intelligence essentially flat from fiscal year 2011, representing a meaningful reduction from the President’s request.

As we look to 2013, many more difficult decisions will need to be made to make further reductions to intelligence spending. It is my belief that real reductions in intelligence spending can be accomplished without sacrificing capability, but this will require a rigorous review and the executive branch being more forthcoming than it has been to date about where it believes cuts are possible.

Of course, the bill also provides significant legislative provisions to give the intelligence community the authorities and flexibilities it needs to continue protecting our national security and providing policymakers the information they need to make foreign policy and security decisions; and other provisions for the effective and appropriate functioning of our intelligence apparatus.

I note that passage of the last intelligence authorization bill occurred shortly after the strike leading to the death of Usama bin Laden in Abbottabad, Pakistan. Since then, the intelligence community has had continued success in tracking and removing terrorist threats to the United States. Senior leaders and commanders of al-Qaida, including all of its affiliate groups as well as militant organizations involved in the Afghan war, have been removed from the fight, and terrorist plots and plotting have been disrupted. Among them, a plot to kill the Saudi Ambassador to the United States was thwarted due to the skillful and cooperative efforts of the FBI, DEA, CIA, and others.

Intelligence has factored into significant policy decisions and U.S. actions, including with respect to interdicting the proliferation of weapons, setting economic sanctions, protecting ISAF forces in Afghanistan, blocking cyber attacks against our government and certain critical infrastructure companies, and contributing to the NATO effort in Libya.

It is my hope that the provisions in this bill will continue to aid the intelligence community as it conducts its missions; ensure better stewardship of taxpayer dollars; and support its thousands of civilians and military employ-

Among other things, this bill includes: A section that provides for burial allowances for intelligence employees killed in the line of duty, similar to those for members of the U.S. military; New procurement authorities that enable intelligence agencies to protect against supply chain risk to information technologies; a measure authorizing new accounts at the Department of Treasury that will enable defense intelligence agencies to become financially auditable; Provisions that strengthen congressional oversight of the transfer of detainees from Guantanamo Bay; a section that will improve the accuracy of intelligence community cost estimates; and Provisions that provide the Director of National Intelligence with needed personnel management authorities.

As I noted, the bill contains a 275-page classified schedule and annex that authorizes intelligence funding and implements the committee’s oversight findings over the past year. That annex is available to all Senators in the intelligence committee’s offices.

Mr. President, let me note my sincere appreciation for the close collaboration of Senator CHAMBLISS, the vice chairman of the committee, throughout the legislative process. He and his staff—in particular Martha Scott Poindexter and Jacqueline Russell—have continued the bipartisan approach that the committee followed in the last Congress, and we have together agreed to every provision in the bill.

As can be imagined, it has taken enormous effort to produce a third bill in such a short time frame. I sincerely thank the efforts of the staff to review the President’s requested funding levels and legislative provisions, to draft legislation, and to negotiate a final product. In particular, I thank Lorenzo Goco, the Deputy Staff Director who has overseen the legislative efforts, Michael Davidson, the general counsel of the Senate Intelligence Committee until this past Labor Day, and Christine Healey, who has carried the load of the legislative work throughout and who replaced Mr. Davidson as general counsel. I also extend my appreciation for the work of Eric Losick and Mike Buchwald, majority counsel on the Committee, and Jack Livingston and Kathleen Rice, the minority counsel.

Similarly, the Committee’s budget staff has worked diligently and expertly in their preparation of the classified annex to this bill and in working with intelligence agencies to understand and guide their efforts. I thank the committee’s budget director, Peggy Evans, and the budget staff through this period: Hayden Milberg, Randy Bookout, Andrew Kerr, John Dickas, Paul Matulic, Matt Pollard, Amy Hopkins, Jamal Ware, Iram Ali, Jeffrey Howard, Andy Grotto, Jim Smythers, Brian Miller, Eric Chapman, John Maguire, Tyler Stephens, Evan

Gottesman, Brian Walsh, Ryan Tully, and Christian Cook.

I also appreciate the work and relationship with Chairman ROGERS and Ranking Member RUPPERSBERGER of the House Permanent Select Committee on Intelligence. The version of the legislation approved today builds on the House legislation, and our two committees have consulted closely throughout this process. We held a joint open hearing on the tenth anniversary of the September 11, 2001, attacks and I look forward to continuing to work together next year to enact the fiscal year 2013 intelligence authorization bill.

Let me also note my appreciation for two other Senate committees. The Senate Appropriations Subcommittee on Defense has closely followed our authorizations as it drafted its appropriations bill. This underscores the work done in our bill, and limits to a minimum the cases where the authorization and appropriations levels do not match.

We have also worked over the past week with the Senate Armed Services Committee to include language in the classified annex to this bill concerning the Military Intelligence Program and a military construction program authorized for the National Security Agency. The Armed Services Committee and the Intelligence Committee both exercise jurisdiction over military construction projects with intelligence funding; in this instance, the two committees have both included authorizations for the High Performance Computing Center II, and have jointly agreed to the language included in this annex.

Finally, Mr. President, I note that while there is no committee report or conference report associated with the text that we are approving today, the Intelligence Committee issued a report to accompany the bill it reported to the Senate in August. As the legislation has changed since House passage of its authorization bill and consideration today of this amendment, I ask unanimous consent to have printed in the RECORD a section-by-section analysis of the legislation so as to provide for the legislative history needed to explain the authors' intent and better clarify the effects of the provisions included.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

For purposes of the legislative history of the Intelligence Authorization Act for Fiscal Year 2012, the Managers Amendment we will pass today is an amendment in the nature of a substitute to H.R. 1892. In large measure, the legislative text of H.R. 1892 and this Managers Amendment follows the legislative text of S. 1458, reported from the Select Committee on Intelligence on August 1, 2011, Report No. 112-43. The Managers Amendment also includes a classified Schedule of Authorizations and annex; this is a modified version

of the classified Schedule and annex that were passed by the House of Representatives. They have been made available to the Executive Branch and appropriate congressional committees. The report language in the annex should be understood to represent congressional intent where reference is made to the Committee.

#### SECTION-BY-SECTION ANALYSIS AND EXPLANATION

##### TITLE I—BUDGET AND PERSONNEL AUTHORIZATIONS

###### *Section 101. Authorization of appropriations*

Section 101 lists the United States Government departments, agencies, and other elements for which the Act authorizes appropriations for intelligence and intelligence-related activities for Fiscal Year 2012.

###### *Section 102. Classified Schedule of Authorizations*

Section 102(a) provides that the details of the amounts authorized to be appropriated for intelligence and intelligence-related activities and the applicable personnel levels for Fiscal Year 2012 are contained in the classified Schedule of Authorizations and that the classified Schedule of Authorizations shall be made available to the Committees on Appropriations of the Senate and House of Representatives and to the President. Section 102(b) provides that the President shall not publicly disclose the classified Schedule except as provided in Section 601(a) of the Implementing Recommendations of the 9/11 Commission Act of 2007; to the extent necessary to implement the budget; or as otherwise required by law. Section 102(c) authorizes the Director of the Federal Bureau of Investigation (FBI) to expend funds authorized in the Act for a purpose further described in the classified annex.

###### *Section 103. Personnel Ceiling Adjustments*

Section 103 is intended to provide additional flexibility to the Director of National Intelligence (DNI) in managing the civilian personnel of the Intelligence Community. Section 103(a) provides that the DNI may authorize employment of civilian personnel (expressed as full-time equivalent positions) in Fiscal Year 2012 in excess of the number of authorized full-time equivalent positions by an amount not exceeding 3 percent of the total limit applicable to each IC element under Section 102. The DNI may do so only if necessary to the performance of important intelligence functions.

Section 103(b) provides additional flexibility when the heads of Intelligence Community elements determine that work currently performed by contract personnel should be performed by government employees. It does so by authorizing the DNI to authorize employment of additional full-time equivalent personnel in a number equal to the number of full-time equivalent contract personnel currently performing that work. Under this section, any exercise of this authority should be implemented in accordance with a plan that includes adequate support for personnel. It is intended that the exercise of this authority should result in an actual reduction of the number of contract personnel and not a shift of resources to hire other contract personnel.

The DNI must report the decision to allow an Intelligence Community element to exceed the personnel ceiling or to convert contract personnel under Section 103(a) and (b) in advance to the congressional intelligence committees.

During consideration of the Fiscal Year 2008 request, the congressional intelligence

committees learned that practices within different elements of the Intelligence Community on the counting of personnel with respect to legislatively-fixed ceilings were inconsistent, and included not counting certain personnel at all against personnel ceilings. The committees requested that the Intelligence Community Chief Human Capital Officer ensure that by the beginning of Fiscal Year 2010 there would be a uniform and accurate method of counting all Intelligence Community employees under a system of personnel levels expressed as full-time equivalents. The committees also expressed their view that the DNI express the personnel levels for civilian employees of the Intelligence Community as full-time equivalent positions in the congressional budget justifications for Fiscal Year 2010. The DNI has done so. In addition, the DNI has issued a policy to ensure a uniform method for counting Intelligence Community employees. Subsection (c) confirms in statute the obligation of the DNI to establish these guidelines.

###### *Section 104. Intelligence Community Management Account*

Section 104 authorizes appropriations for the Intelligence Community Management Account (ICMA) of the DNI and sets the authorized full-time equivalent personnel levels for the elements within the ICMA for Fiscal Year 2012.

Subsection (a) authorizes appropriations of \$576,393,000 for Fiscal Year 2012 for the activities of the ICMA. Subsection (b) authorizes 777 full-time or full-time equivalent personnel for elements within the ICMA for Fiscal Year 2012 and provides that such personnel may be permanent employees of the Office of the Director of National Intelligence (ODNI) or detailed from other elements of the United States Government.

Subsection (c) authorizes additional appropriations and full-time equivalent personnel for the classified Community Management Account as specified in the classified Schedule of Authorizations and permits the funding for advanced research and development to remain available through September 30, 2013.

##### TITLE II—CENTRAL INTELLIGENCE AGENCY RETIREMENT AND DISABILITY SYSTEM

###### *Section 201. Authorization of appropriations*

Section 201 authorizes appropriations in the amount of \$514,000,000 for Fiscal Year 2012 for the Central Intelligence Agency (CIA) Retirement and Disability Fund. For Fiscal Year 2011, Congress authorized \$292,000,000. While that level was consistent with prior authorizations, it did not fully fund, as prior authorizations had not fully funded, the obligations of the Fund. The Fiscal Year 2012 increase is based on the Administration's determination, which the congressional intelligence committees support, that the obligations of this retirement and disability system should be fully funded.

##### TITLE III—GENERAL INTELLIGENCE COMMUNITY MATTERS

###### *Section 301. Increase in employee compensation and benefits authorized by law*

Section 301 provides that funds authorized to be appropriated by this Act for salary, pay, retirement, and other benefits for federal employees may be increased by such additional or supplemental amounts as may be necessary for increases in compensation or benefits authorized by law.

###### *Section 302. Restriction on conduct of intelligence activities*

Section 302 provides that the authorization of appropriations by the Act shall not be



deemed to constitute authority for the conduct of any intelligence activity that is not otherwise authorized by the Constitution or laws of the United States.

*Section 303. Annual report on hiring of National Security Education Program participants*

Section 303 requires a report not later than 90 days after the end of the fiscal years 2012, 2013, and 2014, by the head of each element of the Intelligence Community on the number of personnel hired by such element during such fiscal year who were at any time recipients of a grant or scholarship under the David L. Boren National Security Education Act of 1991 (50 USC 1901 et seq.). The report may be in classified form.

*Section 304. Enhancement of authority for flexible personnel management among the elements of the intelligence community*

Section 304 adds a subsection to Section 102A of the National Security Act of 1947 to promote the ability to manage all the elements of the Intelligence Community as a single cohesive community. The new Subsection 102A(v) enables the DNI, with the concurrence of the head of the covered department concerned and in coordination with the Director of the Office of Personnel Management (OPM), to convert competitive service positions within an Intelligence Community element of the covered department to excepted positions and to establish new positions in the excepted service within an Intelligence Community element of a covered department. Under Section 304, an incumbent occupying a position on the date of enactment selected to be converted to the excepted service shall have the right to refuse the conversion. Once such individual no longer occupies the position, the position may be converted.

Because of their unique intelligence, investigative and national security missions, most Intelligence Community elements are in the excepted civil service. However, civilian employees in several smaller Intelligence Community elements are still covered under competitive service rules. The ability to convert those positions to the excepted service will enable the Intelligence Community to maintain a system throughout the Intelligence Community that is responsive to the needs of the Intelligence Community both for secrecy and the ability to quickly respond to personnel requirements. The DNI has requested a similar authority in the past. Under Section 304, the covered departments are the Department of Energy, the Department of Homeland Security, the Department of State, and the Department of the Treasury.

Although new positions in the excepted service may be created within an element of the Intelligence Community within the covered departments under this authority, the personnel ceilings referred to in Section 102(a) still apply to the number of personnel in an element. It is not intended for this conversion authority to be used to increase the number of full-time equivalent personnel in an intelligence element above the applicable personnel ceilings.

*Section 305. Preparation of nuclear proliferation assessment statements*

As set forth in the Atomic Energy Act, the United States may enter into a Civilian Nuclear Agreement (or "123 Agreement") with another nation or multinational organization. After negotiating the terms of the 123 Agreement, the Administration submits the terms to Congress for review along with a Nuclear Proliferation Assessment Statement (NPAS). Under current law, the NPAS is

drafted by the State Department, in consultation with the Director of Central Intelligence; the Act has not been amended to reflect the establishment of the Director of National Intelligence. In multiple reports, the Government Accountability Office has identified various problems with this process, including insufficient time for consultation with the Intelligence Community, a lack of adequate formal interagency guidance for NPAS development, and ambiguity as to whether Intelligence Community comments were fully incorporated into the final NPAS. Section 305 is a modification of Section 305 of S. 1458 as reported from the Senate Intelligence Committee and is intended to clarify the role of the DNI and the Intelligence Community in the NPAS process.

Section 305 amends the National Security Act of 1947 to require the DNI, in consultation with the heads of the appropriate elements of the Intelligence Community and the Secretary of State, to provide an addendum to each NPAS accompanying a civilian nuclear cooperation agreement, containing a comprehensive analysis of the country's export control system with respect to nuclear-related matters. The DNI is to provide the addendum to the President, the congressional intelligence committees and the congressional foreign relations committees.

*Section 306. Cost estimates*

Section 306 amends Section 506A of the National Security Act of 1947 to require that independent cost estimates include all costs associated with a major system acquisition even when a service or capability to deliver end-to-end functionality will be provided by another Intelligence Community agency or element. This additional requirement in the preparation of the independent cost estimate will assist Congress and the Executive Branch in evaluating the full cost of an acquisition, including the costs to process, exploit, disseminate, and store the information such major systems collect. The amendments made by Section 306 become effective 180 days after enactment.

*Section 307. Updates of intelligence relating to terrorism recidivism of detainees held at United States Naval Station, Guantanamo Bay, Cuba*

Section 307 provides for a regular unclassified summary of intelligence relating to recidivism of detainees formerly held at Guantanamo Bay to be made public by the DNI. Section 334 of the Intelligence Authorization Act for Fiscal Year 2010, Public Law 111-259, required the DNI, along with the Director of the CIA and the Director of the Defense Intelligence Agency, to make publicly available, on a one-time basis, an unclassified summary that includes the intelligence relating to former Guantanamo detainees. Under Section 319 of the Supplemental Appropriations Act of 2009, Public Law 111-32, the President is required to submit classified quarterly reports to Congress that include classified information about detainees' recidivist activities.

Section 307 amends the National Security Act of 1947 to require the semiannual updating of the Section 334 report, which is to include an unclassified summary of intelligence relating to recidivism of detainees currently or formerly held at Guantanamo Bay and an assessment of the likelihood that such detainees will engage in terrorism or communicate with persons in terrorist organizations. The initial update shall be made publicly available not later than 10 days after the date that the first report following enactment is submitted to members and

committees pursuant to Section 319 of the Supplemental Appropriations Act, 2009. The summary will be prepared by the DNI, in consultation with the Director of the CIA and the Director of the Defense Intelligence Agency, and will include the number of confirmed or suspected recidivists.

*Section 308. Notification of transfer of a detainee held at United States Naval Station, Guantanamo Bay, Cuba*

Section 308 requires the President to submit to Congress, in classified form, at least 30 days prior to the transfer or release of an individual detained at Naval Station, Guantanamo Bay, Cuba, as of June 24, 2009, the following information: (1) the name of the individual to be transferred or released; (2) the country or freely associated state to which the individual is to be transferred; (3) the terms of any agreement with the country or state for the acceptance of such individual, including the amount of any financial assistance related to such agreement; and (4) the agencies or departments of the United States responsible for ensuring the agreement is carried out.

Section 308 is a modification of Section 306 of S. 1458, which amended similar notification requirements found in Public Law 111-83, 123 Stat. 2178, and Public Law 111-88, 123 Stat. 2963. Section 308 requires the notification be at least 30 days, rather than 15 days, prior to transfer and requires information be provided concerning what agencies or departments of the United States, if any, are responsible for ensuring any agreement with the receiving country or state is carried out. Nothing in this section is to be construed to supersede or otherwise affect Section 1028 of the National Defense Authorization Act for Fiscal Year 2012 or Section 8120 of the Department of Defense Appropriations Act, 2012.

*Section 309. Enhanced procurement authority to manage supply chain risk*

Section 309 authorizes the heads of those elements of the Intelligence Community outside the Department of Defense to take certain procurement actions under certain circumstances to reduce the risk that an adversary may sabotage, maliciously introduce unwanted functions, or otherwise subvert information systems so as to surveil, deny, disrupt or otherwise degrade them. Section 309 is based on Section 806 of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (Public Law 111-383).

Section 309(a) defines the following terms: covered agency, covered item of supply, covered procurement, covered procurement action, covered system, and supply chain risk. The definitions of these terms are modifications of the definitions of these terms as found in Section 309 of S. 1458, to include specific references to appropriate provisions of existing law.

Under subsection (b), the head of a covered agency, in consultation with the DNI, is authorized to carry out a covered procurement action and limit the disclosure of information concerning the basis for such action. Covered procurement actions are subject to the conditions in subsection (c), including appropriate consultation with procurement officials within the covered agency and a determination made in writing that the use of the authority is necessary to protect national security. In addition, there must be a determination that less intrusive measures are not reasonably available. Where the head of the covered agency plans to limit disclosure of information relating to the basis for carrying out a covered procurement action,



the risk to national security due to disclosing such information must outweigh the risk of not disclosing such information.

The head of the covered agency must give notice to the congressional intelligence committees of a determination to exercise this authority. Subsection (d) limits delegation of the authority to take a covered procurement action to no lower than the level of the service acquisition executive for the agency concerned. Subsection (e) provides that the authority under the section is in addition to any other authority under any other provision of law. The authority provided in Section 309 is not intended to alter or effect the exercise of any other provision of law, including other procurement authorities available to an intelligence agency head to protect the national security.

The requirements of Section 309 take effect 180 days after enactment and expire on the date that Section 806 of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 expires, which will occur in January 2014.

#### *Section 310. Burial allowances*

Section 310 authorizes the head of a department or agency that contains an element of the Intelligence Community to pay a burial allowance to the estate of a civilian officer or employee of such department or agency who dies as the result of hostile or terrorist activities or intelligence activities having a substantial element of risk. The burial allowance is to reimburse the estate for burial expenses, including recovery, mortuary, funeral, or memorial service, cremation, burial costs, and costs of transportation. The amount of the burial allowance is not to be greater than the maximum reimbursable amount available to the uniformed services under Department of Defense Instruction 1344.08 or its successor, now set at \$8,800, plus actual transportation costs, and is in addition to any other benefit permitted under any other provision of law, including funds that may be expended as specified in the General Provisions of the classified annex accompanying this Act.

In addition, Section 310 requires the Director of the OPM, in consultation with the DNI and the Secretaries of Labor and Defense, to submit a report to Congress no later than 180 days after enactment on the feasibility of implementing legislation to provide for burial allowances at a level that adequately addresses the cost of burial expenses and provides for equitable treatment when any officer or employee of the federal government dies as the result of an injury sustained in the performance of official duties.

#### *Section 311. Modification of certain reporting requirements*

The Congress frequently requests information from the Intelligence Community in the form of reports, the contents of which are specifically defined by statute. The reports prepared pursuant to these statutory requirements provide Congress with an invaluable source of information about specific matters of concern.

Congressional reporting requirements, and particularly recurring reporting requirements, however, can place a significant burden on the resources of the Intelligence Community. The congressional intelligence committees are therefore reconsidering these reporting requirements on a periodic basis to ensure that the reports that have been requested are the best mechanism for the Congress to receive the information it seeks. In some cases, annual reports can be replaced with briefings or notifications that provide

the Congress with more timely information and offer the Intelligence Community a direct line of communication to respond to congressional concerns.

In response to a request from the DNI, the congressional intelligence committees examined a set of recurring reporting requirements nominated by the Intelligence Community. Because the majority of recurring reports provide critical information relevant to challenges facing the Intelligence Community today, Section 311 eliminates or modifies only four statutory reporting requirements, all from past intelligence authorization acts or the Intelligence Reform and Terrorism Prevention Act of 2004.

#### *Section 312. Review of strategic and competitive analysis conducted by the intelligence community*

Section 312 requires the DNI to direct the Director's Senior Advisory Group to conduct a comprehensive review of the strategic and competitive analysis of international terrorism and homegrown violent extremism conducted by elements of the Intelligence Community during the 12 month period following enactment. Within 15 months of enactment, the Director shall submit to the congressional intelligence committees a report on the results of the review and any actions taken by the Director to implement the recommendations, if any, of the Senior Advisory Group based on such results.

#### **TITLE IV—MATTERS RELATING TO ELEMENTS OF THE INTELLIGENCE COMMUNITY**

##### **Subtitle A—Office of the Director of National Intelligence**

#### *Section 401. Intelligence community assistance to counter drug trafficking organizations using public lands*

Section 401 requires the DNI to consult with the heads of the federal land management agencies on the appropriate actions the Intelligence Community can take to assist such agencies in responding to the threat from international drug trafficking organizations or other drug traffickers that are currently or have previously used public lands in the United States to further their operations. The DNI is to submit a report to the congressional intelligence and judiciary committees within 180 days of enactment on the results of this consultation.

#### *Section 402. Application of certain financial reporting requirements to the Office of the Director of National Intelligence*

Section 402 provides a limited grace period for the ODNI in meeting the requirements of 31 USC 3515 until Fiscal Year 2013. The DNI, in requesting this legislative provision, stated that the grace period will allow time for the implementation of system improvements as well as process changes in the financial management system currently supporting the ODNI. Together these efforts are intended to yield financial statements that meet the prescribed legal and audit standards.

Although the ODNI, under 31 USC 3515, is required to prepare and submit to the Congress and the Director of the Office of Management and Budget an audited financial statement for the preceding fiscal year by March 1st, Section 369 of the Intelligence Authorization Act for Fiscal Year 2010, enacted on October 7, 2010, directs the DNI "to develop a plan and schedule to achieve a full, unqualified audit of each element of the intelligence community not later than September 30, 2013." Section 402 will align the statutory requirement for auditability with the plan for achieving auditability set forth in the Fiscal Year 2010 Act.

#### *Section 403. Public availability of information regarding the Inspector General of the Intelligence Community*

Section 403 requires the DNI to establish and maintain on the publicly accessible ODNI website information relating to the Inspector General for the Intelligence Community including methods to contact the Inspector General. Section 403 is based on a similar requirement in Section 8L of the Inspector General Act, as added by the Inspector General Reform Act of 2008, 5 USC App., and is similar to Section 413, applicable to the CIA Inspector General. The information about the Inspector General is to be obvious and facilitate access to the Inspector General. Given that most of the Inspector General's reports will be classified, Section 403 does not require that Inspector General reports and audits be posted on the publicly accessible website.

#### *Section 404. Clarification of Status of Chief Information Officer in the Executive Schedule*

Section 404 amends 5 USC 5315 to establish the salary level of the Chief Information Officer of the Intelligence Community at Level IV of the Executive Schedule, the level of other chief information officers in the federal government with comparable duties and responsibilities. The Chief Information Officer of the Intelligence Community is a position established in Section 103G of the National Security Act, added by Section 303 of Public Law 108-487, the Intelligence Authorization Act for Fiscal Year 2005, and amended by Section 404 of Public Law 111-259, the Intelligence Authorization Act for Fiscal Year 2010.

#### *Section 405. Temporary appointment to fill vacancies within Office of the Director of National Intelligence*

Section 405 permits the President to make temporary appointments to fill vacancies in offices within the ODNI that require Senate confirmation (except the DNI, for whom by Section 103A(a)(6) of the National Security Act of 1947 the Principal Deputy DNI is next in line) with an individual who serves in another element of the Intelligence Community. A similar provision was requested by the DNI.

The Vacancies Act (5 USC 3345(a)(1)) provides that upon a vacancy in a Senate-confirmed position (1) the first assistant of the office may begin serving as the acting officer immediately and automatically upon the occurrence of the vacancy; (2) another officer who has already received Senate confirmation may be directed by the President to serve as the acting officer; and (3) certain other senior agency officials may be designated by the President to serve in an acting capacity. Given the relatively small size of the ODNI, the fact that a significant number of the personnel within the ODNI are on detail to the office from other elements of the Intelligence Community, and the fact that positions in the ODNI to which the Vacancies Act applies serve the entire Intelligence Community (such as the Director of the National Counterterrorism Center or the Inspector General for the Intelligence Community), an individual employed within the Intelligence Community but outside the ODNI may be best suited to fill a key leadership position temporarily.

Section 405 addresses this issue by expanding the President's choice for appointment under the third category of the Vacancies Act to include senior officials from any element of the Intelligence Community. Nothing in Section 401 modifies or precludes the utilization of sections 3345(a)(1) or (2) of title 5 to fill vacancies.

Subtitle B—Central Intelligence Agency

*Section 411. Acceptance of gifts*

Section 411 is a provision that arose out of the CIA's review of benefits available to the survivors of CIA employees killed in the line of duty following the December 2009 attack at Khowst, Afghanistan. The CIA concluded that the Director of the CIA did not have the authority under Section 12 of the CIA Act to accept and use gifts for purposes related to the welfare, education and recreation of those survivors. Under current law, the Director of the CIA may "accept, hold, administer, and use gifts of money, securities and other property whenever the Director determines it would be in the interest of the United States . . . for purposes relating to the general welfare, education, or recreation of employees or dependents of employees of the Agency or for similar purposes. . . ."

Section 411 amends Section 12 of the CIA Act to authorize the Director (or the Director's designee) both to accept gifts and to use them for the welfare of employees injured in the line of duty without legal concern whether those actions are for the general welfare of the CIA employee population as a whole. It also provides that gifts may be used for the assistance of the family of CIA officers who were injured or who died from hostile or terrorist activities or in connection with other intelligence activities having a substantial element of risk. Gifts for injured employees and their families or survivors are to be accepted by the CIA on behalf of the CIA employees concerned, and not directly by such employees or their family members. The Director is authorized to assign the gifts accepted under the new authority provided by this section to the CIA officers and their surviving family members.

Section 411 provides that any exercise of authority under Section 12, including the acceptance of gifts to provide for the general welfare, education, or recreation of the CIA employee population as a whole, shall be made according to regulations developed by the Director of the CIA in consultation with the Director of the Office of Government Ethics, consistent with all relevant ethical constraints and principles.

*Section 412. Foreign language proficiency requirements for Central Intelligence Agency officers*

Section 412 makes amendments in Section 104A(g) of the National Security Act of 1947 which imposes foreign language requirements on certain personnel within the CIA. Section 412 is intended to tie the need for foreign language skills to officers in occupations where foreign language ability is most important, rather than to specific positions, within the Directorate of Intelligence career service or the National Clandestine Service career service. It is intended to eliminate the need for the Director of the CIA to approve waivers for the promotion, appointment, or transfer of personnel such as attorneys or human resources officers for whom the requirement is not intended to apply. Section 412 sets the language proficiency at the objective level of level 3 on the Interagency Language Roundtable Language Skills Level or a commensurate proficiency level.

Section 412 requires the Director of the CIA to provide a report within 45 days of enactment, and three subsequent annual reports, to the congressional intelligence committees on the number of personnel transferred to a Senior Intelligence Service position in the Directorate of Intelligence career service or the National Clandestine career

service who did not meet the foreign language requirements of Section 104A(g). Section 412 also makes technical corrections to delete outdated references to the Directorate of Operations.

*Section 413. Public availability of information regarding the Inspector General of the Central Intelligence Agency*

Section 413 requires the Director of the CIA to establish and maintain on the publicly accessible CIA website information relating to the CIA Inspector General including methods to contact the Inspector General. Section 413 is based on a similar requirement in the Inspector General Reform Act, 5 USC App. 8L, and is similar to Section 403. The information about the Inspector General is to be obvious and facilitate access to the Inspector General. Given that most of the Inspector General's reports will be classified, Section 413 does not require that Inspector General reports and audits be posted on the publicly accessible website. Section 413 is based upon a request of the CIA Inspector General.

*Section 414. Creating an official record of the Osama bin Laden operation*

Section 414 makes findings concerning the raid of May 1, 2011, that killed terrorist leader Osama bin Laden in his compound in Abbottabad, Pakistan. Section 414 includes a statement of the sense of Congress that the events that transpired before, during, and as a result of the raid be memorialized to allow the United States to have an accurate account of these events in the future. Section 414 requires the Director of the CIA to provide to the congressional intelligence committees the report being prepared by the Center for the Study of Intelligence that documents the history of and lessons learned from the raid not later than 90 days after its completion and to preserve any records, including intelligence information and assessments, used to generate this report.

*Section 415. Recruitment of personnel in the Office of the Inspector General*

Section 415 requires the Inspector General of the OPM, in consultation with the Inspector General of the CIA, to conduct a study of the personnel authorities and available personnel benefits of the Office of the Inspector General of the CIA. The study shall include identification of any barriers and disincentives to the recruitment or retention of experienced investigators within the Office of the Inspector General of the CIA. The study shall compare the personnel authorities of the CIA Inspector General with the personnel authorities of other federal Inspectors General, including a comparison of the benefits available to experienced investigators within the offices of other federal Inspectors General with those available to investigators within the Office of the CIA Inspector General. The OPM Inspector General is to submit the report to the congressional intelligence and homeland security committees not later than 120 days after enactment.

Subtitle C—National Security Agency

*Section 421. Additional authorities for National Security Agency security personnel*

Section 421 amends Section 11 of the National Security Agency Act of 1959 to authorize NSA security personnel to transport apprehended individuals from NSA premises to the custody of law enforcement officials. Under current law, when NSA security personnel apprehend an individual, they must wait with the individual until local law enforcement personnel arrive to complete the transfer of custody. This can require NSA

personnel to wait, frequently for hours, often with the apprehended individual in a security vehicle, for the transfer to local law enforcement. According to the DNI, from 2004 to 2009, on 448 occasions, the apprehension of an individual engaged NSA personnel and transportation resources for over 2 hours.

Section 421 provides a limited expansion of authority for NSA security personnel to transport apprehended individuals to the custody of local law enforcement within 30 miles of NSA premises. This authority is to be used sparingly by NSA security personnel under a well-established regime of administrative controls and management oversight, and only with prior consent from the accepting jurisdiction.

Subtitle D—Other Elements

*Section 431. Codification of Office of Intelligence and Analysis of the Department of Homeland Security as an element of the intelligence community*

Section 431 amends Section 3(4)(K) of the National Security Act of 1947 in order to include the Office of Intelligence and Analysis of the Department of Homeland Security within the term "intelligence community" for purposes of the Act. This provides for a more specific reference to the Office of Intelligence and Analysis, in addition to the intelligence element of the Coast Guard, that is part of the Intelligence Community, in the same manner as Congress has done in Section 3(4)(I) and (J) for the State and Treasury Department elements of the Intelligence Community.

*Section 432. Federal Bureau of Investigation participation in the Department of Justice leave bank*

Section 432 provides for participation of employees of the FBI in the Department of Justice's Voluntary Leave Bank Program. The Voluntary Leave Bank Program allows federal employees to donate to and to receive donations from a leave "bank" to cover absences necessitated by extraordinary medical conditions. Current law does not allow participation by FBI employees in the Department's program, although the FBI is part of the Department. While 5 USC 6372(c) would allow FBI to establish its own voluntary leave bank program, the Director of the FBI has determined that it would be more cost effective and efficient to allow FBI employees to participate in the larger Department of Justice program and has requested a legislative provision to accomplish this objective for the overall benefit of the Bureau and its personnel.

Under Section 432, the Director is to consider the protection of sources and methods in allowing for participation in the leave bank program. In providing for leave bank opportunities to cover absences necessitated by extraordinary medical conditions, it is intended that the Director consider any impact on operations of the Bureau when making a decision on whether to allow FBI employees to take part in the program.

*Section 433. Accounts and transfer authority for appropriations and other amounts for intelligence elements of the Department of Defense*

Section 433 authorizes the Secretary of Defense to transfer defense appropriations available for the activities of the defense intelligence elements into an account or accounts established for receipt of such funds. These accounts may receive transfers and reimbursement from transactions, authorized by law, between the defense intelligence elements and other entities, and the DNI may also transfer funds into these accounts. Appropriations transferred pursuant to this

section shall remain available for the same time period, and for the same purposes, as the appropriations from which funds were transferred. This section is intended to ensure improved auditing of defense intelligence appropriations.

*Section 434. Report on training standards of defense intelligence workforce*

Section 434 requires not later than 180 days after enactment the DNI and the Under Secretary of Defense for Intelligence to submit to the congressional intelligence and armed services committees a report on the training standards of the defense intelligence workforce. The report is to include a description of existing training, education, and professional development standards applied to the personnel of defense intelligence components, and an assessment of the ability to implement a certification program based on achievement of required training, education, and professional development standards.

TITLE V—OTHER MATTERS

*Section 501. Report on airspace restrictions for use of unmanned aerial vehicles along the border of the United States and Mexico*

Section 501 requires the Secretary of Homeland Security not later than 90 days after enactment to submit to the congressional intelligence and homeland security committees a report on whether restrictions on the use of airspace are hampering the use of unmanned aerial vehicles by the Department of Homeland Security along the international border between the United States and Mexico.

*Section 502. Sense of Congress regarding integration of fusion centers*

Section 502 states that it is the sense of Congress that the Secretary of Homeland Security, in consultation with the DNI, should continue to integrate and utilize fusion centers to enlist all of the intelligence, law enforcement, and homeland security capabilities of the United States in a manner that is consistent with the Constitution to prevent acts of terrorism against the United States.

*Section 503. Strategy to counter improvised explosive devices*

Section 503 requires the DNI and the Secretary of Defense to establish a coordinated strategy utilizing all available personnel and assets for intelligence collection and analysis to identify and counter network activity and operations in Pakistan and Afghanistan relating to the development and use of improvised explosive devices. Not later than 120 days after enactment, the DNI and the Secretary of Defense are to submit a report containing the strategy to the congressional intelligence and armed services committees and implement such strategy.

*Section 504. Sense of Congress regarding the priority of railway transportation security*

Section 504 states that it is the sense of Congress that railway transportation security, including subway transit security, should continue to be prioritized in the critical infrastructure threat assessment developed by the Office of Intelligence and Analysis of the Department of Homeland Security and included in threat assessment budgets of the Intelligence Community.

*Section 505. Technical amendments to the National Security Act of 1947*

Section 505 updates certain references in sections 3(6), 506(b) and 506A of the National Security Act of 1947 from the “Director of Central Intelligence” and the “National Foreign Intelligence Program” to the “Director of National Intelligence” and the “National Intelligence Program.”

*Section 506. Technical amendments to Title 18, United States Code*

Section 506 updates references in 18 USC 351(a) to the Director and Deputy Director of Central Intelligence and provides that the amended section includes the DNI, the Principal Deputy DNI, and the Director and Deputy Director of the CIA among officials covered by the provision.

*Section 507. Budgetary effects*

Section 507 states that the budget effects of this Act, for the purpose of complying with the Statutory Pay-As-You-Go Act of 2010, shall be determined by reference to the latest statement titled “Budgetary Effects of PAYGO Legislation” for this Act, submitted for printing in the Congressional Record by the Chairman of the Senate Budget Committee, provided that such statement has been submitted prior to the vote on passage.

Mrs. FEINSTEIN. Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. CHAMBLISS. Mr. President, I rise to join Chairman FEINSTEIN in thanking my colleagues for their support of the fiscal year 2012 Intelligence Authorization Act. Over the past several months, the committee has worked hard to resolve the final details of the bill and concerns raised by other committees and individual Members. The end result of this effort is a solid bill that ensures vigorous congressional oversight and provides needed authorities to the intelligence community.

Of course, the vast majority of what the committee authorized is classified, so I cannot discuss specifics. I can say that the classified annex is designed to improve the operations of the intelligence community—from counterterrorism and counterproliferation to the wars in Afghanistan and Iraq and everything in between.

This bill also implements fiscal discipline. Difficult economic times demand austerity, but cuts in this bill are specific and targeted to eliminate waste while preserving the critical work the intelligence community does to protect our country.

In the unclassified area—and one of great importance to me—we reached an agreeable compromise with the Administration that gives the committee the information we need about the transfer of Guantanamo Bay detainees. As the recidivism rate among former detainees rises over 27 percent, it is critical that the committee have full insight into the transfer and resettlement process. The vast majority of detainees are free when they are transferred, and this committee needs to know whether the countries charged with monitoring them are capable and willing to do so. Several provisions in this bill will help the committee do that.

The bill also addresses concerns from other committees with national security interests and from the House. As we go forward, I hope the committees of the Senate will do a better job of

making sure that committees with oversight of national security issues get the information they need, without automatic objections based on perceived jurisdictional lines. Too often, the intelligence committee includes other committees on receipt of reports or other products, but does not get the same treatment in return. That’s just not good for oversight or for fulfilling our responsibility to the American people.

I am also pleased that we were able to reach reasonable solutions for authorities requested by the intelligence community. The bill allows for the reimbursement of burial expenses for certain government employees who are killed as the result of hostile or terrorist activities or die in connection with a risky intelligence activity. In these difficult financial times, we worked hard to make sure that the provision is in line with benefits for the families of fallen soldiers and with the funeral costs generally paid by ordinary Americans. We also ensured that individuals in the same agency, like the FBI, are entitled to receive the same reimbursement. The bill also refines the administration of the CIA’s foreign language proficiency requirements and allows for more flexible personnel management by the Director of National Intelligence.

I thank Chairman FEINSTEIN for her hard work and leadership in getting this bill through the Senate. I also thank the committee staff for once again showing their dedication and commitment to protecting the national security of this country.

Mr. REID. Mr. President, I ask unanimous consent that the Feinstein substitute amendment, which is at the desk, be agreed to; the bill, as amended, be agreed to; the motions to reconsider be laid upon the table, with no further intervening action or debate; and any statements related to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 1463) was agreed to.

(The amendment is printed in today’s RECORD under “Text of Amendments.”)

The amendment was ordered to be engrossed and the bill read a third time.

The bill (H.R. 1892), as amended, was read the third time and passed.

# APPOINTMENT

THE PRESIDING OFFICER. The Chair announces, on behalf of the President pro tempore, pursuant to P.L. 110-315, the appointment of the following to be a member of the National Advisory Committee on Institutional Quality and Integrity: Ms. Jill Derby of Nevada, vice Daniel Klaich of Nevada.

ORDERS FOR THURSDAY,  
DECEMBER 15, 2011

Mr. REID. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 9:30 a.m. on Thursday, December 15, 2011; that following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day; that following any leader remarks, the Senate be in a period of morning business for 1 hour, with Senators permitted to speak therein for up to 10 minutes each, with the time equally divided and controlled between the two leaders or their designees, with the Republicans controlling the first half and the majority controlling the final half; that following morning business, the Senate proceed to executive session, under the previous order.

The PRESIDING OFFICER. Without objection, it is so ordered.

MEASURE PLACED ON THE  
CALENDAR—H.R. 3630

Mr. REID. Mr. President, I understand that H.R. 3630 is at the desk and due for a second reading.

The PRESIDING OFFICER. The clerk will report the bill by title for the second time.

The bill clerk read as follows:

A bill (H.R. 3630) to provide incentives for the creation of jobs, and for other purposes.

Mr. REID. I now object to any further proceedings at this time.

The PRESIDING OFFICER. Objection is heard. The bill will be placed on the calendar.

## PROGRAM

Mr. REID. Mr. President, we expect to consider the DOD authorization conference report tomorrow. We also expect to consider the House Republican payroll tax cut bill or some version thereof.

ADJOURNMENT UNTIL 9:30 A.M.  
TOMORROW

Mr. REID. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that it adjourn under the previous order.

There being no objection, the Senate, at 8:10 p.m., adjourned until Thursday, December 15, 2011, at 9:30 a.m.

## CONFIRMATIONS

Executive nominations confirmed by the Senate December 14, 2011:

## IN THE NAVY

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

*To be rear admiral*

REAR ADM. (LH) BARRY L. BRUNER  
REAR ADM. (LH) JERRY K. BURROUGHS  
REAR ADM. (LH) JAMES D. CLOYD  
REAR ADM. (LH) MICHAEL T. FRANKEN  
REAR ADM. (LH) BRADLEY R. GEHRKE  
REAR ADM. (LH) ROBERT P. GIRRIER  
REAR ADM. (LH) PAUL A. GROSKLAGS  
REAR ADM. (LH) SINCLAIR M. HARRIS  
REAR ADM. (LH) MARGARET D. KLEIN  
REAR ADM. (LH) RICHARD B. LANDOLT  
REAR ADM. (LH) BRIAN L. LOSEY  
REAR ADM. (LH) WILLIAM F. MORAN  
REAR ADM. (LH) TROY M. SHOEMAKER  
REAR ADM. (LH) DIXON R. SMITH  
REAR ADM. (LH) ROBERT L. THOMAS, JR.

## IN THE COAST GUARD

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO SERVE AS THE DIRECTOR OF THE COAST GUARD RESERVE PURSUANT TO TITLE 14, U.S.C., SECTION 53 IN THE GRADE INDICATED:

*To be rear admiral (lower half)*

RDML DAVID R. CALLAHAN

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES COAST GUARD RESERVE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

*To be rear admiral (lower half)*

CAPT. KURT B. HINRICHS

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES COAST GUARD TO THE GRADE INDICATED UNDER TITLE 14, U.S.C. SECTION 271:

*To be rear admiral (lower half)*

CAPTAIN MARK E. BUTT  
CAPTAIN LINDA L. PAGAN  
CAPTAIN THOMAS W. JONES  
CAPTAIN STEVEN D. POULIN  
CAPTAIN JAMES E. RENDON  
CAPTAIN JOSEPH A. SERVIDIO

## EXTENSIONS OF REMARKS

IN MEMORY OF JAMES "JIM"  
CRAIG

**HON. MIKE PENCE**

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, December 14, 2011*

Mr. PENCE. Mr. Speaker, I rise today to pay tribute to the memory of James R. "Jim" Craig, who passed away on December 9, 2011. Jim will long be remembered in the community of Pendleton, Indiana as an American hero and a civic leader.

Jim was born on May 30, 1923, in Noblesville to Sydney and Kathryn Craig. Since 1934, Jim called Pendleton home. After graduating from Westtown Pennsylvania Friends School in 1941, Jim went on to study at Purdue University.

During his time at Purdue, he learned of the attack on Pearl Harbor. Like many young men, Jim wanted to serve and defend his country. After enlisting in the United States Marine Corps, Jim received his commission as a Second Lieutenant. He was placed in command of the 1st Platoon, 24th Marines and saw action at Iwo Jima. Jim's platoon suffered many casualties in the battle and that had a lasting effect on him, as described in the book, *The Last Lieutenant*, written by his nephew Dr. John C. Shively.

Jim married his beloved Patricia Lee Carroll on October 21, 1944. In 1947, he graduated from Purdue University and went on to own Pendleton Lumber Company until 1960. He was employed at Pendleton Savings and Loan until 1978 and then worked as a real estate broker until 2000.

Jim was a member of the First United Methodist Church in Pendleton, and was very active in many civic groups and activities including the Boy Scouts of America, the Pendleton Junior Baseball League, the Madison County Community Foundation, and the South Madison Community Foundation. Jim took part in the 1964 School Reorganization, was a Salvation Army life-member, served on the Kettle Drive, the Pendleton Lions Club, and volunteered at St. John's Hospital. Jim founded the Pendleton Swim Club and was a U.S. Swimming official. Jim also was a Pendleton Chamber of Commerce member and served on the Pendleton Planning Commission.

I had the privilege of getting to know Jim as part of my duties representing the Sixth Congressional District. Jim was a fixture at town hall meetings and I will fondly remember his participation in those events.

Jim was also blessed with a wonderful, loving family. He is survived by his wife, Patricia, of 67 years and their six children. Jim was blessed with sixteen grandchildren and eight great-grandchildren. Through them, I am confident Jim's legacy will live on thanks to the lessons he instilled in those around him.

Mr. Speaker, the Bible tells us, "The Lord is close to the brokenhearted," and that is my

prayer for the family of Jim Craig. Let us all keep Jim and his family in our thoughts and prayers as we mark the passing of this American hero.

COMMENDING REP. NOBLE  
ELLINGTON UPON THE OCCASION  
OF HIS RETIREMENT

**HON. RODNEY ALEXANDER**

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, December 14, 2011*

Mr. ALEXANDER. Mr. Speaker, it is with great pride that I rise today to commend Rep. Noble Ellington, who has devoted over two decades to serving the citizens of Louisiana. His unwavering dedication and staunch support of those living in the Bayou State are deserving of our gratitude and appreciation.

Noble has served in the Louisiana Legislature since 1988, where I had my first opportunity to work alongside this devoted public servant as we both represented the people of Jackson Parish. Not only did I have the privilege of calling him a colleague for many years following, but it was there that I first had the honor of knowing him as a friend. Looking back on those years, Noble's upbeat spirit and his ability to be kind to everyone is what I remember most.

A man of many talents, Noble's career includes successful business endeavors in addition to his public service. For 40 years, he has been the owner of Noble Ellington Cotton Company, Inc., and is the director of Franklin State Bank and Franklin Cotton Warehouse.

A true product of northeast Louisiana, Noble was raised on a farm in Richland Parish and received his education from Mangham High School and Louisiana Tech University in Ruston, LA. He has made his home in Winnsboro with his wife, Brenda Armstrong, and is the proud parent of four children and five grandchildren.

He is a driving force in Louisiana for his committed leadership on various business, civic and governmental boards and committees. He currently serves as the National Chairman of the American Legislative Exchange Council resulting in positive, nationwide attention for our State.

Through his numerous accomplishments, Noble has earned the respect and regard of those with whom he has served and the gratitude of the people he has diligently represented.

Mr. Speaker, I ask my colleagues to join me in extending best wishes to Rep. Noble Ellington upon his retirement and wishing him future success in all his efforts.

PROMOTING GLOBAL INTERNET  
FREEDOM

**HON. CHRISTOPHER H. SMITH**

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, December 14, 2011*

Mr. SMITH of New Jersey. Mr. Speaker, last week I held a hearing on global online freedom.

About 2 billion people in the world regularly communicate or get information on the Internet. Well over half a billion people do so in repressive countries. As Internet use has become a vital and even the standard means to disseminate beliefs, ideas and opinions, so we see a growing number of countries that censor or conduct surveillance on the Internet, in conflict with internationally recognized human rights laws and standards.

In 2006, I held the first major hearing on Internet freedom, in this very room, in response to Yahoo!'s turning over the personally identifying information of its e-mail account holder, Shi Tao, to the Chinese Government—who tracked him down and sentenced him to 10 years for sending abroad e-mails that revealed the details of Chinese government press controls. At that hearing Yahoo!, Google, Microsoft, and Cisco testified as to what we might ruefully call their "worst practices" of cooperation with the Internet police of totalitarian governments like China's. That same week I introduced the first Global Online Freedom Act, as a means to help Internet users in repressive states. In 2008 the Global Online Freedom Act was passed by three House committees.

In the last half dozen years the Internet, in many countries, has been transformed from a freedom plaza to big brother's best friend. The technologies to track, monitor, block, filter, trace, remove, attack, hack, and remotely take over Internet activity, content and users has exploded. Many of these technologies are made in the U.S.A. Many of them have important and legitimate law-enforcement applications. But, sadly, many of them are also being exported, every day, to some of the most unsavory governments in the world—whose use of them is far from legitimate. Every day we learn about more activists being arrested through the use of newly-developed technologies—much of it American technology—in China, Belarus, Egypt, Syria and many other countries around the world. The stakes are life and death for online democracy activists, and they deserve our support and protection.

For example, Belarus is blocking social networking sites like Twitter and Facebook and aggressively shutting down opposition Internet sites. Kazakhstan, which already blocks a number of popular blogs and media sites, is also in the process of creating a "national Internet," where all domestic domain names will have to operate on physical servers within

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

its borders. Syria is using sophisticated tools to limit the ability of the opposition to organize and to track down peaceful protestors. China has created the Great Firewall and wants to create its own sanitized version of the Internet that will essentially isolate China from much of what is happening in the rest of the world. And, when protests break out, it simply shuts down the Internet, as it did in Tibet and Xinjiang in recent years.

In Vietnam, Facebook has been blocked for two years and under a new executive decree, a number of bloggers and journalists who write for independent online publications have been arrested. Egypt continues to detain blogger Alaa Abdel Fattah for his online criticisms of the Egyptian army. And today, we just learned that in addition to the already extensive online censorship in Iran, the U.S. "virtual embassy" in Iran has been blocked after only one day of operation.

Last week, I introduced a bill that responds to the growing use of the Internet as a tool of repression, and to changes in the technologies of repression. The new Global Online Freedom Act of 2011 (GOFA), H.R. 3605, fundamentally updates legislation that I first introduced in 2006 (and which in 2008 advanced through three House committees).

The new GOFA requires the State Department to beef up its reporting on Internet freedom in the annual Country Report on Human Rights Practices, and to identify by name Internet-restricting countries. This country designation will be useful not only in a diplomatic context in helping to advance Internet freedom through naming and shaming countries, but will also provide U.S. technology companies with the information they need in deciding how to engage in repressive foreign countries.

Second, the bill requires Internet companies listed on U.S. stock exchanges to disclose to the Securities and Exchange Commission how they conduct their human rights due diligence, including with regard to the collection and sharing of personally identifiable information with repressive countries, and the steps they take to notify users when they remove content or block access to content. This provision of the bill will help democratic activists and human rights defenders hold Internet companies accountable by creating a new transparency standard for Internet companies. This provision will also require foreign Internet service companies that are listed here in the U.S. to report this information as well—this will include such big-name Chinese companies such as Baidu, Sohu, and Sina.

Finally, in response to many reports that we've all seen in the papers recently of U.S. technology being used to track down or conduct surveillance of activists through the Internet or mobile devices, this bill will prohibit the export of hardware or software that can be used for potentially illicit activities such as surveillance, tracking and blocking to the governments of Internet-restricting countries. Current export control laws do not take into account the human rights impact of these exports and therefore do not create any incentive for U.S. companies to evaluate their role in assisting repressive regimes. This section will not only help stop the sale of these items to repressive governments, but will create an important foreign policy stance for the United States that

will help ensure that dissidents abroad know we are on their side, and that U.S. businesses are not profiting from this repression.

This export control law is long overdue, and thoroughly consistent with the approach Congress has taken, for example, in restricting exports of certain crime control equipment to China. It makes no sense for us to allow U.S. companies to sell technologies of repression to dictators, and then turn around and have to spend millions of dollars to develop and deploy circumvention tools and other technologies to help protect dissidents from the very technologies that U.S. companies exported to their persecutors.

Today's hearing is an important moment to take stock of where we are and how we can move forward to promote and defend Internet freedom around the world. What we do here in the United States is critically important to achieving our goals. We must send a strong message to companies that they have a unique role to play in preserving online freedom; and send an even stronger message to repressive governments that the Internet must not become a tool of repression.

---

#### HONORING MS. HORTENSE BRICE

#### HON. BOBBY L. RUSH

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, December 14, 2011*

Mr. RUSH. Mr. Speaker, I rise today to pay tribute to Ms. Hortense Brice, a dedicated teacher from my hometown of Chicago, Illinois. We can all agree, Mr. Speaker, that one of the greatest services a citizen can offer our nation is dedicating their lives to teaching the next generation. Passing wisdom, knowledge, and inspiration is the greatest gift in one of the most honorable professions.

It is in that tradition, Mr. Speaker, that Hortense Brice has dedicated her life for the last 41 years. A life dedicated not only to the education of others but to her personal education as well. She worked hard not only for her Bachelor of Science Degree from Illinois State University but also for her Master's Degree in Curriculum and Instruction from the University of Illinois at Chicago. After her Master's Degree she trained for 36 hours in Science Education at the Illinois Institute of Technology.

For most people, graduating from college marks the end of their academic careers and the beginning of their financial ones. For Hortense however this was not the case. Her drive for knowledge pushed her to enroll in further workshops, conferences, and graduate-level courses in a number of scientific fields and at many respected institutions of higher learning. She did this not just for a love of learning but also, so that when teaching her pupils, she would be able to pass on an expertise and deep seated knowledge that they would not be subject to otherwise. This is exactly what she did when she created the first biotechnology curriculum in the Chicago Public School system.

To teach is to lead. Hortense Brice has embodied, and still embodies, such a principle. She created the first Biotechnology Center of

Excellence at Lindblom Math and Science Academy, supporting professional development for Chicago Public School teachers. The belief that it is just as important to teach the next generation of teachers as it is the next generation of pupils was at the foundation of Hortense's work. She arranged for high school teachers from the Chicago Public Schools to enroll in a 2-year biotechnology training course at the University of Illinois, and secured a grant from the National Science Association that helped provide further training for more high school educators.

While doing all of this Hortense Brice still taught elements of biotechnology at Whitney M. Young Magnet High School, and the first full-year biotechnology course at Lindblom Math and Science Academy in Chicago, Illinois. She taught by example and her hard work ethic inside and outside the classroom served as an inspiration to pupils and colleagues alike.

With her experience and education she had a unique insight into what the education curriculum lacked and what it needed. For example, in 2006 after noticing a gap in the curriculum she worked with the After School Matters program to develop a successful pharmaceutical drug curriculum for high schools pupils.

Even with her retirement in June 2009 Hortense still continues to attend science training programs, including a 5-day biotechnology immersion program held by the Biotechnology Institute at the BIO International Convention. Though her teaching career is over her pursuit of knowledge will never be. It is this love of knowledge that has made her such an inspirational teacher and educational advocate. It is why she was recognized as an outstanding educator, researcher and trainer for the next generation of young scientists by the iBio Institute, who gave her the Knowledge Builder Award for grades 6–12. It is the very same reason why I am speaking about her today.

Mr. Speaker, I strongly believe that to be ignorant is to be left in the darkness, the only thing that can conquer such darkness is the light of education. Hortense Brice embodies such a light.

It is for that reason that I rise today to recognize Hortense Brice for her dedication to the teaching of advanced science in high school students in the Chicago Public Schools and to congratulate her on her retirement.

---

#### RECOGNITION OF GREGORY C. BRADY UPON HIS RETIREMENT FROM THE DEPARTMENT OF JUSTICE

#### HON. JEFF FORTENBERRY

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, December 14, 2011*

Mr. FORTENBERRY. Mr. Speaker, today I would like to honor and pay tribute to Gregory C. Brady, a fellow Nebraskan and the Principal Deputy General Counsel for the Office of Justice Programs, in the U.S. Department of Justice, who is retiring after 46 years of remarkable public service in the interests of justice. His tireless dedication to the multi-faceted

work of the Department, reflected in his many career accomplishments, have earned him great respect and recognition in the Office of Justice Programs and its component agencies, and throughout the Department and among his fellow attorneys at bar. I want to take a moment to memorialize his extraordinary and inspiring accomplishments.

Greg Brady was born and reared in Nebraska, graduating from the University of Nebraska in 1962, with a Bachelor of Arts degree, and in 1965, with a Juris Doctorate. Thereafter, Mr. Brady served a three-year tour of duty in the Judge Advocate General Corps of the U.S. Navy (from which, after prosecuting and defending scores of cases, he was honorably discharged with the rank of Lieutenant). Mr. Brady began his service with the Department of Justice in December 1968, as an Assistant United States Attorney in the District of Columbia, and has been continuously serving the Department of Justice, and the public, faithfully and in an exemplary manner ever since.

In the United States Attorney's Office, he demonstrated his flexibility of mind and zealous devotion to duty in countless criminal (misdemeanors, felonies, grand juries, etc.) and civil cases that he litigated, at the trial and appellate levels, many of which cases involved groundbreaking questions of law. *Mitchell v. Laird*, for example, 488 F.2d 611 (D.C. Cir. 1973), was brought unsuccessfully by thirteen members of the U.S. House of Representatives to enjoin the involvement of U.S. military personnel in the Vietnam conflict, and involved complex Constitutional questions of standing, executive prerogative, and justiciability. *United States v. Crowder*, 543 F.2d 312 (D.C. Cir. 1976)—which Mr. Brady's arguments (opposed by those of Mr. Robert Bennett) initially won at the District Court, then lost before a Circuit Court panel, and then won in an en banc proceeding of the Circuit Court—was the first case in the country to approve use of a search warrant to require a suspect to submit to surgery so the police could obtain a bullet as evidence of his criminal activity. (The case against Crowder (a two-time murderer) for the murder of a prominent Washington dentist was considered weak, because the only evidence known to the police that could link him firmly to the earlier crime were the bullets lodged in his arm and leg, from his murder-victim's gun. It was Mr. Brady's idea to try to obtain a search warrant for the bullets; he also thought of the stratagem of deputizing the (anxious) physicians from Georgetown University Hospital as U.S. Marshals for purposes of the surgery. Judge McGowan's concurrence (as does Judge Leventhal's dissent) goes out of its way to praise Mr. Brady's prosecution for the procedural orderliness and fair play it consistently demonstrated in the case. The case was featured in a Time magazine article.) This kind of legal creativity and strict adherence to the rule of law remains typical of Mr. Brady, nearly thirty of whose cases are officially reported in the published court records.

Having attained the rank of Deputy Chief of the Appellate Division at the United States Attorney's Office here in the City, Mr. Brady began his career with the Justice Department's Law Enforcement Assistance Administration (the predecessor agency to the Office

of Justice Programs) in February 1974, formally in the Office of the General Counsel, but actually detailed to assist in the creation and development of grant and support programs to assist States in improving the management of prosecution offices, combating career criminals, and reducing white-collar crime. His prosecutorial experience in the Navy and the United States Attorney's Office made him invaluable to the program, which, itself, is at the heart of the core mission of the Office of Justice Programs. In 1980 (at his request), Mr. Brady returned to the direct practice of law, in the agency's Office of the General Counsel, dispensing advice and rendering opinions on countless matters relating to every conceivable area of administrative law.

In 1984, on account of his vast practical and administrative experience, he was asked to found, and become the first Director of, a new Office of Justice Programs component, which eventually was to become the Office for Victims of Crime—a signal initiative of President Reagan's administration. And he did found that office, on firm and sound lines, co-authoring what eventually was enacted as the Victim Compensation and Assistance Act of 1984 (Pub. L. 98–473), which clearly sets forth the purposes and organic principles of the office—purposes and principles that remain in place today. His mission at that office accomplished, some three years later, the leadership of the Office of Justice Programs acquiesced in Mr. Brady's request to return to its Office of the General Counsel, where he has served ever since.

He has been the principal ethics officer at the Office of Justice Programs since 1988 (in which capacity he has provided excellent guidance, training, and advice to the General Counsel, Presidential appointees, and career employees, alike), and in 1996 became the Deputy General Counsel, after having served for years as Associate General Counsel; he became Principal Deputy General Counsel in 2001.

For the last twenty-four years, Mr. Brady has applied a firm sense of purpose and integrity to instructing numberless Department employees in how to negotiate the minefields of ethical situations associated with administration of a multi-billion-dollar-a-year grant-making operation. At a time when the corporate world has endured significant ethical and moral lapses, Mr. Brady's personal efforts consistently have guided officials of the Department with a minimum of public conflict or scandal, and with the result that there is a clear public perception—necessary to the success of any government program—of evenhandedness in the administration of the Office of Justice Programs' criminal-justice grant programs.

Mr. Brady's love of the law and its practitioners in the legal profession manifested itself in his generous devotion of time and attention to mentoring law students and newly-minted attorneys during the critical development stages of their careers. As Deputy General Counsel over the past twenty years, he has guided (even shepherded) them, with his approachable, kindly, and affable manner. His deep understanding and wide experience in the law made him an inspiring and effective teacher. Mr. Brady genuinely delighted in see-

ing the progress and development of attorneys, and their embrace of the highest standards of the legal profession; and the number and variety of law firms and government agencies that have been affected by individuals originally trained by him is impressive. (These include an Assistant Attorney General, as well as the Executive Director of a Government Corporation and a past Presidential appointee responsible for juvenile-justice issues.) In the Office of the General Counsel, he has demonstrated outstanding legal research, presentation, and advocacy skills, and has been a true role model for all of the attorneys, greatly assisting in their professional development.

And "role model" is, in fact, the apt term: for Mr. Brady is no one-dimensional work-is-my-life attorney. Despite his aggressive work schedule, he has lived his vocation as a family man (he is the father of three adored daughters and grandfather to two no-less-adored granddaughters) to the full, and his community has known that he can be depended upon to volunteer his time for others. To give but one example: For over twenty years, he has been a night-time volunteer (i.e., after putting in a full-day's work) at a crisis/suicide hotline in Prince William County, Virginia. In 2001, he was named their "Exceptional Volunteer of the Year." His tireless volunteer work in his community and parish have earned him numerous Attorney-General commendations over the years.

It is no small thing to stress that Mr. Brady has performed all of these tasks with unfailing courtesy, professionalism, and kindness (to say nothing of his ever-present humor and sharp wit). The long and short of it is that Mr. Brady simply is someone who, quietly and unassumingly, has kept the Department of Justice (and especially the Office of Justice Programs) running. Although his career in the Department hardly has been typical (at least in that it does not mostly involve litigation), Mr. Brady epitomizes the ideal of a Department of Justice attorney. For this reason, he has received both the Attorney General's Mary C. Lawton Lifetime Service Award (one of the Department's very highest awards), as well as the Office of Justice Programs' Assistant Attorney General's Lifetime Achievement Award. And for his years of dedicated public service, he received a personal commendation from President George W. Bush.

Gregory C. Brady has dedicated his professional life to public service, and his many accomplishments during the forty-six years of that professional life are a credit to him, to his family, to his home State of Nebraska, to the Department of Justice, and to his local community of which he is such an active, generous, and vibrant member.

TO CELEBRATE THE LIFE OF  
SIMONE "SAM" SAVIA

HON. GERALD E. CONNOLLY

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 14, 2011

Mr. CONNOLLY of Virginia. Mr. Speaker, I rise today to celebrate the life of Simone "Sam" Savia, who passed away peacefully on



December 9, 2011, surrounded by his beloved family, after seven decades of service to his local volunteer fire department.

Sam, a lifelong resident of Vienna, Virginia, was born in the mid 1920's. He grew up a few steps away from the original fire station in Vienna where he and his brothers were frequent visitors. In 1941, Sam, then 15, joined the Vienna Volunteer Fire Department (VVFD), which had lowered the age requirement to address a manpower shortage created when most of the town's young men had been called to serve in WWII.

When Sam joined the VVFD, the town bore little resemblance to the bustling commercial and residential area it is today. There were no fire hydrants, as the town did not yet have water or sewer service, and the department's pumper truck would pull water from ponds, streams or one of the town's three cisterns. Sam recalled during an interview earlier this year with the Fairfax Times that there was no county fire training academy in those days so he and his fellow volunteers learned the "hard way" by trial and error on the job.

Sam selflessly served on the Vienna Volunteer Fire Department for 70 years. He held numerous leadership positions including Assistant Secretary, Treasurer, Secretary, Vice President, multiple terms as President, and multiple terms as a member of the Board of Directors. Responding to innumerable emergency calls over many decades, it is impossible to calculate the number of lives and properties he helped save. As a life member of the VVFD, Sam continued to actively perform various administrative jobs in the department after he retired from operational duty.

Sam also contributed greatly to other community causes. In the early years of the station, the VVFD sponsored the Old Dominion Baseball League and Sam was instrumental in the construction of Waters Field. After the VVFD stopped sponsoring baseball, the Vienna Host Lions Club in 1954 called on Sam to organize little league baseball in the town. Sam set up the program, coached teams, and helped construct the necessary fields. The Jessup-Savia Field at Nottoway honors Sam in recognition to his tremendous contributions to little league and youth in Vienna.

Sam also served as president of the Vienna Lions Club and on the Vienna Centennial Coordinating Committee. In recognition of his years of service to the community, Sam was named the 2006 Citizen of the Year by the Vienna-Tyson's Regional Chamber of Commerce.

On July 25, 2011, the Vienna Volunteer Fire Department hosted a ceremony honoring Sam for his seven decades of service to the Department. During this ceremony, July 25, 2011 was proclaimed Sam Savia Day by the Town of Vienna in recognition of his contributions to the community, and the Commonwealth of Virginia followed suit by approving House Joint Resolution 5170 commending Sam for his service. The department also renamed its apparatus building the Sam Savia Apparatus Facility so future generations of firefighters and citizens in Vienna will remember this man who dedicated his life to public safety, his family, and his community.

Mr. Speaker, I ask that my colleagues join me to celebrate the life and deeds of Sam

Savia, and to express our deepest condolences to his wife Gertrude, their children, and their entire family.

**MAYOR CHARLES CROWLEY RETIRES AFTER A JOB VERY WELL DONE**

### **HON. BARNEY FRANK**

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, December 14, 2011*

Mr. FRANK of Massachusetts. Mr. Speaker, on December 27th, Mayor Charles Crowley of the city of Taunton will be chairing his last City Council meeting. It has been a great privilege and pleasure for me during the last four years and nine months to work with Mayor Crowley, as the Member of the U.S. House of Representatives for the city of Taunton. Officially, he is an extremely thoughtful and creative chief executive, who combines a capacity to do serious policy analysis with important management skills. We have collaborated on a number of issues important to the city of Taunton, involving transportation, housing, and economic development, and I have found it easy to represent the city under Charlie Crowley's mayoralty, because he does his homework in a way that makes being the advocate for the city he presides over easy.

For someone who is interested in history, talking with Charlie Crowley is always fascinating. Mayor Crowley is a first-rate historian, and I have rarely been with him dealing with a particular policy when I haven't learned something relevant and interesting about the history of the events or the place we are addressing.

Charlie Crowley has been a friend as well as a colleague. He retires entitled to a sense of satisfaction about the great job he has done—especially in an era when being Mayor of a city is one of the hardest jobs around.

### **CAMP ASHRAF**

### **HON. TED POE**

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, December 14, 2011*

Mr. POE of Texas. Mr. Speaker, Camp Ashraf is a small little camp in Iraq made up of a few thousand Iranian freedom fighters. They are unarmed civilians who, like us, don't like the tiny tyrant in the desert.

But the Camp is under siege.

PM Maliki wants to close the camp by December 31.

If the Camp is closed, many of the residents could be killed.

You see, Iraqi soldiers can't be trusted. In 2009 and 2011, they killed dozens of innocent civilians in the Camp.

Now Iran is promising all sorts of goodies if Iraq closes down the Camp.

Iran hates anyone who disagrees with its regime, so it wants nothing better than to have all these people in the Camp forcibly removed and eliminated.

But there is one tiny problem with Iran and Iraq's dirty little scheme: The world is watching.

Since the massacres, Camp residents have applied for UNHCR political refugee status.

It will take the U.N. 6 months to process their applications.

The U.N. Secretary General just wrote me yesterday to say that he has personally encouraged Maliki to not close the Camp down.

Sixty-five of my colleagues asked President Obama to raise this issue when he met with PM Maliki yesterday—we don't know if he did or not.

Maliki could be tried with war crimes if there is a New Year's massacre.

It should be the official policy of the United States to urge the government of Iraq to protect the residents, not return them to Iran, and not close the Camp until the U.N. can finish its political refugee process.

I am thankful to the Chair and Ranking Member of the Foreign Affairs committee for their support of this policy.

We cannot allow Maliki to once again slaughter innocent civilians.

And that's just the way it is.

### **RECOGNIZING THE MORTGAGE-BURNING SERVICE AT LITTLE UNION BAPTIST CHURCH**

### **HON. GERALD E. CONNOLLY**

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, December 14, 2011*

Mr. CONNOLLY of Virginia. Mr. Speaker, I rise today to recognize the Little Union Baptist Church, in Dumfries, Virginia, on the occasion of its June 11, 2011, "Mortgage-Burning Service."

The Deed for the first site of Little Union Baptist Church was signed on September 9, 1901, a gift of the land from John Thomas and Mary Bates Thomas to church trustees. For Mary Bates Thomas in particular, this gift represented a great achievement in the life of a truly amazing woman. Mary Bates was born into slavery in Northern Virginia. As a slave, Ms. Bates learned to read and write and participated in the camp meetings praising God and maintaining her undying faith in the face of such great hardship.

Following emancipation, Mary Bates Thomas became a pillar of her community, running a small general store with her husband John Thomas, reading and writing letters for the illiterate, and acting as a healer and midwife. Recognizing the need of her community for a church of its own, Mary Bates Thomas and her husband donated the land on which the church, which would come to be known as Little Union Baptist, was built. Its diminutive name may have reflected its intimate membership early on, but the church acted as a focal point of the community and a great source of comfort and pride in times of both joy and difficulty.

In over one hundred years of serving the community, the Little Union family has grown in size, yet its mission, handed down from Mrs. Bates Thomas to the church leadership and today through the guidance of Reverend James Green, has always remained: "to establish a fellowship in Jesus Christ that will promote the Gospel throughout the community and the world."

Mary Bates Thomas would surely be proud to see what her church has become. Due to the generosity of the congregation, the able leadership of the church, and God's grace, today we may celebrate Little Union Baptist's satisfaction of its mortgage. Now in complete ownership of its house of worship, the church will be able use its resources in even greater support of other outreach ministries.

Mr. Speaker, I ask that my colleagues join me in celebrating the "Mortgage Burning Service" for Little Union Baptist Church. I would like to extend my sincere appreciation to the Little Union church family for establishing and maintaining a healthy house of worship that spreads the spirit of charity and provides counsel to those in need of guidance.

#### THE WATER FOR THE WORLD ACT OF 2012

**HON. EARL BLUMENAUER**

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, December 14, 2011*

Mr. BLUMENAUER. Mr. Speaker, as America prepares for the holiday season, it is important to pause and reflect on what we can do for others as well as ourselves. I hope that Congress will give a gift of life, health and hope by helping people around the world with something that most Americans take for granted: safe drinking water.

Nearly 900 million of the world's poorest don't have clean drinking water, and fully 2.6 billion lack access to improved sanitation. This shortfall poses a significant challenge for development and security around the world, reinforcing a cycle of poverty and instability that represents both a humanitarian disaster and a national security threat.

Water-related diseases are particularly brutal in how they target children: 90% of all deaths caused by diarrheal diseases are children under 5 years of age, mostly in developing countries. In all, 1.8 million children under the age of 5 die every year, more than from AIDS, tuberculosis and malaria combined. The economic impacts are devastating: inadequate sanitation in India alone costs that country \$53.8 billion, or 6.4 percent of its GDP every year.

What's more, dirty water directly affects every area of development. Children cannot attend school if they are sick from dirty water, and adults suffering from water-borne illnesses overwhelm hospitals and cannot go to work. Hours spent looking for and collecting clean water mean hours not spent adding to a family's economic well-being. In short, the best intentioned efforts at development fail if the basic necessity of clean water is not met.

In this period of good tidings, there is good news with water. The solution to this problem is cheap and relatively straightforward. We don't have to spend millions searching for a cure. Sometimes something as simple as teaching the value of hand washing, or providing access to technology we already have is all it takes to save millions of lives and increase economic development. What we lack is leadership and accountability.

It's time for Congress to act again. The Water for the World Act of 2012 builds on cur-

rent U.S. efforts to provide those in need with greater access to clean water and sanitation. And in this period of tight budgets, it is important that the Water for the World Act doesn't ask for any increase in funding, but rather improves the effectiveness, transparency and accountability of international aid programs. Given the strains on federal resources and the depth of need, it is essential that we are able to target our efforts more efficiently.

The Water for the World Act also gives the State Department and U.S. Agency for International Development the tools needed to leverage the investments they are already making by elevating the current positions within the State Department and USAID to coordinate the diplomatic policy of the U.S. on global freshwater issues and to implement country-specific water strategies.

There is nothing more fundamental to the human condition and global health than access to clean water and sanitation. More needs to be done, and it needs to be done well. Taxpayers are rightly demanding better results and greater transparency from foreign aid. This bill provides the tools and incentives to do just that.

#### SUDAN PRESS CONFERENCE

**HON. FRANK R. WOLF**

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, December 14, 2011*

Mr. WOLF. Mr. Speaker, I submit remarks I delivered at a Sudan press conference today hosted by the U.S. Commission on International Religious Freedom.

#### SUDAN PRESS CONFERENCE,

1 P.M., DECEMBER 14, 2011, RAYBURN FOYER

We are surrounded today by photos which convey a dark but familiar story—Sudanese people, brutalized, marginalized and terrorized by their own government.

And yet, it seems this same regime has been afforded the privilege of legal representation in Washington by the Obama administration.

Earlier this week, I was outraged to learn that the genocidal government of Sudan led by Omar Hassan Bashir—an internationally indicted war criminal—now has a lawyer, Mr. Bart Fisher, on retainer in Washington.

According to a news report in Africa Intelligence, Mr. Fisher was hired with the express purpose of trying "to lift American sanctions against it."

In documentation posted on the Department of Justice Web site, it appears that Mr. Fisher was granted a license by the Office of Foreign Assets Control (OFAC) at Treasury to provide this representation and that he plans to engage in political activities, among them, "Representations (including petitions) . . . to U.S. government agencies regarding sanctions . . ."

If true, I am appalled that this has been permitted and can't help but wonder if Mr. Fisher's political contributions were a factor. The administration should reverse this approval.

Martin Luther King famously said, "In the end, we will remember not the words of our enemies, but the silence of our friends."

I can't help but wonder what the people of Sudan are thinking at this particular juncture when the administration struggles to

find its voice on their behalf, while at the same time seemingly empowering the voice of their oppressors.

Would we even dream of allowing Milosevic, Karadzic or Gaddafi to have representation in the nation's capital?

Bashir's crimes are well-known and documented. This is the same man that is accused by the International Criminal Court of five counts of crimes against humanity, including murder, rape, torture, extermination, and two counts of war crimes.

I've been to Sudan five times, including in July 2004 when Senator Sam Brownback and I were the first congressional delegation to go to Darfur. We spoke with women who had been raped just days earlier.

The Arab janjaweed militias, armed by Khartoum, told these women that they wanted to make "lighter skinned babies."

In addition to horrific human rights abuses and crimes committed by Bashir and his National Congress Party (NCP), Sudan remains on the State Department's list of state sponsors of terrorism. It is well known that the same people currently in control in Khartoum gave safe haven to Osama bin Laden in the early 1990s. Moreover, Khartoum was a revolving door for Hamas and other designated terrorist groups.

But Bashir's crimes are not merely at thing of the past as we will hear in greater detail today. At a recent Tom Lantos Human Rights Commission hearing on the crisis in Southern Kordofan and Blue Nile states in Sudan, former Member of Congress and President of United to End Genocide, Tom Andrews, spoke about his experiences while visiting the region.

He said that there were reports of, "Sudanese armed forces and their allied militias going door to door targeting people based upon their religion, and based upon the color of their skin."

Let me repeat that . . . people were being targeted for killing based upon their religion and the color of their skin.

According to the USCIRF delegation that recently visited Sudan and met with refugees in Yida camp, all of the pastors with whom they spoke said they fled Southern Kordofan after learning that the Sudanese military was undertaking house searches for Christians and SPLM-N supporters.

If this were happening in southern France, the world would be outraged. The world would take action. And yet, this story rarely features above the fold.

We stand just blocks from a museum that cries out "Never Again." Meanwhile, it appears that this administration is complicit in allowing the genocidaire Bashir an advocate in Washington.

Which begs the question, who lobbies for the people whose faces are represented in this room?

Yesterday I wrote the president along with the Departments of State Treasury and Justice requesting immediate clarification about this matter and will continue to press them—just as I have done during previous administrations.

I am submitting this correspondence and relevant information into the Congressional Record for all to see.

We must not be silent in the face of this injustice.

If President Obama, Secretary Clinton and Secretary Geithner stand by and allow this to happen, history will be their judge.

RECOGNIZING THE 20TH ANNIVERSARY OF LITERACY VOLUNTEERS OF AMERICA—PRINCE WILLIAM

**HON. GERALD E. CONNOLLY**

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, December 14, 2011*

Mr. CONNOLLY of Virginia. Mr. Speaker, I rise today to recognize the 20th Anniversary of Literacy Volunteers of America—Prince William.

Founded in 1991 by local librarian Dona Swanson to help teach a library patron to read, Literacy Volunteers of America—Prince William has since grown to 300 volunteers and 600 students. Despite its impressive growth, LVA-PW has maintained its direct service approach, providing individualized adult literacy tutoring based on the personal needs and goals of adult learners seeking to improve their education and employment skills. LVA-PW's programs are well-researched and constantly tracked and evaluated by staff to ensure their effectiveness. This has proven to be a highly successful model; in 2010, LVA-PW's adult learners received a total of 12,000 hours of instruction, with nearly 80% achieving at least one of their personal goals.

Literacy Volunteers of America—Prince William has established itself as an institution in the community, fostering local partnerships to strengthen both their own services and those of other community groups, including the Prince William County Library System, the Virginia Employment Center, Northern Virginia Community College, the Prince William County Adult Education Program, and local businesses through workplace literacy programs. Literacy Volunteers of America—Prince William has additionally been recognized in the past as Community Service Organization of the Year by the Prince William Regional Chamber of Commerce, Volunteer Organization of the Quarter by Prince William County, and Friday's Hero by the local Channel 9 News. Most recently, LVA-PW Executive Director Kim Sells received the Nancy Jiranek Award for Outstanding Virginia Adult Literacy Executive Director from the Virginia Literacy Foundation.

Mr. Speaker, I ask that my colleagues join me in recognizing the 20th Anniversary of Literacy Volunteers of America—Prince William. I also express my gratitude to LVA-PW's volunteer tutors and trainers, Board of Directors, and staff for helping to empower members of the community by increasing life skills and workforce potential through literacy.

MARKING THE END OF THE WAR  
IN IRAQ

**HON. LAURA RICHARDSON**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, December 14, 2011*

Ms. RICHARDSON. Mr. Speaker, I rise today in recognition of this great day in American history—the day that marks the end of the Iraq war. Although for years we all hoped

and prayed that this day would come, there is an overwhelming feeling of relief when hope becomes a reality. Today we stand together as a nation and rejoice as we look forward to the return of thousands of men and women whose countless sacrifices, remarkable service, and enormous achievements in the name of our great Nation will never be forgotten.

Nearly 1.5 million Americans served in the war in Iraq, with 30,000 wounded and nearly 4,500 casualties. In my district, we suffered the loss of 12 remarkable servicemen. We remember Long Beach residents: Pfc. Stephen A. Castellano; Sgt. 1st Class Randy D. Collins; Sgt. Anthony J. Davis, Jr.; Sgt. Israel Garcia; Pvt. Ernesto R. Guerra; Pfc. Lyndon A. Marcus, Jr.; Spec. Roberto L. Martinez Salazar; Spec. Astor A. SunsinPineda; Pfc. David T. Toomalatai; Pfc. George D. Torres; and Staff Sgt. Joshua Whitaker, as well as Carson resident Pfc. Daniel P. Cagle of Carson who were all killed in action.

Perhaps the most consequential victory of the War on Terror came earlier this year when Osama bin Laden's life was finally ended by a group of Navy SEALs who deftly carried-out a covert operation at bin Laden's secret compound in Abbottabad, Pakistan. I am extremely thankful for President Obama and his Administration's firm leadership in the effort to bring bin Laden to justice. With a renewed sense that justice has been served, we must return our focus now to protecting our citizens at home, and assuring our veterans a prosperous future.

As President Obama said earlier today "It's important for us to express our thanks in words, but it's even more for us to express our thanks in deeds." It is now our turn to stand up for our troops at home as they courageously stood up for us in battle.

Our troops are returning home to a tough economy. They are returning home to an unemployment rate for veterans that is 2.5% higher than the national average. I urge my colleagues on both sides of the aisle to put aside our differences and come together in our commitment to ensure veterans returning home receive all the resources they need. No measure of action we take in Congress can ever truly repay our troops for their sacrifices, but I vow to do all that I can to ensure that the country they fought and sacrificed for gives back to them all that they deserve.

Finally, Mr. Speaker, while keeping the American people safe should always be our top priority, now we must refocus our priorities and our resources into protecting our homeland, educating, training and employing the American workforce, and ensuring our veterans a prosperous future in the nation they fought to defend. Over the last ten years, American taxpayers have spent billions rebuilding Iraq. We must now be willing to make the same investment of time and resources to rebuild our economy so that it provides a standard of living and quality of life worthy of the heroic sacrifices made by the men and women who risked their lives to defend our way of life and freedom.

RECOGNIZING THE 200TH ANNIVERSARY OF THE GRAND LODGE OF FREE AND ACCEPTED MASONS OF THE DISTRICT OF COLUMBIA

**HON. GERALD E. CONNOLLY**

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, December 14, 2011*

Mr. CONNOLLY of Virginia. Mr. Speaker, I rise to recognize the 200th Anniversary of the Grand Lodge of Free and Accepted Masons of the District of Columbia.

Freemasonry has been active in the United States for over two hundred and fifty years. Since its founding in 1811, the Grand Lodge of Free and Accepted Masons of the District of Columbia has encouraged interaction and discourse among individuals of differing beliefs by promoting community service, civic responsibility, and civil debate.

The Grand Lodge of D.C. has participated in the development and strengthening of our national institutions of government, including the United States Congress and Judiciary, Presidency, and Executive Branch Agencies, as well as the Capital's historic landmarks such as the White House, Smithsonian Institution, Washington Monument, and Washington National Cathedral. The Grand Lodge of D.C. has been greatly involved with the enrichment of Washington, D.C., with members establishing prominent institutions such as the Corcoran Gallery and George Washington University, and has been actively engaged in charitable projects. The Masonic Foundation of DC has provided tens of thousands of dollars each year in financial scholarships to college students who attended D.C. public schools. Participation in numerous community service projects include Hands on DC, Adams Morgan Day, Susan G. Komen Race for the Cure, Department of Veterans Affairs Hospital, United States Holocaust Memorial Museum, Doctors Without Borders, So Others May Eat, St. Baldrick's Foundation for childhood cancer research, DC Community of Hope, DC Central Kitchen, and DC Special Olympics.

The Grand Lodge of D.C. has been involved domestically and abroad in countries such as Armenia, Cuba, and the Philippines. It also hosted the 2008 World Conference of Masonic Grand Lodges, the largest gathering of Masonic leaders in history, to discuss ways to build a global civil society.

Mr. Speaker, I ask that my colleagues join me in celebrating the 200th Anniversary of the Grand Lodge of Free and Accepted Masons of the District of Columbia. For 200 years, the Grand Lodge of D.C. has supported the Freemasonry founding principles of "Brotherly Love, Relief and Truth," and continues to do so today, supporting the American ideal that individuals can coexist peacefully and come together to form a community, regardless of background and differences.

## OUR UNCONSCIONABLE NATIONAL DEBT

### HON. MIKE COFFMAN

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 14, 2011

Mr. COFFMAN of Colorado. Mr. Speaker, on January 26, 1995, when the last attempt at a balanced budget amendment passed the House by a bipartisan vote of 300–132, the national debt was \$4,801,405,175,294.28.

Today, it is \$15,060,274,082,298.88. We've added \$10,258,868,907,004.60 dollars to our debt in 16 years. This is \$10 trillion in debt our nation, our economy, and our children could have avoided with a balanced budget amendment.

## PERSONAL EXPLANATION

### HON. MARIO DIAZ-BALART

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 14, 2011—

Mr. DIAZ-BALART. Mr. Speaker, due to a family medical issue, I was unable to cast the following votes. If I had been present, I would have voted as follows:

December 7, 2011—

Rollcall vote 892—I would have voted “yes”

Rollcall vote 893—I would have voted “yes”

Rollcall vote 894—I would have voted “yes”

Rollcall vote 895—I would have voted “no”

Rollcall vote 896—I would have voted “no”

Rollcall vote 897—I would have voted “no”

Rollcall vote 898—I would have voted “no”

Rollcall vote 899—I would have voted “no”

Rollcall vote 900—I would have voted “no”

Rollcall vote 901—I would have voted “yes”

Rollcall vote 902—I would have voted “yes”

Rollcall vote 903—I would have voted “yes”

Rollcall vote 904—I would have voted “yes”

Rollcall vote 905—I would have voted “yes”

Rollcall vote 906—I would have voted “no”

Rollcall vote 907—I would have voted “no”

Rollcall vote 908—I would have voted “no”

Rollcall vote 909—I would have voted “no”

Rollcall vote 910—I would have voted “no”

Rollcall vote 911—I would have voted “no”

Rollcall vote 912—I would have voted “yes”

December 12, 2011—

Rollcall vote 913—I would have voted “yes”

Rollcall vote 914—I would have voted “yes”

Rollcall vote 915—I would have voted “yes”

Rollcall vote 916—I would have voted “no”

## RECOGNIZING THE PARTNERSHIP OF RACHEL CARSON MIDDLE SCHOOL AND DOMINION POWER

### HON. GERALD E. CONNOLLY

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 14, 2011

Mr. CONNOLLY of Virginia. Mr. Speaker, I rise to recognize the partnership of Rachel Carson Middle School and Dominion Power in efforts to support green energy.

Through their partnership, Carson Middle School was able to recently install on its roof

an array of 11 photovoltaic solar panels, which have already generated over 1,000 kilowatt-hours of electricity—enough to power a house for more than a month.

Rachel Carson Middle School is a Fairfax County public school with over 1200 students. The solar project was initiated in the spring of 2009 and driven by a group of former eighth grade students, its teacher sponsor, Mr. Kirk Treacle, and its Going Green Club, formerly established as Carson FREE—which stands for Future Renewable Energy Effort. The group was established in hopes that solar electric would be used in addition to several other prospective forms of renewable energy at school. The Going Green Club is researching wind, geothermal, solar thermal, and algae oil as future possibilities. The solar project was funded by grants from Dominion Power, the Earth Day Network, Lowe's, and InterfaceFLOR as well as donations from InScope International, Katydid Inc., the Carson PTA, and other individuals with no taxpayer money used.

The photovoltaic panels are “grid-tied” so the electricity they produce helps power the school and decreases the amount of electricity that must be generated by other means, reducing pollution. While serving as a clean energy resource, the photovoltaic system is also used as an accessible, educational resource with students participating in an energy workshop using the new photovoltaic installation and online data logger. The system's connections to the science curriculum in areas of energy, electricity, and the environment serve as great additions to the school.

Mr. Speaker, I ask that my colleagues join me in recognizing the partnership of Rachel Carson Middle School and Dominion Power. Together, they have succeeded in taking a great step towards cleaner energy for the future. I extend my congratulations to the school and thank Rachel Carson Middle School and Dominion Power for their valuable efforts.

## EASTERN WASHINGTON HONORS RETIRING WASHINGTON FARM BUREAU PRESIDENT STEVE APPEL

### HON. CATHY McMORRIS RODGERS

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 14, 2011

Mrs. McMORRIS RODGERS. Mr. Speaker, today I rise to recognize the extraordinary career of one of Eastern Washington's most exemplary leaders, Mr. Steve Appel. After devoting over 37 years of service to the Farm Bureau—the last 17 of which have been as Washington Farm Bureau's esteemed President—Steve has decided to retire. His career comes to an end with a long list of distinguished accomplishments and a record of success for the state of Washington.

As a third-generation family farmer, Steve grew wheat and barley in southeast Washington state and worked for decades to promote U.S. agriculture interests at home and abroad. A Washington State University alumnus, Steve leaves behind a distinguished career in Washington's agriculture community.

Steve was elected as Washington Farm Bureau president in 1994 and represents the longest-serving state President in the organization's history. His vision for the organization's growth was tremendous. In fact, in just the last five years, the Bureau experienced an 85 percent increase in membership alone. Under his leadership, Washington Farm Bureau pioneered the first-ever association health plan and industrial insurance safety and health program, which provide health insurance to rural Washingtonians in areas where such services were previously unavailable.

In addition to serving as the Bureau's President, Steve served as Vice President of the American Farm Bureau Federation—the world's largest general agriculture organization with over six million members—from 2001 through 2007. As the Pacific Northwest's first farmer to serve as an officer in the AFBF, he directed and implemented the organization's grassroots development process. Steve has also served on the Whitman County Planning Commission, Whitman County Soil Conservation Board, and the Eastern Washington Advisory Committee for the Washington Policy Center.

But his leadership extends far beyond his elected and appointed positions. He has testified on many congressional committees and remains extremely engaged in domestic and international trade issues. In his capacity as chairman of AFBF's trade advisory committee, Steve partook in a trade mission to Cuba and Mexico to advocate for advanced trade opportunities between the United States and Latin America.

While Steve is retiring as President of the Washington Farm Bureau, he will continue to serve as a vocal leader and member of the WFB Health Care Trust Board of Directors and the Board of Directors for Farm Bureau Bank. He leaves behind an indelible legacy in the agriculture community and will continue to play an instrumental role in the years to come.

Steve has been more than just a leader for the Farm Bureau; he's been a model for the state of Washington. When asked how he managed his success, he often says, “I live by something my dad said a lot: ‘You do the best job you know how to do and leave the rest to the man upstairs.’” I congratulate Steve on his remarkable leadership and thank him for the profound differences he made—and will continue to make—in the state of Washington.

## DAVID MARVIN BLUMBERG'S 60TH BIRTHDAY

### HON. KEVIN BRADY

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 14, 2011

Mr. BRADY of Texas. Mr. Speaker I rise today to honor the celebration of David Marvin Blumberg's 60th birthday.

David was born on December 26, 1951 in Jacksonville, Florida. He is the fourth of five children born to Marvin Bernard and Mary Louise Blumberg. David obtained his Masters Degree of Public Administration in 1994 from the University of North Florida.

He was honorably discharged from his service in the USAF in 1974 after having worked

as an instrument mechanic on the Minute Man 1, 2, & 3 missiles at Vandenberg AFB, CA.

David worked alongside his father at Marvin Blumberg and Sons from 1974–1982. He was certified as an FAA Air Traffic controller and worked in that capacity from 1982–2006.

Presently he is serving as an Air Traffic Safety Risk Management Facilitator and Instructor nationwide.

David is the proud father of Lauren, Will, Olivia, Nathan and Natalie. He has one grandchild, Walker Brooks Haas.

David plays the drums in a band comprised of other Air Traffic Controllers who raise money for charities and to date they have raised over \$650,000 for local and national charities.

David will be moving to Fort Worth, Texas to supplement the Federal Aviation Administration's Safety Risk Management staff.

His band Aire Traffic will be playing future benefit concerts to raise money for the Juvenile Diabetes Foundation and for the Joseph Sam's School for Special Needs Children in Fayetteville, GA.

Please join me in wishing David Blumberg a very happy 60th birthday.

RECOGNIZING ARIANNA  
MCQUILLEN, RECIPIENT OF A  
BUICK AND GENERAL MOTORS  
FOUNDATION SCHOLARSHIP

### HON. GERALD E. CONNOLLY

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, December 14, 2011*

Mr. CONNOLLY of Virginia. Mr. Speaker, I rise to congratulate Arianna McQuillen, of Fairfax Station, on her selection as a Buick and General Motors Foundation Scholarship Recipient. She has been identified as one of 100 outstanding students from across the United States to receive up to \$25,000 in a renewable scholarship. She plans to attend Massachusetts Institute of Technology and specialize in robotics.

Arianna is very involved in our community, working on projects such as cleaning the Occoquan watershed, planting trees, preparing care packages for soldiers abroad and tutoring young students.

Her academic record is proof that she is a high-achieving student. She studied at Lake Braddock Secondary School, where her interests varied from math and science to art and the environment. She has won many awards in areas ranging from debate to art. She is a National Merit Scholar, a 2010 Beat the Odds Scholarship Recipient, an Advanced Placement Scholar, and a National Achievement Semi-Finalist.

Mr. Speaker, I ask my colleagues to join me in recognizing Arianna McQuillen's remarkable achievements and wishing her continued success as she pursues her degree at MIT.

HONORING SLOVAK EXPLOSIVE  
ORDINANCE DISPOSAL (EOD)  
MAJOR BARTAKOVICS AND EOD  
TEAM

### HON. BILL SHUSTER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, December 14, 2011*

Mr. SHUSTER. Mr. Speaker, I rise today to honor Slovak Explosive Ordinance Disposal, EOD, Maj. Roland Bartakovics and the entire Slovak EOD team for their role in resisting an assault by armed insurgents on Camp Nathan Smith in Kandahar. I would like to recognize the Slovaks for their bravery during a failed enemy attack on the base.

The camp in Kandahar, which houses the Kandahar Provincial Reconstruction Team, KPRT, was attacked by four armed insurgents with rocket-propelled grenades and small fire arms. The attack lasted nearly 11 hours, and was ended by the Afghan National Police supported by coalition forces, including the Slovak EOD team. Thanks to the determined professionalism of the Slovak unit, at no point did the attackers gain access to the compound.

I would like to offer my condolences to the families and loved ones of those killed and injured during the attack. The heroic leadership of the entire Slovak unit will forever be remembered. Their service and dedication has brought great pride to their nation, families and communities.

Echoed throughout Afghanistan, the KPRT reflects a productive civilian-military partnership. The United States stands with the Afghan people and their government in pursuing the mutual goal of a stable and prosperous Afghanistan. The United States owes a great debt of gratitude to Maj. Roland Bartakovics and the entire Slovak EOD team for putting themselves in harm's way in the pursuit of freedom.

RECOGNIZING THE YOEMEN  
MARCHING BAND OF CAMERON  
HIGH SCHOOL IN CAMERON,  
TEXAS

### HON. JOHN R. CARTER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, December 14, 2011*

Mr. CARTER. Mr. Speaker, I would like to recognize the Yoemen Marching Band of Cameron High School who placed third out of the 297 bands in state 2A marching competition in San Antonio on November 7, 2011.

The 97 member band is under the direction of Stephen Moss, head director, and Craig George and Danielle Roberts, assistant directors. Only ten bands performed in the finals competition, and the Yoemen Marching Band received a 1st place vote from all five judges, which advanced them to the UIL State Marching Contest in San Antonio for the first time in the history of the school. The band competed in the preliminary competition at the UIL State Marching Contest, which advanced them to the finals portion of the competition. The Yoemen Marching Band came in 2nd place behind the two time champion Queen City.

This 2nd place finish advanced the band to the highly coveted finals competition that same evening. The Yoeman High School Marching Band was also selected to play at the World War II Memorial in Washington DC and was one of the ten bands selected to play in the Houston Livestock Show and Rodeo Parade this past spring.

I congratulate the Cameron High School Yoemen Marching Band on their accomplishments and I am proud to represent them in the United States Congress.

RECOGNIZING THE SEMI-FINALISTS FOR THE ASIAN AMERICAN SUCCESS YOUTHCON SCHOLARSHIP PROGRAM

### HON. GERALD E. CONNOLLY

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, December 14, 2011*

Mr. CONNOLLY of Virginia. Mr. Speaker, it is my great honor to rise today to recognize the finalists of the 2011 Asian American Success (AASuccess) YouthCon Scholarship program. Each year, AASuccess grants scholarships and recognition awards to 6 students in the Washington, DC Metropolitan Area.

Founded in April 2006 by Dave Nguyen, Irina Nguyen, David Montanari, Sumesh Kaushal and Malou Gemeniano, the missions of AASuccess are to promote academic excellence of young Asian American and other minority students, foster mentorship and partnership between career professionals and student members, and promote "The Act of Giving Back" in the Asian American community. AASuccess offers 4 different programs to achieve their goals; the AAS Life Skills Academy, Scholarship Program, Giving Back Program, and the Arc360 Web TV Program.

Scholarships are awarded in amounts ranging from \$500.00 to \$1000.00, and winners are selected based on academic performance, civic engagement, and completion of an essay. Using famous images from Saigon for inspiration, the theme for this year's essay asked applicants to consider their freedom, and the connection between protection of personal freedoms and civic duties. This thought provoking topic has encouraged students to reflect on and consider some of the most crucial questions we face today.

While there will be 6 scholarship winners, it is my great pleasure to recognize the following 12 finalists:

Ms. Sungmin Sohn; Mr. Vihan Tham; Ms. Khanh-Ni Thi Nguyen; Ms. Mai Ly; Ms. Julie Hoang; Mr. Dylan Vu; Mr. Tristin Tran; Mr. Maxwell Tran; Mr. Minh Pham; Ms. Kirby Taylor; Ms. Julia Ngoc-Kim Nguyen; Ms. Krystal Sing.

Mr. Speaker, I ask my colleagues to join me in applauding the efforts of these students, and in congratulating them on their academic and civic accomplishments. I also commend AASuccess for their efforts to ensure and encourage professional development and success of students in our community.

## HOUSE DEMOCRACY PARTNERSHIP

**HON. DAVID DREIER**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, December 14, 2011*

Mr. DREIER. Mr. Speaker, when I was first elected to this body in 1980, the preeminent national security threat that gravely concerned us all was the Soviet Union. A decade later, as we know very well, the Soviet Union collapsed and the Cold War came to an end. As we quickly near the twentieth anniversary of that transformative event, we should not forget the role that the United States Congress played in supporting democratic development in the legislatures of many of the former Warsaw Pact and Soviet republics. The Frost-Solomon Task Force partnered with the newly democratically elected members of post-Soviet legislatures to offer support and guidance in building an independent, co-equal legislative branch of government. A key part of that effort was the role our Congressional Research Service played in building strong, independent, nonpartisan research and analysis capabilities for these nascent institutions. Many of these countries are now members of NATO, the European Union, and in some cases, the Eurozone. They are fully integrated into the Trans-Atlantic partnership.

However, the work of democratic development in the region is not over. I have the privilege of leading, along with my friend and colleague Rep. DAVID PRICE, the House Democracy Partnership (HDP). Our commission is committed to helping strengthen legislatures in new and re-emerging democracies by engaging with our counterparts throughout the world. Two of our partner countries are Ukraine and the Republic of Georgia. Both are former Soviet republics working to consolidate their democracies. To date, their efforts have been met with varying levels of success, but HDP has been honored to work with reformers in both countries as they strive to throw off the shackles of their authoritarian past.

The world has watched over the past week as Russia's citizens have stood up and demanded greater political freedom and transparency, which is indeed a hopeful step. However, there is another country in Eastern Europe that has resisted all efforts to transform itself into a modern democracy and maintains itself as an authoritarian dictatorship. The country of Belarus remains Europe's only dictatorship. Under the unyielding grip of dictator Aleksandr Lukashenko, the people of Belarus are denied the basic freedoms of assembly, association, and expression. The press is heavily restricted and intimidated. The internet is censored. Independent nongovernmental organizations are not allowed to operate. There is little freedom of religion. And 100,000 Belarusians have been barred from leaving the country. For the people of Belarus, the oppression of the past did not dissolve with the Soviet Union, but remains a bitter reality.

While their neighbors in Central and Eastern Europe are able to freely elect their own leaders, Belarusians have witnessed one stage-managed election after another under the current regime. Lukashenko has held illegal referenda to change the constitution, eliminate

term limits, and dissolve an elected parliament. In December 2010, the Government of Belarus conducted a presidential election that failed to meet basic standards of the Organization for Security and Cooperation in Europe (OSCE), and followed that election by detaining and beating more than 600 peaceful opposition protestors. Seven of nine opposition presidential candidates were jailed and what remains of the independent media was attacked. Rather than address the OSCE's criticisms, the OSCE was kicked out of the country by the government.

To highlight the continued abuses of the Lukashenko regime and once again demonstrate Congressional support for the aspirations of the Belarusian people, the House voted to renew the Belarus Democracy Act of 2004, with a unanimous vote on July 6 of this year. This bill not only imposes additional sanctions on the leaders of the corrupt Belarusian regime, but allows the United States to work with groups who are promoting freedom and democracy, particularly media groups such as Radio Free Europe/Radio Liberty, the Voice of America, European Radio for Belarus, and Belsat.

The U.S. Congress will continue to stand with the Belarusian people as they fight for self determination and the rule of law. I look forward to the day that they are able to join their European neighbors on the right side of history with a lasting, peaceful and prosperous democracy.

RECOGNIZING THE 20TH ANNIVERSARY OF THE TAMPA BAY ESTUARY PROGRAM

**HON. C.W. BILL YOUNG**

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, December 14, 2011*

Mr. YOUNG of Florida. Mr. Speaker, I rise today to honor the 20th Anniversary of the Tampa Bay Estuary Program, which has been a key factor in restoring and improving the ecological health of Tampa Bay. Designated by Congress as an 'estuary of national significance' under the National Estuary Program in 1990, the Tampa Bay Estuary program is one of only 28 programs in the United States and four in Florida.

Unique environments that are found where rivers meet the sea, estuaries are vital components to the world's ecosystem. Estuaries improve water quality by filtering pollutants, act as buffers to protect shorelines from erosion and flooding, serve as nursery grounds for the majority of commercial and recreational fish and shellfish consumed by Americans, and provide essential food and habitat for birds, fish and other wildlife.

Created by Congress in 1987, the National Estuary Program works to identify and restore nationally significant estuaries that are threatened by pollution. Through an amendment to an appropriations bill, we worked quickly to ensure that Tampa Bay was included as one of the first estuary programs, recognizing its importance to the ecosystem of Florida and Pinellas County. Since then, the Tampa Bay Estuary Program has operated as a partner-

ship of thousands of volunteers, elected officials, resource managers and commercial and recreational resource users who work together to restore and improve the ecological health of Tampa Bay.

The program has made significant progress in improving Tampa Bay during the last two decades. Important achievements over the years include the recovery of more than 6,000 acres of life-sustaining sea grasses, the restoration of more than 5,000 acres of coastal habitats, and improved water quality and clarity to levels not seen since the 1950s. The Tampa Bay National Estuary Program has done a tremendous job in cleaning, preserving and maintaining the health and vitality of Tampa Bay and today this estuary is not only a precious natural habitat for many species of fish, birds and flora, but also a beautiful playground for swimmers, boaters and general admirers.

Mr. Speaker, it has been an honor to have been a partner in this incredible successful partnership that has made an invaluable contribution to restoring this unique Florida ecosystem. The hard work and dedication of the staff and their community partners ensures that the Tampa Bay Estuary Program will continue to build upon their success in the future. Please join me in congratulating all those who have been a part of the Tampa Bay Estuary Program for a job well done over these past 20 years.

CONGRATULATING NATIONAL GUARD ON 375TH ANNIVERSARY

**HON. CHARLES F. BASS**

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, December 14, 2011*

Mr. BASS of New Hampshire. Mr. Speaker, I rise today to offer my heartfelt congratulations to the National Guard in honor of its 375th anniversary and a particular thank you to the men and women that serve in the New Hampshire National Guard. The origins of the New Hampshire National Guard can be traced back to 1623 with a proud tradition of protecting the lives and property of Granite State residents. New Hampshire Guardsmen have always answered the call to serve our great state and nation and since the terrorist attacks of September 11th, more than 2,000 New Hampshire Guardsmen have served overseas as part of Operations Enduring Freedom, Iraqi Freedom, and New Dawn. Collectively, the New Hampshire Guardsmen have received the highest honors our military bestows including the Silver Star, Bronze Star, Army Commendation Medals, Combat Infantry and Combat Action Badges and Purple Hearts.

New Hampshire's citizen soldiers and airmen have served domestically as well by mobilizing under Operation Noble Eagle, aiding the victims of severe weather, and rescuing lost hikers in the White Mountains. I am proud to represent the brave men and women of New Hampshire's National Guard and look forward to honoring them for their service in the years to come.

CONGRESSIONAL COMMISSION ON  
CHINA HEARING ON "CHINA'S  
CENSORSHIP OF THE INTERNET  
AND SOCIAL MEDIA: THE HUMAN  
TOLL AND TRADE IMPACT"

**HON. CHRISTOPHER H. SMITH**

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, December 14, 2011*

Mr. SMITH of New Jersey. Mr. Speaker, as Chairman of the Congressional-Executive Commission on China, I would ask that the following opening statements be submitted to the RECORD for the November 17, 2001 hearing on "China's Censorship of the Internet and Social Media: The Human Toll and Trade Impact."

CHINA'S CENSORSHIP OF THE INTERNET AND SOCIAL MEDIA: THE HUMAN TOLL AND TRADE IMPACT

STATEMENT OF HON. CHRISTOPHER SMITH, A U.S. REPRESENTATIVE FROM NEW JERSEY, CHAIRMAN, CONGRESSIONAL-EXECUTIVE COMMISSION ON CHINA

The Commission will come to order. I want to welcome all of our distinguished witnesses to this very important hearing. We really appreciate the attendance of all of our panelists and guests. It's a pleasure to welcome everyone to this important roundtable on "China's Censorship of the Internet and Social Media: The Human Toll and Trade Impact." As recent events have shown, the issue of Internet censorship has only grown in terms of importance and magnitude, and I thank the Congressional-Executive Commission on China staff for organizing a hearing on this pressing issue, and for the tremendous scholarly work they have done not only in presenting our annual report, which is filled with facts and information that is actionable, but for the ongoing work that they do to monitor the gross abuses of human rights in China.

As the Congressional-Executive Commission on China's 2011 annual human rights report demonstrates, China's leadership has grown more assertive in its violation of rights, disregarding the very laws and international standards that they claim to uphold, while tightening their grip on Chinese society. As Chinese citizens have increasingly called for freedoms and reforms, China has only strengthened its controls over many areas of society—particularly over the Internet.

While China has witnessed a boom in the popularity of social media and Internet sites, Chinese citizens that access online sites today remain under the watchful eye of the State. By some accounts, China has imprisoned more Internet activists than any other country in the world, and its Internet environment ranks among the most restrictive globally. Chinese citizens are unable to voice a range of criticism that Americans undoubtedly take for granted each day: Chinese citizens that tweet about local corruption may face the threat of abuse or harassment. Citizens that express dissatisfaction over tainted food supplies that injure children—the most vulnerable population of our society—may come to hear a knock at the door. And, citizens that voice the human desire for democracy and rights protections we value so dearly may disappear into the official custody of the State, where they face torture and incarceration.

For Chinese citizens, the line that can't be crossed is unclear. While mentions of the

1989 Tiananmen protests are surely prohibited, China's censorship remains at the whimsy of governmental agencies that seek to limit what they perceive to be any destabilizing commentary. In China, the Internet provides no transparency—and citizens must weigh their choices each time they click to send an email or press a button or post personal views online. Who can forget Shi Tao, who for merely posting information about what he is not allowed to do, with regards to Tiananmen Square, garnered a ten year prison sentence when Yahoo opened up their personally identifiable information and gave it to the Chinese secret police that lead to his conviction. There are no lists of banned words. There are no registers of prohibited topics. In China, there is no transparency. There are only consequences, and dire ones at that.

Today, we welcome two panels that will address China's Internet censorship from two perspectives. The witnesses will not only provide personal accounts of how China's censorship affects individuals and families, but also detail how China's actions hinder the rights of U.S. businesses that seek to compete fairly in China. These panels will expose China's bold disregard for its own laws and its international obligations, specifically in terms of its controls on internet activity and expression.

In the first panel today, we will hear personal accounts of the consequences Chinese citizens face in seeking to express their fundamental rights of expression. We will hear from a son and a pastor that have seen firsthand the anxious and unforgiving hand of China's Internet police. We will hear how the simplest calls for freedom and reforms can lead to the separation of loved ones and partition of families.

In the second panel, we will hear how China's Internet restrictions and controls not only hurt its citizens, but also hurt countries seeking to better China through international trade and cooperation. On a commercial level, China similarly lacks the kind of transparency and fairness that we expect in global trading partners. China has not only failed to comply with its WTO commitments, it has exploited our expectations to create an unlevel playing field, hurting the competitiveness of U.S. businesses and workers alike.

We recognize that the Internet and social media can and should be used to provide people with greater access to honest information and to open up commercial opportunities for businesses operating in global markets. We know that the promise of information technology can not be achieved when it is used by repressive governments to find, capture, convict and so often torture ordinary citizens for voicing concerns publicly. Information technology can not be advanced when it involves the systemic exclusion of commercial competitors and rampant disregard for transparency and intellectual property.

China is one of the most repressive and restrictive countries when it comes to the control of the Internet and the impact goes far beyond the commercial losses for U.S. companies that want to participate in that market. There are serious human rights implications and we have seen the damage inflicted countless times through the arrest of bloggers and prodemocracy activists who have used the Internet to communicate with colleagues or disseminate views and then have been arrested. What makes this situation even worse is that sometimes it is U.S. companies, and my colleagues will recall I

held the first of a series of hearings where we had Microsoft, Yahoo, Cisco, and Google before our committee—it was my subcommittee on human rights—held up their hands and promised to tell the whole truth and nothing but, and then said they couldn't tell us what they were censoring and would not tell us how they were being complicit. Harry Wu, who is here, and has been a leader on this issue, pointed out that Cisco has so enabled the secret police to track down people using police net, and that the use of cyber police, ubiquitous throughout all of China, in order to capture the best, bravest, and smartest in China, who will bring that country to democracy if only allowed to do so.

NOVEMBER 17, 2011 TESTIMONY BEFORE THE CONGRESSIONAL-EXECUTIVE COMMISSION ON CHINA HEARING ON "CHINA'S CENSORSHIP OF THE INTERNET AND SOCIAL MEDIA: THE HUMAN TOLL AND TRADE IMPACT"

GILBERT B. KAPLAN, PARTNER, KING & SPALDING, PRESIDENT, COMMITTEE TO SUPPORT U.S. TRADE LAWS—INTRODUCTION

China's censorship of the Internet and its restrictions on the free flow of information have a very significant impact on U.S. economic and trade interests. China continues to impose debilitating burdens on foreign Internet service providers through its censorship regime, its blocking of foreign websites, and its "Great Firewall" infrastructure, which inhibit or prevent all together U.S. companies' ability to do business in China, and their ability to compete with Chinese domestic companies. China's Internet service providers have capitalized on this discriminatory treatment of U.S. companies and have consequently experienced great success. Earlier this year, for example, RenRen (known as "China's Facebook") filed for a U.S. public offering, symbolizing its success to date and its plans for expansion. Meanwhile, Facebook is blocked in China. These measures have been ongoing for years, and have had an overwhelming adverse impact on market share for U.S. companies perhaps to the extent that such market share can never be recovered.

China's blocking and filtering measures, and the fog of uncertainty surrounding what China's censors will and will not permit, violate numerous of China's international obligations, including provisions of the WTO General Agreement on Trade and Services ("GATS") and China's WTO Protocol of Accession.

The negative impact of these violations on America's premier Internet companies is profound. There are several corporate victims of China's exclusionary practices. Although there is public information identifying several large companies that have been blocked or restricted by the Great Firewall, including YouTube, Facebook, Twitter, Vimeo, Google, and the Huffington Post, to name a few, there are many other companies that have been blocked from access in China that I am not able to identify by name specifically because these companies fear retaliation. These companies come from various sectors, including energy, labor mediation, tourism, education, web hosting, and advertising, among others. The fact that these large, well-established companies and other fast-growing U.S. firms, so successful in every other major market in the world, are reluctant to come forward with specific information that would form the basis of a WTO complaint against the Chinese government is powerful testament to 1) the importance of the Chinese Internet market—the largest in the world—to these firms' continued success, and 2) the risk of retaliation



that these firms face if they are seen as lending direct support to a trade complaint against China. Moreover, companies not yet in existence, but for which China could represent a significant business opportunity, do not even have a voice in the matter and perhaps never will.

I represent the First Amendment Coalition, an award-winning, non-profit public interest organization dedicated to advancing free speech for individuals and companies just like those denied access to China's Internet market. I have been working with them to address the issue of China's Internet restrictiveness since 2007. The issues regarding internet censorship and internet blockage are trade issues cognizable under the WTO, as well as freedom of speech issues. They are a harmful trade barrier to U.S. business which must be ended.

The First Amendment Coalition was able to persuade the Office of the U.S. Trade Representative ("USTR") to take the critical step of requesting detailed information from China on its internet restrictions under Article 111:4 of GATS, which mandates transparency in a Member's application of measures affecting services. OATS Article 111:4 reads as follows.

Each Member shall publish promptly and, except in emergency situations, at the latest by the time of their entry into force, all relevant measures of general application which pertain to or affect the operation of this Agreement.

USTR's request to China follows a three year effort by the First Amendment Coalition to get the U.S. government to take a tough stance to address China internet restrictions in violation of international trade rules, free speech, and human rights. The U.S. request to China under GATS Article 111:4 is highly significant not only because it is the very first time any WTO Member has utilized that provision of the GATS agreement, but also because it is the first time that the U.S. government, or any country, has made a formal submission through the WTO to China to address internet censorship.

Contrary to GATS Article 111:4, China's measures with respect to Internet services have not been published promptly, and in fact, the blocking and filtering measures have not been published at all. In this regard, we have been unable to document written directives or specific governmental instructions concerning China's measures constituting the "Great Firewall," but this in effect lends support to the argument that China is not transparent in its practices related to controlling and censoring Internet content. Indeed, China has published few, if any, regulations related to Internet services. The Chinese government recently issued an official decision, currently available only in Chinese, which appears not to contain "any new concrete policies but it does set the stage for future moves to rein in parts of the Internet at the possible expense of the commercial Internet companies."

The historic action taken by USTR is also a significant and important step because, in addition to promoting transparency and free speech, it may result in China providing information in response to U.S. questions that will assist small and medium-sized U.S. businesses in entering the Chinese market, which they currently are unable to do given the lack of certain vital information involving use of the Internet. As USTR indicated in its press release,

[a]n Internet website that can be accessed in China is increasingly a critical element

for service suppliers aiming to reach Chinese consumers, and a number of U.S. businesses, especially small- and medium-sized enterprises, have expressed concerns regarding the adverse business impacts from periodic disruptions to the availability of their websites in China.

Small and medium-sized U.S. businesses are particularly disadvantaged by China's Great Firewall because, unlike bigger U.S. companies, they do not have the resources to physically set up shop in China so they are simply excluded from the Chinese market. Some of the information requested from China by USTR included the following:

With respect to China's rules governing website blocking: Who is responsible for determining when a website should be blocked? What are the criteria for blocking access? Where are the guidelines published? Who does the actual blocking? How can a service supplier know if their website has been blocked? Are decisions to block appealable? Is the process used to prevent access the same or different for foreign and domestic content?

With respect to the State Internet Information Office ("SIIO") established by the State Council: What are the responsibilities and authorities of SIIO? Will SIIO handle licenses, approval processes, and questions on filtering and other laws?

With respect to inadvertent blocking where one site is blocked when it shares an IP address with a website China has deemed harmful: How does it occur? Can it be avoided? Will Chinese authorities notify the owner of the web hosting service so that it may ensure other sites are not inadvertently blocked? How can companies resolve inadvertent blocking?

With respect to the broad nature of the eleven categories of content which Internet service providers may not disseminate: Are there any criteria to determine when content falls within the eleven categories? Are government requests to filter specific terms communicated directly to Internet information service providers? Are the same terms subject to filtering made available to Internet information service providers inside and outside of China?

With respect to the prevention of "illegal information" as that term is used in the White Paper on the Internet in China: How is illegal information defined? Is a written government order required for a private corporation or relevant authority to block the transmission of illegal information? What types of technical measures are service suppliers expected to use to prevent transmission of the illegal information? Are the technical measures to block illegal information applied automatically to domestic and foreign traffic? If not, how are they applied? Does Internet content from outside of China go through a separate monitoring process for illegal information than Internet content created inside of China? If so, how do they differ?

We hope and expect that the Government of China will answer these questions fully and promptly, fulfilling its obligations under the WTO to maintain an open internet and not discriminate against U.S. business.

The remainder of this submission will review in greater detail the Internet restrictions in China, the adverse trade impact caused by those restrictions, and how those restrictions would appear to violate China's international trade obligations.

#### I. CHINA'S INTERNET RESTRICTIONS

U.S. and foreign Internet companies have faced a long history of discriminatory treat-

ment in China, to their disadvantage and to the advantage of their Chinese competitors. China has for many years maintained a policy, popularly known as the "Great Firewall," under which it has exerted strict control over the use of the limited system of fiber optic cables that connects networks in China to the outside world. As we understand it, China has installed certain hardware, known as "tappers" or "network sniffers," at each entry point so that when a user in China attempts to access a good or service located on a server outside of China, the tappers create mirror copies of the data packets that flow back and forth between the two servers, and the mirror copies are delivered to a set of computers that automatically review the data packets. The computers can be, and often are, pre-programmed to block a particular domain name server ("DNS"), Internet Protocol ("IP") address, or Universal Resource Locator ("URL") address.

The government of China ("GOC") also employs tens of thousands of individuals whose sole mission is to search the Internet for objectionable content. Their work often results in the blocking of additional DNS, IP, and URL addresses.

Following USTR's Article 111:4 request, China defended its Internet censorship as an effort to "safeguard the public." Although the ruling Communist Party claims its monitoring and blocking is to promote "constructive" websites, stop the spread of "harmful information," and develop what it calls a healthy internet culture, it is unclear what content is subject to blocking and often the blocked content has nothing resembling "harmful information." Additionally, the blocking appears motivated by other competitive or political agendas. For example, access to the Android Marketplace was blocked within China just after Google announced it would help the Dalai Lama to visit South Africa virtually.

#### HARM CAUSED BY CHINA'S RESTRICTIONS

Chinese internet restrictions have disadvantaged American businesses, to the benefit of Chinese businesses. According to news reports, Facebook and Twitter, for example, have been blocked in China. In their absence, copycat websites based in China (with censored content) have been able to flourish. It seems unlikely that Facebook and Twitter will be able to regain the market share lost to their Chinese competitors even if they were unblocked at some point in the future. Chinese users have already developed a preference for certain social media sites, and it is doubtful that they would have an incentive to switch services. The loss of a huge potential market for these companies indicates the extent of the harm caused by the Chinese actions. In addition to the direct loss of access to Chinese consumers by these companies comes the loss from all of the advertisers that would ordinarily be offering their services on the Internet pages of these social media service providers. The number of Internet users in China has exceeded 500 million, growing at double digit rates since 2008, roughly twice the size of the U.S. market, which grew only 2.5 to 4.5 percent in the same timeframe. China is now the largest market for Internet users and U.S. businesses are effectively being blocked from or only given highly restricted access to that market. U.S. companies excluded from the Chinese market are not just large tech companies but small and medium businesses including "travel sites, engineering firms and consulting firms, which have found their sites blocked and have complained to the trade office." A 2011 report by the McKinsey

Global Institute estimates that there is a ten percent increase in productivity for small and medium businesses from internet usage. This productivity growth is denied U.S. companies that are blocked from providing their services in China.

U.S. companies are subject to the strict controls that completely disrupt their service, or at a minimum seriously delay the transmission of information. Users of these websites, if they actually endure the wait and do not move to a competitor service supplier, suffer from a decrease in the quality of service, causing commercial harm to U.S. companies.

It would be very useful for this Commission to undertake, directly or perhaps through an economic consulting firm, an economic analysis of the overall harm caused to U.S. companies by the Chinese blockage and censorship of the internet. I think that would be one useful follow-up to this hearing.

### III. CHINA'S INTERNET RESTRICTIONS VIOLATE ITS INTERNATIONAL TRADE OBLIGATIONS

The Chinese Government's actions appear to constitute various violations of WTO agreements to which China is a party, particularly the GATS Agreement. The Chinese actions in question, although often based on unwritten policies and practices, would still constitute "measures" that can be challenged under the World Trade Organization Dispute Settlement procedures. In this regard, the Appellate Body and various WTO panels have confirmed that actionable "measures" subject to WTO dispute settlement include not only written laws and regulations, but other government actions as well. Panels have also recognized the subtleties of government pressure on private companies as "measures" that may be challenged at the WTO.

In addition to USTR's current GATS Article 11:4 request, there are more aggressive steps that the United States could take to protect its vital economic interests. While we believe that China currently is preparing its official response to USTR's Article 11:4 request, if China fails to respond or fails to respond meaningfully, the United States would then have a readily apparent basis to initiate formal dispute settlement proceedings in the WTO. Paragraph 1 of GATS Article XXIII says "[i]f any Member should consider that any other Member fails to carry out its obligations or specific commitments under this Agreement, it may with a view to reaching a mutually satisfactory resolution of the matter have recourse to the dispute settlement understanding."

In addition to a potential violation under GATS Article III on transparency, there are other WTO obligations that China appears to violate with its Internet restrictions, including other GATS provisions, as is discussed below.

Initiation of a WTO dispute settlement proceeding against Chinese Internet restrictions by the United States would signal to the U.S. business community, to consumers around the world, and to China, that the U.S. government will assert its rights under WTO agreements when China fails to fulfill its WTO obligations, even in those areas that may be of a more sensitive nature. Unfortunately, these sensitivities give rise to a number of obstacles to U.S. initiation and prosecution of a formal WTO dispute against China.

As noted, it is difficult to find companies willing to come forward to support a potential case against China for fear of retaliation. Due to this fear, specific facts needed

by the U.S. government to support many claims under the WTO are difficult to document. In addition, also as noted, many of the Chinese laws, regulations, policies, and practices regarding Internet services are not written down, although they are enforced de facto.

### A. CHINA'S INTERNET CENSORSHIP VIOLATES OTHER PROVISIONS OF GATS

China made specific commitments regarding market access and national treatment for services in various service sectors. China's Internet policies would appear to violate many of these specific commitments under the GATS, including in the areas of Data Processing Services, Photographic Services, Telecommunication Services, Mobile Voice and Data Services, Audiovisual Services, Tourism and Travel Related Services, and Transport Services. By pursuing these policies, China denies market access to U.S. companies and discriminates against the services of U.S. companies in favor of Chinese companies.

Although U.S. companies offer a wide range of services over the Internet, four service sectors that would appear to suffer disproportionately under Chinese policies are: (1) Advertising services (the primary revenue source for U.S. suppliers of Internet-based services, particularly those operating search engines, social networking, and data/photo sharing, is through advertising and U.S. services suppliers obtain revenue from the development and posting of targeted advertisements on their webpages and facilitating access to other websites by their users clicking on the advertisements); (2) Data processing and tabulation services (relevant U.S. services suppliers are providing consumers with the ability to access certain tools over the Internet that enable them to make, edit, and share videos or photos, or other data and that allow them to search for content on other websites and the U.S. services supplier is necessarily processing data for the consumer and providing a tool to access defined data bases or the Internet generally); (3) On-line information and database retrieval; and (4) Videos, including entertainment software and (CPC 83202), distribution services ("Video/entertainment distribution services").

There follows below a brief discussion of some of the specific GATS claims that might be made against the Chinese measures in question and some of the factors that would need to be considered in prosecuting such claims.

### I. NATIONAL TREATMENT

China's restrictions on U.S. Internet companies appear to violate the national treatment provision in Article XVII of the GATS, which provides that "each Member shall accord to services and service suppliers of any other Member, in respect of all measures affecting the supply of services, treatment no less favourable than that it accords to its own like services and service suppliers."

The Chinese measures at issue would seem to fall within one or more of at least four services subsectors for which China has inscribed a specific commitment, without limitation on national treatment, in its WTO Services Schedule. As such, China's measures must comply with the obligations in Article XVII for these subsectors. Current Chinese treatment of U.S. Internet companies, including filtering and blocking through the "Great Firewall" and mandated disabling of certain service functions, modifies the conditions of competition in favor of Chinese suppliers such as Baidu (considered the

"Google" of China); as such, these measures are inconsistent with Article XVII of the GATS.

If China's measures were challenged in a WTO proceeding, a Panel would first determine whether China's measures are indeed "affecting" the supply of these services. As noted by the Appellate Body in EC-Bananas III:

[T]he term of "affecting" reflects the intent of the drafters to give a broad reach to the GATS. The ordinary meaning of the word "affecting" implies a measure that has "an effect on", which indicates a broad scope of application. This interpretation is further reinforced by the conclusions of previous panels that the term 'affecting' in the context of Article III of the GATT is wider in scope than such terms as 'regulating' or 'governing.'

It is therefore not necessary for China's measures to be directly regulating or governing the business of U.S. Internet service providers, but merely that the measures have an effect on these services, and their providers' ability to do business in China. China's measures clearly have "an effect on" these services—indeed, a very detrimental one.

Second, the United States would need to demonstrate that China's measures accord "less favorable" treatment to U.S. suppliers than to China's domestic suppliers of "like" services. As set forth in GATS Article XVII:3, the test for less favorable treatment is whether the measure "modifies the conditions of competition in favor of services or service suppliers of China compared to like services or services suppliers of the United States. Persuading a panel in this regard would require the production of extensive data and specific information demonstrating the competitive disadvantage suffered by U.S. companies due to China's measures. A comparison of blockages of websites, upload times for content of websites, and other significant impediments to Internet service providers would likely reveal significant and swift loss of market share by U.S. providers.

### 2. MARKET ACCESS

Article XVI:2 of the GATS prohibits Members from maintaining or adopting quantitative limitations on service operations or service output. China's restrictions on certain U.S. Internet companies' services constitutes a de facto quantitative limitation on such services, therefore violating this provision.

### 3. DOMESTIC REGULATION

Under Article VI of the GATS, for services sectors in which specific commitments have been undertaken, China must administer its measures in a "reasonable, objective and impartial manner" and, for all services sectors, must ensure that tribunals or procedures are available for the prompt review and remedy of administrative decisions. China's restrictions on U.S. Internet companies are subjective and non-transparent, and there are no tribunals or procedures for the review of these administrative decisions. The restrictions therefore violate China's obligations under Articles VI:1 and VI:2(a) of the GATS.

China's "Great Firewall" filtering and blocking practices would also seem to violate the GATS Annex on Telecommunications, which states in paragraphs 4 and 5 that "each Member shall ensure that relevant information on conditions affecting access to and use of public telecommunications transport networks and services is publicly available" and that "each Member shall ensure that any service supplier of any

other Member is accorded access to and use of public telecommunications transport networks and services on reasonable and non-discriminatory terms and conditions." In addition, paragraph 5(c) imposes an obligation on China to ensure that U.S. services suppliers may use the public telecommunications transport networks and services "for the movement of information within and across borders" and "for access to information contained in databases or otherwise stored in machine-readable form" in the United States or in the territory of another WTO Member. China's filtering and blocking on Internet content clearly restricts the availability of these telecommunications networks in a discriminatory fashion.

#### CONCLUSION

We appreciate the Commission holding this hearing and inviting me to testify. We also appreciate the efforts of USTR in submitting

the GATS 111:4 questions. We urge the Commission to take into account our views in its ongoing work on this issue. We also urge the Commission to monitor China's responses to these questions as well as USTR's continuing efforts on this very important issue. An open and accessible internet in China is a prerequisite to U.S. success in the Chinese market, and a goal that we must continue to fight for until it is achieved.

---

#### SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference.

This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Thursday, December 15, 2011 may be found in the Daily Digest of today's RECORD.